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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, January 23, 2017
2:29 P.M

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

3

4 NORMA GONSALVES ,
Chairwoman5 RICHARD NICOLELLO ,
Vice Chairman

6

HOWARD KOPEL

7

DENNIS DUNNE

8

9 KEVAN ABRAHAMS ,
Ranking

10 DELIA DERIGGI-WHITTON

11 CARRIE SOLAGES

12 MICHAEL C. PULITZER ,
Clerk of the Legislature

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23
24
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LIST OF SPEAKERS

KEN ARNOLD 6

GERALD PODLESAK 6

JANE HODAK 16

PATRICK GALLAGHER 23

ROBIN PATRELLA 31

FRANCIS BECKER 51

COMMISSIONER THOMAS KRUMPTER 76

LIEUTENANT GREG STEPHANOFF 83

COMMISSIONER ED EISENSTEIN 89

MARYELLEN LAURAIN 105

ROBERT CLEARY 107

DENNIS MCDERMOTT 112

EILEEN KRIEB 114

BOB MCMANUS 121

ERROLL WILLIAMS 124

1 Rules Committee/1-23-17

2 CHAIRWOMAN GONSALVES: Mr.

3 Becker, the items that we're going to deal
4 with in the Rules Committee are germane to
5 the Full Legislature.

6 MR. BECKER: Are you calling
7 A-34?

8 CHAIRWOMAN GONSALVES: No.

9 MR. BECKER: You're going to call
10 the roll first? I'm here with Rules, I'm
11 ready. That's what I'm saying.

12 CHAIRWOMAN GONSALVES: Mr.
13 Becker, I'm asking the Clerk of the
14 Legislature to call the Rules Committee to
15 order, and then we will proceed.

16 CLERK PULITZER: Thank you, Madam
17 Chairwoman. The roll call for the Rules
18 Committee is as follows: Legislator Carrie
19 Solages?

20 LEGISLATOR SOLAGES: Here.

21 CLERK PULITZER: Legislator Delia
22 DeRiggi-Whitton?

23 LEGISLATOR DERIGGI-WHITTON:
24 Here.

25 CLERK PULITZER: Ranking Member

1 Rules Committee/1-23-17

2 Kevan Abrahams?

3 LEGISLATOR ABRAHAMS: Here.

4 CLERK PULITZER: Alternate Deputy
5 Presiding Officer Howard Kopel?

6 LEGISLATOR KOPEL: Here.

7 CLERK PULITZER: Legislator
8 Dennis Dunne?

9 LEGISLATOR DUNNE: Here.

10 CLERK PULITZER: Vice Chairman
11 Richard Nicoletello?

12 LEGISLATOR NICOLELLO: Here.

13 CLERK PULITZER: Chairwoman Norma
14 Gonsalves?

15 CHAIRWOMAN GONSALVES: Present.

16 CLERK PULITZER: We have a
17 quorum, ma'am.

18 CHAIRWOMAN GONSALVES: Thank you
19 very much, Mr. Pulitzer.

20 Now, Mr. Becker, the first item
21 on the Rules Committee is Item 28-17, a
22 resolution declaring a capital budget
23 emergency pursuant to 310-D of the County
24 Governmental Law of Nassau County.

25 Motion, please.

1 Rules Committee/1-23-17

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator
6 Kopel. Who is here to speak on this item?

7 MR. BECKER: The esteemed Ken
8 Arnold will be speaking on this item.

9 MR. ARNOLD: Ken Arnold, Public
10 Works. The emergency is associated with the
11 budget amendments for the OEM building that
12 will be called as a separate item, and also
13 in front of the Full.

14 CHAIRWOMAN GONSALVES: Yes, but
15 we have to get through Rules first,
16 Mr. Arnold.

17 MR. ARNOLD: Okay.

18 CHAIRWOMAN GONSALVES:
19 Mr. Arnold, Item 28 on the Rules Committee,
20 were you directed to speak on this item?

21 MR. PODLESAK: Gerald Podlesak,
22 deputy county attorney. I would like to
23 inform the committee that this item is in
24 relation to an item that has already passed
25 the committee amending the capital plan but

1 Rules Committee/1-23-17
2 at that time it did need a capital plan
3 emergency.

4 Since that time, it is being
5 amended and now it does need a capital
6 emergency. So this would be, in many ways,
7 the tail following the dog now.

8 The item it refers to, it would
9 be before the Full Legislature.

10 CHAIRWOMAN GONSALVES: No
11 comments or questions from the legislators?

12 LEGISLATOR ABRAHAMS: I just have
13 a quick question. 28-17 is an amendment in
14 the capital plan so that we can, a budget
15 emergency to amend, so that we can have the
16 funds in place for the Morelli Center, am I
17 understanding it correctly?

18 MR. PODLESACK: It's so the
19 capital plan would be able to address the
20 funding for the Morelli Center. It's not an
21 appropriation.

22 LEGISLATOR ABRAHAMS: So we can
23 ask our questions regarding the Morelli
24 Center now?

25 MR. PODLESACK: It would probably

1 Rules Committee/1-23-17

2 be better to ask it when the entire item
3 comes on board. This is just a technicality
4 that allows it to go forward at that point.

5 LEGISLATOR ABRAHAMS: We are also
6 calling 29-17 at the same time, which is the
7 use --

8 CHAIRWOMAN GONSALVES: It was
9 just the first one.

10 LEGISLATOR ABRAHAMS: I thought
11 we called the two of them.

12 CHAIRWOMAN GONSALVES: Just the
13 first item.

14 LEGISLATOR ABRAHAMS: Can we call
15 them together?

16 CHAIRWOMAN GONSALVES: If they --

17 LEGISLATOR ABRAHAMS: I thought
18 they related to each other.

19 Either way, we have questions
20 about the Morelli Center.

21 CHAIRWOMAN GONSALVES: So why
22 don't you address those questions.

23 LEGISLATOR ABRAHAMS: I'll just
24 ask them now. I was listening but maybe
25 we're not going to do the two together. So

1 Rules Committee/1-23-17

2 that's fine.

3 My questions are more tied to,
4 and probably better for Ken to answer. Ken,
5 at the previous meeting we discussed the
6 county as we agreed to, a couple of
7 legislative sessions back, agreed to do a
8 phase one study.

9 It was our understanding based on
10 the last legislative meeting, when that
11 Phase One was to be in place by the time the
12 county was actually going to go forward with
13 the bid, it sounded like it wasn't
14 completely clear that the Phase One was
15 completed at the time county went forward
16 with the bid which was on January 10th, I
17 believe.

18 Since that time, based off the
19 report that's been issued by Diverka &
20 Bartilucci, it recommends a couple of
21 different things. Before I get into those
22 recommendations --

23 MR. PODLESIAK: Actually,
24 legislator, before you go forward, it is my
25 understanding that because this matter has

1 Rules Committee/1-23-17

2 not yet closed, that it would be more
3 appropriate to discuss everything involving
4 the Morelli Center in executive session.

5 LEGISLATOR ABRAHAMS: Gerry, I
6 can tell you, I'm a little concerned about
7 that, I understand what you're saying, but
8 this is already part of a public record.
9 The concerns that I'm bringing up were part
10 of a public record when the county first
11 purchased the property back in 2002.

12 MR. PODLESAK: But, as I said,
13 the matter has not closed yet and at this
14 time --

15 LEGISLATOR ABRAHAMS: I
16 understand the matter hasn't closed, but I'm
17 not bringing up anything in regards to the
18 matter that hasn't been known to the public
19 since 2002.

20 MR. PODLESAK: Yes, but any kind
21 of other result from in and any kind of
22 discussion of it is not yet part of the
23 public record which is why we recommend that
24 the whole matter be discussed in executive
25 session.

1 Rules Committee/1-23-17

2 LEGISLATOR ABRAHAMS: Gerry, I
3 mean, in all due respect I don't know if I
4 necessarily agree with that because, again,
5 I'm bringing up things that the county was
6 aware of in 2002.

7 What I'm talking about in regards
8 to the concerns that arise from this report
9 also came out in 2002 which are part of a
10 public record.

11 We should be able to give the
12 public the opportunity to have this be part
13 of the record and not do an executive
14 session.

15 I understand when we went into
16 executive session, we wanted to discuss
17 certain items in regard to the bid because
18 obviously we did not want to jeopardize the
19 county's position in regards to making a
20 financial bid and we did not want other
21 bidders to understand that, I completely get
22 that, and that's why we never brought any of
23 those things to the floor.

24 But when it pertains to the
25 actual environmental study, to me, this

1 Rules Committee/1-23-17

2 seems to be something that is well known and
3 very public and we should have the ability
4 to ask questions about it even if this item
5 wasn't before us.

6 CHAIRWOMAN GONSALVES: I believe
7 there was supposed to be someone here to
8 speak on Phase One that Minority Leader is
9 talking about.

10 Do we have someone here to talk
11 about this? We do not believe that this was
12 part of public record. I didn't believe it
13 was part of public record.

14 MR. PODLESAK: Madam Presiding
15 Officer, I just would refer it to you and
16 your good judgement whether or not this
17 matter should be discussed in executive
18 session. It is the opinion of the County
19 Attorney's Office that at this time that it
20 should be in executive session.

21 We're not trying to withhold
22 anything from the public. All this will
23 come out eventually, but until the matter is
24 closed, it is our opinion that it is better
25 that there be a level of confidentiality.

1 Rules Committee/1-23-17

2 CHAIRWOMAN GONSALVES: Hold on.

3 I don't think I'm in agreement but Deputy
4 Presiding Officer would like to say
5 something.

6 LEGISLATOR NICOLELLO: In terms
7 of the environmental impact study, why would
8 that have to go to executive session?

9 MR. PODLESAK: In terms of
10 anything involving the actual closing.

11 LEGISLATOR NICOLELLO: I don't
12 know if I agree with that.

13 MR. PODLESAK: As I said, we will
14 leave it in the judgement of the committee,
15 but that is our recommendation that it go to
16 executive session.

17 LEGISLATOR ABRAHAMS: If I may,
18 Madam Presiding Officer, just jump back in.

19 Mr. Podlesak -- and I never was
20 done, not quite. If I understand this
21 correctly, the price is set, correct? The
22 county can't lower the price nor can the
23 price be raised by the entity?

24 MR. PODLESAK: There was a bid
25 extended. I do not know at this time if

1 Rules Committee/1-23-17

2 there was any kind of additional financial
3 matters, but that is my own lack of personal
4 knowledge.

5 I would just request, Presiding
6 Officer, if this is going to be public
7 debate or if it's going to executive
8 session?

9 CHAIRWOMAN GONSALVES: I just
10 want to clarify. I believe all that is
11 being asked for at this particular time is
12 the results of the study, okay? Does that
13 require going into executive session?

14 MR. PODLESACK: Our opinion is
15 that the entire matter should be in front of
16 executive session until the time of closing.

17 LEGISLATOR ABRAHAMS: I have to
18 tell you, that becomes very highly
19 questionable for us. From our standpoint,
20 again, if this wasn't part of a public
21 record that goes back to 2002, I would agree
22 with you.

23 But this is part of a public
24 record. This was demonstrated back then.
25 The only reason we got the study was because

1 Rules Committee/1-23-17
2 of that public record that went back to
3 2002, and, to me, it seems like we should be
4 able to inform the public on the record of
5 the results of that study. Why else would
6 we have done that study?

7 I know we did it to make sure
8 that the county didn't incur any future
9 liability, but, obviously we need to be able
10 to inform the public and the workers that
11 are there. So I have questions in regard to
12 this item.

13 Madam Presiding Officer, I
14 respectfully ask for to us to move forward
15 so we can ask these questions.

16 CHAIRWOMAN GONSALVES: Mr. Kopel,
17 an opportunity to voice his concern.

18 LEGISLATOR KOPEL: So these are
19 not questions that require executive
20 session. I think all of us are satisfied.

21 Let me ask you one or two quick
22 things. You've got some matters that are
23 raised in the Phase One that are concerning
24 to some extent.

25 Nonetheless, you must have

1 Rules Committee/1-23-17

2 thought about how you're going to deal with
3 these issues. Specifically, you've got some
4 vapors there.

5 I know you got the New York State
6 letter which advises that no further action
7 is required. But how do you deal with those
8 vapors? What would it take? Can you
9 install some equipment to take care of those
10 vapors, to ensure safety of the workers and
11 what would it cost? This is not a secret.
12 It shouldn't be.

13 MS. HODAK: It shouldn't be.
14 Jane Hodak, Department of Public Works,
15 attorney for the county.

16 Vapors in and around the Bethpage
17 area have been known for quite some time
18 and, in fact, the County Executive back in
19 2009, working with the senator and a few
20 other elected representatives in the area,
21 and the state Department of Health and the
22 New York State Department of Conservation,
23 asked for some studies to be done in the
24 area. People were particularly concerned
25 about carcinogens.

1 Rules Committee/1-23-17

2 If I may, I can read you an
3 excerpt from the state DOH website from a
4 2013 report that you can go to, anybody can
5 get this. It's readily available on the
6 web.

7 LEGISLATOR KOPEL: Which supports
8 what we're just saying, you don't need an
9 executive session for this.

10 MS. HODAK: I just want to, when
11 I talk about vapors, I want to let people
12 know what this says. It says, "based on
13 soil vapor intrusion, evaluation data
14 collected to date, and based on the depth at
15 which the groundwater contamination is
16 located, the New York State Department of
17 Environmental Conservation and the New York
18 State DOH have determined that soil vapor
19 intrusion of site related compounds is not a
20 potential exposure pathway for people living
21 or working in buildings located over
22 contaminated groundwater associated with the
23 navy and Northrop Grumman sites."

