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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, June 5, 2018
1:13 P.M.

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

RICHARD NICOLELLO,
Chairman

HOWARD KOPEL,
Vice Chairman

STEVE RHOADS

LAURA SCHAEFER

KEVAN ABRAHAMS,
Ranking

DELIA DERIGGI-WHITTON

SIELA BYNOE

MICHAEL C. PULITZER,
Clerk of the Legislature

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INSERTS

By Reference:

Clerk Item 146-18,
Locate in minutes of
Planning, Development and the
Environment Committee,
Pages 5-73, dated 6-4-18.....52

1 Rules Committee/6-4-18

2 CHAIRMAN NICOLELLO: I call the
3 Rules Committee to order. Let's start the
4 meeting off as we always do with the Pledge
5 of Allegiance. I would ask Legislator Tom
6 McKevitt to lead us in the Pledge of
7 Allegiance.

8 (The Pledge of Allegiance was
9 recited.)

10 CHAIRMAN NICOLELLO: Thank you,
11 Tom. We'll now start with the Rules
12 Committee. What we do is, there are
13 contracts that come before the Rules
14 Committee which will be called first.

15 The Rules Committee is then put
16 in recess and the other committees are
17 called to hear the items and then the Rules
18 Committee returns later on to consider the
19 same items. There aren't many contracts
20 today so it shouldn't take that long.

21 Mike, would you call the roll,
22 please?

23 CLERK PULITZER: Thank you. Roll
24 call for the Rules Committee. Legislator
25 Siela Bynoe?

1 Rules Committee/6-4-18

2 LEGISLATOR BYNOE: Here.

3 CLERK PULITZER: Legislator Delia
4 DeRiggi-Whitton?

5 LEGISLATOR DERIGGI-WHITTON: Here.

6 CLERK PULITZER: Ranking Member
7 Kevan Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK PULITZER: Legislator Laura
10 Schaefer?

11 LEGISLATOR SCHAEFER: Here.

12 CLERK PULITZER: Legislator

13 Steven Rhoads?

14 LEGISLATOR RHOADS: Here.

15 CLERK PULITZER: Vice-Chairman
16 Howard Kopel?

17 LEGISLATOR KOPEL: Here.

18 CLERK PULITZER: And Chairman

19 Richard Nicoletello?

20 CHAIRMAN NICOLELLO: Here.

21 CLERK PULITZER: We have a
22 quorum, sir.

23 CHAIRMAN NICOLELLO: Thank you.

24 Clerk Item A-2 of 2018, a resolution
25 authorizing the director of Nassau County

1 Rules Committee/6-4-18

2 Office of Purchasing to award and execute a
3 contract between the county and Jeol USA,
4 Inc.

5 LEGISLATOR ABRAHAMS: So moved.

6 LEGISLATOR DERIGGI-WHITTON:

7 Second.

8 CHAIRMAN NICOLELLO: Moved by
9 Minority Leader Abrahams and seconded by
10 Legislator Whitton. Do we have a speaker on
11 this item?

12 MR. GILL: Good afternoon. My
13 name is Mark Gill. I'm the quality
14 assurance coordinator at the Nassau County
15 Medical Examiner, division of forensic
16 services.

17 This is a resolution for the
18 contract for the purchasing of a scanning
19 electron microscope which we will be using
20 for trace evidence analysis primarily in
21 gunshot residue and tape.

22 CHAIRMAN NICOLELLO: Any
23 questions for Mr. Gill? Legislator Bynoe.

24 LEGISLATOR BYNOE: Good
25 afternoon. You said gunshot residue and?

1 Rules Committee/6-4-18

2 MR. GILL: Tape analysis.

3 LEGISLATOR BYNOE: Tape? Can you
4 expound on that?

5 MR. GILL: For certain criminal
6 investigations where tape might come into
7 play, as far as a home invasion, they can do
8 elemental analysis on the tape.

9 LEGISLATOR BYNOE: Thank you.

10 CHAIRMAN NICOLELLO: Any other
11 questions?

12 (No verbal response.)

13 Thank you, Mr. Gill. Is there
14 any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Carries unanimously.

22 A-22 of 2018 is a resolution
23 authorizing the director of the Nassau
24 County Office of Purchasing to award and
25 execute a contract between the county and

1 Rules Committee/6-4-18

2 Sprague Operating Resources, L.L.C.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR RHOADS: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Deputy Presiding Officer Kopel, seconded by
7 Legislator Rhoads. That item is before the
8 committee. Do we have a speaker on A-22?
9 It's a purchase order for heating oil.

10 MS. HORST: Good afternoon.
11 Katie Horst from the County Executive's
12 Office. We are looking -- trying to find
13 Ken Arnold for you.

14 CHAIRMAN NICOLELLO: We will
15 table this until later in the meeting. A
16 motion to table?

17 LEGISLATOR RHOADS: So moved.

18 LEGISLATOR BYNOE: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Legislator Rhoads, seconded by Legislator
21 Bynoe. All those in favor of tabling
22 signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

1 Rules Committee/6-4-18

2 The item is tabled.

3 A-24 of 2018 is a resolution
4 authorizing the Director of the Nassau
5 County Office of Purchasing to award and
6 execute a contract between the county and
7 Tyler Technologies, Inc.

8 LEGISLATOR SCHAEFER: So moved.

9 LEGISLATOR RHOADS: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Schaefer, seconded by Legislator
12 Rhoads.

13 MS. STANTON: Good afternoon,
14 Nancy Stanton, IT Commissioner. This is for
15 maintenance for Tyler Technologies.
16 Departments that use it currently is
17 assessment, ARC, treasurer, and the county
18 attorney, annual maintenance.

19 CHAIRMAN NICOLELLO: The
20 commencement date was January 1st, 2018?

21 MS. STANTON: Yes.

22 CHAIRMAN NICOLELLO: How come
23 it's before us in May?

24 MS. STANTON: My understanding
25 from purchasing is that there were some

1 Rules Committee/6-4-18
2 questions about it being a sole source and
3 there were problems with the disclaimer
4 forms.

5 CHAIRMAN NICOLELLO: Those
6 problems and issues were resolved?

7 MS. STANTON: Correct.

8 CHAIRMAN NICOLELLO: Any
9 questions for Ms. Stanton?

10 LEGISLATOR ABRAHAMS: Thank you,
11 Presiding Officer. I just want to get a
12 clearer understanding of this contract. It
13 seems like it's tied into other things that
14 we approved before, you said it's tied into
15 maintenance?

16 MS. STANTON: Well, it's the
17 annual maintenance for the adapt system.

18 LEGISLATOR ABRAHAMS: In a
19 previous contract, I guess it was E-125 of
20 '07. It goes back away. '17, I'm sorry --
21 it was '07. In the E-125-07 contract, there
22 was an amendment I guess number 7, amendment
23 number 7 for that contract, increased the
24 maximum amount of that contract to
25 \$7,300,350. I guess our question is really,

1 Rules Committee/6-4-18

2 in the backup, why wasn't this brought to
3 the Legislature before? This doesn't seem
4 like a familiar road? What was that for?

5 MS. DOLAN: Kathleen Dolan,
6 Department of IT. They were different. One
7 is the contract.

8 This is through a purchase order
9 and this is the annual maintenance. The
10 other one was to increase the contract
11 itself for services that they were providing
12 or enhancements that they were doing to the
13 program.

14 LEGISLATOR ABRAHAMS: You're
15 saying that amount didn't need to come
16 before the Legislature?

17 MS. DOLAN: No. That amount did.
18 I don't know if it has yet but it's supposed
19 to.

20 LEGISLATOR ABRAHAMS: Our counsel
21 tells us that it didn't. So the \$7,300,350,
22 it didn't come before the Legislature. Can
23 you provide us some back up on when you
24 believe it did?

25 MS. DOLAN: I'm not sure I would

1 Rules Committee/6-4-18

2 have that.

3 LEGISLATOR ABRAHAMS: The only
4 reason we're bringing it up is because it's
5 referenced in the back up in the contract
6 that you presented to us today. That's what
7 drew our attention to it.

8 MS. STANTON: That is a purchase
9 order.

10 LEGISLATOR ABRAHAMS: Let me
11 start over. I understand this is a purchase
12 order. In the backup that was delivered to
13 us I guess by the administration, it
14 indicates that this is tied to E 125-07
15 which an old contract by the number. I can
16 tell by the last two digits.

17 That being said, because this
18 contract, within that contract back up,
19 amendment number 7 for the original contract
20 of E-125-07 increases the maximum amount of
21 the contract to \$7,300,350.

22 My question is, when was this
23 considered in the Legislature because we
24 can't find a record of it. Maybe it's
25 broken up somewhere.

1 Rules Committee/6-4-18

2 MS. STANTON: I don't know. I
3 would have to go back and look.

4 LEGISLATOR ABRAHAMS: I figured
5 that. So I don't know if there's someone
6 here from that can explain the whole
7 contract. It sounds like the E contract as
8 well as the A contract should have been
9 brought to us at the same time and one kind
10 of jumped ahead of the other.

11 MS. STANTON: Perhaps because
12 this was one was delayed. It should have
13 come here in January. Maybe that's the
14 problem.

15 LEGISLATOR ABRAHAMS: I'm not
16 sure. I don't know. That being said, we
17 need a clarification on the \$7 million.

18 MS. STANTON: Okay. I can get
19 that for you.

20 CHAIRMAN NICOLELLO: Legislator
21 DeRiggi-Whitton.

22 LEGISLATOR DERIGGI-WHITTON: Hi.
23 I see this is a mention of this being a sole
24 source?

25 MS. STANTON: Yes.

1 Rules Committee/6-4-18

2 LEGISLATOR DERIGGI-WHITTON: How
3 is that classified as a sole source?

4 MS. STANTON: They wrote the
5 software and we have been using this for
6 many many years. It's private.

7 LEGISLATOR DERIGGI-WHITTON: They
8 are the only ones to update the software?

9 MS. STANTON: Yes.

10 LEGISLATOR DERIGGI-WHITTON: Isn't
11 there usually like a clause once we
12 basically use this company we technically
13 purchase the software? Isn't that normally
14 the case as far as we own the software?

