

1. 6-8-20 Items

Documents:

[ER 13-20 FOR ORD. 49-20.PDF](#)
[ER 14-20 FOR ORD. 50-20.PDF](#)
[ORD. 49-20.PDF](#)
[ORD. 50-20.PDF](#)

2. Meeting Minutes

Documents:

[FULL LEGISLATIVE SESSION, 06-08-20.PDF](#)

EMERGENCY RESOLUTION NO. 13 – 2020

AN EMERGENCY RESOLUTION DECLARING AN EMERGENCY FOR IMMEDIATE ACTION UPON AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE BOARD OF ELECTIONS (BAEL20000001).

WHEREAS, the Honorable Laura Curran, County Executive, has submitted to this County Legislature a written recommendation dated June 8, 2020, pursuant to the provisions of the County Government Law of Nassau County; and

WHEREAS, the said recommendation refers to an emergency resolution declaring an emergency for immediate action upon an ordinance supplemental to the annual appropriation ordinance in connection with the Board of Elections (BAEL20000001), and

WHEREAS, the said recommendation is that the County Legislature adopt a resolution declaring that an emergency exists in Nassau County the nature of which is to take immediate action upon the aforesaid resolutions; now, therefore be it

RESOLVED, that the County Legislature hereby declares that an emergency exists within Nassau County, the nature of which is to consider and to take immediate action upon the aforesaid resolutions before this Legislature.

EMERGENCY RESOLUTION NO. 14– 2020

AN EMERGENCY RESOLUTION DECLARING AN EMERGENCY FOR IMMEDIATE ACTION UPON AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE BOARD OF ELECTIONS (BAEL20000002).

WHEREAS, the Honorable Laura Curran, County Executive, has submitted to this County Legislature a written recommendation dated June 8, 2020, pursuant to the provisions of the County Government Law of Nassau County; and

WHEREAS, the said recommendation refers to an emergency resolution declaring an emergency for immediate action upon an ordinance supplemental to the annual appropriation ordinance in connection with the Board of Elections (BAEL20000002), and

WHEREAS, the said recommendation is that the County Legislature adopt a resolution declaring that an emergency exists in Nassau County the nature of which is to take immediate action upon the aforesaid resolutions; now, therefore be it

RESOLVED, that the County Legislature hereby declares that an emergency exists within Nassau County, the nature of which is to consider and to take immediate action upon the aforesaid resolutions before this Legislature.

ORDINANCE NO. 49-2020

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Board of Elections.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated June 1, 2020, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
1,996,434.34	New York State Board of Elections	GRT	EL	DD	1,996,434.34

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this

supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

ORDINANCE NO. 50 -2020

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Board of Elections.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated June 1, 2020, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
737,313.64	New York State Board of Elections	GRT	EL	DD	737,313.64

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this

supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

County Executive and Legislative Building
1550 Franklin Avenue
Mineola, New York

Monday, June 8, 2020
1:20 P.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

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12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

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20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

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23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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3 LEGISLATOR DEBRA MULE

4 5th Legislative District

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6 LEGISLATOR C. WILLIAM GAYLOR III

7 6th Legislative District

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9 LEGISLATOR VINCENT T. MUSCARELLA

10 8th Legislative District

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12 LEGISLATOR ELLEN BIRNBAUM

13 10th Legislative District

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15 LEGISLATOR DELIA DERIGGI-WHITTON

16 11th Legislative District

17

18 LEGISLATOR JAMES KENNEDY

19 12th Legislative District

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21 LEGISLATOR THOMAS MCKEVITT

22 13th Legislative District

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24 LEGISLATOR LAURA SCHAEFER

25 14th Legislative District

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3 LEGISLATOR JOHN FERRETTI, JR.

4 15th Legislative District

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6 LEGISLATOR ANDREW DRUCKER

7 16th Legislative District

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9 LEGISLATOR ROSE WALKER

10 17th Legislative District

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12 LEGISLATOR JOSHUA LAFAZAN

13 18th Legislative District

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15 LEGISLATOR STEVEN RHOADS

16 19th Legislative District

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18 MICHAEL PULITZER

19 Clerk of the Legislature

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1 Full 6-8-20

2 LEGISLATOR NICOLELLO: We are
3 good to go here, so I am going to call the
4 meeting of the legislature to order and ask
5 that Legislator Bynoe lead us in the Pledge of
6 Allegiance and please remain standing for a
7 moment of silence after that.

8 Let's we have a moment of silence
9 for George Floyd as well as the dozen of
10 others including ex-captain David Dorn from
11 the Saint Louis Police Department who lost
12 their lives in the unrest the last two weeks.
13 Thank you.

