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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, January 9, 2017
1:17 P.M

1

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

3

4 NORMA GONSALVES ,
 Chairwoman5 RICHARD NICOLELLO ,
 Vice Chairman

6

7 HOWARD KOPEL (substituted by
 Laura Schaefer)

8

DENNIS DUNNE

9

KEVAN ABRAHAMS ,
Ranking

10

DELIA DERIGGI-WHITTON

11

CARRIE SOLAGES

12

13 MICHAEL C. PULITZER ,
 Clerk of the Legislature

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LIST OF SPEAKERS

FRANCIS BECKER.....	10
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INSERTS

INCORPORATED BY REFERENCE:
Refer to 1-9-17 minutes of Planning,
Public Safety, Public Works,
Health and Finance Committees
Pertaining to Clerk Items:
584-16, 601, 602, 607, 608, 609,
610, 612, 618, 621, 624, 117, 217,
517, 717; addendum 9-17,
10-17, 11-17.....80

1 Rules Committee/1-9-17

2 CHAIRWOMAN GONSALVES: Will my
3 colleagues join us in the chamber.

4 Legislator Dunne, would you
5 please lead us in the Pledge of Allegiance.

6 (The Pledge of Allegiance was
7 recited.)

8 CHAIRWOMAN GONSALVES: I'm going
9 to ask everyone to please remain standing
10 for a moment of silence for the passing of a
11 former legislator, John Ciotti, who most of
12 us knew him from the first session of the
13 county legislature for 16 years and his
14 passing is certainly one that makes us truly
15 think of who we are and what we're supposed
16 to do.

17 I think of John Ciotti as an
18 honorable man. Most elected officials are
19 addressed as honorable. However, I have to
20 say that John Ciotti was truly an example to
21 all of us as to what the word honorable
22 meant. He had no expectations in doing the
23 job that he was elected to do other than
24 being a public servant and he was truly that
25 public servant. He made sure that whatever

1 Rules Committee/1-9-17

2 he could do to make the lives of his
3 constituents better, he was going to do, and
4 so he did. That is a role model for all of
5 us to follow.

6 I also would like to say that
7 John had other attributes. He was a family
8 man. He was a good husband to Mary Jane and
9 a good father to his two sons.

10 He certainly knew what it meant
11 to do the best he could to make everybody's
12 life as best as possible.

13 I learned from him and I hope
14 that we all have learned from dealing with
15 John Ciotti, over those 16 years as a
16 legislator, and out in the communities, that
17 we, as elected officials, owe it to everyone
18 that we serve, the best we can be.

19 So, I think John Ciotti has given
20 us that example and hopefully we will follow
21 that example. So, may his soul rest in
22 peace.

23 Minority Leader, absolutely. We
24 can remain standing.

25 LEGISLATOR ABRAHAMS: Thank you

1 Rules Committee/1-9-17
2 for the opportunity, Madam Presiding
3 Officer, and obviously to our distinguished
4 crowd today.

5 I knew John from my time in the
6 Legislature and serving with him, and, as I
7 said before, I saw John as a consensus
8 builder. He was always someone that -- he
9 sat here, right next to me, in those days
10 that we served in the legislature, and he
11 would always reach out whether it was a
12 tough vote or something that we were
13 discussing in the Legislature which was a
14 little bit -- where we were at odds and find
15 out what would it take, or try to build a
16 consensus in terms of trying to appease us.

17 You find that attribute very rare
18 in the political world and I think John
19 embodied that. Many times he would talk to
20 me about his family and what was going on in
21 his own life. He will be truly missed.
22 People that worked to build this institution
23 to respect this institution are always truly
24 missed, and my condolences and sympathies on
25 behalf of our caucus and residents of Nassau

1 Rules Committee/1-9-17

2 County to his family and children.

3 They lost a father and a husband.
4 We lost one of the institutional builders of
5 this county. My deepest condolences to his
6 family as well.

7 CHAIRWOMAN GONSALVES: Thank you
8 very much.

9 At this point we will begin
10 today's session with the Rules Committee.
11 And we only have two contracts that will
12 come before us.

13 After we do the two contracts, we
14 will move on to the other committees until
15 we get back to Rules for the rest of today's
16 agenda.

17 Mr. Pulitzer, I need you to call
18 the roll, please. I think you have been
19 informed about Legislator Kopel, correct?

20 CLERK PULITZER: Yes, ma'am.

21 CHAIRWOMAN GONSALVES: Okay.
22 Call the roll of the Rules Committee.

23 CLERK PULITZER: Thank you,
24 Ma'am. Carrie Solages?

25 LEGISLATOR SOLAGES: Here.

1 Rules Committee/1-9-17

2 CLERK PULITZER: Delia

3 DeRiggi-Whitton?

4 LEGISLATOR DERIGGI-WHITTON:

5 Here.

6 CLERK PULITZER: Ranking Member

7 Kevan Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK PULITZER: Laura Schaefer

10 is filling in for the Deputy Presiding

11 Officer Howard Kopel.

12 LEGISLATOR SCHAEFER: Here.

13 CLERK PULITZER: Vice Chairman

14 Richard Nicoletello?

15 LEGISLATOR NICOLELLO: Here.

16 CLERK PULITZER: And Chairwoman

17 Norma Gonsalves?

18 CHAIRWOMAN GONSALVES: Present.

19 Thank you very much.

20 MR. PULITZER: We have a quorum.

21 And also Legislator Dennis Dunne.

22 LEGISLATOR DUNNE: Here.

23 CLERK PULITZER: Thank you.

24 CHAIRWOMAN GONSALVES: We begin

25 with the first contract, A-42, a resolution

1 Rules Committee/1-9-17
2 authorizing the director of Nassau County
3 Office of Purchasing to award and execute a
4 contract between the County of Nassau acting
5 on behalf of the Nassau County Department of
6 Public Works and Syosset Truck Sales.

7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Nicolello. Who do we have?

13 MR. BECKER: Madam Chair, Ken
14 Arnold from DPW will speak on this item.

15 CHAIRWOMAN GONSALVES: Thank you
16 very much.

17 MR. ARNOLD: Happy New Year. Ken
18 Arnold, Public Works. A-42, this is a
19 purchase bid for a new catch basin cleaning
20 truck. The department uses the truck to
21 clean out catch basins for the county to
22 stay in compliance with our storm water
23 permit. There were two bids and Syosset
24 Truck was the lowest responsible bidder.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/1-9-17

2 questions for Mr. Arnold?

3 (No verbal response.)

4 Any public comment? Minority
5 Leader.

6 LEGISLATOR ABRAHAMS: How are
7 you, Ken? Happy New Year, by the way.

8 In our review of the backup, we
9 were looking at the business history form in
10 the backup that we have, there's no contact
11 person, or phone number provided for the
12 town of Oyster Bay and the Town of North
13 Hempstead.

14 Also, has the County Attorney
15 Office's had an opportunity to verify the
16 information that's before us today in
17 regards to the disclosure forms, the history
18 forms?

19 MR. ARNOLD: I assume they did,
20 it flows through their office. I can't
21 speak for them though.

22 LEGISLATOR ABRAHAMS: As I said
23 before, there is no contact person or phone
24 number that's provided.

25 MR. ARNOLD: For the two

1 Rules Committee/1-9-17

2 references?

3 LEGISLATOR ABRAHAMS: Yes.

4 MR. ARNOLD: The department does
5 a lot of work with Syosset Truck so we
6 didn't feel the need to reach out to the
7 references, that's why we didn't catch it.

8 LEGISLATOR ABRAHAMS: Also, it
9 indicates that Pam Miller, does that name
10 sound familiar?

11 MR. ARNOLD: No.

12 LEGISLATOR ABRAHAMS: Is listed
13 on the formal sealed bid proposal in the
14 qualification section of secretary of the
15 corporation. However, is Pam Miller still
16 the secretary of Syosset Truck Sales?

17 MR. ARNOLD: I would need to
18 check with purchasing on that. They would
19 have handled that part of the vetting
20 process.

21 LEGISLATOR ABRAHAMS: If she is,
22 to my point, why is she omitted from the
23 consultant contract and vendor disclosure
24 form?

25 MR. ARNOLD: I would need to

1 Rules Committee/1-9-17

2 check.

3 LEGISLATOR ABRAHAMS: We have
4 another red flag. I don't know if you want
5 to try to address them all at one time.

6 MR. ARNOLD: Pam Miller?

7 LEGISLATOR ABRAHAMS: No, this
8 one is for Michael Metashine.

9 MR. ARNOLD: Okay.

10 LEGISLATOR ABRAHAMS: It appears
11 that Michael or Mr. Metashine signed all
12 three principal questionnaire forms as well
13 as the business history form. All of those
14 forms are included as one of the documents.
15 The sealed bid proposal, shouldn't each of
16 the principals be responsible for signing
17 their individual principal questionnaire
18 form? He signed off on all of them.

19 MR. ARNOLD: I will speak with
20 the County Attorney on that.

21 CHAIRWOMAN GONSALVES: Are there
22 any other questions?

23 (No verbal response.)

24 LEGISLATOR NICOLELLO: Motion to
25 table.

1 Rules Committee/1-9-17

2 LEGISLATOR ABRAHAMS: Second.

3 CHAIRWOMAN GONSALVES: Motion

4 made by Deputy Presiding Officer Nicolello

5 and seconded by Minority Leader Kevan

6 Abrahams. All those in favor of tabling

7 A-42 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item is tabled.

12 Moving along. The next item is

13 B-37 a contract with the Department of

14 Public Works and Louis Barbato Landscaping,

15 Inc.

16 Motion, please.

17 LEGISLATOR NICOLELLO: So moved.

18 LEGISLATOR DUNNE: Second.

19 CHAIRWOMAN GONSALVES: Moved by

20 Legislator Nicolello, seconded by Legislator

21 Dunne.

22 MR. SCHNEIDER: Good afternoon.

23 Brian Schneider, Public Works. Item B-37-16

24 is a requirements contract with Louis

25 Barbato Landscaping Incorporated. This

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2 contract would be for repairs, renovations,
3 and various improvements to athletic fields,
4 play grounds, play services, and other park
5 related facilities.

