

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

December 17, 2012
4:33 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chairwoman

HOWARD KOPEL
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

GREG MAY. 5
GREGORY STEPHANOFF. 5
KEN ARNOLD. 6
MIKE KELLY. 7
ROSEANNE D'ALLEVA 9
PAUL BRODERICK. 11
JOE NOCELLA 13
RICH MALLETTE 16
MIKE GRUNWALD 22

2 CHAIRWOMAN GONSALVES: Mr. Muller, call
3 the roll, please.

4 CLERK MULLER: Legislator Wink?

5 LEGISLATOR WINK: Here.

6 CLERK MULLER: Legislator Jacobs?

7 LEGISLATOR JACOBS: Here.

8 CLERK MULLER: Ranking Member Abrahams?

9 LEGISLATOR ABRAHAMS: Here.

10 CLERK MULLER: Legislator Walker?

11 LEGISLATOR WALKER: Here.

12 CLERK MULLER: Legislator Dunne?

13 LEGISLATOR DUNNE: Here.

14 CLERK MULLER: Vice Chairman Howard

15 Kopel?

16 LEGISLATOR KOPEL: Here.

17 CLERK MULLER: Chairwoman Gonsalves.

18 CHAIRWOMAN GONSALVES: Present.

19 CLERK MULLER: We have a quorum.

20 CHAIRWOMAN GONSALVES: Okay. We're
21 going to go with -- we have eight items on the
22 regular agenda and then we have an addendum after
23 that. Let's see how quickly we can do this.

24 The first item is A-41-12. Motion,
25 please?

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator Kopel.

6 Who is here to speak on this one, Mr.
7 May?

8 MR. MAY: Sergeant Gregory Stephanoff
9 from PD.

10 SERGEANT STEPHANOFF: Good afternoon.

11 CHAIRWOMAN GONSALVES: Good afternoon.

12 SERGEANT STEPHANOFF: Sergeant Greg
13 Stephanoff, and I have Detective Mike Fara
14 (phonetic) from Electronics Squad with me.

15 Item A-41-12 is an item to purchase
16 Systech Telecom Intercept System. This system is
17 going to be an upgrade to our current system that
18 allows us to keep up with the technology, the
19 current technology of telephones and cell phones.
20 These items are used for criminal as well as non-
21 criminal uses such as missing person cases.

22 The item is \$164,256 and is going to be
23 funded through assess forfeiture.

24 CHAIRWOMAN GONSALVES: Any questions?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All those in favor of Item A-41 signify
5 by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item passes unanimously.

10 Item B-36-12, motion, please?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR DUNNE: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Walker, seconded by Legislator Dunne.

15 Who is here on this one?

16 MR. ARNOLD: Kenneth Arnold, Public
17 Works.

18 This is a contract for the rebuild
19 modification or installation of new traffic
20 signals throughout the county. It's a
21 requirements contract. Low bidder was Eldor
22 Contracting.

23 CHAIRWOMAN GONSALVES: Any questions of
24 Mr. Arnold?

25 (No verbal response.)

2 There being none, any public comment?

3 (No verbal response.)

4 All those in favor of item B-36 signify
5 by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The motion carries unanimously.

10 Item E-225-13.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator Walker.

15 Who is here to speak on this one?

16 MR. MAY: Mr. Mike Kelly.

17 MR. KELLY: Good afternoon. Michael
18 Kelly, Acting Director, Nassau County Department
19 of Public Works, Division of Real Estate
20 Services.

21 Item E-225-12 is a contract with Standard
22 Valuation Services for \$525. This is for an
23 update of an existing appraisal.

24 CHAIRWOMAN GONSALVES: Any questions of
25 Mr. Kelly?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All those in favor of Item E-225 signify
6 by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The motion carries unanimously.