14 Call the roll for the legislative
15 meeting. Deputy Presiding Officer Kopel.

16 LEGISLATOR KOPEL: I'm here.

17 LEGISLATOR NICOLELLO: Legislator
18 Ford.

19 LEGISLATOR FORD: Here.

20 LEGISLATOR NICOLELLO: Legislator
21 Bynoe.

22 LEGISLATOR BYNOE: Here.

23 LEGISLATOR NICOLELLO: Legislator
24 Solages. Are you there Carrie? We'll come
25 back to him. Legislator Mule.

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2 LEGISLATOR MULE: Here.

3 LEGISLATOR NICOLELLO: Legislator

4 Gaylor.

5 LEGISLATOR GAYLOR: Here.

6 LEGISLATOR NICOLELLO: Legislator

7 Muscarella.

8 LEGISLATOR MUSCARELLA: Here.

9 LEGISLATOR NICOLELLO: Legislator

10 Birnbaum.

11 LEGISLATOR BIRNBAUM: Here.

12 LEGISLATOR NICOLELLO: Legislator

13 DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON:

15 Here.

16 LEGISLATOR NICOLELLO: Legislator

17 James Kennedy.

18 LEGISLATOR KENNEDY: Here.

19 LEGISLATOR NICOLELLO: Legislator

20 McKevitt.

21 LEGISLATOR MCKEVITT: Here.

22 LEGISLATOR NICOLELLO: Legislator

23 Schaefer.

24 LEGISLATOR SCHAEFER: Here.

25 LEGISLATOR NICOLELLO: Legislator

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2 Ferretti.

3 LEGISLATOR FERRETTI: Here.

4 LEGISLATOR NICOLELLO: Legislator

5 Drucker.

6 LEGISLATOR DRUCKER: Here.

7 LEGISLATOR NICOLELLO: Legislator

8 Walker.

9 LEGISLATOR WALKER: Here.

10 LEGISLATOR NICOLELLO: Legislator

11 Lafazan.

12 LEGISLATOR LAFAZAN: Here.

13 LEGISLATOR NICOLELLO:

14 LEGISLATOR RHOADS: Present.

15 LEGISLATOR NICOLELLO: Minority

16 Leader Abrahams.

17 LEGISLATOR ABRAHAMS: Here.

18 LEGISLATOR NICOLELLO: I'm here.

19 Legislator Solages are you there?

20 LEGISLATOR SOLAGES: I'm here.

21 LEGISLATOR NICOLELLO: All 19 of

22 us are here and present for the meeting.

23 We have an emergency agenda.

24 Before we do that I'm going to note for the

25 record that we have one email public comment

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2 from Meta J. Mereday. Been provided to the
3 clerk's office. It will be made a part of the
4 record for the meeting today.

5 We have an emergency agenda of two
6 items. We are going to need an emergency with
7 respect to items 142 and 143. Both of which
8 are ordinances supplemental to the annual
9 appropriation ordinance in connection with the
10 board of elections. Motion to establish the
11 emergency by Legislator Schaefer. Seconded by
12 Legislator Walker. All in favor of the
13 emergency signify by saying aye. Those
14 opposed? Carries unanimously.

15 I'm going to call the items. 142
16 and 143 are both ordinances supplemental to
17 the annual appropriation ordinance in
18 connection with the board of elections.

19 Moved by Legislator Ford. Seconded
20 by Legislator DeRiggi-Whitton. That item is
21 before us. Do we have a speaker on this?

22 MR. NEDELKA: Larry Nedelka from
23 the board of elections. This is a
24 reimbursable grant from the state of New York
25 that they got from funding out of Washington

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2 D.C. The share to the county and state was
3 \$1,996,434. It's to be used for COVID-related
4 expenses. In other words, for the election
5 coming up on June 23rd and the early voting
6 preceding that, these dollars are to help us
7 with out-of-the-ordinary expenses. For
8 example, we had to do an absentee ballot
9 mailing program to all eligible voters in an
10 effort to try and get people the right to vote
11 without necessarily subjected them to going
12 out in public. So it's expenses that we would
13 not normally have had in an election that the
14 state is reimbursing. But because it's
15 reimbursable we have to ask you to loan us the
16 money until we can do it.

17 This grant has a short life. It
18 runs to about the middle of November. So the
19 claims should be in fairly quickly and the
20 money will be back to the county within a
21 couple of months.