6 There were four bidders on this
7 contract and the bid received by Louis
8 Barbato was deemed to be the lowest
9 responsible bidder based on our review
10 criteria.

11 This is a two year contract
12 capped at \$2 million and the department is
13 recommending the Legislature approve Louis
14 Barbato at this time.

15 CHAIRWOMAN GONSALVES: Any
16 questions of Mr. Schneider? Legislator
17 Solages.

18 LEGISLATOR SOLAGES: Thank you,
19 and Happy New Year to the Presiding Officer
20 and to yourself.

21 MR. SCHNEIDER: Thank you.

22 LEGISLATOR SOLAGES: Why can't
23 DPW handle this work?

24 MR. SCHNEIDER: Well, actually,
25 this contract is similar to other

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2 requirements contracts that we have in the
3 department.

4 This would supplement the
5 department's current workforce. So we would
6 use and utilize our workforce first. If
7 there are any projects that exceed the
8 capability of the department, then we would
9 reach out to this vendor to provide those
10 services.

11 But we would always reach out to
12 the departmental work force to do some of
13 these repairs and improvements in-house.

14 LEGISLATOR SOLAGES: How does
15 CSEA feel about this?

16 MR. SCHNEIDER: Well, we have
17 been vetting all of our requirements
18 contracts, whether it's this particular
19 requirements contract or buildings
20 requirement contracts through CSEA. We have
21 been negotiating individual work orders with
22 CSEA. Obviously, as a CSEA employee, we
23 feel we can do any job in-house, but there
24 are certain situations that exceed the
25 capability of in-house staff.

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2 LEGISLATOR SOLAGES: Like what
3 examples?

4 MR. SCHNEIDER: If there is an
5 emergency situation that needs to take place
6 and DPW cannot garner materials or staff to
7 handle that type of situation, then we would
8 reach out to the requirements contractor.
9 There are certain situations when staff
10 needs to be certified for certain
11 installations, and there could be situations
12 when DPW staff is not certified to do those
13 installations. And we need to get outside
14 staff in order to make those repairs and
15 those improvements.

16 LEGISLATOR SOLAGES: Understood.
17 Has CSEA formally responded to the November
18 28th interdepartmental memo notifying them
19 of this proposed contract?

20 MR. SCHNEIDER: We did not
21 receive a negative response from them, but
22 typically as we've --

23 MR. ARNOLD: Ken Arnold, Public
24 Works. I handle all the subcontracting with
25 the CSEA directly. For the base contract

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2 which is before you today, we are entering
3 into a MOU with the union to allow the
4 contract to move forward with the
5 understanding that each individual work
6 order will be brought to the arbitration
7 table and discussed with them before any
8 work proceeds.

9 LEGISLATOR SOLAGES: And this is
10 an MOU between yourself --

11 MR. ARNOLD: It's being drafted
12 right now. We expect it to be final before
13 this contract is certified.

14 LEGISLATOR SOLAGES: Is it
15 necessary that we review this and see if
16 this -- review this MOU before we approve
17 this?

18 MR. ARNOLD: No. It's between
19 the labor relations and the union as all our
20 agreements are.

21 LEGISLATOR SOLAGES: I would like
22 to look at a copy of it.

23 MR. ARNOLD: Excuse me?

24 LEGISLATOR SOLAGES: I would like
25 to review a copy of said MOU.

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2 MR. ARNOLD: I would reach out to
3 the union or labor relations.

4 LEGISLATOR SOLAGES: I have more
5 questions. Usually the bid opening includes
6 the amounts of the companies that responded
7 to the RFP submission. Why does this list
8 payment instead -- I'm sorry, why does this
9 list payment instead of the bid amount?

10 MR. SCHNEIDER: The criteria for
11 reviewing requirements contracts since there
12 are no specific individual items, it's based
13 on a percentage of the labor rate and the
14 materials rate. So it's a percentage that
15 you're looking at.

16 So in the first column of the
17 summary sheet you're seeing their percentage
18 of their -- what their labor -- what their
19 markup on labor would be, and the second
20 column would be what their markup on
21 materials would be.

22 Our criteria takes a calculation
23 based on each of those columns from each
24 vendor and that provides us with the lowest
25 responsible bidder.

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2 LEGISLATOR SOLAGES: Is it based
3 on \$200,000 or \$2 million?

4 MR. SCHNEIDER: No. It's not
5 based on the dollar amount of the total
6 amount of the contract. It's based on a
7 percentage of the labor and the material
8 breakdown.

9 So, for example, we sum the 75
10 percent of the labor markup and 25 percent
11 of the materials markup. We sum those two
12 numbers up and that gives us a total number
13 that we compare to all the individual
14 vendors and that provides with us the low
15 bidder.

16 LEGISLATOR SOLAGES: Thank you.

17 LEGISLATOR ABRAHAMS: I have a
18 question.

19 CHAIRWOMAN GONSALVES: Minority
20 Leader, go ahead.

21 LEGISLATOR ABRAHAMS: I have a
22 question but it's more of a general
23 question. I don't know if you can address
24 it, Brian, or I see Mr. Cleary out in the
25 audience today.

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2 We received the new procurement
3 policy and procedures. Are you familiar
4 with the work that's been generated in
5 regards to the new policy and procedures?

6 MR. SCHNEIDER: Yes, sir.

7 LEGISLATOR ABRAHAMS: Have you
8 had a chance to review it in its entirety?
9 I know it just came out on Friday.

10 MR. SCHNEIDER: I haven't exactly
11 dissected it but I'm somewhat familiar with
12 Mr. Cleary's.

13 LEGISLATOR ABRAHAMS: Mr. Cleary,
14 do you mind, if you could, come to the
15 podium.

16 CHAIRWOMAN GONSALVES: For the
17 record, we received it on Friday.

18 LEGISLATOR ABRAHAMS: As did we.
19 But I just have a question in regards to its
20 implementation. I know, Mr. Cleary, you
21 have reached out to our counsel in regards
22 to a briefing which we are going to take you
23 up on. I just want to make sure I have a
24 general idea of the implementation of when
25 this will happen.

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2 This contract went into bid in,
3 it looks like this was done in the quarter
4 four of last year if I'm correct. So
5 obviously this would not.

6 But how do you envision future
7 contracts with, even though we have to read
8 through what you have put together, how do
9 you envision future contracts being tied to
10 what you are able to put together?

11 MR. CLEARY: Robert Cleary,
12 procurement compliance.

13 As you said, anything that's been
14 in process is really grandfathered in based
15 on the existing policy, it wouldn't make
16 sense to retrace our work.

17 Going forward, any new
18 solicitations would be applying the policy
19 as it's been presented now. Things that are
20 in process to the extent that steps remain
21 in the future that have not been taken yet,
22 that would fall within that course we would
23 still try to apply those requirements.

24 LEGISLATOR ABRAHAMS: So in terms
25 of implementation, have you spoken to the

1 Rules Committee/1-9-17

2 department heads in regards to their
3 implementation of this being in effect for
4 January of 2017?

5 MR. CLEARY: An email has gone
6 out to all department heads. Training of
7 the basic premise of the requirements was
8 presented a couple of months ago. So people
9 have been trained and should be at least
10 familiar with the general requirements of
11 the policy.

12 LEGISLATOR ABRAHAMS: Well, we
13 look forward to being briefed on the policy
14 and I will leave that to my staff to be able
15 to schedule that with you.

16 MR. CLEARY: Thank you.

17 LEGISLATOR ABRAHAMS: Thank you.

18 CHAIRWOMAN GONSALVES: Any other
19 questions or comments?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of B-37 signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (Nay.)

4 The item passes four to three.

5 The next item is E-265, a
6 resolution authorizing the County Executive
7 to execute a personal services agreement
8 between the County of Nassau and Helping
9 Hands Consultation Services Inc. d/b/a
10 Helping Hands Children Services, Inc.

11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Nicolello.

17 MS. LAURAIN: Good afternoon.

18 Mary Ellen Laurain, Department of Health.

19 Item 265-16 is a penny contract with Helping
20 Hands Children's Services. This is to
21 provide mandated education and/or related
22 special education services for Nassau County
23 preschool students with a disability who are
24 between the ages of three and five. The
25 department contracts with 150 vendors to

1 Rules Committee/1-9-17

2 provide this service.

3 CHAIRWOMAN GONSALVES: Legislator
4 DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: I
6 just have a question. It says the
7 commencement date for this contract is
8 September 1st, 2015.

9 MS. LAURAIN: Yes, this is a five
10 year contract. We process 150 contracts, 20
11 of those contracts had to delay so right
12 prior to the start, we contacted all the
13 vendors and, unfortunately, one of them,
14 this contract, somewhat fell between the
15 cracks. We have put systems in place to
16 prevent that. They also had some difficulty
17 with the new forms.

18 LEGISLATOR DERIGGI-WHITTON: Do
19 you know what the expense has been to date?

20 MS. LAURAIN: The total amount
21 for this contract is about \$25,000.

22 LEGISLATOR DERIGGI-WHITTON:
23 We're responsible for 100 percent?

24 MS. LAURAIN: No. We get 59 and
25 a half percent reimbursement from New York

1 Rules Committee/1-9-17

2 State. This is a mandated service to
3 provide preschool education from New York
4 State.

5 LEGISLATOR DERIGGI-WHITTON: I'm
6 going on the record again just saying it's
7 almost a year and a half since this contract
8 has already been moving forward. I mean, I
9 understand if there is a short delay because
10 of the forms or whatever, but a year and a
11 half is a long -- it just basically doesn't
12 give us the control as elected officials we
13 feel we need so I appreciate it.

