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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Wednesday, September 13, 2017
1:25 P.M

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

NORMA GONSALVES,
Chairwoman

RICHARD NICOLELLO,
Vice Chairman

HOWARD KOPEL (substituted by
Legislator Schaefer)

VINCENT MUSCARELLA

KEVAN ABRAHAMS,
Ranking

DELIA DERIGGI-WHITTON

SIELA BYNOE

MICHAEL C. PULITZER,
Clerk of the Legislature

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

4 I will ask Legislator Rhoads to
5 please lead us in the Pledge of Allegiance.

6 (The Pledge of Allegiance was
7 recited.)

8 CHAIRWOMAN GONSALVES: Thank you,
9 Legislator Rhoads.

10 Please remain standing.

11 LEGISLATOR RHOADS: While we are
12 standing, we lost today a champion for the
13 people of Nassau County.

14 As many of you may have heard,
15 Craig Craft, who has, since 2011, has served
16 as the commissioner of Nassau County's
17 Office of Emergency Management and for the
18 past 30 plus years as a firefighter, a
19 lieutenant, a captain, chief and now
20 commissioner of the Wantagh Fire District.
21 I've had the honor of knowing Craig for the
22 last 25 years through the fire service.

23 There is no one more dedicated or
24 more passionate about public safety and
25 about serving the people of Nassau County

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2 than Craig.

3 He ate, lived and slept public
4 safety. He was an invaluable resource to
5 all of us.

6 In fact, just last week, with
7 Hurricane Harvey, when we were organizing
8 our relief drive, the first person, the
9 first phone call I made was to Craig.

10 Craig had laid out for me, step
11 by step, everything that you would need to
12 do down to contacting Texas' Office of
13 Emergency Management to find out exactly
14 what materials they needed.

15 During Super Storm Sandy, his
16 leadership was invaluable. Really, for
17 those of us on the South Shore, helped us
18 and our ability to recover. It was his
19 quick response in positioning assets. It
20 was his passion, dedication and caring that
21 really made it that much easier for us to be
22 able to move on with our lives. We would be
23 in a much worse situation if it were not for
24 Craig. That's just one example of probably
25 thousands of examples that if we ask folks

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2 all around Nassau County of the difference
3 that he made to each and every one of our
4 lives.

5 His passing comes way too soon at
6 53 years of age. To his mom, Scott, to
7 Mitchell, and Tammie, his brothers and
8 sister.

9 I know I speak on behalf of all
10 of us in expressing our deep sympathy and
11 deep appreciation for the life that he lead
12 and our condolences for his loss.

13 I know that Legislator Walker
14 also has a few words to share.

15 LEGISLATOR WALKER: Thank you,
16 Legislator Rhoads. I, too, would just like
17 to say a few words about Craig. He's really
18 touched more lives than anyone here would
19 ever know; from his position in the fire
20 department and certainly as Commissioner of
21 OEM.

22 Above all, he did everything with
23 a kindness, with a caring, with a love for
24 this county, for its residents and certainly
25 the safety of all of us beyond what you can

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2 ever imagine. I did see his family at the
3 hospital earlier this morning and my heart
4 just goes out to each and every one of them
5 as it does to everyone here. We truly have
6 lost an amazing man, a man who has done so
7 much for so many.

8 So, just please keep certainly
9 Craig and his family in your prayers and we
10 will have to continue to carry out his
11 legacy here. Thank you.

12 LEGISLATOR RHOADS: And I would
13 ask at this time that you all join me in a
14 moment of silence.

15 (Whereupon, a moment of silence
16 was observed.)

17 LEGISLATOR RHOADS: Thank you,
18 Madam Presiding Officer.

19 LEGISLATOR ABRAHAMS: First I
20 want to thank Legislator Rhoads and
21 Legislator Walker for their kind sentiments
22 regarding Craig's accomplishments and
23 obviously our sympathies are with his family
24 and his friends. It's a very somber day.

25 But I also want to take the

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2 opportunity to recognize the fact that one
3 year ago to this day we lost a mother of
4 this Legislator in Legislator Judy Jacobs,
5 who was the presiding officer for 10 years,
6 but then also the minority leader before
7 that and she was a tremendous asset to this
8 body.

9 We would be remiss if we did not
10 thank her, thank her family and her
11 sacrifice as well as remember her on this
12 day as well from one year from the passing
13 of Judy Jacobs. I just wanted to take a
14 moment of silence also to recognize her as
15 well. Thank you.

16 (Whereupon, a moment of silence
17 was observed.)

18 CHAIRWOMAN GONSALVES: The Rules
19 Committee is now in session and I'm going to
20 ask the clerk, Mr. Pulitzer, to call the
21 roll and I believe sitting in for Legislator
22 Kopel is Legislator Schaefer.

23 CLERK PULITZER: Thank you,
24 ma'am. Rules Committee roll call.

25 Legislator Siela Bynoe?

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2 LEGISLATOR BYNOE: Here.

3 CLERK PULITZER: Legislator Delia
4 DeRiggi-Whitton?

5 LEGISLATOR DERIGGI-WHITTON:
6 Here.

7 CLERK PULITZER: Ranking Member
8 Kevan Abrahams?

9 LEGISLATOR ABRAHAMS: Here.

10 CLERK PULITZER: Legislator Laura
11 Schaefer?

12 LEGISLATOR SCHAEFER: Here.

13 CLERK PULITZER: Legislator
14 Vincent Muscarella?

15 LEGISLATOR MUSCARELLA: Here.

16 CLERK PULITZER: Vice Chairman
17 Richard Nicoletello?

18 LEGISLATOR NICOLELLO: Here.

19 CLERK PULITZER: Chairwoman Norma
20 Gonsalves?

21 CHAIRWOMAN GONSALVES: Present.

22 CLERK PULITZER: We have a
23 quorum, ma'am.

24 CHAIRWOMAN GONSALVES: Thank you
25 very much, Mr. Pulitzer.

1 Rules Committee/9-13-17

2 What we usually do with the Rules
3 Committee is we entertain the contracts and,
4 after the contracts, we recess so the other
5 committees can bring forth their items and,
6 of course, some of those items are also part
7 of the Rules Committee which will follow
8 after the other committees have had a chance
9 to have their items passed.

10 First contract is A-18, a
11 resolution authorizing the director of
12 Nassau County Office of Purchasing to award
13 and execute a contract between the County of
14 Nassau acting on behalf of the Nassau County
15 Department of Assessment and the Sanborn Map
16 Company.

17 LEGISLATOR MUSCARELLA: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Muscarella, seconded by
21 Legislator Nicolello. Who is here to speak
22 on this contract?

23 MR. CORTE: Steven Corte,
24 Department of Assessment. The Department of
25 Assessment is requesting funding for the

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2 second of three flyovers for our oblique
3 photography program which was originally
4 granted back in 2014.

5 The first flyover was
6 successfully completed in 2015. The next
7 one is scheduled for this year, hopefully in
8 November, weather permitting. So, again, we
9 are requesting funding to complete that part
10 of the process.

11 CHAIRWOMAN GONSALVES: Legislator
12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON:
14 Thank you. Is this considered a sole source
15 contract?

16 MR. CORTE: Yes.

17 CHAIRWOMAN GONSALVES: Any other
18 comment or question?

19 (No verbal response.)

20 Is there any public comment on
21 this item?

22 (No verbal response.)

23 There being none, all those in
24 favor of A-18 signify by saying aye.

25 (Aye.)

1 Rules Committee/9-13-17

2 Any opposed?

3 (Nay.)

4 The item passes four to three.

5 The next item is B-10, a
6 resolution authorizing the County Executive
7 to award and execute a contract between the
8 County of Nassau acting on behalf of the
9 Nassau County Department of Public Works and
10 Phillip Ross Industries Inc.

11 A motion, please.

12 LEGISLATOR NICOLELLO: So moved.

13 LEGISLATOR SCHAEFER: Second.

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

17 MR. ARNOLD: Ken Arnold,
18 Department of Public Works.

19 B-10 is a construction contract
20 to repair and harden the Cedar Point Light
21 pump station located in Woodmere. The
22 department received three bids and the
23 lowest responsible bidder was Phillip Ross.
24 This project will be reimbursed by FEMA
25 under the consolidated DW.

1 Rules Committee/9-13-17

2 CHAIRWOMAN GONSALVES: Any
3 questions of Mr. Arnold regarding this item?
4 Minority Leader.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Madam Presiding Officer. If I'm
7 understanding the backup correctly, Phillip
8 Ross made a bid of \$3.89 million?

9 MR. ARNOLD: That's correct.

10 LEGISLATOR ABRAHAMS: The closest
11 other bids were Stratus contract and RJ
12 Industries which were 6.6 and 7.2?

13 MR. ARNOLD: That's correct.

14 LEGISLATOR ABRAHAMS: And we
15 foresee Phillip Ross Industries at some
16 point, this contract costing more, the bids
17 seems so low?

18 MR. ARNOLD: No. We had both the
19 construction manager and the designing
20 engineer review the bid package. We believe
21 that they include everything required to do
22 this job at their bid price.

23 LEGISLATOR ABRAHAMS: Thank you.
24 Nothing further. Thank you, Madam Presiding
25 Officer.

1 Rules Committee/9-13-17

2 CHAIRWOMAN GONSALVES: Are there
3 any other comments or questions from the
4 legislators?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

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

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The item passes four to three.

14 The next item is Item E-170, a
15 resolution authorizing the County Executive
16 to execute an amendment to a personal
17 services agreement between the County of
18 Nassau acting on behalf of the Nassau County
19 Attorney's Office and Bee Ready Fishbein
20 Hatter & Donovan, L.L.P.

21 A motion, please.

22 LEGISLATOR NICOLELLO: So moved.

23 LEGISLATOR MUSCARELLA: Second.

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

1 Rules Committee/9-13-17

2 Muscarella. At this point I will also ask
3 for a motion to table this item.

4 LEGISLATOR NICOLELLO: So moved.

5 LEGISLATOR SCHAEFER: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Nicolello, seconded by Legislator
8 Schaefer. All those in favor of tabling
9 E-170 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item is tabled.

14 The next item is E-171, a
15 resolution calling for a personal services
16 agreement between the County of Nassau
17 acting on behalf of the Nassau County
18 Department of Human Services Office of
19 Mental Health, Chemical Dependency, and
20 Developmental Disability Services in South
21 Nassau Community Hospital.

22 Motion, please.

23 LEGISLATOR MUSCARELLA: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/9-13-17

2 Legislator Muscarella, seconded by
3 Legislator Nicoletto. Who is here to speak
4 on this item?

5 MR. HALL: Brian Hall, Human
6 Services. This is a contract with South
7 Nassau Community Hospital to provide
8 outpatient counseling mental health.

9 It's a grant from the Office of
10 Mental Health in which we get the advance.
11 This contract is a January contract which,
12 in 2016, they took over for a defunct agency
13 that was going out so they were late getting
14 in the '16, and the '17 contract was sent
15 out in early January and they had problems
16 with the forms and the completed package was
17 not received back until July 6th at which
18 point we started the process of putting it
19 through.