15 MS. STANTON: No.

16 LEGISLATOR DERIGGI-WHITTON: So
17 we don't have any ownership of the software
18 basically?

19 MS. STANTON: No.

20 LEGISLATOR DERIGGI-WHITTON:
21 Thank you.

22 LEGISLATOR ABRAHAMS: Presiding
23 Officer, sorry to jump in. This purchase
24 order is separate from the IT contract with
25 Tyler Technologies, of the work that's being

1 Rules Committee/6-4-18

2 done by Tyler Technologies?

3 MS. STANTON: This is the
4 maintenance that supports the Adapt System.
5 It's an annual maintenance agreement for
6 services for upgrade services.

7 LEGISLATOR ABRAHAMS: Okay.

8 CHAIRMAN NICOLELLO: How long
9 would it take to tell us the status of the
10 other contract?

11 MS. STANTON: I can make a phone
12 call.

13 CHAIRMAN NICOLELLO: Legislator
14 Bynoe

15 LEGISLATOR BYNOE: Thank you,
16 Presiding Officer. It's come to my
17 knowledge there is an opportunity for us to
18 do a knowledge transfer where when we engage
19 with these types of entities who are
20 providing this sole source type of service
21 to us we can actually become the proprietors
22 of that information. That's something we
23 might want to consider moving forward.

24 I'm not sure -- I believe at some
25 point I'm seeing a \$7 million number. My

1 Rules Committee/6-4-18

2 question would also be, how much have we
3 spent over the ten year period on this
4 service with this entity?

5 Because if we're talking about \$7
6 million on this one particular contract and
7 then we're talking about this purchase order
8 at another tune of over half a million
9 dollars, we are over \$8 million just from
10 what I can glean from today.

11 I would like to know how much
12 exactly we have spent with this entity from
13 the beginning of time to this point and I
14 think this whole committee should receive
15 that information. I would love for us to
16 consider looking at this knowledge transfer
17 agreement opportunity where we can at some
18 point then own the information and not have
19 to keep paying for maintenance. Thank you.

20 MS. STANTON: Okay.

21 CHAIRMAN NICOLELLO: So there is
22 at least one more immediate question that
23 needs to be answered now. Why don't we
24 table this and get that answer and we'll
25 call this again later today.

1 Rules Committee/6-4-18

2 LEGISLATOR DERIGGI-WHITTON:

3 Motion to table.

4 LEGISLATOR RHOADS: Second.

5 CHAIRMAN NICOLELLO: Legislator

6 DeRiggi-Whitton makes the motion, seconded

7 by Legislator Rhoads. All in favor of

8 tabling signify by saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 The item is tabled. We're not

13 doing too well so far.

14 A-28 of 2018 is a resolution

15 authorizing the director of the Office of

16 Purchasing to request oversight of a

17 contract between the county and Thomas &

18 West.

19 LEGISLATOR RHOADS: So moved.

20 LEGISLATOR BYNOE: Second.

21 CHAIRMAN NICOLELLO: Moved by

22 Legislator Rhoads and seconded by Legislator

23 Bynoe.

24 MR. MCMANUS: Bob McManus,

25 District Attorney's Office. A number of

1 Rules Committee/6-4-18

2 county agencies avail themselves of the
3 services provided under the Thomson West
4 agreement. Westlaw is an online legal
5 research service that is an important
6 resource for attorneys.

7 It provides proprietary database
8 services, information resources that include
9 more than 40,000 databases of case law,
10 state and federal statutes, administrative
11 codes, public records, media articles, and
12 other sources of information.

13 The District Attorney's Office
14 currently has approximately 175 authorized
15 users of this service.

16 CHAIRMAN NICOLELLO: This is a
17 great product I have to say myself. I have
18 used it over many years. Anyone have any
19 questions?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 All those in favor signify by
24 saying aye.

25 (Aye.)

1 Rules Committee/6-4-18

2 Those opposed?

3 (No verbal response.)

4 Thank you. Passes unanimously.

5 A-34 of 2018 is a resolution
6 authorizing the director of the Nassau
7 County Office of Purchasing to award and
8 execute a contract between the county and
9 Mensch Mill & Lumber.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR ABRAHAMS: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Deputy Presiding Officer Kopel, seconded by
14 Minority Leader Abrahams.

15 CHAIRMAN NICOLELLO: Is there a
16 second one. Consider them both? No. Okay.

17 MR. NIMMO: William Nimmo, Deputy
18 Commissioner of Public Works.

19 CHAIRMAN NICOLELLO: We have a
20 second one. Let me call that together so we
21 can consider them both.

22 A-37 of 2018 is also a resolution
23 authorizing the director of purchasing to
24 award and execute a contract between the
25 county and Mensch Mill and Lumber.

1 Rules Committee/6-4-18

2 LEGISLATOR KOPEL: So moved.

3 LEGISLATOR ABRAHAMS: Second.

4 CHAIRMAN NICOLELLO: That one is
5 also moved by Deputy Presiding Officer Kopel
6 and seconded by Minority Leader Abrahams.

7 MR. NIMMO: These are for items
8 that are used by facilities maintenance,
9 plywood dimensional lumber.

10 CHAIRMAN NICOLELLO: Any
11 questions on these two contracts? Good
12 presentation.

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Those two items carry
22 unanimously.

23 Item A-35 of 2018 is a resolution
24 authorizing the director of the Office of
25 Purchasing to award and execute a contract

1 Rules Committee/6-4-18
2 between the county and the Rockland Bakery,
3 Inc.

4 LEGISLATOR SCHAEFER: So moved.

5 LEGISLATOR BYNOE: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Schaefer and seconded by
8 Legislator Bynoe. We need a speaker on the
9 item.

10 MR. ALBRIGHT: Alphonso Albright,
11 Commissioner, Nassau County Department of
12 Corrections.

13 The purpose of this contract is a
14 purchase order for fresh bread products for
15 the Nassau County Correctional Center. The
16 bid went out to five vendors. One vendor
17 was approved, Rockland Bakery located in
18 Nanuet, New York.

19 The funding was approved. There
20 was a history of good quality with Rockland
21 bakery so we didn't see any problems with
22 the purchase order or the contract.

23 CHAIRMAN NICOLELLO: Do we any
24 questions? Legislator Bynoe.

25 LEGISLATOR BYNOE: Good

1 Rules Committee/6-4-18

2 afternoon. You stated that there were five
3 bids that were received?

4 MR. ALBRIGHT: Yes. Five bids
5 that were copied. Five vendors viewed the
6 bid. None of which were minority women
7 owned or veteran owned. And one vendor
8 submitted a bid, Rockland Bakery.

9 LEGISLATOR BYNOE: Only one bid
10 was received?

11 MR. ALBRIGHT: Yes, submitted.

12 LEGISLATOR BYNOE: So I
13 understood it before as you stating that
14 there were five that were submitted.

15 MR. ALBRIGHT: Five vendors
16 reviewed the bid, sorry.

17 LEGISLATOR BYNOE: So you could
18 tell who reviewed it from the online access,
19 is that what you're stating or they
20 requested a copy of it?

21 MR. ALBRIGHT: Yes, we can
22 totally tell who reviewed it.

23 LEGISLATOR BYNOE: We're
24 comfortable with this one bid that we
25 received?

1 Rules Committee/6-4-18

2 MR. ALBRIGHT: I believe from the
3 notes that I have we are comfortable with
4 the one bid we did receive, they were also
5 the lowest bid.

6 LEGISLATOR BYNOE: They were the
7 only bid?

8 MR. ALBRIGHT: Only bid.

9 LEGISLATOR BYNOE: They were the
10 highest bid and the lowest bid.

11 MR. ALBRIGHT: Highest and lowest
12 bid.

13 LEGISLATOR BYNOE: There is a lot
14 of controversy around the bread in the jail
15 so let me ask one more question.

16 MR. SCHLERNOFF: Michael
17 Schlernoff, Office of Purchasing. They are
18 the only organization in the metropolitan
19 area that is able to provide that volume of
20 bakery supplies.

21 LEGISLATOR BYNOE: In all of the
22 Long Island region they were --

23 MR. SCHLERNOFF: In the
24 metropolitan area.

25 LEGISLATOR BYNOE: Then why would

1 Rules Committee/6-4-18

2 five other entities have looked at this?

3 I'm surprised. Who were the other four?

4 MR. SCHLERNOFF: I don't have
5 that information available. Anybody can
6 download the bids to look at them.

7 LEGISLATOR BYNOE: I would be
8 interested to know who the other four were
9 then. If they're the only ones in the
10 metropolitan area that has the potential to
11 provide this level of --

12 MR. SCHLERNOFF: Or who want to
13 deal with Nassau County.

14 LEGISLATOR BYNOE: Can I finish,
15 sir? That's able to provide this level of
16 bakery goods. I find that kind of hard to
17 wraparound my brain because there are other
18 entities within the metropolitan area that
19 would require this level of bakery goods as
20 well.

21 Who is providing bakery goods to
22 Rikers Island? Who is providing bakery
23 goods to Suffolk County? Who is providing
24 bakery goods to the jails in Rockland
25 County? Why is it that there's only one

1 Rules Committee/6-4-18

2 that is able to provide this?

3 MR. SCHLERNOFF: Or who wants to
4 do business with Nassau County.

5 LEGISLATOR BYNOE: So wouldn't
6 they want to do business with Nassau County?

7 MR. SCHLERNOFF: Because we don't
8 pay on time and put up too much red tape and
9 that's what I testified to at the trial in
10 Islip.

11 LEGISLATOR BYNOE: Let's not
12 start that discussion about the trial in
13 Islip. If we want to bring up the trial in
14 Islip, if we start going down that lane we
15 might be here for a little bit. 12 weeks.

16 I just want to talk about the
17 idea that we only have one responder. I
18 find that to be kind of odd. I think that's
19 an outlier. Something to add?

20 MS. HORST: We can work on
21 getting you who supplies to Rikers and
22 Suffolk County. We can get you that
23 information.

24 LEGISLATOR BYNOE: I would like
25 to know who are the other four are as well

1 Rules Committee/6-4-18

2 who requested.

3 MS. HORST: Okay. I don't know
4 if we have that information but I will find
5 out if we can and give it to you.

6 LEGISLATOR BYNOE: Okay.

7 CHAIRMAN NICOLELLO: Legislator
8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON:
10 Thank you. I know this is going to sound
11 strange, but with the restaurant business,
12 can you find out how much we are paying per
13 roll? I know that sounds nuts, but there is
14 a scale, just rolls. No butter.

