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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, February 27, 2017
5:23 P.M

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

NORMA GONSALVES,
Chairwoman

RICHARD NICOLELLO, (substituted by
Vice Chairman Legislator Muscarella)

HOWARD KOPEL

DENNIS DUNNE

KEVAN ABRAHAMS,
Ranking

DELIA DERIGGI-WHITTON

CARRIE SOLAGES

MICHAEL C. PULITZER,
Clerk of the Legislature

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LIST OF SPEAKERS

STEVEN CORTE	5
LIEUTENANT GREG STEPHANOFF	7
INSPECTOR TORRES	8
GERALD PODLESACK	10
BRIAN HALL	12
ROBERT CLEARY	18
JOHN BUDNICK	21
SAM LITTMAN	30
JUDGE JOHN MARKS	36

1 Rules Committee/2-27-17

2 CHAIRWOMAN GONSALVES: The Rules
3 Committee is now in session. I'll call the
4 roll. Substituting for Legislator Nicoletto
5 will be Legislator Muscarella. Legislator
6 Muscarella?

7 LEGISLATOR MUSCARELLA: Present.

8 CHAIRWOMAN GONSALVES: Legislator
9 Dennis Dunne?

10 LEGISLATOR DUNNE: Here.

11 CHAIRWOMAN GONSALVES: Legislator
12 Howard Kopel?

13 LEGISLATOR KOPEL: Here.

14 CHAIRWOMAN GONSALVES: Ranking
15 Member Kevan Abrahams?

16 LEGISLATOR ABRAHAMS: Here.

17 CHAIRWOMAN GONSALVES: Legislator
18 DeRiggi-Whitton?

19 LEGISLATOR DERIGGI-WHITTON:
20 Here.

21 CHAIRWOMAN GONSALVES: Carrie
22 Solages?

23 (No verbal response.)

24 CHAIRWOMAN GONSALVES: And I'm
25 here, Norma Gonsalves. And, Mr. Clerk,

1 Rules Committee/2-27-17

2 Siela Bynoe is substituting for Mr. Solages.

3 We have a number of contracts
4 before us. Let's see how quickly we can get
5 through them.

6 We begin with A-1-17, is a
7 resolution authorizing the Director of
8 Nassau County Office of Purchasing to award
9 and execute a contract within the County of
10 Nassau acting on behalf of the Nassau County
11 Department of Assessment and Pitney Bowes,
12 Incorporated.

13 Motion, please.

14 LEGISLATOR KOPEL: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Kopel, seconded by Legislator
18 Muscarella.

19 MR. CORTE: Thank you. Steven
20 Corte, Department of Assessment.

21 The request that you have before
22 you is for us to lease an identical machine
23 that we have right now with the lease
24 agreement which will be expiring in March.
25 It's a Pitney Bowes machine. It folds and

1 Rules Committee/2-27-17

2 inserts mailings that we do for various
3 departments including our own.

4 Like I said, the lease is about
5 to end, but we've run over 2 million copies
6 through this machine so it's pretty much
7 worn at this point.

8 The new contract is for another
9 five years and it's approximately \$2,200
10 less during that five year period than what
11 we're currently paying.

12 CHAIRWOMAN GONSALVES: Any
13 questions of Mr. Corte?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of Contract A-1-17 signify by saying
19 aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The item passes four to three.

24 The next one is A-5-17, is a
25 resolution authorizing the Director of

1 Rules Committee/2-27-17

2 Nassau County, Office of Purchasing to award
3 and execute a contract within the County of
4 Nassau acting on behalf of the Nassau County
5 Police Department and Electronic Interface
6 Associates.

7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR KOPEL: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Kopel. Lieutenant.

13 LIEUTENANT STEPHANOFF: Good
14 afternoon. Lieutenant Greg Stephanoff. I
15 have Inspector Torres with me for any
16 questions as well.

17 Item A-5-17, is to authorize and
18 award a purchase order for a security system
19 for the Fourth Precinct, the new building.

20 The solicitation was advertised
21 in Newsday and posted on the Nassau County
22 bid solicitation board. 72 vendors were
23 notified. Three bids were received and it
24 was awarded to the lowest bidder, Electronic
25 Interface Associates. The cost is

1 Rules Committee/2-27-17

2 \$188,847.81 being funded by capital.

