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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

NORMA GONSALVES,
Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, February 25, 2013
1:25 P.M.

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

3

NORMA GONSALVES, Presiding Officer

4

RICHARD NICOLELLO,
Deputy Presiding Officer

5

6

HOWARD KOPEL,
Alternate Deputy Presiding Officer

7

MICHAEL VENDITTO

8

DENISE FORD

9

JOSEPH SCANNELL

10

FRANCIS X. BECKER

11

VINCENT MUSCARELLA

12

JUDI BOSWORTH

13

WAYNE WINK

14

ROBERT TROIANO

15

KEVAN ABRAHAMS,
Minority Leader

16

17

ROSE MARIE WALKER

18

JOSEPH BELESI

19

DENNIS DUNNE

20

JUDITH JACOBS

21

DAVID DENENBERG

22

DELIA DERIGGI-WHITTON

23

CARRIE SOLAGES

24

WILLIAM J. MULLER, III
Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: We will
3 now come to order. Will all the legislators
4 join us in the chamber?

5 Legislator Dunne, lead us in the
6 Pledge of Allegiance.

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

9 CHAIRWOMAN GONSALVES: Mr.
10 Muller, would you please call the call?

11 CLERK MULLER: Deputy Presiding
12 Officer Nicoletto?

13 LEGISLATOR NICOLELLO: Present.

14 CLERK MULLER: Alternate Deputy
15 Presiding Officer Kopel?

16 LEGISLATOR KOPEL: Here.

17 CLERK MULLER: Legislator
18 Troiano?

19 LEGISLATOR TROIANO: Here.

20 CLERK MULLER: Legislator
21 Solages?

22 LEGISLATOR SOLAGES: Here.

23 CLERK MULLER: Legislator Ford?

24 LEGISLATOR FORD: Here.

25 CLERK MULLER: Legislator

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2 Scannell?

3 LEGISLATOR SCANNELL: Here.

4 CLERK MULLER: Legislator Becker?

5 LEGISLATOR BECKER: Here.

6 CLERK MULLER: Legislator

7 Muscarella?

8 LEGISLATOR MUSCARELLA: Here.

9 CLERK MULLER: Legislator

10 Bosworth?

11 LEGISLATOR BOSWORTH: Here.

12 CLERK MULLER: Legislator Wink?

13 LEGISLATOR WINK: Here.

14 CLERK MULLER: Legislator

15 Venditto?

16 LEGISLATOR VENDITTO: Here.

17 CLERK MULLER: Legislator Belesi?

18 LEGISLATOR BELESI: Here.

19 CLERK MULLER: Legislator Dunne?

20 LEGISLATOR DUNNE: Here.

21 CLERK MULLER: Legislator Jacobs?

22 LEGISLATOR JACOBS: Here.

23 CLERK MULLER: Legislator Walker?

24 LEGISLATOR WALKER: Here.

25 CLERK MULLER: Legislator

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2 DeRiggi-Whitton?

3 LEGISLATOR DERIGGI-WHITTON:

4 Here.

5 CLERK MULLER: Legislator

6 Denenberg?

7 LEGISLATOR DENENBERG: Here.

8 CLERK MULLER: Minority Leader

9 Abrahams?

10 LEGISLATOR ABRAHAMS: Here.

11 CLERK MULLER: Presiding Officer

12 Gonsalves?

13 CHAIRWOMAN GONSALVES: Present.

14 CLERK MULLER: We have a quorum.

15 CHAIRWOMAN GONSALVES: First of
16 all, before I begin the 30 minutes of public
17 comment, and that's what we're going to
18 begin with, as we usually do, it's asked
19 that those who wish to speak during those 30
20 minutes, if the item is on the calendar,
21 please wait until the item is called.

22 Other than that, if there are
23 additional issues you wish to speak on, feel
24 free, and I do have the slips here in front
25 of me. Feel free to do so. We have a

1 Full Legislature/2-25-13
2 three-minute limit. You can understand why
3 we need three minutes per person, primarily
4 because the room is packed. I understand
5 there are a number of people in the lobby.

6 Now, a concern was raised
7 regarding people who may have to use the
8 restroom. There will be somebody stationed
9 outside, all right? There are restrooms
10 here. They will take your pass, and when
11 you're ready to return to the chamber, your
12 pass will be given back to you. All the
13 passes are numbered and it will help for you
14 to remember what your number is.

15 Remember, I said to you that
16 there are a number of people out there who
17 would only love to come in and sit here and
18 listen, but the room has to meet the
19 requirements by the fire marshal's office
20 and, right now, I think that we are more
21 crowded than we should be. However, unless
22 the fire marshal says otherwise, we're going
23 to leave it alone.

24 Remember, if you want to use the
25 restrooms, which are right behind the

1 Full Legislature/2-25-13
2 chamber, you give your pass to a member of
3 the clerk's office. All right? They call
4 your number and the clerk will make a list
5 of those who gave in the pass and return the
6 pass back to you. Fairer than that we
7 cannot do, but if any of you have to leave
8 because of time elements, your pass will not
9 really be returned to you if you come back,
10 say, an hour later because, as I said, there
11 are a number of people in the lobby waiting
12 to come in and to listen to everything
13 firsthand.

14 So, without any further ado, I
15 would like to begin the 30 minutes of public
16 comment and I would also say to you that
17 this is going to be a long and lengthy
18 session of the Full Legislature, and I did
19 say this to you in the Rules Committee, that
20 everyone who wanted to be heard was heard.
21 That will be the case here today.

22 Now there are a number of slips
23 regarding redistricting. I'm going to ask
24 those people if you would be patient enough
25 to let anyone else who is not here for

1 Full Legislature/2-25-13
2 redistricting to have an opportunity to
3 speak on the issue of concern to him or her.
4 Is there anybody in here who has submitted a
5 slip who is not looking to speak on the
6 redistricting?

7 Did you put in a slip? Okay.
8 You may come up to the mike, the podium.
9 When you come up, we're going to look for
10 your name. Anybody else beside this young
11 lady who wishes to speak on other issues
12 except redistricting? Joanne, are you
13 looking to speak? Not right now, there's a
14 lady at the podium, but are you looking to
15 speak on your own issue? Okay. Then I will
16 call you next. Press the button, please.

17 MS. KELLY: Good afternoon. My
18 name is Pat Kelly. About three years ago my
19 husband and I purchased Cottage Car Wash on
20 Stewart Avenue in Bethpage. It's located
21 across the street from Cablevision, by
22 Briarcliff College. It's also across from
23 the Town of Oyster Bay Park.

24 I wanted to speak to you about my
25 property taxes because they're off the

1 Full Legislature/2-25-13
2 charts. My taxes have gone up \$15,000 in
3 the past two years. Now I'm assessed at
4 just over \$900,000. I don't think I can
5 argue the assessment, but my taxes now, none
6 of you could possibly guess, they are
7 \$85,000 a year.

8 We are approaching, at this rate,
9 in another year, I will be taxed at ten
10 percent. I'm not a fool. I have been in
11 business my whole life. When I was 25, my
12 husband and I bought Countywide Beverage in
13 Valley Stream. We added a warehouse. We
14 bought the gas station next door.

15 I have similar square footage,
16 similar assessments, and my taxes have held
17 at about \$45,000 and that's an incorporated
18 village.

19 I feel all of you should embrace
20 small business. We purchased a business
21 that was on a vacant gas station lot. We
22 employ a minimum of 14 people through ADP
23 plus management. We want to do our part,
24 but you are discouraging us rather than
25 embracing us. There are so many empty

1 Full Legislature/2-25-13

2 buildings.

3 I have been to the IDA, I have
4 been to the Nassau County Assessor's office.
5 I've had meetings with them. I have a
6 wonderful letter here from the late great
7 Peter Schmitt sympathizing with me. But
8 someone here has to say that the tax rate is
9 off the charts.

10 When I went to the Nassau County
11 assessor they said, well, you're new
12 construction. After seven years, why are
13 you still considered new construction? I
14 think you should give a break to people who
15 are willing to invest. You have to
16 encourage us.

17 At this rate, if I didn't own the
18 property I would be bankrupt because I'm
19 taking out of my own pocket to pay \$85,000
20 in taxes on a \$900,000 assessment. Think of
21 that. If your home is \$400,000, would you
22 possibly be able to afford \$40,000 in real
23 estate taxes? I know commercial property is
24 usually double, but we are being penalized,
25 I don't know. I thank you for your time.

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2 Thank you. Have a great day.

3 CHAIRWOMAN GONSALVES: Ms. Kelly,
4 who's district are you in?

5 LEGISLATOR WALKER: Ms. Kelly, if
6 you would, even come over here, I can get
7 your information and then you and I can be
8 in touch and let's see if there's anything
9 that we can try to help you out with.

10 MS. KELLY: I do appreciate it.
11 Thank you, Ms. Walker.

12 LEGISLATOR WALKER: And you do a
13 fine job washing my car too when I go over
14 there.

15 MS. KELLY: It's a great car
16 wash, isn't it?

17 LEGISLATOR WALKER: A wonderful
18 car wash.

19 MS. KELLY: Thank you.

20 LEGISLATOR WALKER: Thank you.

21 CHAIRWOMAN GONSALVES: Joanne.

22 MS. BORDEN: Good afternoon and,
23 Norma, thank you for civilizing me.

24 I have the right to vote,
25 assemble, express my opinion and other

1 Full Legislature/2-25-13
2 rights, but no protection from
3 discrimination like every one else has.

4 Why does this legislature
5 withhold liberty and justice for all people?
6 I'm not asking for a concession, your
7 condescension, or charity. I'm asking you
8 to pay what you owe me and every American,
9 equality.

10 I should not have to ask you or
11 anyone for the same rights and protection
12 every one else has. It should be automatic.
13 You may have the power to keep me a second
14 class citizen, but you do not have that
15 right.

16 In America only the criminal
17 justice system can withhold equality. You
18 are withholding the same rights every other
19 citizen has via your power but you don't
20 have that right. As a representative of
21 America, you don't need me to tell me your
22 duty.

23 What I'm asking you to do is
24 exercise your duty and the power of your
25 position in the intended way, in a positive

1 Full Legislature/2-25-13
2 way for what is right. I have demonstrated
3 with the bible, medical science, citizenship
4 military service, and a dozen other reasons
5 why transgender people are people. We're
6 just like everyone else except we identify
7 with a different sex and, because of you, we
8 do not have equal rights.

9 Nassau is alone in 70 percent of
10 New York State and alone in the entire
11 metropolitan area of Connecticut, New
12 Jersey, Westchester, New York City, and
13 Suffolk County.

14 My major point is, we need you to
15 say discrimination is illegal because it's
16 wrong. Your approval of the gender
17 clarification amendment is needed to send a
18 moral message, a moral signal. Not just
19 here, but everywhere. You must say the
20 people of Nassau County believe the bullying
21 and driving kids to suicide is wrong. The
22 unfair treatment of beating and killing is
23 not okay. Its illegal, wrong, immoral, and
24 must stop.

25 Bring the law to the floor, pass

1 Full Legislature/2-25-13
2 it, and it will tell the whole world that
3 the Nassau people are a moral people. Thank
4 you.

5 CHAIRWOMAN GONSALVES: Thank you,
6 Joanne.

7 MS. BORDEN: Please read the
8 reverse of this.

9 CHAIRWOMAN GONSALVES: Legislator
10 Jacobs.

11 LEGISLATOR JACOBS: Joanne, Judy.
12 Listen, I know that you have great
13 perseverance and you are very committed to
14 what you feel the law that we passed for
15 human rights lacked.

16 I told you that there are two
17 schools of thought on that. This side of
18 the aisle had agreed that with one line we
19 can correct this. The other side of the
20 aisle felt that the law as it exists really
21 includes.

22 Now, I'm not arguing your
23 interpretation. I'm not a lawyer myself.
24 But, my feeling, that I think you should be
25 aware, is that we, on both sides of the

1 Full Legislature/2-25-13
2 aisle have been really consumed with
3 redistricting right now and with different
4 expenses that have come up on the county
5 budget and everything else. It hasn't been
6 pushed to the wayside at all, but I believe
7 that for us to absorb it, all of us, to
8 absorb it, see what that line should read,
9 perhaps the line that we thought would be
10 the right one to correct what you think is
11 wrong, is not good for here and we can make
12 it still correct without it being exactly
13 the way you want it worded.

14 But give us a little bit more
15 time. We are going through, as you can
16 tell, a tremendous period. I wouldn't call
17 it chaos, but a tremendous period of push
18 and pull. It's just not going to get its
19 just looking at right now, but it's going to
20 have its day.

21 MS. BORDEN: Thank you. I am
22 patient because this is the 26th time I have
23 addressed you and I understand New York City
24 had the same problem with the wording and
25 they had to have an amendment like we are

1 Full Legislature/2-25-13
2 proposing. I don't know. There was a court
3 case somewhere that showed there was a
4 difficulty with some judges to not restrict
5 the definition of gender to sex.

6 If you had sex in the law, it's
7 in the New York State law, but not the local
8 law, if you had sex there it would clarify
9 it. But the best thing is to define what we
10 really mean and New York City found they had
11 to have an amendment also. Thanks.

12 LEGISLATOR JACOBS: Thank you.

13 CHAIRWOMAN GONSALVES: Thank you
14 again, Joanne.

15 At this point, we have no other
16 slips who wish to address other items other
17 than redistricting. Do you have a slip in?
18 Come to the mike, please. State your name.

19 REVEREND WALTHRUST: Good
20 afternoon. My name is Reverend Dr. Nellie
21 Taylor Walthrust. I'm here this afternoon
22 because I wear many hats in this county. I
23 live in the second district of Hempstead and
24 I am a director of a program in Westbury.

25 I just wanted to yield my three

1 Full Legislature/2-25-13
2 minutes because I believe in the awesome
3 power of prayer. I believe in prayer. And
4 because of prayer, I've seen things take a
5 different turn in this county and, at this
6 time, I'm just going to ask for a moment of
7 silence as I want to publicly pray for our
8 elected officials, because my bible teaches
9 me that I'm responsible to pray for those
10 that are in leadership over the people.
11 That's what I would like to do.

12 Father God, in the precious name
13 of Jesus, Lord, I thank you for this
14 opportunity. I thank you for each and every
15 elected official in this county. Lord, I
16 pray that you would give them wisdom, give
17 them guidance, give them understanding.
18 Lord, give them clarity on every decision
19 that they make, Lord, that whatever they do,
20 let it be God glorifying and that you will
21 be pleased oh, God that your people will not
22 suffer at the hands of misguided decisions,
23 oh, God, but, Lord, we commit them into your
24 hands and we pray that you will bless them,
25 keep them covered all in your son, Jesus'

1 Full Legislature/2-25-13

2 name, I pray, amen and amen.

3 CHAIRWOMAN GONSALVES: Thank you,
4 reverend. The next items on the calendar
5 are what we call consent items which simply
6 means that they were vetted in committee and
7 voted upon unanimously.

8 With the consent of both sides of
9 the aisle, we call those items together, and
10 that's for anyone that might not understand
11 the meaning of a consent calendar. We
12 certainly do have the approval of the
13 minority to call them all together.

14 I'm going to begin to call those
15 items. The items on the calendar, Items 6,
16 7, 10, 11, 12, 13, 15, 18, 28, 29, 30, 32.
17 Those are the consent items on the calendar.

18 Motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Muscarella. Any questions from any of the
24 legislators?

25 (No verbal response.)

1 Full Legislature/2-25-13

2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of these items signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Any abstentions?

10 (No verbal response.)

11 These items on the consent
12 calendar passes unanimously. Now we have
13 what is called the non-consent items. Items
14 that will be addressed separately and I'm
15 going to call the appointment items first.

16 I believe the first item that
17 refers to the appointments is Item 21. It's
18 an item which confirms the county
19 executive's reappointment of Christina
20 Brennan to the Sewer and Storm Water Finance
21 Authority. Motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator

1 Full Legislature/2-25-13
2 Walker. Any discussion regarding this
3 appointment? Is there any comment?

4 (No verbal response.)

5 Is there any public comment
6 regarding this item?

7 (No verbal response.)

8 All those in favor of this item
9 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Any abstentions?

14 (No verbal response.)

15 The reappointment of Christina
16 Brennan passes unanimously.

17 We have Item 22 confirming the
18 county executive's appointment to the Sewer
19 and Storm Water Authority of William J.
20 Muller, III. Motion, please.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRWOMAN GONSALVES: Motion by
24 Legislator Dunne, seconded by Legislator
25 Muscarella. Again, this is a reappointment

1 Full Legislature/2-25-13
2 to the Sewer and Storm Water Authority. Any
3 questions regarding this reappointment?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of the reappointment William J.
9 Muller, III to the Sewer and Storm Water
10 Authority signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Any abstentions?

15 (No verbal response.)

16 There being none, the motion
17 carries unanimously.

18 We have another reappointment,
19 Item 23 confirming the county executive's
20 reappointment of Peter J. Kleins to the
21 Sewer and Storm Water Finance Authority.
22 Motion, please.

23 LEGISLATOR ABRAHAMS: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Full Legislature/2-25-13
2 Minority Leader Abrahams, seconded by
3 Legislator Muscarella. Any questions or
4 comments regarding this reappointment?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of reappointing Peter J. Kleins to the
10 Sewer and Storm Water Finance Authority
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Any abstentions?

16 (No verbal response.)

17 The reappointment passes
18 unanimously. Now we have Items 24 and 25.
19 The appointment of John DeGrace as a member
20 of the Nassau County Community College board
21 of trustees. I'm putting them together
22 primarily because it's the same individual.
23 One is our appointment and the other is the
24 county executive.

25 So Item 24 and 25 confirms the

1 Full Legislature/2-25-13
2 appointment of John A. DeGrace as a member
3 of the Nassau Community College board of
4 trustees. Motion, please.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Motion by
8 Legislator Muscarella, seconded by
9 Legislator Kopel. Any questions regarding
10 this reappointment? Legislator Jacobs.

11 LEGISLATOR JACOBS: I just want
12 to say that I know Mr. DeGrace for many many
13 years. When the legislature was formed
14 here, it was for most of us, the 19 that
15 were elected, it was at first time we had
16 ever been in this position and he was the
17 clerk of this legislature. I remember him
18 being very fair and treated all of us
19 exactly the same way.

20 I also know that in his term as
21 the commissioner of the board of elections,
22 he was very fair, to the best of my
23 knowledge, I didn't work there, but to the
24 people that I knew, that he was very fair to
25 people of both sides of the aisle also.

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2 So I don't know if Mr. DeGrace is
3 here now, and that's not important, he is
4 here, but I just wanted him to know that I
5 would hope -- I trust that he would bring
6 that same fairness and expertise and
7 compassion that he always showed before. I
8 just wanted you to know that, John.

9 CHAIRWOMAN GONSALVES: Mr.
10 DeGrace, join us at the podium. Welcome,
11 John.

12 MR. DEGRACE: Thank you very very
13 much. Should I wait for the vote?

14 CHAIRWOMAN GONSALVES: I don't
15 know. Should we wait for the vote or should
16 we let him hang? Do you want to say
17 something pertaining to this appointment? I
18 guess Mr. DeGrace will have to wait until we
19 vote on it and Mr. Troiano's questions are
20 answered.

21 LEGISLATOR TROIANO: Mr. DeGrace
22 will be replacing Mr. Gutierrez, whose term
23 expired I think at the end of last year, is
24 that right?

25 MR. MAY: I would have to look at

1 Full Legislature/2-25-13
2 the paperwork to confirm the dates. But if
3 that's what you're telling me, I would
4 agree.

5 LEGISLATOR TROIANO: Well, Mr.
6 May, you are here to answer our questions,
7 right?

8 MR. MAY: I am. If you would
9 like to give me one second, I will go and
10 get the paperwork.

11 LEGISLATOR TROIANO: I'm happy to
12 wait. Can we wait, Ms. Gonsalves?

13 CHAIRWOMAN GONSALVES: Legislator
14 Troiano, he is replacing Mr. Gutierrez.

15 LEGISLATOR TROIANO: Thank you.
16 Mr. May?

17 CHAIRWOMAN GONSALVES: Mr. May, I
18 answered the question. Go ahead.

19 LEGISLATOR TROIANO: So you agree
20 that he is replacing Mr. Gutierrez?

21 MR. MAY: Yes.

22 LEGISLATOR TROIANO: And Mr.
23 Gutierrez' term expired this past year end?

24 MR. MAY: I believe that's
25 correct.

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2 LEGISLATOR TROIANO: Mr. May, is
3 it correct or not correct?

4 MR. MAY: I believe that's
5 correct. I was brought back before I was
6 able to get the paperwork. I believe the
7 presiding officer just said that that was
8 correct, so, yes.

9 LEGISLATOR TROIANO: Thank you.
10 Why is Mr. Gutierrez not being replaced?
11 I'm sorry, his term not being renewed?

12 MR. MAY: I cannot answer that.

13 LEGISLATOR TROIANO: I feel like
14 I'm getting stonewalled already. Why can't
15 you answer that? You're the legislative --

16 MR. MAY: The decision was made
17 by the county executive to offer the
18 position to Mr. John DeGrace and that is all
19 that I can share with you.

20 LEGISLATOR TROIANO: You didn't
21 question the county executive as to why
22 Mr. Gutierrez was not being renewed?

23 MR. MAY: I don't often question
24 my boss.

25 LEGISLATOR TROIANO: Well, you

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2 are supposed to fill that role for the
3 legislature, are you not?

4 MR. MAY: If you presented me
5 that question before today, I would have
6 certainly have asked him specifically for
7 you. But you are asking me now --

8 LEGISLATOR TROIANO: This is a
9 hearing. It's not incumbent upon me to give
10 you the questions before the hearing. It's
11 incumbent on you to be able to answer the
12 questions at the hearing.

13 MR. MAY: Well, if I knew what
14 the question was, I would be able to get the
15 answer for you. You are asking me a
16 question --

17 LEGISLATOR TROIANO: Am I
18 supposed to give you a list of questions
19 before we have the hearing?

20 CHAIRWOMAN GONSALVES: Hold on,
21 Legislator Troiano.

22 MR. MAY: This is the second time
23 this item has come up. This is the second
24 time this item has come up and --

25 LEGISLATOR TROIANO: This is the

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2 day we are voting, Mr. May.

3 MR. MAY: That's correct.

4 LEGISLATOR TROIANO: Not any
5 other prior time, not at Rules Committee
6 when I wasn't a part of that. We are voting
7 today. So you're here as part of the
8 hearing to answer questions on behalf of the
9 administration.

10 MR. MAY: Then the answer is, the
11 county executive chose Mr. John DeGrace.

12 LEGISLATOR TROIANO: Do you know
13 why?

14 MR. MAY: No.

15 LEGISLATOR TROIANO: Do you know
16 how many Hispanic members of the Nassau
17 Community College board there are?

18 MR. MAY: I don't care how many
19 members are Hispanic.

20 LEGISLATOR TROIANO: You don't
21 care?

22 MR. MAY: No. It's not a
23 criteria of this administration that there
24 be X number of anyone.

25 LEGISLATOR TROIANO: I think

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2 that's part of it, the administration, not
3 only is it not a criteria, even a
4 consideration.

5 MR. MAY: Wait a second. Wait a
6 second. What I --

7 LEGISLATOR TROIANO: Let me be
8 very clear.

9 MR. MAY: Excuse me.

10 CHAIRWOMAN GONSALVES: Mr. May.

11 LEGISLATOR TROIANO: Ought to be
12 mindful that there is a large Hispanic
13 population of students that attend Nassau
14 Community College. He ought to recognize
15 that the board is responsible for looking
16 over the good well of each and every one of
17 those students. He ought to make sure that
18 there is a member of the Hispanic community
19 on that board who can give input as to what
20 happens at that college to make sure that
21 the Hispanic students there are well taken
22 care of. And for you to say that you work
23 for him and that he doesn't care --

24 MR. MAY: No. Excuse me. Excuse
25 me.

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2 LEGISLATOR TROIANO: Of the
3 number of Hispanic --

4 MR. MAY: Do not play that game.

5 LEGISLATOR TROIANO: I beg your
6 pardon.

7 MR. MAY: I said it is not a
8 consideration --

9 LEGISLATOR TROIANO: Mr. May, do
10 not point your finger at me again. Okay,
11 Mr. May?

12 MR. MAY: Race is not a
13 consideration of anything that we do here.
14 Excuse me --

15 LEGISLATOR TROIANO: Excuse me.
16 Its no consideration at all?

17 MR. MAY: In terms of a negative
18 consideration? You're twisting my words
19 around.

20 CHAIRWOMAN GONSALVES: Mr. May.

21 LEGISLATOR TROIANO: You're
22 saying there's no consideration. I'm just
23 repeating what you said.

24 MR. MAY: I'm saying it's not a
25 criteria. We don't look at race as a

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2 criteria for anyone's capabilities to do any
3 job and to do that job well. Let's be very
4 clear here.

5 LEGISLATOR TROIANO: Mr. May, you
6 said it wasn't even a consideration.

7 MR. MAY: I said it was not
8 criteria. Race is not a criteria.

9 LEGISLATOR TROIANO: Let me
10 educate you, okay? Being Hispanic does not
11 make you a part of a race. That's number
12 one. Mr. May, you can look that up, all
13 right. There are white Hispanics and Black
14 Hispanics.

15 CHAIRWOMAN GONSALVES: Legislator
16 Troiano --

17 LEGISLATOR TROIANO: Your
18 testimony is that the county executive has
19 no consideration to ethnicity or nationality
20 when it comes to making appointments to the
21 board, despite the fact that a large
22 percentage of students from Nassau Community
23 College are Hispanic?

24 MR. MAY: So you 're telling me
25 nobody can represent the Hispanic population

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2 except --

3 LEGISLATOR TROIANO: I didn't say
4 that --

5 MR. MAY: Really?

6 LEGISLATOR TROIANO: I asked you,
7 I'm giving you the opportunity, Mr. May, to
8 clarify your testimony. What you said was
9 that there was no consideration to the
10 Hispanic population when he makes
11 appointments to the board.

12 MR. MAY: I said criteria.

13 LEGISLATOR TROIANO: But I'm
14 asking then, does he consider that?

15 MR. MAY: I don't know what he
16 considers.

17 LEGISLATOR TROIANO: You don't
18 know what he considers. Then when you talk
19 to the county executive, what do you talk
20 about? He just says, "this is who I'm
21 appointing"?

22 MR. MAY: Yes. The county
23 executive says, I would like to appoint Mr.
24 John DeGrace to be a member of the Nassau
25 Community College Board of Trustees. Then I

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2 make sure that that appointment is filed.
3 Correct.

4 LEGISLATOR TROIANO: That's all
5 you do? You don't probe any further?
6 That's fine. That's okay.

7 CHAIRWOMAN GONSALVES: Mr. May,
8 Just hold on. I believe, in looking at the
9 records, there is representation from the
10 Hispanic community. And I don't believe
11 that Mr. May or anyone else who has brought
12 this information to us kept in mind that
13 Mr. DeGrace is not a Hispanic so therefore
14 we are going to appoint him to the board.
15 That's nonsense.

16 His qualifications speak for
17 themselves and if there was no
18 representation of the Hispanic community or
19 the African-American community on that
20 board, and you know as well as I do that
21 right now the acting president, Kenneth
22 Saunders is a member of the minority
23 community. So it's not that either the
24 county executive or the legislature chooses
25 to appoint people who are not Hispanic or

1 Full Legislature/2-25-13
2 African American. I think you leave it
3 alone.

4 LEGISLATOR TROIANO: Legislator
5 Gonsalves, you make a big mistake when you
6 lump all minority groups into one category
7 and say that because we have an African
8 American acting, acting --

9 CHAIRWOMAN GONSALVES: I didn't
10 say only that. I said do we have a member
11 of the Hispanic community on the board.

12 LEGISLATOR TROIANO: Legislator
13 Gonsalves --

14 CHAIRWOMAN GONSALVES: And I
15 don't intend to debate.

16 LEGISLATOR TROIANO: -- I am not
17 challenging Mr. DeGrace's qualifications.
18 What I am challenging is Mr. May's assertion
19 that the county executive doesn't even
20 consider --

21 MR. MAY: That is not what I
22 said.

23 LEGISLATOR TROIANO: Then what
24 are you saying? I'm trying to get there.
25 What are you saying?

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2 MR. MAY: I can repeat it again.
3 I'm saying --

4 CHAIRWOMAN GONSALVES: At this
5 point in time --

6 MR. MAY: -- I'm saying, race
7 ethnicity is not a criteria for whether or
8 not someone is qualified to do any
9 particular job.

10 LEGISLATOR TROIANO: Can we read
11 back the testimony about what he said about
12 consideration. Because what he said was --

13 CHAIRWOMAN GONSALVES: Legislator
14 Troiano, we would like to move forward.
15 This is not a debate. If you have
16 reservations about this appointment you are
17 free to vote no.

18 LEGISLATOR TROIANO: And I think
19 I'm also free to ask questions.

20 CHAIRWOMAN GONSALVES: Yes. But
21 it's not a debate --

22 LEGISLATOR TROIANO: I think
23 that's part of my role as a legislator to
24 ask questions.

25 CHAIRWOMAN GONSALVES: But it's

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2 not debate between you and Mr. May. I have
3 a concern because many of the students who
4 go to Nassau Community are Hispanic and live
5 in my district.

6 I want to make sure that they are
7 adequately represented on that board and, to
8 tell me that there is one Hispanic member of
9 that board isn't sufficient given the size
10 of the Hispanic student population in Nassau
11 Community College.

12 LEGISLATOR NICOLELLO: How many
13 members is sufficient?

14 LEGISLATOR TROIANO: There was
15 one. Now there is none.

16 LEGISLATOR TROIANO: Mr.
17 Nicolello, it ought to be more than zero.
18 Can we agree on that? There is now one
19 Hispanic member, Mr. Gutierrez, who is now
20 being replaced by Mr. DeGrace. What's the
21 right number, Mr. Nicolello, it's greater
22 than zero.

23 CHAIRWOMAN GONSALVES: At this
24 point I'm going to call --

25 LEGISLATOR TROIANO: And to be

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2 told that it's not a factor in consideration
3 is simply egregious.

4 CHAIRWOMAN GONSALVES: Mr.
5 Troiano, I have the right to call the
6 question. I will call the question.

7 LEGISLATOR DENENBERG: Can I have
8 a question?

9 CHAIRWOMAN GONSALVES: Go ahead,
10 Mr. Denenberg.

11 LEGISLATOR DENENBERG: So Mr.
12 Gutierrez, who is Hispanic is a Bellmore
13 resident so he lives in my district while I
14 still have a district, so let me just find
15 out because I did speak to Mr. Gutierrez who
16 prided himself on the job that he was doing
17 for the college. Is there something that he
18 had done wrong? Because the three previous
19 appointees that just went through
20 unanimously were reappointments on the Sewer
21 and Storm Water Authority. I know myself
22 and Legislator Ford have often wanted that
23 authority to be as active as possible.

24 So, here, the college which has
25 regularly met, Mr. Gutierrez, I don't

1 Full Legislature/2-25-13
2 believe missed more than one meeting. Is
3 there something he did wrong, Mr. May?

4 CHAIRWOMAN GONSALVES: Mr. May
5 cannot answer that question.

6 MR. MAY: I will not be
7 discussing any, you know, member of the
8 board or employee of the county's job
9 evaluation, performance, none of that will
10 be discussed. To my knowledge, there is no
11 issue, I guess, if that's what you are
12 trying to get at, but it will not be
13 discussed here

14 LEGISLATOR DENENBERG: Well, you
15 know what, if it's not going to be discussed
16 and I know Mr. DeGrace well, and I believe
17 Mr. DeGrace to be very very well qualified,
18 but I know Mr. Gutierrez to be well
19 qualified, and I would like some explanation
20 as to why we are replacing him. If I don't
21 have an explanation, then why would I vote
22 to replace him?

23 MR. MAY: The explanation is, the
24 county executive chose Mr. John DeGrace to
25 fill the position that is now open because

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2 the term has expired.

3 LEGISLATOR DENENBERG: You know,
4 he's on the committee that's searching for a
5 new president. "He" meaning Mr. Gutierrez.
6 So someone who is on that committee
7 searching for a new president, I really
8 don't know why we wouldn't want him to be on
9 the board as well and be reappointed so
10 that's why I'm asking for any reason.

11 Having not gotten one, that plays
12 into the issue of not just whether
13 Mr. DeGrace is well qualified but why are we
14 replacing someone who is doing a good job,
15 such a good job that he's on the committee
16 to find a new president?

17 All right. Thank you.

18 CHAIRWOMAN GONSALVES: Legislator
19 Ford.

20 LEGISLATOR FORD: Good afternoon,
21 Mr. May.

22 MR. MAY: Good afternoon.

23 LEGISLATOR FORD: If somebody is
24 appointed to any of these positions by a
25 county executive and they serve their term,

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2 is it almost guaranteed when they are
3 appointed that they are to expect that they
4 will automatically be reappointed?

5 MR. MAY: No.

6 LEGISLATOR FORD: Can you tell me
7 how many women are on the board for Nassau
8 Community --

9 MR. MAY: I could not tell you
10 without looking at the current membership of
11 the board.

12 LEGISLATOR FORD: My guess is
13 that there is probably one. So we have one
14 out of all of that. I think that, for me,
15 I've seen that there have been many many
16 appointments, not only through this body but
17 on New York State and on all various
18 government levels where women, as we make up
19 50 percent of the population, 50 percent of
20 the voting block, that we are not recognized
21 for the contributions that can be made.

22 Even for me, yes, I would like to
23 see a woman who would be considered for this
24 board and for other boards as well, but I
25 have found and I concur with Legislator

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2 Jacobs that I find Mr. DeGrace to be quite
3 capable in fulfilling this role and he
4 showed how very receptive he was to a lot of
5 changes especially when we were going
6 through the changing of the voting machines.
7 He's very forthcoming with help and
8 information.

9 I think that just based today on
10 his gender that I'm not going to hold it
11 against him because I do think that he would
12 be a great asset to the board. But then I
13 would also ask the county executive that
14 when he does consider people for future
15 appointments, that we know that it is not
16 basically a criteria but to be recognized
17 the various populations, the neighborhoods
18 that we do respect, and to understand that
19 these boards also represent and advocate for
20 the whole of the county and we try to make
21 it so that they are true representation of
22 the population here in Nassau County. Thank
23 you.

24 CHAIRWOMAN GONSALVES: At this
25 point I think Legislator Kopel, hold on Mr.

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2 Abrahams, Legislator Kopel, and then we're
3 going to take a five-minute recess. The
4 minority would like to have a five-minute
5 recess. After Legislator Kopel speaks.

6 LEGISLATOR KOPEL: I just want to
7 say that I've had the pleasure of getting to
8 know John DeGrace over the last, I don't
9 know, five, six years or so, and I will say,
10 regardless of the fact whether or not he
11 happens to be a Hispanic, he happens to be a
12 wonderful human being, he happens to be a
13 very conscientious public servant. I think
14 that he would do a spectacular job of
15 representing the interests of all of the
16 students at the college. I think looking at
17 his ethnicity is just the wrong thing to do.
18 Thanks. I would urge everyone to vote for
19 it. Thanks.

20 CHAIRWOMAN GONSALVES: The
21 minority has asked for a five-minute recess
22 before we take the vote on the appointment
23 of Mr. DeGrace to the college board. So be
24 it. Five minutes. We're not moving, they
25 are.

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2 (Whereupon, the Full Legislative
3 Committee recessed at 2:05 p.m. and
4 reconvened at 2:08 p.m.)

5 CHAIRWOMAN GONSALVES: After a
6 count, and right now we are at capacity.
7 You choose to leave the room, make sure you
8 get your pass back. All right? Like I said
9 earlier, if you need to use the rest rooms,
10 make sure you get your pass back to come
11 into the room. We cannot go above the 251
12 that is posted in the back of the room.

13 Right now we are following the
14 orders of the fire marshal and we will
15 adhere to those orders. Thank you very
16 much.

17 There are two items. At this
18 time it's in order for us to vote on Items
19 24 and 25 appointing John A. DeGrace to the
20 Nassau Community College board. All those
21 in favor of this item signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 Any abstentions?

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2 (Aye.)

3 So we have 11, 7 and 1, correct?

4 Judi Bosworth is the abstention. The
5 positive is Legislator Jacobs. So the item
6 passes 11, 7, one and that's one abstention.
7 Thank you very much. Sorry about the
8 disruption but, you know what, debate is
9 always helpful, and it's not only helpful,
10 sometimes it's healthy. So you get whatever
11 you want off your chest.

12 So Mr. DeGrace, you have been
13 appointed to the Nassau County Community
14 College Board of Trustees. You may want to
15 say something after all of that. I don't
16 know, to ease, you know --

17 MR. DEGRACE: That is definitely
18 a tough act to follow.

19 CHAIRWOMAN GONSALVES: I wish we
20 didn't have to.

21 MR. DEGRACE: Presiding Officer
22 Norma Gonsalves, Minority Leader Kevan
23 Abrahams, members of the county legislature.

24 I would like to take this
25 opportunity to thank you for this great

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2 honor. I would like to acknowledge and
3 thank County Executive Ed Mangano for making
4 this appointment possible as well.

5 I am very pleased to join the
6 board of trustees at Nassau Community
7 College and to be part of this highly
8 regarded institution of higher learning.

9 Nassau Community College is
10 renowned for the excellence in education it
11 provides at a cost that makes it available
12 for any person who truly wants to learn.
13 Nassau gave me the professional credentials
14 I needed many years ago when I took the
15 professional insurance courses necessary to
16 obtain my licenses.

17 It is a place where all our young
18 people and mature learners can get a quality
19 of education that is on par with some of the
20 best and most prestigious colleges
21 throughout New York State and this country.

22 I thank those of who have voted
23 for my appointment, and to those of you who
24 did not, I hope to demonstrate my absolute
25 commitment to the future of this college

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2 through my efforts on this board. Thank you
3 so much for all your support. I appreciate
4 it.

5 CHAIRWOMAN GONSALVES: Thank you,
6 Mr. DeGrace. We have one more appointment
7 at this time which is Item 26 confirming the
8 county executive's appointment of Dr.
9 Jeffrey L. Reynolds to the Nassau County
10 Youth Board. Motion, please.

11 LEGISLATOR MUSCARELLA: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Motion by
14 Legislator Muscarella, seconded by
15 Legislator Nicoletto. Any questions on the
16 part of the legislators?

17 LEGISLATOR JACOBS: I don't know
18 how many people know Jeff Reynolds that are
19 on the legislature. I've had the
20 opportunity since I've been on the
21 legislature for 18 years to know him very
22 well, to see all the great work he has done
23 with youth, for people with mental problems,
24 drug addiction, et cetera, and I believe its
25 an excellent choice and I just wanted to say

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2 that. Thank you.

3 CHAIRWOMAN GONSALVES: Thank you,
4 Legislator Jacobs. Any other comments from
5 the legislators?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor of appointing
10 Dr. Reynolds to the Nassau County Youth
11 Board signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Any abstentions?

16 (No verbal response.)

17 The appointment passes

18 unanimously. Thank you very much. I don't
19 know if Dr. Reynolds is here. He is. Would
20 you like to come and talk to us a little
21 bit?

22 DR. REYNOLDS: Yes. Thank you.

23 I'm Dr. Jeff Reynolds. I have the privilege
24 of running the Long Island Council on
25 alcoholism and drug dependence.

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2 I want to thank the county
3 executive for the appointment. I can think
4 of no higher calling and no more important
5 function right now, that our youth board,
6 especially given the status of young people
7 in this county and the incredible needs that
8 they have. Those needs have grown
9 exponentially over time and I look forward
10 to helping shape a delivery system that's
11 responsive to their needs, responsive to
12 their family's needs, and quite frankly
13 makes Nassau County a little bit safer and
14 healthier.

15 So I appreciate the vote of
16 confidence and I look forward to working
17 with you in the months and years ahead.

18 CHAIRWOMAN GONSALVES: Thank you
19 very much, Dr. Reynolds. Don't go away, Dr.
20 Reynolds.

21 LEGISLATOR JACOBS: I just want
22 to say one more thing. I know how you feel
23 and I know that you realize how important
24 this board is to us and it was disbanded.

25 I personally would be very

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2 appreciative of your looking at the people
3 who were removed from this board and their
4 qualifications and giving due consideration
5 to having them back on with you.

6 DR. REYNOLDS: Absolutely. Thank
7 you.

8 LEGISLATOR JACOBS: Thank you.

9 CHAIRWOMAN GONSALVES: Now, that
10 takes care of all the appointments and we
11 now have two hearings that will be put
12 forth.

13 The first one has to do with the
14 hearing on the local law to provide relief
15 from fees charged by various departments of
16 county government to the victims of
17 Hurricane Super Storm Sandy. That's Item 1
18 on the calendar, 69-13. A motion, please.

19 LEGISLATOR BELESI: So moved.

20 LEGISLATOR FORD: Second.

21 CHAIRWOMAN GONSALVES: Motion by
22 Legislator Belesi, seconded by Legislator
23 Ford. The hearing is open. Who do we have,
24 Mr. May, to speak regarding the wavering of
25 these fees?

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2 MR. MAY: That would be me, Madam
3 Presiding Officer.

4 CHAIRWOMAN GONSALVES: Be
5 careful. Say all the right things. Go
6 ahead.

7 MR. MAY: Are we taking up the
8 local law as is or the amended version?

9 CHAIRWOMAN GONSALVES: Well, I
10 think that --

11 MR. MAY: Or do we have to do
12 that at the vote?

13 CHAIRWOMAN GONSALVES: Well, the
14 amendment, I believe, Mr. May, it's my
15 understanding that this is just a hearing.
16 If you wish to discuss the amendment, we
17 will take a vote when the item is called and
18 at that time we will -- hold on, we will
19 certainly do an amendment in the nature of a
20 substitution.

21 So right now you can talk about
22 the law as you see it.

23 LEGISLATOR DENENBERG: I have a
24 question.

25 CHAIRWOMAN GONSALVES: We didn't

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2 vote on opening the hearing.

3 Now, all those in favor of
4 opening the hearing?

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 There being none, the hearing is
9 now open. Mr. May.

10 MR. MAY: This is a local law to
11 provide fee relief to the victims of
12 Hurricane Sandy. Obviously, the county was
13 severely impacted by the hurricane. A lot
14 of our south shore communities faced
15 tremendous damage. And the county
16 executive, in an attempt, after four or five
17 months at this point, people are just now
18 getting their insurance checks, just now
19 getting help from the federal government.

20 We know that reading in Newsday
21 that a lot of the help is going to take
22 years to get here and, to the extent that
23 the county can offer some relief to our
24 residents, that is the goal of this
25 legislation.

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2 The legislation, as originally
3 drafted, was open ended, to put it
4 charitably, so the administration has gone
5 back to the drawing board with the help of
6 the legislature and the legislators. We
7 have specified the fees that are to be
8 waived. Currently, the fees that will be
9 waived if you take up and vote for the
10 amended version of the bill would be the
11 sewer disconnect and reconnect fees from the
12 Department of Public Works. It would be the
13 pre-demolition inspection fee from the
14 Department of Health, and it would be the
15 index recording fee at the county clerk's
16 office.

17 We find that these fees are for
18 the sake of our residents, important to
19 waive for those people, the sewer disconnect
20 and reconnect fee is typically done when
21 somebody's house has been destroyed and
22 needs to be rebuilt from the ground up. So
23 obviously somebody in that situation is
24 facing a lot in their lives right now.

25 The pre-demolition fee is to

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2 ensure that if a building has to come down,
3 and this is tied to the sewer disconnect and
4 reconnect fee, that there are no rodents or
5 other pests in the structure so that when
6 the building comes down, the pests don't
7 infest neighboring structures.

8 Then, for the clerk's fee, the
9 indexing fees, the indexing fees happen, if
10 anybody is currently receiving a small
11 business administration loan, they have to
12 record that loan against their mortgage. I
13 believe the fee for that is \$150. So on top
14 of, again, all the devastation that has been
15 in the communities, residents are just
16 dealing with the one bureaucracy after
17 another.

18 We are trying to do what we can
19 to make that, what is certainly a traumatic
20 and trying experience, a little easier.
21 Obviously the county did not budget for a
22 hurricane coming through and wiping out a
23 lot of the south shore, so the financial
24 impact on this is minimal. We were not
25 anticipating receiving any of these fees so

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2 the revenue was never projected in the 2013
3 budget. So there's minimal impact.

4 CHAIRWOMAN GONSALVES: My
5 understanding is that these are fees that
6 the county can waive; is that correct?

7 MR. MAY: Correct. I understand
8 having discussed with the county clerk's
9 office that they are in negotiations with
10 the state legislature to waive certain fees.
11 We will be happy to revisit this local law.
12 We can amend it. Obviously anytime with
13 your approval. So any fees that need to be
14 added or adjusted, that can certainly be
15 taken care of. But we wanted to get the
16 ball rolling.

17 I know that the county clerk had
18 considered putting in a new bill but a new
19 bill will not be eligible to be voted on
20 until the March, I want to say the 18th
21 meeting of the legislature, at the earliest,
22 and since we had already gone about 80 yards
23 down the field with this, it was suggested
24 that we just take -- what they wanted to do
25 in their separate law, roll it into our law

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2 and it could be voted on today. If the
3 legislature here agrees and approves it, we
4 can start moving forward with waiving the
5 fees for the individuals who are coming to
6 the county for them now, and refunding the
7 fees for anybody who has already paid the
8 fees since Hurricane Sandy.

9 I do want to be clear. This is
10 only for Hurricane Sandy related
11 construction, or incidences that the
12 individuals need waivers for.

13 CHAIRWOMAN GONSALVES: Legislator
14 Ford.

15 LEGISLATOR FORD: Good afternoon.
16 I want to thank you and the county executive
17 for taking the initiative and waiving these
18 fees for so many people that have been hurt
19 by Hurricane Sandy.

20 You did answer my one question
21 for residents that have already started
22 rebuilding or doing some of the work, and
23 especially who have secured, or were lucky
24 enough to secure an SBA loan, that in order
25 to record it, that they will be able to get

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2 that money, it will be retroactive and they
3 will be able to get their money back,
4 correct?

5 MR. MAY: That's correct.

6 LEGISLATOR FORD: Second of all,
7 what is the time frame? Is there a sunset
8 on this? You know, because I know when we
9 look at this and it's for people that were
10 impacted by Sandy and a lot of construction,
11 my concern is that we still have hundreds of
12 residents that are still not living in their
13 homes. They have to make tough decisions,
14 whether or not they are going to tear up,
15 you know, tear the house down, raise the
16 house up. We have a lot of elderly that are
17 having trouble like just trying to get their
18 lives together.

19 So it may be that where a lot of
20 people are now working on their homes and
21 restoring everything, that there may be some
22 that will be lagging behind. So what if
23 somebody, like, it's not until September or
24 October that they're really going to finally
25 address some of these issues, will this

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2 still be enforced?

3 MR. MAY: Currently the sections
4 of the law that deal with providing for the
5 waiver are set to expire on December 31st of
6 this year. Obviously we can amend any local
7 law that we have the power to do. If we're
8 getting to the end of the year and you're
9 finding many of your constituents are still
10 struggling to meet the deadline, absolutely
11 we can revisit the sunset provisions and
12 either strike it or change it to a year, two
13 years from now.

14 Again, I know from reading
15 Newsday, the federal government I believe
16 was saying something like ten years to fully
17 expend the funds associated with Sandy
18 cleanup. The goal here is to help. So
19 whatever we need to do, we will help.

20 LEGISLATOR FORD: I know and I
21 appreciate the help. Is this also not only
22 for residents but for commercial as well?

23 MR. MAY: That is correct.

24 LEGISLATOR FORD: Because I just
25 want to go on record too, because I want to

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2 thank the IDA for the fact that they have
3 that sales tax exemption which will help out
4 small businesses by applying underneath the
5 IDA where they can actually buy their
6 supplies and different pieces to put their
7 business back where they don't have to pay
8 sales tax.

9 So I thank you very much and I
10 think this will go a long way in helping and
11 actually giving the residents and business
12 owners the fact that the county cares about
13 them and there's some hope.

14 MR. MAY: We do, and thank you.

15 CHAIRWOMAN GONSALVES: Any other
16 questions of Mr. May?

17 LEGISLATOR DENENBERG: Yes.

18 CHAIRWOMAN GONSALVES: Legislator
19 Denenberg.

20 LEGISLATOR DENENBERG: Thank you.
21 Mr. May, with respect to the Office of
22 Legislative Budget Review, as you said,
23 there were no revenues anticipated, this is
24 related to Super Storm Sandy.

25 MR. MAY: Right.

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2 LEGISLATOR DENENBERG: So any
3 fees we would be getting would have been
4 expected revenue, so waiving it should have
5 no effect on the budget. But is this
6 something we are putting into FEMA for
7 recovery from the county, for the
8 administrative costs for processing all of
9 these?

10 MR. MAY: That was the whole
11 question? I don't want to cut you off.

12 LEGISLATOR DENENBERG: That's
13 okay. Are we putting in to FEMA for
14 recovery at least in consideration of the
15 administrative fees that the county goes
16 through for processing the permits, the
17 fees, and the applications?

18 MR. MAY: Yes. The local law
19 instructs the department heads who are
20 offering waivers to seek reimbursement from
21 the federal and state governments as
22 applicable for any monies being waived and
23 associated with the waivers.

24 LEGISLATOR DENENBERG: Okay. So
25 I guess we'll see how that goes, right, that

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2 application?

3 MR. MAY: We will see how it
4 goes.

5 LEGISLATOR DENENBERG: Thank you.

6 MR. MAY: Thank you.

7 CHAIRWOMAN GONSALVES: Any other
8 questions of Mr. May?

9 (No verbal response.)

10 MR. MAY: I'm sorry, Madam
11 Presiding Officer, there is one other aspect
12 of the bill that we did change. I just
13 wanted to point out that the fine for
14 violating the law has been increased from
15 \$1,000 to \$5,000, the maximum we're allowed
16 to secure under the county charter. This is
17 anybody who is caught essentially lying to
18 the county claiming a waiver for Sandy
19 related expenses that were not actually for
20 Sandy related expenses. We have increased
21 it to the maximum amount changed by the
22 county. We would obviously like to deter
23 anybody from trying to take advantage of the
24 county.

25 CHAIRWOMAN GONSALVES: Any other

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2 legislators?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 Motion to close the hearing,

7 please.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR FORD: Second.

10 CHAIRWOMAN GONSALVES: Moved by

11 Legislator Muscarella, seconded by

12 Legislator Ford. All those in favor of

13 closing the hearing, signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (No verbal response.)

19 The motion carries unanimously.

20 Now for the item that's before us. However,

21 it has been amended and so I'm going to ask

22 for a motion to suspend -- right now we are

23 going to put the item on the table for a

24 vote and then offer the amendment in the

25 nature of a substitution.

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2 The item is Item Number 4 to
3 provide relief from fees charged by the
4 various departments of county government to
5 the victims of Hurricane Super Storm Sandy.
6 Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Muscarella. At this time we need to present
12 an amendment in the nature of a
13 substitution, that is the amendment was
14 filed on February 15, 2013 and it amends
15 this particular item to include the items
16 Mr. May spoke about, the three different
17 fees so at this time I would like to motion
18 to amend.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Muscarella. Is there anything else that you
24 would like to add, Mr. May?

25 MR. MAY: That's it for me. But

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2 if anybody has any more questions, I would
3 be happy to answer them.

4 CHAIRWOMAN GONSALVES: Any other
5 questions from any of the legislators from
6 either side?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 Now we call the item as amended.
11 Before we can do that, we need to vote on
12 the amendment. All those in favor of this
13 amendment signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (No verbal response.)

19 The amendment passes unanimously.
20 Now for the item as amended. All those in
21 favor of this item amended signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 Any abstentions?

3 (No verbal response.)

4 The item passes unanimously.

5 Thank you very much, Mr. May.

6 MR. MAY: Thank you.

7 CHAIRWOMAN GONSALVES: We have
8 one more hearing and that has to do with
9 Item Number 3. A motion to open the hearing
10 on Item Number 3 which is the consent to the
11 acquisition by the Locust Valley Cemetery
12 Association, Inc. Of certain land for
13 cemetery purposes pursuant to the County
14 Government Law of Nassau County of the
15 Nassau County Administrative Code, the Not
16 For Profit Corporation Law and the Real
17 Property Law of the State of New York.

18 Motion, please.

19 LEGISLATOR NICOLELLO: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Nicoletto, seconded by Legislator
23 Walker. A vote to open the hearing, all
24 those in favor of opening the hearing on
25 this item signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Any abstentions?

6 (No verbal response.)

7 The motion carries unanimously to
8 open this hearing on Item Number 3. Who is
9 here to speak on this item, please?

10 MR. CALGROW: Peter Calgrow of
11 the law firm Farrell Fritz, the attorneys
12 for the Locust Valley Cemetery Association.

13 I would like to thank you for
14 scheduling the hearing today. And also
15 Legislator DeRiggi-Whitton for getting this
16 on. I appreciate all your help with this.

17 The association is a not for
18 profit cemetery corporation duly organized
19 and existing under the laws of the State of
20 New York. It was incorporated in 1917. It
21 maintains and operates a public cemetery at
22 117 Ryefield Road in the village of
23 Lattintown.

24 The cemetery consists of
25 approximately 31.28 acres, and the last two

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2 plus acres were purchased in 2009. Back in
3 2008, the Nassau County Legislature had
4 approved the acquisition of a two acre
5 parcel by Resolution 217-2008 which was
6 dated August 21st, 2008.

7 The association wishes to expand
8 the cemetery by acquiring by deed from
9 Daniel and Margaret McCauley land consisting
10 of two acres which adjoins the cemetery.

11 The cemetery only has about three
12 and a half acres of undeveloped land, and at
13 the current rate of grave sales, it's
14 figured that all graves will be sold by the
15 year 2026, if the cemetery or the
16 association purchases two acres, they'll
17 upgrade for sales to about the year 2032.

18 The other important reason why
19 the cemetery wants to buy the property is
20 that they need to build their endowment.
21 It's important that when all graves are sold
22 to the cemetery, the endowment is of a
23 sufficient size to generate enough income
24 each year to pay for the ongoing maintenance
25 of the cemetery. With the purchase of this

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2 land, we think that it will help us get to
3 that number. In order to consummate the
4 purchase of the property, Section 1506 of
5 the New York State not for profit law
6 requires a number of approvals; one is
7 approval from the Nassau County Legislature,
8 another is the approval from the local
9 legislative body and that is the board of
10 trustees from the Village of Lattintown.
11 They approved the purchase back on September
12 6th.

13 We also need to get an order from
14 the Nassau County Supreme Court and if this
15 board would approve this purchase, we would
16 then file petition with the court.

17 In addition, the Village of
18 Lattintown zoning code require that we
19 amend or special use permit to allow the
20 purchase of the property, and on September
21 4th, the Lattintown Board of Zoning Appeal
22 approved the application of the cemetery to
23 buy the property.

24 Once we get all the approvals, we
25 will then close on the property which we

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2 hope will be in a couple of months.

3 I would be happy to answer any
4 questions you may have and I appreciate the
5 opportunity to speak to you again today.

6 CHAIRWOMAN GONSALVES: Any
7 questions from any of the legislators?

8 (No verbal response.)

9 Is there any public comment
10 regarding this item?

11 LEGISLATOR DERIGGI-WHITTON: I
12 just want to say thank you for considering
13 this. They have been very patient and it's
14 a long process but I appreciate it.

15 Any public comment?

16 (No verbal response.)

17 There being none, a motion to
18 close the hearing.

19 LEGISLATOR BECKER: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Becker, seconded by Legislator
23 Walker. All those in favor of closing the
24 hearing signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 Any abstentions?

5 (No verbal response.)

6 The hearing is closed. Now for
7 the item itself which you are waiting to
8 hear. I believe the item is Calendar Number
9 16. It takes a while to go through all of
10 these pages, please bear with me.

11 MR. CALGROW: Thank you.

12 CHAIRWOMAN GONSALVES: You can
13 stay there just in case there are any
14 questions. And say thank you.

15 MR. CALGROW: I wasn't sure if
16 you were moving on the next matter which
17 everybody was in favor of.

18 CHAIRWOMAN GONSALVES: No. It's
19 okay. You can stay there. We haven't voted
20 on the item, sir. We are now putting it
21 before this body to vote up or down. I
22 believe since there have been no questions,
23 so Item Number 16, the resolution itself,
24 consenting to the acquisition and use by the
25 Locust Valley Cemetery Association of

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2 certain land for cemetery purposes is now on
3 the floor for a vote.

