

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

May 5, 2014
1:13 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chairwoman

RICHARD NICOLELLO
Vice Chairman

DENNIS DUNNE (Not Present)

ROSE WALKER (Sitting in for Dennis Dunne)

HOWARD KOPEL

KEVAN ABRAHAMS
Ranking

JUDY JACOBS (Not Present)

DELIA DERIGGI-WHITTON (Sitting in for Judy Jacobs)

CARRIE SOLAGES

WILLIAM J. MULLER, III, Clerk

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INSERTS TO TRANSCRIPT

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2 CHAIRWOMAN GONSALVES: Legislator Dunne,
3 please lead us in the Pledge of Allegiance.

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

6 CHAIRWOMAN GONSALVES: I think we're
7 okay, Mr. Clerk.

8 CLERK MULLER: Legislator Solages?

9 LEGISLATOR SOLAGES: Here.

10 CLERK MULLER: Legislator DeRiggi-
11 Whitton?

12 LEGISLATOR DeRIGGI-WHITTON: Here.

13 CLERK MULLER: Ranking Member, Minority
14 Leader Abrahams?

15 LEGISLATOR ABRAHAMS: Here.

16 CLERK MULLER: Legislator Kopel? He's
17 here.

18 Legislator Dunne?

19 LEGISLATOR DUNNE: Here.

20 CLERK MULLER: Vice Chairman Nicoletto?

21 LEGISLATOR NICOLELLO: Here.

22 CLERK MULLER: Chairwoman Gonsalves?

23 She's here.

2 We have a quorum.

3 CHAIRWOMAN GONSALVES: Substituting for
4 Legislator Dunne will be Legislator Walker.

5 CLERK MULLER: I'm sorry. I apologize.
6 Legislator Walker?

7 LEGISLATOR WALKER: Here.

8 CHAIRWOMAN GONSALVES: Yes. Thank you.
9 We're going to move to the first item on
10 the Rules Committee, which is Contract E-116-
11 2014, which is with the comptroller and Albrecht,
12 Viggiano, Zureck & Company, P.C.

13 Motion, please?

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR KOPEL: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Walker, seconded by Legislator Kopel.
18 Mr. May.

19 MR. MAY: We have Nassau County
20 Comptroller George Maragos to answer any
21 questions on this item.

22 CHAIRWOMAN GONSALVES: Good afternoon,
23 Mr. Maragos.

24 COMPTROLLER MARAGOS: Good afternoon.

25 CHAIRWOMAN GONSALVES: Okay.

2 COMPTROLLER MARAGOS: The County and the
3 Comptroller's office has a three year contract
4 with AVZ to assist the County in preparing the
5 annual CAFR. We are currently in the second year
6 of a three-year contract. An amendment is
7 proposed to the contract with AVZ for up to
8 \$67,500 to assist the comptroller's accounting
9 division in restating the 2012 CAFR. The
10 restatement is outside the scope of the current
11 AVZ contract.

12 The 2012 CAFR restatement is required by
13 FCC regulations due to two material misstatements
14 dating back to 2005 and relating to the reporting
15 of the county's pension expense and liability.

16 The restatement must be completed for any
17 new debt is issued by the county. Investors and
18 the financial markets rely on accurate financial
19 information and timely disclosure in buying and
20 selling county bonds.

21 I ask for your approval of the amendment
22 so that the county can complete the restatement
23 in a timely manner, expected before the end of
24 May 2014.

25 I'm happy to take your questions.

2 CHAIRWOMAN GONSALVES: Mr. Abrahams.

3 LEGISLATOR ABRAHAMS: How are you, Mr.
4 Maragos?

5 COMPTROLLER MARAGOS: Good morning, or
6 good afternoon.

7 LEGISLATOR ABRAHAMS: Quick. Just
8 quickly. I know this contract is in year three
9 of its three year existence --

10 COMPTROLLER MARAGOS: Year two.

11 LEGISLATOR ABRAHAMS: I'm sorry. Year
12 two?

13 COMPTROLLER MARAGOS: Year two. Yes.

14 LEGISLATOR ABRAHAMS: Okay. Year two
15 of its three year existence. I just have a quick
16 question in regards to how or why this contract,
17 could it be done in-house, in the office. Was it
18 ever done in the office?

19 COMPTROLLER MARAGOS: Historically it
20 was done in the office, when we had the in-house
21 know how and knowledge to do it. Obviously,
22 errors have occurred as a result of that. Of
23 course the error wasn't caught last year in the
24 2012 when we brought in AVZ.

25 It's a science that's significant and has

2 specific outside expertise that's required to
3 ensure that certainly going forward that we do
4 not have further restatements.

5 LEGISLATOR ABRAHAMS: No. That's the
6 first and utmost concern, to make sure that we
7 don't have any errors. I would like to see,
8 similar to our argument that we've made in
9 regards to the county attorney's office, we would
10 like to see stuff that has been normally done in-
11 house -- I know there's stuff that also is very
12 extensive and requires a lot more work, which may
13 not be something you have in the office. It was
14 my understanding that since you've been
15 comptroller, we've handled this stuff in-house.

16 COMPTROLLER MARAGOS: That is correct.
17 And it's still our intent, by the end of the
18 third year of this contract, to bring that
19 capability in-house.

20 LEGISLATOR ABRAHAMS: Oh. That's good
21 to hear. That's very good to hear. We
22 definitely will look forward to seeing that.

23 Thank you, Mr. Maragos.

24 CHAIRWOMAN GONSALVES: Legislator
25 Solages.

COMPTROLLER MARAGOS: Good afternoon.

LEGISLATOR SOLAGES: Good afternoon.

Nice to see you.

Let me ask you a question. Was the CAFR report filed on time last year?

COMPTROLLER MARAGOS: It was filed. We had requested and gotten an extension. It usually needs to be filed by the end of June. We filed in the first week of July. Just as a footnote, in the prior -- eight years prior to my becoming comptroller, the CAFR was filed late in the first week seven out of the eight times. So, of course, it's similar to filing your IRS taxes. You have the right to apply and obtain an extension.

LEGISLATOR SOLAGES: What were the circumstances by which it was filed not timely?

COMPTROLLER MARAGOS: Last year, if you recall, we had an inordinate amount of work, accounting work to do in response to Hurricane Sandy, in terms of getting all the FEMA PWs submitted and approved and to make sure that all of the invoices, about 160 million additional expenditures, were correctly audited.

2 LEGISLATOR SOLAGES: Thank you.

3 CHAIRWOMAN GONSALVES: Legislator
4 DeRiggi-Whitton.

5 LEGISLATOR DeRIGGI-WHITTON: Hi, Mr.
6 Maragos.

7 COMPTROLLER MARAGOS: Good afternoon.

8 LEGISLATOR DeRIGGI-WHITTON: Following a
9 subject you just mentioned. Did you ever
10 complete the report for the Looks Great Service?

11 COMPTROLLER MARAGOS: Yes, we have. We
12 -

13 LEGISLATOR DeRIGGI-WHITTON: Can you
14 forward that to me? I just never received it.

15 COMPTROLLER MARAGOS: I definitely will.

16 LEGISLATOR DeRIGGI-WHITTON: Okay.

17 COMPTROLLER MARAGOS: If I recall
18 correctly, it was completed over six months ago.

19 LEGISLATOR DeRIGGI-WHITTON: I would
20 like to see -- I heard it was just completed
21 recently. The other question is I heard also
22 there was about 25 million that has not been
23 reimbursed from FEMA, that was the last account I
24 got from Mr. Chalmers. Do you know if that is
25 still the correct number?

2 COMPROLLER MARAGOS: No, I'm sorry. I
3 don't have that figure. But I will get back to
4 you on that.

5 LEGISLATOR DeRIGGI-WHITTON: We just
6 need to know. Because that came from our
7 operational budget, so we just need to know if
8 it's 25 million that we're going to have to make
9 up for, I just want to be aware of that now.

10 COMPROLLER MARAGOS: Sure. I'll try to
11 get back to you this afternoon.

12 LEGISLATOR DeRIGGI-WHITTON: Thank you
13 so much, Mr. Maragos.

14 CHAIRWOMAN GONSALVES: Any public
15 comment?

16 (No verbal response.)

17 There being none; all those in favor of
18 Contract E-116 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 We have four three. The contract passes
23 four to three.

24 Thank you, Mr. Maragos.

25 COMPROLLER MARAGOS: Thank you.

2 CHAIRWOMAN GONSALVES: We'll go back to
3 the A contracts.

4 A-28-14 with DPW and Mobile Dredging &
5 Pumping Company.

6 Motion, please?

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Walker, seconded by Legislator
11 Nicolello.

12 Who is here to speak on this item?

13 MR. MAY: We have Mr. Rich Millet from
14 DPW.

15 CHAIRWOMAN GONSALVES: Welcome, Mr.
16 Millet.

17 MR. MILLET: Good afternoon. Rich
18 Millet, Public Works.

19 This is an amendment to the temporary
20 sludge dewatering system blanket order to
21 accommodate two extra employees, a union plumber
22 and operating engineer.

23 CHAIRWOMAN GONSALVES: Okay. Any
24 questions of Mr. Millet regarding this item?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 There being none; all those in favor of

5 Contract A-28 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Contract passes unanimously.

10 The next contract is A-29-14, a
11 resolution authorizing the director of Nassau
12 County Office of Purchasing to award and execute
13 a contract between the County of Nassau, acting
14 on behalf of Nassau County Correctional Center
15 and Rockland Bakery.

16 Motion, please?

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR KOPEL: Second.

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

21 And who do we have here, Mr. May?

22 MR. MAY: We have Captain Keith Sather
23 from the Corrections Department.

24 CAPTAIN SATHER: Good afternoon.

25 CHAIRWOMAN GONSALVES: Good afternoon,

2 Mr. Sather.

3 CAPTAIN SATHER: Keith Sather.

4 Item 29 is the contract for bread
5 products at the correctional center. The
6 contract period is for one year at an estimated
7 amount of \$190,000.

8 CHAIRWOMAN GONSALVES: Any questions of
9 Mr. Sather?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 There being none; all those in favor of
14 Contract A-29 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Contract passes unanimously.

19 The next contract is A-30, a resolution
20 authorizing the director of Nassau County Office
21 of Purchasing to award and execute a contract
22 between the County of Nassau, acting on behalf of
23 Nassau County Department of Public Works and NGR
24 Energy Services, LLC.

25 Motion, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Kopel, seconded by Legislator Walker.
Mr. Millet.

MR. MILLET: Rich Millet, Public Works.

This is a blanket purchase order that we
use to repair and rebuild the power generation
engines, as needed, at both Cedar Creek and Bay
Park.

CHAIRWOMAN GONSALVES: Any questions of
Mr. Millet? Mr. Kopel.

LEGISLATOR KOPEL: Rich, good afternoon.

MR. MILLET: Yes, sir.

LEGISLATOR KOPEL: Something that I've
always criticized about here, when you talk about
an amount, it's an amount exceeding \$1 million,
what does that mean?

MR. MILLET: Well, if you were to break
down an engine, you may think you're going to go
in and fix a single cylinder head and you may
find the whole cylinder is broken, so you need
the latitude inside the contract to encumber that
money because once the engine goes down, you

technically don't have redundancy in the plan --

LEGISLATOR KOPEL: Got it. Does this mean \$1.2 million? Does it mean 150 million? What does it mean?

MR. MILLET: If you look at the impact of funding they tell you that there's -- out of 3C067, it's the possibility of going into \$7,857,000.

LEGISLATOR KOPEL: I'm sorry. This has the potential to go to \$7.8 million?

MR. MILLET: I'm on the wrong contract. Sorry. Next one.

It's a million dollar contract. What happens is you encumber as you go along into each plant. If Cedar Creek needs an overhaul of an engine or a cylinder head, you will take the money out of the operating section of the plant.

LEGISLATOR KOPEL: Got it. But once again, how much is this for? Is there a cap? Is there a ceiling at all?

MR. MILLET: On the blanket purchase order, no.

LEGISLATOR KOPEL: So we would be authorizing an unlimited amount?

MR. MILLET: I suppose if the engines needed an unlimited amount of work, yes.

LEGISLATOR KOPEL: I'm told that the basic cap is within your budget so that you can move things around that way.

MR. MILLET: Correct.

LEGISLATOR KOPEL: Okay. Okay. I understand. Thank you.

CHAIRWOMAN GONSALVES: Any other questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of A-30 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next is Contract B-9-14, a resolution authorizing the county executive to award and execute a contract between the County of Nassau, acting on behalf of the Nassau County Department of Public Works and Heritage Mechanical Services,

2 Inc.

3 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. Millet.

10 MR. MILLET: Rich Millet, Public Works.

11 This is a contract to rebuild the Cedar
12 Creek grit facility. This is a \$7,857,000
13 contract. This was publicly bid.

14 CHAIRWOMAN GONSALVES: Any questions of
15 Mr. Millet? Legislator Solages.

16 LEGISLATOR SOLAGES: Mr. Millet, good
17 afternoon.

18 MR. MILLET: How are you today?

19 LEGISLATOR SOLAGES: Nice to see you.
20 Thank you, doing well.

21 MR. MILLET: Good to see you.

22 LEGISLATOR SOLAGES: Just say for the
23 record again. This is a pre-Sandy project?

24 MR. MILLET: This is a pre-Sandy
25 project.

2 LEGISLATOR SOLAGES: When is the work
3 going to begin on this job?

4 MR. MILLET: As soon as we get the
5 contract through NIFA and it comes back for
6 notice to proceed.

7 LEGISLATOR SOLAGES: Because my
8 colleague, Legislator Denenberg, has received
9 numerous phone calls to his office from
10 constituents concerned about the odor and other
11 issues regarding this project. This is just long
12 overdue and we really need to see this project
13 done.

14 MR. MILLET: We're moving along as fast
15 as we can get it through NIFA.

16 LEGISLATOR SOLAGES: When can we
17 anticipate a project start date?

18 MR. MILLET: I would assume that a
19 notice to proceed would be in late June or early
20 July.

21 LEGISLATOR SOLAGES: And when do you
22 think you'll be completed by?

23 MR. MILLET: I think it is an 18 month
24 project. Twenty-four months.

25 LEGISLATOR SOLAGES: Okay. Thank you.

2 CHAIRWOMAN GONSALVES: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DeRIGGI-WHITTON: So the
5 seven million, this was already bonded for in
6 '09?

7 MR. MILLET: Yes.

8 LEGISLATOR DeRIGGI-WHITTON: So you're
9 not coming for any additional funding --

10 MR. MILLET: No.

11 LEGISLATOR DeRIGGI-WHITTON: at this
12 point, you're just coming to bring up the
13 contract?

14 MR. MILLET: Correct.

15 LEGISLATOR DeRIGGI-WHITTON: Okay.

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

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 There being none; all those in favor of
22 Contract B-9 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The contract passes unanimously.

3 The next is a personal service contract,
4 E-110, a resolution affirming an amendment to a
5 special counsel contract entered into by Nassau
6 County Attorney and Lewis Johs Avallone Aviles,
7 LLP.

8 Motion, please?

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Walker, seconded by Legislator
13 Nicolello.

