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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 RULES COMMITTEE

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13 LEGISLATOR RICHARD NICOLELLO

14 CHAIR

15

16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

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21

22 Monday, June 8, 2020

23 1:36 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 LAURA SCHAEFER

13

14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

16

17 LEGISLATOR DELIA DERIGGI-WHITTON

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19 LEGISLATOR SIELA BYNOE

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1 Rules 6-8-20

2 LEGISLATOR NICOLELLO: So I am
3 now going to call the Rules Committee to
4 order. Vice Chairman Kopel.

5 LEGISLATOR KOPEL: Here.

6 LEGISLATOR NICOLELLO: Legislator
7 Rhoads.

8 LEGISLATOR RHOADS: Present.

9 LEGISLATOR NICOLELLO: Legislator
10 Schaefer.

11 LEGISLATOR SCHAEFER: Here.

12 LEGISLATOR NICOLELLO: Minority
13 Leader Abrahams.

14 LEGISLATOR ABRAHAMS: Here.

15 LEGISLATOR NICOLELLO: Legislator
16 DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON:
18 Here.

19 LEGISLATOR NICOLELLO: Legislator
20 Bynoe.

21 LEGISLATOR BYNOE: Here.

22 LEGISLATOR NICOLELLO: I am
23 here. That makes a quorum.

24 We'll start off with the regular
25 items on the committee agenda.

1 Rules 6-8-20

2 116, an ordinance making certain
3 determinations pursuant to the State
4 Environmental Quality Review Act and
5 authorizing the county executive of the county
6 of Nassau to accept on behalf of the county an
7 offer of purchase from Nassau County Land Bank
8 Corporation of certain premises located in
9 Woodbury.

10 Note for the record that Legislator
11 Bynoe is recusing herself. She left the room
12 and will not be participating in any debate,
13 discussion or vote on this item.

14 Moved by Legislator
15 DeRiggi-Whitton. Seconded by Legislator
16 Schaefer. The item is before the committee.
17 Is there anyone to speak on this item? 116.

18 MR. PAVEL: Craig Pavel, deputy
19 county attorney on behalf of the Office of
20 Real Estate Services on the item Woodbury
21 Road.

22 This is a parcel of property in
23 Woodbury. It's a parcel of property that has
24 gone out for requests for proposals a few
25 times and we haven't had success in selling

1 Rules 6-8-20

2 it. So the Office of Real Estate Services is
3 proposing to give the land to the Nassau
4 County Land Bank for purposes of affordable
5 housing. I'm here for any other questions and
6 I believe also the director of the land bank
7 is here to speak.

8 LEGISLATOR NICOLELLO: Do we have
9 questions from the committee? Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:
12 Thank you. Is this going to be one house or
13 you going to have multiple housings with this
14 project.

15 MR. PAVEL: There is no house
16 there currently. If that was your question.
17 It's a wooded area and that perhaps is part
18 why it's been difficult for us to release this
19 parcel in the past. But the development I
20 believe, and the land bank can confirm, would
21 be for one affordable house.

22 MS. RUSSELL: Good afternoon. My
23 name is Bridget Russell. I'm the executive
24 director of the Nassau County Land Bank. Our
25 desires is actually to put multiple dwellings

1 Rules 6-8-20

2 if possible. Have them work with an engineer
3 and we're hopeful that we will be able to
4 build several town homes on that lot for this
5 considerably --

6 LEGISLATOR DERIGGI-WHITTON: So
7 several town homes that's what you're hoping
8 for?

9 MS. RUSSELL: Yes. Our desire is
10 to do that to help with the tax burden. Also
11 just something affordable for the individuals
12 who will purchase this.

13 LEGISLATOR DERIGGI-WHITTON: Is
14 the property zoned for several town houses?

15 MS. RUSSELL: It's zoned
16 currently for residential. You would have to
17 go to the BGA in order to get approval of the
18 building for multiple family dwellings.

19 LEGISLATOR DERIGGI-WHITTON:
20 Thank you.

21 LEGISLATOR NICOLELLO: My
22 question then is, my understanding is there's
23 a restriction from the Planning Commission's
24 action that it be a single, one-family
25 residence. So is it still possible to build

1 Rules 6-8-20

2 town houses or multiple residences on this
3 property if we pass this?

4 MS. RUSSELL: I'm not aware of
5 that determination. I am aware that it is a
6 sloping property and that issue because
7 there's slope on the property and that this is
8 specifically zoned right now for a single
9 family. Our hope and desire is to be able to
10 build multiple homes if possible.

11 LEGISLATOR NICOLELLO: Anyone
12 else? I think it's in the resolution, which
13 somebody just texted me, it's in the Planning
14 Commission resolution, which is right here but
15 I can't see it.

16 MR. PAVEL: Can you repeat the
17 question? I'm having difficult hearing you.

18 LEGISLATOR NICOLELLO: It says in
19 the whereas paragraph of the Planning
20 Commission determination that the property was
21 never sold and is now being proposed for
22 transfer to the Nassau County Land Bank for
23 the development of an affordable single family
24 residence. Is it your position that it
25 doesn't restrict the county from going ahead

1 Rules 6-8-20

2 and doing a town house of some kind?

3 MR. PAVEL: In order to answer
4 the question I would probably want to speak
5 with somebody maybe at the Planning
6 Commission. But you are correct that your
7 observation in the contract is, as you say the
8 whereas paragraph, and I believe that the Land
9 Bank is very well equipped, they're
10 represented by attorneys and they have
11 developers and their plans, I have full
12 confidence, should be within the confines of
13 the contract.

14 I cannot at this moment
15 specifically without more information in front
16 of me fully grasp what the plans of the Land
17 Bank are and whether they would be combined
18 with the terms.

19 LEGISLATOR NICOLELLO: This is a
20 committee hearing and the full legislature
21 would not be for three weeks. If the
22 committee wants to we can move this along and
23 get the answers to that question between now
24 and June 29th if that's acceptable to
25 everybody.

1 Rules 6-8-20

2 LEGISLATOR DRUCKER: Can I ask a
3 question please?

4 LEGISLATOR NICOLELLO: Yes
5 Legislator Drucker.

6 LEGISLATOR DRUCKER: Good
7 afternoon. Could you tell me exactly where on
8 Woodbury Road this parcel is?

9 MR. PAVEL: Yes. I'm just
10 referring to the appraisal report. I believe
11 it's north of the expressway. And let me just
12 confirm that. It's 302 Woodbury Road in
13 Oyster Bay.

14 LEGISLATOR DRUCKER: Woodbury
15 Road in Woodbury?

16 MR. PAVEL: Yes.

17 LEGISLATOR DRUCKER: It's a
18 wooded parcel? There's no building to come
19 down?

20 MR. PAVEL: Yes, sir, it is a
21 wooded parcel with some sloping issues. It's
22 got I know from the appraisal report it has
23 some sort of ponds or streams going through
24 it. It is a completely undeveloped, vacant
25 land with woods.

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2 LEGISLATOR DRUCKER: And what is
3 the appraised value?

4 MR. PAVEL: The appraised value,
5 sir, I believe it is \$380,000 as per the Land
6 Bank's appraisal report dated as of December
7 5, 2019.

8 LEGISLATOR DRUCKER: How big is
9 the parcel?

10 MR. PAVEL: The parcel I believe
11 it is about, yes, it is 138 feet by 129 feet.
12 However, it is an irregular shape and
13 therefore the exact square footage I'm not
14 positive of. But the appraisal report
15 indicates 17,424 square feet.

16 LEGISLATOR DRUCKER: Then I have
17 a question regarding the Land Bank. How many
18 units did you say of affordable housing will
19 be built there?

20 MS. RUSSELL: We don't have a
21 specific number of units right now. We are
22 working with the engineer to see what we can
23 fit pursuant to the town code that would allow
24 us there. However, the building that we have
25 been doing now we were doing single family

1 Rules 6-8-20

2 homes on 4,000 square foot lots. Yes. In the
3 Village of Hempstead.

