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NORMA GONSALVES,  
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue  
Mineola, New York

Monday, February 4, 2014  
1:30 P.M

REGAL REPORTING SERVICE  
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A P P E A R A N C E S :

NORMA GONSALVES,  
Chairwoman

HOWARD KOPEL, (substituted by  
Vice Chairman Richard Nicoletto)

DENNIS DUNNE (substituted by  
Vincent Muscarella)

ROSE MARIE WALKER

KEVAN ABRAHAMS,  
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III  
Clerk of the Legislature

GREGORY MAY,  
Director of Legislative Affairs

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71-13, 69-13)

1 Rules Committee/2-4-13

2 CHAIRWOMAN GONSALVES: Please  
3 stand and, Deputy Presiding Officer, would  
4 you please lead us in the Pledge?

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

7 CHAIRWOMAN GONSALVES: Mr.  
8 Muller, would you please call the roll?

9 CLERK MULLER: Legislator Wink?  
10 (No verbal response.)

11 CLERK MULLER: Legislator Jacobs?  
12 (No verbal response.)

13 CLERK MULLER: Ranking Member  
14 Legislator Abrahams?  
15 (No verbal response.)

16 CLERK MULLER: Legislator Walker?

17 LEGISLATOR WALKER: Here.

18 CLERK MULLER: Legislator  
19 Muscarella substituting for Legislator  
20 Dunne?

21 LEGISLATOR MUSCARELLA: Here.

22 CLERK MULLER: Legislator  
23 Nicoletto substituting for Vice Chairman  
24 Kopel?

25 LEGISLATOR NICOLELLO: Here.

1 Rules Committee/2-4-13

2 CLERK MULLER: Chairwoman

3 Gonsalves?

4 CHAIRWOMAN GONSALVES: Present.

5 CLERK MULLER: We have a quorum.

6 Legislator Abrahams is here.

7 LEGISLATOR ABRAHAMS: Thank you.

8 CHAIRWOMAN GONSALVES: At this  
9 point in time, I believe there are two  
10 veterans who wish to speak to this body.  
11 Please do so and come to the mike.

12 CLERK MULLER: And Legislator  
13 Wink and Legislator Jacobs are here.

14 MR. NEILSON: Madam Chairwoman,  
15 thank you for the opportunity to address the  
16 committee.

17 Legislators, ladies and  
18 gentleman, citizens of Nassau County. My  
19 name is Fred Neilson and I'm a retired  
20 marine officer. As so often happens, once  
21 you served, as you folks served, you can't  
22 stop. You got to keep doing it because it's  
23 the right thing. So it is that Willaby  
24 Wilson and myself continue to serve the  
25 community as members of the American Legion.

1 Rules Committee/2-4-13

2 I'm here today to address  
3 something that legionaires wish to do  
4 because it's our principle that we will  
5 always take care of our veterans, especially  
6 disabled veterans. The way, however, in  
7 which we choose to do this right now, the  
8 legion, the DAV and VFW are not permitted to  
9 do by their charter, and that is to help  
10 veterans to start businesses.

11 So we have one stepped one step  
12 to the left of our organizations. DAV  
13 members, VFW, and American Legion members  
14 have formed the American Veteran Co-op  
15 Foundation, and 501C3, the purpose of which  
16 is, to serve as a business incubator for  
17 veterans returning to present to them  
18 opportunities for business empowerment,  
19 economic success that they have served and  
20 fought for.

21 Madam Chairwoman, I'm respecting  
22 the process as I'm beginning to learn it,  
23 but I need to address the Rules Committee  
24 first. In the future, I would hope to have  
25 time with, of course, the Veterans and

1 Rules Committee/2-4-13  
2 Senior Citizens Committee, the Economic and  
3 Community Development and Labor Committee,  
4 as well as the Health and Social Services  
5 Committee.

6 It's a pleasure to address you  
7 today and out of respect for time, I hope to  
8 continue in the future. Those are my  
9 remarks for me today.

10 CHAIRWOMAN GONSALVES: Thank you  
11 very much. As is the custom of the Rules  
12 Committee, we will go through the contracts  
13 and then recess after the contracts.

14 I'm going to begin with Item  
15 A-01-13 and contract with DPW Hertz  
16 Equipment Rental Corporation. Motion,  
17 please.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by  
21 Legislator Walker, seconded by Legislator  
22 Nicolello.

23 MR. MAY: Good afternoon, we have  
24 Mr. Rich Millet who is here to answer  
25 questions on this item.



1 Rules Committee/2-4-13

2 MR. MILLET: Good afternoon.

3 Rich Millet. Nassau County Public Works.

4 This is a contract with Hertz  
5 from during the weather event where we had  
6 to supply lights to multiple municipalities  
7 and we needed to rent them after the  
8 required Sandy time for FEMA to pay for  
9 them.

10 CHAIRWOMAN GONSALVES: Any  
11 legislators have any questions of Mr.  
12 Millet?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in  
17 favor of contract A-01 signify by saying  
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any abstentions?

23 (No verbal response.)

24 The item passes unanimously.

25 The next contract is Item

1 Rules Committee/2-4-13  
2 A-02-13, a contract with IT and Mideo  
3 Systems, Inc. Motion, please.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Motion by  
7 Legislator Walker, seconded by Legislator  
8 Nicoletto. Who is here to speak on this?

9 MR. MAY: We have Ms. Karen  
10 Dooling from the Medical Examiner's Office  
11 to answer questions on this item.

12 MS. DOOLING: Good afternoon.  
13 This project is to fund the purchase of  
14 Mideo systems. Mideo Systems is a digital  
15 imaging system that we currently use for the  
16 discipline of DNA analysis for our case  
17 work. It's to take digital images,  
18 photographs, be able to annotate them, and  
19 it combines with our current laboratory  
20 information management system.

21 So this will be for, in addition  
22 to DNA, for latent print and also for  
23 firearms.

24 CHAIRWOMAN GONSALVES: Any  
25 legislators have any questions?

1 Rules Committee/2-4-13

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

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

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Any abstentions?

12 (No verbal response.)

13 The motion carries unanimously.

14 A-05, the item I believe we need to do an  
15 amendment in the nature of a substitution.  
16 May I have a motion, please?

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRWOMAN GONSALVES: Moved by  
20 Legislator Walker, seconded by Legislator  
21 Muscarella. Any comments regarding this  
22 item?

23 LEGISLATOR WINK: On the  
24 amendment?

25 CHAIRWOMAN GONSALVES: Yes, on

1 Rules Committee/2-4-13

2 the amendment.

3 LEGISLATOR WINK: Who is here to  
4 speak about this?

5 MR. MAY: Mr. Rich Millet.

6 LEGISLATOR WINK: Mr. Millet, how  
7 are you?

8 MR. MILLET: How are you?

9 LEGISLATOR WINK: Let's see,  
10 until a few minutes ago, it was Ciardulo,  
11 Landscape and Design?

12 MR. MILLET: Correct.

13 LEGISLATOR WINK: Now we are  
14 being asked to substitute Laser Industries?

15 MR. SCHLERNOFF: Mike Schlernoff,  
16 director of purchasing. We made the award  
17 to the lowest responsible bidder. There  
18 were some concerns about Local Law 2-2002 as  
19 to the apprenticeship program. We thought  
20 that this was not covered by the  
21 apprenticeship program.

22 The state this morning told us  
23 that these positions and this job would be  
24 covered by the apprenticeship program, so we  
25 had to award it the fourth lowest bidder who

1 Rules Committee/2-4-13  
2 is Laser Industries. The three other  
3 bidders did not have an approved state  
4 apprenticeship programs.

5 LEGISLATOR WINK: How many bids  
6 were there total on this contract?

7 MR. SCHLERNOFF: I believe there  
8 were nine altogether. And Laser is the  
9 fourth lowest bidder.

10 LEGISLATOR WINK: How many of the  
11 remaining bidders below have an  
12 apprenticeship program?

13 MR. SCHLERNOFF: We did not  
14 check. We just went to the next lowest  
15 bidder.

16 LEGISLATOR WINK: All right. Is  
17 it conceivable that Laser is the only one  
18 with an apprenticeship program?

19 MR. SCHLERNOFF: I'm sorry. I  
20 didn't hear you.

21 LEGISLATOR WINK: Is it  
22 conceivable that Laser is the only one with  
23 an apprenticeship program?

24 MR. SCHLERNOFF: It could be,  
25 though I can't really answer that.

1 Rules Committee/2-4-13

2 LEGISLATOR WINK: I guess my  
3 question is, is it advisable to perhaps  
4 rebid this making clear to the potential  
5 bidders that an apprenticeship program is a  
6 requirement here and would that elicit a  
7 better response?

8 MR. SCHLERNOFF: Well, you got  
9 nine bidders.

10 LEGISLATOR WINK: Okay. All  
11 right.

12 MR. SCHLERNOFF: I don't know  
13 whether you're going to get a better  
14 response. The question is one of time. And  
15 the spec included that an approved  
16 apprenticeship program was required.

17 LEGISLATOR WINK: Okay. So the  
18 spec required it and yet we processed nine  
19 bidders --

20 MR. SCHLERNOFF: Well, there was  
21 a question as to whether the positions that  
22 would do the work were covered by the list  
23 of approved positions within the  
24 apprenticeship program. It was my feeling  
25 that they were not --based on my knowledge

1 Rules Committee/2-4-13  
2 of what is required to do tree grinding,  
3 stump grinding. We received information,  
4 from one adjudication from the state said it  
5 was not. The one I received this morning  
6 from a higher authority within the state  
7 says it was which is why he changed it.

8 LEGISLATOR WINK: Okay. But now  
9 I'm a little confused because you said the  
10 RFP required an apprenticeship program.

11 MR. SCHLERNOFF: The CO bid  
12 required an apprenticeship program.

13 LEGISLATOR WINK: Even though you  
14 thought it might not require it.

15 MR. SCHLERNOFF: But we wanted to  
16 go to the lowest bidder. We felt it would  
17 save the county money. However, it was felt  
18 by the state that it was mandated that we  
19 have an apprenticeship program so that's why  
20 we changed the recommendation.

21 LEGISLATOR WINK: Is this a  
22 contract that's potentially reimbursable by  
23 FEMA?

24 MR. SCHLERNOFF: Yes.

25 LEGISLATOR WINK: And

1 Rules Committee/2-4-13

2 reimbursable by the state?

3 MR. SCHLERNOFF: That's one of  
4 the reasons why we went this way was because  
5 it was a requirement of FEMA.

6 LEGISLATOR WINK: Okay. Just  
7 because I had heard that the stump grinding  
8 was not considered FEMA reimbursable and  
9 that's why it wasn't down when the removals  
10 took place; is that wrong, Mr. Millet?

11 MR. MILLET: Stump grinding as a  
12 line item is not repayable. You get paid  
13 for the vegetation, the leftover debris.  
14 That's how they get paid in the grinding by  
15 cubic yard. So there is money in grinding  
16 but it's not the actual job of the grinding.

17 LEGISLATOR WINK: So it's the  
18 biproduct of the grinding --

19 MR. MILLET: Correct. And then  
20 the removal works per price

21 LEGISLATOR WINK: So they get  
22 paid by volume?

23 MR. MILLET: Cubic yards.

24 LEGISLATOR WINK: But they don't  
25 get paid for the actual grinding itself?



1 Rules Committee/2-4-13

2 MR. MILLET: No, sir.

3 LEGISLATOR WINK: Whereas, with  
4 the trees, they get paid a certain amount  
5 per tree, for the action of it?

6 MR. MILLET: Right.

7 LEGISLATOR WINK: And then they  
8 only get charged for the disposition of  
9 those trees based on weight?

10 MR. MILLET: Correct. It's by  
11 cubic yard, it's not by weight.

12 LEGISLATOR WINK: By cubic yard.

13 MR. MILLET: Right.

14 LEGISLATOR WINK: But at the same  
15 time they get paid the same amount whether  
16 it's 100 year old Oak or ten year sapling?

17 MR. MILLET: One unit price.

18 LEGISLATOR WINK: Just trying to  
19 make that clear. I'm obviously a little  
20 concerned that -- it sounds like all the  
21 contract bidders were cognizant of the fact  
22 that it was supposed to be an apprenticeship  
23 program.

24 MR. MILLET: It was in the bid.

25 LEGISLATOR WINK: Even though we

1 Rules Committee/2-4-13  
2 were analyzing the without need for --

3 MR. MILLET: No. I felt it would  
4 save the county money if we awarded to the  
5 lowest bidder and when we went to the New  
6 York State Department of Labor we asked them  
7 would this area be covered and the Garden  
8 City office said no, it would not be covered  
9 by the apprenticeship program.

10 So I understand that one of the  
11 unions on Long Island went to the regional  
12 office out in Suffolk County and they called  
13 me and said no, these positions are covered  
14 under the apprenticeship program.

15 LEGISLATOR WINK: And they called  
16 you today with that information?

17 MR. MILLET: They sent me an  
18 e-mail actually.

19 LEGISLATOR WINK: Today?

20 MR. MILLET: Yes. It's in the  
21 packet.

22 LEGISLATOR WINK: I apologize. I  
23 just got handed this package.

24 MR. MILLET: I understand what  
25 you're saying.

1 Rules Committee/2-4-13

2 LEGISLATOR WINK: Okay.

3 Understood. Can you give me an idea of what  
4 the difference in price between the original  
5 Ciardulo and Laser, what the difference in  
6 price is?

7 MR. MILLET: I thought I had it  
8 here but I don't. If you want me to go get  
9 it, I can, and bring it back.

10 LEGISLATOR WINK: Only because we  
11 are being asked to approve a contract here  
12 today that if we don't know what the amount  
13 of the final contract is going to be, then  
14 obviously -- although what we're getting for  
15 a set amount of money, I mean, I see  
16 something about -- I know it's a blanket  
17 order so it's a requirements contract; is  
18 that correct?

19 MR. MILLET: The only reason that  
20 that was put in that way was we didn't know  
21 exactly how many stumps were going to be --  
22 we estimated and that's why we put in an  
23 amount of a million dollars.

24 LEGISLATOR WINK: Okay. So a  
25 million dollars is the cap?

1 Rules Committee/2-4-13

2 MR. MILLET: I don't know whether  
3 a million dollars is the cap. It's just an  
4 estimate.

5 MR. SCHLERNOFF: Legislator Wink,  
6 there will be significantly less stump work  
7 to do because we've been out with FEMA and  
8 they are assessing and we are agreeing on  
9 what stumps qualify so that the number is  
10 bigger than the actual job we're end up  
11 doing.

12 LEGISLATOR WINK: So some stumps  
13 don't qualify for FEMA reimbursement?

14 MR. SCHLERNOFF: Correct.

15 LEGISLATOR WINK: Are we not  
16 doing them then as a result of FEMA's --

17 LEGISLATOR WINK: No. We are not  
18 doing them. They are flush cut to the  
19 ground and that's to the satisfaction of  
20 FEMA.

21 LEGISLATOR WINK: So then those  
22 stumps are going to remain in perpetuity, I  
23 guess?

24 MR. SCHLERNOFF: Correct.

25 LEGISLATOR WINK: Because we're

1 Rules Committee/2-4-13

2 not planning on taking them out?

3 MR. SCHLERNOFF: No.

4 MR. MILLET: And we are all  
5 concerned because, you know, a million  
6 dollars under one contract may go a lot  
7 further than a million dollars under another  
8 contract and that's why I'm just trying to  
9 get an understanding of what the difference  
10 in price is per unit.

11 MR. MILLET: Do you want me to go  
12 and get --

13 LEGISLATOR WINK: If you could.  
14 I think it would behoove all of us on this  
15 committee to know -- we were contracting for  
16 X number of stumps. Now we're going to  
17 contract X minus how ever many.

18 MR. MILLET: I will be right  
19 back.

20 LEGISLATOR WINK: I appreciate  
21 that.

22 CHAIRWOMAN GONSALVES: I'm going  
23 to ask for a motion to table this item until  
24 the gentleman comes back.

25 LEGISLATOR WINK: I'll offer that

1 Rules Committee/2-4-13

2 motion.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRWOMAN GONSALVES: Moved by  
5 Legislator Wink, seconded by Legislator  
6 Muscarella. All those in favor of tabling  
7 the item signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item passes to table.

12 CHAIRWOMAN GONSALVES: The next  
13 item is Item B-27-12, a contract with DPW  
14 and Advanced Construction Concepts.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRWOMAN GONSALVES: Moved by  
18 Legislator Walker, seconded by Legislator  
19 Muscarella. Now there are two other items  
20 that are related to this item that would  
21 need to be untabled. That would be Items  
22 E-136 and E-181 of 2012. A motion to  
23 untable 136 and 181.

24 LEGISLATOR MUSCARELLA: So moved.

25 LEGISLATOR NICOLELLO: Second.

1 Rules Committee/2-4-13

2 CHAIRWOMAN GONSALVES: Moved by  
3 Legislator Muscarella, seconded by  
4 Legislator Deputy Presiding Officer  
5 Nicoletto. All those in favor of untabling  
6 those two items signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The two items are untabled. Now  
11 we have B-27-12 and Items E-136 and E-181.  
12 Who is here to speak on these items?

13 MR. MAY: Mr. Brian Schneider  
14 from DPW.

15 CHAIRWOMAN GONSALVES: Welcome,  
16 Mr. Schneider.

17 MR. SCHNEIDER: Good afternoon.  
18 Item B-27-12 is a general construction  
19 contract to provide all the necessary labor  
20 and materials to construct improvements at  
21 the Hempstead Plains Interpretive Center  
22 which is going to be located on the grounds  
23 of Nassau Community College. The low bidder  
24 was Advanced Construction Concepts in the  
25 amount of \$680,465.

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2 The project entails construction  
3 of an education welcome center to be located  
4 on the Hempstead Plains on the grounds of  
5 Nassau Community College. The building will  
6 be fabricated from used shipping cargo  
7 containers powered by solar panels. The  
8 building will also contain a solar powered  
9 bio-toilet class, classroom areas that  
10 contain a grass roof.

11 Any questions on that item?

12 CHAIRWOMAN GONSALVES: Legislator  
13 Jacobs.

14 LEGISLATOR JACOBS: Yes. I guess  
15 maybe one of my first questions would be  
16 have to be that we only received two bids;  
17 am I correct?

18 MR. SCHNEIDER: Correct.

19 LEGISLATOR JACOBS: And the other  
20 bid was much higher, quite a bit higher. Is  
21 it possible that the current bidder bid too  
22 low considering these steel prices?

23 MR. SCHNEIDER: No. We've had  
24 several meetings with the low bidder,  
25 Advanced Construction Concepts. We are



1 Rules Committee/2-4-13  
2 familiar with them even though they haven't  
3 done work specifically for the county. We  
4 did meet with them with our design  
5 consultant, RGR Landscaping. We were very  
6 comfortable in their ability to build the  
7 project as designed. We were a little  
8 concerned that there were so few bidders but  
9 we had a lot of interest during the bidding  
10 phase when the job was out on the street.