3 CHAIRWOMAN GONSALVES: Any
4 questions or comments?

5 LEGISLATOR DUNNE: Just real
6 quick. Have we used them before?

7 LIEUTENANT STEPHANOFF: No. They
8 were the lowest bidder.

9 LEGISLATOR DUNNE: Has anybody
10 else used them, any other municipality?

11 MR. TORRES: Yes, we're familiar
12 with their work. We haven't had an
13 opportunity to work with them and they
14 happen to be the lowest bidder on this case.
15 We vetted them out and we're fine with it.

16 LEGISLATOR DUNNE: You're
17 satisfied. Thank you. That's all I need.

18 CHAIRWOMAN GONSALVES: Legislator
19 Kopel.

20 LEGISLATOR KOPEL: Good
21 afternoon. Was this not part of the
22 original specifications for the building?
23 In other words, was it not included in the
24 original funding?

25 MR. TORRES: Correct. This was

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2 part of the police department's
3 responsibility to provide access control and
4 security to the new facility.

5 LEGISLATOR KOPEL: What I'm
6 saying is, when we authorize funding for the
7 construction of the facility, nobody
8 included a security system?

9 MR. TORRES: Well, it wasn't part
10 of the HUD funding for the building, no,
11 sir. It's part of the capital funding.

12 LEGISLATOR KOPEL: And did we not
13 have a capital item back then for
14 construction?

15 MR. TORRES: We do. It falls
16 under the same capital project as we did the
17 First Precinct and the Eighth Precinct, so
18 on the same project.

19 LEGISLATOR KOPEL: Okay.

20 CHAIRWOMAN GONSALVES: Any other
21 questions or comments?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/2-27-17

2 favor of Item A-5-17 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 The item passes four to three.

7 Next item is E-29-17, a

8 resolution to execute an amendment to a

9 personal services agreement between the

10 County of Nassau acting on behalf of the

11 Nassau County Attorney's Office and Lynn,

12 Gartner, Dunne & Covello, L.L.P.

13 Motion, please.

14 LEGISLATOR KOPEL: So moved.

15 LEGISLATOR DUNNE: Second.

16 CHAIRWOMAN GONSALVES: Moved by

17 Legislator Kopel, seconded by Legislator

18 Dunne. Mr. Podlesak.

19 MR. PODLESAK: Hi. This is the

20 third amendment to a contract for services

21 with this firm as outside counsel in various

22 areas of the law that they have been

23 determined to be qualified.

24 The current contract expires on

25 April 15th, 2017. This amendment is to

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2 renew the contract for one additional year,
3 that is to April 15th of 2018, and to
4 increase the maximum amount of the contract
5 by \$200,000.

6 The firm represents the county in
7 several active matters including appeals and
8 is currently assisting the Comptroller's
9 Office in a matter involving the Town of
10 Hempstead IDA.

11 CHAIRWOMAN GONSALVES: Any
12 questions or comments of Mr. Podlesak?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of E-29 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (Nay.)

21 The item passes four to three.

22 The next item is E-31-17, a
23 personal services agreement between the
24 County of Nassau acting on behalf of the
25 Nassau County Department of Human Services

1 Rules Committee/2-27-17

2 Office of Mental Health, Chemical Dependency
3 and Developmental Disability Services, Fiona
4 A. Radcliffe, PhD.

5 A motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Kopel. Who is here to speak on this item?

11 MR. HALL: Good evening. Brian
12 Hall, Human Services. This is a personal
13 service contract with Feona Radcliffe to
14 perform mental health evaluations and court
15 testimony for human services.

16 She was picked from 13
17 applicants. She has extensive experience in
18 this field. We ran the RFP ad through
19 8-22-16 through 12-9 and this is a mandated
20 court order service from the state and is 50
21 percent reimbursable by New York State.

22 CHAIRWOMAN GONSALVES: Yes,
23 Legislator DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON: I'm
25 just going back to our questions regarding

1 Rules Committee/2-27-17

2 the terms, the dates for the contract.

