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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, June 3, 2019
3:15 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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2 CHAIRMAN NICOLELLO: I call the
3 Rules Committee to order.

4 CLERK PULITZER: Rules Committee
5 roll call. Legislator Siela Bynoe?

6 LEGISLATOR BYNOE: Here.

7 CLERK PULITZER: Legislator Delia
8 DeRiggi-Whitton?

9 LEGISLATOR DERIGGI-WHITTON: Here.

10 CLERK PULITZER: Ranking Member
11 Kevan Abrahams?

12 LEGISLATOR ABRAHAMS: Here.

13 CLERK PULITZER: Legislator Laura
14 Schaefer?

15 LEGISLATOR SCHAEFER: Here.

16 CLERK PULITZER: Legislator
17 Steven Rhoads?

18 LEGISLATOR RHOADS: Present.

19 CLERK PULITZER: Vice-Chairman
20 Howard Kopel?

21 LEGISLATOR KOPEL: Here.

22 CLERK PULITZER: Chairman Richard
23 Nicolello?

24 CHAIRMAN NICOLELLO: Here.

25 CLERK PULITZER: We have a

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2 quorum, sir.

3 CHAIRMAN NICOLELLO: Thank you.

4 We are going to call all of the A
5 contracts together at this time. We will be
6 calling them together, however, we will be
7 hearing individual presentations in the
8 event any one of them has to be called
9 separately for a vote and we will do so.

10 A-16, a resolution authorizing
11 the director of the Nassau County office of
12 purchasing to award and execute a contract
13 between the county and Water Craft
14 Irrigation.

15 A-27, a resolution authorizing
16 the director of the Nassau County office of
17 purchasing to award and execute a contract
18 between the county and Poscillico Materials,
19 LLC.

20 A-33, a resolution authorizing
21 the director of the Nassau County office of
22 purchasing to award and execute a contract
23 between the county and Best Climate Control
24 Corp.

25 A-34, a resolution authorizing

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2 the director of the Nassau County office of
3 purchasing to award and execute a contract
4 between the county and Elite Action Fire.

5 A-38, a resolution authorizing
6 the director of the Nassau County office of
7 purchasing to award and execute a contract
8 between the county and Regina Catering, Inc.

9 LEGISLATOR KOPEL: So moved.

10 LEGISLATOR ABRAHAMS: Second.

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

14 All five contracts are before the
15 committee. Why don't we invite up the
16 speaker for A-16 to start.

17 MS. KRIEB: Eileen Krieb,
18 Commissioner of Parks. This is a blanket
19 order, purchase order for irrigation
20 systems, maintenance and repairs for Nassau
21 County Department of Parks and also used by
22 the Department of Public Works and
23 Department of Parks, Recreation, and
24 Museums. It is a blanket purchase order not
25 to exceed \$2,500,000.

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2 CHAIRMAN NICOLELLO: Legislator
3 DeRiggi-Whitton has a quick question.

4 LEGISLATOR DERIGGI-WHITTON: It's
5 more of a statement. I'm happy to see with
6 all of these contracts that the maximum is
7 now included for the whole life of the
8 contract which I think is really very
9 positive because it's transparent. I know
10 the bill we passed requires that now.

11 But honestly in all four
12 contracts it's almost staggering to see the
13 full amount because in the past a lot of
14 times we voted for the one year.

15 For instance, this contract is
16 \$2.5 million but it's over five years. In
17 the past we would have only seen \$500,000.

18 So I think it was a step in the
19 right direction that that bill was passed
20 unanimously and I think it's something that
21 I'm proud of that we have done as a
22 Legislature.

23 CHAIRMAN NICOLELLO: Dr.
24 Williams, I don't know if you're just
25 speaking about this contract but you can

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2 speak about the other four contracts to
3 avoid you having to get up and down.

4 MS. WILLIAMS: Thank you. Regina
5 Williams, Office of Minority Affairs.

6 A-16-19, and I'm going to be addressing the
7 Office of Minority Affairs procedure for
8 outreach for the county bids.

9 As I previously stated, OMA sends
10 out bids once a week primarily on Thursday
11 through MWBEs and SDVOBs who are currently
12 certified with Nassau County.

13 We are currently in the test
14 phase of an app design by IT entitled
15 Minority Affairs MWBE. The purpose of this
16 directory upon completion is to be available
17 on the OMA website page for anyone to view.
18 It will list all certified vendors for any
19 entity to be able to contact an MWBE or
20 SDVOB and search by name, location,
21 commodity, et cetera.

22 This will afford a prime
23 contractor to see all businesses available
24 for specific areas and thus make it more
25 user friendly for the general public when it

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2 comes to reaching MWBE or SDVOB.

3 Also, Office of Minority Affairs
4 has begun the process of collaborating with
5 procurement to reach out to businesses
6 currently registered in the vendor portal
7 who have self identified as an MWBE, or
8 SDVOB.

9 The last thing I want to mention
10 is that a survey is being finalized to do
11 more outreach by addressing the needs of the
12 MWBEs and SDVOBs, more specifically to
13 further enhance their participation with
14 county bids. This survey will go to all
15 current MWBEs and SDVOBs and to enhance
16 their administrative teams, when it comes to
17 training, whatever the needs are for them to
18 become more available for the bid.

19 The survey will also go to any
20 and all entities that currently might not be
21 under our radar but we want to be able to
22 reach out and to do more for these
23 communities that we serve.

24 LEGISLATOR ABRAHAMS: Yes, Hi
25 Dr. Williams. I want to thank you for being

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2 here today and, in looking in the backup
3 also, I noticed there was a sample of MWBE
4 utilization for the 7.151 contract A-33 as
5 well, the Best Climate, and I'm sure that's
6 something that your office will be looking
7 into in that utilization plan.

8 MS. WILLIAMS: Yes.

9 LEGISLATOR ABRAHAMS: Also, I
10 noticed on A-38-19 there was also a minority
11 vendor that actually --

12 MS. WILLIAMS: Right. I wanted
13 to finish. Exactly.

14 LEGISLATOR ABRAHAMS: Regina
15 Catering, so this sounds promising in going
16 in the right direction. That contract was
17 \$1.2 million. So things are heading in the
18 right direction.

19 I just wanted to let you know we
20 very much appreciate you being here but
21 please if you feel the need, if you have to
22 be somewhere else, as long as you are
23 listening to the session, don't feel the
24 need that you have to speak on every item
25 unless you want to.

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2 MS. WILLIAMS: I appreciate it.
3 Today is my second son's 22nd birthday, so I
4 appreciate it.

5 LEGISLATOR ABRAHAMS: I think the
6 members, if they have questions, if you're
7 available, or if you're listening and able
8 to get a response down to us that would be
9 great. Or if you are here and able to pop
10 up and say some things, but I don't want to
11 make you feel like you have to say some
12 things.

13 I don't want to make you feel
14 like you have to say something. I think you
15 stated your position in terms of what the
16 Office of Minority Affairs has been doing in
17 terms of that outreach, you established that
18 on the record a few meetings ago, and we
19 appreciate that, and I think there, unless
20 something deviates from that, that we see in
21 the contract, we will assume that's the
22 process.

23 MS. WILLIAMS: I appreciate that.
24 I will make myself available, any questions
25 anyone has. Today happens to be one of

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2 those special days but --

3 LEGISLATOR ABRAHAMS: Just repeat
4 the website again that you put out the
5 comment on.

6 MS. WILLIAMS: It's our Nassau
7 County website, it's on our web page.
8 That's the directory. I think it says,
9 under further construction. It's been on
10 the website for quite some time now. We
11 have reached the point where we have
12 something in hand that we are testing and
13 hopefully within the next 30 days it will be
14 rolled out for the public to view.

15 CHAIRMAN NICOLELLO: Thank you,
16 Dr. Williams. Next contract would be A-27
17 with Poscillico.

18 MR. ARNOLD: Ken Arnold,
19 Department of Public Works. A-27 is our
20 asphalt supply blanket order. This supplies
21 the department with asphalt we need for
22 potholes, any type of project we may work
23 on.

24 CHAIRMAN NICOLELLO: Any
25 questions for Mr. Arnold? Minority Leader.

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2 LEGISLATOR ABRAHAMS: Mr. Arnold,
3 could you state on the record what the
4 reverse auction process is?

5 MR. ARNOLD: I would defer to
6 purchasing to explain that process.

7 MR. CLEARY: Robert Cleary, Chief
8 Procurement Officer. Reverse auction is a
9 form of competitive sealed bid process. It
10 is a best practice in other jurisdictions.
11 We have introduced it here in Nassau County
12 using OGS contract that we are writing.

13 Reverse auction is simply this,
14 it's a competitive sealed bid where the
15 packages are submitted on time as required
16 without pricing. So vendors are vetted for
17 all responsiveness requirements for the bid,
18 and then about a week later an actual
19 pricing event is conducted.

20 The difference with a reverse
21 auction is that the bidders do not know who
22 the other competitors are, but they are all
23 online in a secure website conducted by the
24 reverse auction vendor that splits the bid
25 and they compete against each other online

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2 until the lowest possible price is
3 established for each of the items on the
4 bid.

5 LEGISLATOR ABRAHAMS: Ken, I'm
6 sorry. Can you come back up? I have
7 another question in terms of where we
8 receive some of the asphalt from.

9 Is any of the asphalt received
10 from Liza?

11 MR. ARNOLD: From Liza?
12 Currently or in this bid?

13 LEGISLATOR ABRAHAMS: In this
14 bid.

15 MR. ARNOLD: No, this bid will be
16 with Poscillico.

17 LEGISLATOR ABRAHAMS: And none of
18 that is supplied via Liza to Poscillico?

19 MR. ARNOLD: No, separate
20 companies.

21 LEGISLATOR ABRAHAMS: Counsel has
22 asked, do they buy any from Liza?

23 MR. ARNOLD: No. Poscillico
24 manufactures their own asphalt. I don't
25 know where they get their rock material

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2 from, if that's what you're looking for me
3 to find out. I couldn't tell you where
4 their materials -- a lot of them recycle
5 their own materials from their other road
6 projects but they produce their own asphalt.

7 CHAIRMAN NICOLELLO: Next one is
8 A-33; contract with Best Climate Control
9 Corp.

10 MR. ARNOLD: Ken Arnold. This
11 contract is for maintenance and repair of
12 the HVAC equipment and systems that we have
13 throughout the county buildings. This
14 supplements our county in-house forces where
15 they can't do the work on their own.

16 CHAIRMAN NICOLELLO: Any
17 questions from the legislators?

18 (No verbal response.)

19 Hearing none, A-34, Elite Action
20 Fire. Anyone here to speak on the blanket
21 order for fire suppression?

22 MR. ARNOLD: A-34, this is a
23 blanket order for the maintenance and repair
24 of our fire suppression systems. Generally
25 located around our fueling facilities but

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2 there also may have had some other outlying
3 systems in our active areas.

4 CHAIRMAN NICOLELLO: How often do
5 they blanket purchase orders get issued?

6 MR. ARNOLD: Do they go out to
7 bid? Yes.

8 CHAIRMAN NICOLELLO: How often,
9 would this be an annual cost to the county?

10 MR. ARNOLD: Ken Arnold,
11 Department of Public Works. I know our fire
12 purchase, on gasoline systems, I think we
13 have to test every year, so it's something
14 we do every year.

15 CHAIRMAN NICOLELLO: \$1.5
16 million?

17 MR. ARNOLD: I believe some of
18 that money is anticipated if there was
19 actually a repair that had to go along with
20 it. I would not say we would spend 1.5, if
21 a system fails and has to be rebuilt.

22 CHAIRMAN NICOLELLO: Did you have
23 a question on A-33?

24 LEGISLATOR ABRAHAMS: Just
25 curious, why did the vendor submit a sample

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2 MWBE, I talked a little bit about it before,
3 their plan project with -- I guess with the
4 State Dormitory Authority in August 9 of
5 2018, the purchasing required sampling of
6 MWBE?

7 MR. ARNOLD: Are you talking
8 about Elite? They submitted a sample.

9 LEGISLATOR ABRAHAMS: They
10 submitted a sample utilization plan.

11 MR. ARNOLD: Let me speak with
12 purchasing one second. Speaking with
13 purchasing, this is a county funded project.
14 There is no requirement for MWBE, it would
15 be just best efforts. This is a county
16 funded project. There's no goal for MWBE on
17 this contract. It would be best efforts.

18 CHAIRMAN NICOLELLO: A-38,
19 contract with between Social Services and
20 Regina Caterers.

21 MR. BRODERICK: Good afternoon.
22 Paul Broderick, Acting Commissioner,
23 Department of Social Services.

24 The item before you is a blanket
25 purchase order which supports the 2019

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2 summer food service program. Do you have
3 any questions?

4 CHAIRMAN NICOLELLO: Any
5 questions for Mr. Broderick?

6 (No verbal response.)

7 Thank you, sir. Any public
8 comment about these contracts? Mr. Budnick.

9 MR. BUDNICK: I apologize when I
10 arrived there was only the addendum calendar
11 for this committee.

12 Is it possible to ask somebody to
13 provide me with the original calendar?
14 Thank you very much. I apologize for asking
15 you to provide a personal assistance.

16 CHAIRMAN NICOLELLO: We will get
17 you a copy. Any other public comment?

18 MS. MEREDAY: Meta J. Mereday.
19 I'm encouraged, not overwhelmed, but
20 encouraged by just hearing the movement that
21 is taking place, I should say, the
22 interaction from the Office of Minority
23 Affairs, and I do hope that this is
24 continued along the way because this is not
25 just about giving a portion of resources to

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2 taxpayers are who represent almost 40
3 percent of this county and it's growing.

4 All of our tax dollars go towards
5 all of the services that we hold so dear.
6 So I would say that we are moving in a good
7 direction. It's small steps and I think we
8 should look to increasing those steps,
9 accelerating those efforts and providing the
10 resources so there is diversity and
11 inclusion for all parties; minorities,
12 veterans, service disabled, and the outreach
13 I'm encouraged by considering that there are
14 at least 44,000 as far as the census totals
15 of minority businesses in Nassau County and
16 11,000 self identified veteran businesses.

17 So even if we get ten percent,
18 I'd settle for five percent of that number
19 within that outreach that is going towards
20 these contracts.

21 So, again, I'm encouraged. Let's
22 work towards getting me overwhelmed and you
23 might see some more positive feedback. But
24 I'm nothing close to being corrosive, at
25 least not yet.

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2 CHAIRMAN NICOLELLO: Thank you,
3 Ms. Mereday. Any other public comment on
4 these items?

5 (No verbal response.)

6 Hearing none, all those in favor
7 signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 They carry unanimously.

12 We are going to step out of Rules
13 for a moment. We have representatives of
14 the college here for the college budget. So
15 rather than having them wait all afternoon
16 to get to that part of the committees, we
17 are going to put the Rules Committee in
18 recess so that finance can take that up.

