

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

RULES COMMITTEE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

March 26, 2012
1:06 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

PETER J. SCHMITT
Chair

HOWARD KOPEL

JOSEPH MUSCARELLA (substituting for Legislator Dunne)

NORMA GONSALVES (substituting for Legislator Walker)

KEVAN ABRAHAMS
Ranking

JUDITH JACOBS

WAYNE WINK

WILLIAM J. MULLER, III
Clerk

LIST OF SPEAKERS

DANIEL SHORE.	10
JEFF LINDGREN	31
GREG STEPHANOFF	35
CARMINE SALDINO	35
MICHAEL KELLY	37
ROB WALKER.	40

2 CHAIRMAN SCHMITT: I'm going to ask the
3 Rules members to take their seats. Please rise
4 for the Pledge of Allegiance, led by Legislator
5 Howard Kopel.

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

8 CHAIRMAN SCHMITT: We have Legislator
9 Muscarella substituting for Legislator Dunne, and
10 Legislator Gonsalves substituting for Legislator
11 Walker.

12 CLERK MULLER: Legislator Wink?

13 LEGISLATOR WINK: Here.

14 CLERK MULLER: Legislator Jacobs?

15 LEGISLATOR JACOBS: Here.

16 CLERK MULLER: Ranking Member Abrahams?

17 LEGISLATOR ABRAHAMS: Here.

18 CLERK MULLER: Legislator Gonsalves,
19 substituting for Legislator Walker?

20 LEGISLATOR WALKER: Present.

21 CLERK MULLER: Legislator Muscarella,
22 substituting for Legislator Dunne?

23 LEGISLATOR MUSCARELLA: Here.

24 CLERK MULLER: Vice Chairman Kopel?

25 LEGISLATOR KOPEL: Here.

2 CLERK MULLER: Chairman Schmitt?

3 LEGISLATOR SCHMITT: Here.

4 CLERK MULLER: We have a quorum.

5 CHAIRMAN SCHMITT: As you know, the
6 Rules Committee meets to do the contracts that
7 are pending in front of us; then we will recess,
8 then we will come back after the other committees
9 have conducted their business and finish the
10 calendar.

11 First contract is 126 - no, no, no.

12 The first contract is A-5, which is a
13 resolution authorizing the director of the Office
14 of Purchasing to award and execute a contract
15 between the County of Nassau acting on behalf of
16 Nassau County Correctional Center and H. Schrier.

17 Could I have a motion, please?

18 LEGISLATOR GONSALVES: So moved.

19 CHAIRMAN SCHMITT: Moved by Legislator
20 Gonsalves.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Seconded by
23 Legislator Muscarella.

24 Any debate or discussion?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All those in favor please say aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The inmates get to eat. And you didn't
9 have to come up.

10 I'm going to call A-6 and A-8 together.

11 A-6 is a resolution authorizing a contract
12 between the Department of Public Works and Nassau
13 Suffolk Truck.

14 A-8 is a contract between the County of
15 Nassau, DPW and Earth Care.

16 Could I have a motion, please?

17 LEGISLATOR GONSALVES: So moved.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Gonsalves.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN SCHMITT: Seconded by
22 Legislator Muscarella.

23 Any debate or discussion? Mrs. Jacobs.

24 LEGISLATOR JACOBS: Just a question.

25 They don't seem to have anything in common; just

2 because of Public Works?

3 CHAIRMAN SCHMITT: Yeah. This is two
4 contracts.

5 LEGISLATOR JACOBS: Okay.

6 CHAIRMAN SCHMITT: One is for five
7 asphalt heaters and one is for the cleaning of
8 sanitary sewer material.

9 Any questions or?

10 LEGISLATOR JACOBS: No. It's just
11 usually I - it usually pertains to each other,
12 even within the same department. But that's
13 fine.

14 CHAIRMAN SCHMITT: Okay. Any public
15 comment?

16 (No verbal response.)

17 All those in favor please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The items carry unanimously.

22 Next is A-10, a resolution authorizing a
23 contract between Nassau County departments and
24 Bug Free Exterminating.

25 Could I have a motion, please?

2 LEGISLATOR GONSALVES: So moved.

3 CHAIRMAN SCHMITT: Moved by Legislator
4 Gonsalves.

5 Can I have a second?

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN SCHMITT: Legislator
8 Muscarella.

9 Any debate or discussion?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All those in favor please say aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item carries unanimously.

18 B-17 is a contract between the County of
19 Nassau, Department of Public Works and Laser
20 Industries, Incorporated.

21 Could I have a motion, please?

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR MUSCARELLA: Second.

24 CHAIRMAN SCHMITT: Moved by Legislator
25 Gonsalves, seconded by Legislator Muscarella.

2 Any debate or discussion?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 Getting off easy today.

7 All those in favor please say aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item carries unanimously.

12 E-82, a resolution authorizing the county
13 executive to execute a personal services
14 agreement between the County Human Resources and
15 Allstate Benefits, Kevin S. Meyers Agency, Inc.

16 Could I have a motion, please?

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN SCHMITT: Moved by Legislator
20 Gonsalves, seconded by Legislator Muscarella.

21 Any debate or discussion? Minority
22 Leader Abrahams.

23 LEGISLATOR ABRAHAMS: I don't know this
24 gentleman's name.

25 CHAIRMAN SCHMITT: I'm sorry. Could you

2 give us your name and title for the record,
3 please?

4 MR. SHORE: Sure. Daniel Shore,
5 Director, Nassau County Labor Relations.

6 LEGISLATOR ABRAHAMS: Shore?

7 MR. SHORE: Shore.

8 LEGISLATOR ABRAHAMS: Shore. Okay. I
9 just want to make sure. Can you explain what
10 exactly we're voting on with this contract --

11 MR. SHORE: Sure. This is --

12 LEGISLATOR ABRAHAMS: and why.

13 MR. SHORE: This is a contract with
14 Allstate Insurance to provide supplemental
15 insurance -- life insurance, disability, and
16 critical illness -- for ordinance employees.
17 There is no cost to the county; this is just a
18 payroll deduction for those employees who choose
19 to enroll in any of the benefits programs offered
20 by Allstate.

21 LEGISLATOR ABRAHAMS: I see. And we're
22 changing from -- the previous vendor was, my
23 understanding, Aflac.

24 MR. SHORE: Yes, I believe that's
25 correct.

2 LEGISLATOR ABRAHAMS: And we're changing
3 from them because?

4 MR. SHORE: I believe the contract
5 expired, is my understanding, and there was an
6 RFP committee held to renew the contract. There
7 were submissions. That was my understanding of
8 how that worked.

9 LEGISLATOR ABRAHAMS: There was an RFP
10 committee?

11 MR. SHORE: Yes, there was.

12 LEGISLATOR ABRAHAMS: Do we have the
13 results from that committee?

14 MR. SHORE: Yes. The selection was
15 Allstate. The representatives on the committee
16 were HR, the comptroller's office, my office of
17 labor relations, the budget office, and county
18 attorney. The result of the selection committee
19 was Allstate.

20 LEGISLATOR ABRAHAMS: So there was an
21 evaluation process in place?

22 MR. SHORE: Yes, there was.

23 LEGISLATOR ABRAHAMS: Do you have the
24 results of that evaluation?

25 MR. SHORE: Not in front of me. Not at

2 this time.

3 LEGISLATOR ABRAHAMS: How fast would you
4 be able to get those evaluations?

5 MR. SHORE: I supposed I could go back
6 to look. It would take me a little bit. But I
7 could go back to the office and see if I can get
8 them together.

9 LEGISLATOR ABRAHAMS: I'm curious, Mr.
10 Shore. I appreciate your going back and getting
11 the information. But I'm curious to know - the
12 agent that is located for this particular
13 contract, his location I should say, is in
14 Speonk, in Suffolk County. Am I correct in
15 saying that?

16 MR. SHORE: Yes.

17 LEGISLATOR ABRAHAMS: I mean, based on
18 our research, and I know I've heard testimony in
19 this committee before, we find that there's over
20 130 agents in Nassau County that are agents of
21 Allstate as well. Why did we select somebody
22 from Speonk?

23 MR. SHORE: The submissions that we
24 received -- we were obviously limited, the RFP
25 committee, in evaluating the submissions that

2 were received, was from Allstate, MetLife, and
3 Colonial. We didn't -- I don't know without
4 looking at the comments or getting you the other
5 information as to what every other member of the
6 RFP committee took into account. But we only
7 evaluated those companies that put forth a
8 response to the RFP.

9 LEGISLATOR ABRAHAMS: So the RFP went
10 out when?

11 MR. SHORE: I don't have that date in
12 front of me but I could definitely get that for
13 you.

14 LEGISLATOR ABRAHAMS: Approximate. This
15 year? Last year?

16 MR. SHORE: I believe it was last year,
17 in 11.

18 LEGISLATOR ABRAHAMS: So the RFP goes
19 out. For how long is the duration before the
20 responses have to be due?

21 MR. SHORE: Again, I'm not -- I believe
22 it's 30 days, but I don't want to be, you know,
23 I'm not exact. I can find out for you, though.

24 LEGISLATOR ABRAHAMS: Let's say the
25 responses come back in 30 days. Basically, they

2 go out. You mean to tell me that based on that
3 timeframe not one agent in Nassau County thought
4 that they could provide this service?