3 MR. HALL: Yes. I can tell that
4 you this contract was for one, it's for
5 2017, 1-1 through --

6 LEGISLATOR DERIGGI-WHITTON: The
7 dates are wrong. Because I was thinking
8 that maybe you have the dates wrong.

9 MR. HALL: Well, what I have on
10 here, it's from 1-1-17 to 12-31 -- well,
11 actually it's a three year contract. This
12 is the first of the three years.

13 LEGISLATOR DERIGGI-WHITTON: Hold
14 on. Maybe it's just my backup. But I have
15 January 1, 2016 to December 31st.

16 MR. HALL: Which contract do you
17 have in front of you?

18 LEGISLATOR DERIGGI-WHITTON: Are
19 we going back to January 1st, 2016 right
20 now?

21 MR. HALL: There's two of them
22 here. E-31 and E-32. E-31 is 2017.

23 CHAIRWOMAN GONSALVES: Are you
24 finished, Legislator DeRiggi-Whitton?

25 LEGISLATOR DERIGGI-WHITTON: You

1 Rules Committee/2-27-17

2 know what, I will ask when it's the next
3 contract.

4 CHAIRWOMAN GONSALVES: Legislator
5 Kopel.

6 LEGISLATOR KOPEL: This is one of
7 those late contracts again I see.

8 MR. HALL: Well, this is a
9 January contract.

10 LEGISLATOR KOPEL: And we are in
11 March after tomorrow.

12 MR. HALL: Right. Well, we sent
13 the contract out on 12-14. It was returned
14 by the department on 1-11 and we had it out
15 of the department on 1-23. We could not
16 start the process until the budget was
17 loaded. It was another one of those
18 situations where we weren't physically
19 capable of putting the contract into the
20 system.

21 LEGISLATOR KOPEL: Are you saying
22 that basically this is just going to keep on
23 happening. There is nothing that we can do
24 about it?

25 MR. HALL: I don't want to say

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2 that.

3 LEGISLATOR KOPEL: Well, I'm
4 asking the question.

5 MR. BECKER: Legislator Kopel,
6 may I say that this is a problem and,
7 together with Mr. Cleary, he's working on
8 this, as he expressed last time, if you want
9 to get more information.

10 But one of the possible solutions
11 that's been mentioned is perhaps -- and we
12 actually tried to do it this year, but we
13 weren't able to do it with the new
14 disclosure forms and many of the various
15 different vendors were getting kicked back
16 or had to be fixed or changed, but the
17 thought is to somehow have these contracts
18 prepared in advance so that in fact when the
19 budget is approved and they're entered, the
20 contracts are ready to go out, but just kind
21 of being a little premature.

22 LEGISLATOR KOPEL: Fran, by the
23 way, I think that's a terrific idea. The
24 fact that you haven't had all of the
25 necessary sign-offs by every department, I

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2 should think should not necessarily preclude
3 us from considering it, if that's what
4 you're saying.

5 MR. BECKER: By the way, I just
6 note that this is not on the list that we
7 got contracts that are late. I just saw it
8 a minute ago.

9 MR. BECKER: The list we knew was
10 not complete. It's in the process of
11 there's still things that we're still
12 looking --

13 LEGISLATOR ABRAHAMS: Can we get
14 a copy of that list?

15 LEGISLATOR KOPEL: I didn't get
16 it either. I just learned about it.

17 MR. BECKER: Legislator Kopel, as
18 I said, we are looking at this and one of
19 the things that was being suggested is what
20 I just mentioned to you and Mr. Cleary is
21 focusing a lot of his time on this
22 particular problem and some solutions and we
23 just ask for your patience as we move
24 forward.

25 LEGISLATOR KOPEL: I get it and I

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2 think most of us get it here that we just
3 can't precipitously start saying no to
4 everything because that would be chaotic.
5 It would literally throw everything into
6 chaos. We can't do that.

7 But we do need to see that there
8 is genuine progress being made and there is
9 a real honest-to-goodness solution coming
10 soon.

11 MR. BECKER: I agree with you 100
12 percent and you are entitled to that. But,
13 myself, as Director of Legislature Affairs,
14 and Mr. Cleary are really working hard on
15 this and I personally started in August, and
16 I was a little bit blind sided by this.

