

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

March 10, 2014
1:22 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chairwoman

RICHARD NICOLELLO
Vice Chairman

DENNIS DUNNE

HOWARD KOPEL

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

CARRIE SOLAGES

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

GREG MAY.	5
GREG STEPHANOFF	6
RICH MILLET	8
PAUL BRODERICK.	10
MIKE SCHLERNOFF	19
ROSEANNE D'ALLEVA	22
BOB MCMANUS	24
LISA LOCURTO.	28
KIM TEMPESTA.	30
KEN ARNOLD.	32
BRIAN SCHNEIDER	36
SAM LITNER.	55

2 CHAIRWOMAN GONSALVES: Let us begin.
3 I'm sorry for the delay. At this point I'd like
4 to ask Legislator Dunne to lead us in the Pledge
5 of Allegiance.

6 (Whereupon, the Pledge of Allegiance was
7 recited.)

8 CHAIRWOMAN GONSALVES: Thank you,
9 Legislator Dunne.

10 We will begin with the Rules Committee.
11 And as is customary, we do the contracts and then
12 recess the Rules Committee. At this point, Mr.
13 Muller, please call the roll for the Rules
14 Committee.

15 CLERK MULLER: Sure. Thank you very
16 much.

17 Legislator Solages?

18 LEGISLATOR SOLAGES: Here.

19 CLERK MULLER: Legislator Jacobs?

20 LEGISLATOR JACOBS: Here.

21 CLERK MULLER: Ranking Member Abrahams?

22 (No verbal response.)

23 Legislator Kopel?

2 LEGISLATOR KOPEL: Here.

3 CLERK MULLER: Legislator Dunne?

4 LEGISLATOR DUNNE: Here.

5 CLERK MULLER: Vice Chairman Nicoletto?

6 LEGISLATOR NICOLELLO: Here.

7 CLERK MULLER: Chairwoman Gonsalves?

8 CHAIRWOMAN GONSALVES: Present.

9 CLERK MULLER: We have a quorum.

10 CHAIRWOMAN GONSALVES: Let us begin with
11 the first contract, Contract A-8-14, a resolution
12 authorizing the Director of Nassau County Office
13 of Purchasing to award and execute a contract
14 between the County of Nassau acting on behalf of
15 the Nassau County Police Department and
16 Aeromaritime America.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR KOPEL: Second.

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

21 CLERK MULLER: Minority Leader Abrahams
22 is with us.

23 CHAIRWOMAN GONSALVES: And, Mr. May?

24 MR. MAY: We have Sergeant Gregory
25 Stephanoff from police.

2 CHAIRWOMAN GONSALVES: Welcome,
3 Sergeant.

4 SERGEANT STEPHANOFF: Good afternoon.
5 Sergeant Greg Stephanoff.

6 This is to put together a blanket
7 purchase order for us to -- it's for maintenance
8 and parts so that we can maintain our
9 helicopters.

10 We are currently looking at new
11 helicopters, but we're still going to have one
12 old one that we still need to maintain. So this
13 blanket order will enable us to do that.

14 CHAIRWOMAN GONSALVES: Questions of the
15 Sergeant?

16 LEGISLATOR DUNNE: Yeah. When you say
17 old, how old is old? Through the Chair.

18 CHAIRWOMAN GONSALVES: Legislator Dunne.

19 SERGEANT STEPHANOFF: We're going to
20 keep the newest one. I believe we're going to
21 keep the newest one in the fleet and we're going
22 to trade-in to purchase new helicopters. I don't
23 know exactly what the ages are; I can get that
24 for you, if you wish.

25 CHAIRWOMAN GONSALVES: Any other

questions of the Sergeant?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Contract A-8 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

SERGEANT STEPHANOFF: Thank you.

CHAIRWOMAN GONSALVES: The next contract
is A-11-14, a resolution authorizing the director
of Nassau County Office of Purchasing to award
and execute a contract between the County of
Nassau acting on behalf of the Department of
Public Works and G.P. Jager & Associates, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

MR. MAY: We have Mr. Rich Millet from

2 the Department of Public Works.

3 CHAIRWOMAN GONSALVES: Welcome, Mr.
4 Millet.

5 MR. MILLET: Good afternoon. Rich
6 Millet, Public Works.

7 This is a blanket purchase order for a
8 company that maintains and repairs our muffin
9 monster pumps which we use at the plants to grind
10 up any material before it passes through the
11 plant.

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

14 MR. MILLET: Sewage treatment plants.
15 All three. Four, actually.

16 CHAIRWOMAN GONSALVES: Any questions?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 There being none. All those in favor of
21 Contract A-11 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Contract passes unanimously.

Next contract is A-12, a resolution authorizing the director of Nassau County Office of Purchasing to award and execute a contract between the County of Nassau acting on behalf of the Department of Public Works, Fleet Management and Specialty Vehicle Sales.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

MR. MILLET: Rich Millet, Public Works.

This is a bid contract to purchase a fire marshal vehicle. Their hazardous material vehicle, one of them was damaged beyond repair in the storm. This is a replacement vehicle. And it is in a PW for FEMA.

CHAIRWOMAN GONSALVES: Legislator Kopel.

LEGISLATOR KOPEL: Good afternoon, Rich.

If it was damaged in the storm why isn't this being funded by the federal government?

MR. MILLET: They do your reimbursement. It's in a FEMA PW.

LEGISLATOR KOPEL: So this will be

2 reimbursed?

3 MR. MILLET: Correct. It's in one of
4 the PWs.

5 LEGISLATOR KOPEL: Good. Thank you.

6 CHAIRWOMAN GONSALVES: Any other
7 questions from the legislators?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none; all those in favor of
12 Contract A-12 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The contract passes unanimously.

17 The next contract is A-15, a resolution
18 authorizing the director of Nassau County Office
19 of Purchasing to request oversight of a contract
20 between the County of Nassau, acting on behalf of
21 the Nassau County Department of Social Services
22 and Micromedia Imaging Systems, Inc.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

2 Legislator Dunne, seconded by Legislator Kopel.

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

6 The blanket purchase order in front of
7 you is with Department of Social Services and
8 Micromedia to provide image capturing services
9 for the department.