11 MR. KELLY: Thank you very much.

12 CHAIRWOMAN GONSALVES: You're welcome.

13 LEGISLATOR WINK: Madame Chair?

14 CHAIRWOMAN GONSALVES: Yes.

15 LEGISLATOR WINK: Can I just ask a
16 question? Maybe Mr. Kelly knows. Maybe Mr. May
17 knows.

18 This is executing a personal services
19 agreement on behalf of the Department of Public
20 Works, Division of Real Estate Services and
21 Standard Valuation Services for one appraisal?

22 MR. KELLY: Yes. This was -- this
23 appraisal was done in a time when we were between
24 appraisal contracts. So we needed an appraisal
25 on an expedited basis --

2 LEGISLATOR WINK: Okay. Because I
3 couldn't imagine why we were voting on a \$525
4 contract.

5 MR. KELLY: The reason this is here is
6 525 is because the vendor has more than \$50,000
7 worth of contract.

8 LEGISLATOR WINK: Oh, okay. In other
9 capacities.

10 MR. KELLY: Correct.

11 LEGISLATOR WINK: Gotcha. Thank you.

12 MR. KELLY: Thank you.

13 CHAIRWOMAN GONSALVES: Item E-226.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR WALKER: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator Walker.
18 Who is speaking on this one?

19 MR. MAY: We have Ms. Rosanne D'Alleva
20 from Office of Management and Budget.

21 CHAIRWOMAN GONSALVES: Thank you.

22 MS. D'ALLEVA: I hope I can answer your
23 questions. I believe this contract is to
24 facilitate services for additional grant monies.

25 LEGISLATOR JACOBS: This is a 100

2 percent state grant, right?

3 MS. D'ALLEVA: Yes.

4 LEGISLATOR JACOBS: Okay.

5 CHAIRWOMAN GONSALVES: Any other
6 questions?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor of Item E-226 signify
11 by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 MS. D'ALLEVA: Thank you.

17 CHAIRWOMAN GONSALVES: Item E-228.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator Kopel.

22 Who is here now?

23 MR. MAY: Mr. Paul Broderick from the
24 Department of Social Services.

25 CHAIRWOMAN GONSALVES: Welcome, Mr.

2 Broderick.

3 MR. BRODERICK: Good afternoon,
4 legislators. Paul Broderick, Department of
5 Social Services.

6 The item before you is a contract,
7 investigative contract with Summit Security
8 Services. The vendor provides investigations
9 into potential fraud that for services the
10 department provides, such as temporary assistance
11 for needy families, safety net, food stamps,
12 Medicaid and child care.

13 Do you have any questions?

14 CHAIRWOMAN GONSALVES: Go ahead.
15 Legislator Jacobs.

16 LEGISLATOR JACOBS: Mr. Broderick, it's
17 just coming now to the legislature and it started
18 on January 1.

19 MR. BRODERICK: That is correct.

20 LEGISLATOR JACOBS: Is there any reason?

21 MR. BRODERICK: Yes. We had to RFP it
22 and then we had to redistribute the RFP, which
23 took quite a while.

24 LEGISLATOR JACOBS: I see. Okay. Thank
25 you.

2 CHAIRWOMAN GONSALVES: Any public
3 comment?

4 (No verbal response.)

5 There being none, all those in favor of
6 this item signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Item E-228 passes unanimously.

11 MR. BRODERICK: Happy holidays, and a
12 healthy New Year to all.

13 CHAIRWOMAN GONSALVES: Thank you, Mr.
14 Broderick. Same to you.

15 MR. BRODERICK: Thank you.

16 CHAIRWOMAN GONSALVES: Next item is E-
17 230. Motion, please?

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator Kopel.

22 Who is here now? Mr. Nocella.

23 MR. MAY: We have Mr. Joe Nocella.

24 CHAIRWOMAN GONSALVES: Welcome, Mr.
25 Nocella.

2 MR. NOCELLA: Thank you, Presiding
3 Officer.

4 This is a contract with the law firm of
5 Snitow Kanfer Holtzer & Millus. At the request
6 of the former-presiding officer, the firm was
7 retained. I believe the legislature is familiar
8 with the legal matter.

