

NASSAU COUNTY LEGISLATURE

COMMITTEES MEETING

RICHARD NICOLELLO

PRESIDING OFFICER

RULES COMMITTEE

County Executive and Legislative Building

1550 Franklin Avenue

Mineola, New York

Monday, January 23, 2022

3:21 p.m.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

A P P E A R A N C E S

LEGISLATOR RICHARD NICOLELLO Chair

LEGISLATOR HOWARD KOPEL Vice Chair

LEGISLATOR JOHN GIUFFRE

LEGISLATOR LAURA SCHAEFER

LEGISLATOR KEVAN ABRAHAMS

LEGISLATOR DELIA DERIGGI-WHITTON

LEGISLATOR SIELA BYNOE

MICHAEL PULITZER Clerk of the Legislature

A L S O A P P E A R E D

COMMISSIONER BELYEA, PARKS

KEN ARNOLD, PUBLIC WORKS

ANDY PERSICH, OMB

MAURICE CHALMERS, OLBR

KEVIN CRANE, NATIONAL OFFICE OF COMMUNITY DEV.

BRIAN LIBERT, COUNTY ATTORNEY'S OFFICE

CHAIRMAN NICOLLELO: We now have the
Rules Committee.

Mike, could you call the roll,
please, for the Rules Committee?

CLERK PULITZER: Thank you,
Presiding Officer.

Legislator Siela Bynoe?

LEGISLATOR BYNOE: Here.

CLERK PULITZER: Legislator Delia
DeRiggi-Whitton?

LEGISLATOR DERIGGI-WHITTON: Here.

CLERK PULITZER: Ranking Member
Kevan Abrahams?

LEGISLATOR ABRAHAMS: Here.

CLERK PULITZER: Legislator Laura
Schaefer?

LEGISLATOR SCHAEFER: Here.

CLERK PULITZER: Vice Chairman
Howard Kopel?

LEGISLATOR KOPEL: Here.

CLERK PULITZER: Chairman Richard
Nicoletto?

CHAIRMAN NICOLLELO: Here.

CLERK PULITZER: We have a quorum,

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2 sir.

3 CHAIRMAN NICOLLELO: We have
4 contracts to consider first and then we
5 will be considering the Collective
6 Bargaining Agreement with the Nassau
7 County PBA. I will call the contracts at
8 once:

9 B-2-23, a Resolution authorizing the
10 County Executive to award and execute a
11 contract between the County and W.H.M
12 Plumbing and Heating.

13 E-2; E-3; E-4; E-5 and E-10. These
14 are Resolutions authorizing the County
15 Executive to execute personal services
16 agreements or amendments to personal
17 services agreements between the County
18 and National Development Council; Abrams
19 Fensterman; Berkman Henoch; Wilson Elser;
20 and Montfort Healy. Motion on those items
21 by Deputy Presiding Officer Kopel and
22 Minority Leader Abrahams moved those
23 items.

24 I am also am going to take a motion
25 to untable E-129 and E-1 of 2023, which

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2 are resolutions authorizing the County
3 Executive to execute personal services
4 agreements between the County and
5 Wildlife in Need and Gannett Fleming.
6 Motion by Deputy Presiding Officer Kopel,
7 seconded by Legislator Guiffre. That's a
8 motion to untable. All in favor of
9 untabling those items signify by saying
10 "Aye".

11 (Whereupon, all members of
12 the Rules Committee respond in
13 favor with, "Aye".)

14 CHAIRMAN NICOLLELO: Those opposed?

15 (Whereupon, no verbal
16 response.)

17 CHAIRMAN NICOLLELO: Those items are
18 untabled.

19 The first contract that we're going
20 to consider --

21 CLERK PULITZER: Presiding Officer,
22 John Guiffre is also counted in for the
23 record.

24 CHAIRMAN NICOLLELO: Okay. Thank
25 you. I wasn't sure if he called you

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2 before.