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

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 E-171 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Unanimous. Thank you very much.

7 Next is E-172, a personal
8 services agreement between the County of
9 Nassau acting on behalf of the Department of
10 Health and SwissPort, SA, L.L.C.

11 A motion, please.

12 LEGISLATOR SCHAEFER: So moved.

13 LEGISLATOR NICOLELLO: Second.

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

17 MS. LAURAIN: Good afternoon,
18 MaryEllen Laurain, Department of Health.
19 Item E-172-17 is a contract in the amount of
20 \$535,028. This is with Swiss Port. They
21 provide transportation management oversight
22 to approximately 1400 children with special
23 health care needs who require transportation
24 to and from programs.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/9-13-17

2 comments or questions from the legislators?

3 (No verbal response.)

4 Is there any public comment on
5 this item?

6 (No verbal response.)

7 There being none, all those in
8 favor of E-172 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Unanimous. Thank you very much.

13 The next item is E-173, a
14 personal services agreement between the
15 County of Nassau acting on behalf of the
16 Nassau County Department of Parks,
17 Recreation and Museums and Party Up
18 Productions.

19 A motion, please.

20 LEGISLATOR MUSCARELLA: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Muscarella, seconded by
24 Legislator Nicolello. We have?

25 MS. KRIEB: Eileen Krieb,

1 Rules Committee/9-13-17

2 Department of Parks. This is an amendment
3 to an existing contract as a personal
4 service agreement which was RFP'd. They are
5 in their second year.

6 We were extending the term and
7 the amount of the contract in the amount of
8 \$40,000 to be funded through hotel-motel.
9 It's used to enhance many of the events that
10 take place at the Parks Department or
11 sponsored by the Parks Department such as
12 lighting, staging, props, et cetera.

13 CHAIRWOMAN GONSALVES: Any
14 questions of Mr. Krieb?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of E-173 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The item passes four to three.

24 The next item is E-175, a
25 personal services agreement between the

1 Rules Committee/9-13-17

2 County of Nassau acting on behalf of the
3 Nassau County Department of Human Services,
4 Office of Mental Health, Chemical Dependency
5 and Developmental Disabilities Services and
6 Psych, Inc.

7 Motion, please.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR NICOLELLO: Second.

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

14 MR. HALL: Brian Hall, Human
15 Services. Once again this is a contract for
16 one of our mental health agencies, 100
17 percent grant funded with advance money set
18 up ahead of time.

19 This was late due to problems
20 with the forms. We sent it out in December
21 of '16. By the time we got it back it was
22 July 26th getting it into the process as
23 quickly as possible.

24 CHAIRWOMAN GONSALVES: Any
25 questions or comments on this item?

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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 E-175 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 The item passes four to three.

11 The next item is E-176, a
12 personal services agreement between the
13 County of Nassau acting on behalf of the
14 Nassau County Attorney's Office and West
15 Group Law, P.L.L.C.

16 A motion, please.

17 LEGISLATOR SCHAEFER: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Schaefer, seconded by Legislator
21 Nicolello. Who do we have?

22 MS. KRISSEL: Deputy County
23 Attorney Martha Krisel. This is an
24 amendment to an existing contract and the
25 contract is -- the law firm had formerly

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2 been known as Pannone Lopes Devereaux and
3 West.

4 We are working now with the
5 component of that firm known as the West
6 Group. That was in accordance with the
7 contract documents, the underlying contract
8 documents, and this is an extension and
9 amendment for additional funds.

10 CHAIRWOMAN GONSALVES: Any
11 questions or comments from the legislators?
12 Minority Leader.

13 LEGISLATOR ABRAHAMS: Thank you.
14 Just a quick comment. On the principal
15 questionnaire, a yes response was given for
16 the question regarding whether in the past
17 five years has the business and/or any of
18 its owners or officers and/or any of its
19 affiliated businesses been the subject of an
20 investigation by a government agency.

21 However, on the business history
22 form, question 13, they indicated no. Are
23 you aware of that?

24 MS. KRISSEL: Yes, I am. And
25 there is an explanation for that,

1 Rules Committee/9-13-17

2 legislator, which has to do with the law
3 firm itself was not the target of any of the
4 matters but rather it did have to provide
5 some information. But it was not specific
6 to their own business.

7 LEGISLATOR ABRAHAMS: So why
8 wouldn't they just indicate no on both
9 questions?

10 MS. KRISSEL: In the interest of
11 being as absolutely transparent and open as
12 possible, it did not specifically address
13 anything on their part. It's just that they
14 have responded to a document request and in
15 light of that, they felt it was a gray area
16 and did not feel comfortable answering
17 otherwise.

18 LEGISLATOR ABRAHAMS: Okay.

19 CHAIRWOMAN GONSALVES: Any other
20 comments? Minority Leader, that's it from
21 you?

22 LEGISLATOR ABRAHAMS: I'm done.

23 CHAIRWOMAN GONSALVES: Any other
24 comments from the legislators?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of E-176 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 The item passes four to three.

10 The next item is E-177, a
11 personal services agreement between the
12 County of Nassau acting on behalf of the
13 Nassau County Department of Public Works and
14 Greenman Peterson, Inc.

15 A motion, please.

16 LEGISLATOR NICOLELLO: So moved.

17 LEGISLATOR MUSCARELLA: Second.

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

21 Mr. Arnold.

22 MR. ARNOLD: Ken Arnold,
23 Department of Public Works. E-177 is a
24 design contract for the Milburn Rehab
25 Project. This project received New York

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2 State grant as part of the 2016 bridge
3 New York program, which means the project
4 will be 95 percent reimbursed.

5 The department received three
6 bids and the best value and most technically
7 responsible firm was Greenman Peterson.

8 CHAIRWOMAN GONSALVES: Any
9 questions or comments? Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON: Hi,
12 Ken. I know we discussed this once before
13 but I just want to put on the record again
14 that regarding question 12, whether the
15 business and/or any owners or affiliates had
16 any criminal investigations pending, the
17 answer was yes. I know we discussed it
18 before but are you prepared to say that you
19 are okay with that situation?

20 MR. ARNOLD: Yes. We are aware
21 of the situation. We feel it was resolved
22 to our satisfaction.

23 LEGISLATOR DERIGGI-WHITTON:
24 Could you just remind me of what the pending
25 charges were?

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2 MR. ARNOLD: There was an
3 individual in the firm that was investigated
4 as part of a project. The principal and the
5 firm itself was deemed not to be under
6 investigation. It was to one individual.

7 LEGISLATOR DERIGGI-WHITTON: One
8 individual. Thank you.

9 CHAIRWOMAN GONSALVES: Any other
10 comments from the legislators? Legislator
11 DeRiggi-Whitton.

12 LEGISLATOR DERIGGI-WHITTON:
13 The contract itself states two different
14 amounts. Can you clarify what the correct
15 amount is? For instance, in the memo signed
16 by Rob Walker on July 26 it says \$374,000
17 and in this contract it says not to exceed
18 \$412,000.

19 MR. ARNOLD: Give me one second.
20 The 412 includes the contingency on the
21 project. The base value of the work is the
22 374 based on the current criteria of the
23 project, but if we have an unknown soil
24 condition or something that needs to be done
25 in addition by the consultant, we have a

1 Rules Committee/9-13-17
2 contingency factor in the contract allowing
3 to do the work without having to amend the
4 contract.

5 LEGISLATOR DERIGGI-WHITTON: Is
6 that the normal course of business to put
7 extra money into a contract?

8 MR. ARNOLD: We do that with our
9 design contracts, yes.

10 LEGISLATOR DERIGGI-WHITTON:
11 Okay. Thank you.

12 CHAIRWOMAN GONSALVES: Any other
13 comments from the legislators?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of E-177 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 The item passes four to three.

23 The next item is E-178, a
24 personal services agreement between the
25 County of Nassau acting on behalf of the

1 Rules Committee/9-13-17

2 Nassau County Attorney's Office and
3 Leventhal, Mullaney & Blinkoff, L.L.P.

4 A motion, please.

5 LEGISLATOR NICOLELLO: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Nicolello, seconded by Legislator
9 Muscarella.

10 MS. KRISSEL: Again, it's Deputy
11 County Attorney Martha Krisel. This is an
12 amendment on an existing contract. This is
13 the firm that works with Nassau County's
14 Board of Ethics.

15 CHAIRWOMAN GONSALVES: Legislator
16 DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON:
18 Thank you very much. I have a question
19 about -- the County Attorney is basically
20 adding another \$85,000 to this contract for
21 Mr. Levanthal to provide services for the
22 Nassau County Board of Ethics?

23 MS. KRISSEL: Yes, that's correct.

24 LEGISLATOR DERIGGI-WHITTON: Do
25 you know why?

1 Rules Committee/9-13-17

2 MS. KRISEL: A couple of things.
3 The Board of Ethics meets on a regular
4 basis. In addition to that, you'll
5 remember, I believe it was approximately two
6 months ago there were some amendments and
7 they were complex to the code of ethics.

8 As a result of that, there's been
9 some additional guidance required. I
10 believe that was in the August session.

11 LEGISLATOR DERIGGI-WHITTON: So
12 to review our amendments, we're paying them?

13 MS. KRISEL: To implement the
14 amendments. To implement them. Because the
15 amendments, there were changes to procedures
16 and everything else. Really it's the
17 implementation.

18 That's an amount not to exceed
19 the amount, but it's anticipated that there
20 may be some additional work necessary at
21 this time.

22 LEGISLATOR DERIGGI-WHITTON: Are
23 you willing to share what these are for us
24 to vote for this? We haven't been notified
25 of what changes are being made.

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2 MS. KRISEL: The Legislature
3 voted on the changes.

4 LEGISLATOR DERIGGI-WHITTON:
5 Never mind. I apologize. Thank you.

6 CHAIRWOMAN GONSALVES: Any other
7 comments from the legislators?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of E-178 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 The item passes four to three.

17 The next item is E-179, a
18 personal services agreement between the
19 County of Nassau acting on behalf of the
20 Nassau County Attorney's Office and West
21 Group Law, P.L.L.C.

22 A motion, please.

23 LEGISLATOR NICOLELLO: So moved.

24 LEGISLATOR SCHAEFER: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Nicoletto, seconded by Legislator
3 Schaefer.

4 MS. KRISSEL: Again, it's deputy
5 County Attorney Martha Krisel. This is the
6 law firm to which I referred in 176-17 that
7 had been known Pannone Lopes. Now it's the
8 West Group.

9 This is a different substantive
10 project pertaining to the coliseum and the
11 hub and it's also an amendment to the terms
12 of the contract for additional funds.

13 CHAIRWOMAN GONSALVES: Any
14 questions or comments from the legislators?
15 Legislator Schaefer

16 LEGISLATOR SCHAEFER: Good
17 afternoon, Ms. Krisel. What exactly -- you
18 said that it was a project that this is
19 related to. What is that exactly?