14 Mr. May.

15 MR. MAY: We have Ms. Lisa Locurto from
16 the county attorney's office.

17 MS. LOCURTO: Good afternoon,
18 legislators.

19 CHAIRWOMAN GONSALVES: Good afternoon,
20 Ms. Locurto.

21 MS. LOCURTO: This is an amendment of an
22 existing contract to assign a particular matter
23 to the Law Firm of Lewis Johs. They are
24 specifically going to be working on *The Matter of*
25 *Randy A. Hoskins v. County of Nassau, Nassau*

2 *County Police Department, et al.* The litigation
3 is currently in the investigation phase. A
4 notice of claim has been filed. We deemed it was
5 appropriate to assign this to outside counsel.
6 Due to the fact that we feel a conflict of
7 interest may arise, it was better to assign the
8 case out in the investigation phase before any
9 serious conflicts might arise that would impair
10 the county's ability to defend the case.

11 CHAIRWOMAN GONSALVES: Any questions of
12 Ms. Locurto? Somebody said yes?

13 LEGISLATOR ABRAHAMS: I did.

14 CHAIRWOMAN GONSALVES: Yes. Minority
15 Leader Abrahams.

16 LEGISLATOR ABRAHAMS: How are you, Ms.
17 Locurto?

18 MS. LOCURTO: Very good.

19 LEGISLATOR ABRAHAMS: A couple of
20 different questions.

21 MS. LOCURTO: Sure.

22 LEGISLATOR ABRAHAMS: First is a
23 request. Can you provide the legislature with a
24 copy of the notice of claims?

25 MS. LOCURTO: Absolutely. We can do

1 that.

2
3 LEGISLATOR ABRAHAMS: And the 50H
4 transcript?

5 MS. LOCURTO: Yes.

6 LEGISLATOR ABRAHAMS: How soon can you
7 provide that to us?

8 MS. LOCURTO: The notice of claim I
9 probably can get to you by the end of today. I
10 don't know if we have the transcript yet from the
11 claimant's deposition.

12 LEGISLATOR ABRAHAMS: I see. Normally,
13 this is a case which we also know includes some
14 county officials.

15 MS. LOCURTO: Yes.

16 LEGISLATOR ABRAHAMS: And you had
17 mentioned in your opening that there were some
18 conflicts of interest.

19 MS. LOCURTO: Well, we haven't
20 determined any conflicts yet. But because there
21 are different county officials named, different
22 police officers, and given the nature of the
23 notice of claim and the allegations in it, we
24 deemed it would be appropriate to send it out in
25 advance that there may be conflicts of interest.

2 I think when you read the notice of claim you
3 will get a better understanding of what our fears
4 are.

5 LEGISLATOR ABRAHAMS: Is it possible we
6 can put this off -- I'm asking the question to
7 the majority -- put this off until we get the
8 notice of claim?

9 CHAIRWOMAN GONSALVES: Lisa, how long
10 will it take to get?

11 MS. LOCURTO: I can go back to my office
12 and get the notice of claim and bring it back.

13 CHAIRWOMAN GONSALVES: Okay. I'm going
14 to ask for a motion to table.

15 LEGISLATOR KOPEL: So moved.

16 LEGISLATOR NICOLELLO: Second.

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

20 All those in favor of tabling E-110
21 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Okay. It's tabled. Lisa, when you get

back we will untable it.

MS. LOCURTO: Okay.

CHAIRWOMAN GONSALVES: Next item is E-111, a resolution authorizing the county executive to execute a personal services agreement between the County of Nassau, acting on behalf of the Office of Management and Budget, and The Nassau County Bar Association Assigned Counsel Defender Plan.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Motion by Legislator Walker, seconded by Legislator Nicolello.

Lisa, that's you again?

MS. LOCURTO: Yes.

CHAIRWOMAN GONSALVES: Okay.

MS. LOCURTO: This is an agreement to provide additional services to the Nassau County Bar Association to provide services for our indigent residents in Nassau County. The state is providing additional funding to improve the services that are required to be provided. 100

2 percent of the funding for this grant is coming
3 from New York State so there is no money that we
4 are expending. This is money that we would be
5 receiving to provide for this program.

6 CHAIRWOMAN GONSALVES: Any questions of
7 Ms. Locurto regarding this item?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none; all those in favor of
12 E-111 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes unanimously.

17 The next item is Item 112, a resolution
18 authorizing the county executive to execute a
19 personal services agreement between the County of
20 Nassau, acting on behalf of the Office of
21 Management and Budget, and The Legal Aid Society
22 of Nassau County, New York.

23 Motion, please?

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR NICOLELLO: Second.

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Walker, seconded by Legislator
4 Nicoletto.

5 Okay. Lisa.

6 MS. LOCURTO: This is almost an
7 identical contract to the one before. However,
8 the first contract was with the Nassau County Bar
9 Association and this one is with the --

10 CHAIRWOMAN GONSALVES: Office of
11 Management and Budget --

12 MS. LOCURTO: Legal Aid Society.
13 Because there could be potential conflicts even
14 within the Nassau County Bar Association to
15 provide the legal services, our provider, we also
16 have The Legal Aid Society. We contract with
17 them to provide services for the indigent, in
18 case there is any potential conflict.

19 They also qualified for this grant to
20 improve the services they're providing to the
21 indigent. Again, 100 percent of the money
22 provided is via a grant and will be paid for by
23 New York State.

24 CHAIRWOMAN GONSALVES: Any questions on
25 this item? Legislator DeRiggi-Whitton.

2 LEGISLATOR DeRIGGI-WHITTON: When was
3 the decision made to appeal this case?

4 MS. LOCURTO: Appeal this particular?

5 On E-12. Contract E-12 has to do with --

6 LEGISLATOR DeRIGGI-WHITTON: I'm sorry.

7 I apologize.

8 MS. LOCURTO: No problem.

9 CHAIRWOMAN GONSALVES: Any public
10 comment?

11 (No verbal response.)

12 There being none; all those in favor of a
13 personal services agreement, E-112, signify by
14 saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item passes unanimously.

19 The next one is E-113, a resolution
20 affirming an amendment to a special counsel
21 contract entered into by the Nassau County
22 Attorney and Rosenberg, Calica & Birney, LLP.

23 Motion, please?

24 LEGISLATOR KOPEL: So moved.

25 LEGISLATOR NICOLELLO: Second.

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

Lisa.

MS. LOCURTO: This is an amendment to an
existing contract with the Rosenberg firm. It is
an amendment to put additional funding in order
to pay the final bill. The County had litigated
the matter of *Baldwin, et al. v. The County of
Nassau*. The case was already argued all the way
up to the Court of Appeals. The County
ultimately was not successful. The litigation
has come to a conclusion. And the purpose of
this amendment is just to pay the last amount of
the bills on that particular litigation.

CHAIRWOMAN GONSALVES: Any questions on
this item? We're talking about E-113.

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-113 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

LEGISLATOR DeRIGGI-WHITTON: I'm sorry.

Can I just have her repeat? Just to reiterate, we are not proceeding with any further legal actions in this case. This is just for bills -- work that's already been done.

MS. LOCURTO: Correct. The litigation is concluded.

LEGISLATOR DeRIGGI-WHITTON: Okay. So we're not doing any further appeal.

MS. LOCURTO: Correct.

CHAIRWOMAN GONSALVES: I believe you said it reached the highest court.

MS. LOCURTO: Correct. It went to the Court of Appeals; that's the highest court in New York State. You could possibly move for leave to reconsideration to reargue; that time has already passed and we've decided not to pursue it any further. So the decision stands.

CHAIRWOMAN GONSALVES: All those in favor of E-113 signify by saying aye.

(Aye.)

Any opposed?

2 (Nay.)

3 The item passes four to three.

4 Item E-114, a resolution authorizing the
5 county executive to execute an amendment to a
6 personal services agreement between the County of
7 Nassau, acting on behalf of the Department of
8 Public Works, and VIP Splash Waterways Recovery
9 Group, Inc.

10 Motion, please?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR KOPEL: Second.

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

15 And we have?

16 MR. MAY: Mr. Brian Schneider, DPW.

17 CHAIRWOMAN GONSALVES: Welcome, Mr.
18 Schneider.

19 MR. SCHNEIDER: Good afternoon. Brian
20 Schneider from Public Works.

21 This item is an amendment to an existing
22 contract with VIP Splash Waterway Debris Recovery
23 Group. The existing contract allows for -- or
24 this amendment will allow for additional removal
25 of waterway debris which was identified in a pre-

2 assessment evaluation that was done in October of
3 2013 and was deemed eligible debris for removal
4 by FEMA for reimbursement of all the costs to
5 assess, remove, transport and dispose of waterway
6 debris, including sunken vessels.

7 The original contract was approved by
8 this body in November 2013 for \$4 million.
9 Immediately thereafter, FEMA obligated a PW for
10 over \$12.1 million to allow for the removal of
11 all of the debris that was identified in the
12 October effort by VIP Splash. So, therefore, we
13 need to amend this contract for a total of
14 \$8,171,897, which will allow the operation to
15 continue so that this material can be removed
16 from the south shore waterways.

17 CHAIRWOMAN GONSALVES: Any question of
18 Mr. Schneider? Minority Leader Abrahams.

19 LEGISLATOR ABRAHAMS: How are you,
20 Brian?

21 MR. SCHNEIDER: Good afternoon.

22 LEGISLATOR ABRAHAMS: Quick -- couple
23 of quick questions. I know you had mentioned
24 this contract began in October 2013. And Phase
25 1, I guess, is well on its way.

2 MR. SCHNEIDER: Correct.

3 LEGISLATOR ABRAHAMS: Is Phase 1
4 completed?

5 MR. SCHNEIDER: No, it's not.

6 LEGISLATOR ABRAHAMS: So where are we
7 in Phase 1?

8 MR. SCHNEIDER: We've removed about half
9 of the 118 vessels that were identified in the
10 pre-assessment. As far as invoicing is
11 concerned, out of the \$4 million there is \$2
12 million that's been either paid or in process.

13 LEGISLATOR ABRAHAMS: Okay. So there's
14 about a two million balance left --

15 MR. SCHNEIDER: Correct.

16 LEGISLATOR ABRAHAMS: on the remaining.
17 And you said half of the 118 vessels?

18 MR. SCHNEIDER: Correct. Have already
19 been removed.

20 LEGISLATOR ABRAHAMS: Okay. So that
21 would put us -- okay. I understand. So there's
22 probably another 59 left.

23 MR. SCHNEIDER: Vessels. Correct.

24 LEGISLATOR ABRAHAMS: Roughly.

25 Roughly. Okay.

2 And the \$8 million supplemental that
3 we're doing today is for?

4 MR. SCHNEIDER: It's for all the debris
5 that was identified in excess of the 118 vessels
6 that were deemed to be submerged. So that
7 includes any debris that washed up on any of the
8 marshes, wetlands, canals, floating docks that
9 just, you know, is floating around out there. So
10 that's about 16,000 cubic yards of various types
11 of debris that was identified in the pre-
12 assessment that needs to be removed. They are
13 hazards to navigation and a threat to public
14 health and safety.

15 LEGISLATOR ABRAHAMS: And do we have a
16 copy of the pre-removal assessment report?

17 MR. SCHNEIDER: The pre-assessment
18 should have been included in the original
19 contract with VIP; if not, I can certainly
20 forward that to both you, Legislator, and also to
21 the Chair.

22 LEGISLATOR ABRAHAMS: Okay. Good.
23 Basically, we would want to see how the report
24 quantified the debris and how it's going to be
25 removed.

2 Say, for example, in regards to the 118
3 vessels that were removed, assuming VIP Splash
4 Waterways, they pull it out, what are they doing
5 with the vessels once they are pulled out?

6 MR. SCHNEIDER: The vessels will be,
7 first of all, identified, if there are any
8 identifying marks, as far as VIN numbers or
9 anything of that nature. We will try to reach
10 out to the owner of those vessels. If that's not
11 attainable then they're basically disposed of
12 similar to any type of construction and
13 demolition debris. It's crushed up and put into
14 a container and is brought to a recycling
15 facility, which a contract was just passed a few
16 weeks ago, Liotta Recycling in Island Park. So
17 that material is carted away from the land-based
18 staging area and is brought to Liotta Recycling
19 for final disposal.

20 CHAIRWOMAN GONSALVES: Any other
21 questions? Yes, Minority Leader.

22 LEGISLATOR ABRAHAMS: I'm sorry. I'm
23 just looking through my notes. Delia can jump
24 in. I'm just looking through my notes to make
25 sure I got everything covered.

CHAIRWOMAN GONSALVES: Legislator
DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: I just have
two quick questions. We don't have a copy of
that report that Minority Leader Abrahams was
just speaking of. Did you look at the report?

MR. SCHNEIDER: Yes, ma'am.

LEGISLATOR DeRIGGI-WHITTON: And what in
the report has indicated that we're going to need
this additional funding? What did they find
since the initial evaluation?

MR. SCHNEIDER: Well the initial
evaluation was the basis for the amount of
material that was identified. There was over
16,000 acres of land from the county line to the
west to the county line to the east. It was a
rather onerous evaluation of every waterway in
the south shore. So all of the material that was
identified in that pre-assessment is going to be
removed. Keep in mind that there are storm
events that have occurred since that time and
some of that material may have moved around a
little bit. But if we uncover any material that
is out there, we're going to remove it. I'll

1 give you an example. The south side of Freeport,
2 there are a number of marshes and wetland areas,
3 and during this pre-assessment crews went out
4 with not only VIP Splash and their
5 subcontractors, but FEMA went out with the state
6 emergency management group also and they walked
7 on all of these marshland islands and they came
8 up with physical measurements of the amount of
9 debris that was out there and that's basically
10 what went into the pre-assessment report. That
11 report was presented to FEMA. FEMA then put that
12 into a PW and that was obligated by FEMA in
13 February of 2014.

14
15 LEGISLATOR DeRIGGI-WHITTON: So that's
16 the report that included all that.

17 MR. SCHNEIDER: That is the report.

18 LEGISLATOR DeRIGGI-WHITTON: Right. So
19 when that happened they came to us for a certain
20 amount of funding, which was fine, and now
21 they're coming back for another eight million.

22 MR. SCHNEIDER: No. There was over \$13
23 million worth of debris that was identified. Our
24 contract with VIP Splash was for four million
25 because we were not going to expose the county

2 to, you know, this cost to remove this material
3 if we were not going to get reimbursed by FEMA.
4 So the \$4 million is what we had available to
5 remove all of the sunken vessels, and we needed
6 to wait for FEMA to obligate the full PW for \$13
7 million. Essentially, what we're asking for now
8 is to amend the contract to cover the entire PW.

9 LEGISLATOR DeRIGGI-WHITTON: So the
10 first contract was only going to be for what we
11 know was going to be FEMA reimbursable? I don't
12 remember that ever being mentioned to us. The
13 four million just sounded like that was the
14 contract you were coming to us for.

15 MR. SCHNEIDER: I didn't defend that
16 contract. It was run through the Office of
17 Emergency Management so I don't know what the
18 testimony was at that particular point. From my
19 understanding, the \$4 million was going to be
20 reimbursed by FEMA.

21 LEGISLATOR DeRIGGI-WHITTON: So do we
22 know how much of this eight million is going to
23 be reimbursed by FEMA?

24 MR. SCHNEIDER: All of it.

25 LEGISLATOR DeRIGGI-WHITTON: All of it?

2 100 percent?