10 CHAIRWOMAN GONSALVES: Questions from
11 the legislators?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 Legislator Kopel.

16 LEGISLATOR KOPEL: Why is this a sole
17 source?

18 MR. BRODERICK: I wouldn't say its sole
19 sourced. Well, they provide the lowest cost
20 services based upon other vendors that were
21 reviewed.

22 LEGISLATOR KOPEL: So that's almost 11
23 cents per image?

24 MR. BRODERICK: It would be
25 prohibitively expensive to switch vendors. They

are the lowest priced vendor at this point.

LEGISLATOR KOPEL: Is this something that -- in other words, it's almost 11 cents per image? 10.7.

MR. BRODERICK: Eleven cents.

LEGISLATOR KOPEL: So, I'm just wondering can the county not buy these high-speed machines and just do it itself?

MR. BRODERICK: It doesn't do the work itself. They provide --

LEGISLATOR KOPEL: No, no. I understand. You've got to feed the machines and so forth.

MR. BRODERICK: Correct.

LEGISLATOR KOPEL: I understand that. Is this project ongoing?

MR. BRODERICK: Yes.

LEGISLATOR KOPEL: And how long do you anticipate that it will continue?

MR. BRODERICK: As long as DSS is around.

LEGISLATOR KOPEL: Good. So then the question becomes why not use in-house machines and in-house people to do this? It doesn't take

2 rocket scientists, I imagine, to operate these
3 machines. Actually, maybe it does. I haven't
4 been real good at operating it myself. But
5 nonetheless.

6 Has anybody looked into the possibility
7 of simply using these high speed machines in the
8 office, just leasing the machine and having an
9 employee do it?

10 MR. BRODERICK: We've reviewed this a
11 number of times, at the behest of the legislature
12 in the past. This question isn't the first time
13 it's come up.

14 We scan about seven million documents a
15 year, 7.9 million a year.

16 LEGISLATOR KOPEL: So it's your
17 conclusion that it's cheaper to outsource it?

18 MR. BRODERICK: It's not outsourcing.
19 We have an outside company that comes in and
20 manages the whole process. It isn't just -- with
21 case management specifically, if you receive
22 documents today, it would be tomorrow. It goes
23 to the future. They have to do different tasks
24 associated with that to track the eight million
25 documents that come in on an annual basis. It

2 has to be indexed. It has to be referred back to
3 the original case so that everything is
4 consolidated.

5 LEGISLATOR KOPEL: I understand. But it
6 is outsourced. That's what that is, it's an
7 outsourcing contract.

8 MR. BRODERICK: We have an outside
9 vendor that provides that service, correct.

10 LEGISLATOR KOPEL: So you've come to the
11 conclusion that it's cheaper to outsource it than
12 to do it in-house?

13 MR. BRODERICK: That is correct.

14 LEGISLATOR KOPEL: I'd love to see that
15 analysis. Okay.

16 CHAIRWOMAN GONSALVES: Legislator
17 Jacobs.

18 LEGISLATOR JACOBS: Correct me if I'm
19 wrong in this. I just want to ask you a
20 question.

21 One of the reasons -- I shouldn't make a
22 statement. I should ask you a question. So if a
23 machine breaks down beyond repair, as part of
24 this contract or this lease, they replace the
25 machine; am I correct?

2 MR. BRODERICK: No. That's incorrect.
3 We purchase the machines. We're purchasing the
4 expertise from them to scan it, index it, and
5 manage process.

6 LEGISLATOR JACOBS: So we're purchasing
7 the machine but we have a lease on the service?

8 MR. BRODERICK: Through the purchase
9 order -- the vendor provides the expertise, the
10 people to manage the process. The actual machine
11 that scans it is county-owned property.

12 LEGISLATOR JACOBS: And there's no
13 guarantee on -- you know why I'm asking this. I
14 think we all know how often these machines break
15 down, it's, like, incredible. If you get a
16 lemon, is there any protection for us?

17 MR. BRODERICK: We've been purchasing
18 machines routinely just as replacement because
19 they do such high volume. Eight million
20 documents, you can imagine the daily use of the
21 machines. It's not really -- we're pretty much
22 on top of that. It does happen and they do break
23 down, and we do have maintenance agreements to
24 maintain the machines. We have to have
25 continuity to ensure that case records are

updated on a daily basis. So that's not really an issue, in my view.

LEGISLATOR JACOBS: Okay. Thanks.

CHAIRWOMAN GONSALVES: Legislator Nicolello.

LEGISLATOR NICOLELLO: I just have a comment. I would just echo what Legislator Kopel said. I would be very interested to see if this analysis of the cost benefit was done, if it was done in writing, if there was a report. I'd like to see that, especially since the equipment is ours and especially with younger people being conversant with all sorts of technology. This doesn't seem like it would be all that difficult to train somebody to do this and to manage it. I might be wrong. If there is a written report on this, I'd like to see it as well.

CHAIRWOMAN GONSALVES: Any other questions or comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Contract A-15 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Contract passes unanimously.

MR. BRODERICK: Thank you.

CHAIRWOMAN GONSALVES: The next contract is A-16 -- by the way, they're all in the year '14 -- a resolution authorizing the director of Nassau County Office of Purchasing to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and Sieber's Ocean Ventures, Inc.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

MR. MILLET: Rich Millet, Public Works. This is for the vendor who does our DEC and EPA mandated inspections and/or repairs of our pipes, diffusers, and signage from our sewage treatment plant outfalls.

CHAIRWOMAN GONSALVES: Any questions of Mr. Millet?

LEGISLATOR ABRAHAMS: More of a

2 comment.

3 CHAIRWOMAN GONSALVES: Mr. Abrahams.

4 LEGISLATOR ABRAHAMS: Thank you, Madam
5 Presiding Officer.

6 Mr. Millet, it's more of a comment and it
7 really pertains to A-8 and A-11 generally, for
8 the legislature. We've noticed that there have
9 been a large amount of vendors that the RFPs are
10 going to but it seems to be only one bidder, very
11 often, is coming back. If possible, in the
12 backup, if we can request that we get the RFP/bid
13 specs to be included that would be great.