20 MS. KRISSEL: Yes, so the projects
21 are, it's multifaceted. There are a number
22 of different items pertaining to the hub and
23 to the coliseum seem. They've provided us
24 with a list of some of those items. Do you
25 have that? I have it someplace in my

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2 paperwork but I will give you a little more
3 information on that, legislator.

4 There's work both on the lease,
5 on the Coliseum Plaza development, and on
6 the

7 Trigen Energy plan, and they will
8 be working on some of the legal issues, some
9 of the proposals and the paperwork with
10 regard to those projects.

11 LEGISLATOR SCHAEFER: Okay.
12 Thank you.

13 CHAIRWOMAN GONSALVES: Legislator
14 Nicolello.

15 LEGISLATOR NICOLELLO: I just
16 wanted to add that I personally found that
17 their work on the lease for the coliseum was
18 nothing short of spectacular. I'm thinking
19 that is heavily weighed in the county's
20 favor and, as Newsday reported recently,
21 there's monies flowing out to the county
22 that didn't exist before. So I think they
23 have done a very good job.

24 MS. KRISSEL: Thank you,
25 legislator.

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

4 (No verbal response.)

5 Is there any public comment on
6 this item?

7 (No verbal response.)

8 There being none, all those in
9 favor of E-179 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The item passes four to three.

14 The next item is E-180, a
15 personal services agreement between the
16 County of Nassau acting on behalf of the
17 Nassau County Department of Public Works and
18 Greenman Pederson, Inc.

19 Motion, please.

20 LEGISLATOR NICOLELLO: So moved.

21 LEGISLATOR MUSCARELLA: Second.

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

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2 MR. ARNOLD: Ken Arnold, Public
3 Works. E-180 is a contract amendment to the
4 design contract associated with the
5 Hempstead garage rehab and replacement
6 project. This contract is expired. This
7 amendment will extend the contract from its
8 current expiration date to the end of 2017.

9 The contract is also adding any
10 additional funds to the contract associated
11 with the design services. There was some
12 unknown conditions that required extra
13 services.

14 In addition, the contract scope
15 had expanded and because the contract was
16 based on a percent of construction value, we
17 are adding funds to make up for that
18 difference.

19 CHAIRWOMAN GONSALVES: Any
20 questions or comments from the legislators?
21 Minority Leader.

22 LEGISLATOR ABRAHAMS: Thank you,
23 Madam Presiding Officer.

24 Ken, according to the backup,
25 this amendment back dates the contract to

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2 January 1, 2016 through December 31st of
3 this year; is that accurate?

4 MR. ARNOLD: That's correct.

5 LEGISLATOR ABRAHAMS: Why would
6 this contract take 22 months, roughly about
7 21 months approximately, to come to us?

8 MR. ARNOLD: The department
9 didn't recognize that it was expired because
10 they hadn't seen billing from the
11 consultant. When we did see it, it took us
12 a little bit of time to get all the proper
13 paper work because some of the
14 subcontractors also had some exposure as
15 part of our review.

16 LEGISLATOR ABRAHAMS: Is Mr.
17 Cleary here? Has this contract been noted
18 on the late contract list?

19 MR. ARNOLD: I believe it did.
20 Did Mr. Cleary say yes?

21 LEGISLATOR ABRAHAMS: Our counsel
22 is advising me that and it's not on the
23 list.

24 CHAIRWOMAN GONSALVES: It's not
25 on the list? Mr. Cleary.

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2 MR. CLEARY: Robert Cleary,
3 director of procurement. I thought it was
4 on the list. I didn't confirm it today. I
5 was pretty convinced it was actually but
6 I'll check it and report back after the
7 meeting if you'd like.

8 LEGISLATOR ABRAHAMS: Motion to
9 table.

10 LEGISLATOR DERIGGI-WHITTON: I
11 will second it.

12 MR. ARNOLD: This contract is
13 ongoing. We would like to continue the work
14 and not delay the construction.

15 CHAIRWOMAN GONSALVES: Can you
16 get more information to us, Mr. Cleary, as
17 to why this information was not on the late
18 list? Rather than prevent the work from
19 going forward?

20 MR. CLEARY: I can get back to
21 you with more information if you'd like.
22 If it wasn't on the list, I'm not sure why
23 it wasn't on the list in all honesty.

24 I can go back to my office and
25 check and come back.

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2 CHAIRWOMAN GONSALVES: In the
3 meantime, Mr. Arnold, tell us why we should
4 go forward with this contract at this
5 particular time.

6 MR. ARNOLD: The contract is
7 ongoing so we want to keep the support of
8 the design firm through the last phase of
9 close out of the project. Without their
10 availability, it will impact the county and
11 on that closeout we will have to not be able
12 to use them and they are the experts on the
13 designer and it would hamper that work.

14 CHAIRWOMAN GONSALVES: Any other
15 comments or questions?

16 LEGISLATOR ABRAHAMS: I just want
17 to say for the record, again, I don't
18 understand why the Legislature would proceed
19 with a contract that is almost two years
20 late.

21 If need be, we should reevaluate,
22 rebid the contract, to consider a contract
23 we basically are complying with the fact
24 that this legislative body is useless and
25 not necessary if the County Executive is

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2 going to go forward with a contract without
3 even seeking this approval until almost two
4 years after the fact.

5 The only way this body can send a
6 message that this will not be tolerated is
7 by at least tabling it. At least make them
8 sweat or vote no. One of the two.

9 But to say vote yes to a contract
10 almost two years late, to me, I would be
11 challenged to explain to my constituents why
12 this legislative body is even necessary if
13 the County Executive can act this way
14 unilaterally.

15 CHAIRWOMAN GONSALVES: I believe
16 that, Mr. Arnold, you made your case before
17 this body and it's incumbent upon us to move
18 forward and take a vote on it unless we have
19 another comment from Legislator Nicolello.

20 LEGISLATOR ABRAHAMS: We have the
21 latest list, and not to cut off Deputy
22 Presiding Officer Nicolello --

23 CHAIRWOMAN GONSALVES: You just
24 did.

25 LEGISLATOR ABRAHAMS: But just I

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2 believe Mr. Cleary was going to look up the
3 list. We have the list from August. Is
4 there a more recent list than August 9, Mr.
5 Cleary?

6 MR. CLEARY: I haven't published
7 one since then but obviously the list does
8 change over time. I will have to check the
9 timing of the contract.

10 LEGISLATOR ABRAHAMS: I just want
11 to state for the record that we are looking
12 at the list from August 9th, 2017. I do not
13 see this contract on that list.

14 But I'm looking at the Public
15 Works section that starts on Item 34. It
16 goes all the way down to 45. So there is
17 approximately 12 contracts that are on this
18 list and this one is not.

19 Either there's another list or
20 this one has been omitted, for whatever
21 reason, I think it begs that we at least
22 have Mr. Cleary go back and find out why
23 it's not on the list so we can do some
24 resemblance of our due diligence or we just
25 vote yes like we normally do.

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2 MR. CLEARY: I think there's only
3 two possibilities; either the notice of the
4 contract came to me after that list was
5 published; or, we, "our departments" missed
6 it. I don't know which it is. I have to
7 see which it is.

8 LEGISLATOR ABRAHAMS: Look, no
9 one discounts the potential merits of the
10 contract. I'm sure it has a component which
11 protects motorists and pedestrians. I'm not
12 doubting that. But at some point this body
13 has to be able to recognize that we have a
14 contract that's before us that's almost two
15 years late. And, granted, we have been able
16 to consider contracts that have been
17 recognized on the list. That was the
18 understanding we all had, that we would
19 consider contracts at least on the list, and
20 this contract is not even on the list.

21 So here we are, making another
22 adjustment as to how we do things in this
23 body to grant this contract going forward.

24 I think we have said it. My
25 motion stands. I had a motion to table. I

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2 believe it was seconded.

3 CHAIRWOMAN GONSALVES: But I also
4 have a comment from Legislator Nicolello.
5 You can make a motion.

6 LEGISLATOR ABRAHAMS: I did.
7 Motion to table.

8 CHAIRWOMAN GONSALVES: By
9 Minority Leader.

10 LEGISLATOR DERIGGI-WHITTON:
11 Second.

12 CHAIRWOMAN GONSALVES: Seconded
13 by Legislator DeRiggi-Whitton. All those in
14 favor of tabling this item signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The motion to table fails.

20 Now Legislator Nicolello has a
21 question, please.

22 LEGISLATOR NICOLELLO:
23 Mr. Arnold, has there been work going on on
24 this in these two years?

25 MR. ARNOLD: Yes, part of the

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2 work with them because of the value of the
3 contract, so that percentage is a known
4 factor now, so we have to amend the contract
5 to pay them, that difference from the
6 original estimate to the actual cost of the
7 project.

8 And during parts of the
9 construction, there was soil that had to be
10 remediated and removed. It was not part of
11 the original scope that they had to be
12 involved in, and that was done as part of
13 the construction early on also.

14 LEGISLATOR NICOLELLO: But part
15 of this is to pay for work that they've done
16 because of what you just described and part
17 of this is to pay for work that is going to
18 be done; is that correct?

19 MR. ARNOLD: Right. And then
20 there's a small part of the work for their
21 involvement for the last couple of months
22 which we have not been paid for yet.

23 LEGISLATOR NICOLELLO: What is
24 the status of the redevelopment of the
25 facility, where is it?

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2 MR. ARNOLD: I can bring up our
3 chief architect who can give you the details
4 of where the project is.

5 LEGISLATOR NICOLELLO: Right. I
6 just want basic details as to where we are.
7 I want to look at the merits of this.

8 MR. LABAW: Hi. Robert Labaw,
9 architect, DPW. Phase Two of this project
10 is ongoing. The vehicle storage building
11 has been erected and is occupied. The
12 vehicle maintenance building has been
13 erected and is nearing completion for
14 occupancy.

15 We still have a small portion of
16 work to complete. We estimate that this
17 will be completed by early in the new year
18 at the latest which is the rehabilitation of
19 the existing maintenance facility. That
20 will be turned into administration offices
21 that will begin as soon as the new
22 maintenance building is occupied.

23 The rationale behind continuing
24 with Greenman Peterson as our consultants is
25 that DPW has had to take over for them in

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2 their absence once they were notified that
3 their contract had been expired and we
4 realized that the contract did indeed
5 expire.

6 Our own staff had to step up to
7 the plate and attempt to figure out where we
8 were in the project. We were not the
9 designers. We had to get inside the
10 designer's head, figure out why they did,
11 what they did and how they did it.

12 We have stepped up to the plate
13 to keep the project rolling.

14 However, this final phase of the
15 job is complicated; turning an old building
16 into an administration wing, something that
17 it was never designed to have been done.
18 That's why we really need the project design
19 team, MEP, and architects back on this job.

20 LEGISLATOR NICOLELLO: Can you
21 give me a time line if you had to -- if it
22 was necessary to go out and rebid, the
23 request for proposals with respect to the
24 design work, what kind of delay are we
25 looking at?