5 MR. SHORE: The only three that were
6 submitted to the RFP committee for review were
7 Allstate, MetLife and Colonial.

8 LEGISLATOR ABRAHAMS: Where's the
9 location of MetLife and Colonial?

10 MR. SHORE: I'm not sure which agents of
11 those -- where the actual agency office is, but,
12 again, I could find that out for you.

13 LEGISLATOR ABRAHAMS: Yeah, I think
14 that's vital.

15 LEGISLATOR JACOBS: Mr. Chairman, is it
16 okay if I ask a question?

17 CHAIRMAN SCHMITT: Mrs. Jacobs.

18 LEGISLATOR JACOBS: Alright. When you
19 sent out RFPs and there is a response by
20 insurance companies, isn't it usually from the
21 main office?

22 MR. SHORE: Again, I don't --

23 LEGISLATOR JACOBS: In other words,
24 you're sending out RFPs on a certain item we may
25 need because Aflac's contract with the county had

2 expired. Okay. So, don't you get the response
3 from let's say Aflac, or from Allstate, or from
4 Nationwide as the global company?

5 MR. SHORE: The answer is yes. They are
6 -- Allstate, the global company, is the one
7 that's offering the product that the county is
8 receiving bids on. However, I believe -- my
9 understanding was the bids are submitted by a
10 local agent, too.

11 LEGISLATOR JACOBS: Okay. So that's
12 where it gets right back to where Mr. Abrahams
13 was going, and that is how unusual it is that it
14 would be somebody from Speonk that would be the
15 individual agent that's responding to a global
16 request that's being given to Allstate when we're
17 a Nassau County Legislature.

18 MR. SHORE: Again, I guess that would
19 address the answer to Legislator Abraham's
20 question, as to the reason that he's located in
21 Speonk. But again, it is the overall company
22 that is providing the service. It is only the
23 local representative who is bidding on the RFP,
24 who is putting in the actual physical proposal.

25 LEGISLATOR ABRAHAMS: We understand

2 that, Mr. Shore. I just want to highlight this
3 point again. I think Legislator Wink has
4 questions also, Presiding Officer Schmitt.

5 But I just want to highlight the fact
6 that we have always spent time in this Committee
7 -- it's unfortunate that Legislator Dunne is not
8 here to participate in this because he's always
9 taken an exception to the fact that when we're
10 looking for Nassau County people -- I mean, here
11 we are in this day and age and based on our math
12 there's 130 Nassau County Allstate agents which
13 can provide the same service as Mr. Meyer does in
14 Speonk. It just seems unconscionable to me that
15 we wouldn't make more of an effort to get money
16 that we could steer it towards somebody in Nassau
17 County.

18 CHAIRMAN SCHMITT: Mr. Shore --

19 MR. SHORE: Again, I'm --

20 CHAIRMAN SCHMITT: Mr. Shore, we're not
21 going to beat this to death. It would seem to me
22 that we should table this resolution. Go get the
23 pertinent information. I do not understand why
24 you cannot answer questions as to -- I want to
25 know who was on the committee. I don't want to

2 know the human resources office; I want a name.
3 Who was on the committee? How did they come up
4 with this evaluation? And the questions asked
5 about Nassau County is well taken. Why are there
6 not Nassau County agents on this list?

7 MR. SHORE: We'll get you that.

8 CHAIRMAN SCHMITT: I would suggest you
9 get that information, come back, and then we'll
10 recall the contract.

11 LEGISLATOR WINK: Yeah. I have a couple
12 of questions as well --

13 CHAIRMAN SCHMITT: He can't answer them.

14 LEGISLATOR WINK: before we table this.

15 CHAIRMAN SCHMITT: Everything he's been
16 asked he says I don't know. I don't know.

17 LEGISLATOR WINK: That's why I'd like to
18 put them on the record, so that they could be
19 answered when and if he comes back with the
20 information.

21 CHAIRMAN SCHMITT: Go ahead.

22 LEGISLATOR WINK: One of which is, it
23 would appear based on your testimony that Aflac
24 never responded.

25 MR. SHORE: That's correct. Of the

2 companies that we were considering, Aflac was not
3 one of the ones before the RFP committee.

4 CHAIRMAN SCHMITT: No, no. You see,
5 that's very troubling. Of the ones that were put
6 in front of the RFP committee. Who decided which
7 three would be put in front of the RFP committee?

8 MR. SHORE: Those were the three that
9 responded. My understanding is those were the
10 three that responded to the RFP period.

11 CHAIRMAN SCHMITT: Then the answer to
12 Mr. Wink's question is no, is it not? Aflac did
13 not respond, or did it?

14 MR. SHORE: No, it did not. That was my
15 answer. I apologize if I was unclear.

16 LEGISLATOR WINK: That in and of itself
17 is a little bit troubling considering they've had
18 the contract for the last several years, as I
19 understand it.

20 Additionally, you had indicated this was
21 only for ordinance employees. This is not for
22 the union members?

23 MR. SHORE: That's correct.

24 LEGISLATOR WINK: Okay. And you had
25 listed a number of people who were on the RFP

2 committee.

3 MR. SHORE: That's correct.

4 LEGISLATOR WINK: I really want to know
5 the criteria that we used here. This isn't
6 county money being spent on this but this is
7 giving a monopoly, as I understand it, to one
8 company for the purposes of providing this
9 supplemental insurance to the ordinance employees
10 throughout the county. Is that your
11 understanding as well?

12 MR. SHORE: It's providing -- I wouldn't
13 characterize it as a monopoly, providing anyone a
14 monopoly. But it is providing an employee with
15 the opportunity of obtaining this insurance via a
16 payroll reduction. They are still free to
17 provide that -- to obtain that elsewhere.

18 LEGISLATOR WINK: But as I understand
19 it, part and parcel of this contract is a letter
20 is sent by the county executive to all the
21 ordinance employees introducing, in this case it
22 would be Allstate, to the employees, provides
23 space and time for them to come in and have a
24 table available for employees to come review
25 their options with them. That's not provided to

2 anyone else though. Right? No other company can
3 come in and put a table out and put their wears
4 out for the ordinance employees to review.

5 MR. SHORE: By virtue of the RFP we are
6 awarding that business the opportunity to come in
7 and make their --

8 LEGISLATOR WINK: I'm trying to
9 understand the criteria by which we determine
10 that when there's no county taxpayer money being
11 used, but yet there must be some kind of criteria
12 by which we only allow one table and one bit of
13 information to be provided to ordinance
14 employees. And that's one of the things I'm
15 trying to understand here too.

16 Certainly, many of my questions are
17 consistent with what Legislator Abrahams and
18 Legislator Jacobs has asked. I also am dying to
19 know a little bit more about the relationships
20 that this agent in particular seems to have with
21 this administration.

22 MR. SHORE: Again, I'm not personally
23 aware of any relationships. Quite frankly, in
24 response to your question as to availability of
25 information or monopolizing the information,

2 Aflac did, as you point out yourself, had this
3 opportunity to do that for all these several
4 years going back. So it's no different than the
5 process and procedures that we've had in place
6 for quite some time, just a different vendor.

7 LEGISLATOR WINK: And yet after having
8 had that relationship with the county, Aflac
9 apparently chose not to respond to the county's
10 RFP. I would like to have an understanding of
11 why that is.

12 MR. SHORE: Okay.

13 LEGISLATOR WINK: So I look forward to,
14 after you're able to get this information, I look
15 forward to some more questions.

16 LEGISLATOR ABRAHAMS: One final thing.
17 It's quick.

18 CHAIRMAN SCHMITT: Mr. Abrahams, you are
19 recognized.

20 LEGISLATOR ABRAHAMS: Thank you,
21 Presiding Officer Schmitt. I apologize for
22 jumping in before you were able to recognize me.

23 Mr. Shore, how much is this agreement
24 worth? I'm just curious.

25 MR. SHORE: I suppose it would depend,

2 Legislator, based on the number of employees who
3 would enroll and who would participate. It's not
4 compulsory on an employee to take these benefits.

5 LEGISLATOR ABRAHAMS: Based on
6 historicals, how much was this worth to Aflac?

7 MR. SHORE: I don't know at this time.
8 I could find out.

9 LEGISLATOR ABRAHAMS: If you could.
10 Yeah. I'm just curious.

11 LEGISLATOR JACOBS: Peter.

12 CHAIRMAN SCHMITT: I just want to
13 clarify for the record here. I don't expect you
14 to be able to crawl inside the head of Aflac and
15 say why didn't they bid. I do expect you to be
16 able to tell us if they responded or not, and who
17 on the committee who has reviewed this and what
18 criteria was used.

19 MR. SHORE: Understood. I will get you
20 that information.

21 CHAIRMAN SCHMITT: It's okay to bring
22 somebody with you. If you don't have the answers,
23 bring somebody who does.

24 MR. SHORE: Will do.

25 LEGISLATOR JACOBS: Mr. Schmitt, just

2 one last question.

3 CHAIRMAN SCHMITT: Mrs. Jacobs.

4 LEGISLATOR JACOBS: Did Aflac know that
5 they were losing it?

6 MR. SHORE: My understanding is yes,
7 that they did know, by virtue of the fact that
8 the business was RFP'd at the expiration of the
9 contract.

