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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 8, 2017
1:14 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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2 CHAIRWOMAN GONSALVES: Will my
3 colleagues join us in the chamber.

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

6 (The Pledge of Allegiance was
7 recited.)

8 CHAIRWOMAN GONSALVES: Today is
9 the committee day and customarily we begin
10 with the Rules Committee and the contracts
11 that are on the agenda and after the
12 contracts are heard, we will recess and then
13 move on to the other committees so the
14 testimony can be incorporated into the Rules
15 Committee.

16 So, Mr. Pulitzer, please call the
17 roll for the Rules Committee.

18 CLERK PULITZER: Thank you. Roll
19 call, Carrie Solages?

20 LEGISLATOR SOLAGES: Here.

21 CLERK PULITZER: Legislator
22 DeRiggi-Whitton?

23 LEGISLATOR DERIGGI-WHITTON:
24 Here.

25 CLERK PULITZER: Ranking Member

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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 MR. BECKER: Madam Chair, I just
21 wanted to remind you that Mr. Cleary,
22 procurement officer, is prepared to make a
23 brief presentation to you, when the Full
24 Leg, everybody sitting is in their seats,
25 before the Rules Committee meets.

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2 CHAIRWOMAN GONSALVES: In other
3 words before the Rules Committee meets?

4 MR. BECKER: Before the Rules
5 Committee was to meet. That was the plan.
6 I wasn't here last time. That's what you
7 had asked.

8 CHAIRWOMAN GONSALVES: Mr.
9 Cleary, was that the plan? The Full Leg is
10 here. Can we get the rest of the
11 legislators to take their seats?

12 MR. CLEARY: I believe that was
13 the understanding.

14 (Whereupon, the Full Legislative
15 contingency present.)

16 CHAIRWOMAN GONSALVES: Okay. I
17 think we have it. You have the Full
18 Contingency. Thank you.

19 MR. CLEARY: Thank you. I'm
20 Robert Cleary, director of procurement
21 compliance and, as mentioned, I was asked to
22 speak here regarding the status of our work
23 on retroactive contracts in particular.

24 So, as a summary to date, I have
25 submitted two reports. The volume on the

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2 reports is relatively flat. We had, because
3 of the heightened scrutiny of this issue, we
4 had a bulge during March of submission.

5 So I looked at about 135 items, I
6 think it was all the items that were
7 submitted to the leg year to date. And we
8 had our volume of submissions that were
9 retroactive increasing March, to a lesser
10 extent in April, but they have subsided more
11 recently back to about where they were when
12 we started.

13 I would expect that to be the
14 case for a couple of reasons. One, we
15 started making an issue of it, you
16 highlighted this as a major issue, people
17 got the message and we told them that they
18 needed to start getting their submissions in
19 so we can try to clear this up as quickly as
20 possible. So that would be one cause,
21 reasonably, and the other is that -- I think
22 this also coincides with the fact that we
23 have many contracts that start, we have a
24 tendency to start contracts on January 1st,
25 and if they're going to be retroactive

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2 they're going to be coming in the month or
3 two or three after the start of the year.

4 I think that we probably had a
5 number of contracts that fit into that
6 category as well. That's particularly the
7 case, not exclusively for non for profit
8 contracts in many cases. So far I think
9 that we are tracking it.

10 The departments have clearly
11 gotten the message. They have been
12 scrambling to get some of these things in.
13 We have identified several items that are
14 several years old that have been reported to
15 you that we're working with those
16 departments to clear up.

17 The departments in particular
18 that we are focusing on as far the reports
19 that have gone to you have been probation as
20 some of the oldest contracts.

21 DPW has a number of amendments in
22 particular that they are working on and
23 there are a few items from other
24 departments; police department, county
25 attorney has a number, parks department, and

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2 IT.

3 A couple of other departments
4 have one or two contracts and I think going
5 forward, as we manage this process, and as
6 we have better information coming in, we'll
7 be able to avoid those instances in the
8 future.

9 Now, looking at the 135
10 contracts, the two departments that we have,
11 that I have the biggest concerns about, in
12 that respect, were the County Attorney's
13 office and DPW.

14 Now those are also a matter of
15 volume because those two are two of the
16 departments that have submitted more items
17 than everybody else.

18 So, to some degree, it's
19 proportional, but to some degree it's worth
20 focusing with those departments and they are
21 both, I think, attacking those issues.

22 And County Attorney as I may have
23 mentioned previously has some unique
24 challenges in that they don't know exactly
25 how their work can be planned.

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2 Lawsuits come up, they need to
3 immediately assign counsel, while suits
4 continue, they need to be able to extend
5 those contracts. So there are some special
6 challenges there.

7 Two other categories that have
8 become apparent are not for profit contracts
9 with DSS, DHS, and DOH as a category so I
10 will be working with those departments, and
11 we have some specific issues we want to
12 address with them.

13 And also TPVA, in this particular
14 case, had a number of contracts but I
15 believe that was a special case where we
16 have addressed I think all of those at this
17 point and we will make sure that in the
18 future that we avoid that problem going
19 forward.

20 So those are the departments that
21 I've seen that have become my closest focus
22 as far as this is concerned.

23 Now, more broadly, we've taken
24 three steps to try to get our arms around
25 this issue.

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2 One, we've issued guidelines to
3 departments to avoid this problem in the
4 future. So those guidelines are very basic.
5 They are along the lines of, start your new
6 procurement or replacement procurement ten
7 months in advance, start your amendment or
8 renewal action six months in advance, start
9 your advisement three months in advance.
10 Request vendor disclosure forms five months
11 in advance of the action.

12 Complete your vendor
13 responsibility and recommendation for award
14 preferably, at the latest, three months
15 prior to the action being required.

16 First step, I mean, if we didn't
17 tell vendors to go ahead and perform
18 services in the first place without an
19 executed contract, that would be the best
20 way to avoid this problem, obviously, and
21 that works for almost all departments.

22 The one place where it doesn't
23 seem to work, two places really, as I
24 mentioned, the County Attorney's Office has
25 some special cases, but especially with non

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2 profits.

3 Non profits, in particular, I
4 mentioned this a bit previously, we have
5 annually funding typically from the state
6 for mandated social services, client
7 services.

8 They are mandated to start on
9 January 1st. They are funded annually. We
10 tend to have our budget uploaded, in this
11 particular case, this year, it was in
12 December. It's very close to the start of
13 the new year. It makes it very difficult to
14 avoid retroactivity on that cycle. So I
15 will get to that in a moment.

16 Other things that we suggested,
17 reviewing your portfolio quarterly so you
18 can identify anticipated needs, bringing
19 things to my attention at least monthly
20 where you have a retroactive case or you
21 have something that you anticipate will
22 become retroactive, and working with
23 purchasing to try to develop multiyear
24 contracts to handle routine ongoing services
25 that don't require this kind of problem,

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2 consolidating purchasing, things like that.
3 That's one step, that set of guidelines.

4 The second step is, the nonprofit
5 task force met with the Presiding Officer
6 some time ago now and made a number of
7 recommendations. I'm on that task force and
8 I was part of the meeting.

9 There were a number of
10 recommendations in there and the one that is
11 most immediately employable and very useful
12 and something I already alluded to is
13 multi-year contracts.

14 Because of the structural
15 difficulty with non profit contracts, my
16 recommendation there really is to go to
17 multiyear contracts with funding
18 contingencies wherever possible.

19 We do have examples of other
20 social services contracts where we do that.
21 Other jurisdictions we use this as well. It
22 can provide benefits even programatically
23 even beyond this issue.

24 But, in particular, moving the
25 contract approval and execution process away

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2 from the annual budget cycle approval is
3 crucial in this particular case. It will
4 provide several benefits.

5 It will allow us to use
6 advisements to provide annual funding
7 allocations, it will allow us to use
8 advisements also for COLAs and for
9 contingency funds where they're required.

10 You can still do amendments if
11 you need to raise the cap at some point off
12 the budget cycle. That's fine.

13 It will provide departments the
14 ability to stagger their work so that every
15 year you have fewer contracts to focus on
16 and more ability and more capacity process
17 those and work with those partners that you
18 need to work with to get those things done
19 quickly. It will lessen the strain on non
20 profits themselves, both administratively
21 and also financially they won't be facing
22 delays due to contract and payment delays.
23 So there's a lot of benefits to that
24 particular approach and I strongly recommend
25 that step.

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2 There were some other steps that
3 we were working on that will take a little
4 bit more time, or a lot more time, there's a
5 lot of work to go into some of the other
6 recommendations. It's a work in progress.

7 The nonprofit task force is
8 absolutely dedicated to seeing this move
9 forward as best as we possibly can to try to
10 make life better for both the county's
11 residents and the non-profits themselves and
12 ourselves frankly.

13 Then the last of the three steps
14 that we are really pushing is technology.
15 Technology was mentioned once previously.

16 The electronic contract routing
17 system has been implemented in five
18 departments and it is being rolled out into
19 all the others very shortly.

20 What that does is is that it puts
21 online and provides visibility to the
22 departments all of the oversight approvals
23 with the exception for the moment of
24 legislative approval, which at least those
25 steps are captured in the system and

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2 recorded, but, as yet, we are obviously not
3 live in the Legislature yet, but hopefully
4 we can get that point.

5 In addition to that step, which
6 we specifically focused on the oversight
7 approval process, I'm also working on and
8 hopefully be able to roll out in the next
9 couple of months the solicitation tracking
10 system which will be part of the procurement
11 process prior to the approval path and that
12 would be solicitation development, approval
13 issuance, evaluation and vendor assessment
14 and recommendation for award.

15 Those processes will, taken
16 together, give us an online consolidated
17 platform for capturing all of the steps,
18 elements of a procurement, and provide me
19 some additional oversight opportunities
20 within the development of the solicitation
21 and the award of the solicitation prior to
22 it getting to the oversights, which should
23 build in some quality and capture the
24 information and allow us to start reporting
25 metrics and to start reporting things that

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2 will allow us to make sure for instance that
3 departments are, in fact, starting their
4 solicitations early enough to avoid a
5 retroactive result.

6 The point of all of this that
7 without the platforms, as I mentioned
8 before, without the systems in place, you
9 will always have these problems.

10 The reality is, even with good
11 systems in place you are going to have these
12 problems. There will be procurements that
13 have problems, there will be vendors that
14 have difficulties and departments that
15 struggle with certain issues.

16 There will be things that you
17 have to discuss, think long and hard about
18 and decide what the best path is. You end
19 up in these situations, but your systems
20 need to avoid most of that.

21 So they need to be able to
22 support the basic routine operations so that
23 most of it routinely, dryly, boringly goes
24 through the process step by step. It's
25 recorded, it's visible, you see where it is,

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2 you see how long it's taking you and you are
3 able to follow-up within a week or two
4 whenever there's something that's hung up.

5 You can bring things, you can
6 escalate things, bring things to my
7 attention, other people's attention and you
8 can keep the work moving.

9 So between those three steps,
10 those three initiatives that we are really
11 pushing this year, I believe the vast
12 majority of this problem can be addressed
13 effectively and avoided in the future.

14 We will be monitoring it on a
15 regular basis, reporting on a regular basis.
16 I will be checking to see if my expectations
17 that the volume subsides and is in fact
18 borne out.

19 I think that our next big
20 challenge if all goes well this year will be
21 probably around the beginning of the next
22 fiscal year and we will see how much
23 progress we have made at that time point and
24 obviously we will be talking a lot about
25 that before then. That's what I have to

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2 say. Thank you.

3 CHAIRWOMAN GONSALVES: Legislator
4 Kopel has a couple of questions.

5 LEGISLATOR KOPEL: Not much.

6 Sounds like you have been doing some really
7 great work on this and I can certainly
8 compliment you.

9 But, are you sure that you've got
10 your list of retroactive contracts? Are you
11 sure that's accurate? It does seem we
12 consistently find a bunch that are not
13 listed.

14 MR. CLEARY: Well, there's a
15 couple of issues, but the primary issue
16 there is we are focusing on new awards to
17 the extent possible, not on contract
18 amendments and renewals, and that's where a
19 lot of those that occurred, also County
20 Attorney items were not included in social
21 services, mandated services were not
22 included. So those are some big categories.

23 The big reason that the County
24 Attorney and the Social Services were
25 excluded was for the reasons that I have

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2 given already. They are separate
3 categories. I said early on, there's a lot
4 of different sources of problems here, there
5 are a lot of different causes, and they need
6 to be managed individually.

7 LEGISLATOR KOPEL: You are
8 satisfied that apart from those special
9 cases that you've got your arms around it
10 and you actually have all of them listed?

11 MR. CLEARY: Well, the second
12 answer is that the information is not
13 perfect. We are doing our best to work with
14 this. We don't have the systems that really
15 support the information flow. I'm still
16 tweaking my data gathering process. I
17 wouldn't say that it's 100 percent. I
18 believe we have most of the items that we
19 want to focus on and identify.

20 LEGISLATOR KOPEL: What is your
21 thinking in terms of timetable for us to see
22 that this is not happening anymore except on
23 a very occasional basis? In other words,
24 you have outlined many good steps and it
25 sounds like an awful lot of work. But when

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2 do you expect for it to have come to,
3 essentially, full fruition?

4 MR. CLEARY: Well, I don't have
5 an end data I projected, I think it's too
6 early in the data to be able to say that.

7 On the other hand, I do expect
8 this to continue to subside. I intend to
9 manage it such that it does so that at some
10 point when I see the curve asymptote I will
11 be able to do a real projection.

12 I believe it's too early in the
13 process to say I believe we will be done by
14 July.

15 On the other hand, I fully intend
16 to be more comfortable that we are managing
17 this and getting rid of this problem by and
18 large. As I said, there will be individual
19 cases, and you will see those explanations.
20 There should be explanations that have
21 strange elements to them, things that are
22 out of the ordinary.

23 LEGISLATOR KOPEL: Will you reach
24 a point where you might feel comfortable
25 actually making sure that we are telling

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2 vendors you can't, you can't start without a
3 contract? Just make that as an overall
4 policy, as a means of enforcement.

5 MR. CLEARY: That was the first
6 thing, first item on the guidance that was
7 distributed to all the departments, that
8 whenever possible --

9 LEGISLATOR KOPEL: That's kind of
10 been I believe the policy all along. The
11 question is enforcement; when do you expect
12 that you might be able to be in a position
13 to actually start enforcing that policy,
14 letting people know that you actually mean
15 it?

16 MR. CLEARY: Once my systems are
17 up and running, I will be in the formal
18 approval path, and I will be able to stop
19 things. As I said, I hope to have that up
20 in the next couple of months.

21 LEGISLATOR KOPEL: I'm done.
22 Thank you, Mr. Cleary.

23 CHAIRWOMAN GONSALVES: Legislator
24 Nicolello.

25 LEGISLATOR NICOLELLO: Just in

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2 response to Legislator Kopel's question, you
3 indicated information is not perfect. He
4 was asking about the list we were provided.

5 I'm assuming you are getting the
6 information for the contracts from the
7 department heads; is that accurate?

8 MR. CLEARY: From department
9 heads or their representatives.

10 LEGISLATOR NICOLELLO: So why
11 wouldn't each department head know exactly
12 what contracts are coming up through the
13 pipeline?

14 MR. CLEARY: I believe they
15 should. That's the entire way the
16 procurement process in the county is
17 designed. The departments own their own
18 procurements and have to manage their
19 portfolios.

20 I'm trying to set up systems that
21 will aid them in that process. I don't
22 blame them for not knowing exactly
23 everything that is going on. I believe that
24 at least soon the larger departments, where
25 there's more complex operations, that there

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2 are -- the information flow can be tricky
3 without systems that actually capture that,
4 because working off spread sheets is not
5 perfect by any means.

6 On the other hand, it should be
7 pretty good. We have been looking at this
8 for four months now at least. I would like
9 to think that the departments have a pretty
10 good handle on what's in their pipeline and
11 I would like to think that they are sharing
12 that information with me at this point.

13 LEGISLATOR NICOLELLO: I would
14 think that after four months they would know
15 exactly every contract. I mean, given the
16 emphasis we have placed on this, stories in
17 Newsday, you name it, I would think that
18 each department, if I'm the Department of
19 Buildings, obviously the county doesn't have
20 a department as such, I'm going to know
21 every single contract that's in my
22 department, aren't I?