4 LEGISLATOR DRUCKER: Do you have
5 an idea, Ms. Russell, about how much the rent
6 would pay from for one bedroom, two bedroom or
7 whatever the configuration is going to be?

8 MS. RUSSELL: There wouldn't be
9 rent. Our desire is for homeownership. So it
10 will be sold at either 80 percent AMI or less.

11 LEGISLATOR DRUCKER: Do you have
12 a price range on that what it would be?

13 MS. RUSSELL: It's somewhere
14 around \$320,000.

15 LEGISLATOR DRUCKER: How did they
16 arrive at that number?

17 MS. RUSSELL: It's based on the
18 area median income and based on the HUD
19 regulations. And that's about around the
20 pricing that we have been determining our
21 homes are for. The homes are about 1500
22 square feet, three bedroom, one and a half
23 bathrooms with full basements. So we've
24 arrived at that number based on the HUD
25 regulation.

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2 LEGISLATOR DRUCKER: Would there
3 be a big variation of disparity if the lot was
4 in another area of Nassau County?

5 MS. RUSSELL: The AMI is
6 determined I believe based on the county.
7 Area of the income of the county.

8 LEGISLATOR DRUCKER: Okay. Thank
9 you very much. Thank you presiding officer
10 for allowing me to ask the question.

11 LEGISLATOR NICOLELLO: Any time
12 Arnold. Any other questions? I think the
13 intention is to get some clarification on what
14 can and cannot be done on the property between
15 now and June 29th.

16 All in favor signify by saying
17 aye. Those opposed? Carries unanimously.

18 120 of 2020 is an ordinance
19 supplemental to annual appropriation ordinance
20 in connection with the medical examiner.

21 Moved by Legislator Rhoads.
22 Seconded by Legislator Schaefer. Actually we
23 have to invite Legislator Bynoe back in.

24 Any debate or discussion on this
25 item? Hearing none, all in favor signify by

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2 saying aye. Those opposed? Carries
3 unanimously.

4 123, a resolution authorizing the
5 county executive to execute a grant agreement
6 between the county and the Women's Opportunity
7 Rehabilitations Center, Inc.

8 Moved by Legislature
9 DeRiggi-Whitton. Seconded by Legislator
10 Bynoe. Any debate or discussion on this
11 item? Again hearing none, all in favor
12 signify by saying aye. Those opposed?
13 Carries unanimously.

14 124, 125, 126 are resolutions to
15 authorize the transfer of appropriations
16 heretofore made within the budget for the year
17 2020.

18 Moved by Deputy Presiding Officer
19 Kopel. Seconded by Minority Leader Abrahams.
20 Any debate or discussion on these three?
21 Hearing none, all in favor signify by saying
22 aye. Those opposed? Carries unanimously.

23 127, 128, 129, 130, 131, ordinances
24 supplemental to the annual appropriation
25 ordinance in connection with the Department of

1 Rules 6-8-20

2 Health and the Department of Social Services.

3 Moved by Minority Leader Abrahams.

4 Seconded by Deputy Presiding Officer Kopel.

5 Any debate or discussion on these items?

6 Hearing none, all in favor signify by saying

7 aye. Those opposed? Carries unanimously.

8 132 is an ordinance supplemental to

9 the annual appropriation ordinance in

10 connection with the Office of Management and

11 Budget.

12 Moved by Legislator Schaefer.

13 Seconded by Legislator Rhoads. Any debate or

14 discussion? Hearing none, all in favor

15 signify by saying aye. Those opposed?

16 Carries unanimously.

17 Item 133 of 2020 is an ordinance to

18 adopt the Nassau County budget for Nassau

19 County Community College for the fiscal year

20 commencing September 1, 2020 and ending August

21 31, 2021 and to appropriate revenues and the

22 total amount of monies to be raised by

23 taxation within the county for the purposes of

24 Nassau Community College for such fiscal

25 year.

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2 Moved by Legislator Bynoe.

3 Seconded by Legislator DeRiggi-Whitton. I
4 would just note for the record that
5 traditionally with the college budget we tee
6 it up the budget in the committees and then
7 have a full discussion and presentation at the
8 time of the full legislature. I'd also note
9 however there's been an ongoing issue with the
10 college in terms of two programs for students
11 on the autism spectrum. Those programs, the
12 Aspires Program and the Achilles Program, had
13 been slated to be terminated and the college
14 has now indicated to us those programs will in
15 fact be restored and continued. Some of the
16 details of that have yet to be worked out and
17 some communication needs to happen, but we are
18 optimistic that we can reach an agreement and
19 go forward with the budget and maintain those
20 two programs.

21 Anyone else want to discuss or
22 debate this? Hearing none, all in favor
23 signify by saying aye. Those opposed?
24 Carries unanimously.

25 134 of 2020 is an ordinance

1 Rules 6-8-20

2 supplemental to the annual appropriation
3 ordinance in connection with the Department of
4 Public Works.

5 Moved by Legislator

6 DeRiggi-Whitton. Seconded by Legislator
7 Bynoe. Any debate or discussion? Hearing
8 none, all in favor signify by saying aye.
9 Those opposed? Carries unanimously.

10 136, a resolution to ceremonially
11 designate a portion of the county road known
12 as Old Country Road from the intersection of
13 Kalda Lane to the intersection of Central Park
14 Road in Plainview as Heroes Way and directing
15 the Department of Public Works to install
16 conspicuous signage along said roadway.

17 Moved by Legislator Rhoads.

18 Seconded by Legislator Schaefer. Any debate
19 or discussion? Anyone want to chime in? If
20 not, all in favor signify by saying aye.
21 Those opposed? Carries unanimously.

22 137 is a resolution to designate a
23 portion of the county road known as Underhill
24 Boulevard between Jackson Avenue and Queens
25 Street in Syosset as Gus Scutari Way and

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2 directing the Department of Public Works to
3 install conspicuous signage along said
4 roadway.

5 Moved by Legislator DeRiggi-Whitton
6 and seconded by Legislator Schaeffer. Any
7 debate or discussion on this item? Hearing
8 none, all in favor signify by saying aye.
9 Those opposed? Carries unanimously.

10 140 of 2020 is a resolution
11 authorizing the county of Nassau to file an
12 application for federal assistance with the US
13 Department of Housing and Urban Development.

14 Moved by Legislator Rhoads.
15 Seconded by Legislator Bynoe. Any debate or
16 discussion? Hearing none, all in favor
17 signify by saying aye. Those opposed?
18 Carries unanimously.

19 141, 142, 143 are all ordinances
20 supplemental to the annual appropriation
21 ordinance in connection with the correctional
22 center and the board of elections. Actually
23 I'm going to rephrase that. We already passed
24 142, 143. This is simply an ordinance
25 supplemental to the annual appropriation in

1 Rules 6-8-20

2 connection with the correction center.

3 Moved by Legislator Schaefer.

4 Seconded by Minority Leader Abrahams. Any
5 debate or discussion? Hearing none, all in
6 favor signify by saying aye. Those opposed?
7 Carries unanimously.

8 Now we have one other item which we
9 will consider in a little bit. It's on the
10 addendum. But for now we will go to the
11 contracts. I'm going to call them all at once
12 and we will hear them individually.

13 A-11, a resolution to authorize the
14 commissioner of shared services to award and
15 execute a purchase order between the county
16 and Anderson Fire and Rescue.

17 A-27, A-31 a resolution ratifying
18 the commissioner of shared services award and
19 execute a purchase order between the county
20 and Acute Care Gases. Second, pulsar Eco
21 Products.

22 B-8, a resolution authorizing the
23 county executive to award and execute a
24 contract between the county and Welsbach
25 Electric Corp.

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2 E-70, 71, 72, 73, 74, 75, 76, 81.

3 These are resolutions authorizing the county
4 executive to execute personal services
5 agreements or amendments to personal service
6 agreements between the county and Aciss
7 Systems, Adelphi University Institute of
8 Parenting, Hispanic Counseling Center,
9 Mercyfirst, Liro, Ken Maguire and Associates
10 and Avenue Enterprise Solutions.