14 CHAIRWOMAN GONSALVES: Deputy
15 Presiding Officer Nicolello.

16 LEGISLATOR NICOLELLO: I just
17 wanted to follow-up. You have indicated
18 that systems have been put in place to
19 better monitor the contract process?

20 MS. LAURAIN: Yes. Our fiscal
21 department has instituted systems along with
22 the program to prevent this from happening
23 again.

24 LEGISLATOR NICOLELLO: That's
25 within the Health Department.

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2 MS. LAURAIN: Yes, within the
3 Health Department.

4 LEGISLATOR NICOLELLO: Do you
5 know anything about the system created, is
6 it computerized, is there a program
7 developed for this?

8 MS. LAURAIN: I was going to ask
9 the preschool director to come up.

10 MS. SCHECTER: Good afternoon,
11 Shelly Schecter, director of maternal child
12 health for the Health Department. Yes,
13 fiscal in program really needed to do a
14 better job in talking to each other. 150
15 contracts go out at one time and, as Mary
16 Ellen said, 20 were late. We followed up
17 with all 20. This one fell between the
18 cracks, if you will. That won't happen
19 again. We will go out for contract again in
20 2020.

21 LEGISLATOR NICOLELLO: So the
22 next time this particular group of contracts
23 would be three years down the road?

24 MS. SCHECTER: It will be 2020,
25 we'll have another, about 150 contracts. So

1 Rules Committee/1-9-17

2 the school districts can provide contractors
3 for the children.

4 LEGISLATOR NICOLELLO: But are
5 there other contracts that are processed
6 through the Health Department that the
7 system needs to be improved for?

8 MS. SCHECTER: Not that I'm aware
9 of.

10 LEGISLATOR NICOLELLO: So there's
11 no sense of delving into something that's
12 not going to happen for three years.

13 MS. SCHECTER: That's correct.

14 CHAIRWOMAN GONSALVES: Any other
15 comments or questions? Minority Leader.

16 LEGISLATOR ABRAHAMS: Thank you.
17 Just a comment, Mary Ellen. I mean,
18 obviously, we see what the contract is
19 providing and obviously Helping Hands is
20 working with the county to provide children
21 services for those that are in our disabled
22 community in regards to education, we are
23 inclined to support it, even though we are
24 concerned about the implementation of
25 September 1, 2015. That said, we plan to

1 Rules Committee/1-9-17

2 vote in the affirmative for today with the
3 practice or the understanding that we should
4 not see this happen again prior to 2020.

5 MS. LAURAIN: Understood.

6 CHAIRWOMAN GONSALVES: Any public
7 comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of personal services agreement E-265
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 MS. LAURAIN: Thank you.

17 CHAIRWOMAN GONSALVES: The next
18 item is E-280, an amendment to a personal
19 services agreement between the County of
20 Nassau acting on behalf of the Office of
21 Management and Budget and Milliman, Inc.
22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/1-9-17

2 Legislator Dunne, seconded by Legislator
3 Nicolello.

4 MR. PERSICH: Andy Persich,
5 Management and Budget.

6 This item is a renewal of an
7 existing contract that we have for our GASB
8 45 valuation that gets reported in the
9 county's financial statements. It's done
10 annually and it's for a no disclosure that
11 we present.

12 CHAIRWOMAN GONSALVES: Any
13 questions or comments from the legislators?
14 Legislator DeRiggi-Whitton.

15 LEGISLATOR DERIGGI-WHITTON: As
16 per amendment number two, Section 3, it says
17 the services will no longer be necessary for
18 the obligation of the Nassau County Health
19 Care Corporation.

20 MR. PERSICH: They are probably
21 doing their own evaluation on their own
22 financial statements because they are an
23 independent, a public health corporation.
24 So at some point they were probably reported
25 in our numbers but now I think they are

1 Rules Committee/1-9-17

2 being segregated out. But I have to check
3 on that for you.

4 LEGISLATOR DERIGGI-WHITTON: Yes.
5 I would be curious how that would be changed
6 from the years prior to now.

7 MR. PERSICH: I don't know
8 logistically when they broke apart, the
9 hospital off the county's books, but I don't
10 know, those disclosures that are done, but
11 they prepare their own separate financial
12 statements that get consolidated back into
13 the county. So they may have their
14 valuation from doing this on their own with
15 their auditing firm over there.

16 LEGISLATOR DERIGGI-WHITTON:
17 Would we be held responsible should there be
18 some type of issue with their own
19 accounting?

20 MR. PERSICH: I don't know
21 specifically how it's structured as a public
22 health corporation, who the guarantors are
23 of these obligations or the liability, but
24 they do get disclosed on the county wide
25 financial statements.

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2 So it is more of a technical
3 question for the Comptroller than me, but
4 this is one of those things that we have to
5 do because it is a GASB requirement.

6 LEGISLATOR DERIGGI-WHITTON: But
7 it sounds like we would be responsible, the
8 county, meaning --

9 MR. PERSICH: This is not the
10 obligation, this is just the valuation. We
11 have a consulting firm that comes in and
12 tells us what the outstanding liability is.
13 That's what they're doing for the county.

14 LEGISLATOR DERIGGI-WHITTON: But
15 should they be incorrect, would there be any
16 liability on the county?

17 MR. PERSICH: I don't think so,
18 but I don't know that for a fact.

19 LEGISLATOR DERIGGI-WHITTON: All
20 right. Thank you.

21 CHAIRWOMAN GONSALVES: There
22 being no other questions from the
23 legislators, any public comment on this
24 item?

25 (No verbal response.)

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2 There being none, all those in
3 favor of E-280 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 The item passes four to three.

8 E-281 is a personal services
9 agreement between the County of Nassau
10 acting on behalf of the Office of the Nassau
11 County Treasurer and Capital Resource
12 Management, Inc.

13 A motion, please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR NICOLELLO: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator
18 Nicolello,

19 MR. JEFFERSON: Good afternoon,
20 Beaumont Jefferson, treasurer. The item
21 before you is a personal service agreement
22 between the county and capital resource
23 management for collection of police
24 ambulance billing fees.

25 CHAIRWOMAN GONSALVES: Minority

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2 Leader.

3 LEGISLATOR ABRAHAMS: Hi,
4 Beaumont. Years ago I do remember this
5 contract but, for some reason, I'm hazy. I
6 don't remember it going to the treasurer's
7 department.

8 Was this something that always
9 went through your office or did it go
10 through Nassau County PD at one time?

11 MR. JEFFERSON: This contract or
12 the collections as always done at the
13 treasurer's office. I shouldn't say always.
14 Since 2012, we have been collecting and we
15 were using MSB.

16 LEGISLATOR ABRAHAMS: So if I
17 understand this correctly, this is
18 collections for those that use the emergency
19 ambulance service or am I understanding that
20 correctly?

21 MR. JEFFERSON: It's collections
22 for those who use the emergency ambulance
23 service and fail to pay the fees.

24 LEGISLATOR ABRAHAMS: Obviously
25 there are those that use the service that

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2 don't have the ability to pay. Just explain
3 to me --

4 MR. JEFFERSON: I think the best
5 way to start is to tell you, these are
6 actually delinquencies. You are correct.
7 The fees are budgeted in the police
8 department.

9 The police department uses a
10 company by the name of McKesson to collect
11 the fees. These are the fees that are
12 delinquent. These are the -- and anyone who
13 has not paid is then referred to this
14 collection agency.

15 On behalf of the police
16 department, we actually monitor this and we
17 also do it for several other departments
18 where we collect under the delinquencies.

19 LEGISLATOR ABRAHAMS: How far
20 back do you go to try to collect the
21 receivables?

22 MR. JEFFERSON: We started in
23 2012. In 2012, the police department also
24 asked to participate with MSB. We have been
25 using MSB for probation PD at the last leg

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2 meeting I was here, and we awarded probation
3 and some of the other departments to MSB.
4 However, we pulled out this piece because
5 MSB was not as successful in recouping the
6 fees.

7 When we went out to bid, we had
8 quite a few vendors. This particular vendor
9 showed some -- actually brought some very
10 good ideas to us as to how they could go
11 after. They were a local vendor. They
12 understood the HIPAA laws.

13 As a result, because of the low
14 recovery rate, we thought it would be best
15 to award a vendor that was familiar with
16 HIPAA regulations and also had some other
17 ideas how to increase the collections.

18 LEGISLATOR ABRAHAMS: Are we
19 trying to collect these fees from incidences
20 that happened in 2012? How far back are we
21 going?

22 MR. JEFFERSON: Well, anything
23 that's been referred to us, we then refer it
24 to the collection department. They track
25 and try to trace it as far back as they can

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2 go.

3 So, currently we have collections
4 with MSB that go back as far as 2012 and
5 they continue to try to collect as far back
6 as they can go.

7 LEGISLATOR ABRAHAMS: Just, for
8 the record, I'm just going through how the
9 \$100,000 payment is made on the contingency
10 basis.

11 MR. JEFFERSON: There's no --
12 we're not making a payment to them. This is
13 all done on fees. They get a percentage of
14 the collection rate.

15 LEGISLATOR ABRAHAMS: Thank you
16 so much.

17 MR. JEFFERSON: It's just a
18 percentage.

19 CHAIRWOMAN GONSALVES: Deputy
20 Presiding Officer Nicoletto.

21 LEGISLATOR NICOLELLO: Just a
22 followup in terms of collections. We go
23 after -- the delinquents that we go after
24 are people with insurance, correct?