3 Parks is first contract E-129. It's
4 with Wildlife in Need of Rescue and
5 Rehabilitation.

6 COMMISSIONER BELYEA: Good
7 afternoon, everyone. Darcy Belyea, Parks
8 Commissioner, presenting a personal
9 services agreement with Wildlife in Need
10 of Rescue and Rehabilitation, also known
11 as WINOR, based out of North Massapequa.

12 This agreement was originally
13 intended to begin on November 8th, 2022
14 for a period of one year unless
15 terminated sooner, with two one year
16 renewal options. And the purpose of this
17 contract is to provide the County with a
18 stopgap measure to assist county staff at
19 Tackapausha Museum and Preserve by
20 providing specialized care and oversight
21 to maintain daily operations for the
22 variety of animals housed there. The
23 need for this contract arose after we
24 encountered some serious personnel issues
25 at Tackapausha with two staff members.

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2 WINOR has the expertise needed to
3 provide specialized animal care, as
4 required by the County, State and Federal
5 permits, to house and care for animals.
6 These permits will be renewing in the
7 spring, and with WINOR under contract, we
8 will have the certifications to meet the
9 renewal requirements and pass inspections
10 while we seek to replace the staff.

11 The maximum cost to the County will
12 not exceed \$27,000 per year, funded by
13 the Hotel/Motel Grant Tax program; \$81K
14 total. I just want to reiterate that
15 this will not be replacing the work of
16 all of the employees. We still have
17 employees on staff. It's just a
18 supplement to that staff short term.

19 CHAIRMAN NICOLLELO: Okay. Any
20 questions for Darcy?

21 (Whereupon, no verbal
22 response.)

23 COMMISSIONER BELYEA: Thank you.

24 CHAIRMAN NICOLLELO: Thank you.

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2 CHAIRMAN NICOLLELO: Next contract
3 is with Housing and Homeless Services,
4 E-2 with the National Council for
5 Community Development.

6 MR. CRANE: Good afternoon. Kevin
7 Crane, National Office of Community
8 Development. Item E-2-23 is an amendment
9 to the existing contract with the
10 National Development Council, NDC, to add
11 \$10 million in American Rescue Plan
12 funding or ARPA. That will supplement
13 the funding that was already awarded for
14 NDC to manage the Main Street Recovery
15 Grant Program. So the existing funding
16 has been exhausted. This will allow us to
17 assist more local businesses with the
18 funding.

19 CHAIRMAN NICOLLELO: How will
20 eligible businesses apply for the
21 funding?

22 MR. CRANE: NDC will establish a new
23 online portal. It's very similar to the
24 portal they had. They're just going to
25 have a new link to pretty much the same

1
2 applications we used in the past.

3 CHAIRMAN NICOLLELO: How are we
4 going to get the notice out to the
5 various businesses in our county?

6 MR. CRANE: Well, assuming approval
7 today, we'll reach out to the press
8 office tomorrow and we will arrange an
9 announcement. We'll work with this Body
10 as well. And if you can help us get the
11 word out to your constituencies, that
12 would be excellent.

13 CHAIRMAN NICOLLELO: All right. I
14 mean, maybe if it's possible to even do
15 seminars or training sessions to invite
16 them in.

17 MR. CRANE: We can definitely do
18 that. We know we worked with the Boost
19 Nassau Center in the past to do that, so
20 we can probably reinvigorate that as
21 well. It's a good idea.

22 CHAIRMAN NICOLLELO: And is the
23 maximum amount \$10,000 per applicant in
24 this round as well?

25 MR. CRANE: Yes, it is.

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2 CHAIRMAN NICOLLELO: And if you
3 received a grant in the past, can you
4 apply for a new grant?

5 MR. CRANE: No. That is something
6 that we can change in the future. But
7 right now, NDC still believes there's a
8 large number of businesses out there who
9 were not able to take advantage of it. So
10 to allow businesses that benefited in the
11 past to receive a second grant before
12 we've reached everyone else, we didn't
13 think that was appropriate.