11 Lastly, E-78 is a resolution making
12 certain determinations pursuant to SEQRA and
13 authorizing the county executive to execute a
14 permit agreement between the county and
15 Historic Hudson Valley.

16 Just for the record, E-81 is also
17 included and involves a personal services
18 agreement and it's with Cornell Ruffian Equine
19 Specialists.

20 Moved by Deputy Presiding Officer
21 Kopel. Seconded by Minority Leader Abrahams.
22 Now we will consider each of the items. First
23 two are with the police department. They are
24 A-11 and E-81. Anyone from there the police
25 department?

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2 MR. FIELD: Good afternoon.

3 Deputy Inspector William Field.

4 I'm here for the first item is item
5 A-11-2020. That is for the Hendrickson Fire
6 and Rescue Equipment. They authorized a sole
7 source agreement with Hollowmark Sales and
8 Service. They are providing us with a
9 dealer-service technicians who have to
10 maintain certification on their items for
11 maintenance purposes and warranty purposes.

12 Hendrickson was the actual -- the
13 dealer will be able to provide us with the
14 dealer-service technicians. Emergency
15 services is currently operating Hollowmatrum
16 Grant equipment. New tools will also be
17 compatible with our current system. In case
18 there is ever a need to have interchangeable
19 tools if a tool breaks or something at an
20 operation of an auto accident or something
21 similar. And it is in total it's grant
22 federally funded \$172,000.

23 LEGISLATOR NICOLELLO: Deputy
24 inspector will you just give your name for the
25 record again.

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2 MR. FIELD: William Field.

3 LEGISLATOR NICOLELLO: Any debate
4 or discussion on this contract? Let's go to
5 the second one.

6 MR. FIELD: The second item is
7 item E-81-20. This is a contract between the
8 police department and Cornell Ruffian Equine
9 Specialists. They will be providing us with
10 veterinarian services for our police service
11 horses. These services include diagnostic
12 exams, emergency medical care, emergency
13 surgery and all required vaccines and
14 medications. It is a term of contract for a
15 five year contract. An RFP was issued in
16 October of 2018. Cornell Ruffian was selected
17 as one of the two top scoring proposers. The
18 committee consisted of the police department's
19 mounted unit as well as members from our
20 police department field bureau. It is a total
21 max value contract of \$50,000.

22 LEGISLATOR NICOLELLO: This
23 contract seems to be somewhat late in terms of
24 January 1, 2019. Is there a reason why it's
25 late?

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2 MR. FIELD: Yes. There were two
3 separate things that came up. The first was
4 the vendor's attorney happen to go on long
5 term sick. So there was a delay in
6 negotiating the contract until she came back.
7 And after that there also was a delay due to
8 the fact there were concerns around finishing
9 the disclosure forms in the county portal.

10 LEGISLATOR NICOLELLO: Any
11 questions or discussion? Thank you. We will
12 move on to the next one.

13 I don't know if Kevin Long is still
14 here but I think it would helpful for us if we
15 could see the speaker when they're speaking.
16 I know when you do Zoom sometimes the speaker
17 lights up. Right now Howard is taking up most
18 of the screen. They don't have cameras.
19 Okay.

20 Next two are with emergency
21 management.

22 MR. PERSICH: Good afternoon.
23 Andy Persich, Office of Management and
24 Budget. A-27 is for the purchase during the
25 pandemic to purchase KN-95 masks through

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2 another vendor. It was at the time we were
3 having a supply issue of getting masks. It's
4 was one of the vendors that I think they found
5 other at OEM and we were able to procure these
6 masks quickly and easily.

7 LEGISLATOR NICOLELLO: That was
8 A-31, right?

9 MR. PERSICH: That was A-27. I'm
10 sorry, A-31. I apologize. I have them
11 backwards.

12 LEGISLATOR NICOLELLO: Why don't
13 you cover A-27 while you're here.

14 MR. PERSICH: A-27 at the initial
15 onset of the pandemic the need for ventilators
16 was of great concern. So, we ended up finding
17 a vendor who had about 100 refurbished ones.
18 The original order was for 930,000. We
19 luckily didn't need all of them and we only
20 purchased 20. And these were deployed I think
21 through NUMC and A. Holly Patterson.

22 LEGISLATOR NICOLELLO: Do you
23 know if those ventilators were actually used?

24 MR. PERSICH: I don't know.

25 LEGISLATOR NICOLELLO: Do you

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2 know where they are now?

3 MR. PERSICH: They're still in
4 our possession. The actual whereabouts I
5 don't know. I want to say they were deployed
6 A. Holly Patterson but I can get that
7 information for you.

8 LEGISLATOR NICOLELLO: Any other
9 questions?

10 MR. PERSICH: Thank you.

11 LEGISLATOR NICOLELLO: We're good
12 Andy. Next contract with public works, B-8,
13 Welsbach Electric Corp.

14 MR. ARNOLD: Ken Arnold,
15 Department of Public Works. B-8 is a contract
16 that provides daily O and M assistance to the
17 department's traffic management center field
18 operations. The department received two bids
19 which Welsbach was the lowest responsible
20 bidder. The contract is a three-year term and
21 is reimbursed 80 percent by the federal
22 government. This work has always been
23 contracted out. It has never been done by
24 CSEA members. It is similar as our signal
25 maintenance contract has always been done by

1 Rules 6-8-20

2 contract.

3 LEGISLATOR NICOLELLO: Has the
4 CSEA raised any objection about this?

5 MR. ARNOLD: Yes, they did. They
6 object to it and we responded that it was
7 never contract work. That we were going to
8 proceed without their concurrence. This is
9 similar to the other item that was tabled last
10 session for the office operations of the same
11 group. That was I think E-66.

12 LEGISLATOR NICOLELLO: Anyone
13 have any questions? What's the time frame of
14 this?

15 MR. ARNOLD: The preceding
16 contract was expired. We're currently using
17 my central maintenance contract to fill on
18 this operation while we wait for this contract
19 to get approved.

20 LEGISLATOR NICOLELLO: Legislator
21 DeRiggi-Whitton.

22 LEGISLATOR DERIGGI-WHITTON: Hi
23 Ken. Do you think it would be possible to get
24 county employees to do this task in the
25 future?

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2 MR. ARNOLD: This is very
3 specialized work. I don't believe it would be
4 an easy undertaking to get county employees
5 that can do this work and keep up with the
6 technology and the training that's required to
7 manage this equipment.

8 LEGISLATOR DERIGGI-WHITTON: Most
9 of this contract is for labor, right? It's a
10 minimal amount for material?

11 MR. ARNOLD: Yeah. Most of it is
12 the operation, inspection and repair of our
13 field equipment to the TMC which includes
14 cameras, modems, all kinds of computer-related
15 items.

16 LEGISLATOR DERIGGI-WHITTON: All
17 right.

18 LEGISLATOR NICOLELLO: Legislator
19 Schaefer.

20 LEGISLATOR SCHAEFER: Hi
21 commissioner. Why was CSEA opposing it or why
22 were they speaking up about it? Is this not a
23 job they do now?

24 MR. ARNOLD: That is correct. It
25 is not a job they do now. They've opposed

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2 most of my contracts recently and this is one
3 of them along with the Pederson contract, the
4 other contract. Historically they have never
5 done this work. The TMC has only been open I
6 think a little less than ten years and it's
7 always been contracted out.

8 LEGISLATOR SCHAEFER: Is it
9 something they fought to try to get the work
10 for in the past?

11 MR. ARNOLD: No. This is the
12 first time they have opposed it to my
13 knowledge.

14 LEGISLATOR SCHAEFER: Thank you.

15 LEGISLATOR NICOLELLO: From my
16 end, I think we need to hear from the CSEA.
17 Just get their perspective on this item.
18 Provided there's no emergency nature to it and
19 the services are being provided to the county.