19 (Whereupon, the Rules Committee
20 recessed at 3:34 p.m. and reconvened at 3:37
21 p.m.)

22 CHAIRMAN NICOLELLO: We are going
23 to call the same item in Rules in two
24 seconds. So Finance is in recess. We are
25 going to call the Rules Committee back to

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2 order.

3 Item 192 of 2019 is an ordinance
4 to adopt the Nassau County budget for Nassau
5 Community College for the fiscal year
6 commencing September 1st, 2019 and ending
7 August 31, 2020.

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's before us both.

14 The minority and majority have
15 had extensive presentations by
16 representatives of Nassau Community College
17 and we thank them for that.

18 But it was agreed that rather
19 than go through the same questions now in
20 committees and same questions and get the
21 same presentation at the Full Legislature we
22 would just simply tee it up now and pass it
23 along and then expect a full presentation
24 with questions on June 24th.

25 Any discussion among the

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2 legislators? Mr. Budnick did have a
3 comment.

4 MR. BUDNICK: It is to be noted
5 that our governor and our state legislature
6 cut state aid from 43 to \$41 million in the
7 recently passed New York State budget. That
8 is disgusting. It is appalling. It is
9 frightening.

10 What's going to end up happening,
11 I hope, is what's left of the college's
12 rainy day fund will be plowed into trying to
13 avoid the students of the community college
14 from having to pay exorbitant increases in
15 their tuition.

16 I haven't been able and I'm still
17 trying to get a copy of the detail of the
18 community college budget.

19 But this continuing action by our
20 current governor and compounded by our
21 current state Legislature is causing a
22 fiscal crisis for the students of Nassau
23 Community College while those students who
24 are non citizens are being granted not quite
25 \$30 million in state aid.

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2 Our community college students
3 are being penalized just in this county over
4 \$2 million. That is frightening,
5 unacceptable, and horrifying and disgusting
6 and needs to be spoken out against at the
7 very least.

8 My commendations to the
9 management at Nassau Community College for
10 doing, pardon my language, doing what is
11 necessary without being given the resources.
12 My commendations to each and every one of
13 the members of this legislators for trying
14 to do the best you can with what New York
15 State hasn't given you. God bless you one
16 and all.

17 CHAIRMAN NICOLELLO: Thank you,
18 Mr. Budnick. The representatives will be
19 able to address that point at the
20 presentation on the 24th.

21 I do know that one of the changes
22 that the state made is positive because it
23 limits the loss of revenue when we lose loss
24 of students. I see you shaking your head in
25 the back.

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2 Do you want to explain that right
3 now since you're here?

4 MS. RESNICK: I'm Ina Resnick,
5 vice-president of finance, Nassau Community
6 College.

7 I tried to address the issue with
8 state funding for the community colleges.
9 Originally the funding, the state funding at
10 the inception of the community colleges, was
11 designed to be one third, one third, one
12 third. Community colleges were maybe funded
13 on that level for maybe one year.

14 In the past we've been funded on
15 the volume basis. So basically state would
16 establish a reimbursement rate for what we
17 call the full time equivalent which is the
18 30 credits and could be one student taking
19 full load through the year, certain credits
20 each semester or could be 30 students taking
21 one credit each.

22 So state actually had moved away
23 from this pure volume funded methodology in
24 their 2019 budget, 2020 budget, and they had
25 provide for the floor acknowledging the fact

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2 that all the community colleges in SUNY
3 system experienced loss in enrollment.

4 So acknowledging decline in
5 enrollment they had modified formula and the
6 formula now is either the old formula that
7 was purely volume based or 98 percent of the
8 prior year funding. Therefore, it limits
9 those schools that had lost more than two
10 percent in their losses of the state
11 funding.

12 CHAIRMAN NICOLELLO: Thank you.
13 Any other public comment?

14 MS. MEREDAY: Yes, I'm in support
15 of the budget for the community college.
16 I'm hopeful that with the new leadership
17 coming in having worked with Dr. Caine they
18 will also be mindful of the need for
19 programs and services to support our student
20 veterans and, as I said, working with Dr.
21 Caine when he was at Farmingdale state
22 college and with the new regulations coming
23 through from the federal level, and the lack
24 of resources coming out of the state, we
25 will probably be looking at another

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2 contingent of student veterans who may have
3 some challenges going into the fall
4 semester.

5 I'm hoping that the college will
6 continue to look at what it is providing as
7 far as its veteran support services that are
8 comprehensive considering many of our
9 student veterans are family members and a
10 lot of those things are not taken into
11 consideration and the leading item on most
12 of our college campuses unfortunately are
13 food pantries. Because a lot of the student
14 veterans are going largely without food and
15 food resources.

16 So again I'm hoping that that is
17 an item that will be reviewed and discussed
18 with regard to the leadership in the
19 community college and with the incoming
20 leader. Thank you.

21 CHAIRMAN NICOLELLO: Thank you.
22 Any other 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 Passed through both committees

7 and we will see you on the 24th.

8 We will go back to the contracts.

9 Next group of contracts are going to be
10 public works contracts and they include:

11 B-6-2019, a resolution
12 authorizing the County Executive to award
13 and execute a contract between the county
14 and Chesterfield Associates.

15 E-108-2019, a resolution
16 authorizing the County Executive to execute
17 an amendment to a personal services
18 agreement between the County and LockWood
19 Kessler & Bartlett.

20 E-132, a resolution authorizing
21 the County Executive to execute a personal
22 services agreement between the county and
23 H2M Architects and Engineers and Land
24 Surveyors.

25 E-133, a resolution authorizing

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2 the County Executive to execute an amendment
3 to a personal services agreement between the
4 county and Cameron Engineering.

5 LEGISLATOR BYNOE: So moved.

6 LEGISLATOR RHOADS: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Bynoe, seconded by Legislator
9 Rhoads. All those contracts before us, you
10 want to take them one at a time, Ken?

11 MR. ARNOLD: Thank you. Ken
12 Arnold, Public Works.

13 B-6-19, a contract with
14 Chesterfield. This contract is for the
15 construction of the Inwood boat ramp
16 bulkhead. It is in disrepair. We have an
17 engineer's estimate of \$2.57 million and the
18 lowest responsible bid came in at 2.044
19 million.

20 Bids were advertised in Newsday,
21 contract reporter, and our county's
22 e-procurement site.

23 We received a total of three
24 bids. The contract has a utilization plan
25 indicating nine percent of the work going to

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2 MWBEs.

3 CHAIRMAN NICOLELLO: Go ahead.

4 LEGISLATOR DERIGGI-WHITTON: Ken,
5 I don't know if you know this, but is
6 Chesterfield the one that did the bulkhead
7 at the ferry terminal in Glen Cove?

8 MR. ARNOLD: I'm not aware of
9 that. I would have to go back and look at
10 their qualifications.

11 LEGISLATOR DERIGGI-WHITTON: We
12 had an issue. I know Chesterfield did
13 something. It was either before or after
14 and the bulkhead had to be redone. So
15 you're not sure?

16 MR. ARNOLD: I don't have that
17 information in front of me. I know it was
18 vetted by my engineers and also by the
19 design engineer.

20 LEGISLATOR DERIGGI-WHITTON: Who
21 did the architecture for the bulkhead?

22 MR. ARNOLD: It was Sidney Balm
23 which is now Liro who did the design.

24 LEGISLATOR DERIGGI-WHITTON: This
25 is going to sound ridiculous but do you know

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2 if they signed the drawings? Did they sign
3 the plans?

4 MR. ARNOLD: My engineers? Of
5 course.

6 LEGISLATOR DERIGGI-WHITTON:
7 Okay. In Glen Cove the plans were not
8 signed.

9 MR. ARNOLD: No. All our
10 drawings have to be signed by engineers
11 before they go out.

12 CHAIRMAN NICOLELLO: Sure. Go
13 ahead, Minority Leader.

14 LEGISLATOR ABRAHAMS: Thank you,
15 Presiding Officer. Mr. Arnold, can you
16 provide the committee with the exact
17 locations of where the bulkheads are at
18 Enwood Park?

19 MR. ARNOLD: This work is going
20 to be associated with the boat ramp. I
21 believe it's on the south side of the park.
22 This is where -- this is the boat ramp area
23 and the bulk head around the boat ramp. It
24 includes a small pocket area for people to
25 sit and look at the water at that location

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2 there.

3 LEGISLATOR ABRAHAMS: As we were
4 looking in the backup in the business
5 history, we noticed that Chesterfield was
6 investigated a few times in 2016. I want to
7 make sure your office is aware of the
8 investigation --

9 MR. ARNOLD: Yes.

10 LEGISLATOR ABRAHAMS: And you
11 feel those investigations should have no
12 bearing on you continuing to go forward with
13 Chesterfield?

14 MR. ARNOLD: Yes. The department
15 compliance along with Robert Cleary, we all
16 look at that.

17 CHAIRMAN NICOLELLO: Okay. Any
18 other questions on this contract?

19 (No verbal response.)

20 Next 108.

21 MR. ARNOLD: Next, E-108 is a
22 contract amendment with LKB. This is for
23 additional funds. The contract with the
24 design services for the Bayville Bridge.
25 The original contract cost, set up a

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2 percentage of the construction value of the
3 work, due to the conditions of the bridge
4 and intent to address all issues now, not to
5 do any other work in the out years. The
6 construction estimate went from \$6 million
7 to \$13 million. Currently this requires an
8 adjustment in design fee for an additional
9 \$650,000 for a maximum value of the contract
10 at \$1.578.

11 This project and design is being
12 reimbursed by the state at 80 percent. This
13 contract expires July 1st, 2022. The
14 original contract was reviewed by the DPW
15 selection committee.

16 There were two proposals
17 received. This contract has a utilization
18 plan indicating three percent of the work
19 going to MWBEs.

20 CHAIRMAN NICOLELLO: Any
21 questions?

22 LEGISLATOR DERIGGI-WHITTON: What
23 did you say the total cost of the repair was
24 for the bridge?

25 MR. ARNOLD: The engineer's

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2 estimate currently stands at about \$13
3 million.

4 LEGISLATOR DERIGGI-WHITTON: Will
5 that be reimbursed by the state?

6 MR. ARNOLD: Yes, 80 percent.

7 CHAIRMAN NICOLELLO: Any other
8 questions on E-108?

9 (No verbal response.)

10 E-132.

11 MR. ARNOLD: E-132 is a design
12 contract with H2M associated with the new
13 storm water pump station in Cedarhurst.
14 This contract value is \$301,000 and the
15 funds for this work are all coming from
16 GOSR. This contract was viewed by the DPW
17 selection committee. There were three
18 proposals received. The utilization plan
19 for this contract indicates 30 percent of
20 the work going to MWBEs.

21 CHAIRMAN NICOLELLO: What is
22 GOSR?

23 MR. ARNOLD: Governor's Office Of
24 Storm Recovery.

25 CHAIRMAN NICOLELLO: Any

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2 questions from the legislators?

3 (No verbal response.)

4 Go to E-133.

5 MR. ARNOLD: E-133 is a contract
6 amendment for Cameron Engineering for
7 additional funds. This contract is
8 associated with designed services for the
9 park beach drainage and traffic
10 improvements. The original contract did not
11 contemplate upgrades and modernization of
12 the traffic signal equipment. This is
13 necessary to do as we are reconstructing a
14 lot of part of the road and this
15 construction is now in the way.

16 The cost of the additional work
17 is \$149,000. However, other tests are no
18 longer required which results in only a
19 contract adjustment of \$79.2 thousand.

20 This project including design is
21 being reimbursed at approximately 40 percent
22 for various funding sources including ESD,
23 GOSR and New York State Department of
24 transportation.

25 This contract amendment will

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2 expire on April 9th, 2020. The original
3 contract was viewed by DPW committee. There
4 were six proposals received. This
5 utilization plan for this contract at 54
6 percent.

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

9 LEGISLATOR ABRAHAMS: Yes.

10 CHAIRMAN NICOLELLO: Questions on
11 E-133? Any public comment on these public
12 work contracts?

13 MS. MEREDAY: Meta Mereday. I
14 believe on E-108 I believe Mr. Arnold said
15 it was a three percent MWBE utilization but
16 these are funds that we anticipate being
17 reimbursed via the state and the state's
18 MWBE's goal is at 30 percent. So how are we
19 at three percent and the state goal is 30
20 percent? Maybe my math might be a little
21 off. I'm curious about that.

22 The last one mentioned, there was
23 an utilization of 54 percent but he wasn't
24 clear as to utilizing who at 54 percent.
25 MWBE being minority business or WBE or who

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2 specifically when we're talking about the
3 numbers in the breakdown?

4 So just for clarification as I
5 said with regard to this three percent, and
6 again what is the background as far as the
7 accountability to achieve this goal; whether
8 it's internal to Nassau County with the
9 limited number that we in these specific
10 areas or are we branching out to make sure
11 that we have the inclusion, one; and two,
12 that we provide the training that so that we
13 are giving local businesses the
14 opportunities to actually perform these many
15 jobs since we are in an ongoing storm
16 recovery process. If we don't provide the
17 training and the resources now, we will
18 never have local businesses that are
19 minority or veteran owned to perform these
20 tasks. It has to start somewhere that we do
21 that.

22 So if I could get answers to
23 those questions it would be appreciated.
24 Thank you.

25 CHAIRMAN NICOLELLO: Mr. Arnold?

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2 MR. ARNOLD: Specific to the LKB
3 amendment, the design requirements for state
4 was three percent for this project. So we
5 are meeting their goal.

6 The construction value they will
7 set the value of the goal for that project
8 since they are funding it. I don't believe
9 we have heard that number from them yet. I
10 think that was the only question I had.
11 That was a combination of WMBE for both.

12 There is a reporting requirement
13 of which is the Governor's Office of Storm
14 Recovery's program to track all this. My
15 understanding is that we are meeting that
16 requirement as we speak.

17 MS. MEREDAY: I just wanted to
18 know if we were actually meeting the goal as
19 far as the number just putting out there, we
20 need to know specifically on the record if
21 the goal is actually being met and if it is
22 being met by minority business or women
23 owned business or service disabled veteran
24 owned businesses, I think the clarifications
25 are significant.

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2 CHAIRMAN NICOLELLO: Thank you.

3 Hearing any other public comment on these
4 items?

5 (No verbal response.)

6 All those in favor of B-6, E-108,
7 E-132 and E-133 signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 They carry unanimously.

12 Next group is with parks
13 contracts starting with E-106, a resolution
14 authorizing the County Executive to execute
15 an amendment to a personal services
16 agreement between the county and Rainbow
17 Sound Inc.

18 Then we go to 129, a resolution
19 authorizing the County Executive to execute
20 an amendment to a personal services
21 agreement between the county and 710
22 Productions Inc.

23 And E-130 is a resolution
24 authorizing the County Executive to execute
25 an amendment to a personal services

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2 agreement between the county and Party Up
3 Productions.