14 CHAIRMAN NICOLLELO: If it turns out
15 that not enough applications are coming
16 in for the businesses that did not
17 receive a grant in the past, is it
18 possible to change so that you can open
19 it up to the businesses that have?

20 MR. CRANE: Yes. There's no ARPA
21 restriction on the amount of funding. The
22 cap was really set because of the limited
23 funding we had. So we can make some
24 modifications to that if we see the
25 demand has changed.

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2 CHAIRMAN NICOLLELO: All right. Any
3 other questions?

4 Legislator DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: He
6 actually asked my questions. It's weird.
7 We've been working together a while.

8 But I think, honestly, even maybe
9 the closer we get to the next year, which
10 is the date that at some point we're
11 going to have everything allocated, maybe
12 we would want to think about raising the
13 \$10,000 to a more substantial amount.
14 Again, I think a number of businesses
15 would benefit from a second round as
16 well.

17 MR. CRANE: I don't disagree. It's
18 just a matter of available funds. So
19 maybe what we could do is determine at
20 some point that the demand has dried up
21 and instead of doing a second round --
22 and this is all open to discussion -- we
23 could just issue additional funds to
24 those applicants who have already
25 participated. We could just divide the

1
2 funding up among them.

3 LEGISLATOR DERIGGI-WHITTON: That
4 would be great. Well, as long yeah -- I
5 mean, I just don't want.

6 MR. CRANE: The second round of
7 funding went very quickly. I think I
8 looked and all the funding was awarded
9 within about six, seven months of the
10 announcement. So we'll see. I think now
11 at this point we'll be assisting
12 businesses who were not aware of the
13 funding. I expect that this round will be
14 a little slower to get out just because
15 of the businesses that we're assisting
16 now are those businesses that may not
17 have taken advantage or that aren't
18 aware. So maybe there'll be more
19 outreach. So we'll assess as we go
20 forward as to what the demand is.

21 LEGISLATOR DERIGGI-WHITTON: It
22 might be worth -- I know we have some
23 money budgeted for PR or whatever, for
24 various reasons. Maybe we can do like a
25 News 12 commercial or something. I just

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2 really think there's so many. I was at a
3 major park today and they had no idea
4 that being a 501c3 that they were
5 eligible for grants. I think that the
6 message just isn't resonating as much as
7 we're trying. I don't know if we could
8 even use some of this funding to promote
9 it, but I think we have to do something
10 like News 12 or some kind of local news.

11 MR. CRANE: I believe outreach, or
12 at least promotion is within the NDC
13 contract as well. So we can we can look
14 into that and discuss that with them.
15 Sure. Thank you.

16 CHAIRMAN NICOLLELO: Anyone else?
17 Legislator Bynoe.

18 LEGISLATOR BYNOE: Hi, Kevin.

19 MR. CRANE: Good afternoon.

20 LEGISLATOR BYNOE: So I'm definitely
21 happy that we're going out and looking
22 for the ones that didn't apply the first
23 time. But I do think that there are some
24 that applied the first time that are
25 really still desperately in need. And if

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2 they can illustrate that they have a
3 need, I think we should be helping them
4 further along. So, you know, listen, I
5 know you're putting the \$10 Million out
6 now. I'm hoping that we're going to
7 enlist the help of folks that can get
8 into the nooks and crannies of
9 communities and be able to identify those
10 entities that did not apply before. But I
11 do know that there's a lot of businesses
12 that are still suffering that did get our
13 help the first time. So if we can do a
14 sidetrack, maybe at some point, maybe in
15 two months, do a look back. And if we're
16 not seeing that we're finding that many
17 people, maybe we can split off \$5 million
18 for the existing folks and have them
19 demonstrate that they still have a need.
20 I don't think we just give them money for
21 the sake of giving them money.

22 MR. CRANE: Right. That's all
23 things that are in the discussion phase.
24 Thank you.

25 LEGISLATOR BYNOE: Thank you.

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CHAIRMAN NICOLLELO: Any other questions?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Thank you, Kevin.

