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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue  
Mineola, New York

Monday, June 20, 2016  
7:10 P.M

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2     A P P E A R A N C E S:

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4     NORMA GONSALVES,  
Chairwoman5     RICHARD NICOLELLO,  
Vice Chairman

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7     DENNIS DUNNE (substituted by  
Donald MacKenzie)  
8     HOWARD KOPEL

8

9     KEVAN ABRAHAMS,  
Ranking

10    JUDY JACOBS

11    CARRIE SOLAGES

12    MICHAEL C. PULITZER,  
Clerk of the Legislature

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LIST OF SPEAKERS

LISA LOCURTO . . . . . 5

JOHN BUDNICK . . . . . 16

1 Rules Committee/6-20-16

2 CHAIRWOMAN GONSALVES: Everybody  
3 on Rules stay in place. It will be very  
4 brief. Mr. Pulitzer, please call the roll  
5 for the Rules Committee. Legislator  
6 MacKenzie is substituting for Dennis Dunne.

7 CLERK PULITZER: Calling the roll  
8 for the Rules Committee. Legislator Carrie  
9 Solages?

10 LEGISLATOR SOLAGES: Here.

11 CLERK PULITZER: Thank you.  
12 Legislator Judith Jacobs?

13 LEGISLATOR DERIGGI-WHITTON:  
14 Here.

15 CLERK PULITZER: Minority Leader  
16 Kevan Abrahams?

17 LEGISLATOR ABRAHAMS: Here.

18 CLERK PULITZER: Thank you very  
19 much. Alternate Deputy Presiding Officer  
20 Howard Kopel?

21 LEGISLATOR KOPEL: Here.

22 CLERK PULITZER: Legislator  
23 Donald MacKenzie?

24 LEGISLATOR MACKENZIE: Here.

25 CLERK PULITZER: Vice Chairman

1 Rules Committee/6-20-16

2 Richard Nicoletello?

3 LEGISLATOR NICOLELLO: Here.

4 CLERK PULITZER: Chairwoman Norma  
5 Gonsalves?

6 CHAIRWOMAN GONSALVES: Present.

7 CLERK PULITZER: We have a  
8 quorum.

9 CHAIRWOMAN GONSALVES: Thank you.  
10 Let's move as quickly as possible, E-152, a  
11 resolution authorizing the County Executive  
12 to execute an amendment to a personal  
13 services agreement between the County of  
14 Nassau acting on behalf of the Nassau County  
15 Attorney's Office and the Law Offices of  
16 Robert Macchia & Associates.

17 Motion, please.

18 LEGISLATOR KOPEL: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by  
21 Legislator Kopel, seconded by Legislator  
22 Nicoletello.

23 MS. LOCURTO: Lisa Locurto from  
24 the County Attorney's Office here to speak  
25 on this item. This is an amendment to an

1 Rules Committee/6-20-16  
2 outside counsel contract for representation  
3 in areas of law qualified by the County  
4 Attorney's Office.

5 This amendment is to extend the  
6 contract for one year and to increase the  
7 maximum amount of the contract by \$150,000,  
8 with an initial encumbrance of \$100,000.

9 The amendment will cover a new  
10 assignment to the law firm. The reason this  
11 case is being assigned to the firm is  
12 because there is a conflict of interest.  
13 You'll see the conflict is due that the  
14 County Attorney's Office cannot represent a  
15 correction officer. The correction officer  
16 named in the civil lawsuit has sued the  
17 county of Nassau and is currently in an  
18 adverse relationship with the county.

19 However, in the lawsuit that this  
20 law firm is being hired for is to defend the  
21 correction officer.

22 He is entitled to a defense and  
23 be indemnified and this is the reason why we  
24 are assigning this case to counsel.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/6-20-16

2 questions of Ms. Locurto?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 There being none, all those in  
7 favor of E-152 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 The item passes four to three.

12 Next item U-42, a resolution  
13 authorizing the County Executive to execute  
14 a special counsel contract between the  
15 County of Nassau acting on behalf of the  
16 Nassau County Attorney's Office and Cecilia  
17 Ameranti Byrne, Esquire.

18 Motion, please.

19 LEGISLATOR NICOLELLO: So moved.

20 LEGISLATOR MACKENZIE: Second.

21 CHAIRWOMAN GONSALVES: Moved by  
22 Legislator Nicolello, seconded by Legislator  
23 MacKenzie.

24 MS. LOCURTO: Legislators, this  
25 is a contract to provide assistance in the

1 Rules Committee/6-20-16  
2 drafting, researching, and counseling in the  
3 implementation of legislation on any New  
4 York State or county initiative including  
5 but not limited to the disputed assessment  
6 fund.

7 Ms. Byrne is also going to  
8 provide counsel to the Assessment Review  
9 Commission and the Department of Assessment  
10 specifically on state legislation and its  
11 impact on how the department is supposed to  
12 operate.