17 But part of the solution too is,
18 as you just mentioned, a lot of these
19 contracts in many cases are renewals or
20 continuals and there is no reason why we
21 can't have the contracts prepared in advance
22 in anticipation of the budget.

23 Barring something unusual in the
24 budget, let's not approve these, which 99
25 percent chance that they're going to be

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2 approved by this body anyway because they
3 are required services, but we are taking
4 this very seriously.

5 LEGISLATOR KOPEL: Fran, if you
6 are personally involved, I'm feeling better
7 already.

8 MR. BECKER: I am, actually,
9 thank you, Legislator Kopel.

10 CHAIRWOMAN GONSALVES: Would you
11 like to add to it, Mr. Cleary?

12 MR. CLEARY: Yes, please.

13 CHAIRWOMAN GONSALVES: Thank you
14 for the list. I printed it out today and I
15 just gave a copy to the Minority Leader.

16 MR. CLEARY: Thank you. Robert
17 Cleary, Director of Procurement Compliance.
18 I just wanted to add that, yes, mandated
19 services from social services were not
20 included on that list. They're a separate
21 category.

22 The short answer really is that
23 this is a complicated problem. There is a
24 lot of different types of issues that we
25 have here and we want to handle them in an

1 Rules Committee/2-27-17

2 orderly fashion.

3 I'm working on some thoughts
4 about what our strategy will be I would say
5 over the next week or two. Hopefully we'll
6 be meeting with people next week.

7 As I said before, it's a
8 significant issue. It's going to take time
9 to dig out. I think if we all get on the
10 same page as to how we are addressing the
11 issue you'll see that progress.

12 The fact that you have a list now
13 is progress, frankly, and the departments
14 are getting the message increasingly that
15 they have to stop doing this.

16 LEGISLATOR KOPEL: Are you going
17 to include us in the process as you go?

18 MR. CLEARY: Yes. That is the
19 intent.

20 LEGISLATOR KOPEL: Thank you.

21 CHAIRWOMAN GONSALVES: I believe
22 Mr. Cleary, I sent you another email today,
23 asking whether or not there is a possibility
24 to determine a common denominator for why
25 these contracts have been delayed?

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2 MR. CLEARY: Yes, you did. As I
3 said, we are reviewing that over the course
4 of this week. Hopefully meeting with
5 someone next week, your staff or yourself,
6 to discuss where we might be able to go in
7 that regard.

8 As I said, there are a number of
9 different issues affecting the issue. We
10 want to categorize it in a way that we can
11 address it in as broad as possible a way as
12 is available.

13 CHAIRWOMAN GONSALVES: I did ask
14 if there was a possibility of establishing a
15 timeline. I think at this point in time
16 it's not an easy task, is it?

17 MR. CLEARY: Well, I think a
18 timeline comes after you figured out what
19 the how scope of the problem is and how to
20 address it and the timeline will apply to
21 the individual contracts on the list.

22 CHAIRWOMAN GONSALVES: That
23 sounds reasonable. Thank you very much, Mr.
24 Cleary.

25 MR. CLEARY: Thank you.

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2 CHAIRWOMAN GONSALVES: Any other
3 questions?

4 (No verbal response.)

5 Any public comment?

6 Mr. Budnick.

7 MR. BUDNICK: I'm going to move
8 the focus by talking about something that
9 should be coming through to you from this
10 agency, hasn't been, we're still having
11 hundreds over the last about nine years,
12 thousands of people dying from drug
13 overdoses, other thousands dying from
14 suicides because there is no place for them
15 to go in-patient for long term care for
16 their drug problems.

17 Nobody ever replaced Topic
18 House. Thank you very much, and one other
19 thing I have to also add, despite what
20 Newsday says in today's editorial, nothing
21 is in the ground yet to extract from the
22 ground, the Grumman Navy plumes which are
23 now going into their 75th year and we must
24 coerce them to do the right thing.

25 Thank you very much for putting

1 Rules Committee/2-27-17

2 up with me. God bless you.

3 CHAIRWOMAN GONSALVES: All those
4 in favor of E-31-17 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (Nay.)

8 The item passes four to three.

9 Item E-32, a personal services
10 agreement between the County of Nassau
11 acting on behalf of the Nassau County
12 Department of Human Services Office of
13 Mental Health, Chemical Dependency, and
14 Developmental Disability Services and South
15 Nassau Community Hospital.