10 LEGISLATOR JACOBS: But my question
11 really goes back to that RFP. Here they are with
12 the county for I don't know how many years and
13 all of a sudden an RFP is sent out. Were they
14 aware that you wanted to RFP it? That they were
15 finished?

16 MR. SHORE: Again, I didn't -- I was a
17 member of the committee --

18 LEGISLATOR JACOBS: That would be a very
19 -- an important question for me.

20 MR. SHORE: Again, with all due respect.
21 I don't know what their position was and I can't
22 speak for Aflac and what their state of mind was;
23 I can only speak for what the RFP committee
24 evaluated as part of its decision.

25 LEGISLATOR JACOBS: I know you can't

2 speak to what their state of mind was. But I am
3 only asking in relation to the fact that they
4 seemed to have -- seemed, I don't know -- they
5 seemed to have a non -- what would be the word --
6 non-contradictory type of association with us.

7 So I don't even know, number one, if they
8 were aware that they were being terminated; and,
9 number two, if the RFPs actually happened at the
10 same time that they were told --

11 CHAIRMAN SCHMITT: Mrs. Jacobs, there is
12 no obligation to notify them that they are being
13 terminated. If they -- If they didn't respond to
14 an RFP, that's their loss. That's the end of it.

15 LEGISLATOR JACOBS: If they knew about
16 it.

17 CHAIRMAN SCHMITT: Maybe they weren't
18 making any money, maybe that's why they didn't
19 respond. I don't know.

20 LEGISLATOR JACOBS: I think we should
21 know that.

22 CHAIRMAN SCHMITT: The point of the
23 matter is this is not a decade old service. This
24 is a relatively new concept of providing, like
25 the commercials say, money on top of the

2 insurance.

3 LEGISLATOR JACOBS: No, I understand
4 that. But I'm just saying I think it's an
5 important thing for us to know.

6 CHAIRMAN SCHMITT: It's an important
7 thing for us to have somebody here that could
8 answer the questions. That's what's an important
9 thing.

10 LEGISLATOR GONSALVES: I move to table.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRMAN SCHMITT: Motion to table with
13 a second by Legislator Muscarella.

14 All those in favor of tabling please say
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item is tabled.

20 E-83 is a resolution for a personal
21 services agreement between the County and the
22 Office of Community Development and Density H.
23 Contracting.

24 LEGISLATOR GONSALVES: So moved.

25 LEGISLATOR MUSCARELLA: Second.

2 CHAIRMAN SCHMITT: Motion by Legislator
3 Gonsalves, seconded by Legislator Muscarella.

4 Any debate or discussion?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The item carries unanimously.

13 E-84 is a personal services agreement
14 acting on behalf of the Department of Social
15 Services and Family and Children's Association.

16 Motion please.

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN SCHMITT: Motion by Legislator
20 Gonsalves, seconded by Legislator Muscarella.

21 Any debate or discussion?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 All those in favor please say aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item carries unanimously.

6 E-85 is a resolution for a personal
7 services agreement between the Department of
8 Information Technology and the Sheriff's
9 Department, Correction Center and Intellitech
10 Corporation.

11 May I have a motion, please?

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRMAN SCHMITT: Moved by Legislator
15 Gonsalves, seconded by Legislator Muscarella.

16 Any debate or discussion?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor please say aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The ayes have it.

25 I'm going to call E-87 and E-88. Those

2 are contracts between DPW and Nelson and Pope for
3 an on-call traffic contract, a four month
4 extension to an existing contract. And E-88 is
5 between DPW and Greenman Pederson, which is an
6 on-call traffic contract, four month extension.
7 In both cases there is no additional money.

8 May I have a motion, please?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRMAN SCHMITT: Motion by Legislator
12 Gonsalves, seconded by Legislator Muscarella.

13 Any debate or discussion?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor please say aye.

18 (Aye.)

19 Motions carry unanimously.

20 E-89 is a resolution authorizing a
21 personal services agreement between the County
22 Office of Management and Budget and CS Stars,
23 LLC.

24 May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN SCHMITT: Motion by Legislator
4 Gonsalves, seconded by Legislator Muscarella.

5 Any debate or discussion?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor please say aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item carries unanimously.

14 E-90 is a use and occupancy permit
15 between the County and Andrew and Julia Fischel.

16 May I have a motion, please?

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN SCHMITT: Moved by Legislator
20 Gonsalves, seconded by Legislator Muscarella.

21 Any debate or discussion?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 All those in favor please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The item carries unanimously.

Can I have a motion to suspend the rules?

LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator
Gonsalves, seconded by Legislator Muscarella.

All those in favor of suspending the
rules please say aye.

(Aye.)

The rules are suspended.

Any opposed?

(No verbal response.)

The rules are still suspended.

We go to the addendum.

B-10 is a contract amendment between the
County of Nassau and the Department of Public
Works and Welsbach Electric Corporation.

LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator
Gonsalves, seconded by Legislator Muscarella.

2 Good afternoon. Could you identify
3 yourself for the record, please? I can't see
4 that far.

5 MR. LINDGREN: It's Jeff Lindgren from
6 Public Works, Traffic Engineering.

7 CHAIRMAN SCHMITT: Let the record show
8 that Minority Leader Abrahams is recusing
9 himself. He's left the chamber and is taking no
10 part in the debate or discussion of this
11 contract.

12 I'm sorry.

13 MR. LINDGREN: Jeff Lindgren from Public
14 Works.

15 CHAIRMAN SCHMITT: Good afternoon. Tell
16 me, what does Welsbach do, as far as maintaining
17 the lights? The reason I asked this question is,
18 as luck would have it, on the way into work this
19 morning there was a Welsbach truck on Old Country
20 Road tying up traffic. The guy was up in the
21 thing and he had a rag, and it was a rag, and he
22 just wiped the red, yellow, and green, and that
23 was it. Is that what they do?

24 MR. LINDGREN: That is one of the things
25 they do. That isn't part of this particular

2 contract. That's a separate maintenance
3 contract, where they go out, clean the lenses,
4 check operations of all the pedestrian equipment.
5 This particular contract is more for the traffic
6 signal communications, coordination, to ensure --

7 CHAIRMAN SCHMITT: The computer that's
8 tying the lights together.

9 MR. LINDGREN: Right. To make sure the
10 timings are reflected properly and the traffic is
11 moving.

12 CHAIRMAN SCHMITT: Some time ago, I
13 think it was a million and a half dollars, if
14 memory serves, there was a contract -- I don't
15 know if it was to Welsbach or not. The point is
16 there was a contract to replace the traffic
17 lights with these LEDs.

18 MR. LINDGREN: Correct.

19 CHAIRMAN SCHMITT: And there was
20 representation made at that time that it would
21 save \$1 million a year.

22 MR. LINDGREN: That was a NYPA contract.

23 CHAIRMAN SCHMITT: We're kind of looking
24 for, where's the million dollars in savings? I
25 don't see these Welsbach contracts or any other

2 light maintenance contract going down.

3 MR. LINDGREN: The savings related to
4 the LED replacement project was out of our
5 operations budget, where it's more related to our
6 LIPA billing. So as we replace the traffic
7 signal faces with LEDs, our monthly LIPA bills
8 have decreased.

9 CHAIRMAN SCHMITT: Okay. Anybody else
10 have any questions?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor please say aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item carries unanimously.

19 Thank you.

20 Invite Mr. Abrahams back into the
21 chamber, even if he doesn't want to come.

22 Okay. B-11 is a contract between the
23 Department of Public Works and Carl Lizza & Sons,
24 paving and resurfacing of various county roads.

25 May I have a motion, please?

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator
5 Gonsalves, seconded by Legislator Muscarella.

6 Any debate or discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please say aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item carries unanimously.

15 E-86 is a contract between -- it's an
16 amendment to a personal services agreement
17 between the County of Nassau acting on behalf of
18 the Police Department and propertyroom.com.

19 Can I have a motion, please?

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Moved by Legislator
23 Gonsalves, seconded by Legislator Muscarella.

24 Any debate or discussion?

25 (No verbal response.)

2 How's that going, on propertyroom.com?

3 MR. STEPHANOFF: Sergeant Greg
4 Stephanoff. I have Sergeant Carmine Saldano who
5 oversees the propertyroom.com contract.

6 MR. SALDANO: Yes. Good afternoon. In
7 answer to your question, it's going very well.
8 We've had two checks cut to us so far. I don't
9 have the exact figures. Just a little over
10 \$60,000 from January and February.

11 CHAIRMAN SCHMITT: Good. Okay. Would
12 you just tell us about this?

13 MR. STEPHANOFF: This is an amendment to
14 the original contract. This is going to spell
15 out the fees for them selling autos for us. It
16 includes them taking the cars from us, storing
17 them, prepping them, and finally selling them and
18 then sending us the money from the disposition of
19 the cars.

20 CHAIRMAN SCHMITT: How much of the sale
21 do we get?

22 MR. SALDANO: Eighty-seven and a half
23 percent.

24 CHAIRMAN SCHMITT: Okay. This is the
25 DWI cars?

2 MR. SALDANO: No. That would include
3 that. But it would include abandoned cars,
4 seized cars, forfeiture cars. It could actually,
5 in the future, include fleet cars and scrap cars.