11 There seemed to be a lot of  
12 concern about the fabrication and how these  
13 shipping cargo containers are connected  
14 together and modified to create this  
15 classroom facility.

16 This type of technology is used  
17 throughout Europe for housing and it's  
18 becoming more and more prevalent in this  
19 country as building materials become more  
20 expensive. These are readily available  
21 shipping containers that will cut down on  
22 the amount of building materials that are  
23 necessary. These items are readily  
24 available. They're sitting dormant and  
25 actually become part of the waste stream if

1 Rules Committee/2-4-13

2 they are not re-used.

3 So our design engineer utilized  
4 this design and we were very comfortable  
5 moving forward with the steel prices that we  
6 got from Advanced Construction Concepts.

7 LEGISLATOR JACOBS: Brian, the  
8 only reason I'm asking is this. It actually  
9 appears that it's 62 percent higher than the  
10 engineer's estimate of \$418,000.

11 MR. SCHNEIDER: Correct.

12 LEGISLATOR JACOBS: So in the  
13 uncertainty in steel prices is what's  
14 creating my questioning, like, where does it  
15 go?

16 MR. SCHNEIDER: Well, the prices  
17 that Advanced Construction Concepts bids on  
18 their steel prices, for example, once this  
19 job is awarded, that's set. If the steel  
20 becomes more expensive for them to buy, they  
21 still have to pay, or we still have to pay  
22 them exactly what they bid in the contract.

23 So we don't care how much the  
24 steel prices are going forward. His number  
25 is his number.

1 Rules Committee/2-4-13

2 LEGISLATOR JACOBS: So then that  
3 answers my question. So, in other words,  
4 our cost is set by the passage of this?

5 MR. SCHNEIDER: Correct.

6 LEGISLATOR JACOBS: So they  
7 absorb any increase in steel price?

8 MR. SCHNEIDER: Yes. And waiting  
9 and perhaps rebidding this again, that could  
10 be continued uncertainties and now the steel  
11 price that we got in this contract could be  
12 a magnitude higher the next time. So when  
13 we did our review and had our consultant do  
14 the review, we understood the uncertainties  
15 with steel prices and we were comfortable in  
16 moving forward with this particular  
17 contract.

18 Keeping in mind that when the  
19 engineer's estimate was originally prepared,  
20 there was some considerable time that had  
21 elapsed because there were some other design  
22 issues that needed to be taken care of. So  
23 their original estimate there was probably  
24 about six to eight months when they got  
25 their original steel prices and it just

1                   Rules Committee/2-4-13  
2       shows the fluctuation in steel prices moving  
3       forward. So that's why we're pretty  
4       confident that this number is good and,  
5       again, if we go out to bid again, we're not  
6       really sure what the steel prices would be.

7                   LEGISLATOR JACOBS: Well, thank  
8       you for your answers. I appreciate them.

9                   CHAIRWOMAN GONSALVES: Any other  
10      legislators have any questions regarding  
11      this item, B-27?

12                   (No verbal response.)

13                   CHAIRWOMAN GONSALVES: Would you  
14      care to elaborate on Item E-136?

15                   MR. SCHNEIDER: Sure. Item E-136  
16      is related to B-27. This is the approval of  
17      a personal services agreement with Mark  
18      Design Studios to provide construction  
19      management and construction inspection  
20      services for the construction and  
21      post-construction phases of work at this  
22      facility, the Hempstead Plains Interpretive  
23      Center on the grounds of Nassau Community  
24      College.

25                   Funding for these services will

1 Rules Committee/2-4-13  
2 be provided by capital project 9200 which is  
3 the 2006 Environmental Bond Act in the  
4 amount of \$281,528.

5 CHAIRWOMAN GONSALVES: Deputy  
6 Presiding Officer Nicoletto.

7 LEGISLATOR NICOLELLO: Brian, the  
8 contract we were just considering was  
9 \$680,465 and the construction management is  
10 281,528.

11 MR. SCHNEIDER: That's correct.

12 LEGISLATOR NICOLELLO: Doesn't  
13 that seem a little high? It's almost 50  
14 percent of the actual labor.

15 MR. SCHNEIDER: Well, that number  
16 includes the time for them to do the  
17 construction and post-construction work.  
18 That's the not-to-exceed number. That  
19 number could be considerably lower depending  
20 upon how quickly the construction contract  
21 gets completed. So that number is not an  
22 arbitrary number, obviously. They bid a  
23 number based on the length of the  
24 construction contract and we put a small  
25 contingency in there in case the window of

1                   Rules Committee/2-4-13  
2       construction exceeds a certain time.    So  
3       that number we don't think it's going to go  
4       anywhere near that actually, so we will just  
5       disencumber the balance when the  
6       construction is done.

7                   LEGISLATOR NICOLELLO:    Not  
8       knowing the industry, it just seem like  
9       that, the construction management number  
10      should be much less than the contractor is  
11      actually doing the labor and the work.

12                  MR. SCHNEIDER:    Well, this  
13      project also is a sites project.    There is a  
14      lot of environmental and construction  
15      related things that need to get done to  
16      protect the environment.    It's a very  
17      sensitive area.    Obviously anyone who knows  
18      about the Hempstead Plains, so there is a  
19      lot of leg work that they need to do prior  
20      to the job to educate the contractor on how  
21      he needs to protect the site.    So there is a  
22      considerable amount of lead time and lead  
23      work that needs to get done in order to get  
24      the job done and still protect the property.

25                  LEGISLATOR NICOLELLO:    Thank you.

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2 CHAIRWOMAN GONSALVES: Any other  
3 questions regarding E-136?

4 (No verbal response.)

5 CHAIRWOMAN GONSALVES: E-181, Mr.  
6 Schneider.

7 MR. SCHNEIDER: E-181 is a  
8 contract, actually an amendment to a  
9 contract with RGR Landscape who is the  
10 design engineer for this particular job at  
11 the Hempstead Plains. This item is adding  
12 \$40,000 to their contract.

13 Basically during the project, we  
14 had designed this bio-toilet which is a  
15 device that basically is not connected to  
16 the sanitary sewer. It's a very  
17 environmentally friendly way, obviously we  
18 need rest room facilities at this location  
19 and keeping in the green technology slant of  
20 the entire facility, this bio-toilet was  
21 designed.

22 However, when we met with the  
23 health department, they had required some  
24 on-site septic systems be installed which  
25 was outside the original scope the work. So

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2 RGR needed to meet with the health  
3 department numerous times to go through all  
4 these additional requirements and this fee  
5 will cover that additional design work and  
6 design cost.

7 CHAIRWOMAN GONSALVES: Any  
8 questions of Mr. Schneider on this item?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in  
13 favor of B-27, E-136 and E-181, signify by  
14 saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Any abstentions?

19 (No verbal response.)

20 The items pass unanimously.

21 MR. SCHNEIDER: Thank you.

22 CHAIRWOMAN GONSALVES: The next  
23 item is B-01-13, a contract with DPW and  
24 Welsbach Electric Corporation of Long  
25 Island. Motion, please.



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2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRWOMAN GONSALVES: Motion by  
5 Legislator Walker, seconded by Legislator  
6 Muscarella. Who is here to speak on this?

7 MR. MAY: We have Mr. Ken Arnold  
8 from DPW to answer questions on this item.

9 MR. ARNOLD: Good afternoon.  
10 This contract is for Welsbach Construction  
11 to manage and operate the traffic management  
12 center and provide maintenance to that  
13 facility.

14 CHAIRWOMAN GONSALVES: Amy  
15 questions of Mr. Arnold regarding this item?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

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

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Any abstentions?

25 (No verbal response.)

1 Rules Committee/2-4-13

2 The item passes unanimously. The  
3 next contract is B-02-13 with DPW and Elder  
4 Contracting Corporation. Motion, please.

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Motion by  
8 Legislator Walker, seconded by Legislator  
9 Muscarella. Mr. Arnold again.

10 MR. ARNOLD: This is an amendment  
11 to the Eldor contract to provide emergency  
12 services at the Bay Park facility.

13 This amendment corrects some  
14 typographical errors that were in the  
15 contract to allow it to be FEMA compliant  
16 and meet the requirement of the other three  
17 contracts that were passed.

18 CHAIRWOMAN GONSALVES: Any  
19 questions of Mr. Arnold regarding this item  
20 from any legislators?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

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

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2 (Aye.)

3 Any opposed.

4 (No verbal response.)

5 Any abstentions.

6 (No verbal response.)

7 The item passes unanimously. The  
8 next item is Contract B-03-13 between DPW  
9 and Banker Construction Corporation Limited.  
10 Motion, please.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRWOMAN GONSALVES: Motion by  
14 Legislator Walker, seconded by Legislator  
15 Muscarella. Go ahead, Mr. Arnold.

16 MR. ARNOLD: This is a contract  
17 amendment to the Banger contract that deals  
18 with water main emergency repairs and  
19 hydrant repairs. This amendment was  
20 required because the contract went over its  
21 cap in responding to two water main breaks  
22 that occurred last year.

23 In order to get them paid, we  
24 have to do the amendment because the cap was  
25 put over by \$30,000.

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2 CHAIRWOMAN GONSALVES: Any  
3 questions from any of the legislators?  
4 Legislator Jacobs.

5 LEGISLATOR JACOBS: Ken, I was  
6 just wondering, this particular, what this  
7 is about, did this have to do with Sandy  
8 also?

9 MR. ARNOLD: No, it did not.

10 LEGISLATOR JACOBS: It didn't.  
11 No relation. Thank you.

12 CHAIRWOMAN GONSALVES: Any other  
13 questions from any of the legislators?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

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

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any abstentions?

23 (No verbal response.)

24 The item passes unanimously.

25 The next item is Item B-04-13, a

1 Rules Committee/2-4-13  
2 contract between DPW and Laser Industries,  
3 Inc. Motion, please.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Motion by  
7 Legislator Walker, seconded by Legislator  
8 Nicoletto. Mr. Arnold.

9 MR. ARNOLD: This is a contract  
10 amendment to Laser's contract associated  
11 with site and park work. This is twofold.  
12 This is one to extend the contract for the  
13 last year which requires an amendment by  
14 this body. In addition, it puts funding in  
15 not only for the work of the last year of  
16 the contract but also if any work needs to  
17 be done as part of the Sandy recovery  
18 effort.

19 CHAIRWOMAN GONSALVES: Any  
20 questions from any of the legislators?  
21 Legislator Wink.

22 LEGISLATOR WINK: Ken, how much  
23 have they been given under the initial term  
24 of the contract?

25 MR. ARNOLD: The current contract

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2 is worth \$9.2 million.

3 LEGISLATOR WINK: That's been  
4 depleted, the 9.2?

5 MR. ARNOLD: I'm not sure it's  
6 been totally depleted, but there is probably  
7 work outstanding against the majority of  
8 that money.

9 LEGISLATOR WINK: So this is an  
10 extension not only for money but for time  
11 also?

12 MR. ARNOLD: Well, the original  
13 contract is for three years, and the way the  
14 contract is set up, each year extension  
15 requires an amendment to this body, so  
16 that's why this is coming back for the  
17 third, the last of our required one year  
18 extensions.

19 LEGISLATOR WINK: What's some of  
20 the work that they've done in the last year  
21 or so?

22 MR. ARNOLD: They've done work on  
23 West John Street. They have done various  
24 catch basin repairs throughout the county  
25 where we've had lost the grates. I don't

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2 deal with the day-to-day. I will ask Deputy  
3 Commissioner Millet to expand on that.

4 MR. MILLET: They install the  
5 veterans -- the bathroom by the veteran's  
6 memorial at Eisenhower, Merrick Road curb  
7 and sidewalk job. They did three sides of  
8 Eisenhower Park in fencing. So those are  
9 the jobs that they run through, small road  
10 jobs.

11 LEGISLATOR WINK: So this isn't  
12 an emergency type of repair?

13 MR. ARNOLD: No.

14 LEGISLATOR WINK: This is just an  
15 on-call contract?

16 MR. ARNOLD: Yes. It's a civil  
17 site on-call contract.

18 LEGISLATOR WINK: Thank you.

19 CHAIRWOMAN GONSALVES: Any other  
20 questions of Mr. Arnold?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor of this item  
25 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Any abstentions?

6 (No verbal response.)

7 The item passes unanimously.

8 We are now I believe at contract  
9 B-05-13 between DPW and RJ Industries, Inc.  
10 Motion, please.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Motion by  
14 Legislator Walker, seconded by Legislator  
15 Nicolello. Mr. Arnold.

16 MR. ARNOLD: This is an amendment  
17 to the RJ contract for the work at Bay Park.  
18 It's to correct a typographical error that  
19 clarifies some payment terms so it would  
20 allow the comptroller to pay certain bills.  
21 There was some discrepancy in how the  
22 wording was in the contract. So this  
23 clarifies that situation.

24 CHAIRWOMAN GONSALVES: Any  
25 questions from any of the legislators of Mr.



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2 Arnold on this item?

3 (No verbal response.)

4 There being none, is there any  
5 public comment?

6 (No verbal response.)

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

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Any abstentions?

13 (No verbal response.)

14 The item passes unanimously.

15 Next is Contract B-06-13 between  
16 DPW and Posillico Civil, Inc. Motion,  
17 please.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRWOMAN GONSALVES: Motion by  
21 Legislator Walker, seconded by Legislator  
22 Muscarella. Mr. Arnold.

23 MR. ARNOLD: Again, this is a  
24 similar situation for Posillico at Bay Park.  
25 It clarifies the same language in their

1 Rules Committee/2-4-13

2 agreement as the RJ.

3 CHAIRWOMAN GONSALVES: Any  
4 questions regarding this item? Legislator  
5 Wink.

6 LEGISLATOR WINK: Was this  
7 contract anticipated as part of the \$192  
8 million that's been authorized in the --

9 MR. ARNOLD: This contract is  
10 being totally funded right now through the  
11 supplemental appropriation from FEMA which  
12 is not the 192 but the operating part of it.

13 LEGISLATOR WINK: Okay. Thank  
14 you

15 CHAIRWOMAN GONSALVES: Any other  
16 questions?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

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

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Any abstentions?

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2 (No verbal response.)

3 There being none, the item passes  
4 unanimately. The next item I believe is  
5 contract B-07-13 between DPW and En-Tech,  
6 Inc. Motion, please.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRWOMAN GONSALVES: Motion by  
10 Legislator Walker, seconded by Legislator  
11 Muscarella.

12 MR. ARNOLD: Again, this is the  
13 last of the contracts with the similar  
14 issue. En-Tech was also at Bay Park  
15 recovery and this is, again, an amendment to  
16 correct type of typographical error that  
17 clarifies payment terms so the comptroller  
18 will pay certain bills.

19 CHAIRWOMAN GONSALVES: Any  
20 questions from any of the legislators  
21 regarding this item?

22 (No verbal response.)

23 Is there any public comment  
24 regarding this item?

25 (No verbal response.)

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

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Any abstentions?

8 (No verbal response.)

9 The motion carries unanimously.

10 The next item is Contract B-08  
11 between DPW and Hinck Electrical Contractor  
12 Incorporated. Motion, please.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR MUSCARELLA: Second.

15 CHAIRWOMAN GONSALVES: Motion by  
16 Legislator Walker, seconded by Legislator  
17 Muscarella. Mr. Arnold.

18 MR. ARNOLD: This is a new  
19 contract with Hinck associated with the  
20 hurricane recovery of Sandy. This is an  
21 electrical contractor who has been doing  
22 most of his efforts on the pump station  
23 work, Glen Cove along the south shore.  
24 There were a number of pump stations that  
25 required electrical replacements and Hinck

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2 is performing that work for us.

3 LEGISLATOR JACOBS: Ken, just a  
4 quick question. The resolution, unless I'm  
5 reading it wrong, states that this is an  
6 amendment. However, it seems to be a new  
7 contract. Should it have been adopted when  
8 the other emergency Sandy storm contracts  
9 were adopted?

10 Is it an oversight that this came  
11 up afterwards? The term expired in the end  
12 of December.

13 MR. ARNOLD: It should have been  
14 a new contract. While we were processing  
15 the other four contracts, we were still  
16 working with Hinck on contract finalization  
17 of the details which is why it didn't make  
18 the calendar at that time. That's why this  
19 contract is coming to you now and not with  
20 the other four.

21 LEGISLATOR JACOBS: So the  
22 resolution, correct me if I'm wrong, should  
23 be amended to read a new contract; am I  
24 correct?

25 MR. ARNOLD: Correct.

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2 LEGISLATOR JACOBS: It's not an  
3 amendment.

4 MR. ARNOLD: Not an amendment.

5 LEGISLATOR JACOBS: Presiding  
6 officer, I don't know what you want to do on  
7 that. In other words, it reads that it's an  
8 amendment but it really is a new contract.

9 CHAIRWOMAN GONSALVES: And what's  
10 the term of the contract, Mr. Arnold?

11 MR. ARNOLD: The term of the  
12 contract I believe it actually -- it ran  
13 until the end of this year. I think it's  
14 under an extension right now for a couple of  
15 months until the work is completed.

16 CHAIRWOMAN GONSALVES: Then it's  
17 a new contract or it's an amendment to an  
18 existing contract?

19 MR. ARNOLD: This is a new  
20 contract.

21 CHAIRWOMAN GONSALVES: In that  
22 case, since it is a new contract, then I'm  
23 going to ask this body to delete the word  
24 "amendment" from the item.

25 LEGISLATOR JACOBS: So moved.

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2 LEGISLATOR WALKER: Second.

3 CHAIRWOMAN GONSALVES: Moved by  
4 Legislator Jacobs, seconded by Legislator  
5 Walker. So all those in favor of deleting  
6 the word "amendment" from the item, signify  
7 by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 So now it's a new contract.

12 MR. ARNOLD: Thank you very much.

13 CHAIRWOMAN GONSALVES: Now we  
14 have to vote on it. Is there any public  
15 comment regarding this item?

16 (No verbal response.)

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

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any abstentions?

23 (No verbal response.)

24 The item passes unanimously. The  
25 next contract is E-29-13, a contract with

1 Rules Committee/2-4-13  
2 the police department and Intergraph  
3 Corporation. Motion, please.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR NICOLELLO: Second.

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

9 MR. MAY: Sergeant Gregory  
10 Stephanoff to answer any questions on this  
11 item and Chief Horace as well is here.

12 CHAIRWOMAN GONSALVES: Thank you  
13 very much.

14 DEPUTY CHIEF HORACE: Deputy  
15 Chief Ed Horace, Nassau PD, Deputy Chief  
16 Support.

17 This contract is actually two  
18 contracts for a part-time engineer, a  
19 full-time engineer from Intergraph. The  
20 reason for this contract is, Intergraph has  
21 to come on board or remain on board to  
22 provide us with expertise we do not have in  
23 current intergraph CAT and RMS Systems that  
24 the police department has on board.