16 A motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR KOPEL: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Kopel. Who is here to speak on this item,
22 E-32?

23 MR. HALL: I'm here. Brian Hall.
24 This is a contract from South Nassau
25 Community Hospital to run one of our mental

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2 health clinic centers.

3 This is a 2016 contract that's
4 obviously been completed already. This
5 contract was given out in 2016 to South
6 Nassau. It was originally done by two other
7 entities, the mental health clinics. Those
8 clinics both went out. They no longer took
9 it. South Nassau picked up taking over the
10 clinics. It was okayed by New York State
11 Office of Mental Health.

12 The contract was sent out. It's
13 50 percent state money, 50 percent county
14 money. They were late in getting back to us
15 the signed contract and the forms.

16 Part of the problem with this was
17 New York State gives us the advanced money
18 up front for these contracts, so we had to
19 honor the contract and also most of this
20 clinic work was done for the Long Beach area
21 since there were no longer any mental health
22 clinics in there, so we couldn't have any
23 interruption in services.

24 They did perform the services
25 they were supposed to perform. It just took

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2 this long to get the contract back and put
3 it all the way through.

4 CHAIRWOMAN GONSALVES: Any
5 questions?

6 LEGISLATOR DERIGGI-WHITTON:
7 Well, obviously this is another contract
8 that has already expired and it's not on
9 this list either.

10 MR. HALL: These are mandated
11 services. I believe he said mandated
12 services weren't on the list.

13 LEGISLATOR DERIGGI-WHITTON: That
14 should be even so that we know that they're
15 coming so we should have them ahead of time.

16 I just have a couple of
17 questions. It states in the contract that
18 all of the services provided by counsel
19 under the agreement shall be provided by
20 Attorney Steven G. Leventhal; is that
21 correct?

22 MR. HALL: It's 32.

23 LEGISLATOR DERIGGI-WHITTON: I'm
24 sorry. I have the wrong one. I got it.

25 With this one, how is the

1 Rules Committee/2-27-17

2 Legislature going to be notified if the
3 contract is renewed -- if it goes from
4 January 1st, 2016 to December 31st 2016? So
5 is it going to be renewed at this point or
6 is this completely --

7 MR. HALL: No. They are going to
8 be getting a 2017 contract.

9 LEGISLATOR DERIGGI-WHITTON: When
10 are we going to be getting the 2017
11 contract?

12 MR. HALL: Part of the problem
13 is, so many of these large entities,
14 including the hospitals are a little slow in
15 getting the contracts back to us. We really
16 at this point, we're doing our best to get a
17 signed contract back, but we can't start
18 processing anything until we get the signed
19 contract back.

20 So if the hospital, for instance,
21 is a little slow getting it back to us, we
22 make calls, we follow-up emails, we go after
23 them because we know there is a going to be
24 a problem with the Legislature, but it
25 doesn't always work.

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2 LEGISLATOR DERIGGI-WHITTON: So
3 this is like a prime example of one that
4 we're fully aware of right now or we're
5 basically -- you know, it's up, and we still
6 don't have the new contract yet. So maybe
7 we can make extra efforts --

8 MR. HALL: Right. So this one
9 also is a delay on their end. This isn't
10 our holding anything back or waiting for
11 anything.

12 And we have already received the
13 advance money from New York State Office Of
14 Mental Health so we are kind of bound to
15 give out this contract and they are
16 performing the mandated services.

17 LEGISLATOR DERIGGI-WHITTON: I
18 know, but it's sort of going along without a
19 contract which is basically says why do we
20 need a contract and why do we need to
21 approve it, which goes against our whole
22 policy. That's it. Thank you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Dunne.

25 LEGISLATOR DUNNE: Just a

1 Rules Committee/2-27-17

2 thought. A lot of men and women are coming
3 home from the war. They have post traumatic
4 stress, self medicating, they're having
5 mental health problems. Do they get
6 included in these -- I know they have a
7 veterans court. Is this part of the
8 veterans court where they send them to?

9 MR. HALL: I'm not 100 percent
10 sure. I have to get back to you on that. I
11 do know that the state gives us \$50,000 for
12 seven different mental health clinics
13 throughout Nassau. They are actually
14 covering two of them, this contract.