3 MR. SCHNEIDER: Yes.

4 LEGISLATOR DeRIGGI-WHITTON: Do we have
5 anything in writing from FEMA for that?

6 MR. SCHNEIDER: We have an obligated PW.
7 I have a --

8 LEGISLATOR DeRIGGI-WHITTON: If we could
9 just have copies of that.

10 MR. SCHNEIDER: press release from
11 Senators Schumer and Gillilbrand.

12 LEGISLATOR DeRIGGI-WHITTON: When was
13 that? See, we don't have any -- I don't have
14 that. When was that sent?

15 MR. SCHNEIDER: Their press conference
16 was on February 26, 2014.

17 LEGISLATOR DeRIGGI-WHITTON: So now this
18 new amount should also be reimbursed by FEMA.

19 MR. SCHNEIDER: Absolutely.

20 LEGISLATOR DeRIGGI-WHITTON: Absolutely.
21 I have one other question. Is there anyone here
22 from Splash today?

23 MR. SCHNEIDER: No. They're working
24 today.

25 LEGISLATOR DeRIGGI-WHITTON: Do you know

1 if they have a 501(c)(3) status?

2 MR. SCHNEIDER: This is not the
3 volunteer group that you're referring to.

4 CHAIRWOMAN GONSALVES: It's not the same
5 one, Legislator DeRiggi-Whitton.

6 MR. SCHNEIDER: This is a separate
7 entity.

8 LEGISLATOR DeRIGGI-WHITTON: The
9 volunteer group is totally separate from this?

10 MR. SCHNEIDER: That's correct.

11 LEGISLATOR DeRIGGI-WHITTON: There are a
12 number of board members that are on here as well.

13 MR. SCHNEIDER: That may be true. But
14 this is a separate LLC.

15 LEGISLATOR DeRIGGI-WHITTON: So it has
16 nothing to do with the not-for-profit?

17 MR. SCHNEIDER: It's not a not-for-
18 profit organization that's undertaking this
19 operation.

20 LEGISLATOR DeRIGGI-WHITTON: The only
21 other thing I just wanted to mention on behalf of
22 my colleague, Legislator Denenberg -- when these
23 vessels are removed, you have a designated site
24 for their location?
25

MR. SCHNEIDER: For where they came out of or where they're going?

LEGISLATOR DeRIGGI-WHITTON: Where they're going to be stored or housed.

MR. SCHNEIDER: They're not stored or housed. They are destroyed for recycling. We're not storing them for people to come and pick them up.

LEGISLATOR DeRIGGI-WHITTON: So you destroy them off-site?

MR. SCHNEIDER: Correct.

LEGISLATOR DeRIGGI-WHITTON: Not in Nassau County?

MR. SCHNEIDER: They're not staged any longer than a couple of days, to get them in a container and transport them to Liotta Recycling.

LEGISLATOR DeRIGGI-WHITTON: So for those couple of days where are they staged?

MR. SCHNEIDER: At Cow Meadow.

LEGISLATOR DeRIGGI-WHITTON: Cow Meadow. Now, as far as any kind of fuel leakage or anything, how are they --

MR. SCHNEIDER: Everything is handled in accordance with New York State DEC requirements

2 for hazardous waste containment. The site has
3 been evaluated by the DEC. They've been out
4 there on a weekly basis to make sure we're not
5 releasing any hazardous materials into the
6 environment. Keep in mind, most of these vessels
7 have been submerged for quite some time so there
8 really should not be any latent hydrocarbons or
9 any other types of fuels or oils still on the
10 vessel.

11 LEGISLATOR DeRIGGI-WHITTON: I have a
12 list of some of the people that are on this
13 board. Do you know who would be overseeing that
14 type of removal, like which engineer?

15 MR. SCHNEIDER: What do you mean?

16 LEGISLATOR DeRIGGI-WHITTON: Who has the
17 expertise as far as hazardous, you know?

18 MR. SCHNEIDER: They have Cameron
19 Engineering as a subconsultant to that group.

20 LEGISLATOR DeRIGGI-WHITTON: Are they
21 proficient in this type of work?

22 MR. SCHNEIDER: Absolutely. Yes, ma'am.

23 LEGISLATOR DeRIGGI-WHITTON: As far as
24 any beach closures or anything like that, do you
25 anticipate any while this is being conducted in

1 that area? As far as when they're bringing the
2 boats out, do you expect to have to close any of
3 the beach areas?
4

5 MR. SCHNEIDER: No. We're trying to get
6 to these vessels as quickly as possible. We are
7 working with the Coast Guard to make sure that
8 any of the boat traffic, as the weather is now
9 turning warmer, we're not going to be interfering
10 with any boat traffic in the main boat channel.
11 But we're not foreseeing any closures.

12 LEGISLATOR DeRIGGI-WHITTON: I have to
13 be honest. The only thing that's bothering me
14 about this is there are at least two members from
15 the Splash not-for-profit organization that's
16 also on this board. It does kind of indicate
17 some kind of collaboration between the two. And
18 we really respect Splash, as far as them having
19 an independent voice when they come out and
20 testify and all. Not to use the phrase of
21 muddying the waters, but I kind of feel like a
22 contract going to a group that now some of them
23 are on makes it almost - their credibility might
24 be questioned as far as whether or not they're
25 totally independent or if they're connected with

this firm which is getting, what are we up to,
like \$12 million?

MR. SCHNEIDER: Do you want me to
comment on that? That's your opinion.

Also, this contract came before you in
November of last year, that was the original
contract.

LEGISLATOR DeRIGGI-WHITTON: I wasn't on
Rules. I'm not on Rules normally.

MR. SCHNEIDER: Okay.

LEGISLATOR DeRIGGI-WHITTON: I'm not a
normal Rules member; I'm just standing in today.

Again, on the record, Splash, the
501(c)(3) has absolutely no connection to this
company.

MR. SCHNEIDER: This company is VIP
Splash Waterways Recovery Group Incorporated.

LEGISLATOR DeRIGGI-WHITTON: Thank you.

LEGISLATOR SOLAGES: Madam Chair.

CHAIRWOMAN GONSALVES: Legislator
Solages.

LEGISLATOR SOLAGES: Thank you very
much, Chair. Good afternoon, Brian. How are
you?

1 MR. SCHNEIDER: Good afternoon.

2 LEGISLATOR SOLAGES: Nice to see you,
3 Brian.

4 MR. SCHNEIDER: Good to see you.

5 LEGISLATOR SOLAGES: Brian, some of the
6 contract lacks some information such as the GIS
7 information, the target report. Has this data
8 been made available?
9

10 MR. SCHNEIDER: Like I said to
11 Legislator Abrahams and the Chair, I'll forward
12 that pre-assessment report which has GIS
13 coordinates of every single target that was
14 identified in the October 2013 pre-assessment.
15 I'll forward that to both sides.

16 LEGISLATOR SOLAGES: Thank you. And
17 also the mosaic files.

18 MR. SCHNEIDER: Mosaic files, sure.

19 LEGISLATOR SOLAGES: Okay. The company
20 recommended that a drop box account be set up to
21 share the data. Has that been done?

22 MR. SCHNEIDER: Yes.

23 LEGISLATOR SOLAGES: Is all of this data
24 in it and can we have access to it?

25 MR. SCHNEIDER: Yes, you can. I'll make

2 sure that email address or that web address is
3 provided to you.

4 LEGISLATOR SOLAGES: And has a municipal
5 agreement been completed on this and signed?

6 MR. SCHNEIDER: Municipal agreements
7 with several municipalities all along the south
8 shore have been signed by the Village of
9 Freeport, Town of Hempstead, Town of Oyster Bay -
10 - I sound like the Long Island Rail Road -- the
11 City of Long Beach, Hewlett, Hewlett Harbor, just
12 about every municipality on the south shore has
13 signed the MOU.

14 LEGISLATOR SOLAGES: That's great.

15 MR. SCHNEIDER: We need to get this
16 material out of the water.

17 LEGISLATOR SOLAGES: I agree. I agree.
18 My district includes Inwood and North Woodmere,
19 Hewlett Harbor and it's an eyesore. I agree with
20 you.

21 Has any Phase 3 work been done yet and
22 reports on that?

23 MR. SCHNEIDER: What are you referring
24 to? I'm sorry.

25 LEGISLATOR SOLAGES: Just the removal of

shoreline and surface debris.

MR. SCHNEIDER: Yes, that has commenced.

LEGISLATOR SOLAGES: Have you gained any reports from that yet?

MR. SCHNEIDER: Nothing substantial. Basically, it's all generated based on cubic yardage. If they are uploading that information into the drop box, you will be able to see that as well. We are working all along the south shore. We're taking literally thousands of cubic yards of debris out as we speak.

LEGISLATOR SOLAGES: Okay. I emphasize to please also just -- my district also includes Inwood, and it's often sometimes referred to as the forgotten fifth town. We really, really, really want some of that debris removed from that area.

MR. SCHNEIDER: Understood. If it was identified in the pre-assessment, which I know firsthand that it was in the pre-assessment, we'll get it.

LEGISLATOR SOLAGES: Thank you very much, Brian.

CHAIRWOMAN GONSALVES: Legislator

Walker.

LEGISLATOR WALKER: Brian, I just want to commend DPW and those working with VIP Splash Waterways recovery group because shortly after the storm hit, you really couldn't anticipate what could have possibly been in that water. Going out there and working so hard to try to determine what was there and what you had to do to make a full recovery and make sure our waters are clean -- again, like I said, many of these people, their reputation really precedes themselves. They are very much environmentalists and have always cared about our water and about the community and making sure it's safe. I just look forward to us really doing this cleanup and getting everything back to where it should be and making sure our waters are safe for everybody.

Thank you.

MR. SCHNEIDER: Thank you for your words.

CHAIRWOMAN GONSALVES: Any public comment?

(No verbal response.)

There being none; all those in favor of

E-114 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item -- thank you, Mr.

Schneider. Next item is E-115, a resolution authorizing the county executive to execute a use and occupancy permit between the County of Nassau, acting on behalf of the Nassau County Department of Parks, Recreation and Museums, and the Center for Science Teaching and Learning Inc.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

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

And we have?

MR. MAY: Ms. Eileen Krieb from the Parks Department.

MR. KRIEB: Good afternoon. Eileen Krieb from the Department of Parks.

CHAIRWOMAN GONSALVES: Good afternoon,

2 Ms. Krieb.

3 MR. KRIEB: This is a permit between the
4 County of Nassau and the Center for Science,
5 Teaching, and Learning, known as CSTL, who wishes
6 to enter into a partnership with us at their own
7 cost, expense to operate and manage the
8 programming and activities at the Tanglewood
9 Preserve. It's the responsibility of them to
10 provide capital improvements up to \$300,000
11 during the first five years of the contract.
12 This contract comes with the approval of OSPAC
13 and Planning, who issued a neg dec back in
14 February. The term of the lease is ten years,
15 with an option to renew for one five-year period.

16 CHAIRWOMAN GONSALVES: Any questions of
17 Ms. Krieb? Legislator Solages.

18 LEGISLATOR SOLAGES: Thank you. I just
19 wanted to comment that I visited the Center.
20 It's a great Center. And I look forward to
21 approving this.

22 MR. KRIEB: Thank you. I have with me
23 today the president, Rayanne Hennessey.

24 CHAIRWOMAN GONSALVES: Rayanne.

25 MS. HENNESSEY: Good afternoon everyone.

2 I'm so happy to be here and to say we so enjoy
3 our partnership with you.

4 We've done some great things at
5 Tanglewood. We have some phenomenal science
6 programs going. We, I'm proud to say, just got a
7 national award for our curriculum and our program
8 development in stem education.

9 We welcome you to come visit. I know,
10 Legislator Solages, you've been there a couple of
11 times. I know Legislator Denenberg, and I know
12 many of the people here have been here. I
13 welcome you all. Please come visit and see some
14 of the exciting things we have going on.

15 Thank you very much.

16 CHAIRWOMAN GONSALVES: Thank you.

17 Any public comment?

18 (No verbal response.)

19 There being none; all those in favor of
20 E-115 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 We've already called E-116.

We move on to E-117, a resolution authorizing the county executive to execute a personal service agreement between the County of Nassau, acting on behalf of the Department of Public Works and Debruin Engineering, P.C.

Motion, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

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

MR. MAY: And we have Mr. Ken Arnold from DPW.

CHAIRWOMAN GONSALVES: Okay.

MR. ARNOLD: Good afternoon.

CHAIRWOMAN GONSALVES: Good afternoon.

MR. ARNOLD: This is a construction management contract with Debruin Engineering to cover the Bay Park electrical distribution project phase 1. The contract is for \$2.8 million, that includes contingency, and it's for the duration of the construction contract, which is 27 months.

CHAIRWOMAN GONSALVES: Questions of Mr.

Arnold?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item E-117 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next personal services agreement is
E-118, a resolution authorizing the county
executive to execute an amendment to a personal
service agreement between the County of Nassau,
acting on behalf of the County Department of
Social Services, and Career Group, LLC, d/b/a
Tweetmyjobs.com.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

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

And we have?

2 MR. BRODERICK: Good afternoon. Paul
3 Broderick, Deputy Commissioner --

4 CHAIRWOMAN GONSALVES: Good afternoon,
5 Paul.

6 MR. BRODERICK: Department of Social
7 Services.

8 Legislators, the item before you is for
9 renewal of a contract between CareerArc and the
10 Department of Social Services. This renewal, if
11 you have it, is that we've found that this job
12 portal that we've employed over the last year has
13 helped not only DSS clients but to all residents
14 of Nassau County.

15 What this allows, basically, it's a
16 bridge that assists both job seekers and
17 employers. It's bridging the gap between the two
18 at no cost to either party. So the money that we
19 invested last year, we estimated the return on
20 the investment to be about 2.8 times the initial
21 investment.

22 Over the last year the county executive's
23 office, Department of Social Services, IDA, and
24 Tweetmyjobs, or CareerArc, have come together.
25 We've gone to chamber of commerce meetings, have

2 various meetings. The county executive's office
3 mailed out flyers to all constituents advertising
4 this portal. We've found it helps individuals to
5 go out and get jobs.

6 On the local level, if you have a small
7 business owner, how much are you going to spend?
8 Are you going to go onto Career Builder or
9 Monster to advertise a job? It could be, on
10 average, about \$350 to advertise for a job in the
11 new media. Over here it comes at no cost. So
12 we're trying to expand the awareness of it.
13 Right now, we estimate about 5400 county
14 residents have received interviews and
15 potentially got hired. There are a lot of
16 analytics involved there. About 5400 individuals
17 were either hired or interviewed for jobs. The
18 number of local Nassau County jobs posted was
19 about 1100. So we found there is benefit for both
20 our clients and county residents.

21 Do you have any questions?

22 CHAIRWOMAN GONSALVES: Yes. Legislator
23 Nicolello.

24 LEGISLATOR NICOLELLO: Mr. Broderick, I
25 just wanted to compliment the administration on

2 this program. As you just said, over 5400
3 residents have gotten interviews, which is a
4 phenomenal achievement and it's a real help to
5 people in these hard times to perhaps connect
6 with a job.

7 My understanding is more than 45,000
8 Nassau County residents have viewed and
9 interacted with the platform. So, again, it's
10 just been very, very successful, and I think the
11 administration deserves some recognition for
12 this.

13 MR. BRODERICK: Thank you. Just from
14 the initial thought of employment with DSS, we've
15 expanded it.

16 The county executive was -- what other
17 avenues can we utilize, and that was with IDA
18 too. IDA is working to either attract or attain
19 businesses in Nassau County. Sometimes they come
20 to us and say, hey, can you help us fill a
21 certain position that they're working for; the
22 last one I believe is machinist or something like
23 that. We were able to link them up with the
24 Career Builder to try to weed out those
25 individuals who could fill the need for that

2 business that was coming to Nassau County.