15 CHAIRMAN NICOLELLO: What about
16 bagels?

17 LEGISLATOR DERIGGI-WHITTON: It's
18 for rolls. Let's see how much it is per
19 roll because believe it or not there is huge
20 discrepancy sometimes. It was 50 cents.

21 CHAIRMAN NICOLELLO:
22 Mr. Schlernoff does have a point. Nassau
23 County does not pay on time, we delay our
24 payments for various reasons because of the
25 process and we also have an inordinate

1 Rules Committee/6-4-18

2 amount of paperwork that has to be sorted
3 through.

4 That is probably a disincentive
5 to some contracts. I'm not saying it's a
6 disincentive to all but as we are trying to
7 expand our base of people that are bidding
8 on things I think some of our practices are
9 defeating that ideal.

10 LEGISLATOR BYNOE: Presiding
11 Officer, we believe that our process is
12 elongated in excess of what New York City
13 might be also requiring of their vendors.

14 CHAIRMAN NICOLELLO: I don't know
15 about elongated but I know the payment takes
16 a long, long time to reach our vendors.

17 LEGISLATOR BYNOE: We need to
18 look at that, to be honest, I think that's a
19 failure on our behalf if we can't get a
20 payment to vendors timely enough for folks
21 who want to work with us. That's not
22 something we should be accepting of.

23 CHAIRMAN NICOLELLO: I agree.

24 MR. ALBRIGHT: A quick note.
25 This is my impression. If this is not

1 Rules Committee/6-4-18

2 approved we may or may not have bread in the
3 jail by July 1st. Something I just wanted
4 to put on the record.

5 CHAIRMAN NICOLELLO: We had some
6 questions that have been placed before and
7 there's been commitments that there will be
8 answers to those questions. So there is no
9 motion to table at this time.

10 Does anyone have any additional
11 questions on this item?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 All those in favor of Item A-35
16 of 2018 signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Carries unanimously.

21 A-36 of 2018 is a resolution
22 authorizing the director of the Office of
23 Purchasing to award and execute a contract
24 between the county and Matco Service Corp.

25 LEGISLATOR RHOADS: So moved.

1 Rules Committee/6-4-18

2 LEGISLATOR DERIGGI-WHITTON:

3 Second.

4 CHAIRMAN NICOLELLO: That item is
5 moved by Legislator Rhoads and seconded by
6 Legislator Whitton.

7 MR. NIMMO: William Nimmo, Deputy
8 Commissioner of Public Works for Nassau
9 County. This is a contract for
10 air-conditioning repair on our buildings run
11 through the facilities maintenance group.

12 CHAIRMAN NICOLELLO: Any
13 questions?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Carries unanimously.

23 E-62, a resolution authorizing
24 the County Executive to execute a personal
25 services agreement between the county and

1 Rules Committee/6-4-18

2 the Atlantic Wind Symphony.

3 Actually, I'm going to call E-63,
4 that's a similar subject. It's a resolution
5 authorizing the County Executive to execute
6 an amendment to a personal services
7 agreement between the county and LAR
8 Enterprises, Inc.

9 LEGISLATOR BYNOE: So moved.

10 LEGISLATOR RHOADS: Second.

11 CHAIRMAN NICOLELLO: Those items
12 are moved by Legislator Bynoe and seconded
13 by Legislator Rhoads. The two items are
14 before us.

15 MR. NUGENT: Brian Nugent, Nassau
16 County Department of Parks, Recreation and
17 Museums.

18 E-62 is a contract with the
19 Atlantic Wind Symphony, a personal service
20 contract for civil war all brass band
21 performances at Old Bethpage Village. It's
22 funded through Hotel Motel.

23 We feel we put in a timely manner
24 but there were four performances that have
25 taken place totaling \$3,900.

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2 E-63 LAR Enterprises is an
3 amendment to a personal service contract to
4 attain, produce and manage musical
5 performances at Lakeside Theatre, Grant Park
6 and Christopher Morley.

7 This is an amendment for the 2018
8 shows and none of those shows have taken
9 place yet.

10 CHAIRMAN NICOLELLO: Any
11 questions for Mr. Nugent?

12 (No verbal response.)

13 Hearing none, is there any public
14 comment?

15 (No verbal response.)

16 Thank you, Mr. Nugent. All those
17 in favor signify by saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Those two carry unanimously.

22 E-65 of 2018 is a resolution
23 authorizing the County Executive to execute
24 an amendment to a personal services
25 agreement between the county and Wilson

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2 Appraisal Services.

3 LEGISLATOR ABRAHAMS: So moved.

4 LEGISLATOR DERIGGI-WHITTON:

5 Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Abrahams, seconded by Legislator
8 Whitton.

9 MS. HORST: We withdraw that
10 earlier this afternoon.

11 CHAIRMAN NICOLELLO: It's been
12 withdrawn, all right.

13 E-66 of 2018 is a resolution
14 authorizing the County Executive to execute
15 a personal services agreement between the
16 county and Enright Court Reporting, Inc.

17 LEGISLATOR DERIGGI-WHITTON: So
18 moved.

19 LEGISLATOR RHOADS: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator Whitton and seconded by
22 Legislator Rhoads.

23 MR. LIBERT: Good afternoon.

24 Brian Libert, assistant county attorney from
25 the County Attorney's Office.

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2 This is a contract with Enright
3 Court Reporting Services. There was an RFP
4 performed and they were one of the top three
5 selected. If you have any questions of
6 course I'm available to answer those.

7 CHAIRMAN NICOLELLO: So there are
8 two other Court Reporting Services that are
9 in use?

10 MR. LIBERT: That is correct. I
11 believe we actually did that a couple of
12 weeks back.

13 CHAIRMAN NICOLELLO: And the
14 County Attorney's Office will rotate the
15 court reporters depending on the needs?

16 MR. LIBERT: That's correct.

17 CHAIRMAN NICOLELLO: Any
18 questions or comments?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 Carries unanimously. Thank you,
4 Mr. Libert.

5 U-10, U-11, U-12 and U-13. I'm
6 going to read these all together.

7 A resolution authorizing the
8 County Executive to execute a personal
9 services agreement between the County of
10 Nassau acting on behalf of the Department of
11 Human Services and the Association For the
12 Community Parent Center Inc., also acting on
13 behalf of the Nassau County DA's office and
14 Maria Ploth;

15 And the Department of Human
16 Services, Office of Youth Services and
17 Belmont Childcare as well as the Department
18 of Parks, Recreation and Museums and Janet
19 Demarest.

20 LEGISLATOR RHOADS: So moved.

21 LEGISLATOR SCHAEFER: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Rhoads, seconded by Legislator
24 Schaefer. All four items are before us. If
25 we need to vote separately, we can, but

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2 let's see what we have.

3 MR. HALL: Brian Hall, Human
4 Services. U-10-18 is a contract between
5 Human Services and the Office of Youth
6 Services with the Association For Community
7 Parent Center. This is a January contract
8 which, as you're aware, we had to change the
9 allocations for the youth service one, so it
10 went out a little late and also we had a
11 trouble with the forms on that one but it's
12 ready to be executed.

13 CHAIRMAN NICOLELLO: Is that for
14 the full year, this contract?

15 MR. HALL: Nine months.

16 CHAIRMAN NICOLELLO: How come? I
17 thought they had extended funding for the
18 entire year.

19 MR. HALL: I'm not completely
20 aware of it, but I thought that was part of
21 today's, one of the transfers going through.
22 We are in the process of extending all of
23 the youth service vendors to the full year
24 and we do plan on getting those amendments
25 out sometime at the end of this week or next

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2 week which will make them whole again.

3 CHAIRMAN NICOLELLO: You are not
4 in a position to do the full year contract
5 until those transfers?

6 MR. HALL: Well, we did the nine
7 month contracts so they're able to get
8 started and be able to make their payrolls
9 for the first nine months. At that point we
10 weren't 100 percent sure we would get the
11 extra money for the last three months.

12 CHAIRMAN NICOLELLO: But in terms
13 of this one, this still has to be a nine
14 month contract because those transfers
15 hadn't been made yet, right?

16 MR. HALL: Right. We had to
17 start all over again and they had already
18 waited long enough.

19 CHAIRMAN NICOLELLO: So you
20 negotiated a nine month contract, that's the
21 term in the contract itself that was signed?

22 MR. HALL: Yes.

23 CHAIRMAN NICOLELLO: All right.
24 I understand. Can you speak to any of the
25 other items?

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2 MR. HALL: Yes. U 12-18 is the
3 same example except that's with the Belmont
4 Childcare Association.

5 CHAIRMAN NICOLELLO: Before I go
6 to the other speakers, any questions on
7 these two items?

8 (No verbal response.)

9 MR. MCMANUS: Bob McManus,
10 District Attorney's Office. Item U-11-18 is
11 an agreement with Maria Ploth who is
12 currently program coordinator and
13 specialized operator of the district
14 attorney's operation safe child program.

15 She's the only person with the
16 certification, expertise, training and
17 experience who has made herself available to
18 operate the program.

19 She has been trained by DCJS and
20 maintains credentials through them. This
21 service cannot be performed by any other
22 vendor at this time.

23 The high demand for operation
24 safe child programs for schools, youth
25 agencies, civic associations, fire

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2 departments and other community
3 organizations consistently requires that the
4 program is conducted on evenings and
5 weekends and Mrs. Ploth is able to make
6 herself available at those times.

7 CHAIRMAN NICOLELLO: Any
8 questions for Mr. McManus?

9 (No verbal response.)

10 Thank you. The other item that
11 we have is U-13 which is the Parks
12 Department and Janet Demarest.

13 MR. NUGENT: Brian Nugent, Nassau
14 County Department of Parks. U-13 is a
15 \$10,000 personal service agreement funded
16 through Hotel Motel for Janet Demarest to
17 perform historic story telling performances
18 and workshops at Old Bethpage Village
19 Restoration.

20 CHAIRMAN NICOLELLO: Any
21 questions?

22 (No verbal response.)

23 Thank you, Mr. Nugent.

24 Is there any public comment?

25 (No verbal response.)