6 CHAIRMAN SCHMITT: Okay. Anybody else
7 have any questions?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor please say aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item carries unanimously.

16 Thank you, gentlemen.

17 MR. STEPHANOFF: Thank you.

18 MR. SALDANO: Thank you.

19 CHAIRMAN SCHMITT: E-91 is a contract --
20 I'm sorry -- is a resolution making certain
21 determinations pursuant to the State
22 Environmental Quality Review Act and authorizing
23 the parks commissioner to enter into a use and
24 occupancy permit between the County of Nassau and
25 Coleson Properties.

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN SCHMITT: Motion by Legislator
5 Gonsalves, seconded by Legislator Muscarella.

6 This is -- hello. Do you want to
7 identify yourself for the record?

8 MR. KELLY: Good afternoon. Michael
9 Kelly, Acting Director, Nassau County Office of
10 Real Estate Services.

11 CHAIRMAN SCHMITT: This is the day camp.

12 MR. KELLY: Yes. This is the Coleman
13 Camp located on the Roosevelt Preserve. As many
14 of you may remember, this was going on a month-
15 to-month basis until we had formalized a more --
16 a more "permanent license agreement" with Coleson
17 Properties. This will extend for ten years, but
18 it is terminable by the county on 30 days'
19 notice, or 30 to 60 days' notice, I'm not sure
20 off the top of my head. But it is terminable by
21 the County. And this represents a \$13,000 a year
22 increase on the permit fees over the previous
23 permit.

24 CHAIRMAN SCHMITT: Good. Any questions?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 LEGISLATOR WINK: Yeah. I have a quick
5 question, if I can.

6 CHAIRMAN SCHMITT: Question.

7 LEGISLATOR WINK: Is this a continuation
8 of the existing program with Coleman?

9 MR. KELLY: Yes.

10 LEGISLATOR WINK: Okay.

11 MR. KELLY: There's no change.

12 LEGISLATOR WINK: Thanks.

13 CHAIRMAN SCHMITT: Any public comment?

14 (No verbal response.)

15 All those in favor please say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item carries unanimously.

20 MR. KELLY: Thank you.

21 CHAIRMAN SCHMITT: Thank you.

22 I believe that that's all the contracts
23 that come in front of the Rules Committee. I'm
24 going to put the committee into recess. Public
25 Safety is the next committee up.

2 (Whereupon, the Rules Committee recessed
3 at 1:35 p.m.)

4 (Whereupon, the Rules Committee
5 reconvened at 2:30 p.m.)

6 CHAIRMAN SCHMITT: Rules is back in
7 session. Members please take their seats.

8 We're going to recall Item E-82, which is
9 a resolution on -- we need a motion to un-table.

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRMAN SCHMITT: Moved by Legislator
13 Gonsalves, seconded by Legislator Muscarella.

14 All those in favor of un-tabling please
15 say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item is un-tabled.

20 I believe, Mr. Wink, you had questions.

21 LEGISLATOR WINK: I believe we all did.

22 CHAIRMAN SCHMITT: A bunch of people
23 have questions. They're all on the record, which
24 is I wanted to table it. Now we gotta go listen
25 to the whole thing again.

2 What's the answers?

3 DEPUTY COUNTY EXECUTIVE WALKER: I'd be
4 glad to go through the entire proceeding.

5 CHAIRMAN SCHMITT: Please identify
6 yourself for the record.

7 DEPUTY COUNTY EXECUTIVE WALKER: Rob
8 Walker, Chief Deputy County Executive.

9 Going back, May 19, 2006, the county put
10 out an RFP for supplemental insurance, for lack
11 of better words. That was answered back June 16,
12 2006, of which there were eight people, eight
13 people that answered that RFP, four of which were
14 members or representatives of Aflac. Aflac was
15 selected at that time. The Office -- it was
16 actually their New York City office, was actually
17 -- they entered into the arrangement with. It
18 was actually a letter of agreement that was
19 entered into. It was not a formalized contract.
20 It was a letter of agreement that went to the
21 county. It was signed by the chief deputy, I
22 believe, at that time back in 2007.

23 The RFP at that time called for a three
24 year process, with a one year renewal. Again, as
25 I said, there was no formal contract that was

2 ever entered into, but there was an agreement
3 that discussed -- and I'll read this, because I
4 know this was one of the questions.

5 Notwithstanding the foregoing, the County
6 reserves the right to enter into similar
7 agreements with other insurance companies and
8 discontinue the payroll deduction function
9 described herein. That was, again, since April
10 30, 2007.

11 So the RFP this year went out. It was an
12 RFP. It was formalized on the street on November
13 29. It was answered December 23. Three people
14 submitted -- Allstate, Colonial, MetLife.
15 Allstate, as you mentioned, was from Suffolk
16 County. Colonial was from Maine. There was
17 MetLife in Garden City.

18 They were provided with options to submit
19 proposals. Everybody proposed different types of
20 proposals. In the case of the committee, the
21 committee was made up of Dan Shore from Labor
22 Relations, Nancy Clyde from Human Resources,
23 Michael Grunwald from the Comptroller's Office,
24 Barbara VanRiper from the County Attorney's
25 Office, and Chris Nolan from the Office of

2 Management and Budget. They rated the proposals.
3 The ratings, as followed: 346 for Allstate; 257
4 for Colonial; 195 for MetLife. Again, the
5 reasons for the disparity was because they based
6 it really on three factors: the contract
7 requirements, which were the requirements of the
8 RFP; vendor profile; and also related
9 experiences; and obviously cost differential for
10 the people that will actually be wanting to
11 partake in this. As you know, there is no cost
12 to the county.

13 The local company, obviously we'd all
14 like to do work with a local company. They
15 provided -- basically the only thing they were
16 providing was life insurance, no other
17 opportunities or options for the employees of
18 Nassau County.

19 They provided the most opportunities as
20 described by the committee was Allstate, a
21 nationally recognized company. Again, it moved
22 forward in that fashion. The committee made the
23 recommendation to go along that direction.

24 Right now Allstate is actually entered
25 into separate contracts with many of our unions,

2 unbeknownst to us. And we learned that only
3 recently because if you receive some of the
4 newsletters from the unions, as I'm sure you do,
5 they actually are providing supplemental
6 insurance to their membership. They've actually
7 entered into contracts with them; I think mainly
8 for the reason I said before, is that they are
9 providing much greater opportunities than several
10 other ones have done before.

11 Why Aflac has not answered, I do not
12 know. You would have to actually ask them. I
13 think one of the reasons may be is that because
14 it's not the most profitable, in terms of
15 employees that are non-union employees, there are
16 not a lot of them. Especially now that the
17 county has reduced by a third, the number of
18 ordinance employees. The county executive has
19 reduced a third the number of ordinance
20 employees, so there's less of a group of people
21 that would take part in this. Why they have not
22 answered, I do not know.

23 But I hope that sums of up some of your
24 questions.

25 CHAIRMAN SCHMITT: So the letter of

2 agreement, you called it, in 2007 --

3 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

4 Yes, there was a letter of agreement that was
5 signed in 2007.

6 CHAIRMAN SCHMITT: Did that contract
7 ever come to this committee for approval?

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
9 No, they did not do a formalized contract.

10 CHAIRMAN SCHMITT: Did the comptroller
11 ever say anything about it?

12 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
13 The comptroller wasn't even on committee at that
14 time.

15 CHAIRMAN SCHMITT: Has this comptroller
16 said anything about it?

17 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
18 Yes. This comptroller -- we had a representative
19 from the comptroller's office on the committee,
20 Michael Grunwald, who voted. That's why this
21 contract's actually going to the legislature.

22 CHAIRMAN SCHMITT: And is here for this
23 committee's deliberation. Okay.

24 Any other questions? Do you have an
25 order here, Minority Leader, or are we just going

2 to let it fly?

3 LEGISLATOR ABRAHAMS: I'll start.

4 CHAIRMAN SCHMITT: Minority Leader

5 Abrahams.

6 LEGISLATOR ABRAHAMS: How are you, Mr.

7 Walker?

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

9 Good. How are you?

10 LEGISLATOR ABRAHAMS: So the contract

11 for this particular RFP went out in November,

12 came back in December for services that began on

13 what date?

14 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

15 Depends when the contract will actually be

16 entered into. If there's a contract entered

17 into, we will then set up -- human resources will

18 set up meetings with the employees or at least

19 alert the employees to this, this benefit,

20 additional benefit being provided and there will

21 actually be informational type meetings, things

22 of that nature.

23 LEGISLATOR ABRAHAMS: Okay. Because the

24 term of the contract indicates January 11. So we

25 should ignore that date.

2 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

3 Technically there's no contract until this
4 committee approves it and the county executive
5 signs it. The routing process, we would like for
6 it to have started in; it has not. You have not
7 approved it, nor has the county executive signed
8 it.

9 LEGISLATOR ABRAHAMS: Okay. You had
10 said earlier that basically Aflac did not respond
11 and we don't pretend to think that you can get in
12 the head of Aflac. But Aflac was providing this
13 service going back to, as to your knowledge,
14 2006.

15 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
16 Correct. 2006/2007.

17 LEGISLATOR ABRAHAMS: When the RFP -- it
18 was a 30 day RFP?

19 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
20 Twenty-six days.