3 It's kind of exciting and revolutionary
4 to leverage the technology that's available.

5 CHAIRWOMAN GONSALVES: Legislator Kopel.

6 LEGISLATOR KOPEL: Thank you. Mr.
7 Broderick, it seems like a terrific program.

8 Just out of curiosity, what kind of jobs
9 do you find are being posted? Are they
10 professional jobs?

11 MR. BRODERICK: It's kind of across the
12 board. You have the local businesses, which are
13 more entry level. We have attended the chamber
14 of commerce meetings, which is targeted towards
15 really local businesses as opposed to regional
16 retailers or national, you know, national
17 organizations; for example, like Home Depot,
18 Lowes, Target, things like that.

19 The breakdown, which I have it here, is
20 professional middle -- I would say it's across
21 the board. It's mostly middle management and
22 then entry level, positions such as that, across
23 various industries.

24 LEGISLATOR KOPEL: How does this work
25 mechanically? In other words, this company, this

2 contractor, they probably don't work only for us,
3 I would assume. They've got many such contracts?

4 MR. BRODERICK: It's not such contracts.
5 I would say they leverage the internet.

6 LEGISLATOR KOPEL: I haven't come across
7 this in my travels as a business person, for
8 instance. How are they publicizing this? Is
9 this in conjunction with other job postings that
10 they might have from other sources?

11 MR. BRODERICK: Absolutely.
12 Absolutely. The portal brings in jobs. For
13 example, there were -- the number of registered
14 Nassau County job seekers is approximately
15 13,000, and then there are jobs out there that
16 are not only in Nassau County zip codes but
17 adjoining counties.

18 LEGISLATOR KOPEL: So they actually go
19 ahead and match them up?

20 MR. BRODERICK: If you're a job -- for
21 example, from the job seeker perspective, you put
22 in what you're looking for, what your skill sets
23 are, and what your expectations are from the
24 website. You go on there, register, and it will
25 give you matching criteria. It filters it

2 according to what you put in. As the employer,
3 you put in the duration of an ad you want to
4 place in there, at no cost to you. You put it in
5 there and what kind of skill sets you are
6 seeking.

7 LEGISLATOR KOPEL: How do they publicize
8 this?

9 MR. BRODERICK: They publicize it just
10 like on the internet.

11 LEGISLATOR KOPEL: So if I'm looking for
12 mechanical engineer, just to say, somehow this
13 gets distributed to other job sites around the
14 country?

15 MR. BRODERICK: Yeah.

16 LEGISLATOR KOPEL: So there's a wide
17 distribution of this thing. And someone who is
18 looking for a mechanical engineer is apt to come
19 across this?

20 MR. BRODERICK: We've seen it. We've
21 seen mechanical engineers.

22 LEGISLATOR KOPEL: I'm just using that
23 as an example.

24 MR. BRODERICK: No, no. Exactly. I
25 understand what you're meaning and what skill

2 sets you're looking at. They do. Even similarly
3 with IDA, they were looking for machinists, which
4 is, you know, I guess a very unique skill set for
5 a mechanic. Similarly, that was employed to try
6 to identify the number of individuals.

7 LEGISLATOR KOPEL: So it's no cost to
8 the employers. It's no cost to the employee as
9 well?

10 MR. BRODERICK: No cost to either side.

11 LEGISLATOR KOPEL: Okay.

12 MR. BRODERICK: That's why when we had
13 various meetings with the chambers of commerce,
14 it was to say small business owner, instead of
15 posting the sign just in front of your building,
16 it's not costing you anything. We were
17 encouraging them to utilize it because it's just
18 a matter of investing 15 minutes, 20 minutes to
19 put your job up on that website.

20 LEGISLATOR KOPEL: Okay. I'll look
21 forward to actually using it.

22 MR. BRODERICK: It's kind of interesting
23 once you put it in.

24 CHAIRWOMAN GONSALVES: Legislator
25 Walker.

2 LEGISLATOR WALKER: Thank you. Mr.
3 Broderick, I was wondering if you could get us
4 the information or the link or whatever and
5 perhaps we could put it out on our e-team
6 messages to let more people know about this, if
7 they are possibly looking for work.

8 MR. BRODERICK: Absolutely. Last year,
9 when we launched the software package we sent --
10 another county executive sent out a mass mailing
11 to all residents. We'll send it out to your
12 offices again so you can send it out to your
13 constituents, including the business owners.
14 Once again, you are providing a bridge there to
15 both the job seekers and employers at no cost to
16 them. I would think the small business owners,
17 mostly, will be a beneficiary of this.

18 Being that it's a mobile app, it's a
19 little bit more robust than, say, Career Builder.
20 If you plug it into your Smartphone and you're
21 driving down Hempstead Turnpike, for argument's
22 sake, it will pull up all those jobs that fit
23 your criteria within that zip code. So if you're
24 just walking around it will pull it in as well.
25 So it's a little bit more robust than the more

1 traditional websites that are out there, like
2 Monster or Career Builder.
3

4 LEGISLATOR WALKER: Excellent. I think
5 anything we can do to try to help our residents
6 or help our businesses move forward is excellent.

7 MR. BRODERICK: Absolutely.

8 LEGISLATOR WALKER: Thank you so much.

9 MR. BRODERICK: Thank you.

10 CHAIRWOMAN GONSALVES: Legislator
11 DeRiggi-Whitton.

12 LEGISLATOR DeRIGGI-WHITTON: Thank you.
13 When you first started -- did I understand you
14 correctly with that we were getting two and a
15 half times what we put in?

16 MR. BRODERICK: 2.8, right.

17 LEGISLATOR DeRIGGI-WHITTON: What is
18 that referring to?

19 MR. BRODERICK: Well, if you -- the way
20 that it's estimated -- and we can't go out and,
21 you know, get information because of privacy laws
22 and things like that. But, on average, if you're
23 posting a job, you know, on Career Builder or
24 something like that, say Craig's List, it could
25 cost, on average, about \$350 every time you

2 advertise. Taking that number times the number
3 of Nassau County jobs posted and discounting it
4 by 20 percent, arriving at that figure.

5 LEGISLATOR DeRIGGI-WHITTON: Okay. So
6 what you're saying is the savings to our
7 residents is about two and a half times.

8 MR. BRODERICK: I would say more so to
9 the business owner. However, what is understated
10 is because -- let's just say if these jobs are
11 all posted in Nassau because they're Nassau zip
12 codes, what it fails to take into consideration
13 is an increase in sales tax and payroll tax. So
14 while the business owners are the recipients of
15 that savings, the County is, in fact, reaping a
16 benefit by enhanced payroll and sales tax.

17 LEGISLATOR DeRIGGI-WHITTON: Okay. So
18 is that where you got that number from?

19 MR. BRODERICK: No. I got it directly
20 from the savings, the estimated savings to the
21 employer for having to place the ads.

22 LEGISLATOR DeRIGGI-WHITTON: That's
23 where I was confused. When you said we, I wasn't
24 sure if you meant the county or the employers in
25 our district.

MR. BRODERICK: The businesses within Nassau County, as we.

LEGISLATOR DeRIGGI-WHITTON: And one of my constituents just had a question, speaking of employment on Long Island. Is there a company based on Long Island that would do this as well? Because this is based in California, I think.

MR. BRODERICK: That is.

LEGISLATOR DeRIGGI-WHITTON: Is there anybody on Long Island that would be capable of doing this?

MR. BRODERICK: Not that I'm aware of.

LEGISLATOR DeRIGGI-WHITTON: Okay. All right. Thank you.

CHAIRWOMAN GONSALVES: Any public comment?

(No verbal response.)

There being none; all those in favor of Item E-118 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. BRODERICK: Thank you.

2 CHAIRWOMAN GONSALVES: Thank you, Mr.
3 Broderick.

4 The next item is E-119, a resolution
5 authorizing the county executive to execute a
6 personal services agreement between the County of
7 Nassau, acting on behalf of the Medical Examiner
8 and Peter M. Farmer, M.D.

9 Motion, please?

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR NICOLELLO: Second.

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

15 Yes.

16 MR. MAY: We have Ms. Kim Tempesta from
17 the Medical Examiner's office.

18 MS. TEMPESTA: Good afternoon,
19 Legislators.

20 CHAIRWOMAN GONSALVES: Good afternoon,
21 and welcome.

22 MS. TEMPESTA: Thank you. We're here to
23 renew our personal service contract with Dr.
24 Peter Farmer. He is a forensic neuropathologist.
25 He is in a very unique sub-specialty and provides

a very critical and vital service to the agency,
specifically when it comes to identifying cause
and manner of death. And I really am seeking
your approval to renew his contract.

CHAIRWOMAN GONSALVES: Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-119 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MS. TEMPESTA: Thank you.

CHAIRWOMAN GONSALVES: You're welcome.

The next item is E-120, a personal
services agreement between the County of Nassau,
acting on behalf of the Nassau County District
Attorney's Office, and Triple Crown Maffucci
Storage Corporation.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Walker, seconded by Legislator Kopel.
4 Yes.

5 MR. MCMANUS: Hi. Bob McManus, District
6 Attorney's Office.

7 CHAIRWOMAN GONSALVES: Good afternoon,
8 Mr. McManus.

9 MR. MCMANUS: Good afternoon. This
10 agreement with Triple Crown Maffucci is for the
11 storage of case files which were contaminated by
12 mold due to water damage that occurred at our
13 warehouse. Public employee safety and health
14 regulations required that the files had to be
15 removed from our main storage facility on Cooper
16 Street in Hempstead due to worker safety
17 concerns. They are being stored by Triple Crown
18 Maffucci until we receive approval from the
19 Appellate Division to destroy these files. A
20 petition to obtain that approval has been
21 submitted and is under review.

22 CHAIRWOMAN GONSALVES: Any questions of
23 Mr. McManus?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 There being none; all those in favor of
4 Item E-120 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item passes unanimously.

9 MR. MCMANUS: Thank you.

10 CHAIRWOMAN GONSALVES: Thank you, Mr.
11 McManus.

12 The next item is E-121, a personal
13 service agreement between the County of Nassau,
14 acting on behalf of the Coordinating Agency for
15 Spanish-Americans C.A.S.A. and Christian Voice.

16 Motion, please?

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR NICOLELLO: Second.

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

22 And?

23 MS. LOZADA: Hi. My name is Beatrice.
24 I'm Deputy Director for a coordinating agency for
25 Spanish-Americans. This is an amendment to a

2 previous contract we had last year for media
3 services for outreach to the Latino community for
4 county events and also educational seminars.

5 CHAIRWOMAN GONSALVES: Any questions
6 from the legislators?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 There being none; all those in favor of
11 E-121 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The personal services agreement passes
16 unanimously.

17 MS. LOZADA: Thank you.

18 CHAIRWOMAN GONSALVES: Thank you.

19 Next item is E-22, a personal service
20 agreement between the County of Nassau, acting on
21 behalf of the Department of Parks, Recreation and
22 Museums and Long Island Convention and Visitors
23 Bureau, Inc.

24 Motion, please?

25 LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

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

And who do we have here to speak on this
item?

MS. KRIEB: Eileen Krieb, Department of
Parks.

CHAIRWOMAN GONSALVES: Again, welcome,
Eileen.

MS. KRIEB: This is an amendment to an
existing contract for an additional nine months
while we were able to draft a request for
submittal for a new proposal.

LICVB has been engaged in promoting
tourism, convention business, and sporting events
in Nassau County. And pursuant to the
Hotel/Motel Tax Law, this is one of the
requirements, for us to expend some of the
funding for their marketing efforts. So this
would be an extension from March 31, 2014, when
their contract expired, until the end of
December.

CHAIRWOMAN GONSALVES: Any questions
from the legislators? Legislator DeRiggi-

Whitton.

LEGISLATOR DeRIGGI-WHITTON: Hi, Eileen.
Are they looking for a new vendor, do you know,
for this, to handle the promotions and things?

MS. KRIEB: We'll be issuing a request
for proposals. Any vendor that's able to meet
those requirements are welcome to bid on the
contract.

LEGISLATOR DeRIGGI-WHITTON: Is there
any, like, any effort to seek them?

MS. KRIEB: We do it -- normally, as
requests for proposals go out onto the website,
Newsday. If they are a registered vendor they
automatically get our request.

LEGISLATOR DeRIGGI-WHITTON: Thank you.

CHAIRWOMAN GONSALVES: Any public
comments?

(No verbal response.)

There being none; all those in favor of
Item E-122 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

2 The next item is E-123, a special counsel
3 agreement entered into by the Nassau County by
4 the Nassau County Attorney and Albanese &
5 Albanese, LLP.

6 Motion, please?

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR KOPEL: Second.

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

11 Ms. Locurto is back.

12 MS. LOCURTO: Yes. This is a special
13 counsel contract for the county attorney's
14 office. This is a firm that was prequalified,
15 and the areas that are prequalified are listed in
16 the contract summary.

17 If there any specific questions, I'd be
18 happy to answer them.

19 CHAIRWOMAN GONSALVES: Kevan Abrahams.

20 LEGISLATOR ABRAHAMS: How are you, Ms.
21 Locurto, again?

22 MS. LOCURTO: Very good, sir. Thank
23 you.

24 LEGISLATOR ABRAHAMS: If I'm
25 understanding this correctly, the contract can

1 pretty much allow Albanese & Albanese to do
2 almost anything.

3
4 MS. LOCURTO: Well, depending on the
5 litigation needs of the county attorney's office,
6 it would enable us to assign a case to them
7 immediately.

8 LEGISLATOR ABRAHAMS: But it's also my
9 understanding -- so this wouldn't be for labor
10 and employment, because that's already being
11 handled by outside counsel. So what would be the
12 other categories? I see now.

13 MS. LOCURTO: There are torts --

14 LEGISLATOR ABRAHAMS: Tort law.

15 MS. LOCURTO: Appellate, if there's an
16 appellate case. Commercial transactions.
17 Federal laws. Civil Rights actions. If there is
18 a conflict, potentially, with multiple police
19 officers, let's say, for example, and we'd have
20 to assign a counsel immediately, we would be able
21 to do that with this contract.

22 LEGISLATOR ABRAHAMS: So the labor and
23 employment law that's mentioned in the contract,
24 is that outside counsel that's handled by Bee
25 Ready?

2 MS. LOCURTO: Correct. They handle
3 labor. But there may be other particular labor
4 issues that Bee Ready is not able to handle due
5 to a conflict or their availability. It's just
6 one particular area they offer their legal
7 services in.

8 LEGISLATOR ABRAHAMS: By they you mean?

9 MS. LOCURTO: Albanese & Albanese.

10 LEGISLATOR ABRAHAMS: But we wouldn't
11 seek that?

12 MS. LOCURTO: It depends, if we had a
13 need. If there was a conflict with Mr. Bee's
14 office that he couldn't continue with
15 representation and we needed to seek out another
16 law firm to handle.

17 LEGISLATOR ABRAHAMS: Wouldn't you
18 think, Mrs. Locurto, that it would be difficult
19 for us to judge how we believe they would be
20 qualified to handle a case without knowing what
21 they're going to be handling? How do we know
22 what they're going to be doing?