22 LEGISLATOR NICOLELLO: Any
23 questions?

24 LEGISLATOR FORD: With the
25 primary election coming up what the cost is,

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2 the \$1.9 million, with COVID related it has
3 nothing to do with PPE because there will be
4 no polling places open, is that what you're
5 saying?

6 MR. NEDELKA: No. We have early
7 voting starting on Saturday and we have a
8 consolidated number of polling places because
9 people have contacted the board that they do
10 wish to vote in public. For example, to have
11 the polling places open, we are required by
12 executive order and the state board of
13 elections regulations to sanitize all of our
14 polling places. That's approximately \$265,000
15 using the county's vendor for sanitizing
16 buildings.

17 The PPEs that we are purchasing are
18 basically masks and gloves. We are buying
19 them for the poll workers who have to sit
20 there during the day to sign people in. We
21 use them for the staff. They are taking in
22 thousands and thousands of envelopes a day and
23 we don't have necessarily the massive
24 equipment necessary to sanitize the
25 envelopes. So we are doing everything we

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2 can.

3 Now, some of the disinfectant we
4 are getting for the poll sites we are getting
5 from the state through OEM. Some other
6 materials that we can we're getting from the
7 county. But we're talking, for example, on
8 primary day 30,000 pair of gloves. The county
9 only gets so much from the state. We have the
10 money coming in from the state to cover
11 COVID-related expenses such as this is. So,
12 we can buy our own gloves and masks and keep
13 the masks that the county gets for their first
14 responders and people in the hospitals. It's
15 a big load.

16 LEGISLATOR FORD: So this money
17 also will this also cover for the general
18 election as well?

19 MR. NEDELKA: This money will
20 cover all expenses for the general election
21 such as what's left over after the primary.
22 For example, we bought -- since we don't know
23 how many people will show up to vote on
24 primary day, we buy for what we estimate it
25 could be. If we don't go through anywhere

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2 near the number of gloves and masks that are
3 available for the primary, those will be
4 locked away and used for November.

5 LEGISLATOR FORD: What do you do
6 with the extra money? Because when you say
7 that like to sanitize the polling places it
8 would be like say \$400,000 to do the polling
9 places, right? To sanitize them. And then if
10 there's maybe 30,000 masks or even 100,000
11 masks that might end up like bumping us --
12 like say if you're going to be generous it
13 would be a million dollars. You can very well
14 have extra money after this. What do you do
15 with the extra money? Do you give it back to
16 New York State or are you allowed to
17 reallocate it to other expenses?

18 MR. NEDELKA: Let me put it to
19 you this way, I can tell unequivocally, there
20 will not be a single penny left of this
21 money. Because the absentee ballot program
22 alone is costing us close to \$1.4 million
23 between printing and postage.

24 LEGISLATOR FORD: So the actual
25 absentee ballots, the whole program, will be

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2 covered under this?

3 MR. NEDELKA: Correct. Even
4 though we normally have an absentee ballot
5 vote for a primary or general election, we
6 have never been compelled to mail it out.
7 But, not only do we have to pay the postage to
8 send it out, we have to pay the business reply
9 for it to come back because to force somebody
10 to put a stamp on it could be construed if
11 they can't get to the post office or have a
12 stamp as disenfranchisement. They can't get
13 their ballot in the mail.

14 So we have to pay for all the
15 ballot applications to go out, the ballot
16 applications that come back and then the
17 ballots themselves.

18 We've taken measures to try and
19 save money in the same process. Back in the
20 beginning of the year, I worked with the
21 postal service to get the board of elections
22 nonprofit mailing status for certain things.
23 So when we mailed out the absentee ballot
24 applications we saved \$93,000 on postage.
25 That \$93,000 isn't like hey, here's a pile of

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2 money, let's go have a good lunch. It's
3 \$93,000 to offset the business replay mail
4 coming in.

5 But I fixed it with the post office
6 to get a different status on that. Instead of
7 paying a buck forty for every envelope that
8 comes back we pay 80 cents. We are trying to
9 squeeze 50 cents out a nickel where we
10 normally try to squeeze a quarter. And the
11 fact that this money comes from the state
12 helps us get our job done and helps the county
13 where they don't see the hit on the operating
14 budget. In the mean time, you just have to
15 give us the front money to take care of this.

16 LEGISLATOR FORD: Thank you for
17 the clarification. I really appreciate it.

18 LEGISLATOR NICOLELLO: I have one
19 quick question to follow-up. You were
20 mentioning the absentee ballots being mailed
21 to all voters. I have heard of incidents in
22 which the homeowners are getting multiple
23 mailings because there were people who lived
24 in the house previously who are still on the
25 roll. Are you getting more than the usual

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2 response in terms of people saying you should
3 do this to correct the rolls?