4 LEGISLATOR SCHAEFER: So moved.

5 LEGISLATOR RHOADS: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Schaefer, seconded by Legislator
8 Rhoads. All those three contracts are now
9 before us.

10 MS. KRIEB: Eileen Krieb,
11 Commissioner of Parks.

12 These three contracts are all
13 similar; Rainbow Sound, 106-10 is for an
14 amendment for one more year exercising the
15 first of two one year options to renew for
16 the amount of \$17,000 that service is if we
17 need to help supplement any special
18 equipment that's needed for any kind of
19 Lakeside shows.

20 E-129 is with 710 Productions
21 Incorporated. Again, exercising the first
22 of one of the two year options. Their
23 services are similar where they are provide
24 production, consulting and sound equipment
25 for \$17,000 for the year. And the third is

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2 Party Up Productions, again exercising their
3 option of one of the two years to renew.

4 It's for one year and it's for \$50,000 and
5 their service is more specifically for items
6 that would be needed to enhance the actual
7 operation and show.

8 CHAIRMAN NICOLELLO: Legislator
9 Schaefer.

10 LEGISLATOR SCHAEFER: Hi,
11 Commissioner Krieb, how are you? On 130, I
12 have a quick couple of questions for you.
13 So there were two options to renew, that's
14 correct, right?

15 MS. KRIEB: Yes.

16 LEGISLATOR SCHAEFER: We are in
17 the second option to renew?

18 MS. KRIEB: Second.

19 LEGISLATOR SCHAEFER: Why is it
20 that we have a new maximum at this point in
21 time?

22 MS. KRIEB: Because the other
23 amount had been utilized. So this is for
24 stage platforms staging the equipment, it's
25 not the specific electronic piece of it.

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2 It's to enhance the program, more props
3 stuff type things.

4 LEGISLATOR SCHAEFER: Forgive me
5 if I'm just forgetting. I believe there
6 were some contracts coming before us for
7 talent. Do we still have some coming before
8 us for this year?

9 MS. KRIEB: We haven't brought
10 any before you. We had an RFP for promoters
11 and booking agents. We are in the final
12 stages of the RFP process of evaluating and
13 making recommendations and negotiated the
14 contracts with the promoters. Just today I
15 got a menu of their talents that are
16 available for the summer so we will be
17 selecting after we finalize their contract.

18 LEGISLATOR SCHAEFER: Okay. I
19 imagine that will be done quickly?

20 MS. KRIEB: I hope so.

21 LEGISLATOR SCHAEFER: Yes, okay.
22 Thank you. That's all I had.

23 CHAIRMAN NICOLELLO: I have a
24 question. Did you do something different
25 this year in terms of booking the acts for

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2 us for the summer concert series? The Parks
3 Department have a different procedure or
4 different consultant or something like that?

5 MS. KRIEB: All the talent is
6 being procured just like last summer through
7 a bidding process. We are not reaching out
8 to sole source talent ourselves it's being
9 brought to us through different booking
10 agents and promoters.

11 As you can imagine, different
12 groups, I think four of them that we are
13 narrowing down. I think they have different
14 opportunities for us to consider.

15 The other one we have is a
16 permanent event which is Saturday in the
17 Park which is CBS, we will still be having
18 that concert with them but that's not
19 through a promoter, that's a direct permit
20 that we partner with CBS on.

21 CHAIRMAN NICOLELLO: It's getting
22 late in the season, it's June now.

23 MS. KRIEB: I'm targeting for
24 this month, the end of the next committees
25 to bring the selection to you.

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2 CHAIRMAN NICOLELLO: My concern
3 was that, it's late in the season, you are
4 going to lose some potential acts because
5 they will commit to going somewhere else.

6 MS. KRIEB: No. We are pretty
7 confident. The agents brought their talent
8 to us today gave us all dates that were
9 available so we are working our calendar to
10 accommodate them.

11 CHAIRMAN NICOLELLO: We don't
12 have a Rules Committee meeting for a while,
13 July, but if you need to move things into
14 the Rules Committee, at our regular meeting
15 in June we will take that up.

16 MS. KRIEB: Okay, thank you.

17 May I ask, 127-19, was that
18 skipped?

19 CHAIRMAN NICOLELLO: We are not
20 calling that at this time. Legislator
21 DeRiggi-Whitton has a question.

22 LEGISLATOR DERIGGI-WHITTON:
23 Would you mind just explaining what budget
24 financing different funds come from.

25 MS. KRIEB: This is all hotel

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2 motel.

3 LEGISLATOR DERIGGI-WHITTON:

4 Right. I'm trying to understand Hotel
5 Motel. I kind of feel like it's a little
6 evasive. Is there recurring contracts that
7 obviously get funded each year and then the
8 rest is given out separately or how does
9 that work?

10 MS. KRIEB: These contracts are
11 three year contracts so these have been in
12 place for the three years that they have
13 been in place. And then the other contracts
14 then, they use for Hotel Motel, like kind of
15 Lakeside entertainment, cultural
16 advancement. We use parks money to provide
17 that funding for those different services.

18 LEGISLATOR DERIGGI-WHITTON: So,
19 like, I know that there's a law that
20 regulates how Hotel Motel is distributed.
21 Is there, from what I'm hearing, it's called
22 a bucket, different buckets for different --

23 MS. KRIEB: The legislation
24 identifies certain percentages of monies
25 that can be used for different

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2 opportunities.

3 LEGISLATOR DERIGGI-WHITTON: Do
4 you know what that is offhand?

5 MS. KRIEB: Well, this part of
6 the bucket 75 percent is allocated to the
7 Parks Department for Parks Department
8 programs.

9 LEGISLATOR DERIGGI-WHITTON: So
10 for recurring, pretty much?

11 MS. KRIEB: It doesn't have to be
12 recurring because we can introduce new
13 programs. That's the money that the Parks
14 Department is able to use for the programs.

15 LEGISLATOR DERIGGI-WHITTON: So
16 when you say parks you mean county owned
17 facilities?

18 MS. KRIEB: Yes.

19 LEGISLATOR DERIGGI-WHITTON: So
20 then the other 25 percent could possibly be
21 available?

22 MS. KRIEB: So there's different
23 -- the museum row, those kinds of stipends
24 that we give out each year, that comes from
25 the larger 75 percent.

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2 LEGISLATOR DERIGGI-WHITTON: Do
3 you know if Cedarmere is included in that?

4 MS. KRIEB: Cedarmere programs
5 are cultural programs. They come from a
6 smaller part of the pot.

7 But any kind of improvements we
8 make to the Nassau County portion of it,
9 that we are funding -- that comes from 75
10 percent funding. That gets divided
11 depending if they are doing an art project
12 or doing a program that we are endorsing.

13 LEGISLATOR DERIGGI-WHITTON: So
14 capital?

15 MS. KRIEB: It's not really
16 capital. It's more small restoration
17 projects that they're doing to enhance the
18 exhibit that's there. That comes out of the
19 75 percent.

20 LEGISLATOR DERIGGI-WHITTON: So
21 Cedarmere is part of the same bucket as
22 this?

23 MS. KRIEB: Yes. As well as the
24 fine arts museum. So it's a large bucket of
25 money but it's spent down pretty quickly.

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2 LEGISLATOR DERIGGI-WHITTON: I
3 know there's a holdup with Cedarmere, sounds
4 silly, I don't know if it's in this bucket,
5 I don't know why there would be, but if you
6 could just see what the holdup is I would
7 appreciate that. Thank you.

8 MS. KRIEB: Okay.

9 CHAIRMAN NICOLELLO: Any other
10 questions on any of these items?

11 LEGISLATOR SCHAEFER: I had one
12 other question.

13 CHAIRMAN NICOLELLO: Legislator
14 Schaefer.

15 LEGISLATOR SCHAEFER: Typically
16 in the past, how do we advertise once you
17 have your schedule of talent? Do you send a
18 mailer out? I know we see at the park, you
19 advertise it, but --

20 MS. KRIEB: We really focus a lot
21 of our advertising now through social media
22 but I still use the typical printed material
23 such as Newsday or the local papers
24 depending if it's on one of the parks and,
25 for example, like Grant Park we will use the

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2 Herald so we kind of mix it up depending on
3 the audience that we are trying to attract.

4 LEGISLATOR SCHAEFER: So
5 typically there's not a mailer sent out; is
6 that right?

7 MS. KRIEB: There hasn't been for
8 the past couple of years now.

9 LEGISLATOR SCHAEFER: Okay.
10 Thank you.

11 LEGISLATOR ABRAHAMS: Just to
12 piggyback to Legislator Schaefer's question.
13 So when the advertising goes through the
14 advertising through social media, I'm
15 guessing those folks are going through the
16 vendor portal and those vendors are going
17 through the vendor portal.

18 MS. KRIEB: The vendors that we
19 are using for advertising or all the vendors
20 that of the talent?

21 LEGISLATOR ABRAHAMS: All the
22 talent.

23 MS. KRIEB: All the talent we're
24 hiring is going through the vendor portal
25 and that's what they're doing right now,

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2 going through that whole registration
3 process to get approved.

4 LEGISLATOR ABRAHAMS: Is there
5 any difficulties with that?

6 MS. KRIEB: I think it's just not
7 being familiar because they have all done it
8 manually on the paper itself last year so
9 now it's just a matter of them getting
10 familiarized putting it through the portal
11 but our staff has become very versed in it
12 with the help of the procurement office.

13 CHAIRMAN NICOLELLO: Any other
14 questions for Ms. Krieb? Mr. Budnick, you
15 had a question?

16 MR. BUDNICK: I'm going to change
17 the focus here a little bit. In one month
18 and 17 days it will be the 50th anniversary
19 of the landing on the moon of the lunar
20 excursion module made here in Nassau County.

21 I think they're doing something
22 that day at the Cradle of Aviation space
23 museum. Is the county doing anything?

24 And it seems to me that we've
25 lost sight of the part of the county parks,

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2 recreation, and historical preservation
3 department that keeps track of the history
4 of this county and that and that needs to be
5 looked at and preserved and promoted.

6 I'm not sure that at this point,
7 given the amount of funds, that that agency
8 is able to do it. I just hope that, among
9 other things, you will celebrate on July
10 20th and you might also remember that
11 tomorrow, June 4th, is the 75th anniversary,
12 tomorrow the United States Fifth Army
13 liberated Rome. June 6th, the American
14 First Army in conjunction with the British
15 Canadian and French armies invaded Normandy.
16 That's a very separate and both of them are
17 wonderful things that need to be
18 historically recognized and preserved by all
19 of us. Thank you.

20 CHAIRMAN NICOLELLO: Thank you.
21 Any other public comment?

22 (No verbal response.)

23 We are going to vote on E-106,
24 E-129, E-130. All in favor signify by
25 saying aye.

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2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 They carry unanimously.

6 Before we move to the next group

7 we have Item E-107 which we will consider.

8 It's a resolution authorizing the county

9 executive to execute an amendment to a

10 personal services agreement between the

11 county of Nassau and Daniel J. Cotter.

12 LEGISLATOR ABRAHAMS: So moved.

13 LEGISLATOR KOPEL: Second.

14 CHAIRMAN NICOLELLO: Moved by

15 Minority Leader Abrahams, seconded by Deputy

16 Presiding Officer Kopel.

17 MR. RICH: Dave Rich, Traffic and

18 Parking Violations Agency.

19 MS. CLAUDEFELTER: And Kristen

20 Claundefelter, counsel for Traffic and

21 Parking Violations.

22 MR. RICH: This is number 22 of

23 22 contract amendments where we are

24 requesting the approval for execution of one

25 year extension of the original contract for

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2 services for a judicial hearing officer.

3 CHAIRMAN NICOLELLO: Former
4 judge, correct?

5 MR. RICH: Yes.

6 CHAIRMAN NICOLELLO: Well
7 qualified. Any discussion?

8 (No verbal response.)

9 Is there any public comment?
10 Mr. Budnick.

11 MR. BUDNICK: Not merely is Judge
12 Cotter well qualified, he is and he was an
13 outstanding prosecutor and did outstanding
14 work in the Nassau County District
15 Attorney's Office where he had the time and
16 place and was fortunate to work together
17 with him on a large number of matters.

18 You couldn't do better than by
19 putting Dan Cotter into this position. My
20 compliments to one and all.

21 CHAIRMAN NICOLELLO: Thank you.
22 Any other 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 We are going to consider a group
7 of contract involving Traffic Safety Board
8 including Stop DWI programs and others.

9 There are a number of these and
10 we will call them altogether: E-109, E-110,
11 E-111, E-112, E-121, E-124, E-127, E-131,
12 U-9 and U-10.

13 We have these are resolutions
14 authorizing the County Executive to execute
15 personal services agreements between the
16 county and the city of Glen Cove, village of
17 Old Westbury, city of Long Beach Dedicated
18 Community Parent Center, village of Garden
19 City, Athletes helping Athletes, the village
20 of Freeport, the village of Old Brookville,
21 and Village of Lynbrook. And I meant to say
22 E-128. Thank you.

23 LEGISLATOR BYNOE: So moved.

24 LEGISLATOR RHOADS: Second.

25 MR. MISTRON: Christopher

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2 Mistrion, Nassau County Traffic Safety, STOP
3 DWI coordinator.

4 I will go these quickly but in
5 general I have been in contact with a number
6 of the legislator of some of these past
7 contracts.

8 We were able to work with the
9 various agencies within the county, with the
10 county attorneys, County Executive Office's
11 Office, also provide extreme support in
12 being able to take care some of the back
13 ones and go forward. The contracts are
14 actually going forward for two more years
15 beyond this point in many cases. So we were
16 able to take care of some of the backlog and
17 actually move forward to be able to address
18 all the programs so we will no longer be
19 behind in anything.

20 E-109 is a contract with the city
21 of Glen Cove for Stop DWI. It is again for
22 the years of '17, '18, and '19 at the
23 present time for the budgets. And we are
24 going again, it's for DWI enforcement.

25 In the case of E-110, it is with

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2 the village of Old Westbury, again, for Stop
3 DWI enforcement.

4 In the case of E-111, this is a
5 contract with the city of Long Beach again
6 for Stop DWI enforcement.

7 E-112 is a contract with
8 Dedicated who is, the president is Marge
9 Lee. She does school programs for DWI as
10 well as we have a number of activities
11 scheduled within the county.

12 One of them was announced at the
13 last press conference where she is
14 distributing different banners throughout
15 school districts within the county as well
16 as within the county itself for people to
17 actually make a pledge of not drinking and
18 driving. We introduced it at the last press
19 conference and we had members of the police
20 department and the County Executive herself
21 signed and we are going to be actually
22 moving that exhibit through all the county
23 buildings to try to get participation within
24 -- of all the county people for making
25 pledges of not drinking and driving.

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2 E-121 is with community parents
3 center. They do school programs in actually
4 about 30 of the high schools within the
5 county and she also happens to partner with
6 dedicated and, what they have been doing is
7 doing driver training awareness programs.
8 They have a number of cars that they use for
9 trying to teaching impaired driving as well
10 as different tools. They are centered out
11 of Bellmore school district.

