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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 RULES COMMITTEE

12

13 LEGISLATOR RICHARD NICOLELLO

14 CHAIR

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16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

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21

22 March 6, 2020

23 1:09 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

9

10 LEGISLATOR STEVEN RHOADS

11

12 LEGISLATOR LAURA SCHAEFER

13

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 LEGISLATOR NICOLELLO: I would
3 like to call the Rules Committee to order. I
4 will ask Legislator Bynoe to lead us in the
5 Pledge please.

6 Please remain standing for a moment
7 just to have a moment of silence for those who
8 have lost their lives to this COVID-19
9 pandemic, to their families, to all those who
10 are suffering in our hospitals, as well as a
11 moment of thanks for our first responders and
12 our health care workers who are on the front
13 lines of this war. Thank you.

14 Note the record that this room has
15 been cleaned thoroughly before we got here and
16 misted, among other things. That each of the
17 legislators and the public who entered the
18 room, actually the public is not here, but the
19 individuals from the county who entered the
20 room had their temperature checked. So we are
21 taking every precaution. We have separated
22 ourselves obviously and we have a number of
23 legislators who will be participating
24 remotely.

25 If anyone is watching the stream of

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2 this and wants to submit comments you may do
3 so by emailing us to M. Pulitzer at Nassau
4 County NY dot gov. Those emails will be made
5 part of the record.

6 I will act as clerk and call the
7 roll. Legislator Bynoe.

8 LEGISLATOR BYNOE: Here.

9 LEGISLATOR NICOLELLO: Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:
12 Here.

13 LEGISLATOR NICOLELLO: Ranking
14 member Kevan Abrahams.

15 LEGISLATOR ABRAHAMS: Here.

16 LEGISLATOR NICOLELLO: Legislator
17 Schaefer.

18 LEGISLATOR SCHAEFER: Here.

19 LEGISLATOR NICOLELLO: Legislator
20 Rhoads.

21 LEGISLATOR RHOADS: Present.

22 LEGISLATOR NICOLELLO: Legislator
23 Kopel.

24 LEGISLATOR KOPEL: Here.

25 LEGISLATOR NICOLELLO: And I am

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2 here. That's a quorum. We're going to do
3 things a little bit differently today. We are
4 obviously not having the rest of our
5 committees meet but we have invited all
6 legislators to participate in this Rules
7 Committee meeting. They will be able to make
8 remarks, ask questions and the likewise. But
9 Rules Committee members will be the only ones
10 who will be voting on these items.

11 So we will go to the items first
12 starting with 77 of 2020. A local law
13 requiring legislative approval for
14 compensation paid in connection with the
15 compromise or settlement of a proceeding in
16 condemnation or eminent domain. It's a
17 Minority bill. Moved by Legislator
18 DeRiggi-Whitton. Seconded by Legislator
19 Bynoe. I don't know if anyone wants to speak
20 about this.

21 LEGISLATOR BYNOE: Good day.
22 This bill is in response to a most recent item
23 that had come to the floor where the
24 legislative body had approved the
25 administration at the time to engage in an

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2 effort to condemn a piece of property and take
3 ownership through eminent domain. And the
4 appraised value of that property on record to
5 the legislature had been \$750,000. The final
6 price for condemnation through the court
7 process was actually \$3.6 million.

8 I feel, along with members of the
9 Minority, we feel as though the legislature
10 was precluded from being able to weigh in
11 whether that was a fair and just price for
12 that property, and we believe that this
13 legislative body should have those items in
14 the future come to the legislature so we can
15 determine whether we feel it is a just price.

16 So this item would require in the
17 future that if they receive our approval to
18 enter into these types of negotiations that
19 they have to come back to us for the final
20 actual completion of the process.

21 LEGISLATOR NICOLELLO: I think,
22 speaking for Majority, anything that provides
23 more legislative input into the process and
24 provides more transparency and additional
25 checks and balances is something that we would

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2 be in favor of.

3 We did have a question, we want to
4 make sure we have this question posed to the
5 county attorney and we will look to get that
6 question answered before the next meeting of
7 the full legislature. But the question is
8 whether this is something, this role in the
9 process, the eminent domain process, is
10 something that complies with state law. To
11 the extent that what we're doing is in
12 compliance with state law, again from the
13 Majority, we certainly would want greater say
14 for the legislature, greater role in
15 transparency.

16 Anyone want to add anything?

17 LEGISLATOR BYNOE: Presiding
18 Officer, just for background, when Legislator
19 Kevan Abrahams and I began worked on this we
20 requested the Minority counsel to engage with
21 the county attorney's office. We had robust
22 conversations and we received confirmation
23 that it was sound based on state law. But by
24 all means please interface and have
25 confirmation of that.

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2 LEGISLATOR NICOLELLO: Sure. If
3 it was something that they gave you in writing
4 we would like to have a copy of it.

5 LEGISLATOR BYNOE: I'm not sure
6 that we do. If we do we will forward it to
7 you. And if not, we will request it and
8 forward something to you.

9 LEGISLATOR NICOLELLO: Sounds
10 good. Anyone present or participating
11 remotely? Hearing none, all in favor signify
12 by saying aye. Those opposed? Carries
13 unanimously.

14 81 of 2020. A resolution
15 authorizing the county executive to execute a
16 grant agreement between the county of Nassau
17 acting on behalf of the Department of Parks
18 and the Museums at Mitchell doing business as
19 the Cradle of Aviation.

20 Moved by Deputy Presiding Officer
21 Kopel. Seconded by Legislator
22 DeRiggi-Whitton.

23 MR. PERSICH: Andy Persich,
24 Office of Management and Budget. I'm speaking
25 on behalf of the Parks Department. This is

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2 the annual for the Cradle of Aviation. It's
3 \$600,000 and it's paid through hotel/motel
4 tax.

5 LEGISLATOR NICOLELLO: Is there
6 any questions? Are there any questions?
7 Sounds good. Hearing no questions, all in
8 favor signify by saying aye. Those opposed?
9 Carries unanimously. Thank you Andy.

10 84 of 2020 is a resolution
11 requesting the legislature of the state of New
12 York to enact and the governor to approve an
13 act to amend Chapter 269 of the laws of 1979
14 relating to and authorizing the county to
15 lease certain lands acquired pursuant to the
16 provisions of Article 15 of the Parks and
17 Recreation Law in relation to extending such
18 authorization to lease or permit certain
19 premises.

20 Moved by Legislator Rhoads.
21 Seconded by Legislator Schaefer. Any debate
22 or discussion on this item? Committee members
23 or anyone? Hearing nothing, all in favor
24 signify by saying aye. Those opposed? Carries
25 unanimously.

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2 I'm going to call next number of
3 items in a block. They are 86 of 2020. 87,
4 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99
5 and that is it. These are resolutions to
6 authorize the transfer of appropriations
7 heretofore made within the budget for the year
8 2020. As well as ordinances supplemental to
9 the annual appropriation ordinance in
10 connection with the fire department, the
11 police department, the Department of Health,
12 probation, Nassau County Crime Victims
13 Assistance Program and the Office of
14 Management and Budget.

15 Motion by Legislator
16 DeRiggi-Whitton. Seconded by Minority Leader
17 Abrahams. Any debate or discussion on these
18 transfers and supplemental appropriations?

19 LEGISLATOR DERIGGI-WHITTON: We
20 are happy to support OMB in any way that we
21 can. We just want to make clear that these
22 are basically transferring the funding that
23 they are requesting. But we will be reviewing
24 everything that comes before us as far as
25 contracts and everything else. So, we are

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2 happy to support it but we are also going to
3 be doing our due diligence, as we all always
4 do.