24 So they were talking about the
25 Northrop Grumman sites in general in that

1 Rules Committee/1-23-17

2 area were undergoing groundwater
3 remediation.

4 LEGISLATOR KOPEL: And that
5 paragraph would apply specifically to this
6 property as well; is that correct? It's
7 inclusive, that would be inclusive of this
8 property?

9 MS. HODAK: Am I answering the
10 question? So, basically, what you have is,
11 you have the New York State DOH who has
12 looked into vapors. They have looked at
13 vapors and they have told the people who are
14 living and working in the area that they
15 have no data to date that says that they
16 should be concerned about vapor
17 contamination in the homes and buildings in
18 which they are occupying.

19 LEGISLATOR KOPEL: My question
20 was, would that -- one second.

21 MS. HODAK: So what I'm talking
22 about is vapors in and around homes. What
23 you asked us to do prior to the closing on
24 the property here, is to do an evaluation
25 from a real estate perspective of this

1 Rules Committee/1-23-17

2 property, and what we may to incur in terms
3 of the property.

4 And the same is true, for
5 example, they say the building is old, you
6 might have asbestos; the building is old,
7 you might have lead paint.

8 LEGISLATOR KOPEL: Well, that
9 applies to just about every old building.

10 MS. HODAK: Exactly. So when you
11 approach anything you do involving the
12 plumbing, the piping, you think about
13 asbestos and you build in a contingent
14 amount in your contract if in fact you
15 encounter it. The same is true for
16 asbestos.

17 What they said about vapors in
18 this area, is because wind, there is ongoing
19 groundwater contamination, remediation --
20 sorry, not ongoing contamination, there's
21 ongoing remediation of ground water
22 contamination in the area. So, therefore,
23 you should be cognizant that there may be
24 vapors.

25 If we have to address vapors at

1 Rules Committee/1-23-17

2 some point in the future because we decide
3 to alter the building, because we decide to
4 do some sort of construction that breaks
5 through the slab or we do something then you
6 may have to install a vapor system. We
7 looked at that.

8 LEGISLATOR KOPEL: This report,
9 Jane, does identify vapors as a potential
10 problem.

11 MS. HODAK: No, it doesn't. It
12 identifies them as a potential business
13 concern that you should take into account.

14 LEGISLATOR KOPEL: It says here
15 there is a potential vapor intrusion at the
16 site. I'm reading it.

17 MS. HODAK: It says there is a
18 potential -- under the heading of business
19 environmental risk meaning there is a
20 potential for vapor intrusion in the site
21 and, if you read through the entirety of the
22 report, what they are saying is, you need to
23 be cognizant that that is something that you
24 would have to consider as you operate this
25 facility in the future and you do things

1 Rules Committee/1-23-17

2 that may cause --

3 LEGISLATOR KOPEL: Forgive me,
4 with all due respect, I don't see it quite
5 that way, but I still would like you to
6 answer the specific question if you can. It
7 may be you are not the correct person to
8 answer it.

9 My question was, assuming that
10 there is a concern for some vapors that
11 might affect this particular building, can
12 this be addressed by the installation of
13 equipment that would mitigate the risk for
14 anybody who is working at the site?

15 MS. HODAK: Yes.

16 LEGISLATOR KOPEL: Good. That
17 was part one of the question. The other
18 part of the question is, what would that
19 cost?

20 MS. HODAK: The estimate we have
21 gotten is a conservative estimate of no more
22 than a half a million dollars. That's a
23 very, very conservative estimate.

24 LEGISLATOR KOPEL: And the
25 context -- but the opinion here is -- in

1 Rules Committee/1-23-17

2 other words, when I read over here that D&B
3 recommends that each of RECs and BERS
4 identified above be evaluated and either
5 addressed through field activities or
6 dismissed based upon further examination,
7 you're saying that is not referring to now?

8 MS. HODAK: What I'm saying is,
9 there has been nothing -- we have no indicia
10 that there are vapors that we need to
11 address. We basically have a situation in
12 which you have ongoing groundwater
13 remediation. Those groundwater remediations
14 are of volatile organic carbons and those
15 things can produce vapors.

16 LEGISLATOR KOPEL: Let me ask you
17 another question. Can you test for these
18 vapors?

19 MS. HODAK: Yes.

20 LEGISLATOR KOPEL: Has that been
21 done?

22 MS. HODAK: We actually asked D&B
23 to indoor air testing.

24 LEGISLATOR KOPEL: Have they done
25 that yet?

1 Rules Committee/1-23-17

2 MS. HODAK: No. They will be
3 doing that this week.

4 LEGISLATOR KOPEL: What is the
5 date for closing, please?

6 CHAIRWOMAN GONSALVES: Are you a
7 representative from D&B?

8 LEGISLATOR KOPEL: We don't need
9 that yet. What is the date set for closing
10 on this?

11 MR. GALLAGHER: Yes, I'm Patrick
12 Gallagher. I'm a deputy county attorney.
13 The closing date is scheduled for February
14 10th.

15 LEGISLATOR KOPEL: May I assume
16 that it is not a time of the essence
17 closing?

18 MR. GALLAGHER: No. It's not.
19 We can request an adjournment from the
20 referee but we would have to put down an
21 additional ten percent. It's not up to us.

22 LEGISLATOR KOPEL: I'm sorry.
23 The contract specifies that any adjournment
24 beyond February 10th requires an additional
25 deposit?

1 Rules Committee/1-23-17

2 MR. GALLAGHER: Yes, it's not
3 really -- it's a contract.

4 LEGISLATOR KOPEL: Terms of sale.

5 MR. GALLAGHER: Exactly, yes.

6 LEGISLATOR KOPEL: The terms of
7 the sale specify that it is time of the
8 essence except you may obtain an adjournment
9 by down payment of an additional ten
10 percent, is that what it says? Do you
11 understand my question?

12 MR. GALLAGHER: I'm sorry I
13 didn't hear it.

14 LEGISLATOR KOPEL: The contract
15 or the terms of sale, I'm just using them
16 interchangeably because it is a contract, I
17 understand. It specifies that it is
18 essentially time of the essence but that can
19 be changed by a payment of an additional ten
20 percent down?

21 MR. GALLAGHER: Well, it's still
22 discretionary of the referee.

23 LEGISLATOR KOPEL: That's not my
24 question. Is it -- in other words, would we
25 be in default, let me put it that way. If

1 Rules Committee/1-23-17

2 we didn't close on the 10th and we didn't
3 put down 10 percent, would that constitute a
4 default?

5 MR. GALLAGHER: Yes, it would.

6 LEGISLATOR KOPEL: That was my
7 questions. Thank you. You will have the
8 results of that test when?

9 MS. HODAK: At the end of next
10 week.

11 LEGISLATOR KOPEL: Just out of
12 curiosity, why wasn't that done?

13 MS. HODAK: Because we have been
14 moving pretty quickly since you've asked for
15 the Phase One --

16 LEGISLATOR KOPEL: But at the
17 time of the Phase One, were the inspectors
18 there? They didn't actually go there, they
19 just did the research?

20 MS. HODAK: Because there was
21 nothing to indicate that you would have
22 vapors in the indoor air that you would need
23 to sample for.

24 When we looked at the report and
25 we put it together, we assumed that you

1 Rules Committee/1-23-17

2 might ask for it, so we started the process
3 to ask for testing.

4 LEGISLATOR KOPEL: Got it.

5 MS. HODAK: And just to set,
6 kind of the playing field, there is ongoing,
7 a bunch of ongoing remediation. Those
8 ongoing remedial efforts by the DEC are
9 evaluated by the New York State Department
10 of Health before those consent orders are
11 finalized and the remediation is selected.

12 LEGISLATOR NICOLELLO: Is there
13 any representative from Diverka &
14 Bartilucci?

15 MS. HODAK: Yes, there is.
16 Before we hear from them, I really would
17 like to finish the answer to the question
18 because there is something that I would like
19 to get on the record because this involves
20 law and science and it's really important
21 that we have the facts straight.

22 LEGISLATOR KOPEL: Good idea. Go
23 for it.

24 MS. HODAK: Basically you have
25 these ongoing remediations in the area, and

1 Rules Committee/1-23-17

2 those ongoing remediations are being --
3 they're DEC consent order driven and prior
4 to the issuance of the DEC consent orders,
5 the State Department of Health reviews those
6 consent orders.

7 At no time during the review of
8 those consent orders did they say that as
9 part of the remediation, that indoor air
10 samples should be taken. They didn't say it
11 as a precautionary measure, so at no time
12 did they tell us, or suggest, that there was
13 a concern about indoor air samples. If
14 there were, I would want my colleagues in
15 the buildings that they occupy to have the
16 benefit of having those air samples.

17 So, right now we are in a
18 position that we are acquiring this property
19 and, as part of the due diligence, because
20 the standards to which you create these
21 reports require you to identify all
22 potential business transaction concerns.

23 In an abundance of caution, they
24 have identified vapors as something that we
25 might have to address at some time in the

1 Rules Committee/1-23-17

2 future as the owner of the building.

3 LEGISLATOR KOPEL: I don't
4 remember this, but assuming that there is
5 some kind of catastrophic problem found, is
6 that a responsibility of each property owner
7 is or is Northrop Grumman responsible for
8 that?

9 MS. HODAK: The good thing is
10 right now we have a bunch of ongoing consent
11 orders and, to the extent we would become
12 aware of a need to address vapors in and
13 near our property, we could petition the
14 state to have that included as part of the
15 ongoing remediation.

16 These remediations are not going
17 away any time soon. So it's good for us to
18 have information so that we would share that
19 with is the state so it could be included in
20 the remediation and we should also know
21 about it to the extent that we would have to
22 address it in our buildings.

23 But I don't want anybody to be
24 concerned right now, because it's unlikely
25 that we are going to find anything in the

1 Rules Committee/1-23-17

2 buildings because there have been studies
3 done both at the time --

4 LEGISLATOR KOPEL: Do we have a
5 representative of the Phase One engineers
6 here?

7 MS. HODAK: Yes.

8 LEGISLATOR KOPEL: Could we speak
9 to that person?

10 LEGISLATOR KOPEL: Could we speak
11 to that person, please?

12 MS. HODAK: Absolutely.

13 LEGISLATOR DERIGGI-WHITTON:
14 Howard, when you're done I just want to
15 follow up.

16 CHAIRWOMAN GONSALVES: Go ahead,
17 Legislator DeRiggi-Whitton.

18 LEGISLATOR DERIGGI-WHITTON: Just
19 to clarify what you said which is that right
20 now we have no worries, if you look at page
21 1-4 --

22 LEGISLATOR KOPEL: We're going to
23 talk to the representative.

24 LEGISLATOR DERIGGI-WHITTON: I
25 know but I want her to be -- she also just

1 Rules Committee/1-23-17

2 put on the record --

3 MR. BECKER: Robin Patrella is
4 here from Diverka & Bartilucci.

5 LEGISLATOR DERIGGI-WHITTON:
6 Howard, can I just clarify that? She put on
7 the record that there's no reason to worry
8 about the vapors right now, but in the Phase
9 One, which is an independent study
10 specifically for this property, and 1-4, it
11 says, that the fact that the water
12 groundwater approximately is 50 feet,
13 groundwater in the area is known to be
14 impacted by different organic compounds
15 which have the potential to move the soil
16 into vapor.

17 LEGISLATOR KOPEL: That's the
18 reason we're asking for the engineer.

19 LEGISLATOR DERIGGI-WHITTON: I
20 know I want to ask the engineer that, but
21 before we left it on the record by Ms. Hodak
22 that there is really no reason to be
23 concerned right now. I just want to clarify
24 that that's not what the Phase One says.

25 LEGISLATOR KOPEL: Delia,

1 Rules Committee/1-23-17

2 Ms. Hodak is a lawyer and that's why we want
3 to hear from the expert.

4 Ma'am, you want to step up? You
5 heard the question?

6 MS. PATRELLA: I did.

7 LEGISLATOR KOPEL: Would you just
8 give us your thoughts on this whole
9 discussion, please?

10 MS. PATRELLA: My name is Robin
11 Patrella and I'm with D&B Engineers. We
12 prepared the Phase One report for the
13 property.

14 When we prepare the Phase One
15 report, we have to do it in accordance with
16 specific guidelines, ASTM, they set out
17 rules and regulations.

18 As part of that, we are required
19 to identify RECs, VECs, we put that in the
20 report, but also what we call the business
21 environmental risks.

22 LEGISLATOR KOPEL: Why don't you
23 explain for people to hear what those
24 acronyms represent?

25 MS. PATRELLA: So we identified

1 Rules Committee/1-23-17

2 recognized environmental conditions, vapor
3 encroachment conditions, and then what they
4 call BERs, which is the business
5 environmental risks.

6 Of those, those are risks that --
7 since we're doing the work for a potential
8 buyer that we would want them to be aware
9 of. So there may be asbestos, there may be
10 lead based paint, and another one of them is
11 soil vapor intrusion.

12 We all know that unfortunately
13 Nassau County, the ground water in that area
14 is impacted.

15 So there's a potential for the
16 volatile organics to move up into the soil.
17 We mentioned 50 feet. That's a very long
18 way to go. If groundwater is at three or
19 four feet, that may be a totally different
20 issue.

