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3 NASSAU COUNTY LEGISLATURE

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5 RICHARD NICOLELLO

6 PRESIDING OFFICER

7

8 RULES COMMITTEE

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10 LEGISLATOR RICHARD NICOLELLO

11 CHAIR

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14 Theodore Roosevelt Building

15 1550 Franklin Avenue

16 Mineola, New York

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19 September 23, 2019

20 9:47 P.M.

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

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4 LEGISLATOR RICHARD NICOLELLO

5 Chair

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7 LEGISLATOR HOWARD KOPEL

8 Vice Chair

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10 LEGISLATOR STEVEN RHOADS

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12 LEGISLATOR THOMAS MCKEVITT

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14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

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17 LEGISLATOR DELIA DERIGGI-WHITTON

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19 LEGISLATOR SIELA BYNOE

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2 MR. PULITZER: Rules Committee
3 roll call. Legislator Selia Bynoe.

4 LEGISLATOR BYNOE: Here.

5 MR. PULITZER: Legislator Delia
6 DeRiggi-Whitton.

7 LEGISLATOR DERIGGI-WHITTON:
8 Here.

9 MR. PULITZER: Ranking Member
10 Kevan Abrahams.

11 LEGISLATOR ABRAHAMS: Here.

12 MR. PULITZER: Replacing
13 Legislator Laura Schaefer Legislator Thomas
14 McKevitt.

15 LEGISLATOR MCKEVITT: Here.

16 MR. PULITZER: Legislator Steven
17 Rhoads.

18 LEGISLATOR RHOADS: Present.

19 MR. PULITZER: Vice Chairman
20 Howard Kopel.

21 LEGISLATOR KOPEL: Here.

22 MR. PULITZER: Chairman Richard
23 Nicoletto.

24 LEGISLATOR NICOLELLO: Here.

25 MR. PULITZER: We have a quorum.

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2 LEGISLATOR NICOLELLO: Thank
3 you. We have a motion to untable contract B6
4 of 2019. A resolution authorizing the county
5 executive to award and execute a contract
6 between the county and Chesterfield
7 Associates, Inc.

8 Moved by Legislator Rhoads.
9 Seconded by Deputy Presiding Officer Kopel.

10 I thank you for staying all day I
11 appreciate it.

12 MR. FALCOWSKI: Nine hours ago
13 when I was tired I thought I had a hard job
14 but you guys have demonstrated some serious
15 patience and I thank you for hearing this. My
16 name is Vincent Falcowski. I'm a deputy
17 commissioner with DPW filling in for Ken
18 Arnold who is away.

19 Item B6-19 is contract agreement
20 with Chesterfield Associates Inwood Park
21 bulkhead. This is a new contract for general
22 construction with the Inwood Park bulkhead
23 reconstruction. The construction project will
24 rehabilitate the existing boat launch and
25 bulkhead. And in addition it will install an

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2 ADA compatible kayak launch.

3 The notice to bidders was
4 publicized in Newsday on 7-25, 2018, in
5 e-procure 7-27, 2018 and in the New York State
6 Contract Reporter in 7-27, 2018.

7 36 potential bidders received the
8 solicitation. Three firms submitted bids on
9 8-28, 2018. Chesterfield Associates, Inc. was
10 the lowest responsible bidder in the amount of
11 \$2,000,044. The bid was 20.5 percent below
12 engineer's estimate. The contract duration
13 expires in 365 days from NTP, notice to
14 proceed. Funding for this project is
15 available from capital project 41-865 Inwood
16 bulkhead. MWBE participation is proposed at
17 9.88 percent.

18 LEGISLATOR NICOLELLO: Legislator
19 DeRiggi-Whitton.

20 LEGISLATOR DERIGGI-WHITTON:
21 Thank you. I just want to put on the record
22 that I was a counsel woman in Glen Cove when
23 we had hired Chesterfield to build our
24 bulkhead. We had a most disastrous I would
25 say result where the bulkhead actually fell in

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2 the water.

3 I did ask that the inspector
4 general look into this. At the time Ken
5 Arnold was not even aware of it. There were a
6 few concerns noted.

7 First of all, the fact that they
8 were engaged and they actually paid towards a
9 settlement to Glen Cove was not detectable in
10 the backup. I'm hoping going forward we're
11 going to change a couple of the questions in
12 the backup to ask have you paid a fine or
13 settlement towards a municipality. Civil
14 judgement towards a municipality. Which I
15 think would help clarify to make sure that
16 something like that is addressed in the
17 future.

18 The other thing is it appears as
19 though there was a question whether or not the
20 blame was on the engineer or Chesterfield.
21 But I believe eight bolts were missing.
22 That's a significant amount.

23 I've been talking to people. I'm
24 going to support this but I really think we
25 need to -- I would hate to have another

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2 problem in the same exact scenario. I know
3 the engineers inspected as well as
4 Chesterfield, but I also want DPW to really
5 make sure this is done correctly. There's
6 nothing worse than standing on top of your
7 project or next to your project and seeing it
8 collapse. And that wasn't even a storm. It
9 was really just the regular tide.

10 So I am going to support it but I
11 do hope there is extra diligence by DPW just
12 to make sure that everything is followed
13 correctly.

14 MR. FALCOWSKI: We check
15 references. They came back very favorable.
16 There's a long list of municipal work that this
17 firm has produced. The department recommends
18 the awarding of this contract.