23 I don't understand how we can
24 still be getting incomplete information.
25 That's number one.

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2 Number two. In addition to each
3 department head knowing exactly each
4 contract that exists in their department is
5 making its way through the pipeline, who is
6 going to be overseeing this?

7 Are you going to be able to have
8 the ability to see where each of these
9 contracts is and to note when something
10 looks like it's getting late? Is that going
11 to be you or the department heads?

12 MR. CLEARY: The department is
13 ultimately responsible for it. The systems
14 that we're putting in place will capture
15 that information and do reporting and will
16 highlight that for them. Ultimately will
17 build dashboards so that they can see it
18 themselves, but they should be able to
19 monitor it themselves already whether
20 they're working with spreadsheets or
21 handwritten lists or whatever work it is.

22 I do not have visibility into
23 that except to the extent they provide it to
24 me at this point.

25 The contract routing system tells

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2 us what is going through the approval path
3 now. The solicitation tracking will tell us
4 what's been initiated and how far in the
5 process it is.

6 The guidelines have established
7 some -- and those guidelines, by the way, as
8 far as starting something ten months in
9 advance or three months or six months in
10 advance are based on anecdotal observations
11 of how processes seem to work.

12 Once we actually have data in the
13 system, it will be able to tell departments
14 for this type of procurement in your
15 department it takes this long. That should
16 be the really guiding principle for them to
17 make sure that that work gets done and gets
18 started on time, especially when they are
19 slow behind the average.

20 LEGISLATOR NICOLELLO: Have you
21 looked to other municipalities to see how
22 they're doing it, to see whether we can copy
23 some of their ideas in terms of overseeing
24 the process in terms of transparency?

25 MR. CLEARY: Well, it's typically

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2 based on the technology. That is how you do
3 this. You get everything in a single
4 platform that is -- has visibility, it has
5 transparency, it is audible, it can generate
6 reports, it can do analysis. You have to
7 have everything in that platform otherwise
8 you are not get uniform and good information
9 that you can act on and manage.

10 LEGISLATOR NICOLELLO: Basically
11 the Presiding Officer indicated to me and I
12 think she wants a written report from you of
13 some kind that we can. Is that all right?

14 MR. CLEARY: Yes. I'll prepare
15 something.

16 LEGISLATOR NICOLELLO: Thank you.

17 CHAIRWOMAN GONSALVES: Minority
18 Leader.

19 LEGISLATOR ABRAHAMS: Thank you,
20 Madam Presiding Officer. Just quick
21 observations, just requests, Mr. Cleary.

22 First, you had mentioned that
23 there was guidelines that you provided to
24 each of the departments?

25 MR. CLEARY: Yes.

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2 LEGISLATOR ABRAHAMS: Can you
3 provide those to the Legislature?

4 MR. CLEARY: Yes.

5 LEGISLATOR ABRAHAMS: The second
6 thing is, you had mentioned I guess in your
7 analysis or in your own observations that
8 there were a series of reports. I tried to
9 jot it down as you were saying it. But
10 there were two reports I'm guessing?

11 MR. CLEARY: The two lists that I
12 sent.

13 LEGISLATOR ABRAHAMS: The two
14 that you sent us before?

15 MR. CLEARY: Yes.

16 LEGISLATOR ABRAHAMS: Oh, those
17 spread sheets. Can you resend those to us
18 again?

19 MR. CLEARY: Absolutely.

20 LEGISLATOR ABRAHAMS: Address
21 them to our counsel, to our legal and
22 finance team. Lastly, really just to
23 summarize, the written report that you've
24 based your comments off of today, is what
25 you're saying today be able to provide that

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2 to the Legislature as well, do you have that
3 in a written format or are you just going
4 off the cuff?

5 CHAIRWOMAN GONSALVES: I just
6 asked for it.

7 LEGISLATOR ABRAHAMS: Okay.
8 Great. Can we have a copy?

9 CHAIRWOMAN GONSALVES: It was for
10 everybody.

11 LEGISLATOR ABRAHAMS: Okay.

12 CHAIRWOMAN GONSALVES: Legislator
13 DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON: I
15 appreciate your efforts. I want to say
16 that. I think this has been going on for a
17 while. Since I have been here we have
18 noticed it a few times.

19 I think the whole idea has to be
20 a process change, like a thought change.
21 There's nothing in the Charter that says
22 there are retroactive contracts. The
23 Charter says that the County Legislature has
24 to approve them prior. We are following the
25 Charter.

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2 So what I think has to happen,
3 the department heads have to really take
4 this serious. You are starting to see a
5 bipartisan agreement here if we have to --
6 we want the standard to be it as such that
7 it comes before us prior to the work or
8 anything else, and if it means that we are
9 going to have to start voting against some
10 of these contracts, I think you're going to
11 see it on both sides. I mean, I'm getting
12 the feeling for that. That message has to
13 be sent home very seriously to all these
14 department heads.

15 Yes, there are times, I
16 understand -- honestly I think all of us
17 probably would have more patience with the
18 DSS type contract, with the funding and all,
19 but when we see the law issues coming up
20 that are two years behind, there is no
21 excuse for that.

22 Seeing retroactive -- there is no
23 such thing as retroactive contracts in
24 Nassau County. It's basically not following
25 the proper procedure via the Charter.

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2 So, again, I appreciate your
3 efforts but I also hope that that message is
4 getting back to all the department heads.

5 And, again, we are not saying
6 there might not be a case where something
7 comes up on occasion, but I think last time
8 it was 17 out of 21 of the contracts were
9 late. It's going against the Charter and
10 it's taking away our responsibilities. I
11 think we're really getting to the point
12 where we're done. I do appreciate your
13 efforts, but that message has to be sent so
14 clear.

15 MR. CLEARY: I personally have
16 notified the departments of your concerns
17 more than once. They've obviously heard it
18 from the Legislature as well and we will
19 continue to beat that drum.

20 This, again, I'm not --
21 retroactivity is not a foreign concept to me
22 as public contracting issue, it's an issue
23 everywhere, but to this degree it does need
24 to be corrected. I hear what you are
25 saying.

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2 LEGISLATOR DERIGGI-WHITTON:

3 Thank you again for your work.

4 CHAIRWOMAN GONSALVES: Legislator
5 Curran.

6 LEGISLATOR CURRAN: Thank you.
7 Hello, Mr. Cleary. I want to get to the
8 not-for-profits. I want to make sure I
9 understand.

10 You are talking about doing
11 multiyear projects instead of just once
12 every year renewing?

13 MR. CLEARY: Yes. Multi-year
14 contracts with the funding contingency,
15 especially for vendors that have been
16 performing services that are especially
17 mandated or otherwise approved by the state,
18 directed sources often.

19 Where the client population
20 continues year in and year out, the service
21 provider provides that service at
22 approximately that level year in and year
23 out. They're established vendors. We don't
24 have any issues with their performance, no
25 issues with their responsibility otherwise.

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2 In those instances it's absolutely suitable
3 to have multiyear contracts, in fact the New
4 York City rules promote multi year contracts
5 for client services in certain instances
6 because it promotes longer term, more stable
7 relationship between the service provider
8 and the client.

9 LEGISLATOR CURRAN: Right. I'm
10 sure I join my other fellow legislators, we
11 get calls from non-for-profits in our
12 districts regularly if they haven't gotten
13 their advance by April, May.

14 That sounds like that's something
15 that could go if they have a good record and
16 provide the services that they're supposed
17 to provide appropriately that could be a
18 very good way to keep the money coming and,
19 as you say, keep the relationships with the
20 clients so they can make payroll and don't
21 have to take bridge loans which a lot of
22 them have to do now.

23 And then one other question, you
24 said that five departments have an
25 electronic routing system. And are the

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2 other departments on line are they on the
3 road to make that happen? How are the other
4 departments comparing?

5 MR. CLEARY: We are bringing them
6 on a few at a time. I intend to have
7 everybody up probably in the next two
8 months. I hoped to have everybody up by
9 now. But we did have some hiccups in the
10 implementation which isn't uncommon. But at
11 this point, we have most of the largest
12 agencies online and we will be bringing on
13 the other significant players I think very
14 soon, next few weeks to a month.

15 And then, after that, I think
16 we'll probably just have everybody else who
17 does only a handful of contracts a year come
18 on in mass maybe, as I said within two
19 months. And in the process, this
20 solicitation tracking system hopefully will
21 catch up and also be implemented some time
22 about a month from now.

23 LEGISLATOR CURRAN: And what are
24 those five departments that are currently up
25 and running?

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2 MR. CLEARY: That's parks, IT,
3 DPW, DSS, and DHS. Now DPW, DHS, and DSS
4 were relatively recently implemented, and
5 DHS and DSS I haven't confirmed that all of
6 their submissions are going through because
7 we had them start with some items. I don't
8 know if all of them are going through, but I
9 think we need to pull the trigger on that
10 and have everything go through at this
11 point.

12 Other departments that I'm
13 working with are County Attorney, police
14 department, probation, and a number of
15 others.

16 LEGISLATOR CURRAN: Okay, thank
17 you very much.

18 CHAIRWOMAN GONSALVES: Any
19 other questions of Mr. Cleary?

20 (No verbal response.)

21 CHAIRWOMAN GONSALVES: There
22 being none, thank you very much Mr. Cleary.
23 We will be looking forward to that written
24 report which will be issued to each and
25 every one of us.

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2 MR. CLEARY: Yes.

3 CHAIRWOMAN GONSALVES: Thank you.

4 (Whereupon, Rules Committee
5 resumed.)

6 CHAIRWOMAN GONSALVES: Now to the
7 Rules Committee. I'm going to begin with
8 contract A-6, a resolution authorizing the
9 director of Nassau County Office of
10 Purchasing to request oversight of a
11 contract between the County of Nassau acting
12 on behalf of various town Nassau County
13 departments and Elemco Services, Inc.
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. And Mr. Arnold.

20 MR. ARNOLD: Good afternoon, Ken
21 Arnold, Public Works, A-6 is the regular
22 contract for the repair and maintenance of
23 underground electric cables and transformers
24 that supplies our facilities unit with
25 backup when we have issues with these types

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2 of items.

3 CHAIRWOMAN GONSALVES: Any
4 questions of Mr. Arnold?

5 LEGISLATOR ABRAHAMS: If I may?

6 CHAIRWOMAN GONSALVES: Minority
7 Leader.

8 LEGISLATOR ABRAHAMS: How are
9 you, Mr. Arnold?

10 MR. ARNOLD: Very good. Thank
11 you.

12 LEGISLATOR ABRAHAMS: From what
13 we can understand from the backup, there was
14 only one bid received for this particular
15 contract; is that correct?

16 MR. ARNOLD: That's correct.

17 LEGISLATOR ABRAHAMS: So I guess
18 as our normal practice, assuming one bid was
19 received, what steps did the department
20 determine -- are taking to determine the
21 price is reasonable?

22 MR. ARNOLD: The purchasing
23 office they put this bid out for me.

24 MR. SCHLERNOFF: Michael
25 Schlernoff, acting director of purchasing.

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2 Yes, sir?

3 LEGISLATOR ABRAHAMS: The
4 question was, being that there was only one
5 bid received, what steps had been taken to
6 make sure the price was reasonable?

7 MR. SCHLERNOFF: We dealt with
8 the vendor before, the vendor who bid was
9 the vendor who has held the contract and the
10 prices we have paid to them are reasonable.

11 LEGISLATOR ABRAHAMS: So the
12 price hasn't gone up I'm guessing?

13 MR. SCHLERNOFF: Yes, they have
14 gone up.

15 LEGISLATOR ABRAHAMS: How did you
16 determine it's reasonable among the industry
17 standard?

18 MR. SCHLERNOFF: Manage the
19 percentage of increase.

20 LEGISLATOR ABRAHAMS: So explain
21 that for me.

22 MR. SCHLERNOFF: The cost of
23 living.

24 LEGISLATOR ABRAHAMS: So it's
25 gone up by the cost of living every year?

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2 MR. SCHLERNOFF: Yes. Either
3 less or more depending. They have to show
4 me -- when they ask for price increases,
5 they have to justify them to me based upon
6 labor contracts or cost of parts or things
7 like that.

8 LEGISLATOR ABRAHAMS: How do we
9 compare that to the industry standard of
10 what somebody would pay for this type of
11 service, say Suffolk or someone else?

12 MR. SCHLERNOFF: I don't check
13 with Suffolk, so I don't know.

14 LEGISLATOR ABRAHAMS: So even
15 though we check by the cost of living --

16 MR. SCHLERNOFF: The whole idea
17 of competitive bidding is that you go out
18 into the marketplace to determine what the
19 marketplace is asking.

20 LEGISLATOR ABRAHAMS: Yes, but in
21 this case the marketplace only came back to
22 us with one bid.

23 MR. SCHLERNOFF: Well, we have
24 gone through this before, sir, as to why
25 only bidder is received.

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2 LEGISLATOR ABRAHAMS: Yes, we
3 have.

4 MR. SCHLERNOFF: For many years
5 we have gone over this.

6 LEGISLATOR ABRAHAMS: I do know.
7 And the only thing I'm bringing up as a
8 concern is that you are not able to gauge
9 the market accurately unless multiple people
10 from the market bid for providing the
11 service because then we're really just
12 saying we are going off of one guy who tells
13 us --

14 MR. SCHLERNOFF: Well, we are
15 going out to bid in the marketplace, whether
16 one or five or ten responds, it's still we
17 are going out into the marketplace.

18 LEGISLATOR ABRAHAMS: I don't
19 doubt that you are going out to the
20 marketplace, what I'm saying is we don't
21 know if the price we're paying is high,
22 maybe it's the deal, who knows? We are
23 basing it off of one entity in the
24 marketplace.

25 MR. SCHLERNOFF: Correct.

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2 LEGISLATOR ABRAHAMS: That's my
3 point. Nothing further, Madam Presiding
4 Officer.

5 CHAIRWOMAN GONSALVES: Any other
6 comments?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of Contract A-6 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The contract passes four to
16 three.

17 The next contract is A-24, a
18 contract between the County of Nassau acting
19 on behalf of the various Nassau County
20 agencies and Hempstead Ford Lincoln.

21 A motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator

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2 Kopel.

3 MR. ARNOLD: Ken Arnold, Public
4 Works. A-24 is for a parts contract for our
5 Ford vehicles. This contract will be used
6 by fleet services to replace some parts for
7 our fleet associated with Ford trucks and
8 passengers vehicles.

9 CHAIRWOMAN GONSALVES: Any
10 questions? Legislator Solages.

11 LEGISLATOR SOLAGES: Thank you
12 very much. Good afternoon, Mr. Arnold. I
13 guess my question more so is a legal
14 question in that, why can't we cancel this
15 bid even though it went out? Like, why
16 can't we cancel it? We only received one
17 bid. What exposure would we have --
18 ourselves exposed to here year legally
19 speaking if we were to cancel on this bid?

20 MR. SCHLERNOFF: If we cancel the
21 bid what would we do for a contract to
22 obtain parts?

23 LEGISLATOR SOLAGES: I guess,
24 more so, to that question --

25 MR. SCHLERNOFF: First of all you

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2 are saying, would we cancel the bid, we
3 don't cancel bids. If the county decides
4 that, say, the prices are too high or
5 there's something wrong with the vendor
6 after we do due diligence, we may not make
7 an award, but we normally don't cancel bids.

8 LEGISLATOR SOLAGES: It's my
9 understanding of the County Charter, it
10 says, cancelling invitation to bid after
11 opening. Just, counselor, if I get a legal
12 opinion, what are some of the reasons we can
13 cancel a bid?

14 MR. PODLESAK: If you have a
15 question for the County Attorney's Office on
16 this issue I would respectfully request that
17 you put it through channels in writing to
18 Judge Foskey and an answer will be
19 forthcoming.

20 LEGISLATOR SOLAGES: Understood.
21 One second.

22 I would like a more complete
23 answer to that question and I understand
24 that you would like that question forwarded
25 to the County Attorney, and I am here

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2 looking at several reasons by which it can
3 be cancelled.

4 But, in this situation, we don't
5 have any anything to compare these prices,
6 so it might be effective for us to reissue
7 the bid, cancel and reissue it. Nothing
8 further. I will have my questions drafted
9 to the County Attorney.