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2 MR. LABAW: That would be a
3 minimum of nine months and we would open the
4 county up to a delay claim from the general
5 contractor. He would have to stop his work.

6 At this point in time it would be
7 a disaster as far as the job is concerned.
8 We are trying to get this job finished prior
9 to the weather going south on us. We need
10 this facility to operate our road
11 maintenance crews for the winter.

12 LEGISLATOR NICOLELLO: This one
13 seems to have slipped through the cracks,
14 Mr. Arnold.

15 What procedures are in place at
16 Public Works to identify contracts that are
17 ongoing contracts that are expiring or are
18 expired, what safeguards do we have?

19 MR. ARNOLD: We rely on our
20 project engineers. We talk to our project
21 engineers about the importance of notifying
22 the front office about expired contracts and
23 closely expiring contracts.

24 This one was identified. I have
25 to go back and identify -- understand why

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2 the department -- it didn't end up on your
3 list.

4 But, as Mr. Labaw mentioned, we
5 did stop the contractor's work when this
6 came to our attention and we've been doing
7 the work in-house since that point, but we
8 do owe them money from early work, the
9 percent change of the construction value,
10 and we do want to put them back on the job
11 for that last couple of months of oversight.

12 LEGISLATOR NICOLELLO: I don't
13 know what else is in place but it seems to
14 me that you are relying on project engineers
15 to identify this stuff is not enough. Isn't
16 there somebody within Public Works that's
17 tasked to monitor these contracts, the very
18 simple duty to make sure that nobody is
19 working after a contract is expired?

20 MR. ARNOLD: We are working
21 towards that. We are looking at all our
22 contracts but the department has some very
23 old historic contracts. This contract today
24 goes back probably seven years.

25 We are looking at all of our

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2 contracts. We are doing our best to make
3 sure that we don't bring anything up that is
4 expired.

5 LEGISLATOR NICOLELLO: This has
6 been going on for months here, highlighted
7 here, and I know that every department head
8 who has to come up here and speak is
9 probably doing it with a little bit of
10 nerves because they're bringing forward
11 expired contracts, so I don't understand why
12 the department of Public Works and all the
13 other departments should be all over this.

14 I don't think whether it is on
15 the list or not is that important to me, but
16 it --

17 MR. ARNOLD: Like I said, we did
18 identify this, we did stop the work, so I
19 think that we did recognize we had an issue
20 here.

21 LEGISLATOR NICOLELLO: I think
22 what we need for the Legislature, from the
23 Department of Public Works in particular is
24 an explanation or a written explanation
25 telling us what safeguards are now in place,

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2 what procedures are being followed to make
3 sure this doesn't happen going forward.

4 I agree with the frustrations of
5 these late contracts but, on the other hand,
6 I don't want to create a complete disaster
7 and actually do something to prove a point
8 that's going to damage a project and/or
9 taxpayer's interest. I would vote to
10 approve this.

11 But, again, I think we need
12 something in writing from you telling us
13 exactly what safeguards are in place.

14 MR. ARNOLD: Understood.

15 CHAIRWOMAN GONSALVES: Any other
16 comments? Legislator Bynoe.

17 LEGISLATOR BYNOE: Thank you,
18 Presiding Officer. It just seems to me this
19 is an issue that can be easily taken care of
20 by the use of technology.

21 We should calendar these things
22 and they should just pop up and tell us
23 there is going to be an expiration coming
24 soon and then you can move forward with the
25 simple actions of getting it here to the

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2 Legislature.

3 But it just -- I can't wrap this
4 around my head where not only is this a late
5 contract, this is a contract that has now
6 increased cost. This county was aware that
7 there was additional expenses that would be
8 borne to this project back in February.

9 It still didn't prompt you to get
10 it here any earlier than September. At a
11 certain point it's, to me, a blatant
12 disregard for policy and procedure.

13 I do agree that at some point
14 this -- not at some point, at this exact
15 moment, we have been rendered ineffective
16 because they're spending money and we are
17 the fiduciaries.

18 The administration is spending
19 money and there's no ability for us to just
20 really stop them because they've indebted us
21 to this contract. This is wrong. It just
22 has to stop.

23 And, to the procurement director,
24 please, find the use of technology to assist
25 DPW and these other entities in being able

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2 to identify when there is an expiration and
3 make sure that they understand that whenever
4 there is additional costs borne to these
5 contracts, that they have to get it here to
6 this Legislature before they go ahead and
7 bind us to any additional expenditures.

8 MR. ARNOLD: I will say again
9 though when we recognized that we had this
10 issue, we did stop future payments to the
11 contractor. And we only have listed what we
12 had already owed them prior to finding out
13 the issue. They have not been expending
14 more costs since the date of the issue.

15 LEGISLATOR BYNOE: What date was
16 that, if you don't mind me asking?

17 MR. ARNOLD: We believe somewhere
18 around February but I have to go back to my
19 notes.

20 LEGISLATOR BYNOE: Thank you. I
21 think we need to have some kind of action
22 plan to move forward. I know that time is
23 of the essence because we have to stop this
24 spending without any approval here. I would
25 like really to see something.

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2 I don't think it's unreasonable
3 to think that some kind of process can't be
4 put in place in the next 30 days to prevent
5 this from happening in the future.

6 MR. CLEARY: If I can respond to
7 one thing you said, as far as using
8 technology to avoid this, minimize this in
9 the future, we are at least operating on a
10 database now that is capturing term dates
11 when they are available such as in this
12 case, going forward that will be able to be
13 used to sift out dates as they are expiring.

14 So we will hopefully avoid this
15 in the future in that way and certainly make
16 the situation a whole lot better and avoid
17 missing items in case that's what happened
18 here.

19 LEGISLATOR BYNOE: Who will be
20 notified?

21 MR. CLEARY: The platform is
22 available to both the department and my
23 office. The departments will be able to run
24 their own reports on their own items. So
25 they would be available.

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2 LEGISLATOR BYNOE: Who is the
3 accountability officer in that particular
4 case?

5 MR. CLEARY: The department owns
6 the procurement of the conduct of the
7 contract. My job is -- I have some
8 culpability as well insofar that I need to
9 monitor the operations and try to keep
10 everybody on the right track, show them how
11 to run the reports and what have you and use
12 the information to manage their operations
13 better. But the departments do own their
14 operations.

15 LEGISLATOR BYNOE: So they would
16 then be required to appoint somebody within
17 their department or division to be the
18 accountability officer to make sure they are
19 then moving the contract through the
20 process, correct? Or whatever process is
21 going to occur?

22 MR. CLEARY: Yes. I think each
23 department should have their own -- they can
24 develop their own structure and decide
25 whether there is a formal delegation of that

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2 kind of authority or not.

3 One way or another, they do need
4 to look at their contract portfolio and
5 identify when they need to start things.

6 The system will start to tell
7 people, you have a contract that will expire
8 in ten months and you need to start the new
9 solicitation. Things like that. It won't
10 cause them, of course, to actually do the
11 work. They have to have somebody there or a
12 group of people that are actually making
13 those things happen, but the system will be
14 aware of those impending deadlines.

15 LEGISLATOR BYNOE: I would think
16 as the procurement officer there's some
17 accountability on your behalf to make sure
18 we are in compliance.

19 MR. CLEARY: So, as I said, I'm
20 not saying I don't have culpability in
21 making this process work as effectively as
22 possibly, absolutely. My intent was to set
23 up the data structure so that we have the
24 ability for people to manage their affairs
25 and then to monitor it from my position.

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2 LEGISLATOR BYNOE: Somebody has
3 to sound the siren. Thank you.

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

6 (No verbal response.)

7 Is there any public comment on
8 this item?

9 (No verbal response.)

10 There being none, all those in
11 favor of E-180 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The item passes four to three.

16 The next item is E-181, a
17 personal services agreement between the
18 County of Nassau acting on behalf of the
19 Nassau County Department of Informational
20 Technology and Gannett Fleming, Inc. D/b/a
21 Geo Decisions.

22 A motion, please.

23 LEGISLATOR NICOLELLO: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Nicoletto, seconded by Legislator
3 Muscarella. Who do we have?

4 COMMISSIONER EISENSTEIN: Ed
5 Eisenstein, IT Commissioner, how are you?

6 CHAIRWOMAN GONSALVES: Good
7 afternoon.

8 COMMISSIONER EISENSTEIN: Good
9 afternoon. This is a zero dollar amendment
10 to extend the services of this vendor for
11 another two years to 2019.

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

15 LEGISLATOR DERIGGI-WHITTON: How
16 are you? I just have a question. This
17 contract entails several different
18 companies; is that correct?

19 COMMISSIONER EISENSTEIN: That's
20 correct.

21 LEGISLATOR DERIGGI-WHITTON:
22 Why do you think the county needs multiple
23 contractors?

24 COMMISSIONER EISENSTEIN: Thank
25 you for asking that question. It's

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2 something I designed several years ago. We
3 went into RFP and we got four qualified
4 vendors.

5 In order to get the best deal, or
6 bang for the buck, if you will, we allowed
7 for multiple vendors to be awarded the deal.
8 Throughout the life of the contract, we then
9 asked them for project stuff within that so
10 we can get the best case possible.

11 So the four vendors compete
12 against each other for our work throughout
13 the lifetime of the contract. That's why it
14 was set up that way for us to get the best
15 deal possible.

16 LEGISLATOR DERIGGI-WHITTON: Do
17 you know how much revenue has been collected
18 through this?

19 COMMISSIONER EISENSTEIN: I do
20 not have those revenue models. There are
21 several from what I understand.

22 LEGISLATOR DERIGGI-WHITTON:
23 Before we vote on something like this, it
24 would be nice to see how it's working so
25 maybe you can provide that to the

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2 Legislature as far as the revenue goes.

3 COMMISSIONER EISENSTEIN:

4 Revenue, this is our GIS models internally
5 where we keep track of what's happening with
6 our mapping system. If there's other
7 departments that are using that to create
8 revenue, I'm not aware of that. It's not an
9 IT function.

10 So our GIS system is all of the
11 419,000 parcels are mapped together and
12 stitched together in a very comprehensive,
13 complicated system called the GIS system.
14 The vendor is Ezery and we have multiple
15 vendors that help us with that platform. I
16 will be happy to show you a demonstration of
17 the system.

18 LEGISLATOR DERIGGI-WHITTON: I
19 have a general idea but from what I
20 understand there's over 700 licensed
21 partners outside of Nassau County government
22 who pay us for sharing the GIS data; is that
23 correct?

24 COMMISSIONER EISENSTEIN: There
25 are vendors who share in our data on a

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2 regular basis.

3 LEGISLATOR DERIGGI-WHITTON: And
4 they pay us for that, right?

5 COMMISSIONER EISENSTEIN: That
6 model is from the '80s and '90s. The vendor
7 created an open data model many years ago
8 where that data is no longer being charged
9 to sell. The selling of the data is kind of
10 an old data model that went away many years
11 ago. Consider that it did not create
12 transparency in government by charging other
13 people for our maps.