5 LEGISLATOR NICOLELLO: We agree
6 with that. Just note for the record many of
7 these supplemental appropriations are
8 completely grant funded items. So the money
9 is coming from the state to pay for functions
10 to be performed by our county government.

11 Who did you get the message from?
12 Let me ask the people remotely. Can you hear
13 the feed? If you are not hearing the feed
14 from the meeting please text. If you are in
15 the Minority text either Delia or Siela. Or
16 if in the Majority just text our counsel,
17 Chris Otsuni. If you are having difficulties
18 we can have Kevin Long take a look at it. I
19 think we're good.

20 All in favor of those items signify
21 by saying aye. Those opposed? Carries
22 unanimously.

23 Item 100 is an ordinance
24 supplemental to the annual appropriations --
25 I'm sorry. It's an ordinance to implement a

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2 local government assistance program in Nassau
3 County.

4 Moved by Legislator Schaefer.

5 Seconded by Legislator Bynoe. This is the
6 sharing of revenues pursuant to state law with
7 our towns, villages and cities. Any debate or
8 discussion? Hearing none, all in favor
9 signify by saying aye. Those opposed? Carries
10 unanimously.

11 Item 103 of 2020 is a resolution to
12 authorize the execution of a tax exemption and
13 PILOT agreement between the county of Nassau
14 and Selfhelp Bergen Housing Development Fund
15 Company. The company acknowledged and agreed
16 to by Bergen Place L.L.C.

17 Moved by Minority Leader Abrahams.

18 Seconded by Legislator Rhoads. Dan Deegan
19 representing --

20 MR. DEEGAN: The attorney for the
21 applicant. I understand deputy county
22 attorney Homel didn't have the technology or
23 something, couldn't get in. So, I will just
24 give an overview of the project. I know some
25 of you are familiar with it, especially

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2 Legislator Mule whose district this project is
3 in.

4 This is basically an application to
5 the county by the Selfhelp organization, which
6 is a not-for-profit organization whose mission
7 it is to provide affordable housing to
8 vulnerable populations, including senior
9 citizens.

10 This particular project that we're
11 talking about today is a property at 8183
12 South Bergen Place in Freeport. And the
13 proposal is for the Selfhelp organization to
14 build a 45 unit housing development there that
15 would be targeted towards and reserved for
16 senior citizens making 60 percent of the AMI
17 or less.

18 The project would provide on-site
19 services including social services and health
20 services to the residents there. Have some
21 on-site staff. The project has been fully
22 approved by the Village of Freeport. The
23 project is being financed by low income tax
24 credits from home funds and other financing
25 sources for this type of housing. Those other

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2 financing sources, including the state, looks
3 for the local municipalities to participate in
4 supporting this type of project through a
5 PILOT agreement.

6 So, as I say, the village has
7 already granted an exemption for the village
8 taxes but we come to the county legislature to
9 ask for an exemption and payment agreement to
10 cover the county, town and school taxes.

11 We have negotiated an agreement
12 with the administration after going back and
13 forth, but basically it provides for the
14 current taxes that are on the property to stay
15 intact and to have them escalate for a two
16 year period of time.

17 The property has gone through quite
18 the process and this project has gone through
19 quite the process to get to this point. It is
20 slated, if we can get this done on this next
21 legislative cycle, it's slated to close on
22 April 30th. We're really trying to keep to
23 that despite the crisis going on. We think of
24 that date. And hopefully when this crisis
25 lifts or slows this will immediately provide

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2 construction jobs and a boost to the economy
3 in the short run, in addition to obviously the
4 long term benefits of providing a safe place
5 for seniors to live at an affordable level.

6 The reason for the exemption is
7 that the construction costs are very high and
8 the rents are regulated to be very low. It's
9 hard to make these projects work financially.
10 Various funding sources recognize that.
11 That's of one of the reasons why they grant
12 subsidies to projects like this and they have
13 in this case and that they do look for local
14 participation from the county and village and
15 that's what we are here today to request.

16 LEGISLATOR NICOLELLO: Thank you.

17 LEGISLATOR MULE: This is Debra
18 Mule. May I speak?

19 LEGISLATOR NICOLELLO: Sure.

20 LEGISLATOR MULE: So I'm very
21 much in favor of this project. I think it
22 will be beneficial in many ways, as Dan
23 mentioned, in terms of construction jobs for
24 the immediate. But more importantly, it will
25 provide 44 homes to seniors at an affordable

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2 cost, and we know that there is a great
3 shortage of affordable housing for Nassau
4 County. So I think this is a great project.

5 I have been hearing about this from
6 day one of me taking office, and I know it's
7 been worked on for many years before that
8 because I heard about it as a trustee when I
9 was a trustee in the Village of Freeport. So
10 I do support this project and I hope everyone
11 else will. Thank you.

12 LEGISLATOR NICOLELLO: Legislator
13 DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON:
15 Thank you. We've had a lot of questions
16 regarding PILOTS in the past. I know I was
17 very disappointed in the one that happened in
18 Glen Cove. However, speaking with Legislator
19 Mule for the past couple of years I'd say, we
20 believe that this is the type of project that
21 a PILOT should be offered to and we are happy
22 to have additional senior affordable housing
23 coming to the island in Nassau.

24 However, Minority Leader, Kevan
25 Abrahams, do you want to say anything Kevan?

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2 Basically we really do take the stand that we
3 don't support PILOTS in general. But again, I
4 hope this project is successful.

5 LEGISLATOR NICOLELLO: Anyone
6 else want to have a say on this? Hearing
7 none, all in favor signify by saying aye.
8 Those opposed? Passes unanimously.

9 LEGISLATOR ABRAHAMS: Nay.

10 LEGISLATOR NICOLELLO: The
11 Minority Leader is a nay. So it passes by a
12 vote of six to one on the committee. Thank
13 you.

14 Before we go into the contracts
15 portion of the meeting we have two additional
16 items on the addendum. Dan, thank you very
17 much. We appreciate it.

18 MR. DEEGAN: Thank you very
19 much. Stay safe.

20 LEGISLATOR NICOLELLO: You too.
21 Two additional items on the addendum. We need
22 a motion to suspend the rules. Moved by
23 Legislator Rhoads. Seconded by Legislator
24 Schaefer. All in favor of suspending the
25 rules signify by saying aye. Those opposed?

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2 Carries unanimously.

3 Item 104 of 2020 is a resolution to
4 authorize a transfer of appropriations
5 heretofore made within the budget for the year
6 2020.

7 That is moved by Deputy Presiding
8 Officer Kopel. Seconded by Legislator Bynoe.
9 This is a transfer relating to the purchase of
10 materials, personal protective equipment for
11 the COVID-19 outbreak. It was polled by the
12 legislature and approved. But now we are
13 going through the formality of approving it
14 now. Any discussion on this item? It is one
15 of the reasons why we will be meeting on a
16 regular basis so that these types of items can
17 be put before the legislature and formally
18 approved on a timely basis.

19 Any discussion? Hearing none, all
20 in favor signify by saying aye. Those
21 opposed? Carries unanimously.

22 105 of 2020 is an ordinance
23 supplemental to the annual appropriation
24 ordinance and to transfer appropriations
25 heretofore made within that to reconcile the

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2 county's financial records for the budget year
3 2019.