15 I don't know exactly what
16 clientele they have in there, but they are
17 providing the mental health counseling.

18 LEGISLATOR DUNNE: If these seven
19 places are plugged into the veterans court,
20 that's an important --

21 MR. HALL: I would imagine they
22 are, yes.

23 LEGISLATOR DUNNE: Just make
24 sure.

25 MR. HALL: Okay.

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2 LEGISLATOR DUNNE: Thank you.

3 CHAIRWOMAN GONSALVES: Legislator
4 Bynoe.

5 LEGISLATOR BYNOE: Thank you,
6 Presiding Officer. Good evening. I have a
7 question regarding the bid process. There
8 was no competitive bid on this item. Could
9 you shed some light on exactly why?

10 MR. HALL: The only information I
11 have on here was they were selected by a
12 competitive procurement process. I don't
13 think it was an RFP. I think it was the
14 department was siding who could step in and
15 provide these mandated services.

16 You have to remember, in 2016,
17 one of the agencies went bankrupt that was
18 doing it and another agency pulled out, and
19 we didn't have a lot of time to pick another
20 agency and since South Nassau fit all the
21 requirements we were looking for, they were
22 picked by the department.

23 LEGISLATOR BYNOE: Again, these
24 services are specifically for the residents
25 of the Long Beach area; is that correct?

1 Rules Committee/2-27-17

2 MR. HALL: Not exactly just for
3 the Long Beach but there were no clinics in
4 that area, so they wanted to get this one in
5 there because it's in Oceanside. That's one
6 of the reasons they were picked.

7 LEGISLATOR BYNOE: Because of
8 proximity?

9 MR. HALL: Right. And, again,
10 because it was mandated services, we
11 couldn't have an interruption, and they more
12 or less fit the bill so they were picked.

13 LEGISLATOR BYNOE: Okay. Thank
14 you for your answer.

15 CHAIRWOMAN GONSALVES: Any public
16 comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of E-32-17 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The item passes four to three.

24 Item E-36-17, a personal services
25 agreement between the County of Nassau

1 Rules Committee/2-27-17
2 acting on behalf of the Nassau County
3 Attorney's Office and Leventhal Mullaney &
4 Blinkoff, L.L.P.

5 A motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Kopel. Who is here to speak on this item?

11 MR. LITTMAN: Sam Littman for the
12 County Attorney's Office. Good evening
13 everybody. This is an amendment to extend
14 the term of an existing contract.

15 Mr. Leventhal's firm serves as
16 counsel to the Board of Ethics. Any
17 questions?

18 CHAIRWOMAN GONSALVES: Any
19 questions? Minority Leader Kevan.

20 LEGISLATOR ABRAHAMS: Just for
21 the record, do you know when this contract
22 commenced?

23 MR. LITTMAN: The exact
24 commencement date?

25 LEGISLATOR ABRAHAMS: No, no.

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2 The renewal. It keeps getting renewed on
3 one year terms?

4 MR. LITTMAN: Yes, this is a one
5 year term to January 31st of 2018.

6 LEGISLATOR ABRAHAMS: So for this
7 period it began in January of 2017?

8 MR. LITTMAN: No. It began in
9 2016. This is an amendment to the contract
10 to extend it a year. When the contract
11 expired there was work done, they were
12 counsel to the Board of Ethics. We couldn't
13 pull the plug on them at that time.

14 There were procedural aspects
15 that needed to be taken care of in terms of
16 the budget, and other paperwork, so there
17 was a minimal amount of work that was done
18 but it did not exceed the monetary amount
19 that was already in the contract.

20 LEGISLATOR ABRAHAMS: So this
21 contract should have been renewed in January
22 2016, or prior to January 2016?

23 MR. LITTMAN: If everything was
24 done, that's correct, legislators. If
25 everything was done without the procedural

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2 aspects that needed to be taken care of, it
3 could have been before this Legislature back
4 in, yes, a few months ago.

5 LEGISLATOR ABRAHAMS: I'm just
6 trying to make sure that I'm clear then. So
7 how much work have they done in the last 13
8 months without a contract?