14 LEGISLATOR DERIGGI-WHITTON:
15 Okay. All right. I thought it was still a
16 revenue maker but thank you.

17 COMMISSIONER EISENSTEIN: Happy
18 to show you a full demonstration.

19 CHAIRWOMAN GONSALVES: Any other
20 questions or comments from the legislators?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of E-181 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-182, a
7 personal services agreement between the
8 County of Nassau acting on behalf of the
9 Nassau County Department of Information
10 Technology and Specbid Holdings, Inc.

11 A motion, please.

12 LEGISLATOR SCHAEFER: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Schaefer, seconded by Legislator
16 Nicolello. Go ahead.

17 COMMISSIONER EISENSTEIN: Ed
18 Eisenstein again. Specbid is a vendor that
19 handles the vendor registrations. This is
20 an amendment to extend it for another two
21 years for \$186,000 in support.

22 When vendors come in, they
23 register through Specbid. Specbid also has
24 a short term bidding model where more people
25 are participating, things of that nature.

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2 CHAIRWOMAN GONSALVES: Legislator
3 Schaefer.

4 LEGISLATOR SCHAEFER: What is the
5 increase attributed to?

6 COMMISSIONER EISENSTEIN: Just
7 another two years of maintenance, that's
8 all, standard.

9 LEGISLATOR SCHAEFER: It's not an
10 increase in the contract amount?

11 COMMISSIONER EISENSTEIN: No.

12 CHAIRWOMAN GONSALVES: Any other
13 comments or questions from the legislators?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of E-182 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 The item passes four to three.

23 The next item is E-183, a
24 personal services agreement between the
25 County of Nassau acting on behalf of the

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2 Nassau County Department of Information
3 Technology and IT, Inc.

4 A motion, please.

5 LEGISLATOR NICOLELLO: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Nicolello, seconded by Legislator
9 Muscarella.

10 COMMISSIONER EISENSTEIN: This is
11 a supplemental staffing vendor. We are
12 adding \$200,000 to their agreement to be
13 able to be able hire contractors and
14 supplemental staffing vendors to help us
15 with primary primarily the people soft
16 system and other major systems that we
17 carry, the data center and the IT.

18 CHAIRWOMAN GONSALVES: Any
19 questions or comments from the legislators
20 regarding this item?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of E-183 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-185, a
7 personal services agreement between the
8 County of Nassau acting on behalf of the
9 Nassau County Department of Public Works and
10 Liro Engineers, Inc.

11 A motion, please.

12 LEGISLATOR MUSCARELLA: So moved.

13 LEGISLATOR NICOLELLO: Second.

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

17 MR. ARNOLD: Ken Arnold,
18 Department of Public Works. E-185 is a
19 contract amendment for our on call civil
20 site construction engineering contract.

21 This contract is an extension
22 only. The current contract expired May 26,
23 2017. This amendment extends that contract
24 for 18 months.

25 CHAIRWOMAN GONSALVES: Any

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2 questions or comment of Mr. Arnold on this
3 item?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of E-185 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (Nay.)

12 The item passes four to three.

13 The next item is E-186, a
14 personal services agreement between the
15 County of Nassau acting on behalf of the
16 Nassau County Attorney's Office and Leahey &
17 Johnson, PC.

18 A motion, please.

19 LEGISLATOR NICOLELLO: So moved.

20 LEGISLATOR MUSCARELLA: Second.

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

24 MS. KRISSEL: Martha Krisel,
25 Deputy County Attorney. This is an

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2 amendment to an existing contract with
3 Leahey and Johnson. That law firm has
4 expertise in a number of matters and it
5 represents the county in various matters and
6 that's the amendment before the Legislature
7 today. Are there any questions?

8 CHAIRWOMAN GONSALVES: Any
9 questions from the legislators?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of E-186 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (Nay.)

18 The item passes four to three.

19 The next item is E-187, a
20 personal services agreement between the
21 County of Nassau acting on behalf of the
22 Department of Health, VMC Group, Inc.

23 A motion, please.

24 LEGISLATOR SCHAEFER: So moved.

25 LEGISLATOR MUSCARELLA: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Schaefer, seconded by Legislator
4 Muscarella.

5 MS. LAURAIN: Good afternoon,
6 MaryEllen Laurain, Department of Health.
7 Item E-187-17 is an amendment to a contract
8 with the VMC Group in the amount of \$600,000
9 and the services are to provide the
10 contractor to provide municipal
11 representation for the preschool special
12 education program.

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

16 LEGISLATOR BYNOE: Hi. Good
17 afternoon. How are you?

18 MS. LAURAIN: Good. Thanks.

19 LEGISLATOR BYNOE: So these are
20 the individuals who would be in the room
21 when the assessment is being undertaken or
22 at least a summary of services are
23 established?

24 MS. LAURAIN: Yes. The committee
25 preschool special education.

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2 LEGISLATOR BYNOE: What is the
3 actual backgrounds of the principals or the
4 services?

5 MS. LAURAIN: I believe they're
6 psychologists or preschool teachers
7 experienced in the field.

8 LEGISLATOR BYNOE: So we're no
9 longer using individuals who are efficiency
10 experts?

11 MS. LAURAIN: They are subject
12 matter experts in the field.

13 LEGISLATOR BYNOE: Earlier on,
14 some time ago, there were individuals who
15 were efficiency experts and their role and
16 their actual -- it was suggested by the
17 Comptroller's Office and then accepted by
18 this administration to move forward with
19 using efficiency experts and their
20 performance indicators were based on the
21 number of services that was not provided to
22 the family.

23 I just want to make sure that we
24 don't have individuals in the room that are
25 actually looking to reduce services to

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2 families but instead are there as subject
3 matter experts as you said and know what's
4 most important to provide to these young
5 people.

6 MS. LAURAIN: Absolutely. They
7 are subject matter experts. The Department
8 of Health nor the representatives -- the
9 services are chosen by the school district
10 and the families.

11 LEGISLATOR BYNOE: This service
12 is -- what's this person's role that's in
13 the room?

14 MS. LAURAIN: They are to
15 advocate for the family and for the school
16 to make sure that appropriate services are
17 being provided to the child and to the
18 family.

19 LEGISLATOR BYNOE: Do we have the
20 backup? I just want to make sure we have
21 it.

22 MS. LAURAIN: The services are
23 authorized by the school district, not by
24 the Department of Health or the county. We
25 pay for the services but we do not authorize

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2 or approve the services.

3 LEGISLATOR BYNOE: We're just in
4 the room to determine --

5 MS. LAURAIN: Yes. We are
6 subject matter experts and we are there to
7 make sure the families are advocated for,
8 that appropriate services are given to the
9 child and to the family.

10 LEGISLATOR BYNOE: How does this
11 cost for this particular contract compare to
12 what we may have utilized in the previous
13 contract period?

14 MS. LAURAIN: This is the fourth
15 amendment. This is two year. This has been
16 \$300,000 in the past. We individually
17 contracted with each subject matter expert
18 but that wasn't really an efficient way to
19 contract because sometimes the money wasn't
20 utilized and then we couldn't utilize
21 funding. This way we can keep a consistent
22 level of subject matter experts.

23 LEGISLATOR BYNOE: All right.
24 Thank you.

25 CHAIRWOMAN GONSALVES: Any other

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2 comments or questions from the legislators?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 There being none, all those in
7 favor of E-187 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 It's unanimous. Thank you very
12 much.

13 The next item is U-45, a personal
14 services agreement between the County of
15 Nassau acting on behalf of the Nassau County
16 Fire Commission and Mid Island Animal
17 Hospital.

18 A motion, please.

19 LEGISLATOR NICOLELLO: So moved.

20 LEGISLATOR SCHAEFER: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Nicolello, seconded by Legislator
23 Schaefer. Go ahead, Deputy Chief.

24 ASSISTANT CHIEF UTTARO: I am
25 Michael Uttaro, Assistant Chief Fire

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2 Marshal, Nassau County Fire Marshal's
3 Office.

4 This contract is for our two ATF
5 dogs, and two accelerant detection, Umee and
6 Laia, that we have from the ATF. This is
7 part of the veterinary care for these two
8 dogs as part of our agreement with the
9 federal government to ensure they're
10 properly cared for in their checkups, shots
11 and everything else that's needed is up to
12 date.

13 There was a problem with the
14 paperwork between the vet and our office
15 going back and forth for a couple of times
16 while the veterinary visits were taking
17 place. The problem has been now been worked
18 out and it is now before you.

19 CHAIRWOMAN GONSALVES: Any
20 questions of the assistant chief from the
21 legislators?

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 U-45 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Unanimous. I think you have to
7 stay there again. No. It's the next item.

8 The next item is U-46, a personal
9 services agreement between the Nassau County
10 Department of Parks, Recreation, and Museum
11 and CDM Entertainment.

12 A motion, please.

13 LEGISLATOR NICOLELLO: So moved.

14 LEGISLATOR MUSCARELLA: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Nicolello, seconded by Legislator
17 Muscarella. Okay, Ms. Krieb.

18 MS. KRIEB: Eileen Krieb,
19 Department of Parks. U-46-17 is a service
20 contract for a performance held at Lakeside
21 theatre this summer. It is a late contract
22 being funded through hotel motel in the
23 amount of \$5,000.

24 The individual had much
25 difficulty and was overwhelmed with the

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2 paperwork process so that's why it was
3 delayed.

4 CHAIRWOMAN GONSALVES: Any
5 questions or comments regarding this item?
6 Legislator Nicoletto has a question.

7 LEGISLATOR NICOLELLO:
8 Overwhelmed by the paperwork, but the
9 performance was in July. Why didn't you
10 just cancel the performance?

11 MS. KRIEB: They did consider it
12 because this wasn't forthcoming and then
13 finally when it's scheduled and it's
14 advertised everybody comes so it's hard to
15 cancel last minute. The smaller the group
16 the harder it is to digest the paper
17 process.

18 LEGISLATOR NICOLELLO: I guess
19 the only way to address that would be to
20 start the process going as early as possible
21 and have a deadline date in, and if you
22 don't get the paperwork in by June 1st then
23 they're out. There is a ton of musicians
24 out there, so --

25 MS. KRIEB: That's a good idea to

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2 give them a cutoff because they don't seem
3 to be aware of that.

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

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of U-46 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Unanimous.

15 Next is U-47, a resolution
16 authorizing the County Executive to execute
17 a use and occupancy agreement between the
18 County of Nassau acting on behalf of the
19 Nassau County Department of Parks Recreation
20 and Friends of Bailey Arboretum.

21 A motion, please.

22 LEGISLATOR NICOLELLO: So moved.

23 LEGISLATOR SCHAEFER: Second.

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

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2 Schaefer.

3 MS. KRIEB: Eileen Krieb,
4 Department of Parks. This is a use and
5 occupancy agreement essentially the same as
6 had been approved previously by the
7 Legislature.