4 Moved by Legislator

5 DeRiggi-Whitton. Seconded by Legislator
6 Schaefer. This is the year end transfer with
7 an extraordinary amount of funds being
8 transferred. Obviously it's on the addendum.
9 So we have limited time to analyze this. It's
10 done every year so that they can prepare the
11 CAFR. But obviously we have two more weeks
12 after today so that we will continue to
13 scrutinize this for any additional questions
14 that we might have. But does anyone have any
15 questions on item 105 of 2020?

16 LEGISLATOR DERIGGI-WHITTON: Hi.
17 Thank you for coming today. So, what we're
18 trying to do is just make sure we provide
19 everything necessary as far as funding and
20 everything else. Do you mind stating on the
21 record that all the procurement processes that
22 we have in place will continue to be there?

23 MR. PERSICH: To my knowledge
24 yes. I just got an email on that that they
25 will have to come for your ratification

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2 through this body. Even though we are in a
3 state of emergency and the procurement gets a
4 little unique I will say. But it will be
5 coming here for ratification.

6 With regards to 105, which is the
7 year end one, I just want to put on the record
8 there may be a substitution because the
9 comptroller's office worked feverishly to get
10 this here on Friday. So there may be some
11 small changes to this that I will be adding
12 before the full legislature and I will be glad
13 to answer any questions at that time regarding
14 the balance of the transfers.

15 LEGISLATOR NICOLELLO: Thank
16 you. Anyone have any questions? Thank you
17 Andy. Hearing no further questions, all in
18 favor signify by saying aye. Those opposed?
19 Carries unanimously.

20 The next area to cover will be
21 contracts. This is the contracts portion of
22 the calendar, and I'm going to call all of
23 them at once. Then we will be considering
24 them individually after that.

25 B-4, B-9, B-12 of 2020 are

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2 resolutions authorizing the county executive
3 to award and execute contracts between the
4 county of Nassau and Posillico Civil, 192
5 Branch Interior Services, Inc., Pratt Brothers
6 Inc.

7 E-50, E-51, E-53, E-54, E-55, E-57,
8 E-58 and E-59 are resolutions authorizing the
9 county executive to execute personal service
10 agreements or amendments to personal service
11 agreements between the county and PFM
12 Financial Advisors, Crow L.L.P., TRIAD Group
13 L.L.C., Nassau County Bar Association Assigned
14 Counsel Defender Plan, the law office of
15 Vincent D. McNamara, the Safe Center of Long
16 Island Inc., Albrecht Viggiano Zureck and
17 Company and the Nassau County Vocational
18 Educational and Extension Board.

19 I'm going to actually take one of
20 those items out of there because one of our
21 members will have to recuse himself. That
22 will be the item with TRIAD Group L.L.C., item
23 53 of 2020. So the rest of those items,
24 however, are now being called. Motion by
25 Deputy Presiding Officer Kopel. Seconded by

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2 Minority Leader Abrahams.

3 And we will start with the first
4 one, which is B-4. It's a resolution
5 authorizing the county executive to award and
6 execute a contract between the county and
7 Posillico.

8 MR. ARNOLD: Ken Arnold, Public
9 Works. B-4 is a resurfacing contract called
10 priority phase three. There were four
11 bidders. Posillico was the lowest responsible
12 bidder. It was below the engineer's
13 estimate. The MWBE compliance is at five
14 percent.

15 LEGISLATOR NICOLELLO: Any
16 questions from anyone? I guess we're good.
17 Which are the ones do you have?

18 MR. ARNOLD: B-9 and B-12.

19 LEGISLATOR NICOLELLO: Jump to
20 B-9.

21 MR. ARNOLD: B-9 is a contract
22 amendment for our asbestos removal
23 contractor. The contract expired on 4-4 of
24 this month. This is a six-month extension
25 while we put in place our new contract. It's

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2 also for an additional \$900,000 capacity of
3 which \$500,000 and is going towards the rifle
4 range to do remediation on the sand berm for
5 lead removal.

6 This contractor is in good standing
7 with the department. We have reached out to
8 the Department of Labor. As of March 5th all
9 their violations were satisfied and were in
10 good standing also with the Department of
11 Labor.

12 LEGISLATOR NICOLELLO: What other
13 areas of the county are in need of asbestos
14 abatement?

15 MR. ARNOLD: Right now the only
16 major project is the rifle range, which is a
17 lead removal project. But we run across
18 asbestos projects in our normal course of
19 business. Whether our facility guys are
20 working or other contractors where we call
21 this person in immediately to do the removal
22 once we do the monitoring setup.

23 LEGISLATOR NICOLELLO: Any other
24 questions? Deputy Presiding Officer Kopel.

25 LEGISLATOR KOPEL: Thank you.

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2 Good afternoon Ken. Is that rifle range
3 operating? I mean overall? I don't know
4 about right now but overall.

5 MR. ARNOLD: Right now I believe
6 it's open to law enforcement. But we have
7 certain bays closed out as we do our work. We
8 can segregate the work.

9 LEGISLATOR KOPEL: Is it safe for
10 them to work there now? Is it safe for them
11 to actually be there and use it with the lead
12 situation?

13 MR. ARNOLD: Yes. We just
14 installed a new exhaust system in the
15 facility. Part of the challenge is the sand
16 is clogging the exhaust system up. So we are
17 changing filters more than we want to. Once
18 we get the sand remediated the filtering
19 system will be much easier to maintain and
20 keep up.

21 LEGISLATOR KOPEL: At this point
22 right now it's a state of the art filtering?

23 MR. ARNOLD: Yes. It's a
24 two-stage filter. We have a prefilter and a
25 HEPA filter.

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2 LEGISLATOR NICOLELLO: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON:
5 Thank you. Hi Ken. Thank you for coming
6 today also. Can you put on the record your
7 comment regarding -- never mind. Could I ask
8 Mr. Cleary to come up presiding Officer?
9 Would that be okay?

10 LEGISLATOR NICOLELLO: Is he
11 here?

12 LEGISLATOR DERIGGI-WHITTON: He's
13 not here.

14 MS. HORST: Katy Horst from the
15 administration. He should be on. Robert, are
16 you on? I can try to get him on the phone.

17 LEGISLATOR DERIGGI-WHITTON:
18 There was just an issue with -- we wanted to
19 get something on the record regarding the IG
20 issues.

21 MS. HORST: Just give me a minute
22 I'll try to get him on the phone.

23 LEGISLATOR DERIGGI-WHITTON: I
24 don't want to delay anything today.

25 LEGISLATOR NICOLELLO: Why don't

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2 we --

3 LEGISLATOR DERIGGI-WHITTON: Skip
4 that one?

5 LEGISLATOR NICOLELLO: Yeah. We
6 will come back to that one later. B-12.

7 MR. ARNOLD: B-12 is our
8 requirements contract for resurfacing. We
9 only had one bidder for this project. We did
10 reach out to bidders to find out what were
11 their issues. We only really have three or
12 four bidders in our pool right now for
13 resurfacing. The issue that most bidders came
14 back with was just the scope of work. That
15 it's not defined. It's fill-in work. And
16 they were putting their resources more towards
17 larger projects.

18 This contract is a three-year
19 contract plus one year extension at \$4 million
20 per year. And the MWBE is at 14 percent. I
21 know I always come up here and tell you on a
22 requirements contract we don't have MWBEs.
23 But in this type of work these guys will sub
24 out particular type of contracting work, which
25 in this case is concrete and trucking. So

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2 they were able to define, based on our
3 engineer's estimate, what that number will
4 be. That number will grow depending on how
5 much work we put into the project.