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2 I'm going to call all four now
3 for a vote. U-10, U-11, U-12 and U-13, all
4 those in favor signify by saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 Those four carry unanimously.

9 Let's go back to the two tabled
10 contracts and see if we have speakers on
11 those. First we have to wait for Mr. Arnold
12 on A-22, is he here?

13 MR. NIMMO: I apologize I was
14 supposed to discuss that before and I was
15 not prepared at the time.

16 CHAIRMAN NICOLELLO: Let me first
17 have a motion to untable.

18 LEGISLATOR KOPEL: So moved.

19 LEGISLATOR BYNOE: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Deputy Presiding Officer Kopel, seconded by
22 Legislator Bynoe. All those in favor of
23 untabling signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 Now it's on the table.

4 MR. NIMMO: Bill Nimmo, Deputy
5 Commissioner of Public Works for Nassau
6 County. This is just a purchase for heating
7 oil for the buildings.

8 CHAIRMAN NICOLELLO: Questions
9 about some of the back up. There is one,
10 David Glindon, principal questionnaire form.
11 It indicates that there is an attachment
12 there was no attachment in the back up. Is
13 anyone able to address that?

14 MR. NIMMO: It's Mike Schlernoff
15 here, purchasing put out the bid.

16 CHAIRMAN NICOLELLO: There's
17 also apparently a blank principal
18 questionnaire form for Kevin Henry included
19 within the back up.

20 MR. NIMMO: Again, purchasing put
21 out the bid.

22 CHAIRMAN NICOLELLO: Who does the
23 checking on the questionnaires?

24 MR. NIMMO: That would be the
25 purchasing department.

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2 CHAIRMAN NICOLELLO: Is Mr.

3 Schlernoff still here or did he leave?

4 Without answers to those

5 questions, I believe we will table this

6 again and take it up at an appropriate time.

7 Have a motion to table?

8 LEGISLATOR DERIGGI-WHITTON: So

9 moved.

10 LEGISLATOR SCHAEFER: Second.

11 CHAIRMAN NICOLELLO: Motion by

12 Legislator DeRiggi-Whitton, seconded by

13 Legislator Schaefer.

14 All those in favor signify by

15 saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 It's tabled.

20 Now the other question was the

21 question for the IT department. Ms.

22 Stanton, do you have answers? A-24. If so

23 I will make a motion to untable.

24 LEGISLATOR SCHAEFER: Second.

25 CHAIRMAN NICOLELLO: Seconded by

1 Rules Committee/6-4-18
2 Legislator Schaefer. All in favor of
3 untabling signify by saying aye.

4 (Aye.)

5 Now it's back before us.

6 MS. STANTON: So in 2007, the
7 original purchase was \$5.5 million. In
8 2011, there was another million two that was
9 requested for enhancements which was called
10 phase two.

11 There is now an amendment out
12 there which I'm not sure you have seen or
13 not for \$270,000 for other enhancements
14 including the DAF and things like that.

15 What we are asking you to approve
16 today is for annual maintenance which runs
17 from the first of the year to the end of the
18 year and that's system upgrades,
19 enhancements, versions, that kind of stuff.

20 CHAIRMAN NICOLELLO: So the two
21 earlier contracts were for the product
22 itself?

23 MS. STANTON: The original was
24 for \$5.5 million and then later on in 2011,
25 there was a \$1.2 million for enhancements, a

1 Rules Committee/6-4-18

2 phase two, new functionality.

3 CHAIRMAN NICOLELLO: This is
4 simply to maintain?

5 MS. STANTON: This is just to
6 maintain it. This is an annual thing.
7 Every year we pay somewhere around 550, 560,
8 570.

9 CHAIRMAN NICOLELLO: Any
10 questions?

11 LEGISLATOR RHOADS: I just want
12 to make sure I understand. We've spent \$7
13 million on the system and we actually don't
14 own it?

15 MS. STANTON: No, we have a
16 vendor. It's a sole source. Throughout
17 assessment, ARC.

18 LEGISLATOR RHOADS: So
19 essentially us approving this maintenance
20 contract is purely ministerial? In other
21 words, we don't really have a choice?

22 MS. STANTON: We don't.

23 LEGISLATOR RHOADS: Because they
24 were the only people that can maintain the
25 system they created. And we don't know the

1 Rules Committee/6-4-18

2 system, so if we don't approve this contract
3 we have to go out and buy a whole new system
4 for millions of dollars?

5 MS. STANTON: Correct.

6 LEGISLATOR RHOADS: Thank you.

7 CHAIRMAN NICOLELLO: Any
8 questions?

9 CHAIRMAN NICOLELLO: Minority
10 Leader.

11 LEGISLATOR ABRAHAMS: Hi. The
12 contract, if I'm understanding this
13 correctly, the contract that the Legislature
14 approved, the E contract, which I guess
15 expires in August 2018; am I correct? The
16 over arching contract?

17 MS. STANTON: Yes.

18 LEGISLATOR ABRAHAMS: This
19 maintenance agreement, the period goes
20 beyond that so, in essence, the county is
21 paying for maintenance when the contract
22 expires; is my understanding correct?

23 MS. STANTON: It will be renewed.

24 LEGISLATOR ABRAHAMS: It will be?

25 MS. STANTON: Put it up for

1 Rules Committee/6-4-18

2 renewal, yes.

3 LEGISLATOR ABRAHAMS: So
4 shouldn't we have that renewal in front of
5 us the same time we're doing this
6 maintenance?

7 MS. STANTON: I think the
8 problem is, this should have been in front
9 of you in January and it wasn't.

10 LEGISLATOR ABRAHAMS: Yes, but
11 then the period still goes -- the periods,
12 the ending dates don't line up, that's the
13 issue. What I'm saying is, do you have the
14 E contract amendment? You say it will be
15 renewed.

16 MS. STANTON: Yes, but I don't
17 know it with me. I don't know where it is
18 in the process at this point.

19 LEGISLATOR ABRAHAMS: When will
20 we have it? Can we have it today if we
21 postpone this for a couple of hours?

22 MS. STANTON: I doubt that. I
23 have to see where all the disclosure forms
24 and everything is.

25 CHAIRMAN NICOLELLO: What about

1 Rules Committee/6-4-18

2 in the three weeks? Committee meetings,
3 yes.

4 MS. STANTON: We will try,
5 definitely try.

6 LEGISLATOR ABRAHAMS: Thank you.

7 CHAIRMAN NICOLELLO: We are going
8 to table the maintenance until we have the
9 amendments so we have to decide at the time
10 whether -- you have something to add?

11 MS. STANTON: We rely on this
12 maintenance to keep the system running. If
13 we don't pay the maintenance we're going to
14 have a big problem.

15 MR. MILES: Robert Miles, Deputy
16 County Attorney. Multiple departments use
17 this. We are the assessor for all of the
18 towns. The treasurer's office uses it for
19 processing of funds.

20 If we do not do this, you're
21 going to be -- it's debilitating to the
22 department that needs this on a daily basis.

23 CHAIRMAN NICOLELLO: I hear you,
24 but if you've been operating without the
25 contract in place since January, so why --

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2 MR. MILES: The contract. The
3 amended contract. The contract ends in
4 what? August. So we'll try to put this all
5 together very quickly, but without the
6 maintenance --

7 CHAIRMAN NICOLELLO: I hear you
8 but what I'm saying is, the maintenance, you
9 have been operating without a contract in
10 place for maintenance since January. Why
11 does the world come to an end if you don't
12 have the contract in place within a couple
13 of weeks?

14 MS. STANTON: The vendor is only
15 going to put up with us for so long.

16 CHAIRMAN NICOLELLO: Is there the
17 ability of the county to get out of the
18 maintenance agreement if for whatever reason
19 the amendment is not passed?

20 MS. STANTON: We need maintenance
21 on this.

22 CHAIRMAN NICOLELLO: What I'm
23 saying is, let's say no amendment is granted
24 extending the contract with Tyler beyond
25 August.

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2 Is there the ability to get out
3 of the maintenance agreement assuming that
4 that contract expires in August?

5 MR. MILES: Yes, that's something
6 we would have to review the contract.

7 LEGISLATOR ABRAHAMS: This
8 contract is with Tyler, the overarching
9 contract?

10 MS. STANTON: Yes.

11 LEGISLATOR ABRAHAMS: Tyler is
12 formerly known as Colier Trumble?

13 MS. STANTON: Not that I know of.
14 Tyler Technologies.

15 LEGISLATOR ABRAHAMS: Okay. I'm
16 confusing the wrong Tyler. They're formerly
17 called Colier Trumble.

18 MS. STANTON: Oh, you said
19 formerly?

20 LEGISLATOR ABRAHAMS: Yes.

21 MS. STANTON: I didn't know that.

22 CHAIRMAN NICOLELLO: Do we have a
23 motion to table?

24 MS. STANTON: The extension is
25 in the process. It's in the approval path.

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2 CHAIRMAN NICOLELLO: Look, they
3 have been operating without this maintenance
4 agreement since January. They are a
5 multi state. They have been doing stuff for
6 the county since at least the early 2000s.
7 They're not going anywhere. Three weeks is
8 not going to make a difference.

9 I would just ask again for a
10 motion to table.

11 LEGISLATOR ABRAHAMS: So moved.

12 CHAIRMAN NICOLELLO: Minority
13 Leader Abrahams makes the motion and I'll
14 second it. All those in favor signify by
15 saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 Carries unanimously. Item is
20 tabled. We are going to put the Rules
21 Committee in recess and move on to the rest
22 of the committees.

23 (Whereupon, the Rules Committee
24 recessed at 1:54 p.m. and reconvened at 5:20
25 p.m.)

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2 CHAIRMAN NICOLELLO: Calling the
3 Rules Committee back to order.

4 The first thing I'm going to do
5 is call the consent calendar, items that
6 have gone through other committees and it's
7 the agreement between the majority and the
8 minority that they have to be called now and
9 will be voted on as a group.

10 Clerk Item 208, 209, 210, 211,
11 213, 215, 240, 241, 242, 243, 244, 245, 246,
12 247, 248, 250, 252, 253, 254, 255, 256, and
13 260.

14 LEGISLATOR KOPEL: So moved.

15 LEGISLATOR RHOADS: Second.

16 CHAIRMAN NICOLELLO: Motion by
17 Deputy Presiding Officer Kopel, seconded by
18 Legislator Rhoads.

19 As I said they went through
20 committees before. There is no discussion
21 to be had. Is there any public comment?

22 (No verbal response.)