10 CHAIRWOMAN GONSALVES: Minority
11 Leader.

12 LEGISLATOR ABRAHAMS: Gerry, is
13 it going to be the practice of the County
14 Attorney or take positions when things come
15 up to the floor that we have to put things
16 in writing before you are able to respond?
17 I just noticed that with Legislator Solages.
18 Is that going to be the practice on all
19 contracts or just this one is unique because
20 there's some dynamic in it?

21 MR. PODLESIAK: I would say it is
22 going to be an ad hoc determination whenever
23 a question is put to the floor. I would say
24 that the better course of business for every
25 member of the Legislature is that if they

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2 had like a prompt answer during the course
3 of a proceeding that they give us a bit of
4 warning so we can answer it and we can move
5 the process along.

6 But, as I said, this will be an
7 ad hoc process. If there is something that
8 we can do on a given day we will do it. But
9 if you really want us to answer questions,
10 it's good to give us a heads up.

11 LEGISLATOR ABRAHAMS: I agree. I
12 think it also ties into the fact that we are
13 notified of what's on the calendar the
14 Wednesday before the evening. That does not
15 give legislative staff enough time to review
16 to provide to you questions in two business
17 days.

18 So, Presiding Officer, if this is
19 going to be the practice, I agree with Mr.
20 Podlesak, if we need to be able to provide
21 analysis so we're able to make better
22 decisions using the County Attorney's input,
23 I would respectfully request that we can not
24 calendar thing based off the Wednesday
25 before and give staff only two business days

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2 to review.

3 It should not be calendared until
4 the following Monday committee session given
5 the volume of documents that come through
6 this body. I understand what you're saying,
7 Gerry, correct me.

8 MR. PODLESAK: I understand too,
9 legislator, but your counsel has my phone
10 number and if he has a question he can
11 always call me. He knows I have cooperated
12 with him in the past.

13 LEGISLATOR ABRAHAMS: I don't
14 think the question is him calling you.

15 I don't think he will be able to
16 review the point of what he needs to review
17 in time. He's still reviewing things on
18 Sunday for us.

19 The amount of contracts and the
20 volume that comes through this legislative
21 body has Rules meetings every single Monday
22 it meets. That hasn't been the practice.

23 Normally the practice has been,
24 we meet once a month in Rules and once a
25 month in Full Legislature.

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2 That being said, being that the
3 practice is changing, I respectfully request
4 from the Presiding Officer that we cannot
5 put items on the calendar that could very
6 well need input from the County Attorney's
7 Office the Wednesday before a Monday
8 meeting. It's not fruitful. Doesn't make
9 any sense.

10 Our counsels will not have the
11 time to review the contracts in their
12 entirety to be able to call you to get your
13 input.

14 LEGISLATOR SOLAGES: Presiding
15 Officer, I just want to add that, this
16 question pertains to three contracts, not
17 just to one specific contract.

18 CHAIRWOMAN GONSALVES: Excuse me.

19 LEGISLATOR SOLAGES: My
20 apologies, Presiding Officer.

21 CHAIRWOMAN GONSALVES: Legislator
22 Solages.

23 LEGISLATOR SOLAGES: Thank you
24 very much, Presiding Officer.

25 The point of clarification, the

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2 reason why I'm asking about this is that
3 this pertains to three contracts. So I
4 understand that we need a legal opinion here
5 and I thought by having you here from the
6 County Attorney's Office that could be
7 helpful.

8 But this pertains to three
9 contracts. So it's not a specific question
10 about one specific contract. We have three
11 contracts where there are three bids and
12 only one bid was received.

13 And I, again, having an
14 obligation to protect the taxpayers here in
15 Nassau County I just want to make sure can
16 we take back that bid? And, if we can get
17 other bids where we can have some fair
18 comparisons? For those reasons, I'm asking
19 for a motion to table this specific
20 contract.

21 LEGISLATOR DERIGGI-WHITTON: I'll
22 second it.

23 LEGISLATOR ABRAHAMS: Before we
24 take the motion, I have a quick question.

25 These are parts we are buying for

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2 cars, vehicles, I'm guessing, because it's
3 Ford?

4 MR. SCHLERNOFF: Yes, sir.

5 LEGISLATOR ABRAHAMS: The way we
6 do our dual diligence, how do we do our due
7 diligence, because there is more than one
8 Ford in Nassau County. Have we tried to
9 reach out to the other Ford dealerships?

10 MR. SCHLERNOFF: Yes. We contact
11 various ones. They don't want to do
12 business.

13 LEGISLATOR ABRAHAMS: Michael, I
14 know this is probably the case. I hope
15 we're paying a lesser price than me going to
16 buy a Ford alternator?

17 MR. SCHLERNOFF: Yes. We get a
18 discount off the list price.

19 LEGISLATOR ABRAHAMS: I just want
20 to make sure.

21 CHAIRWOMAN GONSALVES: Legislator
22 Nicolello.

23 LEGISLATOR NICOLELLO:
24 Mr. Podlesak, you don't have to answer this
25 statement, is smart but is not expected to

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2 know every area of county law from finance
3 to bidding, et cetera. So you can't expect
4 him to answer every single question on the
5 fly.

6 I understand the point the
7 minority is making but I'm going to guess
8 that it's kind of rare that they are
9 actually going to tip you off as to what
10 their questions are, seems like they like
11 the theater more than answer sometimes.

12 Lastly, I understand their
13 objections, but we have to decide from our
14 point of view since you're probably going to
15 abstain or vote no, as to what value your
16 objections are at this point.

17 CHAIRWOMAN GONSALVES: Any public
18 comment?

19 (No verbal response.)

20 There being none all those in
21 favor of Contract A-24 --

22 LEGISLATOR SOLAGES: Presiding
23 Officer, I made a motion to have this matter
24 tabled.

25 CHAIRWOMAN GONSALVES: Motion to

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2 table by Legislator Solages.

3 LEGISLATOR DERIGGI-WHITTON:

4 Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Solages, seconded by Legislator
7 DeRiggi-Whitton.

8 All those in favor of a motion to
9 table signify by saying aye.

10 (Aye.)

11 All those opposed?

12 (Nay.)

13 The motion to table fails.

14 Now for the item. The item A-24,
15 all those in favor of the item signify by
16 saying aye.

17 (Aye.)

18 Any opposed?

19 (Nay.)

20 The item passes four to three.

21 The next item is A-25, a contract
22 between the county of Nassau acting on
23 behalf of the various Nassau County agencies
24 and Tonsa Automotive, Inc.

25 Motion, please.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

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

7 MR. ARNOLD: Ken Arnold,
8 Department of Public Works. A-25 is the
9 second contract for parts for our vehicles.
10 This is related to GMC vehicle parts for
11 both trucks and passenger vehicles and the
12 lowest bidder award was Tonsa.

13 LEGISLATOR ABRAHAMS: May I?

14 CHAIRWOMAN GONSALVES: Yes, you
15 may.

16 LEGISLATOR ABRAHAMS: This is a
17 point, to make sure, of clarity. Tonsa
18 Automotive was the only bid we received and
19 this is for GMC parts, correct?

20 MR. ARNOLD: That's correct.

21 LEGISLATOR ABRAHAMS: And we
22 verified by contacting the GMCs throughout
23 Nassau County that they were not interested
24 but, more importantly, we verified that if
25 we bought the parts ala carte from GMC we

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2 would be paying more than we are getting
3 discounted from Tonsa?

4 MR. SCHLERNOFF: I don't know
5 that we can buy parts directly from GMC. So
6 that's the only answer I can give you.

7 LEGISLATOR ABRAHAMS: Wait, wait.
8 I hate to go back one. You have to be a
9 dealer to buy parts? You have to be a
10 dealer to buy parts?

11 MR. SCHLERNOFF: Unless you have
12 some other source. I can't go out to Ford
13 Motor Company in Michigan and buy parts --

14 LEGISLATOR ABRAHAMS: Not Ford
15 Motor Company, but the last contract was for
16 Hempstead Ford. That's Hempstead Ford on
17 Franklin.

18 MR. SCHLERNOFF: Right. That's a
19 dealership.

20 LEGISLATOR ABRAHAMS: Yes.

21 MR. SCHLERNOFF: Normally you go
22 to the dealer and you buy parts from the
23 dealer.

24 LEGISLATOR ABRAHAMS: I do it all
25 the time.

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2 MR. SCHLERNOFF: So you are
3 paying full price.

4 LEGISLATOR ABRAHAMS: So that's
5 what I said about Tonsa. Tonsa is buying
6 the parts from GMC?

7 MR. SCHLERNOFF: I don't know
8 where Tonsa is buying the parts.

9 LEGISLATOR ABRAHAMS: Well, they
10 have to be buying them from GMC, they're GMC
11 parts.

12 MR. SCHLERNOFF: No. I'm saying
13 I don't know whether they're going to a
14 dealer or they're dealing directly with GMC.

15 LEGISLATOR ABRAHAMS: Correct.
16 But, either way, the parts are cheaper with
17 Tonsa than if I go to the GMC in Lynbrook,
18 Rockville Centre?

19 MR. SCHLERNOFF: Correct.

20 LEGISLATOR ABRAHAMS: That's all
21 I wanted to know.

22 CHAIRWOMAN GONSALVES: Any other
23 comments?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of A-25 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (Nay.)

8 The item passes four to three.

9 Now to the E contracts; E-103, a
10 personal services agreement between the
11 County of Nassau acting on behalf of the
12 Department of Corrections and the Long
13 Island Council of Churches.

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. BECKER: Madam Chair, E-106
21 is the same in kind and you may want to call
22 them together, both chaplain contracts.

23 CHAIRWOMAN GONSALVES: There is
24 no problem. We will call E-106 at the same
25 time. Personal services agreement between

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2 the county of Nassau and the Department of
3 Correction and the Nassau County Council of
4 Black Clergy TA, Unified Counsel of
5 Churches.

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. Talk about the two of them now.

12 MS. HALL: Good afternoon. Narda
13 Hall, Correctional Center.

14 The contracts being presented
15 today are for religious services and
16 counseling to inmate population at the
17 Nassau County Correction Center.

18 Item E-106-17 is for Long Island
19 Council of Churches; and Item E-103-17 is
20 for Nassau Council of Black Clergy.

21 The New York State Commission of
22 Corrections mandates that all inmates have
23 the right to hold any religious belief and
24 requires that the facility advisors to
25 conduct congregated activities at least once

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2 per week.

3 The contract period is January
4 through December 2017 with the budget impact
5 of \$40,000 for each contract.

6 CHAIRWOMAN GONSALVES: Legislator
7 DeRiggi-Whitton.

8 LEGISLATOR DERIGGI-WHITTON: We
9 do want to support your contract, but do you
10 know if these contracts are on this list? I
11 don't see them. The late list. They're not
12 on the late list. I want to make note that
13 they're not on the late list.

14 LEGISLATOR ABRAHAMS: Just for a
15 point of clarity, and Legislator Kopel,
16 maybe you understand this, the late list, it
17 dwindles in its number obviously as
18 contracts come through committees, but it's
19 also -- there are contracts being added to
20 the list at the same time. So there is no
21 pot of gold at the end of the rainbow.

22 LEGISLATOR KOPEL: We are hoping
23 for one, under all of this is a pony, as the
24 saying goes

25 LEGISLATOR DERIGGI-WHITTON: So

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2 maybe they should be updated a little bit.

3 I know the last update we had was about a
4 month ago. But the bottom line is, they are
5 both five months late.

6 LEGISLATOR KOPEL: Actually I've
7 got, if I may, Madam Presiding Officer, I
8 got about, I don't know I got probably a
9 couple of dozen that are late that are not
10 on the list actually.

11 I can go through each one as they
12 come up but, in fact, I have got many many
13 many of them that are listed here, that I
14 have been tracking that are not on the late
15 list, quite a few.

16 MR. BECKER: I would like to
17 mention one thing about these two particular
18 contracts. They are actually in the
19 legislative affairs. These two contracts
20 were on my desk for about two months.

21 LEGISLATOR KOPEL: It's your
22 fault.

23 MR. BECKER: Partly, but not so
24 much because what happens is, we had a heck
25 of a time from these two agencies trying to

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2 get the various disclosure forms completed
3 and it was just mistakes all the time. We'd
4 ask for something and we wouldn't get it
5 back properly.

6 This is one of -- these two
7 contracts are one or two of those that we
8 just -- part of the problem of these
9 contracts being late has many many times a
10 lot to do with the new vendor forms. People
11 are confused by them. They don't get us the
12 proper, principal questionnaire back to us.
13 They make mistakes on the vendor form.

14 I'm just saying, it took, these
15 two particular contracts were on my desk two
16 months and I was personally trying to get
17 from the parties the appropriate disclosure
18 forms and that's part of the problem that
19 we're having and why some of these contracts
20 are -- quite a few are late.

21 LEGISLATOR KOPEL: By the way, if
22 they're on your desk for two months and were
23 already late by the time they hit your desk,
24 it's --

25 MR. BECKER: That's true, but at

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2 the same time it's a problem. Go ahead.

3 MR. CLEARY: Robert Cleary,
4 director of procurement compliance.

5 Let me add two things. I think
6 both of these contracts were categorized as
7 renewals so they were not included on the
8 list.

9 However, to your point, the
10 purpose of the guidance is to state that
11 renewals should be started six months in
12 advance. In this particular instance, if
13 they had been started six months in advance
14 I believe they would have been on time and
15 this is the kind of issue we are trying to
16 avoid going forward.

17 CHAIRWOMAN GONSALVES: Legislator
18 DeRiggi-Whitton.

19 LEGISLATOR DERIGGI-WHITTON: So
20 just to clarify, renewals will not be on the
21 late list?

22 I know this sounds funny, but I
23 feel better when you know that this is late
24 and maybe there is a reason why it's late.

25 Like you know and again, if there

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2 was a real issue with this I see, you know,
3 all right. But if we don't have it on the
4 list and we don't have an explanation in the
5 backup it sort of makes us question as to
6 whether or not.

7 MR. CLEARY: Well the departments
8 have been instructed to start with a
9 statement when an amendment, a contract, or
10 a renewal is late, to start with that
11 statement so it's up front and center when
12 they present. The information is typically
13 identifiable on the staff summary and the
14 documentation you get. I know you have to
15 look for it. It is usually pretty obvious
16 on the front of it if it's late or not.

17 LEGISLATOR DERIGGI-WHITTON: But
18 it doesn't say that there was a problem. It
19 would be an extra step and it might make us
20 feel. Listen, I appreciate you're in middle
21 of this and you're doing everything you can
22 to catch up, I appreciate that. But just
23 understand also from what I was just told by
24 council, we have something like 66 percent
25 of our contracts today are late. It's still

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2 a failing number, I appreciate your efforts
3 but we need to really kick in with it.

4 MR. CLEARY: I will only say one
5 other thing. As I said, more than once,
6 there are a lot of different causes of the
7 problems here. The logic of focusing mostly
8 on first and foremost on new contracts in
9 addition to getting the guidance in place
10 and the systems in place was that, this is,
11 previous contracts that are being amended or
12 renewed they were already approved under
13 some auspices.

14 So the question about a
15 retroactive award to a new vendor for the
16 first time is a different question to some
17 degree and a more important question to some
18 degree than an extension of a previously
19 approved contract. That was the logic and
20 it's because of the sheer magnitude of the
21 issue that we are drawing some distinction.
22 I am not --

23 LEGISLATOR DERIGGI-WHITTON: I
24 know that, and I know that you're
25 overwhelmed right now. And, again, I can't

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2 tell you enough I appreciate where you are
3 and I'm not in any way blaming you for the
4 situation.

5 But the contracts would not have
6 to come before leg for renewal if there
7 wasn't a reason. So, by saying it doesn't
8 really matter because they were already
9 approved once before, again, it's just
10 taking away what we're supposed to be doing.
11 We're the ones that get blamed when
12 something goes wrong, you know, we're the
13 ones that get into trouble because we
14 approve something.

15 So to assume, "oh, it was
16 approved once before so you should approve
17 it again" is mitigating what our
18 responsibilities are as a Legislature.

19 So, basically, in my opinion, any
20 contract that comes before us is important
21 renewal or not. As far as I know, there
22 were no standards in place when these
23 contracts were approved originally as far as
24 any kind of disclosure.

25 So, again, I get what you're

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2 saying. I know you're in the hot seat and
3 we're not criticizing your efforts but we're
4 saying, you know, it has to be done now
5 because again 66 percent that are late is
6 the wrong number. It should be the other
7 way around by now I hope 66 percent are on
8 time but, thank you.