13 This contract term is for one  
14 year. It is important to note that this  
15 contract is for \$24,900. Originally it was  
16 under \$25,000, that was prior to the change  
17 in the law that required contracts over  
18 \$1,000 to come to the Legislature. That's  
19 why this contract is coming to you now.

20 It had been set to be executed in  
21 March of 2016, but, with the change of law,  
22 all contracts are now coming before the  
23 Legislature including this one.

24 CHAIRWOMAN GONSALVES: Any  
25 questions on this contract, U-42?



1 Rules Committee/6-20-16

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in  
6 favor of U-42 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 The item passes four to three.

11 I need a motion to untable Item  
12 E-55.

13 LEGISLATOR KOPEL: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Moved by  
16 Legislator Kopel, seconded by Legislator  
17 Nicolello. All those in favor of untabling  
18 E-55 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item is untabled.

23 E-55 is a resolution affirming to  
24 a special counsel contract entered into by  
25 the Nassau County Attorney and Wilson, Elser

1 Rules Committee/6-20-16

2 Moskowitz, Edelman & Dicker, L.L.P.

3 Motion, please.

4 LEGISLATOR KOPEL: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by  
7 Legislator Kopel, seconded by Legislator  
8 Nicolello.

9 MS. LOCURTO: This contract is a  
10 special counsel contract to represent and to  
11 bring an affirmative action against the Town  
12 of North Hempstead and Concrete Tube for  
13 damage done to Nassau County sewage pipe.

14 This contract is necessary to  
15 ensure that the county recover expenses that  
16 have currently been expended by the county  
17 to repair the sewer system and to insure  
18 that either the concrete company and/or the  
19 Town of North Hempstead enforces the town  
20 codes to ensure that the county does not  
21 have this incident happen again.

22 CHAIRWOMAN GONSALVES: Any  
23 comments or questions of Ms. Locurto?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/6-20-16

2 (No verbal response.)

3 There being none, all those in  
4 favor of E-55 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (Nay.)

8 The item passes four to three.

9 There is another item, E-135, a  
10 motion to untable.

11 LEGISLATOR KOPEL: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by  
14 Legislator Kopel, seconded by Legislator  
15 Nicolello. All those in favor of untabling  
16 E-135 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item is untabled.

21 E-135 is a resolution authorizing  
22 the County Executive to execute an amendment  
23 to a personal services agreement between the  
24 County of Nassau acting on behalf of the  
25 Nassau County Attorney's Office and Pannone

1 Rules Committee/6-20-16

2 Lopes Devereaux & West, L.L.C.

3 Motion, please.

4 LEGISLATOR KOPEL: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by  
7 Legislator Kopel, seconded by Legislator  
8 Nicolello. Ms. Locurto.

9 MS. LOCURTO: This is the first  
10 amendment to a special counsel contract for  
11 representation in the areas of law qualified  
12 by the department, specifically the areas  
13 qualified are for labor and employment law.

14 This amendment will extend the  
15 term of the contract for two years, and will  
16 also provide additional funding in the  
17 amount of \$295,000.

18 The cases that are being covered  
19 include, one of the cases that are being  
20 covered is a multi party pro se litigation  
21 claiming alleged ADA violations in the  
22 correctional facility and that is one of the  
23 major reasons why the increase in funding is  
24 being requested.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/6-20-16  
2 questions or comments for Ms. Locurto?  
3 (No verbal response.)  
4 Is there any public comment?  
5 (No verbal response.)  
6 There being none, all those in  
7 favor of E-135 signify by saying aye.  
8 (Aye.)  
9 Any opposed?  
10 (Nay.)  
11 The item passes four to three.  
12 We have a motion to suspend the  
13 rules because we have one item on an  
14 addendum.  
15 Motion, please.  
16 LEGISLATOR NICOLELLO: So moved.  
17 LEGISLATOR KOPEL: Second.  
18 CHAIRWOMAN GONSALVES: Moved by  
19 Legislator Nicolello, seconded by Legislator  
20 Kopel. All those in favor of suspending the  
21 rules, signify by saying aye.  
22 (Aye.)  
23 Any opposed?  
24 (No verbal response.)  
25 The rules are suspended.

1 Rules Committee/6-20-16

2 The item before us is E-112, a  
3 resolution affirming to an amendment to a  
4 special counsel contract entered into by the  
5 Nassau County Attorney and Lewis, Johs,  
6 Avallone, Aviles, L.L.P.

7 Motion, please.

8 LEGISLATOR KOPEL: So moved.

9 LEGISLATOR MACKENZIE: Second.

10 CHAIRWOMAN GONSALVES: Moved by  
11 Legislator Kopel, seconded by Legislator  
12 MacKenzie. What can you tell us?

13 MS. LOCURTO: Sure. This is an  
14 amendment to an existing outside counsel  
15 contract. It is for representation of the  
16 Nassau County Police Department and the  
17 County of Nassau in the matter of Rochester  
18 versus Nassau County Police Department and  
19 certain police officers.