20 MR. ARNOLD: It's being provided
21 but it's being provided at the expense of
22 other work that we want to do. The work that
23 is being provided currently cannot be
24 reimbursed.

25 LEGISLATOR NICOLELLO: Can

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2 Welsbach, somebody given the contract, can
3 that be reimbursed?

4 MR. ARNOLD: Yes. This contract
5 is reimbursed at 80 percent.

6 LEGISLATOR NICOLELLO: How much
7 work do you have slated for the next three
8 weeks that would go within the scope of this
9 contract?

10 MR. ARNOLD: It's probably
11 minor. I want to let you know it's not
12 reimbursed as is current.

13 LEGISLATOR NICOLELLO: I think we
14 need to do our due diligence and find out what
15 their position is. We can agree and perhaps
16 there's a way that we can -- if this is
17 becoming an ongoing issue with public works
18 contracts maybe there's a way we can sit down
19 and figure out a way to go forward.

20 MR. ARNOLD: I'm not sure they
21 gave any feedback on the other item.

22 LEGISLATOR NICOLELLO: I don't
23 believe they have yet. We will pursue that.
24 We have a meeting in three weeks. Hopefully
25 we can go forward.

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2 Motion to table? Legislator

3 Schaefer. Seconded by Legislator

4 DeRiggi-Whitton. All in favor of tabling
5 signify by saying aye. Tabled.

6 Next three are with the district
7 attorney's office. I see Mr. McManus up on
8 the screen. With A-70.

9 MR. MCMANUS: Bob McManus. Sorry
10 about the problems. Item E-70 is an agreement
11 between the district attorney's office and the
12 Aciss Systems, Incorporated. This is a
13 continuing agreement with Aciss. They provide
14 software support and upgrade services for 32
15 concurrent users on four servers that include
16 modules or various electronic surveillance
17 systems.

18 LEGISLATOR NICOLELLO: Any
19 questions for Mr. McManus? Let's go to the
20 second one.

21 MR. MCMANUS: E-71 is an
22 agreement between the office and Adelphi
23 University. The goal of the partnership is to
24 reduce recidivism and prevent
25 intergenerational involvement in the criminal

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2 justice system by advancing an initiative
3 which seeks to support healthy environment and
4 provide services to children whose parents and
5 guardians have been arrested and/or
6 incarcerated.

7 E-72 is an agreement with the
8 Hispanic Counseling Center for the Batterers
9 Intervention Program which is intended to help
10 families who have experienced domestic
11 violence.

12 LEGISLATOR NICOLELLO: Anyone
13 have any questions?

14 LEGISLATOR DERIGGI-WHITTON: Hi.
15 I know the technology is difficult but I just
16 want to make a note that all three contracts
17 are anywhere from I believe eight months to 12
18 months late. Just going forward if we could
19 try to address that issue.

20 MR. MCMANUS: The two agreements,
21 Hispanic Counseling and the Adelphi University
22 were delayed because the state has added
23 restrictions in how forfeiture funds can be
24 used. Due to our unfamiliarity with the new
25 restrictions, these contracts were sent to the

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2 state Division of Criminal Justice Services
3 for review and it took quite a while to
4 receive a response.

5 In terms of Aciss the delay -- I
6 also -- let me go back and say that Adelphi
7 was also very slow in submitting the required
8 disclosure forms due to the number of
9 principals at the university who are required
10 to submit principal questionnaire.

11 Aciss Systems' delay was due to
12 protracted discussions regarding technical
13 requirements resulting from newly installed
14 equipment and discovered software in our
15 office.

16 LEGISLATOR DERIGGI-WHITTON: I
17 appreciate it. I know it's going to be
18 difficult with all the issues that we're going
19 through now also, but try to keep the
20 contracts as timely as possible. Thank you.

21 LEGISLATOR NICOLELLO: Any other
22 questions for Mr. McManus? We're good. Thank
23 you Bob.

24 Next items are with social
25 services. E-73 is a contract with

1 Rules 6-8-20

2 Mercyfirst.

3 MS. LAURIE: Maria Laurie.

4 The Mercyfirst contract is to
5 provide not-secured description services to JD
6 youth that are placed briefly by the court
7 prior to disposition. I know it was very
8 late. It was done timely by social services
9 but it was delayed by Mercyfirst. It was sent
10 back to the department in part.

11 LEGISLATOR NICOLELLO: Any
12 questions, debate or discussion? Thank you.

13 LEGISLATOR NICOLELLO: The next
14 item, which is E-74, it's a contract with
15 Liro.

16 MS. STANTON: Nancy Stanton, IT.
17 E-74-20 Liro GIS. The ceiling is \$950,000.
18 Original contract was submitted in 2015 for
19 \$500,000. There was a subsequent request for
20 an additional \$300,000 in 2018. This contract
21 expires November 2020. New supplemental
22 staffing contract in it's final stages of
23 completion. We currently do with this
24 contract one, specialized supplemental
25 staffing in assessment that works on tax

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2 mapping, verifying boundaries, apportionments,
3 group lots together.

4 LEGISLATOR NICOLELLO: Is that
5 it?

6 MS. STANTON: Yes. Thank you.

7 LEGISLATOR NICOLELLO: Any
8 questions, debate or discussion? Thank you
9 Nancy.

10 Next item is with the county
11 attorney's office. Contract with Ken Maguire
12 and Associates.

13 MR. LIBERT: Good afternoon
14 legislators. Brian Libert from the county
15 attorney's office.

16 LEGISLATOR NICOLELLO: Go ahead.

17 MR. LIBERT: This is a contract
18 with Ken Maguire for legal services related to
19 the Valhar against Nassau County case. It
20 also covers services that were performed under
21 what's known as ASIE litigation. However, the
22 firm is no longer handling that litigation and
23 this is to close out that case and only move
24 forward on the Rawla case. This will only be
25 a single matter on this contract going

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2 forward.

3 LEGISLATOR NICOLELLO: Any
4 questions or discussion? I think we're good.
5 Thank you.

6 Next contract is with the county
7 clerk's office, E-76. It's with Avenu
8 Enterprise Solutions.

9 MR. BUTLER: Good afternoon.
10 John Butler fiscal officer of Nassau County
11 Clerk Maureen O'Connell's office.

12 E-76-20 is an amendment to the
13 existing county contract for document
14 management software services utilized by the
15 county clerk's office. The amendment triggers
16 the final optional one-year extension of all
17 faucets of the electronic document management
18 system software, as well as for a license for
19 property fraud alert monitoring, hardware and
20 maintenance and recognizes several business
21 changes since inception of a contract with the
22 original vendor.

23 LEGISLATOR NICOLELLO: John, can
24 you tell us how much of the contract is going
25 to the property fraud alert function?

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2 MR. BUTLER: It's a very
3 de minimis amount. It's about approximately
4 \$10,000. It's a very small add-on license.

5 LEGISLATOR NICOLELLO: Otherwise,
6 this is a contract that allows the clerk's
7 office to have electronic filing for all
8 litigation that takes place in Nassau County;
9 is that correct?

10 MR. BUTLER: That is correct.

11 LEGISLATOR NICOLELLO: Anyone
12 else have any questions on this contract? Do
13 you know how many people have signed up for
14 the fraud protection?

15 MR. BUTLER: Yes. As of today we
16 have about approximately 2500.

17 LEGISLATOR NICOLELLO: What's the
18 capacity? Is there a limit to how much you
19 can handle?

20 MR. BUTLER: I don't believe that
21 there is. I can look into that and submit it
22 back to you guys separately.

23 LEGISLATOR NICOLELLO: I think it
24 might be something that we would all like our
25 constituents to know about. It's an

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2 additional area of protection for them.