9 MR. CLEARY: Well, thank you. I
10 didn't mean to suggest that it's not
11 important in any way, shape or form. It is
12 absolutely important, and, as I said, the
13 steps that we are taking hopefully will make
14 this go away.

15 CHAIRWOMAN GONSALVES: Is there
16 any public comment?

17

18 (No verbal response.)

19 There being none, all those in
20 favor of E-103 and E-106 signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The items pass unanimously, both

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2 items.

3 The next item is E-107, a
4 personal services agreement between the
5 County of Nassau acting on behalf of the
6 Nassau County Department of Social Services
7 and Alexander S. Bardey, MD, P L.L.C.

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. Mr. Broderick.

14 MR. BRODERICK: Good afternoon.
15 Paul Broderick, Deputy Commissioner,
16 Department of Social Services.

17 The item before you is a contract
18 between the Department of Social Services
19 and Dr. Bardey for forensic and clinical
20 psychiatric evaluations.

21 The contract is late and that was
22 primarily attributed to the principal
23 questionnaire forms which we have been
24 working with all our vendors to get them in
25 and get them contract. Do you have any

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2 questions?

3 CHAIRWOMAN GONSALVES: Any
4 questions from the legislators? Minority
5 Leader.

6 LEGISLATOR ABRAHAMS: Thank you,
7 Madam Presiding Officer. Paul, is this
8 contract on the Mr. Cleary's list?

9 MR. BRODERICK: Off the top of my
10 head I don't know, Legislator, but I will
11 find out and let you know.

12 LEGISLATOR ABRAHAMS: I think I
13 saw somewhere in the backup that it's a
14 renewal so it's possible I answered my own
15 question that it's not.

16 MR. BRODERICK: Yes, this vendor
17 has been with us since 2013 so I believe
18 we've been through this process before with
19 Dr. Bardey.

20 CHAIRWOMAN GONSALVES: I'm going
21 to follow-up with that question.
22 Mr. Cleary, would this be part of the Phase
23 Two or the multi-year approval of these
24 contracts? Would this be part of it?

25 MR. CLEARY: Yes. One of the

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2 things that we are handling is the nonprofit
3 contracts issue.

4 CHAIRWOMAN GONSALVES: Thank you.
5 Legislator Nicoletto.

6 LEGISLATOR NICOLELLO: I want to
7 say actually taking the other tack now. I
8 understand the frustration of some the
9 administration people.

10 For the life of me, this is a
11 highly intelligent, skilled individual, and
12 for the life of me I don't understand what's
13 the big deal about these disclosure forms.

14 They don't seem to be that
15 complicated so, again, I know earlier I was
16 questioning Mr. Cleary, but I understand it
17 can be frustrating when you're not getting
18 the forms back in time.

19 MR. BRODERICK: I think some of
20 them, honestly, I worked with the Not For
21 Profit Task Force for the past several years
22 and different insights from the outside
23 community back in, some of the not for
24 profit community, they're small mom and pop
25 shops, they're not overly sophisticated,

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2 they have to run it through their legal
3 counsel, or if they put in an incorrect,
4 and sometimes they make just errors, and
5 sometimes if the nomenclature is incorrect
6 and it goes back and forth a couple of
7 times.

8 This over here, the doctor, we
9 had spoken with him and it was just putting
10 on his personal information, how we're going
11 to redact it.

12 Some individuals just don't want
13 all their personal information being
14 available to anyone who decides to go on
15 line and look it up.

16 So there were some concerns which
17 took a little bit of process but we finally
18 got there. In the future, we don't envision
19 we are going to have these problems because,
20 as we go along, we are learning and coming
21 up with FAQs, so as new people come aboard,
22 we try to address any concerns they might
23 have.

24 LEGISLATOR NICOLELLO: Plus the
25 ones that are coming back once they've gone

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2 through the process they should be better at
3 it in the future.

4 MR. BRODERICK: Exactly. I mean,
5 I know it's a frustrating process, believe
6 me, and I will say from any perspective it
7 can be frustrating, but after we are over
8 this hump, this one time experience
9 hopefully, every one is going to be a lot
10 better off.

11 CHAIRWOMAN GONSALVES: Any public
12 comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of E-107 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item passes four to three.

20 MR. BRODERICK: Thank you.

21 CHAIRWOMAN GONSALVES: The next
22 item is E-110-17, a personal services
23 agreement between the County of Nassau
24 acting on behalf of the Nassau County
25 Department of Information Technology and

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2 Universal Management Technology Solutions,
3 Inc.

4 Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Kopel. Mr. Eisenstein.

10 COMMISSIONER EISENSTEIN: Good
11 afternoon. Ed Eisenstein. This is the
12 remainder of the money that we owed UMS for
13 helping us with Microsoft Enterprise
14 Agreement.

15 CHAIRWOMAN GONSALVES: Any
16 questions? Minority Leader.

17 LEGISLATOR ABRAHAMS: If I
18 remember correctly, Mr. Eisenstein, this is
19 the contract where one of the principals was
20 Mr. Adam Barski who is the same Adam Barski
21 who is the chair of NIFA board, if I
22 remember correctly, correct?

23 COMMISSIONER EISENSTEIN: That's
24 absolutely correct.

25 LEGISLATOR ABRAHAMS: If I

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2 understand also, Mr. Barski recused himself
3 from this process?

4 COMMISSIONER EISENSTEIN: Yes.
5 He's recused himself from having anything to
6 do with this, from NIFA, the board.

7 LEGISLATOR ABRAHAMS: From this
8 firm?

9 COMMISSIONER EISENSTEIN: And
10 it's been tabled and brought back.

11 LEGISLATOR ABRAHAMS: I guess the
12 crux of my questions is tied to the fact
13 that this is a ten month old retroactive
14 period we are covering going back to July 9,
15 2016 to January 8, 2017, so the services
16 they provided are over?

17 COMMISSIONER EISENSTEIN: Yes,
18 that's correct. If you recall, it was
19 tabled because of that nuance with the name
20 with Mr. Barski.

21 LEGISLATOR ABRAHAMS: When was
22 that tabled, was it last year? Counsel
23 advised me that we tabled it in November of
24 last year.

25 COMMISSIONER EISENSTEIN: Okay.

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2 LEGISLATOR ABRAHAMS: So it was
3 four months late at that time?

4 COMMISSIONER EISENSTEIN: I may
5 have to double check that. It may have been
6 late at the time. It was a follow-up from a
7 previous work that they had done.

8 LEGISLATOR ABRAHAMS: I don't
9 doubt they did the work. But obviously I
10 think the questions that we brought up
11 regarding Mr. Barski being affiliated with
12 NIFA while at the same time with this firm
13 and now, even if I forgave six months of it
14 being late because of that issue that came
15 up, even when it was first presented to us
16 it was a four month late contract which this
17 committee has at times voted against just
18 for that time frame is much shorter than
19 that, so -- I have nothing further, Madam
20 Presiding Officer, at this time.

21 CHAIRWOMAN GONSALVES: Any public
22 comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of E-110 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (Nay.)

5 The item passes four to three.

6 The next item is E-111, a
7 personal services contract between the
8 County of Nassau acting on behalf of the
9 Nassau County Department of Information
10 Technology and Quest Computer Products, Inc.
11 Motion, please.

12 LEGISLATOR KOPEL: So moved.

13 LEGISLATOR DUNNE: Second.

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

17 COMMISSIONER EISENSTEIN: Thank
18 you again. This is for traffic parking
19 violations, this is their primary system,
20 and this is the maintenance contract for
21 Quest who is their vendor.

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

24 LEGISLATOR ABRAHAMS: More of a
25 comment or understanding.

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2 CHAIRWOMAN GONSALVES: Minority
3 Leader, go ahead.

4 LEGISLATOR ABRAHAMS: Thank you,
5 Madam Presiding Officer.

6 So, if I understand this
7 correctly, Mr. Eisenstein, as soon as the
8 county goes into contract with this
9 particular vendor, they create, they install
10 any customized software, and then from there
11 the county does not own the software, it's
12 basically, we can only use it as proprietary
13 software, as long as the company that
14 installed it receives the licensing fees?

15 COMMISSIONER EISENSTEIN: I have
16 Dave Rich here to explain that further. But
17 it is customary that in some cases that they
18 build it out that it's our custom software
19 at that point once they build it out to a
20 certain measure it becomes customary
21 specific to us.

22 LEGISLATOR ABRAHAMS: Yes. But
23 the customizing doesn't remove the licensing
24 issue if I understand that correctly from my
25 counsel?

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2 COMMISSIONER EISENSTEIN: It does
3 not. Do you want to describe the licensing
4 issue? It's just a generic licensing item
5 that's based on their software.

6 LEGISLATOR ABRAHAMS: But I'm
7 being advised by counsel that we do not own
8 it.

9 COMMISSIONER EISENSTEIN: We do
10 not own the physical software that they
11 wrote it in. That would make sense, in some
12 cases that's quite normal.

13 As a matter of fact, just to talk
14 a little bit about technology a little bit,
15 we have several cloud computing systems
16 where the data belongs to us but the system
17 is proprietary to the vendor. That is quite
18 normal software interaction.

19 LEGISLATOR ABRAHAMS: So I guess
20 if something happens to this vendor, the
21 software is gone?

22 COMMISSIONER EISENSTEIN: Yes.
23 To just ahead a little bit, so that data all
24 belongs to us we get all that in one file.
25 Anyone can ultimately build the system. The

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2 department is going through an RFP model now
3 where that data will be packaged and shipped
4 over.

5 I can show you hundreds of
6 examples and IT replaced software and done a
7 data dump with that data that's there and
8 moved into a new work flow.

9 David just informed me that we
10 have all the backup data and everything in
11 case there is something that happens with
12 this vendor which is quite common we have in
13 most practices where we operate like this.

14 LEGISLATOR ABRAHAMS: I know I
15 asked this question before but I want to say
16 it for the point of the record. Why
17 couldn't we do this on our own so that on a
18 going forward basis we would be able to not
19 have to worry about the licensing fees and
20 be able to customize the software and not
21 have to worry about if Quest or someone else
22 was gone, that we would lose that software?

23 COMMISSIONER EISENSTEIN: Thank
24 you for asking that question because I
25 personally believe very much in building

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2 software in-house. The IT department has
3 built over 100 inhouse home baked
4 applications but we've saved tens of
5 millions of dollars in that way.

6 This particular one is a pretty
7 heavy duty item that we have not been able
8 to get our arms around to bring it in house.

9 I assure you, as Mr. Rich will
10 tell you, it is on ongoing conversation
11 whether we can bring his or any application
12 in-house to be managed and developed by
13 in-house people. It is an ongoing quest
14 that I can speak extensively on. It was not
15 possible in this case yet.

16 LEGISLATOR ABRAHAMS: Thank you.

17 CHAIRWOMAN GONSALVES: Any public
18 comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of E-111 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 The item passes four to three.

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2 The next item is E-112, a
3 personal services agreement between the
4 County of Nassau acting on behalf of the
5 Nassau County Police Department and
6 Motorola, Inc.

7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

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

13 MR. BECKER: Madam Chair, just as
14 a note in regards to the prior question, we
15 built the electronic routing system we are
16 using in house, the IT department built it.

17 CHAIRWOMAN GONSALVES: That's
18 goo. Lieutenant, are you here?

19 LIEUTENANT STEPHANOFF: Good
20 afternoon. Lieutenant Greg Stephanoff.
21 E-112 is an item to encumber additional
22 funds to rebuild the Nassau County Police
23 Department Fourth Precinct radio equipment.
24 We are in the middle of building
25 a new building, a new Fourth Precinct

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2 building, and we are at the point where we
3 are going to be moving shortly the equipment
4 from the old building to the new building so
5 we can then occupy the building.

6 This is similar to what we did in
7 the Eighth Precinct and the Second Precinct
8 south and it's similar to what we did in the
9 First Precinct.

10 The cost is \$144,031 and it's
11 going to be done by Motorola to ensure there
12 is a seamless transition and we don't lose
13 radio transmission for the police cars.

14 Any questions?

15 CHAIRWOMAN GONSALVES: We're
16 looking at the term of the contract, and
17 talk about long overdue, what's the reason
18 for the contract which expired on 2013 and
19 now it's before us?

20 LIEUTENANT STEPHANOFF: Well, we
21 had the contract, it started in '05 with the
22 radio system. We had it as completion of
23 the project.

24 We're still building out the
25 radio system. Last year we did two

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2 amendments for antenna and equipment removal
3 and reinstallation.

4 We are looking at the contract to
5 completion and we are still building out the
6 system.

7 CHAIRWOMAN GONSALVES: Any other
8 comments or questions from the legislators?
9 Legislator DeRiggi-Whitton.

10 LEGISLATOR DERIGGI-WHITTON: So
11 Motorola is the company that you use for
12 your radio transmission, correct?

13 LIEUTENANT STEPHANOFF: Yes

14 LEGISLATOR DERIGGI-WHITTON: So
15 you are basically moving a Motorola tower?

16 LIEUTENANT STEPHANOFF: In this
17 instance we are moving the equipment inside,
18 that runs the radio itself in the precinct.
19 We are moving it to the new building that
20 was constructed, the new Fourth Precinct.

21 LEGISLATOR DERIGGI-WHITTON: So
22 it's the company that owns or has the
23 equipment is moving the equipment; is that
24 right?

25 LIEUTENANT STEPHANOFF: Yes

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2 LEGISLATOR DERIGGI-WHITTON: It
3 goes without saying that you feel
4 comfortable using the company, almost like a
5 sole source?

6 LIEUTENANT STEPHANOFF: Yes.
7 They've done the First Precinct last year,
8 they've done the First Precinct seamlessly.
9 They did the Eighth Precinct seamlessly.
10 Our biggest concern is that there's no loss
11 of transition because we are a 24/7
12 operation.

13 LEGISLATOR DERIGGI-WHITTON: I
14 appreciate it. We are kind of looking at
15 this as a sole source for public safety
16 then.

17 LIEUTENANT STEPHANOFF: Yes.
18 That's what our biggest concern is.

19 LEGISLATOR DERIGGI-WHITTON:
20 Thank you.

21 CHAIRWOMAN GONSALVES: Any
22 public comment?

23 (No verbal response.)

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

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Unanimous.

6 E-113 and E-114 both with the
7 District Attorney's Office, personal
8 services agreements, they're an agreement
9 between the county acting on behalf of the
10 Nassau County District Attorney's Office and
11 the Funds for the City of New York Center
12 For Court Innovation;

13 E-114, a personal services
14 agreement acting on behalf of the Nassau
15 County District Attorney's Office and the
16 Funds for the City of New York Center For
17 Court Innovation.

18 Motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR KOPEL: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Kopel.

24 MR. MCMANUS: Bob McManus,
25 District Attorney's Office.

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2 Mr. Cleary referred to a cluster
3 of late contracts submitted in March. We
4 have a few before you today that fit that
5 description.

6 In response to the concerns of
7 the Legislature, we have made a concerted
8 effort to resolve incomplete and unfinished
9 agreements.

10 Mr. Cleary was nice enough to
11 meet with our staff and make suggestions to
12 employees responsible for putting contracts
13 together.

14 We are grateful for his help and
15 lending his expertise to an area that had
16 previously not been handled with enough
17 speed.

18 After today we will have two very
19 small contracts that are behind but, moving
20 forward, we will continue to call upon Mr.
21 Cleary on an as needed basis and we now have
22 additional staff working on contracts.

23 Having said that, the two
24 contracts before you, one is significantly
25 late and one is slightly late.

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2 The Fund for the City of New York
3 Center For Court Innovation provides
4 staffing to the Nassau County Adolescent
5 Intervention and Diversion Parts and the
6 Nassau County Youth Court.

7 The Center For Court Innovation
8 is an organization that contracts with the
9 New York State court system and to provide
10 administrative services for that
11 organization.

12 The Youth Court and the
13 Adolescent Intervention and Diversion
14 Program are both partnerships with the New
15 York State Unified Court System.

16 CHAIRWOMAN GONSALVES: Any
17 questions? Minority Leader.

18 LEGISLATOR ABRAHAMS: When was
19 this contract sent to the county?

20 MR. MCMANUS: It was only sent to
21 the county several weeks ago. I asked why,
22 obviously I wanted to find out why the one
23 contract was so late.

24 I was told that when it was being
25 worked on last year, that was about the time

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2 that the county introduced the various
3 disclosure forms.