25 The part time engineer works one



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2 or two days a week and does analysis of  
3 various databases, does some coding that we  
4 cannot do, proprietary type of coding, full  
5 time engineer is helping the police  
6 department deploy the RMS I-Leed (phonetic)  
7 system in place. Currently we have about  
8 half the police precincts on board with  
9 I-leeds. We anticipate having I-leeds fully  
10 functional in the police department by the  
11 end of this year.

12 CHAIRWOMAN GONSALVES: Any  
13 questions from the legislators?

14 (No verbal response.)

15 Is there any public comment  
16 regarding this item?

17 (No verbal response.)

18 There being none, all those in  
19 favor of this contract signify by saying  
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Any abstentions?

25 (No verbal response.)

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2 The contract passes unanimously.  
3 Thank you. The next contract is E-30-13, a  
4 contract with county attorney and Berkman,  
5 Henoeh, Peterson, Peddy & Fenchel, P.C.  
6 Motion, please.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRWOMAN GONSALVES: Motion by  
10 Legislator Walker, seconded by Legislator  
11 Muscarella. Anyone here to speak on this  
12 item? I see her coming.

13 MS. LOCURTO: Lisa Locurto,  
14 county attorney's office.

15 This is a contract amending an  
16 existing contract. It is to provide  
17 additional funding for the trial of a  
18 specific case, the Matthew Prince case.  
19 This was a lawsuit that had multiple  
20 defendants against the police department,  
21 the county was ultimately successful in this  
22 lawsuit. It was an 11 week trial and we  
23 were successful in obtaining no liability  
24 against the county on all county.

25 This additional funding will

1 Rules Committee/2-4-13  
2 provide for a notice of appeal that's been  
3 filed and to cover certain charges for the  
4 services provided during the trial.

5 CHAIRWOMAN GONSALVES: Any  
6 questions from any of the legislators?  
7 Legislator Nicoletto.

8 LEGISLATOR NICOLELLO: How much  
9 was Mr. Prince seeking?

10 MS. LOCURTO: Mr. Prince was  
11 seeking over \$20 million in damages and  
12 that's not including punitive damages which  
13 could have been another \$5 million, so a  
14 total of a \$25 million lawsuit.

15 LEGISLATOR NICOLELLO: And you  
16 said there were other defendants besides the  
17 county?

18 MS. LOCURTO: There was the  
19 county, the Nassau County Police Department  
20 and individual police officers were named  
21 within the suit.

22 LEGISLATOR NICOLELLO: In other  
23 words, there were other defendants other  
24 than county related entities?

25 MS. LOCURTO: Correct. Yes. And

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2 also I forgot the fire commission was also  
3 brought into the lawsuit as well.

4 LEGISLATOR NICOLELLO: Thank you.

5 CHAIRWOMAN GONSALVES: Legislator  
6 Kevan Abrahams.

7 LEGISLATOR ABRAHAMS: Just some  
8 quick questions, Ms. Locurto.

9 You said that this trial has been  
10 wrapped in remanding a previous contract; am  
11 I correct in saying that?

12 MS. LOCURTO: The trial has  
13 concluded but the litigation has not. They  
14 are in the process of filing a notice of  
15 appeal. So we need to prepare for defending  
16 that appeal as well.

17 LEGISLATOR ABRAHAMS: When did  
18 the first allotment, the original allotment  
19 of \$200,000, when did that expire?

20 MS. LOCURTO: This amendment to  
21 this contract covered multiple lawsuits.  
22 Originally it was to cover -- I'm sorry,  
23 forgive me. That's another contract. This  
24 particular lawsuit was just for the Prince  
25 lawsuit.

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2 I would have to go back and look  
3 to see when we did the initial contract.

4 LEGISLATOR ABRAHAMS: Not the  
5 initial contract. The original amount --

6 MS. LOCURTO: That's what you're  
7 asking.

8 LEGISLATOR ABRAHAMS: No. The  
9 original amount was \$200,000.

10 MS. LOCURTO: Correct.

11 LEGISLATOR ABRAHAMS: I envision  
12 that contract was somehow engaged based on  
13 the terms I have here, I guess some time in  
14 2011, does that sound familiar?

15 MS. LOCURTO: Correct, and that  
16 was at the inception of the lawsuit.

17 LEGISLATOR ABRAHAMS: My question  
18 is, when did that \$200,000 -- it was  
19 exhausted because it seems to be a pattern  
20 where this legislature is asked to approve  
21 amendments to contracts after the work has  
22 actually been done. So I'm asking, when was  
23 the \$200,000 exhausted because obviously  
24 this 275 that's being asked for today  
25 predates today. This is not-going-forward

1 Rules Committee/2-4-13  
2 money, this is money for services already  
3 rendered as well.

4 MS. LOCURTO: I believe the  
5 contract, the majority of the contract of  
6 \$200,000 took us through the inception of  
7 the lawsuit, the discovery phase,  
8 depositions and so forth.

9 The majority of money of the  
10 \$200,000 began to be eaten up as we got  
11 closer to trial and throughout the trial  
12 because, as I said, it was an 11 week trial.  
13 So the services were of great demand during  
14 that period of time.

15 The additional monies there are  
16 also though not only to cover the cost of  
17 the trial but also to handle the appeal,  
18 because the county was successful the  
19 petitioner obviously is filing an appeal to  
20 try to get that verdict overturned.

21 LEGISLATOR ABRAHAMS: So the  
22 timeframe -- so we don't know when the  
23 \$200,000 was exhausted?

24 MS. LOCURTO: I would have to go  
25 back and give you more detail.

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2 LEGISLATOR ABRAHAMS: Did they  
3 submit invoices?

4 MS. LOCURTO: Yes. They  
5 submitted invoices.

6 LEGISLATOR ABRAHAMS: Can you  
7 provide those to this body, if that is okay  
8 with the presiding officer?

9 MS. LOCURTO: There is no problem  
10 providing the invoices.

11 LEGISLATOR ABRAHAMS: We would  
12 like to see them.

13 MS. LOCURTO: Sure.

14 LEGISLATOR ABRAHAMS: Can you  
15 provide them today?

16 MS. LOCURTO: I can try to. I  
17 can certainly make an effort to do so.

18 LEGISLATOR ABRAHAMS: I'd  
19 appreciate that. It just seems to me --  
20 and, again this has been a pattern that  
21 predates this presiding officer as well as  
22 the previous and the previous before that,  
23 but if we don't try to nip it in the bud, I  
24 don't know when we will, but it just seems  
25 like the legislature is not getting its just

1 Rules Committee/2-4-13  
2 due to be able to review contracts in a  
3 timely manner before the work is actually  
4 presented and done. I think from that  
5 standpoint, I think that's where we are  
6 coming from.

7 The other big thing from my  
8 standpoint, and I don't know my colleagues  
9 to the right agree, but could this work have  
10 been done in-house? Has it ever been  
11 considered to be done in-house?

12 MS. LOCURTO: I think because of  
13 the scope and nature of this type of  
14 litigation, the county attorney's office  
15 believed that a partnership with outside  
16 counsel was necessary. The scope of the  
17 trial necessitated resources beyond what our  
18 office could handle by itself and, frankly,  
19 the experience of the firm and its knowledge  
20 in this type of litigation and lawsuit was  
21 enriched, the legal team within the county  
22 attorney's office, to work in conjunction to  
23 get the best possible result which was a  
24 result of no liability against Nassau  
25 County.



1 Rules Committee/2-4-13

2 LEGISLATOR ABRAHAMS: Okay. Ms.  
3 Locurto, this case goes back to 2008 when  
4 staffing levels in the county attorney's  
5 office were much more significant than they  
6 are today.

7 Did we have counsel at one time  
8 that could have handled this case, and were  
9 they let go when the county attorney's staff  
10 was reduced in 2010?

11 MS. LOCURTO: I think,  
12 legislator, that the partnership with  
13 outside counsel was, in our opinion, the  
14 best possible defense that the county could  
15 put in, that the resources there, regardless  
16 of staffing levels now, back then in 2008,  
17 we needed the best legal team that we could  
18 put together to defend a \$25 million  
19 lawsuit.

20 LEGISLATOR ABRAHAMS: Let me try  
21 to rephrase that because maybe I wasn't that  
22 clear.

23 Was there counsel assigned to  
24 this case in 2008 and 2009 that predates the  
25 reduction in the county attorney's office in

1 Rules Committee/2-4-13

2 2010? Was there any in-house counsel that  
3 was assigned?

4 MS. LOCURTO: There are -- when a  
5 case comes into the county attorney's  
6 office, yes, it was assigned to an in-house  
7 counsel.

8 LEGISLATOR ABRAHAMS: And you  
9 have been in the county attorney's office  
10 for quite some time, was it determined then  
11 that that counsel could handle this case?

12 MS. LOCURTO: I can't speak to  
13 what the county -- the then county  
14 attorney's thinking was on handling the  
15 lawsuit.

16 LEGISLATOR ABRAHAMS: What was  
17 your thinking?

18 MS. LOCURTO: The prior county  
19 attorney might have made the same decision  
20 to send it out.

21 LEGISLATOR ABRAHAMS: What was  
22 your thinking, Ms. Locurto?

23 MS. LOCURTO: On the lawsuit that  
24 was filed in --

25 LEGISLATOR ABRAHAMS: No. On the

1 Rules Committee/2-4-13  
2 in-house counsel. I respect your opinion.  
3 You've been with the county attorney's  
4 office for many many years. What was your  
5 opinion?

6 MS. LOCURTO: I think our review  
7 of the case was that a partnership with  
8 outside counsel was appropriate in this  
9 instance.

10 LEGISLATOR ABRAHAMS: Even in  
11 2008-2009?

12 MS. LOCURTO: I think as the case  
13 progressed and unfolded from 2008 to 2009,  
14 as lawyers try to do, we try and get out on  
15 motion practice. Determinations have to be  
16 made what resources are necessary to be  
17 effective in defending your client.

18 LEGISLATOR ABRAHAMS: I see.  
19 Thank you.

20 CHAIRWOMAN GONSALVES: Any other  
21 comments?

22 (No verbal response.)

23 Is there any public comment  
24 regarding this item?

25 (No verbal response.)

1 Rules Committee/2-4-13

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

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 The item passes four to three.

8 Thank you, Ms. Locurto.

9 The next item is E-31, a contract  
10 with the county attorney and Wilson Elser  
11 Moskowitz Edelman & Dicker, LLP. Motion,  
12 please.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR MUSCARELLA: Second.

15 CHAIRWOMAN GONSALVES: Moved by  
16 Legislator Walker, seconded by Legislator  
17 Muscarella. Okay, Ms. Locurto.

18 MS. LOCURTO: Hi. Lisa Locurto,  
19 county attorney's office.

20 This is a special counsel  
21 contract dealing with the litigation of  
22 claims by workers in Nassau Coliseum  
23 claiming harm by asbestos contained within  
24 the coliseum. To date, we have over 117  
25 notices of claims. One notice of claim has

1 Rules Committee/2-4-13  
2 been converted into a summons and complaint  
3 which is an indication that these lawsuits  
4 are going to go forward.

5 The county attorney's office,  
6 realizing the scope and difficulty in  
7 litigating this type of lawsuit decided  
8 again to partner with outside counsel, a  
9 request for proposals to qualified law firms  
10 that could deal with the specific issues  
11 that this type of litigation will involve.  
12 It involves contamination issues, asbestos  
13 claims, contract claims, because the county  
14 has lease agreements with various tenants.

15 A special counsel was solicited  
16 and selected and we chose Wilson Elser for  
17 its experience with the various issues that  
18 would arise in this litigation that I just  
19 outlined and we request that this  
20 legislature approve this contract.

21 CHAIRWOMAN GONSALVES: Minority  
22 Leader Kevan Abrahams.

23 LEGISLATOR ABRAHAMS: Thank you,  
24 Presiding Officer Gonsalves.

25 The same issues again, Ms.

1 Rules Committee/2-4-13  
2 Locurto, it appears again that this is a  
3 contract, though I appreciate the fact that  
4 there's an expertise in regards to dealing  
5 with asbestos at the coliseum, but this  
6 contract has gone through an amendment one  
7 according to our records then, now this is  
8 -- the second amendment had zero dollars,  
9 and now the third amendment is for \$250,000.

10 So, again, when were these  
11 services rendered and are we paying for  
12 services that have already been conducted?  
13 Because, again, I have to say to the county  
14 attorney's office, you have to respect this  
15 legislative body to ensure that we get  
16 things in a timely matter so that we are not  
17 just a formality in the process.

18 So, my question is, when were  
19 these services rendered on behalf of the  
20 county?

21 MS. LOCURTO: Legislator, this is  
22 an amendment of an existing contract.

23 LEGISLATOR ABRAHAMS: That I  
24 understand.

25 MS. LOCURTO: As you can see in

1 Rules Committee/2-4-13  
2 the backup information. Initially a  
3 contract was with Wilson Elser with regard  
4 to the voting rights --

5 LEGISLATOR ABRAHAMS: The  
6 original amount.

7 MS. LOCURTO: The original  
8 \$250,000. We do try, in this particular  
9 instance, we already have an existing  
10 contract with this particular law firm, so  
11 we do try to economize in the sense of we  
12 don't like to start a law firm and we do  
13 respect the legislature's authority to  
14 review contracts and to approve them.

15 So this contract we are coming to  
16 you at the beginning of the lawsuits, as I  
17 mentioned, notices of claims are only the  
18 beginning of the lawsuit.

19 LEGISLATOR ABRAHAMS: How much  
20 have you expended so far?

21 MS. LOCURTO: I'm sorry?

22 LEGISLATOR ABRAHAMS: How much  
23 has been spent so far of this third  
24 amendment for \$250,000? I mean, they must  
25 have submitted invoices.

1 Rules Committee/2-4-13

2 MS. LOCURTO: Yes. They have  
3 begun to send it in but I can get you an  
4 exact amount.

5 LEGISLATOR ABRAHAMS: We don't  
6 know the amount?

7 MS. LOCURTO: I do know the  
8 amount but I figure I'm getting you the  
9 invoices for the other so I would rather  
10 give you the correct amount.

11 LEGISLATOR ABRAHAMS: Can you  
12 give us an estimate of about how much?

13 MS. LOCURTO: I would say about  
14 \$60,000.

15 LEGISLATOR ABRAHAMS: So 60,000  
16 of this third amendment of \$250,000 has  
17 already been spent, am I understanding that  
18 correctly?

19 MS. LOCURTO: No. No. Because  
20 the \$250,000 was originally for the Hava  
21 lawsuit. Then there was a subsequent  
22 lawsuit for the environmental contamination  
23 which was a successful result as well. So  
24 money has been spent of the \$250,000 on  
25 those two other separate lawsuits.



1 Rules Committee/2-4-13

2 We are now adding a third lawsuit  
3 to this firm to help us in defense of the  
4 asbestos claims in the coliseum, and the  
5 claims to date are -- on that particular  
6 lawsuit is about \$60,000.

7 LEGISLATOR ABRAHAMS: On the  
8 asbestos?

9 MS. LOCURTO: On the asbestos,  
10 yes. We have authority up to \$25,000 but  
11 any additional -- if this was a separate  
12 contract. Normally it's \$25,000 to get, as  
13 a retainer, to get the law firm and then  
14 you come back to the legislature when you go  
15 beyond the \$25,000.

16 LEGISLATOR ABRAHAMS: So the  
17 \$250,000 --

18 MS. LOCURTO: So you're now  
19 coming back to the legislature.

20 LEGISLATOR ABRAHAMS: I don't  
21 want to belabor this. The \$250,000 that's  
22 being asked for today is for the lawsuit at  
23 the coliseum for the asbestos that's tied to  
24 the workers?

25 MS. LOCURTO: Correct. We are

1 Rules Committee/2-4-13  
2 putting another \$250,000 into an existing  
3 contract because some of the original  
4 \$250,000 has diminished because we've used  
5 it on other lawsuits, and we anticipate the  
6 litigation in case management that another  
7 \$250,000 would have to be put in to pursue  
8 the 117 notices of claims that will  
9 potentially ripen into 117 lawsuits.

10 So we're coming to the  
11 legislature ahead of time so that we're not  
12 spending money beyond what we -- before  
13 coming back to get an amendment. We need  
14 the \$250,000 now so that when additional  
15 claims and additional bills come, the money  
16 is there to pay for those claims.

17 LEGISLATOR ABRAHAMS: I think  
18 we're on the same page. So the \$60,000 that  
19 you referenced before is part of the  
20 \$275,000 that's been asked for in the past?

21 MS. LOCURTO: Correct.

22 LEGISLATOR ABRAHAMS: So the 250  
23 that's being asked for today --

24 MS. LOCURTO: Is for future --

25 LEGISLATOR ABRAHAMS: For the

1 Rules Committee/2-4-13

2 future?

3 MS. LOCURTO: Correct.

4 LEGISLATOR ABRAHAMS: So this is  
5 actually being presented in the proper  
6 manner?

7 MS. LOCURTO: Correct, sir.

8 LEGISLATOR ABRAHAMS: I just  
9 couldn't tell that from the backup. Now I  
10 understand. Thank you, Ms. Locurto.

11 LEGISLATOR WINK: I just have a  
12 quick question, madam chair.

13 CHAIRWOMAN GONSALVES: Legislator  
14 Nicoletto.

15 LEGISLATOR NICOLELLO: Just in  
16 terms of asbestos litigation, it's highly  
17 complex, is it not?

18 MS. LOCURTO: Extremely complex.

19 LEGISLATOR NICOLELLO: And the  
20 plaintiffs' attorneys that handle it tend to  
21 do many many asbestos cases and they know  
22 the science and the medicine, et cetera, am  
23 I right?

24 MS. LOCURTO: Correct.

25 LEGISLATOR NICOLELLO: So, in

1 Rules Committee/2-4-13

2 fact, you need somebody on the defense side  
3 who does asbestos cases because they will no  
4 know the science and the medicine and all  
5 those other factors, right?

6 MS. LOCURTO: Absolutely.

7 LEGISLATOR NICOLELLO: And if you  
8 put somebody in that doesn't have that  
9 experience, no matter how good an attorney  
10 they are, they're going to be at a  
11 significant disadvantage, right?

12 MS. LOCURTO: Absolutely.

13 LEGISLATOR NICOLELLO: So it's in  
14 the best interest of Nassau's taxpayers to  
15 have the best legal minds fighting this  
16 lawsuit, these 117 claims?

17 MS. LOCURTO: Yes.

18 LEGISLATOR NICOLELLO: Now, the  
19 notice of claim, that's a procedure that  
20 municipalities in New York State have, which  
21 is kind of unique, they must file a notice  
22 of claim before the actual litigation is  
23 commenced?

24 MS. LOCURTO: Correct.

25 LEGISLATOR NICOLELLO: And if you

1 Rules Committee/2-4-13  
2 don't do certain things within the notice of  
3 claim, within I think 60 or 90 days, you  
4 lose the right to do those things; am I  
5 correct?