14 MR. MILLET: I will talk to the
15 purchasing department.

16 LEGISLATOR ABRAHAMS: Thank you.

17 CHAIRWOMAN GONSALVES: Legislator Kopel.

18 LEGISLATOR KOPEL: Thank you, Madam
19 Presiding Officer. Further to what the Minority
20 Leader just said and the comments that we all
21 made a little while ago, I think that everyone
22 who is here from the administration, it would be
23 very helpful if we had in the backup not only
24 that but the cost analysis, that would be very
25 useful. It's very hard to make a decision when

1 you look at something and there is something that
2 just instinctively seems like it ought to be a
3 little cheaper or there ought to be more bidders.
4 I think all of us would like to see the backup
5 for that. That's just a comment generally. So
6 please try to start doing that.

8 CHAIRWOMAN GONSALVES: Legislator
9 Solages.

10 LEGISLATOR SOLAGES: Yeah. I echo the
11 comment made by my colleague requesting a copy of
12 the RFP. We need to know just how specific these
13 RFPs are drafted. It just seems kind of strange
14 that 70 vendors are notified, only two bids were
15 received. It seems kind of just -- if you want
16 more bidders to respond in order to get -- I
17 would like a copy of that. Can you comment on
18 that?

19 MR. SCHLERNOFF: Mike Schlernoff,
20 Director of Purchasing.

21 First of all, all the packets that we
22 send out contain the complete bid, which would be
23 the spec. So that's in the pack that is sent to
24 the Legislature.

25 CHAIRWOMAN GONSALVES: Any other

comments or questions?

MR. SCHLERNOFF: And also, it's not an RFP. It's a sealed bid. An RFP is a different document.

CHAIRWOMAN GONSALVES: Any questions or comments from the public?

(No verbal response.)

There being none; all those in favor of A-16 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next item is B-6-14, a resolution authorizing the county executive to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and John P. Picone, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

MR. MILLET: Rich Millet, Public Works.

This is an award of contract for construction for the influent screens at Bay Park to Picone. It's \$12,173,809.

CHAIRWOMAN GONSALVES: Any comments or questions of Mr. Millet?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Contract B-6 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

B-6 passes unanimously.

Next are the personal service contracts.

E-43-14, a resolution authorizing the county executive to execute an amendment of a personal service agreement between the County of Nassau acting on behalf of the Office of Management and Budget and CS Stars LLC.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Moved by

Legislator Dunne, seconded by Legislator Kopel.

MR. MAY: Ms. Roseanne D'Alleva is on her way down from Office of Management and Budget. If you want to wait two minutes or we can table this, move on, and come back to it.

CHAIRWOMAN GONSALVES: Well, you say two minutes. You know what? Let's table it.

MR. MAY: Okay.

CHAIRWOMAN GONSALVES: Motion to table?

LEGISLATOR KOPEL: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Kopel, seconded by Legislator Nicolello.

Is she here?

MR. MAY: She just walked in.

CHAIRWOMAN GONSALVES: We didn't take the vote. We didn't take the vote, so it's not tabled.

MS. D'ALLEVA: Hello. Sorry. Roseanne D'Alleva.

CHAIRWOMAN GONSALVES: Okay. Roseanne, tell us about it.

MS. D'ALLEVA: The CS Stars amendment?

2 CHAIRWOMAN GONSALVES: Yes.

3 MS. D'ALLEVA: The extension?

4 CHAIRWOMAN GONSALVES: Yes.

5 MS. D'ALLEVA: This is a maintenance
6 contract that is used for our RMIS system, our
7 Risk Management Information System. It's just a
8 six month extension of the existing agreement.

9 CHAIRWOMAN GONSALVES: Any questions of
10 Roseanne?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 There being none; all those in favor of
15 E-43-14 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 MS. D'ALLEVA: Thank you.

21 CHAIRWOMAN GONSALVES: Thank you,
22 Roseanne.

23 Next one is E-44-14, a resolution
24 authorizing the county executive to execute a
25 personal services agreement between the County of

Nassau, acting on behalf of the County Department of the District Attorney, and Family and Children's Services.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

And we have?

MR. MCMANUS: Good afternoon. Bob McManus, District Attorney's Office.

CHAIRWOMAN GONSALVES: Good afternoon, Bob.

MR. MCMANUS: Good afternoon. Item E-44-14 is an agreement between the district attorney's office and Family and Children's Association to provide a re-entry coordinator, internships, mentoring, educational and sports programs for recently incarcerated individuals and high risk youth.

This program uses federal forfeiture funds with no cost to the county. And while this is a new agreement, the vendor has been performing these functions for the last five

years as part of the district attorney's
Hempstead Community Improvement Project.

CHAIRWOMAN GONSALVES: Any questions of
Mr. McManus?

(No verbal response.)

None. Any public comment?

(No verbal response.)

There being none; all those in favor of
E-44 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Thank you very much.

The next item is Item E-45, a resolution
authorizing the county executive to execute a
personal services agreement between the County of
Nassau, acting on behalf of the Nassau County
District Attorney's Office, and Nassau BOCES.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Kopel.
Mr. McManus.

MR. MCMANUS: Thank you. This is an agreement between the District Attorney's Office and Nassau BOCES to provide employment counseling and job placement services for individuals recently released from incarceration. This program is intended to reduce recidivism and to help these individuals re-enter the workforce in order to improve their chances of becoming productive members of the community.

This agreement is 100 percent funded by grant funds awarded by the New York State Division of Criminal Justice Services. And there is no cost to the county.

CHAIRWOMAN GONSALVES: Any questions or comments from any of the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of E-45 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. MCMANUS: Thank you.

CHAIRWOMAN GONSALVES: Thank you.

There are three items that have to do with court reporting services.

Item E-46, E-47 and E-52 -- with the permission of the Minority, may I call them all? Okay.

E-46, a resolution authorizing the county executive to execute an amendment to a personal services agreement between the County of Nassau, acting on behalf of the Office of the Nassau County Attorney, and Bee Reporting Agency.