4 The answer I received was that
5 there was significant delays in receiving
6 those disclosure forms completed in a
7 satisfactory fashion. Should that have
8 taken a year, I would have to concede, no,
9 it should not have. But unfortunately it
10 did.

11 CHAIRWOMAN GONSALVES: Legislator
12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON:
14 First of all, thank you for mentioning that
15 it's late. I appreciate your efforts and
16 acknowledging it first hand.

17 The only other issue is, it seems
18 that these contracts are not on this list,
19 maybe this list has to be updated per
20 meeting or something because I haven't found
21 any of them.

22 MR. MCMANUS: I will say we did
23 meet with Mr. Cleary. We learned that we
24 were not part of his initial survey. So our
25 contracts are not on that list. So we were

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2 not part of that process for -- I'm not
3 really sure why not

4 LEGISLATOR DERIGGI-WHITTON: So
5 it was kind of more directed towards
6 Mr. Cleary, which is, just again, we don't
7 have this one on the list either. Thank
8 you.

9 CHAIRWOMAN GONSALVES: Any public
10 comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of E-113 and E-114 signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 It's unanimous?

19 LEGISLATOR ABRAHAMS: Yes.

20 CHAIRWOMAN GONSALVES: Thank you,
21 Mr. McManus. The next item is E-115, a
22 personal services agreement between the
23 County of Nassau acting on behalf of the
24 Nassau County Attorney's Office and Monfort
25 Healy McGuire & Sally, L.L.P.

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2 Motion, please.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Nicolello. Mr. Littman.

8 MR. LITTMAN: Sam Littman for the

9 County Attorney's Office. Good afternoon.

10 This is an amendment to a contract, outside

11 counsel contract. It extends the time of

12 the contract for one year and adds no money

13 to the contract. Any questions?

14 CHAIRWOMAN GONSALVES: Are there

15 any other comments or questions from the

16 legislators?

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-115 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 The item passes four to three.

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2 The next item is E-116, a
3 personal services agreement between the
4 County of Nassau acting on behalf of the
5 Nassau County Department of Parks,
6 Recreation & Museums, Skudin Swim, Inc.

7 Motion, please.

8 LEGISLATOR KOPEL: So moved.

9 LEGISLATOR DUNNE: Second.

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

13 MS. KRIEB: Eileen Krieb,
14 Department of Parks.

15 This is a contract for the Skudin
16 Swim who will provide lifeguards for
17 Nickerson Beach Pools this summer.

18 It is in response to an RFP that
19 was issued and the whole thing occurred
20 because the Town of Hempstead, who we
21 normally had dealt with in the past, was no
22 longer able to provide lifeguards for the
23 ocean and the pool. They found themselves
24 short in their own parks.

25 So this was as a result of a

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2 meeting we had in January with the Town of
3 Hempstead, we issued an RFP and Skudin swim
4 responded to the proposal.

5 CHAIRWOMAN GONSALVES: Any
6 questions from the legislators any public
7 comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of E-116 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item passes four to three.

15 The next item is E-117, a
16 personal services agreement between the
17 County of Nassau acting on behalf of the
18 Nassau County Department of Parks,
19 Recreation and Museums and American Red
20 Cross.

21 Motion, please.

22 LEGISLATOR NICOLELLO: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Nicolello, seconded by Legislator

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2 Kopel.

3 MS. KRIEB: Eileen Krieb,
4 Department of Parks.

5 This is the American Red Cross
6 amendment to a contract that we've had in
7 place with them since the year 2000. It is
8 merely an increase in funding from 10,000 to
9 \$20,000.

10 CHAIRWOMAN GONSALVES: Any
11 questions of Ms. Krieb? Any public comment?
12 Legislator Solages.

13 LEGISLATOR SOLAGES: Thank you
14 very much, Presiding Officer. Good
15 afternoon Eileen, nice to see you. Keep up
16 the great work. I would just like to ask
17 you is how many people will be receiving
18 this training?

19 Ms. Krieb: It varies based on
20 the amount of certifications that we need to
21 provide. So our Parks is now doing all of
22 our lifeguards a year in advance so we
23 encourage the lifeguards to come back each
24 year as well as all of our camp counsellors,
25 which that program seems to be growing each

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2 year. So it gives us an opportunity to make
3 sure everybody is certified.

4 LEGISLATOR SOLAGES: Thank you
5 very much.

6 CHAIRWOMAN GONSALVES: Any public
7 comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of E-117 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 It passes unanimous.

15 The next item is E-118, a
16 personal services agreement between the
17 county of Nassau acting on behalf of the
18 Nassau County attorney's office and Peter J.
19 Tomao, Esquire.

20 Motion, please.

21 LEGISLATOR NICOLELLO: So moved.

22 LEGISLATOR DUNNE: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Nicolello, secondED by Legislator
25 Dunne.

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2 MR. PODLESAK: Gerald Podlesak on
3 behalf of the County Attorney's office.

4 This is an amendment to a
5 special, existing special counsel contract
6 with Peter J. Tomao for representation of
7 the estate of former Nassau County police
8 Detective Volcki in the Restivo matter, is
9 currently being taken up for petition of
10 certiorari to the United States Supreme
11 Court.

12 This is an amendment. It's to
13 increase the maximum amount of the contract
14 by \$100,000 which brings the total maximum
15 amount payable for services under the
16 contract to \$550,000.

17 CHAIRWOMAN GONSALVES: Minority
18 Leader.

19 LEGISLATOR ABRAHAMS: So, Gerry,
20 what's the status of the appeal in this
21 case?

22 MR. PODLESAK: The status of the
23 appeal in this case is that the county went
24 back to the United States Court of Appeals
25 for the second circuit in a motion for

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2 re-hearing and hearing en banc which was
3 recently denied.

4 When that happens it begins the
5 time running for the county to make an
6 application to the United States Supreme
7 Court for a Writ of Certiorari in order for
8 it that it be heard by that court.

9 That is a lengthy process that is
10 very technical. It requires a fair amount
11 of work and rather expensive printing job.
12 We anticipate it being completed soon.

13 This particular amendment to the
14 contract also embraces the possibility of it
15 being heard by the United States Supreme
16 Court which means that there would be
17 further briefing and an oral argument in
18 Washington.

19 LEGISLATOR ABRAHAMS: So I guess
20 the question is begged, how much outside
21 counsel is submitted for billable hours so
22 far?

23 MR PODLESAC: I need to consult
24 with my colleague. We've paid out \$230,000
25 on this matter.

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2 LEGISLATOR ABRAHAMS: For this
3 one?

4 MR. PODLESAK: Yes.

5 LEGISLATOR ABRAHAMS: What about
6 the others?

7 MR. PODLESAK: What do you mean
8 the others? This is only for the one appeal
9 for the one matter.

10 LEGISLATOR ABRAHAMS: But what
11 about any other counsels that worked on the
12 case?

13 MR. PODLESAK: I have no idea. I
14 know there was additional counsel that have
15 worked on the whole matter because there
16 were two trials in the district court, but I
17 don't think that's relevant to this
18 particular contract.

19 Might I remind the Legislature
20 that we are looking at something like a \$45
21 million judgement against the State which
22 has been indemnified. So all the money
23 spent on this matter is money well spent.

24 LEGISLATOR ABRAHAMS: Gerry, so
25 if I understand correctly, we've currently

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2 spent \$230,000, we have a maximum contract
3 of 450, we want to go up to 550.

4 MR. PODLESAK: Yes.

5 LEGISLATOR ABRAHAMS: The
6 question is, why are we doing at this
7 particular time?

8 MR. PODLESAK: Because the
9 anticipation is that this matter -- if it is
10 in fact to be heard by the United States
11 Supreme Court, we are putting the matter
12 before the Legislature at this time in order
13 that we don't have to come back again if it
14 in fact is certiorari is granted by that
15 court.

16 LEGISLATOR ABRAHAMS: But, I
17 mean, I guess if the certiorari is granted
18 by that court, shouldn't you come back to us
19 and then we would grant the money or
20 consider it, I should say?

21 MR. PODLESAK: We are trying to
22 get ahead of the curve here.

23 LEGISLATOR ABRAHAMS: I
24 understand what you're trying to do but
25 you're also asking this Legislative body to

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2 authorize money that very well may not be
3 utilized or necessary.

4 MR. PODLESAK: That is indeed
5 correct, and at this time I don't believe
6 that the funds have been encumbered for it.
7 We do not anticipate spending any money that
8 is not necessary. We are not encumbering
9 any money at this point. This is just to
10 increase the contract.

11 LEGISLATOR ABRAHAMS: I
12 understand but, again, if the anticipation
13 is that this may be heard by the Supreme
14 Court, I would think that you would come
15 back to us at that time before we authorize
16 more money than we realize that the entire
17 550 spent, and it was spent on something
18 else outside of that use in terms of that
19 being heard by that higher court.

20 MR. PODLESAK: Well, as I said,
21 we are trying to get ahead of the curve.

22 LEGISLATOR ABRAHAMS: How do we
23 control that this money doesn't get spent
24 before that petition is heard, or that
25 certiorari is heard on the Supreme Court

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2 even happening?

3 MR. PODLESAK: Because we do not
4 intend on spending it on that subject.

5 LEGISLATOR ABRAHAMS: How does
6 this Legislative body ensure that?

7 MR. PODLESAK: Because we said
8 so.

9 LEGISLATOR ABRAHAMS: Because you
10 said so?

11 MR. PODLESAK: Exactly so?

12 LEGISLATOR ABRAHAMS: Yes.

13 MR. PODLESAK: With all due
14 respect you can't have it both ways. You
15 are asking for contracts to come before you
16 in a timely fashion, and that's in fact what
17 we are doing here.

18 You can't split it down and say
19 all right, come back later, and maybe at
20 that point it won't be a timely contract.

21 We are trying to cooperate with
22 you here by doing it this way and you are
23 asking too much from us. Either you can
24 have it one way or the other. This way
25 we're doing it the way you want us to do it.

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2 LEGISLATOR ABRAHAMS: The way we
3 prefer it for fiscal purposes is that you
4 have \$230,000 spent. You have a \$450,000
5 contract. You are barely at half.

6 You are coming before us for a
7 \$100,000 increase for something you don't
8 know is even going to happen.

9 MR. PODLESACK: Exactly so.

10 LEGISLATOR ABRAHAMS: So from our
11 standpoint, come back in a timely matter
12 when you actually need that extra \$100,000
13 because you have well in excess of \$220,000
14 to spend on the future billable hours for
15 this particular contract.

16 MR. PODLESACK: Also, I should
17 point out that in addition to the actual
18 appeal, there may be additional matters that
19 will be covered by this contract; such as
20 additional attorneys fees that might be
21 incurred by the plaintiff because we would
22 be responsible for their attorney fees
23 should we not, in fact, be successful in
24 this.

25 There are many many other factors

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2 involved in this. As I said, you want us to
3 do something in a timely fashion, this is
4 timely. Litigation moves quickly.

5 And, with all due respect, the
6 legislative process moves slowly. We are
7 giving you a heads up on this. We are not
8 encumbering the funds. We have told you
9 that we do not intend to spend them. I
10 think you should take us at our words. We
11 are the fiduciaries as well as you are for
12 the county. We do not intend on spending
13 any unnecessary funds here.

14 CHAIRWOMAN GONSALVES: Any public
15 comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of E-118 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 The item passes four to three.

23 The next item is E-119, a
24 personal services agreement between the
25 County of Nassau acting on behalf of the

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2 Nassau County District Attorney's Office and
3 EAC, Inc.

4 Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Kopel.

10 MR. BECKER: Madam Chair, did you
11 also want to call E-122, Operation Safe
12 Child?

13 CHAIRWOMAN GONSALVES: No. Let's
14 go on with E-119, please.

15 MR. MCMANUS: Yes, this is an
16 agreement to provide mediation and conflict
17 resolution in schools and the community and
18 to provide training to District Attorney
19 participants of the Council of Thought and
20 Action reentry program to avoid conflict and
21 violence in their own lives.

22 The reason this item is late is
23 due to the fact that in the previous two
24 years it had been funded by the Gun Involved
25 Violence Elimination Program Grant from New

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2 York state.

3 But early this year we were
4 informed that funding for that grant would
5 be reduced.

6 So a decision was made to
7 continue the program using discretionary
8 civil forfeiture funds.

9 CHAIRWOMAN GONSALVES: Any
10 questions of McManus?

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-119 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 The next item is E-120, a
21 personal services agreement between the
22 County of Nassau acting on behalf of the
23 Nassau County Police Department and Selex ES
24 D/b/a Eltag North America L.L.C.

25 Motion, please.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

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

7 LIEUTENANT STEPHANOFF: Good
8 afternoon. Lieutenant Greg Stephanoff,
9 Nassau County Police Department.

10 This is to provide the Nassau
11 County Police Department with maintenance
12 support services for the 62 license plate
13 readers including hardware, repair, and
14 replacement and software upgrades.

15 This particular amendment is
16 going to add, when we take out and remove a
17 license plate reader and reinstall it in a
18 new vehicle, this will allow us to fund
19 that, fund that aspect of it.

20 Right now we have maintenance but
21 we don't have what we call strip and
22 install, taking it out of a car when we take
23 the car out of service and reinstalling it
24 when we buy a new car, which, as you know,
25 in the past leg session, we secured funding

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2 for new vehicles that we are going to be
3 purchased shortly.

4 The license plate readers are the
5 automatic readers that will read a license
6 plate as the car moves and as the vehicles
7 pass.

8 CHAIRWOMAN GONSALVES: Legislator
9 Nicoletto.

10 LEGISLATOR NICOLELLO: Actually,
11 I just have a comment or a partial question.
12 My understanding is that recently that knife
13 point robber was apprehended in part because
14 of license plate readers?

15 LIEUTENANT STEPHANOFF: I'm not
16 positive. I can find out for you. I'm not
17 sure. But it is a valuable -- like, we are
18 doing intelligence lead policing and this is
19 a big part of it. We will find out who came
20 and went in an area that had a crime and
21 this is a big part of our package that's
22 intelligence lead policing.

23 LEGISLATOR NICOLELLO: That was
24 just my point, that this is very valuable
25 equipment for the police department to have.

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2 CHAIRWOMAN GONSALVES: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON: We
5 also intend to support it. I have a quick
6 question. I see that it's backdated to
7 August 1st of 2015.

8 LIEUTENANT STEPHANOFF: We have
9 currently a contract. This is amending our
10 current maintenance contract that is
11 expiring in 18 to add a strip and install to
12 it. I think the '14 is the original
13 contract. The '15 when we originally went
14 into it.

15 LEGISLATOR DERIGGI-WHITTON: It
16 just says here, the county is amending the
17 start date of this contract retroactively to
18 August 1st, 2015.

19 LIEUTENANT STEPHANOFF: I think
20 it's because we are adding a service to the
21 existing contract.

22 CHAIRWOMAN GONSALVES: Any other
23 comments?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of E-120 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item passes unanimously.

9 The next item is E-121, a
10 personal services agreement between the
11 County of Nassau acting on behalf of the
12 Nassau County Police Department and Helinet
13 Aviation Services, L.L.C.

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR KOPEL: Second.

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

20 LIEUTENANT STEPHANOFF:

21 Lieutenant Greg Stephanoff, Nassau County
22 Police Department.

23 Item E-121-17 is to encumber
24 money for Helinet Services. What this will
25 allow us to do is we're going to move

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2 antennas in the Fourth Precinct and the old
3 Eight Precinct, the Second Precinct South to
4 coincide with the new buildings.

5 We're also going to move the
6 Third Precinct north, the old Sixth
7 Precinct, we are moving the antenna from
8 that location up to the hospital, North
9 Shore Hospital because it's a higher
10 elevation.

11 The service, we're not getting
12 the best service from where it is currently
13 next to the precinct so we are going to
14 elevate it.

15 This will cover all three moves.
16 And the Helinet, just to remind you, the
17 Helinet is the video downlink from the
18 helicopters, downlink the signal so what the
19 helicopters are seeing, the supervisors, the
20 special units, and the precincts can see
21 the same, see what the helicopter is viewing
22 so they can work simultaneously in a
23 situation.

24 CHAIRWOMAN GONSALVES: Any
25 questions or comments from the legislators?

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2 Legislator Solages.