4 LEGISLATOR MUSCARELLA: So moved.

5 LEGISLATOR DUNNE: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Muscarella, seconded by
8 Legislator Dunne. Any questions regarding
9 the item itself?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Item 16 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Any abstentions?

19 (No verbal response.)

20 The item passes unanimously. Now
21 you can say thank you.

22 MR. CALGROW: Thank you very
23 much. I appreciate it. Bye.

24 CHAIRWOMAN GONSALVES: My
25 understanding is that we still have a few

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2 items on calendar beginning with Item 8, an
3 ordinance to amend Ordinance 241-12 as
4 amended adopting the capital budget for the
5 year 2012 for the County of Nassau
6 corresponding to the first year of the four
7 year capital plan pursuant to the provisions
8 of Section 310 of the County Government of
9 Nassau County. Motion, please.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Walker, seconded by Legislator
14 Muscarella. Who is here to speak on this?

15 MR. MAY: Excuse me, the
16 Department of Public Works asked that I
17 stand in for them. They're quite busy I
18 believe with Sandy related items right now
19 back in the department.

20 This is for the amendment to the
21 bond ordinance, the capital budget adding I
22 believe about two and a million dollar for
23 tree replacement in areas hard hit by
24 Hurricane Super Storm Sandy. Any questions?

25 CHAIRWOMAN GONSALVES: Any

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2 questions? Legislator Denenberg.

3 LEGISLATOR DENENBERG: So we're
4 adding two and a half million dollars to the
5 2012 capital budget?

6 MR. MAY: That is correct.

7 LEGISLATOR DENENBERG: For tree
8 replacement?

9 MR. MAY: That is correct.

10 LEGISLATOR DENENBERG: That leads
11 me to a couple of questions. One, we are
12 adding it to the 2012 capital budget, but we
13 are in 2013.

14 MR. MAY: Correct.

15 LEGISLATOR DENENBERG: So the
16 2013 capital budget, if it had come to us
17 I'm sure that would have had tree plantings
18 in it as our budget does annually.

19 Is the 2013 budget, which should
20 have come to us, capital budget, should have
21 come to us in October of 2012, are we going
22 to get a 2013 capital budget?

23 MR. MAY: It's my understanding
24 that in due time it will come down.

25 LEGISLATOR DENENBERG: Now I

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2 don't want to argue with you, but due time
3 was six months ago.

4 MR. MAY: Okay. I don't want to
5 argue either.

6 LEGISLATOR DENENBERG: So when
7 are we going to get the 2013 capital budget?

8 MR. MAY: When it's filed it will
9 be ready to go. I cannot give you a time
10 frame.

11 CHAIRWOMAN GONSALVES: Mr. May,
12 bring it back to the county -- his staff, so
13 that we can have a more definitive
14 timetable.

15 MR. MAY: Absolutely. I will ask
16 for the timetable for the 2013 capital
17 budget.

18 LEGISLATOR DENENBERG: So since
19 we are adding two and a half million to the
20 2012 capital budget in 2013, my question is,
21 we closed out projects and that money was
22 documented, was used to be added -- was used
23 as part of operating money in 2012 to
24 balance the budget. Couldn't we use some of
25 the money from closed out capital projects

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2 and amend the budget using closed-out
3 projects instead of borrowing more money?

4 MR. MAY: I would have to go back
5 and ask the Department of Public Works about
6 that.

7 LEGISLATOR DENENBERG: But
8 they're not here and -- I mean, my question
9 is, obviously if we need to replace trees,
10 we all want to replace the trees, but to
11 borrow two and a half million dollars more
12 when about 21 or \$22 million was used from
13 closed out projects and I believe
14 transferred to operating expenses, it seems
15 like it would be more fiscally prudent
16 instead of borrowing more money for the 2012
17 capital budget in 2013, to use the closed
18 out projects to fund the additional tree
19 replacement that we need to fund.

20 MR. MAY: Okay. I will bring
21 your concerns to the Department of Public
22 Works.

23 LEGISLATOR DENENBERG: The
24 problem with that is that we are being asked
25 to vote on it today, right now, and if we

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2 can avoid borrowing two and a half million
3 dollars more by using capital budget money
4 from closed out projects, we should know
5 that right now because we're being asked to
6 vote right now. You going back and then
7 telling us two weeks from now doesn't change
8 the vote that we're about to take right now.

9 CHAIRWOMAN GONSALVES: Mr. May, I
10 have a question for you.

11 MR. MAY: Yes.

12 CHAIRWOMAN GONSALVES: Is it
13 correct to say that we can't take money from
14 one project to fund another project?

15 MR. MAY: I believe that's
16 correct. When you bond for a specific
17 project, the money is available only for the
18 at project.

19 LEGISLATOR DENENBERG: In an
20 amendment, I know the capital budget law
21 because I co-sponsored it with Brian Mullers
22 12 years ago. You can come to us and ask us
23 to amend and with the super majority, just
24 like the super majority that it requires for
25 us to bond, we can use bonded money from one

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2 project and transfer it to another.

3 We need a super majority for this
4 right now to bond and I'm more than willing
5 to bond -- I mean, tree replacement is
6 important, but it just seems to me that
7 we're borrowing money when money from
8 projects that were closed out could have
9 been available and we didn't have to borrow
10 as much.

11 Now you're telling me that you'll
12 speak to Public Works and come back to us
13 two weeks from now, maybe then we should
14 wait two weeks before we bond.

15 LEGISLATOR NICOLELLO: Madam
16 Chair?

17 CHAIRWOMAN GONSALVES: Yes?

18 LEGISLATOR NICOLELLO: Our
19 finance people are telling us that you
20 cannot take the money for a closed out item
21 and use it for another purpose. What they
22 did use it for was paying down the debt
23 which is what you can use. It has nothing
24 to do with the county's ordinance, county's
25 budget's laws, et cetera, et cetera, it's a

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2 State Finance Law. It simply cannot be used
3 for that purpose. The State Finance Law
4 cannot be varied. The items are -- the
5 closed out items cannot be used for this
6 purpose so I think we should go ahead with
7 this vote.

8 LEGISLATOR DENENBERG: I'm fine
9 with that, Legislator Nicoletto, but I'll go
10 through with you in the capital budget law
11 of Nassau County when we change projects, if
12 some projects go over, some go under, money
13 can be exchanged with a super majority from
14 one project to another. Only with a super
15 majority though.

16 CHAIRWOMAN GONSALVES: Legislator
17 Denenberg, the item that's before us does
18 not require a super majority. It's the next
19 item that does.

20 LEGISLATOR DENENBERG: Correct.
21 I understand that, but I'm sure we are going
22 to call them both together.

23 CHAIRWOMAN GONSALVES: I just
24 called one. I called Item 8. I believe
25 that's what I did do. Any other questions

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2 of Mr. May? Yes, Legislator Bosworth.

3 LEGISLATOR BOSWORTH: Thank you,
4 Presiding Officer. We've had so many
5 discussions about the trees that were cut
6 down, some that were clearly needing to be
7 cut down, others that questions have been
8 raised about.

9 One of the roads that I've been
10 asking about is Searingtown Road and Shelter
11 Rock Road. Those two roads just had all the
12 trees removed and left with unsightly
13 stumps.

14 When I initially asked about the
15 first million dollars that was allocated for
16 tree planting, I was told that we couldn't
17 know exactly what that money would be used
18 for.

19 When Mr. Millet came and
20 presented the additional 2.5 million
21 dollars, and I asked would this in fact
22 cover Shelter Rock Road and Searingtown
23 Road, I was told yes. So I'm asking you
24 again, because I really want this on the
25 record, will money from this ultimate \$3.5

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2 million be used to replace the trees that
3 were cut down on Shelter Rock and
4 Searingtown Roads?

5 MR. MAY: Yes. And I believe
6 Chief Deputy County Executive Rob Walker
7 came down during one of those hearings, that
8 they're starting to melt together in my
9 brain so I can't tell you exactly which one
10 it was, but that was when we were discussing
11 the original \$1 million and he said that, as
12 a body, we were amenable to increasing the
13 amount of funds available for trees. We
14 would do everything in our power to replace
15 all the trees that were taken down because
16 of Hurricane Super Storm Sandy and that was
17 obviously one of the roads specifically that
18 were mentioned at the meeting and yes. The
19 short answer is yes.

20 LEGISLATOR BOSWORTH: Both roads,
21 two roads?

22 MR. MAY: Yes.

23 CHAIRWOMAN GONSALVES: Legislator
24 Scannell.

25 LEGISLATOR SCANNELL: Thank you,

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2 Greg. A couple of weeks ago I had also
3 mentioned that there were a bunch of trees
4 on Grand Avenue that had been knocked down.
5 We put in a whole bunch of letters. What is
6 the status of that, Mr. May?

7 MR. MAY: Again, once we have the
8 funding available, we will look to replace
9 all of or as many trees as we possibly can.
10 If I'm remembering, again, one of the
11 hearings correctly, I know Mr. Mallet was
12 discussing there were different kinds of
13 trees, which trees to be replaced, which
14 ones came down, and ones that LIPA prefers
15 because they don't interfere with the
16 telephone poles, the electrical wiring. And
17 there's ones that DPW prefers which are
18 better for bordering the road.

19 But the whole purpose of this is
20 to replace as many or all of the trees that
21 we can that came down because of Hurricane
22 Super Storm Sandy.

23 LEGISLATOR SCANNELL: Right. I
24 know there were a bunch, not only in Baldwin
25 but in Rockville Centre, my whole 5th

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2 District as well, but the whole county as
3 well. So, yes, we would really like you to
4 expedite that as quickly as you can.

5 MR. MAY: Absolutely. And once
6 we have the authority we will do that. And
7 let me just offer, if anyone has a road or
8 particular area in their district, if you
9 just go ahead and let me know, I will direct
10 DPW to look into those areas.

11 LEGISLATOR SCANNELL: Thank you.

12 CHAIRWOMAN GONSALVES: Mr. May, I
13 believe that Mr. Millet did say that he was
14 going to explore all the areas within the
15 county that were impacted by the storm
16 especially, especially in Legislator
17 DeRiggi-Whitton's area.

18 Go ahead, Legislator
19 DeRiggi-Whitton.

20 LEGISLATOR DERIGGI-WHITTON: We
21 just also, I know you're more of a messenger
22 today, Greg, so one more message. If you
23 can just request that we wanted a list of
24 what roads would be worked on with the trees
25 and the trees to be replaced. I would like

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2 to get that as soon as possible so we can
3 have our answers.

4 The other point I want to make,
5 where Welwyn, what happened in Welwyn was
6 basically, they were told -- we were told
7 that these trees were cut down by accident.
8 I really don't even like to see our
9 taxpayer's money going to replace threes
10 that were cut down illegitimately by a
11 company.

12 So if you could also put in a
13 request once again that we look to the
14 company that was awarded this contract to
15 reimburse the county for their mistake, I
16 would appreciate it.

17 MR. MAY: I will certainly pass
18 along that message.

19 LEGISLATOR DERIGGI-WHITTON: Just
20 a schedule with a list of when the tree work
21 is going to be done because, again, we don't
22 want tree work to be done in November or
23 December where the trees could be damaged or
24 anything. So just a schedule and a list
25 and, again, a request that we be reimbursed

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2 by Looks Great Services.

3 MR. MAY: Absolutely.

4 CHAIRWOMAN GONSALVES: Is it
5 correct to say that there is a planting time
6 beginning with early spring right through
7 December? The later it would not be, but I
8 believe that we do have a pretty big window
9 to replace these trees.

10 MR. MAY: Correct, and in my
11 dealings with DPW I know that the planting
12 season begins early in spring and I suppose,
13 depending on the type of tree or whatever it
14 is that we're replacing, that the planting
15 season will be longer or shorter based on
16 what is appropriate for that particular
17 species of plant.

18 CHAIRWOMAN GONSALVES: Legislator
19 Jacobs.

20 LEGISLATOR JACOBS: I don't
21 profess to be any kind of expert in trees,
22 but I do know from just having a home that
23 you try not to plant in July and August only
24 because if you don't have a sprinkler
25 system, obviously there's a lack of water.

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2 So the spring is imperative, especially now
3 that it's February, I would assume from
4 April to mid June is a very special planting
5 season and then beginning in September
6 again.

7 So you don't have really months
8 and months in a row. You have a break there
9 of about two and a half months. So I think
10 we're all anxious because in every single
11 one of our districts, I'm sure all 19, you
12 just drive up and down any of our streets, I
13 cannot imagine how he lists everything that
14 needs trees that went down, and there's
15 still stumps.

16 And I know you can't answer this,
17 but I hope someone in Public Works is
18 listening. I still don't understand how
19 tremendous very, very large stubs are still
20 right in the way of a sidewalk and left
21 there still.

22 Now I realize there are many more
23 important things at the moment of Sandy and
24 even a month and a half later, but at this
25 point I would imagine they should be

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2 grinding the stubs and making it a little
3 more liveable for people.

4 So I would hope that Public Works
5 has ears into this and will possible look at
6 that too.

7 MR. MAY: Absolutely. They
8 better be listening, but assuming they're
9 not I will certainly pass that along.

10 LEGISLATOR JACOBS: I think it's
11 important only because it's dangerous. And
12 that will cause some more problems for the
13 county.

14 MR. MAY: When I come to work I
15 see, and I know exactly what you're talking
16 about and all the more reason to pass this
17 along today.

18 LEGISLATOR JACOBS: Right. Thank
19 you.

20 CHAIRWOMAN GONSALVES: Any other
21 comments of Mr. May? Mr. Weitzman.

22 MR. WEITZMAN: Thank you, Madam
23 Presiding Officer. Howard Weitzman, North
24 Hills, Long Island.

25 I want to go back to the point

1 Full Legislature/2-25-13
2 that was raised by Legislator Denenberg with
3 respect to the money that was taken from
4 closed out projects and used to pay debt
5 service.

6 I think Legislator Nicoletto was
7 correct that monies taken from closed out
8 projects can only be used to pay down debt
9 service. However, that's just a shell game
10 because the money for the debt service was
11 already budgeted. So when you're taking
12 money from one hand to pay down debt
13 service, you've now freed up money that was
14 budgeted for debt service that could be used
15 by budget amendment if the legislature so
16 chose to reduce the amount of money that
17 they need to borrow in the future.

18 We know that Nassau County is
19 being crushed with borrowing. I'm not going
20 to make a political statement about how
21 large the borrowing is, but, suffice it to
22 say, it more than fills this room. I think
23 the legislature would be wise in the future
24 when considering that \$20 million that was
25 really only used to produce a surplus, to

1 Full Legislature/2-25-13
2 consider that money by budget amendment of
3 the legislature to be available to defer or
4 eliminate any future borrowing. Thank you.

5 CHAIRWOMAN GONSALVES: Thank you,
6 Mr. Weitzman. Any other comments regarding
7 this item?

8 MS. RINES: My name is Caprice
9 Rines and I live in the Incorporated Village
10 of Hempstead. I had a tree that went down
11 and it cost me \$3,000 to have that tree
12 removed. It's unfortunate that Nassau
13 County cannot go and grind up these stumps
14 that are sitting around all over the place
15 in the county. Get a grinder and go grind
16 these stubs. I see people drinking coffee
17 in the morning, in the afternoon. We're
18 paying these salaries for people to do
19 nothing. Absolutely nothing. Let them go
20 get a grinder, DPW, go get a grinder, go in
21 these legislative districts, I know Joe
22 Scannell, many people. I'm a conservative.
23 I'm a registered conservative. I don't have
24 anybody up here I can call on.

25 I called you, Ms. Gonsalves,

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2 because you're the head. My mother taught
3 me, whenever you have a problem, go straight
4 to the head. So you're the head and I
5 called your office and I got your voicemail.
6 I don't like getting people's voice mails.
7 Have somebody pick up your phones. You all
8 have secretaries and your secretaries are
9 not picking up the phones. It's a shame
10 before God. People are getting paid in your
11 office and nobody is answering your phone.
12 I shouldn't be getting voice mail. It's a
13 disrespect to all of us as a county people.
14 I live here and it's a disrespect.

15 People are sitting around here
16 with big trucks. Let them drive around the
17 county and grind up these stumps. I
18 shouldn't have been to be reminded. I sat
19 in the hospital. I had time to think about
20 this because I had a brain tumor the size of
21 a golf ball, and many of you guys go around
22 hitting golf balls, so you know how hard a
23 golf ball is. It was as hard as a golf
24 ball, calcified. So I had time to think
25 about it during Hurricane Sandy, as I heard

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2 the tree smash my garage. And FEMA denied
3 me. They denied me to fix my garage, but I
4 bless the Lord as I laid in my bed that that
5 tree didn't fall on my house because it
6 probably would have killed me. So I thank
7 God as I sat there recovering from this
8 brain tumor removal that I'm not dead.
9 Because I could have had them remove the
10 tumor and the tree could have killed me. So
11 I thank God I'm not dead. Get these DPW
12 guys to go around here and grind up these
13 stubs.

14 I called my mayor and they sent
15 somebody to grind the stub. It only took 15
16 minutes to grind that stub. People
17 shouldn't have to be reminded, however long
18 it took, grind the stumps. Big old stubs,
19 still sitting on county roads. Somebody can
20 have a bad accident and be killed by these
21 stubs.

22 CLERK MULLER: Three minutes have
23 expired.

24 MS. RINES: And plant the right
25 trees. There are certain trees that need to

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2 be planted. Make DPW research it. Google
3 it. Bing it. Stop the nonsense.

4 CHAIRWOMAN GONSALVES: Thank you,
5 Caprice.

6 MR. BUDNICK: May I?

7 CHAIRWOMAN GONSALVES: Sure.

8 MR. BUDNICK: I just wanted to
9 make sure that the record reveals that the
10 Nassau County Water and Soil Conservation
11 board has arranged to make trees available,
12 10 trees will be between approximately 15
13 and about \$24, perhaps the county could
14 utilize and search locations. I just wanted
15 to make sure that that was part of the
16 record with regard to this question.

17 Thank you very much.

18 CHAIRWOMAN GONSALVES: Thank you
19 very much. Anyone else?

20 MS. THOMAS: A point of
21 clarification. My name is Jane Thomas from
22 Port Washington. The two legislators over
23 here spoke to Mr. May about the trees
24 getting ground up and then replaced, yet Mr.
25 May said that all the trees affected by

1 Full Legislature/2-25-13
2 Sandy would be taken care of. These trees
3 were cut down. The ones that we were
4 talking about. They were not affected, they
5 were simply cut down. I want to find out
6 whether these trees will be qualified to be
7 replaced as well because they should not
8 have been cut down. On Searingtown Road.
9 The entire road right by Christopher Morely
10 Park, where all the shade was needed, gone.

11 CHAIRWOMAN GONSALVES: Ms.
12 Thomas, I believe Mr. Millet, when he was
13 here at the Rules Committee meeting, said
14 that that would be the case.

15 MS. THOMAS: Okay. I just wanted
16 it to be on the record. Thank you so much.

17 CHAIRWOMAN GONSALVES: You're
18 welcome, Ms. Thomas. Legislator Scannell.

19 LEGISLATOR SCANNELL: Hi Caprice.
20 I just wanted to say hi Caprice, and I just
21 wanted to see you and recognize you and I'm
22 glad you're feeling well. Hi Caprice. How
23 are you? I just wanted to say, I'm glad you
24 are feeling better. That's first and
25 foremost is your health, and obviously you

1 Full Legislature/2-25-13
2 sound great today. I share your feelings
3 about the trees and it's really great to see
4 you. Thanks.

5 CHAIRWOMAN GONSALVES: Legislator
6 Scannell, okay, you got your answer. And if
7 he didn't get his answer, guess what, Mr.
8 May, make sure he gets it, okay?

9 Any other comments regarding this
10 item?

11 (No verbal response.)

12 There being none, it's time to
13 vote. All those in favor of passing this
14 item signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Any abstentions?

19 (No verbal response.)

20 There being none, Item 8, passes
21 unanimously.

22 Now we go to Item Number 9 which
23 is the bond ordinance providing for a
24 capital expenditure to finance the capital
25 project specified herein within the County

1 Full Legislature/2-25-13
2 of Nassau authorizing the two and a half
3 million dollars of bonds of the County of
4 Nassau to finance said expenditure which was
5 the one before. A motion, please.

6 LEGISLATOR BECKER: So moved.

7 LEGISLATOR DUNNE: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Becker, seconded by Legislator
10 Dunne. Any comments regarding this item?
11 Mr. May, would you like to add anything?

12 MR. MAY: No. But I would be
13 happy to answer any questions you may have.

14 CHAIRWOMAN GONSALVES: Any
15 questions of Mr. May regarding this bond
16 ordinance?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of this item signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Any abstentions?

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2 (No verbal response.)

3 The item passes unanimously.

4 Thank you again.

5 Item 14 is the next item. An
6 ordinance making certain determinations
7 pursuant to the State Environmental Quality
8 Review Act in authorizing the county
9 executive of the County of Nassau to accept
10 on behalf of the county of Nassau an offer
11 of purchase from Terry Familgetti of certain
12 premises located in the Incorporated
13 Villages of Bayville, Town of Oyster Bay,
14 County of Nassau County, State of New York,
15 said property known as Section 29, Block G,
16 Lot 644 on the land and tax map of the
17 County of Nassau and authorizing the county
18 executive to execute a deed, contract of
19 sale and all pertinent documents in
20 connection therewith. A motion, please.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRWOMAN GONSALVES: Motion by
24 Legislator Walker, seconded by Legislator
25 Muscarella. Are you going to speak on this

1 Full Legislature/2-25-13

2 one too, Mr. May?

3 MR. MAY: No. If there are any
4 questions on this item we have Mr. Mike
5 Kelly.

6 CHAIRWOMAN GONSALVES: Mr. Mike
7 Kelly, would you give us a description of
8 this item?

9 MR. KELLY: Michael Kelly, acting
10 director, Nassau County Office of Real
11 Estate Services, Department of Public Works.

12 Item 62-13 is a sale of Section
13 29, Block G, Lot 644 to Terry Familgetti.
14 The purchase price is \$650. Which is the
15 appraised value of the property as
16 determined by the county appraiser. Public
17 hearing on this sale of this property was
18 held by the Nassau County Planning
19 Commission on March 15, 2012 and OSPAC and
20 planning both voted to recommend the sale
21 and recommend that that county legislature
22 issue a negative declaration determination
23 of non-significance on April 4th and April
24 5th, 2012 representatively.

25 CHAIRWOMAN GONSALVES: It's been

1 Full Legislature/2-25-13
2 the request of the Minority Leader Abrahams
3 that I believe there are some public
4 officials in the audience who wish to speak
5 on this item. Sorry. He's confusing me.
6 Any questions of Mr. Kelly?
7 You did say it went through OSPAC
8 and Planning?
9 MR. KELLY: Yes.
10 CHAIRWOMAN GONSALVES: Any
11 questions of Mr. Kelly regarding this item?
12 (No verbal response.)
13 Is there any public comment?
14 (No verbal response.)
15 There being none, all those in
16 favor of this item signify by saying aye.
17 (Aye.)
18 Any opposed?
19 (No verbal response.)
20 Any abstentions?
21 (No verbal response.)
22 The item passes unanimously.
23 MR. KELLY: Thank you.
24 CHAIRWOMAN GONSALVES: The next
25 item is Item 17, a resolution authorizing

1 Full Legislature/2-25-13
2 the county executive to execute an IMA, an
3 intermunicipal agreement with the Uniondale
4 Union Free School District in relation to a
5 project to undertake park improvements at
6 Uniondale Schools. Motion, please.

7 LEGISLATOR ABRAHAMS: So moved.

8 LEGISLATOR WALKER: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Minority Leader Abrahams, seconded by
11 Legislator Walker. Any comments regarding
12 this item, Mr. May? Do you have anything
13 because Legislator Abrahams can certainly
14 espouse how happy he is?

15 MR. MAY: I don't want to steal
16 his thunder, so if he would like to go ahead
17 and say what a great job we're doing, I
18 would appreciate it.

19 LEGISLATOR ABRAHAMS: It's just a
20 general comment that we want to thank the
21 county executive to see this item go
22 forward. It's much needed and the community
23 will be appreciated obviously for the
24 effects that it could have.

25 CHAIRWOMAN GONSALVES: Any

1 Full Legislature/2-25-13

2 questions of Mr. May?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 There being none, all those in

7 favor of Item 17 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Any abstentions?

12 (No verbal response.)

13 The item passes unanimously.

14 We're going to Item 19. Thank you, Mr. May.

15 I think you may stay there. It's a

16 resolution authorizing the county executive

17 to execute an intermunicipal agreement with

18 the Freeport Union Free School District.

19 May I have a motion, please?

20 LEGISLATOR ABRAHAMS: So moved.

21 LEGISLATOR DENENBERG: Second.

22 CHAIRWOMAN GONSALVES: So moved

23 by Legislator Abrahams, seconded by

24 Legislator Denenberg. Any comments

25 regarding this, Mr. May?

1 Full Legislature/2-25-13
2 (No verbal response.)
3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Item 19 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Any abstentions?

11 (No verbal response.)

12 The item passes unanimously.

13 We have only two more items
14 regarding the non-consent calendar and
15 that's Item 27, a resolution providing for
16 the issuance of a warrant directing the
17 treasurer of the County of Nassau to pay the
18 supervisors of the several towns and to the
19 treasurers of the several villages and
20 cities within the County of Nassau the sums
21 as apportioned by the Nassau County
22 Legislature based on a report filed by the
23 county treasurer and the county clerk
24 showing deposits for mortgage taxes for the
25 quarter beginning October 1st, 2012 through

1 Full Legislature/2-25-13
2 December 31st, 2013 pursuant to the County
3 Government Law of Nassau County and the
4 Nassau County Administrative Code. Motion,
5 please.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR VENDITTO: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Walker, seconded by Legislator
10 Venditto. Who is here to speak on this
11 item, Mr. May?

12 MR. MAY: I'm sorry, Madam
13 Presiding Officer, I was pulled off to the
14 side. To answer questions on this item.

15 CHAIRWOMAN GONSALVES: It's the
16 resolution providing for the issuance of a
17 warrant directing the treasurer of the
18 County of Nassau to pay the supervisors of
19 the several towns and to the treasurers of
20 the several villages.

21 MR. MAY: This is the tax warrant
22 that the legislature does.

23 CHAIRWOMAN GONSALVES: The
24 mortgage tax.

25 MR. MAY: The mortgage tax. Are

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2 there any questions?

3 CHAIRWOMAN GONSALVES: Any
4 questions of Mr. May from any of the
5 legislators?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of Item 27 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Any abstentions?

15 (No verbal response.)

16 The item passes unanimously.

17 I think there's one more to go.

18 Item 31, a resolution to authorize the
19 transfer of appropriations heretofore made
20 within the budget for the year 2012.

21 Motion, please.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Walker, seconded by Legislator

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2 Nicolello. Any questions or comments from
3 any of the legislators?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of this item signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Any abstentions?

13 (No verbal response.)

14 There being none, the item passes
15 unanimously. I believe at this point in
16 time that takes care of all of the consent
17 and nonconsent calendar, and I believe
18 there's only one item left for us to
19 discuss.

20 I know that you have been waiting
21 patiently. We've been very patient. Let it
22 stay that way. I have an invitation for any
23 of you, maybe there are some more out in the
24 lobby who wish to go up to the ceremonial
25 chamber on the second floor and watch the

1 Full Legislature/2-25-13
2 deliberations up there. It's very easy to
3 access.

4 So I could give some people the
5 opportunity to go up before we begin the
6 hearing on redistricting. I know some of
7 you may want to stand up and stretch a
8 little bit as do our colleagues so I'm going
9 to ask for a 15-minute recess. That's the
10 prerogative of the chair.

11 (Whereupon, the Full Legislative
12 Committee recessed at 3:09 p.m. and
13 reconvened at 4:01 p.m.)

14 CHAIRWOMAN GONSALVES: We are now
15 reconvened. Please take your seats. We
16 would like to begin. Will people please
17 take their seats, and that includes the
18 legislators.

19 At this time I would ask the
20 clerk to call the hearing with respect to
21 Item 74-13, Mr. Clerk.

22 CLERK MULLER: We have procedural
23 regulation 1-2003, a resolution ratifying
24 the actions of the clerk of the legislature
25 to cause to be published a notice of hearing

1 Full Legislature/2-25-13
2 on a local law to amend Annex A of the
3 County Government Law of Nassau County to
4 describe the nineteen legislative districts
5 based upon the 2010 Federal census data.
6 Please entertain a motion to place this
7 matter before the legislature and vote on
8 the procedural resolution.

9 LEGISLATOR NICOLELLO: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Nicoletto, seconded by Legislator
13 Muscarella. Hearing is now open.

14 CLERK MULLER: You have to vote.

15 CHAIRWOMAN GONSALVES: Yes. All
16 those in favor of opening the hearing
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The motion carries unanimously.

22 CLERK MULLER: The hearing on the
23 proposed local law to amend Annex A of the
24 County Government Law of Nassau County to
25 describe the 19 legislative districts based

1 Full Legislature/2-25-13
2 upon the 2010 Federal census data pursuant
3 to the procedural resolution adopted here
4 today, February 25th, 2013, please entertain
5 a motion to place this matter before the
6 legislature to open the public hearing on
7 the proposed local law.

8 CHAIRWOMAN GONSALVES: The
9 hearing is --

10 CLERK MULLER: That was for
11 procedural --

12 CHAIRWOMAN GONSALVES: I'm sorry,
13 Mr. Clerk.

14 CLERK MULLER: No problem.

15 CHAIRWOMAN GONSALVES: All those
16 in favor of the procedural resolution --

17 CLERK MULLER: Need a motion
18 first.

19 LEGISLATOR BELESI: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Belesi, seconded by Legislator
23 Muscarella. All those in favor?

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 The motion carries unanimously.

4 Now I think it's in order that
5 the hearing is now open, correct, Mr. Clerk?

6 CLERK MULLER: Yes, Presiding
7 Officer.

8 CHAIRWOMAN GONSALVES: Before we
9 do, I have an opening statement, and
10 following my opening statement, I guess the
11 Minority Leader Kevan Abrahams has an
12 opening statement, and that will be followed
13 by a presentation by Mr. Moroney regarding
14 the map that stands before us. Okay?

15 The legislation we are to
16 consider today constitutes the final step of
17 the redistricting process and, if adopted,
18 would adjust the district lines to comply
19 with the legal and constitutional
20 requirements for equal representation in
21 this legislature for the people of Nassau
22 County.

23 Due to the population shifts that
24 have occurred since the 2000 federal census,
25 the current legislative district lines

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2 contain a deviation and population as
3 measured from the most populous district to
4 the least populous district of 22.7 percent.

5 Generally, population deviations
6 of approximately ten percent or more have
7 been found by the courts to violate the
8 Equal Protection Clause of the United States
9 Constitution.

10 Therefore, in order to guarantee
11 the constitutional protection of One Person
12 One Vote, amendments to the Nassau County
13 legislative district lines are required.

14 As I indicated in the February
15 11th Rules Committee, the local law that is
16 the subject of today's hearing was drawn at
17 my request utilizing the resources allocated
18 to the presiding officer's appointees to the
19 Temporary Redistricting Advisory Commission
20 and satisfies the following goals:

21 One: Unacceptable population
22 deviations identified amongst the 19
23 legislative districts have been eliminated.

24 The proposal before us contains
25 an overall population deviation of 4.85

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2 percent and has brought the population per
3 district close to the ideal of 70,573. This
4 low deviation guarantees that the principle
5 of One Person One Vote remains intact and
6 increases the likelihood that this adherence
7 to this principle will survive for the
8 entire ten year period before the next
9 federal census.

10 Communities of interest have been
11 preserved. Indeed, the map before us keeps
12 53 of Nassau County's 64 villages completely
13 whole and 95 of 134 census designated places
14 intact. Census 99 -- I'm sorry, 99 of the
15 134 census designated places intact.

16 Census designated places, as we
17 have learned, are essentially neighborhoods
18 as identified by the federal census bureau
19 that are easily recognizable to each of us.

20 Three: The proposed legislation
21 reduces the number of instances in which
22 legislative districts cross town lines. The
23 proposal before us limits that number to
24 six. The current map adopted in 2003
25 contains eight town line crossings.

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2 Four: The proposed districts are
3 compact and contiguous. It is also vitally
4 important as we analyze this proposed plan
5 that it comply with Section 2 of the Voting
6 Rights Act of 1965. This federal law
7 prohibits voting practices or procedures
8 that dilute minority voting strength or
9 otherwise discriminate on the basis of race,
10 color or membership in a language minority
11 group.

12 To present the item today before
13 us will be Mr. Frank Moroney. As I stated
14 in the Rules Committee on February 11th, and
15 as many of us on the legislature know, Mr.
16 Moroney served as the executive director of
17 the Nassau County Commission of Government
18 Revision in 1995, as the co-executive
19 director the Temporary Districting Advisory
20 Commission in 2003, and most recently as the
21 chairperson of the Temporary Redistricting
22 Advisory Commission in 2013.

23 Mr. Moroney has analyzed the map
24 before us today and will offer his insights
25 and expertise with regard to this proposal.

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2 But, before I call on Mr. Moroney, I would
3 ask Minority Leader Abrahams for his
4 comments.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Presiding Officer Gonsalves.

7 First I would like the record to
8 reflect that I gave a big long winded
9 comment at the Rules Committee, if that can
10 be incorporated into the Full Legislature, I
11 would appreciate it.

12 (Whereupon, the following are the
13 minutes of the Rules Committee pertaining to
14 redistricting.)

15 CHAIRWOMAN GONSALVES: Before I
16 turn the floor over to Mr. Moroney, I
17 understand that the minority leader, Kevan
18 Abrahams, has a statement to make, as well.

19 LEGISLATOR ABRAHAMS: Thank
20 you. Presiding Officer Gonsalves. But,
21 most importantly, thank you to everyone that
22 has been able to show up today. And I
23 agree; with this horrible weather that we're
24 having, I'm glad to see such a great
25 turnout. Obviously, this is your process,

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2 as well as your committee meeting because we
3 want to hear your input.

4 That said, let me go into my
5 prepared statement.

6 Redistricting is one of the
7 legislature's most important
8 responsibilities. We believe that the
9 purpose of the redistricting process is to
10 listen to the voices of the people and do
11 what is right for them, not for one
12 political party; but the Republicans
13 obviously do not believe this.

14 Lead by County Executive Mangano,
15 the Republicans have made clear to the
16 people of Nassau County that they're not
17 interested in you and do not want to listen
18 to what you have to say regarding
19 redistricting. Their plan has one goal and
20 one goal only, to keep themselves in power
21 no matter what Nassau's voters may really
22 want. That goes against everything our
23 legislature is supposed to stand for.

24 The very reason our county legislature
25 was created was to let voters decide who

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2 makes the decisions for the county; under
3 the Democrats, that system worked extremely
4 well. We established fair fight districts,
5 which gave the people real choice. The
6 proof is that over the past ten years, the
7 voters have elected both Democratic and
8 Republican majorities in the legislature.
9 That is what a healthy and functioning
10 Democracy is supposed to do, and that is
11 what the people have the right to demand
12 from their government.

13 The Republican map would destroy that
14 system. It is not hard to understand why
15 there are now more Democrats than
16 Republicans in Nassau County, and the
17 Democratic advantage increases every year.
18 So the Republicans are afraid to leave the
19 real choice in the people's hands. Instead,
20 they are trying to rig the system to
21 guarantee an artificial Republican majority
22 for the next ten years. That is a terrible
23 abuse that the redistricting process -- and
24 an insult to all the citizens of Nassau
25 County.

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2 In order to achieve their goal, the
3 Republican map ruthlessly splits
4 longstanding communities of interest,
5 especially communities of color, depriving
6 them of meaningful representation in the
7 legislature. Perhaps the most astonishing
8 example is what the Republicans are doing to
9 the Village of Hempstead. A large chunk of
10 this community is joined not to their
11 neighbors and surrounding minority
12 communities, but to Bethpage, on the
13 complete opposite side of the county. Why
14 would they do this?

15 Seventeen percent, or, better yet 7,640
16 residents that reside in the Village of
17 Hempstead and, more precisely, in the school
18 district of the Village of Hempstead, are
19 now being split and siphoned off into the
20 14th Legislative District and away from LD 2
21 where they naturally have been for the last
22 ten years and before that.

23 Also, in the areas of Elmont, as well
24 as in Hicksville, especially in Hicksville
25 where we're seeing a growing population of

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2 the south Pacific Asian population, we're
3 seeing also a split there that we feel is
4 astonishing.

5 We do not even know where the
6 Republican map came from or who created it.
7 Apparently, it is a product of a backroom,
8 political insiders with no input from the
9 people whatsoever. Incredibly, the
10 Republicans have not even had the decency to
11 put the Democratic map on the agenda today;
12 that is completely unacceptable.

13 Give you, the people, the choices and
14 let you decide what's best for you.

15 Unlike the Republican map, we heard and
16 respected the people's voice. Our map,
17 which you have introduced to the
18 legislature, is responsive to their
19 concerns. It moves only 20,000-or-so voters
20 and respects our communities, most
21 significantly African American and Latino
22 communities are left intact.

23 What are they afraid of? The answer is
24 clear; the Republicans are trying to hide
25 our map from you, precisely because it lets

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2 the voices of the people be heard. In sharp
3 contrast to the Republican map, our map is
4 the product of a process that listened to
5 the people's voices. Throughout the
6 redistricting process, the people made clear
7 that they did not want radical changes in
8 the existing districts. They did not want
9 us to carve up minority communities, they
10 did not want to divide Jewish communities,
11 and traditionally neighborhoods like the
12 Five Towns. Why don't the Republicans want
13 to have an honest up and down vote on our
14 map?

15 We believe strongly in what our map
16 stands for. We want to hear from the people
17 on how to make it better. The Republicans,
18 on the other hand, simply do not want to
19 hear it. We respect and demand the process
20 of listening to the people. Let this
21 process unfold and it will work. Let there
22 be fair fight districts so that people can
23 choose and not have a faceless political
24 boss make the choices for them.

25 Once again, I'm asking the presiding

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2 officer to allow public comment to extend so
3 that all of you that choose and wish to
4 speak have an opportunity to speak. We will
5 respectfully hold off on our questioning for
6 Mr. Moroney until after you have spoken so
7 that you have an opportunity to voice your
8 concerns about this map.

9 I thank you for the opportunity.

10 (Whereupon, the following is the
11 continuation of the minutes of the Full
12 Legislative Committee, 2-25-13.)

13 LEGISLATOR ABRAHAMS: I'm not
14 going to belabor this. That map speaks for
15 itself. More importantly, I would rather my
16 statement be what you have to say. So
17 rather than go on with a statement, I would
18 rather us -- I would encourage us to start
19 the public comment because the folks that
20 have been here since 1:00, some even before
21 that, since 10 o'clock, deserve an
22 opportunity to speak at this moment. So I
23 will reserve my comments and my questions
24 for Mr. Moroney after they get an
25 opportunity to speak.

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2 CHAIRWOMAN GONSALVES: Mr.
3 Moroney, are you there? Are you ready,
4 please?

5 LEGISLATOR ABRAHAMS: I'm sorry,
6 Madam Presiding Officer, is Mr. Moroney
7 going to give a presentation?

8 CHAIRWOMAN GONSALVES: Yes.

9 LEGISLATOR ABRAHAMS: This is the
10 same thing that we were talking about
11 before. Wouldn't it be more prudent --
12 these folks have been waiting for my
13 calculations from people that have come to
14 me from my district, you already have about
15 20 to 25 slips of people that already left.
16 That means people feel they are not going to
17 have an opportunity to speak.

18 I really truly believe that it
19 would be more prudent to have the folks that
20 have been waiting here for probably four,
21 five hours, some even longer, speak first,
22 and then have Mr. Moroney come up
23 afterwards. Kind of the same practice we
24 had in the Rules Committee.

25 CHAIRWOMAN GONSALVES: I beg to

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2 differ with you. In the Rules Committee,
3 Mr. Moroney did his presentation first.

4 There are people in this audience
5 who were not here at the Rules Committee,
6 and I think it behooves us to give them an
7 opportunity to hear the presentation as
8 well.

9 LEGISLATOR ABRAHAMS: What I'm
10 saying is, we went through the question and
11 answer part, so we're going to do the
12 question and answer after the public
13 comment?

14 CHAIRWOMAN GONSALVES: No. After
15 Mr. Moroney does his presentation, then we
16 will go to public comment. His
17 presentation, if I'm correct, is
18 approximately eight minutes, correct?

19 MR. MORONEY: Correct.

20 CHAIRWOMAN GONSALVES: You wish
21 to do that, you can do that all afternoon
22 and I can call for a recess.

23 Mr. Moroney will take eight
24 minutes of your time. Guess what? This is
25 important enough for all of you to be

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2 patient and listen to what Mr. Moroney has
3 to say.

4 If you wish to do that, guess
5 what? Then we can call a recess for another
6 15 minutes and I don't think you want that.

7 MR. MORONEY: Good afternoon,
8 Madam Presiding Officer, Minority Leader
9 Abrahams.

10 I will begin the presentation
11 with a shortened version of the work done by
12 the Temporary Districting Advisory
13 Commission, discussion of the principles and
14 goals of this districting, and finally the
15 map that's put before you for your
16 consideration.

17 The commission first met on May
18 31, 2012. It held two additional business
19 meetings and the commission scheduled a
20 series of informational public hearings.
21 The commission held its first public hearing
22 in Elmont on 9 -- 24-12. It's second
23 hearing on 9-27-12, it's third informational
24 hearing in Long Beach on 10-14-2012, it's
25 fourth informational hearing in Plainview on

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2 10-22-2012, it's fifth informational hearing
3 in Mineola on 11-19-2012, and its sixth
4 hearing in Mineola on January 3, 2013.

5 The last meeting was a hearing
6 that was devoted to public comment on the
7 map proposed by the Democratic commissioners
8 and the Republican commission. Notice of
9 each meeting followed the same procedure
10 requirements of the Nassau County
11 Legislature, news media, legislators and
12 community groups were all notified in
13 advance of these meetings so as to receive
14 as much public comment as possible. Notices
15 of all meetings were placed on the
16 commission's website, and all the
17 transcripts were subsequently placed on the
18 commission's website and remain there and
19 available for public review.

20 All informational hearings were
21 concluded on November 19th. After the
22 November 19th hearing was concluded, the
23 respective commissioners set out to create
24 their maps, their proposed maps. Both sides
25 created maps and the commission accepted a

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2 map on January 3, 2013 from the Nassau
3 United Redistricting Coalition. This
4 included material submitted for your
5 consideration and subsequent thereto a
6 second map was submitted by NURC.

7 No map received required votes
8 from the temporary commission therefore no
9 map was forwarded as recommended by the
10 commission, however, all the maps,
11 transcripts, and written suggestions were
12 turned over to the county leg for its
13 consideration.

14 Even without recommendation, the
15 job of redistricting belongs to this body.
16 As described by Presiding Officer Gonsalves,
17 Matt Kiernan and consultants who worked with
18 majority council to make adjustments based
19 upon public testimony taken at the well
20 publicized open meetings of the commission
21 and other policy considerations and
22 development of the map that is before you
23 today.

24 Three primary goals were given in
25 the development of this map. Firstly, it

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2 must meet the constitutional requirements to
3 create districts as close to the optimal
4 population as possible commonly called the
5 overall deviation and to achieve districts
6 that meet the One Person One Vote standard.

7 The optimal number was 70,573.
8 Adherence to other districting principles,
9 respect for political subdivisions,
10 communities of interest, compactness and
11 contiguousness.

12 All of you know compliance with
13 Voting Rights Act of 1965 requires this body
14 to adopt a map that does not dilute minority
15 voting strength or otherwise discriminate on
16 the basis of race, color, or language.

17 In furtherance of these goals, an
18 effort was made to limit the number of town
19 splits, as was discussed in the Rules
20 Committee on February 11th. This proposal
21 has town splits of six to limit the overall
22 number of splits to incorporated villages,
23 cities, and census designated places also
24 known as hamlets and unincorporated areas of
25 the various towns in the county.

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2 These census designated places of
3 which there are 135 in Nassau County
4 includes 64 villages, two cities, and 69
5 unincorporated neighborhoods that the
6 federal census bureau has identified by
7 population and geography.

8 For example, Levittown, Lakeview,
9 Locust Valley, Massapequa, Oceanside,
10 Merrick, Baldwin, and Plainview are all
11 census designated places easily identifiable
12 to each of us as neighborhoods and you will
13 find them on the Nassau County map.

14 The map before you keeps 99 of
15 these 135 CDPs completely whole. The map
16 before you keeps 53 of the county's 64
17 villages whole, both cities whole, and 44 of
18 69 unincorporated areas also remain whole.

19 The third goal was to keep
20 legislative districts within legally
21 acceptable standards of compactness and
22 contiguity. Incorporate suggestions made by
23 the public comment during the commission's
24 public hearings and the final hearing on
25 January 3rd, 2013.

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2 In responding to the public
3 testimony, the county legislature, as
4 indicated, requested that certain things be
5 incorporated into the map that's before you.

6 Witnesses on January 3, 2013
7 hearing of the commission heard much
8 testimony from the residents of Great Neck
9 and the mayors from the Great Neck
10 peninsula. The testimony was to redraw the
11 lines so that all the Great Neck peninsula
12 would be wholly contained within a single
13 district.

14 There are several arguments in
15 favor of this position. This was
16 accomplished without much difficulty since
17 there were several clear reasons to keep the
18 peninsula together.

19 First was the fact that the Great
20 Neck area abuts the city line as a Nassau
21 Queens border community.

22 Secondly, this area could be
23 rejoined into one district as requested and
24 still meet the One Person One Vote
25 constitutional standard.

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2 This district has in the main the
3 same assembly district and senate district,
4 16th and 7th senate district. This was
5 accomplished in legislative district 10. On
6 November 19th, meeting representatives from
7 Port Washington also voiced their wishes
8 with respect to on LD.

9 Further, on the September 22nd
10 hearing in Glen Cove, several witnesses
11 noted that shore line of Hempstead and
12 Hempstead Harbor had a common interest.
13 Indeed one witness noted that organizations
14 were formed to protect the shoreline and
15 environmental issues facing Hempstead
16 Harbor. They are now all represented in the
17 same LD in Glen Cove.

18 Another unique area with
19 coastline concerns, this is LD 11. LD 11 as
20 drawn made sense since it allowed for the
21 common coastline to be in one district,
22 where there is already organizations to help
23 protect the coastline, in particular the
24 Hempstead Harbor Protection Committee.

25 At the January 3 hearing, some

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2 Manhasset residents asked at the hearing
3 that they be kept in a single district.
4 This map accomplishes that.

5 Witnesses in the barrier island
6 testified at the hearing that the commission
7 held on October 15th, 2012 that they wished
8 to keep the barrier island together,
9 specifically it was requested that the
10 village of Point Lookout, Lido Beach, City
11 of Long Beach, Atlantic Beach remain in one
12 district, additionally witnesses view Island
13 Park and Oceanside as part of the barrier
14 island community.

15 The reasons for these diverse
16 communities to be joined in one district
17 were manifest and they share a common border
18 with the Atlantic coast. They were harmed
19 greatly by Hurricane Sandy and have similar
20 coastal needs. This request was effected
21 and the entire barrier island of Island Park
22 and portions of Oceanside are now in LD
23 number 4.

24 Plainview voiced their concerns
25 to be represented in one LD at a hearing on

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2 October 22, 2012. Further, on the September
3 27th hearing it was pointed out that
4 Plainview, Woodbury, Jericho and Syosset be
5 kept intact. This proposal keeps Plainview
6 and most of those other communities in the
7 same district, number 16.

8 At the January 3 hearing, there
9 was testimony that the Levittown community
10 be kept in one LD, Legislative District 15
11 accomplishes this.

12 Witnesses at the January 3, 2013
13 hearing also argued that Westbury be
14 returned, that a portion of Westbury that
15 was excluded from the village of LD 2 be
16 returned. As a result, Carriage Hill, the
17 Hedges, and Sherwood Gardens were returned
18 to LD number 2 which run along Jericho
19 Turnpike and abut the Village of Westbury
20 and Old Westbury. This was accomplished in
21 LD number 2.

22 As we discussed, since 2003,
23 census LD 2 has become over populated when
24 measured against the ideal population size
25 of 70,573 people. Accordingly, the

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2 boundaries of LD 2 had to change in order to
3 protect the constitutional guaranty of One
4 Person One Vote.

5 The proposal before you brings
6 that deviation for the ideal population for
7 the second legislative district from 14.5
8 percent over the optimal number to minus 1.7
9 percent below the optimal number.

10 It maintains the core communities
11 of the district as it currently exists.
12 With respect to the Voting Rights Act it's
13 important to note that the second
14 legislative district is a majority/minority
15 district before the proposed amendment and
16 will remain a majority/minority district
17 with similar boundaries if proposed
18 amendments are accepted by the legislature.

19 The first LD will also remain a
20 majority/minority district after the
21 proposed amendments with substantially
22 similar borders, it will maintain core
23 communities such as Roosevelt and Uniondale.
24 Both LD number 2 and number 1 maintain their
25 character as minority/majority districts

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2 with one recognized minority group makes up
3 50 percent of the voting age population.

4 This brings us to LD number 3.
5 The core of this district remains the same.
6 "Core" being Elmont and the Valley Streams.
7 They make up part of the district that are
8 the heart of this district under the
9 proposed amendments.

10 LD number 3 has various
11 identifiable community interests and issues.
12 For example, part of Elmont, Valley Stream
13 and Inwood are placed in the 5th
14 Congressional District. Keep in mind that
15 the 5th Congressional District was drawn by
16 a federal court appointed special master.

17 Likewise, parts of the 22nd AD
18 cover the areas of Elmont and Valley Stream.
19 Further, part of Elmont and of north and
20 south Valley Stream, Woodmere and Inwood are
21 contained in Senate District number 9. LD
22 3, CD5, SD9, AD22 all run along the western
23 border of Nassau County.

24 In addition to sharing, for the
25 most part, the same elected officials, the

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2 homes and residents along this border
3 community live in modest middle class and
4 working class homes and have similar issues
5 such as cross over crime, traffic congestion
6 to name two. They also have similar
7 shopping districts along Hempstead Turnpike
8 and Sunrise Highway.

9 Once established that there were
10 communities of interest, the common issues
11 are -- excuse me, where common communities
12 of interest and common issues, an attempt
13 was made to join them in a compact and
14 contiguous fashion.

15 Allow me to point out that this
16 district, District Number 3, prior to this
17 drawing, was a minority/majority district.
18 It continues to be so, however, it continues
19 to be so with enhanced numbers. The
20 population, the map meets One Person One
21 Vote standard by achieving an overall
22 deviation of 4.85 percent. District 4 has a
23 low population of minus 244 percent, and
24 District 12 has a high population of 2.41
25 percent over the optimal amount.

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2 This contrast with the Democratic
3 commission proposal and the map submitted
4 with -- and its map with a deviation of 9.05
5 percent, and the coalition proposal that has
6 a deviation of 9.54 percent. In this
7 regard, I note that the population
8 deviations among the three proposed
9 minority/majority districts, on this map,
10 are a mere 2.5 percent. That is to say when
11 you measure the first, second, and 3rd LD,
12 the deviation is merely 2.5 percent. With
13 LD Number 3 at .8 tenths of a percent above
14 the optimal number, and LD Number 2 being
15 minus 1.7 percent below the optimal number.

16 Other accomplishments of this
17 map, as noted by the presiding officer, 99
18 consensus designated places are kept intact,
19 that means wholly within one legislative
20 district, and serve to unite more -- many
21 more recognized communities readily
22 identifiable on the map than the divides.

23 By comparison in the current
24 districts and the existing map, the one we
25 are living under right now, have 86 CDPs

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2 intact, that means more communities are
3 divided than would be under the proposed
4 map.

5 The map, proposed by the
6 Democratic commission, has 95 CDPs intact,
7 again, less than the map that's in front of
8 you. The coalition map, like the map before
9 you, keeps 99 CDPs together.

10 The proposed map by six town
11 lines, six times compared to nine, under the
12 current map, and eight under the Democratic
13 map, and five under the coalition map.

14 The result of this map is that
15 there are 19 competitive districts that
16 comply with the One Person One Vote, respect
17 community boundaries, incorporate
18 suggestions by public, and supports a very
19 low population deviation.

20 With respect to the Voting Right
21 Act, the plan before you does not dilute,
22 cancel, or minimize minority voting
23 strength. This map meets the requirement
24 that the political process leading to
25 nomination or election is equally open to

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2 participation of members of racial and
3 language minority groups, and that the
4 members of those groups have no less
5 opportunity than other members, and to
6 participate in the political process and to
7 elect representatives of their choice.

8 The map before you meets all
9 legal standards and was achieved after a
10 fair and open process that included
11 extensive public comment, unprecedented
12 transparency, including the use of all
13 electronic media and computer access.

14 After, whenever you wish to have
15 questions, I'm here, ready, willing and able
16 to answer them.

17 CHAIRWOMAN GONSALVES: I believe,
18 Mr. Moroney, that we are going to put aside
19 the questions from the legislators to hear
20 comments from the public, and, so be it, you
21 will remain in the chambers with us.

22 MR. MORONEY: Thank you.

23 CHAIRWOMAN GONSALVES: Now it's
24 your turn and, remember, I have at least 100
25 slips here. I'm not joking when I say it.

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2 It is extremely important that
3 you adhere to the three-minute limit. I
4 know some of you would like to speak a lot
5 longer but in all fairness to everyone who
6 has put in a slip, they should be heard as
7 well as you, so I'm asking you to please
8 adhere to the three minute limit, and our
9 clerk is there to remind you when your three
10 minutes are up. At that point he will ask
11 you to wrap your comments up.

12 So I'm going to begin with the
13 first speaker. I do recall some of you were
14 here at the Rules Committee, however you
15 took the time out to be here today so you
16 should be heard as well again today.

17 Dr. Irene Hilton. Doctor, are
18 you here?

19 DR. HILTON: My name is Dr. Irene
20 Hilton, 749 Franklin Street, Westbury, New
21 York. I have been living in Westbury since
22 1969. I have had neighbors who have felt in
23 the same manner that I felt, but at this
24 point I would like to talk to you about the
25 entire map that you have drawn, not only for

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2 Westbury but other communities.

3 One of the things that you say is
4 that you have not diluted the voting
5 strength. I know that you have diluted the
6 Westbury voting strength. But you have done
7 that not just only to my community but other
8 communities.

9 Let's look at this. You're
10 saying that across town lines or
11 communities, communities should be of
12 interest. I've heard of people sitting all
13 around me and have seen and compared the
14 maps from before. I'm wondering, why are
15 you splitting up communities of interest? I
16 know you split up my community because of
17 our voting impact, but what are you doing to
18 other communities? I would like to
19 understand why this is being done across
20 this Nassau County. Can you please explain
21 this to me?

22 CHAIRWOMAN GONSALVES: Dr.
23 Hilton, it is our intention here to hear all
24 the comments today. When Mr. Moroney comes
25 back on the floor to speak to the

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2 legislators, your concerns could be
3 addressed at that time.

4 In the meantime, we are here to
5 listen to you. It is not here for us to
6 question or to answer any questions because,
7 in so doing -- hold on, we take precious
8 time away from everybody in this room.

9 We are here to listen to you.
10 That's why I will tell you that your
11 comments are being recorded and they will be
12 addressed. I thank you, Dr. Hilton.

13 MR. MORONEY: Presiding Officer,
14 I don't know of a hearing when members of
15 the public couldn't ask a question and
16 expect an answer from the legislature.

17 CHAIRWOMAN GONSALVES: First of
18 all, if you were at the Rules Committee, and
19 I know you're not a member of the Rules
20 Committee, this is the procedure that we
21 followed. We allowed each and every person
22 to speak first and then, if there were
23 questions that needed to be answered,
24 Mr. Moroney would do the answering. Thank
25 you.

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2 LEGISLATOR TROIANO: Is
3 Mr. Moroney even here?

4 CHAIRWOMAN GONSALVES: Yes.

5 MR. MORONEY: Where is he?

6 CHAIRWOMAN GONSALVES: Mr.
7 Troiano, he is still in this room.

8 LEGISLATOR TROIANO: I don't
9 understand it.

10 CHAIRWOMAN GONSALVES:
11 Mrs. Hilton -- Dr. Hilton, I'm sorry, Dr.
12 Hilton may not be able to wait until 9
13 o'clock to get an answer to her question.
14 She deserves an answer now while she is
15 here.

16 LEGISLATOR BOSWORTH: The
17 difference between a question being asked at
18 the Rules Committee is that there was going
19 to be a hearing at the legislature. This is
20 the legislative hearing. There very well
21 may be a vote. People who are asking
22 questions deserve an answer and they deserve
23 an answer when there question is asked.