9 MR. LITTMAN: I think the number
10 is about \$11,000 as serving as counsel to
11 the Board of Ethics. They also do some
12 advisory work with the County Attorney's
13 Office where we need an objective eye to
14 look at some possible and potential
15 conflicts.

16 LEGISLATOR ABRAHAMS: Okay. And
17 speaking to the actual agreement,
18 Mr. Leventhal is still the exclusive
19 provider of the legal services under this
20 contract?

21 MR. LITTMAN: His firm, yes.

22 LEGISLATOR ABRAHAMS: His firm,
23 is it him, per se?

24 MR. LITTMAN: Well, every time
25 I've dealt with his firm, I've dealt with

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2 Mr. Leventhal. I believe he is acting as
3 the counsel to the Board of Ethics. I don't
4 know who he consults with in his firm.

5 LEGISLATOR ABRAHAMS: Can you
6 give us examples of his general legal advice
7 or assistance?

8 MR. LITTMAN: Sure. We have a
9 pending case where the county is named and
10 then several police officers are also named.

11 One of the police officers is
12 actually prosecuted by the District
13 Attorney. He was acquitted. However, he
14 had issues with one firm representing all
15 three police officers and the county.

16 We sought Mr. Leventhal's advice
17 on if that was a conflict or not. Obviously
18 having one counsel represent all four
19 entities would have saved the county money.

20 However, if it's a legitimate
21 conflict, which, in this case, Mr. Leventhal
22 thought it was, he recommended and he
23 advised that we seek outside counsel to
24 represent that one particular officer.
25 That's just an example of some of the things

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2 that the firm does.

3 Sometimes, Legislator Abrahams,
4 you need to have that objective voice
5 because internally if we're thinking we are
6 saving money for the county, we might not be
7 seeing all the potential conflicts.

8 LEGISLATOR ABRAHAMS: I see.

9 CHAIRWOMAN GONSALVES: Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON: Just
12 real quick. So his term is going to go till
13 January 31st, 2018; is that correct?

14 MR. LITTMAN: Yes.

15 LEGISLATOR DERIGGI-WHITTON: Is
16 he basically on call, is that how we're
17 looking at this?

18 MR. LITTMAN: Well, he's on call
19 for general legal advice. We pick up the
20 phone and we send him an email.

21 LEGISLATOR DERIGGI-WHITTON: Thank
22 you.

23 CHAIRWOMAN GONSALVES: Are there
24 any other comments or questions?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Item E-36-17 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 The item passes four to three.

10 I have a group of items that can
11 be called together and it's beginning with
12 E-38. They're all personal services
13 agreements; E-38-17, E-39, E-40, E-41, E-42,
14 they are personal services agreements
15 between the County of Nassau acting on
16 behalf of the Traffic and Parking Violations
17 Agency and Elizabeth D. Pessala;

18 E-39, personal service agreement
19 between the County of Nassau acting on
20 behalf of the Traffic and Parking Violations
21 Agency and Claire I. Weinberg;

22 E-40, personal service agreement
23 between the County of Nassau acting on
24 behalf of the Traffic and Parking Violations
25 Agency and Ellen S. Mathers;

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2 E-41, personal service agreement
3 between the County of Nassau acting on
4 behalf of the Traffic and Parking Violations
5 Agency and Kenneth S. Diamond;

6 E-42, personal service agreement
7 between the County of Nassau acting on
8 behalf of the Traffic and Parking Violations
9 Agency and Zelda Jonas.

10 A motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR KOPEL: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Kopel. Judge Marks.

16 JUDGE MARKS: John Marks,
17 Executive Director, Nassau County Traffic
18 and Parking Violations Agency.

19 These are extensions of contracts
20 through exist sitting judges, judicial
21 hearing officers at the agency.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Judge Marks?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of Items E-38, E-39, E-40, E-41, E-42
5 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Unanimous. Thank you very much,
10 Judge Marks.

11 I need a motion to untable two
12 items; that's Item A-42, E-25. A motion to
13 untable those two items.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR KOPEL: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator
18 Kopel. All those in favor of untabling
19 Items A-42-16 and E-25-17 signify by saying
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The two items are now untabled.
25 Let's begin with Item E-42-16, a contract

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2 between the County of Nassau acting on
3 behalf of the Nassau County Department of
4 Public Works and Syosset Truck Sales.