3 LEGISLATOR KOPEL: I have a
4 question.

5 LEGISLATOR NICOLELLO: Go ahead.

6 LEGISLATOR KOPEL: Are you
7 talking to me? I don't know.

8 LEGISLATOR NICOLELLO: Yes.

9 LEGISLATOR KOPEL: My question
10 very simply is, how difficult would it be to
11 expand this at the routine type of protection
12 to pretty much every block and lot in the
13 county? In other words, have a flag which
14 would trigger an alert to anyone any time a
15 document was recorded improperly? Would this
16 be a tremendously big expensive deal to do
17 that?

18 MR. BUTLER: I would have to get
19 back to you with further details on that, but
20 I believe not honestly. It's a pretty simple,
21 straight software license. But I will take a
22 look to see if there's a ceiling as to what
23 the system can deliver or handle and I will
24 get back to you guys on that.

25 LEGISLATOR KOPEL: If we can as a

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2 matter of routine extend this to all of our
3 residents that would be a tremendous service.
4 And right now I think nobody knows about it.
5 2500 people signed up out of how many
6 properties? It's minuscule.

7 MR. BUTLER: Good point. Yeah.
8 We can take a look into it. I believe the
9 total parcels in the county are somewhere
10 between 400,000 and 500,000. So if we have
11 2500 people on board that's certainly a tip of
12 the iceberg there. Your point is understood
13 and taken.

14 LEGISLATOR KOPEL: Thank you.

15 LEGISLATOR NICOLELLO: Any other
16 debate or discussion on this? Thank you. We
17 are going to move on to the last contract
18 which is with Parks and the Historic Hudson
19 Valley. Do we have a speaker from Parks?

20 MS. CASO: Tori Caso from Parks.
21 E-78-20 is a use and occupancy permit to
22 produce the Great Jack'O Lantern Glaze event.
23 Which is a concept fully owned by Historic
24 Hudson Valley. It will be held at OBVR. The
25 terms of this contract are July 1st of this

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2 year through December 31 of 2024. It is a
3 revenue-producing contract. In the first year
4 they will pay a permit fee to the county of
5 \$50,000. And then in further years when the
6 event is produced it will be \$145,000 and then
7 the people will also receive royalties from
8 ticket sales over 50,000 tickets.

9 I wanted to -- in the current state
10 of the COVID pandemic, so the ticket sales
11 will be all through timed reservations to
12 ensure social distancing and everybody will be
13 required to wear masks. In the event that we
14 see a resurgence, which we all hope we don't,
15 and we need to cancel the event, since it's a
16 multiyear contract, we won't need to terminate
17 it we'll just suspend it for the year and that
18 is allowed for in the contract under Section
19 10.

20 LEGISLATOR NICOLELLO: Actually
21 you anticipated my questions. The only
22 question I have is, in terms of suspending it,
23 how much lead time do you have to give the
24 vendor if you need to suspend?

25 MS. CASO: We would just freeze

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2 it and roll to the next.

3 LEGISLATOR NICOLELLO: The vendor
4 would be all right with that in terms of --

5 MS. CASO: Yes.

6 LEGISLATOR NICOLELLO: Anyone
7 else have any questions on this? Thank you
8 very much. We are going to call all of these
9 items for a vote. These are all the contracts
10 that I called before with the exception of B-8
11 which was tabled. So, with respect to all the
12 rest of the contracts that were before us, all
13 in favor signify by saying aye. Those
14 opposed? Carries unanimously.

15 We do have an addendum. We need a
16 motion to suspend. Moved by Legislator
17 DeRiggi-Whitton. Seconded by Legislator
18 Schaefer. All in favor of suspending the
19 rules signify by saying aye. Passes
20 unanimously.

21 Only one item on the addendum which
22 is 145 of 2020. An ordinance to authorize the
23 county executive to execute an amendment to a
24 contract with Transdev Services, Inc. for the
25 management, operation and maintenance of a

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2 Nassau County bus system.

3 Moved by Deputy Presiding Officer
4 Kopel. Seconded by Minority Leader Abrahams.

5 MR. ARNOLD: Good afternoon.

6 145-20 is an ordinance to authorize the county
7 executive to execute the seventh amendment to
8 the contract with Transdev services for the
9 management, operation and maintenance of the
10 county bus system. The amendment provides for
11 temporary reduction in service and related
12 changes due to the COVID-19 pandemic including
13 a temporary adjustment to the variable rate as
14 eligible expenses under the CARES Act.

15 It also includes an extension of
16 the current contract for an additional two
17 years to afford the county ample time to
18 stabilize bus operation and ridership
19 resulting in the pandemic and conduct a new
20 procurement.

21 Specifically for the period of
22 March 1st through June 7th the county has
23 requested a reduction of service of 25 percent
24 of the fixed route service due to the
25 emergency. Transdev has operated on Saturday

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2 plus service, lengthening service intervals on
3 most lines and adjusting for high demand or
4 crowding with supplemental runs. This
5 reductions has allowed Transdev to meet the
6 reduced levels of demand while maintaining
7 social distancing and accommodating the needed
8 COVID-related cleaning and disinfectant
9 requirements. Service has returned to
10 pre-Covid levels as of yesterday.

11 The county is also requesting that
12 Transdev suspend fare collection effective
13 March 23rd as part of the effort to reduce the
14 spread of the virus. Fare collection is
15 expected to be reinstated sometime towards
16 June 27th.

17 Related temporary adjustment to
18 Transdev's variable rate for fix route
19 services included in the amendment to allow
20 the county to pay Transdev the full amount in
21 accordance with the rates and hours
22 anticipated in the 2020 annual budget and
23 plan. The county will be receiving \$33
24 million in CARES Act which will help
25 supplement -- will take care of this shortfall

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2 of revenue.

3 The contract extension, the current
4 contract expires 12-31 of '21. This agreement
5 put forth a two-year extension to the contract
6 with a new expiration date of 12-31-23. An
7 RFP was initiated to solicit a new operator.
8 We have tolled that solicitation during the
9 emergency to see where we are and we will be
10 either reinstating that same solicitation or
11 putting out a separate new one.

12 Part of the two-year extension is
13 for the procurement plus the transition period
14 if for a new operator is chosen, which
15 typically takes 12 months to fully integrate a
16 new operation.

17 LEGISLATOR NICOLELLO: Legislator
18 Bynoe.

19 LEGISLATOR BYNOE: Thank you
20 Presiding Officer. Good afternoon Mr.
21 Arnold. I have some questions and I'm going
22 to start with the time line for the RFP.

23 MR. ARNOLD: Yes.

24 LEGISLATOR BYNOE: You state that
25 it would take 12 months to do a transition?

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2 MR. ARNOLD: Yes.

3 LEGISLATOR BYNOE: You know that
4 based on previous experience?

5 MR. ARNOLD: Talking to my
6 technical staff and previous experience, yes,
7 it takes about 12 months if a new operator was
8 chosen to get him up and running.

9 LEGISLATOR BYNOE: So we think
10 that we need 12 months to transition and we
11 would need how long for the procurement
12 process?

13 MR. ARNOLD: Another 12 months.

14 LEGISLATOR BYNOE: So it would be
15 two years. So the reason that you are asking
16 for the extension is because we believe that
17 right now wouldn't be a good time to go out
18 and we don't think there's enough time on the
19 contract, is that what you're saying?

20 MR. ARNOLD: Right now is not a
21 good time to go out. Transit operations are
22 in flux. We don't know what ridership will
23 look like. It's hard for anybody to propose
24 on a system in the middle of a pandemic. In
25 addition, most of the staff associated with

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2 putting together a proposal are probably in
3 the midst of running their current operations
4 with all the different requirements and needs
5 that they have.

6 LEGISLATOR BYNOE: Because based
7 on the time line you provided, the 24 months,
8 means you should have gone out long before
9 COVID was even an issue.

10 MR. ARNOLD: We did go out before
11 COVID. We tolled the procurement. We paused
12 it.

13 LEGISLATOR BYNOE: The bid was
14 out?

15 MR. ARNOLD: Yes.

16 LEGISLATOR BYNOE: And there was
17 no response at all?

18 MR. ARNOLD: It was in the
19 process of gathering information. We had not
20 received it back yet. It was out to the
21 vendors to put together a proposal package.
22 We had not received any proposals.