23 MS. LOCURTO: They're --

24 LEGISLATOR ABRAHAMS: There's no
25 particular item before us today, right? Say, for

1 example, earlier we did the contract for the
2 notice -- we didn't do it, we tabled it -- the
3 notice of claim --
4

5 MS. LOCURTO: Correct.

6 LEGISLATOR ABRAHAMS: regarding the
7 county's possible exposure on the Randy White --

8 MS. LOCURTO: Correct.

9 LEGISLATOR ABRAHAMS: This doesn't
10 really seem to be the case. Are there
11 litigations, things coming up that we're unaware
12 of?

13 MS. LOCURTO: There are always conflicts
14 that arise during the course of litigation, and
15 we find ourselves, that we need to retain a firm
16 quickly. As this legislature has admonished us,
17 they do not like us to engage counsel and have
18 them begin work until they come here with a
19 contract. This would enable us to engage counsel
20 but with the permission of the legislature.

21 LEGISLATOR ABRAHAMS: Are there any
22 specific cases that you could think of that you
23 would like to see Albanese & Albanese get started
24 on?

25 MS. LOCURTO: None at the moment. No.

2 However, there are several litigations going on
3 right now -- several different lease cases, civil
4 rights action -- where potential conflicts may
5 arise. So they may be -- there's one not
6 specifically as I speak today, but in the next
7 couple of weeks or so there may be one.

8 LEGISLATOR ABRAHAMS: What are those,
9 the ones that you're talking about, referencing,
10 specifically?

11 MS. LOCURTO: The litigations? I could
12 get you the list of the names of certain cases.

13 LEGISLATOR ABRAHAMS: If you could,
14 yeah.

15 MS. LOCURTO: I just didn't write them
16 down here because I didn't anticipate that as a
17 question.

18 LEGISLATOR ABRAHAMS: We definitely
19 want to see it. Again, this is unusual practice.
20 Usually we're used to seeing the actual purpose
21 for the contract, the purpose for the agreement
22 being tied directly to the agreement. This is a
23 case where we believe there's going to be stuff
24 coming down. I truly believe we would like to
25 see what those things are. So if you could

2 provide us with some of that information which
3 connects the dots for us in regards to this
4 agreement. I would respectfully ask the majority
5 if we could table that item until you bring those
6 things down.

7 Thank you, Ms. Locurto.

8 Motion to table.

9 CHAIRWOMAN GONSALVES: One moment.

10 Legislator Nicoletto has a question.

11 LEGISLATOR ABRAHAMS: Oh. Okay. Of
12 course.

13 LEGISLATOR NICOLELLO: Ms. Locurto, is
14 this a different way of doing things?

15 MS. LOCURTO: It is a slightly different
16 way of doing things, as I alluded to before.

17 LEGISLATOR NICOLELLO: And can you tell
18 us why this is better?

19 MS. LOCURTO: This is better because
20 unfortunately with litigation you don't know when
21 a conflict is going to arise immediately, and it
22 enables us to immediately put a law firm that's
23 already been prequalified in this specific area,
24 to have them available to us to continue with the
25 litigation. It also enables us if the litigation

2 expands or reassigned more than one case.

3 Sometimes the case concludes very quickly and it
4 frees up our ability to maybe utilize the firm in
5 another litigation.

6 LEGISLATOR NICOLELLO: So the major
7 benefit is that in a situation in which you need
8 to act quickly that they are available to be
9 retained, to be used by the county; is that
10 right?

11 MS. LOCURTO: Correct.

12 LEGISLATOR NICOLELLO: Okay. Albanese &
13 Albanese has done work for the county in the
14 past?

15 MS. LOCURTO: Yes, they have. And
16 they've been prequalified on our counsel in 2010,
17 2011 and again when we refreshed the panel in
18 2014.

19 LEGISLATOR NICOLELLO: Okay. And there
20 are a number of different areas of concentration
21 here for the law firm. It's not uncommon for law
22 firms to have different attorneys doing different
23 types of work. So these areas, the information
24 as to what their work was come from them? Did
25 the county attorney's office do some research?

2 MS. LOCURTO: Yes. They -- as I alluded
3 to, they provided a request or they answered our
4 request for qualification. They submitted a
5 curriculum vitae. They gave us an outline of the
6 practice, the attorneys that work in the firm,
7 and what their levels of expertise were. We
8 reviewed what areas of law that they requested to
9 be prequalified and we verified, through a
10 qualification panel, which several attorneys in
11 the county attorney's office participated in, to
12 determine whether or not the firm was indeed
13 qualified in that particular area of law, and
14 that's how they were selected in these particular
15 areas.

16 LEGISLATOR NICOLELLO: Does the county
17 attorney's office intend to do this with any
18 other law firms?

19 MS. LOCURTO: Yes, there may be certain
20 other law firms that we would like to add and
21 have available to us.

22 LEGISLATOR NICOLELLO: This contract or
23 this contract would be -- the limit is \$50,000 at
24 this point?

25 MS. LOCURTO: Correct.

2 LEGISLATOR NICOLELLO: Thank you.

3 MS. LOCURTO: You're welcome.

4 CHAIRWOMAN GONSALVES: Legislator

5 Solages.

6 LEGISLATOR SOLAGES: I guess this is a
7 lawyer thing here.

8 Ms. Locurto, I wanted to ask you some
9 questions. Reading the contract summary it
10 states that this is a new outside counsel
11 contract to represent the county and such other
12 party as the county may be required to defend in
13 various matters as requested by the county
14 attorney or their designee within the following
15 areas of law in which the department has
16 determined counsel to be qualified: tort law,
17 labor and employment, election law, real estate,
18 appellate practice, commercial transactions,
19 commercial litigation, real property
20 transactions, federal law, and federal civil
21 rights, and Section 1983 actions. This is just
22 like, in essence, an on-call contract for them
23 just to do just about any work for the county.

24 MS. LOCURTO: Well, it would be limited
25 to those specific areas that we've deemed them

2 prequalified in, and it's based on the need of
3 the county attorney. If there is no need that
4 arises, if there is no conflict case, for
5 example, that arises, then they would not take
6 the work and no money would be spent on the
7 contract. It's only if the firm does the work
8 that --

9 LEGISLATOR SOLAGES: But that doesn't
10 leave that many other areas for the county
11 attorney to focus on. In essence, we're
12 delegating the responsibility of this body to
13 another entity to determine what sort of cases
14 this firm can handle.

15 MS. LOCURTO: I don't necessarily see it
16 that way. I think it gives us the ability to
17 determine which case would be best. If a
18 conflict arises, which firm would best be able to
19 handle. This is providing you with the
20 information of the areas in which they've been
21 prequalified to handle that particular case.

22 LEGISLATOR SOLAGES: We're giving this
23 one law firm carte blanche in just about any
24 subject matter. This is a pretty long list of
25 types of cases they can handle.

2 MS. LOCURTO: It's a fairly large firm
3 and has a very diverse background of attorneys
4 who can handle various different types of
5 litigation, which I think is an advantage to the
6 county attorney's office because these are the
7 areas in municipal law that do affect us, that
8 there are litigations that arise in, that these
9 are the areas of law that we may need their
10 assistance and expertise.

11 LEGISLATOR SOLAGES: But what areas of
12 law does this leave the county attorney's office
13 itself to have expertise in? How can we assume
14 that this firm has an expertise in all these
15 areas? The only area of law left out is
16 admiralty law. This is a very long list.

17 MS. LOCURTO: It doesn't mean we're
18 going to use them in every particular area or
19 matter.

20 LEGISLATOR SOLAGES: It just cuts out
21 the legislature from this decision; would you
22 agree?

23 MS. LOCURTO: I would not agree with
24 that because we are standing here asking for you
25 to give us permission. That permission is only

2 up to 50,000. If there were additional cases --
3 if there was a case assigned and required
4 additional work, I would come back here to the
5 Nassau County Legislature to get your approval.
6 You're very much a part of the process and have
7 oversight over what cases they would continue in
8 the representation or not. So I wouldn't agree
9 with that, necessarily.

10 LEGISLATOR SOLAGES: What oversight do
11 we have as to what areas of law that this firm
12 can handle?

13 MS. LOCURTO: The county attorney's have
14 reviewed and we, through the panel, the
15 committee, the county attorney, through a panel
16 of attorneys in our office, we believe they are
17 prequalified in these areas.

18 LEGISLATOR SOLAGES: Isn't that our job
19 to make the final decision?

20 MS. LOCURTO: I'm not sure what you mean
21 by your final decision. In what manner?
22 Determining which law firm is best suited to
23 handle a specific litigation?

24 LEGISLATOR SOLAGES: Yes. Yes.

25 MS. LOCURTO: I think that that's a

2 recommendation, as the county attorney is counsel
3 to the legislature, that's our recommendation to
4 you. The county attorney's office is tasked with
5 defending all lawsuits brought before the county.
6 And if we believe there is a conflict of interest
7 and a reason the county attorney's office can't
8 continue in their representation and we need to
9 seek outside counsel, we come to the legislature
10 and we ask your permission to engage the law
11 firm, just as I'm standing here now before you.

12 LEGISLATOR SOLAGES: But shouldn't this
13 be on a case-by-case basis?

14 MS. LOCURTO: We can definitely provide
15 to you specific cases. But there are cases, as I
16 indicated, where an immediate need would require
17 counsel to start immediately. And in order to
18 wind it through the contract process, it may
19 impair our ability to effectively defend it. So
20 that's why we're standing here asking for your
21 permission to engage this particular law firm.

22 LEGISLATOR SOLAGES: Nothing further.

23 CHAIRWOMAN GONSALVES: Lisa, I have a
24 question.

25 MS. LOCURTO: Sure.

CHAIRWOMAN GONSALVES: This doesn't mean that in all of these cases or these types of cases that we would not have somebody in-house to deal with those particular cases; is that correct?

MS. LOCURTO: Correct.

CHAIRWOMAN GONSALVES: Only in the event that we don't have the expertise in-house would we look to Albanese & Albanese; correct?

MS. LOCURTO: Correct.

CHAIRWOMAN GONSALVES: That's all I want to know.

LEGISLATOR ABRAHAMS: Madam Presiding Officer, I kind of know what direction this is going but I'll have to do it anyway. I will renew my motion to table.

CHAIRWOMAN GONSALVES: Is there a second?

LEGISLATOR SOLAGES: Second.

CHAIRWOMAN GONSALVES: Second, Mr. Solages.

All those in favor of tabling E-123 signify by saying aye.

(Aye.)

2 Any opposed?

3 (Nay.)

4 The item is not tabled.

5 Now for the vote. All those in favor of
6 E-123 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 The item passes four to three.

11 Thank you very much, Ms. Locurto.

12 Item 124 is a personal services agreement
13 between the County of Nassau, acting on behalf of
14 the Department of Public Works, and the U.S.
15 Department of the Interior Geological Survey.

16 Motion, please?

17 LEGISLATOR KOPEL: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by

20 Legislator Kopel, seconded by Legislator

21 Nicolello.

22 And, Mr. May?

23 MR. ARNOLD: Kenneth Arnold, Department
24 of Public Works. This is a two-year contract
25 with the USGS for the study of ground water in

2 the county's aquifer system. This contract was
3 presented to this body about a year and a half
4 ago, two years ago where then-Presidenting Officer
5 Schmitt asked why are not other people
6 contributing to this work. The administration
7 has been spent considerable effort getting other
8 people on board on this contract, and we have
9 funding equal to the county's contribution coming
10 from the Water Commission's Association, Long
11 Island Water Conference, DEC, and some north
12 shore suppliers.

13 This contract will pick up on work that
14 the USGS has done for this department in the
15 past.

16 CHAIRWOMAN GONSALVES: Any questions of
17 Mr. Arnold? Legislator Nicoletto.

18 LEGISLATOR NICOLELLO: Yes. Mr. Arnold,
19 this is something of a partnership between Nassau
20 County and many of its water districts.

21 MR. ARNOLD: Yes. And the USGS also,
22 they also contribute funding.

23 LEGISLATOR NICOLELLO: Right. So this
24 will further the goals of the Long Island
25 Commission on Aquifer Protection?

MR. ARNOLD: This will supply data that the Aquifer Commission will be utilizing as they move forward with their work.

LEGISLATOR NICOLELLO: And currently the USGS, this contract provides for groundwater monitoring throughout Nassau County?

MR. ARNOLD: Yeah. They're monitoring stream flow, monitoring water levels, and also looking at saltwater intrusion.

LEGISLATOR NICOLELLO: Thank you.

CHAIRWOMAN GONSALVES: Any other comments or questions? Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: This is the process that the county has done for years, correct?

MR. ARNOLD: Excuse me?

LEGISLATOR DeRIGGI-WHITTON: The county used to do this process for years.

MR. ARNOLD: The county had had USGS on board for many years. There was a break in service during the last administration and then that was reinstated towards the end of that administration, and then it was broken again in

2 2011.

3 LEGISLATOR DeRIGGI-WHITTON: So who has
4 been testing our groundwater for the last four
5 years?

6 MR. ARNOLD: All local water suppliers
7 are required to test their ground water, along
8 with -- DEC has special sampling that I believe
9 they do also.

10 LEGISLATOR DeRIGGI-WHITTON: Is that the
11 same quality as the USGS, like in the county
12 doing it? What do you think as far as that?

13 MR. ARNOLD: Water sampling is done by
14 certain quantitative analysis that are all state
15 standards associated with them. There is no
16 cheap sample versus an expensive type of sample.
17 There is certain quality that is done at these
18 labs that you ask for, and that's how the water
19 quality is sampled.

20 LEGISLATOR DeRIGGI-WHITTON: So, in your
21 opinion, it was done the same way as what we're
22 going to be now, for the last four years?

23 MR. ARNOLD: Just to be clear, this
24 contract does not sample water quality. This
25 sample is looking at water levels, looking at

stream flow, and also looking at saltwater intrusion. We're not sampling for water quality.

LEGISLATOR DeRIGGI-WHITTON: Who samples for water quality?

MR. ARNOLD: The public water suppliers.

LEGISLATOR DeRIGGI-WHITTON: The county doesn't sample that at all?

MR. ARNOLD: No. We do not sample at this time.

LEGISLATOR DeRIGGI-WHITTON: When was the last time we did?

MR. ARNOLD: I'd have to go back to my staff. I believe it was probably three years ago.

LEGISLATOR DeRIGGI-WHITTON: Why would we stop sampling for water quality?

MR. ARNOLD: Because the public water suppliers are doing it and it was redundant in some situations and it was left best by the water suppliers.

LEGISLATOR DeRIGGI-WHITTON: Do we get - who would, like, for instance, like for saltwater intrusion, who would sample that?

MR. ARNOLD: The department is sampling

for saltwater intrusion.

LEGISLATOR DeRIGGI-WHITTON: The county?

MR. ARNOLD: Yeah. We have a staff that does look at the saltwater intrusion problem in the county.

LEGISLATOR DeRIGGI-WHITTON: Where does that --

MR. ARNOLD: There's a difference between supplying water quality sampling for organics/inorganics versus for chlorides.

LEGISLATOR DeRIGGI-WHITTON: But where is that information coming from the past three years?

MR. ARNOLD: Which information now?

LEGISLATOR DeRIGGI-WHITTON: The water quality? Where are you getting the data from?

MR. ARNOLD: For?

LEGISLATOR DeRIGGI-WHITTON: If we haven't done the sampling ourselves in the last three years.

MR. ARNOLD: The public water suppliers sample the wells in their area and provide that data to the constituents.

LEGISLATOR DeRIGGI-WHITTON: And the

1 saltwater?

2
3 MR. MAY: Just to be clear. The
4 Department of Health does the drinking water
5 quality for the county.