25 MR. JEFFERSON: It could be a

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2 combination. It could be individuals who
3 have insurance who received an insurance
4 check and did not pay the county.

5 It could also be individuals who
6 did not have insurance.

7 LEGISLATOR NICOLELLO: It's
8 always been my understanding that the whole
9 concept here was to go after the insurance
10 companies to pay for this cost of the
11 service and not to go after the people that
12 don't the ability -- who are uninsured to
13 pay for an ambulance ride to the hospital.
14 That's always been my understanding. I
15 don't know if it's changed some how.

16 MR. JEFFERSON: Joe D'Vito, who
17 handles this in my office, just informed me
18 that anything that we have, he's unable to
19 tell, is anything that's referred by
20 McKesson, it all goes over. So we would
21 want to check on that to make sure my
22 statement is correct.

23 CHAIRWOMAN GONSALVES: I'm going
24 to call for a motion to table.

25 LEGISLATOR NICOLELLO: Motion to

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2 table.

3 LEGISLATOR DUNNE: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Nicoletto, seconded by Legislator
6 Dunne. All those in favor of tabling E-281
7 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item is tabled. Sorry about
12 that.

13 The next item is E-282, a
14 personal services agreement between the
15 County of Nassau acting on behalf of the
16 Nassau County Attorney's Office and Leahey &
17 Johnson, P.C.

18 Motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Nicoletto. We have?

24 MS. KUNZIG: Christine Kunzig,
25 Deputy County Attorney. This is a contract

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2 for representation of the county and such
3 other parties as the county may be required
4 to defend in various matters as requested by
5 the County Attorney within areas of law in
6 which the department has determined counsel
7 to qualify.

8 Counsel has been qualified by the
9 department in appellate casualty
10 construction litigation, employment,
11 insurance, federal civil rights Section
12 1983, meditation, medical malpractice, and
13 Tort Law.

14 As of the commencement of this
15 agreement, counsel is providing assistance
16 to the corrections department regarding the
17 strip search litigation.

18 CHAIRWOMAN GONSALVES: Legislator
19 Solages.

20 LEGISLATOR SOLAGES: Thank you,
21 Presiding Officer. Happy New Year to
22 yourself.

23 MS. KUNZIG: Happy New Year.

24 LEGISLATOR SOLAGES: Please tell
25 me, what matters has this law firm been

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2 assigned?

3 MS. KUNZIG: The strip search
4 litigation.

5 LEGISLATOR SOLAGES: Is that one
6 case or a series of cases? How many cases
7 are we talking about here?

8 MR. PODLESAK: Good afternoon.
9 Gerald Podlesak. They were brought in on
10 one particular matter involving the strip
11 search litigation which was an application
12 for certiorari to the United States Supreme
13 Court.

14 LEGISLATOR SOLAGES: And I
15 understand that this might be a specialized
16 area of law and you might need the
17 assistance beyond your office, however, and
18 besides filing an answer, to what extent are
19 we just giving these cases to outside firms,
20 for beginning paperwork, or just when it
21 gets more complicated?

22 MR. PODLESAK: This one was
23 handled both in-house and in consultation
24 with this firm. I know this particularly
25 because I was the one who wrote the papers

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2 in-house.

3 We did, in fact, meet extensively
4 with this law firm. We vetted topics, we
5 vetted arguments with them. It went back
6 and forth. They did in fact produce
7 valuable arguments and valuable information.
8 It was in plain English money well spent.

9 LEGISLATOR SOLAGES: What was the
10 emergency that required the firm to commence
11 work before this contract was brought to the
12 Legislature?

13 MR. PODLESAK: It was a matter of
14 litigation. It had to be filed by a date at
15 the end of August, and it required that we
16 would need to move on it expeditiously.

17 You know as well as I that
18 litigation does not wait and it had to be
19 addressed immediately.

20 LEGISLATOR SOLAGES: Since August
21 of last year?

22 MR. PODLESAK: Since August of
23 2016, yes.

24 LEGISLATOR SOLAGES: My last
25 question is this, why now? If it happened

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2 last August, why now?

3 MR. PODLESAK: It took some time
4 for it to wind its way through the system.

5 The funding for this is actually
6 coming out of the budget of the corrections
7 department because it is a correctional
8 issue and it took some time to move the
9 money from one place to another.

10 LEGISLATOR SOLAGES: Thank you.

11 CHAIRWOMAN GONSALVES: Legislator
12 Nicolello.

13 LEGISLATOR NICOLELLO: Just to
14 clarify, the term beginning in August of
15 2016, to Legislator Solages' question, why
16 did it take four months? I'm not sure that
17 I understand that.

18 Is there a system in the County
19 Attorney's Office to keep track of these
20 things to try to get them to us in as timely
21 a fashion as possible?

22 MR. PODLESAK: Yes, there is. In
23 terms of this particular contract, this was
24 as timely as possible.

25 As I said before, there was an

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2 issue about funding and moving funds from
3 corrections into the County Attorney's
4 budget and production of the paperwork in
5 putting the entire matter together.

6 So it was expeditious, not as
7 expeditious as anybody could want, but the
8 four months, under these circumstances,
9 seems to be a reasonable amount of time.

10 LEGISLATOR NICOLELLO: Thank you.

11 CHAIRWOMAN GONSALVES: Legislator
12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON: Just
14 to put on the record, it just seems logical
15 that it should come to the Legislature prior
16 to transferring funds or reallocating
17 anything, assuming the work can go forward.

18 This is the kind of contract that
19 we should really see immediately. We always
20 transfer funds. That shouldn't have
21 anything to do with whether or not it comes
22 before us for approval.

23 MR. PODLESACK: Well, as I said
24 before, Legislator, it's a matter that
25 needed to be moved on. It was a matter of

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2 litigation. It was a question of getting
3 the work done and getting the work done in a
4 timely fashion and getting the papers filed
5 with the Supreme Court.

6 LEGISLATOR DERIGGI-WHITTON: I
7 understand that again. But I think that we
8 up here are frustrated with the fact that
9 maybe a month would be reasonable, but to
10 wait almost five months just to come before
11 us, again, this is the same pattern that
12 we've been seeing for quite a while which is
13 we are like the afterthought in all this,
14 and, as elected officials we don't
15 appreciate that.

16 Our hands are tied and we're
17 going back in time with this approval, and
18 that is not the way the system was set up.

19 CHAIRWOMAN GONSALVES: Minority
20 Leader.

21 LEGISLATOR ABRAHAMS: Thank you,
22 Madam Presiding Officer. Gerry, it's our
23 understanding this has previously gone
24 through the Appellate Division.

25 So, I'm just curious, what aspect

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2 is Leahey and Johnson going to actually
3 handle?

4 MR. PODLESAK: They're brought in
5 as consultants and as a backup set of eyes
6 and parties to bounce arguments and
7 questions off of.

8 LEGISLATOR ABRAHAMS: You said
9 there's a backup set of eyes and
10 consultants. What specifically will they be
11 reviewing?

12 MR. PODLESAK: Well, the work has
13 been completed at this point. What they
14 reviewed was, they produced a certain amount
15 of research, a certain amount of arguments
16 in the case.

17 There was a give and take between
18 myself and other attorneys in the County
19 Attorney's Office. Paperwork was drafted.
20 They reviewed it. They offered their
21 commentary on it.

22 After the completion of all the
23 attorney work on this, the matter was sent
24 to the appellate printer and it was printed
25 and timely filed with the United States

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2 Supreme Court.

3 CHAIRWOMAN GONSALVES: There
4 being no other questions, is there any
5 public --

6 LEGISLATOR ABRAHAMS: So, Gerry,
7 I know we approve contracts usually on an
8 annual basis. So we don't envision seeing
9 an additional contract for Leahey and
10 Johnson in regards to this matter even
11 though the contract period extends to July
12 2017, it sounds like to me this is at the
13 end stage so we shouldn't see additional
14 contracts, correct?

15 MR. PODLESAK: Not on this
16 particular matter, no, not on the strip
17 search case. The strip search case is
18 essentially concluded with the application
19 to the United States Supreme Court.

20 LEGISLATOR ABRAHAMS: Has the
21 Supreme Court ruled on it?

22 MR. PODLESAK: They did. They
23 denied the application.

24 LEGISLATOR ABRAHAMS: Thank you.

25 CHAIRWOMAN GONSALVES: Any public

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2 comment on this issue?

3 (No verbal response.)

4 There being none, all those in
5 favor of E-282 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 The item passes four to three.

10 Now we move on to two items that
11 were tabled and now I'm going to ask for a
12 motion to untable.

13 The two items are E-204, a
14 contract with the Department of Information
15 Technology and Universal Management
16 Technology;

17 And E-217, a contract with the
18 Department of Information Technology and
19 American Communications Industries.

20 A motion to untable.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator
25 Nicolello. Who is here to speak on this

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2 item? I did see him. Let's go.

3 MR. BECKER: Sorry, Madam Chair,
4 the director is here.

5 CHAIRWOMAN GONSALVES: E-204, the
6 item with Universal Management Technology
7 Solutions, Inc. That one, and then the next
8 one which is American Communications
9 Industries.

10 COMMISSIONER EISENSTEIN: IT
11 Commissioner, Ed Eisenstein. How are you?
12 UMS was used to help us with a Microsoft
13 contract and that's what that fee is for.
14 They helped us resolve our Microsoft
15 Enterprise license agreement. Any questions
16 on that one?