23 LEGISLATOR BYNOE: When did that
24 go out I'm sorry?

25 MR. ARNOLD: I believe around

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2 January.

3 LEGISLATOR BYNOE: So this
4 extension, even if we were to say, if you said
5 you need 24 months to do this, wouldn't a
6 one-year extension be enough?

7 MR. ARNOLD: Any contract from
8 start to finish right now is taking between
9 nine and 11 months. This would probably be
10 more complicated one because of the type of
11 contract that it is to negotiate. You're
12 talking a minimum a year of the procurement
13 process alone once we initiate to put the RFP
14 back out. I don't think we're looking to put
15 the RFP back out until probably we know where
16 we are sometime towards the end of the year.

17 Then we have a one year phase in if
18 there's a new operator. Alone, I believe what
19 I have been told, is just to register the
20 vehicles properly is a three-month operation
21 working with DOT and the FHWA. I mean FTA.
22 We feel one year is a sufficient amount of
23 time to put the operation up if we see a new
24 operator come on.

25 LEGISLATOR BYNOE: This

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2 extension, I don't feel that we didn't have a
3 lot of time built in anyway. If you went out
4 in January still cutting it kind of close.
5 But in any event --

6 MR. ARNOLD: January that would
7 have given me two years, wouldn't it?

8 LEGISLATOR BYNOE: No. Because
9 you were only getting responses, right? You
10 weren't even getting responses at that point.
11 They still had the package.

12 MR. ARNOLD: It would have given
13 me two years. All of '20 and '21 to get the
14 project done because it expired at the end of
15 '21.

16 LEGISLATOR BYNOE: So when did
17 you pull the package back?

18 MR. ARNOLD: I think we tolled it
19 sometime early March.

20 LEGISLATOR BYNOE: And you still
21 didn't have responses. So you didn't have the
22 whole of '20. You were already in the first
23 quarter, basically finishing the first quarter
24 of '20. So I disagree that you had the full
25 '20 and '21.

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2 But nonetheless, I want to move on
3 to a part of this extension. I know for a
4 fact it says that we were going to continue
5 payments to Transdev in full for the NICE
6 power transit service. That's correct?

7 MR. ARNOLD: That's correct.

8 LEGISLATOR BYNOE: Do we know how
9 the service is currently running right now?

10 MR. ARNOLD: I have Jack Khzouz
11 the president and CEO on the call. He can
12 answer that specifically. I invite him to
13 answer that.

14 MR. KHZOUZ: Legislator can you
15 hear me.

16 LEGISLATOR BYNOE: Yes.

17 MR. KHZOUZ: Can you repeat the
18 question please? The connection is a little
19 rough.

20 LEGISLATOR BYNOE: I'm just
21 inquiring as to how the paratransit service is
22 currently running?

23 MR. KHZOUZ: How the paratransit
24 service is currently run?

25 LEGISLATOR BYNOE: Right now. I

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2 guess we're out of the COVID time line.

3 MR. KHZOUZ: Thank you legislator
4 for the question. Prior to COVID we were
5 operating about 1500 trips a day. About 90
6 percent on time with a customer satisfaction
7 rating of about 96 percent. Currently we are
8 operating less than 90 percent of that. So,
9 currently we're operating at about 100 trips a
10 day, 125 trips a day on a peak side. So about
11 90 percent decrease in our service. It's
12 literally one passenger per trip. So we're
13 keeping everybody safe. Everybody is required
14 to wear masks. The drivers are issued PPE,
15 including shields. But we're still operating
16 service as requested.

17 LEGISLATOR BYNOE: With the
18 opening of phase one you saw I guess a little
19 bit of an increase and I suspect phase two we
20 will see more of an increase on the
21 paratransit?

22 MR. KHZOUZ: Yes.

23 LEGISLATOR BYNOE: I would
24 suspect that based on that -- how many
25 drivers -- let me back up. How many drivers

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2 on paratransit?

3 MR. KHZOUZ: Previously the COVID
4 crisis we had about 115 drivers. That was
5 current. Currently we're running to cover all
6 of our service we are running about 40
7 drivers.

8 LEGISLATOR BYNOE: Say again the
9 last part.

10 MR. KHZOUZ: Previous to COVID we
11 had about 115 drivers in our employ.

12 LEGISLATOR BYNOE: In your
13 agreement for this extension it's stated that
14 you would not be cutting any of those
15 drivers. Am I accurate? I believe it read
16 Transdev will not place any employees on an
17 unpaid status or implement a reduction in
18 force for the duration of the COVID-related
19 service change period. The COVID-related
20 service period I guess would have been June
21 7th, right? Is that correct? That was
22 yesterday.

23 MR. KHZOUZ: That's correct, yes.

24 LEGISLATOR BYNOE: You are
25 already having a problem because I have a

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2 letter that indicates that you in fact did
3 reduce staff and that letter is dated May
4 27th.

5 MR. KHZOUZ: Right. So that was
6 really a miscommunication on my behalf. This
7 extension I assumed was going to be done
8 earlier than it is currently now being done,
9 which is great. So our drivers that were
10 given -- there were 16 drivers that were
11 part-time drivers that were given layoffs.
12 They were paid last week. So they haven't
13 missed a paycheck. Assuming we can move
14 forward we can certainly bring those drivers
15 back now and keep them on salary until demand
16 allows us to fully put them behind the wheel
17 again.

18 LEGISLATOR BYNOE: The letter
19 actually it doesn't say layoff. It says that
20 your position has been eliminated and as of
21 May 30th you're terminated. So there was
22 nothing that was communicated to these
23 employees that this was a layoff.

24 MR. KHZOUZ: They were on
25 furlough for a while. Many of the drivers,

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2 again, we have 115 drivers on the paratransit
3 side. Only 40 are actually working currently
4 because of demand. As more and more trips
5 come back those drivers that are on what we
6 call paid leave would continue to service the
7 demand as it grows. Part-time drivers, based
8 on what we see as demand, may take a long time
9 to come back.

10 Again a miscommunication. My
11 fault. Letters went out early. Again, these
12 drivers have not lost a paycheck. We can
13 certainly bring them back on to paid status
14 starting today. We did also give drivers the
15 option, this is paratransit, the option to
16 come to the fixed route side, train as a fixed
17 route operator and fill in some of the holes
18 we have on the fixed route side.

19 LEGISLATOR BYNOE: I don't know
20 how you say it's a misunderstanding or
21 miscommunication. It's a pretty big issue to
22 have miscommunicated on. You have 16 people
23 that were informed via letter that they didn't
24 receive at their homes in many cases I'm
25 hearing until June 3rd. Some of them showed

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2 up on June 1st for shifts. They were coming
3 to work and they were told they were
4 terminated. And you're getting paid for the
5 service from the county. I'm really at a lost
6 as to why this even occurred. It's not
7 sitting well with me.

8 And then to have a contract, an
9 extension request come through where you
10 specifically say that you are not going to
11 terminate staffers and then we learn -- if
12 that person hadn't call my office on Friday we
13 potentially never would have known that this
14 occurred. That there was a reduction.

15 MR. KHZOUZ: Yeah. I'm not sure
16 that that's the case legislator. I will tell
17 you this is a very fluid situation currently.
18 We're trying to stay ahead of everything.
19 There's a lot of moving parts with the
20 governor's office and working with our union.
21 Again, I think this is a matter of poor timing
22 on my behalf.

23 Obviously, like I said, none of
24 these drivers missed a paycheck. And as far
25 as I'm concerned we can bring them back today

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2 if the county is agreeable to that. We'll
3 bring them back today and nothing will be
4 missed.

5 The drivers, I don't know of any
6 drivers that actually showed up for shift
7 because we're not calling drivers in because
8 there's no work. So I would have a hard time
9 understanding that.

10 But again, with the fluid
11 situation, I think we handled it as well as we
12 could. Could there have been things done
13 better, probably, and again that's my fault.
14 I don't believe to be perfect in this
15 situation. It's certainly a situation that
16 none of us have been through before.