6 LEGISLATOR NICOLELLO: Just a
7 general question. Obviously the county's
8 operations are essential and it includes
9 repaving and projects of that nature. Are we
10 proceeding with our repaving projects? It'
11 seems like this would be a prime time to get
12 those things done.

13 MR. ARNOLD: The department is
14 pushing forward all our construction
15 contracts. The focus is on repaving because
16 it's such a problem in the county. But all of
17 our ongoing construction projects were
18 considered essentially. We've been working
19 with New York State ESD to be assured of
20 that. And now we're just working with our
21 contractors and make sure they can do social
22 distancing on the job sites or the
23 disinfectant policies.

24 LEGISLATOR NICOLELLO: To make
25 sure all the precautions are in place and

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2 social distancing et cetera. But it still can
3 proceed with those --

4 MR. ARNOLD: Yes. My staff is
5 working from home to move contracts along. We
6 recognize, the administration recognizes that
7 at the end of this we need to have work out
8 there. So we are working very hard to keep
9 doing that as much as possible.

10 LEGISLATOR NICOLELLO: Right.
11 There's a value here to the county, to the
12 public as well to get the streets repaved.
13 But it's also economically a value to us in
14 general to have this part of the industry
15 still out there working generating income et
16 cetera.

17 MR. ARNOLD: The department has
18 spent a lot of time the past week putting
19 together processes, the change orders
20 committee, bid openings, everything we need to
21 do to keep work going in a virtual setting.

22 LEGISLATOR NICOLELLO: Any other
23 questions on this contract with Pratt
24 Brothers?

25 MR. CLEARY: Can anybody hear

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2 me?

3 LEGISLATOR NICOLELLO: Is that

4 Robert Cleary? Robert, can you hear us?

5 MR. CLEARY: Yes. Can you hear

6 me?

7 LEGISLATOR NICOLELLO: We can

8 hear you. You want to go ahead Delia?

9 LEGISLATOR DERIGGI-WHITTON:

10 Thank you Mr. Cleary. Would you mind just
11 putting on the record what your response was
12 to the IG's questions regarding this
13 contract?

14 MR. CLEARY: I'm sorry, which
15 contract?

16 LEGISLATOR DERIGGI-WHITTON: It
17 would be B-9-20 which involves the firing
18 range.

19 LEGISLATOR NICOLELLO: Branch
20 Interior Services is the vendor.

21 MR. CLEARY: The question was why
22 was there not material information identified
23 the department reviewed the information and
24 determined that the information did need to be
25 supplemented and was supplemented by the

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2 vendor but was not in fact material. The
3 types of misuse that were identified,
4 violations that were identified, are
5 commonplace in that industry and they were all
6 resolved to this regulatory agency.

7 LEGISLATOR DERIGGI-WHITTON: Can
8 you specify the violations on the record for
9 us?

10 MR. CLEARY: There is a list of
11 them in the package.

12 LEGISLATOR NICOLELLO: Speaking
13 for the Majority, our counsel has not received
14 the IG's questions on this item. So it's kind
15 of difficult for us to proceed without having
16 seen that, reviewed it. We haven't received
17 it. I think at this point, I mean with
18 respect to Branch Services B-9 we are going to
19 look to table this item. Again, we will be
20 back in two weeks with the full legislature.
21 If we can get the information from the IG at
22 that point and then we can also obviously
23 continue our conversation with Mr. Cleary.

24 At this point have a motion to
25 table? Moved by Legislator Rhoads. Seconded

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2 by Legislator Bynoe. All in favor of tabling
3 signify by saying aye. Those opposed?

4 LEGISLATOR DERIGGI-WHITTON:
5 Majority Leader, if I'm reading this
6 correctly, I believe there was also an IG
7 issue let's say with E-54. I'm not sure if
8 you're aware of that also.

9 LEGISLATOR NICOLELLO: Assigned
10 counsel plan?

11 LEGISLATOR DERIGGI-WHITTON: Yes.

12 LEGISLATOR NICOLELLO: We will
13 consider that once we get to that. Obviously
14 that's something we do every year. I'm not
15 sure what the issue could be. It's a state
16 mandated program essentially.

17 LEGISLATOR DERIGGI-WHITTON: Just
18 because it said that the contractor's
19 disclosure -- I'm just making sure you're
20 aware of that.

21 LEGISLATOR NICOLELLO: I guess
22 when we get to 54 we can take that up. B-9
23 has been tabled. Anyone have any questions on
24 B-12, which is with Pratt Brothers? Hearing
25 none, all in favor of that contract signify by

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2 saying aye. Those opposed? Carries
3 unanimously.

4 B-12 has been voted on. We will
5 hold the rest of them until the end at which
6 time we will vote on them as a group.

7 E-50 of 2020. Again, this is one
8 with PFM Financial Advisors.

9 MR. PERSICH: PFM is our
10 financial advisors who does our financial
11 analysis on our bonding and advises us
12 financially on structure of deals and
13 everything else. It's a renewal of a one-year
14 contract. There's different hourly rates.
15 But they have been with us for almost 20 years
16 I want to say. Maybe even longer.

17 LEGISLATOR NICOLELLO: Actually
18 it's longer than that. It goes at least to
19 the '90s. Anyone have any questions? Hearing
20 none, we will move on to the next one, 51,
21 which is a contract with Crowe L.L.P. That
22 was with the comptroller's office.

23 MR. BLANCO: Good afternoon
24 everyone. Sergio Blanco from the
25 comptroller's office to discuss this item.

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2 First, I want to make sure I hope everyone is
3 safe and sound and everyone's family is okay
4 during this crisis. And on a lighter note, I
5 want to thank everyone for giving me the
6 opportunity to finally shave and get dressed
7 for the first time in weeks. If I could tell
8 you a little bit about this item.

9 This contract is with Crowe L.L.P.
10 as for two services that we intend to use.
11 The first is for GASB 87. We plan to have
12 this firm's assist us due to the significant
13 number of leases at the county that meet the
14 criteria under new lease standard. As well as
15 the decentralization of the county and the
16 current lack of the technology solution.

17 With the lack of resources and
18 needed technology and the ability to
19 accumulate of information and prepare the
20 necessary calculations as are required by the
21 Government Accounting Standards Board
22 accurately and timely is impossible without
23 this assistance. Which is why we put forward
24 this contract.

25 In addition, we are going to use

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2 this vendor to provide a financial impact
3 analysis as it relates to COVID-19. The
4 analysis will provide a series of projections
5 on critical revenue so that Nassau County can
6 best prepare for recovery of post-COVID-19
7 environment.

8 We plan to partner with Crowe
9 L.L.P., a national top ten accounting firm,
10 which can provide external benchmark and
11 financial modeling enabling the county --

12 LEGISLATOR NICOLELLO: Sergio,
13 can you move closer to the computer? It's a
14 little bit garbled.

15 MR. BLANCO: Again, we plan to do
16 an analysis to provide critical projections on
17 how COVID-19 will affect the county's revenues
18 in particular. We're going to start with a
19 sales tax analysis. Get a modeling tool that
20 will then be extended further out to the
21 county's other largest financial revenue
22 streams.

23 I will be happy to answer any
24 questions. As well our director of
25 accounting, Lisa Sikoris, is also on the call.

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2 LEGISLATOR KOPEL: Good
3 afternoon. It's a little bit hard to
4 understand you, so I may be asking about
5 something that you covered so bear with me.