E-47, a resolution authorizing the county executive to execute an amendment to a personal services agreement between the County of Nassau, acting on behalf of the Office of the Nassau County Attorney, and Precise Court Reporting Services, Inc.

E-52, a resolution authorizing the county executive to execute an amendment to a personal services agreement between the County of Nassau, acting on behalf of the Office of the Nassau County Attorney, and North Shore Court Reporters.

Motion, please?

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by

5 Legislator Dunne, seconded by Legislator

6 Nicoletto.

7 Ms. Locurto.

8 MS. LOCURTO: Good afternoon.

9 CHAIRWOMAN GONSALVES: Good afternoon.

10 MS. LOCURTO: Lisa Locurto from the
11 County Attorney's Office. These three contracts
12 before you are for court reporting services.
13 They are to assist in the county attorney
14 offices, litigation of matters that are filed
15 against the county. They are retained to take
16 depositions, 50H hearings, and they also assist
17 at administrative hearings. And the transcripts
18 enable us to gather data and information to use
19 in our defense and litigation of county matters.

20 CHAIRWOMAN GONSALVES: Any questions of
21 Ms. Locurto regarding these items?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 There being none; all those in favor of

E-46, E-47, and E-52 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

LEGISLATOR NICOLELLO: The next item is E-48-2014, a resolution authorizing the county executive to execute an amendment to a personal services agreement between the County of Nassau, acting on behalf of the Office of the Nassau County Attorney, and Long Island Auto Appraisers, Inc.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

MS. LOCURTO: Good afternoon again. Lisa Locurto from the county attorney's office.

This is another litigation service that assists the county attorney's office in assessing property damage claims. This is an extension of an existing contract and it enables us to make determinations to get appraisals for claims of damage to property.

LEGISLATOR NICOLELLO: Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

Items E-49 and E-50-2014, which are resolutions authorizing the county executive to execute an amendment to a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Medical Examiner, and Vito Cardo, D.D.S., and Henry Dondero, D.D.S.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

MS. TEMPESTA: Good afternoon. Kim Tempesta from the Medical Examiner's Office.

We're here to kindly request approval to exercise one of the three potential renewals off of this personal service contract for forensic

1 services. The medical examiner has longstanding
2 with these practitioners. They are vital in
3 assisting us in determining cause or manner of
4 death. We would appreciate it if we can proceed
5 with an extension, and exercising one of the
6 first extensions on their contract.
7

8 LEGISLATOR NICOLELLO: Thank you.

9 Any discussion or questions?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All in favor signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Those two items carry unanimously.

18 MS. TEMPESTA: Thank you.

19 CHAIRWOMAN GONSALVES: The next item is
20 Item E-51, a resolution authorizing the county
21 executive to execute an amendment to a personal
22 services agreement between the County of Nassau,
23 acting on behalf of the Department of Public
24 Works, and Nassau Soil and Water Conservation
25 District.

2 Motion, please?

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR DUNNE: Second.

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

7 And who is here to speak on that? Mr.
8 Arnold.

9 MR. ARNOLD: This is a contract
10 amendment for Soil and Water Conservation
11 District. This supplies education and
12 conservation services to department and other
13 municipalities in the county.

14 CHAIRWOMAN GONSALVES: Any questions or
15 comments from the legislators?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none; all those in favor of
20 E-51 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 The next item is E-53, a resolution

authorizing the county executive to execute a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Department of Social Service and the Safe Center LI, Inc.

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

MR. BRODERICK: Good afternoon, again. Paul Broderick, Deputy Commissioner, Department of Social Services.

CHAIRWOMAN GONSALVES: Good afternoon, again.

MR. BRODERICK: The contract before you is with the Safe Center. This is for that organization to provide sexual abuse and substance abuse counseling. They work in collaboration with our Child Protective Services staff, Nassau County Police Department, and Advocacy Center, and they work with population through the age of 17.

CHAIRWOMAN GONSALVES: Any questions or

comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-53 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. BRODERICK: Thank you.

CHAIRWOMAN GONSALVES: The next item is
E-54, a resolution authorizing the county
executive to execute an amendment to a personal
services agreement between the County of Nassau,
acting on behalf of the Department of Public
Works, and DeBruin Engineering, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Motion by
Legislator Dunne, seconded by Legislator Kopel.
Mr. Arnold.

MR. ARNOLD: This is a contract

amendment with DeBruin on our environmental construction contracts. They assist the department in overseeing engineering inspection services at our environmental construction jobs; this includes both Bay Park and Cedar Creek.

CHAIRWOMAN GONSALVES: Legislator Jacobs.

LEGISLATOR JACOBS: I just was wondering. Do you think April 1 is a realistic completion date?

MR. ARNOLD: Yes. This was specifically to help us finish the Birches project; that's what the amendment extension was for.

LEGISLATOR JACOBS: And is it proceeding on schedule?

MR. ARNOLD: Yes.

LEGISLATOR JACOBS: Thank you.

CHAIRWOMAN GONSALVES: Any other questions or comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of E-54 signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item passes unanimously.

6 The next one is E-55, a resolution
7 authorizing the county executive to execute an
8 amendment to a personal services agreement
9 between the County of Nassau, acting on behalf of
10 the Department of Public Works and RGR Landscape
11 Architecture & Architecture, PLLC.

12 Motion, please?

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR KOPEL: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Dunne, seconded by Legislator Kopel.
17 Mr. Schneider.

18 MR. SCHNEIDER: Brian Schneider from
19 Public Works.

20 This is an amendment to an existing
21 personal services agreement for design services
22 and construction administration with RGR
23 Landscape Architecture & Architecture. This is
24 for work that's being currently conducted at the
25 Hempstead Plains Interpretive Center. This is

one of the 2006 Environmental Bond Act projects.
This construction contract is currently underway,
and RGR is providing construction administration
services until construction is complete. We're
extending this for one year, until the end of
December of 2014 of this year.