23 Hearing none, all those in favor
24 signify by saying aye.

25 (Aye.)

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2 Those opposed?

3 (No verbal response.)

4 Carries unanimously.

5 146 of 2018 is a resolution to
6 amend Resolution 107 of 2013, a resolution
7 establishing the Long Island Commission on
8 Aquifer Protection.

9 LEGISLATOR RHOADS: So moved.

10 LEGISLATOR SCHAEFER: Second.

11 CHAIRMAN NICOLELLO: Steve Rhoads
12 will make that motion, seconded by Laura
13 Schaefer. I would just ask that we
14 incorporate by reference the full discussion
15 that was had before in the Planning
16 Committee.

17 (Whereupon, please refer to the
18 minutes of the Planning, Development and
19 Environment Committee dated 6-4-18 at pages
20 5-73 pertaining to Clerk Item 146-18.)

21 CHAIRMAN NICOLELLO: Do we have
22 any discussion or questions at this time?
23 Legislator DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON:
25 Anyone here?

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2 CHAIRMAN NICOLELLO: Is there
3 anyone here for aquifer protection?

4 MR. SCHNEIDER: Brian Schneider,
5 Deputy County Executive for Department of
6 Public Works. I'm joined by Jeff Zabo who
7 is the vice chair for LICAP and John Malazzo
8 who is the legal counsel for LICAP.

9 As you mentioned, Presiding
10 Officer, you are incorporating the minutes
11 from the Planning and Environment Committee?

12 CHAIRMAN NICOLELLO: Yes.

13 MR. SCHNEIDER: So if you have
14 any other questions, we are here to answer
15 them.

16 CHAIRMAN NICOLELLO: Legislator
17 Whitton.

18 LEGISLATOR DERIGGI-WHITTON: Just
19 to clarify, how many voting members do you
20 have on LICAP?

21 MR. ZABO: There are nine voting
22 members.

23 LEGISLATOR DERIGGI-WHITTON:
24 How many of those are water district
25 members?

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2 MR. ZABO: I believe three of the
3 nine.

4 LEGISLATOR DERIGGI-WHITTON: Can
5 I ask, is one of the tasks of LICAP
6 monitoring how much water is taken out of
7 the aquifers?

8 MR. ZABO: That would be a task
9 or a responsibility of USGS. So I know that
10 we have incorporated some of that
11 information into some of our reports. But I
12 wouldn't necessarily say that's part of our
13 core mission. Almost too exclusive to be
14 part of some of our objectives.

15 LEGISLATOR DERIGGI-WHITTON: Do
16 you have an input as to how much water is
17 taken out of the aquifer, do you have any
18 input in that?

19 MR. ZABO: The Commission? No.

20 LEGISLATOR DERIGGI-WHITTON: So
21 there is no monitoring of the amount of
22 water taken out of the aquifer by LICAP?

23 MR. ZABO: Forgive me. I'm not
24 sure if I'm understanding properly.

25 LEGISLATOR DERIGGI-WHITTON: When

1 Rules Committee/6-4-18

2 the water is drawn from the aquifers, does
3 LICAP have any say as to the amount of water
4 that's drawn from the aquifers yearly or
5 monthly or daily?

6 MR. ZABO: No. The amount of
7 water drawn from the aquifer is a
8 determination made by the New York State
9 department of environmental conservation.
10 The well permit program. Information from
11 the water provider is provided to the state
12 DEC.

13 LEGISLATOR DERIGGI-WHITTON: So
14 you as an entity don't control it?

15 MR. ZABO: No.

16 LEGISLATOR DERIGGI-WHITTON: Okay.
17 That was one of my questions. I want to go
18 over two more things.

19 One, back on page three of the
20 original contract, it said that there was
21 supposed to be an IMA with Suffolk. It's on
22 page three of the original contract.
23 Resolution page three, the fourth paragraph.

24 MR. ZABO: Is there a question?

25 LEGISLATOR DERIGGI-WHITTON: Was

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2 that IMA every completed?

3 MR. ZABO: I don't believe it's
4 been executed.

5 LEGISLATOR DERIGGI-WHITTON: It
6 hasn't from the last term. That was five
7 years ago, we haven't had an IMA executed?

8 MR. ZABO: That's my
9 understanding.

10 LEGISLATOR DERIGGI-WHITTON: Do
11 you plan on having it executed at some point
12 as we enter into the new --

13 MR. ZABO: We would very much
14 like one. We have reached out to County
15 Executive Bellone and his chief deputy in
16 Suffolk and had previous discussions with
17 former County Executive Mangano staff.

18 I don't know why it was not
19 executed. It's a relatively simple
20 agreement. LICAP has been abiding by the
21 terms of the resolutions adopted in both
22 counties.

23 I suspect now that there is a new
24 County Executive in Nassau County we will
25 take up those efforts again and try to have

1 Rules Committee/6-4-18

2 the IMA executed.

3 LEGISLATOR DERIGGI-WHITTON: So
4 without the IMA, wouldn't that almost negate
5 the prior testimony which is that Nassau
6 County is obligated to stick with whatever
7 Suffolk County agrees upon?

8 If we don't have an IMA, I don't
9 know how we are bond by the Suffolk County
10 agreement especially pertaining to a
11 minority voting party.

12 MR. MALAZZO: That's a different
13 issue because the legislation talks about
14 being substantially the same, not the IMA.
15 So the IMA is something different. The
16 legislation has a requirement that it be
17 substantially the same.

18 LEGISLATOR DERIGGI-WHITTON: The
19 IMA addresses what?

20 MR. MALAZZO: I haven't seen an
21 IMA. It's my understanding -- that wasn't
22 something LICAP was preparing, that was
23 being prepared by Suffolk and Nassau.

24 LEGISLATOR DERIGGI-WHITTON: I
25 think it would behoove us and I will mention

1 Rules Committee/6-4-18

2 it to Laura as well, the County Executive as
3 well, but I think that should be in place
4 before the vote.

5 MR. SCHNEIDER: Legislator, I can
6 speak that on the -- specifically on the
7 IMA, the county attorney, the current county
8 attorney is aware there was some drafting of
9 an IMA under the previous administration
10 that somehow just didn't go anywhere.

11 But we are igniting that
12 discussion and Jared Kasschau will be
13 reaching out to his counterpart in Suffolk
14 County to complete the drafting of that
15 document.

16 LEGISLATOR DERIGGI-WHITTON:
17 Brian, it's also your understanding that
18 that IMA doesn't involve anything as far as
19 the structure of LICAP?

20 MR. SCHNEIDER: Legislator, I
21 can't speak for it because I didn't see the
22 original one that was thrown around so I
23 can't really speak to that.

24 LEGISLATOR DERIGGI-WHITTON: I
25 would like to see that because, again, that

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2 might help us especially if we don't have to
3 be in line with Suffolk with that, but,
4 again, I don't know how it's worded or what
5 it's saying.

6 What are the terms for like the
7 appointed position, the majority leader gets
8 to appoint someone?

9 MR. MALAZZO: The terms are set
10 forth in the statute in the bill. They are
11 staggered.

12 LEGISLATOR DERIGGI-WHITTON: Are
13 they staggered? Because I saw in this
14 agreement, I thought it said they were all
15 up in 2023 or something.

16 MR. MALAZZO: If LICAP is
17 extended, it will extend through 2023, but
18 the terms are four years, four years, four
19 years, just reading down. So there were
20 terms.

21 LEGISLATOR DERIGGI-WHITTON: So
22 with all due respect, and this is nothing
23 personal to Mr. Ostuni or anyone else, is
24 his term up right now?

25 MR. MALAZZO: He would

1 Rules Committee/6-4-18

2 technically be -- well, he would be a
3 holdover, which is provided for in the
4 legislation.

5 LEGISLATOR DERIGGI-WHITTON: For
6 another two years or three years?

7 MR. MALAZZO: Until someone --
8 unless there was a new appointee, he would
9 be a holdover, and that's in the statute.

10 LEGISLATOR DERIGGI-WHITTON: So
11 they're automatically reappointed unless
12 someone else is appointed in their place?

13 CHAIRMAN NICOLELLO: Not
14 re-appointed, they're holdovers.

15 LEGISLATOR DERIGGI-WHITTON: So
16 they automatically stay in place regardless
17 of their term expiring, there is no process
18 that it has to be done?

19 MR. MALAZZO: I can read it.
20 Such members shall continue to hold office
21 until their successors are appointed and
22 qualified provided that the appointment of a
23 successor to a member who has continued to
24 hold office after the expiration of his or
25 her term shall be for the unexpired portion

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2 of the new term.

3 LEGISLATOR DERIGGI-WHITTON:
4 Okay. We will let the record stand for what
5 was spoken about prior, in prior committees,
6 but I also agree that -- and we tried to
7 negotiate with Suffolk County. I don't know
8 what happened.

9 I know our attorney spoke with
10 them, we had conversations. Unfortunately
11 we didn't get the voting member for the
12 minority, but, again, I'm a big person for
13 every one should have a right and a voice in
14 Nassau County, especially with our water
15 which is our sole source of water, and the
16 fact that you don't live in a district that,
17 you know, the majority has -- I don't know.

18 I just think it sends a bad
19 message we are not being represented
20 equally. I will let that stand. I'm not
21 going to readdress that issue.

22 One last subject real quick. The
23 money. How much money do you have in the
24 bank right now?

25 MR. MALAZZO: LICAP has a

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2 contract with the New York State DEC on a
3 reimbursement basis. Some of the money was
4 advanced and that contract was for \$250,000.

5 That contract was executed by the
6 New York State DEC after they had a work
7 plan that was approved by LICAP members and
8 anyone who wanted to participate in those
9 conversations was free to do so.

10 So LICAP prepared a budget and a
11 work plan, sent it to DEC, they approved the
12 work plan and then they gave an advance,
13 which we can find the number for you, and
14 then on a reimbursement basis, after the
15 funds were paid, they reimbursed LICAP for
16 its expenditures. That's 250.