21 Groundwater is at 50 feet. It's
22 very far away. The building is on a slab,
23 it's not a basement, so you're not into the
24 ground, you're on top. So I can't tell you
25 there's not a potential for vapor intrusion.

1 Rules Committee/1-23-17

2 LEGISLATOR KOPEL: How would you
3 know if that eventuality ever came to pass?
4 How would you know?

5 MR. PATRELLA: Well, we looked at
6 the slab that the building was on. Of the
7 parts that we were able to --

8 LEGISLATOR KOPEL: So, three
9 years from now, a crack developed --

10 MS. PATRELLA: If there's a
11 crack, you could sample at that point. You
12 could sample then.

13 LEGISLATOR KOPEL: But you might
14 not know because nobody is looking at the
15 slabs.

16 MS. PATRELLA: Correct. So we
17 just identified it as a concern, as a
18 business environmental risk. That's it.

19 LEGISLATOR KOPEL: By the way,
20 you personally are an engineer?

21 MS. PATRELLA: I personally am.

22 LEGISLATOR KOPEL: So is it your
23 professional opinion that this is safe for
24 workers and -- I'm sorry, I'm putting you on
25 the spot, but would you be happy having your

1 Rules Committee/1-23-17

2 family members work in this building?

3 MS. PATRELLA: Based on the
4 information that I have, I wouldn't not go
5 to work there.

6 LEGISLATOR KOPEL: You wouldn't
7 not go to work.

8 MS. PATRELLA: I feel that
9 groundwater is at 50 feet. So if it was at
10 five feet, I would maybe have a different
11 answer for you.

12 LEGISLATOR KOPEL: But my
13 question was, would you be happy having your
14 family members working there at this point,
15 would you have any concerns?

16 MS. PATRELLA: No.

17 LEGISLATOR KOPEL: You would not
18 recommend anybody avoid that job for this
19 reason?

20 MS. PATRELLA: No.

21 LEGISLATOR KOPEL: Okay.

22 LEGISLATOR DERIGGI-WHITTON: I
23 just have a couple of follow-up.

24 CHAIRWOMAN GONSALVES: Legislator
25 DeRiggi-Whitton, go.

1 Rules Committee/1-23-17

2 LEGISLATOR DERIGGI-WHITTON: The
3 result, in layman's terms, from Phase One,
4 from what I understand, is to have a phase
5 two, is that what your company recommended

6 MS. PATRELLA: We recommended
7 they either further evaluate it. Could
8 either do a Phase Two or just look for more
9 reports.

10 I mean, we did a -- a Phase One
11 does not include any type of sampling.
12 That's the definition of a Phase One. You
13 don't do any intrusive work.

14 LEGISLATOR DERIGGI-WHITTON: Is a
15 Phase Two like a normal, is it a normal step
16 prior to a piece of property being sold?

17 MS. PATRELLA: It's dependant on
18 who is purchasing the property.

19 LEGISLATOR DERIGGI-WHITTON: So
20 we had Phase One and basically they are
21 recommending Phase Two, not only for the
22 vapor question but a number of other --

23 MS. PATRELLA: We didn't -- we
24 just said to further evaluate the
25 information. We didn't say you have to do a

1 Rules Committee/1-23-17

2 Phase Two.

3 CHAIRWOMAN GONSALVES: Would it
4 be a normal procedure on the part of D&B to
5 recommend that or would this be a standard
6 that would be followed?

7 In other words, if you did Phase
8 One and Phase Two would be recommended or
9 something that it could be suggested?

10 MS. PATRELLA: It's dependent on
11 the buyer. If you looked at that, the state
12 has issued no further action letters for the
13 property. The state didn't feel that they
14 needed to do any additional work but there's
15 limitations.

16 LEGISLATOR DERIGGI-WHITTON: So
17 we wanted to have this Phase One. You know,
18 the fact that there have been no samples,
19 like how do you know that there aren't any
20 cracks in the foundations that could be
21 leading to vapors or anything else? I mean,
22 you haven't actually tested for that,
23 correct?

24 MS. PATRELLA: Well, we didn't --

25 LEGISLATOR DERIGGI-WHITTON:

1 Rules Committee/1-23-17

2 Before you just said if there was a crack in
3 the foundation --

4 MS. PATRELLA: Well, there would
5 be a potential for more vapor intrusion.

6 LEGISLATOR DERIGGI-WHITTON:

7 Right. But we don't know if there is
8 because you haven't been to the field to
9 check for such things, correct?

10 MS. PATRELLA: We have been to
11 the field as part of the Phase One, you are
12 required to do a site inspection.

13 LEGISLATOR DERIGGI-WHITTON: But
14 did you check for --

15 MS. PATRELLA: We walked through
16 the building and you can only see the slab,
17 the parts that are not covered with tile or
18 carpet.

19 LEGISLATOR DERIGGI-WHITTON: So
20 there was no vapor infusion testing done by
21 your firm on your inspection, correct?

22 MS. PATRELLA: There's no testing
23 component of a Phase One.

24 LEGISLATOR DERIGGI-WHITTON: So
25 you're basically validating that there is to

1 Rules Committee/1-23-17

2 vapor issue based on like a visual
3 inspection?

4 MS. PATRELLA: Based on the slab
5 appeared to be in generally good condition.
6 Groundwater is at 50 feet. It would have to
7 go through 50 feet of soil to get up to the
8 building and then get through your concrete
9 slab and get into the building. Based on
10 that information --

11 LEGISLATOR DERIGGI-WHITTON:
12 Unless there is additional intrusion to the
13 soil, I mean, we've known about this plume
14 for a while, so we don't know how far down
15 in the soil any type of vapors have been
16 affected or any other contamination?

17 MS. PATRELLA: That I don't know.

18 LEGISLATOR DERIGGI-WHITTON: You
19 didn't do a soil sample either, right? So
20 we have no vapor and no soil?

21 MS. PATRELLA: Phase One does not
22 include any sampling.

23 LEGISLATOR DERIGGI-WHITTON: I
24 know that your company did recommend a Phase
25 Two.

1 Rules Committee/1-23-17

2 MS. PATRELLA: I didn't recommend
3 Phase Two.

4 LEGISLATOR DERIGGI-WHITTON: The
5 Phase Two evaluation?

6 MS. PATRELLA: No. I didn't.
7 Phase Two did not come into the wording of
8 that --

9 LEGISLATOR DERIGGI-WHITTON:
10 Well, it says evaluate neither address
11 through field activities. So basically it
12 sounds like, if you look at 1-4, it sounds
13 like we should go back and look at the
14 vapor, possible vapor contamination, and
15 maybe we should possibly do a soil sample
16 prior to us -- once we sign on to this, and
17 once we close on this property it's ours.

18 We're just hearing the minimum
19 amount, if there is a problem with the
20 vapor, would be a half a million dollars.
21 That's the minimum. It could be up to --
22 I've seen a lot of the cleanup in Glen Cove.

23 MS. HODAK: No, no, no. It
24 wasn't a minimum. That was the maximum.

25 LEGISLATOR DERIGGI-WHITTON: You

1 Rules Committee/1-23-17

2 just said before a conservative number.

3 MS. HODAK: Meaning that's the
4 upper limit.

5 LEGISLATOR DERIGGI-WHITTON:

6 Well, conservative I don't take as upper
7 limit. You just said before that was your
8 conservative number. You can't guarantee it
9 won't cost us more than a half million
10 dollars for clean up for vapor issues.
11 There's no way you can stand there and say
12 that.

13 MS. PATRELLA: First of all, it
14 wasn't for clean up of vapor issues. The
15 costs that we were thinking about, if you
16 were to identify soil vapors as an issue,
17 you're not going to clean it up to the point
18 where you're going to put what they call an
19 SSDS or sub slab depressurization system
20 which would mitigate the vapors beneath the
21 building so they won't go in.

22 Based on that, we did a rough
23 calculation and for the size of the building
24 that there is, and to retrofit it with an
25 SSDS, we came up with a maximum value of

1 Rules Committee/1-23-17

2 approximately a half a million dollars. I
3 mean, that would be the worst case.

4 LEGISLATOR DERIGGI-WHITTON: That
5 would eliminate any vapor issue in the
6 building should it be found?

7 MS. PATRELLA: Yes, that's the
8 idea of the vapor systems, yes. I mean,
9 every school in New York City, regardless,
10 has one put in.

11 LEGISLATOR DERIGGI-WHITTON:
12 Right. Which is a good idea. I think that
13 that would have to be done. Nobody wants to
14 go through the trouble of moving but I also
15 have to feel confident as a legislator that
16 we are putting our employees in a safe
17 place. I know they're in there.

18 But now we are going to be the
19 owner of this property and for us to take on
20 that liability, we have to do our due
21 diligence. I think we should do the vapor
22 test and the soil test before we give
23 anymore --

24 CHAIRWOMAN GONSALVES: Isn't it
25 is so that this existing plume that has been

1 Rules Committee/1-23-17

2 identified by EPA and DEC is constantly
3 monitored or it's just the plume that exists
4 near the property?

5 MS. PATRELLA: Yes.

6 CHAIRWOMAN GONSALVES: Isn't that
7 constantly monitored by EPA and DEC?

8 MS. PATRELLA: I don't know which
9 homes are being tested or what their
10 monitoring is. Because this property that
11 we're talking about is a commercial
12 property. You already have a deed
13 restriction on your commercial property. So
14 this property can only be used for
15 commercial use, the one that you are looking
16 to purchase.

17 CHAIRWOMAN GONSALVES: The only
18 reason I ask the question is, in my district
19 there are two sites that are still being
20 monitored by EPA and DEC as well as the Town
21 of Hempstead to make sure that that plume
22 has not gone further or in any other
23 direction.

24 MS. PATRELLA: Well, there is two
25 groundwater remediation systems ongoing in

1 Rules Committee/1-23-17

2 that area.

3 CHAIRWOMAN GONSALVES: That's
4 what I wanted to ask.

5 MS. PATRELLA: Let me let you
6 know that that's treating the groundwater.
7 You can't -- the vapors -- if the
8 groundwater is continuously, if it's still
9 contaminated, then you got to treat that,
10 that's what they're doing right now. You're
11 not going to remove the potential for vapors
12 unless you remove the groundwater.

13 CHAIRWOMAN GONSALVES: Let me ask
14 you something else. Together with that,
15 there's always some kind of air sampling
16 that takes place on an ongoing basis. Would
17 that be the case with this property that we
18 are talking about?

19 MS. PATRELLA: I'm sorry.

20 CHAIRWOMAN GONSALVES: I said
21 there is always an ongoing sampling of the
22 air testing in the vicinity of these
23 contaminated areas would that be the case
24 with this property?

25 MS. PATRELLA: That I don't know.

1 Rules Committee/1-23-17

2 There hasn't been a requirement for it, I
3 don't know what you're -- you're talking
4 about other properties?

5 CHAIRWOMAN GONSALVES: That are
6 in the vicinity of this property.

7 MS. PATRELLA: I don't know. I
8 was only looking at this property as part of
9 the report.

10 CHAIRWOMAN GONSALVES: Legislator
11 Kopel.

12 LEGISLATOR KOPEL: Just one
13 question. This one is for you, Ms. Hodak, a
14 legal question.

15 In this particular case, I'm not
16 personally familiar with the terms of sale,
17 but if one were to discover a catastrophic
18 condition prior to the law date, what would
19 be our position? Would we, nonetheless, be
20 forced to closed or would we have an out?

21 MR. GALLAGHER: It would be as
22 is.

23 LEGISLATOR KOPEL: It's strictly
24 as is. So, in other words, if we found, as
25 I say, a catastrophic problem, it's too bad

1 Rules Committee/1-23-17

2 for us at this point.

3 MR. GALLAGHER: Yes, but the
4 likelihood is not.

5 LEGISLATOR KOPEL: That's not
6 what I'm asking. That's really for the
7 engineer, but I'm just asking you the legal
8 question.

9 MR. GALLAGHER: Yes.

10 LEGISLATOR KOPEL: Okay.

11 CHAIRWOMAN GONSALVES: Minority
12 Leader.

13 LEGISLATOR ABRAHAMS: Thank you,
14 Madam Presiding Office. I actually have a
15 question for the engineer from Diverka &
16 Bartilucci.

17 MS. PATRELLA: Robin Patrella.

18 LEGISLATOR ABRAHAMS: So just to
19 piggyback on some of the questions that
20 Legislator DeRiggi-Whitton asked, you had
21 mentioned in your comments that the state
22 recommendation indicated a couple of various
23 different things in regards to the safety at
24 the site. When was that recommendation?

25 MS. PATRELLA: I know there were

1 Rules Committee/1-23-17

2 no further action letters prepared for the
3 property.

4 LEGISLATOR ABRAHAMS: Yes. When
5 were those letters prepared?

6 MS. PATRELLA: Sorry. I'm just
7 looking for the actual date. There was a
8 lot of work done in the area of these
9 properties and then there were no further
10 action letters that were dated --

11 LEGISLATOR ABRAHAMS: I think if
12 I'm looking at your report, one is dated
13 January 10, 2003.

14 MS. PATRELLA: Yes, that sounds
15 correct.

16 LEGISLATOR ABRAHAMS: I'm looking
17 for the other one.

18 MS. PATRELLA: They were both
19 dated about the same time.

20 LEGISLATOR ABRAHAMS: So they go
21 back about 14 years?

22 MS. PATRELLA: Yes, because
23 that's when they were first closing a lot of
24 those plants.

25 LEGISLATOR ABRAHAMS: So the

1 Rules Committee/1-23-17

2 public or workers shouldn't have any concern
3 that based on a letter that was dated 14
4 years ago that nothing else would have
5 developed in that time frame?