21 LEGISLATOR ABRAHAMS: Twenty-six days.
22 Okay.

23 When the RFP was approaching the end, was
24 there any dissatisfaction, from your standpoint,
25 for the last two years with Aflac?

2 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
3 don't have enough money to even actually enter
4 into supplemental insurance, although my wife
5 would love me to have it. I've never dealt with
6 it nor have had any dealings with any of the
7 employees who have or not. I couldn't answer it
8 either way.

9 LEGISLATOR ABRAHAMS: Well, let me ask a
10 different way.

11 The contract with Aflac --

12 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
13 There is none.

14 LEGISLATOR ABRAHAMS: The contract since
15 2006 -- the agreement with Aflac.

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
17 Yes.

18 LEGISLATOR ABRAHAMS: The agreement with
19 Aflac that goes back to 2006 was worth how much?
20 Obviously, it must provide some type of --

21 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
22 would not even be able to, again, zero dollars
23 for the county. It's, you know, personal
24 records, people's personal deductions that they
25 actually have authorized the comptroller by which

2 to enter into. We don't even have that data, nor
3 would I even ask anybody. It's not my
4 information, you know, to what type of additional
5 benefits you would want to take out. I would not
6 ask what you took out, how much money you're
7 actually expending to them or not. It was never
8 even discussed.

9 LEGISLATOR ABRAHAMS: But I think it's
10 prudent for the county to know exactly who we're
11 getting involved with. I couldn't see why eight
12 vendors in 2006 and now three vendors in 2011
13 would want to do business and we have no idea of
14 why they want to do business with the county.

15 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
16 Because they want to have the ability by which to
17 sell insurance. Obviously the more insurance
18 they could sell the better off they do. Let's
19 not fool each other. But that being said. I
20 would not know if you decided to take out
21 additional insurance for you or if I decided to
22 do it. It's between you and them and me and them
23 if I decide to do it.

24 The dollar amount is, again, the dollar
25 amount is up to the individuals, the individuals

2 of the county who wish to participate, at what
3 level of participation they want to have, and
4 then they make that decision.

5 LEGISLATOR ABRAHAMS: I know Legislator
6 Jacobs wants to get into some questioning.

7 In regards to -- the other two vendors
8 were MetLife and Colonial.

9 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
10 Correct.

11 LEGISLATOR ABRAHAMS: Both of those had
12 agents that represented MetLife and Colonial,
13 very similar to Mr. Meyer.

14 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
15 Yes. Just going back, again, to the 2006, it was
16 done the same exact way. The methodology that
17 existed. They had eight different people that,
18 again, responded back in 2006 and had the
19 contract -- or had this letter of agreement back
20 in 2007. Four different representatives of
21 Aflac, four different offices actually replied.
22 In this case you had three people who replied. I
23 think for some reason, again, it is unknown to
24 actually how much dollars. One was from Suffolk,
25 one was from Maine, and one was from Garden City.

2 LEGISLATOR ABRAHAMS: I guess what my
3 greater point is -- like all of these insurance
4 agents, they are all agents of the larger
5 company. State Farm has an agent locally in
6 Uniondale. Allstate, which based on our numbers,
7 has 133 offices located in Nassau. It just
8 seemed to us a little bewildering that an agent
9 picked from Speonk was selected in this process.

10 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
11 You would have to talk to Allstate; they don't
12 work for us. Allstate may have -- maybe there
13 are different contracts that each one of them
14 work on. I don't know. I have no idea. You'd
15 have to speak to Allstate.

16 Any single person in Nassau County,
17 Suffolk County, throughout the United States is
18 able to bid on these RFPs and put in proposals.
19 We can't tell people to do it or not.

20 LEGISLATOR ABRAHAMS: I understand that.
21 No, no. I'm not saying that all, Mr. Walker.
22 But I would find it a little bit strange that
23 there is no agencies from Nassau here.

24 Do you know Mr. Meyer?

25 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I

2 met Mr. Meyer once or twice.

3 LEGISLATOR ABRAHAMS: Once or twice.

4 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

5 Yes.

6 LEGISLATOR ABRAHAMS: I see.

7 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

8 Mr. Meyer actually bid on other entities and

9 other contracts as well.

10 LEGISLATOR ABRAHAMS: I see. I see.

11 Okay. I'll defer now to Legislator Jacobs.

12 CHAIRMAN SCHMITT: Legislator Jacobs.

13 LEGISLATOR JACOBS: Yes. Thank you.

14 Although I think you really touched on a lot of

15 things I was going to say.

16 What I was bringing out before was this.

17 Obviously, when you put out something for an RFP,

18 I'm assuming the major company is the one that

19 answers the RFP, that they're interested. Not

20 necessarily the agent for a small unit of that

21 large company.

22 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

23 It didn't happen in 2006 and it didn't happen

24 today. These are the people that bid. In 2006,

25 it wasn't the major company. Different

2 representatives from Aflac bid. So, I mean, it's
3 done by -- different agents decided to bid on the
4 opportunity to actually win the contract.

5 LEGISLATOR JACOBS: So if Allstate won
6 this, the only local agent that really got
7 involved with the bidding was from Speonk?

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
9 There were only three people that submitted the
10 bids. Three. Allstate. Colonial. MetLife.
11 That's it.

12 LEGISLATOR JACOBS: I understand that.

13 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
14 Those were the only three that decided to bid.

15 LEGISLATOR JACOBS: I understand that.
16 But since there are 133 Allstate agents in Nassau
17 County, doesn't it sound totally unreasonable
18 that there'd only be a person from Speonk,
19 Suffolk County, that would answer the bid?

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
21 would say this. If you look back at why didn't
22 Prudential or anyone else bid? People bid or
23 don't bid. We can't answer. Maybe we should all
24 go knock on all their doors next time and ask
25 them to submit a proposal.

2 LEGISLATOR JACOBS: I'm wondering, did
3 anyone knock on Aflac's door and say to them,
4 hey, listen, your one extra year is up?

5 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
6 I'm going to say this. Actually, they didn't
7 have a formal contract, so I don't know how
8 actually, they were actually working for four
9 years. They didn't actually have a formal
10 contract. Aflac did not have a formal contract
11 with Nassau County. This Legislature did not
12 vote on Aflac's contract, by which they were
13 working in the county.

14 LEGISLATOR JACOBS: Did they know that
15 the RFPs were going out when they were?

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
17 have no idea. I'm not doing Aflac's business.
18 I'd go work for them if I could. I'm working
19 here. I'm not going to call up every vendor and
20 say your contract is up. We'd be on the phone
21 all day. That's not our responsibility. I'm
22 sure when we do road construction contracts not
23 everyone up here is calling to local vendors to
24 bid on the road jobs. We don't do it.

25 LEGISLATOR JACOBS: I understand that

2 probably even better than you, Rob, because I've
3 been here so long.

4 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

5 You do.

6 LEGISLATOR JACOBS: Honestly, it seems
7 to me in this case that someone from Speonk, when
8 there's 133 people that we know of that live
9 closer, I don't get it. I'm sorry.

10 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

11 Why was a New York City vendor selected in 2007
12 and not somebody closer?

13 LEGISLATOR JACOBS: I have no idea. I
14 can't answer that. But I can answer -- I could
15 talk to what's in front of us now.

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

17 And I think it's unfair that this legislative
18 body didn't even get a chance to vote on that
19 contract in 2007.

20 LEGISLATOR JACOBS: Well, we're not
21 going to go back five years, six years, whatever.

22 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

23 Of course not.

24 CHAIRMAN SCHMITT: Why not?

25 LEGISLATOR JACOBS: You want to go back?

2 I don't care. I'm just asking a question now.

3 CHAIRMAN SCHMITT: We've always had
4 bipartisan cooperation and agreement on the
5 contracts come to the legislature for approval.
6 Here's a contract that didn't come to the
7 legislature for approval; that offends me
8 greatly, and it should offend everybody else.

9 LEGISLATOR ABRAHAMS: I think it's fair
10 to say that the contract that was done in 2006
11 could have easily come down to the legislature.
12 I don't think anyone's disputing that. The fact
13 of the matter is the contract that is before us
14 now, we have actually an opportunity to vote on,
15 and that's why we're asking the questions that I
16 think that are prudent.

17 I didn't mean to cut you off Legislator
18 Jacobs. I apologize.

19 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
20 And we welcome the questions.

21 LEGISLATOR WINK: I have a question.

22 CHAIRMAN SCHMITT: Legislator Wink.

23 LEGISLATOR WINK: Mr. Walker, how does
24 this contract work? I understand that it's
25 effectively a monopoly; one person gets to come

2 in with their information. They get to have a
3 table. They get to sit for a day, a week, or
4 whatever and enroll people as they see fit. How
5 many people currently are enrolled with Aflac?

6 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
7 do not have that answer. Again, the reason I
8 said before --

9 LEGISLATOR WINK: Let me just ask you,
10 because I'm --

11 CHAIRMAN SCHMITT: Do not interrupt the
12 witness. When you ask a question, let him
13 answer.

14 LEGISLATOR WINK: I guess that's just
15 your exclusive purview, Mr. Schmitt.

16 CHAIRMAN SCHMITT: Do you wish to
17 continue to have the floor or not, Mr. Wink?

18 LEGISLATOR WINK: What I'm trying to
19 find out is, is there an auto deduct system that
20 exists right now for ordinance employees to pay
21 directly to Aflac out of county pay?