6 LEGISLATOR DeRIGGI-WHITTON: How are
7 they paid, under this type of thing or it's
8 totally separate?

9 MR. MAY: How is who paid?

10 LEGISLATOR DeRIGGI-WHITTON: The
11 Department of Health. How is that -- like.

12 MR. MAY: State grant.

13 LEGISLATOR DeRIGGI-WHITTON: How often
14 do they test, do you know?

15 MS. LAURAIN: Mary Ellen Laurain,
16 Department of Health.

17 The Department of Health conducts
18 surveillance samples for our drinking water.
19 Actually, it was just up last legislative
20 session. And the water districts are required as
21 well to test and sample and report to the
22 Department of Health.

23 LEGISLATOR DeRIGGI-WHITTON: But is that
24 like an annual type of test? How often is that
25 test?

2 MS. LAURAIN: We do it weekly.

3 LEGISLATOR DeRIGGI-WHITTON: You do it
4 weekly?

5 MS. LAURAIN: Surveillance samples.

6 LEGISLATOR DeRIGGI-WHITTON: How is this
7 all collaborated?

8 MS. LAURAIN: Or if there's an issue, of
9 course we sample more.

10 LEGISLATOR DeRIGGI-WHITTON: Everything
11 I ever heard, surveillance was more if there was
12 an issue or a problem.

13 MS. LAURAIN: No. We conduct
14 surveillance samples weekly. And the water
15 districts also test, depending on their size. I
16 don't have it in front of me because it was here
17 the last time. But they also conduct and report
18 to the Department of Health.

19 LEGISLATOR DeRIGGI-WHITTON: From what I
20 understand the USGS is kind of the ones who
21 collaborates all this information, like with New
22 York, Suffolk and everything else. Does your
23 information go to them?

24 MR. ARNOLD: The USGS samples monitoring
25 wells throughout Suffolk County and they do water

2 levels in Nassau County, or will be doing water
3 levels in Nassau County. They publish a database
4 and they have their data online. They supply
5 their information to the local water districts.
6 I do not know if they give them to the Department
7 of Health or not.

8 LEGISLATOR DeRIGGI-WHITTON: So in the
9 past three years where has that information been
10 going from the Department of Health?

11 MR. ARNOLD: The Department of Health
12 I'm sure gives their sample data to the water
13 districts, correct, and the State Health
14 Department. The State Health Department is the
15 catchall for this, for public water supply.

16 LEGISLATOR DeRIGGI-WHITTON: And as far
17 as the water level and the saltwater intrusion,
18 who was monitoring that for us for the last four
19 years?

20 MR. ARNOLD: Each public water supply
21 will take water level monitoring also. But on a
22 comprehensive basis, it was done probably the
23 last two years, and that's why this contract is
24 coming back in play. That's something that the
25 department feels is important to get done.

1 LEGISLATOR DeRIGGI-WHITTON: It hasn't
2
3 really been done in four years, right?

4 MR. ARNOLD: I believe the GS did some
5 sampling even though their contract expired at
6 one point.

7 LEGISLATOR DeRIGGI-WHITTON: I cannot
8 believe that this is how we're treating our
9 drinking water, honestly. This is drinking
10 water.

11 MR. ARNOLD: Water levels do not change
12 that drastically over time.

13 LEGISLATOR DeRIGGI-WHITTON: There's a
14 lot. Not only water levels but the saltwater
15 intrusion, the contamination.

16 MR. ARNOLD: Like I said, saltwater
17 intrusion, we have been monitoring continuously.
18 The county has been.

19 LEGISLATOR DeRIGGI-WHITTON: The county
20 has been through?

21 MR. ARNOLD: The Public Works Department
22 has hydro geologists on staff.

23 LEGISLATOR DeRIGGI-WHITTON: Do we have
24 like a consistent, like, formula as to how
25 frequently these are tested and where the

2 information goes?

3 MR. ARNOLD: I'd have to go back to my
4 staff and talk to them. I don't have it in front
5 of me.

6 LEGISLATOR DeRIGGI-WHITTON: It's our
7 drinking water.

8 MR. ARNOLD: DEC is also aware of the
9 saltwater intrusion, and they also are on top of
10 the situation, as are the public water suppliers.

11 LEGISLATOR DeRIGGI-WHITTON: So in the
12 last four years our drinking water has been
13 monitored by either local --

14 MR. ARNOLD: Part of the problem is
15 there are multiple people with the same
16 jurisdiction, which is why the department stepped
17 away from doing certain types of sampling. The
18 public water suppliers, DEC, and the health
19 department actually also have a role in this.

20 LEGISLATOR DeRIGGI-WHITTON: And that's
21 really the primary reason to have the USGS, to
22 control everything that's going on and make one
23 report.

24 MR. ARNOLD: They don't control what
25 goes on. They are collecting data and they

supply a data book.

LEGISLATOR DeRIGGI-WHITTON: And they coordinate all the data. So who has been coordinating the data for us?

MR. ARNOLD: The data is given to the public water suppliers.

LEGISLATOR DeRIGGI-WHITTON: So we're depending on public water suppliers from all over the county to send us reports. Does anyone, like, follow up if a report is late or not done? Do you know how many people are actually sending in reports?

MR. ARNOLD: Each public water supplier reports to their constituents.

LEGISLATOR DeRIGGI-WHITTON: So they don't report to the county?

MR. ARNOLD: The County Health Department but not to public works. I can't speak for health.

LEGISLATOR DeRIGGI-WHITTON: So how often are you getting reports from private water suppliers in Nassau County?

MS. LAURAIN: We get them weekly. I mean, I don't have it in front of me but the

2 drinking water -- and the water suppliers also
3 produce, and they all have it on their website, a
4 drinking water analysis of all of their sampling
5 and they --

6 LEGISLATOR DeRIGGI-WHITTON: And how
7 many other --

8 MS. LAURAIN: I'm sorry?

9 LEGISLATOR DeRIGGI-WHITTON: How many
10 are there? Do you know?

11 MS. LAURAIN: Oh, like fifty-something,
12 I believe.

13 LEGISLATOR DeRIGGI-WHITTON: And does
14 someone follow up if they don't receive a report
15 from one of those agencies?

16 MS. LAURAIN: The Department of Health
17 is in communications regularly with the water
18 suppliers, and I believe they send them to all
19 their constituents. I don't have in front of me.
20 I'd have to speak to my staff about that.

21 LEGISLATOR DeRIGGI-WHITTON: So the
22 Department of Health requires that --

23 MS. LAURAIN: I don't know if it's the
24 Department of Health, or what agency requires
25 that.

2 LEGISLATOR DeRIGGI-WHITTON: So we don't
3 know what agency requires --

4 MS. LAURAIN: The Department of Health
5 is the regulatory agency who oversees drinking
6 water in the county. Any results that come in or
7 sampling that the water districts do, they are
8 required to report it to the Department of
9 Health. And the Department of Health also
10 conducts their own sampling weekly, for drinking
11 water.

12 LEGISLATOR DeRIGGI-WHITTON: So the
13 Department of Health does require it then?

14 MS. LAURAIN: Does require what?

15 LEGISLATOR DeRIGGI-WHITTON: To receive
16 samples of reports from each private water.

17 MS. LAURAIN: Absolutely. The water
18 suppliers must give us copies of their sampling.

19 LEGISLATOR DeRIGGI-WHITTON: And how
20 often do you require the sampling?

21 MS. LAURAIN: I'd have to ask the staff
22 who are involved in that. I am not prepared to
23 speak on this today.

24 LEGISLATOR DeRIGGI-WHITTON: Well, you
25 are here to represent the agency.

2 MS. LAURAIN: It was actually the last
3 committee I was in it was on drinking water
4 grant.

5 MR. MAY: I'm sorry, Legislator. I just
6 want to chime in here one second.

7 The USGS is not the drinking water
8 quality. Ms. Laurain is not here to speak on
9 this contract. You had sort of veered off into
10 the water quality, and I wanted to ensure that
11 you understood what happens with the water
12 quality --

13 LEGISLATOR DeRIGGI-WHITTON: Except for
14 saltwater intrusion is an issue, which it is a
15 lot of times.

16 MR. MAY: But that's different from what
17 USGS is doing.

18 LEGISLATOR DeRIGGI-WHITTON: That's what
19 USGS does.

20 MR. ARNOLD: Let me back up and clarify.
21 The USGS contract is going to assist the
22 department in the quantity aspect of the water
23 supply, which is water levels and stream flow.

24 LEGISLATOR DeRIGGI-WHITTON: Right.

25 MR. ARNOLD: The Department of Public

2 Works has continued to do the saltwater intrusion
3 work, and that's an ongoing program. The
4 Department of Health is worried about quality of
5 the public drinking water supply, and that's
6 their program and they get their data from the
7 public suppliers and their own.

8 LEGISLATOR DeRIGGI-WHITTON: It says in
9 the contract that USGS will now be doing the
10 saltwater intrusion; is that correct?

11 MR. ARNOLD: That is correct. But the
12 department had continued to do saltwater
13 intrusion on critical wells during the time lapse
14 that we did not have the GS. The GS will be
15 brought in to assist the department further.

16 LEGISLATOR DeRIGGI-WHITTON: It just
17 doesn't sound like a very comprehensive
18 countywide organization no matter how this is
19 played out. It really sounds like we don't know
20 what's going on. If we have the Department of
21 Health being in charge of quality but not in
22 charge of saltwater intrusion, which does
23 absolutely play a role in that --

24 MR. ARNOLD: Nobody said that Health
25 doesn't care about saltwater intrusion.

2 LEGISLATOR DeRIGGI-WHITTON: I'm sorry?

3 MR. ARNOLD: Nobody at this podium has
4 said the Department of Health does not care about
5 saltwater intrusion.

6 LEGISLATOR DeRIGGI-WHITTON: Doesn't
7 care? I can't understand what you're saying.

8 MR. ARNOLD: Public Works collects the
9 saltwater intrusion data --

10 LEGISLATOR DeRIGGI-WHITTON: Okay.

11 MR. ARNOLD: has continued to do so in
12 the absence of the GS. With the GS contract
13 being reinstated, they will assist the department
14 with this work moving forward.

15 LEGISLATOR DeRIGGI-WHITTON: So up to
16 now your department has been notifying the Board
17 of Health of saltwater intrusion?

18 MR. ARNOLD: Yes. We keep them
19 apprised of the conditions that we find. But
20 also recognize that saltwater intrusion does not
21 change day-by-day. It's a year to year to year
22 things that could occur.

23 LEGISLATOR DeRIGGI-WHITTON: This is
24 less than \$100,000 a year contract. This is
25 going to be met with other groups, but even if it

2 wasn't, it's a minimal amount compared to some of
3 these other contracts. From just the information
4 that I see, in 2011, 2012, 2013, I know we tried
5 to get this back on but don't think it was ever
6 brought to the table. So 2010 was really the
7 last time that we had a comprehensive study, at
8 least from USGS, which is really the group that's
9 trained to not only represent Nassau County but
10 our surrounding areas; correct?

11 MR. ARNOLD: They're not the only group.
12 The department has in-house experts that also
13 look at water quality data. And we produced a
14 report -- I'd have to go back to look when the
15 last time we produced our report. But the USGS
16 collects data, that's put in their data book. As
17 this contract states, they will put two specific
18 papers together on subjects of importance to the
19 county, which we're assuming will be the
20 saltwater intrusion and possibly nitrates that we
21 want them to look at further, that's what this
22 contract includes. Moving forward, we will see
23 what other things need to be addressed.

24 LEGISLATOR DeRIGGI-WHITTON: Again, my
25 point. I'm happy that we're having them now. I

1 can't believe for the last four years it sounds
2 like, at least from up here, it's sounding like
3 it's in disarray.
4

5 I would love to see the reports that you
6 have. This is a very major, major issue for
7 everyone who lives on Long Island. It is our
8 hope that there is comprehensive and continual
9 testing all through Long Island.

10 This presentation, to me, just sounded
11 very hodgepodge. The drinking water and our
12 water tablet and everything else is just way too
13 important to have this kind of -- this type of
14 situation set up.

15 MR. ARNOLD: The calculations presented
16 to you today, as I mentioned, is the continuation
17 of the existing GS contract when it was --

18 LEGISLATOR DeRIGGI-WHITTON: Four years
19 ago.

20 MR. ARNOLD: Yes.

21 LEGISLATOR DeRIGGI-WHITTON: So for the
22 last four years we have not really had an
23 oversight, in my opinion.

24 MR. ARNOLD: The USGS does not provide
25 oversight, they provide data.

2 LEGISLATOR DeRIGGI-WHITTON: So we
3 haven't had a unified comprehensive data in the
4 last four years.

5 MR. ARNOLD: For stream flow, I would
6 agree. On stream flow levels and some water
7 levels that is correct. But the water districts
8 still look at their own water levels and they
9 also manage their own water supply.

10 LEGISLATOR DeRIGGI-WHITTON: As a
11 county, you know, with the amount of storms we
12 just had in the last four years, this is covering
13 Irene and Sandy, and we don't have any oversight
14 with this type -- all right.

15 Again, I'm glad we're reinstating it.
16 This is a contract that I don't think should ever
17 be taken off for any reason in the future. And
18 I'm sorry it wasn't put back on earlier.

19 CHAIRWOMAN GONSALVES: Mr. Arnold --

20 MR. ARNOLD: Yes.

21 CHAIRWOMAN GONSALVES: LICAP, The Long
22 Island Committee on Aquifer Protection, was a
23 bipartisan effort on the part of this
24 legislature. And it's my understanding that USGS
25 is certainly going to be a valuable resource for

2 LICAP.

3 MR. ARNOLD: That's correct.

4 CHAIRWOMAN GONSALVES: And LICAP will be
5 giving this body a quarterly report -- not a
6 quarterly -- a State of the Aquifer Report to
7 this body, as a result of the formation of this
8 committee.

9 I think that this particular personal
10 service agreement is well taken, primarily
11 because of the data that they're going to be
12 supplying to LICAP and they're doing their job in
13 presenting the state of the water quality here in
14 Nassau County. Not only Nassau County, excuse
15 me, but I should say Suffolk County as well,
16 because it was a bi-county as well as a
17 bipartisan effort.

18 MR. ARNOLD: The data GS will be
19 collecting will be instrumental in this LICAP
20 report. In addition, the department also is
21 requesting a capital project to assist with
22 future work for groundwater and the needs of what
23 we have to move forward on. You will see that in
24 the amended plan that we're submitting now.

25 CHAIRWOMAN GONSALVES: Thank you, Mr.

2 Arnold.

3 Any public comment?

4 (No verbal response.)

5 Yes, sir. Did you submit a slip? Yes,
6 you may take the mic, but I think you should
7 submit a slip after you take the mic. Take the
8 mic. Give your name, your address, and then fill
9 out a form so that we can have it for the record.

10 MR. OTTAVINO: Very good. Gerald
11 Ottavino from Point Lookout.

12 Legislator Whitton, you started asking
13 the right questions. It only took four years for
14 those questions to be asked publicly. I wasn't
15 satisfied with the answers you got.

16 First thing is to depend on DEC,
17 especially Region 1, that's not monitoring. New
18 York State DEC, although it falls under their
19 purview, absolutely has done nothing in the last
20 20 years to worry about your drinking water. If
21 you depend upon water utilities, it's a conflict
22 of interest. Why? Because they're in the
23 business of purveying water.

