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3 NASSAU COUNTY LEGISLATURE

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5 RICHARD NICOLELLO

6 PRESIDING OFFICER

7

8 RULES COMMITTEE

9

10 LEGISLATOR RICHARD NICOLELLO

11 CHAIR

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14 Theodore Roosevelt Building

15 1550 Franklin Avenue

16 Mineola, New York

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19 Monday, December 14, 2020

20 5:26 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

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14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

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17 LEGISLATOR DELIA DERIGGI-WHITTON

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19 LEGISLATOR SIELA BYNOE

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1 Rules - 12-14-20

2 LEGISLATOR NICOLELLO: Mike call
3 the Rules roll.

4 MR. PULITZER: Thank you. Rules
5 Committee roll call. Legislator Siela Bynoe.

6 LEGISLATOR BYNOE: Here.

7 MR. PULITZER: Legislator Delia
8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON:
10 Here.

11 MR. PULITZER: Ranking Member
12 Kevan Abrahams.

13 LEGISLATOR ABRAHAMS: Here.

14 MR. PULITZER: Legislator Laura
15 Schaefer.

16 LEGISLATOR SCHAEFER: Here.

17 MR. PULITZER: Legislator Steven
18 Rhoads.

19 LEGISLATOR RHOADS: Present.

20 MR. PULITZER: Vice Chairman
21 Howard Kopel.

22 LEGISLATOR KOPEL: Here.

23 MR. PULITZER: Chairman Richard
24 Nicolello.

25 LEGISLATOR NICOLELLO: Here.

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2 MR. PULITZER: We have a quorum
3 sir.

4 LEGISLATOR NICOLELLO: We have a
5 number of contracts to consider. The easiest
6 way to do this is to just call the first one
7 initially by itself. A-63 of 2020, a
8 resolution ratifying the commissioner of
9 shared services to award and executed a
10 purchase order between the county and Tactical
11 Support Equipment.

12 Moved by Legislator Schaefer.
13 Seconded by Deputy Presiding Officer Kopel.
14 This one is before us. Inspector.

15 MR. FIELD: Good afternoon.
16 William Field, deputy inspector Nassau County
17 Police Department. Item A-63-20 is to
18 authorize and award a purchase order for the
19 OXStatic Nick cell system. This is a
20 commercial cellular-based station for cellular
21 tracking services. The police department and
22 specifically our electronics unit squad
23 heavily uses this system.

24 The Department of Shared Services
25 determined that this was a sole source

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2 procurement. Tactical Support Equipment, the
3 parent vendor, is the sole source that
4 manufacturers and sells this system. The
5 hardware is installed in a vehicle and is run
6 on a licensed software which enables the
7 police department to accurately track
8 criminals as well as high risk missing persons
9 and also people that are possibly suicidal.

10 There is no other product that
11 provides equipment with similar benefits to
12 this system. The maximum amount authorized
13 under this purchase order is \$614,100. It's
14 federal grant funded. That's it. Thank you.

15 LEGISLATOR NICOLELLO: Any debate
16 or discussion or questions for the inspector?
17 We're good. Thank you.

18 All in favor signify by saying
19 aye. Those opposed? It's unanimous.

20 Now we need a motion to untable a
21 number of contracts including the following.
22 A-41 of 2020, a resolution authorizing the
23 commissioner of shared services to approve
24 additional funding for a blanket purchase
25 order between the county and 3D Industrial

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2 Sales and Services.

3 B-26, B-27 2020 resolutions
4 authorizing the county executive to award and
5 execute contracts between the county and H and
6 L Contracting L.L.C.

7 E-35, E-132, E-133, E-137, E-138,
8 resolutions authorizing the county executive
9 to execute amendments to personal services
10 agreements between the county and Berkshire
11 Farm Center, Lockwood Kessler and Bartlett and
12 Wolf, Haldenstein, Adler, Freeman and Herz and
13 Calcaterra Pollack.

14 So, we have a motion by Legislator
15 Bynoe to untable. Seconded by Legislator
16 Schaefer. All in favor of untabling signify
17 by saying aye. Those opposed? They are
18 untabled. Let's start with A-41.