8 It's an agreement that is
9 revocable at will with notice and it's an
10 agreement in the nature of operations, an
11 agreement solely for the benefit of Nassau
12 County by a nonprofit.

13 It's open every day all year
14 round to the public and there is no fee to
15 visit the arboretum.

16 CHAIRWOMAN GONSALVES: Are there
17 any questions or comments from the
18 legislators? Minority Leader? Legislator
19 DeRiggi-Whitton.

20 LEGISLATOR DERIGGI-WHITTON: If
21 it's okay? Eileen, obviously it's a
22 beautiful place but I just want to ask for
23 clarification, how are the fees approved by
24 the county?

25 MS. KRIEB: This contract should

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2 be a penny contract, not a dollar, it's a
3 typo. So it's been categorized in the wrong
4 area. We don't pay them anything and they
5 don't pay us anything except sometimes
6 randomly we give them a hotel motel grant
7 for an educational program. But there is no
8 annual stipend paid to them and they're self
9 sustaining.

10 LEGISLATOR DERIGGI-WHITTON: Do
11 we have to amend that or are we okay with it
12 this way? We may want to fix the Section 7
13 on it. It just seems to not be correct.

14 MS. KRIEB: What is Section 7,
15 hours of operations?

16 LEGISLATOR DERIGGI-WHITTON: Yes.
17 May institute discretionary admission fee.
18 I don't know. I think it -- I love this
19 place. I'm not saying we shouldn't do it,
20 just have it cleaned up a little before we
21 issue it.

22 MS. KRIEB: The term of the
23 contract has already expired so we would
24 like to move forward on it. I'm not sure
25 how legally to change this.

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2 LEGISLATOR DERIGGI-WHITTON:

3 Presiding Officer, are you okay with it
4 reading this way? I don't know.

5 CHAIRWOMAN GONSALVES: Legislator
6 DeRiggi-Whitton, what is it that you would
7 likes to see that is not here? I have
8 something in front of me but I want to make
9 sure we are on the same page.

10 LEGISLATOR DERIGGI-WHITTON: Just
11 like Eileen mentioned, that we should
12 probably adjust the fee policy to match what
13 it actually is.

14 MS. KRIEB: It says the grantee
15 may institute discretionary admission's fee
16 policy so if they are having an event, such
17 as, I can't think of one but like a
18 Halloween event, something, they may have a
19 small donation that's requested. That's
20 what that is implying.

21 LEGISLATOR DERIGGI-WHITTON: So
22 they are allowed to collect fees at times?

23 MS. KRIEB: They are allowed to
24 collect fees. They have weddings there
25 where they do events. They do take in

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2 revenue. It's just that it's used to pay
3 are their own staff for the beautification
4 and landscaping of the facility.

5 LEGISLATOR DERIGGI-WHITTON: I
6 think it's a little confusing the way it's
7 written, but if the Presiding Officer is
8 okay with it, then --

9 CHAIRWOMAN GONSALVES: Fine. Any
10 other concerns or comments from the
11 legislators?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 There being none, all those in
16 favor of U-47 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Thank you very much. That was
21 unanimous.

22 I will now recess the Rules
23 Committee so that the other committees have
24 an opportunity to address their agenda.

25 (Whereupon, the Rules Committee

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2 recessed at 2:30 p.m. and reconvened at 4:28
3 p.m.)

4 CHAIRWOMAN GONSALVES: Rules
5 Committee is back in session and I have a
6 consent calendar and I'm going to call those
7 items first. The testimony of the previous
8 committees be incorporated by reference.

9 (Whereupon, please refer to the
10 minutes of the Health & Social Services
11 Committee, Public Safety Committee, and
12 Finance Committees dated 9-13-17 pertaining
13 to Clerk Items 307, 313, 314, 315, 316, 321,
14 323, 324, 325, 329, 332, 333, 334, 337, 338,
15 340, 341, 342, 343, 344, 345, 346, 348.)

16 The first item is 307, 313, 314,
17 315, 316, 321, 323, 324, 325, 329, 332, 333,
18 334, 337, 338, 340, 341, 342, 343, 344, 345,
19 346, 348. A motion, please.

20 LEGISLATOR NICOLELLO: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Nicolello, seconded by Legislator
24 Muscarella. Any additional questions or
25 comments regarding any of these items?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 If not, all those in favor of the

6 items just called signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 It's unanimous.

11 Now, for the items that were not

12 part of the consent calendar.

13 First item is Item 247, a
14 resolution to authorize the County Executive
15 of the County of Nassau to execute a
16 memorandum of agreement with the Nassau
17 County Investigators Police Benevolent
18 Association with regard to submitting
19 certain matters to the jurisdiction of an
20 interest arbitration panel.

21 A motion, please.

22 LEGISLATOR NICOLELLO: So moved.

23 LEGISLATOR MUSCARELLA: Second.

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

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2 Muscarella.

3 Ms. Locurto, hold on one minute.
4 Before we even discuss this here, we may
5 want to go into executive session.

6 MS. KRISEL: That's exactly
7 correct. I was following the other part of
8 the calendar. We are going to go into
9 executive session. A motion to go into
10 executive session.

11 LEGISLATOR MUSCARELLA: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Muscarella, seconded by
15 Legislator Nicolello. All those in favor of
16 going into executive session for Item 247
17 signify by saying aye.

18 (Aye.)

19 We are going into executive
20 session. I believe the individuals who are
21 involved here are invited to do so.

22 (Whereupon, the Rules Committee
23 recessed into executive session at 4:31
24 p.m. and reconvened at 4:59 p.m.)

25 CHAIRWOMAN GONSALVES: The Rules

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2 Committee is back in session. We are back
3 on to Item 247, the memorandum of agreement
4 with the Nassau County Investigators
5 Benevolent Association.

6 I don't know if we have any
7 further discussion on this item. I don't
8 know if there is anyone here in the public
9 who wants to speak on this item. If not,
10 we're going to take a vote.

11 All those in favor of 247 signify
12 by saying aye.

13 (Aye.)

14 Any against?

15 (No verbal response.)

16 Abstentions?

17 (Abstain.)

18 It's four, zero, and three
19 abstentions. We are waiting for someone
20 else to come back.

21 LEGISLATOR ABRAHAMS: Yes. Madam
22 Presiding Officer, myself, Legislator Bynoe
23 and Legislator DeRiggi-Whitton have decided
24 to abstain. I know Ms. D'Alleva was here
25 from the budget office to give us some

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2 numbers in terms of the cost and we just
3 wanted to hear those numbers before we
4 decided to proceed.

5 CHAIRWOMAN GONSALVES: And we
6 definitely agree with that. No problem.

7 So we tee'd it up and it will go
8 the Full Leg and prior to the Full Leg
9 hopefully we will get the information that
10 we requested. Thank you very much.

11 I'm going out of order, and I
12 know you may not be too happy but I am.

13 The next item is 337, an
14 ordinance amending ordinance number 307B of
15 1977 in relation to the Nassau Community
16 College Board of Trustees' responsibilities
17 as bargaining agent for Nassau County
18 Community College. Thank you for your
19 patience, Kate,

20 MS. MURRAY: My pleasure,
21 Legislator Gonsalves.

22 A motion, please.

23 LEGISLATOR NICOLELLO: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Nicoletto, seconded by Legislator
3 Muscarella.

4 MS. MURRAY: Thank you members of
5 this Legislative Body, Minority Leader
6 Abrahams. Kate Murray on behalf of Nassau
7 Community College.

8 What you have before you for your
9 consideration is a technical amendment of
10 Nassau County ordinance 307B 1977.

11 This ordinance, as you know,
12 generally spells out the responsibilities of
13 the Nassau Community College board of
14 trustees and its agents in negotiating
15 collective bargaining agreements and
16 memorandums of understanding with the unions
17 on campus.

18 Currently this ordinance includes
19 the Nassau Community College Federation of
20 Teachers and also the Adjunct Faculty
21 Association. About six months ago, the
22 PERB, or Public Employees Relations Board
23 certified a new unit on campus and it's for
24 the Nassau Community College administrators.
25 It's approximately a 43 member unit.

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2 Since that has been certified, we
3 are simply asking that this new unit, this
4 new bargaining unit be included in this
5 ordinance.

6 CHAIRWOMAN GONSALVES: Any
7 questions or comments from the legislators?
8 Legislator Bynoe.

9 LEGISLATOR BYNOE: Thank you,
10 Presiding Officer. Hello. So this
11 legislation would simply put this bargaining
12 unit in the same level within the same
13 reaches as the others and authorizing the
14 same entities to -- well, I should say
15 authorize the same entities to engage in
16 bargaining on their behalf?

17 MS. MURRAY: Exactly.

18 LEGISLATOR BYNOE: So this
19 actually mirrors exactly what is in place
20 for the others?

21 MS. MURRAY: Yes, exactly right,
22 Legislator Bynoe. The same rights,
23 responsibilities, privileges of the Nassau
24 Community College Board of Trustees, the
25 County Legislature, all of the authority

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2 that rests in those bodies today would still
3 rest in those bodies after this amendment.

4 As I say, this is simply a brand
5 new bargaining unit on campus and we're just
6 asking for it to be treated in exactly the
7 same way that the NCCFT and the AFA have
8 been treated for many years.

9 LEGISLATOR BYNOE: And, when
10 developing this legislation, the bargaining
11 unit that was just newly formed for the
12 administrators at the college, their union
13 president had an opportunity to look at this
14 legislation?

15 MS. MURRAY: I'm not sure if the
16 new president of the NCCAA has had that
17 opportunity.

18 I have to be absolutely truthful
19 as always, I do not know that answer. I
20 don't believe so but if you would like,
21 Legislator Bynoe and all the legislators, if
22 you would like some sort of correspondence
23 from the newly formed unit, that they are in
24 agreement to be treated the same way as
25 their fellow unions on campus, we would be

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2 happy to provide that.

3 LEGISLATOR BYNOE: Because when
4 there was a comparison done, because I was
5 questioning, part of the legal team here
6 looked at it and felt that it wasn't apples
7 to apples in terms of the granting of the
8 authority of the board as opposed to the
9 power and sharing the power with the
10 Legislature, or the County Executive for me
11 to be exact, with the County Executive.

12 It looked like this, according to
13 their analysis, was kind of shifting power
14 more to the college as opposed to there
15 being any responsibility for the County
16 Executive to sign off on the agreements that
17 are reached by the board and the bargaining
18 unit.

19 MS. MURRAY: Well, as you
20 certainly know, the county and Nassau
21 Community College are co-employers, joint
22 employers of all the people on the college
23 and everywhere else.

24 That remains the same until
25 ultimately the county and the County

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2 Legislature would have the same exact
3 authority to confirm to affirm any kind of
4 MOU or collective bargaining agreement that
5 was struck as before. That would not
6 change.

7 As I say, the authority, as I
8 understand from our outside counsel, the
9 authority would remain just the same as it
10 is today. This is just simply adding
11 another recognized unit.