6 MS. PATRELLA: There was no new
7 work being done on those properties. The
8 issue is here, we identified -- nothing has
9 changed on the property since that time.

10 We just identified the fact that
11 there is known ground water contamination in
12 the area -- we just read recently I think
13 they said all of Long Island's groundwater
14 is contaminated.

15 LEGISLATOR ABRAHAMS: Wouldn't
16 you agree that you would need to do some
17 type of soil test or borings to be able to
18 determine --

19 MS. PATRELLA: No.

20 LEGISLATOR ABRAHAMS: Why is that
21 the case?

22 MS. PATRELLA: It's just vapor.
23 They've already identified that there's no
24 further action letters here.

25 LEGISLATOR ABRAHAMS: From 2003?

1 Rules Committee/1-23-17

2 MS. PATRELLA: Yes, but nothing
3 has changed on the property. There has been
4 no change in work there. So it's been a
5 business property since then.

6 I think Nassau County, when it
7 was given over by the Navy they sent a
8 letter saying there was no environmental
9 issues with the property and gave it to the
10 county at that point.

11 Nothing new has happened on that
12 property that we were able ascertain that
13 would have further impacted anything there.

14 So you already have a no further
15 action letter for the property stating that
16 there is a deed restriction. So you're not
17 supposed to dig into the ground and cannot
18 put a school or anything I believe --

19 LEGISLATOR ABRAHAMS: I don't
20 think you can put residential there.

21 MS. PATRELLA: For residential,
22 correct.

23 LEGISLATOR ABRAHAMS: I guess
24 what I'm looking for, and I don't know if
25 you could be able to do this, but you say

1 Rules Committee/1-23-17

2 with great confidence that there are no
3 concerns because of the 2003 letter and
4 because there's no construction.

5 So, if I'm understanding this
6 correctly, this Legislature has to proceed
7 with the actual -- in providing the
8 financial resources so that the purchase of
9 the property can happen.

10 Am I hearing that Diverka &
11 Bartilucci is giving some type of guarantee?

12 MS. PATRELLA: Absolutely not.

13 LEGISLATOR ABRAHAMS: Absolutely
14 not?

15 MS. PATRELLA: What I'm saying
16 is, nothing has changed at the property.
17 You already have a deed restriction saying
18 that there is potential impacts to soil.
19 You can't put children there or dig.

20 So now nothing has changed. The
21 property for use as a commercial property
22 where people come in, they're in the
23 building, they go home, they're parking,
24 they go home, there's -- nothing has changed
25 since 2003 that has made any changes -- in

1 Rules Committee/1-23-17

2 saying that the DEC already said in 2003 you
3 can use the property for that.

4 LEGISLATOR ABRAHAMS: I guess
5 what I'm harping on is that you're saying
6 nothing has changed because the county
7 hasn't done any construction.

8 So if I'm understanding this
9 correctly then, if nothing has changed, then
10 why couldn't Diverka & Bartilucci give
11 greater certainty that there is nothing
12 wrong with the property as it standards
13 today in 2016 without doing any type of soil
14 test or borings?

15 Like, how can you get to that
16 level of certainty over a 14 year period
17 and, at the same time, I don't hear that
18 level of certainty when I asked you about
19 the guarantee?

20 MS. PATRELLA: There was no
21 additional manufacturing done on the
22 property.

23 LEGISLATOR ABRAHAMS: I get that.

24 MS. PATRELLA: Based on that. So
25 there were no new sources of potential

1 Rules Committee/1-23-17

2 impacts to the property at that point.

3 So, now, we identified -- the
4 property was used by Grumman, nobody is
5 denying that fact. They did work out there.
6 The state has given you a no further action
7 letter saying you can utilize the property
8 for commercial use.

9 LEGISLATOR ABRAHAMS: But those
10 letters are not indefinite. Are those
11 letters indefinite?

12 MR. BECKER: Minority Leader,
13 Madam Chair, we're going over the same
14 questions over and over again. It's really
15 getting to be unfair. We have a bunch of
16 attorneys on the panel there. Nobody is
17 going to give anybody a guarantee about any
18 potential things that could happen in the
19 future. You are badgering her. That's what
20 you're doing, Minority Leader.

21 LEGISLATOR ABRAHAMS: We're not
22 badgering anybody.

23 MR. BECKER: You said, I don't
24 mean to badger you, but you are badgering,
25 you're asking the same questions over and

1 Rules Committee/1-23-17

2 over again. Madam Chair, we are covering
3 the same ground. She just answered the same
4 question four times.

5 LEGISLATOR ABRAHAMS: If you want
6 to shut it down, shut it down.

7 MR. BECKER: I'm just saying, I
8 think she is be very, very clear, very very
9 direct, and I think it's unfair that you
10 constantly are badgering her with the same
11 questions, and you are wasting everybody's
12 time too.

13 CHAIRWOMAN GONSALVES: Mr.
14 Becker, let the questions continue and let
15 the answers flow.

16 MR. BECKER: Madam Chair, she's
17 answering the same question.

18 CHAIRWOMAN GONSALVES: I don't
19 know if that's the same question.

20 MR. BECKER: It is the same
21 question. She just answered it four times
22 about the letter. Asking the same and
23 trying to get a different -- I got you this
24 lady here and --

25 LEGISLATOR DERIGGI-WHITTON: We

1 Rules Committee/1-23-17

2 are elected officials. We have not done
3 anything to her. You need to let us
4 complete the process.

5 MR. BECKER: That's up to the
6 Madam Chair and I'm appealing to her.

7 CHAIRWOMAN GONSALVES: They need
8 to have --

9 MR. BECKER: How many times does
10 she have to answer the same question over
11 and over again?

12 LEGISLATOR DERIGGI-WHITTON: It's
13 not the same question. Fran, you're out of
14 order.

15 CHAIRWOMAN GONSALVES: I think
16 she can take care of herself. She's very
17 capable.

18 LEGISLATOR ABRAHAMS: I mean, we
19 talk about badgering, I feel like I was just
20 badgered.

21 MR. BECKER: Let me say it again
22 and then you can be badgered.

23 CHAIRWOMAN GONSALVES: Mr.
24 Becker, the legislators need to get the
25 answers to their questions.

1 Rules Committee/1-23-17

2 MR. BECKER: It's been answered
3 four times.

4 CHAIRWOMAN GONSALVES: It can be
5 stated 10 different ways. Let's go. Whose
6 talking? Let's go, Kevan.

7 LEGISLATOR ABRAHAMS: Thank you.
8 So moving off of the 2003, I just have one
9 more question, Robin, regarding the property
10 in regard to its current state before I move
11 on to anything else.

12 So, if I'm understanding this
13 correctly, is it possible that the
14 contamination that is there, for lack of a
15 better word, could it spread, or get larger,
16 or create vulnerabilities to county workers
17 or to individuals alike, since 2003?

18 MS. PATRELLA: If we're talking
19 about anything that's left in the soil,
20 let's just go that way, if it's left in the
21 soil, whatever is there is going to stay the
22 way it is.

23 The only thing that may occur is,
24 whatever is in there may degrade, if it's a
25 volatile or anything like that.

1 Rules Committee/1-23-17

2 Within groundwater, again, being
3 50 feet below grade, you're volatile
4 organics may degrade and they're also going
5 to -- they can dissolve based on naturally
6 attenuation, is the word I'm looking for,
7 but, in that regard, that is why they are
8 trying to clean up the groundwater there.
9 They're doing remediation.

10 LEGISLATOR ABRAHAMS: And who is
11 "they"?

12 MS. PATRELLA: There are two
13 different remediations going on. One for I
14 believe I have it in the report, Ruco
15 Chemical there's a groundwater remediation,
16 and also a Grumman remediation system
17 ongoing for the groundwater.

18 So that is going to do is that's
19 going to alleviate the groundwater
20 contamination, any contaminants that may be
21 left in the groundwater which would
22 alleviate any soil vapor in the future.
23 That's the goal, typically.

24 So with this deed restriction
25 that the state has put on the property,

1 Rules Committee/1-23-17

2 they're saying, and we look at this for a
3 lot of different property transactions, that
4 they have a plan in place. So if you're
5 going to go and you're going to disturb the
6 soils, this no further action letter
7 requires that you inform the state at that
8 point.

9 LEGISLATOR ABRAHAMS: That part I
10 understand. But we are not doing that.

11 MS. PATRELLA: But, typically,
12 based on the letter that's provided, the
13 state has not come back and asked to reopen
14 the site, they have just asked that, as long
15 as you keep the property as is and use it as
16 is commercial property, you're good to go,
17 whatever is left there, it's okay.

18 LEGISLATOR ABRAHAMS: So, two
19 things, and I will wrap up.

20 If I can just go back to, just to
21 clarify, listening to everything you just
22 said, and reading the last sentence on page
23 1-4 of what Legislator DeRiggi said, and I
24 just want to read it verbatim so it's in the
25 record, D&B, which is Diverka & Bartilucci,

1 Rules Committee/1-23-17
2 recommends that each of the RECs and BERs
3 identified above be evaluated and either
4 addressed through field activities or
5 dismissed based on further examination.

6 When do you envision that
7 happening? I believe Ms. Hodak mentioned
8 that that would be done in the next week?
9 When does that part happen?

10 MS. PATRELLA: So, typically, we
11 would go through -- so, one of the BERs that
12 they were looking to look at would be the
13 soil vapor intrusion. So, in order to
14 address that, the county was considering
15 doing indoor air sampling at the building.

16 LEGISLATOR ABRAHAMS: When do you
17 do that?

18 MS. PATRELLA: We can do that as
19 early as this week with results next week.

20 LEGISLATOR ABRAHAMS: So this
21 sounds like a plan. So, Ms. Hodak, would
22 you agree that the county would serve better
23 to have those things done before we actually
24 consummate the sale?

25 MS. HODAK: I think this is going

1 Rules Committee/1-23-17

2 to be done before we have the sale. We've
3 said that.

4 LEGISLATOR ABRAHAMS: No, no,
5 before this legislative body takes action on
6 the sale.

7 MS. HODAK: No, I don't. I think
8 the information that we today about this
9 property is enough information for us to go
10 forward because we know what the upset price
11 would be if we had to do any work. It's a
12 conservative number and it's a prudent and
13 true remediation if necessary.

14 LEGISLATOR ABRAHAMS: So let me
15 make sure I understand. And I heard what
16 Fran Becker was saying before, and I hate to
17 use the word guarantee, so you are
18 guaranteeing to this Legislative body that
19 we will not spend more than \$500,000.

20 MS. HODAK: I'm that's guaran --
21 I don't like -- no, no.

22 LEGISLATOR ABRAHAMS: But, Ms.
23 Hodak, if you can't give us the certainty
24 today, then we can't give you the certainty
25 of a vote today without seeing the further

1 Rules Committee/1-23-17

2 evaluations.

3 MS. HODAK: I have told you that
4 based upon what the engineers have hold us,
5 that Diverka & Bartilucci has priced a
6 system that we had need to put underneath
7 this building, if, in fact, we encountered
8 vapors and I told you what that amount is.

9 LEGISLATOR ABRAHAMS: Yes, but if
10 I understand what Robin was saying before,
11 it sounded like -- I thought she had said it
12 was a rough calculation; am I phrasing what
13 she said properly?

14 MS. PATRELLA: It's a rough
15 calculation but we went up. When we said
16 "conservative" --

17 LEGISLATOR ABRAHAMS: The
18 highest, yes, of course. But what I need to
19 know and this Legislative body on this Rules
20 Committee should know, that if that was the
21 most conservative number at \$500,000, I
22 don't see why, if you're telling us we
23 should proceed, even though this report
24 indicates that we should evaluate -- either
25 address the field activities or dismiss the

1 Rules Committee/1-23-17

2 base on further examination, and you're
3 telling us that that won't be done until
4 after this Legislative body takes action,
5 then if you have that much certainty, then
6 you should be able to tell us with guarantee
7 that we will not spend more than \$500,000.

8 The two are not adding up in my
9 mind. Because if you're telling us that the
10 ceiling is \$500,000, and we should move
11 forward regardless of this recommendation by
12 D&B, then you should have no problem
13 guaranteeing that the cost won't be more
14 than \$500,000.

15 MR. BECKER: Minority Leader,
16 nobody is going to talk about guarantees.
17 Come on. Seriously. You have to remember,
18 too, speaking on behalf of the County
19 Executive, if I may -- look at the appraised
20 values of this.

21 LEGISLATOR ABRAHAMS: Fran, we
22 understand risk. Fran, let me tell you
23 something --

24 CHAIRWOMAN GONSALVES: You are
25 out of order, Mr. Becker.

1 Rules Committee/1-23-17

2 LEGISLATOR ABRAHAMS: Fran, you
3 want though -- you want each of the members
4 up here --

5 CHAIRWOMAN GONSALVES: I'm sorry.
6 I'm sorry.

7 LEGISLATOR ABRAHAMS: I'm not
8 done yet.

9 CHAIRWOMAN GONSALVES: I think we
10 should be addressing Jane, the engineer.

11 MR. BECKER: You have been.

12 CHAIRWOMAN GONSALVES: Excuse me,
13 you're not the referee.

14 MR. BECKER: I'm not saying that
15 I am. That's you. I think I'm speaking on
16 behalf of the County Executive stepping in
17 here that this is a tremendous -- I'm told
18 by counsel I shouldn't speak about the value
19 of this.