12 However, again many of their
13 programs are done for pre-prom and are
14 required by school districts for pre-prom
15 attendance.

16 E-124 is a contract with the
17 village of Garden city for Stop DWI
18 enforcement.

19 E-128 is a contract with Athletes
20 Helping Athletes.

21 This is an organization that we
22 have been working with for a number of
23 years. What they do is they do pure
24 leadership training. They have -- the
25 reason it's called Athletes helping Athletes

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2 is they have a number of athletes within all
3 the high schools, a number of the high
4 schools that are trained on how to speak to
5 grammar schools, how to speak to their peers
6 in the schools and they do a number of
7 topics on DWI and drug programs for making
8 choices. We find that especially when they
9 go into some of the other schools the
10 student athletes seem to hold a good status
11 and are really very effective in their
12 presentations.

13 That goes to pay for the trainers
14 and the trainers are all former professional
15 athletes who actually go into the schools
16 with the kids and are, again, well received
17 for the DWI messages.

18 E-131 is with the village of
19 Freeport again for DWI enforcement.

20 U-9 is a DWI enforcement with the
21 village of Old Brookville, and lastly U-10
22 is a contract with the village of Lynbrook
23 for DWI enforcement.

24 CHAIRMAN NICOLELLO: Thank you.
25 Legislator DeRiggi-Whitton.

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2 LEGISLATOR DERIGGI-WHITTON: Hi
3 Chris. Glad to see you and you're doing
4 well.

5 MR. MISTRON: Thank you.

6 LEGISLATOR DERIGGI-WHITTON: I
7 know we spoke but I appreciate you taking
8 all the time to get organized and back on
9 track and you handled it in a very
10 professional way. I'm glad to see
11 everything is moving forward.

12 CHAIRMAN NICOLELLO: Minority
13 Leader Abrahams has a question.

14 LEGISLATOR ABRAHAMS: Would your
15 office be the pass-through for all these
16 grants?

17 MR. MISTRON: Yes.

18 CHAIRMAN NICOLELLO: Thank you.
19 Any other questions from legislators?

20 (No verbal response.)

21 Any public comment? Mr. Budnick.

22 Before you speak that item was
23 moved by Legislator Bynoe and seconded by
24 Legislator Rhoads.

25 MR. BUDNICK: Thank you, once

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2 again. I'm going to shift again the topic a
3 little bit. Over the last weekend I was
4 fortunate to get a copy --

5 CHAIRMAN NICOLELLO: Mr. Budnick,
6 if you could speak to the items.

7 MR. BUDNICK: I support each and
8 every one of the items speaking among other
9 things as a fellow, a number of years ago in
10 Hicksville high school, that less than one
11 week away from our high school graduation
12 had four of our young people taken away from
13 us in a drunk driver incident.

14 What the state legislature has
15 before it in the Marijuana Law will remove
16 the testing from marijuana in the Implied
17 Consent Law of the Vehicle and Traffic Law.
18 Therefore, making it almost impossible to
19 prosecute anyone for driver intoxicated
20 marijuana. That is appalling.

21 That's 16-17A. Thank you for
22 your time and thanks for putting up with me.
23 I know I'm a pain in the tush. God bless
24 you one and all.

25 CHAIRMAN NICOLELLO: Thank you,

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2 Mr. Budnick. Any other public comment on
3 these items?

4 (No verbal response.)

5 All those in favor signify by
6 saying aye.

7 (Aye.)

8 Those opposed?

9 (No verbal response.)

10 Carry unanimously.

11 Next four involve the Nassau
12 County Police Department. E-113, E-114,
13 E-125, E-126. E-113, a resolution
14 authorizing the County Executive to execute
15 an amendment to a personal services
16 agreement between the county and Change
17 Health Care Practice Management Solutions
18 Inc.;

19 I'm sorry, that's E-118. E-118
20 is a resolution authorizing the County
21 Executive to execute an amendment to a
22 personal service agreement between the
23 county and Long Island Veterinary Specialist
24 Ophthalmology Surgery, Internal Medicine
25 Surgery.

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2 E-125, is a resolution
3 authorizing the County Executive to execute
4 an amendment to a personal services
5 agreement between the county and Selex SES,
6 Inc.;

7 E-126 is a resolution authorizing
8 the County Executive to execute an amendment
9 to a personal services agreement between the
10 county and Al Grand Autobody, Inc.

11 LEGISLATOR RHOADS: So moved.

12 LEGISLATOR BYNOE: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Rhoads, seconded by Legislator
15 Bynoe.

16 DEPUTY INSPECTOR STEPHANOFF:
17 Good afternoon. Deputy Inspector Greg
18 Stephanoff, Nassau County Police Department.
19 Item E-113 of '19 is an amendment to an
20 existing contract to extend the term to six
21 months.

22 This changed health care is our
23 ambulance billing contract where we bill for
24 the ambulance transports. We had to extend
25 this contract. We have an RFP out for a new

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2 contract. We had to extend the closeout
3 where we accept bids twice to answer
4 questions on the -- from the potential
5 bidders.

6 We are examining the bids now.
7 Open the bids and examining them to execute
8 a new contract. So we just need this to
9 cover the period until we get a new contract
10 in place.

11 CHAIRMAN NICOLELLO: One question
12 or one comment. I understand that we have
13 to send bills out to everyone whether they
14 are insured or not, but can he reemphasize
15 with our vendor again that if someone is not
16 insured there's no collection that process
17 that takes place after that?

18 DEPUTY INSPECTOR STEPHANOFF:
19 Okay. Do you want me to continue on?

20 CHAIRMAN NICOLELLO: Yes, unless
21 anyone has a question. E-118.

22 DEPUTY INSPECTOR STEPHANOFF:
23 E-118 of '19 is a contract with Long Island
24 veterinary specialists. This is the vet for
25 our canine unit. We just need a three month

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2 extension. We are going to use the contract
3 with the correctional center. They have a
4 canine contract for their canines. We are
5 going to partner with them and have one
6 contract for the county.

7 We need this three month
8 extension. There were some bills that were
9 unexpected and we needed three month
10 extension just to pay some bills. That's
11 for \$5,000.

12 CHAIRMAN NICOLELLO: Any
13 questions?

14 DEPUTY INSPECTOR STEPHANOFF:
15 E-125, this is our maintenance contract with
16 Selex doing business as ELSag. Selex is our
17 license plate readers. License plate
18 readers are becoming the critical tool for
19 our department. This allows us to capture
20 license plates. We have fixed and mobile
21 units on police cars as well. This contract
22 is for three years. It's \$153,433. We have
23 approximately 62 license plate readers, both
24 fixed and mobile.

25 It's a value tool for solving

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2 crime. We can go back in time to figure out
3 for a particular time who was in the area.
4 Almost like a critical tool I would say.

5 That is for maintenance, it's a
6 proprietary system with Elsig. This allows
7 us to change cars, if we get new cars, it
8 allows us to take them off the old ones and
9 put them on new cars.

10 CHAIRMAN NICOLELLO: Any
11 questions?

12 (No verbal response.)

13 Keep going.

14 DEPUTY INSPECTOR STEPHANOFF:

15 E-126 of '19 is a contract with A-1 Grand
16 Auto Body. This is a one year extension of
17 an existing contract. This is our impound
18 contract. This allows us to impound
19 vehicles for safety reasons if we have to
20 get them off the road. We impound for
21 evidence, for DWI. It's revenue generating.
22 They pay us for the zones.

23 We are encumbering \$49,000. If
24 we retain a car forever, it's if we impound
25 it for a crime, we retain it for evidence,

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2 we pay the impound fees for that. It's a
3 small portion just to pay those fees but we
4 do collect for the zones.

5 CHAIRMAN NICOLELLO: Any
6 questions on any of the items? Legislator
7 Schaefer has a question.

8 LEGISLATOR SCHAEFER: I have one
9 question for you. For E-125, Selex
10 contract, is that the contractual amount
11 comparable to -- I see that they're the sole
12 manufacturer of these license plate readers,
13 correct?

14 DEPUTY INSPECTOR STEPHANOFF:
15 Yes.

16 LEGISLATOR SCHAEFER: So I'm just
17 curious, was there like a comparison done to
18 what their charging their costs, compared to
19 a similar county in another state or
20 anything like that?

21 DEPUTY INSPECTOR STEPHANOFF:
22 Yes, they have a uniform maintenance price
23 that they charge to maintain. It goes per
24 how many units they have.

25 LEGISLATOR SCHAEFER: Okay.

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2 Thank you.

3 CHAIRMAN NICOLELLO: Minority
4 Leader Abrahams.

5 LEGISLATOR ABRAHAMS: Just a
6 quick question. In terms of the license
7 plate reader data, how is the department --
8 I know this is an existing thing that we are
9 doing, but how is the county insulating to
10 ensure that the data is protected, the
11 motorist data is protected?

12 DEPUTY INSPECTOR STEPHANOFF: Our
13 IT, we have a proprietary system. It's not
14 like with the county. It's on a server and
15 it's proprietary to the police department.
16 We have fire walls in place and software
17 that does protect the servers.

18 LEGISLATOR ABRAHAMS: So you are
19 able to track people who are accessing the
20 data from breaching?

21 DEPUTY INSPECTOR STEPHANOFF: Yes,
22 not every one can access it. We have
23 limited personnel that can access it. It's
24 not open to anyone in the department. I
25 don't have access. So it's not open to

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2 anyone in the department and it is tracked
3 on who accesses it.

4 LEGISLATOR ABRAHAMS: Thank you.

5 CHAIRMAN NICOLELLO: Mr. Budnick.

6 MR. BUDNICK: A quick technical
7 question. Thank you very much. The license
8 plate reader units that we have, are they
9 also being used on the state parkways? And,
10 if not, can some sort of an arrangement be
11 made between you and the state police about
12 that issue? Or do they have their own
13 system?

14 DEPUTY INSPECTOR STEPHANOFF: We
15 don't patrol the state highways so I don't
16 believe we have any or there. I can
17 inquire.

18 CHAIRMAN NICOLELLO: Any other
19 public comment?

20 (No verbal response.)

21 All those in favor of these four
22 items signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

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2 Carries unanimously.

3 Next two are from the DA's
4 office; E-114 and E-115. They are
5 resolutions authorizing the county executive
6 to execute an amendment to a personal
7 services agreement between the county and
8 the Safe Center LI, Inc.

9 LEGISLATOR DERIGGI-WHITTON: So
10 moved.

11 LEGISLATOR SCHAEFER: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator DeRiggi-Whitton, seconded by
14 Legislator Schaefer.

15 MS. CORDOVA: Vicki Cordova from
16 the District Attorney's Office.

17 We are requesting approval for
18 the renewal of contracts with the Safe
19 Center. Both of these contracts are with
20 the Safe Center. The first one, E-114-19 is
21 for our 24 hour hotline, which is our police
22 partnership project. We are requesting the
23 amount of \$60,000 and no cost to the county
24 paid with forfeiture funds.

25 The second contract is E-115-19

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2 which is also with the Safe Center. It's
3 also a continuing program. It's the Adult
4 Victims Advocate Program and we are
5 requesting \$100,000 also at no cost to the
6 county paid for with forfeiture funds.

7 CHAIRMAN NICOLELLO: Any
8 questions?

9 (No verbal response.)

10 Any public comment?

11 MR. BUDNICK: Forgive me for
12 having to change the focus a little bit
13 again.

14 The New York State budget
15 recently passed will allow discovery of the
16 complete files including the names and
17 addresses of victims and witnesses of
18 crimes. The Bail Reform Law may create
19 large numbers of people who, on a prior
20 occasion, might have been involved in being
21 at the Nassau County Correctional Center.

22 It is my respectful suggestion
23 that somebody study whether and the extent
24 that additional space may be needed at state
25 centers considering particularly these two

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2 issues and how it may affect the ability of
3 the District Attorney's Office to be able to
4 successfully prosecute cases if complainants
5 and witnesses are subject to harassment by
6 criminals.

7 Thank you all very much. That's
8 just a comment.

9 CHAIRMAN NICOLELLO: Any other
10 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. Thank you.

18 E-116 and E-117, these are
19 resolutions authorizing the County Executive
20 to execute personal services agreements
21 between the county and New Horizon
22 Counseling Center.

23 LEGISLATOR SCHAEFER: So moved.

24 LEGISLATOR DERIGGI-WHITTON:

25 Second.

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2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Schaefer, seconded by Legislator
4 DeRiggi-Whitton.

5 MR. HALL: Brian Hall, Human
6 Services. First one E-116 is a \$5,000
7 amendment to the contract. It's a COLA
8 increase given by New York State and
9 assigned to New Horizon.

10 CHAIRMAN NICOLELLO: Any
11 questions on the first one?

12 (No verbal response.)

13 MR. HALL: The second one is
14 E-117 is also a New Horizon New York State
15 Office of Mental Health contract, also
16 assigned to New Horizon and it's 100 percent
17 state funded.

18 CHAIRMAN NICOLELLO: Okay. 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.)

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2 Those opposed?

3 (No verbal response.)

4 Carries unanimously.

5 E-119, a resolution authorizing
6 the County Executive to execute a personal
7 services agreement between the county and
8 Aelixt Group LLC.

9 LEGISLATOR KOPEL: So moved.

10 LEGISLATOR ABRAHAMS: Second.

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

14 MS. HUBER: Hi. Karen Huber,
15 Human Resources. This item, E-119-19 is the
16 contract to provide sexual harassment
17 training that was mandated by legislation
18 last year to all county employees.

19 It is a one year contract for
20 \$48,000 but the option to renew for two
21 additional years for a total contract of
22 \$132,000. The contract is dated March 1st,
23 yet the work with the vendor has not yet
24 started.

25 CHAIRMAN NICOLELLO: Thank you.

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2 Legislator Schaefer.

3 LEGISLATOR SCHAEFER: What kind
4 of training is it going to be? There is
5 typically something online that we've done,
6 so is there something different about it,
7 classes or one on one seminars?

8 MS. HUBER: So the vendor is
9 going to do one on one in person training
10 for all supervisory staff and we have
11 already started in the Office of Human
12 Resources collecting those people that meet
13 that criteria and then they're also going to
14 update our online training that will be
15 available to every county employee and to
16 those employees that are not eligible to do
17 the in-person training at the supervisory
18 level.

19 LEGISLATOR SCHAEFER: Thank you.

20 CHAIRMAN NICOLELLO: Any other
21 questions?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 All those in favor signify by

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2 saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 E-120 of 2019, a resolution
8 authorizing the county execute to execute an
9 amendment to a personal services agreement
10 between the county and Oracle America Inc.