22 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
23 Yes.

24 LEGISLATOR WINK: Okay. And only Aflac
25 has that ability for this supplemental insurance.

2 Is that right?

3 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

4 As of right now, correct.

5 LEGISLATOR WINK: And is there anything
6 besides, I guess, the bureaucracy that may come
7 with it that would prevent us from doing this
8 with any number of companies that seek to enroll
9 county ordinance employees?

10 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

11 As I said before, going back to 2006, there's
12 actually a footnote in that agreement that said
13 the county would have the ability to enter into
14 other agreement if those so choose.

15 LEGISLATOR WINK: Does that footnote
16 exist in the current contract?

17 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
18 honestly could not tell you that.

19 LEGISLATOR WINK: That's something I'd
20 like to know. It seems to me if we're doing auto
21 deduct, we should have some record then of how
22 many employees have availed themselves of this
23 program and whether or not there's going to be
24 any sort of disruption in the fact that they're
25 currently with Aflac, are they now going to have

2 to negotiate separately with Aflac or are they
3 only going to have the choice to going to
4 Allstate.

5 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

6 As of right now they would have the choice if
7 they would be going with Allstate. This
8 legislative body would go to Allstate. Again, I
9 beg to argue, and I'm not an attorney, is that
10 this agreement, technically I don't know how the
11 county could enter into an agreement like this in
12 the first place, back in 2006 and 2007, allowing
13 people this opportunity when the legislature
14 never voted on it, you didn't have the due
15 diligence with an RFP that every other RFP has
16 done. That theoretically we were able to stop it
17 at any point. It came to the four years. It
18 went to an RFP. Everybody was entitled in the
19 whole entire county and state and nation to, in
20 fact, bid. We had three proposals. A committee
21 of five, people from various offices, made the
22 decision that this was the best offer for the
23 county and we're going to put that forth to the
24 county employees, the ordinance employees of
25 Nassau County. If this legislative body chooses

2 and the administration chooses to go with an
3 additional RFP to highlight services -- as you
4 know, in every contract the county does have the
5 right to execute cancellation. We can, in fact,
6 do that. There will be informational meetings
7 set up and people will be able to, in fact, opt
8 in if they so choose.

9 LEGISLATOR WINK: Do we have the right
10 to bring in Aflac and MetLife and Colonial in
11 addition to Allstate?

12 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
13 The County has a right to cancel. As of right
14 now, no, the County --

15 LEGISLATOR WINK: No, no. That's not
16 what I asked you. That's not what I asked you.
17 I didn't ask you if you had the right to cancel
18 with Allstate. I asked you if, as you mentioned,
19 the contract in 06 was not exclusive -- it was
20 Aflac but it could have also provided for MetLife
21 and Allstate and Colonial to come in with their
22 own supplemental insurance programs if they saw
23 fit. My question to you was, and you didn't have
24 the answer --

25 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

2 No, I don't have that answer.

3 LEGISLATOR WINK: whether this contract
4 is exclusive to Allstate.

5 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
6 It may be. It may not be. I'm unsure.

7 LEGISLATOR WINK: Which is I think a big
8 difference between what existed with Aflac until
9 now and what's being asked of us today.

10 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
11 beg to differ. Again, that former contract, you
12 had no contract at all and I don't know how
13 people are doing work here. So I disagree.

14 LEGISLATOR WINK: If it was voluntary
15 and if it allowed for other competing interest to
16 have similar programs, it seems to me to be a
17 world of difference if this contract is, in fact,
18 an exclusive contract with Allstate.

19 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
20 So the county executive --

21 LEGISLATOR WINK: And, more to the
22 point, with this particular agency.

23 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
24 So you would agree that the county executive can
25 just bring anyone else in today to do this on

2 whim whenever he so chooses.

3 LEGISLATOR WINK: It depends on what the
4 contract says. That's why I'm asking you.

5 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
6 There was no contract before.

7 CHAIRMAN SCHMITT: Mr. Walker, do we
8 have the contract?

9 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
10 You do.

11 CHAIRMAN SCHMITT: We do. We have the
12 contract.

13 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
14 Yes.

15 CHAIRMAN SCHMITT: Has counsel advised
16 you as to what the contract says?

17 LEGISLATOR WINK: Well, I'm asking Mr.
18 Walker. And the Deputy County Executive who is
19 proffering this for our consideration today
20 doesn't know. So I would hope that you would
21 excuse me if I don't have that answer either.

22 CHAIRMAN SCHMITT: He's not going to
23 vote on the contract. We are.

24 LEGISLATOR WINK: And the fact of the
25 matter is --

2 CHAIRMAN SCHMITT: My counsel's advised
3 me.

4 LEGISLATOR WINK: he's here to answer
5 questions about this contract. That's why he's
6 here.

7 CHAIRMAN SCHMITT: You got your question
8 answered; he doesn't no.

9 LEGISLATOR WINK: No, I didn't. That's
10 not a satisfactory answer to you on many
11 questions. That's not a satisfactory answer to
12 me.

13 CHAIRMAN SCHMITT: Here we are. You got
14 a counsel. You got a contract. Obviously
15 counsel hasn't reviewed the contract. You also
16 got a vote; use it.

17 LEGISLATOR WINK: Then I'll tell you
18 what. At this time I'm going to move to table it
19 so that we can review this contract and come back
20 at another time with a thorough answer and
21 review.

22 CHAIRMAN SCHMITT: Is that a motion to
23 table?

24 LEGISLATOR WINK: Yeah, I'll make that
25 motion.

2 CHAIRMAN SCHMITT: I have a motion to
3 table.

4 Is there a second?

5 LEGISLATOR ABRAHAMS: Second.

6 CHAIRMAN SCHMITT: Seconded by
7 Legislator Abrahams.

8 It's non-debatable.

9 All those in favor of tabling please say
10 aye.

11 (Aye.)

12 All those opposed?

13 (Nay.)

14 Motion to table fails.

15 LEGISLATOR WINK: What a surprise.

16 CHAIRMAN SCHMITT: What a surprise that
17 that could be here all of that time without
18 coming to the legislature.

19 We're going to call the question.

20 LEGISLATOR ABRAHAMS: Actually, I have
21 another round.

22 CHAIRMAN SCHMITT: When you have a
23 motion to table, you are entitled to call the
24 question.

25 LEGISLATOR ABRAHAMS: What?

2 CHAIRMAN SCHMITT: That's Robert's
3 Rules.

4 LEGISLATOR WINK: No, you go back to
5 debate.

6 CHAIRMAN SCHMITT: You do not. Do you
7 think debate goes on?

8 LEGISLATOR WINK: You don't
9 automatically go to a vote after a motion to
10 table fails.

11 CHAIRMAN SCHMITT: You think debate goes
12 on infinitum?

13 LEGISLATOR WINK: No, it doesn't go on
14 infinitum. But it doesn't guarantee a vote on
15 the question automatically. A motion to table is
16 a non-debatable motion. It does not, in and of
17 itself, close off debate on the underlying matter
18 when it's not tabled.

19 CHAIRMAN SCHMITT: The committee will
20 decide whether or not. We have a motion to call
21 the question by Legislator Gonsalves. Can I have
22 a second?

23 I don't know if we ever had a motion like
24 that before.

25 I would suggest to your side, as a future

2 tool, that understand that a motion to table,
3 which is just so cavalierly thrown out, usually
4 by Mr. Denenberg, I must admit, is going to end
5 up with the ending of debate and moving to a vote
6 on the question.

7 LEGISLATOR JACOBS: That's not Robert's
8 Rules.

9 LEGISLATOR WINK: There is nothing in
10 Robert's Rules that compels that we go
11 immediately to the question when a motion to
12 table is voted down.

13 CHAIRMAN SCHMITT: No. That would be
14 within the discretion of the Chair. And the
15 Chair has made its determination and you are free
16 to appeal the ruling of the Chair.

17 LEGISLATOR WINK: Let's make it clear
18 then. That's not Robert's Rules; those are
19 Peter's Rules.

20 CHAIRMAN SCHMITT: That is Robert's
21 Rules.

22 LEGISLATOR WINK: That's Peter's Rules
23 not Robert's Rules.

24 CHAIRMAN SCHMITT: You can appeal the
25 ruling of the chair. These are tools that are

2 built in to keep the minority from doing exactly
3 what you want to do, which is to stall this
4 committee and to stop moving forward --

5 LEGISLATOR JACOBS: Asking questions is
6 not stalling.

7 LEGISLATOR WINK: It's five to three in
8 the afternoon. We're not exactly looking to
9 delay this matter. Come on.

10 LEGISLATOR ABRAHAMS: We have viable
11 questions.

12 LEGISLATOR WINK: We're not
13 filibustering here.

14 LEGISLATOR ABRAHAMS: This is changing a
15 process, obviously. It was an RFP that was done
16 in 25 days, to the point where here we are today.
17 And we're changing from a major vendor to a
18 gentleman that's in Speonk.