20 LEGISLATOR ABRAHAMS: Fran, you
21 can be the referee, whatever you want to be.
22 That's fine.

23 CHAIRWOMAN GONSALVES: Fran, you
24 can talk on behalf of the County Executive,
25 but I believe -- hold on. I believe that

1 Rules Committee/1-23-17

2 D&B have been hired by the County Executive
3 and they should be --

4 MR. BECKER: But she's talking
5 about remediation and all this stuff and
6 said the same thing -- every time makes the
7 same comment.

8 LEGISLATOR ABRAHAMS: Norma,
9 Norma.

10 MR. BECKER: I'm saying you have
11 to look at the whole deal here. He's say
12 there is a chance -- let me finish -- I'm
13 speaking on behalf of the County Executive,
14 let me speak a moment. I get a chance to
15 speak, absolutely, it's a free country.
16 First amendment.

17 CHAIRWOMAN GONSALVES: Fran, it's
18 not the way it goes. We have Jane here and
19 we have --

20 MS. PATRELLA: I'm asking this
21 body to -- they're focusing in on that maybe
22 the county might have to spend a half a
23 million dollars.

24 CHAIRWOMAN GONSALVES: Fran, we
25 are capable of making up our own minds.

1 Rules Committee/1-23-17

2 MR. BECKER: Madam Chair, you are
3 interrupting me.

4 CHAIRWOMAN GONSALVES: Fran,
5 you're not supposed to be speaking.

6 MR. BECKER: Frank can't hear
7 what I'm saying. I have a chance to put
8 something on the record here.

9 CHAIRWOMAN GONSALVES: Nothing.
10 No, no, no.

11 MR. BECKER: I'm just saying,
12 look at the whole deal. That's all I'm
13 asking you to look at.

14 LEGISLATOR ABRAHAMS: We are. If
15 you let us.

16 MR. BECKER: And the value that
17 it is to the county and she's --

18 CHAIRWOMAN GONSALVES: Fran,
19 that's enough.

20 MR. BECKER: She's already told
21 you five or six times.

22 LEGISLATOR ABRAHAMS: No, she
23 hasn't. She hasn't, Fran.

24 MR. BECKER: She said \$500,000.
25 You are asking both people --

1 Rules Committee/1-23-17

2 LEGISLATOR DUNNE: Thank you for
3 your input, Fran.

4 LEGISLATOR ABRAHAMS: I just have
5 two more things.

6 MR. BECKER: Who else do you want
7 to speak?

8 CHAIRWOMAN GONSALVES: I'm muting
9 you. You're not listening. Kevan, you have
10 another question?

11 LEGISLATOR ABRAHAMS: Yes, for
12 Ms. Hodak, I understand you're not going to
13 be able to give a guarantee, and I respect
14 that. I do have a concern especially in
15 light of the fact that these tests will be
16 occurring by the time at the end of the
17 week.

18 LEGISLATOR DERIGGI-WHITTON: They
19 haven't said that on the record.

20 LEGISLATOR ABRAHAMS: No, I
21 thought so.

22 CHAIRWOMAN GONSALVES: He did.

23 LEGISLATOR ABRAHAMS: I thought
24 Robin had mentioned that these soil tests
25 were going to take place this week.

1 Rules Committee/1-23-17

2 MS. PATRELLA: We are not doing
3 soil tests. We are going to do indoor air.

4 And we are going to order
5 everything. We can be out there this week.
6 The test itself takes eight hours because
7 you want to mimic when people are there.

8 LEGISLATOR ABRAHAMS: If I could
9 real quick. I just want to make sure I
10 understand.

11 So when D&B recommended that each
12 of the RECs and BERS be identified above be
13 evaluated and even addressed, you were
14 talking about this air test?

15 MS. PATRELLA: Yes.

16 LEGISLATOR ABRAHAMS: Not a soil
17 test?

18 MS. PATRELLA: No.

19 LEGISLATOR ABRAHAMS: You don't
20 think we need to do that?

21 MS. PATRELLA: No.

22 LEGISLATOR ABRAHAMS: Just
23 clarifying for the record. That will be
24 done you said this week?

25 MS. PATRELLA: Yes.

1 Rules Committee/1-23-17

2 LEGISLATOR ABRAHAMS: I would
3 respectfully ask that we motion to table and
4 wait for this to come back.

5 LEGISLATOR NICOLELLO: Can I just
6 ask a question?

7 This is to follow-up with your
8 question. The only thing I'd like to know
9 is that if you do the test within a week,
10 how long does it take to get the results?

11 MS. PATRELLA: Well, just as the
12 Phase One was pretty much on a very fast
13 track, we can do the same thing. So we will
14 get the results back in probably -- within a
15 day get the results back to the county,
16 after I get the results. Probably by the
17 end of next week.

18 LEGISLATOR NICOLELLO: A week to
19 ten days?

20 MS. PATRELLA: Yes.

21 LEGISLATOR NICOLELLO: Thank you.

22 CHAIRWOMAN GONSALVES: One more
23 comment and we're moving on. Legislator
24 Kopel.

25 LEGISLATOR KOPEL: I was the one

1 Rules Committee/1-23-17

2 if I recall correctly who brought up the
3 whole idea of the Phase One. But I think I
4 would urge my colleagues to move forward on
5 this and I'm going to explain why, Delia.

6 LEGISLATOR DERIGGI-WHITTON: How
7 can you? We have to table it. It's before
8 you have the results.

9 LEGISLATOR KOPEL: Delia, I'm
10 talking. The reason that I think we should
11 move forward is because we have to recall
12 the testimony when we previously considered
13 this issue when we first authorized the
14 county to go ahead on the bid.

15 At that point, it was brought out
16 that this was a rather unique property in
17 the sense that it would cost us a lot of
18 money to move and duplicate it. That's
19 number one. So, therefore, not moving
20 forward would be a big issue in that
21 respect.

22 On the other side, moving
23 forward, I am comforted, to some extent, by
24 the testimony of the engineer that she would
25 not hesitate to have her family work there.

1 Rules Committee/1-23-17

2 Finally, if we did find that
3 there is some sort of -- and this is what I
4 understand as well, if we did find there was
5 some sort of issue, then in that case we
6 would be able to remediate it for a sum that
7 is significantly less than it would cost the
8 county to move the facility and move it
9 somewhere else.

10 For that reason -- and at that
11 point once we did remediate it it could be
12 made safe.

13 So, the downside it seems to me,
14 if we continuously monitored the situation,
15 would be the cost to remediate the air
16 quality which can be done.

17 The only thing I would do is ask
18 the administration, assuming that the first
19 test comes back, that the air quality is
20 clean, that the administration commit to a
21 continuous monitoring program.

22 With that, I believe -- for that
23 reason I believe it's worthwhile to move
24 forward.

25 LEGISLATOR DUNNE: Being that the

1 Rules Committee/1-23-17

2 Madam Chair is not here, I'm going to just
3 weigh in. I haven't said anything this
4 whole time. I just want to get clear with
5 those --

6 MR. BECKER: Legislator, who do
7 you want to speak to?

8 LEGISLATOR DUNNE: Madam Chair.

9 CHAIRWOMAN GONSALVES: Go.

10 LEGISLATOR DUNNE: Our attorney.
11 Just north of there there is a hotel. Just
12 south of this building is a McDonalds. Just
13 east of that is Tommy's Orient Express which
14 is like the best Chinese food in the world.
15 So many places.

16 Now, housed in this building is
17 the Office of Emergency Management -- guys
18 are we listening or talking? Hello?

19 This is going to answer your
20 question. Contained in this building is the
21 Office of Emergency Management, which
22 consists of commissioners from fire
23 departments, emergency management people
24 from every walk of life whether it be
25 federal, county, state, town, whether it be

1 Rules Committee/1-23-17

2 the electric companies, anybody and
3 everybody is housed in this building.

4 I was there for Irene, I was
5 there for Sandy. This is a unique bunch of
6 people that are going to be housed in that
7 and have been housed in this area, and you
8 think if they were going to be housed in an
9 area, and they thought there was a
10 possibility of explosive fumes or fumes that
11 might have detrimental problems to people's
12 health, that they would continue to want to
13 be in a facility that has that kind of
14 danger?

15 If we have that many agencies,
16 even the Red Cross, and we have all sorts of
17 different agencies housed in that building
18 all the time, do you think for one minute
19 they would allow this to go forward to bid
20 on this thinking that there might be a
21 possibility of fumes coming up in some years
22 if we do some building on it, that
23 hypothetically we might duce in 2025 or
24 something?

25 MS. HODAK: Well, I know that the

1 Rules Committee/1-23-17

2 New York State Department of Homeland
3 Security has occupied space in that
4 building. I know the New York State
5 Department of Health when they found
6 remediations and others that they thought
7 required work on vapors, that they required
8 it.

9 So they required no work on
10 vapors on the two existing plumes nor have
11 they reopened the no further action letters
12 that were issued to Grumman back in 2003 to
13 require vapors. They have done that in
14 other places. They asked them to look at
15 vapors or reopened closed no further action
16 letters to address vapors. And that has not
17 been done here.

18 And, as I said at the outset, as
19 per the Department of Health's website, they
20 did look at soil vapor contamination in the
21 area to assure the people that there wasn't
22 a need to be concerned about it in their
23 homes and the places that they worked.

24 LEGISLATOR DUNNE: Now, the plume
25 went south southeast from the original

1 Rules Committee/1-23-17

2 hangars there, from the original Grumman,
3 and that plume has been in existence for
4 quite a while, so that means that vapors are
5 deep in the ground and they still built an
6 Applebee's, still built a Lowes, which has a
7 tremendous amount of capacity of building
8 there, and they found no fumes or bad air
9 quality that would shut any of those places
10 down or nobody has gotten sick and there has
11 been no evidence of anything happening for
12 us to be in a tizzy right now saying, Oh, my
13 God, in a few years from now that might hurt
14 us.

15 If all those companies and all
16 those businesses and, in addition, the work
17 that's been done there by the studios that
18 are shooting films there and doing sitcoms
19 and all that, they found no problems either,
20 correct, to date?

21 MS. HODAK: Not that I'm aware
22 of. They have basically, as I said, there
23 are existing consent orders. Those consent
24 orders are monitored by the state department
25 of DOH, has evaluated those consent orders

1 Rules Committee/1-23-17

2 and opined on what type of remedial efforts
3 need to be expended to the extent that they
4 require a closed no further action letter to
5 be readdressed, they've done that, so we are
6 following the recommendations of Diverka &
7 Bartilucci to do the indoor air testing to
8 make sure that we take the most prudent
9 course here for the purposes of continuing
10 to utilize this building.

11 LEGISLATOR DUNNE: And we keep
12 the organizations that meet there that do
13 their due diligence for our community,
14 Nassau County community, we keep them
15 abreast of what's going on with these
16 studies, correct?

17 MS. HODAK: Well, when we did
18 this, we are following the recommendations
19 of Diverka & Bartalucci to do the indoor air
20 sampling only because there is this notion
21 there may be vapors that could migrate so we
22 are doing that just to be cautious.

23 LEGISLATOR DUNNE: And the
24 experts in that building such as Craig Craft
25 who goes to all over the country to

1 Rules Committee/1-23-17

2 different conferences about quality of air,
3 quality of water, quality of anything to do
4 with emergency management, he's made aware
5 if there is a problem he would be made aware
6 of it.

7 He is probably what weighed in on
8 this, came in and neither fought against it
9 or gave a thumbs down on it.

10 I remember the first time this
11 was brought up. He was here testifying on
12 behalf of this. So we really don't have a
13 problem with this. Playing chicken little
14 right now to hold this up to make sure we
15 don't get the building and now we're going
16 to have to spend a lot of money to go
17 elsewhere. Playing chicken little is not
18 the right thing to do right now. Is that
19 your opinion too?

20 MS. HODAK: I think that
21 Legislator Kopel expressed it best when he
22 summed up the totality of the circumstances,
23 that given the information that we have, the
24 value of the building for us to use, and the
25 ability to address any potential problem in

1 Rules Committee/1-23-17

2 a relatively cost effective manner that
3 we've reached a point that we can make an
4 educated decision.

5 LEGISLATOR DUNNE: Absolutely.
6 Thank you, Legislator Kopel, and thank you,
7 ma'am.

8 CHAIRWOMAN GONSALVES: I'm going
9 to call the question. I think we had quite
10 a bit of debate.

11 We're going to vote on Item
12 28-17. All those in favor of 28-17 signify
13 by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (Abstain.)

19 Five, zero, two.

20 LEGISLATOR DERIGGI-WHITTON: As
21 soon as you get the vapor test we'll come
22 back.

23 CHAIRWOMAN GONSALVES: Are we
24 ready for the next one? The next item is
25 Item 29-17, an ordinance supplemental to the

1 Rules Committee/1-23-17

2 annual appropriations ordinance in
3 connection with the Police Department.

4 Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR NICOLELLO: Second.