CHAIRWOMAN GONSALVES: Any questions or
comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-55 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item E-57, a resolution authorizing the
county executive to execute an amendment to a
personal services agreement between the County of
Nassau, acting on behalf of the Office of
Management and Budget, and The Legal Aid Society
of Nassau County, New York.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

And we have Ms. Locurto.

MS. LOCURTO: Yes. This is a contract
between the County and The Legal Aid Society.
Each county is required to provide legal services
for the indigent. We have contracted with The
Legal Aid Society to provide those services.
This contract was originally executed in 2013.
This is a renewal and/or extension of that
contract.

CHAIRWOMAN GONSALVES: Any questions or
comments for Ms. Locurto?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-57 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Next item is E-58, a resolution affirming to an amendment to a special counsel contract entered into by the Nassau County Attorney and Cecilia Ameranti-Byrne, Esq.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

Ms. Locurto.

MS. LOCURTO: This is a special counsel contract. It's an amendment to extend the term and increase the amount of funding. The special counsel is being retained to assist the county attorney's office in research and to assist us in implementation of legislation from New York State, also to review other state legislation's proposals or initiatives that the county may be seeking or that the state may be imposing on the County.

The original contract was executed in 2013. Again, this is a renewal that was within the scope of the services contemplated of the

original contract.

CHAIRWOMAN GONSALVES: Any questions or comments for Ms. Locurto? Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madam Presiding Officer. How are you, Ms. Locurto?

MS. LOCURTO: Very good. Thank you.

LEGISLATOR ABRAHAMS: Just a quick comment. This vendor has been on since 2013. When was that contract initiated? What month?

MS. LOCURTO: I have to go back and look. The original contract was executed July 2013.

LEGISLATOR ABRAHAMS: July of 2013. And who was the vendor, I guess, or the firm that was providing the service before that, before July? Was it the same company or same place or a different agency?

MS. LOCURTO: This particular special counsel we had used in the past for other special -- legal counsel work that we needed. But that was for different type of work than the one that's before you now and contemplated in the contract now.

2 LEGISLATOR ABRAHAMS: The work that's
3 before us now, who provided that service before
4 July 2013?

5 MS. LOCURTO: The county attorney's
6 office would provide counsel. However, there have
7 been significant changes in state law. One
8 example is the Super Storm Sandy. There was
9 state legislation that had to be addressed and
10 looked into. There had been state changes with
11 regard to LIPA properties and things of that
12 nature. There are initiatives that the county is
13 looking to institute at the state level as well,
14 and we're using that counsel to assist us in
15 exploring those options.

16 LEGISLATOR ABRAHAMS: So it was done
17 in-house but because the options and the roles
18 have expanded, you're looking to bring in outside
19 counsel.

20 MS. LOCURTO: Yes. This particular
21 counsel is assisting us in doing that.

22 LEGISLATOR ABRAHAMS: And the person
23 that was in-house, are they going to be providing
24 some expertise to the outside counsel?

25 MS. LOCURTO: They will be working with

2 --

3 LEGISLATOR ABRAHAMS: I'm assuming they
4 have extensive knowledge.

5 MS. LOCURTO: They would work in tandem
6 with each other. Yes.

7 LEGISLATOR ABRAHAMS: Okay. I have
8 nothing further.

9 CHAIRWOMAN GONSALVES: Any other
10 questions or comments?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 There being none; all those in favor of
15 Item E-58 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 The next item -- one nay. Where's the
21 nay?

22 LEGISLATOR ABRAHAMS: Carrie.

23 CHAIRWOMAN GONSALVES: Okay. So it's
24 six to one.

25 The next item is E-59, a resolution

2 affirming to a special counsel contract entered
3 into by the Nassau County Attorney and Freeman,
4 Nooter & Ginsberg.

5 Motion, please?

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator Kopel.

10 Ms. Locurto.

11 MS. LOCURTO: Thank you. This is a
12 personal services contract for special counsel
13 with the firm Freeman, Nooter & Ginsberg to
14 represent the County of Nassau, Nassau County
15 Police Department, and Nassau County District
16 Attorney in *The Matter of Kogert, Restivo &*
17 *Holstead*. Briefly summarizing, there was a
18 federal civil rights lawsuit filed by three
19 individuals who claimed that they had been
20 wrongfully prosecuted and convicted of a rape and
21 murder in the early 1980's. These individuals
22 filed their civil lawsuit after their criminal
23 conviction was overturned.

24 There was a trial in the Federal Eastern
25 District Court before the Honorable Joanna

1 Seibert. That trial took place from September
2 2012 through November 2012. A verdict by the
3 jury in favor of the County dismissing all the
4 claims for liability was reached in November of
5 2012. However, the three individuals appealed
6 and asked that the court set aside the verdict
7 and requested another civil trial. Judge Seibert
8 granted the application for a new trial for two
9 out of the three individuals.
10

11 The original civil trial was handled by
12 the firm of Louis & Fiore and Freeman, Nooter &
13 Ginsberg. However, due to the health condition
14 of Mr. Louis, he withdrew from continuing
15 representing the County and the law firm of
16 Freeman, Nooter & Ginsberg took over the entire
17 litigation.

18 When Judge Seibert granted the
19 application for retrial, the county attorney's
20 office determined that the original trial team
21 should be retained. Their expertise, their
22 expertise and knowledge and their ability to get
23 us a verdict in favor of the county made us
24 believe that they should be the ones to do the
25 trial again. And that's what's before you.

CHAIRWOMAN GONSALVES: Legislator
Jacobs.

LEGISLATOR JACOBS: I just want to ask
you one question.

MS. LOCURTO: Sure.

LEGISLATOR JACOBS: Have they been
successful in the past?

MS. LOCURTO: Yes. On November 29,
2012, all claims against the county were
dismissed. The county was not held to be liable
on any of the alleged violations of their civil
rights.

LEGISLATOR JACOBS: And let me ask you
this. We don't have any in-house counsel to do
this?

MS. LOCURTO: I think, Legislator, this
particular civil litigation in many ways is re-
litigating some of the criminal aspects. And as
the county attorney's office are civil attorneys,
our knowledge of criminal law, many aspects of
the criminal trial are coming out in the civil
trial. The expertise of these particular
attorneys which is in criminal law and in federal
law makes them extremely well qualified to

2 represent the county in this particular instance.