3 LEGISLATOR SOLAGES: Thank you
4 very much. This move, is it temporary or
5 permanent for the antenna at the Sixth
6 Precinct?

7 LIEUTENANT STEPHANOFF: I was
8 told it was permanent.

9 LEGISLATOR SOLAGES: I
10 understand. And for better reception that's
11 the only reason why it's being moved?

12 LIEUTENANT STEPHANOFF: Yes.
13 From what I was told, the services aren't
14 what it could be and this will enhance the
15 service because if you know the area, the
16 Sixth Precinct is kind of low compared to
17 the hospital. The hospital will raise the
18 antenna and will provide a better signal for
19 when the equipment is in use.

20 LEGISLATOR SOLAGES: My question
21 is, does the county, thank you my colleague,
22 does the county have to pay Northwell for
23 the equipment to be relocated?

24 LIEUTENANT STEPHANOFF: I was
25 told we're not paying. We already have the

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2 agreements in place the memorandums in place
3 and we're not going to be paying. And
4 they're cooperating with us for this
5 equipment.

6 LEGISLATURE SOLAGES: And it was
7 the police department that was responsible
8 for the procurement in this issue?

9 LIEUTENANT STEPHANOFF: Yes.

10 CHAIRWOMAN GONSALVES: Legislator
11 Nicolello.

12 LEGISLATOR NICOLELLO: So is this
13 a specific antenna for connectivity to the
14 helicopters?

15 LIEUTENANT STEPHANOFF: Yes.
16 This is to operate the video downlink.

17 LEGISLATOR NICOLELLO: Are there
18 any remaining antennas that are facing
19 similar issues at the Sixth Precinct if they
20 could use a move of this nature?

21 LIEUTENANT STEPHANOFF: I can
22 find out, not that I'm aware of. I believe
23 the other antennas were not but I can find
24 out.

25 LEGISLATOR NICOLELLO: I would

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2 appreciate that. Thank you.

3 CHAIRWOMAN GONSALVES: Any
4 public comment?

5 (No verbal response.)

6 Before I take a vote, I would
7 like to note that Minority Leader Kevan
8 Abrahams has recused himself.

9 All those in favor the E-121
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Six to zero. Thank you,
15 Lieutenant. Minority Leader, you can come
16 back.

17 The next item is E-122, a
18 personal services agreement between the
19 County of Nassau acting on behalf of the
20 Nassau County District Attorney's Office and
21 Maria Ploth.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Kopel. Mr. McManus.

4 MR. MCMANUS: Thank you. This
5 is an amendment to an agreement to add
6 \$5,000 in funding from the period from March
7 15, 2016 to March 14, 2017 and to extend the
8 agreement for one additional year from March
9 15, 2017 to March 14, 2018.

10 Ms. Ploth is certified by the New
11 York State Division of Criminal Justice
12 Services to conduct Operation Safe Child.
13 Operation Safe Child provides ID cards to
14 children in schools and other various events
15 such as church fairs and athletic events and
16 forwards information about the child and his
17 or her physical characteristics to a
18 database managed by the Division of Criminal
19 Justice Services.

20 The purpose of this program is to
21 protect the child in case of the child is
22 abducted or missing. We do not have anyone
23 certified to conduct this program in-house
24 at the present time.

25 CHAIRWOMAN GONSALVES: Any

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2 questions of Mr. McManus?
3 (No verbal response.)
4 Any public comment?
5 (No verbal response.)
6 There being none all those in
7 favor the E-122 signify by saying aye.
8 (Aye.)
9 Any opposed?
10 (No verbal response.)
11 The item passes unanimously.
12 The next item is E-123, a
13 personal services agreement between the
14 County of Nassau acting on behalf of the
15 Nassau County Comptroller and RR Health
16 Strategies, L.L.C.
17 Motion, please.
18 LEGISLATOR DUNNE: So moved.
19 LEGISLATOR NICOLELLO: Second.
20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Nicolello. Who is here to speak on this
23 item?
24 MR. BLANCO: Hi. Sergio Blanco
25 from the Comptroller's Office here to

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2 present a contract with RR Health
3 Strategies, rather a contract amendment to
4 extend the term and increase the maximum by
5 \$12,000, although only \$8,000 is going to be
6 encumbered at this time.

7 CHAIRWOMAN GONSALVES: Any
8 questions from the legislators?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of E-123 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (Nay.)

17 The item passes four to three.

18 Next is E-124, a personal
19 services agreement between the County of
20 Nassau acting on behalf of the Department of
21 Human Services, Office of Mental Health,
22 Chemical Dependency and Developmental
23 Disability Services and Federation of
24 Organizations.

25 Motion, please.

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2 LEGISLATOR NICOLELLO: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Nicolello, seconded by Legislator
6 Kopel. Mr. Hall.

7 MR. HALL: Hi, Brian Hall, Human
8 Services. This is a contract with
9 Federation of Organizations. It is 100
10 percent funded by the New State Office of
11 Mental Health to provide mandated mental
12 health services.

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

16 LEGISLATOR DERIGGI-WHITTON: Is
17 this a sole source?

18 MR. HALL: I don't believe this
19 was a sole source. It was done as an RFP.

20 LEGISLATOR DERIGGI-WHITTON:
21 Thank you.

22 CHAIRWOMAN GONSALVES: Is there
23 any public comment?

24 (No verbal response.)

25 There being none, all those in

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2 favor of E-124 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item passes unanimously.

7 The next item is E-125, a

8 personal services agreement between the

9 County of Nassau acting on behalf of the

10 Department of Social Services and EAC, Inc.

11 D/b/a Education and Assistance Corporation.

12 Motion, please.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Moved by

16 Legislator Dunne, seconded by Legislator

17 Nicolello.

18 MR. BRODERICK: Good afternoon.

19 Paul Broderick, Deputy Commissioner,

20 Department of Social Services.

21 The item before is a contract

22 between EAC and Department of Social

23 Services to assist us in providing

24 alternative methods in obtaining child

25 support from noncustodial parents. Do you

1 Rules Committee/5-8-17

2 have any questions?

3 CHAIRWOMAN GONSALVES: Any
4 questions? Legislator Kopel.

5 LEGISLATOR KOPEL: That's
6 interesting. Can you elaborate? What is it
7 that they're doing?

8 MR. BRODERICK: Well, you have
9 non custodial parents who --

10 LEGISLATOR KOPEL: You're talking
11 about deadbeats.

12 MR. BRODERICK: Okay, generally
13 known as. What it does is, some individuals
14 they, by court order, they're mandated to
15 pay the custodial parent for child support
16 and, in some cases, individuals don't have
17 educational backgrounds, don't have adequate
18 work habits.

19 Part of the vendor works with
20 those individuals to try to get them have
21 job readiness, assist them with perhaps
22 getting GEDs, things of that nature.

23 LEGISLATOR KOPEL: It's not a
24 collection type of thing?

25 MR. BRODERICK: No. We perform

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2 that. It's a service to assist them in
3 trying to get good paying habits and help
4 them.

5 LEGISLATOR KOPEL: I got it.
6 What's been your experience?

7 MR. BRODERICK: In some cases it
8 works and, in many cases, it's a little bit
9 more challenging.

10 LEGISLATOR KOPEL: What I mean
11 is, is this kind of the state believes so.

12 CHAIRWOMAN GONSALVES: Legislator
13 DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON: Do
15 you know if the full amount of the \$359,000
16 has already been exhausted?

17 MR. BRODERICK: This money, it
18 goes to the vendor, it doesn't go to the
19 individuals in any way.

20 LEGISLATOR DERIGGI-WHITTON: No.
21 But with amendment number two, I don't know
22 when this was done, this is amendment number
23 three. But do you know if amendment number
24 two, whether the \$359,000 was already used?

25 MR. BRODERICK: I would say we

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2 usually pay up to the maximum value on the
3 annual basis. I would say that's probably
4 correct.

5 LEGISLATOR DERIGGI-WHITTON: But
6 we don't know for sure if it was used yet?

7 MR. BRODERICK: It's not that
8 it's used. They submit claims. Divide it
9 by 12 because they're paying for their
10 salary for the staff associated with it,
11 thing of that nature, so I would assume it
12 was.

13 LEGISLATOR DERIGGI-WHITTON: So
14 you assume it was exhausted but we're not
15 sure, right?

16 MR. BRODERICK: I can find out
17 but, once again, you usually take their
18 budget and divide it by 12 and that comes in
19 very close to on or less than what the
20 budgeted amount is.

21 CHAIRWOMAN GONSALVES: Any public
22 comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of E-125 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (Nay.)

5 The item passes four to three.

6 I have several U contracts and
7 I'm going to call them together. They all
8 have to do with the Department of Parks,
9 Recreation and Museums. I'm going to begin
10 with U-16, a personal services agreement
11 between the County Department of Parks,
12 Recreation and Museums and the Nassau Pop
13 Symphony Orchestra, Inc.

14 U-18, a personal services
15 agreement between the County Department of
16 Parks, Recreation and Museums and the Janet
17 Demarest.

18 U-19, a personal services
19 agreement between the County Department of
20 Parks, Recreation and Museums and Max
21 Rowland.

22 U-20, a personal services
23 agreement between the County of Nassau
24 acting on behalf of the Department of Parks,
25 Recreation and Museums and the Janet

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2 Demerest.

3 U-21, a personal services
4 agreement between the County of Nassau
5 acting on behalf of the Department of Parks,
6 Recreation and Museums and Mary Nagin.

7 U-22, a personal services
8 agreement between the County of Nassau
9 acting on behalf of the Department of Parks,
10 Recreation and Museums and the Giuseppe
11 Cascio dba White Wedding Band.

12 U-23, a personal services
13 agreement between the County of Nassau
14 acting on behalf of the Department of Parks,
15 Recreation and Museums and the Charles
16 Guthrie.

17 One more, U-24, a personal
18 services agreement between the County of
19 Nassau acting on behalf of the Department of
20 Parks, Recreation and Museums and the Larry
21 Moser.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Nicolello. You want to give us a brief
4 overall on each of these, all of them
5 combined?

6 MS. KRIEB: Eileen Krieb,
7 Department of Parks. I don't know if you
8 want an overview. Most of these contracts
9 are service contracts for Old Bethpage
10 Village where we bring in the fiddler, the
11 weaver, the dancer, the story teller, and
12 two of them are contracts for Lakeside
13 Theatre where the promoter is bringing in
14 tribute bands.

15 CHAIRWOMAN GONSALVES: Minority
16 Leader.

17 LEGISLATOR ABRAHAMS: This is in
18 regards to U-16, Ms. Krieb?

19 MS. KRIEB: Yes.

20 LEGISLATOR ABRAHAMS: It
21 specifies in the backup that the contractor
22 has been providing these contract services
23 since 1960s, furthermore in the letter it
24 indicates from Chief Deputy Commissioner
25 Brian Nugent, he states that these services

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2 cannot be provided by any staff currently
3 employed by the county, and also asserts
4 that they have a unique artistic
5 presentation of this kind.

6 But I find it hard to believe
7 that symphonies/orchestras are unique.
8 They're all over the place.

9 I mean, many I'm sure that would
10 love the opportunity to actually play at
11 Eisenhower and have an opportunity to do so.

12 What's our outreach to ensure
13 that this is still unique in its artistic
14 presentation?

15 MS. KRIEB: I think their music
16 ability is not unique but it's the fact that
17 it's the Nassau Pops Symphony Orchestra,
18 that's a local orchestra that's the reason
19 we bring them here.

20 LEGISLATOR ABRAHAMS: I get --
21 and I'm sure the orchestras that I'm
22 referring to, they are Nassau as well.

23 But there are other orchestras
24 that I think will love the opportunity --

25 MS. KRIEB: Well, later on this

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2 month or next month I will be bringing
3 another contract with North Shore Pop, which
4 is another symphony orchestra that we bring
5 in to other parks locations so they are not
6 the only one we are bringing in during the
7 summer months.

8 LEGISLATOR ABRAHAMS: Okay. But
9 how do we ensure that we are reaching out to
10 all symphonies/orchestras to give them an
11 opportunity? Do you work off of a list?

12 MS. KRIEB: There is a group of
13 event specialists in our department that
14 work off based on the response to the
15 audience that comes to these events and are
16 very well attended with Nassau Pops.

17 LEGISLATOR ABRAHAMS: I can
18 imagine they are very well attended, but I
19 was just wondering how you ensured that that
20 list -- how do you maintain that you have
21 everybody that wants to participate actually
22 being reached out to. That's all.

23 CHAIRWOMAN GONSALVES: Any public
24 comment?

25 (No verbal response.)

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2 There being none, all those in
3 favor of U-16, U-18, U-19, U-20, U-21, U-22,
4 U-23 and U-24, all those in favor signify by
5 saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Is it unanimous?

10 LEGISLATOR ABRAHAMS: We're yes.

11 CHAIRWOMAN GONSALVES: They're
12 all unanimous. Now for U-17, a personal
13 services agreement between the County of
14 Nassau acting on behalf of the Nassau County
15 District Attorney's Office and Molloy
16 college.

17 Motion, please.

18 LEGISLATOR NICOLELLO: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Nicolello, seconded by Legislator
22 Kopel. Mr. McManus.

23 MR. MCMANUS: Thank you. The
24 District Attorney's Office provided funding
25 for summer camp at Molloy College for a

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2 number of years.

3 For the last two years, Molloy --
4 we had never paid Molloy and they had never
5 invoiced our office.

6 In an effort once again to clean
7 up open items, we submitted this contract
8 for approval.

9 Now, for some reason, the 2016
10 contract made it before the Rules Committee
11 at your last meeting. But the 2015 one
12 didn't. So this is basically just to wrap
13 up an old item and give Molloy the funding
14 that was agreed upon.

15 CHAIRWOMAN GONSALVES: Any
16 questions for Mr. McManus?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of U-17 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes unanimously.

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2 Now we have three contracts that
3 need to be untabled. I'm going to call for
4 a motion to untable E-86, E-91, and U-11. A
5 motion to untable.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Nicolello. All those in favor of untabling
11 E-86, E-91 and U-11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 They are untabled.

16 We will begin with E-86 which is
17 is a personal services agreement between the
18 County of Nassau acting on behalf of the
19 Nassau County Department of Parks,
20 Recreation and Museums and the Atlantic Wind
21 Symphony Inc.

22 And the other one is a personal
23 services agreement, E-91, between the County
24 of Nassau acting on behalf of the Nassau
25 County Department of Parks Recreation and

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2 Museums and Greg Raffa Event.

3 And U-11 is also another personal
4 services agreement between the county acting
5 on behalf of the Nassau County Department of
6 Parks, Recreation and Museums and Eric
7 Mordhorst.

8 Motion, please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Nicolello. Ms. Krieb.

14 MS. KRIEB: Eileen Krieb,
15 Department of Parks.

16 E-86-17 and U-11-17 are both
17 service contracts for Old Bethpage Village
18 providing musical services and fiddling
19 music. They're both timely. Neither one
20 have performed to date. E-91-17 is a
21 contract with Greg Raffa Events who is a
22 promoter. We did an RFP last year which is
23 good for three years plus a two year renewal
24 so he already the rights to promoting and
25 we've asked him to reach to a tribute band

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2 and he is providing us with that on August
3 26th at Lakeside Theatre with a glass house
4 tribute band.

5 CHAIRWOMAN GONSALVES: Questions
6 of Ms. Krieb?

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-86, E-91, and U-11 signify by
12 saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 Unanimous.

17 I need a motion to suspend the
18 rules because we have an addendum.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR KOPEL: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Kopel. All those in favor of suspending the
24 rules signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The rules are now suspended.

5 Going to the addendum. We have three
6 personal services agreement. The first one
7 is E-279, an agreement between the county
8 acting on behalf of the Nassau County
9 Department of Parks, Recreation and Museums
10 and I Fly Long Island, Inc.

11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Nicolello. Ms. Krieb, you're on again.

17 MS. KRIEB: Eileen Krieb,
18 Department of Park. I'm sorry, I've taken
19 up the calendar today.

20 The first contract is with I Fly.
21 It's a response to an RFP that we issued. I
22 Fly was given a temporary permit prior to
23 the RFP being issued and we felt that they
24 were a vendor that is highly utilized by
25 Nassau County residents located in

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2 Eisenhower Park.

3 CHAIRWOMAN GONSALVES: Any
4 questions on this personal services
5 agreement?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of E-279 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (Nay.)