12 LEGISLATOR BYNOE: Again, when I
13 was asking questions about this, they did a
14 comparison and the original language of the
15 1977 ordinance and the proposed ordinance
16 for now 2017, there is a real difference
17 here in being able to -- it looks like they
18 broadened the authority of the board.

19 MS. MURRAY: If there is a
20 perception that it's broadened, it would be
21 based on what has actually been happening
22 for well over a decade. In fact, on the
23 ground, the County Executives in a
24 bipartisan manner have not entered into any
25 kind of specific negotiations with the

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2 bargaining units on campus for many years.

3 So that would continue from our
4 perspective, that would continue with this
5 ordinance.

6 We're not looking to expand the
7 powers of the college but to be more
8 reflective of what actually happens on the
9 ground with regard to negotiating the
10 contracts with the NCCFT and AFA, and now
11 hopefully with the NCCAA, the new
12 administrators union.

13 LEGISLATOR BYNOE: Because not
14 only does it give them the ability to engage
15 in the negotiations, it also then gives them
16 the authority to administer the contract.
17 So it looks like there's something here it's
18 really not apples to apples.

19 I believe that the unions that
20 are, I guess, governed under the 1977
21 ordinance, would not be dealt with the same
22 way unless you're telling me that the ones,
23 what I thought I heard you say, and correct
24 me if I'm wrong, basically what has been
25 happening on campus mirrors what you are

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2 saying is in this 2017 ordinance?

3 MS. MURRAY: Yes, exactly.

4 That's exactly what I'm saying.

5 LEGISLATOR BYNOE: But let me
6 finish my train of thought. But,
7 technically, if there were to be some push
8 back from the union as to how they're being
9 dealt with, the unions that are governed
10 under the 1977 ordinance would potentially
11 have a different legal argument than the
12 union under the 2017 ordinance.

13 So I think if we're saying
14 they're going to mirror each other, I think
15 that the language and the intent has to
16 mirror each other. Because the intent of
17 the 2017 ordinance is clearly broader than
18 and grants some additional authority as
19 opposed to what's in the 1977 ordinance.
20 And I have a concern about that.

21 Even based on -- I think we need
22 to look at that based on what education law
23 says is appropriate, and then ultimately the
24 concern would be with middle states being
25 involved, and their concern about

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2 governance, and board acceptable behavior by
3 the board, I wonder if they would in fact
4 have a problem with this change in the
5 ordinance for this new bargaining unit and
6 it not mirroring what is in place for the
7 other unions.

8 MS. MURRAY: I think our feeling
9 was quite the opposite. That we wanted to
10 add this new bargaining unit to this
11 ordinance so that all three bargaining units
12 on campus, FT, AFA and now the AA group,
13 that they would stand on the same footing,
14 that they would be part and parcel of the
15 same exact ordinance so that there wouldn't
16 be any disparate treatment between one
17 bargaining unit and the other.

18 That's why we simply wanted to
19 add this new bargaining unit to the two that
20 are already existing so that everybody is on
21 a level playing field. That was our
22 impetus.

23 LEGISLATOR BYNOE: Right. But I
24 think we don't actually achieve it because
25 we added some language in there to mirror or

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2 to basically illustrate what is currently
3 happening.

4 So, instead of making it a best
5 practice, because that's basically what it
6 is now, the way you are engaging with the
7 folks in the 1977 ordinance, that's a best
8 practice, the way you are engaging with them
9 now, you are making it an actual part of the
10 law. Right?

11 So it's not mirroring apples to
12 apples. I really think we need to look at
13 this to ensure there isn't any disparity in
14 how we are treating the unions.

15 MS. MURRAY: Because that's
16 exactly the opposite of what our goal was.
17 By adding the new unit, we wanted all three
18 units to be housed in and codified in the
19 same exact ordinance so that everybody was
20 on the same playing field. That was our
21 intent.

22 LEGISLATOR BYNOE: So, I think
23 there are some concerns that need to be
24 dealt with before this is really called for
25 a vote.

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2 Before I ask for this to
3 potentially be tabled, I want to ask you if
4 there is any urgency or time lines
5 associated with this so that we are fully
6 aware of how we need to proceed to assist
7 the college in moving forward.

8 But I do think that this sets up
9 a situation that -- because I'm left to ask,
10 where is the president of the university in
11 all of this, when it likes like in the past
12 the board had the ability to bargain and
13 negotiate the contract and then it was the
14 president's responsibility to administer the
15 contract.

16 So now based on what I'm reading,
17 it looks like it takes him out of the mix.

18 MS. MURRAY: That's is definitely
19 not the --

20 LEGISLATOR BYNOE: But based on
21 the reading and interpretation that I rely
22 on from the legal counsel here, that's what
23 I'm left to wonder and to ponder on and to
24 really feel we need to maybe look at this a
25 little closer and maybe someone from the

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2 legal staff of the majority and the minority
3 counsel along with maybe whoever drafted can
4 come together and maybe clarify.

5 MS. MURRAY: Our outside counsel.

6 LEGISLATOR BYNOE: Yes, maybe
7 come together and clarify.

8 Presiding Officer, I think that's
9 what would be beneficial at this time.
10 Thank you.

11 CHAIRWOMAN GONSALVES: Since this
12 goes on the Full Leg, my question is that
13 since this is an amendment to the ordinance
14 of 1977, to include this particular group,
15 am I right?

16 MS. MURRAY: You are exactly
17 right.

18 CHAIRWOMAN GONSALVES: Now, I
19 know you have questions, you have concerns.
20 We can probably address those concerns
21 before the September 25th meeting.

22 So we can tee this up so we can
23 go forward on September 25th. Is that okay
24 with you, Legislator Bynoe? We will get our
25 questions.

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2 LEGISLATOR BYNOE: I will be
3 forced to abstain based on the fact that we
4 are moving forward.

5 CHAIRWOMAN GONSALVES: Okay.
6 That's your privilege.

7 So if there are no other comments
8 regarding this particular piece of
9 legislation, any public comment?

10 (No verbal response.)

11 I don't believe so. I'm going to
12 ask, thank you, Ms. Murray.

13 MS. MURRAY: If it would help
14 this legislative body to move where they
15 need to be, their comfort level, I can
16 certain have our outside counsel to provide
17 a memo to all of the members of the
18 Legislature and hopefully that would raise
19 some comfort levels.

20 CHAIRWOMAN GONSALVES: That would
21 be a good idea.

22 LEGISLATOR BYNOE: May I ask who
23 your counsel is?

24 MS. MURRAY: John Gross.

25 LEGISLATOR BYNOE: And he will

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2 make himself available of these questions
3 from our legal counsel?

4 MS. MURRAY: Absolutely.

5 CHAIRWOMAN GONSALVES: There be
6 no other discussion, all those in favor of
7 Item 337 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Any abstentions?

12 (Abstain.)

13 Four ayes and three abstentions.

14 We need that information, Kate.
15 See what we can do.

16 I'm going to go on to Item 309
17 which is an intermunicipal agreement with
18 the Town of Hempstead in relation to
19 providing a vehicle seized under the Asset
20 Forfeiture Law to the town.

21 LEGISLATOR SCHAEFER: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Schaefer, seconded by Legislator
25 Muscarella. I know we have the lieutenant

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2 here.

3 LIEUTENANT STEPHANOFF:

4 Lieutenant Greg Stephanoff, Nassau County
5 Police Department. Item 309 of 2017 is an
6 intermunicipal agreement between the County
7 and the Town of Hempstead to allow the
8 transfer of title of one seized vehicle to
9 the Town of Hempstead.

10 This was a joint investigation
11 done with the police department and the
12 investigations unit of the Town of Hempstead
13 and the items that were seized from these
14 investigations, that this was the equitable
15 sharing agreement, this was their item that
16 was seized.

17 So we are transferring it to them
18 as part of the agreement.

19 CHAIRWOMAN GONSALVES: Any
20 questions or comments from the legislators?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of Item 309 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (Nay.)

5 The item passes four to three.

6 Thank you very much.

7 The next item is 327, a
8 resolution authorizing the County Executive
9 to execute an intermunicipal agreement with
10 the Hicksville Fire District in relation to
11 updating a fire prevention trailer.

12 A motion, please.

13 LEGISLATOR NICOLELLO: So moved.

14 LEGISLATOR MUSCARELLA: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Nicolello, seconded by Legislator
17 Muscarella. Who is going to talk to us
18 about this one?

19 MR. BECKER: Madam Chair, this
20 is a CRP for legislators and indicates this
21 is for Hicksville, a fire prevention
22 trailer.

23 CHAIRWOMAN GONSALVES: Any
24 questions or comments to Mr. Becker? Sure,
25 go ahead.

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2 LEGISLATOR ABRAHAMS: Thank you.
3 Just a question.

4 CHAIRWOMAN GONSALVES: Go ahead.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Madam Presiding Officer. How are you, Fran?
7 I guess it's probably not really a question
8 for you.

9 Obviously we want to see all the
10 CRPS go forward. And I know this is a CRP
11 for Legislator Schaefer and Legislator
12 Walker who share this CRP.

13 It pains us to get this point
14 where we have to like continue to remind
15 everybody that the county is made up of all
16 of our legislative districts. We want to
17 see all the CRPs go forward.

18 Lately we've been forced to vote
19 against these CRPs because we haven't seen
20 that balance in the districts to this side.

21 So, unfortunately, until we get
22 some type of level of understanding that
23 CRPs for all taxpayers, regardless of where
24 they live, will go forward, we are going to
25 be forced to vote against these CRPs.

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2 CHAIRWOMAN GONSALVES: Okay. No
3 problem. The item before us is Item 327.
4 Any public comment?

5 (No verbal response.)

6 There being none, all those in
7 favor of Item 327 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 We have a vote of four to three.

12 The next item is 347, a
13 resolution to confirm the County Executive's
14 appointment of Ann DeMichael to the Nassau
15 County Bridge Authority.

16 A motion, please.

17 LEGISLATOR SCHAEFER: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Schaefer, seconded by Legislator
21 Muscarella. I'm sure this will come before
22 us again in the Full Leg; am I right,
23 Mr. Becker? Are you here to speak on behalf
24 of the Ann DeMichael?

25 MR. BECKER: I am, Madam Chair.

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2 I think Ann DeMichael is well known to many
3 of us here and she will be present at the
4 Full Leg meeting for anybody who would like
5 to ask any questions of her.

6 CHAIRWOMAN GONSALVES: Any public
7 comment regarding Item 347?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor signify by saying aye.

13 LEGISLATOR DERIGGI-WHITTON: I
14 just want to put on the record that this is
15 not a paid position; correct?

16 CHAIRWOMAN GONSALVES: No.

17 LEGISLATOR DERIGGI-WHITTON: So
18 it's not being paid?

19 CHAIRWOMAN GONSALVES: No. No
20 money involved here.

21 All those in favor of Item 347
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 LEGISLATOR ABRAHAMS: It's
3 unanimous.