19 CHAIRMAN SCHMITT: So we're changing
20 from a major vendor, Aflac, to a major vendor,
21 Allstate, are you not?

22 LEGISLATOR ABRAHAMS: We're changing to
23 a major vendor in Allstate, yes. But the
24 gentleman is an agent from Speonk. When it's my
25 knowledge that we have 133 agents located in

2 Nassau.

3 CHAIRMAN SCHMITT: You are changing from
4 an agent in New York City. It was okay when you
5 gave it to New York City.

6 LEGISLATOR ABRAHAMS: Mr. Schmitt, I
7 never said that was okay. I never said that. I
8 said that agreement never came down to the
9 legislature. This agreement is before us now.
10 So we should just basically walk away from our
11 responsibility today --

12 CHAIRMAN SCHMITT: Absolutely not.

13 LEGISLATOR ABRAHAMS: because of the
14 agreement that was done in the past didn't come
15 to the legislature. No. So we're asking the
16 questions today.

17 CHAIRMAN SCHMITT: And you've received
18 your answers.

19 LEGISLATOR ABRAHAMS: No. I have not.
20 I'm about to ask additional questions.

21 CHAIRMAN SCHMITT: You know, go ahead.

22 LEGISLATOR ABRAHAMS: It would be so
23 much easier if we were allowed to ask the
24 questions.

25 CHAIRMAN SCHMITT: Go ahead. I'm

2 telling you right now, if you start interrupting
3 the witness, we're calling the question.

4 LEGISLATOR ABRAHAMS: I don't think I've
5 interrupted Mr. Walker once.

6 CHAIRMAN SCHMITT: I was referring to
7 Mr. Wink. But, go ahead. This is my kinder,
8 gentler side, because I'm a grandfather.

9 LEGISLATOR ABRAHAMS: Mr. Walker, you
10 had mentioned before that Colonial and MetLife
11 have also submitted proposals, of which those
12 agents are located where?

13 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
14 One's in main, and one's in Garden City.

15 LEGISLATOR ABRAHAMS: So an agent from
16 Maine?

17 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
18 Maine.

19 LEGISLATOR ABRAHAMS: Maine.

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
21 Maine, yes.

22 LEGISLATOR ABRAHAMS: And one's from
23 Garden City.

24 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
25 Correct.

2 LEGISLATOR ABRAHAMS: The evaluation
3 process that you had talked about that included
4 someone from the comptroller's office, can you
5 share that process and grading level with us?

6 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
7 Yeah, sure. The grades were: Allstate, 346
8 total points; Colonial, 257 total points; and
9 MetLife, 195 total points.

10 LEGISLATOR ABRAHAMS: And who developed
11 the criteria for this grading system?

12 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
13 The criteria was developed in the formation of
14 the RFP, similar to the one that was sent out
15 back in 2006, which talked about the contract
16 requirements, the various levels of insurance
17 that was being requested of these submitters, the
18 vendor profile. Again, you don't want a fly-by-
19 night that's going to come in and you're not
20 going to know if they're going to be in business
21 tomorrow. Lastly, related experience, those that
22 have dealt in this field, that have worked with
23 governments in the past. Those three criteria.

24 Why I said Allstate was selected the very
25 best was, in this case, because of the wide array

2 of opportunities that they offered to the
3 employees. MetLife was only offering insurance.
4 They were not offering for separate types --
5 death benefits. They weren't offering for
6 specific illnesses, extended care, things of that
7 nature. So when the committee looked at it --
8 again, the committee was comprised of somebody
9 from labor relations, human resources, county
10 comptroller, county attorney, and also OMB. They
11 took a wide array and said who offers the best
12 opportunities for our employees. That's again --

13 LEGISLATOR ABRAHAMS: To piggyback on
14 the point that I believe Legislator Wink made.
15 The fact that we are possibly giving an exclusive
16 agreement or contract or enter an exclusive
17 agreement or contract with Allstate or the Speonk
18 agent that represents Allstate to me is
19 disturbing. Even if we went down the path of not
20 presenting this legislative body, which I'm not
21 saying is a right or wrong thing. But even if we
22 went down the path or not presenting that
23 agreement to this legislative body, the fact is
24 that that agreement was not mutually exclusive,
25 meaning that somebody could have selected from

2 any array of agents, not just Aflac.

3 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

4 Of which they didn't.

5 CHAIRMAN SCHMITT: Just a point of

6 order.

7 LEGISLATOR ABRAHAMS: They did not.

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

9 Did not.

10 CHAIRMAN SCHMITT: Did you say that
11 you're not saying if it's right or wrong whether
12 or not a contract comes to this body for
13 approval?

14 LEGISLATOR ABRAHAMS: We weren't a part
15 of that process, that debate, or anything. We
16 didn't get a chance to debate it, so we don't
17 know if it was right or wrong.

18 CHAIRMAN SCHMITT: You're not saying
19 that it's not right or wrong for the contract.

20 LEGISLATOR ABRAHAMS: No, no.

21 CHAIRMAN SCHMITT: You agree that the
22 contract should come here.

23 LEGISLATOR ABRAHAMS: The contract
24 should come to the legislature.

25 LEGISLATOR JACOBS: Can I say one thing

to both of you?

CHAIRMAN SCHMITT: Go ahead.

LEGISLATOR JACOBS: I don't think it was exclusive. I don't believe -- I'm trying to remember.

LEGISLATOR ABRAHAMS: It wasn't.

LEGISLATOR JACOBS: It wasn't exclusive.

CHAIRMAN SCHMITT: How can you remember back to what we didn't see?

LEGISLATOR JACOBS: Because I remember seeing more than just Aflac in the hallway of One West Street.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: There was nobody ever offered the opportunity other than Aflac to come into Nassau County.

LEGISLATOR JACOBS: I'm not sure about that, Rob.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I'm positive. I've been on the phone with the comptroller's office all day. I'll go back to e-mails from 2006, 07, 08, 09, and 10, to show you how they decided not -- to do the contract, not to send it to the legislature, and Aflac was the only one offered the payroll deductions.

2 LEGISLATOR ABRAHAMS: Mr. Walker, I'll
3 say this in closing.

4 The bottom line is this process, in
5 selecting a company -- I'll just have to say. We
6 all know Allstate. But the fact that this
7 gentleman from Speonk, I think it's prudent to
8 know, that this committee should know, Mr. Kevin
9 Meyer you should know very well. Apparently he
10 has given money not just to your Hicksville
11 Republican Club, he's also given money to Mr.
12 Mangano as well. So I think you're not being
13 totally truthful when you say you only met the
14 guy once or twice.

15 That being said. We just find it hard to
16 believe, with 133 agents that are located in
17 Nassau County, that not one could be selected for
18 the benefit for this service that's located in
19 Nassau County.

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I
21 guess you'll be surprised to learn then that the
22 former person who had the contract with Aflac was
23 from New York City, donated money to Tom Suozzi,
24 and the contract had never miraculously appeared
25 at this legislature.

2 LEGISLATOR ABRAHAMS: Shame on anybody
3 that would allow that process to go forward.

4 CHAIRMAN SCHMITT: So you believe that
5 anybody who contributes --

6 LEGISLATOR ABRAHAMS: Basically, by Mr.
7 Walker's testimony, basically two wrongs make it
8 right. Thank you. Thank you. They did it, so
9 we're going to do it back.

10 CHAIRMAN SCHMITT: I just want to be
11 clear for future reference. You believe that
12 contributing to -- that a business that
13 contributes to a political campaign should be
14 disqualified from county contracts?

15 LEGISLATOR ABRAHAMS: No. What I
16 believe is that the fact remains --

17 CHAIRMAN SCHMITT: Only to Republican
18 campaigns.

19 LEGISLATOR ABRAHAMS: No. What I
20 believe, if you want me to clarify, Mr. Presiding
21 Officer. What I believe is very simple; the fact
22 is you're not talking about a specialized
23 service. You're talking about a service that 133
24 agents in Nassau County could have been a part
25 of. I just find it extremely coincidental. I'm

2 not saying anything was done directly by Mr.
3 Walker or by Mr. Mangano. But I find it
4 extremely coincidental that this agency, not the
5 other ones, happened just to give money and were
6 able to be selected in this contract. It's a
7 coincidence, I guess.

8 That's all.

9 CHAIRMAN SCHMITT: Are we done?

10 LEGISLATOR ABRAHAMS: I guess we are.

11 CHAIRMAN SCHMITT: Then I'll call the
12 question.

13 All those in favor please say aye.

14 (Aye.)

15 Any opposed?

16 (Nay.)

17 Let the record show that the item carries
18 by a vote of four votes of the majority and three
19 nay votes of the minority.

20 Thank you, Mr. Walker. Always exciting.

21 We have several items on the calendar
22 that, with the consent of the minority and the
23 majority, will be called in bulk, and then are
24 several items that we will hear individually. So
25 I'm going to call the bulk items first.

2 Item Number 128, 129, 130, 131, 132, 133,
3 135, 136, 140, 141. Then on the addendum is it
4 Items 145, 146, 147, 148, 149, and 150.

5 May I have a motion, please?

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR GONSALVES: Second.

8 CHAIRMAN SCHMITT: Moved by Legislator
9 Muscarella, seconded by Legislator Gonsalves.

10 Any public comment on any of those items?

11 (No verbal response.)

12 All those in favor please say aye.

13 (Aye.)