24 CHAIRWOMAN GONSALVES: Legislator
25 Bosworth, you know as well as I do, this map

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2 was drawn, and Dr. Hilton, this is for you
3 as well, was drawn to satisfy the
4 constitutional and legal requirements of
5 equal protection under the law.

6 I was there in 1994 when the
7 Charter Revision Commission was formed. I
8 listened to all the comments. I couldn't
9 ask questions. I was simply an observer. I
10 couldn't even as much as voice my concern.
11 But that's because they had the rules to
12 guide them.

13 DR. HILTON: Can I just ask you
14 one question about that policy? What is the
15 need for all of us to come up, expound on I
16 guess our frustrations, our asking the
17 questions, and then you just go on and vote
18 where we have not heard how you developed
19 this concept, why you developed it. It
20 doesn't even make sense as citizens of the
21 United States, I expect to have an answer to
22 that.

23 CHAIRWOMAN GONSALVES: You need
24 to know that we truly are hear to listen to
25 the comments that you are here to make.

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2 Hold on. It's my turn. She asked a
3 question and I'm going to answer it to the
4 best of my ability.

5 LEGISLATOR TROIANO: The point,
6 Norma, is that you're answering the question
7 now while she's here. You're not asking her
8 to wait five hours for you to give her an
9 answer to the question.

10 CHAIRWOMAN GONSALVES: I'm
11 answering to the best of my ability,
12 Legislator Troiano. So you please be
13 patient.

14 LEGISLATOR TROIANO: I'm sorry.
15 We've had several hearings today where
16 members of the audience asked questions and
17 got answers from you. There is no reason
18 for there to be a different standard for
19 redistricting than there was just a half
20 hour ago.

21 CHAIRWOMAN GONSALVES: I will
22 tell you, Mr. Troiano, we are not under any
23 obligation to answer the questions. Because
24 there may be a number of questions --

25 LEGISLATOR TROIANO: You are

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2 under an ethical obligation to answer the
3 question while they're here.

4 DR. HILTON: Excuse me. I'm
5 running out of my time. I would like to
6 have a vote from each of the legislators to
7 see how they feel about answering the
8 questions. Is that possible?

9 CHAIRWOMAN GONSALVES: Legislator
10 Nicolello, please.

11 LEGISLATOR NICOLELLO: The map
12 that is before us was drawn for a number of
13 purposes. It was drawn to protect One Man
14 One Vote. It was drawn to meet the
15 requirements of the Voting Rights Act and it
16 was also drawn with judicial districting
17 principles in mind.

18 Having said that, as Mr. Moroney
19 said, 99 out of 100 or so census designated
20 places were kept intact. Now, you're never
21 going to have a map that doesn't split any
22 communities. It's not possible to do it.
23 This one out-performs every other map that's
24 been proposed to us.

25 So we have made certain policy

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2 decisions. We have made certain policy
3 decisions just as the then majority did ten
4 years ago, and at the same time we have
5 produced a map that performs better than all
6 the other alternatives.

7 So, Dr. Hilton, that's your
8 answer.

9 DR. HILTON: Thank you. May I
10 hear from another person because I'm just
11 hearing from just two people and I would
12 like to hear from someone on this side.

13 CHAIRWOMAN GONSALVES: I will
14 tell you, Dr. Hilton, this is a policy
15 decision. This is within the jurisdiction
16 of the legislature. We are here to
17 determine what is best or would work best
18 for our communities at large.

19 As someone had said in 2003, this
20 is a political process. There are winners
21 and losers. But every time you try to keep
22 the map, you are going to be pushing some
23 people out of one district and others into
24 another. It's like the bowl of jello
25 scenario. So you push that bowl to one

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2 side, the jello in that bowl to one side and
3 the other seems to -- going to flow in.

4 This is not an easy test, but --

5 DR. HILTON: What does Westbury,
6 New Cassell have to do with East Garden
7 City?

8 CHAIRWOMAN GONSALVES: You know
9 what, you may think that they don't have
10 anything in common, but it's not --

11 DR. HILTON: Over 40 years I've
12 lived there. I'm asking you a question.

13 CHAIRWOMAN GONSALVES: I'm going
14 to tell you, Dr. Hilton, that I have lived
15 in my community more than 50 years and it
16 has changed tremendously. Because it's
17 changing, things on this map will also be
18 changing as well.

19 This is an opportunity for the
20 public to be heard. All right? That's
21 exactly what we would like to do. Because,
22 remember, this is a listening session and,
23 based on what we hear today, will determine
24 how we vote on this matter.

25 LEGISLATOR NICOLELLO: I would

1 Full Legislature/2-25-13
2 just like to add, Dr. Hilton, that
3 Legislative District 2, which Legislator
4 Troiano represents, has not materially
5 changed in just about 20 years, number one.

6 Number two, East Garden City has
7 always been a part of that district. So
8 it's just not an issue.

9 LEGISLATOR TROIANO: Since you're
10 talking about my district, can I respond to
11 her question? Because it's not fully stated
12 accurately, Rich.

13 You asked what other areas are
14 having their vote diluted. And LD 2 has
15 included the North Main Street area of
16 Hempstead since the beginning of the Nassau
17 County Legislature.

18 It has now been taken out of LD 2
19 and put into LD 14, a new district, which
20 runs from Garden City to Bethpage. How can
21 we say anything but that section of
22 Hempstead's vote has now been markedly
23 diluted from where it is today?

24 And just to add, the outrageous
25 part about that is, that LD 2 is now below

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2 the level, the average level of a district
3 in Nassau County. You can simply add that
4 North Main Street and LD 2 would still be
5 intact with population, so you have to ask
6 the question, why was that segment of
7 Hempstead diluted since it didn't seem to
8 accomplish any purpose.

9 LEGISLATOR NICOLELLO: Well,
10 Legislator Troiano, as you know, current LD
11 2 is the most over populated district in the
12 county. So talking about a dilution of
13 vote, is currently diluted more than any
14 other district in the county because there's
15 more people than anywhere else in that
16 particular district, number one.

17 Number two, because of that
18 dilution, because of that dilution, folks,
19 because of that dilution of vote in that
20 district, because of the over-population,
21 some people have to be taken out of that
22 district in order to comply with the
23 constitutional principles of One Man One
24 Vote. It's 14 percent over the median.

25 By the way, whoever is screaming

1 Full Legislature/2-25-13
2 out, I want to thank you for the respect
3 you're showing.

4 LEGISLATOR WINK: Dr. Hilton, can
5 I ask you a question? You asked a question
6 and the answer you got from Legislator
7 Nicolello was, we determined there's a
8 policy consideration that this was the best
9 of all possible maps. Where did that come
10 from? Have you seen any other map besides
11 the one that they're proposing here and the
12 one that the commission proposed?

13 Absolutely not.

14 So to make a factual statement
15 that this is the best of all possible maps
16 begs the question, what else did they
17 consider? None of us know that and none of
18 us will ever know that because they have not
19 provided any other alternatives to us, just
20 the one you see today.

21 DR. HILTON: Thank you very much,
22 Mr. Wink. Let me say this. It's very
23 clear. You're supposed to represent all of
24 us. You're not being fair. You're not
25 showing us options. You made one decision.

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2 Shoved it down our throats and said take it.
3 And if you want to talk about something,
4 talk about it, but that's all I'm going to
5 do is listen to you.

6 I hope the newspapers throughout
7 New York State and the United States know
8 what's happening. Thank you.

9 CHAIRWOMAN GONSALVES: Nancy
10 Dwyer? Dan Checkla.

11 MR. CHECKLA: C-H-E-C-K-L-A.

12 CHAIRWOMAN GONSALVES: Yes. And
13 I see the representative from the North
14 Bellmore Civic Association standing before
15 me. I know very well who you are and
16 welcome.

17 MR. CHECKLA: Well, thank you.
18 So then I don't have to point out that we're
19 joined by the president, Winilda Nunez and
20 our Vice President Stu Weinstein.

21 CHAIRWOMAN GONSALVES: Yes. It's
22 important because of the record so it's
23 important that you name them.

24 MR. CHECKLA: We're also joined
25 today in our remarks by the South Bellmore

1 Full Legislature/2-25-13
2 Civic Association which will echo our
3 sentiments here.

4 We would like to thank you,
5 Presiding Officer Gonsalves and the
6 legislature, for having us here today.
7 Thank you again for having us here today.

8 The North Bellmore Civic
9 Association is here today because we want to
10 express our views on this proposed
11 redistricting map for Nassau County and its
12 potential impact on our community in
13 particular.

14 We are joined by the South
15 Bellmore Civic Association today and we are
16 making these remarks for the public record.
17 We're distressed by this map that the
18 legislature has presented today. This map
19 has obviously been changed from the one we
20 saw most recently.

21 Once again, this map has been
22 released without any time for the public to
23 digest it or to have any -- I mean, the
24 public comment we are doing today is based
25 on having about ten minutes to look at it.

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2 I know our community was altered
3 significantly in how it was drawn.

4 We believe that the process that
5 led to this map has been fundamentally
6 flawed from the beginning. Any unbiased
7 observer of this process would have expected
8 that a map would be drawn by the Temporary
9 Advisory Commission on redistricting to
10 reflect the input of all the commissioners.

11 We are certain that the spirit of
12 the county charter calling for that
13 bipartisan commission fully intended that a
14 deliberative body would work together
15 towards a consensus map, and that public
16 testimony gathered would be incorporated
17 into its composition. This was the case in
18 Brookhaven, for example, where a bipartisan
19 consensus map was adopted.

20 The refusal of certain
21 commissioners, as has been alleged, to work
22 with each other, led this commission instead
23 to a stalemate and now we're left with a map
24 that's been produced by the legislature that
25 there's no resemblance to any of the former

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2 proposals. Every time we see the map it
3 seems to radically change.

4 The proposed map that we see here
5 today divides North Bellmore from Bellmore
6 and we're the same zip code and North
7 Merrick from Merrick and even takes a chunk
8 out of Merrick that we will talking about
9 later. These are areas that share a common
10 school district, the Bellmore Merrick School
11 District.

12 The most rudimentary internet
13 search of Bellmore immediately produces a
14 Bellmore Merrick default result due to the
15 many things that our communities share in
16 common besides school district. Just a
17 couple of examples, we have a Bellmore
18 Merrick EMS Service, we have the Bellmore
19 Merrick Jewish Community Council. It's our
20 strong feeling that the Bellmores, in
21 particular, should be kept together.

22 Rather, the aforementioned map
23 joins us now with East Meadow. It joins us
24 with North Wantagh. We just saw this today.
25 These are communities that we share little

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2 with. It was actually our hope that any new
3 map might actually reunite all of North
4 Bellmore with Bellmore, North Merrick and
5 Merrick and this map doesn't do that at all.

6 As for the rest of the county,
7 we're still distressed that hundreds of
8 thousands of people have been moved out of
9 their districts, their current districts.
10 The proposed map produces districts that
11 seem to meander with no seeming connection
12 between them.

13 One of the districts it seems,
14 you can't reach parts of it except by water.

15 CLERK MULLER: Your three minutes
16 have expired.

17 MR. CHECKLA: I'm almost done.
18 Numerous other communities are similarly
19 divided including Hempstead Village and the
20 Five Towns. So to say the map was drawn
21 without any nod towards incumbency would be
22 a disingenuous and our current
23 representative is going to be forced to compete
24 against another one from his own party.

25 So as a nonpartisan organization,

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2 it's always been our goal to work with all
3 of our elected officials no matter what
4 their affiliation. But we do not believe
5 the proposed map offers us or the other
6 citizens of Nassau County fair
7 representation.

8 We, therefore, call upon the
9 legislature to reject this map and to adopt
10 one that keeps Bellmore and Merrick
11 together.

12 We thank you for this opportunity
13 to express our views and we hope that our
14 feedback will be given due consideration.
15 The South Bellmore Civic Association
16 unfortunately had to leave. The young lady
17 had a baby at home. So Allison Frankel
18 could not be with us, but she seconds these
19 remarks. We thank you for the time.

20 CLERK MULLER: Your three minutes
21 have expired.

22 CHAIRWOMAN GONSALVES: Thank you,
23 Dan.

24 LEGISLATOR DENENBERG: Norma,
25 just let the reflect that Dan and North

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2 Bellmore Civic, thank you for coming down
3 from your current legislator.

4 CHAIRWOMAN GONSALVES: The other
5 half of North Bellmore, Dan, is my district.
6 We happen to share North Bellmore. At once
7 upon a time, the original map took North
8 Bellmore down to Beltagh Avenue until 2003
9 when North Bellmore was divided in half.

10 LEGISLATOR DENENBERG: But your
11 map doesn't have a finger reaching into East
12 Meadow to pull you out. I do see a finger
13 reaching into Merrick to pull me out.

14 CHAIRWOMAN GONSALVES: At this
15 time we have Tom Alexander from Hempstead,
16 Franklin Street in Hempstead? Obviously I'm
17 getting no response. Larry Franklin.

18 MR. FRANKLIN: Thank you very
19 much for giving me the opportunity to speak
20 here today. My name is Larry Franklin and
21 way back when, as I look at your faces, I
22 can say easily, before some of you were
23 born, I was a candidate for office from the
24 Town of Hempstead Town Board when voting was
25 at large.

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2 The Town of Hempstead at that
3 point and today is larger in population than
4 11 states of the United States and yet we
5 ran at large. It was weighted voting.
6 Nobody has ever been elected from the Town
7 of Hempstead from the Democratic party, from
8 that point on to this day and I doubt they
9 will in the future.

10 I was no exception. After seeing
11 the results of the election I began to
12 analyze it and discovered that the charter
13 of Nassau County said that no one
14 municipality may have more than half of the
15 population of the entire county and, yet,
16 the Town of Hempstead did and today still
17 does have more than half on a weighted vote
18 system.

19 So in order to make this correct,
20 the county just disenfranchised X amount of
21 people to allow the votes to become
22 legitimized.

23 As a result of that, I looked
24 into this and decided, we need to do
25 something better than that. We have to stop

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2 at large elections and create, what you guys
3 now do, the county legislature. That's a
4 step in the right direction.

5 It took 35 or thereabout years
6 for it to happen in Nassau County because
7 the strength of the Republican party
8 constantly had referendums on the ballot
9 despite having people elected to that
10 position, the referendum said its defeated.

11 Finally, Tom Gulotta was weakened
12 and Judge Arthur Spatt declared county
13 legislatures will now take place. So
14 finally it did. And we're better off for
15 it.

16 However, today, hearing the
17 voices of the people, I believe we're
18 stepping back. I don't think we should now
19 go back to the old days where, honestly, its
20 done for political purposes and political
21 purposes only. In your heart of hearts, you
22 know the right thing to do.

23 So I ask you, make a decision
24 based on the right thing to do, not what you
25 think is the right thing for your own

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2 political party.

3 Thank you very much.

4 CHAIRWOMAN GONSALVES: Thank you,
5 Mr. Franklin. James Sharpe.

6 MR. SHARPE: Good afternoon.

7 CHAIRWOMAN GONSALVES: Good
8 afternoon, Mr. Sharpe.

9 MR. SHARPE: The calm before the
10 storm, I would like to say as a member of
11 the Uniondale Board of Education, thank you
12 for what you've done today for my school
13 district. Now it's time to hold your feet
14 to the fire.

15 We are told that the
16 redistricting plan is based on census data.
17 We believe that this rubric is being used to
18 strengthen your political positions and to
19 negate the change in our demographics.

20 We believe if you do your job in
21 the best interest of the people who voted
22 you in office, you would have no need to be
23 afraid of the outcomes.

24 You also need to remember that
25 some of your policies are no longer popular

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2 within your own party. You try to bully
3 this community before. We did not accept it
4 then. We will not accept it now.

5 We believe -- I'm sorry. Basing
6 your agenda on census numbers we are
7 concerned about the lack of proper
8 representation, which means the lack of
9 seats in Albany, lack of seats in
10 Washington, which will affect fewer votes on
11 our behalf when it comes to grant funding
12 for our community, state aid for our
13 schools, and our tax dollars.

14 I also believe that it's time to
15 get back to a government by the people and
16 for the people. Thank you.

17 CHAIRWOMAN GONSALVES: Thank you,
18 Mr. Sharpe. Carmen Pinyero?

19 MS. PINYERO: Good afternoon,
20 Presiding Officer and members of the
21 legislature.

22 My name is Carmen Pinyero. I'm a
23 trustee in the Village of Freeport. I am
24 here on behalf also NALEO, National
25 Association of Latino Elected Officials, and

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2 appointed.

3 The right of citizens to vote for
4 leaders who are accountable and responsive
5 to their concerns is fundamental to our
6 national identity and to our success as an
7 economic and political power.

8 Americans have risen up against
9 unjust attempts to limit access to the
10 ballot box and to prevent communities from
11 electing the representatives of their
12 choice. This is why congress passed the
13 Voting Rights Act during a critical tie in
14 our nation's history, when states and
15 localities were attempting to deny African
16 Americans, Latinos, and all the racials and
17 ethnic groups the right to have a voice in
18 our nation's Democracy.

19 The current map being proposed by
20 the legislature will disenfranchise many of
21 the voting residents of the County of
22 Nassau. Our watchfulness has done much more
23 than put an end to the era of literacy tests
24 and violent threats against underrepresented
25 voters.

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2 With an unfair map, millions of
3 Americans in Nassau County will not be able
4 to vote or have the value of their vote
5 diminished as a result of this criminatory
6 redistricting.

7 America is the land of great
8 opportunities but also a land in which
9 constant vigilance is required to insure
10 that every one can take advantage of the
11 opportunities that exist.

12 The ability of citizens to elect
13 a candidate of their choice is a fundamental
14 cornerstone of our American Democracy.
15 American Democracy is strengthened by voter
16 participation we serve our national interest
17 best when we encourage all citizens to take
18 part in elections and when we create and
19 maintain voting systems that facilitate
20 civic engagement instead of deterring
21 participations.

22 It is critical that members of
23 this legislature protect the rights of all
24 Americans by rejecting the proposed map and
25 working together in a bipartisan way, work

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2 to readopt the current map that exists which
3 truly represents all of the citizens of the
4 County of Nassau.

5 Thank you.

6 CHAIRWOMAN GONSALVES: Manny
7 Zuckerman.

8 MR. ZUCKERMAN: Thank you for the
9 opportunity to speak. My name is Manny
10 Zuckerman. I'm the Deputy Mayor for the
11 Village of East Hills.

12 East Hills is vehemently opposed
13 to the redistricting. The reason it's
14 vehemently opposed is because it takes the
15 greater Roslyn community, which consists of
16 a half a dozen communities, approximately
17 30,000 people, and completely decimates the
18 representation with regard to that
19 community.

20 Right now, the half a dozen areas
21 would be split into four legislative
22 districts, when currently as one. The area
23 also consists of residents who have common
24 interests, common goals, common desires. We
25 have connections within the community with

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2 fire service, schools, et cetera, and we're
3 all going to be faced with different
4 representation with regard to the Roslyn
5 area.

6 So, therefore, I would hope that
7 you would reconsider this map which
8 definitely destroys our political influence
9 with regard to Nassau County and reject the
10 current proposal. Thank you.

11 LEGISLATOR WINK: Madam Presiding
12 Officer, if I may?

13 CHAIRWOMAN GONSALVES: Sure.

14 LEGISLATOR WINK: Mr. Zuckerman,
15 I want to thank you very much for coming
16 down. I know you're also representing Mayor
17 Koblenz from the Village of East Hills who
18 was trying to be here but couldn't be here
19 today.

20 Additionally, Mayor John Dirkan,
21 from the Village of Roslyn, who was here for
22 the better part of the last four and a half
23 hours, unfortunately has a full time job
24 that required his presence. He had to leave
25 but he was here to voice similar opposition,

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2 as well as a number of other people from
3 Roslyn.

4 And just for the sake of the
5 record, since I'm not sure what e-mails have
6 been received by whom at this point, there
7 are a number of e-mails I received over the
8 weekend, and I'm going to be asked be
9 submitted for the record, specifically
10 e-mails from Jason and Jessica Garmise, from
11 Meryl Waxman Ben-Levy, who is the president
12 of the Roslyn School Board, Judi Winters, a
13 civic leader in the Village of East Hills,
14 Bill and Jenn DeSanti from the community of
15 Roslyn Heights, Bruce and Geri Valauri, also
16 from the community of Roslyn and East Hills,
17 Debbie Ecker from the community of
18 Albertson, all of them have submitted
19 e-mails opposing the proposed plan and I ask
20 that they be included in the record for that
21 purpose. Thank you very much.

22 CHAIRWOMAN GONSALVES: The next
23 speaker, HOKAN CARR? SUSAN JOFFE.

24 MS. JOFFE: My name is Susan
25 Joffe. I've been a resident of Merrick for

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2 over 30 years. I am disturbed about the
3 proposed map on several grounds.

4 First of all, I take the right to
5 vote personally. I was 18 when the law was
6 changed and I was able to vote. Every
7 single year I have voted. I believe that
8 our country is special because a vote has a
9 meaning. That a vote is sacred. That
10 politicians put on campaigns in order to
11 communicate their vision. Voters select a
12 particular vision.

13 This map disenfranchises me, my
14 community and many other people. The
15 community of Merrick and Bellmore
16 overwhelmingly selected a representative
17 because he represents us so superbly and to
18 be told that his block has suddenly moved to
19 another district so that he is no longer the
20 representative that we have voted, nullifies
21 the vote, it disenfranchises the community
22 and that is extremely disturbing. It is
23 disturbing from what I'm hearing and reading
24 that there is a disparate impact on
25 particular groups, on particular minorities

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2 and religions that many areas that have been
3 split are predominantly of a certain
4 religion. That is disturbing as well.

5 What is disturbing also is the
6 lack of due process. Although I hear words
7 like transparency, I have not seen
8 transparency. I am someone who reads the
9 news all the time and, from what I have
10 read, this was the only map that was
11 considered. I understand the League of
12 Women Voters and good government
13 organizations proposed another map that was
14 neutrally proposed that would have been much
15 less disruptive and that that was not even
16 considered.

17 I am disturbed that communities
18 of interest have been split, areas of school
19 districts, areas of communal concern,
20 especially the Merrick and Bellmore
21 community.

22 I am concerned with the lack of
23 due process, not only the lack of
24 considering all the views but the sense that
25 this feels like it is being rushed. There

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2 is a due process that today is the hearing.
3 Today is the vote. I ask that this map be
4 rejected and, at a minimum, that there be
5 more thought given to the impact that it has
6 on so many people as discussed today and
7 that the vote be at a minimum postponed and
8 not rushed.

9 CHAIRWOMAN GONSALVES: The next
10 speaker is David Stonehill.

11 MR. STONEHILL: My name is David
12 H. Stonehill. I'm an attorney and civic
13 activist from Merrick.

14 I will begin by confining my
15 remarks to the Republican majority on the
16 legislature. The Democratic minority has
17 been frozen out of governing this county.
18 They are therefore totally blameless
19 regarding the crafting of this map.

20 My friends, you, the Republicans
21 have provided us with a redistricting map
22 with no rationale for its extreme effects on
23 the voters of this county. Communities with
24 an established common history or economic
25 interest are torn asunder, and new strange

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2 looking legislative districts are created
3 for no apparent reason.

4 Hundreds of thousands of voters
5 are summarily cast around into new districts
6 like so many pawns. Why not utilize a
7 conservative approach which moves as few
8 voters as possible while providing for
9 relatively equal population in our
10 districts. Your defense is that this
11 process is legal but we are not told why it
12 is legal.

13 Moreover, you have delegated the
14 responsibility for actually drafting this
15 map. However, you cannot delegate your
16 legal responsibility for it.

17 Now, your map is confusing to the
18 average person. Edward R. Murrow said,
19 "Anyone who isn't confused, really doesn't
20 understand the situation."

21 My friends, you should have
22 gotten second opinions on this map. You
23 should have consulted with the United States
24 Justice Department, the New York State
25 Attorney General, the governor's office and

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2 political science scholars.

3 Now, you obviously must agree
4 with Cher when she says, "If you're black in
5 this country, if you're a woman in this
6 country, if you are any minority in this
7 country at all, what could possibly possess
8 you to vote Republican?"

9 Or maybe you agree with this
10 former vice president when he said,
11 "Republicans have been accused of abandoning
12 the poor. It's the other way around they
13 never vote for us." That was Dan Quayle.

14 My friends, you must have seen
15 the movie Maltese Falcon because your map is
16 the stuff that dreams are made of. These
17 political dreams consist of the following:
18 Split up the communities in the name of
19 political expediency, suppress the vote and
20 political impact of the black community
21 through voter deletion, suppress the vote
22 and political impact of the Latino community
23 through voter deletion, and suppress the
24 vote and political impact of the Jewish
25 community through voter deletion.

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2 You have given up any attempt to
3 fight for minority and Jewish votes the old
4 fashioned way through campaigning. Instead,
5 you attempt to fight demographics through a
6 stereotypical view of these voters as
7 natural born Democrats.

8 You think you have to draft an
9 extreme map to survive politically. But,
10 George Bernard Shaw tells us, "political
11 necessities sometimes turn out to be
12 political mistakes."

13 CLERK MULLER: Your three minutes
14 have expired, sir.

15 MR. STONEHILL: I have extra time
16 from --

17 CHAIRWOMAN GONSALVES: Do you
18 have a slip in, Andrea?

19 UNIDENTIFIED SPEAKER: Yes.

20 MR. STONEHILL: Okay. You got
21 it. Now it's unfortunate that you sided not
22 to negotiate with the Democrats and to truly
23 engage in public comment on redistricting.

24 A quote from the movie Cool Hand
25 Luke comes to mind. That is, "What we've

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2 got here is failure to communicate." To
3 correct your failure to communicate, I would
4 like to submit a modest proposal. A debate
5 on the merits of your map.

6 You would first postpone your
7 final vote on this map until March 5th. The
8 debate would be held within a few days and
9 feature three supporters for the Republican
10 map and three for the opponents.

11 The debate could be held at
12 venues such as the studio of News 12,
13 Newsday's editorial offices, Cradle of
14 Aviation Museum, or Hofstra University.

15 If your map is justifiable, why
16 not discuss it publicly? My friends, your
17 map is headed for judicial system. It is
18 too bad -- it is too bad that you chose
19 disfunction over the more rational and
20 transparent approached used by the Suffolk
21 County legislature.

22 Thank you for giving me the
23 opportunity to speak today.

24 CHAIRWOMAN GONSALVES: Paula
25 Blum.

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2 MS. BLUM: I'm speaking today on
3 my own behalf, not representing any
4 organization of which I'm a member.
5 Basically I'm not really going to say what I
6 intended to because so many people have
7 covered already a lot of it.

8 However -- and, also, I'm from
9 Wantagh. And, frankly, the old map was no
10 better for me than the new one. We were
11 split up terribly. We don't have much
12 voting power. We wouldn't with this map
13 either. So I'm not referring to my own
14 community's needs.

15 I'm dismayed that the process,
16 the way it came across to many of us
17 appeared to be a sham. The commission
18 followed the letter of the law. I won't
19 argue that. But, the essence of the law,
20 the spirit of the law was not really there.

21 Everybody who has been involved
22 in redistricting knows what they really mean
23 by compact and contiguous. I see very
24 little in this map that is compact and
25 contiguous.

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2 I mean, a couple of districts are
3 spread across the entire county and I don't
4 think it's fair to even the legislators of
5 these districts, whoever will be in them,
6 because they have to meet the needs of their
7 constituents and there's no way that the
8 needs of constituents at one end are the
9 same as the ones at the other. So that's
10 bothersome.

11 Another thing is the fact that
12 this county is low on money from everything
13 I hear and, yet, we are taking on the
14 drafting of not one, not two, but three maps
15 at county cost, and then the very strong
16 possibility that the county is going to have
17 to defend a lawsuit because of the map that
18 might be chosen.

19 As naive as it sounds, I still
20 believe that the legislators are obligated
21 to vote for the needs of their constituents
22 of their districts, and not the needs of
23 their party.

24 So I am beseeching the
25 legislators today to vote against this

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2 latest map.

3 I'm hoping that County Executive
4 Mangano is watching these proceedings
5 because I am urging him, if the legislature
6 votes for this map, to veto it because it's
7 just the right thing to do.

8 CHAIRWOMAN GONSALVES: Audrey
9 Ciuffo.

10 MS. CIUFFO: Good afternoon,
11 almost evening, everyone. My name is Audrey
12 Ciuffo and I am a resident of Merrick.

13 I'm here to speak for keeping
14 Merrick together. Merrick is not being kept
15 together with this new map. I moved here
16 from Brooklyn 11 and a half years ago. I've
17 never seen anything like this and I was so
18 happy.

19 Somebody knocked at my door the
20 first summer that I moved into Merrick and I
21 opened my door and see this boyish young
22 man, actually he wasn't such a young man,
23 but to me he looked young. That was my
24 legislator, Dave Denenberg. He said, "Hi,
25 I'm your legislator. What can I do to help

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2 you?" I've never seen anything like that.
3 I lived in Brooklyn for over 50 years and
4 I've never seen that. So I was pretty
5 thrilled. I really didn't need help.

6 But a couple of years after that,
7 my son was in ninth grade, my youngest son
8 was in ninth grade. He had a summer free
9 and I said, "Greg, what would you like to
10 do?" There was an announcement in Merrick
11 Life. Legislator Denenberg was asking for
12 student interns. I said, "Greg, do you
13 think you would like to try that." He said,
14 "I will give it a shot."

15 Well, Dave had a kick-off
16 barbecue at his house. Young kids. He
17 didn't know anyone. He was a little
18 insecure. He didn't grow up in Merrick. He
19 came home from that, he said, "yeah, mom, I
20 think I'm going to do it." He started
21 walking door to door, door to door
22 throughout the district with Legislator
23 Denenberg and you know what he said to me
24 when he came home, "You know what, ma? He
25 helps his constituents, he solves their

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2 problems." I said -- I was so thrilled. I
3 was working. I was commuting to Brooklyn.
4 I'm a retired teacher from Brooklyn. I
5 worked 34 and a half years.

6 I said, "Dave, when I retire, I'm
7 going to volunteer for you. You do so
8 much." I don't know it from what you say.
9 I know it from what my son sees.

10 You're trying, with your map, the
11 majority, you're kicking him. That's like a
12 boot. You're kicking him out of Merrick.
13 It's glaring. It's obvious. How could you
14 do that? How could you justify that? How
15 could you not?

16 Honestly, Ms. Gonsalves, I know
17 you work closely with Dave on a lot of
18 issues where you've both been there. You
19 know what he does for this district. You
20 know how good he is for Merrick. How could
21 you do that? If you kept that part of the
22 boot that you kicked him out, if you kept
23 that with Merrick, where Dave lives, it
24 wouldn't change anything. The numbers would
25 be fine. He's your colleague. You've

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2 worked with him. He's helped you with
3 matters. I know it. I've seen it. I've
4 been there at the parks department for
5 meetings. How could you do this? Stand up.
6 Be like Thadeus Stevens when he stood up for
7 Lincoln. Come on. You know history. You
8 don't have to do lock step you folks. You
9 don't have to.

10 CLERK MULLER: Your three minutes
11 have expired.

12 MS. CIUFFO: Stand up. Dave is
13 the hardest working legislator.

14 CLERK MULLER: Ma'am, your three
15 minutes have expired.

16 MS. CIUFFO: I'm sorry, you guys.
17 You all try hard, I know. But I see what he
18 does. I volunteer for him. I know how hard
19 it is. I know what he does.

20 Don't push him in a district
21 where he's with two other legislators that
22 he has to run against. That's not fair to
23 him. Are you so scared of Dave? Yes, Dave
24 did win with 73 percent. 73 percent. But
25 you don't have to be scared of him. If

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2 you're that good, you can go against him.
3 But do it in a fair fight.

4 What do you want to do, tie him
5 up and take a bat? Come on. Be fair. One
6 of you.

7 CLERK MULLER: You're at four
8 minutes, 20 seconds now.

9 MS. CIUFFO: One of you be brave.
10 Stand up. You can do it. Dave, we love
11 you. Keep America together, Merrick.

12 LEGISLATOR DENENBERG: Let me
13 just say thank you to Audrey, but to my
14 colleagues, if that little drop of Merrick
15 was kept in the 19th District, both the 19th
16 and the 5th District would still have the
17 right population and be within the plus and
18 minus that we need for One Man One Vote. So
19 it really is just a grab that breaks up
20 Merrick for no reason.

21 CHAIRWOMAN GONSALVES: Rosemary
22 Garafolo? She still here? I called her
23 name and she's not here to tell me that she
24 yielded to you.

25 LEGISLATOR DENENBERG: But she

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2 has a written statement that she can submit.

3 CHAIRWOMAN GONSALVES: Hold on,
4 Mr. Denenberg. Claudia has a slip in. When
5 I call Claudia, she can speak on behalf of
6 Rosemary. Thank you very much.

7 Next is Nancy Rosenthal.

8 MS. ROSENTHAL: Good afternoon,
9 my name is Nancy Rosenthal. I'm the
10 co-president of the League of Women Voters
11 of Nassau County.

12 As you know the League has been
13 involved with the redistricting process for
14 the last two years. We have asked
15 repeatedly for this to be a fair,
16 non-partisan and transparent process and
17 that the 19 districts be compact,
18 contiguous, with communities of interest
19 together. This has not occurred.

20 We want it noted that the League
21 would be saying the same thing at this
22 microphone if Democrats were in the majority
23 and had presented this map.

24 Our stand is not partisan and we
25 resent several remarks made in the press

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2 this week implying that it is not. You
3 can't have listened to all the people that
4 have spoken at these public hearings or paid
5 attention to their views. There has been
6 nothing but outcry against the presented
7 map. It begs the question, are you doing
8 this for our own good or your own good?

9 How can a legislator represent
10 fairly the community of interest of Garden
11 City in the western part of District 14
12 through three towns and still concentrate on
13 the interests of the people way over in
14 Bethpage.

15 Each legislator's job is to
16 represent all of the residents of his or her
17 district and to listen to them. This map
18 will make this very difficult.

19 Then there are so many
20 communities split into multiple legislative
21 districts; Roslyn, Hicksville, Village of
22 Hempstead, Village of Rockville Centre, and
23 the Five Towns. Legislators like Legislator
24 Kopel have been quoted as saying his Five
25 Towns district made, "may benefit from

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2 having one more legislative representative."
3 This map, Legislator Kopel is to vote on
4 today has the Five Towns split into four
5 districts with four legislators.

6 Further, regarding the five town
7 split, the Inwood Republican leader has
8 said, "I don't think it's the right move
9 end." We could not agree more with these two
10 Republican leaders.

11 Currently, there are three
12 majority/minority districts. Therefore,
13 with the proposed map, it becomes
14 unnecessary to include the
15 Inwood-Elmont-Valley Stream proposed
16 district, and where in this map are the
17 competitive districts?

18 We invited Republican and
19 Democratic legislators to every forum League
20 held on the three maps and no Republican
21 legislators chose to attend.

22 Again, why do the Republicans
23 appear unwilling to engage in a public
24 discussion of their map? This makes it
25 appear to many that the real reason for the

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2 Draconian changes made in these districts
3 was to pack some of the districts with as
4 many registered members of the opposition
5 party as possible. This would keep them
6 contained within a limited number of
7 districts.

8 This map appears also to crack
9 other districts so that the voting power for
10 the opposition party in those districts is
11 limited. Packing and cracking have long
12 been used to gerrymander voting districts.
13 It is demoralizing to see it happening to
14 this extent in Nassau County.

15 CLERK MULLER: Your three minutes
16 have expired.

17 MS. ROSENTHAL: Good government
18 groups throughout the country, including the
19 League and common cause have long fought
20 against these practices. Are they legal?
21 Sadly -- are they illegal, sadly, no. Are
22 they in the best interests of the people?
23 Absolutely not.

24 Mr. Moroney, the spokesman for
25 the proposed plan has said that the final

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2 GOP map was very much like the Nassau united
3 redistricting coalition map, and that he
4 guessed that the coalition's rejection had
5 "to do with pride of ownership."

6 One look at the coalition map
7 shows this to be untrue. Our League is a
8 proud member of the coalition and, to date,
9 there has been not one citizen of Nassau
10 testifying or any media comment against it.

11 The GOP map moves over 350
12 thousand citizens away from their current
13 districts, far more than the coalition map.

14 CHAIRWOMAN GONSALVES: Ms.
15 Rosenthal, would you please wrap it up? Ms.
16 Rosenthal --

17 MS. ROSENTHAL: Pride of
18 ownership appears to be the mission of the
19 Republican majority.

20 And Barbara Epstein has seeded
21 her time to me. She is a speaker for me.

22 CHAIRWOMAN GONSALVES: Do you
23 have a slip for Barbara?

24 MS. ROSENTHAL: And I also have
25 one more paragraph.

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2 We ask that you postpone this
3 vote today. You have time. Redo this map
4 so that it proves that you have listened to
5 all the people of Nassau County.

6 Remember, you should not be
7 picking your voters. Let the people of
8 Nassau County choose their representatives.
9 Let the people of Nassau County choose their
10 representatives every Election Day for the
11 next ten years beginning this November when
12 each of your seats and the county
13 executive's position are up for reelection.
14 Thank you.

15 CHAIRWOMAN GONSALVES: Helene
16 Manos.

17 MS. MANOS: Good afternoon. At
18 least it was when I wrote my notes but now
19 it's good evening. My name is Helene Manos
20 and I'm a resident of Merrick.

21 Dave Denenberg is my legislator
22 and, in your map, he's going to be taken out
23 of my district. This is the third time that
24 I'm here speaking about redistricting.

25 I gave you all my reasons for why

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2 I think that this map is ridiculous. I
3 don't know want to have to say it again
4 because I just feel like I'm banging my head
5 against the wall. Because you don't care
6 what the people want. You only care about
7 getting more Republicans elected to the
8 legislature.

9 It's very disappointing because I
10 really thought now that we have a new
11 presiding officer you might actually listen,
12 but I was foolish to believe in this charade
13 of hearings. Because it really is a
14 charade. You have all of us come up here,
15 speak our minds, and nobody listens. It
16 goes in one ear and out the other and it
17 doesn't make a bit of a difference.

18 It's obvious looking at the crowd
19 or at least the crowd this afternoon when I
20 came in, the place was packed. By the time
21 you allowed us to speak, half the people or
22 probably more than that had to leave because
23 they have families, they have jobs, et
24 cetera. So you accomplished your goal by
25 cutting the people in half. Everybody that

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2 was here was against the map.

3 If you vote this map in, you know
4 it's going to be taken to court. That's
5 more of our tax money that's going to be
6 wasted. You already wasted the money having
7 the commission, which was a sham, have the
8 Democrats and the Republicans come together
9 to come with the two maps which made no
10 difference because you only picked the
11 Republican map anyway. So you wasted all
12 that money. You are wasting the money
13 you're going to have to go to court to fight
14 this and we're in debt already. So I don't
15 understand the purpose.

16 I just really would like to know
17 how you sleep at night when you know you're
18 voting for a map that the majority of Nassau
19 County is against. This is not what
20 Democracy is supposed to be. It is a
21 travesty.

22 I guarantee you, if County
23 Executive Mangano approves this, he won't be
24 county executive again.

25 CHAIRWOMAN GONSALVES: Audrey

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2 Cort? Next speaker is Leone Baum,

3 MS. BAUM: Can you hear me? Hear
4 me in the back? Thank you.

5 Good evening legislators. Good
6 evening neighbors, and good evening fellow
7 residents.

8 During the past few months I have
9 attended many hearings of the current or
10 being phased out charter revision
11 commission. I attended the Democratic
12 hearings, both here and in North Hempstead
13 because my legislator, who I think is still
14 -- I think may still be my legislator has
15 constituents in Hempstead and in North
16 Hempstead. So I went to both hearings.

17 However, this is the first time
18 that I have discussed the matter of the
19 redistricting with this august body.

20 I questioned at the other
21 hearings who I was talking to, because I
22 don't know who -- I mean, they were
23 appointed, I know. But at least here I'm
24 talking to elected officials and I think you
25 are the right people for me to be talking to

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2 at this time.

3 22 years ago, the Federal Judge
4 Arthur Spatt ruled that the national
5 government at that time, a board of
6 supervisors, was illegal and he charged that
7 board it reinvent itself in accordance with
8 the Nassau County Charter as it was written
9 then. County Executive Tom Gulotta
10 appointed a Charter Revision Commission,
11 Republicans and Democrats the same way the
12 temporary commission was constructed to do
13 so.

14 North Hempstead Republican John
15 Kiernan was elected chairman by the body and
16 my boss, John L. Kierst, who had organized
17 the lawsuit was the cochairman.

18 Legislator Gonsalves, I don't
19 know if you remember, that we used to meet
20 once a month with our dear friend Sheila
21 North. She used to sit at the table and
22 say, you're nuts, you're going to regret
23 this. You're going to rue the day if this
24 legislature goes through. She said -- what
25 she cautioned was that a new structure, a

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2 legislature would turn out to be a very
3 expensive and highly political body. Well,
4 Sheila was right, I think, maybe not. This
5 is not over yet.

6 And your new advisor, Frank
7 Moroney, he was executive director of the
8 commission. The commission did not work the
9 way this one did. That commission sat in
10 one room, I have 1,000 clippings from
11 Newsday and other publications, 1,000,
12 during the deliberations of that commission.
13 They sat together in one room and they
14 carried on with each other. They did not
15 agree. They were Republicans and Democrats
16 and everything else, minorities,
17 nonminorities, and they finally came up with
18 a 19 member legislature which included two
19 minority districts providing a seat for
20 minorities in Nassau County government for
21 the very first time in the history of the
22 county. Never a minority seat before then.
23 We got two.

24 Interestingly enough, district
25 one was Republican, district two was

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2 Democratic. So it can work. That's the
3 point.

4 CLERK MULLER: Your three minutes
5 have expired.

6 MS. BAUM: I only have another
7 couple of minutes.

8 The county charter provides for
9 redistricting following each federal census
10 in order to correct for changes in
11 population. We all know that.

12 Somehow the original intent, One
13 Man One Vote, and provision for minority
14 voting rights have been forgotten. The
15 commission that is presenting their work to
16 you for your action today has -- well,
17 whatever it is has functioned in a childish
18 manner, behaving in a way that shows what
19 can only be considered contempt for this
20 process. In refusing to talk or meet with
21 each other, and expressing by their actions
22 allegiance only to the Republican and
23 Democratic party leaders. That is just
24 unbelievable.

25 The map produced by this

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2 dysfunctional group of people is as
3 dysfunctional as its producers. It attempts
4 to combine parts of communities with nothing
5 in common for political expedience only,
6 divides up villages, crosses over town
7 lines, pay no attention at all to the town
8 lines, and destroys the ability of residents
9 to deal meaningfully with their issues.

10 Ladies and gentleman, you have
11 the responsibility, you, have the
12 responsibility and the opportunity to make
13 this right.

14 I'm asking that you represent us,
15 all of us out here, and if they don't want
16 to be represented, represent me, not your
17 party leaders. Demand that the commission
18 design a map that will give us a chance to
19 function as the great county we should be we
20 could be. It's up to you. Stop the
21 childish squabbling and do the right thing.
22 Thank you.

23 CHAIRWOMAN GONSALVES: Thank you,
24 Leone. Next is Henry Boitel.

25 MR. BOITEL: Good afternoon. I'm

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2 Henry Boitel. With regard to what's being
3 done here, indeed, when the map first came
4 out it didn't even have Rockville Centre on
5 it. Just lines. No streets, nothing.

6 As far as I'm aware, no one on
7 behalf of the commission, no one on behalf
8 of this legislature has ever gone to the
9 village officials or the school district or
10 any place in Rockville Centre to inquire as
11 to what would be in the best interest of the
12 Rockville Centre area.

13 Mr. Moroney has again repeated
14 today that this map and its predecessor from
15 the commission, which pretty much treats
16 Rockville Centre the same way, was the
17 product of "unprecedented transparency."

18 Now, I guess if he's talking
19 about an empty glass, an empty glass is
20 perfectly transparent. I suspect what was
21 supposed to be in public view that was
22 supposed to fill that glass was someplace in
23 a Republican file cabinet locked away in a
24 dark room because we never saw the process
25 by which this map was created.

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2 It was born whole one day late in
3 December with an announcement that there was
4 going to be a hearing of unprecedented
5 transparency a few days later in which no
6 experts testified, no expert report has ever
7 been distributed that was put together by
8 anybody on behalf of the Republicans or
9 Democrats for that matter. Where is the
10 transparency? Where is the public input
11 with regard to what was actually done?

12 Mr. Moroney says that there were
13 informational hearings. Well, all the
14 information was coming from here, that is
15 people without the \$500,000 in resources and
16 none of it was coming from the people who
17 were charged with communicating with us.

18 Now, I call to your attention the
19 fact that an extraordinary act occurred more
20 than a year ago. The highest court of this
21 state, the Court of Appeals voided an act of
22 this legislature. And it did so because a
23 process had not been followed that was
24 mandated by the laws, the charter of Nassau
25 County.

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2 Now, I suggest to you that the
3 process that has happened since then was
4 really thumbing Nassau County or at least
5 the officials in charge, thumbing their nose
6 at the Court of Appeals because we didn't
7 have any process. There was nothing open.

8 I submitted two Freedom of
9 Information Act requests asking for the
10 background information, asking for the
11 correspondence within the commission or
12 within the artificially created
13 subcommissions.

14 I haven't seen any of that stuff.

15 CLERK MULLER: Your three minutes
16 have expired, Mr. Boitel.

17 MR. BOITEL: May I proceed? We
18 haven't seen any of that and I suggest that
19 you haven't either. Is there one person in
20 this legislature who can say they have seen
21 an expert report produced by the resources
22 of Nassau County concerning how this map was
23 created or defending this map? You saw a
24 whole bunch of statistics. You saw
25 something that nobody can read. You saw

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2 mumbo jumbo as somebody said. You saw
3 something that nobody can read. A meets and
4 bounds description of what the lines are
5 going to be.

6 That's not the lifeblood of
7 Nassau County. The lifeblood of Nassau
8 County is out here. Nobody listened to
9 them. The informational hearings that were
10 held and which avoided any public discussion
11 by the people charged with having that
12 discussion continually produced people at
13 this side of the room telling the people up
14 there, don't unnecessarily divide our
15 communities, be fair to our communities. No
16 feedback. Nothing.

17 Mr. Moroney continually said
18 during all of the proceedings that were held
19 that there was going to be two phases to
20 what the commission was doing. The first
21 phase was gathering information from the
22 public. The second phase was to have public
23 comment concerning proposed maps, and they
24 were going to go around to various parts of
25 Nassau County. I was hoping to ask that

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2 they come to Rockville Centre in the event
3 they did what they did do to Rockville
4 Centre, but I never got that opportunity. I
5 got five days notice that a hearing was
6 going to be held.

7 In any event, I hope that you
8 will consider what the Court of Appeals
9 asked you to do. I hope that you will
10 consider what your obligation is to the
11 people who have come here with the hope that
12 you will pay attention to the needs of the
13 community and not strictly be partisan.
14 Unfortunately, that seems to be the way it
15 has gone so far.

16 I ask that the entire record of
17 whatever is available and has been filed
18 with the clerk's office, and that which has
19 not been filed with the clerk's office by
20 the commission that has produced material
21 using public funds, be filed with the
22 clerk's office and that it be part of the
23 record of these proceedings, so that not
24 only the courts that will definitely be
25 reviewing this, both federal and state will

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2 have that available to them, but also so
3 that the next time we go through this, maybe
4 Mr. Moroney will be on again a third time
5 and we'll have a third commission that maybe
6 next time we'll learn there is a right way
7 to do it and a wrong way to do it.

8 CHAIRWOMAN GONSALVES: Mr.
9 Boitel, 700 pages from the redistricting
10 commission was submitted to the record last
11 -- at the Rules meeting.

12 MR. BOITEL: Can I tell you
13 something about those 700 pages? I don't
14 know how many of you actually read them, I
15 don't know how many of them use your
16 computers and looking at the PDFs, but
17 you're going to find something. Five out of
18 the seven of those hearings are not
19 searchable. Okay? They couldn't be
20 searchable on the Internet, they couldn't be
21 searchable on your commuturs. Why? Because
22 they were produced in a way which made them
23 non-searchable which, in this day and age,
24 is unpardonable.

25 So you can tell me all you want,

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2 with due respect I say, about how you have
3 that stack of material which Mr. Moroney
4 handed up the other day, but I don't think
5 you guys have read it. I think we are
6 fooling ourselves if we think you've read
7 it. You searched it.

8 Search for the number of times if
9 you can get somebody to convert it for you.
10 Search for the number of times Mr. Moroney
11 said he was going to have hearings
12 concerning the substance of any maps and
13 then you will find out why there's some
14 people at this end are as unhappy as they
15 are. Thank you.

16 LEGISLATOR WINK: Mr. Boitel,
17 before you leave, let me ask you a question,
18 speaking of unsearchable, have you received
19 a copy of this map?

20 MR. BOITEL: Did I receive a copy
21 of this map? No, I have not received a copy
22 of this map.

23 LEGISLATOR WINK: Have you sought
24 to search it on the county website? Have
25 you looked for this map on the county

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2 website?

3 MR. BOITEL: I have looked at the
4 maps that have been on the county website.
5 I can't attest to this departs from what I
6 looked at last week.

7 LEGISLATOR WINK: Well, let me
8 tell you because, while you were speaking, I
9 did a search here, the only maps that appear
10 on this county website appear to be the maps
11 that were proposed by the commission
12 members, by the Republican and Democratic
13 commission members. There is no proposed
14 map on this county website that I can find.

15 I beg my colleagues to the right
16 to show me I'm wrong, but this map has never
17 ever been put on the county website to my
18 knowledge. Show me where, because the only
19 place I can find any maps are on the
20 temporary districting advisory commission.

21 CLERK MULLER: Go to meeting
22 calendars, homepage.

23 LEGISLATOR WINK: Human beings
24 looking at this county website would not be
25 able to find this unless you stumbled upon

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2 it.

3 MR. BOITEL: That's exactly
4 right.

5 CLERK MULLER: If you go to
6 meeting web with posted committees, it's up
7 to the proposed map. You go to proposed
8 map.

9 LEGISLATOR WINK: After going to
10 six different pages, you can ultimately find
11 this map.

12 LEGISLATOR NICOLELLO: So you say
13 it's not there, and then when they show it
14 to you you say it's too hard to find.

15 LEGISLATOR WINK: Everything on
16 the legislature's page with blinking lights
17 saying new, new, new, proposed map is all
18 about the commission. This took six
19 different pages to get to in order to find
20 anything.

21 LEGISLATOR NICOLELLO: So you're
22 saying it's not there and it's difficult to
23 find.

24 LEGISLATOR WINK: I say it should
25 have been given the same attention and the

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2 same ability to link to it as to what the
3 commission had all along. It's not the
4 case.

5 LEGISLATOR NICOLELLO: Okay, sir,
6 you've had your time. We have a big stack.

7 Next is Judy Epstein,

8 MR. BOITEL: Can I wind up?

9 LEGISLATOR NICOLELLO: You did
10 already.

11 MS. EPSTEIN: I will give him my
12 time.

13 LEGISLATOR NICOLELLO: All right.
14 You have three more minutes.

15 MR. BOITEL: I would like to say
16 something about the county website.

17 I can tell you that as a person
18 who has been involved with computers for a
19 very long time, I know my way around the
20 internet very well, but the way the website
21 was constructed in this case made it almost
22 certain that the average person who tried to
23 find out information concerning what the
24 commission was doing or what the commission
25 had done would find practically nothing.

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2 I can tell you that we were told
3 at these repeated hearings that there would
4 be any plans that were submitted and any
5 correspondence or testimony submitted in
6 writing would be put up on the website.
7 None of that information was ever put up on
8 the website. To this day, as far as I know,
9 for example, the citizen's committee group
10 that has submitted a plan, that plan has
11 never been put up on the website.

12 None of the letters that were
13 written to the commission or even to this
14 legislature have been put up on the website.
15 The testimony of a committee, that is the
16 Rules Committee, is not up on the website,
17 not up on any website.

18 In closing, I'm going to make a
19 suggestion to you about the use of your
20 website. It seems to me that you ought to
21 be putting these hearings, that is your own
22 legislative hearings in this matter, up on
23 this website so that the rest of the public
24 who are not able to spend the whole day here
25 can see how their laws are being made and

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2 how their communities are being divided.

3 Thank you.

4 LEGISLATOR NICOLELLO: It's being
5 streamed right now. For your information,
6 the meeting is being streamed right now.

7 MR. BOITEL: It's being streamed
8 right now, but for people who, in the middle
9 of the day, have the opportunity to look at
10 television, you guys can, we can perhaps,
11 but most people can't. Why is it, like,
12 every cheap outfit on the internet, they can
13 put stuff up in archives so anybody can look
14 at it after the fact. This legislature
15 doesn't do that.

16 The people of Nassau County have
17 no way of looking back at proceedings that
18 occurred. If they can't take the day off.
19 So don't tell me about what's happening now
20 because nothing is happening now that is
21 significant.

22 MS. EPSTEIN: I would like to use
23 my remaining minute.

24 CHAIRWOMAN GONSALVES: Henry
25 Porzio. Ma'am, what is your name?

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2 MS. EPSTEIN: Judy Epstein. I
3 gave some of my time to Mr. Boitel and he
4 didn't use all of it.

5 CHAIRWOMAN GONSALVES: You have
6 one minute.

7 MS. EPSTEIN: As I said to some
8 of the people who were at the Rules
9 Committee here before, you've heard from
10 lawyers, you've heard from politicians,
11 you've heard from ordinary citizens.

12 I feel qualified to comment on
13 this map because I took a course in stand-up
14 comedy.

15 CHAIRWOMAN GONSALVES: We heard
16 that,

17 MS. EPSTEIN: It's a joke. But I
18 also learned something else in stand-up
19 comedy and there is laughing at and laughing
20 with.

21 As a proud citizen of Nassau
22 County, I am worried. You're going to be
23 putting us on the map of the United States
24 and not in a good way.

25 Just as people in Washington are

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2 trying to convince the Supreme Court that
3 the Voting Rights Act is no longer needed,
4 here we go with gerrymandering and putting
5 all the Democrats in ghettos and making
6 legislators fight against each other, and I
7 really do not want to wake up these days and
8 see Nassau County depicted on national
9 television as an example of the worst sort
10 of practices that we thought were over in
11 this country. Thank you.

12 LEGISLATOR NICOLELLO: Can you
13 tell me what community you're referring to
14 as a ghetto? What communities in Nassau
15 County are ghettos?

16 MS. EPSTEIN: You're putting the
17 Democrats in ghettos.

18 LEGISLATOR NICOLELLO: Tell me
19 what community in Nassau County is a ghetto,
20 ma'am?

21 MS. EPSTEIN: -- you've draw
22 lines --

23 CHAIRWOMAN GONSALVES: Let it go.

24 MS. EPSTEIN: -- to get all the
25 Democrats into a few districts so that you

1 Full Legislature/2-25-13
2 can outvote them with Republicans like that.
3 A big green thing taking over at the top.

4 I'm saying voting ghettos, maybe
5 not walled in like Warsaw, but where the
6 votes are compacted because, apparently by
7 the numbers, Democrats outnumber Republicans
8 in this county, but you're not going to know
9 it. It seems to me you're afraid of a fair
10 fight.

11 CHAIRWOMAN GONSALVES: Henry
12 Porzio? Anybody coming? Henry Porzio,
13 P-O-R-Z-I-O? Did I say it wrong?

14 MR. PORZIO: You said it right.
15 I just hope the mediator in the hearing,
16 recording all this good stuff we've been
17 hearing, because these people to my left are
18 just not listening, okay, and it's a damn
19 shame. Is it a scam? I don't know.

20 I'm from Hicksville, 17. I'm
21 just a little pea in the pod. Going to the
22 charter. 112, okay? 112 maybe was
23 misinterpreted by your legal department
24 whereby the criteria to the temporary
25 committee who outsourced their job had this

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2 twisted interpretation of Chapter 112. You
3 put garbage into a computer you're going to
4 get garbage out. That's what we have in
5 this map. Okay?

6 I don't have any specifics
7 because other people covered specifics, but
8 the courts will eventually catch up to you
9 people if you vote this in.

10 I have some comments for my
11 Legislator Rose Walker, who I always voted
12 for you. You seem to have a knack for doing
13 the right thing. A little disappointed
14 today watching your expressions. There's
15 only two gentlemen at the end over here that
16 I think were paying attention on a regular
17 basis. Thank you. But I didn't get that
18 same feeling from you, Ms. Walker.

19 I implore you, though, if it
20 comes to a vote, vote no. The reason why,
21 because it's the right thing to do. I think
22 that's the theme of this whole thing, it's
23 the right thing to do, okay?