4 CHAIRWOMAN GONSALVES: That's
5 good. The next item is Item 349, a
6 resolution authorizing the County Executive
7 to execute an intermunicipal agreement with
8 the Village of Lawrence in relation to a
9 project to procure a heavy duty ambulance
10 for the village.

11 A motion, please.

12 LEGISLATOR NICOLELLO: So moved.

13 LEGISLATOR MUSCARELLA: Second.

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

17 MR. BECKER: Madam Chair, this is
18 once again a CRP generated from Legislator
19 Kopel's Office.

20 CHAIRWOMAN GONSALVES: All right.
21 Go ahead, Minority Leader.

22 LEGISLATOR ABRAHAMS: I mean, the
23 day is getting long so I'm not going to talk
24 too long about it, but, again, just our
25 comments again from before from the last

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2 CRP.

3 I mean, obviously we want to see
4 all the CRPs go forward, taxpayers deserve
5 all the CRPs to go forward. There are a
6 stockpile of CRPs that are from districts 1,
7 2, 3, 16, 11, and it just seems to me that
8 all of them should go forward and we would
9 please ask you to reconsider and start to
10 calendar those CRPs from those legislative
11 districts as well, as well as five. I'm
12 forgetting a couple of others. Thank you.

13 CHAIRWOMAN GONSALVES: Legislator
14 Nicolello.

15 LEGISLATOR NICOLELLO: Since you
16 brought it up twice, the reason obviously is
17 because the bulk of the capital plan is not
18 moving forward and some \$90 million are in
19 all of our districts, so once the capital
20 plan moves forward, I assume every one of
21 these CRPs will move as well as other
22 projects that are pending in districts.

23 LEGISLATOR ABRAHAMS: Well, since
24 you brought it up, Rich, you know as well as
25 I know that the money that's paying for

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2 these CRPs has been bonded for, it has been
3 negotiated, and has been agreed to.

4 The only reason the County
5 Executive would ever consider doing any of
6 the IMAs for any of these projects is
7 because we had an agreement.

8 We all went upstairs and we were
9 on the fourth floor, we announced that
10 agreement which it was in conjunction with
11 paying tax certioraris over a three year
12 period.

13 We kept up our side of that
14 agreement. We made sure we serviced the
15 people of Nassau County.

16 However, somehow at this hour, we
17 have decided to forget about the fact that
18 we came up with that agreement that services
19 taxpayers and now we are changing the rules
20 because of the latest bonding situation
21 going on in the county. It's just not
22 right.

23 You want this side to establish
24 two separate agreements and negotiate on the
25 same thing twice. It doesn't make much

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2 sense. We are not going to do that.

3 We all want to see the capital
4 bonding go forward.

5 LEGISLATOR NICOLELLO: See the
6 capital bonding go forward, it affects all
7 our districts. It effects the sewage
8 treatment plants so when that happens, I
9 think every one of these items will go.

10 CHAIRWOMAN GONSALVES: Okay.
11 Points well taken.

12 LEGISLATOR NICOLELLO: Speaking
13 for myself.

14 CHAIRWOMAN GONSALVES: We have
15 two addendum items. First a vote. All
16 those in favor of Item 349 signify by saying
17 aye.

18 (Aye.)

19 Any opposed?

20 (Nay.)

21 Four to three.

22 Now we have two addendum items
23 and I need a motion to suspend the rules,
24 please.

25 LEGISLATOR SCHAEFER: So moved.

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2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Schaefer, seconded by Legislator
5 Nicolello. All those in favor of suspending
6 the rules signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The rules are now suspended. For
11 the first item on the addendum, it's Item
12 410, an intermunicipal agreement with the
13 village of Freeport in relation to a project
14 to install sidewalks, street lighting and
15 street scapes on North Main Street in the
16 incorporated Village of Freeport. This,
17 again, is an IMA and it's area specific.

18 I'm not sure. Did we move on
19 this item? So a motion, please.

20 LEGISLATOR NICOLELLO: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Nicolello, seconded by Legislator
24 Muscarella.

25 As far as the item is concerned

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2 this is area specific and I believe again
3 this is an IMA. This may be right what
4 you're talking about my colleague.

5 I don't believe there is anything
6 we can add to this and I don't know if there
7 is any public comment out there as well.
8 But there being none, all of those in favor
9 of 410 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 LEGISLATOR ABRAHAMS: We're for.

13 (No verbal response.)

14 CHAIRWOMAN GONSALVES: Wow. Now
15 the next one is 350, an ordinance amending
16 ordinance number 28-2016 as amended
17 constituting the Nassau County Fire
18 Prevention Ordinance.

19 A motion, please.

20 LEGISLATOR SCHAEFER: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Schaefer, seconded by Legislator
24 Nicolello. Okay, Assistant Chief. Talk to
25 us. I know you have been sitting here a

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2 long time.

3 ASSISTANT CHIEF UTTARO: No
4 problem. Mike Uttaro from the Nassau County
5 Fire Marshal's Office, Assistant Chief.
6 This is item, 350-17 is an amendment to our
7 existing fire prevention ordinance.

8 Its codes are ever evolving,
9 especially from the state so we have to play
10 catch up many times. Some of these changes
11 have to do with keeping up with the codes
12 and the changes and the referenced standards
13 of New York State.

14 The bulk of the changes in this
15 code have to do with the transferable
16 delegation for the petroleum bulk storage
17 program. It used to be a dual
18 responsibility between the Health Department
19 and the fire marshal.

20 It is now by the New York State
21 DEC's requirements solely with the Health
22 Department.

23 So, therefore, we had to
24 eliminate a couple of our articles and also
25 revise some of the language in order to, for

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2 lack of a better word, please the DEC and
3 ensure they're going to have a smooth
4 delegation and approval for the Health
5 Department to take over.

6 And the last thing, in addition
7 to our penalty section to allow us to have
8 the ability without any problems to write
9 both violations and appearance tickets
10 delivered both to 1st District Court in
11 Hempstead on the New York State Uniform Fire
12 Prevention and Building Code which right now
13 there is a little bit of a gray area. This
14 clears up that matter at the request of the
15 DA's office.

16 CHAIRWOMAN GONSALVES: Any
17 questions or comments for the assistant
18 chief? Legislator DeRiggi-Whitton.

19 LEGISLATOR DERIGGI-WHITTON: Are
20 there any increased fees associated with
21 these changes?

22 ASSISTANT CHIEF UTTARO: No.
23 There's no increase in fees.

24 LEGISLATOR DERIGGI-WHITTON: Now,
25 the second aspect of what you just spoke of,

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2 are you going to be notifying businesses and
3 everyone regarding that issue or you don't
4 think it's necessary?

5 ASSISTANT CHIEF UTTARO: On the
6 issue of the penalty section?

7 LEGISLATOR DERIGGI-WHITTON: Yes.

8 ASSISTANT CHIEF UTTARO: No.
9 Because it doesn't really change what we do.
10 We already write on the existing fire
11 prevention orders which is very similar to
12 the uniform fire code so there really isn't
13 any major changes that would adversely
14 affect anybody.

15 LEGISLATOR DERIGGI-WHITTON:
16 Okay. That's what I was worried about. I
17 didn't want anything to go into place
18 without them being notified.

19 ASSISTANT CHIEF UTTARO:
20 Understood.

21 CHAIRWOMAN GONSALVES: Any other
22 legislator?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 There being none, all those in
3 favor of Item 350 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item passes unanimously.

8 Thank you, Assistant Chief.

9 ASSISTANT CHIEF UTTARO: Thank
10 you.

11 CHAIRWOMAN GONSALVES: Now we
12 have one item. We an item E-170 which was
13 tabled earlier. I want to untable it. I
14 would like a motion?

15 LEGISLATOR SCHAEFER: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Schaefer, seconded by Legislator
19 Nicolello. All those in favor of untabling
20 E-170 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item is now untabled.

25 So I think at this point somebody

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2 has to speak on this item to address some of
3 the concerns we have.

4 MS. KRISEL: Deputy County
5 Attorney Martha Krisel speaking on behalf of
6 the amendment to this existing contract with
7 Bee Ready.

8 The amendment is to revenue and
9 extend the term of the contract for one year
10 and to increase the maximum amount to pay
11 for services during the extended term.

12 I would be happy to answer any
13 questions. Ms. Locurto is also here, chief
14 deputy county attorney, as is our outside
15 counsel Peter Bee.

16 CHAIRWOMAN GONSALVES: Any of you
17 have questions to ask Merrill, Lisa?

18 (No verbal response.)

19 Or any public comment?

20 (No verbal response.)

21 There being none, I'm going to
22 say, all those in favor of E-170 signify by
23 saying aye.

24 (No verbal response.)

25 Any opposed?

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2 (Nay.)

3 The item passes four to three.

4 Now, guess what? Mr. Budnick, I
5 know you had a number of items here that you
6 wanted to talk about, and since we've gone
7 through all of them, you can get up and say
8 your piece.

9 MR. BUDNICK: Madam Chair,
10 Minority Chair, members of the Legislature,
11 I just wanted to bring up about the property
12 that is adjacent to the Massapequa preserve
13 which actually belongs to New York State and
14 apparently right now while it was originally
15 noted for motion to extend that agreement
16 with the County of Nassau with regard to
17 that property, please keep in mind that
18 first of all this whole area of the
19 Massapequa preserve recently has begun to be
20 a location where MS 13 has been leaving
21 bodies. We need to clarify under whose
22 jurisdiction that is.

23 So please keep that in mind that
24 we need to do this for the residents of the
25 Farmingdale-Massapequa area because this is

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2 an important area in their gestalt pattern
3 because the Massapequa preserve is indeed in
4 and on the minds of all the Massapequa
5 residents.

6 CHAIRWOMAN GONSALVES: And,
7 Nassau County, Mr. Budnick, it's important
8 to us.

9 MR. BUDNICK: Amen. And the
10 other thing I wanted to mention is in regard
11 to the additional appropriations with regard
12 to the department of mental health and
13 developmental disabilities, et cetera.

14 We are still experiencing a
15 horrible horrible blight upon our entire
16 county, not to mention the rest of this
17 country, because of the heroin and related
18 epidemics.

19 We need to create an institution
20 somewhere in Nassau County where the
21 services that once were provided by the
22 Michael N. Petito Memorial Topic House are
23 recreated to benefit the young people
24 generally and other people in this county
25 that are suffering so horribly from chemical

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2 abuse of which we are losing so many dead.

3 Indeed Massapequa has become a
4 capital of heroin deaths for Nassau County.
5 Thank you and God bless you. Thanks for
6 putting up with me.

7 CHAIRWOMAN GONSALVES: Thank you
8 too. Motion to adjourn, please.

9 LEGISLATOR SCHAEFER: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Schaefer, seconded by Legislator
13 Nicolello. All those in favor signify by
14 saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 We are now adjourned.

19 (Whereupon, the Rules Committee
20 adjourned at 5:35 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 September day of 27, 2017.

FRANK GRAY