17 LEGISLATOR DERIGGI-WHITTON: How
18 much of the 250 has been spent?

19 MR. MALAZZO: We can get you that
20 information. We'll get that to you.

21 LEGISLATOR DERIGGI-WHITTON: I
22 think when I met with you last time, I think
23 that was on April 25th at 3 o'clock, you
24 told me you were going to give me that
25 information and I haven't received it.

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2 MR. MALAZZO: We haven't gotten
3 it to you? Okay. Well, I'll get it to you
4 or someone will from LICAP.

5 LEGISLATOR DERIGGI-WHITTON:
6 That's important. I'm going to say one
7 other thing that's bothering me.

8 MR. MALAZZO: With respect to the
9 budget, the other money that has been
10 appropriated but it hasn't been --

11 LEGISLATOR DERIGGI-WHITTON: You
12 haven't received that yet, right?

13 MR. MALAZZO: And we talk about
14 having a \$200,000 budget, that money is not
15 real until the Governor gives it to LICAP
16 and we don't know if it's going to be an
17 expenditure or if it will be on a
18 reimbursement basis again, and this
19 legislation talks about two 50,000 from
20 Nassau and two 50,000 from Suffolk.

21 LEGISLATOR DERIGGI-WHITTON:
22 That's what I have question on. I have a
23 feeling Brian, if you could look at this
24 too, on page 11, can you look at this? The
25 new one in the back up. I have never seen

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2 this wording before. You just said \$50,000
3 but what it says that the county shall
4 annually. So we're not entering into a
5 \$50,000 contract today or agreement. We are
6 talking about \$50,000 annually for the next
7 five years. We're talking about a \$250,000
8 agreement but what's bothering me is it says
9 "the county shall annually provide LICAP a
10 minimum of \$50,000." I've never seen that
11 in a backup.

12 So if it goes over 50, do you
13 have to come back to us? I've seen maximum
14 but I've never seen minimum in a back up.

15 MR. SCHNEIDER: I can't answer
16 because I didn't write it.

17 LEGISLATOR DERIGGI-WHITTON: I
18 know you didn't. Brian, I'm not putting you
19 on the spot. But we need clarification on
20 what that means.

21 It's page 11 of the new backup.
22 So you're talking about an extra \$250,000
23 that you're asking from the county for the
24 next five years at a minimum?

25 MR. MALAZZO: Well, the

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2 legislation authorizes an expenditure of a
3 minimum of 50,000 providing Suffolk does the
4 same.

5 MR. ZABO: And we will gladly
6 accept more if the Legislature sees fit.

7 LEGISLATOR DERIGGI-WHITTON: I
8 appreciate that, but I have never seen us
9 enter into an agreement where we're telling
10 you what the minimum amount is that we're
11 going to give you.

12 MR. MALAZZO: We can't speak to
13 that.

14 LEGISLATOR DERIGGI-WHITTON: We
15 are entering into it. We are going to vote
16 on it.

17 LEGISLATOR SCHAEFER: My point
18 is, you're asking them the question, and I
19 don't think -- they didn't write it.

20 LEGISLATOR DERIGGI-WHITTON: Get
21 clarification for it because they're the
22 ones presenting it for the administration as
23 well with Brian. They have to clarify this.
24 I've never seen this backup before.

25 So I don't expect you to do it

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2 right now but I do think we should have a
3 written explanation of what this means.

4 LEGISLATOR ABRAHAMS: Brian? You
5 mind if I jump in? Thank you. Just to
6 follow-up on Legislator DeRiggi-Whitton's
7 question, who drafted the legislation, who
8 drafted the documents for us?

9 MR. MALAZZO: There was a bill
10 introduced in Suffolk and this doesn't
11 match. It's not the same wording so I
12 suspect someone in Nassau County wrote this
13 version.

14 LEGISLATOR ABRAHAMS: Does the
15 version in Suffolk have the \$50,000 minimum?

16 MR. MALAZZO: Yes, sir.

17 LEGISLATOR ABRAHAMS: So
18 obviously the person in Suffolk spoke to the
19 person in Nassau?

20 MR. MALAZZO: I can't answer
21 questions. I don't have the ability to say
22 who spoke with whom.

23 LEGISLATOR ABRAHAMS: I'm not
24 asking you to say that. But you are
25 familiar with the \$50,000 minimum?

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2 MR. MALAZZO: Yes, sir.

3 LEGISLATOR ABRAHAMS: Per year?

4 MR. MALAZZO: Yes, sir.

5 LEGISLATOR ABRAHAMS: So I guess
6 what we have to find out from the County,
7 the County Attorney's Office, or is there a
8 counsel in your shop, Brian?

9 MR. SCHNEIDER: Well, obviously
10 you have the County Attorney's Office who
11 has reviewed this legislation as well.

12 The only thing I can add is the
13 legislation needs to be substantially the
14 same in Suffolk and Nassau and this is just
15 off the top of my head. If changing the
16 language from a minimum to a maximum amount,
17 if that's something the Legislature would be
18 more comfortable with --

19 CHAIRMAN NICOLELLO: Let me just
20 add something to clarify it. In terms of
21 who drafted it, it was drafted primarily by
22 Suffolk County and our counsel Chris Ostuni
23 and took what Suffolk had done and simply
24 incorporated it into this. That's no
25 mystery.

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2 They had to be substantially the
3 same so we had a bill from Suffolk and we
4 used the bill. So that's the way it is.

5 I wouldn't volunteer, unless you
6 can get an agreement with Suffolk that we
7 can do maximum and they do minimum. We
8 can't make that change because I think that
9 would be probably enough to be substantially
10 different if I'm looking at it from their
11 perspective.

12 MR. SCHNEIDER: That's an
13 attorney question.

14 CHAIRMAN NICOLELLO: True. I
15 don't know the answer to that.

16 LEGISLATOR ABRAHAMS: I'm a
17 little bit confused. Basically, if I'm
18 understanding this correctly, Chris I guess
19 drafted the legislation for the board that
20 he's on?

21 CHAIRMAN NICOLELLO: He drafted
22 the legislation based on what he got from
23 Suffolk, yes.

24 LEGISLATOR ABRAHAMS: I
25 understand that part, but he's also a voting

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2 member on the board?

3 CHAIRMAN NICOLELLO: Yes.

4 LEGISLATOR ABRAHAMS: Is there
5 items that come up as a voting member where
6 he has to appropriate the \$50,000?

7 CHAIRMAN NICOLELLO: That I don't
8 know.

9 LEGISLATOR ABRAHAMS: Guys, this
10 is like conflict of interest like almost
11 slapping us in the face. I can't respond,
12 Chris, because you're not speaking on the
13 record.

14 MR. ZABO: Where is the conflict?
15 I don't see it. Where is the conflict?

16 LEGISLATOR ABRAHAMS: Is
17 Mr. Ostuni is a voting member on the board,
18 correct?

19 MR. ZABO: Correct.

20 LEGISLATOR ABRAHAMS: Mr. Ostuni
21 is also the drafter of this legislation
22 assigning \$50,000 which has never been done
23 before, if I'm understanding this correctly?

24 MR. ZABO: Well, as it was stated
25 earlier, the legislation was drafted by the

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2 counsel to the Legislature in Suffolk County
3 and then provided Mr. Ostuni and his staff
4 to put it together.

5 LEGISLATOR ABRAHAMS: But Mr.
6 Ostuni is taking responsibility for it in
7 Nassau?

8 MR. ZABO: Correct.

9 LEGISLATOR ABRAHAMS: So Suffolk
10 doesn't matter anymore.

11 MR. ZABO: So where is the
12 conflict?

13 LEGISLATOR ABRAHAMS: The
14 conflict is, he's on the board, a voting
15 member. Does he appropriate any of this
16 \$50,000 as a member of that board? Does he
17 vote on appropriations?

18 MR. ZABO: Yes, all voting
19 members of the LICAP commission would review
20 and approve a budget.

21 LEGISLATOR ABRAHAMS: You don't
22 think that's a conflict, sir?

23 MR. ZABO: How is he benefiting?
24 I just -- what's in the conflict?

25 LEGISLATOR ABRAHAMS: This is a

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2 more district. Do you believe it's not a
3 conflict?

4 MR. ZABO: I'm not if I
5 understand why you think it is a conflict.

6 LEGISLATOR ABRAHAMS: I just
7 presented why. If you disagree you disagree
8 but just say it for the record. Do you
9 agree or disagree it's a conflict? If you
10 don't agree --

11 CHAIRMAN NICOLELLO: He already
12 said he didn't agree.

13 LEGISLATOR ABRAHAMS: He hasn't
14 actually. He keeps asking me my question
15 and what I think the conflict is.

16 MR. ZABO: I just want to make
17 sure I'm understand your concerns which I
18 respect and certainly that's a prerogative
19 of the Legislature.

20 LEGISLATOR ABRAHAMS: Let me try
21 again.

22 MR. ZABO: Maybe if you gave me a
23 specific. If the nine voting members of
24 LICAP voted to accept \$200,000 from New York
25 State and planned to spend it on

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2 conservation, advertising campaign and
3 public outreach and things like that --

4 LEGISLATOR ABRAHAMS: No, no.

5 You are mixing apples and oranges. I'm not
6 talking about New York State.

7 It says right here the county
8 shall annually provide to LICAP. County
9 meaning Nassau, Not New York State.

10 Annually provide to LICAP a
11 minimum of \$50,000 to undertake the task set
12 forth in the resolution.

13 My question again is, Mr. Ostuni,
14 will he be appropriating this \$50,000 to
15 certain authorities or jurisdictions? Your
16 answer I thought was yes.

17 Now, if the answer is yes, then
18 is there a conflict because Mr. Ostuni,
19 because he is a voting member, how many of
20 your voting members are actually drafting
21 the legislation that indicates the county
22 has to be \$50,000 on the hook?

23 MR. ZABO: I would let counsel
24 determine whether there's a conflict.

25 LEGISLATOR ABRAHAMS: So now

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2 counsel needs to determine. That's what I
3 thought. Could counsel provide that,
4 please? The counselor, the gentleman right
5 there is counsel.

6 MR. MALAZZO: I don't know if
7 that's a question for LICAP or for --

8 LEGISLATOR ABRAHAMS: What
9 counsel are you referring to, sir? He's
10 saying -- what counselor should answer the
11 question?