6 MS. LOCURTO: Correct.

7 LEGISLATOR NICOLELLO: So there  
8 is a time sensitive nature about a notice of  
9 claim. For example, you get to do a  
10 municipal hearing which other defendants  
11 don't get other than municipalities; am I  
12 correct?

13 MS. LOCURTO: Correct.

14 LEGISLATOR NICOLELLO: You could  
15 literally waive those if you don't do them  
16 in a timely fashion?

17 MS. LOCURTO: Absolutely.

18 LEGISLATOR NICOLELLO: So there  
19 is an urgency about this obviously?

20 MS. LOCURTO: Absolutely.

21 LEGISLATOR NICOLELLO: Thank you.

22 CHAIRWOMAN GONSALVES: Legislator  
23 Wink.

24 LEGISLATOR WINK: Well, appropo  
25 that. Those hearings are called 50H

1 Rules Committee/2-4-13  
2 hearings, if I'm not mistaken, is that  
3 correct?

4 MS. LOCURTO: Correct. That is  
5 the term for them.

6 LEGISLATOR WINK: Have any of  
7 those been conducted as of yet on any of  
8 these 117 notice of claims?

9 MS. LOCURTO: Yes. We have begun  
10 to do the 50H's as Legislator Nicoletto  
11 pointed out, they are time sensitive and  
12 they have to be done in a timely manner or  
13 else we would waive our ability to raise  
14 issues or questions during that period of  
15 time.

16 LEGISLATOR WINK: And those 50H  
17 hearings are being conducted by Wilson  
18 Elser?

19 MS. LOCURTO: Yes, they are. In  
20 conjunction with the county attorney's  
21 office, yes.

22 LEGISLATOR WINK: So there's a  
23 county attorney associated with these 50H  
24 hearings as well as --

25 MS. LOCURTO: There are two

1 Rules Committee/2-4-13  
2 deputy county attorneys who are assigned to  
3 monitoring the cases and working with Wilson  
4 Elser as all the claims come in.

5 LEGISLATOR WINK: And that is  
6 largely what has accrued the \$60,000 worth  
7 of expenses?

8 MS. LOCURTO: Correct.

9 LEGISLATOR WINK: Thank you.

10 CHAIRWOMAN GONSALVES: Any other  
11 questions from any of the legislators?

12 (No verbal response.)

13 Is there any public comment  
14 regarding this item?

15 (No verbal response.)

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

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 The contract passes four to  
23 three.

24 The next item is Item E-32, a  
25 contract with IT and Cablevision LightPath.

1 Rules Committee/2-4-13

2 Motion, please.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Motion by  
6 Legislator Walker, seconded by Legislator  
7 Nicolello.

8 MR. MAY: Commissioner Eisenstein  
9 from Information Technology.

10 COMMISSIONER EISENSTEIN: Good  
11 afternoon. Ed Eisenstein, IT commissioner.

12 CHAIRWOMAN GONSALVES: Tell us  
13 about this contract.

14 COMMISSIONER EISENSTEIN: This is  
15 the renewal of the Cablevision LightPath  
16 contract to give us our television, internet  
17 and some wireless connections.

18 CHAIRWOMAN GONSALVES: Any  
19 questions from any of the legislators of  
20 Commissioner Eisenstein?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in  
25 favor of this contract signify by saying



1 Rules Committee / 2-4-13

2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Any abstentions?

7 (No verbal response.)

8 The contract passes unanimously.

9 The next contract is E-33-13, a contract  
10 with the Correctional Center and Long Island  
11 Council of Churches. Motion, please.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRWOMAN GONSALVES: Motion by  
15 Legislator Walker, seconded by Legislator  
16 Muscarella.

17 CAPTAIN SATHER: Good afternoon.  
18 Captain Keith Sather. The contract before  
19 you is for religious services at the  
20 correctional center pursuant to SCOC  
21 mandate.

22 CHAIRWOMAN GONSALVES: Any  
23 questions from any of the legislators?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/2-4-13

2 (No verbal response.)

3 There being none, all those in  
4 favor signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Any abstentions?

9 (No verbal response.)

10 The contract passes unanimously.

11 The next contract is E-34-13 with health and

12 Nancy A. Fisher. Motion, please.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Motion by

16 Legislator Walker, seconded by Legislator

17 Nicoletto.

18 MS. LORRAINE: Good afternoon.

19 MaryEllen Lorraine, Department of Health.

20 Item E-34-13 is a contract with

21 Nancy Fisher for \$26,300. It's to provide

22 public health emergency preparedness

23 response plan. There is no impact to the

24 general fund as its 100 percent grant funded

25 through the New York State Department of

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1 Rules Committee/2-4-13

2 Health.

3 CHAIRWOMAN GONSALVES: Any  
4 questions from any of the legislators?

5 (No verbal response.)

6 Is there any public comment  
7 regarding this item?

8 (No verbal response.)

9 There being none, all those in  
10 favor of this contract signify by saying  
11 aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Any abstentions?

16 (No verbal response.)

17 The contract passes unanimously.

18 The next contract is Contract  
19 36-13 with DSS and Family and Children  
20 Association. Motion, please.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRWOMAN GONSALVES: Motion by  
24 Legislator Walker, seconded by Legislator  
25 Muscarella.

1 Rules Committee/2-4-13

2 MR. MAY: We have Mr. Paul  
3 Broderick from DSS to answer questions on  
4 this item.

5 MR. BRODERICK: Legislators, good  
6 afternoon. Paul Broderick, deputy  
7 commissioner, Department of Social Services.

8 Before you is a contract with  
9 Department of Social Services and Family and  
10 Children's Association. The purpose of the  
11 contract is to provide reentry services for  
12 those coming out of the prison system who  
13 are on probation and reentering the  
14 community. This program has been in  
15 existence for a number of years and they  
16 provide a valuable service to the citizens  
17 of Nassau County.

18 I just wanted to point out the  
19 delayed nature of the contract. It might  
20 have been presented to you folks here a  
21 little bit late. This is primarily  
22 attributed to the state only giving us a  
23 contract for the award in December of this  
24 year.

25 Actually, they make the

1 Rules Committee/2-4-13  
2 announcement -- the program starts on July  
3 1st. They give the announcement towards the  
4 end of August, September, and we only  
5 received the letter in December. So that's  
6 where we are right now. Do you have any  
7 questions?

8 CHAIRWOMAN GONSALVES: Any  
9 questions for Mr. Broderick?

10 (No verbal response.)

11 Is there any public comment  
12 regarding this item?

13 (No verbal response.)

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

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Any abstentions?

21 (No verbal response.)

22 The contract passes unanimously.

23 Thank you very much.

24 The next contract is Contract  
25 E-38-13 with IT and KG Consulting Inc.

1 Rules Committee/2-4-13

2 Motion, please.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Motion by  
6 Legislator Walker, seconded by Legislator  
7 Nicolello.

8 MR. MAY: We have Mr. Chris Nolan  
9 from the Office of Management and Budget.

10 MR. NOLAN: Good afternoon.  
11 Chris Nolan, Office of Management and  
12 Budget. This contract is a personal  
13 services contract to secure an experienced  
14 project manager to successfully conclude the  
15 ERP project which will replace the county's  
16 antiquated and unsupported human resources  
17 and financial MIS systems with more modern  
18 technology supported by Oracle applications.

19 CHAIRWOMAN GONSALVES: Any  
20 questions from any of the legislators?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in  
25 favor of this contract signify by saying

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1 Rules Committee / 2-4-13

2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Any abstentions?

7 (No verbal response.)

8 The contract passes unanimously.

9 Thank you very much. The next contract is  
10 E-39-13 between DPW and CDM Smith. Motion,  
11 please.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRWOMAN GONSALVES: Motion by  
15 Legislator Walker, seconded by Legislator  
16 Nicolello.

17 MR. MAY: We have Mr. Ken Arnold  
18 from DPW to answer questions.

19 MR. ARNOLD: Hello. This  
20 contract is for CDM Smith to provide project  
21 management expertise in our FEMA recovery  
22 efforts within DPW, in our effort to  
23 remediate Bay Park and the other facilities  
24 that we're working on.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/2-4-13

2 questions of Mr. Arnold?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 There being none, all those in  
7 favor of this contract signify by saying  
8 aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Any abstentions?

13 (No verbal response.)

14 The contract passes unanimously.

15 The next contract is E-40-13,  
16 contract with Health and Servisair. Motion,  
17 please.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRWOMAN GONSALVES: Moved by  
21 Legislator Walker, seconded by Legislator  
22 Muscarella.

23 MR. MAY: We have Ms. MaryEllen  
24 Lorraine from the Health Department.

25 MS. LORRAINE: MaryEllen



1 Rules Committee/2-4-13  
2 Lorraine, Department of Health. E-40-13 is  
3 a contract in the amount of \$352,000 with  
4 Servisair. This is to provide  
5 transportation management to early  
6 intervention children. This is a mandate  
7 per the New York State Department of Health.

8 CHAIRWOMAN GONSALVES: Any  
9 questions from any of the legislators?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

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

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Any abstentions?

20 (No verbal response.)

21 The contract passes unanimously.

22 The next contract is E-42-13, a  
23 contract with DPW and Liro Engineers, Inc.  
24 Motion, please.

25 LEGISLATOR WALKER: So moved.

1 Rules Committee/2-4-13

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Motion by  
4 Legislator Walker, seconded by Legislator  
5 Nicolello. Mr. Arnold.

6 MR. ARNOLD: Ken Arnold, Public  
7 Works. This is a contract amendment to  
8 Liro's environmental construction on-call  
9 contract to provide engineering expertise in  
10 the development of a PLA, which is a project  
11 labor agreement for two projects that are  
12 ongoing coming up at Cedar Creek and Bay  
13 Park.

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

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in  
20 favor of this contract signify by saying  
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Any abstentions?

1 Rules Committee/2-4-13

2 (No verbal response.)

3 The contract passes unanimously.

4 Thank you, Mr. Arnold.

5 We're going back to Contract

6 A-05-13, a motion to untable this item.

7 Motion, please?

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRWOMAN GONSALVES: Moved by

11 Legislator Muscarella, seconded by

12 Legislator Nicolello. All those in favor of

13 untabling this item signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (No verbal response.)

19 The motion to untable passes

20 unanimously. So now let's go back, I

21 believe you were going to get some

22 information from us, correct?

23 MR. SCHLERNOFF: Yes. Michael

24 Schlernoff, director of purchasing.

25 Legislator Wink, the sixth page

1 Rules Committee/2-4-13  
2 in the packet that you have would be summary  
3 of bids and I'll read them off to you.  
4 Number one is \$2,916,750; number two is  
5 \$1,076,500; number three is \$1,253,000;  
6 number four is \$2,155,100; number five is  
7 \$2,103,000; number 6 is \$1,184,000; number  
8 seven is \$1,766,250; number eight is  
9 \$4,137,500; and number nine is \$1,914,100.

10 So bidder number two, bidder  
11 number six, and bidder number three were  
12 disqualified. The low bidder would be  
13 number seven Laser Industries.

14 LEGISLATOR WINK: Forgive me  
15 again. Bidder number two, what was their --

16 MR. SCHLERNOFF: \$1,076,500.

17 LEGISLATOR WINK: Okay. Then you  
18 said number three was how much?

19 MR. SCHLERNOFF: \$1,253,000.

20 LEGISLATOR WINK: Number six was  
21 \$1,184,000?

22 MR. SCHLERNOFF: \$1,184,000.

23 LEGISLATOR WINK: So  
24 significantly higher?

25 MR. SCHLERNOFF: Yes. That's the

1                   Rules Committee/2-4-13  
2       reason I suggested that we go with bidder  
3       number one.

4                   LEGISLATOR WINK:    Right.    Now  
5       that we have the clarification that an  
6       apprenticeship program is necessary, it  
7       seems as though we don't have much of an  
8       option here.

9                   MR. SCHLERNOFF:    No.

10                  LEGISLATOR WINK:    Thank you very  
11       much.

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

15                  (No verbal response.)

16                  Is there any public comment?

17                  (No verbal response.)

18                  There being none, all those in  
19       favor of this item as amended indicate by  
20       saying aye.

21                  (Aye.)

22                  Any opposed?

23                  (No verbal response.)

24                  Any abstentions?

25                  (No verbal response.)

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2 The contract passes unanimously.  
3 Thank you very much.

4 Now we need a motion to suspend  
5 the rules.

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRWOMAN GONSALVES: Moved by  
9 Legislator Muscarella, seconded by  
10 Legislator Walker.

11 All those in favor of suspending  
12 the rules signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The motion to suspend the rules  
17 carries unanimously. We're going to A-3-13,  
18 correct? A resolution ratifying the award  
19 and execution by the director of the Nassau  
20 County Office of purchasing of an emergency  
21 purchase order between the County of Nassau  
22 acting on behalf of the Nassau County  
23 Department of Public Works. Motion, please.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR NICOLELLO: Second.

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2 CHAIRWOMAN GONSALVES: Motion by  
3 Legislator Walker, seconded by Legislator  
4 Nicoletto. Who is here to speak on this  
5 item?

6 MR. MAY: We have Mr. Rich Millet  
7 from DPW to answer questions on this item.

8 MR. MILLET: Rich Millet, Public  
9 Works. This is for the rental of jet vac  
10 equipment to maintain our sewer system and  
11 our storm water collection system. The  
12 equipment we owned was damaged and lost in  
13 the storm. This is to temporarily bridge us  
14 over till we can purchase more.

15 CHAIRWOMAN GONSALVES: Any  
16 questions of Mr. Millet? Legislator Wink.

17 LEGISLATOR WINK: Just a quick  
18 question. This is a \$250,000 contract; is  
19 that correct?

20 MR. MILLET: Yes, a six month  
21 rental for four jet trucks.

22 LEGISLATOR WINK: I'm sorry, a  
23 six month rental?

24 MR. MILLET: A six month rental  
25 for four jet trucks.

1 Rules Committee/2-4-13

2 LEGISLATOR WINK: The rentals  
3 were obviously in the immediate aftermath of  
4 Sandy?

5 MR. MILLET: Yes.

6 LEGISLATOR WINK: How much do we  
7 think has already been expended under this  
8 contract?

9 MR. MILLET: Actually I think we  
10 just started receiving them in mid January  
11 because it's not an item you can just get.  
12 They kind of grab them from all around the  
13 country and pull them in.

14 LEGISLATOR WINK: All right.  
15 That's all my questions. Thank you.

16 CHAIRWOMAN GONSALVES: Any  
17 questions from any other legislators?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

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

24 (Aye.)

25 Any opposed?



1 Rules Committee/2-4-13

2 (No verbal response.)

3 Any abstentions?

4 (No verbal response.)

5 The contract passes unanimously.

6 Thank you very much, Mr. Millet.

7 Contract A-04-13, resolution  
8 ratifying the award and execution by the  
9 director of the Nassau County Office of  
10 Purchasing of an emergency purchase order  
11 between the County of Nassau acting on  
12 behalf of the Nassau County Department of  
13 Public Works and Dejana Industries. Motion,  
14 please.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Motion by  
18 Legislator Walker, seconded by Legislator  
19 Nicolello. Again, Mr. Millet.

20 MR. MILLET: Again, this is for  
21 rental of sweepers that were damaged in the  
22 storm so we can continue to sweep the  
23 streets as we move through a bid process to  
24 buy new equipment.

25 Sorry, this is not the sweeper

1 Rules Committee/2-4-13  
2 one. This is for a fuel truck that we  
3 actually rented during the storm. We  
4 supplied fuel to other municipalities, fire  
5 departments, the police department  
6 throughout the storm. We don't own a fuel  
7 truck so we had to rent one. My mistake.  
8 Sorry about that.

9 CHAIRWOMAN GONSALVES: Any  
10 questions of Mr. Millet.

11 LEGISLATOR NICOLELLO: I don't  
12 really have a question, I just wanted to  
13 really praise the department for doing that.  
14 It was a tremendous help for villages,  
15 towns, and obviously emergency service  
16 providers. So it was really a great thing  
17 that you did during the storm.

18 MR. MILLET: The county  
19 executive's directives were clear.

20 CHAIRWOMAN GONSALVES: Any other  
21 questions from any of the legislators?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/2-4-13  
2 favor of this contract signify by saying  
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Any abstentions?

8 (No verbal response.)

9 The contract passes unanimously.

10 CHAIRWOMAN GONSALVES: Now that  
11 was contract A-4. The other A contracts are  
12 all Sandy related, I believe. With your  
13 permission, can we call them all at once and  
14 waive the reading. It's up to you. We will  
15 waive the reading and go to A-7-13. Motion,  
16 please.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Motion by  
20 Legislator Walker, seconded by Legislator  
21 Nicolello.

22 MR. MILLET: Rich Millet from  
23 Public Works. A-7-13 is a contract with  
24 Looks Great Services for vegetative debris  
25 removal from county sites and streets.

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2 CHAIRWOMAN GONSALVES: Who has  
3 the questions? Legislator Jacobs.

4 LEGISLATOR JACOBS: Hi Rich. How  
5 are you?

6 MR. MILLET: Good.

7 LEGISLATOR JACOBS: First, I,  
8 too, want to join Legislator Nicoletto in  
9 thanking you and the public works  
10 department. I know what you've been going  
11 through and I can only imagine. We  
12 appreciate it and we know there are a lot of  
13 facets of it.

14 Let me just talk to you for a  
15 minute about Looks Great. I know that you  
16 and I, you were very good at answering my  
17 questions the first time and I appreciated  
18 that.

19 But certain things have been  
20 brought to my attention that are a concern.  
21 I would be remiss if I didn't ask you. What  
22 were crews doing a week after Sandy in a  
23 preserve rather than on the streets that  
24 were blocked with fallen trees?

25 MR. MILLET: There are two

1 Rules Committee/2-4-13  
2 different types of crews. There are crews  
3 that go and cut and push the street, and  
4 there are crews that go into other areas.  
5 Some have bucket trucks, some have climbers.  
6 The parks and preserves for the most part  
7 were climbers. The bucket trucks were out  
8 in the street with the rest of the DPW  
9 people pushing open the roadways.

10 So, with what originally happened  
11 in Welwyn with the loss of the trees which I  
12 know you said was wrong, what happened to  
13 that company that did that?

14 MR. MILLET: They were removed  
15 from the job site. They were taken out of  
16 parks and preserves and they were put out  
17 into a roadway job.

18 LEGISLATOR JACOBS: I'm asking  
19 you that for a reason. I'm going to tell  
20 you exactly what my problem is. In  
21 Woodbury, where I happen to live, okay, I  
22 got a call from somebody who lives right  
23 near the Long Island Railroad. I think I  
24 called you.

25 I'm just wondering, and I know

1 Rules Committee/2-4-13  
2 you can't be every place, I understand that.  
3 But I'm a little concerned about the lack  
4 of, perhaps the lack of oversight in certain  
5 cases.