14 The items carry unanimously.

15 Now we have 126 and 127. 126 is an

16 ordinance extending a voluntary separation

17 incentive to certain officers and employees

18 represented by the investigators Police

19 Benevolent Association. That's in the district

20 attorney's office.

21 127 is an ordinance providing for a

22 capital expenditure to finance the payment of

23 certain payments for the retirement costs,

24 separation from employment cost, authorizing

25 bonds not to exceed the amount of \$700,000.

May I have a motion, please?

LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator Gonsalves, seconded by Legislator Muscarella.

Any debate or discussion?

LEGISLATOR ABRAHAMS: Yes.

CHAIRMAN SCHMITT: Legislator Abrahams.

LEGISLATOR ABRAHAMS: Two things.

First, a comment. We plan on passing this through committee today. However, we want our -- the notes from this committee to be well known. First, we do not believe that this particular item warrants a \$700,000 bond; we believe the number is much lower than that and we are going to spend the next two, three weeks going through that number.

Our second point, which is also -- also during that timeframe we requested from the Office of Legislative Budget Review, an analysis, which we believe will be able to shed some light on that particular number as well.

Lastly, as we made not in our previous supporting of bond amendments for a particular --

2 in their case it was for the CSEA and for the
3 PBA, this particular item does not identify the
4 membership that it's directly going to involve,
5 and we need that to be clarified as well. Right
6 now it seems blanket and it just seems like it's
7 going to support all the particular -- anybody
8 who is basically looking to separate from the
9 county.

10 CHAIRMAN SCHMITT: Doesn't it say
11 Investigators Police Benevolent Association?

12 LEGISLATOR ABRAHAMS: According to our
13 research, no, it does not.

14 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
15 If it does not, we will be glad to make that
16 adjustment. And if we could look at that number
17 from OLBR and make that change at the same time,
18 we have no issue with that.

19 There's roughly 40 members of the IPBA;
20 probably five members they believe are going to
21 take the incentive. We'll be glad to make those
22 adjustments.

23 CHAIRMAN SCHMITT: Okay. So everybody's
24 in agreement. We'll get that information before
25 the next meeting.

2 Anybody else?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 All those in favor please say aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item carries unanimously.

11 138 is a resolution to confirm the county
12 executive's reappointment of William J. Muller,
13 III to the Sewer and Storm Water Finance
14 Authority pursuant to Section 1232-C of the
15 Public Authorities Law.

16 May I have a motion, please?

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN SCHMITT: Moved by Legislator
20 Gonsalves, seconded by Legislator Muscarella.

21 Any debate or discussion?

22 LEGISLATOR WINK: Yeah. I have a
23 statement, Mr. Chairman.

24 CHAIRMAN SCHMITT: Legislator Wink.

25 LEGISLATOR WINK: Mr. Chairman, this

2 appointment is well -- though we know it's our
3 good friend Bill Muller here, it rises, I think,
4 it raises the bar, quite frankly, in terms of the
5 dealing with the controversial plan that we know
6 is imminent or privatizing our sewer systems.
7 And it seems to me that we need to be very
8 careful about all these appointments.

9 It sounds as though there are, as I
10 understand it, seven members of the board, all of
11 whom -- five of whom are currently serving; I
12 think there are two vacancies. All five of them
13 seem to be holdovers at this point. There seem
14 to be legitimate questions as to the makeup of
15 the board and whose terms are for which person.

16 My position today is that I believe that
17 we will vote to pass Mr. Muller through. But I
18 think what needs to happen between now and three
19 weeks from now when this goes to Full
20 Legislature, is that counsel for both the
21 majority and the minority and perhaps even the
22 county attorney's office, should be involved to
23 determine what position Mr. Muller is taking and
24 what positions are still vacant, and what
25 positions should be considered. I know there are

2 supposed to be divisions between the parties.
3 There's supposed to be divisions between the
4 majority and minority. And I'm not sure that the
5 position Mr. Muller is going into is necessarily
6 a position that he would qualify for. Because I
7 believe he was originally appointed as a minority
8 appointee and that position may, in fact, be
9 something that should go to us.

10 I know we have proffered one name so far,
11 Ms. Catchadorian (phonetic). And I think in
12 order to sort all this out, sooner rather than
13 later, I think within the next three weeks would
14 be the best opportunity to figure out what
15 appointments are still available and what
16 appointments continue to serve.

17 CHAIRMAN SCHMITT: Mr. Muller is not an
18 appointment, he is a reappointment.

19 LEGISLATOR WINK: He is a reappointment
20 to a position that's reserved for the minority.

21 CHAIRMAN SCHMITT: Hold on. He's a
22 reappointment to the Sewer and Storm Water
23 Authority, just like we have appointment and
24 reappointments to the hospital governing board
25 and many other agencies around here. In the

2 minority and majority as seats expire and become
3 eligible for appointment are shifting to reflect
4 the change in the legislature. That having been
5 said.

6 There have been received a host of
7 appointments to the Sewer and Storm Water
8 Authority in the clerk's office. Unfortunately,
9 it was delivered at 4:40 in the afternoon,
10 Friday, which was just too late to be processed,
11 to be put on to this committee calendar. And I
12 believe all of your questions will be answered at
13 that point. And we'll go forward with it. It
14 makes no difference to us. It's all going to
15 come up before the next meeting. If we can,
16 which we can, we'll move this along to the full
17 legislature and the rest of the items will be
18 forwarded as soon as we get the next calendar
19 together. And I think you'll find your questions
20 have been answered.

21 LEGISLATOR JACOBS: Mr. Schmitt, if
22 you'll recall, we went through something very
23 similar to this with the hospital board and with
24 this board and a couple of other boards, where we
25 had to really do quite a bit of research to get

2 in line which are each of the appointments, what
3 were they intended to be when they were
4 appointed. Where they the minority? Where they
5 the majority? In certain cases, such as the
6 hospital, where they the governor? So that is
7 really a very important part for Mr. Muller as
8 well as for us.

9 CHAIRMAN SCHMITT: I have no argument
10 with you. And our counsel is busy doing that
11 research, and I would suggest to the minority
12 counsel that they do the same. We will have our
13 ducks in a row when it's presented to everybody.

14 There has been a minority appointment
15 proffered.

16 LEGISLATOR JACOBS: I would just humbly
17 --

18 CHAIRMAN SCHMITT: Since I've been
19 sitting here all day I haven't had the time to
20 review any of those appointments.

21 LEGISLATOR JACOBS: But I would just
22 humbly suggest that perhaps both attorneys work
23 together on this, since it's not a matter or
24 argument, it just a matter of making sure the
25 placement is correct. Rather than each of us

2 coming up with a different formula. If we're
3 really following what should be done, then this
4 should be a no brainer for both sides to work
5 together.

6 CHAIRMAN SCHMITT: I agree. Just, my
7 counsel's doing a lot of his research at home
8 because -- did we announce that? We had another
9 baby.

10 LEGISLATOR JACOBS: What's going on on
11 your side of the aisle?

12 CHAIRMAN SCHMITT: We're very active.
13 We have to keep our numbers up.

14 LEGISLATOR JACOBS: You better work
15 quick.

16 CHAIRMAN SCHMITT: I better watch my
17 language.

18 Our counsel, Chris Astuni, became the
19 proud father of a baby boy -- how many days ago?
20 On Tuesday. Joseph Anthony. Congratulations to
21 him and to his bride.

22 Any other debate or discussion?

23 (No verbal response.)

24 All those in favor please say aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The item carries unanimously.

5 And we will get you that information.

6 Are there any other items on the agenda?

7 The addendum. Glad I asked.

8 137 is a resolution to confirm the county
9 executive's appointment of George Thomas to the
10 Nassau County Commission on Human Rights.

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRMAN SCHMITT: Moved by Legislator
14 Gonsalves, seconded by Legislator Muscarella.

15 Any debate or discussion?

16 (No verbal response.)

17 Mr. Thomas will be here for the Full
18 Legislature.

19 All those in favor please say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item carries unanimously.

24 Item 142 is a resolution authorizing a
25 grant agreement between the County of Nassau,

2 Department of Parks and Museums at Mitchel, doing
3 business as Cradle of Aviation Museum.

4 Can I have a motion, please?

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN SCHMITT: All those in favor
8 please -- I'm sorry. I'm getting ahead of
9 myself.

10 Any debate or discussion?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor please say aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item carries unanimously.

19 Finally, we have Item Number 143, which
20 is a resolution to ceremonially designate a
21 portion of the county road known as Oak Street
22 between Commercial Avenue and Hempstead Turnpike
23 as Tuskegee Airmen Way, and directing the
24 Department of Public Works to install conspicuous
25 signage along said roadway.

2 Can I have a motion, please?

3 LEGISLATOR GONSALVES: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN SCHMITT: Any debate or
6 discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please signify by
11 saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item carries unanimously.

16 Anything else?

17 LEGISLATOR GONSALVES: Motion to
18 adjourn.

19 CHAIRMAN SCHMITT: A motion to adjourn
20 has been made by Legislator Gonsalves.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Seconded by
23 Legislator Muscarella.

24 All those in favor please say aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The ayes have it unanimously.

5 (Whereupon, the Rules Committee adjourned

6 at 3:12 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of April, 2012.

FRANK GRAY