4 MR. NEDELKA: I do the fiscal
5 side. So I can get you the answer on the
6 election side. There's always going to be
7 that. We send out a million mail check cards
8 every year. You get them yourselves. They
9 tell you where you vote and that you're
10 registered and give your information.

11 The problem that we have is any
12 organization that would have a big mailing
13 list would have is if people don't tell us
14 they don't live there anymore we have no way
15 of knowing to take them off the rolls. You
16 sell your house and you move and you go thank
17 God I'm now in Florida but you don't tell the
18 board of elections you're going to keep
19 getting mail until somebody as the new
20 resident tells us to take them off.

21 LEGISLATOR NICOLELLO: Thank
22 you. Legislator Rhoads.

23 LEGISLATOR RHOADS: I was under
24 the impression if someone didn't cast a ballot
25 within five years they were automatically

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2 dropped from the rolls, is that not the case?

3 MR. NEDELKA: I can get you a
4 clarification. What we don't do is --

5 LEGISLATOR RHOADS: Other
6 legislators are shaking their heads no.

7 MR. NEDELKA: We don't purge the
8 list. After a certain period of time they go
9 on what's called an inactive list. For
10 example, if you don't vote in five years,
11 maybe your kid went away to college, he comes
12 back and now he votes, he's still on the roll
13 as an active and when he goes to the polling
14 place he uses what's called an affidavit
15 ballot. Fills out an envelope with his
16 information, it gets verified, he's there,
17 boom, he's reactivated.

18 LEGISLATOR RHOADS: I'm just a
19 little concerned with mailing actual ballots
20 out. Especially when there's been no response
21 from an actual voter. Only because I've
22 gotten phone calls in the office -- a
23 gentleman called me actually over the weekend
24 that he received ballots for the previous
25 owner of the house that passed away in 2009

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2 and wanted to know what to do.

3 MR. NEDELKA: What the previous
4 owner would have gotten would have been the
5 mailing for the absentee ballot application.
6 It would not have been the ballot. We are
7 only sending ballots out to those people who
8 are returning an application. And then we
9 have bipartisan teams that actually stop to go
10 through the computer, make sure the people who
11 are sending them in are eligible to vote in
12 any one of the primaries that are taking
13 place.

14 We're just not carte blanche
15 mailing out ballots to everybody. They have
16 to apply for it under the temporary COVID
17 reason, and then we mail out the ballot to
18 them and then they have the right to send it
19 in or just change their mind and come and
20 vote. As you know, some people will send an
21 absentee ballot in and then change their mind
22 and come and vote which overrides the paper
23 ballot.

24 LEGISLATOR RHOADS: Thanks for
25 the answer. I appreciate it.

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2 LEGISLATOR NICOLELLO: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON:
5 Larry, I'm very sorry for your losses. I just
6 had some other questions. Is this money going
7 to be able to cover the partitions that we're
8 going to need for the board of elections for
9 social distancing and all?

10 MR. NEDELKA: At the board? I
11 have to tell you that this county should be
12 proud of the fact that they have one of the
13 best DPW departments around. They have, under
14 their own operating guidelines, they've been
15 able to give us some of these partitions.
16 We've purchased partitions for election day.
17 So even with a mask somebody could -- the
18 barrier is there to protect the voter and the
19 election worker that much more than just a
20 simple mask would do. Whenever we can get the
21 material covered under other sources that's
22 been done.

23 LEGISLATOR DERIGGI-WHITTON:
24 That's for the election day or primary day.

25 MR. NEDELKA: That's in our

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2 offices for every day because they're all
3 working in cubicles and they're doing the best
4 of observing the social distancing. This is a
5 layer of protection for them. At the polling
6 place itself we're using some plastic
7 barriers. But those are portable and they can
8 be taken down and sanitized and used for other
9 elections and that's coming out of the grant.

10 LEGISLATOR DERIGGI-WHITTON:

11 Thank you.

12 LEGISLATOR NICOLELLO: Anyone
13 else? Thank you Larry. All in favor of these
14 items signify by saying aye. Those opposed?
15 Carries unanimously.

16 Actually, we are going to put the
17 meeting in recess in the event that we do have
18 to come back. Nothing is planned as of now
19 but our next meeting is in three weeks. So in
20 the event we have business to do before then
21 we will have the meeting in recess. We will
22 not have to call another meeting.

23 (Meeting was recessed at 1:35 p.m.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of
June 2020

FRANK GRAY