6 I know that you and I have  
7 discussed that this could have been a Long  
8 Island Railroad.

9 MR. MILLET: I actually called  
10 the railroad. That was a Long Island  
11 Railroad job.

12 LEGISLATOR JACOBS: That was  
13 definitely. But who keeps tabs, whether  
14 it's the Long Island Railroad or us as to  
15 whether they're going in? I don't even know  
16 if what I was told by this gentleman was  
17 totally correct, but he sounded pretty  
18 logical and they took down a lot of trees  
19 including in his backyard. Who's watching?  
20 Who's watching?

21 MR. MILLET: I'm going to give  
22 you a rundown of how we operated. There is  
23 a tree crew. With the tree crew is a debris  
24 monitor who has an iPad and a program. They  
25 go up to the tree, they take a picture of

1                   Rules Committee/2-4-13  
2     the tree, it does a GPS coordinate of the  
3     tree. They put the size in. They enter the  
4     size. The truck number into the ticket.  
5     The tree is taken down.

6                   If it's a tree that gets taken  
7     away, it's marked as going into a certain  
8     truck. When that truck arrives at a debris  
9     site, there is another monitor in a tower  
10    that takes a picture of the truck and  
11    estimates the volume. It's then dumped into  
12    the dump.

13                  If it's in a park or preserve,  
14    the parks we remove at park's request the  
15    preserves. Once they take it down, they are  
16    supposed to leave it there.

17                  But there is a monitor with every  
18    crew, independent they are not Looks Great  
19    employees. Some are county employees, some  
20    are consultants hired out of engineering and  
21    architectural firms, not Looks Great  
22    employees. They do not monitor themselves.  
23    We monitor them through our central tree  
24    division up in highway.

25                  LEGISLATOR JACOBS: Do they file

1 Rules Committee/2-4-13  
2 reports?

3 MR. MILLET: They have electronic  
4 reporting every day.

5 LEGISLATOR JACOBS: We were  
6 questioned after we did question a lot of  
7 the trees that went down, that how is it  
8 possible that first crew took down 140  
9 some-odd trees, but I know what you provided  
10 me with they did.

11 MR. MILLET: Yes.

12 LEGISLATOR JACOBS: So they could  
13 do it very quickly?

14 MR. MILLET: They could.

15 LEGISLATOR JACOBS: Destruction  
16 could happen?

17 MR. MILLET: It absolutely could.

18 LEGISLATOR JACOBS: So that's one  
19 of my questions.

20 Now let me just ask you something  
21 else. The invoices, it concerns us. We  
22 saw. We got a copy of the invoices. I  
23 don't want to dwell on 400 invoices, but I  
24 just want to say one thing to you.

25 On invoice number C10346.



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2 MR. MILLET: I'm at a  
3 disadvantage.

4 LEGISLATOR JACOBS: I know.  
5 Trust me. I'm telling you the truth. The  
6 amount is \$638,476.59. It says on the  
7 invoice, see invoice, Hurricane Sandy.

8 So I went to find the invoice.  
9 Here's the invoice. On the invoice it says,  
10 the same amount of money, which is true. It  
11 says hybrid storm/Sandy. How does that  
12 explain it?

13 I mean, I understand we can all  
14 say with Sandy there were hybrid storms all  
15 over but, in other words, when you are  
16 looking at an invoice, how do I as a lay  
17 person look at this and know where these  
18 trees were? What the debris was?

19 MR. MILLET: I don't have the  
20 claim in front of me. I couldn't answer the  
21 question. I can tell you from the claim  
22 number, and you want to come down and view  
23 the debris tickets, I guess there's  
24 thousands of them, you can come down and  
25 look at the debris tickets on line.

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2 LEGISLATOR JACOBS: So they can  
3 give you -- and I'm not sitting in  
4 judgement, but they can give you a hybrid  
5 storm Sandy invoice.

6 MR. MILLET: No. They don't give  
7 us anything. They give us a claim for this  
8 period of time, from this date to this date,  
9 we did this much work. Our people up in the  
10 tree division, that's up in highway, they  
11 take that claim and they match up the debris  
12 tickets electronically to what they're  
13 claiming. If they don't match up, the claim  
14 doesn't go through, it goes back to be  
15 readjusted. So I don't know if that answers  
16 your question, but it's all electronic.

17 LEGISLATOR JACOBS: To tell you  
18 the truth, what doesn't answer it clearly is  
19 just that having the invoice being able to  
20 go back and look at the exact invoice,  
21 doesn't help anything because you really  
22 don't know by that. You don't know by any  
23 of these two pieces of paper where this was  
24 done --

25 MR. MILLET: I think if you were

1                   Rules Committee/2-4-13  
2     going to put the debris tickets on there,  
3     you would probably have four cases to go  
4     with each claim.

5                   So when they go to the  
6     comptroller, we give them a sampling of the  
7     tree tickets to satisfy them that they  
8     understand what they're about. We would  
9     have to shift literally four boxes I think  
10    to hit the claim. Because every tree gets a  
11    separate three-page ticket. So I would  
12    assume the claims people don't want to  
13    attach three boxes of items to a claim.

14                  LEGISLATOR JACOBS: Can I just  
15    ask you something, seriously? So when FEMA  
16    gets involved with reimbursing --

17                  MR. MILLET: We have all our  
18    electronic tickets that are matched up to  
19    every claim. When they come to review,  
20    which they've already been doing, we've  
21    received \$55 million in approvals already  
22    from FEMA for our debris.

23                  So they're very happy with our  
24    program. In fact, they did a training video  
25    about our program that they are going to

1 Rules Committee/2-4-13  
2 give out to people. That's how impressed  
3 they were about the way we operated.

4 They come and we give them the  
5 same sampling of whatever they asked for.  
6 We want to see these 20 tickets, these 30  
7 tickets, then they go out and they GPS  
8 locate, they see it was two feet, three  
9 feet, and they match the ticket up. That's  
10 how they do their field audit. So we are  
11 well on our way in debris. We are.

12 LEGISLATOR JACOBS: Let me go  
13 backwards a second. Earlier we had  
14 discussed in another matter, another item,  
15 about stump removals, et cetera.

16 MR. MILLET: Correct.

17 LEGISLATOR JACOBS: I have to  
18 tell you, now I'm going to be very localized  
19 where I'm going. But it's not just a small  
20 area. I'm thinking Plainview, Old Bethpage,  
21 Bethpage, Syosset, Jericho, all the way to  
22 the north shore.

23 These are really big stumps.  
24 They are tremendous stumps. They are almost  
25 I imagine more difficult to take out than a

1 Rules Committee/2-4-13  
2 tree because they are lifting sidewalks and  
3 lawns.

4 Where does that come into this  
5 picture? I don't understand where --

6 MR. MILLET: That's where the  
7 separate -- FEMA, if you were to go front to  
8 back through the whole entire tree, they  
9 want you to break it in the unit price of  
10 the tree, the cut down, the transportation,  
11 the reduction at the site, and the haul out.

12 The stump is a totally separate  
13 item with FEMA. They don't consider it part  
14 of the tree any longer. Then you have to  
15 come back and do a stump assessment and some  
16 stumps are not responsive if they're under  
17 24 inches and they're upset, not crowned  
18 out, they're flush cut, they do not pay to  
19 take them out.

20 LEGISLATOR JACOBS: So, here  
21 comes my next question, with as busy as you  
22 guys are, believe me, I understand that the  
23 people on the south shore, some of them are  
24 not even in their houses yet, I mean talking  
25 trees I'm sure gets them a little upset, but

1 Rules Committee/2-4-13  
2 it's still a fact of life that we have  
3 sidewalks you can't walk down. We have tree  
4 stumps that are -- I'm not good at this, but  
5 this big.

6 MR. MILLET: When you see the  
7 stump contract I just went through, in there  
8 is removal of the uprooted stump. So they  
9 go out and look and everyone agrees, they  
10 agree, they say, okay, you can remove this  
11 stump or you have to grind this stump, or  
12 you can't do anything with the stump. It  
13 has stay there.

14 So those ones that are dangerous  
15 that have the sidewalk exposed, one way or  
16 other, they will either be ground in place  
17 and the sidewalk temporarily repaired, so  
18 it's safe, and then you come back and do  
19 your category C work later on.

20 Or, it's removed. The sidewalk  
21 is temporarily repaired, the curb is  
22 temporarily repaired, and you come back 18  
23 months later, and you have to do your  
24 category C permanent repair.

25 LEGISLATOR JACOBS: So at this

1 Rules Committee/2-4-13  
2 point, would you recommend that legislators  
3 let you know where they are?

4 MR. MILLET: We know where they  
5 are. We have GPS of every tree that was  
6 taken down and every stump. We have had  
7 teams out with FEMA the last week  
8 identifying the stumps and how they will be  
9 treated.

10 LEGISLATOR JACOBS: So my last  
11 question would be this. So if I'm talking  
12 about Invoice C10346, and I ask you if it's  
13 possible for you to give me the debris  
14 tickets on that one --

15 MR. MILLET: If you want that  
16 much material, I certainly could give it to  
17 you. I don't know if you want it, but, yes.

18 LEGISLATOR JACOBS: Well, we  
19 don't want it on every invoice, I'm just  
20 looking at one invoice.

21 MR. MILLET: That's fine.

22 LEGISLATOR JACOBS: Just to say,  
23 we just want to see what we're talking  
24 about.

25 MR. MILLET: Absolutely.

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2 LEGISLATOR JACOBS: All right.  
3 Fair enough. Thank you.

4 MR. MILLET: Okay.

5 CHAIRWOMAN GONSALVES: I have a  
6 follow-up question. Not every stump is  
7 conducive to being grinded, right?

8 MR. MILLET: Correct.

9 CHAIRWOMAN GONSALVES: If it's  
10 not, what happens to those stumps?

11 MR. MILLET: It stays in place  
12 where it is right now.

13 CHAIRWOMAN GONSALVES: But let's  
14 say they are out of the ground --

15 MR. MILLET: If they are removed  
16 from the ground, if the root system is  
17 removed, they will be taken out, or ground  
18 out in place. But if they're not, if  
19 they're fine and flush cut to the ground,  
20 they stay there.

21 CHAIRWOMAN GONSALVES: That's  
22 what I wanted to know. Thank you very much,  
23 Mr. Millet. Legislator Wink.

24 LEGISLATOR WINK: Mr. Millet, in  
25 addition to the information you've provided,



1 Rules Committee/2-4-13  
2 you've indicated that for every tree that  
3 was cut down, there is a photo, there's a  
4 GPS identification.

5 MR. MILLET: Correct.

6 LEGISLATOR WINK: They're  
7 inventoried as to what truck they're put in,  
8 where they're dumped, I'm assume?

9 MR. MILLET: Yes.

10 LEGISLATOR WINK: Are there  
11 arborist reports associated with each of  
12 these as well?

13 MR. MILLET: There were no  
14 handwritten reporting done. I had supplied  
15 one to Legislator Jacobs where we  
16 extrapolated the information by hand so it  
17 would be a little easier to understand.

18 But there is no out in the field  
19 handwriting. Everything was done via the  
20 digital system. That was an anomaly with, I  
21 sent someone to say, look, please write this  
22 out, get the information out so that I could  
23 give it Legislator Jacobs and she could  
24 understand it and pass it out amongst the  
25 legislature.

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2 LEGISLATOR WINK: But now, in  
3 terms of, I guess FEMA is looking at it as  
4 if you're saying it was storm related, then  
5 it must have been storm related.

6 MR. MILLET: No. They get the  
7 criteria. They get that debris ticket.  
8 They can do an audit. They can audit you  
9 100 percent of your trees or ten percent of  
10 your trees. So it depends. In Irene, we  
11 got audited on 20 percent of our issues.

12 They came back this year and they  
13 said we probably only are going to audit you  
14 at five or 10 percent because we performed  
15 highly in Irene. So they just said, we just  
16 want to see five or ten percent.

17 So what happens is, you take a  
18 monitor, you take an iPad out. They  
19 identify where they want to go and you go to  
20 that place and they click their own GPS.  
21 They see the stump, they see the size, they  
22 match it the ticket that it was a three foot  
23 around tree, that it had a broken crown or  
24 whatever it was that it had, or it was  
25 uprooted, and they go through their audit

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2 that way.

3 LEGISLATOR WINK: So they are  
4 able to assess the need to take that tree  
5 down by the debris slip?

6 MR. MILLET: Yes. That's why  
7 you take a picture pre and post.

8 LEGISLATOR WINK: I'm just trying  
9 to understand that there are actually  
10 criteria for taking a tree down.

11 MR. MILLET: Absolutely. That it  
12 would have lines of a broken crown,  
13 heart-wood exposed, 50 percent tilt, 30  
14 percent leaner. Those are the criteria that  
15 the monitors go out.

16 LEGISLATOR WINK: Okay. And I'm  
17 asking this in part because the 111 trees  
18 that came down on Searingtown and Shelter  
19 Rock Road, that's the borderline in my  
20 district.

21 I know in the past I have been  
22 told there were photographs and GPS listings  
23 and whatnot, but I never got the  
24 understanding that there were actual  
25 documented notes as to the reasons why.

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2 MR. MILLET: There are no  
3 handwritten notes. The handwritten notes  
4 are inside the debris ticket. There is a  
5 comment -- if he puts a comment in, he can  
6 comment.

7 LEGISLATOR WINK: I think I would  
8 like to, just as Legislator Jacobs likes the  
9 sample, I would actually like to see as many  
10 of those as possible, quite frankly, because  
11 in many cases there are people seriously  
12 questioning whether or not there was any  
13 real damage to any of these trees.

14 MR. MILLET: So you want to see  
15 the debris tickets?

16 LEGISLATOR WINK: Yes.

17 MR. MILLET: Okay. Just note  
18 that it takes a lot of time to get this  
19 information out, so it's not something that  
20 can be produced instantaneously.

21 LEGISLATOR WINK: I understand.

22 MR. MILLET: And it's a little  
23 cumbersome for the staff as we're still  
24 trying to clean up to go through this, but  
25 we will do our best to get it to you as

1 Rules Committee/2-4-13  
2 quickly as possible.

3 LEGISLATOR WINK: I appreciate  
4 that and I understand that FEMA may be doing  
5 random samples as well, so there will be the  
6 need to do some of this anyway. So I would  
7 appreciate seeing this information as well.  
8 Thank you.

9 LEGISLATOR WINK: No problem.

10 CHAIRWOMAN GONSALVES: Mr.  
11 Millet, I have a question regarding the  
12 forms or the invoices that you have. I  
13 would believe that there is a code system to  
14 indicate what each operation would be?

15 MR. MILLET: Yes, on the debris  
16 ticket there is. All the coding and the  
17 language you need to see is on the debris  
18 ticket, the electronic ticket.

19 CHAIRWOMAN GONSALVES: All right.

20 MR. MILLET: What we've done in  
21 the past, we've put them in a drop box and  
22 then you could be sent in to the drop box  
23 and that's kind of the easiest way for us to  
24 do it, so if that would be something, I  
25 would drop Searingtown Road into a drop box

1 Rules Committee/2-4-13  
2 for you.

3 CHAIRWOMAN GONSALVES: In other  
4 words, if we asked for a copy of, say, one  
5 of those cases, those codes would have to be  
6 identified as to what they are so that we  
7 can understand them?

8 MR. MILLET: Correct. You'll see  
9 them. It's very clear. It's very easy.

10 CHAIRWOMAN GONSALVES: Thank you,  
11 Mr. Millet once again.

12 LEGISLATOR JACOBS: Rich, one  
13 last question. Getting to Searingtown Road,  
14 it's not in my district, but I drive it all  
15 the time. They were very small trees in  
16 comparison to the ones I'm talking about.  
17 But, they are close to the ground, but the  
18 stumps are at least this high off the  
19 ground, about I would say up to 12 inches.  
20 Is that considered ground level?

21 MR. MILLET: By FEMA rules, I  
22 would have to check. There is a height  
23 differential to when they say it's grindable  
24 or not. I don't know the height offhand of  
25 the stump. I'll find out.

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2 LEGISLATOR JACOBS: That would  
3 concern me a little bit because,  
4 danger-wise, walking.

5 MR. MILLET: Absolutely. That's  
6 why we are out there with FEMA. We are  
7 trying to get them to agree with us as much  
8 as we can.

9 LEGISLATOR JACOBS: That's the  
10 only thing that concerned me. I know the  
11 difference. I have ones that are all the  
12 way up like this.

13 MR. MILLET: That's why we're out  
14 there mutually and trying to make some  
15 mutual agreements.

16 LEGISLATOR JACOBS: Thank you.

17 CHAIRWOMAN GONSALVES: One more  
18 thing Legislator Abrahams.

19 LEGISLATOR ABRAHAMS: How are  
20 you, Rich?

21 MR. MILLET: Good, how are you?

22 LEGISLATOR ABRAHAMS: I know  
23 Looks Great has gotten an enormous amount of  
24 attention and obviously you can understand  
25 the amount of money that's being circulated

1 Rules Committee/2-4-13

2 and spent \$68 to the tune, we have to go  
3 through these lines of questions.

4 The one thing I do want to ask is  
5 regard to the liability insurance.

6 Obviously Looks Great has been doing quite a  
7 bit of work in Nassau County. Does the  
8 county feel that the liability insurance to  
9 hold the county harmless from any liability  
10 arising out of the actions of Looks Great or  
11 subcontractors, is it sufficient?

12 MR. MILLET: I believe we do. We  
13 have the contractor fill out the hold  
14 harmless form like every other contractor  
15 does. My understanding from him is, he does  
16 the same thing with his subs.

17 LEGISLATOR ABRAHAMS: That's what  
18 I was about to ask you. So he does the same  
19 thing with his subs?

20 MR. MILLET: Yes.

21 LEGISLATOR ABRAHAMS: Do you see  
22 that documentation after --

23 MR. MILLET: We don't ask for it.  
24 We have told him -- said to him, make sure  
25 he says that he does it for every one of his



1 Rules Committee/2-4-13  
2 storms. I haven't asked for it. We are not  
3 responsive to ask for it. I just have to  
4 make sure since he's our contractor that we  
5 are held harmless from him.

6 LEGISLATOR ABRAHAMS: Okay.  
7 Thank you.

8 CHAIRWOMAN GONSALVES: I'm just  
9 going to ask if there is any public comment  
10 regarding this item?

11 (No verbal response.)

12 We will recess for five minutes.

13 (Whereupon, the Rules Committee  
14 recessed at 3:05 p.m. and reconvened at 3:17  
15 p.m.)

16 CHAIRWOMAN GONSALVES: Legislator  
17 Jacobs.

18 LEGISLATOR JACOBS: Rich, I just  
19 have two very quick questions.

20 Number one is, what you suggested  
21 to Wayne about a drop box, that if there's  
22 something that we want, can we relate to you  
23 and it can be put on that too?