19 LEGISLATOR DERIGGI-WHITTON: I
20 see that in the report. And I know of the
21 company. I do know the reputation is good.
22 That's why we hired them. But I'm telling you
23 there was a real problem with the plans but
24 also there were bolts missing. I think that,
25 look, I got to tell you, we got to make sure

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2 that doesn't happen again or it's really going
3 to have egg on our face because we knew about
4 it from the first time.

5 MR. FALCOWSKI: Absolutely
6 understand that. I'm a design professional.
7 I'm a licensed engineer. If it is as you
8 said, design issues, that wouldn't be
9 contractor anyhow.

10 LEGISLATOR DERIGGI-WHITTON: It
11 was. Have you seen the inspector general's
12 report?

13 MR. FALCOWSKI: I have not.

14 LEGISLATOR DERIGGI-WHITTON: How
15 did you not see this? You don't know what
16 they found with this company?

17 MR. FALCOWSKI: No.

18 LEGISLATOR DERIGGI-WHITTON: I'll
19 give you a copy but honestly you should know.
20 If I didn't mention it you wouldn't have known
21 about it, right?

22 MR. FALCOWSKI: I was told that
23 the issue in the City of Glen Cove was solved.

24 LEGISLATOR DERIGGI-WHITTON: It's
25 solved because they paid a fine as part of a

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2 settlement. I will give you a copy of this
3 report. But that makes we nervous that you're
4 not aware of this.

5 I'm voting for it on the guarantee
6 that we're going to be extra careful. Katy,
7 you don't have to say anything because it's a
8 DPW issue.

9 I need you to do a little extra
10 with the follow-up. Because they did have a
11 problem with the signs but there was also
12 bolts that were missing and they said that the
13 inspector didn't catch it. You know what?
14 Nassau County has to catch it this time
15 because we are fully aware of it. I will get
16 you a copy of this report.

17 MR. FALCOWSKI: Thank you.

18 LEGISLATOR DERIGGI-WHITTON: I'm
19 supporting it because the inspector general
20 did review it. They are aware of what
21 happened. And I was given the guarantee that
22 DPW was going to keep a closer eye on it.
23 Which is unfortunate that DPW wasn't aware of
24 it. I'm sure Ken Arnold is aware of it.

25 I will say one other thing. Part

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2 of the reason why the engineer was not held
3 responsible as much as they should have been
4 is because they did not sign the plans and
5 they told the city unless the plans are signed
6 by the engineer that they're not going to be
7 held responsible. So make sure please that
8 all the engineering drawings are signed
9 because that's how they got out of it in Glen
10 Cove.

11 There were concerns that the
12 inspector general did mention. I did speak
13 with the legislator from this district, Carrie
14 Solages and he expressed his desire to move
15 forward with the project. But I'm doing it
16 with total faith that you really got to keep
17 an eye on this. Okay?

18 MR. FALCOWSKI: Yes. Understood.

19 LEGISLATOR NICOLELLO: My
20 understanding is that Robert Cleary has
21 weighed in on this and also indicated based on
22 their contact with numerous, numerous entities
23 that did work with Chesterfield that they were
24 a reputable outfit. So, I think based on
25 that, based on the inspector general's office

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2 and the representation of Public Works can
3 take an extra cautious look at them we can
4 move this.

5 Anyone else? All in favor signify
6 by saying aye. Those opposed? Carries
7 unanimously.

8 Last item of the day E-144 is a
9 resolution authorizing the county executive to
10 execute a personal services agreement between
11 the county and Jacobs Project Management
12 Company.

13 Moved by Legislator Rhoads.
14 Seconded by Legislator Bynoe.

15 MR. FALCOWSKI: This is one of
16 mine. E-144 is a personal services agreement
17 for Jacobs Project Management for the side
18 stream treatment facility at Bay Park. The
19 project is required for the reduction of
20 nitrogen in the Bay Park plant effluent in
21 order to comply with the consent order with
22 the New York State Department of Environmental
23 Conservation.

24 The department intends to procure
25 construction management services for the

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2 proposed side stream treatment facility at Bay
3 Park.

4 The facility will reduce the
5 concentration of nitrogen-containing compounds
6 in the sewage treatment effluent. The
7 nitrogen reduction facility is part of the
8 county's plan for facility upgrades for the
9 nitrogen removal in anticipation of future
10 state nitrogen limits.

11 The RFP was proposed on the county
12 website and advertised in Newsday and in the
13 New York State Contract Reporter from 7-28-17
14 through 8-25-17. Technical and cost proposals
15 were received from nine firms. Jacobs Project
16 Management Company was ranked number one.

17 The contract will provide for
18 construction management staff for the project
19 during the construction period of 29 months
20 with an option to extend tis agreement for up
21 to two years.

22 The agreement funding source is
23 capital. The proposed fee is \$1,428,539.
24 Total with contingencies is \$1,857,101
25 million. The initial encumbrance is the

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2 proposed fee of \$1,428,539.

3 Proposed MWBE participation is 20
4 percent. And the department recommends or
5 requests that this be approved. This contract
6 be approved.

7 LEGISLATOR NICOLELLO: Any
8 discussion or debate? Hearing none, all in
9 favor signify by saying aye. Those opposed?
10 Carries unanimously.

11 Legislator Bynoe makes a motion to
12 adjourn. Seconded by Legislator McKevitt.
13 All in favor of adjourning signify by saying
14 aye. Those opposed? We are adjourned.

15 (TIME NOTED: 10:04 P.M.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this third day of
October 2019

FRANK GRAY