6 How is this different than the core
7 function of the comptroller? In other words,
8 it seems like lot of the things you are
9 describing are things that you would
10 ordinarily do directly with your core staff.
11 Why is this different?

12 MR. BLANCO: Of course COVID-19
13 is something that certainly none of us have
14 ever experienced in our lives.

15 LEGISLATOR KOPEL: No question
16 about it. But is this item strictly related
17 to that?

18 MR. BLANCO: No, it is not.

19 LEGISLATOR KOPEL: To the extent
20 that it is not COVID-19, and obviously
21 everyone understands that that is different,
22 but beyond that, what is it that the core
23 staff is not able to do and why?

24 MR. BLANCO: Lisa can discuss the
25 specifics with respect to accounting as to why

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2 we need them in particular for the GASB 87 and
3 financial impact analysis.

4 MS. SIKORIS: Certainly. Good
5 afternoon. This is Lisa Sikoris. I'm the
6 county director of accounting. Again, I want
7 to reiterate what Sergio said earlier. I hope
8 you and your families are safe and well during
9 these times.

10 So, the Crowe contract is basically
11 two pieces. One is GASB 87 support and the
12 work that they are going to do for us so the
13 county can adopt GASB 87 in accordance with
14 the GASB's time frame and ensure that our
15 financial statements continue to be issued in
16 accordance with GAP.

17 The second component --

18 LEGISLATOR KOPEL: Forgive me for
19 interrupting but isn't that something that you
20 do every year?

21 MS. SIKORIS: GASB 87? No. GASB
22 87 is a new GASB that is being adopted. It's
23 being implemented. The problem that the
24 county faces is that similar to the FASB, the
25 Financial Accounting Standards Board issuance

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2 on leases, that is governmental entities have
3 to adopt the same type of lease requirements
4 for reporting. It changes the way the county
5 and other municipalities have to report their
6 leases significantly.

7 LEGISLATOR KOPEL: This is a new
8 FASB requirement?

9 MS. SIKORIS: Correct.

10 LEGISLATOR KOPEL: You anticipate
11 then you are going to need this support every
12 year from now on?

13 MS. SIKORIS: No. What's going
14 to happen is, because this particular GASB is
15 extremely complex and time consuming and we do
16 not have the technology in the county to
17 manage this. As a matter fact, all the
18 experts are saying that if you have more than
19 50 leases you cannot use Excel. And at this
20 point so many things under the new criteria
21 will meet the requirement for reporting.
22 Things like easements have to be reviewed.
23 Things that may have been net leases have to
24 be broken out into the lease component like
25 lessee piece and the lessor piece. It is

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2 extremely, extremely time consuming and --

3 LEGISLATOR KOPEL: Once again --

4 MS. SIKORIS: We don't have the
5 technology.

6 LEGISLATOR KOPEL: I understand.

7 Once again, this is not a one change just for
8 now it's a permanent change by FASB, right?

9 MR. BLANCO: Not exactly. So,
10 for the first two years we're going to need
11 this vendor to get us up and running. If you
12 look at the contract, the next three years are
13 zero dollars. The only expense we're going to
14 have in years three, four and five, four and
15 five the option years, is if we continue to
16 use their technology solutions. Which is a
17 Crowe lease optimizer. That, in of itself, we
18 had a concern when we went out to market we
19 don't want to be beholding to a proprietary
20 technology solution. So it actually can pull
21 the data out to ourselves we want and transfer
22 it to either an internal software solution or
23 a different third party solution.

24 This is really needed for two years
25 to get us up and running. And if you recall,

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2 this is such a big undertaking that the
3 administration, in conjunction with our
4 office, issued a directive a number of months
5 back that we had to start getting ready for
6 this. Because that's how big and laborious
7 this task really is. So we're talking about a
8 very large project. Two years afterwards we
9 will transition off and be able to do it
10 ourselves.

11 LEGISLATOR KOPEL: That answers
12 that question. Thank you.

13 LEGISLATOR NICOLELLO: Do we have
14 any other questions? Legislator Bynoe.

15 LEGISLATOR BYNOE: Thank you
16 Presiding Officer. This question I would like
17 to address to Mr. Cleary. Mr. Cleary, this
18 question is regarding the procurement process
19 and whether we feel that -- because I know
20 initially the scope was just for the GASB 87.

21 MR. BLANCO: If I can clarify
22 that. I'm sorry to interrupt legislator. The
23 initial scope was not just GASB 87. In fact,
24 the title of the RFP itself included two
25 scopes. It was one GASB 87 and two additional

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2 as-needed services. In the title we referred
3 to it as other technical services. The RFP
4 did have two sections.

5 LEGISLATOR BYNOE: Thank you.
6 But we know that COVID-19 could not have been
7 in their purview at that time. So given the
8 fact -- Sergio, please let me finish. Thank
9 you. Given the fact that COVID-19 was not a
10 part of the original scope and this broadens
11 the scope, I would like to make sure we are
12 not in any way violating our policies as it
13 relates to procurement.

14 MR. CLEARY: I did review the
15 scope. The scope, although the majority of
16 the scope was GASB 87, the scope itself in the
17 RFP and also in the contract does include
18 additional services. They're not defined as
19 to specifically what their services are beyond
20 public accounting services, including other
21 GASB issues and other public accounting
22 issues. Which I think is sufficiently broad.
23 I think we would have a problem if this
24 contract was not used for GASB 87.

25 Yes, the reason, the impetus for

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2 the original RFP was GASB 87. But I think
3 from the outset it's clear that there was a
4 recognition that there would be other
5 additional services that may be required in
6 other public accounting needs. It's true that
7 COVID-19 was certainly not envisioned,
8 imagined at the time that this was solicited.
9 I think that if this contract was used even
10 predominantly for COVID-19 that could be
11 problematic because clearly that was not what
12 the basis of the competition was focused on.

13 On the other hand, the baffle round
14 included additional services. The contract
15 itself includes additional services. The
16 payment structure includes additional
17 services. The scope itself did speak to
18 non-GASB 87 services.

19 I think in this case, under these
20 circumstance, this makes sense as a vehicle
21 for this particular need. Especially since we
22 are already a couple of months into the event
23 and soliciting, involving vendors in another
24 solicitation, asking them to put together
25 proposals, asking us to review them during

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2 this circumstance is probably a distraction
3 from the real focus and possibly dangerous
4 frankly.

5 LEGISLATOR BYNOE: Perfect.

6 Thank you. Just wanted to put that on the
7 record.

8 And Sergio this question would then
9 be for you. It's expected that we will be
10 able to stay within the contracted amount of
11 \$510,000 coupling these two activities
12 together?

13 MR. BLANCO: Absolutely. We
14 expect all the services to be within the max
15 amount. We don't plan to come back to the
16 legislature and ask for more money.

17 LEGISLATOR BYNOE: Thank you very
18 much.

19 Presiding Officer, just for the
20 record, I would like to state -- we know that
21 you saw Ellen Birnbaum and it was mentioned
22 that Josh Lafazan is on the computer as well.
23 But Carrie Solages and also Legislature
24 Drucker are on as well. They wanted that
25 mentioned.

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2 I believe the Minority Leader has a
3 question as well.

4 LEGISLATOR NICOLELLO: Kevan? Is
5 he still having problems with the audio feed?

6 LEGISLATOR ABRAHAMS: Just for
7 the record, my questions were tied to the
8 procurement process as it pertains to COVID,
9 the \$510,000 max. I have no questions.