17 LEGISLATOR ABRAHAMS: This is
18 204, correct?

19 CHAIRWOMAN GONSALVES: Yes, it's
20 204.

21 LEGISLATOR ABRAHAMS: I think the
22 issue that we had taken note to, a part of
23 the record, was that one of the principals
24 that was indicated on the agreement was Adam
25 Barski, and what we were trying to confirm

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2 was that the same Adam Barski, that is also
3 the Chair of NIFA.

4 I guess at the time we did not
5 know the answer to that. Do we know the
6 answer to that today?

7 COMMISSIONER EISENSTEIN: Yes, I
8 do. The answer is yes.

9 LEGISLATOR ABRAHAMS: So let me
10 make sure I understand. So Adam Barski who
11 is the chair of NIFA is also a principal on
12 this contract.

13 Is there anything from the County
14 Attorney's perspective that bars that
15 relationship with the county?

16 COMMISSIONER EISENSTEIN: Not
17 that I know of. Apparently there has been
18 some paperwork that has gone back and forth
19 that cleared him of any issues with that.

20 LEGISLATOR ABRAHAMS: One would
21 have to ask the question, is this a conflict
22 of interest of the chair of NIFA that also
23 is a principal in a contract, do you
24 envision he would recuse himself?

25 CHAIRWOMAN GONSALVES: Mr.

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2 Cleary.

3 MR. CLEARY: Robert Cleary. We
4 have it in writing that Mr. Barski has
5 recused himself from any dealing with any
6 contracts between UMS and Nassau County.

7 LEGISLATOR ABRAHAMS: Mr. Cleary,
8 but you do see that Mr. Barski being a
9 principal on this particular vendor is
10 receiving a benefit from the county even
11 though he may recuse himself. Do you
12 envision that being a problem or an issue
13 for the county?

14 COMMISSIONER EISENSTEIN: As I
15 said, he has put in writing that he wishes
16 to derive no benefit from any contract
17 between the county and he wishes to have no
18 business dealings with any issue between any
19 contracting with the county.

20 It's about as clear a recusal as
21 you can have in this kind of circumstance.
22 I don't necessarily believe it poses a
23 conflict.

24 This is a vendor that we have
25 dealt with prior to this being an issue and

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2 it seems to be an acceptable recusal as far
3 as I'm concerned.

4 LEGISLATOR ABRAHAMS: Hold on one
5 second. Mr. Eisenstein, if you may. What's
6 the total cost the contract?

7 COMMISSIONER EISENSTEIN: It was
8 \$30,000 originally.

9 LEGISLATOR ABRAHAMS: Now it's
10 \$35,000?

11 COMMISSIONER EISENSTEIN: There
12 was another \$5,000, right.

13 LEGISLATOR ABRAHAMS: Has the
14 administration contemplated rebidding this
15 contract because of this possible conflict
16 of interest?

17 COMMISSIONER EISENSTEIN: I would
18 assume that if we go through another
19 engagement with Microsoft in three years, we
20 would be looking for another similar vendor
21 to help us with that engagement at that
22 time.

23 LEGISLATOR ABRAHAMS: It just
24 seems to be that the Legislature is being
25 asked to approve a contract to -- that

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2 benefits the company that the NIFA chair is
3 a principal of.

4 It just seems to be that -- the
5 company is still receiving the benefit,
6 that's the issue. It's a company that he's
7 a part of that still receives the benefit.

8 It's not the recusal. I'm happy
9 to hear that he is going to recuse and it
10 sounds like to me from Mr. Cleary's
11 statement that he is going to put in writing
12 that he is not receiving any benefit from
13 this particular contract, but the entity
14 still receives the benefit that he's a part
15 of.

16 I thought we had discussed at the
17 previous meeting that he is not really a
18 part of it. He was looking to remove
19 himself from the entity. I thought that was
20 part of the discussion from before.

21 MR. CLEARY: I'm not aware of any
22 discussion of him from removing himself from
23 the firm itself. That may be going on. I'm
24 not sure. I haven't heard that that's
25 completed. If that is in fact the plan.

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2 What we need to understand is
3 that the vendor pool is not infinite. There
4 are only so many vendors that we are ever
5 going to be able to work with in Nassau
6 County.

7 Our job is to identify vendors
8 that have the capacity to do what needs to
9 be done and the integrity to do so. This is
10 a good faith relationship. All contracts
11 require good faith relationships.

12 He has put in writing very
13 clearly through the counsel of NIFA. We did
14 receive the letter itself from the counsel
15 of NIFA stating that he will not benefit
16 from any contract having to do with Nassau
17 County.

18 If that is not considered
19 sufficient, and this would apply to any firm
20 that may or may not have relationships with
21 the county in other ways.

22 It is essential to be able to
23 satisfy the needs of the county and its
24 constituents by obtaining services of
25 vendors that are professionally capable and

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2 and have the integrity to perform those
3 services. This appears to be one of those
4 firms and not going to benefit from it. To
5 say that any vendor that has any
6 relationship with any county operation is to
7 be omitted from the pool of potential
8 vendors. We may find ourselves in an
9 increasingly difficult circumstance of
10 satisfying the needs of the county.

11 LEGISLATOR ABRAHAMS: I
12 understand what you're saying, Mr. Clearly,
13 in regards to what you're saying that
14 there's not an infinite pool. But, to me,
15 two things. One, we're not saying that.

16 Two, most importantly, you have
17 to understand and appreciate the fact that
18 this is a very unique case.

19 In the time there's been a
20 control board overseeing the county's
21 finance for the last 16 or 17 years, and not
22 once have we seen anyone on that particular
23 body, nor the chair of the NIFA board, have
24 a contract that comes before the Rules
25 Committee.

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2 To me, it seems a bit astonishing
3 that in that lack of infinite pool that it's
4 almost a complete opposite.

5 We found the contract that has
6 the most unique characteristics about it.
7 One that not only does the gentleman have a
8 relationship with a vendor that the county
9 is looking to contract with, he also tends
10 to be the chair of the same body that
11 approves the contracts in its final step.
12 It just seems to me like we are going the
13 complete other way in terms of the
14 uniqueness of this.

15 CHAIRWOMAN GONSALVES: Excuse me,
16 but since there are still questions
17 lingering here regarding this particular
18 company and the fact that Adam Barski is a
19 member of that, I'm going to ask for a
20 motion to table to get an opportunity for
21 ethics to rule on whether or not this is
22 ethical on the part of us doing this
23 particular --

24 MR. CLEARY: May I just make one
25 point?

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2 CHAIRWOMAN GONSALVES: Go ahead,
3 Mr. Cleary. We didn't take the motion to
4 table yet.

5 MR. CLEARY: Thank you. This is
6 an amendment to an existing contract. We
7 already had an established contract with
8 this vendor. This was established prior to
9 Mr. Barski becoming the head of NIFA. So
10 this was the continuation of the services by
11 the vendor that we had already procured
12 with.

13 LEGISLATOR NICOLELLO: We don't
14 know when Mr. Barski was on NIFA at the time
15 initially, number one;

16 Number two, rather than run into
17 an ethical problem or conflict problem down
18 the road, why not get an opinion from the
19 Board of Ethics which would cover us in the
20 event that they find we can go forward.

21 LEGISLATOR ABRAHAMS: Also to add
22 to Deputy Presiding Officer Nicolello's
23 point, one, I don't think we had the
24 disclosure in place when the previous
25 contract might have been out there, so we

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2 have no idea how long Mr. Barski's
3 relationship has been with this company.

4 And, two, if we have the
5 disclosures now and they seem to be working,
6 I don't know why we would compound the
7 problem by voting for the contract without
8 at least having some type of ethics review
9 which we would strongly suggest --

10 CHAIRWOMAN GONSALVES: That's why
11 we are going to move to table.

12 LEGISLATOR ABRAHAMS: I would
13 suggest it comes from the state as well so
14 we can get a clear opinion on this matter.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved to
18 table by Legislator Dunne, seconded by
19 Legislator Nicolello. All those in favor of
20 tabling E-204 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item is tabled unanimously.

25 Sorry, but, in light of the concern, I think

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2 that we're better off.

3 COMMISSIONER EISENSTEIN: There
4 was a second item.

5 CHAIRWOMAN GONSALVES: Yes.
6 That's E-217, that's the contract with
7 American Communications Industry.

8 COMMISSIONER EISENSTEIN: Yes.
9 Thank you. And I believe that was tabled
10 last time because there was a question about
11 who John Leasey was, whether he was an
12 employee or not.

13 CHAIRWOMAN GONSALVES: Do you
14 have an answer?

15 COMMISSIONER EISENSTEIN: He's
16 not an employee. He's a contractor of ACI,
17 an employee of ACI.

18 CHAIRWOMAN GONSALVES: Any other
19 issues from the legislators? Minority
20 Leader.

21 LEGISLATOR ABRAHAMS: Just for
22 the record, what's the value of the
23 contract?

24 COMMISSIONER EISENSTEIN: I have
25 to double-check. I think it's \$1 million.

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2 I have to check the exact number.

3 CHAIRWOMAN GONSALVES: \$1
4 million?

5 COMMISSIONER EISENSTEIN: Yes.

6 LEGISLATOR ABRAHAMS: \$4 million.
7 A million a year.

8 CHAIRWOMAN GONSALVES: For four
9 years.

10 COMMISSIONER EISENSTEIN: I have
11 to get you the exact number, but it's right
12 around a million a year.

13 LEGISLATOR ABRAHAMS: What
14 exactly will this contract provide to the
15 county.

16 COMMISSIONER EISENSTEIN: It's
17 wiring and cabling. That's what they're
18 used for. And cabling parts and cabling
19 wiring. Those kinds of things.

20 We brought a lot of the wiring
21 in-house. They are doing the wiring that
22 can't be done by our CSEA members.

23 LEGISLATOR ABRAHAMS: One second,
24 please. And this is a vendor that the
25 county has used before?

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2 COMMISSIONER EISENSTEIN: Yes,
3 this vendor has been in place since before I
4 became commissioner in 2010.