MR. CRANE: Thank you.

Just as an add on, we have our public hearing for the our regular round of HUD funding this Wednesday night. So I know I sent you all invitations if you want to have the staff member attend. I know we talked about mental health needs in earlier session. Those are generally public services that are eligible for block grant funding on a normal basis. So please share that information as you can. Thank you.

CHAIRMAN NICOLLELO: Thank you.

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CHAIRMAN NICOLLELO: Next contract is with public works. We have B-2 with W.H.M and E-1 with Gannet Fleming.

COMMISSIONER ARNOLD: Good afternoon, Ken Arnold.

B-2 is a construction contract to rehabilitate two pump stations in the City of Glen Cove. Outdated equipment will be replaced in a force main and one of the stations will be zip lined. Four bids were received. W.H.M had the lowest responsible bid, which was lower than our engineer's estimate. W.H.M.'s team includes a WBE getting 20% of the work.

CHAIRMAN NICOLLELO: Okay. Any questions?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Nope. Just move right along.

COMMISSIONER ARNOLD: So, E-123 is a professional engineer professional services agreement to do construction management services associated with the

Bay Park Skater project. Six firms submitted, four firms were considered superior and those cost proposals were reviewed. The two firms had costs that exceeded the Department estimates. The remaining two DeBruin (phonetic) and Gannett Fleming were evaluated and Gannett Fleming was determined to be the best value. They're providing 2% WMBE services on this contract.

CHAIRMAN NICOLLELO: Any questions for Ken?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: No. Thank you.

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2 CHAIRMAN NICOLLELO: And the last of
3 the contracts are with the County
4 Attorney's office. Starting with E-3,
5 Abrams & Fensterman.

6 MR. LIBERT: Good afternoon,
7 legislators. Brian Libert from the County
8 Attorney's Office. E-3 is a contract with
9 the law firm of Abrams & Fensterman for
10 the case known as Commercial Concrete.
11 It's actually Nassau County against
12 Commercial Concrete and various other
13 defendants. There are two different
14 captions involved. Generally, we would
15 refer to it as Commercial Concrete. If
16 you have any questions, I'm more than
17 happy to answer the same.

18 CHAIRMAN NICOLLELO: This is an
19 amendment to a special counsel contract?

20 MR. LIBERT: Correct. It is an
21 amendment.

22 CHAIRMAN NICOLLELO: Any additional
23 funding?

24 MR. LIBERT: There is additional
25 funding. I do not have the number in

1
2 front of me. The Legislators should have
3 it in front of them. I can certainly pull
4 it up.

5 CHAIRMAN NICOLLELO: Okay. All
6 right. We do, actually. But I mean, I
7 think going forward to make that part of
8 your presentation.

9 MR. LIBERT: I most certainly will.

10 CHAIRMAN NICOLLELO: It's an
11 increase of \$241,000, I believe.

12 MR. LIBERT: Correct. I have those
13 numbers, obviously. I just don't have
14 them on my fingertips. And for the next
15 session, I will most certainly have that
16 at the ready.

17 CHAIRMAN NICOLLELO: All right.
18 Sounds good. Any questions on this
19 contract?

20 (Whereupon, no verbal
21 response.)

22 CHAIRMAN NICOLLELO: The next one is
23 E-4 with Berkman Henoch.

24 MR. LIBERT: This is a contract that
25 is also an amendment for the Powers

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2 matter. This is a case that has actually
3 been around for quite a while. There was
4 what I'll refer to loosely as sort of a
5 hold in the litigation status due to a
6 complex appellate issue. That complex
7 appellate issue having now been resolved,
8 the litigation is moving forward. So
9 that's what the amendment is for.

10 CHAIRMAN NICOLLELO: Any questions
11 on this contract or amendment?

12 (Whereupon, no verbal
13 response.)