3 LEGISLATOR JACOBS: I'm not doubting
4 their qualifications. I'm just suggesting, and
5 this has been a pet peeve of mine for a very long
6 time, that I wonder if we've ever thought about
7 the possibility of beefing up our county
8 attorney's office so that we don't have to go to
9 outside counsel for close to a million dollars.
10 It's just -- we might be being -- I don't even
11 know if I would say pennywise. I don't know what
12 this is. It concerns me. There's got to be some
13 excellent lawyers out there that we can bring on
14 and pay them, you know, the way they should be
15 paid, but not something close to a million
16 dollars for outside counsel each time. Just a
17 thought.

18 MS. LOCURTO: I understand your
19 concerns. However, this is a trial that goes
20 back to the 1980's, it's over 30 years old.
21 There were two criminal prosecutions in the
22 matter. The scope and the depth of the trial and
23 the amount of expertise needed to try this kind
24 of case I think would require more than the
25 county attorney's office could handle.

2 LEGISLATOR JACOBS: But let me just ask
3 you this. And I'm not an attorney, so. But when
4 Freeman, Nooter & Ginsberg came on they had to
5 beef themselves up pretty quickly, correct? When
6 Louis went out and they came in.

7 MS. LOCURTO: I think it was always
8 anticipated with the scope and depth of this
9 trial. They were originally brought in. They
10 were in the original contract with Louis & Fiore.
11 So both law firms were retained in the original
12 trial. Just one of the law firms had to
13 withdraw.

14 LEGISLATOR JACOBS: So is it safe to say
15 that Louis -- hold on a minute -- that Freeman
16 was working along with Louis?

17 MS. LOCURTO: Yes.

18 LEGISLATOR JACOBS: Okay. Thank you.

19 CHAIRWOMAN GONSALVES: Legislator
20 Nicolello.

21 LEGISLATOR NICOLELLO: Yes. Ms.
22 Locurto, you said that this case has to be
23 retried, and the judge overturned a jury verdict
24 in favor of the county.

25 MS. LOCURTO: Correct.

LEGISLATOR NICOLELLO: Why did she do that? What was the basis?

MS. LOCURTO: The basis of her setting aside the jury verdict and giving a new trial was her determination that even though her legal instructions to the jury were correct, she did not believe that the jury appreciated the instructions, and therefore reached a wrong conclusion. And for that reason, she granted a retrial for two out of the three claimants.

LEGISLATOR NICOLELLO: That's mindboggling and I'm not even going to ask you any questions more about that because it is what it is.

On the plaintiff's side on this case, it's the Innocence Projects, correct?

MS. LOCURTO: Correct.

LEGISLATOR NICOLELLO: And that's Barry Schecht's law firm?

MS. LOCURTO: Yes.

LEGISLATOR NICOLELLO: And they bring in the top lawyers that they could possibly find from throughout the country?

MS. LOCURTO: They bring in the top

2 attorneys. They have resources of research and
3 assistance in attorneys dedicated. They can
4 employ up to 20, 30 attorneys just working on one
5 particular case, whereas for the limited
6 resources of the county and the volume of cases
7 we have to handle, we could not devote 20 to 30
8 attorneys on one matter.

9 LEGISLATOR NICOLELLO: In addition to
10 throwing that legal manpower/womanpower into it,
11 they also have the ability to hire experts from
12 everything from jury selection to the proper
13 clothes to wear and all the rest of that stuff,
14 right?

15 MS. LOCURTO: Absolutely. And many of
16 the questions that will be addressed was whether
17 or not that the evidence gathered was, like DNA
18 hair banding evidence has to go to the heart of
19 understanding how criminal evidence is collected
20 and entered at a trial. Those types of aspects
21 would be where the expertise of a criminal law
22 firm, such as Freeman, Nooter, Ginsberg really is
23 to the advantage of the county.

24 LEGISLATOR NICOLELLO: There are some
25 very talented attorneys in the county attorney's

2 office, very skilled attorneys. But throwing
3 them against this hire powered juggernaut would
4 just be, in my opinion, negligence on our part.
5 And if it was any of us that had the option to do
6 one or the other, none of us would choose in-
7 house; every one of us would choose the
8 specialized law firm to defend this.

9 Their demands, I'm gathering, are
10 probably in the tens of millions of dollars,
11 right?

12 MS. LOCURTO: Yes. The original lawsuit
13 was \$190 million. So there is substantial risk
14 to the county if any liability is found against
15 the county.

16 LEGISLATOR NICOLELLO: In addition to
17 that you have, if they prevail, we have to pay
18 for all of those high powered attorneys.

19 MS. LOCURTO: Correct. The attorney's
20 fees for the two plaintiffs would be included.

21 LEGISLATOR NICOLELLO: So when we're
22 looking at the monies we're paying to this law
23 firm, it has to be judged relative to the
24 exposure to the county.

25 MS. LOCURTO: Correct.

2 LEGISLATOR NICOLELLO: Thank you.

3 CHAIRWOMAN GONSALVES: Legislator
4 Solages.

5 LEGISLATOR SOLAGES: Thank you. Thank
6 you for being here.

7 So are you saying that the plaintiffs in
8 this case actually put 20 to 30 lawyers on this
9 case?

10 MS. LOCURTO: I'm saying that the
11 Innocence Projects as potentially at their
12 disposal and in the past --

13 LEGISLATOR SOLAGES: But did they use 20
14 to 30 lawyers on this case?

15 MS. LOCURTO: I'm only concerned with
16 defending the county and making sure we have
17 correct representation.

18 LEGISLATOR SOLAGES: Speaking of that,
19 the county attorney's office, do we employ or
20 hire former ADAs or prosecutors in the county
21 attorney's office who have an understanding of
22 criminal law?

23 MS. LOCURTO: We have hired people
24 who've had a former criminal background, yes.

25 LEGISLATOR SOLAGES: Isn't Mr. Littman a

2 former DA?