9 CHAIRWOMAN GONSALVES: Any questions of
10 Mr. Nocella?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 There being none, all those in favor of
15 this item signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Motion carries unanimously.

20 Now, we are on Items E-231 and 232, and
21 Legislator Abrahams is recusing himself on both
22 of them.

23 Item E-231.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR KOPEL: Second.

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator Kopel.

4 Who will speak to this one?

5 MR. NOCELLA: Again, Joseph Nocella,
6 Deputy County Attorney.

7 The similar -- actually, the related
8 legal matter, this time at the request of the
9 Minority Leader, Legislator Abrahams, who had
10 refused himself. Again, I believe the
11 legislature is familiar with the case.

12 CHAIRWOMAN GONSALVES: Any questions of
13 Mr. Nocella?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 There being none, all those in favor of
18 this item signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item passes four to two. I'm sorry.
23 Six to zero. It was unanimous. And one recusal.

24 Item E-232, again from the attorney's
25 office.

2 Motion, please?

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Dunne, seconded by Legislator Walker.
7 Mr. Nocella.

8 MR. NOCELLA: This is part and parcel of
9 the completion of the representation that was
10 provided in E-231.

11 CHAIRWOMAN GONSALVES: Any questions of
12 Mr. Nocella on this item?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 There being none, all those in favor
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Six ayes, one recusal.

22 Now, the regular agenda is finished.

23 Now we need a motion to suspend the
24 rules.

25 LEGISLATOR DUNNE: So moved.

2 LEGISLATOR KOPEL: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Dunne, seconded by Legislator Kopel.

5 All those in favor of suspending the
6 rules?

7 (No verbal response.)

8 Any opposed?

9 (No verbal response.)

10 Let's go on with Item A-44.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator Walker.

15 MR. MAY: We have Mr. Rich Mallette.

16 MR. MALLETT: A-44-A is an agreement
17 with Covanta. We had some biologically
18 contaminated material, storm debris, that needed
19 to be disposed of in a special manner. So we
20 negotiated a price with Covanta and we are using
21 their services to correctly dispose of this
22 material.

23 CHAIRWOMAN GONSALVES: I was rather
24 concerned about that one. I know of Covanta for
25 a number of years. Hopefully all was done well.

2 Any questions? Legislator Wink.

3 LEGISLATOR WINK: What are they doing,
4 burning it?

5 MR. MALLETTTE: No. They have a
6 treatment system they go through. They take it
7 and it gets packaged in this black special bag
8 and it's taken actually somewhere else from
9 Covanta. Then they pick through it and
10 incinerate it at another time.

11 LEGISLATOR WINK: Somewhere else, not at
12 the facility.

13 MR. MALLETTTE: Not at Covanta. That was
14 part of our negotiation, it had to go somewhere
15 other than Long Island.

16 LEGISLATOR WINK: So somebody else will
17 get the smell. Okay.

18 CHAIRWOMAN GONSALVES: Any public
19 comment?

20 (No verbal response.)

21 There being none, all those in favor of
22 this item signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The item passes unanimously.

3 Item A-44-B.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR DUNNE: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Walker, seconded by Legislator Dunne.

8 He is here again.

9 MR. MALLETT: This is a contract with
10 Landtech Corporation to assist us in removal of
11 storm debris from villages and towns. We used a
12 series of outside contractors who could supply
13 the needed equipment to take the construction
14 debris material, the storm debris material from
15 peoples' homes once it's on the curb, and then
16 brought to the appropriate transfer station
17 which, in this case, was the Town of Oyster Bay
18 Bethpage Landfill. And when they cleaned up
19 Hewlett Harbor, they brought it to Nickerson
20 Beach.