14 The item passes four to three.

15 The next one -- Ms. Krieb, stay
16 there, I will call E-102, a personal
17 services agreement between the county acting
18 on behalf of the Department of Parks,
19 Recreation and Museums and LAR Enterprises,
20 Inc.

21 Motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator

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2 Kopel. You can talk to us on that one.

3 MS. KRIEB: This is with LAR
4 Enterprise who is a promoter. They
5 responded to an RFP in 2016 which is good
6 for three years and this year they are
7 promoting three different shows for us at
8 Lakeside in the amount of \$17,545 funded
9 through Hotel Motel.

10 CHAIRWOMAN GONSALVES: Any
11 questions or comments for Ms. Krieb?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 There being none, all those in
16 favor of E-102 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 The last item is E-98, a personal
22 services agreement between the County of
23 Nassau acting on behalf of the Nassau County
24 Executive's Office and LMN Printing Company,
25 Inc.

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2 Motion, please.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR DUNNE: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Kopel, seconded by Legislator

7 Dunne. Who is here on this one?

8 MR. BECKER: Yes. Madam Chair

9 and members of the Rules Committee, I'm

10 going to present on this particular

11 contract.

12 This contract was originally bid

13 in 2013. They had three bidders. LMN won

14 the bid. It's a three year contract.

15 LMN is an MWBE company and this

16 is the final year of the contract in which

17 case it will be bid again.

18 Some of the items that are

19 promoted and done and communicated to the

20 public is social media, counter terrorism,

21 public safety, senior ID cards, summer

22 recreation programs, veterans free

23 transportation, car show at Eisenhower Park,

24 Veterans mailing, Vial of Light, Yellow Dot,

25 those are just some of the examples in which

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2 case this money was used for the contractors
3 for \$215,000. Any questions?

4 CHAIRWOMAN GONSALVES: Any
5 questions? Minority Leader.

6 LEGISLATOR ABRAHAMS: Fran, I
7 just want to make sure I understand. This
8 is to pay for news letters?

9 MR. BECKER: Communications,
10 newsletters, yes, like mailings.

11 LEGISLATOR ABRAHAMS: The
12 colorful mailings that we get at our
13 residence now.

14 MR. BECKER: Yes. I happen to
15 enjoy them.

16 LEGISLATOR ABRAHAMS: I'm sure
17 you do. When I'm low on fire wood -- just
18 kidding. I guess the question becomes, why
19 can't the Nassau County employees provide
20 this service?

21 MR. BECKER: With these kinds of
22 mailings, some things I know that they do.
23 But, in this case, these kinds of
24 communications they maintain the database
25 for all of Nassau County. I'm sure that we

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2 can't do everything when it comes to
3 mailings.

4 LEGISLATOR ABRAHAMS: Well, Fran,
5 you were a legislator like we are, and we
6 did news letters, I'm sure, I'm looking at
7 my colleagues in the majority. We have done
8 news letters. I don't believe that our
9 newsletters go to LMN. We do these letters
10 that go to a print shop downstairs and I
11 think they look pretty nice. They're
12 colorful. They provide the service, the
13 need, when we have to educate the public on
14 something such as important as weather
15 preparedness, emergency preparedness,
16 anything regarding our police, our gangs,
17 Legislator DeRiggi-Whitton just showed me
18 one of hers. I don't see why we would have
19 to pay 1.15 --

20 MR. BECKER: Actually it's 215 --

21 LEGISLATOR ABRAHAMS: 215,000
22 being added to the maximum of 1.1 --

23 MR. BECKER: There's just some
24 printing that we can't do in-house. Some of
25 the news letters that we have sent out in

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2 the Legislature over the years we can do
3 in-house but, some of these mailings, it's
4 not possible.

5 LEGISLATOR ABRAHAMS: I'm not
6 going to belabor it. I understand.

7 CHAIRWOMAN GONSALVES: Any public
8 comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of E-98 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The item passes four to three.

16 We are now in recess. Rules is
17 now in recess.

18 MR. BECKER: I did a great
19 presentation. You really hurt my feelings
20 not voting for that one.

21 LEGISLATOR ABRAHAMS: Has nothing
22 to do with you.

23 CHAIRWOMAN GONSALVES: Public
24 Safety is next.

25 (Whereupon, the Full Legislative

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2 Committee recessed at 3:10 p.m. and
3 reconvened at 5:14 p.m.)

4 CHAIRWOMAN GONSALVES: Back in
5 session. We have several items that are
6 part of the consent calendar and those items
7 went through committees and I ask to
8 incorporate the testimony by way of
9 reference.

10 (Whereupon, please refer to the
11 minutes of the Public Safety, Planning and
12 Finance Committees dated May 8, 2017
13 pertaining to Clerk Items 205, 423, 8, 157,
14 159, 160, 161, 162, 163, 164, 165, 166, 167,
15 170, 171, 172, 174, 175, 178, 184, 186, 191,
16 192, 194, 195, 196, 197, 198, 199, 200, 201,
17 202, 203.)

18 We begin with Item 205, Item 423,
19 Item 8, 157, 159, 160, 161, 162, 163, 164,
20 165, 166, 167, 170, 171, 172, 174, 175, 178,
21 184, 186, 191, 192, 194, 195, 196, 197, 198,
22 199, 200, 201, 202, 203, and on the
23 addendum, nothing on the addendum.

24 Motion, please.

25 LEGISLATOR KOPEL: So moved.

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2 LEGISLATOR DUNNE: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Kopel, seconded by Legislator
5 Dunne. All those in favor of the items just
6 called signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 They are unanimous. I'm going to
11 call several of the bond ordinances
12 together; beginning with bond ordinance 259,
13 437, 438, 440, 441, 444, 465, 466, 468, and
14 469.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Kopel. Any comments or questions regarding
21 the items just called?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

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2 favor of the items we just called signify by
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 The items pass four to three.

8 We have two items that I'm going
9 to call together and it's Item 168 which is
10 the appointment of Phillip Elliot to the
11 Correctional Center Board of Visitors
12 pursuant to Section 2004 of the Nassau
13 County Charter;

14 And Item 208 which a resolution
15 to confirm the County Executive's
16 appointment of Arthur Williams to the
17 Correctional Center Board of Visitors
18 pursuant to Section 2004 of the Nassau
19 County Charter.

20 Motion, please.

21 LEGISLATOR KOPEL: So moved.

22 LEGISLATOR DUNNE: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Kopel, seconded by Legislator
25 Dunne.

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2 The individuals have requested to
3 appear before the Full Leg I guess for the
4 questioning and telling us a little bit
5 about themselves.

6 If there are no questions on the
7 part of my colleagues, all those in favor of
8 the two appointments of Bishop Elliot and --

9 LEGISLATOR ABRAHAMS: One second.
10 As we all know, there has been legislation
11 that has been submitted in regard to the
12 Board of Visitors by Legislator Bynoe as
13 well as this side the aisle, obviously that
14 pertains to seeking out qualified
15 individuals but understanding more greatly
16 that they understand the responsibilities
17 that they have to undertake.

18 Has your office considered any
19 consideration for those bills? All of which
20 would have greater oversight, power, a
21 budget, a staff, that's for the Board of
22 Visitors?

23 CHAIRWOMAN GONSALVES: Right now
24 it's under review and probably by the next
25 meeting we can probably have a better handle

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2 on it. Right now it's under review.

3 LEGISLATOR ABRAHAMS: Okay. Only
4 because it limits our ability to actually
5 evaluate candidates without having a greater
6 understanding of whether or not this bill
7 will be considered.

8 CHAIRWOMAN GONSALVES: Okay. All
9 those in favor of 168 and 208 signify by
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 I would assume it's unanimous.
15 It's unanimous.

16 Block four other items which are;
17 179, 180, 181, 182; they are appointments to
18 the Vocational Education Extension Board.
19 179 is Joseph Revervenyo; 180 is Raymond
20 McGuire; 181 is Christopher Shelton; and 182
21 is Phillip Molloy, Junior.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Nicolello. Any questions comments?

4 (No verbal response.)

5 Again, hopefully they'll be here
6 at the Full Leg meeting. All right. All
7 those in favor of the items I just called
8 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 It's unanimous.

13 183, a resolution to confirm the
14 County Executive's appointment of Dr. John
15 Zaso to the Nassau County Board of Health
16 pursuant to Sections 203 and 902 of the
17 Nassau County Charter.

18 Motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR KOPEL: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Kopel. Again, I would imagine that doctor
24 Zaso will be here to introduce himself at
25 the Full Leg. Any questions otherwise?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Item 183 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 We go to 185, it's a resolution
11 authorizing the County Executive to execute
12 an intermunicipal agreement with the Village
13 of Farmingdale with relation to a project to
14 undertake a revised study of underground
15 plume to ensure the integrity of the
16 underground water system.

17 Motion, please.

18 LEGISLATOR NICOLELLO: So moved.

19 LEGISLATOR DUNNE: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Nicolello, seconded by Legislator
22 Dunne. I don't know if there's anybody here
23 that would talk about this item. Is there?
24 Mr. Becker?

25 MR. BECKER: Yes, Madam Chair.

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2 This is a C-R-P item generated from
3 Legislator Walker's office. And it is
4 exactly what it says, it's \$45,000 to do an
5 underground water study of the potential
6 plume that may be there.

7 CHAIRWOMAN GONSALVES: Any
8 questions of Mr. Becker? Legislator
9 DeRiggi-Whitton.

10 LEGISLATOR DERIGGI-WHITTON: Hi,
11 Fran. I want to just say, we are going to
12 support this CRP but I really think that
13 it's almost questionable that not only
14 ethically and legally that absolutely none
15 of the minority CRP's have been called while
16 there is money in the line. It has nothing
17 to do with future bonding.

18 So every constituent in Nassau
19 County pays taxes, every constituent is
20 entitled to certain benefits including
21 CRP's. So this I feel is very important for
22 the environment but going forward, to have
23 only one half of the County, you know, one
24 side of this aisle be represented, I think
25 it's borderline criminal honestly. Thank

1 Rules Committee/5-8-17

2 you.

3 MR. BECKER: Duly noted.

4 CHAIRWOMAN GONSALVES: Legislator
5 Solages.

6 LEGISLATOR SOLAGES: Thank you.

7 I would like to piggyback on the comments
8 made by Legislator Delia DeRiggi-Whitton.
9 As to criminality, I don't know about the
10 constitutionality, I have concerns that
11 because of one's party registration and
12 where they live in this county it means that
13 they are to receive less services from the
14 government.

15 Everything from the way this
16 building is designed separated one side
17 Republican to one side Democrat, these are
18 all concerns that I have that go back to the
19 same concern that Legislator DeRiggi-Whitton
20 has stated.

21 We have been very fair in support
22 of many projects in other districts that are
23 not Democratic districts and, again, we want
24 to make sure that there is a study for the
25 underground conditions in Farmingdale so, in

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2 all fairness, I'm very happy to support
3 this, but, again, I'm very concerned about
4 the constitutionality of our conduct going
5 forward as in the recent past. Thank you.

6 CHAIRWOMAN GONSALVES: Legislator
7 Solages, I can't let it go. When we came to
8 it building we came at that time when we
9 were not sure about our place here in this
10 building.

11 One thing we had hoped for and
12 did not happen which we did have at One West
13 Street and those of who can remember it, we
14 are altogether on one side one unit.

15 There was supposed to be a bridge
16 across here so that we can get back and
17 forth easily and that walkway was removed.
18 Mr. Gulotta wasn't the County Executive.
19 Mr. Mangano was not the County Executive.
20 You know who the County Executive was.

21 We were very upset to learn that
22 we could not visit readily our counterparts
23 on the other side. Let me tell you
24 something, it was a mistake.

25 LEGISLATOR SOLAGES: I thank you

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2 for educating me on that because at the time
3 I was not an elected official.

4 However, again, my concern is
5 more so about ones political registration
6 and, as a result, the lack of resources
7 being put in their community and this
8 bonding here is a clear example.

9 CHAIRWOMAN GONSALVES: Well
10 noted. All those in favor of 185 signify by
11 saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 I'm going to block several
17 appointments to the Nassau County Community
18 College Board beginning with 187, which is
19 the reappointment of Donna Tuman;

20 188 which is the reappointment of
21 Edward Powers;

22 193 which is the reappointment of
23 Linda H. Green to the College Board;

24 Item 205 which is the
25 reappointment of Linda Green as a member of

1 Rules Committee/5-8-17
2 the Nassau County Community College Board;
3 206, Donna Tuman to the board;
4 And 207, again, Edward Powers.

5 I believe for the record these
6 were appointments by both the County
7 Executive and of course the ones I just
8 mentioned were by the Legislature.

9 Motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Kopel. Minority Leader, now you may speak.

15 LEGISLATOR ABRAHAMS: Yes. Some
16 concerns, Madam Presiding Officer. I don't
17 know if you received the letter from
18 Legislator Bynoe that was sent out today.

19 It was sent out today because of
20 the appointment that is we are considering
21 now for Mrs. Tuman, Mr. Powers and
22 Mrs. Green.

23 But, obviously, as we read it and
24 our understanding of the educational
25 section, Section 6303 it gives the sole

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2 power to the Legislature for the county's
3 appointment to the college board of
4 trustees.

5 According to the law, five
6 members shall be appointed by the local
7 legislative body, or the other appropriate
8 governing agency and four members shall be
9 appointed by the governor.

10 Again, it seems like we are
11 giving this responsibility to the County
12 Executive when it's clearly written into
13 this section where we have that power.

14 Part of what Legislator Bynoe is
15 asking for is a collective bipartisan
16 legislative approach so that we, the
17 legislative body, the 19 of us can put our
18 stamp on the trustees at the college.

19 It seems like, again, we are
20 appointing the County Executive's
21 recommendation when it should be the other
22 way around.

23 CHAIRWOMAN GONSALVES: Legislator
24 Nicolello.

25 LEGISLATOR NICOLELLO: It was my

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2 recollection that there was a conflict or
3 conflicting interpretations of who had this
4 responsibility back, close to the beginning.
5 It's a long time ago.

6 But my recollection is that there
7 was a conflict as to who had the authority
8 and the way that was found to resolve it
9 which has done since that time over the last
10 two decades is to have two separate
11 resolutions.

12 So it's a long standing agreement
13 of both sides, both Republican and Democrat
14 county executives, and Republican and
15 Democrat majorities that we handle it this
16 way. I would have to be convinced they were
17 wrong for those 20 years.

18 LEGISLATOR ABRAHAMS: In
19 conferring with counsel, Rich, it sounds
20 like there was some long stemming practice
21 that went between the counsels that goes
22 back from the time the Legislature began.

23 However, in the climate that we
24 are in, under the pressure that the college
25 is in, if this section of the Education Law

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2 gives the power to the Legislature, I think
3 we need to revisit that particular standing
4 or that agreement that was done between
5 those two counsels.

6 And if power is to be given to
7 the Legislature, I think, from not looking
8 at it from a majority or minority
9 standpoint, looking at it from a Legislature
10 whole, we should come up with a cooperative
11 approach on how we appoint to this body.

12 Clearly the Charter gives us that
13 responsibility. If we don't want to be able
14 to take on that responsibility, then we
15 should say that.

16 But I think our side, based on
17 this letter that Legislator Bynoe has
18 written on behalf of the caucus we are more
19 than willing to do so.

20 LEGISLATOR NICOLELLO: What I
21 would like to see if it was ever addressed
22 in a written opinion by any County Attorneys
23 or counsels or anything like that. Maybe we
24 can make a search for that between now and
25 the Full Legislature.

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2 LEGISLATOR ABRAHAMS: Okay. I
3 think in the meantime while we do that
4 search, we are willing to move these folks
5 through today and then as that information
6 develops we will look at it and be able to
7 reconsider this position or see how this
8 position goes forward.

9 CHAIRWOMAN GONSALVES: So no
10 other comments, we will go on, all those in
11 favor of 187, 188, 193, 205, 206 and 207
12 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 Unanimous, I assume.

17 The next item is Item 189, a
18 resolution authorizing the County Executive
19 to execute an intermunicipal agreement with
20 the Oyster Bay East Norwich Central School
21 District.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Kopel. Fran, do you want to speak on this
4 item?

5 MR. BECKER: Once again, this is
6 a CRP generated from the office of
7 Legislator Rhoads. Maybe I have it wrong.
8 It's MacKenzie with the Oyster Bay East
9 Norwich Central School District. It's a CRP
10 out of his office.