24 With that, I rest.

25 CHAIRWOMAN GONSALVES: Thank you.

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2 The next speaker is Scottie Coads.

3 MS. COADS: Oh boy, oh boy. My
4 name is Scottie Coads. I'm chair of the
5 civic engagement, NAACP New York State
6 Conference.

7 Did each of you get a copy of
8 this? You did?

9 CHAIRWOMAN GONSALVES: Who is
10 she? Give it to the clerk. Sorry, but you
11 should give it to the clerk.

12 MS. COADS: Don't get the lady
13 upset, do what she tells you.

14 What is being distributed is
15 called the roll call. In it you will find
16 the many people who died for us to have a
17 right to vote. I thought I should share
18 this with you.

19 Good afternoon, legislators. My
20 name is Hazel Scottie Coads, chair of civic
21 engagement, New York State NAACP civic
22 engagement chair.

23 On behalf of the New York State
24 conference and our great president and our
25 fearless leader Hazel Dukes, I represent the

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2 NAACP today.

3 Legislators, I am here today,
4 February 25, 2013 to once again, for the
5 seventh time, affirm that the NAACP will
6 continue to fight to defend Democracy.

7 So much has been said about the
8 redistricting and not voting, and voting on
9 this map. I want to get to the core of some
10 of the civil rights obstacles that came our
11 way and to bring you back to the
12 redistricting issue.

13 I approach you today with mixed
14 and very perplexed emotions, as I look at
15 each of you and your willingness to serve
16 the people of Nassau County in such a worthy
17 civic cause.

18 However, I'm offended as an
19 American and as a Nassau County resident to
20 have witnessed this body --

21 CLERK MULLER: Your three minutes
22 have expired.

23 MS. COADS: I got about 15
24 waiting.

25 CHAIRWOMAN GONSALVES: We need

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2 names, okay? And I'll take three minutes
3 more. Dolores, okay, so be it.

4 MS. COADS: I know I didn't talk
5 for three minutes already. I know I did
6 not. I've witnessed this body with such an
7 awesome legislative task or duties, resort
8 to insults and refusal to answer questions
9 posed to this body.

10 Actually, in 2011 and 2012, and
11 as recent as two weeks ago, February 11th,
12 the majority Rules Committee members walked
13 out on its constituents without answering
14 the questions.

15 Legislators, the most sacred and
16 cherished part of Democracy is the right to
17 vote, the right of the people to pick who is
18 going to govern them. There's no greater
19 right than the right to vote in a Democracy.

20 Since the NAACP inception, 103
21 years ago until this minute, we have always
22 valued the right to vote and we are going to
23 continue to fight for that.

24 Allow me to reflect for a moment
25 on such sacrifices African American and many

1 Full Legislature/2-25-13
2 white brothers and sisters have made during
3 our constant struggle defending Democracy
4 and forever fighting for fair representation
5 in government.

6 First, we couldn't vote. Then,
7 when it was legal to vote, we were denied
8 the opportunity to vote. African Americans
9 experienced many killings and beatings
10 across the country as well as the state of
11 New York. Andrew Goodman, see it? 21 years
12 old and Michael Schwerner, 25, are
13 referenced here because they were
14 New Yorkers who cared and gave their lives
15 in pursuit of the right thing to do. That's
16 right. Somebody said it before, the right
17 thing to do, you said it.

18 You were given the charge as
19 public servants to make sure that not just
20 these two brave men, but men and women both
21 black and white did not die in vain.

22 It is quite evident that when
23 your demographer or demographers drew the
24 majority proposed gerrymandered lines, it
25 was quite evident that Nassau County, that

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2 you, the majority, was given the charge to
3 do the right thing --

4 CLERK MULLER: Your additional
5 three minutes have expired.

6 MS. COADS: -- did not care how
7 the lines would impact negatively to
8 minorities.

9 It is also disturbing to have
10 witnessed the blatant disrespect you have
11 shown by not adhering to the Voting Rights
12 Act of 1965. 99 percent if the testimonies
13 you heard from 2011 until this present
14 minutes, spoke to your circumventing the
15 Voting Rights Act. However, that federal
16 law means nothing to you, the majority
17 legislators. Nothing. Absolutely nothing.

18 Each time appearing before this
19 body, we had to beg you and always had to
20 point out the Voting Rights Act and what it
21 stood for.

22 At the Rules Committee two weeks
23 ago I asked a question of the chair,
24 Legislator Gonsalves, if she understood what
25 the Voting Rights meant. Needless to say, I

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2 did not get an answer.

3 The key wording of the Voting
4 Rights Act of 1965 is that it prohibits any
5 attempt to dilute American, African American
6 voting strength. It authorized federal
7 officials to ensure fair voting practices.

8 We are just two years from Metgar
9 Evers assassination and one year from
10 Goodman and Schwerner's assassination.

11 Here we are now 200 plus years
12 away from the signing of the Constitution of
13 the United States of America, and America
14 finally decided to include us at least in
15 principle, if not, indeed.

16 You can inquire of any of us of
17 color and we will have the same story to
18 tell of what our parents told us, or what we
19 witnessed and experienced in our pursuit of
20 the right to vote.

21 Our ballot, unlike any other
22 ballot, is covered with blood of those both
23 black and white -- thank you -- of a greater
24 conscious who laid down their life just to
25 ensure that we not only have access to the

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2 ballot, but a meaning access and involvement
3 in deciding who is going to represent us in
4 government.

5 Although we hold a monopoly on
6 suffering, we do not hold a monopoly on
7 disenfranchisement. We must also not forget
8 our Hispanic, Asian, Jewish brothers and
9 sisters are also being disenfranchised by
10 our redistricting gerrymandering process.

11 We see redistricting and
12 gerrymandering in this county where you cut
13 up election districts so that you weaken the
14 heavily populated minority strengths.

15 Once again, let me state --

16 CLERK MULLER: Your additional
17 six minutes have expired.

18 MS. COADS: Well, all I have is
19 one paragraph and to say my name and good
20 night to you.

21 Once again, the NAACP puts you on
22 notice that we will continue to fight for
23 fair and equitable representation protected
24 by the Voting Rights Act of 1965. It won't
25 end here with your power grab votes.

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2 Have a nice day. Thank you for
3 your time. I do have question though. Can
4 I ask my question?

5 CHAIRWOMAN GONSALVES: I would
6 like to proceed. I have at least 50 more
7 speakers here.

8 MS. COADS: Can I ask a question?

9 CHAIRWOMAN GONSALVES: We said
10 earlier on that we were here to listen.
11 This is not a question and answer period. I
12 would like to move on to Mr. Burke. John
13 Burke.

14 MS. COADS: Well, I hope this is
15 recorded in the record so that when we go to
16 court, that will be recorded as well that
17 you would not allow people to ask question.

18 CHAIRWOMAN GONSALVES: John
19 Burke, is he here? Daniel Lamparter? Who
20 are you, sir? Oh, Neil Curtis. I will give
21 him your time but not at this particular
22 time when his name is called. And that's
23 Neil Curtis, correct? You're leaving but
24 you're yielding your time to Mr. Haber,
25 correct? Fine. I will put it on the slip.

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2 Now Mr. Haber will get six minutes in spite
3 of the fact that he's got two slips in.
4 Daniel Lamparter? Not here.
5 Okay, sorry. Ida Granger? Is Ida in the
6 room? Barbara J. Jones? Thank you very
7 much, Barbara. Victoria Hill? Sorry, I
8 can't hear you. Victoria who is yielding to
9 you? I'm making notes.
10 John Powell.
11 MR. POWELL: Good evening. My
12 name is John Powell and I'm the assistant
13 superintendent for business in the Great
14 Neck Public School District, 345 Lakeville
15 Road, Great Neck, New York 11020.
16 I realized the former proposed
17 revisions to the current legislative
18 district map that would have divided
19 Legislative District 10 is now not being
20 proposed for change, and I would like to
21 thank every one involved for not moving
22 forward on those proposed changes and for
23 hopefully voting today on legislation that
24 will keep Legislative District 10 together.
25 However, I realize that some

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2 other legislative districts are being
3 adversely affected by the changes being
4 proposed and I ask that those changes for
5 the adversely affected districts not be
6 voted on.

7 It is important that we continue
8 to realize and appreciate the fine Democracy
9 that we have and will hopefully demonstrate
10 here today in Nassau County by keeping Great
11 Neck together in District 10 as now being
12 proposed, and not make changes that
13 negatively impact other districts.

14 Nassau County, based on the
15 latest available census data, is the 12th
16 wealthiest county in the United States and
17 one of the most diverse. We owe it to our
18 residents to continue to operate our
19 government in the most equitable and
20 efficient way possible recognizing that
21 legislative districts should have
22 commonality and similar interests in order
23 that the voices of those people in the
24 legislative districts get heard.

25 Keeping the communities that make

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2 up the Great Neck School District whole with
3 one legislative voice is an example of doing
4 what is right and listening to the concerns
5 of the people of Great Neck. You realize
6 this and your actions today will continue to
7 benefit the Great Neck community and the
8 Great Neck School District.

9 Our legislator, Judi Bosworth,
10 continues to do an excellent job
11 representing the 10th Legislative District.
12 Her actions have been very beneficial to the
13 Great Neck School District and community,
14 keeping the voice of our legislator strong
15 and her community united allows her to
16 continue productively working for the
17 residents of the Great Neck community which
18 she has tirelessly done since taking office
19 on January 1st, 2008 is very much
20 appreciated.

21 Thank you again in advance for
22 making the right decision for Great Neck,
23 but please do not forget the other districts
24 whose voice in the legislature will be
25 diluted by some of the changes being

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2 proposed today. Please do not make those
3 changes. Thank you.

4 CHAIRWOMAN GONSALVES: Thank you
5 very much. Jeff Friedman?

6 LEGISLATOR BOSWORTH: Thank you,
7 John. Thanks so much for being down here,
8 for speaking on behalf of Great Neck. There
9 were many people here who already have left
10 but just as importantly speaking on behalf
11 of every person in Nassau County.

12 Thank you.

13 CHAIRWOMAN GONSALVES: Jeff
14 Friedman? Janice Manzolillo? Welcome.

15 MS. MANZOLILLO: I'm an over 50
16 year resident of the Merrick Bellmore
17 community and Dave Denenberg has been there
18 for me. When I had problems, I knew I can
19 turn to him. He, like others, came
20 knocking at my door and asked me what I
21 needed. When I needed help, I went to him
22 and he was there for me.

23 The map that's been presented
24 creates a conspicuous panhandle within our
25 community. It boldly, artificially, and

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2 transparently separates the hope of our
3 legislature from the rest of the Merrick
4 community to which I vehemently object.

5 Dave knows the community and the
6 community knows him. If you open the local
7 paper, he's there at the Eagle Scouts. He's
8 there when a new business opens. He is
9 familiar to us and in a time when people are
10 dealing with Hurricane Sandy, he's there for
11 us.

12 To separate him from our district
13 with an artificial dissection, I think you
14 really have to rethink this. Thank you.

15 LEGISLATOR DENENBERG: Norma?

16 CHAIRWOMAN GONSALVES: Legislator
17 Denenberg.

18 LEGISLATOR DENENBERG: Just very
19 briefly. First of all, thank you, Janice.
20 I have 18 e-mails that I'm just going to
21 hand into the record as opposed to reading,
22 but they're from Wantagh, Merrick, Bellmore,
23 and Freeport residents, and including school
24 board members as well as Rabbi Kramer and
25 several other residents, but I would like to

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2 put these 18 e-mails into the record as
3 well. Thank you. Each of them are asking
4 not to separate the Merrick community.

5 CHAIRWOMAN GONSALVES: Pam
6 Dempsey?

7 MS. CIUFFO: I have a statement
8 from her, may I read it?

9 CHAIRWOMAN GONSALVES: You may
10 read her statement. Please indicate that it
11 is her statement.

12 MS. CIUFFO: My name is Audrey
13 Ciuffo. Pam Dempsey, Wantagh Civic
14 Association. These are her words.

15 I am speaking on behalf of the
16 Wantagh Civic Association about
17 redistricting.

18 This entire plan is so sad to our
19 organization. As you can see, there are so
20 many people here to oppose this plan. Not
21 votes, but people, the very people that you
22 were elected to represent. We want that
23 same respect. We want to keep our
24 representatives. Those people are vested in
25 our community and our lives. Those people

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2 have always been there and supported the
3 community without any regard to party
4 politics.

5 This is not a Republican or
6 Democratic issue. It is so much more. This
7 is an issue of right and wrong. You all
8 know what is right. You should not be
9 allowed to let today's politics shape
10 tomorrow's decision. It is not fair. It is
11 not right. As far as we are concerned, it
12 is a grave injustice. Thank you.

13 CHAIRWOMAN GONSALVES: Karen
14 Fugina? Is that correct?

15 MS. FUGINA: Yes. Good evening.
16 Thank you for allowing me to speak. My name
17 is Karen Fugina and I'm a 21 year resident
18 of Bellmore and fortunate to live in Dave
19 Denenberg's legislative district.

20 I want you to know that truly no
21 one works harder than Dave. This is not a
22 political slogan. This is simply the truth.
23 This is Dave in a nutshell.

24 Dave is always present in our
25 community. He makes himself available 100

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2 percent to families, businesses and students
3 in the Bellmore Merrick community. He
4 listens and his actions glean great results
5 within our neighborhoods and community.
6 Things get done because Dave is at the helm.

7 Most recently when Super Storm
8 Sandy hit and reeked havoc on our community,
9 Dave was at the substations on the utility
10 trucks demanding results and power for our
11 community. He questioned utility personnel
12 including out of state workers to expedite
13 resuming electrical service to our
14 community.

15 A close friend of mine, Don, who
16 is an engineer with National Grid, like Dave
17 was working around the clock during Super
18 Storm Sandy. Don worked throughout Nassau
19 County at substations and on utility trucks.
20 He had the pleasure of crossing paths with
21 Dave several times in the midst of this
22 disaster. Don was very impressed with
23 Dave's commitment and his tenacity to get
24 things moving along as expeditiously as
25 possible.

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2 Our school district in Bellmore
3 Merrick relies on Dave's intervention and
4 support on numerous matters. Splitting the
5 school district into different legislative
6 districts just doesn't make sense at all.

7 Time and time again I have
8 witnessed Dave supporting the Bellmore
9 Merrick community. Please do not take Dave
10 Denenberg out of our district. As we
11 recover from Super Storm Sandy, I think it
12 is more important than ever to keep Dave in
13 Bellmore Merrick.

14 As the saying goes, if it is not
15 broken, don't fix it. I thank you for your
16 time and consideration of my opposition to
17 the redistricting map proposal. Please keep
18 Dave and the other legislators in their
19 current districts. Thank you very much.

20 LEGISLATOR DENENBERG: Thank you,
21 Karen. Thank you very much.

22 CHAIRWOMAN GONSALVES: Rubiano?
23 Had to leave? Roslyn Burslin? Right now
24 you got 20 minutes. You got 20 minutes to
25 talk.

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2 MS. BORECKY: I do.

3 CHAIRWOMAN GONSALVES: Guess
4 what, you're really at the bottom of this
5 list so maybe we're going to have some more
6 people yield to you. Roslyn is going to
7 yield, is that correct? Where is Roslyn, is
8 she here? Let me ask, is Roslyn here?

9 MS. BORECKY: She yielded her
10 time.

11 CHAIRWOMAN GONSALVES: She left.
12 You know, I would think that parliamentary
13 procedure would respect the idea that if
14 anybody was going to yield to an another
15 person, that person who is doing the
16 yielding should be here to do it. I don't
17 understand. There could be ten people in
18 this room who left. Claudia, it's okay.
19 It's a while yet so you can continue to
20 gather some more minutes.

21 MS. BORECKY: I know you put me
22 last.

23 CHAIRWOMAN GONSALVES: All I know
24 is that parliamentary procedure, in order to
25 yield, the person who is doing the yielding

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2 should be in the room, all right? I'm
3 sorry. Maybe I'm wrong, but I think that is
4 the case.

5 Without any further ado, because
6 at least 50 more people are here to speak.
7 Marion O'sharade? Thank you, Marion for
8 being so kind. Steven Marsala? Steven, are
9 you going to yield too? This is not funny.
10 There is procedure here. Barbara Kaplowitz?

11 MS. KAPLOWITZ: Hi. My name is
12 Barbara Kaplowitz.

13 CHAIRWOMAN GONSALVES: I know who
14 you are, Barbara, I spoke with you.

15 MS. KAPLOWITZ: And it was very
16 kind of you to call me back. I really
17 appreciated that. I felt bad for the woman
18 who couldn't get anybody but your secretary.

19 I did not know that I lived in
20 Salsbury until I started to pay attention to
21 the redistricting. You were very kind to
22 tell me that you would still help those in
23 Salsbury.

24 But I handed out flyers near the
25 school, not on the school properties, at

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2 both Bowling Green and Clerk High School.
3 Nobody knows in Salisbury that they're being
4 kicked out and being put into Levittown.
5 And nobody knows in our area that we will
6 now, in the East Meadow School District that
7 we will have three different legislators if
8 we have a problem.

9 That said, I want to know what
10 the people in the Republican part of this,
11 what they do, since they don't look at us
12 and they don't listen to us? Can anybody
13 tell me?

14 CHAIRWOMAN GONSALVES: Barbara, I
15 think as a point of information, I'm not
16 going to answer your question.

17 For eight years, Salsbury was not
18 part of the East Meadow School District.
19 Don't confuse Salsbury and Levittown.
20 Salsbury is part of the East Meadow School
21 District. For eight years, Salsbury was not
22 in the Legislative District 13 which is
23 mine.

24 However, as I explained to you,
25 Legislator Dunne and I worked very closely

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2 on behalf of Salsbury. They were never
3 neglected. Because I will no longer be the
4 legislator for Salsbury, I am a resident of
5 the East Meadow School District community,
6 and have worked on behalf of the East Meadow
7 School District for over 40 years.

8 So you are not strangers to me.
9 No lines would ever change my thinking
10 regarding the residents of Salsbury, Clear
11 Meadow or any part of the East Meadow School
12 District. I live there and you're all part
13 of the East Meadow School District.

14 MS. KOPLOWITZ: I appreciate
15 that, but I can't not vote for you. I
16 worked against you honestly in the last
17 election, and rumor had it that if you got
18 in Salsbury would be put into the Levittown
19 district. And the people of Salsbury love
20 you so much they would never believe that
21 you could do this to us. But you did it.

22 CHAIRWOMAN GONSALVES: Did they
23 love me as much as they loved Denenberg?
24 Listen to me carefully, Barbara. I said
25 this at the Rules Committee and I said it to

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2 you over the phone. We are legislators for
3 particular districts but we are responsible
4 for all of the residents of Nassau County.
5 Lines will never deteriorate people like
6 myself and anybody else up here from helping
7 people in any other district, especially
8 when you are in my school district.

9 MS. KAPLOWITZ: That is my second
10 thing I don't understand. If my son is in
11 the East Meadow School District, and there
12 is a problem with him at Clark, I go now to
13 the Levittown people?

14 CHAIRWOMAN GONSALVES: You go to
15 the school district and the school board
16 because it's a school district problem.
17 It's not a legislative problem.

18 MS. KAPLOWITZ: But the school
19 district, if they have a problem, they have
20 three legislators to go to. I don't know
21 who the third one will be. I know it's you,
22 Dunne and a third one.

23 CHAIRWOMAN GONSALVES: Right now
24 it's actually, it would be Mr. Dunne and
25 myself.

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2 MS. KAPLOWITZ: What is going to
3 happen when this horrible redistricting
4 takes place?

5 CHAIRWOMAN GONSALVES: By the
6 way, right now, it's only me, not Mr. Dunne.

7 MS. KAPLOWITZ: I know it's only
8 you now but it won't be at the next
9 election. That's what everybody is saying.

10 CHAIRWOMAN GONSALVES: Barbara,
11 when you put in, and this is something that
12 Mr. Moroney tried to bring out, was that
13 when you form, you first have to put in the
14 majority/minority districts first, and then
15 you put in the others. And we tried, or
16 they tried to make sure that there was equal
17 representation in each of the other
18 districts that were formed.

19 There are, like someone has said
20 ten years ago, we are not always going to be
21 happy with change. There are winners and
22 there are losers.

23 But, as far as this body is
24 concerned, and I will attest to each and
25 every one of them, and I'm talking about

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2 both sides of the aisle --

3 MS. KAPLOWITZ: But where are
4 they?

5 CHAIRWOMAN GONSALVES: Listen.
6 There is a back room here. There is a
7 microphone back there. They hear everything
8 that you are saying.

9 MS. KAPLOWITZ: What are they
10 looking at when they look down?

11 CHAIRWOMAN GONSALVES: What are
12 they looking at?

13 MS. KAPLOWITZ: I don't know.
14 Are they thinking about redoing the map, or
15 what are --

16 CHAIRWOMAN GONSALVES: Barbara, I
17 gave you time on the telephone. I tried to
18 tell you not to be concerned. You're
19 voicing your concerns. Now, please finish
20 up so I can move on to the next person.

21 LEGISLATOR BOSWORTH: I don't
22 understand why when Mrs. Coads asked
23 questions she wasn't given answers.

24 LEGISLATOR TROIANO: There's been
25 a stream of questions. Follow-up questions.

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2 And you have responded to every one of them.

3 CHAIRWOMAN GONSALVES: Barbara,
4 are you finished?

5 LEGISLATOR TROIANO: When Dr.
6 Hilton came, you refused to answer her
7 question.

8 CHAIRWOMAN GONSALVES: Excuse me,
9 Mr. Troiano.

10 LEGISLATOR TROIANO: I'm sorry,
11 but you're going to apply standard
12 procedure, follow it consistently.

13 CHAIRWOMAN GONSALVES: Guess
14 what? We're now going to call a 15-minute
15 recess.

16 LEGISLATOR TROIANO: That's fine
17 with me. We can wait. You cannot choose to
18 answer questions and questions you don't
19 answer.

20 CHAIRWOMAN GONSALVES: Barbara,
21 you didn't get your question answered, if
22 you want to come back.

23 MS. KAPLOWITZ: I want to know
24 what the Republican part of this legislature
25 is doing. Are they listening to us? Do we

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2 have a chance?

3 CHAIRWOMAN GONSALVES: We are in
4 recess, Barbara. We're in recess.

5 MS. KAPLOWITZ: Do we have a
6 chance at all here or are we done?

7 LEGISLATOR TROIANO: Even when
8 we're in recess you answer her questions but
9 not Dr. Hilton's questions.

10 CHAIRWOMAN GONSALVES: Excuse me.

11 LEGISLATOR TROIANO: Excuse me,
12 we're in recess and you're still answering
13 her questions and not one of Dr. Hilton's
14 questions.

15 (Whereupon, the Full Legislative
16 Committee recessed at 6:25 p.m. and
17 reconvened at 7:03 p.m.)

18 CHAIRWOMAN GONSALVES: The next
19 speaker is Adam Haber and, Adam, I have two
20 slips here for you. Adam, are you here?

21 Adam, you have two slips here so
22 I'm going to count them as one.

23 Adam, I believe somebody else did
24 yield his time to you.

25 MR. HABER: I don't speak at

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2 length on many things, so I don't think I
3 will need nine minutes.

4 It was Neil Curtis who gave up
5 his time.

6 CHAIRWOMAN GONSALVES: Right. So
7 you're free to take them if you want.

8 MR. HABER: I will take them if I
9 need them, so put them on the side.

10 Before we start, we just came
11 back from recess, I want to wish Legislator
12 Troiano a happy birthday.

13 CHAIRWOMAN GONSALVES: Happy
14 birthday, Mr. Troiano.

15 MR. HABER: It was a big
16 birthday, a big birthday. Tenth anniversary
17 of that birthday.

18 CHAIRWOMAN GONSALVES: You're not
19 supposed to tell. Go ahead.

20 MR. HABER: I'm going to try not
21 to go over the same topic and beat a dead
22 horse. I'm going to try to take this from a
23 different angle and bring up a couple of
24 points about what's going on here.

25 I'm Adam Haber. I'm a candidate

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2 for Nassau County Executive. I know last
3 time --

4 CHAIRWOMAN GONSALVES: Yes, I
5 did. Fine. Thank you very much.

6 MR. HABER: But I'm really more
7 speaking as a resident of East Hills and
8 trustee of the Roslyn School Board but also,
9 on a greater sense, just a review of
10 government.

11 In my mind, the purpose of
12 government is the safety and welfare of its
13 constituents, plain and simple. I got here
14 at 1 o'clock. I rushed here. I guess I
15 didn't have to. But at 1:00 p.m. it didn't
16 start. You had the regular hearing. You
17 had hundreds of people here. Then, at 3:15
18 you called a 15-minute recess to a lot of
19 groans and an hour later, it was 4:15, maybe
20 even 4:30, and I'm not quite sure how all
21 these people who work and have a hearing at
22 1 o'clock on a Monday have to take off of
23 work to attend a hearing, how that really is
24 in the best interest and the welfare of the
25 community.

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2 I would think you would want the
3 people to be engaged and voice their
4 opinions and give them an opportunity to say
5 it earlier than later, but I guess that
6 wasn't the case.

7 I have been to four of these
8 hearings over the last several months. I've
9 heard about 23 hours of testimony
10 altogether. Hundreds of residents speak.
11 What was unifying in the voice of whatever
12 was spoken about was, not a single person,
13 not one person voiced support of this
14 Republican redistricting map. Not a single
15 person at the hearings. Not a single person
16 in the newspaper with an article, not a
17 single editorial. I have a website called
18 Nassau's suggestionbox.com, I keep it very
19 anonymous. Not a single person on there
20 voted in support of it.

21 So it's obvious that the will of
22 the people is against this process and the
23 map. The people have spoken. What is the
24 purpose of the hearing or these hearings if
25 the community and the elected officials

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2 don't listen. So that's the first part of
3 my opinion of government being safety and
4 welfare, so that's the welfare aspect.

5 Let's talk about the safety. I'm
6 involved with a charter called All Hands
7 Volunteers. It was chaotic the first few
8 days after the storm and I know that
9 firsthand because I was able to get 20 foot
10 truck of supplies to the south shore. We
11 made four separate runs bringing food and
12 supply to people who didn't have water,
13 shoes, socks. We ended up delivering space
14 heaters, and I want to give credit both Dave
15 Denenberg, although I'm not going to profess
16 my love for you like many of your
17 constituents did, I'm a Wayne Wink guy, just
18 so you know.

19 LEGISLATOR DENENBERG: You just
20 lost my support.

21 MR. HABER: But I wanted to also
22 give kudos to Legislator Kopel also with
23 open arms, took about 800 total space
24 heaters to serve their community.

25 What I noticed, running going

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2 back and forth, there was a very poor flow
3 of information about who to go, where to go,
4 what to do, and I'm sure reacting to the
5 issue, the county executive did the best he
6 could to get information out but without
7 electricity no one could watch cable, no one
8 could see or hear what was going on. It was
9 every man for himself, especially on the
10 north shore with so many power lines down
11 and so many trees down.

12 But the safety issue of this
13 redistricting concerns me deeply because,
14 what I would hope, when a plan finally does
15 come out about where information will go in
16 case we have another emergency, and make no
17 mistake, there will be another emergency,
18 maybe not tomorrow, maybe not next year, but
19 soon enough where people will need to know
20 where to get their information from.

21 So what ended up happening is, I
22 guess there will be a follow through where
23 there will be certain districts for
24 information and I'm hoping that a.m. radio
25 stations for each district so in case

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2 everything fails people can still use their
3 car radios to get that information.

4 But my home district in East
5 Hills and Roslyn, we had our village trustee
6 come up earlier and express that it's being
7 dissected into four parts. Right now we
8 have Wayne Wink's representation. He's
9 doing a fine job. No one knows what's going
10 to happen and, what's sad about it, and not
11 that we're losing Wayne Wink, which is sad
12 in itself, but there are four separate
13 sectors now and nobody is going to know who
14 to turn to for information in case of an
15 issue.

16 People don't even know who the
17 county executive is. If you want to ask a
18 lot of your bright friends, because they're
19 busy making a living, they're busy taking
20 care of their families and they don't want
21 to have to worry about things until they
22 have to and someone has to take care of them
23 and they know who to go to because Wayne
24 Wink has been there for quite some time.

25 But how is that information going

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2 to get out that there will be four separate
3 legislators? How are people going to know
4 who to turn to when there isn't radio or
5 television and they'll know that there's
6 somebody who knows somebody who is close to
7 the legislator. So that's a concern.

8 Safety. Because of this map,
9 there's hundreds of thousands of people
10 changing their legislative districts. So
11 besides the school districts and the
12 legislative districts and your state
13 senators and assemblymen and your
14 congressmen, there's no cohesive rhyme or
15 reason. And we had something with the
16 school districts, they seem to be somehow
17 part of all these legislative districts. If
18 they were split, they were split into two,
19 and not into four.

20 But what you're getting is,
21 you're getting four districts not only in
22 Roslyn, you're getting them in the Five
23 Towns, getting them in Westbury, Merrick,
24 Hempstead, Bellmore, they are being carved
25 up, carved up like a Thanksgiving turkey.

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2 The concern is that the people
3 have spoken. They are here for seven hours
4 already. They have been here for hearing
5 after hearing after hearing. And
6 unanimously we've asked you and told you,
7 sometimes politely, sometimes not so
8 politely, that they don't want this, they
9 don't approve. They want it to be
10 nonpartisan.

11 So there have been three maps
12 that have been coming out. There's been a
13 Republican map, the Democrats had a map, but
14 I do believe a nonpartisan commission would
15 be the person to solve this and I ask you,
16 all of you to reject this map and choose not
17 the Democratic map, but there is a
18 nonpartisan community called the Nassau
19 United Reform Redistricting Map which, in my
20 opinion, does the best job of holding the
21 communities together following town and
22 village lines.

23 It seems to be a done deal. If
24 it is a done deal, I implore you to do your
25 best efforts to make sure on a regular basis

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2 that the community members know who is
3 representing them because that is really
4 what the best interest of the safety and
5 welfare of the citizens are.

6 So thank you for your time.

7 CHAIRWOMAN GONSALVES: There's
8 Claudia Ann Cleophat. Is she here?

9 MS. CLEOPHAT: Yes. Good
10 evening, legislators.

11 CHAIRWOMAN GONSALVES: Good
12 evening.

13 MS. CLEOPHAT: My name is Claudia
14 Cleophat. I'm here to represent everyone
15 from Elmont who cannot make it here today.
16 We are tired of this nonsense to split
17 Elmont into scrap metal. Our kids do not
18 understand the map. They are very upset
19 about it.

20 This is not a political party.
21 We demand that our leaders put the interests
22 of the county before the interests of the
23 political party and redraw the map and stop
24 this attack on Democracy.

25 This map need to change. Between

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2 both parties, Republican and Democrat. We
3 want a lot and don't want to be split into
4 little pieces. We feel like you have no
5 respect for us.

6 I have a lot of respect for you
7 guys. To be honest with you, I help every
8 single one of you to be in power. So
9 therefore please hear us out. Listen to us.
10 Give us a chance. Don't just take matters
11 only in your own hands. There is a Democrat
12 party and there is a Republican party.
13 Let's get both parties together to make a
14 change. We need a change.

15 We don't need to do all these
16 things, honestly I do not understand it. I
17 bring it to my son. My son cannot
18 understand it either. You read it upside
19 down, you read it, no matter where you put
20 it, no one can understand it.

21 So, therefore, please, the law
22 says the communities must be contiguous and
23 compact. You are not living in the past.
24 It is not 1965. I am protesting your vote
25 on splitting Elmont. We are not in the

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2 scrap metal business. Do not cut our
3 community into little pieces.

4 What is a community by itself?
5 It's already crowded. It's Hewlett and
6 Woodmere, and drop us all the way to Inwood.
7 So, therefore, they are going to use
8 everything from Inwood or what's going on,
9 or maybe if they split Elmont in many
10 pieces, then they are going to lower the
11 taxes for us also? We don't accept that.
12 That is not acceptable.

13 We want Elmont to remain the
14 same. We want Nassau County to give us
15 respect here and I thank you so very much
16 for your time.

17 LEGISLATOR SOLAGES: Thank you
18 very much. Madam Presiding Officer right
19 here to your left.

20 CHAIRWOMAN GONSALVES: Okay.

21 LEGISLATOR SOLAGES: Thank you,
22 Ms. Cleopha, thank you very much for coming
23 here today. I noticed that you were here
24 all day long. I'm sure you could have been
25 at work. Thank you.

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2 MS. CLEOPHAT: I'm here to
3 represent my Elmont community, every single
4 person in Nassau County. With my strength I
5 carry on now, I'm without walker. I'm
6 sitting there. I don't know if possible or
7 not. So please we got to put our heads
8 together. Don't let it be a political
9 thing. Let it be a people thing because we
10 need to unite everybody together. Let the
11 communities remain in their communities
12 together.

13 CHAIRWOMAN GONSALVES: Legislator
14 Muscarella wants to say something to you.

15 LEGISLATOR MUSCARELLA: Just for
16 the record, when the initial legislative
17 lines were drawn up in 2005, Elmont was
18 split into two communities. I'm sorry, in
19 1995, Elmont was split into two communities.
20 When the maps were redrawn in 2003, Elmont
21 was split into two communities.

22 Under these current lines, Elmont
23 is split into two legislative districts. So
24 the splitting of Elmont has been consistent
25 and, just for the record, Elmont is

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2 currently represented by two legislators,
3 Carrie Solages and myself, both of whom are
4 up and were educated in the Elmont School
5 District.

6 MS. CLEOPHAT: Well, we need you
7 to do our best because we don't want it to
8 split five, six different places. That's
9 what I'm saying. You've got to keep our
10 lines together. I love you guys, but --

11 CHAIRWOMAN GONSALVES: John
12 Joseph Budnick.

13 MR. BUDNICK: My name is John
14 Budnick. I have a doctorate from Hofstra
15 University, post-graduate work from
16 University of Houston National College of
17 District Attorneys, but who cares about all
18 that.

19 There are a lot of community
20 activities. The main thing I want to talk
21 about is that consistent with what we've
22 been trying to do since the 1990s when the
23 county board of supervisors, for which I
24 used to be the special assistant went out of
25 business, was to empower minorities.

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2 I believe that the Republican
3 plan does, in fact, do that. I believe
4 that, indeed, there will probably be four
5 minority based districts in the Republican
6 plan. I believe that's a good thing. I am
7 a Republican. I have been a Republican
8 going back to the presidency of Dwight D.
9 Eisenhower. Kind of died in the wool.

10 Anyhow, I want to also mention
11 that I do compliment Mr. Moroney for being
12 flexible enough to change his previous
13 proposal to encompass a district in the
14 Great Neck area and to encompass a Hempstead
15 harbor area.

16 I would like to make one small
17 suggestion and that's with regard to
18 Massapequa Preserve, that it either be
19 wholly in one district or wholly in another
20 district. I think that should be all put
21 together. That's a very, very fragile
22 environmental ecostructure there. I also
23 used to be a park ranger.

24 The thing that's most important
25 is my belief that there be as much debate in

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2 listening to each other as humanly possible.
3 My compliments to each and every one of you.

4 I must also mention as I did
5 before the commission that this thing about
6 legislating out people goes back to the
7 1960s when my friend, not Bruce, but Robert
8 Blakeman was eliminated by the new
9 Democratic majority in the state assembly.
10 Then that happened to Assemblyman Guy Maza
11 and to Assemblyman and Woman Mark Herbst and
12 Ferrara, and just recently, what used to be
13 the 12th Assembly District, was ripped
14 asunder, the Massapequas are now divided
15 thanks to the Democratic majority in the
16 assembly, and were united by Ocean Parkway,
17 if it's still there, to some areas in
18 western Babylon, which is beyond bizarre,
19 but obviously the Democratic majority of the
20 state assembly is showing what can be done
21 in this area. I find it extremely
22 distressing all the way around.

23 My compliments to each and every
24 one of you for your having put up with
25 everything that you have during the course

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2 of today and what you have previously.
3 You're great troopers. God bless you.
4 Dave, that includes you, God bless you.
5 Have a good one.

6 One other thing, I have two other
7 things I have to mention very quickly.

8 CLERK MULLER: Your three minutes
9 have expired.

10 MR. BUDNICK: I will send it to
11 you in writing. I wouldn't want to break
12 the rules, Madam Chairman Gonsalves. Thank
13 you very much. God bless you.

14 CHAIRWOMAN GONSALVES: God bless
15 you. Lisa Tyson?

16 MR. PAUL: Give me one second to
17 get these maps. I'll get started, thank
18 you.

19 My name is Brian Paul and I'm the
20 research and policy coordinator for Common
21 Cause New York. You've seen me here before
22 with these pesky maps and I'm here again
23 tonight.

24 Nassau is facing very serious
25 problems and desperately needs this

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2 legislature to work together for the common
3 good. Aside from the short time issues of
4 recovering from Hurricane Sandy, the truth
5 is, all you know, that the county has an
6 aging mid 20th Century infrastructure with
7 unsustainable finances and tax burdens.
8 What we need right now is dynamic forward
9 looking leadership in this county to renew
10 itself for the 21st Century.

11 Instead, we have a proposed plan
12 that is a clear step backwards and puts
13 party ahead of county pure and simple. It's
14 something that we are seeing all over the
15 country really where partisan warfare is
16 taking over legislatures and they're
17 descending into disfunction.

18 Nassau County United
19 Redistricting Coalition is truly
20 nonpartisan. If you saw the work that
21 groups like Common Cause and the League of
22 Women Voters did during the state
23 redistricting, you would have seen us
24 equally condemning the gerrymandering by the
25 assembly Democrats and state senate

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2 Republicans. So we do not take those common
3 sides.

4 This is an independent map that
5 we have drawn and it's not endorsed by
6 either party, neither party particularly
7 likes it, I believe, so, to me, this means
8 we did something right.

9 On the other hand, the proposed
10 plan was drawn by secret consultants and
11 back room political operatives. The public
12 has been completely excluded from the actual
13 mapping process and, and has been said every
14 hearing treated to a stage show and
15 disingenuous talking points and phoney
16 explanations so as not to actually explain
17 the map, but to preemptively protect the
18 plan against legal challenge.

19 The truth is that this plan is
20 drawn to rig the election in favor of one
21 party. Competitiveness is greatly reduced.

22 Both the current lines and the
23 coalition plan here have nine competitive
24 districts. If you define competitive as
25 within 10 percent party balance.

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2 This proposed plan has only four
3 such competitive districts. Looking at a
4 higher level of competitiveness within the
5 six percent party enrollment ballots, the
6 difference is also stark. The current plan
7 is five highly competitive districts, while
8 the proposed plan would only have one.

9 So this proposed plan would
10 likely result in a 12-7 majority and
11 Republican party, the data is clear on that,
12 and a 13-6 majority is not hard to question
13 either as the electoral ballots of some of
14 these radically re-shaped districts are
15 unclear.

16 The truth is, looking at the
17 data, these proposed districts will reduce
18 competitiveness greatly and increase the
19 ideological polarization. I think an
20 important question you have to ask
21 yourselves is, do you want this legislature
22 to be more like congress? Congress with an
23 11 percent approval rating, with extreme
24 partisan gerrymandered districts where the
25 only meaningful election is a low turnout

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2 primary where the candidate has to scramble
3 to the right or the left ideological
4 extreme.

5 These districts will create more
6 rigidly partisan candidates, putting the
7 rationale compromises that the county
8 desperately needs even further out of reach.

9 I would like to address certain
10 things.

11 CLERK MULLER: Sir, you're at
12 three minutes and 20 seconds.

13 MR. PAUL: I have time from
14 Jackson Chin, three more minutes.

15 Just going over some comparisons
16 between the coalition plan and the proposed
17 plan. I'm confused when Mr. Moroney says
18 there is six town crossings in the proposed
19 plan because I clearly count, and any one
20 can look at this map, I'm counting see
21 eight. You have 11, 18, 16 and 14 going
22 between Oyster Bay and North Hempstead. You
23 have 14 and 2 going between Hempstead and
24 North Hempstead, and you have 17 and 4 going
25 between Hempstead and Oyster Bay. That

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2 would be 8 town crossings for the record.
3 Not 6, so I think that should be amended.
4 The coalition only had five such town
5 crossings.

6 Both plans, it's true, divided
7 the same number of census designated places.
8 But these CDPs are not very meaningful when
9 considered out of the context of their
10 surrounding communities and, really, a great
11 way to look at that is, unified school
12 districts, under this proposed plan breaks
13 up 35 unified school districts in the county
14 out of I think only 43 or so total. The
15 United Reform Plan breaks only 21 unified
16 school districts.

17 Going on to compactness. I would
18 like to ask the presiding officer what her
19 definition of compactness is because there
20 is a clear statistical way to analyze
21 compactness, it's built in to your
22 redistricting software. That will give you
23 a number. And the number, the lower the
24 number, the less compact. And the
25 compactness score, averaging the two most

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2 commonly used methods for the proposed plan
3 is 0.28, and the compactness score for the
4 United Reform Plan is 0.39.

5 In other words, statistically,
6 the coalition reform plan is 40 percent more
7 compact than the proposed plan. You can't
8 argue with math. So, to say this proposed
9 plan is as compact as you can possibly draw
10 the plan is clearly you're lying to the
11 public plain and simple.

12 Just to close, you're really
13 playing with fire here. You're poisoning
14 the very root of Democracy. The founders
15 did not intend for reapportionment and
16 redistricting to be used as partisan
17 weapons.

18 As I'm sure many of you are
19 familiar, the founders carefully tried to
20 craft a government that would minimize the
21 chances for, and I'm paraphrasing James
22 Madison here, "men of sinister designs to
23 obtain control of the vote by intrigue or
24 corruption and betray the interest of the
25 people." That's why we don't have a totally

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2 direct Democracy. That's why we
3 representation through a republic. It's
4 unfortunately regrettable that the founders
5 did not anticipate the use of redistricting
6 as a partisan tool and explicitly alone in
7 the Constitution, but is clearly not the
8 intent of the framers.

9 Our Democracy is designed to give
10 voice to many competing interests and to
11 produce compromises that balance these
12 interests.

13 Gerrymandering for extreme
14 partisan districts is a direct subversion of
15 the founder's intents and you still have
16 time to fix this. You do not have to move
17 in lockstep, listen to the public and revise
18 this plan. You still have time. Thank you.

19 LEGISLATOR NICOLELLO: Mr. Paul,
20 I have a couple of questions for you.

21 You're the research and policy
22 coordinator for Common Cause?

23 MR. PAUL: That's right.

24 LEGISLATOR NICOLELLO: Now, you
25 mentioned population deviation. Does Common

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2 Cause have a recommended population
3 deviation that they recommend that you don't
4 go above?

5 MR. PAUL: Well, the legal limit
6 for equal population in a state or local
7 legislature has been plus or minus five
8 percent.

9 LEGISLATOR NICOLELLO: Plus or
10 minus five?

11 MR. PAUL: That's really kind of
12 a theoretical thing that you're talking
13 about because these numbers are from 2010.
14 It's 2013. These numbers are very different
15 already.

16 LEGISLATOR NICOLELLO: I'm just
17 asking you, basically, does Common Cause say
18 well, you shouldn't go above five percent?

19 MR. PAUL: Yes, of course, it
20 would be illegal.

21 LEGISLATOR NICOLELLO: Plus or
22 minus five percent?

23 MR. PAUL: Plus or minus five.

24 LEGISLATOR NICOLELLO: Now, let
25 me ask you about the Common Cause plan.

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2 Your plan is 9.85 percent; is that correct
3 deviation?

4 MR. PAUL: Yes. That's correct.

5 LEGISLATOR NICOLELLO: So you're
6 just up against the 10 percent, plus or
7 minus that is rendered illegal, am I
8 correct? Not great math, it's ten percent
9 and 9.85.

10 MR. PAUL: The methodology in
11 this plan is to achieve communities of
12 interest and respect school districts and
13 local political boundaries, and that is more
14 that -- I think a more worthy criteria than
15 just trying to get that deviation as low as
16 possible. Those numbers are from three
17 years ago anyway.

18 LEGISLATOR NICOLELLO: How is it
19 as low as possible if you're almost above
20 the ten percent?

21 MR. PAUL: I'm not saying we
22 tried to get it as low as possible.

23 LEGISLATOR NICOLELLO: Let me ask
24 you this. Things change, communities
25 change, people move. Isn't it correct that

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2 this map, if adopted tomorrow, would be over
3 the 10 percent within the matter of six
4 months, a year, maybe two months?

5 MR. PAUL: We would not know that
6 until census 2020 and then --

7 LEGISLATOR NICOLELLO: It seems
8 like it's common sense if you're almost at
9 ten percent you are going to be over 10
10 percent. For example, let me tell you this,
11 the -- for example, Mr. Paul, the 2003 map
12 that was adopted by the Democrats had about
13 a ten percent deviation. Do you know that
14 it's now above 22 percent?

15 MR. PAUL: Yes, I'm aware of
16 that.

17 LEGISLATOR NICOLELLO: Just have
18 a question about your map. I actually took
19 a quick look at it. What do you know about
20 the community, the Incorporated Village of
21 Williston Park?

22 MR. PAUL: Would that be in our
23 District 10?

24 LEGISLATOR NICOLELLO: That's
25 where I'm going. It's approximately 7/10ths

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2 of a square mile. It's about 7,200
3 residents. It's an incorporated village.
4 It has one fire department, one water
5 district, one sanitary district.

6 I took a look at it and under the
7 map, the United Reform Map, that tiny
8 village is split into three separate
9 districts 10, 9, and 11.

10 Can you tell me why that
11 happened, or why it was split into three
12 separate districts?

13 MR. PAUL: I think the overriding
14 factor there was trying to keep the entire
15 Herrick School District in a single
16 district.

17 LEGISLATOR NICOLELLO: So, in
18 order to keep the Herrick School District in
19 a single district, you wound up taking a
20 tiny village and splitting it into three
21 separate legislative districts?

22 MR. PAUL: Well, we all know that
23 these maps cannot be 100 percent perfect.
24 Even the reform plan divides -- there are
25 four census designated places divided into

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2 three pieces or more. Your proposed plan
3 divides eight census designated places into
4 three pieces or more. So you cannot be
5 perfect, but you can aim for a better
6 standard of keeping communities together.

7 LEGISLATOR NICOLELLO: You didn't
8 do it intentionally, it happened when you
9 are doing these maps, you wind up -- you
10 can't be perfect and you wind up splitting
11 some communities; am I right?

12 MR. PAUL: Well, you can't be
13 perfect but I think the comparison here is
14 clear. You can be so much better than what
15 you proposed here.

16 LEGISLATOR NICOLELLO: And you
17 can be so much better in your deviations,
18 but that's another story. Thank you very
19 much, sir.

20 LEGISLATOR WINK: Can I just ask
21 one question of Mr. Paul? Mr. Paul, if I
22 could, to the best of your knowledge, when
23 courts consider the issue of deviation, is
24 it -- do courts say they want something less
25 than ten percent or do courts say they want

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2 six percent as opposed to seven percent, or
3 four percent as opposed to five percent?

4 Isn't it in fact the threshold
5 for court's consideration whether or not it
6 stays within a ten percent deviation?

7 MR. PAUL: Plus or minus five
8 percent is the official standard.

9 LEGISLATOR WINK: So, in other
10 words, if a court sees that it's less than
11 10 percent, plus or minus five percent
12 deviation, they grant a great deference as
13 opposed to whether it's four percent or
14 three percent or two percent? Once the
15 analysis is done, it's whether or not it's
16 within plus or minus five percent?

17 MR. PAUL: Plus or minus five is
18 the standard for state and local
19 legislatures for meeting the equal
20 population criteria, that's true.

21 LEGISLATOR WINK: Thank you.

22 CHAIRWOMAN GONSALVES: Legislator
23 Jacobs.

24 LEGISLATOR JACOBS: Paul, just a
25 question I have. Common Cause I know has

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2 been devoted to this for a few years now.

3 Has there been a case in any
4 county or municipality out there where a
5 common cause map was adopted? In other
6 words, may have ended up in court but
7 actually ended up being adopted or are they
8 all done by the powers that be?

9 MR. PAUL: Well, we had a
10 situation last year where congressional
11 redistricting ended up in the federal
12 district court due to an impasse between
13 parties in the state legislature and, in
14 that process, the Common Cause plan was used
15 as the standard by which the party plans
16 were compared. And numerous large portions
17 of our plan, not the whole plan, exactly
18 large portions of it were adopted by the
19 federal court, and are now our congressional
20 districts.

21 LEGISLATOR JACOBS: By the
22 federal court drawn by a magistrate?

23 MR. PAUL: Drawn by a special
24 master, because a special master draws
25 lines, they use those exact criteria that we

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2 outline every time, community of interests,
3 political subdivisions, it's pretty clear.

4 So we think that if a court were
5 to draw Nassau County's district, they would
6 end up with something like we presented here
7 today.

8 LEGISLATOR JACOBS: I thank you.
9 I just admire the fact that Common Cause has
10 been around for a long time and devoted so
11 much time to this. It's interesting.
12 Obviously it removes it from the bickering
13 back and forth very quickly. Although -- we
14 have to hope that whoever is the master
15 knows the area to a degree, right?

16 MR. PAUL: You would hope that
17 they would draw on all the testimonies that
18 we've heard at these hearings.

19 LEGISLATOR JACOBS: True. Very
20 true. Thanks a lot.

21 CHAIRWOMAN GONSALVES: Aubrey
22 Phillips.

23 MR. PHILLIPS: Good evening, I
24 think it's appropriate at this hour. I
25 would like to make note of something that

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2 apparently has escaped everyone here today,
3 and it's that I will address the chair, as
4 the chair of the minority affairs department
5 here in the legislator.

6 I understand that Ms. Gonsalves
7 is the chair of the minority affairs
8 department for Nassau County. As the chair
9 of the minority affairs department,
10 committee, I am puzzled as to any part of
11 the debate today that so affronts the entire
12 community that sits behind me, many of whom
13 have left.

14 What would the minority chair,
15 what would the chair of the minority
16 committee say to the minorities in the
17 audience about your role in protecting and
18 in assisting minorities in Nassau County in
19 achieving some level of parity, whether it
20 be business, whether it be social matters,
21 and, in this case, the all important right
22 to vote?

23 CHAIRWOMAN GONSALVES: Are you
24 asking me a question?

25 MR. PHILLIPS: I did, and I

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2 noticed that you were answering questions
3 selectively throughout the day, so maybe you
4 might select at this point to answer my
5 question.

6 CHAIRWOMAN GONSALVES: Are you
7 asking me a question?

8 MR. PHILLIPS: I did say yes.

9 CHAIRWOMAN GONSALVES: I'm
10 telling you right now, the minority affairs
11 committee are members of that committee, we
12 were hear to listen to the testimony on
13 February 11th. We are all here today to
14 listen to that testimony.

15 MR. PHILLIPS: I understand.

16 CHAIRWOMAN GONSALVES: I did not
17 ignore the minority community.

18 MR. PHILLIPS: I'm not suggesting
19 that you're ignoring the minority community,
20 I'm suggesting that two years ago, when I
21 was standing at this podium, the person
22 sitting in your chair was Mr. Schmitt.

23 CHAIRWOMAN GONSALVES: Correct.

24 MR. PHILLIPS: In fact, today,
25 aside from your reasonably quiet demeanor,

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2 all the answers remain the same. And this,
3 indeed, is the problem with this process,
4 because this process does not in any way
5 address the issues that were brought to you
6 throughout the hearing process.

7 For instance, Mr. Moroney had a
8 hearing in Elmont. At the end of that
9 hearing, it was clear that he said to us in
10 Elmont, I understand now that this community
11 does not want to be split up. He testifies
12 or makes statements here that Elmont is
13 begging to be split up. I don't know under
14 what circumstance is there a community out
15 there that wants to be split up.

16 So maybe he has some information
17 and some insight that he can share with us.
18 I know that he will be back this evening to
19 answer questions from you and maybe someone
20 should ask him the question of, "have you
21 ever heard of a community that is asking the
22 legislature to essentially dilute their
23 vote?"

24 CLERK MULLER: Sir, your three
25 minutes are up.

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2 MR. PHILLIPS: So it is. The
3 last thing I want to speak to is this issue
4 of disenfranchisement of in fact the entire
5 population of Nassau County.

6 You are sitting in charge of a
7 very important matter that is redistricting
8 that is my right to vote. I as an ex-marine
9 took it upon myself to serve this country in
10 the capacity of a soldier, of a marine, and
11 did it because I believe in Democracy. This
12 is not what I was about or ready to die for.
13 This is not what my colleagues, 220 of them,
14 died for in Beirut. This is not at all what
15 we envisioned.

16 So I will come back to you,
17 Ms. Gonsalves, and say that as the
18 chairperson of the Minority Affairs
19 Committee I really would expect that you, in
20 particular, for having that position, would
21 be much more open and much more ready to
22 address the issues of minorities in Nassau
23 County than the rest of your colleagues who
24 does not have this added responsibility to
25 the minority community. Thank you.

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2 LEGISLATOR SOLAGES: Thank you.
3 Madam Chair? Mr. Phillips, good evening.
4 Thank you very much, number one, to this
5 great country. Thank you.

6 Secondly, when you referred to
7 minority communities, can you please define
8 what you mean by minority communities?

9 MR. PHILLIPS: Sure. I will just
10 use the Voting Rights Act and say that when
11 I speak to minority communities on Long
12 Island, I would first want to insure that
13 minority communities as defined by the
14 Voting Rights Act, that's number one, and
15 then, secondly, there is a growing community
16 on Long Island, Haitian American, Asian
17 American, Pakistani Americans, that's the
18 minority community for which I speak.
19 Because Elmont happens to be a community of
20 about 84, if I'm not mistaken, at last
21 county, there were 84 different countries
22 that are represented in that little
23 community of Elmont.

24 By all definitions, we are a
25 minority community. The fact that our

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2 school districts are split four ways and so
3 forth really disenfranchises children and
4 their parents.

5 So when you asked the question,
6 Legislator Solages, I would just say to you
7 that the minority for which I speak certain
8 is the African and Caribbean community in
9 Elmont and the Hispanic community that is
10 growing in our area and certainly the
11 subsets of those communities.

12 LEGISLATOR SOLAGES: Would you
13 define in that definition of minority
14 community also the Jewish community?

15 MR. PHILLIPS: Absolutely,
16 because in Elmont that is a minority
17 community.

18 As you say that, there is one
19 thing I wanted to raise and I'm glad that
20 you asked. When Mr. Moroney was up here and
21 spoke about communities of interests, one of
22 the things that he focused on as a community
23 of interest was something called
24 cross-border crime. I have no idea that in
25 the redistricting process cross-border crime

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2 would then be considered part of a community
3 of interest.

4 So, as you question Mr. Moroney
5 when he gets back here, please have him
6 explain to us how cross border crime can
7 become a community of interest.

8 LEGISLATOR SOLAGES:

9 MR. PHILLIPS:

10 CHAIRWOMAN GONSALVES: The last
11 question, Mr. Phillips, are there any
12 recognizable Jewish Community in the 3rd
13 district which is being used to either
14 enhance or dilute the minority voting power?

15 MR. PHILLIPS: Well, as the
16 proposed 3rd district is drawn, it takes the
17 Elmont minority community, the African,
18 Caribbean, and so forth community and it
19 puts it in direct competition with the
20 community south of Sunrise Highway. I think
21 that that community south of Sunrise Highway
22 is specifically being used as dilutive tool
23 to the Elmont community.

24 LEGISLATOR SOLAGES: So you would
25 define that community as a community of

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2 interest?

3 MR. PHILLIPS: Well, it certainly
4 is, by all standards, they share a common
5 religion, common customs. I think that
6 defines a community of interest.

7 LEGISLATOR SOLAGES: You refer to
8 the Jewish community represented by now
9 Howard Kopel; is that correct?

10 MR. PHILLIPS: Yes.

11 LEGISLATOR SOLAGES: Thank you
12 very much for your testimony, Mr. Phillips.

13 CHAIRWOMAN GONSALVES: Annie
14 Lays? Mimi Pierre Johnson?

15 MS. JOHNSON: I'm kind of tired
16 since I've been here since this morning, but
17 many people have already said -- my name is
18 Mimi Pierre Johnson. I'm from New York
19 Communities for Change and Long Island Civic
20 Engagement Table, and I'm a resident of
21 Elmont.

22 Most of what I was going to say
23 many people have already said it. But I
24 want to get to two specific questions that I
25 hope that this body will be able to answer

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2 for me and I really do want an answer to
3 that.

4 We already know that the map is
5 just not working for us. You've heard that
6 over and over again, months and months of
7 testimony and, of course, today.