3 LOCANSOLO: Yes. He is a former DA.
4 However, that's not the exclusive reason why you
5 would select someone. You'd have to build, given
6 the scope and the depth, and I hope I've laid out
7 what this type of trial would entail, you need
8 more than just one ADA attorney against the power
9 and might of several attorneys on the plaintiffs'
10 side.

11 LEGISLATOR SOLAGES: But did the
12 Innocence Project in this case employ 20 to 30
13 lawyers on this case?

14 MS. LOCURTO: I can get you an exact
15 count of all the attorneys and resources.

16 The function of the Innocence Project is
17 many times voluntary. So how they come up with
18 who works on what aspects of the project, I
19 couldn't say, at any one time.

20 LEGISLATOR SOLAGES: Well, you mentioned
21 before that Louis Fiore and also the Freeman,
22 Nooter & Ginsberg case -- Ginsberg Law Firm
23 participated in this matter. Did they each have
24 a contract, or? How did that work out with both
25 of those firms? Did they each have a contract

2 for their work?

3 MS. LOCURTO: There was one contract
4 with Louis & Fiore and within that contract was
5 mentioned the fees and services of the Freeman,
6 Nooter, Ginsberg firm.

7 LEGISLATOR SOLAGES: So what role did
8 the Louis & Fiore firm contribute?

9 MS. LOCURTO: In the original trial,
10 they participated in the original trial. When
11 Mr. Louis had to drop out during the litigation
12 of the original trial, Freeman, Nooter, Ginsberg
13 took over and the trial, all the way through the
14 trial to the actual jury verdict.

15 LEGISLATOR SOLAGES: What did they
16 specifically do in the original trial, the Louis
17 & Fiore firm?

18 MS. LOCURTO: David Louis was the
19 attorney within the Louis & Fiore firm that
20 worked with Freeman, Nooter, Ginsberg in
21 identifying what legal strategies, what experts
22 would be selected, discussing the motions and
23 limiting what evidence would be used in the
24 trial.

25 LEGISLATOR SOLAGES: Nothing further.

2 Thank you.

3 CHAIRWOMAN GONSALVES: Any public
4 comment?

5 (No verbal response.)

6 There being none; all those in favor of
7 E-59 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 Four to three. It passes four to three.

12 Now I'm going to ask for a motion to
13 suspend the rules because I have one addendum
14 item.

15 LEGISLATOR KOPEL: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Kopel, seconded by Legislator
19 Nicolello.

20 All those in favor of suspending the
21 rules signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The rules are suspended.

And the item is E-60-14, a resolution authorizing the county executive to execute an amendment to a personal services agreement between the County of Nassau, acting on behalf of the Department of Public Works, and Tectonic Engineers & Surveying Consultants, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

Who do we have here?

MR. LITNER: Good afternoon everyone. Sam Littman from the County Attorney's Office. Thanks for the introduction, Legislator Solages. How are you?

This is an amendment to an existing contract with Tectonic Engineering. Tectonic was very involved in the transition from Long Island Bus to the system that we have today, the NICE bus system. They were originally retained for a flat fee to help with the RFP process in selection Veolia, and then went on to do additional work. And the amendment covers the

1 additional work. And we left a little bit open
2 in case there are more incidentals that need to
3 be done in the future.
4

5 Any questions?

6 CHAIRWOMAN GONSALVES: Mr. Solages.

7 LEGISLATOR SOLAGES: Thank you very much
8 for being here. I've been to many hearings in
9 your office regarding services with NICE, and
10 would love to talk to you in the future about
11 services for the N1 bus line in my community
12 which is an issue.

13 MR. LITNER: We talked about that at one
14 of the meetings, right, when you were there.

15 LEGISLATOR SOLAGES: Correct. That was
16 regarding the N6. But this is regarding the N1,
17 which is an issue as well.

18 MR. LITNER: We have a meeting coming up
19 March 27.

20 LEGISLATOR SOLAGES: Thank you.

21 MR. LITNER: I sent out e-mails.

22 LEGISLATOR SOLAGES: Thank you.

23 But as for this contract, to my
24 understanding the entire privatization process
25 has been completed. What other services,

2 additional services does this, you know, contract
3 contemplate?

4 MR. LITNER: I'm sorry, Legislator. I
5 don't mean to cut you off.

6 The amendment covers work that was done,
7 that needed to be done in 2012. There were
8 building inspections, site inspections,
9 operational startups, there were environmental
10 studies that needed to be done; all that was in
11 addition to the original flat fee of the 12-5,
12 which just covered Tectonic's work on the RFP
13 process.

14 If you remember, this happened very, very
15 quickly. We needed to get things done in a very
16 short period of time. I wasn't involved. I
17 became involved when I became counsel to the
18 transit committee, and that was later on in the
19 process.

20 There were certain people who were
21 involved in this at the beginning of the process
22 who had left the office. When I got involved I
23 saw what needed to be done in terms of doing an
24 amendment to pay some of the work that Tectonic
25 had done, and that's where we are today.

LEGISLATOR SOLAGES: So this is for work that has been already done?

MR. LITNER: For the most part yes. For 90 percent, 95 percent of it. I don't really see any work being done in the future. But, however, we wanted to keep that door open in case there is more consulting or engineering services that need to be done.

LEGISLATOR SOLAGES: I wish that we could have, you know, foresaw back then the need for these services when authorized the original contract. This goes to a similar concern that I have with the county attorney's office, in that they're asking for funding for work that's already been done by law firms that, you know, already have done this work.

MR. LITNER: This was a very unique situation in the timeframe that we had to deal with. And unfortunately certain things had to be done to comply with federal mandates and standards. And you're right; in a perfect world we would have been able to come here and ask the legislature for approval, but things had to be done very quickly. There were certain people who

1 were involved in this process who have left the
2 office. Not the county attorney's office, but
3 real estate services, who are no longer working
4 in real estate services.
5

6 LEGISLATOR SOLAGES: I just wished that
7 we would have asked for an emergency amendment
8 back then.

9 MR. LITNER: I don't think we even had
10 the time. And like I said, the people who were
11 involved had left the office and for whatever
12 reason chose not to take that path.