11 LEGISLATOR SCHAEFER: So moved.

12 LEGISLATOR RHOADS: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Schaefer, seconded by Legislator
15 Rhoads.

16 MS. STANTON: Nancy Stanton, IT.
17 E-120-19, Oracle America Inc., renewing an
18 existing contract for January 1st, 2019
19 through May 31st, 2024. This is a five year
20 renewal. This is for licenses and
21 maintenance supporting the people soft
22 implementation which is replacing the human
23 resources management system requesting to
24 increase the ceiling by \$2,015,927 over five
25 years. We will be encumbering \$450,549 for

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2 2019-2020. This is funded through the
3 capital project 97109 people soft.

4 CHAIRMAN NICOLELLO: Any
5 discussion or questions?

6 LEGISLATOR ABRAHAMS: Hi. Just
7 curious. Is there any concern about any
8 potential duplication between what you are
9 doing with Oracle and what Comptroller is
10 doing with NIFS?

11 MS. STANTON: I'm sorry?

12 LEGISLATOR ABRAHAMS: What you're
13 doing with Oracle.

14 MS. STANTON: What we're doing
15 with Oracle is just the human resource side,
16 payroll, benefits, the financial side is
17 NIFS, that's totally separate.

18 LEGISLATOR ABRAHAMS: And there
19 is no duplication?

20 MS. STANTON: At this point, no.

21 LEGISLATOR ABRAHAMS: Because
22 counsel is advising me on the original
23 contract there was some overlap.

24 MS. STANTON: That's correct.
25 They decided to go ahead with the human

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2 resource piece and the financial piece will
3 be second to that.

4 LEGISLATOR ABRAHAMS: Thank you.

5 CHAIRMAN NICOLELLO: Any other
6 questions?

7 (No verbal response.)

8 Is there any public 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.

16 122 of 2019, a resolution
17 authorizing the county executive to execute
18 a personal services agreement between the
19 county and Dr. Eugene Bourquin.

20 LEGISLATOR RHOADS: So moved.

21 LEGISLATOR SCHAEFER: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Rhoads, seconded by legislator
24 Schaefer.

25 MS. NORI: Mary Nori from the

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2 County Attorney's Office. E-122 is an
3 amendment to an existing contract originally
4 entered into pursuant to a consent decree so
5 ordered on December 1st, 2015.

6 Pursuant to that order the county
7 was required to cover all the costs related
8 to the performance of a qualified
9 independent monitor to oversee the
10 implementation and installation of APS
11 Technology.

12 In accordance with that consent
13 decree all APS installations must be
14 completed no later than seven years from the
15 effective date of that decree which will
16 take us to December 31st, 2022.

17 12 locations were subject to
18 feasibility testing. To date having
19 discussed this, gotten information from DPW,
20 five have been installed.

21 DPW has completed final designs
22 for six additional locations and will have
23 construction scheduled shortly and for the
24 12th intersection, design is almost
25 complete.

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2 CHAIRMAN NICOLELLO: Thank you
3 any questions?

4 (No verbal response.)

5 Any public comment?

6 MR. BUDNICK: About these five
7 locations, where are they within the county?

8 MS. NORI: The five locations
9 are, Rider Avenue. These are all along
10 Hempstead Avenue. Rider Avenue, Park
11 Boulevard, Maple Avenue/Johnson Law,
12 Hempstead Gardens Drive and Eagle Avenue.

13 MR. BUDNICK: Thank you. My
14 compliments. I have to make a comment and
15 change the focus just a quick moment. Once
16 again, the state legislature by it's
17 changing --

18 CHAIRMAN NICOLELLO: Mr. Budnick,
19 does this have to do with --

20 MR. BUDNICK: This is absolutely
21 necessary for the County Legislature to
22 know.

23 CHAIRMAN NICOLELLO: You are
24 missing the point of the public comment.
25 It's supposed to be on the item. I know you

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2 have random thoughts about things.

3 MR. BUDNICK: It has reference to
4 the County Attorney's Office, needing to
5 meet with the District Attorney's Office and
6 Nassau County Traffic and Parking Violation
7 Agency because in a few months the new state
8 legislation about criminal discovery will
9 apply to all of them and I'm not certain
10 that anybody is currently looking to make
11 sure that we either comply or we try to do
12 something to stop that.

13 Because there are severe
14 implications for the county and the county's
15 criminal justice system, and the county's
16 juvenile justice system and traffic system.
17 Thank you. My apologies for being a pain in
18 the tush.

19 CHAIRMAN NICOLELLO: Thank you.
20 Any other 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.

4 E-123 of 2019, a resolution
5 authorizing the county executive to execute
6 a personal services agreement between the
7 county and Exiger, L.L.C.

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.

14 MR. CHIARA: John Chiara, Deputy
15 County Executive for Compliance, Robert
16 Cleary, Chief Procurement Officer.

17 This is a contract for an
18 integrity monitor for the Nassau County
19 police training facility. It was the result
20 for a qualified integrity monitors. The
21 vendor was the lowest bid.

22 Although this is a DPW contract,
23 the contract was a combination selected by a
24 combination of the office of the county
25 Comptroller, the office of the Nassau County

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2 Inspector General, DPW, and the compliance
3 department.

4 The reason for that is that this
5 monitor, as you can see from the contract,
6 will be reporting to all those entities.

7 The purpose of an integrity
8 monitor which is a best practice used by
9 many municipalities across the country,
10 specifically the Port Authority of New York,
11 New Jersey, MTA, the construction has grown
12 out of the last 20 years.

13 Among other things, their role is
14 to deter and to detect fraud, waste and
15 abuse. Additionally their role is to serve
16 as an outside consultant and a multiplying
17 force for the local government in order to
18 review their procedure and process review,
19 look at their inherent risk, create
20 mitigation control, conduct field
21 investigations, conduct review of payments
22 and also conduct review of change orders,
23 among many of the things they engage in.

24 This particular contract accounts
25 for ten percent minority and women owned

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2 business, subcontracting as well as six
3 percent SDVOB. Do you have any questions?

4 CHAIRMAN NICOLELLO: Legislator
5 Rhoads.

6 LEGISLATOR RHOADS: Just a couple
7 of questions. Obviously we are all in favor
8 of accountability and transparency in Nassau
9 County government.

10 My initial question would
11 officially be, are we putting an integrity
12 monitor into the Department of Assessment?
13 Any idea?

14 MR. CHIARA: I'm not the exact
15 person to talk on that but the Department of
16 Assessment has a lot of reviews that are
17 already in place. They also have the
18 numbers of the assessment are also reviewed
19 by the state and there are also many other
20 reviews that you all discussed earlier on.

21 LEGISLATOR RHOADS: I know, but
22 specifically with respect to accountability
23 and transparency but it's off the topic for
24 this particular item.

25 Incidentally, the \$457,000, do

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2 you know where out of the budget that's
3 coming, is that part of the construction
4 budget for the academy itself?

5 MR. CHIARA: Yes, it's coming
6 from the capital budget for the academy.

7 LEGISLATOR RHOADS: I had some
8 concerns about the process. Can you explain
9 to me exactly what a mini bid is?

10 MR. CHIARA: So approximately I
11 would say last June, we put out an RFQ, a
12 request for qualifications, from a series of
13 vendors.

14 We got it to the largest group of
15 vendors that we could. We got a list from
16 the Port Authority of New York New Jersey,
17 from other type of municipal agencies that
18 have these lists.

19 The idea behind these lists is
20 that you have a project that needs an
21 integrity monitor to come on to it, all you
22 have to do is send out a mini bid which is
23 basically a scope of work. It's like an RFP
24 but it's slightly a condensed RFP. So last,
25 I think, approximately June, we got a list

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2 of all these selected vendors.

3 Now these vendors were not
4 selected for any specific projects, but they
5 were reviewed to make sure they were
6 qualified to do different types of integrity
7 monitoring work.

8 As a result of that list which is
9 I believe 13 vendors, which is, again, it's
10 all of the types of vendors that if you work
11 in that world, you would be familiar with
12 Ernst & Young, Coning Resnick, DBO, Kroll,
13 Yip, Navigant, some are national firms, some
14 are regional firms. Some do international
15 work.

16 So in a mini bid process, which
17 is a similar process that the County
18 Attorney's Office do, instead of conducting
19 a brand new RFP process, because we already
20 have a list of qualified vendors, we send
21 out that scope of work for the individual
22 project to them, and then they respond.
23 It's treated just like an RFP process on
24 that. Does that make sense, legislator?

25 LEGISLATOR RHOADS: You've

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2 already essentially, and my understanding of
3 what you just said is you've essentially
4 pre-qualified a list of 13 different
5 companies and all you do is send them out
6 the information for a particular scope of
7 work that you want them to perform in this
8 instance, so you are not duplicating the
9 entire back up?

10 MR. CHIARA: That's exactly
11 correct.

12 LEGISLATOR RHOADS: So that was
13 sent out in May of last year 2018?

14 MR. CHIARA: I believe it was
15 solicited in May, and I think selected in
16 June or July.

17 LEGISLATOR RHOADS: However, the
18 bidding process for this particular mini bid
19 didn't start until January 28 of 2019; is
20 that correct?

21 MR. CHIARA: That's correct.

22 LEGISLATOR RHOADS: That was yes?

23 MR. CHIARA: Yes. The list of
24 qualified vendors is a list that the county
25 can hold on to until it is deemed stale.

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2 LEGISLATOR RHOADS: It appears to
3 be that all the questionnaires in the backup
4 paperwork that accompany this bid predates
5 the actual bid.

6 MR. CHIARA: That's correct.

7 LEGISLATOR RHOADS: Why would
8 that be?

9 MR. CHIARA: Because the selected
10 vendor Exiger also has another contract with
11 Nassau County. Because it was within the
12 six month window for disclosure forms before
13 they become stale where we use the same
14 forms. We do this across the board with
15 other vendors when a vendor is selected --
16 like I know you have, recently we had a
17 series of contracts that came through for
18 Poscillico, we don't make them fill out the
19 same forms. As long as they are updated
20 within the six month period which is the
21 county's policy on that.

22 LEGISLATOR RHOADS: What is this
23 other contract with this particular vendor,
24 Exiger? I don't recall that other contract
25 being before us.

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2 MR. CHIARA: It's for third party
3 monitoring. There is a press release on it,
4 press conference on it. Basically they also
5 have a software, the company is a leader in
6 the industry. They a software that you are
7 able to run and do a very complicated and
8 complex search like a Google search, but a
9 very unique set of searches. We use that
10 against -- we upload so far about 500
11 vendors and we are able to do a deeper dive
12 and review besides these disclosure forms.

13 LEGISLATOR RHOADS: We've entered
14 into that contract already?

15 MR. CHIARA: Yes.

16 LEGISLATOR RHOADS: Was that
17 contract for less than \$1,000 in value?

18 MR. CHIARA: Yes, it was.

19 LEGISLATOR RHOADS: Which is the
20 reason why it was never presented to the
21 legislature?

22 MR. CHIARA: That's correct.

23 LEGISLATOR RHOADS: About the
24 process itself, the backup material
25 indicates that the decision of who to

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2 actually hire was done by done by consensus.
3 What does that mean exactly?

4 MR. CHIARA: I will let
5 Mr. Cleary describe the sort of procurement
6 area?

7 MR. CLEARY: There was a
8 unanimous vote by the committee to select.

9 LEGISLATOR RHOADS: So there was
10 no one in opposition to that particular
11 vendor?

12 MR. CLEARY: That's correct.

13 LEGISLATOR RHOADS: I also notice
14 there was a point system by which these
15 individuals received a rank. How many bids
16 were received? I know there were 13 vendors
17 on the list but how many bids were received?

18 MR. CLEARY: There were 13
19 members of the panel. We received 11
20 proposals.

21 LEGISLATOR RHOADS: Who exactly
22 was on the panel?

23 MR. CLEARY: The selection
24 committee?

25 LEGISLATOR RHOADS: Who was on

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2 the selection committee?

3 MR. CLEARY: The selection
4 committee was representatives of the groups
5 that were mentioned; the Inspector General,
6 the office of the Comptroller, Department of
7 Public Works and compliance.

8 LEGISLATOR RHOADS: Now if there
9 was a concern about the process by which
10 this particular company by which the bid was
11 issued and this particular company was
12 selected, would it not be the Inspector
13 General that would be one to conduct the
14 investigation into the process?

15 MR. CHIARA: This is an unusual
16 contract and I think all parties recognize
17 that but we also thought that because of the
18 office of the Inspector General and as well
19 as the office of the County Comptroller who
20 are involved in claims and these reviews
21 were going to be getting reports that they
22 needed a voice in the selection of the
23 person.

24 But you are correct. The office
25 of the County Comptroller has oversight in

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2 this area, the office of compliance and
3 chief procurement officer have oversight in
4 this area, as well as the inspector
5 general's office, as well as DPW, they have
6 oversight in this area too because they are
7 the managing agency for the underlying
8 contract which, in this case, is the police
9 training.

10 So it was a little bit of a
11 unique situation but it's also critical that
12 the parties that are the beneficiaries of
13 the contract and users of the contract have
14 a voice and say in the contract and that was
15 a critical decision we made in this
16 particular case.

17 LEGISLATOR RHOADS: If I could
18 just follow up with one question.

19 How does that not create the
20 potential for a conflict of interest if
21 somebody raises a concern about this entire
22 bidding process. When the entity -- and, in
23 fact, correct me if I'm wrong it was
24 actually the Inspector General who was on
25 this committee.

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2 MR. CHIARA: I don't want to
3 speak for the Inspector General's Office so
4 I can just speak for the chief procurement
5 officer and myself is that there is the
6 appearance of a conflict here but I don't
7 think there was actually a conflict.

8 LEGISLATOR RHOADS: There
9 wouldn't necessarily be a conflict unless
10 someone raises -- it becomes a conflict
11 situation if somebody like Kroll, for
12 example, according to the backup, had the
13 same exact point score as the entity that
14 won the bid, did they not?

15 MR. CHIARA: You are talking
16 about a hypothetical that didn't happen.

17 LEGISLATOR RHOADS: I'm not
18 talking about a hypothetical. That
19 particular company and the company that was
20 awarded the bid had the same point ranking,
21 correct?

22 MR. CHIARA: No and yes. I will
23 let Mr. Cleary answer. All the vendors were
24 given a point criteria and, from that, the
25 that was the process in which the county

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2 decided who was going to be interviewed. So
3 it wasn't simply a scoring process.

4 That's where in response to your
5 earlier questions how it was unanimous is
6 that there were points given relating by the
7 different parties relating to how
8 specifically we were going to decide who was
9 going to be interviewed.

10 The county interviewed lengthy, I
11 think multiple hour interviews on all of
12 them in person interviews with the whole
13 team.

14 Then there was another evaluation
15 done after that just to sort fully
16 understand the scope and depth that went
17 into the selection.

18 LEGISLATOR RHOADS: Except we
19 still have the issue, I'm using them as an
20 example, Kroll with similar point score.
21 After we consider this today, and presumably
22 approve it today, if they were to raise a
23 concern about how the process went and about
24 the fact that they didn't receive the bid
25 and they felt there was something improper

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2 about the process, how do we not have an
3 issue with the very person, not just the
4 office, but the very person that is supposed
5 to be the independent monitor to go back and
6 investigate to make sure that we followed
7 the process correctly, is actually part of
8 the process. How does not present a
9 potential issue?