24 On the topic of groundwater recharge,
25 bottom line, if you take more water out through

pumping than is being recharged, you're drawing down contaminants and you're drawing in saltwater intrusion. That has not been monitored and that has not been monitored for four years and it is inexcusable. Thank you for bringing it to everybody's attention.

CHAIRWOMAN GONSALVES: Please fill out the form for the record. Thank you very much.

Any other comments?

(No verbal response.)

There being none; all those in favor of E-124 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-125, a personal services agreement between the County of Nassau, acting on behalf of the Nassau County District Attorney's Office and P.E.A.C.E. Afterschool Program.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Walker, seconded by Legislator
4 Nicolello.

5 MR. MCMANUS: Bob McManus, District
6 Attorney's Office.

7 Your approval of this item will enable
8 the district attorney to support a summer camp
9 for children who live in the Terrace Avenue
10 section of Hempstead. The goal of the program is
11 to engage the participants in activities to
12 promote socialization, develop character, and
13 foster positive decision making skills in order
14 to hopefully prevent future gang involvement.

15 This item will be funded 100 percent by
16 forfeiture funds with no cost to the county.

17 CHAIRWOMAN GONSALVES: Any questions for
18 Mr. McManus?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 There being none; all those in favor of
23 E-125 signify by saying aye.

24 (Aye.)

25 Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-126, a special counsel contract between the Nassau County Attorney and Campanelli & Associates, P.C.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

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

And we have?

MR. LITTMAN: Good afternoon everyone. Sam Littman from the county attorney's office.

This is a special counsel contract with Campanelli & Associates which will allow this law firm, if approved by you, to take over the day-to-day operations of vehicle forfeiture proceedings. It will leave with the county attorney the power to control all decision making processes that are involved with vehicle forfeiture.

It is estimated that this project will generate a revenue of approximately \$1.5 million a year. Mr. Campanelli will be working on a

1 contingency basis. He will take one-third. All
2 the costs will be by his firm. It will pick up
3 all the costs but for the process serving costs
4 that the county already picks up.
5

6 Enforcement will be much better under
7 this system because we will do hearings that are
8 not being currently done, which will gets cars
9 off the road, protect the public, auction off
10 vehicles, and just be a better system than what
11 we have no.

12 In order for this office to take up this
13 system that Mr. Campanelli envisions, which is
14 the next step in the vehicle forfeiture
15 proceeding, we would have to go out and hire
16 about three to four attorneys. This way is
17 clearly more cost effective for the county and
18 more beneficial for the taxpayer.

19 Does anyone have any questions?

20 CHAIRWOMAN GONSALVES: Minority Leader
21 Abrahams.

22 LEGISLATOR ABRAHAMS: Good afternoon.
23 You answered one of my questions. You had said
24 that you would need at least four attorneys to be
25 able to handle this versus what Mr. Campanelli is

2 doing. However, I'm just trying to make sure I'm
3 clear.

4 This was a service that Mr. Campanelli
5 provided before.

6 MR. LITTMAN: Correct.

7 LEGISLATOR ABRAHAMS: And he chose to
8 leave the county. I think I read something in
9 the paper about some politics or political stuff
10 that was tied to it, if I understand it
11 correctly.

12 MR. LITTMAN: That, Legislator Abrahams,
13 I know nothing about. I know he ran the program.
14 There were certain court cases that were passed:
15 Tanovan was passed, Frimstock was passed, which
16 mandated that certain hearings be held before
17 vehicles can be taken by the county. Before
18 that, I think everybody is aware, there were
19 yards and yards of cars that were taken by the
20 county which just stayed there. Under this
21 system, because of the new law, certain probable
22 cause hearings must be held.

23 We've spoken to the police commissioner
24 about implementing this program, as well as the
25 Nassau County Supreme Court about setting up

2 areas where cars are going to be held and
3 hearings which are going to be held in the County
4 which will expedite this system.

5 The idea is to generate revenue and have
6 a better enforcement of drunk driving in this
7 County. It's a homerun.

8 LEGISLATOR ABRAHAMS: I think we
9 understand and support, obviously, any efforts
10 that are going to curtail drunk driving in this
11 county. I'm just trying to make sure I
12 understand.

13 It looks like the fees are based on a 33
14 1/3 of the total gross of recovery.

15 MR. LITTMAN: Correct.

16 LEGISLATOR ABRAHAMS: How does that
17 compare to Mr. Campanelli and Associates when he
18 was with the county previously?

19 MR. LITTMAN: I think his prior contract
20 was for 25 percent. We've now included 33 1/3
21 percent because he is incurring all of the costs
22 associated with the program itself. He is
23 picking up everything but the process servers.

24 LEGISLATOR ABRAHAMS: And how much is
25 the program?

2 MR. LITTMAN: He is anticipating that he
3 is going to generate about 1.5 million. I could
4 tell you, Legislator Abrahams, that prior to
5 this, I would say I guess we started looking at
6 this program -- we, meaning the new
7 administration -- when we got here in 2011. When
8 I got here in 2010 there as one bureau chief and
9 three deputy county attorneys assigned to this
10 program, with files going back to 2003. There
11 was a room full of files where nothing was being
12 done. No one was following up on the
13 convictions, which you need to have convictions
14 before you can go after the car. No one was
15 monitoring what was happening in district court,
16 which was a problem.

17 We started settling these cases in 2011.
18 In 2011, we generated about a half a million
19 dollars. In 2012, we generated about \$300,000.
20 In 2013 about 250 to 275. Mr. Campanelli is
21 saying under this system, where we actually take
22 the cars -- and when you take the cars you have a
23 lot more leverage -- he will be able to generate
24 \$1.5 million, which he will get a third, but
25 still the county is way ahead of what we've been

2 bringing in. And I've been trying to implement
3 some innovative programs. But without having the
4 car, without doing the Krimstock hearings and
5 having the car, it's a problem.

6 LEGISLATOR ABRAHAMS: Let me ask you.
7 If Mr. Campanelli is projecting 1.5 million, of
8 which he would get 500,000, you said we need a
9 staff of four attorneys --

10 MR. LITTMAN: Right.

11 LEGISLATOR ABRAHAMS: to be able to
12 handle this. Four attorneys in the county
13 attorney's office would exceed \$500,000?

14 MR. LITTMAN: You'd have to go out and
15 hire four attorneys and then all the benefits and
16 pension that comes with that as well. It would -
17 - the contingency aspect of this is really the
18 nice aspect of it because I think, depending on
19 what he brings in, obviously, he gets a third.
20 If he doesn't bring in what he anticipates, he's
21 going to get a lot less. If we go out and hire
22 four attorneys, the cost is the cost. Plus, you
23 have to pay pension benefits, health care
24 benefits, and everybody knows what that costs.

25 LEGISLATOR ABRAHAMS: I'm not

2 advocating to hire four attorneys out of the box.
3 If the attorneys are able to do exactly what Mr.
4 Campanelli could do then you could start out with
5 two attorneys.

6 My greater point -- make sure I
7 understand this correctly -- is really tied to
8 the fact that Mr. Campanelli was here before and
9 now he's coming back.

10 MR. LITTMAN: Right. We did an RFP,
11 Legislator. The RFP, we had two responses. We
12 had one from Mr. Campanelli, one from a Law Firm
13 of Beth Badnor, which is a Manhattan-based law
14 firm. The committee reviewed it. I was on the
15 committee along with Chief Deputy Locurto. We
16 looked at the proposals and clearly Mr.
17 Campanellis, again based on his experience and
18 what he was proposing, was the better of the two
19 proposals that we received.

20 LEGISLATOR ABRAHAMS: And there's no --
21 there's absolutely no stretch of the imagination
22 that we could do this in-house? I know under the
23 previous administration it was done in-house.

24 MR. LITTMAN: But like I just said,
25 Legislator Abrahams, it was done in-house but

2 nothing was accomplished when it was done in-
3 house. The Krimstock hearings were not held.
4 There were four attorneys assigned to this bureau
5 and a room full of files dating back to 2003. It
6 was a total waste of time. Total waste of time.

7 LEGISLATOR ABRAHAMS: Do you remember
8 the results? Do you have the results of that?

9 MR. LITTMAN: I could tell you the
10 results. The results, when I looked at it, the
11 revenue and the cars that were taken off the road
12 -- the only cars that were taken off the road
13 when people voluntarily surrendered their
14 vehicles, there were not settlements. The
15 administration at the time was telling the
16 attorneys not to settle cases, even if the 18
17 year old son is driving mom's car and they wanted
18 to settle the case by giving the county \$200,
19 \$300, the mandate was across the board no
20 settlements. Everything was done in black and
21 white. The cases weren't looked at. There were
22 just clearly no settlements across the board,
23 when obviously some of these cases begged for
24 looking at the facts to determine what cars
25 should be taken, what cars shouldn't be taken,

2 what fine should be paid, what settlement should
3 be made, it wasn't done. It wasn't done for
4 seven years.

5 CHAIRWOMAN GONSALVES: Mr. Abrahams.

6 LEGISLATOR ABRAHAMS: Yes. I would
7 just strongly say that I think we agree to
8 disagree. I think my recollection that under the
9 previous administration there was some good work
10 that was being done by the county attorney's
11 office.

12 I'm concerned at the total base fee for
13 these contracts. And I'm going to recommend to
14 my side that we vote against this.

15 Thank you.

16 CHAIRWOMAN GONSALVES: Legislator
17 Nicoletto.

18 LEGISLATOR NICOLELLO: Just some
19 clarification. I don't know if you know this,
20 Mr. Littman. With respect to Mr. Campanelli, did
21 he just leave the county or was he terminated by
22 the Suozzi administration?

23 MR. LITTMAN: You know what, Legislator?
24 I don't know the specific facts.

25 LEGISLATOR NICOLELLO: Do you know if

1 there were lawsuits alleging that he was
2 terminated after he refused to make political
3 contributions?
4

5 MR. LITTMAN: That was what I heard. I
6 have not verified that. That was the rumor, the
7 stories that I heard about it.

8 Folks, the reality of the situation is
9 can he do the job? And clearly he can do the job
10 because he's done it before successfully. He did
11 it for what, three or four years? And he raised
12 a ton of money for the county at that time. So
13 we know he can do the job.

14 There was an RFP that was done, and only
15 two proposals, like I said, and he was clearly
16 the better person or the better firm suited for
17 this job.

18 LEGISLATOR NICOLELLO: Thank you. And,
19 by the way, it was an excellent presentation.
20 You have a lot of energy and enthusiasm for this.

21 MR. LITTMAN: Thank you, sir.

22 LEGISLATOR NICOLELLO: Well done.

23 LEGISLATOR SOLAGES: Madam Chair.

24 CHAIRWOMAN GONSALVES: Legislator
25 Solages.

LEGISLATOR SOLAGES: Good afternoon.

MR. LITTMAN: Hi. How are you?

LEGISLATOR SOLAGES: Nice to see you.

MR. LITTMAN: Same here.

LEGISLATOR SOLAGES: Isn't it true that Mr. Campanelli voluntarily withdrew that lawsuit?

MR. LITTMAN: Legislator Solages, I really don't know the specifics. It was prior to my arrival in the county. I can only speculate. I did hear some rumors about what happened at the time. I understand that there were issues involved before he left. Like I said, and I'll say it again, he had the best proposal, and what he is presenting makes a ton of sense for this county and for the taxpayers.

LEGISLATOR SOLAGES: Under your logic that you explained your presentation, why have a county attorney's office if we're just going to outsource this?

MR. LITTMAN: We're not going to outsource everything. The county attorney has to pick and choose what we can accomplish with the resources that we have. This is a contingency based contract where he's going to get a

1 percentage of what he brings in. It makes sense
2 cost wise to give him the opportunity to do this,
3 rather than going out and hiring three attorneys
4 and the costs associated with hiring three
5 attorneys. It just makes sense to do it.

7 LEGISLATOR SOLAGES: Should we just get
8 rid of our torts bureau then under that same
9 logic?

10 MR. LITTMAN: Legislator Solages, you're
11 scratching, with all due respect. That's not
12 what I'm here to talk about. That's not what I'm
13 here suggesting. What we're doing is we're
14 giving this area of the county attorney's office
15 -- the only bureau we have now at the county
16 attorney's office of vehicle forfeiture is me.
17 I'm the only one handling these cases at this
18 time, with the help of three assistants. This
19 will give us a better chance to implement a
20 vehicle forfeiture program that will make money
21 for the county and that will provide enforcement,
22 better enforcement by holding hearings. I'm not
23 talking about torts. I'm not talking about
24 federal litigation. I'm talking about a specific
25 area in the county attorney's office where it

2 would make a lot of sense to have it outsourced
3 to a firm that knows how to generate income,
4 knows how to do Krimstock hearings, probable
5 cause hearings, to take vehicles off the road.
6 It's a win-win.

7 LEGISLATOR SOLAGES: Understood. Thank
8 you.

9 MR. LITTMAN: Thank you.

10 CHAIRWOMAN GONSALVES: Any public
11 comment?

12 (No verbal response.)

13 There being none; all those in favor of
14 E-126 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (Nay.)

18 The item passes four to three.

19 Thank you, Mr. Littman.

20 MR. LITTMAN: Thank you everyone.

21 CHAIRWOMAN GONSALVES: At this time I'm
22 going to ask for a motion to suspend the rules
23 because we have one item on the addendum.

24 LEGISLATOR NICOLELLO: So moved.

25 LEGISLATOR WALKER: Second.

2 CHAIRWOMAN GONSALVES: Motion to suspend
3 the rules by Legislator Nicoletto, seconded by
4 Legislator Walker.

5 All those in favor of suspending the
6 rules signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The rules are suspended.

11 The item before us on the addendum is
12 Item A-10, a resolution authorizing the director
13 of Nassau County Office of Purchasing to award
14 and execute a contract between the County of
15 Nassau, acting on behalf of the Department of
16 Public Works and Northeast Turf, HUE Inc.

17 Motion, please?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

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

23 Mr. Schneider.

24 MR. SCHNEIDER: Good afternoon. Brian
25 Schneider from Public Works.

1 The purpose of this item is to authorize
2 and award a purchase order for the supply and
3 installation of a synthetic turf field with
4 rubberized infill for the department. This work
5 will be conducted at the East Meadow soccer
6 complex in storm water basin number 62, which is
7 located on Salisbury Park Drive in East Meadow.
8

9 This project, as you may or may not know,
10 is a 2006 Environmental Bond Act project. This
11 purchase req was bid. We recommend that you
12 approve Northeast Turf of Portland, Maine, to be
13 awarded the contract as the lowest responsible
14 bidder meeting our specifications for the amount
15 of \$263,340.

16 I'll take any questions if you have them.

17 CHAIRWOMAN GONSALVES: Any questions for
18 Mr. Schneider?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 There being none; all those in favor of
23 A-10 signify by saying aye.

24 (Aye.)

25 Any opposed?

(No verbal response.)

The item passes unanimously.

Rules is now in recess.

We have one item that was tabled and we'll wait for Ms. Locurto to come back with that and we will un-table it when we reconvene. Thank you very much.

(Whereupon, the Rules Committee recessed at 3:08 p.m.)

(Whereupon, the Rules Committee reconvened at 4:00 p.m.)

CHAIRWOMAN GONSALVES: I'm going to begin with the first item that was tabled, and that is Contract E-110. A motion to un-table, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR WALKER: Second.

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

All those in favor of un-tabling it signify by saying aye.

(Aye.)

Any opposed to un-tabling it?