8 So, unless you can tell me
9 something different by asking this question,
10 by me asking you this question, will you
11 take the next week to revise the map so that
12 it does not divide communities and
13 strengthen the voting power of minority
14 communities? One.

15 Number two, we until March 5th,
16 right? So all the testimony that you've
17 heard today and previous, will you take that
18 time to look over, listen to, however it is
19 that you're going to hear these testimonies,
20 you have until the 5th, can you do that at
21 least to change the map so that it does not
22 do what I've asked in that first question?

23 CHAIRWOMAN GONSALVES: I'm going
24 to tell you what I told you the other day.
25 We're here to listen. We're here to assess

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2 all the testimony that has been given at the
3 Rules Committee on the 11th of February, and
4 today there have been for than 200 speakers
5 between the two meetings, and we'll take all
6 of the comments under advisement. That's
7 the best I'm going to do at this point.

8 MS. JOHNSON: Thank you, Norma,
9 I'm glad you said that. And I really don't
10 know how the rules work up there, because I
11 did notice that some legislators have spoken
12 to people who are testifying, so this
13 question is not just to you, presiding
14 officer, it is to maybe Nicoletto or any
15 other people up there.

16 You've heard some testimonies.
17 There are testimonies here that are
18 compelling that you should look at and say,
19 you know what, maybe we made a mistake,
20 let's look at it, because we are trying to
21 avoid a vote today because you cannot hear
22 testimony and vote. It just doesn't happen
23 like that in the real world when you are
24 considering families and people.

25 So I'm asking you, anybody else,

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2 if you will allow them, madam chair.

3 CHAIRWOMAN GONSALVES: They are
4 free to speak for themselves.

5 MS. JOHNSON: Okay. Have you
6 heard anything here today that you may slow
7 down? And this is also for those who are in
8 the rooms back there that's listening, if
9 could you come back out if you can answer
10 this.

11 Have you heard anything that you
12 may say to yourself, you know what, maybe I
13 need to look at this map a little bit
14 closer, maybe there are things that we can
15 change, maybe there are things that we
16 didn't see. Can anybody say at least, you
17 know what, yeah? Can you answer that
18 question?

19 LEGISLATOR NICOLELLO: I'm going
20 to say exactly what the presiding officer
21 just said, that we're listening to every bit
22 of this testimony. We listened through the
23 Rules Committee, some of us have read
24 through the transcripts of the advisory
25 commission hearings. We have even looked at

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2 the 2003 transcripts and we are taking
3 everything into account and we are taking it
4 under advisement at this point.

5 MS. JOHNSON: So how long is it
6 going to take you to caucus today and then
7 reach a vote?

8 LEGISLATOR NICOLELLO: We don't
9 know.

10 MS. JOHNSON: Is there a
11 possibility that you may say you're not
12 going to vote today?

13 CHAIRWOMAN GONSALVES: Mimi,
14 we're not going to go that way. There is a
15 possibility for anything.

16 MS. JOHNSON: So this is the
17 reason why I was sitting there today and I
18 was in awe, this is why I'm asking you this
19 question. February 11th, Mr. Moroney said,
20 after a question was asked to him, why are
21 you putting Inwood in Elmont?

22 His answer was that, we were
23 trying to make sure that Elmont was a
24 majority/minority. I sat there and kept
25 saying to myself, but we already are. It

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2 bothered me. I talked it over with my
3 colleagues. It bothered me.

4 So today, Mr. Moroney's
5 presentation, when he got to Elmont, the
6 first thing he said, he looked at the map
7 and Elmont is a majority/minority. But
8 instead of saying, I heard testimonies and
9 so, you know what, maybe we need to look
10 into that. Instead of saying that, that
11 would have been the right thing to do, he
12 then said, but we looked at the senate
13 lines, then he obviously is interested in my
14 shopping because then he said, and they also
15 have the interest of the same shops on
16 Hempstead Turnpike and Sunrise Highway.

17 So, you tell me, how are we
18 supposed to stand here and say, they are
19 taking us seriously by listening to us?

20 CLERK MULLER: Ms. Johnson, your
21 time is expired.

22 MS. JOHNSON: When you realize
23 that we are already a majority/minority you
24 should have said, you know what, maybe we
25 need to slow it down. You can still make

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2 your vote but at least say to the people out
3 here, we are really listening to you, maybe
4 there are things that we don't have to rush
5 this. Why do you have to rush this? Can
6 you just tell us tonight, maybe we need to
7 slow it down, there might be other things to
8 look at and not disenfranchise so many
9 people because obviously, if you've listened
10 to 200 plus testimonies, and we're still
11 saying, we don't like it, hey, it's not
12 good.

13 So if you're representing us, do
14 what is good for us, otherwise we will see
15 you in court and that costs us money. We're
16 going to see you in other places that you
17 don't want to see us like the ballot. So
18 think about that when you go back there to
19 caucus. It's not a good thing you're doing.
20 Right now you need to look into your heart.
21 You're doing us wrong and stop it.

22 CHAIRWOMAN GONSALVES: Geraldine
23 Dudley? Claudia Swansey? I don't know if
24 I'm saying it right. Dennis Jones.

25 MR. JONES: Wow, I didn't think I

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2 was getting called today.

3 CHAIRWOMAN GONSALVES: Mr. Jones,
4 we're going to stay until everyone is heard.

5 MR. JONES: Beautiful, beautiful.

6 Well, my name is Dennis Jones and
7 I'm a resident of the Village of Hempstead.
8 I just wanted to come in, the Republicans,
9 whoever took the lead in this, in packing
10 the room with all the GOP personnel that was
11 here this afternoon so that we couldn't get
12 in. They didn't even wait around to speak.
13 They just showed up and just about during
14 your break they left. So good job. Good
15 job.

16 A year ago we were here doing the
17 same thing, fighting this fight, the same
18 cause, same attack, that you have on the
19 minority community. A year ago many of us
20 opposed the map. Took it to court. Here we
21 are again opposing a similar map just as
22 bad. I guess we'll be taking it to court.

23 Two areas that I just wanted to
24 talk about, one is the Village of Hempstead
25 that I live in, and I've come to understand

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2 that it's being chopped up again and they
3 will be dividing Hempstead four ways or
4 three ways or whatever ways. It doesn't
5 matter. You're doing something directly to
6 us that will disenfranchise us.

7 The second area is Elmont and
8 they have been talking about it and I
9 believe, because we brought the buses out
10 here from Hempstead, that we were
11 disenfranchised even more with this new map.

12 I believe that because Legislator
13 Solages won his election, that they're
14 attacking your area for that same reason.

15 Its obvious that you want to
16 divide us to try to conquer us. Don't want
17 us to have our particular vote that we have
18 earned.

19 I don't see the reasoning of
20 bringing the Five Towns into Elmont. I
21 don't see the reasoning of separating a
22 village just as was made by Mr. Nicolello,
23 he made some mention of it just recently
24 that they're dividing this village on the
25 other map.

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2 If it's one group that's being
3 divided, it doesn't matter which one it is,
4 but if they're not here arguing the fact
5 that they shouldn't be divided, then what
6 does it matter?

7 You said that you've listened to
8 tapes and all of the transcripts from all of
9 these hours and hours of discussion at these
10 hearings and I don't believe that one bit.
11 I don't believe it one bit. I can't
12 possibly, because I'm sitting here for eight
13 hours, there is no way in the world that you
14 were listening to all of those other
15 hearings, and that you took any of that into
16 consideration. So I don't believe that.

17 CLERK MULLER: Sir, your three
18 minutes have expired.

19 MR. JONES: I think you should
20 prove it because we're worth it. We want to
21 see what maps you are looking at. We want
22 to see what transcripts you were reading.
23 We want to see what consideration you took
24 for all of the hours that we spent coming
25 here every single time you had a hearing.

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2 It's obvious to us that you chose
3 to be the racist gerrymandering people that
4 we don't want to elect ever again.

5 LEGISLATOR KOPEL: You just
6 stepped over a line there, sir. You want to
7 call people racist, you're going to have to
8 back off.

9 MR. JONES: You have chosen to be
10 this way over civility.

11 LEGISLATOR KOPEL: Cut it out
12 there for a minute. You know something,
13 your making speeches, you're not going to
14 impress anyone up here.

15 MR. JONES: You have chosen your
16 way of doing things. No matter how many
17 times someone gets up here and no matter how
18 many times people are crying to you about
19 what they're going to be affected and how
20 they're going to be affected, you continue
21 to laugh and smile and continue to do just
22 what you're doing. Destroying communities.

23 CHAIRWOMAN GONSALVES: Mr. Jones,
24 your time is up. Thank you.

25 MR. JONES: Thank you.

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2 CHAIRWOMAN GONSALVES: James
3 Jacobs.

4 MR. JACOBS: Good evening, madam
5 chairperson and legislators. I'm not going
6 to beat the dead horse like these other
7 individuals they have been doing this
8 especially because they have the right to do
9 so.

10 My concern is the city of
11 Uniondale, Kevan, I meant to say that to you
12 because he is a good guy, that's why I'm
13 here. That's why I took from 1 o'clock to 8
14 o'clock at night. That's love, brother.
15 That's love.

16 I'm saying that, I have a feeling
17 that -- is this on? Just wanted to make
18 sure.

19 What happened is, I understand
20 about the redistricting, also about as far
21 as the county, also going to be affected for
22 the school system also. My concern is, as a
23 citizen, every time I hear these different
24 individuals speak, and like the gentlemen
25 said, from observation when certain people

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2 say their spiel about what they feel from
3 the heart, the legislative body has this
4 little smirk on their face. And my whole
5 thing, I mean, you may not always agree what
6 I have to say about my opinion, but at least
7 I give the person respect to say it and take
8 them seriously. You just don't play them
9 off by body language.

10 But by saying that is, my concern
11 is, I'm a resident of Uniondale for 20
12 years. When I first moved out here the
13 thing they always spoke about how everything
14 was very transparent, very open, that you
15 can go to your legislator with a problem and
16 they would address the problem.

17 That even though I have family
18 members both Democrat and Republican for the
19 record that when we had discussions, it was
20 based on the argument that we have.

21 But from what I see from this map
22 here, which is a different map in Newsday
23 which was about two weeks ago, I'm like
24 saying, the guy spoke about, I forgot the
25 gentleman's name, but he had to go on the

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2 website trying to find it. I'm not a
3 computer person. So imagine not a computer
4 person trying to find this map today to come
5 here to speak eloquently from the heart what
6 they feel about it.

7 Because, as a taxpayer, your
8 thing is that you want -- you want the
9 county to have your best interests as a
10 taxpayer for whatever district you live in.
11 You want to get your children -- that's why
12 you move out here, a good and sound
13 education, but the way it looks like to me,
14 is that back when my parents were living
15 when they were supporting Dr. King, that
16 there was segregation. Not to say that
17 you're doing that, but it's the procession
18 of things, that you're doing everything, he
19 who has to go and make all the rules.

20 Because I know that 10 years ago,
21 when the Democrats in charge, it's like the
22 gentleman spoke of the fact that you
23 attacked him on, is that the mere fact that
24 I know both sides hands are dirty, but to me
25 if you have the art of compromise, there

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2 will be fairness for all.

3 All these people want you to do
4 is to be fair and open. That seems to be
5 the hardest thing to do. I'm not a literate
6 person like lawyers and so forth, but I try
7 to have common sense. So to me if it
8 doesn't make sense that means there's
9 something with it. That's all I have to
10 say.

11 I know my three minutes are up
12 but I just want to get that across because
13 taxpayers are out here and all they want is
14 a fair and decent government. I know one
15 party believes it's a law government and the
16 other party believes that the government
17 should be a helping hand. That's the
18 difference of opinion.

19 But, as a taxpayer, all we want
20 is a transparent government that's open to
21 everyone and nothing done behind closed
22 doors. Simple as that.

23 CHAIRWOMAN GONSALVES: Thank you
24 very much, Mr. Jacobs. You're a breath of
25 fresh air. Charles Kahn? You're yielding

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2 to Ms. Gomez? Did you put in a slip?

3 Judy Beck?

4 MS. BECK: Hi. My name is Judy
5 Beck and I live in Floral Park and I hate
6 talking in front of a lot of people but I
7 feel so strongly about this that I'm doing
8 something that I never do.

9 I just want my name to be on the
10 record that I'm vehemently opposed to that
11 map. And, if I may, I would like to give
12 the rest of my time to Fred Brewington.

13 CHAIRWOMAN GONSALVES: John
14 Moore? He left. Okay. Terri Openika? I
15 don't know if I said it right. She went
16 home. Edward Striken, is it? He left.
17 Naomi Feldheim? Yes or no? No. Rosetta
18 Kahns? Ali Mirza?

19 MR. MIRZA: Good evening, madam
20 presiding officer.

21 CHAIRWOMAN GONSALVES: Good
22 evening.

23 MR. MIRZA: Ladies and gentlemen.
24 My name is Ali Mirza. I'm a resident of
25 Elmont since 1991.

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2 Previously you talked about the
3 census 2010. Based on those census numbers,
4 let me say for the record that the largest
5 growing segment of minority population in
6 Nassau County is Asian Pacific Islander
7 Americans and Salvation Americans happen to
8 be the largest group within that Asian
9 Pacific American group.

10 In Elmont, in Legislative
11 District 3, we have a very diverse community
12 and growing population from the salvation
13 community. Our concerns have been common
14 with the other minority communities so,
15 despite being a diverse community, our goal
16 has always to be united throughout the
17 communities.

18 Unfortunately, in my 22 years in
19 Elmont, somebody before mentioned that
20 Elmont has already -- always was divided. I
21 saw it myself in the last 22 years. That it
22 was not divided only by the legislative
23 lines, but it also divided within the
24 legislative lines. For example, the west
25 side of Elmont got clumps, where the

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2 minority communities are concentrated, and
3 the other side of Elmont on the Legislative
4 District 3 got clean.

5 I know that you are in majority
6 and that the numbers will prevail and you
7 will get your will, but you claim to do
8 justice and you claim to follow the law.

9 Somewhere during my education I
10 was told that it is not enough to serve
11 justice but the justice should be served in
12 a way that it should look like the justice
13 has been served.

14 Apparently that is not what's
15 happening. I do not care about who
16 represents my legislative district because
17 sometimes I feel that one side doesn't care
18 about us and the other side takes us for
19 granted.

20 My important point is that my
21 communities are represented, all minority
22 communities are represented, and their
23 voices are heard.

24 It seemed to me more and more
25 that the push is to push the minority

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2 communities on the side any way possible for
3 some short term political gain. You can
4 push us out from the legislative district
5 one day or the other, from District 3 to
6 some other district. You can also push
7 other minority communities from their
8 current legislative district to some new
9 legislative district, but let me assure that
10 you're not going to be able to push us out
11 of the Nassau County, and we will remember
12 it when our time comes.

13 Thank you very much.

14 LEGISLATOR SOLAGES: Madam
15 speaker?

16 CHAIRWOMAN GONSALVES: Carrie.

17 LEGISLATOR SOLAGES: Thank you
18 very much. Mr. Mirza, good evening. Thank
19 you very much for coming here this evening.
20 Is it your testimony here this evening that
21 the Asian Pacific population is growing as
22 such that there could be created a fourth
23 minority district?

24 MS. MIRZA: No. I would rather
25 have the current Legislative District 3 as

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2 it is. Our concerns -- it is not about only
3 about the Asian Pacific American community,
4 it is about the diverse minority communities
5 and women, that includes Jewish community
6 also, all the minorities, and our concern in
7 the current Legislative District 3 are
8 common.

9 Now, if you push us towards
10 further south, like you push the Police
11 Precinct 5 further south, the police
12 precinct 5 is not part of Legislative
13 District 3, the current legislative, it has
14 been pushed out, then you really, what you
15 are saying is, we just are looking not for
16 the communities but for ourself. We are
17 ignoring the voices of the communities and
18 that is what concerns me.

19 LEGISLATOR SOLAGES: Thank you
20 very much, Mr. Mirza.

21 MS. MIRZA: Thank you.

22 CHAIRWOMAN GONSALVES: Stephen
23 Emers.

24 MR. EMERS: Good evening and
25 thank you for allowing me to speak.

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2 A couple of points of information
3 about some statements that were made.

4 First, Mr. Moroney said that there were
5 several convenient well publicized meetings.
6 I feel I have to disagree with that.

7 I didn't receive any mailings
8 and, by the way, if you would have printed
9 this double sided instead of single sided,
10 you probably would have had enough paper to
11 do the mailing and send enough money to send
12 it out. That's just a suggestion.

13 I don't know how many robocalls a
14 year from the county. If you really wanted
15 to publicize it, I don't understand why you
16 couldn't use the robo-system to make calls
17 to inform any registered voters. That's my
18 points of information.

19 As far as what else I wanted to
20 speak about, many things were already
21 covered. I do want to say I analyzed the
22 election results of 2012, my particular
23 area, which is Bellmore where I resided
24 since 1972, there were actually a majority
25 of people voted for the Republican

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2 presidential ticket. Our state senator and
3 assemblyman were also Republican.

4 The one big change to that was
5 our legislator who won by 73 percent of the
6 vote. Any appearance that the map gives is,
7 and I'm saying the appearance, because of
8 course I don't want to accuse anybody of
9 partisan politics in the 21st Century here
10 in the United States, is that you couldn't
11 beat them at the poles so let's redistrict
12 him out of office. I think that's the
13 impression most people get. I think it's
14 unfair.

15 I think it's one of the reasons
16 my daughter refuses to live in Nassau County
17 even though this where she grew up and was
18 educated. I don't know about my son's
19 feeling because, right now, he's in Uganda
20 protecting, he's a federal agent.

21 That's all I have to say at this
22 point because I haven't eaten for about nine
23 or ten hours. I'm anxious to get home and
24 have some dinner, as I'm sure you all are.

25 CHAIRWOMAN GONSALVES: Thank you,

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2 Mr. Emers.

3 MR. EMERS: One thing I did
4 forget to say, I'm a certified web master.
5 I have designed many websites. Somebody
6 said it took seven clicks to get to the map
7 that they were looking for. One of the
8 basic principles, if you want a good
9 website, is you should never exceed more
10 than three clicks. If you would be kind
11 enough to let whoever is your web master
12 know about that, that would make the website
13 much more usable.

14 LEGISLATOR DENENBERG: I just
15 want to thank you for coming down Steve
16 Emers.

17 CHAIRWOMAN GONSALVES: Marlene
18 Davis? Jay Blackman? You have a statement,
19 you can come up and read it on his behalf.

20 MS. OLDENDORP: Thank you. My
21 name is Elizabeth Oldendorp. I'm reading
22 this statement of Jay Blackman from East
23 Meadow.

24 He says, "My name is Jay Blackman
25 of East Meadow and president of the

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2 Legislative District 13 represented by
3 County Legislator Norma Gonsalves. With the
4 aid of Mrs. Gonsalves and the Republican
5 coalition, a new redistricting map for
6 Nassau County has the East Meadow Union Free
7 School District divided among three
8 different legislative districts.

9 It would seem much more logical
10 to keep the school districts intact with the
11 same representative, since parents, through
12 PTSA and other school based organizations
13 are accustomed to working with each other
14 for the same educational goals by conferring
15 with one legislative representative, if the
16 need arises, rather than three.

17 Can the Republican legislators
18 explain the rationale for splitting up East
19 Meadow other than for partisan political
20 reasons?"

21 CHAIRWOMAN GONSALVES: That's his
22 question?

23 MS. OLDENDORP: That's his
24 question.

25 CHAIRWOMAN GONSALVES: Is that

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2 the end of his statement?

3 MS. OLDENDORP: That's the end of
4 his statement.

5 CHAIRWOMAN GONSALVES: Thank you
6 very much, Elizabeth.

7 MS. OLDENDORP: Your answer?

8 CHAIRWOMAN GONSALVES: I will be
9 glad to call him.

10 Here we go again. Madeline
11 Stracken is it? I really don't like to
12 mispronounce people's names. Madeline? No
13 Madeline. Elizabeth, are you ready to talk
14 for yourself? Elizabeth, you're up.

15 Hi Elizabeth.

16 MS. OLDENDORP: Again, my name is
17 Elizabeth Oldendorp. I'm a resident of
18 Massapequa and I'm a lifelong resident of
19 Nassau County and I've taught here for the
20 past 30 years in Nassau County schools. I'm
21 also with move-on.org.

22 Today I'm here to speak for the
23 people of Nassau County. The proposed
24 Republican map splits up communities
25 diluting their voting power for the express

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2 purpose of keeping Republicans in control
3 with a super majority for the next ten
4 years.

5 It carves out absurdly shaped
6 gerrymandered districts for political gain
7 at the expense of minority voters and long
8 standing communities. It creates districts
9 that have few interests in common, such as
10 Elmont with Inwood and Bethpage with Garden
11 City.

12 It decimates many tight-knit
13 communities by splitting them into as many
14 as five different districts such as
15 Rockville Centre, the Five Towns, New Hyde
16 Park, Garden City, Roslyn, East Meadow,
17 Hicksville, Merrick and Westbury.

18 Hundreds of residents have made
19 it abundantly clear by their statements at
20 public meetings that they oppose this map
21 which unnecessarily moves nearly 360,000
22 voters to other districts.

23 We urge our legislators to vote
24 no on the proposed GOP map. The people of
25 Nassau County deserve no less. I have a

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2 petition here signed by the citizens of
3 Nassau County. In less than one week we
4 have gained 1,932 signatures and probably
5 more by now. This petition will keep going
6 until you either vote or reject the map. We
7 all oppose the GOP map. Some people who
8 have petitioned have given their reasons.

9 So, legislators of Nassau County
10 and County Executive Ed Mangano, you must
11 reject the proposed Republican redistricting
12 map of Nassau County and I would like this
13 petition entered into the record and time
14 stamped.

15 CLERK MULLER: I'll have to go
16 back to my office to stamp it. I don't have
17 the clock here. If you want to go back to
18 my office, someone will time stamp it, then
19 you can come and submit it.

20 Somebody in my office, go back
21 there and time stamp it and bring it back to
22 us.

23 CHAIRWOMAN GONSALVES: Jane
24 Silverman? Badana Kohl Lacy? Left. Evelyn
25 Jackson? Diane Kitchner? Sorry. Debra

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2 Turning? This one is difficult to read, I'm
3 sorry. Is it Daniel? Is there a Daniel in
4 the room who hasn't spoken yet? Southwood
5 Court? I guess not. Okay, Daniel, sorry.

6 Eileen Lilly?

7 MS. LILLY: My name is Eileen
8 Lilly. I live in Long Beach and I'm here to
9 say that I support the Nassau County United
10 Redistricting Coalition map that was put
11 together by Common Cause, Latino Justice,
12 League of Women Voters, Long Island Civic
13 Engagement Table, and the New York Civil
14 Liberties Union of Nassau County.

15 I object to the Republican map
16 because 38 percent of the Nassau County 2010
17 census is Democrat. 36 percent of the
18 Nassau County 2010 census is Republican.
19 This map that you are proposing tonight is a
20 power grab, a blatant power grab. I live in
21 Long Beach and I'm represented here tonight
22 by Legislator Denise Ford. She is a loved
23 representative too.

24 We have gone through tough times
25 in Long Beach and we've gone through tough

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2 times together. She has stood with our
3 community when we were on the ropes and we
4 appreciate that. And now, Legislator Ford,
5 we ask you for your support once again. We
6 ask you to vote no on this map.

7 CHAIRWOMAN GONSALVES: Thank you,
8 Eileen. The next speaker is Charlene
9 Thompson.

10 MS. THOMPSON: Good evening,
11 Presiding Officer Gonsalves, Minority Leader
12 Abrahams, legislators.

13 Once again, my name is Charlene
14 Thompson and I been a resident of Nassau
15 County for 45 years. For 25 of those years
16 I have been a registered Republican. So I
17 take issue with some of the testimony
18 earlier about Cher and Mr. Stonehill saying
19 that should a woman or a black or minority
20 ever be a registered Republican. The same
21 reason that I joined the party 25 years ago
22 are the same reasons that I remain a member
23 today, the fundamental principles of the
24 party. Despite the differences I may have
25 with the leadership, current leadership, the

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2 principles remain the same.

3 I have lived in Freeport,
4 Roosevelt, Hempstead, and I am a graduate of
5 Uniondale High School during my 45 years
6 here in Nassau County.

7 After going off to college and
8 then law school, I decided to return home
9 and I settled in Baldwin. I returned home
10 for a reason. I loved growing up on Long
11 Island. I wanted to raise my family here.
12 I'm a proud mother of three children.

13 It hasn't been easy staying here
14 on Long Island but I made a commitment.
15 Unfortunately remaining here all these years
16 has been a challenge and, although I don't
17 regret my decision to stay here, I also
18 recognize that Long Island has changed and,
19 in some ways for the better, but in many
20 more ways we understand that there is still
21 much work left to be done.

22 Long Island and particularly
23 Nassau County remains a deeply segregated
24 world of haves and have nots.

25 I have struggled over the years

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2 to find a way to shift that paradigm, to
3 open doors so that we can have a seat at the
4 table when decisions were being made about
5 who will be given a piece of the pie.

6 Many of you know that I work for
7 Nassau County in Office of Economic
8 Development for eight years. In my various
9 positions with the county, I came to
10 understand how funding decisions were made
11 and worked diligently to provide help to
12 businesses and organizations so that they
13 would be well positioned to get their fair
14 share.

15 What you may not know is that I
16 also served as an adjunct professor at the
17 State University of New York at Old Westbury
18 in the politics, economics and law
19 department.

20 It was very interesting the
21 dynamic that they had put together in this
22 one department dealing with politics and
23 economics. When you look at that dynamic
24 and understand how those two intersect, you
25 understand that those in the position of

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2 power make the decisions about funding,
3 about who gets a piece of that pie and often
4 who gets the information to access those
5 resources.

6 Often times that information was
7 not being filtered down to our communities.
8 So, again, I made it my business to get the
9 information out on the street so we could
10 have a seat at that table and get a fair
11 share of the pie.

12 In the spring of 2008, I had the
13 pleasure of teaching a course called the
14 politics of race and class. It was a very
15 interesting time in our country in the
16 spring of 2008. As you may remember, we had
17 a Democratic primary coming up that could
18 possibly lead to our first female president,
19 our first president of African descent. So
20 you can imagine the discussions we had in
21 that classroom at that time.

22 Unfortunately, some of my male
23 African American students, the discussion
24 and the beliefs that they had at that time
25 that we would never elect a black president,

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2 so why would we even bother to go out and
3 vote?

4 I'm glad to stand here today to
5 say they were wrong. I wish I could go back
6 and have that conversation with item again
7 in light of recent developments. I also
8 took note of politics in New York State and
9 particularly in Nassau County as we weighed
10 how race impacted political decisions and
11 funding made available to our communities.

12 One of the things that I came to
13 understand over the course of developing
14 this class that I was teaching was that
15 there are very interesting factors
16 influencing racial politics in Nassau County
17 and I would like to share a few of the
18 things that I discovered in the development
19 of that course.

20 Number one, I found out that it's
21 a strategy, a nationwide strategy that
22 Republicans, I, being one of them, they
23 don't want to fully engage the electorate in
24 the electoral process. Because if they
25 engage all the constituents in the electoral

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2 process, then they will bring out the vote
3 that could probably swing county races.

4 So they will use strategies to
5 oppress our vote.

6 CLERK MULLER: Just to be clear,
7 your three minutes passed, but somebody
8 seeded three minutes to you, correct?

9 MS. THOMPSON: Yes, they did.
10 And actually I have another person who has
11 also seeded but I don't think I will need
12 the extra three though. Thank you.

13 And what I witnessed and the
14 dynamics of candidates that were selected to
15 run in minority communities is the
16 Republicans often selected candidates that
17 had little chance of winning. They weren't
18 really committed to the process and perhaps
19 were not even well known in the community
20 and that was done by design.

21 Since the late 1960s, this is
22 another factor that I discovered, black
23 voters have aligned themselves with the
24 Democratic party pledging allegiance, blind
25 allegiance without regard to the candidate's

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2 qualifications or service to the community.
3 Not necessarily here on the legislature, but
4 taking the bigger picture whether it be the
5 district, councilmanic districts, or state
6 elections, this was still a common practice
7 that I witnessed in Nassau County. Pledge
8 allegiance to the D. No matter what the
9 qualifications or experience.

10 There is actually a term in the
11 politics of race and class for this
12 phenomenon. It's called self
13 disenfranchisement, self disenfranchisement.

14 As a result, the Democrats as
15 Mr. Mirza pointed out, is he still here?
16 But as he pointed out, the Democrats take
17 our vote for granted and the Republicans
18 write us off. Where does that leave us?
19 Without a voice. That is until our vote
20 matters.

21 Case in point, the last county
22 executive election the Democrats didn't come
23 out to our community in force like they did
24 in the first round. They had money in the
25 bank. They didn't send out mailings. They

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2 didn't send out the ground troops because
3 they took our vote for granted.

4 Republicans didn't bother
5 campaigning too hard but they had a faction
6 of Democrats that went over to the
7 Republican side. And those few hundred
8 votes, because the Democrats took us for
9 granted, and that election made the
10 difference.

11 We felt so taken for granted that
12 many of us sat at home and even a few of us
13 for the first time pulled at our lever.
14 We've seen those results. Historically,
15 when our votes have impacted the outcome of
16 key races, the losing parties have changed
17 the laws or redrawn lines, all in an effort
18 to minimize and dilute our voting power.

19 Now is no different. We all know
20 how this vote is going to go down. This
21 should not be a surprise to anyone. Now the
22 question is, what will we do about it?

23 I, for one, refuse to be taken
24 for granted and refuse to be written off.
25 Too much is at stake.

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2 Thank you for your time.

3 CHAIRWOMAN GONSALVES: Thank you,
4 Ms. Thompson. Very good. Angela Martin?
5 McBride? Joe DeMark? Low and behold,
6 Claudia Borecky.

7 CLERK MULLER: Just before Ms.
8 Borecky starts, how much time?

9 CHAIRWOMAN GONSALVES: I believe
10 I have -- I have two slips.

11 MS. BORECKY: I have 21 minutes,
12 seven people.

13 CHAIRWOMAN GONSALVES: Go ahead,
14 Claudia. Have a good time.

15 MS. BORECKY: I don't know where
16 to start. This one particular letter.
17 There were several letters sent as you know
18 in support of Legislator Denenberg. This is
19 coming from Rabbi Kramer from a Chabod in
20 Merrick:

21 "I'm writing to ask you to
22 reconsider the maps that you are presenting
23 today that will take Legislator Dave
24 Denenberg out of a district that he has been
25 representing for the past 13 years.

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2 Legislator Dave Denenberg has
3 been greatly appreciated and has been a true
4 attribute to the Merrick community.
5 Throughout his term he helped the community
6 tremendously. He has been greatly dedicated
7 and devoted to helping out the people of the
8 community, caring for their every need.
9 During Hurricane Sandy, the town of Merrick
10 was strongly affected. Here at the Chabod
11 of Merrick, Bellmore, Wantagh, we worked
12 with many organizations helping those in
13 need. Legislator Denenberg was on the scene
14 helping as well as going door to door
15 checking on the victims of the storm. His
16 persistence to the community is strongly
17 acknowledged by we, as a people, in the
18 community.

19 Additionally, even with his busy
20 schedule, he still makes the time to come
21 and show his support at many of the Chabad
22 events.

23 Losing Legislator Dave Denenberg
24 will be equivalent to losing a good friend
25 and the voice of the people in the Merrick

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2 community. He is viewed as our advocate
3 fighting to protect what we believe in our
4 interest to better the community.

5 Please reconsider taking away a
6 legislator that we, as a people, voted to
7 represent us." Rabbi Kramer.

8 I'm also going to express the
9 comments made by a statement made by
10 Rosemary Garafalo who left hours ago. She's
11 a resident of North Merrick, she's actually,
12 Norma Gonsalves, she's in your district.
13 She is one of your constituents.

14 I'm going to read it as she said
15 it:

16 My initial objection was removing
17 Mr. Denenberg as a legislative
18 representative for Merrick. Mr. Denenberg
19 always supports what is right for our
20 community with no regard to party lines.
21 There are three parts that will not work
22 well for my community.

23 I personally take insult with the
24 new map. It is a blatant disregard for what
25 your constituents want. As a registered

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2 Republican, I find it an attempt by the
3 Republican party to remove any checks and
4 balances that are part of the two party
5 system. I will take this into account on my
6 future voting. There has to be checks and
7 balances that are critical. There must
8 always be compromises.

9 This legislative map, as drawn,
10 will remove the possibility of fair
11 representation of the people and no checks
12 and balances will be there.

13 That was Rosemary Garafalo.

14 Now I will say what I intended to
15 say. At the Rules Committee, you said,
16 Legislator Gonsalves, that you took
17 ownership of these maps.

18 So I'm going to ask -- yes, you
19 did. Mr. Moroney had said he was no longer
20 on the redistricting committee as of January
21 5th. These maps are drawn afterwards so
22 it's your responsibility.

23 What you did to Merrick was crazy
24 because keeping Merrick together will still
25 leave the districts with a legal population

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2 limits allowed for both the 19th and 15th
3 districts. So I would like to ask, you are
4 always saying that it's a policy decision,
5 so what was your policy that lead you draw
6 the lines around Legislator Denenberg's
7 house bringing him into a primary with
8 Legislator Scannell?

9 CHAIRWOMAN GONSALVES: I'm going
10 to leave that question to Mr. Moroney when
11 he addresses the legislature, how's that?

12 MS. BORECKY: Well, okay, but you
13 had also said that at the last hearing that
14 when I tried to ask questions then, you said
15 all our questions will be answered at the
16 hearing.

17 LEGISLATOR WINK: Ms. Borecky, if
18 the Rules Committee's testimony is any
19 precedent, Mr. Moroney will likely say that
20 was his policy decision which would fall
21 right back in the lap of this legislature.

22 MS. BORECKY: So that's right.
23 So it was your decision. He had nothing to
24 do with it. He was no longer the
25 redistricting executive director, so -- and

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2 you said you took ownership of it that day,
3 you said you took ownership of it. So I'm
4 asking you, why, what led you to draw the
5 lines that way? There was enough population
6 in the 5th and the 19th that you didn't have
7 to do it.

8 There is no reason that I can see
9 to draw the lines that way, right around
10 Dave Denenberg's house to go into a primary
11 with Scannell. The only reason I can see is
12 that you are just trying to get rid of as
13 many Democrats as you can.

14 I'm going to ask you something
15 also, Presiding Officer Gonsalves. You have
16 been representing communities that the
17 Democrats drew for you ten years ago.

18 Have you been happy representing
19 those communities?

20 CHAIRWOMAN GONSALVES: I'm always
21 happy representing my communities.

22 MS. BORECKY: So then I'm sure
23 all the legislators here on the board feel
24 the same way so why these drastic changes?
25 I can't understand how it doesn't upset you

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2 that your districts are being changed
3 unnecessarily. It seems that all the
4 changes that you are making are being done
5 to hand you stronger Republican districts.
6 I understand that. You're in a majority and
7 that is your prerogative.

8 But how can you face the people
9 that you will no longer represent and say to
10 them, I voted to cut you out of my district
11 because there aren't enough Republicans
12 living on your block. If you are not
13 Republican, you just don't matter to me.
14 Because that is exactly what these maps say.
15 That is what each of you who vote for this
16 map is saying. You're voting to cut people
17 out of your district because you don't want
18 to represent them anymore. That's the
19 difference.

20 Legislator Denenberg has been to
21 everyone's home several times over the
22 years. It's more than everyone knowing who
23 he is, is that he knows who everyone is. He
24 knows their children, what leagues they play
25 on, what colleges they go to. He knows our

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2 community's heroes, its firemen, its
3 veterans, its police officers, and he helps
4 people. He does not ask what party they
5 belong to.

6 Dave Denenberg represents a
7 district that is more Republican than yours
8 and yet he wins overwhelming. So either
9 Denenberg is doing something right by his
10 constituents or you are doing something
11 wrong by yours.

12 It is despicable that you can
13 unnecessarily cut a section of Merrick away
14 from the rest of the community just so you
15 can put Legislator Denenberg into a primary
16 with Legislator Scannell. When 10 years
17 ago, Legislator Denenberg and the Democratic
18 majority drew a district that you enjoyed
19 representing for the past ten years, and
20 Legislator Denenberg and Legislator, who,
21 while in the majority, asked you to sit by
22 his side and work together with him on
23 projects and areas that you have shared
24 interests.

25 What's even more despicable is

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2 how you could put the party before the
3 interests of your own constituents. How
4 could you look them in the eye and say to
5 them, I don't want to represent you anymore
6 because you don't live in a strong
7 Republican district. You just don't matter
8 to me.

9 That's why I ask that you not
10 vote today. Think of not only what these
11 maps say about your gerrymandering districts
12 to get rid of Democratic legislators, but
13 think of what these maps say about what you
14 really think of the people you represent and
15 then draw the maps that you can vote on with
16 a clear conscious. That's my first. No.

17 CHAIRWOMAN GONSALVES: Do we have
18 the --

19 CLERK MULLER: We're up to eight
20 minutes.

21 CHAIRWOMAN GONSALVES: Okay.

22 MS. BORECKY: As a community
23 activist, I'm very worried about losing
24 Legislator Denenberg on the legislature.
25 Dave worked with not only my civic, but

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2 every civic in his district and even outside
3 his district advocating for the protection
4 of our environment as well as the suburban
5 quality of life that attracted us to Nassau
6 County in the first place.

7 Many of our civic leaders came
8 down here today and they testified the same
9 way. Had Dave not been a legislator and an
10 advocate for our environment, they would
11 have built a liquified natural gas island
12 just off of Long Beach which would have had
13 an explosion of epic proportions when Super
14 Storm Sandy hit.

15 Had it not been for Legislator
16 Denenberg, an advocate for our environment,
17 the county executive may never have stopped
18 Bay Park from spewing sludge into Reynolds
19 Channel. Had Dave not been the legislator
20 and an advocate for keeping our suburban
21 communities intact, there would not have
22 been a plan enacted to protect our open
23 spaces which saved hundreds of acres from
24 becoming mini cities.

25 Had Dave not been the legislator

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2 and the watchdog of our tax dollars, we
3 would paying a sewer tax right now. Had he
4 not been a legislator and watchdog of our
5 tax dollars, the Town of Hempstead would
6 never have reestablished the water authority
7 which is seeking a public acquisition of our
8 private water company which will save
9 residents hundreds of dollars on their water
10 bill a year.

11 There are hundreds upon thousands
12 of similar stories of how Dave Denenberg has
13 helped his constituents and fought against
14 all odds to protect our communities.

15 As a community activist, I can
16 attest that there is no one on the
17 legislature or anywhere else in our local
18 government that fights harder than Dave
19 Denenberg for the people he represents.
20 Don't redistrict him off the legislature,
21 instead, advocate for your own communities.
22 Do the right thing by your own constituents
23 and you wouldn't have to gerrymander your
24 district to make it a stronger Republican
25 district.

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2 I wouldn't matter what part of
3 your constituents are registered as because
4 people vote for the person they believe is
5 fighting the hardest for their interests.

6 How much time?

7 CLERK MULLER: 11 minutes have
8 passed, Ms. Borecky.

9 CHAIRWOMAN GONSALVES: Give you
10 another minute, Claudia.

11 MS. BORECKY: I get 21 actually.
12 Okay, another minute. I do -- in fairness,
13 I do want other people to be able to talk
14 and the legislature to be able to do their
15 hearing, so I will just say, borrowing from
16 a speech from one of our founding fathers,
17 "we are all Democrats, we are all
18 Republicans, we are all the people of Nassau
19 County."

20 I like to thing that we still
21 live in a Democracy where our votes count
22 for something, Republicans, Democrats, and
23 independents elected Legislator Dave
24 Denenberg to represent us. What gives you
25 the right to decide that he shouldn't.

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2 Thank you.

3 CHAIRWOMAN GONSALVES: Helen
4 Mettinis.

5 MS. METTINIS: Before I go on the
6 record, don't time me yet, I just want to
7 ask a question, is there anybody here from
8 Salsbury left? Anybody here left from East
9 Meadow Salsbury? I just wanted to make
10 sure.

11 Helen Mettinis, Salsbury, in the
12 East Meadow School District. As I said
13 before over many years, I'm sure Legislator
14 Jacobs is tired of hearing me, but talk
15 about getting sliced and diced and having an
16 identity crisis all the time, that's
17 Salsbury. We have a Westbury address, we're
18 in the Town of Hempstead, not North
19 Hempstead. We are in East Meadow land, and
20 East Meadow School District. We share fire
21 departments with Westbury and East Meadow.
22 We have water districts in Hicksville and
23 East Meadow, so -- and we have many
24 addresses in Levittown as well.

25 So, that being said, it seems

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2 like history repeating itself. I looked
3 around the room today and I didn't see any
4 familiar faces who were here sitting with me
5 since 1995, but, over the years, I came to
6 the legislature to witness many issues,
7 little ones and big ones.

8 But the last redistricting map
9 always was a thorn in my side in 2003. The
10 Democratic majority put up a map which is
11 the one we go by today, and I did not agree
12 with it then and today was no different.

13 I'm a civic leader from Salsbury,
14 East Meadow, and I have been PTA president,
15 ran a little league, taught religion. I'm
16 an East Meadow Cowanian. I'm on the East
17 Meadow Salsbury Security Council. I served
18 with Legislator Gonsalves. I'm on the
19 Nassau County Civilian Police Academy
20 alumni, and on the Jail Advisory Committee
21 and NUMC community committee.

22 I have been around. I know my
23 community. We love Legislator Gonsalves.
24 We all do in our district, in our East
25 Meadow School District.

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2 Back when, from 1995 to 2003 for
3 eight years, Salsbury was in the Legislative
4 District 15, Legislator Dunne. Now, the
5 residents, unless they're really versed in
6 what goes on in government, had no clue who
7 their legislator really was, why, because
8 they were both at everything; graduations,
9 things for the scouts, things for the little
10 league, community issues, PTA stuff, K-kids,
11 you name it. So we were well served and
12 well served by two legislators.

13 So unlike many residents, we live
14 in one of the largest school districts in
15 Nassau. Some people, I hear this now going
16 on more and more, don't understand that
17 government does not govern school districts.
18 We just live within their walls and, of
19 course, we pay their taxes.

20 Unlike many communities in Nassau
21 County, East Meadow has 40 percent of our
22 properties off the tax rolls and I don't
23 hear anybody fighting to throw in some extra
24 taxes for East Meadow because they feel
25 sorry for us, and because they use these

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2 facilities as well; the jail, the family
3 court, juvenile detention, probation,
4 Eisenhower Park, yada, yada, yada.

5 This is what drove us back then,
6 ten years ago to object to the changing of
7 the map. It was kind of shoved down our
8 throats.

9 Anyway, I was invited with a
10 couple of other civic leaders to sit in on
11 the commission at the time chaired by
12 Barbara Patton, and, of course, the rest is
13 history. I felt it went on deaf ears.

14 CLERK MULLER: Ma'am, your three
15 minutes have expired.

16 MS. METTINIS: Can I just go a
17 little bit longer? But, anyway, I want them
18 to understand too. I personally am looking
19 at my own districts, my own community, as
20 they are. I can't speak for them. I can
21 only speak for myself and my community and
22 people that I deal with all the time. There
23 are thousands, when you put them together.
24 I am community liaison still, after all
25 these years, on the PTA still. So I hear

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2 this back and forth. Nobody -- everybody
3 pretty much aligns with the same opinion.
4 There's very few who really go any other way
5 unless they are sold a different bill of
6 good, maybe that's not the truth all the
7 time.

8 So, anyway, I just wanted to say
9 that having two legislators which this map
10 will bring us back to where we were, I feel
11 that we have a better chance as a school
12 district too to have two legislators
13 fighting for us being we are such a diverse
14 school district in many ways, you know,
15 having all this other stuff to deal with on
16 a regular basis. You guys have crime in all
17 your districts and we have your crime too
18 because that's where they live.

19 Anyway, I am disappointed that
20 there are people who go to all kinds of
21 extremes, and sometimes I just don't
22 understand what goes on. I just hope that
23 the legislators are not telling their people
24 to come down here and maybe not telling them
25 the whole truth, and nothing but the truth,

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2 but let's go back and think about it. Look
3 at how we're perceived by everybody else in
4 this country.

5 We are losing people in Nassau
6 County in droves. We have a federal
7 government that has been holding off our
8 Sandy money. We have a state right now that
9 would rather give education dollars
10 elsewhere in the state rather than on Long
11 Island which puts a bigger burden on us.

12 CHAIRWOMAN GONSALVES: Wrap it
13 up, Helene.

14 MS. METTINIS: So to have us
15 fighting amongst ourselves, it's not fair.
16 It's not good for the people of Nassau
17 County.

18 So I will just say, working with
19 kindergarten children every day, they must
20 play nicely together. Back in 2003, I said
21 it to you all, please play nicely together
22 in the sand box.

23 I brought along a pencil with an
24 eraser and I think that some of these lines
25 need to be erased. They don't mean that

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2 much. Each and every legislator is reaching
3 out to help residents. Then, what could be
4 wrong? Besides helping your own district,
5 wouldn't you help anyone else who reached
6 out to you? I think you would and have
7 somewhere along the lines.

8 Please don't play games. Please
9 keep in mind what is really the most
10 important thing here, the well being of each
11 and every resident in Nassau County.

12 CHAIRWOMAN GONSALVES: Thank you
13 very much.

14 MS. METTINIS: I'm sorry for
15 being so long. I didn't have anybody giving
16 me their minutes.

17 CHAIRWOMAN GONSALVES: Cynthia
18 Kouril? God bless you, Cynthia.

19 MS. KOURIL: I'm very tired. My
20 name is Cynthia Kouril. I am the Long
21 Island Regional Coordinator of the New York
22 Democratic Lawyers Council and the New York
23 Committeewoman to the DNC's National Lawyers
24 Council.

25 Our mission statement is that

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2 everyone who is entitled to vote and wishes
3 to vote should be able to vote and have that
4 vote counted accurately.

5 Having your vote counted
6 accurately includes not having that vote
7 diluted by a cracking and packing caused by
8 gerrymandering.

9 I've appeared at prior hearings
10 concerning the proposed redistricting map
11 that is up for a vote today. I've opposed
12 this map both on substance because the
13 districts are so egregiously non-compact and
14 it tears apart communities of interest, and
15 moves the better part of half a million
16 people out of their current districts.

17 I have also opposed the process
18 that you have employed on procedural grounds
19 and, last year, in the last round of
20 litigation over the process used by this
21 body, it seems the court agreed with my
22 assessment.

23 Once again, I'm here to point out
24 that not only does this map fail miserably
25 on substantive grounds, the process by which

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2 you're adopting it fails on procedural
3 grounds.

4 The Nassau County Charter
5 requires publishing the proposed legislation
6 prior to any vote thereon and, except in the
7 case of an emergency not present here, no
8 law can be passed without that required
9 publication.

10 Section 105.1 says in pertinent
11 part, no ordinance shall be passed unless
12 such ordinance has been on file with the
13 clerk of the county legislature in final
14 form for passage at least one week prior to
15 the time of the vote, and no ordinance shall
16 be passed by the county legislature until
17 the same in final form for passage has been
18 published at least once in the official
19 newspapers not less than four days prior to
20 the meeting.

21 It is the phrase "final form"
22 that is relevant here because if it is in
23 final form, you know you're not going to
24 change it. That means that everything that
25 has been said here tonight is a nullity and

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2 that creates a little problem.

3 Because, if that legislation is
4 in final form, then you are in violation of
5 another part of the charter. Section 152
6 says that no local law shall be passed by
7 the county legislature unless a public
8 hearing thereon has been had before such
9 body. A public hearing involves, in a
10 substantive due process analysis, involves
11 the possibility that what is said by the
12 constituents at that hearing can sway your
13 opinion, change your opinion, change your
14 vote, change that map. So either that map
15 is not in final form or this is not a public
16 hearing. Either way you are in violation of
17 some part of the county charter.

18 I made similar remarks before the
19 Rules Committee hearing, and I repeat them
20 here today for two reasons; one, so that no
21 one can say that your failure to properly
22 schedule a hearing before the full body more
23 than seven days in advance of the vote was
24 some sort of minor oversight. So I
25 specifically brought this to the attention

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2 of the Rules Committee;

3 And, two, so that today's
4 transcript can serve as one stop shopping
5 for those who might wish to bring an Article
6 78 proceeding or federal civil rights case.
7 They only need to use one transcript.

8 Thank you for your time.

9 LEGISLATOR NICOLELLO: Lucia
10 Gomez. Gomez has six minutes, Charles Kahn
11 has yielded to her.

12 MS. GOMEZ: Thank you. Good
13 evening. My name is Lucia Gomez and I am
14 the executive director for Nufuente and the
15 Long Island Civic Participation Project.

16 I'm here today actually on behalf
17 of the Nassau County United Redistricting
18 Coalition. I know you've seen these maps
19 over and over again. I know you've had some
20 very interesting questions that I'm excited
21 to see you ask me.

22 Our goal has been very simple.
23 We have asked for a fair and transparent
24 redistricting process, and obviously we
25 haven't really gotten one. We've asked that

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2 you and your consultants, mappers and county
3 leadership execute fair redistricting
4 principles, be inclusive, common things.
5 Give greater transparency to this already
6 complex process that I look forward to every
7 ten years.

8 When allowed to participate,
9 residents have been unanimous in their
10 criticism of this map. In response, this
11 process has been rushed, clearly, through
12 the legislature, with the bare minimum of
13 comment to clearly trump Democracy and fool
14 yourselves into thinking you're representing
15 the best interests of your constituency.

16 This process has been
17 disappointing. You appointed a commission
18 who went through the motions to provide
19 cover for your clear intentions of the
20 majority to once again bypass the charter by
21 creating a Mickey Mouse commission that all
22 along intended and ultimately did ignore
23 public comment and input. Is this
24 Democracy? Is this actually abiding by the
25 law that I've heard over and over again?

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2 When we asked for evening public
3 hearings, we got one. Obviously allowing
4 somewhat working people to not work all day
5 and actually be here, and we asked that all
6 proposed maps be posted for public viewing
7 and for comment on the county legislature
8 website and it never really happened.

9 We asked for a clear explanation
10 as to how and why you drew these district
11 lines and, instead, we continue to get these
12 blatant lies about what compact means and,
13 my understanding in kindergarten was, that a
14 square is a square, and a circle is a
15 circle, and not these salamanders or snakes
16 are not considered compact.

17 In fact, we get cheap
18 redistricting jargon that only really works
19 to make the ground work for more successful
20 litigation and hopefully more expenditure of
21 funds that you already don't have and want
22 to continue to borrow.

23 This map does not represent the
24 map that voters and people in communities in
25 Nassau County are asking you to present.

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2 Instead, you are making a mockery of good
3 governance, bipartisanship and your
4 constituency's trust for the sake of power
5 politics, policy gerrymandering and
6 violation of the Voting Rights Act.

7 Now, I find it very interesting
8 that your consultant and Mr. Moroney, who
9 served on the commission, had to say, well,
10 we did this in order to insure -- and we
11 actually enhanced minority voting ranks, and
12 I would say, no thank you, Mr. Moroney, we
13 don't need you to enhance any district for
14 us. I think we've done quite well without
15 your support. In this, I would have to say
16 that the word "enhance" continues to
17 indicate a level of packing and definitely
18 some kind of intent and discrimination and
19 violation of the Voting Rights Act.

20 When Democratic and racial ethnic
21 voters are expertly packed into seven of 19
22 districts, what else can we conclude about
23 the proposed map's true intent?

24 We offer the idea that today's
25 vote warrants a continuance for further

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2 evaluation and honest debate, not restricted
3 by gridlock and fixed positions. All we ask
4 of each legislature, and each legislator, is
5 to lead with the interest of the communities
6 that you represent and not motivated by
7 anything else.

8 Respect the people of Nassau
9 County, your constituents, and vote against
10 this map for a vote today.

11 Do what the voters have elected
12 you to do for drawing new districts that
13 will represent them for the next ten years.
14 We provided you an option, once again, it
15 wasn't our job to provide you an option.
16 \$500,000 should have gotten you a better map
17 that what you actually are trying to put in
18 front of these voters and in front of your
19 constituents today.

20 You did not present that map.
21 You did not use that map. You wasted
22 taxpayer dollars, and you continue to waste
23 our time today.

24 Take the week and let's revise
25 this map and put it together. If not, we

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2 will be revising it together in court.
3 Thank you.

4 LEGISLATOR NICOLELLO: Haddi
5 Thompson Nek? All right. Haddi Thompson
6 Nek? She left. Okay. Cecil Ward? Cecil
7 Ward left. Joyce Stowe? She left. Bessy
8 Cox? I heard, you yielded your time to Fred
9 Brewington. Jacqueline Murphy, Roosevelt?
10 Michelle Ferendino? We will call her again.
11 Delores Malloy? You yield to Fred
12 Brewington. Joe Ferendino, Cameron Avenue
13 in North Merrick.

14 MS. FERENDINO: I would like to
15 say good evening, but it's becoming good
16 night. It was good day.

17 I'm Michele Ferendino. I live on
18 Cameron Avenue in North Merrick. I'm a
19 resident there for 30 years. I'm Nassau
20 County born and raised.

21 It's hard for me to say this, but
22 this is the second time I'm in this room
23 speaking about these maps. I couldn't
24 believe the nonsense that went on with the
25 first map. This second one has me still so

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2 disappointed, I can't believe it. There is
3 no words to tell you how disappointed I am.
4 This is like kindergarten. It's like
5 children, please play well together.

6 We have communities that are
7 divided that shouldn't be. Merrick and
8 Bellmore need to stay together. North
9 Merrick and South Merrick need to stay
10 together along with North Bellmore and
11 Bellmore.

12 We just came through Hurricane
13 Sandy. These people got together and worked
14 together and overcame most of the
15 difficulties. As did Long Beach and most of
16 the south shore and all over the island.

17 Why the devil would you want to
18 divide them? Why would you do that? Then,
19 Mr. Denenberg, taking his district and doing
20 whatever little hooky thing they did do it,
21 that's just utter nonsense.

22 Look, I'm in Norma's district. I
23 vote for Norma. I like Norma. However, I
24 work closely with Dave because I work with
25 the North Merrick Civic Association. He's

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2 the one down there doing, ask Claudia, she
3 tell you, she'll run you a big long list of
4 all the things Mr. Denenberg has done for
5 us. Why in the devil would you do that?
6 This makes no sense. None. It scares me
7 that we elect you people to do this. It
8 scares me.

9 Other than that, I think that
10 what you need to do is get this to be fair
11 and correct. You can't tell me the group of
12 you can't get together and be fair. You
13 can't tell me that can't happen. I'm not
14 buying it. You can. Whether you will or
15 not is another story.

16 So, please, work together and get
17 us a better result. The organization that
18 was just up here a couple of minutes ago
19 seems to have a much better map. Let's do
20 it and be done. We are wasting money here,
21 we're wasting time here. This is
22 ridiculous. This is like kindergarten.
23 Stop it and let's get it over with.

24 Thank you.

25 CHAIRWOMAN GONSALVES: Cynthia

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2 Williamson? Laurie Stale? Sorry. I know
3 it's a long time. Judy Sanford Guise?
4 Thank you, Judy.

5 MS. GUISE: Judy Sanford Guise.
6 3rd LD. I live in North Valley Stream and I
7 live in the part of North Valley Stream that
8 is actually contiguous to New York City.
9 I'm in the Elmont School District, Elmont
10 Fire Department, Valley Stream Post Office
11 and I used to work in Inwood. Inwood is not
12 contiguous to anywhere where I am.

13 That's part of the reason I came,
14 because I could not imagine that there could
15 be anything so -- my family brought me
16 screaming and kicking out of Brooklyn to
17 live in suburbia in 1955, and I've grown up
18 knowing about the Five Towns. So now this
19 is the four towns plus Inwood? I don't
20 think that should make them feel very good.

21 I was here when Mr. Moroney made
22 his statement and I agree with the person
23 who used the words ghetto-izing because I
24 was shocked that what seemed to be a very
25 cavalier attitude, it was condescending and

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2 it was demeaning to a community that
3 basically we're moving them over there. I
4 don't shop on Hempstead Turnpike
5 necessarily. I'm pretty sure that nobody
6 from Inwood considers Hempstead Turnpike to
7 be local shopping. I don't even know if
8 Green Acres is considered local shopping,
9 but it was not nice. It was beneath anybody
10 in this room the attitude he had expressed
11 towards that community, and that seems to
12 be, I have to infer, that that's what's
13 happening throughout all of Nassau County.
14 We are going to look very foolish if you all
15 don't do the right thing and reject that
16 map.