24 MR. MILLET: Yes.

25 LEGISLATOR JACOBS: Fine. Also,

1                   Rules Committee/2-4-13  
2       just repeat for me what you told me, if you  
3       remember, how you got to this company. It  
4       was this four companies that the federal  
5       government recommended at the time when  
6       Suozzi asked, right?

7                   MR. MILLET:    2009.   Submitted a  
8       debris management plan.

9                   LEGISLATOR JACOBS:   Debris  
10       management.   That's what it was, okay.   And  
11       those four companies were the ones you had  
12       to choose from?

13                  MR. MILLET:    They were the  
14       recommended federal vendor, four of them.

15                  LEGISLATOR JACOBS:   Now when it  
16       says recommended federal vendor, that is an  
17       important part, I assume, of who FEMA can  
18       recommend?

19                  MR. MILLET:    It is an important  
20       part on your reimbursement.   They  
21       technically will never tell you we recommend  
22       you use this contractor.   They'll say that  
23       these contractors are preferred vendors.

24                  LEGISLATOR JACOBS:   Preferred.  
25       Okay.   And the reason that they were chosen

1 Rules Committee/2-4-13

2 over the other three was --

3 MR. MILLET: Responsiveness with  
4 the amount of manpower and equipment we  
5 needed.

6 LEGISLATOR JACOBS: Thank you.  
7 That's it.

8 CHAIRWOMAN GONSALVES: Now for  
9 the vote. All those in favor of Contract  
10 A-07-13 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Any abstentions?

15 (No verbal response.)

16 The contract passes unanimously.  
17 Thank you very much.

18 Now, with their permission, I've  
19 asked them if we could block the next A  
20 contracts and I'm going to begin with  
21 A-8-13, A-9-13, A-10-13, A-11-13, A-12-13,  
22 A-13-13, A-14-13, and A-15-13. Motion,  
23 please.

24 LEGISLATOR MUSCARELLA: So moved.

25 LEGISLATOR WALKER: Second.

1 Rules Committee/2-4-13

2 CHAIRWOMAN GONSALVES: Motion by  
3 Legislator Muscarella, seconded by  
4 Legislator Walker. Any questions on any of  
5 these items?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in  
10 favor of A-8 through A-15 signify by saying  
11 aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Any abstentions?

16 (No verbal response.)

17 The contracts carry unanimously.  
18 Now we proceed to the E contracts. Again, I  
19 ask, if you don't mind, to waive the reading  
20 of the contracts. I'm asking. I'll call  
21 the contracts, but I'm asking for a waiver  
22 not to read the items. Waive the reading?

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: All those

1 Rules Committee/2-4-13  
2 in favor of waiving the reading for each of  
3 the contracts, please signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Any abstentions?

8 (No verbal response.)

9 The first E contract is E-3-13.

10 May I have a motion, please?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR NICOLELLO: Second.

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

16 MR. MAY: We have Judge John  
17 Marks from TPVA.

18 JUDGE MARKS: Good afternoon.  
19 John Marks, TPVA. This is a contract to  
20 renew and extend existing contracts for  
21 judicial hearing officers required to  
22 adjudicate traffic, parking and notice of  
23 liability.

24 CHAIRWOMAN GONSALVES: With the  
25 permission of the minority, we're going to

1 Rules Committee/2-4-13  
2 block all of these contracts from E-3, E-5,  
3 E-8, E-9, E-11, E-13, E-14, E-15, E-16,  
4 E-17, E-18, E-19, E-20, E-21, E-22, E-23,  
5 E-24, E-25, E-26. That's it. May I have a  
6 motion again.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by  
10 Legislator Walker, seconded by Legislator  
11 Nicoletto. Judge Marks, do you want to talk  
12 about any of these?

13 JUDGE MARKS: In block, they're  
14 all sitting judicial hearing officers for  
15 the for the Traffic and Parking Violations  
16 Agency that's required to adjudicate  
17 traffic, parking and notice of liability for  
18 the agency.

19 CHAIRWOMAN GONSALVES: Any  
20 questions of Judge Marks?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in  
25 favor of Items E-3 through E-26 signify by

1 Rules Committee/2-4-13

2 saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Any abstentions?

7 (No verbal response.)

8 The contracts pass unanimously.

9 JUDGE MARKS: Thank you. Have a  
10 nice day.

11 CHAIRWOMAN GONSALVES: Now, that  
12 was the addendum one, I believe, and now we  
13 have addendum two, which is just one item on  
14 that which is E-41-13. Wait a minute. I'm  
15 sorry. This is a second addendum so I need  
16 a motion to suspend the rules.

17 LEGISLATOR MUSCARELLA: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by  
20 Legislator Muscarella, seconded by  
21 Legislator Nicolello.

22 All those in favor of suspending  
23 the rules signify by saying aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/2-4-13

2 (No verbal response.)

3 There being none, let's proceed  
4 with contract E-41-13. Who do we have here  
5 to speak on this one?

6 MR. MAY: Ms. Lisa Locurto from  
7 the county attorney's office.

8 CHAIRWOMAN GONSALVES: Welcome  
9 again.

10 MS. LOCURTO: Good afternoon,  
11 legislators, Madam Presiding Officer.

12 This is a special counsel  
13 contract. It is an amendment to an existing  
14 contract. This is to provide additional  
15 funding for the continuing litigation of the  
16 wage freeze lawsuit that was commenced by  
17 the various unions against the county and  
18 NIFA and we are putting \$350,000 in  
19 anticipation of what this future litigation  
20 will bring.

21 CHAIRWOMAN GONSALVES: A motion  
22 to entertain this contract.

23 LEGISLATOR MUSCARELLA: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by



1 Rules Committee/2-4-13  
2 Legislator Muscarella, seconded by  
3 Legislator Nicoletto. Sorry, anything else  
4 you want to add to it?

5 MS. LOCURTO: Just this is a  
6 complex litigation with regard to labor  
7 relations. Jackson Lewis is one of the  
8 foremost litigation firms in labor law, and  
9 their expertise is one of the reasons they  
10 are selected to assist the county attorney's  
11 office in the litigation.

12 CHAIRWOMAN GONSALVES: Any  
13 questions from any of the legislators?  
14 Minority Leader Abrahams.

15 LEGISLATOR ABRAHAMS: Hi Ms.  
16 Locurto. Can you give us the nature of what  
17 Jackson Lewis has provided to us to date?

18 MS. LOCURTO: Jackson Lewis has  
19 assisted us throughout the discovery process  
20 of the lawsuit. We have -- it's current  
21 status is a motion for summary judgement is  
22 pending in the federal court to dismiss the  
23 action and depending on whether or not that  
24 motion is granted will determine whether or  
25 not what the next step in the litigation

1 Rules Committee/2-4-13  
2 will be.

3 LEGISLATOR ABRAHAMS: And they  
4 have exhausted the \$250,000 or you're  
5 basically staying ahead of the curve?

6 MS. LOCURTO: We're trying to  
7 stay ahead of the curve.

8 LEGISLATOR ABRAHAMS: So how much  
9 have they invoiced and billed so far to the  
10 county?

11 MS. LOCURTO: We haven't  
12 exhausted the original \$250,000 but I would  
13 say we've spent a good 80 percent of it.

14 LEGISLATOR ABRAHAMS: Thank you.

15 CHAIRWOMAN GONSALVES: Any other  
16 questions of Ms. Locurto? Legislator  
17 Nicoletto.

18 LEGISLATOR NICOLELLO: Is Jackson  
19 Lewis representing both the county and NIFA?

20 MS. LOCURTO: NIFA wanted Jackson  
21 Lewis to be a part of the litigation as  
22 well. NIFA has also engaged its own  
23 counsel, Skadden Arps in addition. The  
24 county attorney has told me they are using  
25 Skadden exclusively.

1 Rules Committee/2-4-13

2 LEGISLATOR NICOLELLO: So Jackson  
3 Lewis is representing the county as opposed  
4 to NIFA?

5 MS. LOCURTO: Correct.

6 LEGISLATOR NICOLELLO: I guess  
7 we're pretty obviously paying Skadden Arps  
8 as well?

9 MS. LOCURTO: Yes, the county  
10 does as well.

11 CHAIRWOMAN GONSALVES: Any other  
12 questions from any of the legislators?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

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

18 (Aye.)

19 Any opposed?

20 (Nay.)

21 Any abstentions?

22 (No verbal response.)

23 So we have four yes and three  
24 nays and the contract passes four to three.  
25 Thank you very much. We are in a brief

1 Rules Committee/2-4-13  
2 recess. We will be back after Finance.  
3 Next is Public Safety. So all the members  
4 of the Public Safety please join the  
5 chamber.

6 (Whereupon, the Rules Committee  
7 recessed at 3:27 p.m. and reconvened at 5:30  
8 p.m.)

9 CHAIRWOMAN GONSALVES: Rules is  
10 reconvened. With the permission of the  
11 minority, we are going to block those items  
12 that went through committees. And they are  
13 as follows: 45-13, 48-13, 49-13, 50-13,  
14 57-13, 60-13, 61-13, 47-13, 59-13, and  
15 62-13, 64-13, 65-13, 66-13, 67-13, 68-13,  
16 and 71-13, 69-13. They all went through  
17 committees. The testimony from those  
18 committees should be incorporated into the  
19 Rules Committee. I called 71 as well. I  
20 don't believe there is anymore.

21 (Whereupon, the following are the  
22 minutes of the Finance Committee pertaining  
23 to Clerk Items 45-13, 48-13, 49-13, 50-13,  
24 60-13, 61-13, 47-13, 59-13, and 62-13,  
25 64-13, 65-13, 66-13, 67-13, 68-13, and

1 Rules Committee/2-4-13  
2 71-13, 69-13; 2-4-13).

3 CHAIRMAN NICOLELLO: Thank you.  
4 The first item is 45 of 2013, a resolution  
5 to authorize a transfer of appropriations  
6 heretofore made with the budget for the year  
7 2012.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRMAN NICOLELLO: Moved by  
11 Legislator Muscarella, seconded by  
12 Legislator Walker. Are there any questions  
13 on this item, the transfer in the  
14 correctional center?

15 (No verbal response.)

16 Seeing no questions, is there any  
17 public comment?

18 (No verbal response.)

19 All those in favor signify by  
20 saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 That item passes unanimously.

25 Item 48 of 2013, a resolution

1                   Rules Committee/2-4-13  
2     providing for the issuance of a warrant  
3     directing the treasurer of the County of  
4     Nassau to pay to the supervisors of the  
5     several towns and to the treasurers of the  
6     several villages and cities within the  
7     County of Nassau the sums as apportioned by  
8     the Nassau County Legislature based on the  
9     report filed by the county treasurer and the  
10    county clerk showing deposits for mortgage  
11    taxes.

12                   LEGISLATOR MUSCARELLA:    So moved.

13                   LEGISLATOR WALKER:     Second.

14                   CHAIRMAN NICOLELLO:    Moved by  
15    Legislator Muscarella, seconded by  
16    Legislator Walker.    Any discussion?

17                   (No verbal response.)

18                   Is there any public comment?

19                   (No verbal response.)

20                   All those in favor signify by  
21    saying aye.

22                   (Aye.)

23                   Any opposed?

24                   (No verbal response.)

25                   The next two items will be called

1 Rules Committee/2-4-13  
2 later for executive session, Item 59 of 2013  
3 is a resolution to authorize the transfer of  
4 appropriations heretofore made within the  
5 budget for the year 2012.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR MUSCARELLA: Second.

8 CHAIRMAN NICOLELLO: Moved by  
9 Legislator Walker, seconded by Legislator  
10 Muscarella. Any discussion? It's a  
11 transfer within the medical examiner's  
12 office.

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by  
17 saying aye.

18 (Aye.)

19 Carries unanimously.

20 Items 60, 61, 62 of 2013 are  
21 ordinances making certain determinations  
22 pursuant to SEQRA and authorizing the County  
23 Executive of the County of Nassau to accept  
24 on behalf of the County of Nassau, Office of  
25 Purchase from Young Ok Ahn Kim and Kwan Bae

1 Rules Committee/2-4-13  
2 Kim of certain premises located in Port  
3 Washington, Eleanor Peterson of certain  
4 premises located in Rockville Centre, and  
5 Terry Famigletti of certain premises located  
6 in the Incorporated Village of Bayville.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR VENDITTO: Second.

9 CHAIRMAN NICOLELLO: Moved by  
10 Legislator Walker, seconded by Legislator  
11 Venditto. Do we have any questions on this  
12 item?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by  
17 saying aye.

18 (Aye.)

19 Carries unanimously. Item 64 of  
20 2013, a resolution authorizing the county  
21 executive to execute an intermunicipal  
22 agreement with the County of Nassau in  
23 relation to the Westchester County  
24 performing latent print analysis for the  
25 County of Nassau.



1 Rules Committee/2-4-13

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN NICOLELLO: Moved by  
5 Legislator Walker, seconded by Legislator  
6 Muscarella. This item was heard a few  
7 moments ago in the Public Safety Committee.  
8 Do any members of this committee have any  
9 questions on this particular item?

10 (No verbal response.)

11 Hearing none, is there any public  
12 comment?

13 (No verbal response.)

14 All those in favor signify by  
15 saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 The item carries.

20 Items 65 and 66 of 2013; 65 is an  
21 ordinance to amend Ordinance Number 241 of  
22 2012 as amended, adopting the county budget  
23 for the year 2012 for the County of Nassau.  
24 Ordinance 66 is a bond ordinance providing  
25 for capital expenditure to finance the

1 Rules Committee/2-4-13  
2 capital project specified herein within the  
3 County of Nassau.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR VENDITTO: Second.

6 CHAIRMAN NICOLELLO: Moved by  
7 Legislator Walker, seconded by Legislator  
8 Venditto. Item 65 just went through the  
9 Public Works Committee. I know that  
10 Legislator Bosworth mentioned Shelter Rock  
11 Road and I actually was on it -- and  
12 Searingtown. I was on Shelter Rock Road  
13 over the weekend, and it was has to be a  
14 couple of football fields long with trees,  
15 just all stumps. I actually had been on  
16 that road in the past, it's a beautiful road  
17 especially in the spring.

18 LEGISLATOR BOSWORTH: Thank you  
19 for noticing that. It's appreciated.

20 CHAIRMAN NICOLELLO: Any further  
21 discussion? Legislator DeRiggi-Whitton.

22 LEGISLATOR DERIGGI-WHITTON: Hi.  
23 I'm not sure if Mr. May, or the gentleman  
24 that's in charge of the clean-up, Richard,  
25 do you have a second?

1 Rules Committee/2-4-13

2 MR. MILLET: Rich Millet, Public  
3 Works. How are you?

4 LEGISLATOR DERIGGI-WHITTON:

5 Good. I just have a few questions regarding  
6 this expenditure. I'm happy to see a number  
7 of trees will be replaced. I'm just  
8 wondering, what process exactly, I know you  
9 met and discussed what the list is, that you  
10 feel you're comfortable with, as to what has  
11 to be replaced, are we going to see what  
12 that includes at any time?

13 MR. MILLET: There is no set list  
14 right now. We are going to go out and  
15 starting to do assessments and we'll use one  
16 of our employees, Rich Arnados who is a  
17 landscape architect and our contacts with  
18 Cornell, and we'll talk about what trees  
19 belong where and where they should be  
20 planted, and within the county, trees are  
21 planed a lot of times in the wrong spots,  
22 and it's detrimental to the tree and  
23 detrimental to the resident to have it  
24 there.

25 So we haven't chosen any spot

1                   Rules Committee/2-4-13  
2   yet.   We're going to meet and talk about  
3   where they go and hit the spring planting  
4   and the fall planting season as quickly as  
5   we can.

6                   LEGISLATOR DERIGGI-WHITTON:  
7   Prior to that, I think we would all just  
8   appreciate just seeing some idea of where  
9   you will be planting them.   We each  
10  represent our own districts and each are  
11  very familiar with what areas we feel were  
12  either compromised, or --

13                  MR. MILLET:   As soon as we sit  
14  down and start to formulate a plan, we will  
15  certain include everyone through their  
16  caucus leader.

17                  LEGISLATOR DERIGGI-WHITTON:  
18  Again, I know Wellwyn has become a major  
19  factor in this.   Has there been any attempt  
20  to recover any of the expense that the  
21  county is going to have to replace the trees  
22  that were cut?

23                  MR. MILLET:   No.

24                  LEGISLATOR DERIGGI-WHITTON:   Can  
25  I ask you another question regarding that?

1 Rules Committee/2-4-13

2 When you said that the crew that was sent in  
3 to Wellwyn, it was removed within a couple  
4 of days, how do you identify --

5 MR. MILLET: Truck numbers.

6 LEGISLATOR DERIGGI-WHITTON: Why  
7 was it that the same truck number was there  
8 for five days?

9 MR. MILLET: No, it was not -- it  
10 could have been the same one in the  
11 beginning and then they were removed.

12 LEGISLATOR DERIGGI-WHITTON: No.  
13 The same truck number is on the --

14 MR. MILLET: I would have to see  
15 it. I wouldn't be able to answer you.

16 LEGISLATOR DERIGGI-WHITTON: I'll  
17 show it to you. But the same truck number  
18 was there for --

19 MR. MILLET: Could have been the  
20 crew got fired and they used the truck over  
21 again. I couldn't answer it right now. I  
22 would have to look.

23 LEGISLATOR DERIGGI-WHITTON:  
24 That's another question I have. I know  
25 Norma Gonsalves said the crew was fired in

1 Rules Committee/2-4-13  
2 her correspondence to me and then I heard  
3 that it was just removed and another one --  
4 do you know if the crew was fired?

5 MR. MILLET: I would have to  
6 check. I believe we wanted them removed  
7 from county work. I will check to see what  
8 happened.

9 LEGISLATOR DERIGGI-WHITTON:  
10 Because I heard that they were just removed  
11 but not fired. So I would like a  
12 clarification as to whether or not they were  
13 truly fired or removed.

14 Also, just being on the Finance  
15 Committee, I appreciate we have been asking  
16 for -- I know in Rules were asking for some  
17 clarifications because this is up to \$68  
18 million that is asked to be allotted for one  
19 company.

20 MR. MILLET: Not one company.  
21 One company that manages 40 companies.

22 LEGISLATOR DERIGGI-WHITTON: I  
23 thought it was one company last time we  
24 spoke.

25 So Looks Great Services is now

1 Rules Committee/2-4-13  
2 awarded -- we're going to allocate \$68  
3 million to this one company.

4 MR. MILLET: To pay for their 58  
5 contractors.

6 CHAIRMAN NICOLELLO: Hold on a  
7 second. This has nothing to do with this  
8 item.

9 LEGISLATOR DERIGGI-WHITTON: Yes,  
10 it does. Actually it does.

11 CHAIRMAN NICOLELLO: This is out  
12 of order.

13 LEGISLATOR DERIGGI-WHITTON: It  
14 actually does. The reason why I'm asking is  
15 because on the Finance Committee, when we  
16 need these invoices to justify that type of  
17 expenditure of \$68 million, we are handed  
18 these two pieces of papers.