10 MR. CLEARY: So I think strictly
11 and solely at the point value
12 misrepresenting the conduct of the
13 solicitation, the requirement is that it --

14 LEGISLATOR RHOADS: But the point
15 value I'm using just has an example. It
16 could be any of the companies. What would
17 happen if any of the companies submitted
18 bids turned around and challenged the
19 process? You have not only the inspector
20 general who was a voting member of this
21 committee, but you also have I believe the
22 two chief deputies who are non-voting
23 members of the committee. Who is going to
24 hear -- who is going to do the investigation
25 and who is going to make the decision as to

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2 whether the process was followed when the
3 very people that are supposed to make that
4 decision are part of the process?

5 MR. CLEARY: So the requirement
6 for the procurement action is that there be
7 a rational basis, right?

8 LEGISLATOR RHOADS: I understand
9 you're trying to tell me how it would be
10 defended, right? I get that. But who would
11 be the one to make the decision when the
12 very people that are supposed to make that
13 decision, they're the ones that actually
14 participated in the process?

15 MR. CHIARA: Well, if a decision,
16 if they challenged, and there was not a
17 challenge in this case, that becomes a legal
18 action just like any other challenge. They
19 would sue the county, and then going back to
20 Mr. Cleary's point, is that it's based on
21 whether the county acted in a rational basis
22 in the selection process.

23 In this case I think it's pretty
24 clear how defensible it is because the
25 people who were part of the selection

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2 committee, it was necessary for them to be
3 part of it in order for the county to make a
4 rational basis decision on how they were
5 selected.

6 I also want you to know, I can't
7 tell you point by point who does it exactly
8 where, but different municipalities like New
9 York City or the MTA, members of their
10 Inspector General's office, my understanding
11 is that they sit on similar committees to
12 select integrity monitors and, in some ways,
13 even the DPW sitting on a committee for road
14 construction, they're the ones that
15 originally -- for instance, if there is an
16 issue with a vendor saying there was
17 misconduct in the selection process, the
18 first point of contact there is for the
19 department to deal with. Then it goes
20 through a process.

21 I don't know if that answers your
22 question, but the short answer to your
23 question is that if any vendor under the law
24 wants to challenge our basis for making a
25 decision in our process, it becomes a legal

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2 process that moves to the court system, so a
3 judge would be the person to make that
4 decision.

5 LEGISLATOR RHOADS: It's less of
6 a question than it is a concern that the
7 idea of having the Inspector General was
8 that there be someone who was independent of
9 the administration who was going to be able
10 to do the investigations and make
11 determinations as to whether we followed our
12 processes correctly.

13 And when the Inspector General,
14 the office and the Inspector General
15 personally are participants in the process,
16 that raises a concern. I'm going to leave
17 it at that.

18 Let me ask the following
19 question. The day before the bids were
20 released there was a press conference, with
21 the County Executive and with Exiger where
22 it was announced that Exiger, and this is
23 the day before this mini bid was released,
24 that Exiger was going to be providing
25 services to Nassau County, the same services

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2 my understanding that was bid on here, was
3 going to be providing services to Nassau
4 County for free for a period of 18 months.
5 Am I correct about that press conference?

6 MR. CHIARA: You are not correct
7 about the services.

8 LEGISLATOR RHOADS: What were the
9 services?

10 MR. CHIARA: Services that were
11 being given to the county, and I wouldn't
12 call it free.

13 LEGISLATOR RHOADS: I didn't
14 call it free. The press release from the
15 County Executive said it was free.

16 MR. CHIARA: In response, the
17 services we were getting to use in the pilot
18 and we have to provide feedback to the
19 vendor on it. So the services are now
20 limited to use of their services which is
21 called GDIQ and the services here, that
22 there is a part that they would use their
23 same platform, but it's a very, very small
24 part of the scope of the contract.

25 The services here include field

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2 investigation, on-site monitoring, auditing,
3 review of change orders, engineering,
4 engineers coming in on-site and making
5 reviews. Engineers reviewing plans, change
6 order plans.

7 It's extremely extensive so the
8 services are actually not similar at all
9 except for that one very small of the
10 service.

11 LEGISLATOR RHOADS: Were any of
12 the other competing vendors made aware of
13 the existing relationship between Exiger and
14 the County of Nassau?

15 MR. CHIARA: That relationship is
16 public.

17 LEGISLATOR RHOADS: But in a
18 situation where -- for example, at this
19 press conference, was it disclosed at the
20 press conference that Exiger was bidding on
21 another project?

22 MR. CHIARA: We would never
23 discuss something like that with Exiger at
24 that. Those are not types of discussions
25 that would be appropriate.

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2 LEGISLATOR RHOADS: Did the fact
3 that Exiger was providing services free to
4 the County of Nassau, announced the day
5 before the bid was released, was that
6 considered at all in the process of awarding
7 the bid?

8 MR. CHIARA: It cannot be
9 considered either way. It was something
10 that we could not consider. Whether or not
11 that it was something that they would
12 benefit from or something that would hurt
13 them.

14 LEGISLATOR RHOADS: Please don't
15 imply from my question that I think that
16 Exiger did something improper. They may be
17 perfectly capable of providing the services
18 and services that should be provided.
19 However, are there minutes taken of these
20 meetings?

21 MR. CLEARY: There are minutes of
22 the evaluation committee meetings issued to
23 the committee members.

24 LEGISLATOR RHOADS: And the
25 minutes would also let us know as a

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2 Legislature who actually attended those
3 meetings and obviously provide some sort of
4 summary of the discussion?

5 MR. CLEARY: Yes.

6 LEGISLATOR RHOADS: Would we be
7 able to ask for those minutes?

8 MR. CLEARY: Yes. Once a
9 contract is finalized certain information is
10 foilable and that public information would
11 be able to you as well.

12 LEGISLATOR RHOADS: I'm assuming
13 that the administration wouldn't expect the
14 Legislature to issue a foil request if we
15 made a request for the information we would
16 be provided with it?

17 MR. CLEARY: No. I was just
18 trying to say that there is some information
19 that becomes public after the period during
20 which the contract is under consideration.

21 LEGISLATOR RHOADS: I also
22 noticed from the back up materials there
23 were amendments to the mini bid, right?

24 MR. CLEARY: Yes.

25 LEGISLATOR RHOADS: Actually two

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2 amendments to the mini bid. What were those
3 amendments?

4 MR. CLEARY: One of the
5 amendments was some questions asked by the
6 potential participants. Those answers were
7 given.

8 LEGISLATOR BYNOE: Mr. Cleary,
9 could you get closer to the microphone, I'm
10 having trouble hearing you.

11 MR. CLEARY: I don't have the
12 amendments right in front of me but one of
13 them were to answer questions that were
14 submitted by the participants in the panel.

15 The second one was to add
16 language that was requested by the Inspector
17 General and the terms of the contract.

18 Which involved reporting to the
19 Inspector General's Office as well as the
20 County Executive.

21 LEGISLATOR RHOADS: Wait. Was it
22 the amendment to the contract or amendment
23 to the bid documents?

24 MR. CHIARA: It's the amendment.
25 So the first thing that goes out was the

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2 original, for lack of a better word, the RFP
3 document that gives the scope of the work
4 and what's expected and the response.

5 And then the second item was
6 slate amendments of that document which
7 included additional language that was
8 provided to them.

9 Then we get a series of questions
10 that come in and as a group we have to
11 answer those questions and that goes out as
12 another amendment to the mini bid process.

13 LEGISLATOR RHOADS: When we are
14 talking about amendments to the contract,
15 you do mean amendments to the bid document,
16 right? In other words, we don't send out,
17 if you have 13 companies bidding on a
18 contract, we don't send out 13 proposed
19 contracts?

20 MR. CLEARY: There was a draft
21 contract included with the solicitation.

22 LEGISLATOR RHOADS: So the
23 amendment was to the draft contract?

24 MR. CLEARY: That's right.

25 LEGISLATOR RHOADS: And I'm

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2 assuming that we would be able to find out
3 also when the change in the language was,
4 correct?

5 MR. CHIARA: The change in the
6 language was in the one included in the
7 contract, I believe, those substantive
8 things were changed in the contract that's
9 before you.

10 LEGISLATOR RHOADS: Incidentally,
11 what's the -- in terms of a time frame, how
12 quickly would we need to turn this around in
13 order to be able to have, whatever company
14 is ultimately selected, to have them start
15 work?

16 In other words if I wanted to see
17 this documentation and we were to consider
18 this contract at the next Rules Committee
19 meeting as opposed to today, so we would
20 have an opportunity to review it, does that
21 create any type of issue?

22 MR. CHIARA: It does create an
23 issue because the project already started.
24 So as I'm sure you're aware, the police
25 academy project already started.

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2 LEGISLATOR RHOADS: I know they
3 had the ground breaking.

4 MR. CHIARA: So the sooner in
5 place the monitor is, the better position I
6 believe the county is in to protect against
7 deter against fraud, waste and abuse.

8 LEGISLATOR RHOADS: I understand
9 that but part of our responsibility as a
10 Legislature also is deter fraud, waste, and
11 abuse.

12 MR. CHIARA: Just so the
13 Legislature is aware, I had a multiple hour
14 meeting with the minority staff on this and
15 I always welcome the majority staff to meet
16 with us which we reached out to you so that
17 these types of delays, these questions,
18 could be answered if not at these
19 legislative hearings but before them.

20 LEGISLATOR RHOADS: When did work
21 actually begin on the police academy
22 project?

23 MR. CHIARA: I don't know the
24 specific day but there already have been
25 this sort of site visits and that type of

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2 initial work has already started.

3 LEGISLATOR RHOADS: I understand
4 that, the question is, we went to the ground
5 breaking last week. At the ground breaking,
6 it's obvious they have already at least
7 started excavating. Obviously work did
8 begin.

9 Do you know how long work has
10 been going on?

11 MR. CHIARA: I don't know the
12 specific date. I know I think it was
13 earlier this spring.

14 LEGISLATOR RHOADS: So obviously
15 contracts have been entered into in order to
16 perform some of the work that's been going
17 on?

18 MR. CHIARA: Are you talking
19 about the integrity monitor?

20 LEGISLATOR RHOADS: No, no. I'm
21 talking about the contracts that actually
22 begin the process of excavating clearing
23 land, the actual construction process at the
24 police academy.

25 MR. CHIARA: That contract was

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2 passed by the legislature in the November
3 December time frame, if I'm not mistaken.

4 LEGISLATOR RHOADS: I'm talking
5 about when the contract was in police, but
6 when did work actually begin? In other
7 words, if we want to have this integrity
8 monitor in place so that work is actually
9 being performed and assured that everybody
10 is doing what they're supposed to be doing,
11 and we close the bid on this February 15th,
12 why is it coming to us in June?

13 MR. CHIARA: I'm asking --

14 LEGISLATOR RHOADS: I don't mean
15 to give you a hard time.

16 MR. CHIARA: I'm going to see if
17 I can ask the DPW Commissioner.

18 LEGISLATOR RHOADS: My concern is
19 that --

20 MR. CHIARA: Earlier February.

21 LEGISLATOR RHOADS: So work has
22 been going on for four months basically?

23 MR. CHIARA: Yes.

24 LEGISLATOR RHOADS: But my
25 concern is that I'm being told that it's

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2 going to cause a problem if I request a
3 back-up documentation that I want to see
4 before I actually vote on this contract.

5 MR. CHIARA: I'm just saying, you
6 are asking when I would optimally want to
7 start the contract. It would be sooner than
8 later.

9 But obviously if there's back up
10 documents that you need and you find it
11 necessary, we will supply it.

12 I'd like to make a point in that,
13 this wasn't just the county DPW office
14 coming to the selection. This was the
15 Office of the County Comptroller who is here
16 representing the Inspector General's office
17 which you appointed, and she didn't start
18 until I believe January.

19 This is a very important thing.
20 Just last week we got -- the Former Chief
21 Deputy Walker plead guilty to corruption and
22 it's before that, earlier this year, we had
23 the former County Executive convicted by a
24 jury of his peers.

25 So these types of measures are

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2 extremely important to root out anything.
3 Not only to make sure the county is acting
4 properly to make sure our vendors are acting
5 properly.

6 LEGISLATOR RHOADS: I understand
7 the need for having the office. I'm trying
8 to make sure that what is actually being
9 presented to us since now we can't rely on
10 the Inspector General to do any kind of
11 investigation with respect to this
12 particular contract.

13 I want to make sure you all the
14 I's were dotted and Ts are crossed before I
15 vote on it.

16 We are well aware of the issues
17 going on in the news. Well aware of the
18 fact that we've had four county legislators
19 in the history of this body that have been
20 removed from office for a variety of
21 different reasons.

22 So, again, there is a quote at
23 the library, if you go to the library of
24 Congress and you walk in the front door, you
25 look up and turn around the doors you're

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2 going out, the wall right over that door, I
3 believe it's a quote from Thomas Jefferson,
4 "the essence of government is power." And
5 "powers that must be held in human hands
6 will ever be liable to abuse."

7 We know there is a danger and we
8 want to take whatever steps we can to make
9 sure that danger is not realized. Sometimes
10 in government we fail, but that doesn't mean
11 we shouldn't try to do better.

12 I understand that the integrity
13 monitor is an attempt in that. We need to
14 make sure that we have the information we
15 need to make sure this process was done
16 fairly.

17 In my opinion I've got some
18 concerns about the process. Those concerns
19 may wind up being completely unfounded, but
20 I need the documentation in order to be able
21 to see that. So I appreciate your answers.

22 MR. CHIARA: We're just sort of
23 talking about the concerns. This selection
24 committee was made up of independent people
25 from not only the Inspector General's Office

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2 but the office of the County Comptroller's
3 Office, extremely independent office as
4 well. All those members were present
5 throughout the process and took part in the
6 deliberations and the process.

7 In many ways, this was a model of
8 how the process should be conducted in many
9 ways. Sometimes we have opportunities to
10 put non executive people on that but it's
11 often not the case. This was a case where
12 it actually happened. The reason we did
13 that is those entities, meaning the office
14 of the County Comptroller and the office of
15 the Inspector General that really should be
16 part of the process because they're people
17 that are getting these reports and helping
18 us make our procurement processes better,
19 making sure that the payments are being done
20 properly, making sure the change order
21 process is being done properly. All things
22 that always need refining and attention.

23 LEGISLATOR RHOADS: I appreciate
24 your opinion. Thank you, Mr. Chairman.

25 CHAIRMAN NICOLELLO: Any other

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2 legislator want to say something?