5 LEGISLATOR ABRAHAMS: When did
6 they initiate this role with the county?

7 COMMISSIONER EISENSTEIN: When
8 did they become a vendor?

9 LEGISLATOR ABRAHAMS: No. Well,
10 a vendor to the county, yes. You said it
11 happened before you.

12 COMMISSIONER EISENSTEIN: I would
13 have to look. I think it was 2002 or it was
14 2004.

15 LEGISLATOR ABRAHAMS: It seems
16 like to me from some of the finance sheets
17 that we are able to look at, like the county
18 is this vendor's largest portion of
19 business. Is that your understanding as
20 well?

21 COMMISSIONER EISENSTEIN: I
22 didn't look into whether we're their biggest
23 client or not. I didn't look into that.

24 LEGISLATOR ABRAHAMS: I mean, it
25 sounds like they have been here with the

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2 county for some time, but I guess the
3 concern could be that are they up for this
4 type of task? This seems like a very large
5 contract for a company from what we can see
6 here has generated a net income after taxes
7 of about \$27,476. Again, a pretty large
8 contract. We just want to make sure and
9 quantify that they're up for the task.

10 COMMISSIONER EISENSTEIN: No
11 question about it. They do an excellent job
12 with us. We accelerated our wiring models
13 and how we do work and they are right
14 stepping with us.

15 What they do a very good job at,
16 for example, at the jail, it's difficult for
17 county IT to operate the jail and they do a
18 lot of the wiring and infrastructure at the
19 jail. It's been a very positive
20 relationship and they won the last RFP.

21 LEGISLATOR ABRAHAMS: Do you find
22 that peculiar that something is just not
23 adding up? To generate a net income of
24 \$27,000 and they have been around with the
25 county since 2002, 2004?

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2 COMMISSIONER EISENSTEIN: I know
3 my internal dealings and what the county
4 used to spend with them compared to what I
5 spend with them, and it is significantly
6 less.

7 In terms of how they do business
8 and their books, I don't know about that. I
9 can tell you how we operate with them. I
10 encourage them to go out and make more sales
11 for themselves.

12 LEGISLATOR ABRAHAMS: I
13 understand that we don't want to get
14 involved in their books. I just want to
15 make sure that we're picking somebody that
16 is not going to cut corners or to
17 shortchange the county.

18 COMMISSIONER EISENSTEIN: I have
19 made corrections personally of how I want
20 them to operate and they are able to do
21 everything I need. I can go into extreme
22 detail on that if you want.

23 LEGISLATOR ABRAHAMS: I don't
24 think we need to do that. Nothing further.

25 CHAIRWOMAN GONSALVES: There

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2 being no other comment from the legislators,
3 any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of E-217 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 The item passes four to three.

11 COMMISSIONER EISENSTEIN: Thank
12 you. Happy New Year, everyone.

13 CHAIRWOMAN GONSALVES: Happy New
14 Year.

15 MR. BECKER: Madam Chair, before
16 you close, the treasurer has the opportunity
17 to explain and he found some further
18 information regarding the collection agency
19 they use regarding insurance. If you can
20 untable that item, he would like to respond
21 to that.

22 CHAIRWOMAN GONSALVES: We are
23 talking about E-281. A motion to untable.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR NICOLELLO: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Nicolello. All those in favor of untabling
5 E-281 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item is untabled.

10 Mr. Beaumont.

11 MR. JEFFERSON: Thank you. We
12 reached out to the vendor who we use for,
13 not the collection, but who actually
14 processed the payments.

15 The way it's handled, if an
16 uninsured person is contacted or takes an
17 ambulance ride and is contacted, they can
18 ask for a relief letter, and that relief
19 letter is submitted to the billing company,
20 McKesson. McKesson would take them off of
21 the collection.

22 If they do not contact them, they
23 can get that letter at any time during the
24 process. That's the way it works.

25 CHAIRWOMAN GONSALVES: This would

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2 be in keeping to what we did in the past
3 regarding those that did not have insurance,
4 they would not be responsible for paying the
5 fee?

6 MR. JEFFERSON: That's our
7 understanding. We contacted them with Greg
8 Stephanoff and we asked them, when you take
9 an ambulance ride, then they don't have that
10 information in hand at the time, so once
11 they get the documentation, they send the
12 bill out. There is an opportunity to come
13 forward and fill out the relief letter
14 explaining that there is no insurance in
15 place.

16 CHAIRWOMAN GONSALVES: Minority
17 Leader, you may.

18 LEGISLATOR ABRAHAMS: Thank you,
19 Madam Presiding Officer. Mr. Beaumont, so I
20 have an emergency. An ambulance comes and
21 picks me up, brings me to a hospital. I get
22 care. I come back home. Then, from there,
23 I get a bill or my insurance company gets a
24 bill.

25 If I don't have insurance, I get

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2 a bill that comes directly to me. From what
3 I understand correctly, I have to apply for
4 a relief letter. How is that letter
5 generated and who does that relief come
6 from?

7 MR. JEFFERSON: That letter would
8 be generated by the company, McKesson, they
9 would send you a letter and you would then
10 fill out the information stating that you do
11 not have insurance coverage.

12 I can go one step further to tell
13 you that I actually tested -- obviously I
14 have insurance, but I tested the process.
15 If you guys remember, some of you may
16 remember, I broke my ankle a couple of years
17 ago. I wanted to see how the process
18 worked. So I asked Joe D'Vito, let's check
19 to see how this works.

20 I didn't know about the uninsured
21 piece, but I waited to get a letter from
22 McKesson, and at that point I had my check.
23 I deposited it and waited to see when they
24 would bill me and they billed me and they
25 said you took a ride on this date, you owe

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2 us X number of dollars. I then wrote my
3 check out and forwarded it to them.

4 LEGISLATOR ABRAHAMS: But what
5 you got in the bill, did it say something
6 about the letter if you weren't then able to
7 pay?

8 MR. JEFFERSON: No. I had that
9 information. It just told me that I owed
10 them. However, if I got the bill and I
11 didn't have a way to pay, I believe I can go
12 back and look at my letter, there was
13 information on there to say that I received
14 a check, or I was covered by insurance, and
15 I didn't look to see if there was an
16 uninsured piece but I understand today that
17 there is a way to claim that you are
18 uninsured and to submit that information
19 back to the vendor asking them to provide
20 you with a relief letter. You submit that
21 to them and they remove your name from the
22 list.

23 CHAIRWOMAN GONSALVES: Do you
24 recall the letter that you received
25 indicating that you owe X amount of dollars

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2 for the service, was there in that
3 particular form anything that addressed the
4 fact that if you had no insurance, then
5 there was room on that form to indicate
6 that?

7 MR. JEFFERSON: I don't recall or
8 I would have told you. I don't recall if it
9 was on that form. I understand today that
10 there is a form and you can fill that form
11 out and you can submit it and check off that
12 you do not have insurance and we would make
13 sure that that information is available.

14 LEGISLATOR DUNNE: You just
15 stated that there were boxes, one, I have
16 insurance, or, two, I'm enclosing a check,
17 or, three, I'm uninsured. If you check off
18 uninsured, sign, and send it back. Is that
19 accurate as to what you just said?

20 MR. JEFFERSON: That is accurate.

21 LEGISLATOR ABRAHAMS: That, in
22 itself, is the relief letter that we're
23 talking about?

24 MR. JEFFERSON: No. That's not
25 the relief letter. It's my understanding

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2 that you have to get this relief letter and
3 you have to submit that because you have to
4 actually --

5 LEGISLATOR ABRAHAMS: Where would
6 one get that letter from?

7 CHAIRWOMAN GONSALVES: Who
8 generates that letter?

9 MR. JEFFERSON: McKesson would
10 generate that letter.

11 LEGISLATOR ABRAHAMS: And is
12 McKesson the same ones that are sending you
13 the bill?

14 MR. JEFFERSON: McKesson is the
15 one sending the bill.

16 LEGISLATOR ABRAHAMS: So I check
17 off the box like Legislator Dunne just said
18 that I'm uninsured, and then they send me
19 back a relief letter?

20 MR. JEFFERSON: Again, I don't
21 want to get into what I don't know. I do
22 know that there is a relief letter. We just
23 verified with the company, McKesson, that if
24 you are uninsured, there is a relief letter
25 that you can submit to them saying that

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2 you're uninsured, I believe, and we will
3 check it to make sure that it's enclosed in
4 the package if we have to change procedures.

5 However, I do not want to stand
6 here and say, well, I know exactly how this
7 whole process works for an uninsured person.

8 LEGISLATOR ABRAHAMS: So it
9 sounds like to me that the individual that
10 had the ride in the ambulance, they write
11 their own letter.

12 If you get a package of documents
13 and you check a box, why would McKesson have
14 you submit the letter to them unless they're
15 generating it themselves? Is it a form
16 letter that they just sign the bottom?

17 MR. JEFFERSON: As I understand,
18 it's called a relief letter. We asked them
19 how it's handled. They said it's a relief
20 letter that can be submitted to us and we
21 would take that person off of the list.

22 LEGISLATOR ABRAHAMS: Can we get
23 a sample of what this letter looks like?

24 CHAIRWOMAN GONSALVES: I'm going
25 to suggest that we will table it, and, by

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2 the end of the day, we can untable it if you
3 produce a form letter or information in that
4 regard because checking off a box on a
5 letter, it's very confusing.