21 CHAIRWOMAN GONSALVES: Okay. Any
22 questions of Mr. Mallette regarding this item?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 There being none. All those in favor of
3 Item A-44-B indicate by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item passes unanimously.

8 MR. MALLETT: Have a very nice holiday
9 season.

10 CHAIRWOMAN GONSALVES: And to you too.

11 Item E-227-12. Motion, please?

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR DUNNE: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Walker, seconded by Legislator Dunne.

16 Who is here?

17 MR. MAY: Mr. Joe Nocella.

18 MR. NOCELLA: Thank you, again. Mr. Joe
19 Nocella from the county attorney's office.

20 The underlying facts in this matter
21 predated this administration, as did the original
22 lawsuit in which the county was a plaintiff
23 against the MTA. The MTA, in turn, countersued.
24 Both litigations were handled by Leahey &
25 Johnson, who have particularized expertise in the

2 First Department.

3 At a certain point, there was an
4 expedited appeal ordered in the latter part of
5 this year. Since Leahey & Johnson already had
6 familiarity with the underlying facts that led to
7 both lawsuits, as well as representing the county
8 in both lawsuits, they were asked to immediately,
9 in an expeditious form, handle the appeal, and
10 that's what this contract is now for. The
11 request for the legislature is to ratify the
12 contract that had been entered into with Leahey &
13 Johnson.

14 CHAIRWOMAN GONSALVES: Any questions of
15 Mr. Nocella?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none -- okay. Legislator
20 Wink.

21 LEGISLATOR WINK: Mr. Nocella, what's
22 the underlying action here, *Nassau County v. MTA,*
23 *Long Island Rail Road and MSBA?* Is that the
24 payroll tax lawsuit?

25 MR. NOCELLA: No. That's not the

2 payroll tax. The facts dealt with the county
3 suing regarding payments that the MTA was sending
4 and billing the county for, for repairs, which
5 the county felt it was not its obligation to pay,
6 and of course the MTA had a different view. They
7 not only answered denying that, but they
8 counterclaimed saying that the county had the
9 obligation to make those payments.

10 LEGISLATOR WINK: Okay. And this case
11 is still pending?

12 MR. NOCELLA: The appeal.

13 LEGISLATOR WINK: The appeal is. Okay.
14 What was the outcome of the initial action?

15 MR. NOCELLA: Below, the claim brought
16 by the county by the prior administration was
17 dismissed. The counterclaim was successful. The
18 First Department, which does not encompass Nassau
19 County, which I'm sure you know, then had the
20 expeditious appeal, which Leahey & Johnson took
21 care of for us.

22 LEGISLATOR WINK: Okay. And we're
23 waiting on a decision on that?

24 MR. NOCELLA: That's correct.

25 LEGISLATOR WINK: Okay. Thank you.

2 CHAIRWOMAN GONSALVES: Any other
3 questions of Mr. Nocella?

4 (No verbal response.)

5 There being none. All those in favor
6 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Motion carries unanimously.

11 The last item is E-233.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR DUNNE: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Walker, seconded by Legislator Dunne.

16 And we have?

17 MR. MAY: Mr. Mike Grunwald.

18 MR. GRUNWALD: Hi.

19 CHAIRWOMAN GONSALVES: Hi.

20 MR. GRUNWALD: This is contract with --
21 a renewal of a contract with Aetna to provide
22 flexible spending benefits for employees within
23 Nassau County.

24 CHAIRWOMAN GONSALVES: Any questions?

25 (No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The motion carries unanimously.

Guess what? A motion to adjourn?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne.

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The motion to adjourn passes unanimously.

A very happy holiday to you, Mr. May.

Thank you for a good job.

MR. MAY: Thank you. And to you, as well.

CHAIRWOMAN GONSALVES: Everybody else who has been sitting here today, thank you for

2 your endurance.

3 (Whereupon, the Rules Committee adjourned
4 at 4:49 p.m.)

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C E R T I F I C A T E

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

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of January, 2013.

FRANK GRAY