10 LEGISLATOR NICOLELLO: Anyone
11 else have any questions? Hearing none, all in
12 favor signify by saying aye. Those opposed?
13 I'm reverting back to the way we used to
14 handle things. I guess we're doing this
15 individually now. All in favor signify by
16 saying aye. Those opposed? Carries
17 unanimously.

18 We are going to skip to E-54 of
19 2020. It's a contract between the county and
20 the Nassau County Bar Association Assigned
21 Counsel Defender Plan. Andy.

22 MR. PERSICH: This is the annual
23 renewal for the bar association for 18B. It's
24 been around long in existence similar to PFM.
25 It's the conflict between ILS and then they

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2 cover. This is for the administrative portion
3 to facilitate the plan. And the funding I
4 think is \$453,384.

5 LEGISLATOR NICOLELLO: Legislator
6 DeRiggi-Whitton you had something that the IG
7 reported?

8 LEGISLATOR DERIGGI-WHITTON:
9 Thanks. I understand that some questions were
10 sent out like regarding the IG earlier this
11 morning. I think hopefully we all were aware
12 of them. Do you mind just putting on record
13 what you feel -- if you're comfortable with
14 this or if you want to address each of her
15 concerns if you don't mind.

16 MR. PERSICH: I believe the
17 questions, which I only received about an hour
18 before the meeting, had to do with some of the
19 disclosures statements. Which I think we had
20 a problem in 2018 with this. That there was
21 some opinion by the county attorney's office
22 that mitigated this requirement with them.

23 On the record, they have been
24 around for longer than I can remember and the
25 administration, through the bar association,

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2 and it functions well in the court system that
3 we have the conflict between ILS and 18B over
4 there. This is just to keep the
5 administration, to get the lawyers in court on
6 time and everything else. I am very
7 comfortable with the administration of this
8 program.

9 LEGISLATOR DERIGGI-WHITTON: I
10 know Rich said it was from the '90s which we
11 have to take his word on.

12 LEGISLATOR NICOLELLO: That was
13 PFM.

14 LEGISLATOR DERIGGI-WHITTON:
15 Anyway, is there anything -- I know that she
16 specifically was concerned with something
17 regarding the plan. The counsel plan the
18 contract disclosure. The counsel plan, is
19 that something that has been around for a
20 while?

21 MR. PERSICH: This part of
22 contract is for the administrative piece of
23 this, which is for that. But they also
24 administer who gets assigned to the individual
25 branches of the court system. That's done

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2 through them.

3 LEGISLATOR DERIGGI-WHITTON: She
4 had an issue with the assigned counsel plan
5 contract disclosure. Do you know what exactly
6 the problem was?

7 MR. PERSICH: I don't know
8 specifically legislator. I'm being honest
9 with you.

10 LEGISLATOR NICOLELLO: Look, I
11 mean, we didn't have a chance to review this
12 either. There's no way that we can proceed
13 with this until we take a look at the
14 inspector general's questions and get the
15 answers that we need. So, I think, again, we
16 have a full legislative meeting coming up in
17 two weeks. I think this is another contract
18 that we're going to have to adjourn until that
19 time so we have a chance to review what the
20 inspector general is raising.

21 I will say, again, that this is a
22 program that the bar association provides.
23 It's a needed program. I'm sure ultimately we
24 are going to be passing this along. But we
25 have to do our due diligence.

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2 MR. PERSICH: I completely
3 understand this body. I will say this and I
4 get that we have to procure properly, he is in
5 cash strapped position. Just keep that in
6 mind for the next session because we're going
7 to have to expedite it. Because it is an ever
8 revolving fund to keep the administrative
9 piece open. I just want to make you aware of
10 that legislators.

11 LEGISLATOR NICOLELLO: You said
12 "he is in a cash strapped" --

13 MR. PERSICH: Talking about the
14 administrator of the program over there, Bob
15 Nigra. This is to fund the office hours and
16 everything else. Just keep that in the back
17 of your mind. It's been long and it's late
18 and I understand that. When we get to the
19 next session I will work with you to get this
20 thing expedited.

21 LEGISLATOR NICOLELLO: Do you
22 have the IG's comments with you? The email.
23 Can you tell us what they are specifically so
24 maybe -- do you have something to add
25 Mr. Cleary?

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2 MR. CLEARY: Yes. In addition to
3 the inspector general's question, I have now a
4 copy of the 2018 email that was sent from Dan
5 Gregware of the county attorney's office
6 explaining the reason the contract was
7 approved previously in a similar fashion.
8 It's speaking directly to this issue. The IG
9 has not seen this email I believe. It's a
10 long email but basically if I may read a
11 little bit. This is from Dan Gregware and I
12 can share this with everyone.

13 It is my opinion that a principal
14 questionnaire form for the 18B Nassau County
15 Bar Association Assigned Counsel Defender Plan
16 administrator substantially complies with the
17 county's requirements with respect to the
18 individuals that need to complete the
19 principal questionnaire form for the
20 below-referenced contract.

21 Historically, the administrator is
22 the individual that has completed this form on
23 behalf of ACDP and this has been sufficient.
24 The administrator is the day-to-day manager
25 and exercises substantial control over ACDP

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2 and would therefore be the appropriate
3 individual that should complete the form.

4 It should also be noted ACDP is not
5 a traditional county vendor for the following
6 reasons. One, the amounts provided to ACDP
7 under the pending agreement are 100 percent
8 reimbursable under state grant.

9 Two, ACDP is specifically
10 referencing the grant agreement as the
11 ultimate recipient of the grant funds which is
12 attached to the pending contract.

13 Three, the purpose of the agreement
14 is to improve the mandated services in
15 accordance with the grant.

16 Four, the county is essentially
17 acting as a pass-through of these grant funds
18 from the state to ACDP.

19 And five, ACDP's sole function is
20 to administer the county's mandated 18B
21 indigent defense services.

22 So basically it's a mandated
23 contract with a mandated vendor and this is
24 the appropriate individual running the
25 program. And that is why the county

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2 attorney's office previously, and again would
3 as reaffirmed, believes that this is the
4 appropriate filing process.

5 LEGISLATOR NICOLELLO: I think
6 the IG raised a second question however. That
7 does not address the second issue.

8 MR. CLEARY: The second question
9 regards the political campaign contributions?

10 LEGISLATOR NICOLELLO: Yes.

11 MR. CLEARY: As of today, we
12 checked the system this morning and there are
13 no reportable contributions from the
14 individuals that would have to be named in
15 that form.

16 LEGISLATOR NICOLELLO: The
17 individuals that have to be named in that form
18 who is that? Is it the administrator and
19 president, vice president, treasurer and
20 secretary of the Nassau County Bar
21 Association? Those are the individuals that
22 have to be identified?

23 MR. CLEARY: That's my
24 understanding but I would have to confirm it.

25 LEGISLATOR NICOLELLO: And the

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2 representation is that there were no political
3 contributions by any of those five
4 individuals?

5 MR. CLEARY: Again, that's my
6 understanding. I would have to confirm
7 specifically the five names to be able to
8 answer clearly.

9 LEGISLATOR NICOLELLO: I'm just
10 referring to the titles at this point.

11 MR. CLEARY: Yes. Those are the
12 titles we are looking at, yes.

13 LEGISLATOR NICOLELLO: Legislator
14 Rhoads.

15 LEGISLATOR RHOADS: Just in
16 listening to the debate in light of the fact
17 that obviously there is funding issues with
18 the program itself based on the time limits of
19 the contract. My understanding is, and I'm
20 just throwing this out there, that the concern
21 with respect to the disclosure requirements is
22 that we want to make sure that this contract
23 isn't being awarded based on some sort of
24 political contribution that was made by one of
25 the officers of the corporation. And in this

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2 particular instance you have a mandated vendor
3 and a mandated service. A mandated contract.