6 MR. JEFFERSON: I will get you
7 that information, how it's done, and the
8 procedure.

9 LEGISLATOR DUNNE: And a copy of
10 that letter.

11 CHAIRWOMAN GONSALVES: Please.

12 MR. JEFFERSON: I will get you
13 that information and the procedure.

14 CHAIRWOMAN GONSALVES: If we
15 table it now, it can be untabled before the
16 end of the day. Legislator Solages before
17 we table.

18 LEGISLATOR SOLAGES: Thank you
19 very much, Presiding Officer. Treasurer
20 Jefferson, I just have one more question for
21 you, sir.

22 Happy New Year, good afternoon.

23 My question is, how much money
24 can we save the county if your office would
25 send out the initial letter asking for any

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2 unpaid fees? Has your office done that?

3 MR. JEFFERSON: We have not. I
4 believe that there's over \$24 million
5 budgeted. Quite a few people who take the
6 ambulance service, the way the process
7 works, there is a lock box. Anyone who
8 receives a check and mails it into the lock
9 box is then opened by McKesson who has the
10 staff who is able to process because they
11 process for other companies as well.

12 It's a process where we would
13 have to staff up to process ambulance
14 billing payments. Then we also would not be
15 able to do the collection end of it which is
16 what we are talking about today which is
17 delinquencies that we would actually have to
18 do skip tracing and we don't have the
19 knowledge or the technology, how to find
20 people who owe us money and who we can't
21 find pay.

22 LEGISLATOR SOLAGES: But do you
23 have the staffers in your office to perhaps
24 use a simple word processing software to do
25 a mail merge to send out letters to

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2 individuals stating that they owe money?

3 Does your office at least send
4 out a letter asking for that?

5 MR. JEFFERSON: There's a process
6 in place currently where, after you take
7 ambulance billing, that goes to a vendor,
8 and that vendor, like I explained, McKesson
9 they do the collection for us.

10 They are in a much better
11 position to collect the number of fees that
12 actually come in for the police department
13 billing.

14 LEGISLATOR SOLAGES: Thank you.

15 CHAIRWOMAN GONSALVES: I'm going
16 to ask for a motion to table it. And,
17 Jefferson, we can untable it if you get the
18 information later on in the day.

19 Motion to table, I believe it was
20 E-281.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator
25 Nicolello. All those in favor of tabling

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2 E-281 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The Rules Committee is now in
7 recess and we will now move on to the other
8 committees and join once again at the end of
9 committee. Public Safety is next.

10 (Whereupon, the Rules Committee
11 recessed at 2:22 p.m. and reconvened at 5:02
12 p.m.)

13 CHAIRWOMAN GONSALVES: Back in
14 session for the Rules Committee. A motion
15 to suspend the rules because we have an
16 addendum.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Nicolello. All those in favor of suspending
22 the rules signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 The rules are now suspended.

3 The first item we are going to
4 call is Item 615, a resolution to confirm
5 the County Executive's appointment of
6 Margaret Martinez Malito to the Long Island
7 Regional Planning Council.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Nicolello. I'm sorry that you sat there so
13 long.

14 MR. BECKER: Maggie gets the
15 medal today for having the most patience.

16 CHAIRWOMAN GONSALVES: Yes,
17 absolutely. But she saw us in action, it's
18 okay.

19 MR. BECKER: But I promised her,
20 Madam Chair, that we'd call her in the
21 beginning of the regular session.

22 CHAIRWOMAN GONSALVES: You didn't
23 talk to me about it.

24 MR. BECKER: I'm asking you now.
25 That's all.

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2 CHAIRWOMAN GONSALVES: I could
3 have called it before but that's okay. Any
4 objections to Margaret Martinez Malito?

5 MS. MALITO: I'm known as Maggie
6 to many of the legislators. Good afternoon,
7 Presiding Officer Gonsalves and Vice
8 Chairman Nicoletto and Minority Leader
9 Abrahams and all the legislators, how are
10 you?

11 CHAIRWOMAN GONSALVES: I'm really
12 sorry that you sat here so long. I don't
13 know what we could have done. I guess I
14 could have just bypassed it.

15 MS. MALITO: May I just say that
16 I hope you see it as a sign of respect for
17 this legislative body and the fact that my
18 appointments before you and I thought it was
19 worthwhile clearly and a sign of respect to
20 you. Thank you.

21 CHAIRWOMAN GONSALVES: You are
22 most welcome, Maggie. Are you coming back
23 on the 23rd?

24 MS. MALITO: I am. I would like
25 to, yes.

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2 CHAIRWOMAN GONSALVES: At the
3 Full Leg and we will try to make it right at
4 the beginning so we don't have you sitting
5 there for five hours. But don't hold me to
6 it.

7 MS. MALITO: Thank you.

8 CHAIRWOMAN GONSALVES: I have 18
9 others to worry about. Safe home. I don't
10 believe anybody wants to ask Maggie
11 questions. But does anybody really want to
12 ask a question or two?

13 (No verbal response.)

14 No. So all those in favor of the
15 appointment of Margaret Martinez Malito to
16 the Long Island Regional Planning Council
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 It's unanimous. Thank you very
22 much.

23 MS. MALITO: Thank you very much.
24 See you on the 23rd.

25 CHAIRWOMAN GONSALVES: Next we

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2 have 616, a resolution to confirm the County
3 Executive's appointment of Nancy Engelhardt
4 to the Long Island Regional Planning
5 Council.

6 Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR SCHAEFER: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Schaefer. I don't believe Nancy is here.

12 MR. BECKER: She was unable to be
13 present today but promises to be here at the
14 Full Legislative Meeting.

15 CHAIRWOMAN GONSALVES: On the
16 23rd, that's fine, no problem. If there are
17 no questions, no comments from the
18 legislators or the public, all those in
19 favor of the appointment of Nancy Engelhardt
20 to the Long Island Regional Planning Council
21 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Both appointments were unanimous.

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2 We are going to move along. I
3 believe there are other items on the
4 addendum.

5 There are several items that went
6 through committees and, as we always
7 request, committees' testimony be
8 incorporated in the Rules Committee by
9 reference as well.

10 We will begin with the consent
11 items which are 584-16, 601, 602, 607, 608,
12 609, 610, 612, 618, 621, 624, 117, 217, 517,
13 717; and then on the addendum 9-17, 10-17,
14 and 11-17.

15 (Whereupon, the please refer to
16 the minutes of the Planning, Public Safety,
17 Public Works, Health and Finance Committees
18 pertaining to Clerk Items 584-16, 601, 602,
19 607, 608, 609, 610, 612, 618, 621, 624, 117,
20 217, 517, 717; addendum 9-17, 10-17, 11-17;
21 dated 1-9-17.)

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Nicolello. Since they were discussed in
4 committees, all those in favor of the items
5 just called signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The items pass unanimously.

10 Let's go to the non-consent
11 calendar or agenda.

12 Item 417, a resolution
13 authorizing the County Attorney to
14 compromise and settle the claim of
15 plaintiff, Alicia Boudouris as set forth in
16 the action entitled Alicia Boudouris versus
17 the county of Nassau and Michael Sposato
18 Lawrence Shnurr Lou Cafiero, Dan Sydor in
19 their official and individual capacities,
20 case number 14CV-6719 pursuant to The County
21 Law, the County Government Law of Nassau
22 County, and the Nassau County Administrative
23 Code.

24 Motion, please.

25 LEGISLATOR DUNNE: So moved.

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2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Dunne, seconded by Legislator
5 Nicolello. Any further questions or
6 comments? Minority Leader.

7 LEGISLATOR ABRAHAMS: Thank you,
8 Madam Presiding Officer. I know this was
9 discussed in executive session but the
10 document that I want to make sure is part of
11 the record for clarity was a public document
12 filed on 8-15-16.

13 It was a document that specifies
14 a portion of the disposition that was given
15 when the alleged plaintiff said that she had
16 spoken to the County Executive on nine
17 occasions regarding discrimination and
18 harassment, since Bosada memorandum
19 regarding the sexual harassment within the
20 family court unit.

21 I just want to make sure we are
22 identifying for the record that, one, that
23 that practice of what happened and what was
24 discussed in executive session will never
25 ever happen again, but it seems like if this

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2 deposition, not to take one side, if this
3 deposition is accurate, or even half true,
4 to have that type of outreach on nine
5 separate occasions, for the culture to
6 continue just seems to me to be a bit
7 ridiculous.

8 I would say, Gerry, or, Fran, if
9 you could take this back to the County
10 Executive before the Full Legislature, I
11 would just want to hear, and I believe
12 someone will come, that's what I thought was
13 said in the back, that Ms. Locurto mentioned
14 that she would bring it back to the
15 administration that we just need to hear
16 from our standpoint a response to the
17 allegation that was made in this deposition.
18 Again, it's a public document that
19 Magistrate Judge Lock provided.

20 MR. BECKER: Minority Leader, we
21 will bring it to his attention and you're
22 asking for a response at the Full Leg in
23 regards to that?

24 LEGISLATOR ABRAHAMS: Asking for
25 someone from the administration to be here

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2 to respond to this allegation which was in a
3 public document.

4 MR. BECKER: Will do.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Fran.

7 CHAIRWOMAN GONSALVES: Any other
8 comments or questions?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of Item 417 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Six-zero.

18 The next item is Item 617, an
19 ordinance to amend ordinance 1320-16,
20 adopting the capital budget for the year
21 2016 for the County of Nassau corresponding
22 to the first year of the four year capital
23 plan pursuant to the provisions of Section
24 310 of the Government Law of Nassau County.
25 Motion, please.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by

5 Legislator Dunne, seconded by Legislator

6 Nicolello. Any further comment? Yes,

7 Legislator DeRiggi-Whitton.

8 LEGISLATOR DERIGGI-WHITTON:

9 Mr. Arnold, I just wanted to ask you about
10 the status of the Phase One Environmental
11 Study.

12 MR. ARNOLD: Phase One on what?

13 LEGISLATOR DERIGGI-WHITTON: This
14 item is for the capital for purchasing the
15 OEM building, correct? It's for purchasing
16 the OEM building this item.