14 CHAIRMAN NICOLLELO: E-5, Wilson
15 Elser.

16 MR. LIBERT: E-5 is a contract with
17 Wilson Elser for the Galloway matter. The
18 County was previously represented by a
19 different firm, and that firm was found
20 to have been conflicted out by the Court.
21 So this procurement was done on an
22 emergency basis and relative to that
23 finding of conflict.

24 CHAIRMAN NICOLLELO: Okay. Any
25 questions on this one?

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(Whereupon, no verbal
response.)

CHAIRMAN NICOLLELO: And your last
one with Montfort Healy, E-10.

MR. LIBERT: This is a contract for
the Thurmond and Cullom (phonetic)
matter. The Legislature considered
earlier a settlement in this matter. This
was being handled internally within the
County Attorney's office and the woman
who was handling it, who was a very
skilled attorney, unfortunately left;
therefore, leaving us the need to hire
outside counsel on this matter.

CHAIRMAN NICOLLELO: Okay. Did it go
with her or to another firm?

MR. LIBERT: To another firm
completely. I wouldn't speak about
personnel, but she went to work for
another government agency, so she
couldn't take it along.

CHAIRMAN NICOLLELO: All right,
good. Any questions on this one?

(Whereupon, no verbal

response.)

CHAIRMAN NICOLLELO: All right.

Thank you, Brian.

MR. LIBERT: Thank you. Have a great day.

CHAIRMAN NICOLLELO: You, too. So any further discussion by the legislators?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Any public comment on the contracts?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Hearing none. All in favor signify by saying "Aye".

(Whereupon, all members of the Rules Committee respond in favor with, "Aye".)

CHAIRMAN NICOLLELO: Those opposed?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Carries unanimously.

We need a motion to suspend the Rules by Legislator Schaefer, seconded by Legislator Guiffre. All in favor of suspending the Rules signify by saying "Aye".

(Whereupon, all members of the Rules Committee respond in favor with, "Aye".)

CHAIRMAN NICOLLELO: Those opposed?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Carries unanimously.

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2 CHAIRMAN NICOLLELO: We have one
3 item which is 37-23 on the Addendum, a
4 Resolution approving a Successor
5 Collective Bargaining Agreement via
6 Memorandum of Understanding Between the
7 County and the Nassau County Police
8 Benevolent Association. Motion by Deputy
9 Presiding Officer Kopel, seconded by
10 Minority Leader Abrahams. All right, so
11 here we go.

12 MR. PERSICH: Good afternoon, Andy
13 Persich, Office of Management and Budget.
14 I'm here to just tee up the Item for the
15 the amendment to the Successor Agreement
16 for the PBA.

17 In short, it was a long, hard
18 battle, I would say, to get where we need
19 to be. But I think for our men and women
20 who wear the uniform, we should be proud
21 and happy that we've come to an
22 agreement. Both sides were not completely
23 happy, but I think we reached an
24 amendable term that is fiscally
25 responsible and I think keeps the

1
2 membership very happy.

3 I'm going to give some highlights of
4 the agreement and if you have any
5 specific questions, I don't know how you
6 want to handle this because I'm waiting
7 for OLBR. We're working with them. So
8 I'll field some of the questions and if
9 you want to table it till the next
10 Legislature meeting, we could do that.

11 So in a nutshell, the contract terms
12 are from 1/1/18 through 6/30/2026. The
13 general wage increases are 1% for years,
14 2018, 2019, 2021. In 2022 and 2023, they
15 jump up to 2.5%. And in 2024 and 25 they
16 go to 3%. There is a stipend for a six
17 year officer of \$6,480, and an additional
18 stipend for a senior officer with 15
19 years of service. To fund some of those
20 things we changed the new hire chart for
21 steps.

22 In addition, they'll be healthcare
23 contributions for the Blue Cross Blue
24 Shield, and an ISHA (phonetic) plan for
25 the pre 2014 stays at the current rate

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2 which it's at. The healthcare
3 contributions are 2% of base earnings in
4 21; 2.25 and 22; and then in perpetuity
5 at 2.25% in 2023.