17 My good friend, Scottie Coads,
18 mentioned before the Voting Rights Act. I'm
19 a majority party person. I'm a woman.
20 Women are the majority in the electorate in
21 almost every community, if not all, I don't
22 want to overstate.

23 We have one right in this country
24 guaranteed by the Constitution and that's
25 the right to vote. The only right we have.

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2 I think we take it quite seriously.

3 Again, you need to do the right
4 thing and have that respect. Not one single
5 district in this county will benefit from
6 this plan because it does not serve
7 Democracy and that's what voting is about,
8 preserving and insuring and promoting
9 Democracy. Not total self interest. You
10 need to do the right thing.

11 I was going to say that the map
12 would really look funny if it weren't so
13 diabolically serious.

14 In the women's movement, which is
15 my background and my activity of choice, we
16 use various expressions, one which is our
17 favorite which is, "remember in November."

18 The other one is, "If you can't
19 change their votes change their faces."
20 Well, that's for me as a political activist.
21 The issue is, that's what the voters do.
22 You don't really get to pick us. You don't
23 get to reorganize and shove these people
24 here and those people there and move a
25 community where it has, such as Inwood,

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2 which has an identity with the other four
3 towns and make it Elmont, North Valley
4 Stream, and where ever. There are some
5 really nice orange people over there who
6 could probably come into the 3rd LD if we're
7 under populated. I'm sure some of the
8 really nice baby blue people may be eligible
9 to come to us as well.

10 How can you move -- you're not
11 answering questions.

12 CLERK MULLER: Ma'am, your three
13 minutes have expired.

14 MS. FERENDINO: Someone has to
15 explain to me, where is it contiguous?

16 CLERK MULLER: Ma'am, your three
17 minutes have expired.

18 MS. FERENDINO: I know. I'm
19 finishing it. I've waited. I'm diabetic.
20 I haven't eaten. I have to take a train
21 home and maybe catch a bus and walk two
22 miles to get home.

23 Now you made me lose it, I have
24 to recap. The point is, when I drove from
25 North Valley Stream to Inwood, I had to

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2 drive through Rosedale. Rosedale is not on
3 that map. Rosedale is not part of Nassau
4 County. I would like someone to explain to
5 me, how do you get from where you go, down
6 there, without having to pass through the
7 purple district? Or else we are really
8 going to all look foolish. I think we care
9 too much about our county because we live
10 here to want to look foolish. You've got to
11 do the right thing.

12 CHAIRWOMAN GONSALVES: Thank you.
13 Mary Durant? Debra Brennan Santiago? Peter
14 Rosenthal?

15 MR. ROSENTHAL: It's all been
16 said before.

17 CHAIRWOMAN GONSALVES: Thank you
18 very much, Peter. Mr. Brewington.

19 Mr. Brewington, welcome. Three
20 of the residents have yielded their time to
21 you. One, two minutes. And the other two
22 or three minutes each which is eight minutes
23 plus your three, which is 11 minutes. Is
24 that okay? Jackie Murphy is it? Okay. Now
25 you have fourteen minutes. Hold on. You

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2 spoke Mimi.

3 Mr. Brewington, go ahead. You
4 have 14 minutes. I think you can do it in
5 14 minutes.

6 MR. BREWINGTON: I thank you, Ms.
7 Gonsalves, and the other members of this
8 august body.

9 I start out by saying I'm not
10 here to fight.

11 CHAIRWOMAN GONSALVES: Good.

12 MR. BREWINGTON: I'm here to just
13 ask some questions and, if we can get some
14 answers, fine. If we won't get answers,
15 that will be part of the record as well.

16 I want to start out by saying
17 that I apologize for not having been able to
18 be here at 1 o'clock at the appointed time.
19 I got called to a trial in Riverhead, but
20 luckily I was informed that I was able to
21 get back from my trial in Riverhead, get
22 back to Nassau County, and be in my office
23 before you even started with the
24 redistricting. So I got a chance to sit
25 through quite a number of hours of listening

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2 to discussions from members of the
3 community.

4 What I heard was nothing new and
5 most certainly nothing new to the people up
6 there on the dais. And I know that Ms.
7 Jacobs, Mr. Wink, Mr. Nicoletto, and Mr.
8 Kopel and everybody else, Mr. Dunne, I don't
9 want to leave you out, have had a chance to
10 listen to the people.

11 It has been the voice of the
12 people that have been the final voice in
13 every chamber. I'm suggesting that this is
14 an opportunity for the issues that may
15 plague whatever reasoning you may have that
16 have lead to this particular map to be ones
17 that can be set aside for the purpose of
18 trying to hear above all that roar, the
19 voice of the people. Particularly 360,000
20 people who are being moved from their
21 current legislative districts for no
22 apparent reason other than partisanship.

23 I have evaluated what has been
24 done and I know I thought I saw of the
25 representatives that made a presentation

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2 earlier here, I've done an evaluation, as
3 I'm sure some of you may have, and the only
4 real benefit of moving 360,000 plus people
5 is to shift things around so that there is
6 at least at some point either incumbent
7 safety or partisan politics advantage.

8 The advantage is rather clear
9 when you really sought it out.
10 Mr. Scannell, I'm sure you've looked at this
11 as well, is that there is a great
12 opportunity if all things fall in place and
13 everybody that is being pitted against each
14 other to fight each other, ends up fighting
15 each other for the potential for a super
16 majority.

17 That reality can only come to
18 pass if this chamber decides to do that.
19 Because otherwise it will require members
20 such as Mr. Venditto, and Mr. Kopel, and
21 Mr. Muscarella, who, whenever I do see them,
22 it makes me smile because I know how hard
23 you worked in Albany. Your time there was
24 well spent and people recognize that even to
25 this day.

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2 But it needs to be recognized by
3 the members of this chamber that -- I'm
4 sorry. I know. But the members of this
5 chamber have to really recognize that
6 there's a concern that has been raised and
7 the failure to adhere to that creates
8 certain concerns, not just for the 360,000
9 people, but for a lot of other people who
10 are the flack that comes off of that. The
11 flack that comes off of that is depicted in
12 your map.

13 One of the things that you heard,
14 particularly from the people in the 3rd
15 Legislative District the one in which Mr.
16 Carrie A. Solages currently represents is
17 that there is an issue with regard to how it
18 has been formulated and how it appears to be
19 one that is going to be able to serve the
20 needs of the populous that place Mr. Solages
21 in place.

22 Mr. Solages, Carrie, is an
23 amazing young man. Part of his election was
24 based on unfortunate racist actions done by
25 an electoral worker of the predecessor.

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2 That is a reality. There was voter
3 suppression, statements that were made that
4 were very unfortunate that should not have
5 been made but they became very much part of
6 the public. It is that type of activity
7 that has created a set of circumstances in
8 the 3rd Legislative District, and I think
9 that people in this room recognize that, and
10 that was recognized probably in the drawing
11 of this map.

12 So the way that you try and
13 counteract that is to do some splitting in
14 the 3rd but not so much so that it appears
15 to apparent. And what you do is you reach
16 down south to the Five Towns and what you
17 add the 3rd Legislative District, instead of
18 going naturally east, you go south and split
19 up the Five Towns voting block which is
20 consistent or largely includes a large
21 Jewish minority community voting block.

22 There are enough problems with
23 that and I'm sure that somebody has looked
24 at that in terms of its impact. But the
25 concern that I have with regard to doing

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2 that is it appears to have been done on
3 purpose. It is that intentional act that I
4 raise to you at this point to really
5 consider.

6 So the first question I have, if
7 anyone wants to answer it, was there
8 consideration given to the fact that the
9 ethnic minority, which is the actual Jewish
10 community itself was being divided by going
11 south and splitting up the Five Towns?

12 LEGISLATOR NICOLELLO: Mr.
13 Brewington, we would rather hear your
14 presentation.

15 MR. BREWINGTON: In order for me
16 to go next on, Mr. Nicolello, I need to have
17 an answer to that question because my next
18 point would be premised on what you did and
19 did not do. I don't want to be acting by
20 guessing.

21 LEGISLATOR NICOLELLO: You can go
22 on to your next point. That's not the way
23 it's going to work.

24 MR. BREWINGTON: So, in other
25 words, my questions nor anyone else's

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2 questions that are probing at that level
3 will not be answered?

4 LEGISLATOR NICOLELLO: I think I
5 responded at the Rules Committee very simply
6 that we have issued directions to comply
7 with the U.S. Constitution One Man One Vote,
8 to comply with the Voting Rights Act,
9 Section 2, traditional districting
10 principles and also policy considerations.

11 MR. BREWINGTON: The concept of
12 One Person One Vote I understand. And I
13 know that you meant to say One Person One
14 Vote.

15 LEGISLATOR NICOLELLO: Did I say
16 that?

17 MR. BREWINGTON: Yes, sir. But
18 in putting that aside, my question goes to
19 the body so that people are -- you can use
20 the pat response and I accept that you have
21 given me that. I won't press you here on
22 that. There will be a lot of opportunities.

23 But my point in just raising that
24 at this point is, that is key to part of
25 what is going to be evaluated later on

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2 because, in a situation like this, part of
3 your evaluation, as people that are taking
4 the votes, does require a certain level of
5 your own mental acuity being involved in
6 raising those questions themselves.

7 Because you have no idea. When I
8 do come here, I'm coming here to try and
9 help because, what you don't want to do is
10 be on the wrong side of that historical
11 equation because it is legislators that are
12 judged by their deeds. The deeds here in
13 this situation are ones that people have
14 laid out plenty of foundation for you to try
15 and deal with before they become the
16 concerns.

17 But I will move on. In 1995, and
18 this is something, Mr. Nicoletto, that you
19 raised early on that there were two --
20 Elmont was split in two, then it happened
21 again in 2003, and I understand that.

22 But in 2003 and in 1995, we did
23 not have the demographic realities that we
24 have currently in the Elmont, North Valley
25 Stream community. I think that that is

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2 something that needs to be recognized. Your
3 map does not give us any identification of
4 what the racial compositions are of the
5 different districts so that we can look at
6 the concentrations. But we know that the
7 concentration coming from the western border
8 of Nassau County going east has increased
9 because of the migration that has taken
10 place out of New York City into that
11 geographic area. 2003 didn't get us there
12 and certainly 1995 didn't get us there.

13 So to try and compare what we're
14 doing now to 1995 is really not a good
15 comparison because it is your obligation not
16 just to say we have two
17 minority-majority-minority districts, but to
18 look at whether or not the populous of
19 Nassau County has, particularly the minority
20 population, has earned the right to have a
21 full and appropriate majority/minority
22 district formed appropriately within the 3rd
23 legislative district without gerrymandering.
24 And that is a concern that I have for you to
25 consider all, because that responsibility is

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2 not one that you handle by doing partisan
3 politics or doing incumbency protection.

4 You handle it by seeing what that
5 community in that left-hand corner of Nassau
6 County has earned based on their own growth
7 and migration and taking it into
8 consideration for who and what they are as a
9 community of interest. That appears not to
10 have been the real concern. I say "appear"
11 because I was not the fly on the wall in the
12 room when any discussion, if a discussion
13 did take place. But I raise the issue as to
14 whether or not that was considered and
15 that's my next question.

16 LEGISLATOR SOLAGES: Mr.
17 Brewington, if I could ask specifically your
18 question is whether which factor was
19 considered?

20 MR. BREWINGTON: Thank you, Mr.
21 Solages. The question is, was the natural
22 growth in the white of that community as it
23 has grown, it's different from what it was
24 in 2003, and it's different than what it was
25 in 1995. Have those factors and the right

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2 of that community to be self determining
3 with regard to the potential to elect the
4 candidates of their choice, was that part of
5 the makeup of this map, and, if so, my
6 question goes back to my other one, why did
7 you go south?

8 LEGISLATOR KOPEL: Are you
9 suggesting that, and I am just curious, I
10 just want to understand your question, or
11 your point, are you suggesting that going
12 south into Inwood made the 3rd district
13 weaker in terms of electing a minority
14 representative? Is that what your
15 suggestion is?

16 MR. BREWINGTON: No. If you ask
17 it that way, it's almost too simplistic.
18 It's the fact not that you just went south,
19 but that you didn't go east.

20 LEGISLATOR KOPEL: But my
21 question is --

22 MR. BREWINGTON: Let me just
23 finish answering your question and then I'll
24 yield.

25 The fact that you did have the

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2 ability to not split up the Five Towns going
3 south, and go east and leave the Five Towns
4 intact because what you do, as I go back to
5 my primary point, you create a set of
6 circumstances where the people up north in
7 Elmont and North Valley Stream are going to
8 be fighting against an already solidified
9 political base within the Five Towns and
10 Inwood that is now being split.

11 LEGISLATOR KOPEL: But you really
12 haven't answer the question. My question
13 is not whether they could have gone east
14 because maybe that's a policy decision, and
15 we'll leave it at that.

16 My question is, given the voting
17 records in Inwood and given the population
18 of Inwood, is it your contention that having
19 gone south into Inwood weakens that
20 district? Because that's just not my
21 perception.

22 MR. BREWINGTON: I understand
23 that's not your perception and I grant you
24 that your perception may be yours.

25 LEGISLATOR KOPEL: I'm asking

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2 you, is it yours?

3 MR. BREWINGTON: No, it is not.

4 As a matter of fact, my view here is, is
5 that when you deal with -- it's just not the
6 color of people's skin that you go to reach
7 for. You go for communities of interest
8 that also may include people of like mind
9 and thought that may or may not be of the
10 same race or otherwise.

11 The Voting Rights Act protects
12 individuals that are part of recognized
13 minority communities and then it has 23 or
14 more factors that have to be evaluated. So
15 the point that you've raised is a good point
16 of question.

17 And my question here, since I
18 don't have a vote is, whether or not all of
19 those factors that include -- and I'm trying
20 not to make this a legal issue, I'm asking
21 factual things, those factors that are going
22 to be evaluated with regard to both the
23 Voting Rights Act and the court cases, are
24 those the ones that lead to going south and,
25 if so, I'm trying to understand exactly how

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2 that was done.

3 LEGISLATOR KOPEL: Yes. I hear
4 where you're trying to go because, under the
5 Voting Act, the only way that you can
6 succeed, if I understand it correctly, is to
7 establish that there was some nefarious note
8 of them having made the choices that were
9 made.

10 MR. BREWINGTON: No, that's not
11 the test, sir.

12 LEGISLATOR KOPEL: Well, you've
13 got to show that the choices were, that they
14 deprived people of their right to vote as
15 they would have voted and to elect the kind
16 of representative they would have had and
17 you would have to show a bad motive. You've
18 got to show that the intention was to do so
19 and not something else.

20 MR. BREWINGTON: You know what,
21 I'm not here to teach you a seminar on the
22 Voting Rights Act. I am here to try to
23 bring you new information and ask you
24 information so that I understand.

25 I mean, born and raised in Nassau

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2 County, one of the things I made it my habit
3 to do is to try and be evaluative and look
4 and see how we, as a county, can be
5 successful. Most of the people that remain
6 in this room and most of the 360,000 people
7 that are being disenfranchised, to some
8 degree, they'll be moved, let's use the word
9 moved, all want Nassau County to succeed.
10 Because they have that self interest that's
11 vested in the fact that Nassau County should
12 succeed. But what you are doing at this
13 particular point seems to be
14 counterproductive with regard to that.

15 LEGISLATOR KOPEL: Let's say that
16 I would prefer to keep the Five Towns as it
17 was, keep my entire district as it was,
18 everything else equal, everything else is
19 seldom equal as you know.

20 Inwood, just to carry that point
21 a little further, would seem to have more
22 affinity to, in many ways, it would seem to
23 have a great affinity for the adjoining
24 areas, New York City area, was well as
25 Valley Stream in many ways.

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2 MR. BREWINGTON: I don't agree
3 that Inwood should be next to New York City.

4 LEGISLATOR KOPEL: I wasn't
5 suggesting that it should be.

6 MR. BREWINGTON: I wanted to be
7 sure. When you mention it in the same
8 sentence --

9 LEGISLATOR KOPEL: If I want to
10 get radical, I would suggest that Nassau
11 County secede from the state. But we won't
12 go there tonight.

13 MR. BREWINGTON: Okay. All
14 right. And just so, Mr. Kopel, let me just
15 tell you, I know you took great offense to
16 someone using the term racism.

17 LEGISLATOR KOPEL: Yes.

18 MR. BREWINGTON: Racism does not
19 necessarily identify -- well, let me put it
20 this way. The concept of racism may be one
21 that none us can judge. We don't have to
22 prove racism in a Voting Rights case or
23 otherwise, we have to prove discrimination.
24 But the issue of racism is one that may very
25 well go to, there may be things that turn

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2 out to be racist in how they impact people.
3 But with regard to racism, that really deals
4 with the person's heart.

5 LEGISLATOR KOPEL: I have to tell
6 you that I know all the people up here to
7 one degree or another, and I would be
8 shocked if there was anybody who is racist.
9 And I think it is offensive. I think it's
10 offensive any time somebody suggests it for
11 many reasons, because it cheapens the name
12 of racism. If everything is racism, every
13 time someone doesn't agree, then nothing is
14 racism. It denigrates the tremendous
15 sacrifice, depreciates the entire term and
16 the entire meaning of racism when it's used
17 so cavalierly. It ought not to be used
18 unless you really have proof and unless it's
19 really true. It's just used over here as
20 pejorative in the sense that you don't agree
21 with me so therefore you are a racist, and
22 that's wrong. Okay?

23 MR. BREWINGTON: And, as I was
24 saying, and I appreciate your point and
25 that's why I wanted to hear it out. I don't

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2 disagree with you that the claim of someone
3 being racist is a very serious one, and I
4 don't, as I stand here, I know that
5 Mr. Jones, who I have spoken to who used
6 that term, leaves that to many people what
7 is in their own hearts as to what their
8 beliefs are and how they deal with things.

9 But there are such things as
10 institutional racism and that does not
11 necessarily deal with you as an individual
12 but what has taken place that perpetuates
13 what's taking effect in a community.

14 And if, indeed, there is a
15 institutional determination that somehow
16 disenfranchises or harms people, contrary to
17 the Voting Rights Act, intentional
18 discrimination, as you laid it out, may very
19 well be a second to racism. So if, indeed,
20 that's a concern, that term doesn't have to
21 exist in any situation that we deal with
22 because that's not something that someone
23 has to prove. The reality is, the issue
24 that has to be dealt with here is, is the
25 map fair? Is it one that is consistent with

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2 the Voting Rights Act and the Constitution
3 of the United States? And, in this
4 particular situation, was the appropriate
5 concerns that needed to be evaluated fully
6 evaluated?

7 If those questions can't be
8 answered, and I'm pretty clear that they
9 can't be, because I've been told that they
10 won't be answered, that's okay. We'll move
11 on.

12 The last point that I do want to
13 just try to make this evening, and I said I
14 didn't come to really argue with you, I
15 wanted to try and talk and perhaps get some
16 sense back, but it's pretty clear, Ms. Ford,
17 I'm not going to get some feedback back, is
18 that there is a real concern right now with
19 the actions of the Nassau County Legislature
20 that is different from what has happened in
21 the past.

22 Most of the young people that are
23 interested in Nassau County are watching you
24 right now live stream. They are not going
25 to show up in this chamber. They're

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2 tweeting about you right now. Hundreds of
3 thousands of tweets are taking place about
4 the place where they live.

5 The reality is, that they are the
6 ones that are going to impact what is going
7 to take place, if not this new election
8 coming up, perhaps the one after that, and
9 they're watching. They're really paying
10 attention.

11 When I tell you that this whole
12 thing about 2,000 signatures on the
13 petition, that was doing it the old way. By
14 e-mail, what is happening on the other new
15 electronic means of discussion and
16 communication will blow your mind. And the
17 reality is, that what you're impacting, and
18 I'm just telling you, we'll deal with Voting
19 Rights issues, because we're going to deal
20 with it. You're going to vote. I know what
21 you're going to do. I can even look under
22 the crystal ball, it's there, when you're
23 going to vote.

24 But one of the things I just
25 don't understand is a good investment in the

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2 future is worth the sacrifice right now. If
3 you were to just simply say, hey, we know
4 that the face of Nassau County is changing.
5 We also know that there's going to be a need
6 for us at some point to try to get hold of
7 this juggernaut. Let's do it and let's do
8 it openly so that everyone can see it and
9 that those 18 year olds and 19 year olds and
10 20 year olds who are going to make the
11 decisions very shortly are seeing it for
12 real.

13 I'm bringing that to you just
14 from observation because the concern here is
15 that you don't care. The concern here is
16 you're going to do it your way or the
17 highway. And that attitude unfortunately is
18 going to get us probably through the next
19 election and maybe that's all you are
20 concerned about, but on the next one after
21 that, there's going to be hell to be paid if
22 we are not paying attention.

23 I say "we" because I'm in some of
24 the same age group of at lease two of you.
25 So that's a concern. We can argue about the

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2 maps, people have talked about the maps.
3 You know you moved 360,000 people for no
4 real good reason. I don't have to tell you
5 that. You can't really explain why you
6 created, I call it the drag strip that goes
7 from Garden city all the way over to
8 Bethpage, or while you went north and south,
9 you are going to say it's a policy decision,
10 and I understand that but, at some point,
11 the question will be asked of you, explain
12 yourself.

13 In this situation, the concept of
14 it just being a policy decision is not going
15 to cut it. It's not going to cut it. Then
16 you're going to -- answer the questions now
17 and just deal with it because otherwise it
18 becomes so obvious to everybody that it's
19 just a power grab. And that's just a shame.
20 It really is. Putting aside the Voting
21 Rights' issues, putting aside everything
22 else, start talking -- let's call a rose a
23 rose, and not say that it's something else.
24 Ms. Ford, you know what I mean? That's what
25 I'm talking about.

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2 LEGISLATOR FORD: You obviously
3 want to engage me. I just wanted to know,
4 we were the same age, or is there two other
5 people up here that are --

6 MR. BREWINGTON: From what I
7 understand, you're much younger and much
8 better looking.

9 LEGISLATOR FORD: Thank you.

10 MR. BREWINGTON: Ms. Gonsalves,
11 thank you so much. We will see you guys --

12 LEGISLATOR FORD: I actually --
13 you do bring up some interesting comments
14 and observations. I agree with you that I
15 think we have to take a look at where we are
16 going with the future because, for me, I
17 welcome the engagement of our young people
18 in the voting processes and being involved
19 in governments and I found it to be very
20 enlightening and very encouraging, and I
21 think any legislator up here who has had an
22 opportunity to go to any school in their
23 district and speak with any students
24 regardless of the age and we were amazed at
25 how smart these children are, how aware they

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2 are of issues, and I know -- I just think
3 that they are our future and they want to
4 be. When I look at our college age students
5 as well as our high school students, there
6 is no doubt in my mind that they are
7 tweeting and watching. They are discussing
8 with each other what is happening and I'm
9 sure that, given an opportunity of going to
10 the schools, I'm sure that the students will
11 ask us.

12 I think even when you look at
13 this map and I think Howard also, he
14 actually asked, but he is more eloquent and
15 smarter than I am in asking the question
16 when we go down to Inwood and we look at the
17 way some of the districts have been drawn.

18 For me, I will leave my comments
19 to myself. I don't want to get into a whole
20 big brouhaha right now, but I think I will
21 just leave it that you have given us a lot
22 to consider and a lot to think about.

23 I thank you.

24 MR. BREWINGTON: You're welcome.

25 Thank you.

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2 CHAIRWOMAN GONSALVES: Barbara
3 Harrison? Robert Harrison?

4 LEGISLATOR DENENBERG: Mr.
5 Harrison and Mrs. Harrison had to leave.
6 They submitted -- part of what I submitted
7 were their comments.

8 CHAIRWOMAN GONSALVES: Thank you
9 very much. Ruth Shalom.

10 MS. SHALOM: Yes. My name is
11 Ruth Shalom. I'm from Great Neck. Great
12 Neck was chopped in half and then put back
13 together. So I'm very pleased about that.
14 That's not the issue today. I'm looking at
15 the thing from a broader point. I'm looking
16 at the issue from all of Nassau County.

17 I'm really shocked at what I see
18 what's going on. I will get a little
19 personal. I used to work for the
20 immigration service as an asylum officer. I
21 interviewed people who came from countries
22 where they didn't have free and fair
23 elections, where the government, the
24 elections were manipulated to a real
25 shocking degree. When I look at what's

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2 going on with that map, I'm thinking to
3 myself, is this Havana? Is this Kabul
4 Afghanistan, it's not what I would expect
5 from Nassau County.

6 I think you're distorting the
7 Democratic process with this gerrymandered
8 map and it's just not what I believe would
9 happen in the Democratic American community.
10 It's wrong and I hope that you will all
11 reconsider what you're doing and the effect
12 it's going to have on our reputation and on
13 other elections throughout the country.

14 Thank you.

15 CHAIRWOMAN GONSALVES: Thank you,
16 Ruth. Is it Mariam Nitts? Yes, no? Ian
17 Steinberg? Come on, Ian.

18 MR. STEINBERG: Hi. My name is
19 Ian. I live in East Meadow. Legislator
20 Gonsalves is my legislator.

21 CHAIRWOMAN GONSALVES: That's
22 right.

23 MR. STEINBERG: You know, it's
24 funny, this is like my third hearing I think
25 that I've been to and I have never gotten up

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2 and spoken before. I appreciate all you
3 guys staying here late enough for me to
4 talk.

5 You know, it's funny to get
6 everyone, to hear everyone get up here and
7 say the same things over and over, I think
8 that everyone thinks that, if they say the
9 words the right way, you guys will just do
10 the right thing. I actually want to appeal
11 to Denise Ford who -- like I love Long Beach
12 and I believe that Legislator Ford, because
13 you voted against a bad map before, I
14 believe that you would be the one to do the
15 right thing.

16 I don't know how else to say it
17 because everyone else said it already, so
18 I'm asking you to please do the right thing.
19 Thank you.

20 CHAIRWOMAN GONSALVES: Thank you,
21 Ian. It looks like Daniel returned,
22 correct? I have your slip. Say your last
23 name for me, Daniel.

24 MR. LAMPARTER: Lamparter.

25 CHAIRWOMAN GONSALVES: Thank you.

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2 MR. LAMPARTER: Good evening,
3 everyone. I'm here also to appeal to my
4 county legislator, Denise Ford. You've
5 known my family for years and we hope you do
6 the right thing also. This map is a
7 disaster all the way around. It's not good
8 for minority districts. You voted against
9 it in 2011. We're just hoping you that you
10 would do it again.

11 CHAIRWOMAN GONSALVES: Thank you,
12 Daniel. And the last speaker I have is
13 Paddy Gillespie.

14 MR. GILLESPIE: First I would
15 like to give kudos to everyone who has
16 stayed here. This is a very important
17 process and you guys have been here for
18 hours.

19 The two master proposals that
20 have been put up for a vote in the
21 Republican administration under Mangano have
22 been the lighthouse project and this map.

23 If you remember, we had a
24 referendum on the lighthouse project. I
25 want to know why there has not been a

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2 referendum suggested for this map, because
3 it is clear that people have very strong
4 opinions on it.

5 CHAIRWOMAN GONSALVES: The
6 process is provided in the charter and
7 that's why, Paddy.

8 MR. GILLESPIE: Okay, that's
9 fine. The last thing that I just want -- I
10 just want to appeal to Legislator Denise
11 Ford. Denise, you have heard six hours of
12 testimony on this map. Almost all of it has
13 been clearly against this map. Unlike in
14 2011, you must vote you can't abstain.

15 Denise, we are watching. Do the
16 right thing. Vote no on this map.

17 CHAIRWOMAN GONSALVES: Thank you,
18 Paddy. Now, I reserved the right for the
19 legislators to ask questions of Mr. Moroney
20 if they see fit, is that correct?

21 MR. MORONEY: Yes.

22 CHAIRWOMAN GONSALVES: So you're
23 welcome to stay. I really think you should
24 stay since you waited this long.

25 Mr. Moroney, you want to get down

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2 there to answer the questions?

3 I want to begin with -- I think
4 the body would like at least 15 minutes
5 because they've been sitting quite a while
6 and everyone has a question to ask of you.

7 If you don't mind, in the
8 audience, you waited this long, another 15
9 minutes is not going to hurt you. I don't
10 think so. Because I did say that this
11 hearing would go very late.

12 Mimi, didn't I say that? So it
13 didn't make any difference what time you
14 came, you would still have time to speak.

15 (Whereupon, the Full Legislative
16 Committee recessed at 9:45 p.m. and
17 reconvened at 10:15 p.m.)

18 CHAIRWOMAN GONSALVES: Take your
19 seats so we can proceed. I know that there
20 are many of you anxiously awaiting for your
21 questioning. Let's go legislators. Are we
22 ready?

23 Ordinarily, the legislators would
24 question Mr. Moroney before public comment,
25 but in all due respect to so many of you who

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2 are out there today and through this
3 evening, it was felt that we could hold our
4 questioning until after the public comment.

5 So please bear with us if you
6 like and listen to the questioning, and
7 there is an order that Minority Leader Kevan
8 Abrahams gave to me and we are going to
9 begin with Legislator Judy Jacobs.

10 LEGISLATOR JACOBS: Hi Frank.
11 It's almost good morning.

12 MR. MORONEY: Want to meet me
13 with a coffee in the Carle Place Diner?

14 LEGISLATOR JACOBS: Sure. You
15 know what, don't laugh. I have a few
16 questions, but we should be able to go
17 through them pretty quickly. If you recall,
18 I asked you about bringing in the experts
19 and, to the best of my knowledge, you had
20 said Skyline Demographers were the people
21 that were used?

22 MR. MORONEY: Correct.

23 LEGISLATOR JACOBS: All right.
24 Is that also known as Skyline Demographic
25 Consultants and they're located in

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2 Schenectady?

3 MR. MORONEY: I believe that's
4 the correct full name and that's the correct
5 location.

6 LEGISLATOR JACOBS: Is the name
7 that they use Skyline Consulting, does that
8 make sense to you?

9 MR. MORONEY: Again, I saw the
10 contract back in whenever, but I don't
11 remember the precise name.

12 LEGISLATOR JACOBS: Now, to the
13 best of your knowledge, did Skyline utilize
14 an expert to help them? I should add on,
15 since analyzing the statistics, whether it
16 be population, voting age, et cetera, that
17 type of thing?

18 MR. MORONEY: No, I don't believe
19 so.

20 LEGISLATOR JACOBS: Did anybody,
21 I don't know if this is permissible, I'm
22 wondering if anybody -- Norma, I'm wondering
23 if I could ask, with all due respect, if
24 anyone on your side of the aisle engaged
25 somebody to specifically look at the

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2 statistics?

3 MR. MORONEY: No, I don't believe
4 so.

5 LEGISLATOR JACOBS: Did the
6 Republican commissioners on the Temporary
7 Districting Advisory Commission utilize an
8 expert to analyze the statistics at any
9 point?

10 MR. MORONEY: Other than Skyline,
11 no.

12 LEGISLATOR JACOBS: So
13 essentially Skyline did it all?

14 MR. MORONEY: Skyline did all the
15 statistical analysis.

16 LEGISLATOR JACOBS: To the best
17 of your knowledge, does Skyline have someone
18 on staff to analyze statistics like that?

19 MR. MORONEY: I believe it's a --
20 I don't know that. I know it's a husband
21 and a wife operation. I also know that they
22 looked at -- that there was a third person
23 involved in it but I didn't inquire if he
24 was an employee or what his relationship was
25 with Skyline was.

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2 LEGISLATOR JACOBS: Now, let me
3 see, I don't want to repeat myself, did the
4 county attorney here utilize any expert or
5 anyone else to analyze this map?

6 MR. MORONEY: In the development
7 of this map?

8 LEGISLATOR JACOBS: Well, in the
9 development of or after it was completed,
10 did the county attorney have an expert look
11 at it and give an opinion?

12 MR. MORONEY: None of this
13 information has been turned over to the
14 county attorney in any form nor did he have
15 any input into its creation or the
16 discussions we had either through the
17 commission or up till now with the county
18 legislature.

19 LEGISLATOR JACOBS: Do you know
20 if he ever had any chance to review it at
21 all and, if so, if he gave an opinion on it?

22 MR. MORONEY: He has not given us
23 any opinion. We have not asked him for one.
24 If he has analyzed it, then he's done it on
25 his own.

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2 LEGISLATOR JACOBS: Once again,
3 presiding officer, I'm just wondering, did
4 the county attorney speak to you about his
5 opinion -- sorry -- Norma, I'm just
6 wondering if the county attorney had given
7 you any opinion? I mean, I'm assuming you
8 had seen the map -- no.

9 And did anyone from the Jones Day
10 Law Firm review the map before us, and, if
11 so, at whose request did they do it?

12 MR. MORONEY: Yes, they did and
13 they did it at, I guess it was Skyline's
14 request.

15 LEGISLATOR JACOBS: I just have a
16 couple more. Now, regarding Skyline's
17 payment for working on redistricting maps in
18 2012 and '13, they had a contract for
19 \$95,000, am I correct?

20 MR. MORONEY: That's correct.

21 LEGISLATOR JACOBS: And they were
22 being paid, and correct me where I'm going
23 wrong because I'm just going to make a
24 statement and I don't profess to be right,
25 that they are being paid for the funds

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2 already allocated to the Republican
3 commissioners; is that correct?

4 MR. MORONEY: That's correct.
5 That contract, I don't remember the date it
6 was signed, but it was definitely signed in
7 the 2012 calendar year.

8 LEGISLATOR JACOBS: Right. And
9 just correct me if I'm wrong, the contract
10 ran from June 8, 2012 to June 7, 2013?

11 MR. MORONEY: That's correct.

12 LEGISLATOR JACOBS: Now, this I
13 should know because I'm on rules, but I'm
14 just going to ask you to clarify this.

15 Was the contract ever brought
16 before the legislature for approval for
17 Skyline?

18 MR. MORONEY: What I heard was a
19 colloquy that said it was excludable on the
20 legal ground as referenced by the clerk.

21 LEGISLATOR JACOBS: On legal
22 ground because?

23 MR. MORONEY: I would defer to
24 the clerk on that. I don't --

25 CLERK MULLER: It's in the

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2 charter, the charter commission is allowed
3 to hire their own personnel and get their
4 own legal services to draw the map.

5 So the legal opinion from the
6 county attorney was that that was excludable
7 because it's a mandated required, they hire
8 legal counsel.

9 LEGISLATOR JACOBS: I'm almost
10 done, the Skyline contract states that
11 Skyline shall submit ongoing reports and
12 plans as directed by the department on a
13 monthly basis. That's what the contract
14 reads. What department?

15 MR. MORONEY: The department, I
16 believe the department should be defined in
17 the caption of that contract and I'm not
18 sure if it was a county leg contract or a
19 commission contract, but it was that -- the
20 caption of that contract would describe who
21 the contract department is. As it turned
22 out, it was the Republican commissioners.

23 LEGISLATOR JACOBS: Because it
24 was part of the Republican commissioners?

25 MR. MORONEY: Right.

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2 LEGISLATOR JACOBS: Did they ever
3 give you reports as they were ongoing?

4 MR. MORONEY: The only report
5 that was given was the map that resulted
6 that was not approved by the commission.
7 That, and the population reports.

8 LEGISLATOR JACOBS: So not on
9 this map?

10 MR. MORONEY: Not -- this is --
11 answer to the question, it's two-step part.

12 The reports that we received as a
13 commission, that the commissioners received,
14 was an ongoing report to the commissioners
15 as to the status. We would communicate with
16 them as to the testimony. We were -- we had
17 an attorney come in to give a permit, so to
18 speak, to the legislature, or the
19 commission, I should say, as to what should
20 be looked at. That was analyzed also by
21 Skyline.

22 Then, as that work progressed,
23 and ultimately a map was developed after all
24 the testimony was reviewed, it then came
25 down to a request by the presiding officer

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2 for Matt Kiernan to work with majority
3 counsel so that there was some continuity of
4 services, they're still being paid under
5 that original contract but, at the request
6 of the presiding officer, this map was
7 developed after the January 3rd hearing.

8 In other words, the January map
9 that was presented and heard on January 3
10 was the product of the initial informational
11 hearings. The subsequent map, this map, was
12 developed as a result of the January 3
13 hearing which had a number of the items
14 incorporated into this map as a result of
15 the contact between the presiding officer
16 and commission staff.

17 LEGISLATOR JACOBS: Because where
18 I'm going with this is, that if they did
19 issue a report on this, and I realize
20 they're not here in person which I thought
21 would have been best, but if such a report
22 exists, I'm wondering if that would have
23 been shared with the legislature. It would
24 certainly be a helpful tool at this point
25 after sitting through two days of testimony

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2 for us to know what experts are saying.

3 MR. MORONEY: I'm unaware of any
4 such written report but we will inquire and,
5 if there is, make it available.

6 LEGISLATOR JACOBS: And their
7 payments, as far as their contract goes, is
8 in monthly increments?

9 MR. MORONEY: It's a monthly
10 increment and, the last time we looked at it
11 was in December, and I think there was about
12 \$48,000 of billings put in.

13 LEGISLATOR JACOBS: Put in?

14 MR. MORONEY: Right.

15 LEGISLATOR JACOBS: By the end of
16 September?

17 MR. MORONEY: No. By the end of
18 December.

19 LEGISLATOR JACOBS: I meant that.
20 I really did. So the money that's left over
21 now, what happens to that money? Is the
22 commission returning that money, or --

23 MR. MORONEY: That money, and I
24 apologize for interrupting.

25 LEGISLATOR JACOBS: That's all

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2 right.

3 MR. MORONEY: That money is
4 being, because the request was made to have
5 commission staff, which is still on staff,
6 and the consultant, which is still under
7 contract by the presiding officer. The
8 billings for these maps would come through
9 in the normal course of business through the
10 comptroller's office, through the fiscal
11 officer and the vendor claims and the
12 comptroller's office.

13 LEGISLATOR JACOBS: So that
14 initial contract money for Skyline would not
15 be involved from this point forward or it
16 would be?

17 LEGISLATOR JACOBS: It would be?

18 MR. MORONEY: Yes. There is to
19 new contract.

20 LEGISLATOR JACOBS: On the same
21 basis as it being from the commission?

22 MR. MORONEY: That's correct.

23 LEGISLATOR JACOBS: And just, the
24 last thing, what are they expected to do
25 now? I don't know what is going to happen

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2 tonight. I don't have a crystal ball.

3 But let's say for argument's sake
4 you need another week, or you need another
5 change or whatever, will they be called in
6 at that point?

7 MR. MORONEY: I believe so, yes,
8 if that's the case. If that's the pleasure
9 of the legislature, and if that occurs,
10 then, yes, they would certainly be called in
11 again. Depending upon what the requests
12 would be. I realize there are what ifs --

13 LEGISLATOR JACOBS: Well, I can't
14 speak more definitively to that because I
15 don't know about tonight's ending.

16 MR. MORONEY: Ditto.

17 LEGISLATOR JACOBS: I appreciate
18 your answers. I really do. I just can't
19 express enough how helpful it would have
20 been to speak to the experts.

21 I realize what you're saying that
22 this is a different map than the one they
23 originally had worked on for you, but I also
24 feel, considering the money is being given
25 to them, that I would have thought they

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2 would have given you some kind of a report
3 on this map, which, even if they couldn't be
4 here, could have been helpful, forget us,
5 could have been helpful to you to give us
6 more information. You're saying there was
7 no such report?

8 MR. MORONEY: No. No formal
9 report. Matt has been on the phone with the
10 principal, as have I, seeking little bits
11 and pieces of information as need be. But
12 other than that, it's just production of
13 maps and statistical analysis which is
14 available.

15 LEGISLATOR JACOBS: So I have a
16 few more questions. Regarding any work by
17 the Jones Day Law Firm in connection with
18 the redistricting, correct me where I'm
19 wrong here again, there is a special counsel
20 agreement for \$100,000; is that correct?

21 MR. MORONEY: There is a special
22 counsel agreement. I'm not sure that it's
23 for \$100,000 but it is -- I'm sure -- I know
24 it was pulled by your counsel, so whatever
25 that number is, it is.

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2 LEGISLATOR JACOBS: Let me ask
3 you this. They're also being paid from
4 funds from the commission, correct?

5 MR. MORONEY: Correct.

6 LEGISLATOR JACOBS: And that
7 contract runs from November 15, 2012 to June
8 30, 2013?

9 MR. MORONEY: I believe so.

10 LEGISLATOR JACOBS: Do you know
11 off the top of your head what the hourly
12 rate is you agreed to pay the lawyer,
13 Michael Carvin, to defend this map?

14 MR. MORONEY: Less than NIFA.

15 LEGISLATOR JACOBS: I bet he
16 didn't get us Triple A borrowing that saved
17 the county.

18 MR. MORONEY: We didn't ask him.
19 I think it was north of 800 and a quarter an
20 hour, in that range. It's in the contract.

21 LEGISLATOR JACOBS: I almost know
22 the answer to it and I didn't ask it because
23 it was not brought to the legislature
24 because it's also considered part of the
25 commission; am I correct?

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2 MR. MORONEY: Yes, and, by the
3 way, those contracts were approved by NIFA.

4 LEGISLATOR JACOBS: Yes, I know
5 that. But let me ask you this. Looking at
6 the map and knowing how much -- I realize
7 how much you have to use them at the
8 beginning, if they didn't do a report and
9 draw up this map, may I respectfully ask you
10 who drew up this map?

11 MR. MORONEY: This was drawn by
12 Skyline. They created this work product
13 under the guidance initially of the
14 commission based upon the transcripts of the
15 hearings and then subsequent with
16 discussions through the majority office with
17 commission staff.

18 LEGISLATOR JACOBS: But, yet,
19 when they were doing that, they didn't do a
20 report to go with it? This is a lot of --
21 there were changes, quite a few changes.

22 MR. MORONEY: There were quite a
23 few changes but the changes, again, didn't
24 necessitate a written report. The analysis
25 that went into it, I mean, I discussed when

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2 I was asked to assist with this description,
3 I mean, I called and said, "here's what I
4 need to know," and we've had an ongoing
5 discussion, ongoing communications with
6 them. There's not been any formal written
7 communication for that.

8 LEGISLATOR JACOBS: Let me ask
9 you then, I know in their service division
10 of their contract it was said, and I'm going
11 to read it directly, "the service is to be
12 provided by counsel under this agreement and
13 shall consist of advising and consulting
14 with the Republican members of the
15 redistricting commission."

16 Can you share with us which
17 Republican members the redistricting
18 commission were advised by Jones Day?

19 MR. MORONEY: Jones Day? I'm not
20 aware that any of them spoke to anyone at
21 Jones Day. I had -- in my instance I think
22 I had two conversations; one to ask them if
23 they were available and, second, to make
24 sure they work with Skyline. Beyond that --

25 LEGISLATOR JACOBS: But the

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2 reason I'm going in this direction is the
3 fact that, if it calls for them to advise
4 and consult with the Republican members and,
5 I'm assuming that's the Republican
6 commissioners on the this committee, and you
7 were the chairman without a vote, were any
8 of the commissioners with a vote? I mean, I
9 know you were in touch with them.

10 Were any of the individual
11 Republican commissioners in touch with them?

12 MR. MORONEY: I can't say yes or
13 no. I would speculate no, but that would
14 only be speculation. I don't know have an
15 answer. I can find one out for you.

16 LEGISLATOR JACOBS: I would
17 appreciate that.

18 MR. MORONEY: Sure.

19 LEGISLATOR JACOBS: Have they
20 performed any services yet, Jones Day?

21 MR. MORONEY: I believe they
22 might have with respect to their analysis,
23 but, again, I don't have an answer to that.

24 LEGISLATOR JACOBS: This could
25 get to the answer. Have they submitted any

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2 bills yet and, if so, how much?

3 MR. MORONEY: As of December,
4 they had not submitted a bill. That I can
5 tell you.

6 LEGISLATOR JACOBS: Okay. Do we
7 know if they did in this year yet or not?

8 MR. MORONEY: I came over from
9 there to here, so I really hadn't -- when I
10 left the comptroller's office, I --

11 LEGISLATOR JACOBS: I know it's
12 not safe to assume ever, but I'm assuming
13 that the approval of the Jones Day bills
14 would also go through their comptroller?

15 MR. MORONEY: As to all vendor
16 claims. But that was a contract that I
17 don't believe I executed on behalf of the
18 comptroller's office. I think it was
19 executed by then Deputy Comptroller Joy
20 Watson, and I was not -- vendor claims would
21 have been covered under Deputy Comptroller
22 Jim Garner's portfolio.

23 LEGISLATOR JACOBS: The reason
24 I'm going there is, I know it's \$100,000 and
25 I'm wondering what the final amount is. I

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2 guess one of my questions would have to be,
3 are they going to be involved if there's no
4 vote tonight, in the coming week, are they
5 going to be involved if there are any
6 changes, legal fees or whatever?

7 And, if they are, or they're not,
8 once it's determined, when will they be
9 returning the money if they have not used it
10 all up?

11 MR. MORONEY: Once the money is
12 encumbered in the comptroller's office, that
13 money stays encumbered until it's used up.

14 If it's not used up, then at the
15 end of the contract, then that money is
16 returned.

17 LEGISLATOR JACOBS: So at the
18 end, like in June would be the end?

19 MR. MORONEY: Correct.

20 LEGISLATOR JACOBS: This is my
21 final question. So if they're still going
22 to be doing services, am I correct in
23 stating that it would be in analyzing the
24 map as a law firm in a legal way? Would
25 that be fair to say that that would be their

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2 only service or are there other services
3 that you can anticipate?

4 MR. MORONEY: Up till now, that's
5 the only services they were retained to
6 perform. So, beyond that, again, we are in
7 the realm of speculation.

8 If you're asking me, will they be
9 retained in defending a lawsuit, as far as I
10 know, that hasn't been an issue.

11 LEGISLATOR JACOBS: Actually, I
12 wasn't even going there. I just want to
13 know what else, you did serve as chair,
14 going forward, even if there is a next week
15 here, do you expect them to be involved?

16 MR. MORONEY: I would think that
17 if there are changes to the map that would
18 relate to federal issues, federal voting
19 right issues, federal constitutional issues,
20 that there might certainly be a request for
21 additional services.

22 LEGISLATOR JACOBS: Thank you
23 very much, Frank. I appreciate it.

24 MR. MORONEY: You're welcome.

25 CHAIRWOMAN GONSALVES: Minority

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2 Leader.

3 LEGISLATOR ABRAHAMS: How are
4 you, Mr. Moroney? I'll actually be very
5 very brief. Legislator Jacobs took all my
6 questions actually. Just kidding.

7 I'll be very brief. I know a lot
8 of discussion has been centered around the
9 topic of the instruction that was given to
10 Skyline to come up with the original map
11 that was presented on January 3rd and, I
12 guess with what we're seeing today, how did
13 that correspondence take place, was that
14 phone conversations, e-mails, letters?

15 How was that initial impression
16 to come up with --

17 MR. MORONEY: Telephone
18 conversations.

19 LEGISLATOR ABRAHAMS: Explain to
20 me the process in terms of how that was
21 developed.

22 MR. MORONEY: I'd give Dave a
23 call or Matt would give Dave a call.

24 LEGISLATOR ABRAHAMS: Who is
25 Dave?

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2 MR. MORONEY: One of the
3 principals of Skyline.

4 LEGISLATOR ABRAHAMS: Dave, what
5 is his last name?

6 MR. MORONEY: Schaefer. And then
7 we would send him copies of the transcripts
8 which we had on line, monitoring them, and
9 telling him what the instructions were from
10 the presiding officer.

11 LEGISLATOR ABRAHAMS: So based on
12 the hearings that were presented, you sent
13 them all the transcripts. He went through
14 the transcripts and, from there, he
15 determined a map.

16 MR. MORONEY: There's a couple of
17 steps in between the beginning of that
18 question and the end of that question.
19 Those would have been, what we were looking
20 for, for example, with respect to District
21 10, and the hearings on January 3rd, and
22 some of the other issues that arose at that
23 hearing.

24 There was ongoing discussions
25 with them as different suggestions were

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2 developed, and either Matt or I would
3 communicate essentially over the telephone.

4 LEGISLATOR ABRAHAMS: Essentially
5 over the telephone?

6 MR. MORONEY: Right.

7 LEGISLATOR ABRAHAMS: Not e-mails
8 or letters. What I'm driving at really is,
9 there were multiple hearings, obviously we
10 had to make the correction to address for LD
11 2.

12 We had all that in mind but, what
13 I'm driving at is, how did he determine --
14 because this is very different than what we
15 had before. I know you've talked about, I
16 forget the terminology you used, census
17 designated areas.

18 Did you give him a criteria that
19 it needed to have -- what was the
20 terminology that you used, 99?

21 MR. MORONEY: Here's the essence
22 of --

23 LEGISLATOR ABRAHAMS: Like, how
24 did he get to that level?

25 MR. MORONEY: The initial

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2 discussion was to create a map from a blank
3 slate.

4 LEGISLATOR ABRAHAMS: A blank
5 slate?

6 MR. MORONEY: A blank slate.
7 Take a look at the county anew and see what
8 you can do based upon the current population
9 in Nassau County, with all the changes, the
10 demographic changes, et cetera.

11 Then -- obviously had that map,
12 it was unsuccessful, but, subsequent to that
13 point, it was essential in saying, look,
14 these are the instructions of the presiding
15 officer. Here's what she wants to do.

16 I'm saying we, but it was
17 essentially communications through Matt and
18 counsel. So it's an editorial we. Given
19 the instructions as to what needed to be
20 done, what were the -- what was the color,
21 what was the background on some of the
22 issues. There was, for example, a question
23 about organizations formed for Hempstead
24 Harbor, for example. There was some
25 research done on that as to what

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2 organizations there could be, and there
3 actually is an organization that all the
4 towns, villages, the like, the City of Glen
5 Cove are involved in over there.

6 That sort of thing, those
7 communities of interest, things that were
8 looked at, those traditional issues. There
9 was a request that the deviation, there
10 could be, that it be kept to its lowest
11 possible place while still complying with
12 testimony filling in these blanks as we went
13 along and creating -- those are the sort of
14 discussions that were had.

15 A lot of that was based upon what
16 we know, what the local people know versus
17 somebody who is not a local person. Those
18 are all kinds of verbal communications back
19 and forth.

20 LEGISLATOR ABRAHAMS: How many
21 maps were presented to the Republican
22 commissioners?

23 MR. MORONEY: One.

24 LEGISLATOR ABRAHAMS: Just one
25 map?

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2 MR. MORONEY: That was it.

3 LEGISLATOR ABRAHAMS: And that
4 map from that standpoint was good to go?

5 MR. MORONEY: That was the map we
6 had developed. There was some communication
7 between myself and Ms. Garone, who was next
8 to you, where we were trying to get their
9 map, your map, the Democratic commission's
10 map, if you will, so that we can put them
11 both up on the internet and then hold a
12 public hearing on it.

13 There was an indication that
14 there was not going to be a map forthcoming
15 from the Democratic commissioners and a
16 request was made of me to strike from the
17 proposed agenda for the January 3 hearing
18 the consideration of a Democratic map
19 because none was going to be.

20 We complied with that and we put
21 this up. And then a few days later, a map
22 appeared and we readjusted it to include the
23 additional map.

24 LEGISLATOR ABRAHAMS: So the
25 first map that Dave at Skyline did he got it

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2 right, from your perspective?

3 MR. MORONEY: The first, yes, he
4 did. But keep in mind, get it right is in a
5 context. Get it right is in a context of
6 something to propose that met the basic
7 legal standards that we needed to meet.
8 And, yes, he did get that right.

9 What happened subsequent to that
10 was the development of testimony and other
11 issues and those were also complied with.
12 So that map was initially looked at to see
13 if it could be improved to address some of
14 the objections. January 3 was -- we had
15 only 69 speakers versus whatever were here
16 today, but we had a significant number of
17 speakers.

18 You take a look at the speakers,
19 you take a look at the testimony they give
20 you and you see if there's any improvements
21 that can be made, and that's actually when
22 those discussions started to take place.

23 Because at that point a vote had
24 been taken on January 3. There was not
25 going to be a commission-sanctioned

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2 recommendation to the Full Legislature and
3 we started to have conversations with David
4 over what kind of improvements might be
5 worthwhile looking at.

6 LEGISLATOR ABRAHAMS: Were there
7 any policy-making decisions that were given
8 to him as well?

9 MR. MORONEY: No. Other than the
10 big three which are One Person One Vote,
11 Voting Rights Act, and traditional
12 districting standards, and taking a look at
13 the testimony of the public at those --

14 LEGISLATOR ABRAHAMS: Obviously
15 to create a third legislative
16 minority/majority district as you term it
17 with LD 3, and drastically change a district
18 which, from our opinion, is emerging into a
19 minority/majority just by the realities of
20 what's going on in that western part of the
21 county, who made that decision, that sounds
22 like a policy decision? Was that a decision
23 that Dave made?

24 MR. MORONEY: This is a
25 collaborative decision as district 3

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2 emerged.

3 LEGISLATOR ABRAHAMS: Who was the
4 collaborative?

5 MR. MORONEY: Myself, Dave,
6 Matthew, the testimony of the public, and
7 because -- I don't think it's remarkably
8 different, at least district 3 from the
9 proposal that was put up by the Republican
10 commissioners.

11 LEGISLATOR ABRAHAMS: No. I'm
12 saying it's remarkably different than what
13 is currently there today.

14 MR. MORONEY: No. It's not
15 remarkably different. It's -- I mean, the
16 current map --

17 LEGISLATOR ABRAHAMS: The current
18 map included Franklin Square in LD 3, didn't
19 it?

20 MR. MORONEY: It sure did.

21 LEGISLATOR ABRAHAMS: Is LD 3 a
22 part of --

23 MR. MORONEY: Mr. Abrahams,
24 pardon me. I apologize. I did not say
25 there were no changes. I'm answering the

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2 question that in my mind, when you say the
3 district changed, it's not like it used to
4 be, there are some very core communities in
5 this district that were part of the other
6 district.

7 LEGISLATOR ABRAHAMS: Mr.
8 Moroney, how many people that currently live
9 in LD 3 will have the same representation
10 under that map?

11 MR. MORONEY: I couldn't tell you
12 that answer. I don't know.

13 LEGISLATOR ABRAHAMS: That's
14 fair. So when I look at the lines on this
15 map, because the lines, based on the
16 commentary that I've heard from the public
17 tonight, people have talked about the lines
18 of LD 14 and, obviously, the dividing up of
19 the Five Towns, was that something that Dave
20 Schaeffer decided as well or was that
21 something that you collaboratively
22 discussed?

23 MR. MORONEY: Initially? That
24 was his way of dealing with the testimony
25 that was before him. We had a hearing on

1 Full Legislature/2-25-13
2 October 15th, 2012 in which there was a lot
3 of testimony about keeping the barrier
4 island together.

5 There was obviously a priority
6 because the law requires a priority to give
7 consideration to voting rights' issues. But
8 voting right issues alone don't drive
9 districts, other things are included in
10 that.

11 When you re -- let me back up
12 rather than get into when you reconfigure.
13 We are limited by geography and population
14 density in what we do. If anybody thinks
15 you can draw square districts or round
16 districts, as was used today, or districts
17 that look like the Massapeguas, they're
18 unique. You only have -- we this amount of
19 territory and we have to fit 19 districts
20 into it. And we have to have 19 districts
21 with the optimal number of 70,573 in it.
22 You're limited -- you have vast areas over
23 here of low density population, and areas
24 here of high density population. Same thing
25 down here on the barrier island.

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2 So you have a certain number of
3 people. You can't go over a certain number
4 of people. That limits what you can do.

5 So every time you do something,
6 every time you change something, when you
7 put Plainview back together, you're moving
8 population. You're also moving geography.
9 The basic geography that we use is census
10 geography, down to census block level.

11 When you have those limitations,
12 those geographic limitations, and those
13 density limitations, there is only so much
14 you can do. And every time you do
15 something, it creates an issue.

16 For example, on February 11th,
17 you asked a question about the 7,600 people
18 that lived in this area of Hempstead. You
19 suggested, why not take it out of district
20 14, put it into district 2 and then level it
21 out between district 1 and district 2?

22 The problem is, you now have a
23 district, district 14, that doesn't have
24 enough population in it because you've taken
25 out 11 percent of its population. So now

1 Full Legislature/2-25-13
2 you have a problem with this district. So
3 do you then create -- work with this
4 district and fill in another 11 percent of
5 population? It just keeps right on moving,
6 as the jello moving across the kitchen
7 floor, you just can't catch it.

8 It seems like a simple exercise
9 but it's not because it takes time, effort,
10 it takes -- in the case of District 1 and
11 District 2, it takes balancing of minority
12 population, and other considerations.