13 When I became involved in this process, I
14 want to say about a year ago that I became
15 familiar with Tectonic and the work that they had
16 done, and I saw that there were outstanding
17 invoices that needed to be paid. They did a good
18 job for us and they worked hard in the
19 transition, as you all know, and something you
20 guys can all be proud of, as well as the county
21 executive. The transition to NICE Bus has been
22 amazing. It saved the county a ton of money.
23 Tectonic played a major, major role in that, and
24 they would get paid for the work that they did.

25 You're absolutely right about the timing.

2 The timing could have been better and should have
3 been better but unfortunately it wasn't. When I
4 got involved I had to look over the old invoices,
5 go through the work that Tectonic did do to make
6 sure that they're being paid properly for the
7 work that they did do.

8 LEGISLATOR SOLAGES: With all due
9 respect, Long Island Jobs for Justice, Jobs for
10 Justice and several other groups that are
11 concerned about transportation issues have made
12 many constructive comments about the transition.
13 For example, they cited how many employers do not
14 like to hire people who use public transportation
15 because of the unreliable service. The customer
16 satisfaction rating has been, you know, low.

17 So the transition, I do commend you, in
18 terms of the transition that occurred. But,
19 still there are significant issues with
20 transportation.

21 MR. LITNER: There are issues. As you
22 know, we have quarterly meetings. The transit
23 committee meets with the public. NICE, on its
24 own, has several public meetings. In all due
25 respect, different issue.

2 We know that there are problems. And I
3 think NICE is aware that there are certain
4 problems with the system. Overall, in my
5 opinion, I think this bus system is a whole lot
6 better than the old system we were working under
7 and people of this county were using. However,
8 Tectonic and the work that they did with the
9 transition, we were able to have a transition
10 that worked smoothly, that didn't cut service,
11 that didn't raise fares, and enabled the people
12 of Nassau County to use the bus system in this
13 county in a probably better way than they did
14 under Long Island Bus. And the work that
15 Tectonic did, like I said, played a major role in
16 that smooth transition.

17 LEGISLATOR SOLAGES: Thank you.

18 CHAIRWOMAN GONSALVES: Any other
19 comments or questions?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 There being none; all those in favor of
24 E-60-14 signify by saying aye.

25 (Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. LITNER: Thank you.

CHAIRWOMAN GONSALVES: Thank you, Mr.

Litner.

The Rules Committee is now in recess.

(Whereupon, the Rules Committee recessed at 2:15 p.m.)

(Whereupon, the Rules Committee reconvened at 3:41 p.m.)

CHAIRWOMAN GONSALVES: We will do the consent items first, and that's beginning with Item 56. Remember these are all '14.

56, 66, 67, 69 -- these had gone through Finance -- 70, which also went through Public Works and Finance, 71, 72, 73, 74, 75, 76, 77, 78 through 81 went through Health as well as Finance -- I'll leave 73 and 74 out of the consent calendar so that Carrie Solages can -- we're back to 81, 82, 83, 84, 85, 86, 87, 89, and 90. I don't know if I mentioned 78, 89, and 80 and 81, all those had gone through Health so I'm repeating them again.

Any questions or any comments regarding those items?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor signify by -- I'm sorry.

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

No questions. No comment. No public comment.

All those in favor of the items as called signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

Now let's go back to two items, 73 and 74. Legislator Solages will now recuse himself.

LEGISLATOR SOLAGES: I will recuse myself. Thank you.

CHAIRWOMAN GONSALVES: 73 and 74 did go through Finance as well.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

Any questions regarding those two items?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of 73 and 74 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes -- six, with one recusal.

Legislator Solages you can join us again.

Now for those items that are only Rules only.

We will begin with Item 91, which is a resolution authorizing the county executive to execute an inter-municipal agreement with the Village of Sea Cliff in relation to the rehabilitation of Scutter's Pond.

2 Motion, please?

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR KOPEL: Second.

5 CHAIRWOMAN GONSALVES: Moved by Dunne,
6 seconded by Kopel.

7 Any questions or comments regarding this
8 item?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 There being none; all those in favor of
13 Item 91 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item passes unanimously.

18 92, a resolution authorizing the county
19 executive to execute an inter-municipal agreement
20 with the East Williston Fire Department in
21 relation to a project to rehabilitate a radio
22 room.

23 Motion, please?

24 LEGISLATOR NICOLELLO: So moved.

25 LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Nicoletto, seconded by Legislator
Kopel.

Any questions or comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 92 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 93, a resolution authorizing the
county executive to executive an inter-municipal
agreement with the Floral Park Centre Fire
Company, Inc. in relation to a project to
purchase rescue extrication equipment.

Motion, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Nicoletto, seconded by Legislator
Kopel.

1 Any questions?

2 (No verbal response.)

3 Any comments regarding that item?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 There being none; all those in favor of
8 Item 93 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Okay.

13 Item 94, a resolution to confirm the
14 county executive's appointment of Brian Schneider
15 to the Long Island Commission on Aquifer
16 Protection.

17 Motion, please?

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

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

22 Any questions?

23 (No verbal response.)

24 Any comments?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 There being none; all those in favor of
6 Item 94 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item passes unanimously.

11 Item 96, a resolution to appoint
12 Christopher J. Ostuni as a member of the Long
13 Island Commission on Aquifer Protection

14 Motion, please?

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Nicolello.

20 Any questions?

21 (No verbal response.)

22 Any comments?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

There being none; all those in favor of
Item 96 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

97, a local law to amend the
Miscellaneous Laws of Nassau County in relation
to the Nassau County Tobacco Settlement
Corporation.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOELLO: Second.

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

Any questions or comments regarding that
item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 97 signify by saying aye.

(Aye.)

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Any opposed?

(No verbal response.)

Okay. The item passes unanimously.

And that's the end of the Rules.

LEGISLATOR DUNNE: Move to adjourn.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Motion to adjourn
by Legislator Dunne, seconded by Legislator
Kopel.

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The meeting is adjourned.

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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 _____ day of _____, 2014.

FRANK GRAY