19 MR. ARNOLD: A-41 is the service
20 blanket order for the heating and cooling
21 coils. The department does an annual usage of
22 this maintenance at \$125,000 per year.
23 Additionally, parks utilizes this contract for
24 the coils associated with the ice making
25 facilities and rinks and also corrections uses

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2 it for their facilities.

3 LEGISLATOR NICOLELLO: Any
4 discussion? Hearing none, move on to the next
5 two.

6 MR. ARNOLD: Next two are B-26
7 and B-27?

8 LEGISLATOR NICOLELLO: Yes.

9 MR. ARNOLD: B-26 and B-27 are
10 resurfacing contracts phases I think 62 and
11 66. For B-26 there was five bidders. H and L
12 Contracting was the lowest responsible
13 bidder. Their bid came in at the engineer's
14 estimate and they will be utilizing 16 percent
15 MWBE.

16 For B-27, again H and L won that
17 contract. There was a total of four bids on
18 this one. Their bid again came in just
19 slightly above the engineer's estimate and
20 MWBE on this project I believe is the same,
21 roughly 13.4 percent.

22 LEGISLATOR NICOLELLO: Any
23 questions for Ken? Hearing none I think you
24 have two more.

25 MR. ARNOLD: E-132 is an

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2 amendment to our civil site on-call design
3 contract for LKB, Lockwood Kessler. Adding an
4 additional \$4 million to their contract cap.
5 The timing stays the same.

6 E-133 is also an on-call amendment
7 to their civil construction management,
8 construction inspection services contract with
9 us. That's adding an additional \$2 million to
10 the cap.

11 LEGISLATOR NICOLELLO: Any debate
12 or discussion or questions? Thank you Ken. I
13 think that's the last contract you have,
14 right?

15 MR. ARNOLD: Yes.

16 LEGISLATOR NICOLELLO: Next one
17 is E-135 with Berkshire Farm Center.

18 MS. WASHBURN-BAUM: Lorraine
19 Washburn-Baum, deputy commissioner DSS. We
20 have Maria Lauria. She should be on Teams for
21 this contract. She's deputy commissioner.
22 She's over at foster care. Maria are you
23 there? I think I can speak.

24 LEGISLATOR NICOLELLO: Just give
25 us a brief description of what this contract

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2 is.

3 MS. WASHBURN-BAUM: This is a
4 contract for intensive home services. The
5 program that Berkshire offers is called the
6 Family Connection program. It provides
7 short-term intensive home-based interventions
8 intended to last six to eight weeks. The
9 connection staff are available 24 hours a day
10 seven days a week to provide concrete services
11 such as day care, homemaking, budgeting,
12 advocacy, case work counseling and referral
13 services to eligible families with a goal to
14 enhance family functioning, expedite
15 reunification of children in care with their
16 biological families. Eligible families of
17 those families with an elevated risk of foster
18 care.

19 LEGISLATOR NICOLELLO: With
20 respect to the personnel from Berkshire, who's
21 selects the personnel who is going to be
22 involved in these home visits? Is that them?

23 MS. WASHBURN-BAUM: That's them.

24 LEGISLATOR NICOLELLO: Do we have
25 an opportunity as a county to check out the

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2 backgrounds of individuals that are being sent
3 by Bershire into the homes.

4 MS. WASHBURN-BAUM: I don't
5 believe so. I believe we contract with them
6 and they're licensed by Office of Children and
7 Family Services. Also the Justice Center,
8 which is a very strong arm of the state
9 intercedes if there's any issues with staff.

10 Maria, do you want to answer that?
11 I'm pretty sure that Bershire would do that
12 selecting.

13 MS. LAURIA: Yes, the agency
14 would select their staff. Just to be very
15 clear because I know there are a lot of
16 concerns and rightfully so, the concerns have
17 to do with a facility that closed that has
18 nothing to do with the Bershire Farms
19 preventive contract that was just described to
20 you. It was a residential facility upstate
21 and it has nothing to do with prevention and
22 it has closed. And we didn't ever have any
23 children that had the issues there and none of
24 the staff that had the concerns that were
25 subsequently immediately suspended and fired

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2 had anything to do with our youth when we did
3 have youth placed there. It's a completely
4 separate branch of Bershire under a completely
5 separate I guess administration is the proper
6 way to put it.