4 So, I don't know that that actually
5 is a concern in this particular case because
6 they are the only game in town so to speak.
7 Even if somebody did make a contribution to a
8 candidate it wouldn't have impacted the
9 awarding of this contract in any way.

10 So, I would feel badly holding up
11 this contract on a piece of information that
12 in this particular case isn't relevant. Which
13 is why, I would imagine, that exemption was
14 granted back in 2018 or at least part of it.

15 MR. CLEARY: I believe so. I
16 also confirmed yes, all the individuals named
17 were checked.

18 LEGISLATOR NICOLELLO: Does
19 anyone else have any other comments to make?
20 I think Legislator Rhoads' approach is the
21 correct approach. I agree with his analysis
22 of this and I think we should try to move this
23 along. They are providing a needed service.
24 We don't want the officers over there to go
25 without being paid and to put those hardships

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2 on the people that are administering this
3 program under these circumstances would not be
4 something I think would be in the interest of
5 the county.

6 And of course you need,
7 notwithstanding the COVID-19 outbreak, these
8 services are still being provided to indigent
9 persons who have been charged with a crime.
10 The program has to continue. Legislator
11 DeRiggi-Whitton.

12 LEGISLATOR DERIGGI-WHITTON: I
13 agree that it's such an important program and
14 we're going to do that. It still goes back
15 and I know nothing's perfect and especially
16 with what's going on we're probably going to
17 have more issues in the future, but to have
18 something that comes in late and doesn't
19 really give the IG time maybe to review
20 everything. And then we get it the morning of
21 a meeting. We don't want to leave ourselves
22 open to make a mistake on any contracts.

23 So, I'm also going with the trust
24 that my colleagues have for the importance.
25 But really we need to try to do the best we

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2 can to keep things done in a timely way so
3 that we're not missing anything.

4 LEGISLATOR NICOLELLO: I think
5 also factoring into our equation is the fact
6 that obviously the IG's office is hampered as
7 well. Obviously they're working probably on a
8 short staff, if not from home. They have been
9 very prompt and thorough with their reports to
10 date. So the fact that they got these to us
11 this morning is probably the result of what's
12 happening generally. We have to be a little
13 bit more flexible at this time to make sure we
14 keep the operations of government going
15 forward.

16 Anyone else? Thank you Robert.

17 Let's move on to E-55, a contract
18 with Vincent McNamara. Does anyone have any
19 questions with respect to this? This is for
20 the retention of Mr. McNamara's firm with
21 respect to several actions that are currently
22 pending against the county of Nassau. Anyone
23 remotely have any questions about this item,
24 E-55?

25 Hearing none, the next item is

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2 E-56. It's a contract with change -- I'm
3 sorry, we're not calling that one. E-57 is a
4 contract with Safe Center of Long Island, Inc.
5 it's A contract with the police department for
6 support services regarding domestic violence,
7 sexual abuse and child abuse. \$250,000
8 increase to a new maximum total of \$1.25
9 million.

10 Any questions on the contract with
11 Safe Center? Hearing none, we will move on to
12 the next one.

13 E-58 is a contract with Albrecht
14 Viggiano, Zureck and Company. That is also
15 via the comptroller's office. I don't know if
16 the comptroller's office wants to weigh in on
17 this one. Sergio?

18 MR. BLANCO: Good afternoon
19 everybody. This is essentially a contract
20 close out from the comptroller's office's
21 partner vendor who helped us prepare the
22 CAFR. We do have a new vendor that this board
23 did approve a few months back. But this is
24 for out-of-scope additional services that were
25 performed by the vendor over the last two

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2 CAFRs.

3 LEGISLATOR KOPEL: These services
4 were already done?

5 MR. BLANCO: These services have
6 already been performed, that's correct.

7 LEGISLATOR KOPEL: Shouldn't you
8 have come to us before they were done?

9 MR. BLANCO: I'm sorry, I didn't
10 get that question.

11 LEGISLATOR KOPEL: What I had ask
12 is that the request for the additional funds
13 should you have asked us for that before you
14 already had the services done? In other
15 words, you are already obligated for these
16 services. For the money.

17 MR. BLANCO: I wasn't able to
18 catch that one.

19 LEGISLATOR KOPEL: Why don't you
20 get closer to your computer instead of
21 standing. You might hear us better and we can
22 hear you better. The question once again was,
23 this is for money that you've already spent
24 essentially?

25 MR. BLANCO: We did. That's

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2 correct. The contractor did contemplate that
3 should any additional services be necessary
4 they would be subject to additional approvals.

5 LEGISLATOR KOPEL: What I mean
6 is, shouldn't you ask us for this money before
7 you spend it?

8 MR. BLANCO: Lisa can elaborate,
9 but this was essentially services that were
10 performed while we were worried about getting
11 the CAFR out in time. Failure to do this work
12 and to go back to the legislature before we
13 can get the work done could have risked our
14 CAFR being released on a timely basis. The
15 consequences of that can be rather grave. It
16 can impact our bond rating.

17 LEGISLATOR KOPEL: I wasn't
18 questioning whether or not you should have
19 used these people or extended it. The
20 question was, why didn't you come to us before
21 you go ahead and spend the money? Before you
22 obligate for the services. In other words,
23 before instead of after. You've already spent
24 it. We don't really have a choice now is what
25 I'm saying.

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2 LEGISLATOR SCHAEFER: The
3 services were performed is that what you're
4 saying?

5 MR. BLANCO: That is correct, the
6 services were already performed. Of course
7 the legislature has the authority to reject
8 this amendment and the vendor will have to
9 take other recourse. That is authority
10 granted --

11 LEGISLATOR KOPEL: I get that but
12 that wasn't the question. The question was,
13 ought you not to have come to us before we are
14 in that kind of situation? In other words,
15 before you go ahead and have the authorized
16 services. The point of this whole exercise by
17 the legislature is to decide whether or not
18 something ought to be done. This was already
19 done essentially giving us no choice and
20 that's not the way this is supposed to work.
21 You should come to us before you go ahead and
22 contract for the services.

23 MR. BLANCO: And we agree with
24 you. And for what it's worth sir, in the
25 contract with the new vendor we've

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2 specifically written in there that we're going
3 to require written approval before we
4 authorize any out of scope work. Because we
5 again learned from this experience and we
6 wanted to address that in a subsequent
7 procurement. Which we did indeed do. We
8 agree with you sir. To the best of our
9 ability, unless obviously exigent
10 circumstances indicate, which we do not
11 expect, we will not do that again and will
12 seek approval from this body for any
13 additional out of scope work for services in
14 the future.

15 LEGISLATOR KOPEL: For any
16 services for any vendor?

17 MR. BLANCO: Any services,
18 correct.

19 LEGISLATOR NICOLELLO: Does
20 anyone else have any questions for Sergio?
21 Hearing none, we will move on to the next
22 contract which is E-59 of 2020. A contract
23 with Emergency Management and the Nassau
24 County Vocational and Educational Extension
25 Board. This is a contract that provides

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2 services to our Nassau County 71 volunteer
3 fire departments as well as EMS. They have
4 been providing these services for many, many
5 years. This contract is apparently a
6 three-year contract totaling \$110,000. The
7 only question I have Katy is --

8 MS. HORST: It's a total amount
9 of 1.1 million.

10 LEGISLATOR NICOLELLO: \$300,000
11 per year somewhat. In excess of that. I
12 thought last year we passed a contract with
13 VEEB for two years and NIFA rejected it. Is
14 there any concern that NIFA may not accept
15 this three-year contract with VEEB?