17 LEGISLATOR BYNOE: So I'm
18 hearing, I just want to clarify, I want to
19 reiterate so I'm sure I heard you correctly,
20 you are going to bring those drivers back
21 effective today?

22 MR. KHZOUZ: Exactly. We would
23 bring the drivers back ideally right away.
24 Literally they won't miss a paycheck at all.

25 LEGISLATOR BYNOE: Okay. We are

1 Rules 6-8-20

2 going to make sure that we honor that clause
3 in that contract which is that you will not
4 reduce staff moving forward.

5 MR. KHZOUZ: I understand that,
6 yes ma'am.

7 LEGISLATOR BYNOE: I have no more
8 questions. Thank you Presiding Officer.

9 LEGISLATOR NICOLELLO: Legislator
10 Rhoads.

11 LEGISLATOR RHOADS: Thanks for
12 the information Commissioner Arnold. Along
13 the same lines as the questions of Legislator
14 Bynoe. I don't understand the need for an
15 additional two year addition to the time
16 frame. You've laid out that you need 24
17 months to do it. It seems as though the
18 extension is one year more than is absolutely
19 necessary. I have many questions about the
20 service that Transdev has provided, and I
21 don't simply want to give a pass on being able
22 to ask those questions as part of the new RFP
23 process for another two years.

24 So, I would be much for comfortable
25 with it being only a one-year extension as

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2 opposed to a two-year extension. And I would
3 suggest to the administration, and I know as
4 the county executive made perfectly clear, we
5 are only part-time legislators so she may or
6 may not have to listen to us. But I would ask
7 you take back to the administration that I
8 certainly have no intention -- she still needs
9 my vote -- I have no intention of supporting
10 it if it's a two-year extension. I would
11 suggest that they consider a one-year
12 extension instead.

13 LEGISLATOR NICOLELLO: Legislator
14 Schaefer.

15 LEGISLATOR SCHAEFER:
16 Commissioner hi. I just wanted to clarify
17 again, if you were to say get one year that is
18 sufficient? You're comfortable with that?

19 MR. ARNOLD: One-year extension?

20 LEGISLATOR SCHAEFER: Yes.

21 MR. ARNOLD: We need one year for
22 the procurement and then if we have a new
23 operator we feel you need a year to transition
24 the new operator in.

25 LEGISLATOR SCHAEFER: Are you

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2 saying you wouldn't be putting the RFP out
3 again until January of 2021 if we were to give
4 you a one-year extension. Or either way, when
5 are you anticipating putting it out?

6 MR. ARNOLD: If we only had a
7 one-year extension and this contract expired
8 at the end of '22 we would have to put out the
9 procurement earlier than we wanted to in this
10 changing economy of transit. Which we don't
11 think that's a good idea at this time. We
12 feel that waiting until the end of the year to
13 reissue the RFP we'll have a better
14 understanding of where transit is headed and
15 also where the COVID disease or vaccination,
16 whatever happens, will give us a better
17 understanding of the world we live in on this.

18 LEGISLATOR SCHAEFER: The current
19 contract ends when? The end 2021?

20 MR. ARNOLD: Yes.

21 LEGISLATOR SCHAEFER: I
22 understand what you're saying. You'd have
23 that full year if you were to say put the RFP
24 out beginning of next year or end of this year
25 and then if it was extended another year you'd

1 Rules 6-8-20

2 have until the end of 2022, correct?

3 MR. ARNOLD: You need a full year
4 for procurement and a full year of
5 transition. Two additional years.

6 LEGISLATOR SCHAEFER: Couldn't
7 2021 be your full year of procurement and be
8 your 2022 -- with a one year extension you
9 have 31 months.

10 Regardless, is there any way to
11 utilize the time -- I understand things are
12 right now changing and you're not sure where
13 everything is going. But is there any way to
14 utilize the time now in that process somehow,
15 whether it's putting the RFP out sooner rather
16 than later knowing that things aren't going to
17 really start until everything is secure and
18 stable out here in COVID land?

19 MR. ARNOLD: Again, it's a
20 changing environment. Right now we are
21 backloading the buses to keep the operators
22 away from the passengers. Will that be
23 something we have to do again in the winter?
24 Are we going to see changing bus routes
25 because of the emergency. Is the railroad

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2 going to lose service and be transitioning to
3 the bus service? All that stuff is in
4 transition. That's why we're not looking to
5 put the procurement out this second. We want
6 to see where everything lays and move forward
7 from that.

8 LEGISLATOR SCHAEFER: Okay.

9 LEGISLATOR WALKER: I don't know
10 if I'm just not understanding the math or
11 whatever, but if you need a year for the
12 procurement and you put it out -- even if you
13 waited and put it out at the end of December
14 or January you have all of '21. An extension
15 would give you all of '22 to whatever happened
16 in '21. If you needed some type of training
17 or whatever you would have all of '22.
18 Somehow I don't know.

19 MR. ARNOLD: I could have
20 misspoke. I have to go back and talk to my
21 team. The thought process wait until the
22 spring to reprocur it once the winter's
23 passed. I might have misspoken saying
24 January. They might thinking more of the
25 spring when we get past another winter of an

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2 operation to see where we sit. I have to go
3 back to my team. I have to confirm that
4 that's what their thinking was.

5 I see your confusion because if we
6 go back out January I have the year. I think
7 it's more that we wait until the spring to get
8 past where we are with the vaccination
9 protection of people and all that stuff. I
10 apologize if I caused some confusion on that.

11 LEGISLATOR WALKER: If that is
12 what you, you know, there was misunderstanding
13 there then you really wouldn't put that out
14 until this time next year and then they would
15 have until -- a year would be this time in
16 2022. Then you would only have six months.

17 MR. ARNOLD: And this contract
18 needs to be on calendar year for it to work
19 with our budget. To do 18 months makes no
20 sense. It would confuse all the economics of
21 running this contract. Again, I apologize.

22 LEGISLATOR SCHAEFER: Why again
23 does the procurement take a whole year?

24 MR. ARNOLD: It's the fact of the
25 matter. Most of my procurements take a

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2 minimum of nine months. This is a more
3 complicated procurement, so I assume it's
4 going to take a little bit longer.

5 LEGISLATOR SCHAEFER: We've done
6 it before though, right? Is there some
7 history that it's based on?

8 MR. ARNOLD: On why it takes nine
9 months?

10 LEGISLATOR SCHAEFER: No. I
11 guess I'm just looking for some way for it to
12 be a little more efficient and not take that
13 long.

14 MR. ARNOLD: I try to move
15 contracts as fast as I can. At the end of the
16 day nine months is where I end up in most
17 cases.

18 LEGISLATOR SCHAEFER: Thank you.

19 LEGISLATOR NICOLELLO: Anyone
20 else have any questions?

21 LEGISLATOR ABRAHAMS: Just a
22 quick question Presiding Officer. I totally
23 understand the procurement taking a year. I
24 remember when the county moved from Long
25 Island Bus to NICE to where we are now with

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2 Transdev. I just have a question because I
3 don't think I heard clearly from Mr. Arnold as
4 it pertains to why the RFP was pulled back
5 earlier this year which was done pre-COVID. I
6 just want to make sure that I understand that
7 explanation correctly. And then I have a
8 question just to piggyback on Legislator
9 Bynoe's concerns regarding the 16 paratransit
10 drivers that were laid off.

11 MR. ARNOLD: To answer the first
12 question, it was not pulled back pre-COVID it
13 was pulled back during COVID. We put the
14 procurement out before COVID started. When
15 the COVID emergency came to be we then tolled
16 the procurement because we were not going to
17 get any feedback and interaction with the
18 entities that would be bidding on this to get
19 them engaged.