19 What I want to reiterate, which  
20 was already brought up in Rules by Judy  
21 Jacobs, is the fact that it's very hard to  
22 allocate \$68 million -- for instance, this  
23 one is \$2 million and it's representing  
24 carting and everything else. There is  
25 absolutely no indication as to what the rate

1 Rules Committee/2-4-13  
2 is that's being paid. There is no  
3 indication of where the work is being done.

4 CHAIRMAN NICOLELLO: Again,  
5 Legislator DeRiggi-Whitton, obviously we  
6 gave you the leeway, but could you please  
7 talk about this item? I know you have  
8 concerns about Looks Great. I know you have  
9 concerns about the other item but this isn't  
10 the time or place to bring them up. We have  
11 business to transact in this committee.

12 LEGISLATOR DERIGGI-WHITTON:  
13 Listen. I represent -- I'm on the Finance  
14 Committee and I represent something that we  
15 are going to be expected to vote on at our  
16 next meeting. I'm not going to have another  
17 chance to get together with --

18 CHAIRMAN NICOLELLO: But it's not  
19 the right place, otherwise we could pick and  
20 choose when we are going to raise our  
21 arguments about something having nothing to  
22 do with the item before us.

23 LEGISLATOR DERIGGI-WHITTON: But  
24 that's really not the case.

25 CHAIRMAN NICOLELLO: There is a



1 Rules Committee/2-4-13  
2 reason we have an agenda and the things that  
3 we are going to consider is the business  
4 that's of the committee.

5 LEGISLATOR DERIGGI-WHITTON: I  
6 understand you're trying to stop me from  
7 asking questions but if you can just return  
8 to the podium, I just want to finish up with  
9 one thing.

10 I, as a legislator, have to  
11 finish up my questions. The fact that  
12 you're trying to stop me is very unusual.

13 CHAIRMAN NICOLELLO: If you have  
14 a question, go ahead and ask it.

15 LEGISLATOR DERIGGI-WHITTON: I  
16 do.

17 CHAIRMAN NICOLELLO: And if it's  
18 on this item, Mr. Millet, you can answer.  
19 If it's not on the item, then we are going  
20 to move on.

21 LEGISLATOR DERIGGI-WHITTON:  
22 Okay. When we are asked to approve items  
23 such as this \$3.5 million which you are  
24 doing, on the Finance Committee, what  
25 documentations are you going to provide for

1 Rules Committee/2-4-13

2 \$3.5 million?

3 MR. MILLET: I wouldn't know.  
4 Location of trees, cost of the tree. That's  
5 what we would supply to you.

6 LEGISLATOR DERIGGI-WHITTON: So  
7 wouldn't you expect that like whenever you  
8 do any type of request for funding that you  
9 would have, like you said, location and  
10 maybe what work is going to be done, and how  
11 much expense you're going to have for each  
12 item?

13 MR. MILLET: I'm sure they're  
14 going to claim those things are covered.

15 LEGISLATOR DERIGGI-WHITTON: Are  
16 those items necessary for any kind of FEMA  
17 reimbursement?

18 MR. MILLET: They are.

19 LEGISLATOR DERIGGI-WHITTON: So  
20 I'm going on record right now, and you might  
21 call this out of line, but I'm calling it  
22 trying to get the only opportunity to get  
23 information. All of the invoices I've  
24 received for what we're putting out --

25 CHAIRMAN NICOLELLO: You are

1 Rules Committee/2-4-13  
2 right. It is out of order and you really  
3 are trying the patience of just about  
4 everybody in this room with this. If you  
5 want to bring that up, you will have a  
6 perfect opportunity in several weeks before  
7 the Full Legislature and any time in between  
8 when you want to bring it up to whoever you  
9 want to talk to. But it's out of order for  
10 this committee. I'm going to move on.

11 Does anyone else have any  
12 questions?

13 (No verbal response.)

14 Anyone have any public comment?

15 LEGISLATOR DERIGGI-WHITTON: I  
16 think that's ridiculous.

17 (No verbal response.)

18 All those in favor of passing  
19 this, signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Passes unanimously.

24 Item 69 of 2013 -- I'm skipping  
25 over 67 and 68 which we will be for later

1 Rules Committee/2-4-13  
2 for executive session.

3 Item 69 of 2013 is a local law to  
4 provide relief from fees charged by the  
5 various departments of county governments to  
6 the victims of Hurricane/Super Storm Sandy.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN NICOLELLO: Moved by  
10 Legislator Walker, seconded by Legislator  
11 Muscarella. Mr. May, do you have someone to  
12 speak about this?

13 MR. MAY: Yes. That would be me.

14 CHAIRMAN NICOLELLO: Here's a  
15 question. What fees are we waiving?

16 MR. MAY: As of right now, all  
17 fees are eligible to be waived. An  
18 individual will apply to a particular  
19 department and they have to show good cause  
20 which is a notarized statement that the fee  
21 that they are claiming waiver is in relation  
22 to Hurricane Super Storm Sandy, and I guess  
23 for brevity's sake, we'll just call it  
24 Sandy.

25 CHAIRMAN NICOLELLO: I think the

1                   Rules Committee/2-4-13  
2       administration needs to identify the fees  
3       that are going to be waived. I don't think  
4       you can just pass a resolution that just  
5       blanketly waives all fees. Obviously the  
6       county attorney would speak to that. But I  
7       think we need to know which fees it is that  
8       are going to be waived. Obviously everyone  
9       up here is going to be in favor of this, and  
10      certainly we want to see relief to our  
11      residents, but we need some specifics.

12                   MR. MAY: Absolutely. And right  
13      now, in speaking with constituents who have  
14      been contacting the county executive's  
15      office, it appears that the fees that are  
16      most likely to be waived will be the sewer  
17      disconnect and reconnect fee, and that's  
18      from the Department of Public Works. That's  
19      is if you have to demolish your house, you  
20      have to cap the sewer connection, and the  
21      pre-demolition inspection from the  
22      Department of Health which, the Department  
23      of Health will inspect the premises, and I  
24      believe they search or inspect for rodents  
25      and other pests so that if the house does

1 Rules Committee/2-4-13  
2 come down it won't be a health hazard for  
3 neighbors, their neighbors and the community  
4 at large.

5 We are certainly open to  
6 discussing changes to the bill and we can  
7 make amendments. Coming here today we  
8 wanted to have a cooperative process with  
9 the legislators.

10 I know I spoke with majority  
11 counsel before this bill was filed and, on  
12 their suggestion, we added language  
13 regarding the insurance policies. This is  
14 not a fate accompli. We are not pushing  
15 this through in any kind of inappropriate  
16 manner. We want to have a dialogue with you  
17 as the legislature and make this law the  
18 best law it can be.

19 I think we all want to help our  
20 residents and do this in the most  
21 appropriate way possible.

22 CHAIRMAN NICOLELLO: Legislator  
23 Muscarella.

24 LEGISLATOR MUSCARELLA: Yes. Mr.  
25 May, I think that we need to specify what

1 Rules Committee/2-4-13  
2 fees were in the bill that we're actually  
3 waiving. I think you're going to end up  
4 with a situation where if we blanketly waive  
5 fees with the county, you're going to have  
6 people, constituents who may come forward  
7 and believe that we are waiving things like  
8 a mortgage recording tax if they have to  
9 refinance or whatever. That's a state tax.

10 So I think the more specific we  
11 can get the better off it is, not only for  
12 an interpretation of the bill, but for the  
13 residents as they go forward in knowing  
14 exactly what's being waived.

15 MR. MAY: Absolutely. And,  
16 again, when we were drafting the language in  
17 the bill, what we were attempting to do is,  
18 in the section describing good cause, we  
19 wanted a statement from the applicant, the  
20 person, individual applying for the waiver  
21 that they're applying for the waiver in  
22 relation to work that they have to perform  
23 because of Sandy.

24 We also included language in the  
25 bill that any fee that is being charged by

1 Rules Committee/2-4-13  
2 the county, due to a federal or state law,  
3 would not be waived. It would be purely  
4 county fees.

5 But I understand exactly what  
6 you're saying and if you, as a legislature,  
7 want to see some more specific language, we  
8 have to get your votes to do that. And if  
9 that's the case, that's what we'll do.

10 CHAIRMAN NICOLELLO: Is this  
11 limited to fees charged to residents or are  
12 we talking about business entities also?

13 MR. MAY: It was contemplated  
14 both. So local businesses obviously and for  
15 residents.

16 CHAIRMAN NICOLELLO: So for  
17 businesses, for example, damages by the  
18 hurricane has to move their premises, you're  
19 going to have the fire marshal go in and  
20 there's all sorts of fees that are involved  
21 there.

22 I mean, you're contemplating  
23 waiving the fire marshal fees in that  
24 circumstance?

25 MR. MAY: We contemplated waiving



1                   Rules Committee/2-4-13  
2     the fire marshal fees, and part of the  
3     problem -- I don't want to say problem, but  
4     one of the challenges that had arisen in  
5     drafting this law is when I was looking at  
6     the different fees that the county charges  
7     at.

8                   I don't think I'm surprising  
9     anybody by saying that there are quite a  
10    number of fees but specifically when you  
11    look at Fire-Com, the printout that I  
12    received is at least ten pages worth of fees  
13    and we did not want to include certain fees  
14    in the language that maybe would not be  
15    beneficial to the residents and by  
16    specifying the fees, eliminating the fees  
17    that would be beneficial to residents. It's  
18    a very challenging bill to write and to get  
19    right. So, again, I would appreciate your  
20    help with this.

21                  CHAIRMAN NICOLELLO: I think  
22    you're making an argument for being more  
23    specific. Because if you leave it broad,  
24    then if I'm a business owner making that  
25    claim, I can certainly say that they waived

1                   Rules Committee/2-4-13  
2    just every fee.

3                   MR. MAY:    I understand what  
4    you're saying.    This is probably an error on  
5    my part or in my logic when drafting the law  
6    that we didn't want to, or I didn't want to  
7    have a situation where -- we want to help  
8    the residents and by specifying a particular  
9    fee for waiver, maybe it's not one that  
10   actually would be beneficial, so the idea  
11   was to leave it up to the directors and the  
12   commissioners who would be -- in theory,  
13   would be the best people to review an  
14   applicant's claim of waiver and either  
15   approve or -- they would have to be  
16   reviewed.

17                   But I understand what you're  
18   saying.    We can certainly go back and  
19   discuss which fees in particular.

20                   CHAIRMAN NICOLELLO:   Legislator  
21   Bosworth.

22                   LEGISLATOR BOSWORTH:   You're  
23   bringing up great concerns and, Mr. May, I  
24   can understand the challenge that you're  
25   facing in writing this.   And, of course,

1 Rules Committee/2-4-13  
2 it's something that certainly we want to  
3 help our residents as much as we can,  
4 especially those who were so devastated by  
5 the effects of Sandy.

6 One question I have is, sometimes  
7 a private insurance company will cover a  
8 fee. So if a private insurance covers the  
9 fee, would that still be waived?

10 MR. MAY: No.

11 LEGISLATOR BOSWORTH: And there  
12 would be a way to ascertain that?

13 MR. MAY: And, again, this is  
14 part of the challenge. We are relying on  
15 the residents to report on themselves  
16 essentially what their insurance policy  
17 covers. Again, it's all part of the  
18 challenge, but there is a legal penalty for  
19 lying to the county. It's being classified  
20 as a Class A misdemeanor which, I'm not a  
21 lawyer, if I remember correctly, a  
22 misdemeanor is punishable by up to a year in  
23 jail or \$1,000 fine, up to \$1,000 fine.

24 So there are -- we are certainly  
25 aware of the, I guess, potential for fraud.

1                   Rules Committee/2-4-13  
2     Any government program that seeks to do good  
3     for residents will be a target of  
4     unscrupulous individuals who are trying to  
5     make a quick buck and maybe put a new dormer  
6     on their house and holds the county for the  
7     amount of their fee.

8                   As it is written now, we are  
9     relying on the applicant to say, I'm not --  
10    I'm applying for a waiver for this fee. My  
11    insurance policy does not cover this fee and  
12    it is in relation to damages from Hurricane  
13    Sandy and I understand that lying on this  
14    document subjects me to a fine of up to  
15    \$1,000 or a year in jail. Which I think is  
16    fairly significant for most people to  
17    dissuade people from trying to take  
18    advantage of us. But, again, it's a  
19    challenging law to write and I want to get  
20    it right.

21                   LEGISLATOR BOSWORTH: I'm not  
22    saying that people would do that but it  
23    would be important for that to be written in  
24    the document so that people are aware that  
25    if, in fact, it's being reimbursed by

1 Rules Committee/2-4-13

2 insurance that they can't --

3 MR. MAY: I believe the language  
4 is in there. If you would like to see it  
5 more explicit, we can certainly change the  
6 wording around, but we do define insurance  
7 police and we do say, an individual who is  
8 showing good cause has to stipulate whether  
9 or not their insurance is covering the claim  
10 waiver or not.

11 LEGISLATOR BOSWORTH: Sounds  
12 good. Thank you.

13 CHAIRMAN NICOLELLO: Legislator  
14 Walker.

15 LEGISLATOR WALKER: I think, too,  
16 Mr. May, even just reading what the proposed  
17 local law was here, you could take it even  
18 to a further extreme where people who've had  
19 tremendous hardship this year, they've been  
20 relocated, they have little children, their  
21 kids have been not in their own school,  
22 they're in a different community, they're  
23 living in a hotel, living with friends,  
24 whatever, they could say, well, I would  
25 really would like to send my kids to our

1 Rules Committee/2-4-13  
2 summer camp, could that fee be waived? You  
3 could use it to any -- and I'm not saying we  
4 never make circumstances available for  
5 people who really couldn't do things, but  
6 the way it is now, it kind of opens itself  
7 up to every possible fee. Even though I  
8 don't think that's what was meant in our  
9 minds, and we want to help our residents as  
10 much as possible --

11 MR. MAY: That's why the  
12 legislative process is very beneficial in  
13 this case because I didn't even consider  
14 that scenario. Obviously that's not really  
15 the intent. What the intent of the law is,  
16 is to get peoples' houses to a livable state  
17 and get peoples' businesses to an operable  
18 state so that they can begin to rebuild  
19 their lives. So that's the intent of the  
20 law.

21 Again, I did not contemplate  
22 somebody trying to claim a waiver for the  
23 summer camp fee. So certainly there is  
24 plenty of room here to tighten up the  
25 language and make it, like I said, the best

1                   Rules Committee/2-4-13  
2     law that it can be to help the most number  
3     of our residents while protecting the  
4     county's fiscal interest.

5                   LEGISLATOR WALKER:    Because I  
6     don't think you have a person here who  
7     doesn't agree with you, the fact that we  
8     want to get people back in their homes, get  
9     their homes livable again, get their  
10    businesses back up and running, and whatever  
11    we can do to possibly help them, it's  
12    beneficial to them and certainly to us as a  
13    county.

14                  CHAIRMAN NICOLELLO:   Legislator  
15    DeRiggi-Whitton.

16                  LEGISLATOR DERIGGI-WHITTON:   I  
17    also think that this is a good idea, but,  
18    like you say, do you have any idea what the  
19    time limit is going to be for this type of  
20    fee request?

21                  MR. MAY:    Yes, the waiver of fees  
22    would be available until the end of the  
23    year, December 31st, 2013.

24                  LEGISLATOR DERIGGI-WHITTON:   So  
25    everything for the next year from the date

1 Rules Committee/2-4-13  
2 of hurricane -- okay, so anything that --  
3 MR. MAY: Correct. We built  
4 language into the law and I know when you  
5 take a look at it, part of what an  
6 individual has to provide is a FEMA ID or  
7 case number. We're assuming that the  
8 individuals who were so devastated by  
9 Hurricane Sandy would be availing themselves  
10 of the resources made available by FEMA.

11 FEMA has already changed its  
12 deadline for filing from I believe January  
13 28th to February 28th. So in the draft that  
14 you have, it's actually I believe the second  
15 draft. We did make some changes. Like I  
16 said, we spoke with majority counsel and  
17 made some changes regarding the insurance  
18 policy and we had the opportunity to change  
19 FEMA's deadline and we also had the language  
20 that if FEMA changes its deadline for  
21 application, we don't have to come back to  
22 the body for an amendment to the language  
23 allow people who applied for FEMA after the  
24 deadline in the law.

25 LEGISLATOR DERIGGI-WHITTON: I



1 Rules Committee/2-4-13

2 think that's good. I think a year is a good  
3 amount of time too. It sounds reasonable.

4 My other question was what Judy  
5 asked about, the insurance, and some of them  
6 that will be covered.

7 Do you have any like history as  
8 to like in the past what type of fees have  
9 been paid for by private insurance  
10 companies, or --

11 MR. MAY: I do not. I think it  
12 depends on the individual's insurance  
13 policy.

14 LEGISLATOR DERIGGI-WHITTON: So  
15 we really have no idea what would be --

16 MR. MAY: I don't know exactly  
17 how I would try to get that information for  
18 you. I can start searching around but I  
19 don't know that I would really be able to  
20 come up with a whole lot for you.

21 LEGISLATOR DERIGGI-WHITTON: So  
22 we don't really know what is reimbursable  
23 and what isn't?

24 MR. MAY: Because if someone, if  
25 their house is a total loss, I don't know if

1 Rules Committee/2-4-13  
2 their policy would cover a complete rebuild  
3 of the house that would cover, you know --

4 LEGISLATOR DERIGGI-WHITTON: I  
5 know. I'm just getting a general idea of  
6 what permits would be waived, and, again, I  
7 think it's great to have --

8 MR. MAY: Again, right now, what  
9 we are seeing from residents -- I'm sorry, I  
10 didn't mean to interrupt.

11 LEGISLATOR DERIGGI-WHITTON: I'm  
12 just saying that it's a great effort that  
13 you're making to help, I'm just curious as  
14 to exactly what the cost would be and I'm  
15 glad the time is about a year. I think  
16 that's fair also.

17 MR. MAY: Thank you. Just to  
18 finish the point that I was making, it  
19 appears that the most common fee that is  
20 causing the most consternation among the  
21 residents is the sewer disconnect fee and  
22 the pre-demolition fee. These are for  
23 people whose houses are destroyed. So you  
24 can understand how frustrating they would be  
25 to find that they, on top of delays from

1 Rules Committee/2-4-13  
2 reading the paper, the FEMA money is going  
3 to be paid out over the next decade, the  
4 insurance claims are slow to come in, and if  
5 people have to pay for this out of pocket,  
6 it's just another kick in the shins.

7 We obviously all I guess seem to  
8 be in agreement that we want to make our  
9 residents' lives a little bit easier,  
10 certainly we need to tighten up the language  
11 in the law.