6 We are also establishing a non
7 contributory health plan, which is a high
8 deductible. It's already in place, I
9 should say. There will be a healthcare
10 buyout which is similar to the other
11 agreements. Each member will be required
12 to have four additional appearances. Sick
13 days, four incumbents will be reduced
14 from 26 to 24 and termination will be
15 capped at two times earnings for any new
16 employees.

17 We've settled several grievances
18 with this matter, which will be both
19 operationally and financially beneficial
20 to the Police Department. The agreement
21 in totality fits within the pattern with
22 the other unions, which is with the DAI
23 and the SOA members.

24 Again, it was a long battle, I will
25 say, but not a bad way. It was very

1
2 constructive negotiations. But we got to
3 a point where after, I don't know, since
4 2018, we now have an agreement in place
5 for the for the PBA. So I'm here to field
6 any questions that you may have.

7 CHAIRMAN NICOLLELO: Does it fit
8 within the budget for 2023 as well as the
9 four year plan?

10 MR. PERSICH: I apologize for that.
11 That's one of my bullets that I missed.
12 It's conforms to what we have in the four
13 year plan with NIFA. So it meets the
14 criteria that we need to get to. Again,
15 it fits the pattern that we've already
16 established.

17 CHAIRMAN NICOLLELO: So anyone else
18 have a questions for Andy?

19 LEGISLATOR ABRAHAMS: Presiding
20 Officer, we're going to reserve the
21 balance of our questions based off of the
22 report from OLBR. I mean, obviously, this
23 is all pretty much still fresh in many of
24 our minds. So just, Andy, be ready and
25 available, as well as you, Tatum, to

answer questions.

CHAIRMAN NICOLLELO: I mean, in part this is teeing it up for the Full Legislature in two weeks.

LEGISLATOR ABRAHAMS: Yes.

CHAIRMAN NICOLLELO: Maurice is in the back of the room. Why don't you come up, Maurice.

MR. CHALMERS: Maurice Chalmers, OLBR. We are working on doing a course summary on this MOU, so we should have it by the sixth or we'll have it early, by the middle of next week, a few days earlier.

CHAIRMAN NICOLLELO: Okay. So we'll have it enough time so we can digest it and develop whatever questions?

MR. CHALMERS: Absolutely.

CHAIRMAN NICOLLELO: Thank you. All right.

Just one question for you: There's no stipend in here for body cameras, Correct?

MR. PERSICH: That was a separate

MOA that was done prior to this agreement, back in I think it was in 2020 or 2021.

CHAIRMAN NICOLLELO: Okay. Any other questions? Do you have any questions for the Deputy County Executive?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: We're good. Thank you.

MR. PERSICH: Thank you.

CHAIRMAN NICOLLELO: Any further debate or discussion?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Any public comment?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: All in favor signify by saying "Aye".)

(Whereupon, all members of the Rules Committee respond i favor with, "Aye".)

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CHAIRMAN NICOLLELO: Those opposed?

(Whereupon, no verbal
response.)

CHAIRMAN NICOLLELO: Carries
unanimously.

Again, this came down to us late
last week. OLBR is still working on the
analysis. NIFA has graciously moved their
meeting, which was scheduled for this
week so we can have our Legislative
meeting before NIFA considers it. Their
meeting will now be held after our
meeting on the sixth.

All right. Any anything further?

(Whereupon, no verbal
response.)

CHAIRMAN NICOLLELO: Motion to
adjourn, Minority Leader Abrahams,
seconded by Legislator Schaefer. All in
favor of adjourning, signify by saying
"Aye".

(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN NICOLLELO: Those opposed?

(Whereupon, no verbal
response.)

CHAIRMAN NICOLLELO: Carries
unanimously. Okay. Thank you.

(Whereupon, the meeting is
adjourned, 3:42 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public
for and within the State of New York, do
hereby certify:

That the above is a correct
transcription of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 23th day of January, 2023.

Karen Lorenzo

Karen Lorenzo

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