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

11 MR. BECKER: We have Acting Chief
12 Tom Krumpter.

13 ACTING COMMISSIONER KRUMPTER:
14 Acting Commissioner Thomas C. Krumpter.
15 Good afternoon. We're asking for your
16 consideration on 29-17, an ordinance to do a
17 supplemental appropriation for New York
18 State asset forfeiture and moving it into a
19 capital plan, and same plan that we plan on
20 using for the construction of the police
21 academy. This allows us to segregate the
22 asset forfeiture funds and track them as
23 opposed to commingling them with other
24 county funds. This would provide
25 approximately 78 percent of the square

1 Rules Committee/1-23-17

2 footage would be dedicated to the police
3 department and law enforcement functions.
4 What isn't a law enforcement function is
5 emergency management. So that would be
6 outside in the county's proportion of the
7 building.

8 The total square footage is
9 somewhere in the neighborhood of 75, 76,000
10 square feet would be dedicated to the police
11 department.

12 The police department at this
13 point is planning to move the homicide squad
14 into the area as well as narcotics.

15 Narcotics is located in Bethpage
16 in a dilapidated facility. With heating and
17 air conditioning and air circulation
18 problems.

19 Additionally we'll be moving the
20 central detective squad is what the plan
21 calls for now. They'll be additional units
22 as we program the space. We will be meeting
23 over the coming weeks to do that.

24 I think it's important to
25 realize, currently with the homicide squad,

1 Rules Committee/1-23-17

2 to give one example, the homicide squad's
3 space is grossly inadequate for modern
4 policing. It's currently located in
5 headquarters. There is problems with
6 interviews, interrogations. This allows us
7 to build out line up rooms and allows us to
8 build out state of the art interview rooms,
9 and provide the adequate space to do that
10 without having people walking down the
11 hallways and the people in the interview
12 interrogation rooms can hear the people
13 walking down the hallways and they're
14 talking just outside the room.

15 Going forward, there will be
16 restrictions that if that building is ever
17 sold, that money, we're not looking to make
18 a profit, but the \$4.6 million will be
19 returned to the county's asset forfeiture
20 funds.

21 If we rent the space to another
22 federal agency, one of our federal partners,
23 we do provide space for a number of our
24 federal partners, particularly the FBI, that
25 money would then go to the asset forfeiture

1 Rules Committee/1-23-17

2 funds. That would be the only permissible
3 use.

4 If we had a federal partner that
5 we're working on a task force where they are
6 going to provide funding for that space.

7 We also plan on locating the Long
8 Island Heroin Task Force in this facility.
9 The commissioner and myself will be walking
10 through the facility on Friday afternoon.
11 With that, do you have any questions?

12 CHAIRWOMAN GONSALVES: Any
13 questions?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

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

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any abstentions?

23 (Abstain.)

24 Four, zero, two.

25 ACTING COMMISSIONER KRUMPTER:

1 Rules Committee/1-23-17

2 Thank you for your consideration and have a
3 good afternoon.

4 CHAIRWOMAN GONSALVES: Rules is
5 going to be recessed until after the Full
6 Legislature.

7 (Whereupon, the Rules Committee
8 recessed at 3:47 p.m. and reconvened at 4:48
9 p.m.)

10 CHAIRWOMAN GONSALVES: We are
11 reconvening the Rules agenda, and at this
12 point we are all ready to go.

13 LEGISLATOR ABRAHAMS: Again, for
14 the record, we are again looking at a Rules
15 Committee calendar on a day that we have
16 Full Legislative session.

17 I know that we have all kinds of
18 things come up where we have to consider
19 things by emergency.

20 But as I look at these contracts
21 that we are seeing today, the fact that
22 these contracts have just come down, we just
23 heard about them as late as Thursday, to me
24 we have, as per your direction, we have
25 scheduled days for our Rules Committee

1 Rules Committee/1-23-17

2 calendar, so if this item comes down, the
3 public should have the right opportunity
4 when it gets clocked into the Clerk's Office
5 the opportunity to view it and see it.

6 For us to take an item that just
7 comes down and put it on to the calendar for
8 a vote the following Monday just, to me,
9 just barks at the fact of trying to make
10 this place a little bit more transparent.

11 I respectfully request that
12 before we consider items for our special
13 Rules Committee meeting on the same day as a
14 legislative session, that we consider if
15 they are real emergencies and not just
16 things that we just want to put through to
17 get things done.

18 We would have no problem with
19 these items being calendared in a proper
20 Rules Committee, but, I'm just saying, if an
21 effort to try to give more transparency to
22 the process, it would behoove us to at least
23 put these items on in a timely matter like
24 we normally would.

25 CHAIRWOMAN GONSALVES: Minority

1 Rules Committee/1-23-17

2 Leader, they were filed timely and since we
3 were calling a Rules Committee today, it
4 would be of due diligence on our part to put
5 these on the agenda.

6 LEGISLATOR ABRAHAMS: I don't
7 want to go back and forth.

8 CHAIRWOMAN GONSALVES: We're not
9 going back and forth. We've got two ladies
10 out there that have been sitting very
11 patiently.

12 There are several contracts here
13 and we begin with the first one which is
14 A-34. The first item is A-34, a contract
15 between the county of Nassau acting on
16 behalf of the Nassau County Police
17 Department IT unit and Malcolm Technology,
18 L.L.C.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Kopel. Who is here to speak on this item?
25 Go ahead, Lieutenant.

1 Rules Committee/1-23-17

2 LIEUTENANT STEPHANOFF: Good

3 afternoon, Lieutenant Greg Stephanoff from
4 the Police Department.

5 Item A-34 is to authorize and
6 award a purchase order for EnTrust Identity
7 Guard Software Package for the Nassau County
8 Police Department Information Technology
9 Unit. This solicitation was advertised in
10 Newsday and posted in the Nassau County bid
11 solicitation board where 37 vendors were
12 notified electronically.

13 Minority Affairs was also given a
14 copy of the bid. This software is funded by
15 port security grant with a 25 percent match.
16 This is one purchase of several that we made
17 before you.

18 This is going to add a layer of
19 security to our network. So, whereas, you
20 have networks that just have password and
21 user ID, this is going to add another layer
22 of authentication so that if a password is
23 breached, you will need a second layer of
24 authentication to stop possible attack on
25 our network.

1 Rules Committee/1-23-17

2 CHAIRWOMAN GONSALVES: Legislator
3 Kopel.

4 LEGISLATOR KOPEL: Thank you,
5 Presiding Officer. When the evaluation was
6 done of the type of software, and there was
7 37 proposals -- 37 vendors were notified,
8 did anybody figure out how many of these
9 vendors actually supply the proper software?

10 Because it seems very, very
11 unlikely that there is just one vendor
12 that's possible that could do this kind of
13 work and supply this kind of software.

14 This is a problem that it's
15 universal these days this kind of thing.
16 And I'm continually troubled by the fact
17 that of one bidder, that's just very
18 troublesome. Do you have any theories why
19 it happened here?

20 LIEUTENANT STEPHANOFF: Well, I
21 know this is --

22 LEGISLATOR KOPEL: Maybe to check
23 with the other bidders and ask them, why
24 aren't you bidding?

25 LIEUTENANT STEPHANOFF: On that I

1 Rules Committee/1-23-17

2 would be speculating, but this is funded by
3 our Port Security Grant, so we are
4 increasing our network, the security of our
5 network, to be partners with the Port
6 Security, and this is state of the art
7 software and we did put it out to bid and
8 one bid did come back through purchasing.

9 LEGISLATOR KOPEL: I appreciate
10 that. But with respect you didn't really
11 answer the question at all. If you don't
12 know, that's fine.

13 LIEUTENANT STEPHANOFF: I would
14 be speculating to answer that.

15 LEGISLATOR KOPEL: All right.

16 LEGISLATOR SOLAGES: Presiding
17 Officer?

18 CHAIRWOMAN GONSALVES: Legislator
19 Solages.

20 LEGISLATOR SOLAGES: Thank you
21 very much, Presiding Officer. Good evening.
22 Do we do a survey as to why we only received
23 one bid?

24 LIEUTENANT STEPHANOFF: This went
25 through county purchasing. They purchased

1 Rules Committee/1-23-17

2 this on our behalf.

3 LEGISLATOR SOLAGES: But why is
4 this extra security needed; has there ever
5 been an attack or something, cyber attack?

6 LIEUTENANT STEPHANOFF: This is
7 grant funded. We are a member of the port
8 security of New York/New Jersey. We've
9 partnered with New York/New Jersey. We're
10 all going through the next layer of security
11 to increase the security of our network.

12 LEGISLATOR SOLAGES: Does this
13 include costs for updates? I would hate to
14 see you come back here very soon and ask for
15 monies for an update.

16 LIEUTENANT STEPHANOFF: We get
17 recurring grants. This grant is a recurring
18 grant that we get. I don't want to
19 speculate on something in the future that's
20 not there, but we do get this grant. This
21 is a recurring grant.

22 LEGISLATOR SOLAGES: I
23 understand. Thank you very much.

24 LEGISLATOR DERIGGI-WHITTON:
25 Norma, can I ask a quick question?

1 Rules Committee/1-23-17

2 CHAIRWOMAN GONSALVES: Yes, you
3 may, Legislator DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON:
5 Because only one company responded, is this
6 a sole source type of situation or do you
7 think any of the other ones were capable of
8 providing?

9 LIEUTENANT STEPHANOFF: I don't
10 know if it's a sole source. This was the
11 recommended vendor through research from our
12 IT that they submitted and I imagine no one
13 out there could match the technology.

14 CHAIRWOMAN GONSALVES: That's it.
15 There being no other questions?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of A-34 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (Nay.)

24 The item passes four to three.

25 Next is E-284, a personal

1 Rules Committee/1-23-17

2 services agreement between the County of
3 Nassau acting on behalf of the Nassau County
4 Department of Information Technology and
5 Tyler Technologies, Inc., CLT Division.

6 Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Nicolello. Okay, let's go.

12 MR. PODLESACK: Madam Presiding
13 Officer, there is a second IT contract on
14 E-10 of '17, would you care to do both of
15 them at the same time?

16 CHAIRWOMAN GONSALVES: Sure. I
17 have no problem.

18 E-10, a personal services
19 agreement between the County of Nassau
20 acting on behalf of the Department of
21 Information Technology and Svam
22 International, Inc.

23 Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR NICOLELLO: Second.

1 Rules Committee/1-23-17

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Nicolello. Go ahead, speak on the two of
5 them.

6 COMMISSIONER EISENSTEIN: Thank
7 you. The first one is the Tyler Technology
8 System which is the assessment software
9 that's been used for the last 10 years.

10 We're looking for an amendment on
11 that for an additional two years to go to
12 2018.

13 CHAIRWOMAN GONSALVES: Any
14 questions?

15 LEGISLATOR SOLAGES: I mean, if
16 we're going to do a reevaluation next year,
17 do we need the software?

18 COMMISSIONER EISENSTEIN: Yes,
19 it's the management software that not only
20 assessment but the attorneys use, the full
21 working system that you need. Yes, we are
22 looking to continue using that. That's your
23 primary system for that department.

24 LEGISLATOR SOLAGES: The problem
25 with this system is we need accurate

1 Rules Committee/1-23-17

2 assessments. If you are using this software
3 for the past 10 years, how can this help you
4 get accurate assessments?

5 COMMISSIONER EISENSTEIN: We will
6 have to get the assessor down here how they
7 use the software. This is really from an IT
8 perspective, some software needs to exist,
9 how the assessor uses it and those details
10 are beyond what I can tell you.

11 LEGISLATOR SOLAGES: Is anyone
12 here from the Assessment Office? It just
13 makes sense to have someone here.

14 COMMISSIONER EISENSTEIN: It's a
15 software support item. It's not about how
16 they use it or the rules inside of it.

17 LEGISLATOR SOLAGES: Thanks.

18 CHAIRWOMAN GONSALVES: Legislator
19 Nicolello.

20 LEGISLATOR NICOLELLO: This is
21 from an IT perspective, this is an 11 year
22 old RFP process that resulted in this
23 contract, and now a two year extension.

24 Was any thought given to it going
25 out to a new RFP?

1 Rules Committee/1-23-17

2 COMMISSIONER EISENSTEIN: Well,
3 what I personally see is that a tremendous
4 amount of effort it took to get it to where
5 it is. We do have a fairly stable system
6 that's not creating any computer issues.

7 My recommendation would be to
8 stick with it for a while because it's kinds
9 of working and it's doing commuter wise what
10 it's supposed to.

11 How they use the software, what
12 they do inside of it, I can't talk to, but
13 certainly you have a stable system that I
14 recommend not getting off of it in the near
15 future.

16 LEGISLATOR NICOLELLO: Thank you.

17 CHAIRWOMAN GONSALVES: Is there
18 any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of E-284 and E-10 signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

1 Rules Committee/1-23-17

2 The items pass four to three.

3 The next one is E-1-17, a
4 personal services agreement between the
5 County of Nassau acting on behalf of the
6 Nassau County Attorney's Office and Montiero
7 & Fishman, LLP.

8 Motion, please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR KOPEL: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Kopel. Who is here to speak on this item?

14 MR. PODLESACK: This is an
15 extension of a special counsel contract with
16 the county. The firm was qualified as
17 special counsel to be available in
18 commercial and construction matters
19 including bankruptcy, Real Property Law, and
20 also for tort and general litigation.

21 If the need arises, the county
22 can retain this special counsel due to
23 conflicts of interest or complexity of
24 litigation.

25 The original contract did expire

1 Rules Committee/1-23-17

2 in June of 2016. We are renewing it now.