16 MS. HORST: I don't have an
17 answer for you.

18 LEGISLATOR NICOLELLO: I think we
19 will do it anyway because I think it's a good
20 idea. They have a long-standing issue with
21 trying to -- making sure their operations
22 continue and each year when they have to come
23 back to us at some time it's delayed and again
24 they have the same issue in terms of paying
25 their employees and things. So I think it's a

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2 good idea for stability and it's a good idea
3 to make sure that they get paid for the
4 services that they are providing to the
5 county, which are essential.

6 MS. HORST: Absolutely.

7 LEGISLATOR NICOLELLO: Anyone
8 else have any questions or comments?
9 Legislator Rhoads.

10 LEGISLATOR RHOADS: It's not
11 directed to you Katy. This is more for the
12 benefit of NIFA just so that they understand
13 the services that are provided by VEEB. All
14 of the training for every volunteer fire
15 department takes place through VEEB at the
16 Nassau County Fire Service Academy. The
17 training for EMS personnel, volunteer EMS
18 personnel, takes place through the Nassau
19 County Fire Service Academy and through VEEB.

20 When we're talking about providing
21 a critical service, especially in light as you
22 can see of the reliance that we have on our
23 volunteer ambulance and fire services in the
24 context of the COVID-19 pandemic and just
25 general services provided to the county, those

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2 services are absolutely essential and
3 continuity of operations without having to
4 worry about budgetary considerations, which
5 this three-year contract provides, is
6 absolutely vital to that program being able to
7 continue to function.

8 In the past, when it was simply
9 one-year contracts, at the beginning of the
10 year there was always a question as to whether
11 VEEB was going to have to shut down because
12 the approvals couldn't take place fast enough
13 for them to be able to continue to pay
14 salaries and continue to run their operation.
15 This solves that problem.

16 So, if anyone from NIFA at any
17 point in time actually looks back to the
18 minutes of the legislature, why would they
19 consider what we have to think? know that the
20 reason that this is being passed as a
21 three-year contract is because it's vitally
22 important to their continuity of operation and
23 the service that they provide is vital to the
24 residents of Nassau County. That's why it's
25 being done.

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2 LEGISLATOR WALKER: I would just
3 have to agree with Legislator Rhoads. If we
4 didn't have our volunteer fire fighters right
5 now and our ambulances and everything that
6 they are doing we would be in an awful mess.
7 Because I can tell you my radio goes off
8 continuously that they have COVID-19 cases
9 that they have to roll out for. So, they have
10 always been an invaluable service but we see
11 that more now. So I think it's very important
12 and hopefully this gets approved by NIFA.

13 LEGISLATOR NICOLELLO: Any other
14 questions?

15 E-49 of 2020 we are going to have
16 to untable that. Motion to untable by
17 Legislator Rhoads. Seconded by Legislator
18 DeRiggi-Whitton. This is a contract with the
19 county attorney and Sokoloff Stern.

20 Katy, you want to speak on this?
21 All in favor of untabling signify by saying
22 aye. Those opposed? Carries unanimously.

23 LEGISLATOR KOPEL: Katy please.

24 MS. HORST: I will tell you I am
25 not prepare for this one. I did not know this

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2 one was going to be untabled today. I'm going
3 to ask if anyone from the county attorney's
4 office is on the line? Brian Libert?

5 MR. LIBERT: I'm here.

6 MS. HORST: Go for it.

7 MR. LIBERT: If you just give me
8 a moment to read my notes. Similar to you, I
9 was not aware this was going to be untabled.
10 If you could give me a moment.

11 I can speak on this item now.

12 LEGISLATOR KOPEL: Yes please.

13 MR. LIBERT: Brian Libert from
14 the county attorney's office. This is an
15 amendment with Sokoloff Stern with regard to
16 the Galloway contract. This was basically a
17 prior contract with regard to a conflicts
18 matter on a previous case and the county
19 attorney is trying to extend that contract
20 into this Galloway matter and that will be to
21 completion on the Galloway matter only.

22 LEGISLATOR KOPEL: Any questions
23 anyone? No one? Thank you.

24 LEGISLATOR DERIGGI-WHITTON: Do
25 you remember why we tabled this?

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2 MR. LIBERT: Yes. I believe that
3 the presiding officer made a point about
4 having contracts be on specific individual
5 contracts, which the office has understood and
6 we are taking that directive very seriously.
7 But certainly in this instance it would be
8 useful at this point to be able to use the
9 funding that's in place. But that's initially
10 why it was tabled.

11 LEGISLATOR DERIGGI-WHITTON:

12 Thank you.

13 LEGISLATOR NICOLELLO: The one
14 item that we still have to call is item 53. I
15 think Legislator Rhoads is going to recuse
16 himself. Will not be participating or taking
17 any part in the debate and/or vote. This is a
18 contract between the county and TRIAD Group.
19 I don't know if I had a motion before but I
20 will take one now from Legislator Bynoe.
21 Seconded by Legislator DeRiggi-Whitton.
22 Anyone want to speak about this?

23 MR. PERSICH: This is our third
24 party administrator for worker's comp claims.
25 Been with us since 2005 I want to say or six.

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2 Somewhere around there. They administer all
3 the claims and help us in claims processing.
4 Additionally, this TRIAD was the lead trying
5 to get the money back from the state from the
6 15-8 stuff that we did last year. I know
7 there were some questions from the IG on
8 this. So I don't know if this is going to
9 make it today. But this is not an urgent one
10 I will say.

11 MS. HORST: The IG just checked
12 the boxes currently are reviewing and
13 investigating and with results of our review
14 investigating pending. So we don't know her
15 exact questions at the moment.

16 LEGISLATOR NICOLELLO: So then we
17 can't proceed with this one.

18 MS. HORST: Correct.

19 LEGISLATOR NICOLELLO: Take a
20 motion to table from Deputy Presiding Officer
21 Kopel. Seconded by Minority Leader Abrahams.
22 All in favor of tabling signify by saying
23 aye. Those opposed? That item is tabled by a
24 vote of six to nothing.

25 So now we have the contracts that

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2 have been discussed. Why don't we invite
3 Legislator Rhoads back in.

4 First of all, we voted on two of
5 them already. E-51 you said. And E-53 we
6 just tabled, correct? The remaining items
7 that we have discussed that will be before the
8 legislator that have not been voted upon are
9 B-4, E-50, E-54, E-55, E-57, E-58, E-59 and
10 E-49. Any further debate or discussion?
11 Hearing none, all in favor signify by saying
12 aye. Those opposed? Carries unanimously.

13 I think the business of the Rules
14 Committee is done for today. I would like to
15 thank everybody for participating whether
16 remotely or in person and the next meeting of
17 the legislature will be in two weeks.

18 Motion to adjourn? Moved by
19 Legislator Rhoads. Seconded by Legislator
20 DeRiggi-Whitton. All in favor of adjourning
21 signify by saying aye. Those opposed?
22 Carries unanimously.

23 (Committee was adjourned at 2:25
24 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 13th day of
April 2020

FRANK GRAY