20 LEGISLATOR ABRAHAMS: It was
21 pulled back -- I'm sorry. My understanding
22 now is it was pulled back during COVID?

23 MR. ARNOLD: That is correct.

24 LEGISLATOR ABRAHAMS: Okay. Now,
25 and this you may not be able to answer this

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2 Ken, as it pertains to the paratransit
3 workers, my understanding is they would be
4 hired back effective today even though this
5 agreement will not be approved until the full
6 legislature three weeks from now?

7 MR. ARNOLD: That is correct.

8 LEGISLATOR ABRAHAMS: Okay. And
9 how will you be able to validate that in the
10 coming days? You're going to reach out to
11 Transdev? I believe Jack is still on the
12 call. You're going to reach out to Transdev
13 in that interim to insure that's the case?

14 MR. ARNOLD: Yeah. My planning
15 supervisor will deal directly with staff at
16 Transdev to make sure that happens.

17 LEGISLATOR ABRAHAMS: Assuming
18 the legislature did decide to move forward
19 with this today, you would be able to talk to
20 us in three weeks in terms of how that
21 actually progressed?

22 MR. ARNOLD: Correct.

23 LEGISLATOR ABRAHAMS: Okay.

24 LEGISLATOR NICOLELLO: Any other
25 questions? Hearing none, I suggest we move

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2 this forward today and continue discussions
3 with the administration and Transdev over the
4 next three weeks to resolve the issues that
5 have been raised by various legislators
6 today. Anyone have an idea of doing it
7 differently or is everyone acceptable with
8 that?

9 LEGISLATOR ABRAHAMS: Presiding
10 Officer, I'm going to recommend to our side
11 that we abstain on this vote mainly for the
12 purposes that were brought out regarding the
13 two-year extension. I still think there needs
14 to be clarity. We are not going to stand in
15 the way of the vote going forward today.
16 However, there needs to be more clarity on
17 this extension being two years versus one
18 year.

19 LEGISLATOR RHOADS: I will make a
20 motion to table.

21 LEGISLATOR NICOLELLO: Do we have
22 a second?

23 LEGISLATOR RHOADS: The question
24 becomes that you're going to abstain from the
25 vote over those concerns. I want those

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2 concerns to be addressed too just like you
3 do. So I have no problem moving it forward
4 and then getting answers to those questions in
5 the next three weeks. But if it's important
6 enough for everyone to abstain then we may as
7 well just table it and get those answers
8 before we consider it. I didn't want to delay
9 the other piece.

10 LEGISLATOR ABRAHAMS: Legislator
11 Rhoads, it's not my desire to delay it
12 either. But unless I'm hearing something
13 differently, I still haven't heard a
14 justification on why this is here today. And
15 also I haven't heard any response in regards
16 to why it's been two years. Especially since
17 the agreement is going to expire at the end of
18 2021. If the agreement is going to expire at
19 the end of 2021 by my calculation that's
20 giving us close to 18 months from this point
21 to be able to send out the RFP. Now I
22 understand the pandemic is still here. That
23 2020 to send out that proposal would not be
24 appropriate. However, to extend it to 2023 I
25 would have to have a stronger understanding of

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2 why 2021 and 2022 are being created as a
3 wash.

4 LEGISLATOR RHOADS: You and I are
5 in complete agreement.

6 LEGISLATOR NICOLELLO: That's
7 what I was going to say. I think we can bring
8 the gap between tabling and having part of us
9 abstain. We can table this today and still
10 have it put on the calendar for the 29th full
11 leg. I don't know if it even requires an
12 emergency. We can have a committee that same
13 day, put it on the committee, then put it on
14 the calendar. It will already be calendared.
15 So we can do it on the 29th.

16 LEGISLATOR RHOADS: My motion
17 stands. I don't know if there's a second.

18 LEGISLATOR NICOLELLO: I will
19 second the motion then.

20 LEGISLATOR ABRAHAMS: Presiding
21 Officer, before we vote on the motion, if I
22 may, can we also have the county attorney
23 provide -- I know there's a transit committee
24 that's associated with this particular
25 agreement. If we were to pass this through

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2 today, I'm not indicating I'm reversing my
3 position, but if this were to pass today can
4 the transit committee take action on that
5 particular item even though it's been passed
6 through a Rules Committee? If they wanted to
7 basically change the agreement to a one-year
8 extender do they have to actually take action
9 or is this something that can be done
10 unilaterally with the county executive and the
11 legislature without the transit committee?
12 Can anyone answer that in regards to the
13 transit committee?

14 LEGISLATOR NICOLELLO: I don't
15 know if there's anyone here from the county
16 attorney's office. It would take some
17 specialized knowledge.

18 LEGISLATOR ABRAHAMS: I'm
19 assuming the transit committee voted on this
20 extender? Did they take action on this
21 particular item or maybe this is not in their
22 purview.

23 LEGISLATOR NICOLELLO: Ken, I
24 don't know if you have the answer to that
25 question.

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2 MR. ARNOLD: I don't believe they
3 have any purview in this. But I think Dan
4 Grippo might be on the call. I know there
5 were questions from minority counsel on this
6 same issue that he's been responding to.

7 LEGISLATOR NICOLELLO: I don't
8 necessarily know that the transit committee
9 would have to wait upon the Rules Committee
10 action. It's a proposal that's before the
11 legislature. Whether or not we act today I
12 would assume the transit committee can review
13 it and make their recommendation. Do whatever
14 vote they have to do.

15 LEGISLATOR ABRAHAMS: I guess
16 what I'm asking is, does the transit committee
17 have to take action if we decide that you
18 would like to see it be a one-year extender,
19 does the transit committee need to take an
20 action prior to the June 29th meeting? I
21 guess that's what I'm ultimately asking.

22 MR. GRIPPO: This is Dan Grippo.
23 Can you hear me? So, I was asked a question
24 whether the transit committee had to approve
25 the temporary service changes, and I looked

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2 into that question. And it was clear to me
3 that the contract provided that with respect
4 to temporary changes no transit committee
5 approval was required. That was on the
6 question of the service changes temporary
7 during the three-month period.

8 Now I am hearing a question about
9 whether the transit committee would need to
10 approve a legislative extension of the
11 contract for two years. That is a new
12 question that I have just heard. I will need
13 to think about it. I will need to review
14 contract, the charter and get back to you.
15 Unfortunately I don't want to give an answer
16 from the seat of my pants.

17 LEGISLATOR ABRAHAMS: I
18 understand Dan. Let me make sure if I'm
19 understanding you clearly. The transit
20 committee did vote on the extender before that
21 proposal was reached to the legislature or
22 not?

23 MR. GRIPPO: I do not believe
24 that this amendment was submitted for transit
25 committee consideration.

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2 LEGISLATOR ABRAHAMS: Okay.

3 Thank you Dan.

4 MR. GRIPPO: I'm not sure an
5 extension of the contract is operational.
6 Whereas route changes, fares and things of
7 those nature operational, which under the
8 charter when they're permitted changes require
9 transit committee review. This is a contract
10 question and again I need to think about it.

11 LEGISLATOR ABRAHAMS: I
12 understand.

13 LEGISLATOR NICOLELLO: All
14 right. Clearly with the county attorney about
15 to render an opinion the fact that we can
16 proceed to consider this at the end of this
17 month if we so choose, whether we table this
18 now or not. I would also mention that part of
19 a piece of this is really not contested or
20 questioned, which is negotiated level of
21 service adjustments. So in any event, we want
22 to do those.

23 But I would say with all those
24 things up in the air tabling would be the
25 correct way to proceed. Once we have a

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2 resolution, put in on the committee, have it
3 before the full legislature on the 29th. So
4 we accomplish the same thing.

5 We have a motion to table on the
6 floor that's been seconded. All in favor
7 signify by saying aye. Those opposed?
8 Carries unanimously.

9 Motion by Legislator Schaefer to
10 adjourn. Seconded by Legislator
11 DeRiggi-Whitton. All in favor of adjourning
12 signify by saying aye. Those opposed?
13 Carries unanimously.

14 (Committee was adjourned at 2:56 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 16th day of
June 2020

FRANK GRAY