3 There has been no work between June 2016 and
4 now. The extension is for one additional
5 year and there is no additional funding.

6 CHAIRWOMAN GONSALVES: Any
7 questions from the legislators? Go ahead.

8 LEGISLATOR DERIGGI-WHITTON: Just
9 as you said, this expired back in June of
10 2016 and there is no work pending now?

11 MR. PODLESAK: There was no work
12 pending then and at this time we have -- I
13 have no information regarding anything that
14 might have occurred within the last day. So
15 I do not know if there is anything pending
16 now.

17 But it is there for the ability
18 if we need something in the realm of
19 commercial litigation or in bankruptcy or
20 anything of that type that we have this
21 outside counsel available.

22 LEGISLATOR DERIGGI-WHITTON: Why
23 are we coming here in January for a contract
24 that is just speculative and is going to
25 expire in June?

1 Rules Committee/1-23-17

2 MR. PODLESAK: It's not
3 speculative. It is there in case it's
4 needed and still five months before June.

5 LEGISLATOR DERIGGI-WHITTON: So
6 wouldn't it be better to do it for more than
7 a year if it's just on hand, I mean, five
8 months to --

9 MR. PODLESAK: This is just a
10 renewal. It's not a new contract.

11 CHAIRWOMAN GONSALVES: Any public
12 comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item passes four to three.

20 The next item is E-2, a personal
21 services agreement between the County of
22 Nassau acting on behalf of the Nassau County
23 Attorney's Office and Simmons Hanley Conroy,
24 L.L.C.

25 Motion, please.

1 Rules Committee/1-23-17

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator
6 Kopel.

7 MR. PODLESAK: Me again. The
8 county is looking to bring in opioid
9 litigation with the assistance of this law
10 firm. This firm is currently representing
11 Suffolk County in its opioid lawsuit against
12 drug manufacturers and doctors involved in
13 marketing and promotion of opioids.

14 In addition to Suffolk County,
15 there are several other counties in the
16 state that have joined this lawsuit and have
17 retained this particular firm.

18 It's a multi state process that
19 is currently involved and this is very much
20 similar to the tobacco litigation that was
21 brought some time ago.

22 CHAIRWOMAN GONSALVES: Any other
23 questions or comments?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/1-23-17

2 (No verbal response.)

3 There being none, all those in
4 favor of E-2-17 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 Who had a question?

8 LEGISLATOR ABRAHAMS: Gerry, did
9 we consider seeking a sliding scale
10 contingency fee?

11 MR. PODLESACK: I do not know what
12 the fee recommendation was on this thing.
13 I'm assuming that it's the same fee
14 situation that is involved with all the
15 other counties in the state.

16 This is a firm that does in fact
17 do this kind of litigation and they are
18 experts at it and that is why they are -- we
19 are seeking to retain.

20 LEGISLATOR ABRAHAMS: I'm sorry.
21 So we do have the sliding scale?

22 MR. PODLESACK: I do not know
23 exactly what the scale is.

24 LEGISLATOR ABRAHAMS: Gerry, I'm
25 just conferring with counsel.

1 Rules Committee/1-23-17

2 It seems like the longer this
3 goes the more we pay. But shouldn't it be
4 the more we recover the less we pay?

5 MR. PODLESAK: I can't speak to
6 that, legislator. The situation is that if
7 you want the detail as to the specifics of
8 the contract, I will have to get back to you
9 on it.

10 LEGISLATOR ABRAHAMS: The
11 specifics I have, I'll read them into the
12 record, the contingency fee as follows, ten
13 percent of pre-compliant recovery, 20
14 percent of recovery after ruling on motions
15 to dismiss, 25 percent of recovery after
16 ruling on motion for summary of judgement.
17 33.33 percent of recovery at the
18 commencement of trial, and 40 percent of
19 recovery after post verdict appeal, papers
20 are filed.

21 MR. PODLESAK: Sounds like a
22 sliding scale to me.

23 LEGISLATOR ABRAHAMS: Sliding up
24 though.

25 MR. PODLESAK: Well, more work is

1 Rules Committee/1-23-17
2 accomplished on behalf of the county as the
3 litigation goes along. They would be
4 earning a greater fee at that point.

5 We're talking about ten percent
6 at the commencement of the action where
7 there is a minimal amount of work done, but
8 if it goes fully to trial, 33 percent does
9 not seem unreasonable.

10 LEGISLATOR ABRAHAMS: Gerry, I
11 mean, in a lot of these cases, I thought we
12 would see the percentages going down if we
13 recovered a certain threshold.

14 MR. PODLESAK: Is it tied to the
15 threshold? I thought it was tied to the
16 timing of litigation.

17 LEGISLATOR ABRAHAMS: That's what
18 I'm saying. What I'm saying is, based off
19 the recovery, if we recover more, wouldn't
20 the threshold go the other way? Wouldn't
21 the percentages go the other way?

22 MR. PODLESAK: But this is
23 apparently based on the amount of work
24 that's done, which is not uncommon. They
25 would be doing more work if the whole matter

1 Rules Committee/1-23-17

2 eventually did go to trial, but you would
3 have the preliminary matters and you would
4 have whatever kind of motion and discovery
5 practices involved which would involve
6 greater and greater amount of works on
7 behalf of the law firm. They would be
8 entitled to whatever they would have earned
9 at that point.

10 LEGISLATOR ABRAHAMS: It just
11 seems like they'll be getting, when we get
12 to the last percentage they'll be getting 40
13 percent of a very sizeable recovery.

14 MR. PODLESK: And the issue is,
15 if that's the case, they would have earned
16 it.

17 LEGISLATOR ABRAHAMS: They can
18 earn it too, if the recovery is bigger, then
19 they could earn a good fair amount if they
20 get ten percent, if it's going the other
21 way.

22 MR. PODLESK: And have done less
23 work.

24 LEGISLATOR ABRAHAMS: No, no.
25 I'm saying let the scale go the other way.

1 Rules Committee/1-23-17

2 MR. PODLESAK: So compensating
3 them less for doing more work. You are
4 assuming a pay out of a given size. I don't
5 assume that at all. This is based on the
6 amount of work.

7 Obviously it's based on the
8 amount of work and if they go to a full
9 trial, they get paid more than a situation
10 where they just filed papers.

11 CHAIRWOMAN GONSALVES: Legislator
12 Solages.

13 LEGISLATOR ABRAHAMS: Let me just
14 wrap up saying this: It seems like, if they
15 were to recover one million, that's one
16 thing; but if they were to recover say, for
17 example, 50 million, that's an enormous
18 amount of money at 40 percent.

19 MR. PODLESAK: Yes, it is.

20 LEGISLATOR ABRAHAMS: It just
21 seems like to me, even with the level of
22 work, we should just change the percentages.

23 MR. PODLESAK: It's a contingency
24 fee agreement based on the amount of work.

25 CHAIRWOMAN GONSALVES: Legislator

1 Rules Committee/1-23-17

2 Solages.

3 LEGISLATOR SOLAGES: Thank you.

4 How will the Legislature be informed
5 regarding the investigation and filing of a
6 lawsuit if the county -- or if the county
7 decides to sue the prescription opioid
8 manufacturers?

9 MR. PODLESAK: I can take that up
10 with the County Attorney and I can make sure
11 that the Legislature is fully informed at
12 all stages of the litigation if that is your
13 desire.

14 LEGISLATOR SOLAGES: Thank you.

15 CHAIRWOMAN GONSALVES: Legislator
16 Nicolello.

17 LEGISLATOR NICOLELLO: Do we
18 know what the financial arrangement with
19 Suffolk County is with this law firm, was
20 this contract based on their agreement?

21 MR. PODLESAK: I do not know what
22 the situation is. I would be very surprised
23 if it was any different.

24 LEGISLATOR NICOLELLO: Thanks.

25 LEGISLATOR DUNNE: Madam Chair.

1 Rules Committee/1-23-17

2 CHAIRWOMAN GONSALVES: Legislator
3 Dunne.

4 LEGISLATOR DUNNE: Gerry, are
5 they investigating or checking into, does
6 the doctors that they're going after have
7 stock in the company that they're
8 prescribing all those opioids to?

9 MR. PODLESAK: I do not know but
10 I would be very surprised if that
11 investigation wasn't that full.

12 LEGISLATOR DUNNE: That wouldn't
13 be part of the contract to find out?

14 MR. PODLESAK: A matter like this
15 one where they are representing the county,
16 it's the best efforts and I would assume
17 that falls under the best efforts. To
18 maximize recovery on behalf of the county,
19 on behalf of all the counties.

20 LEGISLATOR DUNNE: In a
21 community, you hear people saying, I bet the
22 doctor has stock in say Pfizer, say it's
23 giving out OxyContin, and the guy has got
24 stock in Pfizer and he's giving out tons of
25 it and getting kids and parents and

1 Rules Committee/1-23-17

2 everybody addicted to this stuff and it's a
3 gold mine and they're making lots of money.
4 Is that what we're investigating here?

5 MR. PODLESACK: I cannot tell you
6 details, but I would be very surprised if
7 that is not something that they're looking
8 into.

9 LEGISLATOR DUNNE: Or would that
10 be criminal and it would go through the DA's
11 office?

12 MR. PODLESACK: I would be
13 hesitant to say what would be criminal and
14 civil in this matter. But I would assume
15 there would be a civil aspect of that kind
16 of an allegation that there would be some
17 part of a lawsuit brought against any kind
18 of company or doctor that they would own
19 stock in a company and they were making
20 money on it on the back end as opposed to
21 the front end.

22 LEGISLATOR DUNNE: Sure.
23 Excellent. Thank you.

24 CHAIRWOMAN GONSALVES: Go ahead.

25 LEGISLATOR KOPEL: I move to

1 Rules Committee/1-23-17

2 table.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Kopel.

5 LEGISLATOR ABRAHAMS: I was going
6 to second that.

7 CHAIRWOMAN GONSALVES: You have
8 Legislator Kopel and Minority Leader tabling
9 Item E-2-17. All those in favor of tabling
10 that contract signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Tabled unanimously.

15 MR. PODLESAK: Madam Presiding
16 Officer, is the committee looking for
17 information of some type in particular?

18 LEGISLATOR NICOLELLO: One thing,
19 the contract with Suffolk.

20 LEGISLATOR KOPEL: The contract
21 with Suffolk and then seek out the law firm
22 that's most qualified in the particular
23 field, let's say it's in drugs or whatever
24 it is, I mean, why go ahead and hire
25 somebody now?

1 Rules Committee/1-23-17

2 Finally, I think as Legislator
3 Nicolello is pointing out, it's a strange
4 kind of contingent arrangement.

5 MR. PODLESACK: I will take it up
6 with the County Attorney and we will find
7 the information regarding Suffolk and we
8 will get back to the committee.

9 CHAIRWOMAN GONSALVES: All right.
10 We tabled that item. Now, moving on to the
11 next one, E-4-17, a personal service
12 agreement between the County of Nassau
13 acting on behalf of the Nassau County
14 Department of Health and VMC Group, Inc.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Nicolello. Go.

21 MS. LAURAIN: MaryEllen Laurain,
22 Department of Health. Item E-4-17 is an
23 amendment to a contract with VMC Group in
24 the amount of up to \$300,000. The services
25 are for the contractor to individually

1 Rules Committee/1-23-17
2 contract with the municipal reps. These are
3 representatives who represent the county at
4 the committee for preschool special
5 education meetings.

6 CHAIRWOMAN GONSALVES: Any
7 questions from the legislators? Legislator
8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON:
10 Thank you. I just see that the political
11 campaign contribution to friends of Ed
12 Mangano. It doesn't include if there was a
13 specific person in the organization who made
14 the donation.

15 MR. BECKER: Legislator
16 DeRiggi-Whitton, they are not required to
17 provide that. It says contribution, not the
18 amount, not anything else not required.

19 LEGISLATOR DERIGGI-WHITTON: On
20 the form it says, were any contributions
21 made, correct?

22 MR. BECKER: And they are saying
23 yes, but they don't have to list who it is,
24 as I understand it. Just for disclosure
25 purposes.

1 Rules Committee/1-23-17

2 LEGISLATOR DERIGGI-WHITTON: I
3 think maybe in our bipartisan efforts to
4 show transparency, maybe it would be a good
5 idea to say the amount and the name of the
6 actual person making the donation. It's a
7 big difference if it's \$100 or a few
8 thousand.

9 MR. BECKER: As I understand it,
10 it's not supposed to be something that's
11 even to be taken into consideration whether
12 a person makes a political contribution or
13 not.

14 LEGISLATOR DERIGGI-WHITTON: Yes
15 and no. It's something that should be
16 disclosed, once it's disclosed --

17 MR. BECKER: Well, as far as the
18 County Attorney's Office is concerned, this
19 is what's required and the abided by that
20 requirement. Mr. Cleary would like to
21 respond to that.

22 MR. CLEARY: I wasn't sure if I
23 had something specific to add. But,
24 basically, for context -- Robert Cleary,
25 director of procurement compliance, the

1 Rules Committee/1-23-17

2 county is taking an extraordinary step in
3 gathering political campaign contribution
4 information and incorporating it into the
5 procurement package as it's going through
6 the approval process in the interest of
7 transparency, absolutely.

8 For comparison, the city does
9 collect this information but doesn't include
10 it in the procurement process.

11 There are rules in our policy
12 against making any decisions about approving
13 or proposing or not proposing an award based
14 on this information.