12 MR. ZABO: I'll take input from
13 any counsel that's willing to offer it. I
14 will start with the counsel to the
15 Legislature, question for the county
16 attorney? We will obviously follow the
17 direction, determination made by this body.

18 LEGISLATOR ABRAHAMS: Let's get
19 counsel from the County Attorney's Office to
20 come and say that this is not a conflict.

21 CHAIRMAN NICOLELLO: Let's define
22 what you mean by conflict. We have somebody
23 who received a written bill that was passed
24 in Suffolk county, a bill that has to be
25 substantially the same in Nassau. That

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2 person then conformed Nassau's bill to
3 Suffolk County.

4 That person also serves on the
5 board as a voting member and may vote to
6 allocate different funds but doesn't receive
7 a salary. There is no conflict in terms of
8 him receiving a salary; he doesn't benefit
9 in any way -- let me finish before you
10 rattle on?

11 Didn't we just go through this
12 before with Legislator Bynoe. I thought you
13 had an issue with people talking on the dais
14 when you're trying to talk.

15 LEGISLATOR BYNOE: And for the
16 record, Mr. Nicoletto, which you wouldn't
17 know, is that Legislator Kopel and I had a
18 side bar conversation. I apologized to him
19 too if he took offense to me.

20 CHAIRMAN NICOLELLO: I actually
21 wasn't referring to the conversation you
22 were having. I was referring to Legislator
23 DeRiggi-Whitton which everyone in this
24 chamber can probably hear her remarks.

25 But, be that as it may, I can

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2 still hear her.

3 So he has no financial interest
4 in terms of receiving a salary from the
5 board; is that correct?

6 MR. ZABO: Correct.

7 CHAIRMAN NICOLELLO: So the issue
8 that the minority is raising is that he, as
9 an attorney, took the bill from Suffolk and
10 basically created the exact same bill
11 because that's what he has to do, that
12 because he did that, he's also a voting
13 member that allocates monies that LICAP
14 spends in order to do things to protect our
15 environment that that somehow creates a
16 conflict.

17 I invite you to go ahead and ask
18 for whatever that would be a conflict of.
19 We would abide by any opinion of an ethics
20 board or any opinion -- actually from the
21 ethics board about that and if they
22 determine it to be a conflict then it will
23 become an issue that Mr. Ostuni will not be
24 able to serve.

25 But those of us sitting up here

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2 there is no obvious conflict here. It's
3 simply a ministerial act on one side and an
4 act which he is not receiving any benefit
5 whatsoever on the other.

6 LEGISLATOR ABRAHAMS: Rich, we
7 are not -- I am not stating there is a
8 conflict. I asked the question whether
9 there is a conflict.

10 To me, there appears to be a
11 conflict. I guess the fact of just bringing
12 up the possibility --

13 CHAIRMAN NICOLELLO: Isn't that
14 what you just stated?

15 LEGISLATOR ABRAHAMS: If I could
16 be finished I'll let you finish. I guess
17 you are at fault up here on this dais if you
18 bring up the thought that you disagree that
19 there's possibly a conflict. That's what
20 I'm talking about.

21 So I pointed the question to the
22 two gentlemen and they could not answer it.

23 But, to me, on our side we see
24 there is a conflict that he's drafted
25 legislation that gives his board county

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2 money.

3 Now, if you don't see that as a
4 conflict, that's your opinion. You are
5 entitled to it. Since these gentlemen
6 cannot answer --

7 MR. MALAZZO: This is our
8 determination. It's not my determination.

9 LEGISLATOR ABRAHAMS: Sir, sir.
10 I don't if you know how things work, but
11 usually we try to give everyone an
12 opportunity to speak before they jump in.
13 So I wasn't done speaking so if you just
14 give me the courtesy I will gladly give you
15 the courtesy to respond.

16 That being said, what I'm saying
17 is, the conflict from our standpoint is very
18 clear. If someone cannot answer it, all
19 we're asking is for someone from the County
20 Attorney's Office, and obviously I think
21 Chris Ostuni cannot answer it, but if
22 someone from the County Attorney's Office or
23 the Board of Ethics can provide an opinion.
24 That's all we're asking. What's so hard
25 about that?

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2 So getting into what we think the
3 conflict is, what we think -- is there a
4 conflict, what you think the conflict is,
5 makes no sense. We stated what we believe
6 the conflict is.

7 All you guys basically have to do
8 is provide an opinion what you think it is.
9 That's it. We can move on.

10 CHAIRMAN NICOLELLO: That's what
11 I was trying to get you to do.

12 LEGISLATOR ABRAHAMS: But, Rich,
13 we don't have that. We can't get that. I
14 stated what the conflict is.

15 CHAIRMAN NICOLELLO: You just
16 defined it. But let's be clear about one
17 thing. The implication here of course
18 that's being left out there is that somehow
19 Mr. Ostuni included this \$50,000 per year
20 minimum issue that somehow it was to benefit
21 him and his role at LICAP or otherwise.

22 Obviously that's not the case.
23 Basically you had a statute from Suffolk
24 that has to be substantially the same. So
25 he incorporated the same provisions. So

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2 that end of it can't be a conflict.

3 But we can explore whatever you
4 want to explore in terms of you think that
5 he, being a voting member on that board,
6 because this provision is in this statute we
7 are considering, we can certainly explore
8 with the Board of Ethics whether they
9 determine that to be a conflict and we of
10 course will abide by anything the Board of
11 Ethics would inform us. It's as simple as
12 can be.

13 For today's purposes, I see no
14 reason to stop this. I mean, we are going
15 to move this along in committees. We have
16 two full weeks before the Full Legislature
17 and, if necessary, it can be delayed further
18 at that time, but we will do our due
19 diligence.

20 LEGISLATOR ABRAHAMS: So I just
21 want to make sure I'm clear. So if there is
22 no one here that represents -- who is going
23 to do the follow-up to get the Legislature
24 to respond in regards to whether there is a
25 conflict or whether to get an answer to my

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2 question on whether or not there's a
3 conflict.

4 CHAIRMAN NICOLELLO: There is a
5 mechanism in place for Nassau County on
6 whether there is a conflict or not which is
7 simply to refer questions to the Board of
8 Ethics. The next step would be for the
9 issue to go to the Board of Ethics.

10 LEGISLATOR ABRAHAMS: Should I do
11 that? I'm trying to -- how we can gauge
12 this process.

13 CHAIRMAN NICOLELLO: Right. If
14 you're attempting to identify the conflict,
15 I would prefer that you did. If we have a
16 disagreement in how you phrase it, we will
17 send our own letter.

18 LEGISLATOR ABRAHAMS: That seems
19 like that presents a little foggy area. If
20 you don't like the way I draft it. Why
21 don't we come to something we both agree to
22 and draft it together?

23 CHAIRMAN NICOLELLO: We can
24 explore that as well.

25 LEGISLATOR ABRAHAMS: Fair

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2 enough.

3 LEGISLATOR ABRAHAMS: Thank you,
4 gentlemen. Have a good evening.

5 LEGISLATOR ABRAHAMS: You too.

6 CHAIRMAN NICOLELLO: Any other
7 discussion or questions among the
8 legislators?

9 (No verbal response.)

10 Hearing none, is there any public
11 comment?

12 (No verbal response.)

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 Those opposed?

17 (Nay.)

18 Carries by a vote of four to
19 three.

20 The next item is Item 234 of
21 2018, a resolution authorizing the County
22 Executive to execute a mutual benefit
23 agreement with the Nassau County Land Bank
24 Corporation, a 501C3 not-for-profit
25 corporation pursuant to Article 16 of the

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2 New York State not-for-profit corporation
3 law.

4 LEGISLATOR RHOADS: So moved.

5 LEGISLATOR BYNOE: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Rhoads, seconded by Legislator
8 Bynoe.

9 MS. RUSSELL: Good evening.
10 Brittany Russell, executive director for the
11 Nassau County Land Bank.

12 CHAIRMAN NICOLELLO: I'm sorry.
13 I don't mean to interrupt you. Legislator
14 Bynoe has recused herself, so she cannot be
15 the person seconding this motion.

16 LEGISLATOR DERIGGI-WHITTON:
17 Second.

18 CHAIRMAN NICOLELLO: It's
19 Legislator DeRiggi-Whitton who seconds the
20 motion. Let me state for the record before
21 you continue, I apologize, Legislator Bynoe
22 has left the chambers and is not
23 participating in the debate or discussion or
24 the vote of this matter. Thank you.

25 MS. RUSSELL: Brittany Russell,

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2 executive director of the Nassau County Land
3 Bank. We are here today to seek the
4 approval of a mutual benefits agreement
5 between Nassau County and the Nassau County
6 Land Bank Corp. for staffing and services to
7 be provided by the county to the land bank
8 pursuant to the New York State Land Bank
9 Act.

10 The purpose of this agreement is
11 to support the land bank by allowing county
12 employees and equipment as necessary to be
13 used for administrative, legal and other
14 professional and non-professional services
15 to the land bank.

16 The impact with regard to funding
17 is none at this time.

18 The land bank will be reimbursing
19 the county for all costs associated with the
20 employment of the land bank's executive
21 director who will be a county employee
22 including salary and all benefits.

23 CHAIRMAN NICOLELLO: Thank you.
24 Any questions?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 Hearing none, all those in favor
5 signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Thank you very much for the
10 presentation.

11 Items 238 and 239, resolutions to
12 accept gifts offered by the Nassau County
13 Police Department Foundation to the County
14 of Nassau County Police Department.

15 LEGISLATOR RHOADS: So moved.

16 LEGISLATOR KOPEL: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Rhoads, seconded by Deputy
19 Presiding Officer Kopel.

20 LIEUTENANT STEPHANOFF: Good
21 afternoon. Lieutenant Greg Stephanoff,
22 Nassau County Police Department. Item 238
23 of '18 is to accept a donation of
24 refreshments for the Great Neck Community
25 meeting on June 19th. This is going to be a

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2 community meeting with the police department
3 and the representatives from the community.
4 The dollar amount of the donation is
5 approximately \$350.

6 Item 239 of '18 is to accept a
7 donation of military uniform bars valued at
8 \$3,362.50 from the Nassau County Police
9 Department Foundation. These are the bars
10 that sometimes people wear over their
11 shields. We are doing a ceremony to honor
12 anyone in the department who is also a
13 former or current military, whether you're
14 in the reserves now or former military
15 before you came on. This is to honor our
16 military in the department.