13 So you have -- it's not just a
14 simple exercise of pulling out the crayon or
15 the marker and cutting off something else
16 and fill it in someplace else. You have to
17 come up with a lot of population. You are
18 adding 11 percent more population to
19 District 2, which means it would be 10.7
20 percent over the optimal number, so now
21 that's out of whack.

22 So then you have to come back in
23 here and you have to go to District 1,
24 that's going to be out of whack at that
25 point too. You still have 7,600 people that

1 Full Legislature/2-25-13
2 you're trying to move around. Then you have
3 to find 7,600 people for over here.

4 LEGISLATOR ABRAHAMS: This can
5 come from any one of the five bordering
6 districts?

7 MR. MORONEY: Perhaps. But keep
8 in mind, you're also trying to do other
9 things at the same time. You're trying to
10 get it in the context of the map which talks
11 about, earlier, we were talking about town
12 lines, talking about village lines, talking
13 about census designated places, we're
14 talking about communities of interest. It's
15 not merely moving people. It's moving the
16 right people to the right place so that you
17 don't do violence to those standards that
18 you have to meet in the districting
19 situation.

20 So it's more to it than just
21 getting in front of the computer and having
22 a good ole day.

23 LEGISLATOR ABRAHAMS: I see.

24 MR. MORONEY: And it's time
25 consuming.

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2 LEGISLATOR ABRAHAMS: The last
3 question for me. So when the question --
4 when this map came back and obviously you
5 had a chance to digest it with Mr. Kiernan
6 and as well as with Dave, in regards to
7 district number 14, because I think that's
8 received the greatest amount of commentary
9 from the public, the blue one that stretches
10 from Hempstead to Garden City to Carle
11 Place, it looks like, maybe a portion of
12 Mineola, Hicksville --

13 MR. MORONEY: I don't think
14 Garden City --

15 LEGISLATOR ABRAHAMS: I have the
16 map in front of us, actually.

17 MR. MORONEY: It includes, it
18 goes up into Old Westbury, Mineola, up in
19 Old Westbury, back down to Jericho over to
20 Hicksville and then to Bethpage, yes.

21 LEGISLATOR ABRAHAMS: When that
22 was actually constructed by David, I'm
23 guessing, the commission, the Republican
24 commissioners didn't see a problem with that
25 in terms of contiguity or compactness?

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2 MR. MORONEY: No.

3 LEGISLATOR ABRAHAMS: At all?

4 It's compact in your opinion?

5 MR. MORONEY: Contiguity and
6 compactness don't stand alone. They stand
7 in the context of the map you're drawing.
8 They stand in the context of the context of
9 the requirements of One Person One Vote and
10 stands in the context of the Voting Rights
11 Act -- you had testimony on January 3 about
12 a portion of the district up here. A
13 portion of it that needed to be put back
14 into district number 2.

15 LEGISLATOR ABRAHAMS: But --
16 sorry, Mr. Moroney, go ahead.

17 MR. MORONEY: So you have to
18 have, the highest standard you have to meet
19 in districting is population. It's the
20 constitutional standard. That's the highest
21 one.

22 Then you have the statutory
23 requirements and that would be the Voting
24 Rights Act among others. Here you have a
25 district that's been a minority district in

1 Full Legislature/2-25-13
2 relatively the same configuration as it has
3 been for 20 years. And you have to work
4 your way around that.

5 At the same time, we had this
6 area up here and we're also trying to bring
7 in Manhasset into one district as they
8 requested, as witnesses requested.

9 So you're balancing variable
10 testimony, and at the same time you're
11 balancing -- and you have to do the
12 population, you have to do the communities
13 of interest, and you're trying to balance
14 against that Voting Rights Act and other
15 geography. In that context, I think it
16 meets the standard.

17 LEGISLATOR ABRAHAMS: But the
18 original district 14, the way it's currently
19 constituted, didn't cross as many town lines
20 as this one crosses.

21 MR. MORONEY: That's true, and
22 here's where you need to step out of this
23 map.

24 If you go back and look at the
25 commission map, the commission map was

1 Full Legislature/2-25-13
2 renumbered. The commission map did not have
3 these numbers on them.

4 When we renumbered it, this is
5 how we renumbered it to make it at least as
6 close to where we can get it. We made it
7 compatible with the existing map, as far as
8 the numbers were concerned.

9 LEGISLATOR ABRAHAMS: I see.
10 That's it. I think Robert was next. I
11 don't know. Vinny, are you jumping in?
12 Norma is not here. I think Robert is next.

13 LEGISLATOR NICOLELLO: Legislator
14 Troiano.

15 LEGISLATOR ABRAHAMS: Thank you,
16 Mr. Moroney.

17 LEGISLATOR TROIANO: Good
18 evening.

19 MR. MORONEY: Good evening.

20 LEGISLATOR TROIANO: I've got a
21 series of questions. Some of them may be
22 redundant to the conversation that Kevan
23 just had with you. Still some things are
24 just not clear to me.

25 In your testimony to the Rules

1 Full Legislature/2-25-13
2 Committee on February 11th, the transcript
3 is replete with comments from you in
4 response to questions on why maps were drawn
5 a certain way, why was this drawn a certain
6 way, where this line was there, and why this
7 line was there. And you said, well, that's
8 due to policy choices or policy decisions of
9 the county legislature.

10 MR. MORONEY: Correct.

11 LEGISLATOR TROIANO: I just want
12 to be clear for the community and perhaps
13 for a judge, because we keep hearing it's
14 going to go to court that, when you -- what
15 are you referring to when you say the county
16 legislature?

17 Because that suggests to me that
18 it's a full body of 19 legislators giving
19 you input as to what those policy choices
20 and policy decisions ought to be.

21 But I know I didn't give any
22 input to that, so what do you mean by the
23 county legislature?

24 MR. MORONEY: The charter says
25 the duty to district rests with the county

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2 legislature. It is the county legislature
3 that will pass this or not pass this or pass
4 some other plan. That is, the fact that
5 there are people that vote no on it, and
6 don't like it, and don't enjoy -- or the map
7 doesn't enjoin their support doesn't mean
8 that it's not being done by the county
9 legislature.

10 LEGISLATOR TROIANO: No. I
11 understand that. But that's once there's a
12 vote. So is it fair to say, once there is a
13 vote that the county legislature voted this
14 way, even though not every member of the
15 legislature voted that particular way?

16 MR. MORONEY: Correct.

17 LEGISLATOR TROIANO: But prior to
18 a vote and giving direction and deciding
19 what the policy choices are today, one might
20 have to consult the entire county
21 legislature.

22 LEGISLATOR TROIANO: I would
23 think the process -- this time was no
24 different than it was the last time.

25 LEGISLATOR TROIANO: It's not

1 Full Legislature/2-25-13
2 really pertinent what it was the last time,
3 we're talking about now.

4 So when you say now, on this
5 process, this iteration that we do every ten
6 years, what are you referring to when you
7 say county legislature?

8 MR. MORONEY: I'm referring to
9 this body.

10 LEGISLATOR TROIANO: Well, Frank,
11 I'm sorry, but I didn't give any input to
12 that. I don't think that any of the nine
13 members on this side of the aisle gave any
14 input to you. So you really can't be saying
15 that it's the county legislature.

16 MR. MORONEY: I'm sorry. You're
17 going in a different direction than I was
18 trying to respond to you.

19 This is a map that's been
20 proposed and it's on the calendar as a
21 result of the presiding officer putting it
22 on the calendar.

23 It is true that you have not had
24 any input into that map but you had a map
25 also that you had proposed and asked to be

1 Full Legislature/2-25-13
2 put on the calendar. I don't believe that
3 the presiding officer or anybody on this
4 side had any input into that either. I
5 assume that there were policy choices made
6 in the creation of that map. That's an
7 aside.

8 But the point is is that this map
9 contains the policy choices that were given
10 to the commission for purposes of crafting
11 that map. Those were in compliance with --

12 LEGISLATOR TROIANO: But, Frank,
13 I understand that. We've heard that
14 throughout the day.

15 My question is, when you refer to
16 the county legislature, who are you
17 referring to?

18 MR. MORONEY: I'm referring to
19 this legal body.

20 LEGISLATOR TROIANO: Okay. So
21 you're saying that the county legislature,
22 including all the nine Democrats gave you
23 input on policy decisions and choices?

24 MR. MORONEY: I did not say that.

25 LEGISLATOR TROIANO: Then what

1 Full Legislature/2-25-13

2 are you --

3 CHAIRWOMAN GONSALVES: Mr.

4 Troiano, do me a favor, do not interrupt him
5 and he will do the same with you.

6 MR. MORONEY: You're changing the
7 question as your follow-up. The question
8 you had is, "what is the county
9 legislature?" My answer is, "this is the
10 county legislature."

11 LEGISLATOR TROIANO: No. I'm not
12 interrupting you, am I?

13 MR. MORONEY: No.

14 LEGISLATOR TROIANO: Okay. Thank
15 you. My question was, and your testimony to
16 the Rules Committee on February 11th you
17 said, that the map was a result of the
18 boundaries of each district were the result
19 of policy decisions, and sometimes you said
20 policy choices, by the county legislature.

21 MR. MORONEY: Correct.

22 LEGISLATOR TROIANO: And I'm
23 trying to get a sense of, continually, who
24 you are referring to when you say "the
25 county legislature"?

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2 MR. MORONEY: Referring to the
3 county legislature. I'm not trying to --

4 LEGISLATOR TROIANO: So if nine
5 members of that body, the county
6 legislature, had no opportunity to give you
7 input as to what those policy choices would
8 be, policy decision would be, is it fair to
9 say it's the full county legislature?

10 MR. MORONEY: I didn't say it was
11 the full county legislature.

12 LEGISLATOR TROIANO: Is it fair
13 to say it's the county legislature?

14 MR. MORONEY: I think it's fair
15 to say it's the county legislature.

16 LEGISLATOR TROIANO: Isn't it
17 fair to say --

18 MR. MORONEY: By majority vote.

19 LEGISLATOR TROIANO: Isn't it
20 fair to say it's the majority caucus that
21 gave you that direction?

22 MR. MORONEY: If you want to
23 characterize it that way, I have no problem
24 with that.

25 LEGISLATOR TROIANO: Then let me

1 Full Legislature/2-25-13
2 ask you, who gave you those policy choices
3 and policy decisions to reflect to Dave?

4 MR. MORONEY: Let me go back
5 because I can -- I may not have spoken as
6 clearly as you wanted me to speak.

7 LEGISLATOR TROIANO: I think we
8 all want you to speak clearly, Frank, not
9 just me.

10 MR. MORONEY: I understand that
11 and I'm not trying to be argumentative, so,
12 you know -- the point I'm making is, the
13 policy choices that were made were policy
14 choices that related to not only legal
15 standards, what we had to find out, what we
16 had to make sure of certain things, but
17 policy choices that related to testimony.
18 Testimony that, for example, changed with
19 district number 2, district number 10,
20 district number 11, district number 9,
21 district number -- whatever other district
22 it changes, 3, 16, whatever they were.
23 Whatever numbers they were, to try to
24 incorporate into this map at the same time
25 we're trying to meet the standards set forth

1 Full Legislature/2-25-13
2 in the statute, and the Constitution, and
3 traditional districting standards to
4 incorporate as many as possible into this
5 map and still maintain those big three
6 necessary standards that we needed to do.
7 That's the policy choices.

8 If you're asking me then -- this
9 map was then presented to this body, the
10 entire body, for consideration.

11 Now, if there are suggestions
12 that the minority has, I suggest they be
13 made to the presiding officer. Absent that,
14 that is the map that's before you for your
15 consideration.

16 LEGISLATOR TROIANO: Tell me if I
17 heard you correctly, I may not have. But I
18 thought what you just said was that the
19 policy decisions/policy choices were made as
20 a result of the big three and input at
21 various hearings.

22 MR. MORONEY: What is the big
23 three?

24 LEGISLATOR TROIANO: You said
25 three laws, the three basic --

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2 MR. MORONEY: Sorry, the process.
3 I'm sorry.

4 LEGISLATOR TROIANO: Is that
5 right?

6 MR. MORONEY: Yes.

7 LEGISLATOR TROIANO: So it's the
8 big three and input from hearings that were
9 done prior to the actual drawing of that
10 map? Those were the policy choices and
11 decisions were driven by the big three --

12 MR. MORONEY: You're correct
13 except for the part of the statement that
14 says they were done before this map was
15 drawn. This map -- this map was drawn
16 subsequent to the January 5th deadline
17 because the information received by the
18 commission did not close out on January 3rd.
19 They continued to receive e-mail. The
20 record was kept open until 5:00 p.m. on
21 January 5th. So there were additional items
22 that were brought to the legislature or to
23 the commission.

24 LEGISLATOR TROIANO: I'm just --
25 Frank, this is just not helping me, okay,

1 Full Legislature/2-25-13
2 because let me repeat it again what I just
3 said, which I thought you agreed to, was
4 that the policy decisions and policy choices
5 that drove the lines of the 19 districts
6 were driven by the big three and input at
7 various hearings.

8 MR. MORONEY: That's generally
9 correct, yes.

10 LEGISLATOR TROIANO: So then your
11 testimony on the 11th that said the policy
12 choices and policy decisions, talking about
13 the county legislature, is not true?

14 MR. MORONEY: No, that's not what
15 I said.

16 LEGISLATOR TROIANO: Well, just
17 now you said that the policy decisions were
18 driven by the big three.

19 MR. MORONEY: Right.

20 LEGISLATOR TROIANO: And input
21 from the community at various hearings.

22 MR. MORONEY: That's correct.

23 LEGISLATOR TROIANO: But in your
24 testimony you said, policy decisions were
25 driven by the county legislature.

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2 MR. MORONEY: That's also correct
3 because they're the ones that directed the
4 commission to implement those items.

5 LEGISLATOR TROIANO: Okay. But
6 you do see there is a discrepancy between
7 those two answers; it's just two things, the
8 big three and the community, and you're
9 saying that it's the county legislature
10 also?

11 MR. MORONEY: No. I disagree
12 with you. I respectfully --

13 LEGISLATOR TROIANO: Then who in
14 the county legislature set out for you
15 policy choices and policy decisions?

16 MR. MORONEY: Nobody set anything
17 out for me. This was set out between the
18 presiding officer and counsel, and Matt
19 Kiernan.

20 LEGISLATOR TROIANO: I'm sorry?

21 MR. MORONEY: I said the policy,
22 the choices were set out by the presiding
23 officer, the counsel --

24 LEGISLATOR TROIANO: The question
25 I just asked you. Who in the legislature

1 Full Legislature/2-25-13
2 gave you policy decisions, policy choices?
3 The presiding officer you just said.

4 MR. MORONEY: No. You said who
5 gave me?

6 LEGISLATOR TROIANO: Yes.

7 MR. MORONEY: I didn't get any
8 policy choices from. The policy choices
9 were made by the presiding officer and staff
10 to staff. They didn't come through me.
11 They came through the presiding officer.

12 LEGISLATOR TROIANO: And staff,
13 meaning staff of the commission?

14 MR. MORONEY: Yes.

15 LEGISLATOR TROIANO: And you were
16 the chairman of the commission, correct?

17 MR. MORONEY: That's correct.

18 LEGISLATOR TROIANO: Is there any
19 record of the policy choices and decisions
20 that the presiding officer provided to the
21 staff?

22 MR. MORONEY: I think only there
23 was a letter directed to the staff that
24 indicated that they were to work with the
25 presiding officer. Other than that, I'm not

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2 aware of any other --

3 LEGISLATOR TROIANO: If that's
4 the case then, what policy choices and
5 policy decisions did she give to the staff?

6 MR. MORONEY: I think you might
7 be better off asking the presiding officer
8 that, but the fact remains, that whether
9 that's the case or not, maps are policy
10 choices.

11 LEGISLATOR TROIANO: Frank,
12 please. You said, let me just read this for
13 you. On your testimony at the Rules
14 Committee on February 11th you said, policy
15 choices by the county legislature.

16 And now you're telling us that
17 there were no policy choices by any member
18 of the legislature including the presiding
19 officer.

20 MR. MORONEY: Robert, you are a
21 very good legislator. You're a very, very
22 good person in the community, you're a good
23 friend, but you're not twisting my words
24 that way. You're not going to get away with
25 it.

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2 The fact of the matter is, the
3 fact of the matter is, is that you're not
4 listening to what I'm saying. You're
5 putting your spin on what you think I'm
6 saying.

7 Presiding Officer Norma L.
8 Gonsalves gave an instruction to work with
9 staff so they could develop this map.
10 That's the chain and the route that we
11 carried through. That's what happened.

12 But the fact remains is that
13 those policy choices were made by the county
14 legislature. Now you don't want to be
15 included in that, okay, those policy choices
16 were made by the major delegation of the
17 county legislature. If that subtlety makes
18 a difference then fine, I will do it that
19 way.

20 LEGISLATOR TROIANO: I think you
21 just said, and I don't want to put words in
22 your mouth, so you can please correct me,
23 that the presiding officer sent a letter to
24 staff with her policy decisions and policy
25 choices.

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2 MR. MORONEY: I don't know that
3 they carried that -- I believe --

4 LEGISLATOR TROIANO: Okay. She
5 sent a letter to staff?

6 MR. MORONEY: Yes.

7 LEGISLATOR TROIANO: Can we have
8 a copy of that letter?

9 MR. MORONEY: You'll have to ask
10 the presiding officer. I'm not in
11 possession of it.

12 CHAIRWOMAN GONSALVES: If he
13 needs a copy, we'll provide a copy. But
14 remember one thing, I think that this as a
15 whole knew that we had to uphold the
16 standards provided by the decision of the
17 courts, which demanded of us to provide for
18 One Person One Vote principle, to provide
19 for a deviation level that could not be
20 challenged in the courts, and would be
21 proper in keeping with the equal
22 representation of the Voting Rights Act, and
23 also in trying to keep in contact with the
24 compact and contiguous section of the law.

25 LEGISLATOR TROIANO: So those are

1 Full Legislature/2-25-13
2 the only policy choice and decisions that
3 you would have laid out for him? To the
4 staff, I should say.

5 CHAIRWOMAN GONSALVES: To the
6 staff.

7 LEGISLATOR TROIANO: Thank you.

8 CHAIRWOMAN GONSALVES: Because
9 those were the main principals that I think
10 we all wanted to abide by.

11 LEGISLATOR TROIANO: Great. Now,
12 along those lines and, Frank, further to
13 your testimony you said that we, I guess
14 that means -- I'm not sure who that means,
15 staff, the commission, you, Skyline, Dave,
16 I'm not quite sure who, says, "we were
17 tasked with the obligation of seeing if we
18 could create true minority/majority
19 districts within the current population and
20 demography." Do you remember saying that?
21 Our stenographer has reported that that's
22 what you said.

23 MR. MORONEY: I don't have any
24 chal -- I have no problem with that.

25 LEGISLATOR TROIANO: In fact, you

1 Full Legislature/2-25-13
2 have celebrated your success in creating
3 three minority/majority districts, you kind
4 of high fived it around here about what a
5 great job you did.

6 MR. MORONEY: I don't know if I
7 accept your characterization of high fives.
8 This was not a matter of -- it's not a
9 competition. This was trying to comply with
10 the statute and the law, and the commission
11 was tasked with that responsibility and
12 there's no question about that.

13 LEGISLATOR TROIANO: You were
14 tasked that responsibility by who?

15 MR. MORONEY: By the presiding
16 officer.

17 LEGISLATOR TROIANO: Did she say
18 it that explicitly?

19 MR. MORONEY: The record speaks
20 for itself. I don't remember exact.

21 LEGISLATOR TROIANO: Fine. But
22 you've touted that as one of the successes
23 of this whole --

24 MR. MORONEY: I absolutely do
25 think it's a success. I think it's

1 Full Legislature/2-25-13

2 something that --

3 LEGISLATOR TROIANO: So you
4 believe that you created three
5 minority/majority districts?

6 MR. MORONEY: That's correct.

7 LEGISLATOR TROIANO: On what
8 basis?

9 MR. MORONEY: On the basis of --

10 LEGISLATOR TROIANO: Because when
11 I look at the voting age population, you
12 have not done that for my district.

13 According to the voting age
14 population, the non-Hispanic Black
15 population is 43 percent of my district. It
16 would need to be at 50 percent to qualify as
17 a true minority/majority district.

18 MR. MORONEY: In district number
19 2, the citizen voting age population --

20 LEGISLATOR TROIANO: Frank, I
21 understand --

22 CHAIRWOMAN GONSALVES: Asking you
23 to not interrupt each other. Let him tell
24 you what --

25 LEGISLATOR TROIANO: But he's got

1 Full Legislature/2-25-13
2 to answer the question I asked. Not a
3 different question.

4 So I asked a question about the
5 voting age population, not CVAP. I'm being
6 very explicit here. I'm asking about voting
7 age population.

8 MR. MORONEY: If you remember,
9 that colloquy between Minority Leader
10 Abrahams and myself, he questioned about
11 CVAP was what we were discussing. That's
12 what we looked at because that's what the
13 Department of Justice looks at.

14 LEGISLATOR TROIANO: I don't
15 think that that's the case but we will get
16 to that in a second. But based upon voting
17 age population, you can't call this a true
18 minority-majority district.

19 MR. MORONEY: Based upon this
20 district, when it was first crafted in 1994
21 or 1995, I should say, it was a true
22 minority/majority with non-Hispanic Black
23 population.

24 In 2003, when it was redrawn, it
25 was redrawn as a coalition or a composite

1 Full Legislature/2-25-13
2 minority-majority district putting together
3 black population, non-Hispanic population,
4 and Hispanic population. This map I think
5 does better than that. I think it goes
6 further than that.

7 Somewhere in that transcript that
8 was reviewed, you're going to find those
9 words that I just said here, perhaps not in
10 the same order, but all of that was in that
11 record and all of it is there. That's a
12 fact.

13 I think that this is map, this is
14 a map that certainly provides for all of the
15 standards that are necessary in Section 2 of
16 the Voting Rights Act. If that's where
17 you're questioning is going.

18 LEGISLATOR TROIANO: That was a
19 very good answer to a question I haven't
20 asked you. My question is, this is not a
21 true minority-majority district based on
22 voting age population.

23 MR. MORONEY: I disagree with
24 you.

25 LEGISLATOR TROIANO: Then what is

1 Full Legislature/2-25-13
2 the voting age population of the Black
3 community in my district, what percentage is
4 that?

5 MR. MORONEY: I didn't say you
6 were wrong. I said I disagree with your
7 conclusion.

8 LEGISLATOR TROIANO: But now I'm
9 asking the question, what is the percentage?

10 MR. MORONEY: 43 percent.

11 LEGISLATOR TROIANO: 43 percent.
12 That's clearly not a majority.

13 MR. MORONEY: That's 18 plus
14 voting -- non-Hispanic Black voting age
15 population.

16 LEGISLATOR TROIANO: So it's not
17 a majority.

18 MR. MORONEY: No, it's not.

19 LEGISLATOR TROIANO: Thank you.
20 So it's not a true minority-majority
21 district?

22 MR. MORONEY: That's a conclusion
23 I disagree with.

24 LEGISLATOR TROIANO: So you're
25 telling me that a district that has the

1 Full Legislature/2-25-13
2 largest minority population percentage in
3 that district is 43 percent. The Hispanic
4 community is 18 percent.

5 The largest percentage proportion
6 of the district is the Black population. It
7 only comes to 83 percent of those that are
8 over 18 years old. How could that be a
9 majority in any kind of math?

10 MR. MORONEY: Well, it was a
11 majority in 2003. It's a majority --

12 LEGISLATOR TROIANO: 43 percent,
13 sorry. Are you looking for some information
14 to respond?

15 MR. MORONEY: No.

16 LEGISLATOR TROIANO: There's was
17 a question on the floor. Thank you. A
18 moment ago you said that the justice
19 department looks at CVAP when drawing maps,
20 or that's one of the considerations.

21 MR. MORONEY: Right.

22 LEGISLATOR TROIANO: So if people
23 are not familiar, CVAP means citizens that
24 are of voting age. Do you know Mr. Thomas
25 Hoffeller, or Dr. Thomas Hoffeller?

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2 MR. MORONEY: No.

3 LEGISLATOR TROIANO: You don't?
4 You know that he gave testimony during the
5 Boone versus Nassau County trial in 2011?

6 MR. MORONEY: No. Not aware of
7 it.

8 LEGISLATOR TROIANO: You're not
9 aware of that. Are you are, in case you're
10 not aware of that, in his testimony he said,
11 I am being compensated by the Nassau County
12 attorney's office at the rate of \$300 per
13 hour for my service, and his services were
14 for giving expert testimony. Are you aware
15 of that?

16 MR. MORONEY: No.

17 LEGISLATOR TROIANO: Well, then
18 I'm going to submit this into the record
19 then. Can I have it submitted into the
20 record, his testimony? In which he said,
21 "when the census bureau officiated the ACS
22 process," and do you know what the ACS
23 process is?

24 MR. MORONEY: You're about to
25 explain it.

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2 LEGISLATOR TROIANO: No, I'm not.
3 I just want to know if you know what it is.

4 MR. MORONEY: No. Go ahead.
5 Explain it. Go ahead.

6 LEGISLATOR TROIANO: Well,
7 without explaining that, what he said was,
8 "the data from the ACS used to determine
9 CVAP statistics were not intended for use in
10 redistricting."

11 He goes on to say, he repeats
12 himself, the ACS, again, which is a survey
13 used to determine citizenship, "was not
14 designed for redistricting."

15 He further says, "errors are
16 introduced by trying to impose ACS
17 estimates."

18 So, Mr. Moroney, do you still
19 think that using CVAP, given this expert
20 witness' testimony is appropriate in
21 determining whether or not a district is a
22 minority district.

23 MR. MORONEY: I think it is one
24 of the standards that's necessary to follow,
25 yes, I do.

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2 LEGISLATOR TROIANO: Despite the
3 county attorney's own expert witness, you
4 still continue to believe that?

5 MR. MORONEY: Yes, I do.

6 LEGISLATOR TROIANO: Well, the
7 legislature should believe you, who doesn't
8 even know what the ACS survey is, or an
9 expert witness hired by the county attorney?

10 MR. MORONEY: That's for you to
11 decide as a body.

12 LEGISLATOR TROIANO: I beg your
13 pardon?

14 MR. MORONEY: That's for you to
15 decide as a body.

16 LEGISLATOR TROIANO: How would
17 you answer that question?

18 MR. MORONEY: I have no answer to
19 it. I'm unfamiliar with the 2011 process.
20 I'm unfamiliar with the 2011 litigation.
21 I'm unfamiliar with the 2011 map.

22 So any questions you ask me about
23 that, I'm going to tell, I'm not going to
24 comment on because I'm not familiar with it.

25 LEGISLATOR TROIANO: Well, I

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2 think if you were tasked with the
3 responsibility of chairing the commission
4 and presenting this map today, that you
5 ought to be familiar with the deficiencies
6 of the CVAP model. I would expect that
7 much.

8 And if, in fact, that you're
9 going to celebrate that you created a
10 majority/minority district and tout the CVAP
11 statistics as proof of that, then you ought
12 to be well aware of its deficiencies.

13 MR. MORONEY: Mr. Troiano, I
14 think that the CVAP comparison was based
15 upon a comparison of the different maps and,
16 when being questioned, I said as follows:
17 "That this map," this map, "meets all of the
18 legal standards that are necessary to be
19 sustained in a court of law." I said that
20 then. I say it now. It's true. That's not
21 a high five. That's a fact.

22 LEGISLATOR TROIANO: We don't
23 know that it's a fact because you're saying
24 that the court is going to prove it, we
25 don't know that. So it's not true. It's

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2 your assertion that the court will approve
3 it. We don't know that.

4 MR. MORONEY: It is my assertion
5 and I believe it to be the case. The court
6 looks at a number of different things in
7 determining whether a minority-majority
8 district meets that standard. To try to
9 single out or carve out one is an error as
10 far as the substance of the question is
11 concerned. There's more here than a single
12 item.

13 LEGISLATOR TROIANO: Mr. Moroney,
14 you said that you created three
15 minority-majority districts. I don't agree
16 that you have, but you could have. I'm just
17 wondering why it is that my district is
18 underneath the ideal level currently and
19 under the map proposed for LD 2?

20 My district has fewer people than
21 the ideal amount. You could have
22 strengthened the minority-majority
23 characteristics of that district by not
24 choosing to exclude the community of Jericho
25 Gardens, which is a community of roughly 950

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2 people, most of whom are African and
3 Caribbean Americans. You could have
4 included them in LD 2, where they've been
5 since 1996. You would not have offended,
6 you would not have had over the ideal level,
7 and you would have had it perform better if
8 it had been a minority-majority district.

9 So, I have to ask you, why did
10 you cut out Jericho Gardens from LD 2? It's
11 been forever and it didn't offend any of the
12 population that you would expect?

13 MR. MORONEY: May I ask you a
14 question? The map that was proposed --

15 LEGISLATOR TROIANO: I would
16 really rather have you answer the question I
17 asked you.

18 MR. MORONEY: Look, it wasn't
19 included.

20 LEGISLATOR TROIANO: I understand
21 that. I'm asking, why wouldn't you have
22 included it?

23 I mean, if you were tasked with
24 creating, as you said, not my words, if you
25 were tasked with creating true

1 Full Legislature/2-25-13
2 minority-majority districts, you could have
3 done that and have been certain of that by
4 including Jericho Gardens, maintaining
5 Jericho Gardens in LD 2 where it's been
6 since the beginning of the legislature.

7 MR. MORONEY: You have to -- and,
8 again, let me back up.

9 LEGISLATOR TROIANO: You talk
10 about jello a lot, you could have -- you can
11 still do it, put it back in LD 2. I won't
12 go over the guideline for population, and
13 the new LD 14 won't be below the guideline.
14 It will be no harm, no foul. The jello mold
15 is still intact.

16 MR. MORONEY: That's, again, a
17 judgement that the county legislature --

18 LEGISLATOR TROIANO: So, in
19 reflecting that policy decision to maintain
20 true minority-majority districts, let me ask
21 again, why did you seemingly to me, go out
22 of your way to take Jericho Gardens out of
23 LD 2, it was fine where it was?

24 MR. MORONEY: Mr. Troiano, I
25 looked at the map a moment ago, that was

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2 requested to be put on the calendar, that
3 takes Lakeview out of District 2 also, and
4 that was a policy decision that the
5 Democratic demographers made because they
6 wanted to extract Lakeview out of that
7 district.

8 Those are your choices and these
9 were the choices that were made here. If
10 you don't like them, that's fine. But this
11 map meets all legal standards.

12 LEGISLATOR TROIANO: Fine. Mr.
13 Moroney, the Democratic map isn't up for
14 discussion today.

15 MR. MORONEY: I understand that
16 but you're holding yourselves to a different
17 standard than you're holding this map.

18 LEGISLATOR TROIANO: Not at all
19 because I just asked you a simple question.
20 I wasn't making any characterization about
21 your policy choices.

22 I was asking the question, why
23 did you take Jericho Gardens out given that
24 you were trying to create true
25 minority-majority districts? You have

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2 disenfranchised that part of the population
3 and the question is why?

4 MR. MORONEY: The answer is,
5 nobody has been disenfranchised here. I
6 disagree with the assumption that your
7 question has.

8 LEGISLATOR TROIANO: Well, you've
9 taken that African American and Caribbean
10 community and put it in with a district that
11 includes Garden City, Carle Place, part of
12 Westbury, Old Westbury, Bethpage,
13 Hicksville.

14 How could those 950 African and
15 Caribbean American members be anything but
16 disenfranchised?

17 MR. MORONEY: I disagree with
18 your assumption.

19 LEGISLATOR TROIANO: I'm just
20 asking.

21 MR. MORONEY: Excuse me, I'm not
22 trying to make a joke.

23 LEGISLATOR TROIANO: But do you
24 think that they're not being
25 disenfranchised?

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2 MR. MORONEY: I don't believe
3 they're being disenfranchised at all.

4 LEGISLATOR TROIANO: Really? A
5 district that --

6 MR. MORONEY: You don't have to
7 shout to make your point.

8 LEGISLATOR TROIANO: I'm sorry.
9 I'm a little bit outraged that you would
10 actually say that, that a district that runs
11 from Garden City to Bethpage and includes
12 950 members of the African American and
13 Caribbean American community has not been
14 disenfranchised.

15 MR. MORONEY: And I disagree.

16 LEGISLATOR TROIANO: You disagree
17 with yourself?

18 MR. MORONEY: I disagree with
19 you.

20 LEGISLATOR TROIANO: I'm asking
21 you, you said -- I'm saying, you don't think
22 they're being disenfranchised?

23 MR. MORONEY: I don't believe
24 they're being disenfranchised, no. I think
25 that --

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2 LEGISLATOR TROIANO: So if
3 they're in LD 2 --

4 MR. MORONEY: It's a map that
5 stands on its own merits --

6 LEGISLATOR TROIANO: -- they're
7 just as well off being in LD 14 as they are
8 about being in LD 2?

9 MR. MORONEY: Robert, we're going
10 over this again. This map is legal --

11 LEGISLATOR TROIANO: That's the
12 first time I've asked you that question.
13 I'm sorry. So the members of the Jericho
14 Gardens community are as well off being in
15 LD 14 as they are being in LD 2?

16 MR. MORONEY: How are they worse
17 off?

18 LEGISLATOR TROIANO: Because now
19 they are in a community that doesn't reflect
20 their interests in any way. Currently,
21 members of the Jericho Gardens community
22 share friendships, family ties, go to church
23 with members of LD 2.

24 MR. MORONEY: So do I.

25 LEGISLATOR TROIANO: Frank.

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2 Frank, please. Please.

3 So you're saying that they're
4 just as well off?

5 MR. MORONEY: I'm saying that
6 there is no violation of the law here at
7 all.

8 LEGISLATOR TROIANO: But
9 subjectively then, are they just as well
10 off?

11 MR. MORONEY: You'll have to ask
12 them.

13 LEGISLATOR TROIANO: Do they have
14 any opportunity to elect someone that
15 reflects their interests as required in the
16 Voting Rights Act?

17 MR. MORONEY: That's a legal
18 conclusion that I'm not going to draw.
19 You'll have to leave that to the
20 constitutional lawyers.

21 LEGISLATOR TROIANO: Well, you've
22 already said that you're sure that this map
23 was going to pass in the courts.

24 MR. MORONEY: I think that this
25 map, this map as a whole, meets every legal

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2 standard that it could possibly be asked to
3 meet.

4 LEGISLATOR TROIANO: Okay. Can I
5 just go back and ask you, did Dave from
6 Skyline decide the shape of all the
7 districts?

8 MR. MORONEY: In the first
9 instance, yes. After that, it was driven by
10 the choices of -- including certain other
11 communities in the districts, yes.

12 LEGISLATOR TROIANO: And he
13 decided which communities would be split?

14 MR. MORONEY: He initially did,
15 yes.

16 LEGISLATOR TROIANO: Initially he
17 did?

18 MR. MORONEY: Yes.

19 LEGISLATOR TROIANO: And after
20 that?

21 MR. MORONEY: After that, when
22 the map came to the legislature for purposes
23 of one being developed, then that fell upon
24 the presiding officer and staff to make a
25 determination as what to do with the

1 Full Legislature/2-25-13
2 testimony that was gleaned after the map
3 hearings were concluded on January 3, 2013.

4 LEGISLATOR TROIANO: We're not
5 discussing the January 3rd map. We're not
6 discussing the commission's map. We're
7 discussing the legislature's map.

8 MR. MORONEY: I think my answer
9 addresses that but I'll try that again.

10 LEGISLATOR TROIANO: Maybe I
11 misunderstand, but the map that's on the
12 screen right now is dramatically different
13 from the map, the Republican map, proposed
14 by the commission?

15 MR. MORONEY: That's correct.

16 LEGISLATOR TROIANO: So my
17 question doesn't have to do with -- I'm not
18 asking you a question about the commission,
19 I'm not asking you whether or not Dave at
20 Skyline decided to shape the districts for
21 the Republican commissioners map. That's
22 not my question.

23 My question is, did Dave from
24 Skyline determine the shape of the districts
25 in the map on the screen right now?

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2 MR. MORONEY: Not in every
3 instance, no.

4 LEGISLATOR TROIANO: Did he
5 decide which communities to split?

6 MR. MORONEY: Only to the extent
7 that they needed to be split to meet
8 population requirements, voting rights
9 requirements, and traditional districting --

10 LEGISLATOR TROIANO: So he made
11 that decision as well?

12 MR. MORONEY: No. Because he was
13 also given the responsibility of trying to
14 minimize community splits. That was part of
15 his charge.

16 LEGISLATOR TROIANO: When they
17 finally got split, he decided which ones to
18 split?

19 MR. MORONEY: Not entirely, no.

20 LEGISLATOR TROIANO: Well, he
21 chose, I guess, to split Roslyn four ways
22 but he could have chosen another community
23 to split.

24 MR. MORONEY: No. He didn't --
25 he wasn't -- he didn't sit down and say,

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2 well, you know what I'm going to do, I'm
3 going to split Roslyn.

4 What he did was try to implement
5 things around here. And, by the way, Roslyn
6 is split in every district that it's been,
7 in the town of North Hempstead, it's in two
8 districts. It's been in two districts
9 forever. Somebody made a decision.

10 MR. MORONEY: Mr. Moroney, we are
11 not going to give purity to this map by
12 comparing it to other maps. All right?
13 We're going to look at this with respect to
14 this map --

15 MR. MORONEY: I'm not seeking to
16 give purity to anything. What I'm trying to
17 do is, is try to carve out the implication
18 of your question of something nefarious.
19 Nobody sat down and said, let's divide --

20 LEGISLATOR TROIANO: I said
21 nothing about -- I just want to know what
22 the process was.

23 MR. MORONEY: Your question was
24 precisely --

25 LEGISLATOR TROIANO: Don't put

1 Full Legislature/2-25-13
2 words in my mouth. I didn't say anything
3 about it being nefarious.

4 MR. MORONEY: Your question --

5 LEGISLATOR NICOLELLO: Hold on a
6 second. The stenographer getting both of
7 you down, when you're both talking he can't
8 get either one of you. So, Robert, if you
9 ask a question, let him finish. Frank, let
10 him ask him his questions. Thank you.

11 LEGISLATOR TROIANO: I'm sorry, I
12 interrupted you. You were going to say
13 something about being nefarious.

14 MR. MORONEY: I said there was no
15 decision, no nefarious decision made to
16 divide any community up. The communities
17 were divided up on the basis of geography,
18 population density, the requirements of law,
19 and they were done in a way that
20 incorporated as many of the suggestions as
21 the public made and the public could include
22 in it, and then that map was produced and
23 here it is.

24 LEGISLATOR TROIANO: I have only
25 one more point of inquiry. It will be

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2 short.

3 My impression of you, Frank, as
4 you suggested earlier, we've known each
5 other for a long time.

6 My impression of you as an
7 attorney and as a former member of the
8 controller's department, that you are very
9 buttoned down and very precise in everything
10 you do. And that's a compliment, Frank.

11 MR. MORONEY: Thank you.

12 LEGISLATOR TROIANO: You're
13 looking at me like I'm looking for something
14 nefarious. That's actually a compliment,
15 okay?

16 So given that, I am a bit
17 incredulous at the thought that you had
18 discussions with Dave from Skyline that were
19 so informal that nothing ever got written
20 down, that nothing of your discussions with
21 him every were in the form of an e-mail,
22 never in the form of an actual letter drawn
23 up, so it had some official capacity, but it
24 was always done informally and off the cuff
25 between two good friends, Frank and Dave.

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2 MR. MORONEY: No, and it wasn't
3 quite that informal. There were formal
4 meetings. We would sit down and we would --

5 LEGISLATOR TROIANO: Is there any
6 record of those formal meetings?

7 MR. MORONEY: I guess they might
8 be on his bills.

9 LEGISLATOR TROIANO: See, Frank,
10 that's not a formal meeting then if there's
11 no transcript, if there is nothing in
12 writing about what was discussed or what
13 came out of that discussion, that's just
14 something unofficial. So we have nothing,
15 the public, the legislature has nothing to
16 look at to consider about your conversations
17 that will impact this community for the next
18 decade. We have nothing but your saying we
19 talked back and forth and it was just kind
20 of done on the phone.

21 MR. MORONEY: Well, we have the
22 791 page record of the hearings that we
23 held.

24 LEGISLATOR TROIANO: Yes, but
25 that's the hearing when other people spoke

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2 to the commissioners. But there's no formal
3 transcript. No formal record. Not even a
4 writing between you and Dave from Skyline.

5 MR. MORONEY: The fact of the
6 matter is, those transcripts are written and
7 they were given to analyze --

8 LEGISLATOR TROIANO: But that's
9 not the question, Frank. Thank you for the
10 transcripts, but that's not a matter between
11 you and the person who drew this map up,
12 right? I want to know, the formal record,
13 an official record of what was discussed
14 between you and the person who drew this map
15 up.

16 MR. MORONEY: I have nothing to
17 add.

18 LEGISLATOR TROIANO: That's a
19 shame, Frank, because countless times,
20 countless times, in the Rules Committee
21 hearing you alluded to the policy choices
22 and decisions of the county legislature.

23 MR. MORONEY: Correct.

24 LEGISLATOR TROIANO: Now we found
25 out that no one from the county legislature

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2 provided any policy decisions or policy
3 choices, and you have no record that you can
4 provide to us of policy choices and policy
5 decisions that you gave to Dave from Skyline
6 to use to draw these maps.

7 So how are we to judge how valid
8 those policy choices and policy decisions
9 are if there is no record from anybody of
10 what he was directed to do?

11 MR. MORONEY: Again, I disagree
12 with the assumption that your question
13 makes.

14 The fact of the matter is, that
15 the policy choices contained in this map are
16 policy choices that were -- that he was told
17 to implement.

18 LEGISLATOR TROIANO: I know he
19 was told, but you didn't put it in writing?

20 MR. MORONEY: No.

21 LEGISLATOR TROIANO: Frank,
22 that's nothing like you.

23 MR. MORONEY: We had a written
24 record.

25 LEGISLATOR TROIANO: You have a

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2 written record?

3 MR. MORONEY: Yes, it was called
4 the transcripts.

5 LEGISLATOR TROIANO: So when you
6 were having discussions with him about the
7 map, what was the content of those
8 discussions? If you can't provide it in
9 writing, give us an oral representation of
10 the conversations, what they were like?

11 MR. MORONEY: Typically David
12 would look over the transcripts and say,
13 what does this mean? What is this? How
14 does this look? What does that sound like?

15 LEGISLATOR TROIANO: So Dave --

16 MR. MORONEY: Let me finish
17 because I don't know that you're talking
18 about the same time frame that I'm talking
19 about.

20 The time frame that I'm talking
21 about was pre-January 5, 2011. Post January
22 25, '11, those conversations took place
23 between the presiding officer's office and
24 Matt Kiernan.

25 LEGISLATOR TROIANO: So Dave read

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2 the transcript and, from time to time, had
3 questions about what was meant by those
4 providing input to the commission?

5 MR. MORONEY: Correct. Except
6 that it wasn't just from time to time.
7 There were regular conversations.

8 LEGISLATOR TROIANO: So there
9 were regular conversations where he wasn't
10 clear on what was meant by some of the
11 commentary at the commission hearing?

12 MR. MORONEY: He wasn't clear on
13 some of the geography.

14 LEGISLATOR TROIANO: On some of
15 the geography?

16 MR. MORONEY: Right.

17 LEGISLATOR TROIANO: So it wasn't
18 actually the comments made by people, he
19 wasn't familiar with Nassau County's
20 geography?

21 MR. MORONEY: He wasn't familiar
22 with what the communities of interest would
23 be rather than geography.

24 LEGISLATOR TROIANO: So a man who
25 is not familiar with communities of interest

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2 within Nassau County was charged with
3 drawing these maps up?

4 MR. MORONEY: If you want to
5 catch it that way, go right ahead.

6 LEGISLATOR TROIANO: No, Frank.
7 It's what you said. You said he wasn't
8 familiar with communities of interest in
9 Nassau County.

10 MR. MORONEY: I apologize for
11 being informal. You're incorrect in your
12 assumptions. I know where you want to go
13 with this --

14 CHAIRWOMAN GONSALVES: Excuse me,
15 Mr. Troiano --

16 MR. MORONEY: That's simply not
17 the way it happened with --

18 LEGISLATOR TROIANO: Presiding
19 Officer, can we ask the stenographer to read
20 back what he just said?

21 CHAIRWOMAN GONSALVES: Can you
22 just be a little bit more calm in your
23 deliberation? This is not a debate, okay?
24 That's exactly the way you're treating Mr.
25 Moroney.

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2 Let him speak and finish
3 answering your questions. You are not
4 satisfied, then ask it again. That's it.

5 LEGISLATOR TROIANO: Thank you.
6 Now, can I ask this question? Can we have
7 the stenographer read back what it is that
8 he just said that he won't acknowledge he
9 said?

10 What do we have to do? I'm happy
11 to take a break. I mean, it's close to
12 midnight.

13 LEGISLATOR NICOLELLO: Just ask
14 him again if you want to.

15 CHAIRWOMAN GONSALVES: Ask him
16 the question again.

17 LEGISLATOR TROIANO: I'm being
18 asked to ask the question again.

19 What you just said I thought was
20 that he was not familiar with communities of
21 the interest in Nassau County.

22 MR. MORONEY: Right. He needed
23 what he called local color. He said, I need
24 -- what I need to understand is not just the
25 words, I want to look -- I want to

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2 understand what the what the -- what the
3 interests are in these particular
4 communities.

5 LEGISLATOR TROIANO: And my
6 follow-up question was, a man who is not
7 familiar with communities of interest in
8 Nassau County was charged with drawing the
9 maps for Nassau County?

10 MR. MORONEY: And I would
11 disagree with the assumption that you make
12 in that question because I consider it to be
13 a sign of strength, not a sign of weakness,
14 when somebody calls and asks questions to
15 make sure that they're getting right and
16 that they're following the response --
17 following the charge that they've been asked
18 to follow.

19 LEGISLATOR TROIANO: So the one
20 person that he asked was you?

21 MR. MORONEY: He asked Matt, he
22 asked -- I'm assuming he asked some people
23 up in the presiding officer's office. He is
24 a bright young man.

25 LEGISLATOR TROIANO: But if he

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2 had a question about communities of
3 interest, and I'd represent a rather large
4 one, he might have called me to ask me what
5 I thought a community of interest was in LD
6 2. I would have straightened him out that
7 Jericho Gardens should not be separated out
8 from LD 2 and put in LD 14. I would have
9 been happy to provide him with that.

10 And if he's really that bright,
11 and I don't mean to cast dispersions against
12 him, but that would be a natural thing for
13 him to do. Let me go to someone who
14 represents that area. Live in that area for
15 four years, and find out what was meant by
16 those comments, rather than asking you and,
17 no offense to you, Mr. Moroney, asking you
18 about a community of interest in LD 2.

19 MR. MORONEY: It's a question I
20 can't answer.

21 CHAIRWOMAN GONSALVES: Mr.
22 Troiano, do you have additional questions?

23 CHAIRWOMAN GONSALVES: I thank
24 the presiding officer, I am now done asking
25 questions.

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2 CHAIRWOMAN GONSALVES: Thank you
3 very much. I appreciate it.

4 Legislator Carrie, you're on
5 next.

6 LEGISLATOR SOLAGES: Good
7 evening.

8 MR. MORONEY: Good evening.

9 LEGISLATOR SOLAGES: At any point
10 during your service to the commission, did
11 you ever take an oath to uphold the truth,
12 and uphold the Constitution of the state of
13 New York and the Constitution of the United
14 States of America? That's a valid question.

15 MR. MORONEY: I don't remember if
16 I signed an oath card or not. I might have.
17 I don't remember.

18 LEGISLATOR SOLAGES: And, sir,
19 other than these artificial statistical
20 designations, the only actual communities
21 that were considered communities of interest
22 in constructing your map were communities
23 whose residents came to commission meetings?

24 MR. MORONEY: No. Absolutely not
25 at all.

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2 LEGISLATOR SOLAGES: Please
3 explain, sir.

4 MR. MORONEY: That's not an
5 accurate conclusion.

6 LEGISLATOR SOLAGES: What would
7 be an accurate conclusion?

8 MR. MORONEY: Of all the things
9 that have been laid out, we discussed
10 population, we discussed Voting Rights Act,
11 we discussed additional communities of
12 interest, and contiguity and compactness, we
13 discussed all of those.

14 LEGISLATOR SOLAGES: And how did
15 you find communities of interest?

16 MR. MORONEY: That's why we held
17 informational hearings. Because at the
18 beginning of every informational hearing, I
19 went to the public and I said, we are here
20 to hear what you think the communities of
21 interest are. You were at one of those
22 hearings.

23 LEGISLATOR SOLAGES: And --

24 MR. MORONEY: May I finish? And
25 I said in each and every instance, that

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2 communities of interest is like beauty, it's
3 in the eyes of the beholder. And as many
4 people who come up and testify as to what
5 the community of interest is, the things
6 that bind them together, whether it's
7 geography, and whether it's houses of
8 worship, whether it's you're on coastline.
9 Whatever binds them together, that's what
10 we're here to take.

11 I then cautioned every member of
12 the public at every single hearing that
13 means that when somebody gets something,
14 someone else is going to lose something
15 because communities of interest necessarily
16 clash.

17 LEGISLATOR SOLAGES: I
18 understand. Is Elmont a community of
19 interest?

20 MR. MORONEY: Elmont is a
21 community.

22 LEGISLATOR SOLAGES: Is it a
23 community of interest?

24 MR. MORONEY: There are things in
25 that community that are communities of

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2 interest within it. They have an interest,
3 for example, in what is going to be
4 happening at Belmont Racetrack. They have
5 an interest in what's going on at Hempstead
6 Turnpike, they have an interest in what goes
7 on as far as the football program is
8 concerned in the high school.

9 They have interests that have
10 things to do with cross-over crime, the
11 shopping center, the shopping stores on
12 Hempstead Turnpike, the north south roads in
13 the district. Those are all things that go
14 into what people define as a community of
15 interest.

16 Being a neighborhood is not in
17 and of itself a community of interest. It
18 requires more than that. It requires
19 something that binds the people together.
20 That's what a community of interest is.
21 That's what we were looking to do. What
22 binds the people together.

23 LEGISLATOR SOLAGES: Understood.
24 You mentioned shorelines. Does Elmont have
25 a shoreline?

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2 MR. MORONEY: No. It does not.

3 LEGISLATOR SOLAGES: Does Inwood
4 have a shoreline?

5 MR. MORONEY: It has a shoreline,
6 yes. So does Woodmere.

7 LEGISLATOR SOLAGES: Tell me, you
8 mentioned before that I was at a hearing,
9 are you referring to the hearing that
10 occurred on September 24th in Elmont?

11 MR. MORONEY: Yes.

12 LEGISLATOR SOLAGES: That's
13 correct. And my colleague at the last
14 hearing on February 11th, my colleague Wayne
15 Wink, he asked you, did you ever make a
16 promise at that hearing to keep the Elmont
17 community together?

18 MR. MORONEY: That's correct.

19 LEGISLATOR SOLAGES: And did you
20 make that promise?

21 MR. MORONEY: No, sir.

22 LEGISLATOR SOLAGES: Let the
23 record reflect that I'm looking at a
24 transcript from the meeting in question in
25 which, Mr. Moroney, you stated,

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2 "Why lines go where they are,
3 that again depends upon what's your
4 definition of communities of interest.
5 That's why we are here to get input. It's
6 pretty clear from the community, from the
7 Elmont community, that they want to stay
8 together and that's something that I think
9 has come across loud and clear to the
10 members of this commission. How that
11 happens and what the squiggly lines and the
12 outside of them look like, I can't tell you,
13 but I think that the important thing to walk
14 away from this hearing so far is that this
15 community has a heart and soul and they want
16 to be kept intact."

17 As you move forward towards the
18 end of the transcript of that hearing you
19 state, again:

20 "The question I thought I
21 answered earlier, and if I didn't make it
22 clear, allow me to do it now. Is that as
23 far as Nassau County Legislature is
24 concerned, you will only have a," singular,
25 "Nassau County legislator," singular,

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2 "representing this community."

3 I ask you again, is that a
4 promise that you will make that community
5 just have one representative?

6 MR. MORONEY: Absolutely not, and
7 I'm going to tell you why you're wrong.
8 You're wrong because that discussion took
9 place --

10 LEGISLATOR SOLAGES: I asked you
11 a question.

12 MR. MORONEY: But I'm going to
13 tell you why you are wrong. Because you say
14 I made a promise;

15 Number one, I was not in a
16 position to make a promise;

17 Number two, I made it clear
18 before you get there that I had no idea
19 where the lines were going to be drawn;

20 Number three, that colloquy came
21 in place as a result of a misapprehension by
22 some of the residents of the community that
23 they were going to be annexed into a New
24 York City council district, and that's the
25 context of that discussion.

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2 MR. MORONEY: But did you say,
3 "will you have just one legislator
4 representing you?" That's what the
5 transcript says.

6 MR. MORONEY: You're taking it --
7 it's in the context -- that discussion is
8 the context of people worried about being
9 annexed to the City of New York. That's
10 exactly what that was in. I was trying to
11 alleviate that and put them at ease that,
12 whatever happens to Elmont, it's going to
13 have its own legislator, it's not going to
14 be annexed to Queens.

15 LEGISLATOR SOLAGES: Based on my
16 reading of that transcript, you're making a
17 promise about having one legislator.

18 MR. MORONEY: You are permitted
19 to draw that conclusion but it is in error.

20 LEGISLATOR SOLAGES: So do
21 communities of interest play a role in the
22 lines of a proposed map?

23 MR. MORONEY: Yes, they do.

24 LEGISLATOR SOLAGES: What about
25 Elmont? I mean, you attended that hearing

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2 and they said loud and clear, we want to
3 stay together as one community. You adhere
4 to Great Neck and the residents of Great
5 Neck and their testimony in that they want
6 to remain together.

7 Why did you adhere to the Great
8 Neck testimony and not to the Elmont
9 testimony?

10 MR. MORONEY: Elmont has always
11 been divided and Great Neck has never been
12 divided. So there was a completely
13 different set of circumstances. And, by the
14 way, that decision, the decision with
15 respect to Great Neck, was a decision that
16 was not made by me or with the commission,
17 that decision was made by the county
18 legislature.

19 LEGISLATOR SOLAGES: I find it
20 hard to believe that you're telling me here
21 tonight that you are adhering to what the
22 communities want, but, clearly, in the
23 example of Elmont, you did not adhere to
24 what they asked you.

25 Over 31 people that evening asked

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2 you to please keep Elmont intact. And based
3 upon the map that you proposed, you did not
4 keep it intact in one legislative district,
5 is that fair to say?

6 MR. MORONEY: No, it's not fair
7 to say because Elmont was not intact at that
8 time.

9 For example, there was testimony
10 here tonight from Mr. Aubrey and also
11 testimony at that hearing from Mr. Aubrey in
12 which he wanted a minority district to be
13 created. He just didn't want to go south.
14 He went to go east.

15 LEGISLATOR SOLAGES: I beg to
16 differ. At that time the Elmont community
17 was intact.

18 In 2011, the great residents of
19 that community as well as Valley Stream,
20 south Floral Park, Bellerose Terrace, West
21 Hempstead and Franklin Square, decided to
22 create a minority-majority district on their
23 own without the intervention of Skyline; is
24 that correct?

25 MR. MORONEY: I'm sorry. I was

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2 looking to get Mr. Aubrey's testimony. He
3 said, on page 19 line 22, after introducing
4 himself and he said as follows:

5 Good evening all, and welcome to
6 Elmont, home of, I guess, the 9th, 7th,
7 22nd, you know, and so forth, we're sliced
8 up fairly well.

9 So what is important to Elmont
10 residents, I don't pretend to speak for all
11 of Elmont residents but I, certainly, what's
12 important to me and many people that I speak
13 to, number one, preservation of minority
14 voting rights as a collective;

15 Number two, compactness of the
16 district;

17 Number three, we like these
18 district lines to follow the aspirations of
19 the people that move to Elmont, that
20 aspiration, if you want to speak to it, sort
21 of geographically, is an aspiration in which
22 you have people moving from the city west to
23 west and east on to Long Island.

24 When you look at the population
25 growth on Long Island, it's growth goes to

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2 the west. From west to east.

3 LEGISLATOR SOLAGES: Does your
4 map, does the map that you have before you,
5 represent a growth that occurs from east to
6 west?

7 MR. MORONEY: No, it doesn't.

8 LEGISLATOR SOLAGES: Then what
9 does it represent, sir, in which direction?

10 MR. MORONEY: It represents a
11 community that I think should be proud of
12 the fact that it is an emerging minority
13 district. It has -- it gives --

14 LEGISLATOR SOLAGES: Sir, I asked
15 you what direction is the growth in that
16 district compared to the east west
17 comparison given by Mr. Phillips?