15 The vendor has filled out the
16 form. I don't know the specific answer to
17 the question that you're asking; if there is
18 a specific individual or it was the company
19 itself perhaps.

20 But this information is not
21 something that determines whether or not an
22 award should be approved in an appropriate
23 procurement approval process, per se.

24 LEGISLATOR DERIGGI-WHITTON: I
25 get what you're saying and I'm not

1 Rules Committee/1-23-17

2 suggesting that we give a contract based on
3 or not based on, and I know it has to be
4 transparent, but I would just think that it
5 would help if we knew -- if we could be any
6 more specific, or you feel this is as
7 specific as we can be?

8 MR. CLEARY: Well, obviously a
9 follow-up question could be put to the
10 vendor to clarify that answer. I do not
11 know as I said if it was a specific
12 individual or not.

13 The fact that it was disclosed
14 though is sufficient for the purposes of
15 determining whether, or at least moving on
16 the contract in my opinion in that regard.

17 LEGISLATOR DERIGGI-WHITTON: I
18 mean I'm not suggesting that we use it as a
19 criteria to decide. I just think if we're
20 going to ask, just have the information. It
21 would just be full -- I don't know.

22 MR. CLEARY: I hear your question
23 and we will follow up with that vendor and
24 in the future, as I review these documents,
25 I did not review this particular one, but as

1 Rules Committee/1-23-17

2 I review more of them, I will make sure
3 people are aware of that question and we
4 will try to get it very clear so you don't
5 have any questions.

6 LEGISLATOR DERIGGI-WHITTON:

7 Thank you.

8 CHAIRWOMAN GONSALVES: Any other
9 questions or comments?

10 MR. PODLESAK: I have a comment.
11 I would just want to point out to the
12 committee that this particular contract was
13 filed with the clerk on January 3rd, and if
14 there are specific questions that any of the
15 legislators have, we would welcome the
16 opportunity to receive those questions
17 before the actual meeting of the committee
18 so that we can at least be prepared to
19 answer the questions that the committee
20 puts.

21 You can address any of these
22 questions to myself or to Mr. Becker and we
23 will make sure the correct person gets the
24 opportunity. We would like to be able to
25 know the answer and give it to you when you

1 Rules Committee/1-23-17

2 ask the question.

3 LEGISLATOR DERIGGI-WHITTON: I
4 totally appreciate that and I think that's
5 why we had the issue with these emergencies.
6 Do you see how many emergencies we've had
7 today? We got them Thursday but still it's
8 not easy to --

9 MR. PODLESAK: This one was mill
10 from us into the Clerk's Office a couple of
11 weeks ago.

12 I appreciate there's a volume
13 that has to be met but even if you give that
14 information to us in the morning --

15 LEGISLATOR DERIGGI-WHITTON: We
16 are with you, but if we get it Thursday,
17 which is when we got these, we're sort of in
18 the same boat as you are by not having the
19 information prior.

20 MR. PODLESAK: As I said, I think
21 we are in perfect agreement. We would like
22 to be able to answer the questions and move
23 these things along.

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

1 Rules Committee/1-23-17

2 (Aye.)

3 Any opposed?

4 (Nay.)

5 The item passes four to three.

6 I'm going to call two items
7 together; E-5-17 and E-8-17, both personal
8 services agreements acting on behalf of the
9 Nassau County Division of Real Estate
10 Services and Smith and Drake Realty
11 Corporation d/b/a Smith and DeGroat Real
12 Estate;

13 And E-8 which is a personal
14 services agreement acting on behalf of the
15 County of Nassau Department of Parks
16 Recreation and Museums and Smith and Drake
17 Realty Corp d/b/a Smith & DeGroat Real
18 Estate.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Kopel. Who is here to speak on this item?

25 MR. MCDERMOTT: Good evening,

1 Rules Committee/1-23-17
2 legislators, Dennis McDermott from the
3 County Attorney's Office.

4 As you said, these are property
5 management contracts; one with real estate
6 and one with parks with Smith & DeGroat.

7 The real estate contract covers
8 the Mitchel Field Complex which houses
9 veterans and active military and the parks
10 contract covers the landmark properties
11 which are more the historic properties all
12 over mostly the north shore but there are
13 some in central.

14 It's a five year contract, both
15 of them, with one three year option. Both
16 contracts are procured through an RFP.
17 There were three proposers.

18 After reviewing the proposals and
19 interviewing the proposers, the committee
20 awarded both contracts to Smith & DeGroat.
21 The compensation for Smith & DeGroat on the
22 real estate contract which is Mitchel, it's
23 a nine percent management fee, and in the
24 event they have to oversee any construction,
25 that fee is 12 and a half percent.

1 Rules Committee/1-23-17

2 For parks, the management fee is
3 18 percent mostly because they have to go
4 all over the county. The construction
5 management fee again is 12 percent. That's
6 it in a nutshell if you have questions.

7 CHAIRWOMAN GONSALVES: Eileen, is
8 there anything else you want to add?

9 MS. KRIEB: Eileen Krieb. I just
10 want to add that the revenue on the landmark
11 portfolio is \$1.3 million, we will realize
12 close to a half a million dollars in net
13 revenue from it as well on the Mitchell
14 property.

15 CHAIRWOMAN GONSALVES: Thank you,
16 Eileen. Any questions? Legislator
17 DeRiggi-Whitton.

18 LEGISLATOR DERIGGI-WHITTON: I
19 have a question. If the contract commenced
20 on January 1st, 2017, how is DPW drawing
21 down \$520,000 on this date?

22 MR. MCDERMOTT: Actually, they
23 can encumber it, but this contract actually
24 is a net contract. This is an estimate of
25 what the county will actually be paying for

1 Rules Committee/1-23-17

2 repairs, et cetera, that actually Smith &
3 DeGroat, they collect all the funds, and
4 they submit quarterly a net check along with
5 detailed reports that go to both departments
6 and the Comptroller's Office.

7 LEGISLATOR DERIGGI-WHITTON: So
8 essentially the work or the service has
9 already commenced?

10 MR. MCDERMOTT: The services
11 starting January 1st, yes. They manage the
12 properties.

13 LEGISLATOR DERIGGI-WHITTON: I'm
14 aware of that. But they are drawing down
15 \$520,000 in three weeks.

16 MR. MCDERMOTT: They're not
17 drawing it down.

18 LEGISLATOR DERIGGI-WHITTON: It
19 says --

20 MR. MCDERMOTT: It's only being
21 encumbered.

22 LEGISLATOR DERIGGI-WHITTON: So
23 they are not drawing it down?

24 MR. MCDERMOTT: No. Being
25 encumbered, they're not taking that \$520,000

1 Rules Committee/1-23-17

2 and paying it to Smith & DeGroat. They're
3 encumbering that amount. It's a bookkeeping
4 vehicle. That's all it is.

5 LEGISLATOR DERIGGI-WHITTON: It
6 just appeared that it was being paid now.
7 But we're just holding it basically.

8 MR. MCDERMOTT: That's correct.

9 CHAIRWOMAN GONSALVES: Any other
10 comments or questions from the legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of E-15-17 and E-8-17 signify by
16 saying aye.

17 (Aye.)

18 Any opposed?

19 (Nay.)

20 The items pass four to three.

21 The next one is E-7-17, a
22 personal services agreement between the
23 County of Nassau acting on behalf of the
24 Nassau County Department of Public Works and
25 D&B Engineers & Architects, P.C.

1 Rules Committee/1-23-17

2 Motion, please.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR KOPEL: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Kopel. Okay, let's go.

8 MR. ARNOLD: Ken Arnold, Public
9 Works. E-7-17 is a design contract with D&B
10 Engineers. It's for the East Avenue pump
11 station. This is a Sandy hardening project.
12 It will be fully funded by FEMA.

13 D&B was the second highest
14 technically proposed but was the more most
15 cost effective approach since they've been
16 given so much of the pump station work, the
17 additional cost for the highest technical
18 proposed was discussed within the committee
19 and we decided that we would go with D&B on
20 this project.

21 CHAIRWOMAN GONSALVES: Any
22 questions or comments from the legislators?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/1-23-17

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

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 The item passes four to three.

8 The next item is E-9-17, a
9 personal services agreement between the
10 County of Nassau acting on behalf of the
11 Nassau County Executive's Office and the
12 Office of the Nassau County Attorney and
13 Robert J. Bishop.

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

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

20 MR. PODLESACK: This is the
21 contract with the county's lobbyist in
22 Albany. Mr. Bishop promotes and initiatives
23 and the county's legislative agenda. He
24 monitors and reports and researches New York
25 legislation that is relevant to the county.

1 Rules Committee/1-23-17

2 He has been the county lobbyist for many
3 years now. He is well qualified and the
4 county is well satisfied with his services.

5 CHAIRWOMAN GONSALVES: Any
6 questions from the legislators?

7 LEGISLATOR ABRAHAMS: Gerry, what
8 have been his successes in the last 12
9 months that we can point to?

10 MR. PODLESAK: I would be hard
11 pressed to tell you what they are off the
12 top of my head. He does in fact -- some of
13 his successes are not quantifiable. He does
14 represent the county's interest in a variety
15 of things with a variety of people.

16 I can tell you in the coming year
17 that we have two items that are very
18 important that will be re-heard by the
19 Legislature that is the hotel motel tax and
20 the county sales tax which is also the
21 assistance to local government. He will be
22 vitally involved about both of them.

23 That's is periodic legislation
24 and it happens in every odd year and he has
25 been with the county for a number of years

1 Rules Committee/1-23-17

2 now.

3 LEGISLATOR ABRAHAMS: I know. I
4 recognize that. Thank you.

5 CHAIRWOMAN GONSALVES: Any other
6 comments from the legislators or questions?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of E-9-17 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The item passes four to three.

16 We have two more items; we have
17 E-12-17, a personal services agreement
18 between the County of Nassau acting on
19 behalf of the Nassau County District
20 Attorney's Office and Hispanic Counseling
21 Center.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/1-23-17

2 Legislator Dunne, seconded by Legislator
3 Nicolello.

4 MR. MCMANUS: Bob McManus,
5 District Attorney's Office.

6 This item is a six month
7 extension of an agreement with the Hispanic
8 Counseling Center to provide services to
9 individuals and families that have been
10 impacted by domestic violence.

11 The Hispanic Counseling Center is
12 the only mental health and substance
13 treatment center on Long Island that is
14 licensed by the State of New York and is
15 entirely bilingual and bi-cultural.

16 Due to staff turnover during the
17 initial contractual period, and a delay in
18 finding a qualified replacement, the vendor
19 was not able to utilize the entire amount of
20 grant funding that was allotted by this
21 contract.

22 This extension has been requested
23 by the vendor to enable us to utilize grant
24 funding.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/1-23-17

2 comments? Legislator Abrahams.

3 LEGISLATOR ABRAHAMS: Thank you,
4 Madam Presiding Officer. The procurement
5 has been handled by the District Attorney's
6 Office?

7 MR. MCMANUS: Yes.

8 CHAIRWOMAN GONSALVES: Are there
9 any other comments or questions from the
10 legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Item E-12-17 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Passes unanimously.

20 The next one is E-13-17, a
21 personal services agreement between the
22 County of Nassau acting on behalf of the
23 Nassau County Department of Public Works and
24 Vournou Construction Management Group.

25 Motion, please.

1 Rules Committee/1-23-17

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator
6 Kopel. Mr. Arnold.

7 MR. ARNOLD: Kenneth Arnold,
8 Public Works. This item is a contract
9 extension for time only for Vournou who is
10 our construction manager for the Hempstead
11 Garage Project. This will extend the time
12 of the contract 12-3-17

13 CHAIRWOMAN GONSALVES: Any
14 questions of Mr. Arnold on this item?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of E-13 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The item passes four to three.

24 Now I have Item E-2-17, some
25 information has been forthcoming since we

1 Rules Committee/1-23-17

2 tabled it.

3 And there was one item that was
4 tabled at a previous meeting which is E-275,
5 a personal services agreement between the
6 County of Nassau acting on behalf of the
7 Nassau County Department of Public Works and
8 Wilson Appraisal Services, Inc.

9 Motion to untable, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Nicolello. All those in favor of untabling
15 Item E-275 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item is untabled.

20 MR. WILLIAMS: Good afternoon,
21 Errol Williams, Deputy County Attorney.

22 This is an extension of an
23 existing contract for on-call appraisal
24 services for the county for either
25 county-owned property or real estate to be

1 Rules Committee/1-23-17

2 acquired by the county.

3 CHAIRWOMAN GONSALVES: Any
4 questions or comments from the legislators?

5 (No verbal response.)

6 It was tabled because there was
7 no one here to speak on it.

8 MR. WILLIAMS: It was tabled
9 actually because Kevin Walsh, who is the
10 director of real estate and planning was
11 here to speak on the matter but he got
12 called and had to go speak to NIFA.

13 CHAIRWOMAN GONSALVES: I recall,
14 yes. So now we have somebody here to speak
15 on it and he spoke on it, so do you have any
16 questions?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of E-275 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 The item passes four to three.

1 Rules Committee/1-23-17

2 Now I believe that is the end of
3 the Rules agenda.

4 Motion to adjourn.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Kopel. All those in favor of adjourning
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 We are now adjourned.

15 (Whereupon, the Rules Committee
16 adjourned at 5:30 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 13th day of February, 2017.

FRANK GRAY