17 Have we received any preliminary
18 reports or the final report on the Phase One
19 environmental study?

20 MR. ARNOLD: I know we asked the
21 firm to do it. I have to go back and see
22 the status of it.

23 LEGISLATOR DERIGGI-WHITTON: The
24 auction is tomorrow.

25 MR. ARNOLD: That is correct.

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2 LEGISLATOR DERIGGI-WHITTON: I
3 think it's an extremely important aspect as
4 to whether or not we want to take on the
5 liability of this property.

6 LEGISLATOR ABRAHAMS: I'm sorry,
7 not to cut you off. Ken, we were told, if I
8 remember it correctly, we were told at the
9 time, and I wish Legislator Kopel was here,
10 because him and I went back and forth in the
11 back room pushing for this.

12 We were told that the
13 environmental impact study was going to be
14 completed before the auction.

15 MR. ARNOLD: I would have to go
16 back and find out. I know they started the
17 work before the holiday. I don't know what
18 the status of it is.

19 LEGISLATOR DERIGGI-WHITTON: How
20 do we okay this amount of money without --

21 MR. ARNOLD: Reword the capital
22 project.

23 LEGISLATOR DERIGGI-WHITTON: I
24 know, but really what is the purpose of
25 tomorrow's auction, how do we let this go

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2 forward? The whole idea was that we were
3 guaranteed to have the Phase One before we
4 had to make that type of decision.

5 Is the auction still on for
6 tomorrow?

7 MR. ARNOLD: As far as I know it
8 is.

9 LEGISLATOR DERIGGI-WHITTON: And
10 we don't have any idea of what the
11 environmental status is?

12 MR. ARNOLD: I don't have that
13 information with me today, no.

14 LEGISLATOR DERIGGI-WHITTON:
15 Gerry, is there any way to check with your
16 office, only because they're the ones who
17 basically guaranteed that information to us
18 prior to this auction?

19 MR. PODLESAK: I will check with
20 my office.

21 LEGISLATOR DERIGGI-WHITTON: Is
22 there anybody still here?

23 CHAIRWOMAN GONSALVES: Is anyone
24 around, Mr. Podlesak, to give us an answer
25 to that question?

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2 LEGISLATOR DERIGGI-WHITTON: So
3 what are we going to do if we go ahead with
4 the auction and this environmental comes up
5 with all sorts of concerns?

6 LEGISLATOR DUNNE: Does it have
7 to go to Full Leg?

8 CHAIRWOMAN GONSALVES: What do
9 you have for us, Mr. Arnold?

10 MR. ARNOLD: We did get the
11 report back today. It asked for some
12 additional testing for vapor, for asbestos
13 and lead paint, but nothing unusual that we
14 would normally see in other Phase One
15 investigations.

16 LEGISLATOR DERIGGI-WHITTON: Do
17 you have a copy of that? Can we get that?

18 MR. ARNOLD: I didn't know we had
19 it until I just made a phone call. How am I
20 going to have a copy of it?

21 LEGISLATOR DERIGGI-WHITTON:
22 Additional testing for what?

23 LEGISLATOR ABRAHAMS: No. Can
24 you provide us with a copy?

25 MR. ARNOLD: Sure. I can talk to

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2 my staff.

3 CHAIRWOMAN GONSALVES: Get us a
4 copy of that, please.

5 MR. ARNOLD: Yes.

6 CHAIRWOMAN GONSALVES: I think,
7 in the meantime, I think we need to move on.
8 Sorry.

9 LEGISLATOR DERIGGI-WHITTON: Can
10 you say that again, additional testing for?

11 LEGISLATOR SCHAEFER: You said
12 nothing that you don't usually see. What
13 does that mean?

14 MR. ARNOLD: Vapor testing.

15 LEGISLATOR DERIGGI-WHITTON:
16 Vapor testing?

17 MR. ARNOLD: Which basically is,
18 is there any vapors in the building
19 associated with the groundwater
20 contamination that's in the area. We have
21 done that testing at a couple of county
22 facilities. Asbestos, which we always get
23 asked about, follow up with asbestos, and
24 also lead paint.

25 LEGISLATOR DERIGGI-WHITTON: What

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2 about the ground surrounding the building?
3 Was there anything that was of concern? I'm
4 almost more concerned with about the ground,
5 the dirt than what's inside the building.

6 MR. ARNOLD: The vapor testing
7 would see if there's any conduit of
8 contamination from the groundwater and/or
9 soil.

10 LEGISLATOR DERIGGI-WHITTON: So
11 unfortunately I been through this with Glen
12 Cove and we found arsenic, and we didn't
13 find it until they did the test on the dirt
14 itself. It didn't come from a vapor. We
15 did it when we did the dirt sample which
16 usually should be part of Phase One.
17 There's nothing regarding any of the
18 surrounding?

19 MR. ARNOLD: I just asked for the
20 highlights. I didn't get the details.

21 CHAIRWOMAN GONSALVES: Who did
22 the study?

23 MR. ARNOLD: I believe it was
24 Diverka & Bartilucci. I have to double
25 check. This all happened while I was on

1 Rules Committee/1-9-17

2 vacation.

3 CHAIRWOMAN GONSALVES: Is that
4 document that you are referring to available
5 at this time?

6 MR. ARNOLD: I would have to go
7 back and talk to my guys and talk to real
8 estate. I'm sure it's available. I don't
9 think it's a draft document but I could be
10 wrong. I have to double check. They may be
11 commenting on it still, so it may still be
12 draft.

13 CHAIRWOMAN GONSALVES: All right,
14 guys.

15 LEGISLATOR DERIGGI-WHITTON: Can
16 you get that to us tonight, a copy of it?

17 MR. ARNOLD: There's nobody in
18 the office.

19 CHAIRWOMAN GONSALVES: What time
20 is the auction?

21 MR. ARNOLD: That would be Kevin
22 Walsh would have to find that out.

23 CHAIRWOMAN GONSALVES: Do you
24 think it's early in the morning?

25 MR. ARNOLD: I think there is a

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2 standard time for these things, right?

3 CHAIRWOMAN GONSALVES: I have no
4 idea. But if we can get a copy.

5 MR. ARNOLD: I will make some
6 phone calls on the way home and see if
7 anybody has it electronically.

8 CHAIRWOMAN GONSALVES: You have
9 an email at home?

10 MR. ARNOLD: I will send it to
11 Peter Kleins.

12 LEGISLATOR DERIGGI-WHITTON: You
13 know, not for anything, but maybe the
14 bidding, whoever is doing the bidding,
15 should know what this says. Maybe it would
16 just be like a good idea to know what we're
17 bidding on.

18 I would hope that the person,
19 whoever it is doing the bidding in real
20 estate, would have a copy of it as well as
21 us.

22 CHAIRWOMAN GONSALVES: Ken, is it
23 likely that the person who is doing the
24 bidding would receive a copy of this? I
25 don't think so.

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2 MR. ARNOLD: I don't know. It's
3 not in my area of expertise.

4 CHAIRWOMAN GONSALVES: Sounds
5 like pie in the sky to me, but what can I
6 tell you.

7 MR. ARNOLD: I just don't if real
8 estate people are contingent on their bid
9 based on something they want to see done. I
10 don't know. I can't speak to that.

11 CHAIRWOMAN GONSALVES: I still
12 think that you can email.

13 MR. ARNOLD: If my people have it
14 electronically, I will send it out tonight.

15 CHAIRWOMAN GONSALVES: Please.
16 Thank you very much. He said tonight or
17 tomorrow morning.

18 Let's go. Since there are no
19 further comments, let's go with Item 6, the
20 year 17, all those in favor signify by
21 saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 Abstain?

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2 (No verbal response.)

3 LEGISLATOR DERIGGI-WHITTON:

4 Because we didn't get the report that we
5 were promised, I feel like saying no.

6 CHAIRWOMAN GONSALVES: No. All
7 right. Four to two.

8 We have one item left. I think
9 it's Item 3, year 17, and I'm not reading
10 this one. It went through Finance already.
11 It's a resolution authorizing the County
12 Attorney to compromise and settle the claim
13 of plaintiffs, supervisor of the Town of
14 Hempstead. I'm going to move on and see if
15 there is anybody else beside the Town of
16 Hempstead. Looks like there's various
17 districts within the town of Hempstead, I
18 believe, and, of course also it looks like
19 the Town of North Hempstead as well. I'm
20 not reading the whole thing.

21 It's a resolution authorizing the
22 county attorney to compromise and settle the
23 claim of Plaintiff Supervisor of Town of
24 Hempstead versus Nassau County.

25 A motion, please, on this.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator
6 Nicolello. Any questions? I know this went
7 through Finance as well.

8 LEGISLATOR ABRAHAMS: This is not
9 a question, just more that -- I mean, I know
10 as the majority has, we received this on
11 Friday. No. We got this today, sorry.

12 We're going to vote yes in the
13 affirmative, but, obviously, we want to
14 greater scrutinize the settlement agreement
15 over the next two weeks, and, if we do have
16 questions, bring those up to the
17 administration, but we plan to vote yes
18 today.

19 CHAIRWOMAN GONSALVES: There
20 being no other comments, those in favor of
21 Item 3 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes six to zero.

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2 I believe that is it, am I right?

3 Motion to adjourn, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

8 Nicolello. All those in favor signify by

9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 We are now adjourned. Thank you.

14 (Whereupon, the Rules Committee

15 adjourned at 5:26 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 17th day of January, 2017.

FRANK GRAY