17 CHAIRMAN NICOLELLO: Great
18 program, great idea. Any questions among
19 the legislators? Thank you, Lieutenant
20 Stephanoff. Any public comment?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 Those items carry unanimously.

4 249 of 2018 is a resolution to
5 confirm the County Appointment's appointment
6 of David F. Moog to the position of Nassau
7 County Assessor.

8 LEGISLATOR DERIGGI-WHITTON: So
9 moved.

10 LEGISLATOR BYNOE: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator DeRiggi-Whitton, seconded by
13 Legislator Bynoe. That item is before us.
14 It's our intention to move this along today.
15 We'll invite Mr. Moog to the meeting two
16 weeks from now, the 18th, at which time we
17 can have a presentation by him and more
18 discussion about his views and ideas in
19 terms of the Nassau County Assessment
20 System. Any other discussion?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by
25 saying aye.

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2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Carries unanimously.

6 Item 251 of 2018 is a resolution
7 to accept a gift offered by the Nassau
8 County Police Department Foundation to the
9 Nassau County Police Department.

10 LEGISLATOR RHOADS: So moved.

11 LEGISLATOR SCHAEFER: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Rhoads, seconded by Legislator
14 Schaefer. Should have called this before.

15 LIEUTENANT STEPHANOFF: Good
16 afternoon. Lieutenant Greg Stephanoff.

17 Item 251 of '18 is to accept a
18 donation of plants, mulch, benches and
19 tables valued at approximately \$7,000 from
20 the Nassau Police Department Foundation.
21 This is for an area that was built by the
22 Commissioner next to our police memorial.

23 This will give people the
24 opportunity if they want to come to the
25 memorial also be able to sit and stay a

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2 while. Before there was nothing, no nothing
3 there, you can stand and pay your respects
4 at the memorial, but this will give somebody
5 a chance to be able to stay for a little
6 bit.

7 CHAIRMAN NICOLELLO: Sounds good.
8 Any questions or discussion?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 All those in favor signify by
13 saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Carries unanimously.

18 Thank you again, Lieutenant.

19 257 of 2018 is a resolution to
20 confirm the County Executive's Appointment
21 of John Plackis to the position of director
22 of the Nassau County Probation Department.

23 LEGISLATOR ABRAHAMS: So moved.

24 LEGISLATOR DERIGGI-WHITTON:

25 Second.

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2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Minority Leader Abrahams,
4 seconded by Legislator DeRiggi-Whitton.
5 Same goes with respect to Mr. Plackis, we
6 will have a discussion with him on the 18th
7 when it's up for a confirmation. Any
8 discussion?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 All those in favor signify by
13 saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Carries unanimously.

18 258 and 259 of 2018 are
19 resolutions requesting the Legislature of
20 the State of New York to enact and the
21 Governor to approve an act to amend the
22 retirement and Social Security Law in
23 relation to providing performance of duty
24 disability benefits for ambulance and
25 medical technician supervisors, and

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2 ambulance medical technician coordinators,
3 ambulance medical technicians in Nassau
4 County as well as the chief fire marshals,
5 assistant chief fire marshals, division
6 supervising fire marshals, supervising fire
7 marshals, fire marshals, and fire marshal
8 trainees in Nassau County.

9 LEGISLATOR SCHAEFER: So moved.

10 LEGISLATOR KOPEL: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Schaefer and seconded by Deputy
13 Presiding Officer Kopel.

14 These are Home Rule Messages
15 obviously extending accidental disability
16 retirement benefits for the different
17 positions. It's obviously to protect our
18 workers who are serving the county in the
19 event they are injured as a result of an
20 accident and can no longer serve.

21 This is something that we want
22 this protection, we want to give our people
23 who serve the people of Nassau County so
24 well. These are Home Rule Messages, so if
25 they pass today, we will like have a special

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2 meeting of the Legislature some time next
3 week because we can not wait until the 18th
4 to adopt these as the state Legislative
5 session may be over at that point.

6 Anyway, any discussion or
7 questions on these items?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

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

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Those two carry unanimously.

17 We have a Rules Committee
18 addendum. Before we get to that we have
19 been asked by the administration to untable
20 for the second time one of the contracts
21 that was before the Legislature earlier this
22 afternoon.

23 A-24 of 2018, we are going to
24 untable that matter, but I would ask for a
25 motion to untable.

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2 LEGISLATOR RHOADS: So moved.

3 LEGISLATOR BYNOE: Second.

4 CHAIRMAN NICOLELLO: Moved by
5 Legislator Rhoads, seconded by Legislator
6 Bynoe. This is the third shot at the apple.
7 All in favor of untabling.

8 (Aye.)

9 MS. STANTON: Nancy Stanton, IT
10 Commissioner. Looking to approve the Tyler
11 annual maintenance for 2018.

12 CHAIRMAN NICOLELLO: Okay. What
13 else do you have for us?

14 MS. STANTON: It's used by
15 assessment, ARC, treasury and county
16 attorney.

17 LEGISLATOR ABRAHAMS: I believe I
18 can fill in some information. So I believe
19 some folks in the County Attorney's Office
20 including Jared Kasschau met with our
21 counsel, Cecelia Capers and was able to give
22 us some of the back up in regards to the
23 contract that's going to be coming down to
24 us at some point in regards to the over
25 arching agreement which will marry up to the

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2 maintenance agreement.

3 From our side we believe that you
4 provided sufficient answers to our questions
5 and we are ready to vote in the affirmative.
6 I don't know if the majority feels the same,
7 but thank you for your diligence in making
8 sure the answers were provided.

9 MS. STANTON: Thank you very
10 much.

11 CHAIRMAN NICOLELLO: Here's the
12 concept we have. If we approve the
13 maintenance agreements, and a month, two
14 months down the road do not approve the
15 contract, there will be no money spent on
16 maintenance because the contract will have
17 lapsed.

18 In other words, there is no
19 possibility that this maintenance agreement
20 will continue to generate expense to the
21 county if the contract is over.

22 MS. STANTON: They are
23 independent of each other.

24 CHAIRMAN NICOLELLO: We
25 understand that but if the contract doesn't

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2 exist, then the maintenance agreement
3 doesn't exist, is that accurate?

4 MS. STANTON: No. They're
5 independent of each other. So the contract
6 doesn't have to exist but the maintenance
7 will exist.

8 CHAIRMAN NICOLELLO: All right.
9 Any other questions?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 Carries unanimously. Thank you
19 for your due diligence on this.

20 I need a motion to suspend the
21 rules.

22 LEGISLATOR KOPEL: So moved.

23 LEGISLATOR DERIGGI-WHITTON:
24 Second.

25 CHAIRMAN NICOLELLO: Moved by

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2 Deputy Presiding Officer Kopel, seconded by
3 Legislator DeRiggi-Whitton. All in favor of
4 suspending the rules signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The rules are suspended.

9 There's one item on the addendum,
10 261 of 2018. It's an ordinance authorizing
11 the County Executive on behalf of the County
12 of Nassau to execute an amendment to a lease
13 agreement and master energy agreement
14 between the county, as landlord, and Nassau
15 Energy LLC, as tenant, of certain premises
16 located in Mitchell Field.

17 I need a motion.

18 LEGISLATOR SCHAEFER: So moved.

19 LEGISLATOR DERIGGI-WHITTON:

20 Second.

21 CHAIRMAN NICOLELLO: Moved by
22 Legislator Schaefer, seconded by Legislator
23 DeRiggi-Whitton. That is now before us.

24 MR. NOLAN: Thank you. Chris
25 Nolan, Deputy Director of Office of

1 Rules Committee/6-4-18
2 Management and Budget. Thank you for adding
3 this to the agenda.

4 The item before you for your
5 consideration is a six month extension of a
6 lease in the underlying Nassau Energy
7 agreement with Nassau Energy, L.L.C., a
8 subsidiary of NGSA.

9 Nassau Energy L.L.C. leases the
10 central utility plant which is situated on
11 Charles Lindbergh Boulevard between Nassau
12 Veterans Memorial Coliseum and the Nassau
13 Community College.

14 For the past 27 years, the
15 facility has provided thermal energy in the
16 form of high temperature hot water, chilled
17 water and steam to critical public
18 facilities such as the Nassau University
19 Medical Center, the Nassau Community College
20 and Correctional Center and also serves
21 important entertainment and cultural
22 facilities such as the Coliseum, Museum Row,
23 the aquatic center and the Marriott Hotel.

24 The extension of the lease that
25 we are requesting is necessary as the lease

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2 did expire last Thursday, May 31st, 2018.

3 The additional six months provides the

4 county with the time needed to finalize

5 selection of a successor and provides the

6 current operator with ample time to fill its

7 regulatory obligations to the New York

8 independent system of operators in which

9 they would have to file a generation

10 deactivation notice if such requirement was

11 put forward.

12 CHAIRMAN NICOLELLO: You may have

13 said this, I may have been distracted. Is

14 the current agreement lapsing, is that why

15 you needed a six month adjournment?

16 MR. NOLAN: That's correct.

17 CHAIRMAN NICOLELLO: When does it

18 lapse, the end of this month?

19 MR. NOLAN: It lapsed on May

20 31st.

21 CHAIRMAN NICOLELLO: It lapsed

22 already. So this buys the county additional

23 time in order to complete its process in

24 terms of what it wants to do going forward?

25 MR. NOLAN: That's correct.

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2 There is an RFP on the street and we're just
3 finalizing that.

4 CHAIRMAN NICOLELLO: That seems
5 pretty self evident. Any questions?

6 (No verbal response.)

7 Thank you. Is there any public
8 comment?

9 (No verbal response.)

10 All those in favor signify by
11 saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 Carries unanimously.

16 Motion to adjourn.

17 LEGISLATOR KOPEL: So moved.

18 LEGISLATOR SCHAEFER: Second.

19 CHAIRMAN NICOLELLO: Deputy
20 Presiding Officer Kopel makes a motion to
21 adjourn, seconded by Legislator Schaefer.
22 All in favor of adjourning signify by saying
23 aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 Carries unanimously. We're

4 adjourned.

5 (Whereupon, the Rules Committee

6 adjourned at 6:02 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 8th day of June, 2018.

FRANK GRAY