12 CHAIRMAN NICOLELLO: Thank you.  
13 I recommend that we pass this along so that  
14 we will be in a position on the 25th to  
15 adopt this, but, again, I think there are  
16 some concerns that have been raised here  
17 with how specific it is and how specific it  
18 should be.

19 MR. MAY: Mr. Chairman, I'm  
20 sorry. Would you like me to reach out to  
21 your office or to majority counsel on both  
22 sides to, obviously both sides, to get some  
23 language?

24 CHAIRMAN NICOLELLO: I would  
25 reach out to counsel. Any further

1 Rules Committee/2-4-13

2 questions?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 Hearing none, all those in favor,  
7 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Passes unanimously. Item 71 of  
12 2013 is an ordinance to implement the local  
13 government assistance program in Nassau  
14 County.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN NICOLELLO: Moved by  
18 Legislator Walker, seconded by Legislator  
19 Muscarella. Do we have any questions,  
20 discussion?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by  
25 saying aye.

1 Rules Committee/2-4-13

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Carries unanimously. Motion to  
6 suspend the rules.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN NICOLELLO: Moved by  
10 Legislator Walker, seconded by Legislator  
11 Muscarella.

12 We have Item 47 of 2013 which is  
13 an executive session item. So what I'm  
14 going to do is call all the executive  
15 session items together and we'll go into  
16 executive session.

17 Items 49 and 50. Item 49 is a  
18 resolution authorizing the county attorney  
19 to compromise and settle the action Dave  
20 Hanson versus Nassau County Department of  
21 Social Services.

22 Item 50 is an ordinance providing  
23 for a capital expenditure to finance the  
24 payment of certain settled claims against  
25 the county of Nassau and authorizing

1 Rules Committee/2-4-13

2 \$459,000 of bonds of the county.

3 Item 67 of 2013 is a resolution  
4 to authority the county attorney to  
5 compromise and settle the action of Gabriel  
6 Razzano versus the County of Nassau.

7 Item 68 is an ordinance providing  
8 for a capital expenditure to finance the  
9 payment of certain settled claims against  
10 the county in authorizing \$281,067.16 of  
11 bonds of the county.

12 Finally, the addendum item, 47 of  
13 2013, a resolution authorizing the county  
14 attorney to compromise and settle the  
15 county's claims against certain defendants  
16 in the action known as Nassau County versus  
17 state of New York.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR VENDITTO: Second.

20 CHAIRMAN NICOLELLO: Moved by  
21 Legislator Walker, seconded by Legislator  
22 Venditto. All these items are before the  
23 committee.

24 LEGISLATOR MUSCARELLA: So moved.

25 LEGISLATOR WALKER: Second.

1 Rules Committee/2-4-13

2 CHAIRMAN NICOLELLO: Legislator  
3 Muscarella makes a motion to go into  
4 executive session and it's seconded by  
5 Legislator Walker. All in favor signify by  
6 saying aye.

7 (Aye.)

8 We are in executive session.

9 (Whereupon, the Finance Committee  
10 recessed into executive session at 4:34 p.m.  
11 and reconvened at 5:20 p.m.)

12 CHAIRMAN NICOLELLO: Just before  
13 we vote on these items with respect to the  
14 settlement and partial settlement in the  
15 case of Nassau County versus state, our  
16 counsel will be reaching out to I guess the  
17 county attorney's office for additional  
18 information. You can relay it to him. I  
19 think that's what Chris is telling me right  
20 now. For additional information before the  
21 Full Legislature we do have some additional  
22 questions that have been posed among the  
23 members of the committee and our respective  
24 counsel.

25 So, having said that, we have

1                   Rules Committee/2-4-13  
2     these five items before the committee, 49,  
3     50, 67, 68 and 47-2013. We have a motion to  
4     pass this along to the Rules Committee? We  
5     have the motion. All those in favor of  
6     passing this along to the Rules Committee  
7     signify by saying aye.

8                   (Aye.)

9                   Those opposed?

10                  (No verbal response.)

11                  It gets moved.

12                  (Whereupon, the following is the  
13     continuation of the minutes of the Rules  
14     Committee, 2-4-13.)

15                  A motion on these items, please.

16                  LEGISLATOR WALKER: So moved.

17                  LEGISLATOR MUSCARELLA: Second.

18                  CHAIRWOMAN GONSALVES: Motion by  
19     Legislator Walker, seconded by Legislator  
20     Muscarella. There being any questions on  
21     these items? Again, Frank, incorporate the  
22     testimony from these committees into the  
23     rules.

24                  (No verbal response.)

25                  Is there any public comment



1 Rules Committee/2-4-13

2 regarding this item?

3 (No verbal response.)

4 There being none, all those in  
5 favor of these items signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Any abstentions?

10 (No verbal response.)

11 These items pass unanimously.

12 (Whereupon, the following are the  
13 minutes of the Planning Committee pertaining  
14 to Clerk Item 57-13, 2-4-13)

15 CHAIRMAN VENDITTO: Clerk Item  
16 57-13, a resolution authorizing the county  
17 executive to accept on behalf of the County  
18 of Nassau the dedication of certain real  
19 property for highway purposes comprising of  
20 approximately 12,955 square feet on Old  
21 County Road, Westbury, Town of Hempstead,  
22 County of Nassau, State of New York. May I  
23 have a motion?

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR FORD: Second.

1 Rules Committee/2-4-13

2 CHAIRMAN VENDITTO: Motion by  
3 Legislator Walker, seconded by Legislator  
4 Ford. The item is before us. Do we have  
5 anyone here from the administration to speak  
6 on this item?

7 MR. MAY: We do. We have Mr. Ken  
8 Arnold.

9 CHAIRMAN VENDITTO: Legislator  
10 Jacobs is here by the way for the record.

11 How are you, Mr. Arnold?

12 MR. ARNOLD: Very well. Thank  
13 you. This is a dedication of property in  
14 front of the Galleria Mall, which was part  
15 of the 239 approval that the department gave  
16 back last year. This will allow for easier  
17 access on Old Country Road for a right turn  
18 lane. It's consistent with what we did up  
19 at the mall by -- it's consistent with the  
20 same right turn lanes that we put in a  
21 couple of years ago up at the Fortunoff  
22 Mall. That's what I'm thinking of.

23 CHAIRMAN VENDITTO: Source Mall.

24 MR. ARNOLD: Yes.

25 CHAIRMAN VENDITTO: Wonderful.

1 Rules Committee/2-4-13

2 Any discussion or questions for Mr. Arnold?  
3 Legislator Nicoletto.

4 LEGISLATOR NICOLELLO: I was just  
5 wondering how the study of the traffic light  
6 is going which is at the intersection of Old  
7 Country Road and Cherry Lane.

8 MR. ARNOLD: I understand there  
9 are some concerns from the civic community.  
10 I know that the traffic engineer will be  
11 meeting with that civic community shortly  
12 and discuss what their further needs are.

13 I know we have done some paper  
14 marking changes and signage, but I believe  
15 there's still some issues up in that  
16 location that we're going to sit down with  
17 the civics and figure out what we need to  
18 do.

19 LEGISLATOR NICOLELLO: Thank you.

20 CHAIRMAN VENDITTO: Thank you,  
21 legislator. Any further questions,  
22 discussion?

23 (No verbal response.)

24 Seeing none, is there any public  
25 comment regarding this item?

1 Rules Committee/2-4-13

2 (No verbal response.)

3 Seeing none, we will take the  
4 vote, all those in favor of passing this  
5 item signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Mr. Clerk, the item passes  
10 unanimously.

11 (Whereupon, the following is the  
12 continuation of the minutes of the Rules  
13 Committee, 2-4-13.)

14 CHAIRWOMAN GONSALVES: The next  
15 items have not gone through committees.  
16 They're slated for rules only. Item 51-13.  
17 Motion, please.

18 This is the resolution to confirm  
19 the county executive's reappointment of  
20 Christina Brennan to the Sewer and Storm  
21 Water Finance Authority.

22 LEGISLATOR MUSCARELLA: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRWOMAN GONSALVES: Motion by  
25 Legislator Muscarella, seconded by

1 Rules Committee/2-4-13

2 Legislator Walker. Any questions or  
3 comments regarding this?

4 (No verbal response.)

5 Is there any public comment  
6 regarding this item?

7 (No verbal response.)

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

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Any abstentions?

14 (No verbal response.)

15 The item passes unanimously. The  
16 next item is Item 643-12, a resolution  
17 authorize the county executive to execute an  
18 IMA with the Union Free School District in  
19 relation to a project to undertake park  
20 improvements at Uniondale Schools.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Motion by  
24 Legislator Walker, seconded by Legislator  
25 Nicolello. Any questions from any of the

1 Rules Committee/2-4-13

2 legislators?

3 (No verbal response.)

4 Is there any public comment  
5 regarding this item? Would you like to make  
6 a statement on 643?

7 LEGISLATOR ABRAHAMS: Yes, I  
8 would like to. Thank you, Norma. Obviously  
9 this has been a project that has been  
10 undertaken for quite some time to work with  
11 the Uniondale School District and I am  
12 appreciative to the county executive and  
13 obviously the proceeds from the  
14 Environmental Bond Act which will go a long  
15 way towards providing this much needed  
16 entity or service for the park improvement  
17 for the school district, so thank you.

18 CHAIRWOMAN GONSALVES: Is there  
19 any public comment?

20 (No verbal response.)

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

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Rules Committee/2-4-13

2 Any abstentions?

3 (No verbal response.)

4 There being none, the item passes  
5 unanimately.

6 The next item is 52-13, a  
7 resolution to confirm the county executive's  
8 re-appointment of William J. Muller, III to  
9 the Sewer and Storm Water Finance Authority.  
10 Motion, please.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRWOMAN GONSALVES: Motion by  
14 Legislator Walker, seconded by Legislator  
15 Muscarella. Any comments regarding this  
16 item?

17 (No verbal response.)

18 Is there any public comment  
19 regarding this item?

20 (No verbal response.)

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

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Rules Committee/2-4-13

2 Any abstentions?

3 (No verbal response.)

4 There being none, the motion  
5 carries unanimously.

6 The next item is Item 53-13, a  
7 resolution to confirm the county executive's  
8 reappointment of Peter J. Klein to the Sewer  
9 and Storm Water Finance Authority. Motion,  
10 please.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRWOMAN GONSALVES: Motion by  
14 Legislator Walker, seconded by Legislator  
15 Muscarella. Any questions or comments  
16 regarding this item?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in  
21 favor of Item 53-13 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Any abstentions?



1                   Rules Committee/2-4-13  
2                   (No verbal response.)  
3                   The item passes unanimously.  
4                   Item 54-13, a resolution to  
5 confirm the county executive's appointment  
6 of John A. DeGrace to the Nassau County  
7 College Board of Trustees pursuant to the  
8 Section 6306 of the Education Law. Motion,  
9 please.

10                   LEGISLATOR WALKER: So moved.

11                   LEGISLATOR NICOLELLO: Second.

12                   CHAIRWOMAN GONSALVES: Motion by  
13 Legislator Walker, seconded by Legislator  
14 Nicoletto. Any questions or comments  
15 regarding this item?

16                   (No verbal response.)

17                   Is there any public comment?

18                   (No verbal response.)

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

21                   (Aye.)

22                   Any opposed?

23                   (No verbal response.)

24                   Any abstentions?

25                   (No verbal response.)

1 Rules Committee/2-4-13

2 The item passes unanimously.

3 The next item is Item 55-13, a  
4 resolution to confirm the county executive's  
5 reappointment of Dr. Jeffrey L. Reynolds to  
6 the Nassau County Youth Board pursuant to  
7 Section 10-05 of the Nassau County Charter.  
8 Motion, please.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRWOMAN GONSALVES: Motion by  
12 Legislator Walker, seconded by Legislator  
13 Muscarella. Any questions or comments  
14 regarding this item?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Any abstentions?

24 (No verbal response.)

25 The item passes unanimously.

1 Rules Committee/2-4-13

2 The next item is Item 56-13, a  
3 resolution to accept the gift offered by a  
4 donor to the Nassau County Police  
5 Department. Motion, please.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRWOMAN GONSALVES: Motion by  
9 Legislator Walker, seconded by Legislator  
10 Nicolello. Any questions or comments  
11 regarding this item?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

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

17 (Aye.)

18 Any opposed say nay?

19 (No verbal response.)

20 Any abstentions?

21 (No verbal response.)

22 This item passes unanimously.

23 Item 58-13, a resolution to  
24 accept a gift offered by a donor to the  
25 Nassau County Police Department. Motion,

1 Rules Committee/2-4-13

2 please.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Motion by

6 Legislator Walker, seconded by Legislator

7 Nicolello. Any questions or comments

8 regarding this item?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in

13 favor of this item signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (No verbal response.)

19 The item passes unanimously.

20 Item 59-13, a resolution to

21 authorize the transfer of appropriations

22 heretofore made within the budget for the

23 year 2012. Excuse me. This item went

24 through committee, so did 60 and 61-13.

25 Let's see, and the rest of them also went

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1 Rules Committee/2-4-13  
2 through committee. I think that's it. The  
3 first item that dealt with the appointment  
4 of John DeGrace was the county's executive's  
5 appointment and this item here is the  
6 legislature's appointment.

7 73-13, a resolution confirming  
8 the appointment of John D. DeGrace as a  
9 member of the Nassau County Community  
10 College, Board of Trustees. Motion, please.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRWOMAN GONSALVES: Motion by  
14 Legislator Walker, seconded by Legislator  
15 Muscarella. Any questions or comments  
16 regarding this item?

17 LEGISLATOR ABRAHAMS: Just to  
18 have the record reflect, I think in the back  
19 I think it's reflected as Richard V.  
20 Gutierrez, it should be Richard M. It  
21 should be M, I believe. We got a call from  
22 the college.

23 MR. MAY: If that's incorrect we  
24 can change it.

25 CHAIRWOMAN GONSALVES: Is that

1 Rules Committee/2-4-13

2 it? Any questions or comments?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

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

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Any abstentions?

12 (No verbal response.)

13 There being none, the motion  
14 carries unanimously.

15 Item 460-12, a resolution  
16 authorizing the county executive to execute  
17 and intermunicipal agreement with a Freeport  
18 Union Free School District. Motion, please.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRWOMAN GONSALVES: Motion by  
22 Legislator Walker, seconded by Legislator  
23 Muscarella. Any questions or comments  
24 regarding this item?

25 LEGISLATOR ABRAHAMS: Yes. Real

1 Rules Committee/2-4-13  
2 quick. This is a project that services the  
3 constituents from legislative district 1, 5  
4 and 19 and on behalf of Legislators Scannell  
5 and Denenberg, we are obviously appreciative  
6 that this item is moved forward for a much  
7 necessary track improvement at the high  
8 school so, once again, we want to thank the  
9 county executive as well as our colleagues  
10 and the majority for supporting this  
11 measure. Is there any discussion?

12 LEGISLATOR BOSWORTH: I just  
13 wanted to add to that, it's wonderful for  
14 the school district too to have it, but I  
15 know that we were very blessed in the Town  
16 of Oyster Bay that we did a lot of  
17 improvements and we did a lot of  
18 intermunicipal agreements and, not only are  
19 they helpful to the school district, but  
20 certainly to the entire community.

21 So you look forward to the  
22 community when the kids are not in school to  
23 be able to use that track and really take  
24 advantage of it.

25 LEGISLATOR ABRAHAMS: One of the

1                   Rules Committee/2-4-13  
2    basic things about it is that obviously it  
3    has to have a community purpose and a  
4    community need. We've really been pushing  
5    that and the administration, with Greg May  
6    there, has been really holding us  
7    accountable and it's good because it's got  
8    to have a benefit.

9                   CHAIRWOMAN GONSALVES: Now,  
10   because there's no further comments, all  
11   those in favor of this item signify by  
12   saying aye.

13                   (Aye.)

14                   Any opposed?

15                   (No verbal response.)

16                   Any abstentions?

17                   (No verbal response.)

18                   There being none --

19                   LEGISLATOR ABRAHAMS: I have  
20   something to say. I'll do it in committee.

21                   CHAIRWOMAN GONSALVES: That item  
22   carried unanimously. We are not adjourned  
23   yet.

24                   LEGISLATOR ABRAHAMS: I just  
25   wanted to go on the record in regard to a



1 Rules Committee/2-4-13  
2 letter that I had written to the presiding  
3 officer regarding the scheduling for  
4 redistricting.

5 I don't know if this has much to  
6 do with the administration, Mr. May, but  
7 obviously we felt that we had clocked in a  
8 map early last week which we felt was timely  
9 which we felt that, in an effort to try to  
10 provide a process to the public that they  
11 can understand, we were hoping to see our  
12 item on the committee calendar today and  
13 it's not.

14 We were hoping for an opportunity  
15 to have at least our map debated for the  
16 full legislature on the 25th with a  
17 possibility of a hearing next week.

18 Everyone understands that the  
19 redistricting process is a very important  
20 process. I believe if this committee or  
21 this legislature is not going to decide to  
22 do hearings, we should at least be  
23 transparent in providing a schedule for the  
24 public going forward.

25 I think from that standpoint,

1                   Rules Committee/2-4-13  
2     rather than trying to do something at the  
3     very last minute which gets very little  
4     public inclusion as well as debate and  
5     discussion, I think it's more important for  
6     us to do something that's more transparent  
7     and more inclusionary of those in the  
8     public.

9                   I also want to point out for the  
10    fact that 10 years ago, when we had pointed  
11    out our map, it was actually in a Newsday  
12    story from Sunday. We actually voted on our  
13    map in committee as well as tried to vote on  
14    it in Full Legislature but because of, from  
15    what I can understand, it was the Jewish  
16    Sabbath, we basically did not vote on our  
17    item when we scheduled to do it. We  
18    actually postponed it a few days, but we  
19    tried to meet the dates that were specified  
20    as per the legislature that, in this case,  
21    would be today as well as the 25th.

22                   I'm asking the presiding officer,  
23    when can we expect or intend to see a  
24    redistricting schedule at least so that we  
25    can inform our constituents of what they can

1 Rules Committee/2-4-13

2 anticipate in the weeks ahead?

3 As you know this is something  
4 that is a charter item. As per the charter,  
5 we are required to do this by March 5th.

6 CHAIRWOMAN GONSALVES: Your  
7 comments are well taken and we will do what  
8 you asked very shortly.

9 LEGISLATOR ABRAHAMS: Okay.

10 CHAIRWOMAN GONSALVES: Motion to  
11 adjourn.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRWOMAN GONSALVES: Motion by  
15 Legislator Walker, seconded by Legislator  
16 Nicolello. All those in favor of adjourning  
17 please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The Rules Committee is adjourned  
22 and I thank everybody out there who sat very  
23 patiently.

24 (Whereupon, the Rules Committee  
25 adjourned at 5:47 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 stated:

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 19th day of February, 2013.

-----  
FRANK GRAY