5 A motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Kopel. Who is here to speak on this item?

11 MR. BECKER: Madam Chair, I had
12 actually forgotten to tell Mr. Arnold that
13 this was going to be untabled but I think
14 the questions that -- as far as the item
15 itself were answered, I have spoken to -- or
16 emailed both counsel to the minority and
17 counsel majority the reason it was tabled
18 initially was because of questions about the
19 disclosure forms.

20 I gave a detailed email to both
21 counsel in regards to that and it seems to
22 be satisfactory.

23 Minority Leader Abrahams, did
24 counsel speak to you in regards to -- I sent
25 you a copy of the transcript and everything

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2 and I believe that was just a question in
3 regards to the disclosure forms and not to
4 the item itself, the truck that was being
5 purchased?

6 I forgot, I apologize, but I
7 think the issue was in regards to the
8 disclosure forms which I hope you found the
9 answers to that satisfactory.

10 LEGISLATOR ABRAHAMS: Yes.

11 CHAIRWOMAN GONSALVES: Any other
12 comments?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of A-42-16 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (Nay.)

21 The item passes four to three.

22 The last item is E-25-17, a
23 resolution authorizing the County Executive
24 to execute an amendment to an agreement
25 between the County of Nassau acting on

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2 behalf of the Nassau County Attorney's
3 Office and Dimascio & Associates, L.L.P.

4 A motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Kopel. What are you going to tell us?

10 MR. PODLESACK: This is an
11 amendment to a contract for outside counsel
12 services. The contract in fact expired on
13 October 28th of 2016.

14 This amendment is to renew and
15 extend a contract for one additional year,
16 October 29th through October 28th of 2017,
17 and increase the maximum amount of the
18 contract by \$24,000.

19 This firm was originally assigned
20 an appeal, Warren versus the County, which
21 concluded prior to the expiration of the
22 contract.

23 The firm has not provided any
24 services since the expiration of the
25 contract. However, they may be assigned

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2 additional matters if necessary.

3 The amendment was filed after the
4 expiration of the contract because the
5 increase in funding could not be initiated
6 until the 2017 budget was loaded into the
7 county financial system.

8 We also apparently -- they have
9 done no work. Their bill was submitted
10 during the term of the contract.

11 The one that they worked on was a
12 road design case involving special knowledge
13 and unfortunately they were not successful
14 on the appeal.

15 CHAIRWOMAN GONSALVES: Legislator
16 DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON: I
18 happen to know John. He ran against me last
19 time. He's a divorce attorney. How is he
20 consulting on a road contract? I mean, he's
21 a nice guy. He only does divorces. That's
22 like their thing. Is it a matrimonial
23 situation with the road or something?

24 MR. PODLESAK: No.

25 LEGISLATOR DERIGGI-WHITTON: I do

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2 like your socks, by the way.

3 MR. PODLESAK: I appreciate that.

4 In preparation for today's session, I did
5 have an opportunity to review the work that
6 they did, the brief they submitted to the
7 Appellate Division. It was a fine piece of
8 work. I have no qualms with it. They did a
9 good job. And If their normal area is
10 divorce --

11 LEGISLATOR DERIGGI-WHITTON:

12 That's all that they do. They are really a
13 divorce --

14 MR. PODLESAK: Apparently they
15 are branching out, legislator.

16 LEGISLATOR DERIGGI-WHITTON: I
17 mean, I know them pretty well. I guess it's
18 a one way street. Not for anything, but --

19 CHAIRWOMAN GONSALVES: Okay.
20 You're going to vote, yes, right?

21 LEGISLATOR DERIGGI-WHITTON: Yes.

22 CHAIRWOMAN GONSALVES: In all
23 seriousness, there being no other comments,
24 all those in favor of E-25 signify by saying
25 aye.

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2 (Aye.)

3 Any opposed?

4 (Nay.)

5 A motion to adjourn.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by

9 Legislator Dunne, seconded by Legislator

10 Kopel. All those in favor signify by saying

11 aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 (Whereupon, the Rules Committee

16 adjourned at 6:01 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New
York, do hereby 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 2nd day of March, 2017.

FRANK GRAY