3 Legislator Bynoe.

4 LEGISLATOR BYNOE: Good
5 afternoon.

6 MR. CHIARA: I'm sorry,
7 Legislator Bynoe, I would also like to add,
8 if you would like to bring this in
9 legislative session, there could be a more
10 detailed discussion about the conduct of the
11 committee, by the people that were in the
12 committee. If that's something that sounds
13 like something the legislators are
14 interested in --

15 LEGISLATOR BYNOE: You said
16 legislative session, are you saying
17 executive session, or --

18 MR. CHIARA: I'm sorry, executive
19 session.

20 LEGISLATOR BYNOE: While the
21 Presiding Officer makes a decision whether
22 he would like to go into executive session,
23 I will go ahead and ask one question.

24 Can you -- because I don't have
25 any back up. I need to know when those

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2 documents the disclosure forms were
3 originally completed and the date to which
4 it was then incorporated into this bid
5 packet.

6 MR. CHIARA: The date they were
7 completed was the date they are dated.

8 LEGISLATOR BYNOE: I don't have
9 it so I'm asking you to give me the dates.

10 MR. CHIARA: I don't have the
11 complete package.

12 LEGISLATOR BYNOE: I'm trying to
13 determine the time frame which they were
14 originally completed and then their
15 insertion into this particular mini bid.

16 You stated there was six months,
17 in other words, a six month period to which
18 we can use documents that were submitted
19 through a different process.

20 MR. CHIARA: If you look at, for
21 instance, the NUMC contracts coming through
22 here, all of those I would guess have the
23 same disclosure forms, Poscillico, I'm
24 pretty sure they had the same disclosure
25 forms. This is a process the county uses

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2 for efficiency. It's also something that's
3 not going to be as necessary in the future
4 because of our creation of the vendor
5 integrity database because they won't have
6 to submit new documents, photocopies of
7 documents, currently, what's happening now,
8 they are going to be saved on our date base
9 and all the department has to do is print
10 them.

11 For instance, if you have a
12 contract DPW has a contract with a vendor
13 and Social Services has a contract with the
14 same vendor, they can just go up to the
15 system and they can make sure those
16 disclosure forms were done within a
17 reasonable six month window and they can
18 print those out.

19 Also I want to note, disclosure
20 forms are not static. Vendors have an
21 obligation to update disclosure forms at all
22 times if there is unique material changes to
23 them.

24 LEGISLATOR BYNOE: That's exactly
25 my question.

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2 MR. CHIARA: That's goes to the
3 whole idea behind why we give a six month
4 window.

5 LEGISLATOR BYNOE: Thank you.
6 That's exactly the point about a material
7 change. So is there a document that they
8 are signing in lieu of the disclosure form
9 that indicates that there is an awareness
10 that they have a requirement to advise us of
11 the material change?

12 MR. CHIARA: It's in the
13 contract.

14 LEGISLATOR BYNOE: Buried in the
15 contract or is it a separate then document
16 that is at least initialed in the contract
17 that says that there is awareness that they
18 to advise us of the material change?

19 MR. CLEARY: It's written in our
20 procurement policy and the policy does
21 require the vendors to adhere to those terms
22 as well.

23 LEGISLATOR BYNOE: So what has
24 the county done to make sure that our
25 vendors understand this?

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2 I want to tell you right now,
3 every single dollar that I get from HUD, if
4 it's disbursed separately, I have to give
5 them disclosure forms over and over and
6 over. We don't have the privilege to have
7 them use older forms that I submitted three
8 four five months ago.

9 If that were the case I would
10 think that it would be regularly
11 communicated to me that I have a
12 responsibility to inform them of the
13 material change.

14 I'm fearful that we haven't done
15 enough to make sure our vendors understand
16 that we have to be made aware of material
17 changes.

18 MR. CLEARY: In this particular
19 case, since I did have to go back and get
20 revised form, I did speak to the vendor
21 about this issue before submitting the
22 contract.

23 LEGISLATOR BYNOE: That further
24 confirms my fear. That in this particular
25 case you happened to have had a verbal

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2 conversation regarding whether there was a
3 material change or not. That doesn't
4 satisfy my concerns or my issues with the
5 process.

6 MR. CHIARA: I don't want to get
7 off the subject but I was talking about a
8 person who spent a decade as a prosecutor.

9 LEGISLATOR BYNOE: So let's not
10 get off the topic. I'm going to help you
11 not get off the topic. Help you very, very
12 much right at the moment. I don't want to
13 hear all of that.

14 What I want to know is that this
15 county is requiring that our vendors express
16 an awareness, that they have a
17 responsibility to advise us of material
18 changes. If we're not doing it now, this
19 body is perfectly capable of ensuring that
20 it does do that. So the answer is no we are
21 not doing that. Thank you.

22 CHAIRMAN NICOLELLO: Legislator
23 Schaefer.

24 MR. CHIARA: I wouldn't say
25 that's the answer. Any time these

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2 companies, these forms are taken from
3 previous things there's often a discussion
4 on this. In the new vendor portal, there's
5 actually going to be a certification as to
6 this.

7 LEGISLATOR BYNOE: Verbal
8 communication is not enough. It's just not
9 enough. We set up a process to try to make
10 sure we are expending our dollars
11 appropriately and the individuals that we
12 are engaging with contractually are
13 disclosing to us whether there are any
14 matters to which this body needs to be aware
15 of when we are going to vote on an item. So
16 I don't think we are doing enough.

17 Verbal conversations, it can be
18 later said that they were unaware that that
19 conversation ever took place. Nobody is
20 memorializing those conversations by way of
21 a form or document or even an email that
22 expresses that there was some awareness.
23 That is a concern for me.

24 I wasn't attempting to disrespect
25 you but I don't want to start hearing about

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2 people's experiences outside of this county
3 and what then puts you in a position to be
4 eligible to determine whether somebody needs
5 to complete a form or express an awareness.
6 I think we have to button it up.

7 MR. CHIARA: Can I just state
8 this. The reason I was doing that is not to
9 tell war stories, it's because when you are
10 somebody whose prosecuted somebody for
11 filing, a false instrument for filing, which
12 is the class E-felony and I did that against
13 a city councilman in New York City, and
14 against a high managerial agent of the Port
15 Authority, filing a document with the
16 government with intent to defraud is a
17 felony.

18 Bu putting on my former
19 prosecutor hat by making them certify that
20 you're reaffirming, as you said, legislator,
21 it does make sense in some ways.

22 The problem is, if you don't have
23 them do it as a former law enforcement
24 person, then they can argue that you didn't
25 do that and therefore they shouldn't be held

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2 criminally liable for that. That creates a
3 huge problem for the criminal justice
4 system.

5 I would actually take note there
6 are some unintended consequences. Vendors
7 have to understand, this is common sense,
8 filing documents with the government, and
9 they know in the natural course of doing
10 business with government, they file a series
11 of documents.

12 Filing those documents with the
13 government, whether it's an old document or
14 a new document is the deterrent factor for
15 the process. That's why the New York State
16 Legislature has filing a false instrument
17 because that's really the force of it.

18 You can put notice and waivers on
19 it which we do. We say filing this document
20 is a crime or filing document is a class
21 E-felony, but you don't even need those
22 notices because the act of doing it is a
23 crime and ignorance of the law is not a
24 defense.

25 That's the seriousness of filing

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2 these documents. And when of I talk to
3 vendors --

4 LEGISLATOR BYNOE: So that's the
5 barometer of the crime but the exposure and
6 the loss of or misuse of county funding,
7 because we are not requiring the entity to
8 be on record, I think is, to me, listen,
9 when I sign my tax returns and I send them
10 in, and sign an amendment to my tax returns,
11 I still have to sign the amendment. Because
12 I have to keep affirming that what I'm
13 saying is consistent and it's truthful. I
14 see the benefit if doing that.

15 There is an innate deterrent if
16 someone has to continuously affirm what
17 they're saying is truthful. I think not
18 requiring someone to update, or just a
19 simple document that says there's an
20 awareness that they have a responsibility
21 to advise us of a material change, I
22 personally think we have not put ourselves
23 in the best position to deter people from
24 defrauding this county.

25 MR. CHIARA: But vendors

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2 knowingly when they submit a new contract
3 knowingly know the documents that's are
4 being submitted for that. That's the power
5 of the filing. That's why state legislature
6 is --

7 LEGISLATOR BYNOE: We could
8 debate this on and on.

9 MR. CHIARA: It's an incredibly
10 power tool the fact that it's against the
11 law to file something that's false. And if
12 something has materially changed and they
13 knowingly file either a new document or --

14 LEGISLATOR BYNOE: The point here
15 is that they are not filing a document
16 again.

17 MR. CHIARA: It's still false.

18 LEGISLATOR BYNOE: They're not
19 filing it again. When they filed it the
20 first time, it could have been true. What
21 they said the first time it could have been
22 accurate at the time they signed it.

23 Maybe I'm misunderstanding it.
24 But what I'm understanding now is that same
25 form that could have been accurate at

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2 signing six months ago when it's later
3 incorporated by this county or this
4 department by simply printing it out because
5 it's on a website and incorporating it into
6 the new bid packet, the mini bid packet,
7 however you refer to it, it could have
8 changed from the point they originally
9 signed it.

10 This then tells me that it's not
11 fraud. It's not fraud because when they
12 submitted it the first time it was accurate.
13 It was a submission or the utilization of it
14 in its second submission where the material
15 change has occurred is where I'm arguing
16 that we are allowing them to utilize a form
17 that's dated without any acknowledgement
18 that they had a responsibility to provide us
19 with a statement saying that all -- that
20 everything remaining equal from the form
21 submission from the original date is
22 consistent with today's date.

23 MR. CHIARA: I would just say
24 that the vendor knows they need to update
25 the form. I think that's common sense.

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2 Vendors know that's common sense. It's
3 common what they do. But also filing the
4 new document is when it's filed with the
5 clerk of the leg. If they have knowledge
6 that that's a false document that's been
7 filed again with the clerk of the leg,
8 that's the point where they've committed a
9 crime. That's the deterrence.

10 LEGISLATOR BYNOE: Who submitted
11 it the second time?

12 MR. CHIARA: It doesn't need to
13 be submitted by them. It's their knowing
14 knowledge of that it's been filed.

15 LEGISLATOR BYNOE: That's my
16 point. They didn't submit it. I'm not an
17 attorney, but I'm going to leave it.
18 Somebody from within the county's framework
19 submitted it, the entity did not submit it.
20 Thank you.

21 CHAIRMAN NICOLELLO: Legislator
22 Schaefer.

23 LEGISLATOR SCHAEFER: Thank you.
24 One of my questions was, when did we decide
25 we were going to implement an integrity

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2 monitor with this project?

3 Was it the same time the project
4 was thought of? Do you have any idea?

5 MR. CHIARA: This is something
6 that the administration has been thinking
7 about, doing integrity monitor type project.
8 It's also been discussions with the county
9 Comptroller's Office. So these discussions
10 have been on and off for the last six
11 months. Maybe a little earlier than that.

12 LEGISLATOR SCHAEFER: Is that for
13 -- it came up obviously with this project
14 because it's a bigger project, is it
15 something that they're seeking to do going
16 forward with other projects, is this going
17 to be another process that we're going
18 through in the future with others?

19 MR. CHIARA: The reason that this
20 project was selected is because this is an
21 extremely large county project. There's not
22 many of these projects that come along.
23 Contracts over \$50 million which is a pretty
24 good threshold number to do such a project.
25 But if this is a success, I would think we

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2 would do them in larger projects.

3 But the other reason we're doing
4 this project, as part of the agreement is
5 that they're also going to review some of
6 the county's processes in processing stuff
7 like change orders, from giving us an
8 outside picture of how that works which is
9 extremely useful. It allows us to use a
10 very significant test case to help us make
11 corrections and improvements in our system.

12 LEGISLATOR SCHAEFER: Well, as
13 you may or may not know, I have the family
14 court building in my district and could have
15 used it for that as well. It's taking way
16 longer than anyone anticipated.

17 MR. CHIARA: And not to
18 interrupt, but one of the reasons coming in
19 here from an outside place where I was
20 familiar with these integrity monitors is
21 seeing some of the delays and decision
22 making in that process, having also lived in
23 your district, having that process going on
24 for a decade. This is one of the reasons
25 why for those large county projects, an

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2 additional eyes and ears, and outside party
3 that can help us not make some of the
4 changes -- make mistakes that happened.

5 LEGISLATOR SCHAEFER: I also have
6 a problem with the fact that the Inspector
7 General is on the committee.

8 I understand what you're saying
9 about how that's something that other
10 committees -- the MTA utilizes, New York
11 City utilizes, that they did something
12 similar, maybe they had an inspector, but I
13 don't think it's appropriate. I really
14 don't when that's the person we go to if we
15 want a contract inspect, and it's almost
16 like then how would she go and investigate
17 this company or this contract or whatever if
18 that's what we wanted her to do.

19 That's really more of a statement
20 that I think that was not appropriate. I
21 understand what you're saying it's important
22 for her to have a say in maybe the company,
23 not necessarily the company, but there's got
24 to be a way where she can express her needs
25 and what she thinks would be appropriate for

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2 that integrity monitor and then not having
3 her being a voting member of a committee. I
4 think there's got to be a way to figure out
5 how that could be done going forward if we
6 were to do something. I think it presents a
7 real problem.

8 MR. CHIARA: This was a very
9 unique situation. And sometimes in this
10 type of thing where you have your oversight
11 who also has to have a voice in it. It's a
12 very unique situation.

13 I will let the inspector general
14 speak for herself. But from my point of
15 view I felt that it was critical. We asked
16 her and the Controller's Office, we thought
17 it was critical they have a say in how we
18 select this person.

19 They are the ones getting the
20 reports and that type of stuff. So I think
21 this is a unique situation and that's why it
22 was critical that a member of the Inspector
23 General's office was there as well as the
24 County Comptroller's Office.

25 It was also a unique situation

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2 because we also had people from compliance.
3 And that's an unusual thing to because we
4 also have to review the contract, and we
5 have an important part of the process. If
6 there is an actual issue with the contract,
7 like a breach of contract, that's part of
8 the County Attorney's Office and part of my
9 side of the house, that also becomes a
10 problem.

11 But this is a unique situation,
12 legislator, and I think the Legislature
13 needs to view it as a unique situation and
14 also a unique opportunity which I believe it
15 is. A unique opportunity where you have an
16 independent inspector general, the office of
17 the County Comptroller and DPW and
18 compliance all working together to promote
19 integrity, transparency, and accountability
20 in this county.

21 I think it's an extremely unique
22 opportunity and something that I think a lot
23 of people up there have been looking for us
24 to do as well.

25 LEGISLATOR SCHAEFER: I think I

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2 agree with you that it's something that we
3 want to see going forward having all those
4 departments working together. But I still
5 think there has to be a way they're not a
6 part of the actual voting committee.

7 Whatever we need in that
8 integrity monitor is obtained from them,
9 that information, what we need that
10 integrity monitor to do and all of these
11 oversights and all of these that would be
12 required from that company that integrity
13 monitor could be obtained from the different
14 departments depending on the project without
15 having them having vote on -- at least
16 without having the Inspector General vote on
17 it. I just don't see how there could
18 possibly not be a conflict if with that
19 contract if someone had a complaint about
20 it.