18 MR. MORONEY: This district here,
19 when you put together the Hispanic
20 population, and the non-Hispanic Black
21 population, has a functionality of 54
22 percent protected minority under this map.

23 LEGISLATOR SOLAGES: Based on
24 your map, you mentioned the Hispanic and
25 African-American population. What

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2 percentage of the district population is
3 represented by the Jewish ethnic community?

4 MR. MORONEY: I don't know. That
5 was not a consideration taken into account.

6 LEGISLATOR SOLAGES: You did not
7 consider the ethnic considerations of the
8 Jewish community in making that map?

9 MR. MORONEY: That was not a
10 consideration, that's what I said.

11 LEGISLATOR SOLAGES: You
12 testified before that when my colleague
13 Kevan Abrahams asked you to provide the
14 population in common between the prior map
15 and this map, you were not able to provide a
16 percentage; is that correct?

17 MR. MORONEY: You mean, what
18 population, was it the old district versus
19 the new district?

20 LEGISLATOR SOLAGES: Correct.

21 MR. MORONEY: No, I don't have
22 those numbers.

23 LEGISLATOR SOLAGES: But you
24 purport to be an expert of that map?

25 MR. MORONEY: I don't have those

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2 numbers. That's the simple answer to the
3 question.

4 LEGISLATOR SOLAGES: It's not
5 acceptable. I'll ask you another question.
6 When you testified before the Rules
7 Committee, did you -- you didn't tell us
8 anything about the VAP of the LD 3, the
9 voting age population, can you please
10 provide us with that tonight?

11 MR. MORONEY: Let me see what we
12 have. I actually have it.

13 LEGISLATOR SOLAGES: That's
14 great.

15 MR. MORONEY: Could you repeat
16 the question?

17 LEGISLATOR SOLAGES: Yes, sir.
18 When you testified before the Rules
19 Committee you didn't tell us anything about
20 the voting age population of LD 3. What is
21 the Black voting age population for the 3rd
22 legislative district?

23 MR. MORONEY: Non-Hispanic Black,
24 not CVAP but VAP?

25 LEGISLATOR SOLAGES: Yes.

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2 MR. MORONEY: 37.3 percent.

3 LEGISLATOR SOLAGES: What is the
4 Hispanic VAP, voting age population?

5 MR. MORONEY: No CVAP, 38.4
6 percent.

7 LEGISLATOR SOLAGES: So compared
8 to the 1st legislative district --

9 MR. MORONEY: Excuse me. I'm
10 sorry. I gave you the wrong number. It's
11 18.7 percent for a total of 56 percent.

12 LEGISLATOR SOLAGES: So compared
13 to LD 1, is it the case that one particular
14 ethnic group as the Black voting age
15 population represents a majority over 50
16 percent?

17 MR. MORONEY: Could you repeat
18 that?

19 LEGISLATOR SOLAGES: Yes. Is it
20 the case, compared to LD 1, where we have
21 the African American voting age population
22 representing more than 50 percent, is that
23 the case that we see in 3rd legislative
24 district?

25 MR. MORONEY: No.

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2 LEGISLATOR SOLAGES: So correct
3 me, or specifically defining the 3rd
4 legislative district, you would consider it
5 minority aggregate community where you have
6 a number of minority groups making the
7 majority?

8 MR. MORONEY: That's what I
9 indicated at the February 11th hearing, yes.

10 LEGISLATOR SOLAGES: When you
11 testified before the Rules Committee, you
12 told us that you didn't know the minority
13 voting age population of LD 3.

14 Is your testimony tonight, are
15 those numbers are the correct numbers for
16 the voting age population?

17 MR. MORONEY: The numbers that I
18 gave you are numbers that I put on this grid
19 this afternoon, yes. Those are accurate.
20 The CVAP for LD 3 is 35.7 percent.
21 Non-Hispanic Black and 37.3 percent voting
22 age population.

23 As far as Hispanic, it's 14
24 percent CVAP, 18.7 percent voting age
25 population.

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2 LEGISLATOR SOLAGES: Did you
3 consider the current minority voting age
4 population of LD 3 before deciding to extend
5 the district six miles south to Inwood?

6 MR. MORONEY: Ask that again,
7 please.

8 LEGISLATOR SOLAGES: Did you
9 consider the current minority voting age
10 population in LD 3 before deciding to extend
11 the district six miles south to Inwood?

12 MR. MORONEY: That was a
13 consideration, yes.

14 LEGISLATOR SOLAGES: If so, did
15 you believe -- what do you believe is the
16 current -- let me say this.

17 I understand and I appreciate you
18 describing with the analogy of jello in that
19 any line or any wall that you move will have
20 to be complimented with a number of other
21 changes. I can respect that. But the 3rd
22 legislative district on its own, through
23 national growth, became a minority-majority
24 community, as you defined it.

25 Simply said, if it's not broken,

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2 then why fix it?

3 MR. MORONEY: Because it had to
4 be fixed because there was -- you have to
5 have a legitimate reason to justify what we
6 were doing with the southern part of this
7 town. You had changes that were being made
8 in other areas of the town. It flows
9 through. It's the lifeblood of
10 redistricting. Every decision you make
11 flows through and affects someplace else.
12 It doesn't happen in a vacuum. It's
13 certainly not a perfect process as was
14 described by Brian Paul tonight.

15 MR. MORONEY: What is so
16 contiguous with this district or so compact
17 with this district, that includes Elmont and
18 Inwood, I mean, how would you -- just look
19 at that on its own, how would you define
20 that as contiguous and compact?

21 MR. MORONEY: I've indicated to
22 you earlier, it's compact and contiguous,
23 you meet the population standards, you meet
24 the other legitimate standards, you have
25 communities of interest within it.

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2 I mentioned earlier the shopping
3 in Hempstead Turnpike, there's shopping
4 alongside Sunrise Highway, there's shopping
5 in Inwood on Rockaway Turnpike as well, and
6 they're all cross-over shoppers.

7 LEGISLATOR SOLAGES: With all due
8 respect, sir, the person who lives on
9 Hempstead Turnpike or near Hempstead
10 Turnpike in Elmont, where they have the Home
11 Depot, will not chose to go to the Home
12 Depot located more than four miles south,
13 all the way past Sunrise Highway at the Home
14 Depot of that location. I think that's fair
15 to say assuming all other factors are equal.

16 MR. MORONEY: I wouldn't, but I'm
17 going to say this to you. I don't think I
18 made myself clear.

19 You were looking for communities
20 of interest. The communities of interest
21 are, they both have, all the communities
22 along the border have similar issues. They
23 have similar issues in that they have large,
24 dense population, they have large, dense
25 shopping areas, large points of entry from

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2 the City of New York, and that creates a lot
3 of different problems and it's all up and
4 down here.

5 LEGISLATOR SOLAGES: So what does
6 a resident in Elmont have in common with a
7 resident in Inwood, besides the fact that
8 they both live in Nassau County?

9 MR. MORONEY: They have issues
10 relating to over-flying jets. They have
11 issues relating to schools, issues relating
12 to shoppers coming across, they have issues
13 related to cross-over crime. The
14 similarities are there. They are all
15 communities that are middle class and
16 working class --

17 LEGISLATOR SOLAGES: Do they
18 share school districts?

19 MR. MORONEY: Do they share
20 school districts, no.

21 LEGISLATOR SOLAGES: Are they
22 both on the water, Elmont and Inwood?

23 MR. MORONEY: No.

24 LEGISLATOR SOLAGES: How many
25 miles is it from the center of Elmont to the

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2 southern part of Inwood?

3 MR. MORONEY: I don't know but I
4 would accept whatever you indicated it is

5 LEGISLATOR SOLAGES: Did
6 residents of Elmont ever express any desire
7 to have their community joined with Inwood?

8 MR. MORONEY: No. Except that
9 I'm not sure that there wasn't testimony
10 given before the special master who created
11 congressional district number five that
12 included both Elmont and Inwood in the same
13 congressional district. I'm not sure about
14 that.

15 LEGISLATOR SOLAGES: Are you
16 familiar with the Shore v Reno case?

17 MR. MORONEY: I've read it, yes.

18 LEGISLATOR SOLAGES: And in that
19 case, there was a district that looked like
20 X and, after the redistricting process, it
21 looked like Y, and the court noted that the
22 change in the shape of the districts was
23 significant. Do you recall?

24 MR. MORONEY: No, I don't, but
25 I'm listening.

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2 LEGISLATOR SOLAGES: Would you
3 say that the change from the prior LD 3 to
4 the new LD 3 is a significant change at
5 least in terms of the shape of the district?

6 MR. MORONEY: I think you can
7 argue that but I think also that you have
8 North Valley Stream, South Valley Stream,
9 Elmont, and --

10 LEGISLATOR SOLAGES: So your
11 answer is yes?

12 MR. MORONEY: And similar
13 communities that are in it. The only thing
14 that's been added on is added on in the
15 southern area for purposes of protecting
16 minority population.

17 LEGISLATOR SOLAGES: What do you
18 mean by that?

19 MR. MORONEY: It was added on for
20 purposes of protecting minority population.

21 LEGISLATOR SOLAGES: So are you
22 saying that there were minorities in the
23 southern part of that tier as opposed to any
24 other part?

25 MR. MORONEY: I'm saying that the

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2 district improved it's performance as a
3 minority district once the identifiable
4 communities of interest were over-layed onto
5 this, it improved its performance. That's
6 what I'm saying.

7 LEGISLATOR SOLAGES: Would you
8 consider the districts along the south, such
9 as the Five Towns and parts of Inwood, north
10 Woodmere, would you consider them to have
11 their own distinct individuality and
12 characteristics?

13 MR. MORONEY: You've now entered
14 into the conundrum of districting because
15 everybody views their community of interest
16 differently.

17 It is impossible, it's an
18 impossible task as indicated by Brian Paul
19 from Common Cause earlier today. It's an
20 impossible task to make everybody happy. We
21 are limited by geography, by the
22 Constitution, by numbers and by population
23 density, and you have to take all of that
24 into account when you are drawing a
25 district.

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2 There isn't anybody who could
3 stand in front of any map and not find
4 something to criticize it for. Because
5 there's always a different community of
6 interest that can be used as the straw man
7 to attack it. That's a fact.

8 MR. MORONEY: But if
9 overwhelmingly you receive testimony and the
10 testimony states specifically that this
11 community wants to remain together and you
12 did not adhere to that within your proposed
13 map, then there's a difference between the
14 testimony you heard and the implementations
15 you made; is that correct?

16 MR. MORONEY: One of the things
17 that goes into traditional districting is
18 political subdivisions, and we try very hard
19 to keep villages together. We try very hard
20 to do so and not cross town lines except
21 where there's a higher standard that needs
22 to be met. That higher standard, the
23 population, the need for additional
24 population, or Voting Rights'
25 considerations, and those are the

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2 traditional reasons why you cross over those
3 community lines.

4 But you still have to do the
5 districting seeking those community of
6 interests. It becomes -- it's an important
7 task. You go about it as best you can.
8 That doesn't mean it's not subject to
9 criticism, and that doesn't mean that
10 somebody else may have a different opinion.

11 I respect the fact that you have
12 a different opinion and don't agree with me,
13 but that's okay because there's people all
14 over this map who don't agree with what
15 happened. There's people all over this map
16 who aren't here tonight and you are allowed
17 to interpret their silence as they like it.

18 Ten years ago, Levittown was
19 divided into three districts. Levittown was
20 here ten years.

21 LEGISLATOR SOLAGES: I don't want
22 to distract ourselves with what happened ten
23 years ago. We're here today. I wasn't here
24 ten years ago. I'm here today. I'm here to
25 ask you questions about this map, sir.

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2 MR. MORONEY: And I'm talking
3 about this map too. Because this map was
4 the subject of a hearing right here and
5 somebody from the Levittown town came and
6 thanked the commission for keeping it
7 together.

8 That meant that the three
9 districts that were there from ten years ago
10 had to be divided up. And that population
11 has --

12 LEGISLATOR SOLAGES: If you were
13 able to do that for Levittown how come you
14 didn't do that for Elmont? Is it because
15 Great Neck and Levittown are more affluent
16 communities than Elmont?

17 MR. MORONEY: Oh, no. Absolutely
18 no. Levittown is not a more affluent
19 community than Elmont. So compare apples to
20 apples.

21 LEGISLATOR SOLAGES: Nothing
22 further, thank you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Wink.

25 LEGISLATOR WINK: I'm going to be

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2 very brief because I think that we covered a
3 lot of the areas that I would have otherwise
4 touched upon.

5 But I want to focus your
6 attention on Roslyn. If what I'm hearing
7 from you is accurate, the last 18 years with
8 Roslyn remaining whole, intact, and in a
9 community of common interest both in and of
10 itself and connected with the peninsula of
11 Port Washington, apparently amounts to
12 nothing if they don't come out to continue
13 and constantly enunciate that community of
14 interest.

15 Because all this process up
16 until, literally up until the 6th of
17 January, it necessarily involved no change
18 whatsoever to Roslyn. That map, every map
19 that existed, Roslyn existed intact, and
20 existed in whole as a community of interest.

21 Apparently, their silence, on the
22 fact that they were a community of interest
23 was somehow justification for literally
24 drawing and quartering Roslyn into four
25 different districts. So everything you

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2 said, both in the Rules Committee and today
3 seems to indicate that somehow that's all
4 justifiable by the fact that they didn't
5 know to come out to continue to enunciate
6 their commonality.

7 MR. MORONEY: Again, I disagree
8 with the assumption that your question
9 makes. What happened was --

10 LEGISLATOR WINK: How? You said
11 it in the Rules Committee and said it
12 tonight that, in fact, all you considered a
13 community of interest is what you heard at
14 hearings. Yet, when you left communities
15 intact, you know, did the greater Brookville
16 area come out and enunciate that they are a
17 community of interest? I would submit to
18 you the answer is no. Yet, there was never
19 issue of the Brookvilles being divided up
20 amongst different districts.

21 I can go through many different
22 examples if you like of communities that did
23 not come out because they were left intact.

24 Roslyn, however, in the 11th
25 hour, in what I perceive and what I

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2 believed, was a bait and switch, the map
3 that the commission put forward, the
4 Republican members of the commission put
5 forward was never intended to be the map of
6 this legislature.

7 And, in point of fact, because
8 Roslyn was led to believe that they would
9 remain intact as a community of interest and
10 remain as they have for the last 18 years
11 what the communities of Port Washington and
12 Albertson, that somewhere along the way
13 Roslyn was deemed to somehow condone and
14 accept being thrown into four separate
15 districts so that they no influence on any
16 one of those districts.

17 MR. MORONEY: Again, I disagree,
18 but part of the deception, as you describe
19 it, may very well have come from Democratic
20 headquarters.

21 LEGISLATOR WINK: Excuse me?

22 MR. MORONEY: Just what I said.
23 I'm going to search this out and give this
24 to you because received a copy of an e-mail
25 for the February 11th hearing, and, in the

1 Full Legislature/2-25-13
2 e-mail from the February 11th hearing was a
3 map. It was dated Sunday, February 10th at
4 5:19 p.m. And, in the map that was mailed
5 out from Democratic headquarters, is the
6 Republican map from the commission. Not
7 this map.

8 Let me finish. Then, if you go
9 down and it says, click here, and you click
10 there, and you go back here, Nassau County
11 Democrats, you have the same map again, the
12 wrong map.

13 This was sent out by Nassau
14 Democratic headquarters over the signature
15 of Lauren Corcoran Doolin. It may very well
16 be that part of the bait and switch you
17 describe was unwittingly done by the
18 Democrats themselves mailed it out.

19 LEGISLATOR WINK: Mr. Moroney, on
20 what date was that map posted on the Nassau
21 County website?

22 MR. MORONEY: Which one?

23 LEGISLATOR WINK: The one you are
24 standing right next to.

25 MR. MORONEY: When did this go

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2 up?

3 LEGISLATOR WINK: Wednesday
4 before the 11th? In other words, the day
5 that this map was received was the day it
6 was posted on the website?

7 MR. MORONEY: Yes.

8 LEGISLATOR WINK: Absolutely not.
9 Absolutely not. This map did not exist. I
10 went through every page of this website
11 looking for this map. It did not exist
12 until well after the Rules Committee hearing
13 on the 11th.

14 CHAIRWOMAN GONSALVES: Hold on.
15 Mr. Muller. I don't want to be involved in
16 the process because it's your process, but
17 NC Web put that up on Wednesday night. We
18 had a black and white map up on Wednesday
19 night. I don't have a color scanner. Then
20 I color scanned it and it went in Thursday
21 morning. But on Wednesday night, a map was
22 up on that website. The item was up on the
23 website when those agendas went out.

24 LEGISLATOR WINK: Mr. Muller,
25 with all due respect --

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2 MR. MULLER: I will show you the
3 e-mails to NC Web. There were
4 confirmations.

5 LEGISLATOR WINK: I would very
6 much like to see that. I would very much
7 like to see that.

8 My point simply is this, these
9 communities of interest are apparently in
10 the eyes of those who perceive them and that
11 you, Mr. Moroney, in fact, have chosen to
12 perceive communities of interest, yet you
13 talked about football teams as part of a
14 community of interest. You talked about
15 shopping centers as part of a community of
16 interest.

17 Point of fact, you know as well
18 as I do, you were the North Hempstead
19 Republican leader, and you know as well as I
20 do that the Roslyn community is a community
21 of interest, always has been and will always
22 continue to be. We have now decided to take
23 it and make it insignificant for the
24 purposes of electing Nassau County
25 legislators simply because you could, not

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2 because you had to, and not because it was
3 required under any section of any law in
4 this state.

5 So, that is the fact, and that,
6 quite frankly, is something that you are
7 going to account for going forward because,
8 at the end of the day, the Roslyn community
9 has always been a community of interest and
10 yet it's now being divided amongst four
11 different legislative districts for no other
12 reason than the fact that it maximized the
13 ability to elect Republicans. That's it.

14 CHAIRWOMAN GONSALVES: Legislator
15 Judi Bosworth, please.

16 LEGISLATOR BOSWORTH: Thank you,
17 presiding officer. I guess I should say
18 good morning.

19 MR. MORONEY: We're all going to
20 go for coffee.

21 LEGISLATOR BOSWORTH: It has been
22 a very long day.

23 So first I would like to
24 certainly acknowledge the fact that Great
25 Neck was put back together. There was a

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2 tremendous number of people who did come
3 out, mayors, John, you know, representing
4 the school district.

5 I would like to think that it was
6 joined together because it made good
7 governmental sense and that it is, in fact,
8 because of the legislature that that
9 happened, then I certainly appreciate that.
10 So thank you.

11 One of the comments that you made
12 when you first started speaking is that you
13 said Manhasset was now in one district.

14 I have a letter that I would
15 actually like to enter into the record, and
16 I know that all the legislators received
17 this as well, from Richard Bentley, who is
18 the president of the Council of Greater
19 Manhasset Civic Associations. In fact, I
20 believe, and it's stated in this letter as
21 well, that Manhasset is now divided into
22 three legislative districts. So I'm not
23 going to read the whole letter, but I am
24 going to read a little bit of it.

25 Dear Legislators:

1 Full Legislature/2-25-13
2 The Council of Greater Manhasset
3 Civic Associations strongly urges that the
4 proposed Rules Committee map be rejected by
5 the Legislature as it further divides the
6 Manhasset community, currently divided
7 between two districts into three districts.
8 Our schools are proposed to be divided into
9 two separate legislative districts. The
10 proposed Rules Committee map fails to follow
11 the fundamental rules of redistricting,
12 requiring districts to be compact,
13 contiguous and reflect communities of
14 interest by separating Manhasset into three
15 legislative districts.

16 The Rules Committee map not only
17 exacerbates additional separation of our
18 community of interest, but creates one snake
19 shaped district stretching from central
20 Manhasset south through a narrow corridor of
21 Roslyn Estates and Mineola, then west to the
22 New York City border.

23 Furthermore, not even an
24 incumbent legislature has been able to
25 provide the detailed map showing exact

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2 proposed roadway borders.

3 This Rules Committee proposal has
4 ignored much of the public criticism, as
5 this map still fails our community and other
6 communities on many levels.

7 Dividing Manhasset or any
8 community into two or three districts is
9 detrimental to the community.

10 So, if you followed my
11 discussions throughout many issues in the
12 legislature, I have a great concern and
13 interest in process. So that's really what
14 I'm going to concentrate my remarks on this
15 evening.

16 I was surprised on December 28th,
17 it was late Friday afternoon, it was Friday
18 afternoon right before the New Year's
19 weekend when we got word that the commission
20 map was, in fact, posted. Then 15 minutes
21 later, at 4:45, on Friday afternoon, we got
22 notice of a hearing about this map that was
23 going to take place on January 3rd.

24 Mr. Moroney, you, in fact,
25 mentioned that there were 69 comments at the

1 Full Legislature/2-25-13
2 January 3rd hearing and, in fact, so many
3 more today.

4 I think part of that was, it was
5 very difficult to disseminate information
6 when we found out literally at the close of
7 the legislative day on Friday, right before
8 a holiday weekend, going into New Year's Day
9 at a hearing that then took place two days
10 later.

11 But we did have people come out
12 and make the comments that they made and
13 sure enough later we then find out on
14 Wednesday, February 6th, that there will be
15 a new map or that there will be a map that
16 will be discussed at the Rules Committee
17 that was going to take place on February
18 11th.

19 When we finally saw a copy of the
20 map, in fact, as I acknowledged before, the
21 Great Neck community was put together, but
22 there were so many other changes that were
23 surprising and disturbing and certainly
24 Legislator Wink talked about Roslyn now
25 having four legislative -- being divided

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2 into four legislative districts.

3 One of the things that I found
4 most surprising was that Port Washington was
5 now put together with Glen Cove so that at
6 this very late date you had two Democratic
7 legislators who now placed in the same
8 legislative district, and if they were both
9 intending to continue on as legislators,
10 that would necessitate the two of them
11 running in a primary against each other.

12 So what does that have to do with
13 process. It was something that was really I
14 would have to say a tremendous surprise
15 because I certainly didn't see that coming
16 and I don't know that anybody else did as
17 well. It, again, speaks to the lack of
18 opportunity for a community to be made aware
19 of it and to mobilize and to react.

20 We had the Rules Committee
21 meeting. I attended it as I think every one
22 of my colleagues, but we weren't allowed to
23 speak.

24 So, in fact, this is the first
25 time since this new map has been presented

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2 that anybody -- actually I think this is the
3 first time we've had the opportunity to
4 comment at a legislative session at all.

5 I know there is the distinct
6 possibility that we're going to vote on this
7 tonight, and so I have -- so I'm having
8 difficulty with coming to grips with the
9 fact that all of this has happened so
10 quickly. It's happening so quickly with so
11 little time for communities to be made aware
12 of the issue and to mobilize and to comment
13 and to come, in fact, and make their voices
14 heard.

15 So we hear about transparency.
16 I'm not seeing this as a process that has
17 been so transparent with changes that have
18 been made with little time for communities
19 to be informed about them and to respond and
20 to have the kind of input that I know they
21 would want to have.

22 That's it.

23 MR. MORONEY: I just want to
24 point out to you that December 24th the
25 Democratic commissioners were advised that

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2 there would be a Republican map and a
3 request was made for their map. And, again,
4 had input into the request, rather that they
5 give us their map on December 26th. So
6 while I acknowledge that it wasn't posted at
7 that time, there was actual notice to the
8 Democratic commissioners in -- well before
9 Friday, whatever the Friday was after
10 Christmas, well before then that there was a
11 Republican map that was going to be
12 prepared. But didn't have this.

13 LEGISLATOR BOSWORTH: And I
14 didn't know that, but we didn't have the --
15 let's say on the 26th, did anybody see that
16 map?

17 MR. MORONEY: I don't remember
18 when that was posted but that went out to --
19 I don't know the date it went out.

20 LEGISLATOR BOSWORTH: Because, as
21 far as I know, the first time that that map
22 was posted was on Friday, December 28th. I
23 may have first seen it at 4:30, perhaps it
24 was posted a little earlier than that, but
25 certainly not a lot earlier than that.

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2 So, again, very difficult to have
3 something as important to our county as this
4 posted that proverbial, you know, Friday
5 afternoon before a holiday weekend. I'm
6 sure you can understand that.

7 MR. MORONEY: I'm not challenging
8 that. I'm not challenging it wasn't up at
9 that point. I'm just saying there was an
10 awareness that there were going to be maps
11 posted.

12 As far as the Hempstead Harbor
13 area, there is and exists a Hempstead Harbor
14 Protection Committee. On it, County
15 Executive Ed Mangano, Ralph Suozzi, the city
16 of Glen Cove mayor; Town of Hempstead
17 Supervisor John Cayman; Town of Oyster Bay
18 Supervisor John Venditto; Village of Flower
19 Hill, Mayor Elaine Phillips; Village of
20 Roslyn Mayor John Dirkin; Village of Roslyn
21 Harbor Mayor Evette Edidin, I apologize for
22 that name; Village of Sands Point Mayor
23 Edward Adler; and the Village of Sea Cliff,
24 Bruce Kennedy, who is mayor. That has
25 existed going back in time since 1994 and

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2 that has paid great attention to the
3 Hempstead Harbor area.

4 That doesn't challenge that there
5 were people who were surprised by that but
6 there were people who testified at the
7 September 27th hearing in Glen Cove that
8 these things existed, that's what instigated
9 this research. I think Matt was the one who
10 came up with it. That was taken into
11 consideration in determining what a
12 community of interest is, that this was a
13 clear indicator that there was a community
14 of interest here.

15 LEGISLATOR BOSWORTH:

16 Mr. Moroney, I understand that, and,
17 certainly, having that common border along
18 the shore is something that is significant.

19 However, again, when you're
20 making such big changes, and people have so
21 little time to find out about them, to react
22 to them, to respond to them, that's
23 problematic.

24 MR. MORONEY: Understood.

25 LEGISLATOR BOSWORTH: Thank you.

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2 MR. MORONEY: You're welcome.

3 LEGISLATOR DERIGGI-WHITTON: Kind
4 of following up on what Judi is saying.
5 Sitting here for all this time we definitely
6 got the impression that our constituents are
7 not trusting of the process that determined
8 this map. I think part of what Judi just
9 said, which is that the map was kind of
10 disclosed at the last minute is part of it.

11 But the other thing that I think
12 really has stuck out in a lot of peoples'
13 minds, going back to 2011 when the court
14 rejected the redistricting procedure, much
15 was made of Section 113 which required that
16 a bipartisan commission be formed.

17 Obviously, the bipartisan
18 commission was formed, but, in your mind,
19 how would you define what a bipartisan
20 commission is supposed to do?

21 MR. MORONEY: It's not for me to
22 define. It's already defined in the
23 statute, and that's what it is, it's where
24 minority leader and majority leader, each
25 have five appointments that, to vote or to

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2 take action, must have six votes, and the
3 chairman selected by the county executive,
4 and that chairman does not have a vote. So
5 that's what it is.

6 LEGISLATOR DERIGGI-WHITTON: When
7 you hear the words "bipartisan commission,"
8 wouldn't that assume that this is sort of an
9 entity that's designed to work together to
10 come with a solution with the issue that
11 they're presented with?

12 MR. MORONEY: That's a fair
13 conclusion, yes.

14 LEGISLATOR DERIGGI-WHITTON: So
15 how would you describe, how would you
16 explain the fact that these entities never
17 met together for any type of working
18 session?

19 MR. MORONEY: They met at two
20 working sessions. What you're talking about
21 is a private session?

22 LEGISLATOR DERIGGI-WHITTON: Yes.

23 MR. MORONEY: There were
24 questions that were raised as to whether or
25 not that would violate the Open Meetings Law

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2 and there was never any desire to sit down
3 and meet until the map was on the table.

4 We didn't know. "We" being the
5 Republicans didn't know that there was going
6 to be a Democratic map until New Year's Eve.

7 LEGISLATOR DERIGGI-WHITTON: Had
8 the minorities, I guess we'll call them
9 minority, had they reached out to you to
10 meet?

11 MR. MORONEY: They reached out
12 not only to me but they reached out to
13 commissioners directly.

14 LEGISLATOR DERIGGI-WHITTON: And
15 they wanted to meet?

16 MR. MORONEY: Yes.

17 LEGISLATOR DERIGGI-WHITTON: So
18 can I ask you a really basic question?

19 MR. MORONEY: Sure.

20 LEGISLATOR DERIGGI-WHITTON: Why
21 didn't you meet?

22 MR. MORONEY: There was no desire
23 to meet. We hadn't finished the hearings
24 and -- let me back up. I hesitate to do
25 this but you've opened up a door that needs

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2 to be addressed.

3 At the very front end, there was
4 no collegiality. The very first meeting,
5 first business meeting of this body, one of
6 the Democratic commissioners paraded out
7 photographs taken of -- taken of, as it
8 turned out, plotting equipment that belonged
9 to the county attorney's office. Accused
10 the Republicans of already having had a map
11 done, accused the Republicans of
12 participating in a stealth process that
13 didn't exist.

14 At the very next meeting there
15 was some colloquy on the record about when
16 people would be permitted to speak. We
17 followed initially the process that's set
18 down by this legislature. 30 minutes up
19 front. Then we would have our business
20 meeting. Then we would have public comment
21 at the end. There was colloquy on that. It
22 was not conducive. Let me finish.

23 Then -- then -- the Democrats
24 decided they wanted to go out and have
25 hearing on their own because the implication

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2 was that the Republicans did not want to
3 hear what they had to say. And then Ms.
4 Garone, is walking over to Mr. Denenberg
5 right now, went on the internet and put a
6 You Tube video up. When she left the
7 impression, and it's still up on You Tube,
8 she will give you site, that Republicans did
9 not want to hear from the public. And that
10 was a complete falsehood.

11 If you want to work together with
12 the people, you don't start off your first
13 business meetings by accusing them of doing
14 wrong and not wanting to cooperate. That
15 set the tone for the balance of the
16 hearings.

17 LEGISLATOR DERIGGI-WHITTON: You
18 know what, I understand what you're saying.

19 MR. MORONEY: And, by the way, it
20 doesn't help, it doesn't help when every
21 meeting, every meeting, commences with this
22 kind of accusation, it destroys the
23 bipartisanship effort. That's what that
24 record indicates.

25 LEGISLATOR DERIGGI-WHITTON: I

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2 understand that working in a bipartisan
3 condition can be difficult. We live that
4 every day here.

5 However, I do believe that it's
6 not so much what is convenient for the
7 people on the board that matters, it's what
8 our residents deserve which was what's in
9 our charter --

10 MR. MORONEY: Ms. DeRiggi
11 Whitton, that's not a matter of convenience.
12 That was clear accusations of wrongdoing.

13 LEGISLATOR DERIGGI-WHITTON: Can
14 I just finish? I think that although
15 sometimes it's arduous here and sometimes we
16 argue and it's just very difficult, we still
17 owe it to the public to go through these
18 steps not because so much we want to, but
19 it's part of what our charter says has to be
20 done.

21 The fact that you two -- the two
22 entities never met to discuss to have some
23 type of let's see what we can agree on,
24 let's see what we can't agree on, I think
25 that sent a really bad message. And this is

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2

just my opinion, it's just -- I think it's

3

sends a very bad message to our public that

4

not only did we spend money, a half a

5

million dollars to do something, but never

6

meeting is just -- it just sends a message

7

of some kind of -- I don't know what to say

8

suspect behavior, but almost like we're not

9

doing our jobs, not giving our taxpayers

10

what they're paying for. And that is

11

supposed to be a bipartisan commission that

12

was supposed to try to come up with as close

13

to an agreement on a map as possible.

14

So, again, we might agree to

15

disagree, but I really think that had we

16

just met, and I was at that meeting, I

17

remember there was a question about

18

gratuitous, I remember the whole thing, I

19

was there, and, yes, was that an

20

embarrassment, yes. I wasn't happy with the

21

way anybody presented themselves that day

22

and I don't think we made a good impression

23

on our residents that day either.

24

However, the real thing that I

25

think is important and why the last time we

1 Full Legislature/2-25-13
2 lost this -- this case was lost in court is
3 because the charter is what dictates what we
4 do. By not meeting, I think we have a real
5 question as to whether or not 113 was
6 addressed. To form a bipartisan committee
7 and not meet is kind of -- it kind of goes
8 against the whole idea of the charter from
9 what I've seen.

10 I have one other quick question.
11 With the map, where was the map actually
12 produced, was it produced here?

13 MR. MORONEY: It was produced at
14 the commission headquarters, 100 County Seat
15 Drive.

16 LEGISLATOR DERIGGI-WHITTON:
17 Okay. So it was like a work product of the
18 county?

19 MR. MORONEY: Right.

20 LEGISLATOR DERIGGI-WHITTON: And
21 just getting back to working with the
22 commissions, was the information exchanged
23 with the minority commission as far as,
24 like, once the map was produced, were you
25 given -- did you provide all the meets and

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2 bounds in the streets and everything else?

3 MR. MORONEY: No.

4 LEGISLATOR DERIGGI-WHITTON: Why?

5 MR. MORONEY: It wasn't
6 necessary. We were told by the
7 commissioners, Democratic commissioners,
8 that they were not going to produce a map.
9 They wanted to take a look at our map and
10 they wanted all our information.

11 When you destroy trust from the
12 get-go, why would we share that with them?
13 Then -- and, by the way, you don't negotiate
14 with nothing. You want to talk about
15 meetings. You don't say, well, we'll take a
16 look at your map and then we'll decide
17 whether or not we will produce one. You're
18 talking about the Republican side are
19 wasting money but the Democrats hired staff,
20 spent over \$100,000 on staff, they purchased
21 plotting machines, purchased computers, they
22 purchased software.

23 LEGISLATOR DERIGGI-WHITTON:
24 Which they were supposed to do. I mean,
25 that was okay. That was in the budget.

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2 MR. MORONEY: May I finish,
3 please?

4 LEGISLATOR DERIGGI-WHITTON:
5 Sure. Sorry.

6 MR. MORONEY: But then they
7 weren't going to produce a map.

8 LEGISLATOR DERIGGI-WHITTON:
9 Well, you know, that would be --

10 MR. MORONEY: And then they
11 didn't want to share it. Now you put yours
12 up and then we'll share it. They even took
13 it off the agenda. Do not have any
14 discussion on the Democratic map. Take it
15 off the agenda. Then three days later they
16 had it up again.

17 LEGISLATOR DERIGGI-WHITTON: Can
18 I ask you a question about presenting your
19 map?

20 MR. MORONEY: No. We did not
21 present any information to them.

22 LEGISLATOR DERIGGI-WHITTON: All
23 right. For you to present your map, you're
24 really not -- your objective is not going to
25 be to get along with the minority side, it's

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2 really not your job, like, and I understand
3 what you're saying, I hate the bickering
4 that goes on, I really do. I find it
5 completely counterproductive and I think we
6 can say that on both sides.

7 But, when you're presenting a
8 map, don't you feel that you have the right
9 to -- the obligation to back up the map with
10 certain information?

11 MR. MORONEY: Yes, I do.
12 However, if you're trying to undertake
13 negotiations, you don't negotiate with the
14 other side and say, well, look, show me what
15 you got and I'll see if I'm --

16 LEGISLATOR DERIGGI-WHITTON: Why
17 not? You're supposed to --

18 MR. MORONEY: Why not?

19 LEGISLATOR DERIGGI-WHITTON:
20 You're supposed to have a bipartisan
21 commission. Their whole objective --

22 MR. MORONEY: You would go into
23 negotiations with the other side giving
24 nothing to look at?

25 LEGISLATOR DERIGGI-WHITTON: If

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2 the objective is for you to come together,
3 why would you have to hide anything? You're
4 basically presenting your side. Here, this
5 is our side.

6 MR. MORONEY: We did present our
7 side.

8 LEGISLATOR DERIGGI-WHITTON: This
9 is what I want to do, this is our
10 information.

11 MR. MORONEY: We did present our
12 side.

13 LEGISLATOR DERIGGI-WHITTON: So
14 maybe I see it in a different way. I don't
15 see it as a competition or I don't see it as
16 right and wrong. I really take this very
17 serious with the charter and why it was set
18 up this way because, what it's supposed to
19 do is avoid a lot of what I think happened
20 as a result of not meeting. And that is a
21 lot of unhappy people.

22 You know what, I'm one of those
23 people that says, I have nothing to hide.
24 Here you go. Here's my map. Here are the
25 streets so you can look up and see where

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2 your house is. Here's why we came up with
3 it. Go ahead. Look at it and critique it.
4 See what you say.

5 Then they can come back and say,
6 look, here's our map and here's our meets
7 and bounds and here's why we did this. We
8 agree here and don't agree there. That's
9 what a bipartisan commission, I think 99
10 percent of the people in our district, or in
11 our county think that that's what a
12 nonpartisan commission is supposed to do.

13 I want to tell you something
14 else, that's what we paid \$500,000 for.

15 MR. MORONEY: No, you didn't pay
16 \$500,000 yet.

17 LEGISLATOR DERIGGI-WHITTON: The
18 bottom line is, that's why NYFA approved it.
19 That's why we thought it was worthwhile
20 because it really was supposed to come up
21 with a map for the next ten years. We would
22 feel good about -- you would feel good
23 about, yes, nobody wins completely. Yes, we
24 would be unhappy about some things as maybe
25 you would as well. I understand you the

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2 Republican majority, I understand all that.

3 However, I really think that a
4 lot of the hurt and pain that we saw today
5 from our people could have been avoided had
6 this done basically what the charter calls
7 for. It's a bipartisan commission. No
8 reason to have a bipartisan commission if
9 you're not going to meet.

10 MR. MORONEY: Actually, I would
11 respectfully disagree with that conclusion
12 because, under the charter, this body is not
13 obliged to accept any map produced by
14 commission.

15 So a product by the commission is
16 not necessarily dispositive of any
17 disagreements that might arise.

18 LEGISLATOR DERIGGI-WHITTON: I
19 think that, why would we do it then? You
20 really have to look at what the intent of
21 the people that wrote the charter had.

22 MR. MORONEY: I understand the
23 intent.

24 LEGISLATOR DERIGGI-WHITTON: It
25 really was to have a bipartisan commission

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2 with one extra person so that we can have a
3 six party vote so there wouldn't be a tie.
4 And the whole point, the whole intent was to
5 try to do what is fair for our Nassau County
6 residents. That's why it's in the charter
7 and that's why we're allowing for the half a
8 million dollars expense. And that's what I
9 think people really expected us to do and
10 that's where I think a lot of this emotion
11 is coming from because it didn't happen.

12 To not have one meeting and to
13 not share information because you said that
14 or I said this, and you had a picture, and,
15 like I was saying before, we are not in
16 kindergarten anymore. We really need to be
17 a little bit more above all that on both
18 sides and do what we're here to do and
19 that's to meet and come up with the best map
20 that we can. I don't think that happened in
21 this case. I'm going to give to Dave
22 Denenberg because it's time, it's 12:30.

23 CHAIRWOMAN GONSALVES: Legislator
24 Denenberg.

25 LEGISLATOR DENENBERG: Thank you,

1 Full Legislature/2-25-13
2 Legislator Gonsalves, Legislator
3 DeRiggi-Whitton.

4 Good morning, Mr. Moroney. Let
5 me ask you just a few questions to follow on
6 what Legislator DeRiggi-Whitton was saying.

7 You were chairman of the
8 bipartisan commission, correct?

9 MR. MORONEY: Correct.

10 LEGISLATOR DENENBERG: As
11 chairman of the bipartisan commission, one
12 of the things that was done was that Skyline
13 was hired for the Republican commissioners
14 to help them come up with a map, correct?

15 MR. MORONEY: That is correct.

16 LEGISLATOR DENENBERG: And it was
17 taxpayer money that was being used to
18 approve by NYFA for Skyline; correct?

19 MR. MORONEY: Actually, the half
20 a million dollars that was included, was
21 approved by the legislature as part of its
22 budget. That was divided, \$225,000 to the
23 Democrats, \$225,000 to the Republicans, and
24 \$50,000 was held back for communal expenses,
25 if you would.

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2 LEGISLATOR DENENBERG: So you
3 must have misunderstood my question because
4 it's early, late, however you want to call
5 it.

6 So it was taxpayer money that
7 went to pay Skyline?

8 MR. MORONEY: Sure.

9 LEGISLATOR DENENBERG: Okay.
10 That was the question. That was pretty
11 easy. And we were paying Skyline up to 120
12 -- sorry, \$825 an hour?

13 MR. MORONEY: No.

14 LEGISLATOR DENENBERG: How much
15 were we paying Skyline?

16 MR. MORONEY: They had a \$95,000
17 contract that they get paid monthly based
18 upon the presentation of bills.

19 I think what you mean is Jones
20 Day was -- has a retainer for \$825 an hour.

21 LEGISLATOR DENENBERG: And Jones
22 Day is providing services to who?

23 MR. MORONEY: Well, it was to the
24 commission, and may very well ultimately be
25 to the defense on that.

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2 LEGISLATOR DENENBERG: And Jones
3 Day was providing the services to the
4 commission, correct?

5 MR. MORONEY: Correct.

6 LEGISLATOR DENENBERG: What we
7 were using taxpayer money for was to come up
8 with the map?

9 MR. MORONEY: That's correct.

10 LEGISLATOR DENENBERG: And part
11 of the purpose of the maps, right, or one of
12 the goals was for the districts to be as
13 compact as possible?

14 MR. MORONEY: The districting,
15 that's one of the items, yes.

16 LEGISLATOR DENENBERG: So that
17 was one of the goals, correct?

18 MR. MORONEY: Yes.

19 LEGISLATOR DENENBERG: And
20 another goal was to keep communities of
21 interest intact as best as possible?

22 MR. MORONEY: Correct.

23 LEGISLATOR DENENBERG: And you
24 said another of the goals was to be blind to
25 incumbency, correct?

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2 MR. MORONEY: That was a standard
3 that was given initially to Skyline when we
4 asked them to draw the map. One of the
5 things we looked at were some of the good
6 government groups and what they thought
7 would be a good standard, and Common Cause
8 is known for its wanting to proceed blind to
9 incumbents. So we looked to that as a
10 standard that we would use for purposes of
11 creating a map in the first instance.

12 LEGISLATOR DENENBERG: So we
13 wouldn't favor or disfavor incumbency,
14 correct?

15 MR. MORONEY: That's correct.

16 LEGISLATOR DENENBERG: And the
17 districts are, the population of each
18 districts had to be within plus or minus
19 five percent of the mean district
20 population, correct?

21 MR. MORONEY: Yes.

22 LEGISLATOR DENENBERG: So we're
23 using taxpayer money. We have a bipartisan
24 commission, and we're trying to follow those
25 goals, all that is correct?

1 Full Legislature/2-25-13

2 MR. MORONEY: Yes.

3 LEGISLATOR DENENBERG: So now the
4 bipartisan commission didn't meet because
5 there was bad blood between each side,
6 correct?

7 MR. MORONEY: No. That's not
8 correct. They did meet. They held
9 hearings, they held half a dozen hearings
10 around the county and they had several
11 business meetings.

12 LEGISLATOR DENENBERG: But they
13 didn't share maps?

14 MR. MORONEY: That's correct.

15 LEGISLATOR DENENBERG: And you
16 were the chairman of the commission and you
17 felt that it would have been inappropriate
18 for you to share the map because of bad
19 blood?

20 MR. MORONEY: No. That wasn't
21 the question or the discussion that
22 Ms. DeRiggi-Whitton and I indicated. She
23 indicated, why didn't you guys finally get
24 together? And I said it's very hard to get
25 together when you start out, and then I

1 Full Legislature/2-25-13
2 described the situation that existed at the
3 front end.

4 LEGISLATOR DENENBERG: I do
5 think, as you were commissioner, so to the
6 extent that you could have led by example
7 might been good if you actually did?

8 MR. MORONEY: I would
9 respectfully indicate that you go back and
10 read those records and you will see, in
11 fact, I did.

12 LEGISLATOR DENENBERG: You know
13 what, I know for sure when the Republican
14 commissioner's map came out, no one on this
15 side knew what it was and none of the
16 commissioners on the Democratic side knew
17 what it was going to be until literally
18 after it was announced, and days before that
19 January 3rd hearing.

20 MR. MORONEY: The adjunct to
21 that, Mr. Denenberg, is that the reverse is
22 also true because at the time that that was
23 released, nobody knew what the Democratic
24 map was going to look like, nobody knew
25 anything about the Democratic map, it was --

1 Full Legislature/2-25-13

2 LEGISLATOR DENENBERG: I
3 understand. It was all the other side's
4 fault. I got it. And you did a good job
5 leading by example. I'm very disappointed
6 and I think the public is, because the
7 public ultimately was paying the money.

8 But let's look at the product.
9 So we wanted districts to be compact and
10 contiguous as possible, and the map that we
11 have according to Legislator Nicoletto
12 earlier said this is the best of all
13 possible maps. Would you agree with that
14 statement?

15 MR. MORONEY: I think that that's
16 a policy judgement that this body needs to
17 make, but from my point of view, the
18 responsibilities that were given to us as a
19 commission and then later on to the
20 commission staff was to produce a map that
21 met all the legal standards necessary and
22 have a process that was fair, open and
23 public.

24 LEGISLATOR DENENBERG: Okay. And
25 you think this map does that?

1 Full Legislature/2-25-13

2 MR. MORONEY: I think this map
3 met all those standards, yes.

4 LEGISLATOR DENENBERG: What were
5 all the possible maps, we have the
6 Republican commissioner's map, we have the
7 Democratic commissioner's map, we have the
8 presiding officer's map, for lack of a
9 better expression, we have the coalition's
10 map, those were the only possible maps?

11 MR. MORONEY: No. You have one
12 that you had produced for your own purposes
13 that is not on the calendar.

14 LEGISLATOR DENENBERG: There was
15 also a map last year that was subject to
16 discussion and had been passed and then went
17 to court on, correct?

18 MR. MORONEY: That was not
19 something that our commission reviewed or
20 took any testimony on.

21 LEGISLATOR DENENBERG: Did you
22 consider any of the testimony that was taken
23 last year?

24 MR. MORONEY: No.

25 LEGISLATOR DENENBERG: So, let me

1 Full Legislature/2-25-13
2 see, now we want the districts to be as
3 compact and contiguous as possible and, if I
4 look at district 14, just for example, it
5 looks like an upside down drunken snake
6 going from one side of the county all the
7 way further east than 135 to about three --
8 less than three miles to the Queens border.
9 That was the best we could do?

10 MR. MORONEY: Actually it was.
11 Because that district was not created in a
12 vacuum. That district was actually created
13 certain things that had to be looked at,
14 certain minority districts that had to be
15 looked at and, if you look at it, these
16 districts, district 8, district 6, district
17 9, they all came around and all forced into
18 one areas by virtue of the minority
19 districts. That comes around this way.
20 Then we had other testimony --

21 LEGISLATOR DENENBERG: So that
22 was the best you could do?

23 MR. MORONEY: I think it was a
24 fairly good job, yes.

25 LEGISLATOR DENENBERG: And I

1 Full Legislature/2-25-13
2 agree with you that it wasn't created in a
3 vacuum.

4 MR. MORONEY: I think it also
5 meets the compacting standard.

6 LEGISLATOR DENENBERG: Really?

7 MR. MORONEY: I do.

8 LEGISLATOR DENENBERG: Okay. And
9 we didn't want to break up communities of
10 interest as best as we could, right?

11 MR. MORONEY: That's correct.

12 LEGISLATOR DENENBERG: But that
13 still necessitated, for example, as
14 Legislator Wink and Legislator Bosworth
15 pointed out, breaking Roslyn into four
16 districts without that community even having
17 any real notice, correct?

18 MR. MORONEY: The answer to that
19 question is communities of interest are
20 always competitive and choices are made.
21 And choices are made as were ten years ago
22 when the choice was made to divide Levittown
23 into three districts, among other things.
24 To divide, take East Massapequa out of
25 District 12. Those decisions were made.

1 Full Legislature/2-25-13

2 They're made, not in a vacuum, they're made
3 based upon what you are dealing with and
4 what your policy statements are. These are
5 the policy statements that exist here today.

6 LEGISLATOR DENENBERG: Let me ask
7 you this about your policy statement.

8 You said that we're not supposed
9 to favor or disfavor incumbency, correct?

10 MR. MORONEY: That's correct.

11 LEGISLATOR DENENBERG: And we
12 want to keep communities of interest
13 together as best as we could?

14 MR. MORONEY: That's correct.

15 LEGISLATOR DENENBERG: So do you
16 think Merrick is a community of or not?

17 MR. MORONEY: I certain do think
18 it is.

19 LEGISLATOR DENENBERG: So why
20 don't we keep Merrick together and not go
21 after an incumbent myself and you would have
22 Merrick together and LD 19 would still fit
23 within the population, and LD 5 would still
24 fit within the population, both within the
25 plus or minus five percent from the mean

1 Full Legislature/2-25-13
2 deviation. You would keep Merrick together.
3 You wouldn't purposefully be trying to put
4 me out of my traditional district and into
5 Joe Scannell disfavoring incumbency.

6 So why don't you be blind to
7 incumbency and keep Merrick together and you
8 would have two districts that still fit
9 within the population. What is the problem?

10 MR. MORONEY: The problem is very
11 simple, that in order to -- these districts
12 were drawn in a way that set certain
13 priorities. Those certain priorities pushed
14 and shoved and moved territory and lines,
15 not houses or people, lines into areas in
16 order to meet the higher standard of
17 population equality, of Voting Rights Act,
18 and of communities of interest.

19 It is a truth that not every
20 community of interest is kept together in a
21 map such as this. It's impossible.

22 LEGISLATOR DENENBERG: Maybe you
23 didn't understand my point, because I don't
24 think anyone understood your answer aside
25 from that it didn't meet the priority.

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2 So unless the priority was trying
3 to get as many Republican districts as
4 possible, let me repeat that if you just get
5 rid of that finger that you stuck into
6 Merrick, which I'm sure you unintentionally
7 drew that right around my house, I'm sure
8 that was totally unintentional, if -- and if
9 you unintentionally broke up Merrick for no
10 reason at all, if you just leave Merrick
11 alone and don't go after my house, and keep
12 Merrick together, you would keep a community
13 of interest together, district 19 would fit
14 within the population deviation as would
15 District 5.

16 The only priority that wouldn't
17 be met in that situation would not be
18 population, because the population would be
19 fine. It would not be community of interest
20 because actually you would be promoting
21 communities of interest, and it would not --
22 it would also be being blind to incumbency
23 because the only reason for that line is to
24 come after me.

25 The only priority that you would

1 Full Legislature/2-25-13
2 be giving up by doing the right thing there
3 is your priority of having more Republican
4 districts. Because the population works.
5 The community of interest works. And being
6 blind to incumbency works.

7 The statement you just said that
8 we're going to have to move everything is
9 untrue. You wouldn't have to move a thing
10 except keeping Merrick together.

11 MR. MORONEY: Actually, at the
12 expense of which community? That is why
13 your statement, that it's untrue --

14 LEGISLATOR DENENBERG: What are
15 you talking about?

16 MR. MORONEY: Let me finish and
17 you'll find out.

18 LEGISLATOR DENENBERG: What a
19 surprise?

20 MR. MORONEY: Are you ready for
21 an answer?

22 LEGISLATOR DENENBERG: I'm
23 trying. You said before it was priority.

24 MR. MORONEY: Then please allow
25 an opportunity for somebody to complete a

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2 sentence without interrupting them.

3 Now let me take it from here. Do
4 what you say you are going to do. Which
5 other community of interest around there are
6 you going to invade in order to have that
7 happen?

8 LEGISLATOR DENENBERG: None. The
9 populations would fit for both districts.
10 That's my point.

11 MR. MORONEY: Let me finish the
12 thought, please. To put things back
13 together you have to take something else
14 apart. Once you start to take something
15 else apart, you then have other issues and
16 other problems. Mr. Denenberg --

17 LEGISLATOR DENENBERG: Maybe you
18 are missing my point. All you have to do is
19 take that finger that you drew into Merrick
20 and make it straight, so actually you have
21 this funny thing for this map. Actually
22 it's a straight line. The straight line
23 would keep Merrick together and LD 19 would
24 gain -- would gain I think less than 2,000
25 people and still stay within the plus or

1 Full Legislature/2-25-13
2 minus five percent, and LD 5, which then
3 would have a border at the Freeport Merrick
4 line, instead of a finger into Merrick,
5 would also fit within the population.

6 No other community would be
7 touched, none other would be touched except
8 for Merrick being kept whole.

9 MR. MORONEY: Mr. Denenberg --

10 LEGISLATOR DENENBERG: You said
11 you don't have a problem with that.

12 MR. MORONEY: Mr. Denenberg, the
13 plan you just put forth does not keep
14 Merrick whole. North Merrick still remains
15 in district 13. If you want to keep Merrick
16 whole, if you want to keep Merrick whole,
17 you have to move other population, and not
18 just --

19 LEGISLATOR DENENBERG: First of
20 all, Merrick and North Merrick, Legislator
21 Gonsalves and I have always shared North
22 Merrick. Pre-2003, after 2003. The line in
23 Merrick between 19 and 13 was always right
24 at Camp Avenue which is about a third of
25 North Merrick in 19. North Merrick is a

1 Full Legislature/2-25-13
2 separate school district than Merrick. I
3 don't know if you knew that or not.

4 The point I'm saying is, you
5 would make Merrick, which you recognized was
6 a community of interest whole, and your
7 answer saying North Merrick is still split
8 evades my point.

9 MR. MORONEY: No, it does not.

10 LEGISLATOR DENENBERG: Yes, it
11 absolutely does.

12 MR. MORONEY: No, it does not.
13 You said Merrick together, you didn't --

14 LEGISLATOR DENENBERG: Get the
15 finger out of Merrick and Merrick would be a
16 whole community of interest and the only
17 thing that you would be doing is keeping
18 Merrick together and stop disfavoring a
19 Democratic incumbency which I suspect was
20 really your intention all along.

21 But to tell me that North Merrick
22 would still be split is not the issue.
23 Merrick would not be split then. And North
24 Merrick has always been split.

25 UNIDENTIFIED SPEAKER: I live in

1 Full Legislature/2-25-13
2 North Merrick. I don't live in Merrick. I
3 live in North Merrick.

4 LEGISLATOR DENENBERG: I don't
5 understand how you think you answered my
6 question by first saying it's a priority
7 because the only priority would be something
8 that I believe would be illegal going after
9 incumbency or purposely trying to divide
10 Merrick.

11 Then answering to say that I
12 would still have a problem because you still
13 split up North Merrick, I don't like that
14 you split up North Merrick, but,
15 unfortunately, has traditionally had a
16 border, Camp Avenue, which it still does,
17 between 19 and 13. It always has. Norma
18 and I have always shared North Merrick.

19 No one has ever shared Merrick,
20 except now you want to share it, I believe,
21 because you want myself and Joe Scannell to
22 be in the same district because that line
23 that you drew in Merrick around the finger,
24 strangely is two houses from my house.

25 Anyway, I don't think you

1 Full Legislature/2-25-13
2 answered it. I think all of us heard that
3 you didn't answer the question. So, telling
4 me about communities of interest and being
5 blind to incumbency shows that you weren't
6 either, and moreover, let me tell you, the
7 public knows.

8 If you were the commissioner of a
9 bipartisan commission, you should have led
10 by example. You had one goal in mind as far
11 as I'm concerned, and that was to deliver a
12 county that has a Democratic majority. You
13 wanted to deliver as many Republican
14 majority districts as you could.

15 You got 12 out of 19, and one of
16 them you want to keep by drawing a line
17 cutting me out by breaking up Merrick,
18 solely because you want to go after an
19 incumbent. Leave Merrick together. It
20 always has been. Thank you.

21 MR. MORONEY: Thank you.

22 CHAIRWOMAN GONSALVES: I'm going
23 to ask for a motion to close the hearing.

24 LEGISLATOR VENDITTO: So moved.

25 LEGISLATOR DUNNE: Second.

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2 CHAIRWOMAN GONSALVES: By
3 Legislator Venditto, seconded by Legislator
4 Dunne. All those in favor of closing the
5 hearing, signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The motion to close the hearing
10 is unanimous, and now, for what you all have
11 been waiting for out there, we're putting
12 this meeting in recess. The public has
13 asked on February 11th and today to be
14 heard, and that we should have time to
15 digest and assess the testimony that was
16 given at both meetings.

17 Therefore, at the discretion of
18 the chair, this meeting is in recess. And I
19 say good night all and safe home. You will
20 duly be notified.

21 (Whereupon, the Full Legislative
22 Committee recessed at 12:51 a.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 stated:

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 11th day of March, 2013.

FRANK GRAY