11 CHAIRWOMAN GONSALVES: Any
12 comments or questions?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of Item 189 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (Nay.)

21 The item passes four to three.

22 Item 190 is a local law to
23 permanently disqualify from any county
24 elected or appointed office any person that
25 has been convicted of a felony.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator
6 Nicolello. Did you want to comment on this?

7 LEGISLATOR NICOLELLO: Yes, I
8 do. I think the description in the calendar
9 is a little bit inaccurate because it's not
10 any person convicted of a felony; it's
11 persons convicted of a felony involving
12 certain offenses accepting or giving or
13 offering a bribe, embezzlement of public
14 money, extortion, death, perjury, fraud, tax
15 evasion, or conspiracy to commit those
16 crimes. Essentially it goes to felonies
17 involving acts that are hostile that violate
18 the public trust antithetical to holding
19 office.

20 CHAIRWOMAN GONSALVES: Sure.
21 Minority Leader.

22 LEGISLATOR ABRAHAMS: Thank you,
23 Madam Presiding Officer. So, if I
24 understand this correctly this bill is to
25 disqualify county elected officials that are

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2 convicted of a felony based off of some of
3 the incidences that the Deputy Presiding
4 Officer brought up.

5 So this would be somebody that is
6 convicted of a felony that will be barred
7 from county office.

8 CHAIRWOMAN GONSALVES: Yes.

9 LEGISLATOR ABRAHAMS: I'm asking
10 this as a question, this is seen as a
11 deterrent to prevent the corruption?
12 Explain to me how it protects the public
13 after the crime is committed?

14 LEGISLATOR KOPEL: It's
15 essentially people who have shown themselves
16 to be dishonest are not people holding
17 public office and disposing of public funds
18 and dealing with issues that affect the
19 public.

20 They have shown themselves to be
21 untrustworthy. That's all.

22 LEGISLATOR ABRAHAMS: I get that,
23 Howard --

24 LEGISLATOR KOPEL: It's not a
25 question of hoping to dissuade people

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2 because it's not realistic to think that
3 somebody to not going to commit a crime just
4 because he or she may think of running for
5 office in the future.

6 LEGISLATOR ABRAHAMS: I get that.

7 LEGISLATOR NICOLELLO: I would
8 also add that under the law as it exists, if
9 you're holding office and convicted of a
10 felony, you must vacate that office.

11 So there is a clear statewide
12 public policy in favor of felons, convicted
13 felons, not holding offices.

14 As the law currently exists, you
15 could be convicted a felony thrown out of
16 office and then under certain circumstances
17 be able to run for that office in four or
18 five months, so I think it simply closes a
19 loophole and then furthers the public
20 policy.

21 LEGISLATOR ABRAHAMS: Well, as I
22 said before, obviously I think the
23 electorate is smart enough to realize if
24 they want to support somebody who has just
25 been convicted of a felony for some type of

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2 county office.

3 That being said, it doesn't seem
4 much -- really just a no-brainer from that
5 standpoint. But, more importantly, I would
6 love to be able to have a greater and larger
7 debate that talks about how we root out the
8 possibilities and potential for public
9 corruption.

10 This bill, though it makes things
11 clearer in regards to the state law it
12 doesn't do that for us. Because anything
13 that's after the fact goes a long way to
14 rooting out public corruption.

15 The way we root out public
16 corruption is not waiting for the corruption
17 to happen.

18 The way we root out public
19 corruption is by having independent
20 entities, whether it's an Inspector General
21 or others reviewing the county procurement
22 process while things are going on now.

23 We would use this opportunity
24 again to reengage the Presiding Officer to
25 call one of our seven taxpayer protection

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2 bills which go towards rooting out public
3 corruption in the county so we can really
4 get to the business of protecting taxpayers
5 in this county.

6 LEGISLATOR DUNNE: Don't we have
7 a District Attorney who does that?

8 LEGISLATOR ABRAHAMS: Not
9 ongoing. No one is doing ongoing review of
10 the county procurement system as it goes on,
11 no. Everything is based off of an
12 allegation or conviction.

13 LEGISLATOR NICOLELLO: I know
14 one of those items is the Inspector General
15 provision and it's been said that
16 corruption, that power corrupts, and
17 absolute power corrupts absolutely.

18 If you are worried about public
19 corruption, the last thing you want to do is
20 create an office with virtually unlimited
21 powers in this county that takes some of the
22 powers of the comptroller, some of the
23 powers of the County Executive, and some of
24 the powers of the Legislature, invest it in
25 an unelected individual who is absolutely

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2 beyond the public's ability to remove, and
3 who, except under very extreme
4 circumstances, cannot be removed.

5 So you can follow the whole
6 process that's been outlined in the
7 legislation, and two weeks after you appoint
8 this person, he could be or she could be the
9 worse possible thing that could happen to
10 this county, and we would be stuck with that
11 person for six years.

12 I disagree with creating that
13 much power in that office. I disagree with
14 the fact that it's not responsible to the
15 people of the county.

16 If the Comptroller does wrong, if
17 the County Executive is wrong, if the
18 legislators is wrong, ultimately we are held
19 to account by the people of the county.

20 This individual, with all this
21 power, is held accountable to no one. I
22 think it's a prescription for absolute
23 corruption.

24 LEGISLATOR ABRAHAMS: Rich, let
25 me make sure I understand you correctly

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2 because I want to make sure I heard you
3 correctly.

4 In all due respect, did you just
5 indicate that you guys would object to an
6 independent inspector general because you
7 feel that would add a level of public
8 corruption?

9 LEGISLATOR NICOLELLO: I feel
10 that what you proposed would create the
11 possibility or create an environment for
12 incredible corruption because of an
13 individual --

14 LEGISLATOR ABRAHAMS: So how
15 would you describe the environment that we
16 are in now?

17 LEGISLATOR NICOLELLO: Let me
18 finish what I was saying. In the
19 environment we are in now, with what we've
20 described is a cloud over the county is bad.

21 But the beautiful part of our
22 democracy is that the people have recourse.
23 They will have recourse in a few months for
24 every elected official.

25 What is dangerous to me about

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2 this legislation is that it creates this
3 power in this individual who is beyond the
4 public's ability to recall. It is actually
5 beyond our ability to touch except under
6 very limited circumstances.

7 So, again, you create this
8 position with all this power to audit, and
9 investigate every program, every project,
10 every contract, every procurement process,
11 this person is once in the office is there
12 for six years without anybody able to be
13 able to do anything except under very, very
14 narrow legal circumstances, it is a
15 description for corruption.

16 LEGISLATOR ABRAHAMS: But, Rich,
17 what you just described, as eloquently as I
18 probably would have, is independence.
19 That's what we want. We don't want anyone
20 who can be approached. Similar to Maurice
21 Chalmers.

22 We don't want anybody that can be
23 tainted with any perspective or view,
24 whether it's from the county executive or
25 from this legislative body. That's

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2 independence. Keeping that independence for
3 a period of four, five, six years is what
4 the public deserves, so that they know full
5 well that this procurement process is
6 occurring without anyone getting involved.

7 Look, the way I look at it is, if
8 it's good enough for the independent budget
9 review office, it should be good enough for
10 the inspector general to ensure that the
11 procurement process is made -- has a very
12 thorough and fair and transparent process.

13 That's all we're asking for. The
14 same type of understanding. We do it
15 already. So I don't understand why we would
16 not do it for independent Inspector General
17 to review procurement and contracts in this
18 county.

19 LEGISLATOR NICOLELLO: Well to an
20 extent, the Commissioner of Investigations
21 does that or should be doing that. Let me
22 from a philosophical standpoint, this whole
23 country is built on the principle of checks
24 and balances where you don't give too much
25 power to any branch or any individual. This

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2 does exactly that.

3 It creates the potential for an
4 individual who is a rogue within this
5 county. If you pick the wrong person,
6 you're stuck with that person. It could be
7 involved in every aspect of the county; some
8 of the powers of the Comptroller, some of
9 the powers of the County Executive,
10 answerable to nobody and unremovable and
11 unremovable and, most of all, not answerable
12 to the people.

13 LEGISLATOR ABRAHAMS: Answer to
14 this Legislature.

15 LEGISLATOR NICOLELLO: Not the
16 way I'm reading it.

17 CHAIRWOMAN GONSALVES: You can't
18 say independent, if they're independent
19 they're not responsible to anybody.

20 LEGISLATOR NICOLELLO: Can't be
21 removed.

22 LEGISLATOR ABRAHAMS: No, no.
23 You guys are mixing words. Independent
24 Inspector General fairly means that the
25 person cannot be fired during their period

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2 of when they have their actual contract
3 agreement. Unlike anyone else that could be
4 fired.

5 CHAIRWOMAN GONSALVES: It sad to
6 think that we have the answers to all of
7 these legal questions, but there are those
8 who are above us, especially in the State of
9 New York, the attorney general, as well as
10 our own County Attorney, who have declared
11 that this Inspector General would be an
12 illegal delegation of authority to an
13 unelected.

14 LEGISLATOR ABRAHAMS: Who said
15 that?

16 CHAIRWOMAN GONSALVES: I'm sorry.
17 There is enough evidence to prove that --

18 LEGISLATOR ABRAHAMS: Where?

19 CHAIRWOMAN GONSALVES: The County
20 Attorney has issued a statement. And we
21 just got it today. But I'm telling you
22 right now, which -- I don't recall when we
23 got it.

24 It stands to reason we are giving
25 up our responsibility, and I think I heard

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2 it twice or three times today, two or three
3 times today, that we have the responsibility
4 to review these contracts and review them
5 diligently. I heard that over and over
6 again.

7 LEGISLATOR ABRAHAMS: First of
8 all, for years, for two years now, you have
9 mixed this up, at the end of the day --

10 LEGISLATOR DUNNE: We are so off
11 this topic. This topic is about a felony,
12 running for office, someone with a felony
13 running for office, not anything else of
14 what you're talking about. We are way off
15 the subject. Let's vote on.

16 CHAIRWOMAN GONSALVES: Let me
17 finish, Dennis.

18 LEGISLATOR ABRAHAMS: The subject
19 is public corruption. That's what we're all
20 talking about.

21 LEGISLATOR DUNNE: No. This is
22 about felons running for office, period. I
23 love your argument and I'd love to have it
24 some day, but this is not the --

25 CHAIRWOMAN GONSALVES: I wasn't

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2 finished.

3 LEGISLATOR ABRAHAMS: When is the
4 appropriate time to talk about taxpayer
5 corruption? Because it's been going on, not
6 just here --

7 LEGISLATOR DUNNE: Let see if you
8 vote for it. If you think it's a great idea
9 too, then vote for it right now and then we
10 can continue the discussion.

11 LEGISLATOR ABRAHAMS: When is a
12 convenient time to talk to you guys about
13 public corruption? Let's plan something.
14 It's been going on for two years and we
15 haven't held one hearing.

16 LEGISLATOR DUNNE: Out of order.

17 CHAIRWOMAN GONSALVES: Listen.

18 LEGISLATOR ABRAHAMS: A senator
19 has been convicted, a County Executive has
20 been indicted --

21 CHAIRWOMAN GONSALVES: Don't even
22 go there.

23 LEGISLATOR ABRAHAMS: And three
24 Democratic county legislators also been
25 convicted. It's on both sides of the aisle.

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2 I'm not trying to one up you. I'm really
3 not. I think you guys keep thinking we're
4 trying to one up you. We're really not.
5 I've said this during my State of the County
6 response. Corruption happens on both sides,
7 Democrat and Republican. I think we can all
8 agree and attest to that.

9 CHAIRWOMAN GONSALVES: And it's
10 not going to be resolved by an Inspector
11 General.

12 LEGISLATOR ABRAHAMS: But the
13 bottom line is, in this county, since we
14 learned about the AbTech scandal, we have
15 not held one hearing.

16 The county executive was
17 indicted, which I believe he will get his
18 day in court, and he is innocent until
19 proven guilty, but, again, we have not done
20 one hearing on procurement process in this
21 county.

22 So, please, inform us when it
23 will be convenient to have a discussion
24 about transparency and public corruption in
25 this county.

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2 CHAIRWOMAN GONSALVES: Legislator
3 Kopel.

4 LEGISLATOR KOPEL: Kevan, one
5 thing that I would say to you, is that what
6 you're saying now would be a lot easier to
7 swallow, for me personally, it were not for
8 the fact that your party chairman has made
9 it plain that this is precisely the issue
10 that they're going to run on and that there
11 is corruption on one side and not the other
12 side, and vote for the one side and not the
13 other side because that is the way to do
14 without corruption which dovetails very
15 beautifully, somehow, probably innocently,
16 but --

17 LEGISLATOR ABRAHAMS: We've been
18 calling for an Independent Inspector General
19 for two years, since AbTech.

20 LEGISLATOR KOPEL: That may very
21 well be, but right now what is going on here
22 is that this is somehow not a good time and
23 place for this particular reason.

24 Whether or not you have noticed
25 if that can be fairly debated, but right now

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2 it has the very strong feel of a political,
3 part of a political campaign.

4 LEGISLATOR ABRAHAMS: Just to
5 respond to you --

6 LEGISLATOR KOPEL: Because it's
7 public statements out there.

8 LEGISLATOR ABRAHAMS: Just to
9 respond.

10 CHAIRWOMAN GONSALVES: I'm still
11 the chairperson.

12 LEGISLATOR ABRAHAMS: Just to
13 respond because I have to respond because
14 there was something said in regard to our
15 position.

16 We have taken this position which
17 I can have my counsel verify which I'm
18 positive of that in May of 2015, before the
19 last election cycle, before that, we
20 submitted seven taxpayer protection bills,
21 one of which was an Independent Inspector
22 General. So this well precedes any position
23 that you heard the Democratic chairman refer
24 to.

25 CHAIRWOMAN GONSALVES: I'm going

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2 to give Solages as the last word.

3 LEGISLATOR SOLAGES: Thank you
4 and I appreciate the healthy debate.

5 I have a question as to the
6 definition of conviction. You have certain
7 attorneys who are able to produce for their
8 client a very sophisticated plea arrangement
9 where someone pleads guilty to one charge on
10 the condition that they do XYZ and then it's
11 dropped down to a lower charge.

12 So I would like to know if this
13 definition of conviction here encompasses
14 that?

15 LEGISLATOR NICOLELLO: I don't
16 think so. I think they have to be convicted
17 of a felony so if they plead to a non felony
18 I think they averted this law as well as the
19 existing state law.

20 LEGISLATOR SOLAGES: That might
21 create an opening, a loophole, because
22 someone could plead guilty to a felony on
23 the condition that they do community service
24 and if they do that it's dropped down to a
25 misdemeanor, so, under that circumstance --

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2 LEGISLATOR NICOLELLO: I think
3 that's right, and then if it drops down to a
4 misdemeanor.

5 LEGISLATOR SOLAGES: So that's a
6 loophole then.

7 CHAIRWOMAN GONSALVES: No, it's
8 not.

9 LEGISLATOR KOPEL: It is what it
10 is.

11 CHAIRWOMAN GONSALVES: Subject to
12 interpretation.

13 LEGISLATOR ABRAHAMS: Madam
14 Presiding Officer, just one last thing and
15 this is regarding your bill.

16 Can you give us the inspiration
17 behind your bill? What inspired you to do
18 this bill now at this time?

19 LEGISLATOR NICOLELLO: As I
20 indicated before, obviously we are looking
21 at a lot of different things, but just the
22 nonsensical fact that you can be thrown out
23 of office for committing a felony then on
24 the circumstances you could running for the
25 same office legally in a very short period

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2 of time.

3 LEGISLATOR ABRAHAMS: No
4 individual it pertained to?

5 LEGISLATOR NICOLELLO: I have no
6 individual in mind. We were asked for
7 examples of people that had done it, when
8 they had the press conference, and Marion
9 Barry is an individual, and it wasn't based
10 on Marion Barry, but that's somebody whose
11 run.

12 CHAIRWOMAN GONSALVES: All those
13 in favor of Item 190 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Unanimous.

18 Motion to adjourn, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Nicolello. All those in favor say aye.

24 (Aye.)

25 All those who do want to go home

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2 say nay.

3 (No verbal response.)

4 (Whereupon, the Rules Committee

5 adjourned at 5:53 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 23rd day of May, 2017.

FRANK GRAY