7 LEGISLATOR NICOLELLO: Is there
8 any supervision of these contractor's
9 personnel that go into the homes?

10 MS. LAURIA: Definitely there is
11 a whole line of supervision that goes all the
12 way up to the top. The other piece is that we
13 work with them. So, there is no situation
14 where there is a Bershire Farms person doing
15 preventive services where there is not a DSS
16 case worker doing case management and a
17 supervisor at DSS reviewing the case and
18 again, with an assistant director and a
19 director. So there are multiple lines of
20 supervision both within Bershire Farms and
21 within DSS working on each case together.

22 LEGISLATOR NICOLELLO: Thank
23 you. Anyone else have any questions? Thank
24 you very much. Appreciate it.

25 Last two contracts are with the

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2 county attorney's office. E-137 and E-138.

3 MS. MOLINARES: Good afternoon.

4 Chief deputy county attorney Jessica Molinares
5 here as well as litigation bureau chief Laurel
6 Kretzing. Good evening. I apologize.

7 LEGISLATOR NICOLELLO: Could you
8 just briefly give us, I know this was before
9 us one time previously, but briefly tell us
10 what these contracts are, what the services
11 are, what the amounts are.

12 MS. MOLINARES: Contract E-137-20
13 is with the firm of Wolf Haldenstein. That's
14 in respect to their services in a litigation,
15 in a tax certiorari litigation matter, called
16 Berliner versus Nassau County. The contract
17 is for \$385,000.

18 Contract E-138-20 is an assessment
19 of a prior contract that was assigned to the
20 firm of Wolf Haldenstein, also on a tax
21 certiorari matter by the name of Hall versus
22 Nassau County. We are now seeking to
23 reassigned that contract from Wolf Haldenstein
24 to the firm of Calcaterra and Pollack. It's
25 an assignment, legislator, so it's referred to

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2 as a penny contract. We're not seeking to add
3 any additional funding to the original term of
4 the contract.

5 LEGISLATOR NICOLELLO: I know
6 these attorneys started providing their
7 services before the contracts were submitted
8 to the county legislature. In the past,
9 recently as last week, we were told that part
10 of the delays involved the disclosure forms.
11 I don't think those excuses really are
12 acceptable with law firms. This is something
13 that they should be able to rectify within
14 hours if not days of being told what the
15 requirements are.

16 The point I'm trying to make is,
17 going forward we need to meet, we being the
18 county, needs to inform these firms that if
19 they haven't been approved that there is a
20 real risk at some point that if we're late in
21 getting approvals from the legislature for
22 contracts that those contracts are going to be
23 turned down.

24 Ultimately, what I'm trying to do
25 is shift the burden of being the bad guy here

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2 in saying you're not going to get paid for
3 this to the county attorney's office. Unless
4 the contracts are provided to us in timely
5 fashion then the law firms are going to be at
6 risk for not getting paid for these contracts.

7 MS. MOLINARES: Understood
8 legislator. I would say that every effort is
9 made to submit these in a timely fashion and
10 the firm that we, the special counsel firms
11 are advised that until legislative approval is
12 received they do run the risk that the
13 contract would not be approved.

14 LEGISLATOR NICOLELLO: Tell them
15 to get all their forms in as soon as possible
16 so we can get it as soon as possible.

17 MS. MOLINARES: Yes, legislator.

18 LEGISLATOR NICOLELLO: Any other
19 questions or discussion? No. Thank you very
20 much. All in favor signify by saying aye.
21 Let me clarify that. That would be all of
22 those contracts that we have just considered
23 including the public works contract, social
24 services and county attorney's. To put it
25 again, all in favor signify by saying aye.

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2 Those opposed? Carries unanimously.

3 Motion to adjourn? Moved by
4 Legislator Rhoads. Seconded by Legislator
5 Schaefer. All in favor of adjourning signify
6 by saying aye. Those opposed? Rules Committee
7 is adjourned. We just have to wait for two
8 emergency items for the legislature.

9 (Committee adjourned at 5:38 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 21st day of
December 2020

FRANK GRAY