20 This case must go to outside  
21 counsel due to a conflict in representing  
22 all the named parties, at the same time as  
23 there are adverse positions to certain named  
24 county defendants. Wilson Elser is  
25 representing a police officer, Monfort Healy

1 Rules Committee/6-20-16

2 is representing another police officer, and  
3 Lewis Johs, the contract your voting on  
4 today is specifically representing the  
5 County of Nassau and Nassau County PD.

6 CHAIRWOMAN GONSALVES: Any  
7 questions of Ms. Locurto on this item?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in  
12 favor of E-112 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 The item passes four to three.

17 A motion to adjourn.

18 LEGISLATOR KOPEL: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by  
21 Legislator Kopel, seconded by Legislator  
22 Nicolello. All in favor signify by saying  
23 aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/6-20-16

2 (No verbal response.)

3 The Rules Committee is adjourned.

4 Come on.

5 MR. BUDNICK: One is Hempstead  
6 Harbor Beach. The Town of North Hempstead  
7 is allowed the Northern portion of it to  
8 become used as a commercial bus terminal.

9 There's a violation of the  
10 agreement that the county when it passed the  
11 property and the State Legislature approved  
12 it. And there is a reverter clause that I  
13 would suggest be considered to be  
14 investigated as to whether it should be  
15 done, because it's also violating my right,  
16 your right, everybody else's right to use  
17 that portion of the beach.

18 Also the town has failed and  
19 neglected to repair the beach, although they  
20 say they are going to some time soon, so I  
21 leave it to them.

22 Topic House, it was let go.  
23 Nobody tried to stop the eviction a number  
24 of years ago.

25 We are having an uncountable



1 Rules Committee/6-20-16  
2 number of young people getting into  
3 overdoses that will be more dead except for  
4 the Narcan program and other programs, thank  
5 God.

6 But there is a need, especially  
7 for young people. And there is an insurance  
8 problem, and we need a place like Topic  
9 House again desperately because people are  
10 dying.

11 Also consideration may wish to be  
12 given to the reinstitution of the criminal  
13 justice coordinating counsel to attempt to  
14 coordinate all the various activities of all  
15 the county departments in obtaining a grant  
16 for them.

17 I noticed at a prior meeting not  
18 too long ago that there was a resolution to  
19 accept a grant for Mother's Against Drunk  
20 Driving for the District Attorney's Office.  
21 Doesn't anybody in the District Attorney's  
22 Office realize, they have these people from  
23 Mother's Against Drunk Driving coming in to  
24 court to advocate certain things with regard  
25 to certain defendants. They have an

1 Rules Committee/6-20-16

2 inherent conflict of interest that is severe  
3 there, and rather than stopping the funding,  
4 it were put through another agency, such as  
5 the Criminal Justice Coordinating Council,  
6 as they used to be many years ago, that  
7 would at least alleviate that problem.

8 I won't talk about it any further  
9 because you guys have had a very long day.  
10 Good bless you. Thank you for putting up  
11 with me. Have a nice evening. I hope  
12 everybody has a good holiday.

13 LEGISLATOR JACOBS: Number one,  
14 have you gone to North Hempstead to explain  
15 your concerns?

16 MR. BUDNICK: I'm considering  
17 this a private conversation.

18 LEGISLATOR JACOBS: No, it's not  
19 private. It's on the record.

20 But my point to you is, why don't  
21 you send a letter to one of us or all of us  
22 or to North Hempstead itself?

23 MR. BUDNICK: I have, and the  
24 person I sent the letter on the town  
25 legislature was Ms. DeRiggi-Whitton because

1 Rules Committee/6-20-16

2 it falls within her district and a copy to  
3 the clerk.

4 I have been to the Town of North  
5 Hempstead meetings several times and I've  
6 also filed a complaint with the New York  
7 State Attorney General's Office.

8 LEGISLATOR JACOBS: Okay. My  
9 second thing was this, there were many  
10 people on this Legislature on both sides of  
11 the aisle that fought the closing of Topic  
12 House, but that was at a time that money was  
13 not here and it fell on deaf ears.

14 MR. BUDNICK: I understand. God  
15 bless you. And we're having a much worse  
16 time now. All right? And we need to do  
17 what we can as we can, and we might be able  
18 to do it all with Medicaid Medicare money.  
19 I don't know, but it has to be studied and  
20 considered because we need to have less  
21 people dying in this county any way we can  
22 do it.

23 LEGISLATOR JACOBS: I agree.  
24 Thank you.

25 MR. BUDNICK: God bless you all,

1 Rules Committee/6-20-16

2 one and all.

3 (Whereupon, the Rules Committee  
4 adjourned at 7:28 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 27th day of June, 2016.

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FRANK GRAY