21 But it's also, I think you
22 mentioned earlier, you mentioned something,
23 before you say something, let me say, you
24 mentioned something about having executive
25 officers or members of executive departments

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2 being part of this.

3 The Inspector General is a
4 Legislative office. She's not supposed to
5 be really a partner with the administration.
6 She's supposed to be independent again which
7 is what we were seeking. I think this
8 violates that in many ways.

9 MR. CLEARY: If I may, I
10 appreciate your concerns. I understand this
11 is the appearance of a conflict of interest.
12 I don't believe in my heart of hearts there
13 is any conflict of interest here. We all
14 are absolutely pulling in the same
15 direction.

16 I will say this, the end product
17 is much stronger for having had them on the
18 committee. I think that this perhaps
19 establishes a template that will work going
20 forward.

21 Perhaps it's not necessary that
22 the Inspector General's Office be
23 represented. I don't want to speak for
24 them. Perhaps it's not necessary that they
25 be represented on future committees for

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2 integrity monitorships.

3 Now that we have incorporated
4 their requirements into this contract, but I
5 honestly believe it's a much better contract
6 because they were there in the room having
7 discussions with us, even if there were key
8 elements of the conduct of the committee, at
9 which they were crucial members frankly, and
10 we would not have gotten this as right
11 without their participation.

12 CHAIRMAN NICOLELLO: Legislator
13 Bynoe has a follow-up.

14 LEGISLATOR BYNOE: Thank you,
15 Presiding Officer.

16 I want to start off by saying
17 having worked in a field where we do large
18 scale construction projects that I actually
19 applaud the county administration for
20 seeking to use an integrity monitor given
21 this large scale project. I think it's the
22 right way to go.

23 But in all the concerns that were
24 raised regarding the process, I'm not sure
25 if we feel as a body we would benefit from

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2 having the Inspector General come down and
3 advise us whether she feels she could be
4 impartial and objective in the event she
5 would have to investigate this vendor for
6 any reason.

7 I think the service is beneficial
8 whether it's this company or another
9 company. That wasn't our decision for the
10 picking. But I hate to see us lose an
11 opportunity to have an integrity monitor in
12 place.

13 CHAIRMAN NICOLELLO: Let me just
14 say, we have identified a number of
15 different issues with this contract.

16 One of them is the fact that you
17 have an integrity monitor and both of you
18 have said that the Inspector General has an
19 appearance of a conflict. That is a major
20 problem.

21 So I think what we need,
22 Legislator Bynoe is correct in terms of
23 getting a response from the Inspector
24 General, but what we also need is an opinion
25 from the County Attorney that this

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2 procedure, this process, as to the propriety
3 of this process, I think we need a legal
4 opinion from the County Attorney.

5 So at this point I'm going to ask
6 for a motion to table.

7 LEGISLATOR RHOADS: So moved.

8 LEGISLATOR BYNOE: Second.

9 CHAIRMAN NICOLELLO: Moved by
10 Legislator Rhoads, seconded by Legislator
11 Bynoe.

12 MR. CHIARA: I'm sorry, can I
13 just say one thing? We didn't say that --
14 we all could have an appearance.

15 CHAIRMAN NICOLELLO: No, no. You
16 both said there is or was an appearance of
17 impropriety. Attempted to qualify it by
18 saying we didn't think it affected the
19 overall product. We thought it was
20 beneficial. It wasn't an actual conflict
21 but you both said there was an appearance of
22 a conflict.

23 MR. CHIARA: But the point is,
24 and I said this earlier too, there could be
25 an appearance of a conflict for any of us

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2 serving on it; the Comptroller's Office has
3 an independent audit function, and part of
4 this contract has to do with helping us
5 audit.

6 I have oversight and Mr. Cleary
7 has oversight in the compliance. It's just
8 a very unique situation where the parties
9 that oversee different aspects of the
10 county's procurement system from my point of
11 view, we review it from the department until
12 it gets sort of in the compliance area and
13 then there is the Inspector General, then
14 there is the Comptroller Office who has an
15 independent Charter function to audit the
16 thing.

17 So we are all in the same sort of
18 boat as the Inspector General. So I think
19 the fact that these group of people are the
20 only people in the county that are the
21 people that should be able to weigh in on
22 this because we are -- and I wasn't on the
23 selection committee, I was on the selection
24 committee, but I was a voting member, but
25 these are the people that are going to be

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2 working with the integrity monitor. There
3 is really no other way to get around that
4 unless you don't want an integrity monitor
5 from my point of view.

6 CHAIRMAN NICOLELLO: Everybody on
7 this committee and everyone in the
8 Legislature believes the integrity monitor
9 is a useful function.

10 But if there's ever going to be a
11 contract that has to be completely above
12 reproach, not open to any questions
13 whatsoever, it is a contract for an
14 integrity monitor. I think it's obvious
15 from what we are trying to do you can't have
16 a question or questions about the process
17 with hiring an integrity monitor. It's self
18 evident.

19 Anyway we have another meeting in
20 three weeks of the Full Legislature. We can
21 schedule another Rules Committee. We are
22 going to seek information or an official
23 opinion from the County Attorney as to the
24 proprietary of this process. There was a
25 motion on the floor. All in favor signify

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2 by saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 Carries unanimously, item is
8 tabled.

9 LEGISLATOR DERIGGI-WHITTON:

10 Motion to reconsider.

11 CHAIRMAN NICOLELLO: Legislator
12 DeRiggi-Whitton makes a motion to reconsider
13 item B-6 of 2019.

14 LEGISLATOR KOPEL: Second.

15 CHAIRMAN NICOLELLO: Seconded by
16 Deputy Presiding Officer Kopel. All in favor
17 of reconsidering B-6 of 2019 signify by
18 saying aye.

19 (Aye.)

20 Those opposed? Do you want to
21 say a few words?

22 LEGISLATOR DERIGGI-WHITTON:

23 Mr. Arnold, I'm sorry to do this, but the
24 Chesterfield contract, B-6, the one
25 regarding the bulkheads, I did confirm with

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2 the Mayor of Glen Cove, Mayor Tenke that
3 they were the ones who did the work in Glen
4 Cove and the city had to sue them to get the
5 money back.

6 So I just would feel more
7 comfortable if you were able to look into
8 exactly what happened before we go ahead and
9 grant them this contract.

10 I saw on the backup that they
11 said they never been sued or never been
12 involved in -- page 83 I guess it says. It
13 says that they not been sued but I don't
14 know if it was six years ago, just a little
15 over the five year time, but I know it did
16 go on since I was there. It was right
17 around that time.

18 The bulkhead fell in the water
19 within a year. It was pretty severe. The
20 whole top part fell off, it was a fight
21 whether it was the design or builder.

22 MR. ARNOLD: Was it ever decided?

23 LEGISLATOR DERIGGI-WHITTON:

24 That's what I want to do, I want to look
25 into it. It was a major thing for the city

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2 with the ferry terminal, so before we go
3 ahead and grant this, I feel better if you
4 were aware of it.

5 MR. ARNOLD: Thank you for
6 bringing it to our attention, but also
7 understand we have a licensed engineer
8 design it, licensed engineer oversee the
9 construction of it, watching the contractor.
10 So I'm not sure what the city's oversight
11 was on that contract.

12 LEGISLATOR DERIGGI-WHITTON: We
13 were pretty involved. We had the architect.
14 It was -- do you know if they're using a
15 nautical architect, someone who is familiar?

16 MR. ARNOLD: I know Sidney Balm at
17 the time has done many bulkheading jobs.

18 LEGISLATOR DERIGGI-WHITTON: I
19 was also told that that was part of the
20 problem, that it has to be a specific design
21 obviously because it's dealing with water.
22 Because literally the whole top part fell
23 off, the first storm we had and then it went
24 downhill from there.

25 MR. ARNOLD: Not knowing the

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2 particulars, you know --

3 LEGISLATOR DERIGGI-WHITTON: And,
4 again, I'm not saying we shouldn't consider
5 it in the future, but I think that I would
6 feel better if you took a look at it.

7 MR. ARNOLD: Sure. I will take a
8 look.

9 LEGISLATOR DERIGGI-WHITTON: I
10 will be happy to have it put back on again
11 in the next meeting, if the Presiding
12 Officer would be willing to do so. But
13 before we grant the contract, I really feel
14 that we should look at what happened in Glen
15 Cove. Okay?

16 MR. ARNOLD: That's fine.

17 CHAIRMAN NICOLELLO: We need a
18 motion to table.

19 LEGISLATOR DERIGGI-WHITTON: So
20 moved.

21 LEGISLATOR SCHAEFER: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator DeRiggi-Whitton, seconded by
24 Legislator Schaefer. All in favor of
25 tabling table signify by saying aye.

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2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Carries unanimously.

6 We have three items that were
7 previously tabled that we need a motion to
8 untable. E-71, E-72, E-73 of '19 are all
9 resolutions authorizing the County Executive
10 to executive an amendment to a personal
11 services agreement between the county and
12 Wilson Elser.

13 LEGISLATOR RHOADS: So moved.

14 LEGISLATOR SCHAEFER: Second.

15 CHAIRMAN NICOLELLO: Moved by
16 Legislator Rhoads, seconded by Legislator
17 Schaefer. All those in favor of untabling
18 signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Those matters are untabled.

23 MR. KASSCHAU: Jared Kasschau,
24 County Attorney. My thanks to the Rules
25 Committee for reconsidering these three

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2 items that are currently before you.

3 These are three amendments to
4 contracts for the law firm Wilson Elser in
5 connection with several litigations. These
6 amendments are to increase the dollar
7 amounts for certain contracts.

8 There were several questions that
9 were considered that we responded to. This
10 is one of the contracts that are now in the
11 transition as we move to the new contracting
12 procurement policy over at the county
13 attorney's office. These are a few that got
14 more complicated indicated by that virtue of
15 that transition.

16 So I respectfully request that
17 the Rules Committee pass these contracts.
18 They are involving pending litigation. We
19 need to move forward on them.

20 CHAIRMAN NICOLELLO: Thank you.
21 Any questions for Mr. Kasschau?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 All those in favor signify by

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2 saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 I will put the Rules Committee in
8 recess and do the other committees.

9 (Whereupon, the Full Legislative
10 Committee recessed at 5:46 p.m. and
11 reconvened at 6:55 p.m.)

12 CHAIRMAN NICOLELLO: I call the
13 Rules Committee out of recess. We need a
14 motion to suspend the Rules.

15 LEGISLATOR KOPEL: So moved.

16 LEGISLATOR SCHAEFER: Second.

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

20 All in favor of suspending the
21 rules signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 The rules are suspended. I'm

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2 going to call the consent items. After that
3 we will have two items to consider.

4 Let's get started. Clerk Items
5 Number 97, 126, 181, 182, 183, 184, 185,
6 186, 187, 188, 189, 193, 200, 201, 202, 203,
7 204, 205, 206, 207, 208, 209, and there is
8 one item on the addendum, 212.

9 LEGISLATOR BYNOE: So moved.

10 LEGISLATOR DERIGGI-WHITTON:
11 Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Bynoe, seconded by Legislator
14 DeRiggi-Whitton. These items went through
15 committees earlier today. It is agreed by
16 the majority minority there's no further
17 discussion required at this time on any of
18 these items.

19 Any discussion or debate?

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.)

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2 Those opposed?

3 (No verbal response.)

4 Carries unanimously.

5 Just two items left. 191 of
6 2019, a resolution authorizing the County
7 Executive to execute an intermunicipal
8 agreement with the City of Glen Cove in
9 relation to a project to remediate Crescent
10 Beach.

11 LEGISLATOR DERIGGI-WHITTON: So
12 moved.

13 LEGISLATOR RHOADS: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator DeRiggi-Whitton, seconded by
16 Legislator Rhoads.

17 MR. ARNOLD: Good evening. Ken
18 Arnold, Public Works. This is an IMA with
19 the city of Glen Cove to help address the
20 storm water contamination at Crescent Beach
21 Park. The county will be providing funding
22 for the city to undergo a study and design
23 of the storm water treatment device at the
24 connection of the creek into the bay to look
25 to reduce the pathogen loading to that

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2 location.

3 CHAIRMAN NICOLELLO: Do we have
4 any questions on this item?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 All those in favor signify by
9 saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Carries unanimously.

14 Clerk Item 196 of 2019, a
15 resolution authorizing the County of Nassau
16 to file an application for federal
17 assistance with the US Department of Housing
18 and Urban Development.

19 Legislator Bynoe have left the
20 chambers and is not going to participate in
21 any debate or discussion and will not
22 participate in the vote.

23 We need a motion.

24 LEGISLATOR RHOADS: So moved.

25 LEGISLATOR DERIGGI-WHITTON:

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2 Second.

3 CHAIRMAN NICOLELLO: Moved by
4 Legislator Rhoads, seconded by Legislator
5 DeRiggi-Whitton. It's now before us.

6 MR. KREEN: Good evening. Kevin
7 Kreen, Office of Community Development.
8 This again is the 2019 annual action plan to
9 be submitted to the US Department of Housing
10 and Urban Development. It is the fifth year
11 of the five year consolidated plan.

12 It includes funding on three
13 separate federal programs, all through the
14 US Department of Housing Urban Development
15 and Community Development Block Grant
16 program which is \$14 million. The Home
17 Investment Partnership Program which is
18 roughly \$2.3 million and the Emergency
19 Solution Grants Program which is \$1.2
20 million. This is 100 percent federally
21 funded. No impact to the county budget.
22 Any questions?

23 CHAIRMAN NICOLELLO: Is
24 everything in compliance with the settlement
25 of that Mahanny suit that we undertook?

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2 MR. KREEN: Yes. The action
3 plan includes set aside of 25 percent of the
4 home funding for projects that would result
5 in the new construction of rental housing in
6 high opportunity areas, affordable housing
7 in high opportunity areas.

8 We have currently two
9 applications pending that would meet that
10 criteria, both of them are still seeking
11 additional funding sources but they would
12 both qualify under that set of funds.

13 We have also underway right now
14 the affordable housing study being funded
15 partially with money from last year, that
16 will also feed into the analysis of the fair
17 housing choice which will be required for
18 next year's planning study.

19 CHAIRMAN NICOLELLO: Thank you,
20 Kevin. Anyone else have any questions?

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 Motion to adjourn?
7 LEGISLATOR SCHAEFER: So moved.
8 LEGISLATOR RHOADS: Second.
9 CHAIRMAN NICOLELLO: Moved by
10 Legislator Schaefer, seconded by legislator
11 Rhoads. All in favor of adjourning?
12 (Aye.)
13 Those opposed?
14 (No verbal response.)
15 We are in adjournment.
16 (Whereupon, the Rules Committee
17 adjourned at 7:07 p.m.)
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25

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 _____ day of _____,
2019.

FRANK GRAY