(No verbal response.)

2 We'll wait a couple of minutes for
3 Minority Leader Kevan Abrahams. We just un-
4 tabled it without you. We figured we could do
5 that without you, but we couldn't do anything
6 else without you. How's that?

7 Okay. Now. Lisa, I guess you're ready.
8 We un-tabled the item, so now you tell us what
9 you found.

10 MS. LOCURTO: Okay. Thank you. I
11 provided a copy, per the request of the Minority.
12 I've also provided to the Majority a copy of the
13 complaint in the particular matter that Lewis
14 Johs is going to be handling.

15 As counsel to the Legislature as well as
16 the County, there was also an additional request
17 for a copy of the transcript of what it would be
18 termed when a notice of claim is filed, a 50-H
19 hearing, which is part of the investigatory phase
20 of the litigation when a notice of claim is filed
21 against a municipality. That deposition
22 transcript has not been translated yet. If and
23 when -- when it is translated, we will provide it
24 to the legislature. However, we will provide it
25 to the legislature under confidential and

2 privileged because it is part of an ongoing
3 lawsuit and is not something that should be
4 distributed to the public, obviously because it
5 would contain factual information that would
6 impact on our legal strategy in defending the
7 lawsuit should it materialize.

8 CHAIRWOMAN GONSALVES: You had
9 questions, Minority Leader Abrahams, regarding
10 this.

11 LEGISLATOR ABRAHAMS: Yes. What Ms.
12 Locurto just mentioned, I would think maybe
13 execute session for the time being.

14 CHAIRWOMAN GONSALVES: I'm concerned
15 about something you did say, Lisa, which I don't
16 think we want to be exposed to.

17 MS. LOCURTO: Correct. And I think it
18 would be more appropriate.

19 CHAIRWOMAN GONSALVES: And I don't want
20 it to be part of the record.

21 MS. LOCURTO: I agree.

22 CHAIRWOMAN GONSALVES: So I think we're
23 going to go inside for a few minutes.

24 MS. LOCURTO: Very good.

25 LEGISLATOR ABRAHAMS: Hold on one

second. Just one question.

Ms. Locurto, can you provide us some legal authority on why you deemed a 50H meeting, transcript to be confidential?

MS. LOCURTO: I'm sorry. Your question is you want a specific reference?

LEGISLATOR ABRAHAMS: Like, what gave you --

MS. LOCURTO: Or a statutory authority?

LEGISLATOR ABRAHAMS: Yes. Case law. What gave you -- what's given you the impression?

MS. LOCURTO: It's not something -- I believe it's not something subject to FOIL. I'd be happy to get you a specific cite to it. I don't want to speak off the top of my head.

I agree. I think this is a subject that we should discuss more fully in executive session.

CHAIRWOMAN GONSALVES: Motion to go into executive session, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Nicoletto, seconded by Legislator

Kopel.

All those in favor of going into executive session for this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Okay. We are now in executive session.

(Whereupon, the Rules Committee recessed at 4:05 p.m.)

(Whereupon, the Rules Committee reconvened at 4:21 p.m.)

CHAIRWOMAN GONSALVES: The Rules Committee is back in session.

We're going to call the vote on E-110. All those in favor of Item E-110 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

The item passes four to three.

Now to the regular Rules calendar. There are a number of items that are part of the consent calendar, I'm going to do them first.

They have all gone through prior committees.

Again, Frank, the testimony from those committees should be incorporated into the Rules Committee.

I will begin with Item 152, Item 158 -- these are all part of the consent calendar -- Item 165, Item 166, Item 167, Item 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 191, and I believe that's the end of the consent calendar.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Motion by Legislator Walker, seconded by Legislator Kopel.

(Whereupon, the following is the minutes of the May 5, 2014 Public Safety Committee meeting pertaining to Clerk Item Number 167, 168, 170, 172, 174, 175, 178, 179, 180, 181, 183, and 184-2014.)

Item 167-14 is our first item, which is an ordinance supplemental to the annual appropriations order in connection with the district attorney's office.

Do we have somebody here from the

district attorney's office?

LEGISLATOR FORD: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN DUNNE: It is moved by Denise Ford, seconded by Rose Walker.

We have a number of things for the district attorney's office. Would you mind us taking them all at the same time?

MR. MAY: That would be great.

CHAIRMAN DUNNE: Are there any objections by the Minority? Okay.

Then we will also call 168-14, which is an ordinance supplemental to the annual appropriations ordinance in connection with the district attorney's office.

Then Item 172 is a resolution authorizing the county executive to execute an amendment to a grant agreement between the County of Nassau, acting on behalf of the district attorney's office, and 100 Black Men of Long Island.

We have Item 178-14, which is an ordinance supplemental to the annual appropriations ordinance in connection with the district attorney's office.

Item 179-14, which is an ordinance supplemental to the annual appropriations ordinance in connection with the district attorney's office.

And we have 180-14, which is an ordinance supplemental to the annual appropriations ordinance in connection with the district attorney's office.

Let's see if there is anything else.

184, which is a resolution authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the district attorney's office, and MADD Long Island.

We had the motion from Denise Ford, seconded by Rose Marie Walker, that's continued on to all of these.

On the items, let's go one by one.

MR. MAY: We have Mr. Bob McManus from the district attorney's office.

CHAIRMAN DUNNE: Mr. McManus.

MR. MCMANUS: Thank you.

CHAIRMAN DUNNE: We'll go with 167 first.

MR. MCMANUS: Item 167 will allow the district attorney's office to utilize federal forfeiture funds.

The district attorney's office receives federal forfeiture funds as a result of joint investigations conducted in conjunction with federal task forces or in conjunction with a federal law enforcement agency.

CHAIRMAN DUNNE: Okay. Any questions on this item?

(No verbal response.)

Then we'll go to the next one, which was 168.

MR. MCMANUS: A civil forfeiture is a form of confiscation of assets conducted by the state. It applies to the proceeds or instrumentalities of criminal activity. The district attorney's office receives a portion of these assets; the size of the portion depends on the extent of our involvement and participation in the investigation. This item will allow us to utilize civil forfeiture funds that have been awarded.

CHAIRMAN DUNNE: Excellent. Are there

any questions from any legislators on this?

(No verbal response.)

There being none, we'll go to Item 172-14.

MR. MCMANUS: Item 172 is a grant agreement to allow the district attorney's office to rent space from 100 Black Men that houses the Counsel on Thought and Action, which is a program instituted by the district attorney's office to provide services to recently incarcerated individuals.

CHAIRMAN DUNNE: Any questions from any legislator on this?

(No verbal response.)

There being none; how about 178-14?

MR. MCMANUS: Item 178 is to appropriate civil forfeiture funds.

CHAIRMAN DUNNE: Okay. 179-14.

MR. MCMANUS: Item 179 will allow us to utilize federal forfeiture funds.

CHAIRMAN DUNNE: Excellent. 180.

MR. MCMANUS: 180 is the same as 179; it will allow us to use federal forfeiture funds awarded by the Justice Department.

CHAIRMAN DUNNE: Any questions on any of those from any of the legislators?

(No verbal response.)

There being none, we'll go over to 184.

MR. MCMANUS: Item 184 is an agreement that will permit the district attorney's office to utilize federal forfeiture funds to provide funding to Mothers Against Drunk Driving of Long Island for an awareness campaign to combat drunk driving in Nassau County.

CHAIRMAN DUNNE: Any questions from any of the legislators?

(No verbal response.)

Is there any public comment on any of these items?

(No verbal response.)

There being none; all in favor of all of these items -- let me say them again so you know what you're voting on -- Item 167-14, 168-14, 172-14, Item 178-14, 179-14, 180-14, and 184-14; all in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

2 They all pass unanimously.

3 MR. MCMANUS: Thank you.

4 CHAIRMAN DUNNE: Thank you, Mr. McManus.

5 The next item to come before us is Item
6 170-14, an ordinance supplemental to the annual
7 appropriations ordinance in connection with the
8 Fire Commission.

9 Do we have somebody from the Fire
10 Commission here?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MACKENZIE: Second.

13 CHAIRMAN DUNNE: Motion by Rose Walker,
14 seconded by Don MacKenzie.

15 Who do we have with us?

16 MR. MAY: We have John Priest from the
17 Fire Commission.

18 Mr. Chairman, could we also call Clerk
19 Item 181-14?

20 CHAIRMAN DUNNE: No problem with that
21 from the Minority? Okay.

22 181-14 is an ordinance supplemental to
23 the annual appropriation ordinance in connection
24 with the Fire Commission.

25 And I assume Rose Walker and Don

2 MacKenzie are the motion and second.

3 MR. PRIEST: Good afternoon, Mr.
4 Chairman, members. Item Number 170 is in regard
5 to a grant from the Department of Homeland
6 Security Emergency Services for hazardous
7 materials equipment used to be divided amongst
8 the hazardous materials teams of the county, both
9 on the fire service and police side, in the
10 amount of \$47,000 to improve readiness.

11 CHAIRMAN DUNNE: Any questions from any
12 legislator on that?

13 (No verbal response.)

14 Next item is 181.

15 MR. PRIEST: 181 is a grant, again, from
16 Homeland Security, this time in regard to
17 technical rescue. It's a grant in the amount of
18 just over \$147,000 to be again administered by
19 the fire marshal but split for equipment amongst
20 the technical rescue teams of the fire service.

21 CHAIRMAN DUNNE: Excellent. Any
22 question from any legislator? Legislator Dave
23 Denenberg.

24 LEGISLATOR DENENBERG: These funds, Mr.
25 Priest, they -- two questions: could they be

1 spent in any other way, do we make the decision
2 how they're spent, and how do we get these
3 grants?
4

5 MR. PRIEST: Okay. To the first
6 question, we met with the various team leaders
7 from the fire departments and on the hazmat side
8 also, our own team and the police department team
9 at the time of application to identify equipment
10 we would like to go for. That is identified in
11 the purpose of the grant when it's applied, and
12 pretty much you have to stick to that. You could
13 make minor changes, like the brand name of one
14 particular equipment to another. So that's all
15 identified out. Once the grant is accepted by
16 the county, we basically follow the wishes of the
17 groups, when it was applied, for what equipment
18 will be bought.

19 LEGISLATOR DENENBERG: Thank you.

20 CHAIRMAN DUNNE: Any other legislators?

21 (No verbal response.)

22 Is there any public comment on 170 or
23 181?

24 (No verbal response.)

25 There being none; all in favor indicate

2 by saying aye.

3 (Aye.)

4 Any against?

5 (No verbal response.)

6 It passes through to Finance.

7 The next two items we'll call together,
8 if there is no objection from Legislator Curran -
9 -

10 LEGISLATOR CURRAN: No objection.

11 CHAIRMAN DUNNE: They're both from the
12 police.

13 Item 174-14, which is an ordinance
14 amending Ordinance Number 535-1989 in relation to
15 fees for services relating to police vehicles,
16 impounded vehicles, and other towing. That's
17 174.

18 175 is an ordinance to provide for police
19 towing zones within Nassau County.

20 Motion by Legislator MacKenzie, seconded
21 by Legislator Ford.

22 Who do we have to speak on that?

23 MR. MAY: We have Detective Gregory
24 Stephanoff. I'm sorry. Sergeant Gregory

25 Stephanoff. I don't know if I promoted you or

2 demoted you there.

3 SERGEANT STEPHANOFF: Good afternoon.
4 Sergeant Greg Stephanoff from the Police
5 Department.

6 Item 174, this item proposes to increase
7 fees for towing services relating to police
8 vehicles at the police department impounds. This
9 item will allow the tow companies to charge a
10 competitive rate for their towing services and
11 storage fees that they charge when they store
12 vehicles.

13 CHAIRMAN DUNNE: It sounds fair.

14 Any questions on this item? Yes.
15 Legislator Curran.

16 LEGISLATOR CURRAN: What is the impact
17 on the budget for this?

18 SERGEANT STEPHANOFF: This doesn't
19 affect our budget. This is what the tow
20 companies are allowed to charge by contract when
21 they perform an impound for us.

22 LEGISLATOR CURRAN: So it doesn't
23 increase the money coming in to the county?

24 SERGEANT STEPHANOFF: No.

25 LEGISLATOR CURRAN: Ah. Okay. Thank

1 you.

2
3 CHAIRMAN DUNNE: Okay. Any other
4 questions?

5 (No verbal response.)

6 The next item, 175.

7 SERGEANT STEPHANOFF: 175, this is for
8 the police zones. This is for impounds also.
9 The county currently is broken up into 20 zones
10 and we call a different company for each zone
11 around the county.

12 What this item will do is it will break
13 up the Long Island Expressway to its own zone,
14 the 135 for another zone, and also the entire
15 county we're breaking up for extremely large
16 vehicles, to have a company that specializes in
17 large vehicle tows. We're doing this to make it
18 more efficient for highway to impound vehicles on
19 the LIE and the 135.

20 CHAIRMAN DUNNE: Okay. Are there any
21 questions from any of the legislators?

22 (No verbal response.)

23 Any public comment on either of these
24 items?

25 (No verbal response.)

There being none; all in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

They both move on to Finance.

The last item on our agenda is Item Number 183, it's an ordinance supplemental to the annual appropriations ordinance in connection with the Traffic Safety Board.

And who do we have from the Traffic Safety Board?

MR. MAY: Pinch hitting for the Traffic Safety Board is going to be John Butler from the Department of Public Works.

CHAIRMAN DUNNE: Did you say John Budnick?

MR. MAY: John Butler.

CHAIRMAN DUNNE: John's in the audience; I'm saying he's got a twin.

MR. BUTLER: Good afternoon. John Butler from the Department of Public Works.

CHAIRMAN DUNNE: Okay. The motion was made by Legislator Ford, seconded by Legislator

2 Walker.

3 I'm sorry. Go ahead now, John.

4 MR. BUTLER: Good afternoon. John
5 Butler, Public Works.

6 Item 183 is an item to appropriate grant
7 funding for Nassau County Stop DWI grant program.

8 CHAIRMAN DUNNE: Okay. Are there any
9 questions from any of the legislators?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 There being none; all in favor indicate
14 by saying aye.

15 (Aye.)

16 Any against?

17 (No verbal response.)

18 It passes on to Finance.

19 (Whereupon, the following is the minutes
20 of the May 5, 2014 Finance Committee meeting
21 pertaining to Clerk Item Numbers 158, 165, 166,
22 167, 168, 169, 170, 171, 172, 173, 174, 176, 177,
23 178, 179, 180, 181, 182, 183, 184, and 191-2014.)

24 Item 158-2014 -- and all references of
25 items will be to 2014. But Item 158-2014 is a

1 resolution authorizing the county executive to
2 execute a grant agreement between the County of
3 Nassau, acting on behalf of the County Department
4 of Parks, Recreation, and Museums and the Irish
5 American Society of Nassau, Suffolk and Queens.
6

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR WALKER: Second.

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

11 Any discussion?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All in favor signify by saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 The item carries unanimously.

20 Items 165, 166, 167, 168, 169, and 170.

21 165 and 166 are resolutions to authorize the
22 transfer of appropriations heretofore made within
23 the budget for the year 2014.

24 167, 168, 169, and 170 are ordinances
25 supplemental to the annual appropriations

ordinance in connection with the District Attorney's Office, the Office of Management and Budget, and the Fire Commission.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Venditto.

Any discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

Item 171-2014 is a resolution providing for the issuance of a warrant directing the treasurer of the County of Nassau to pay to the supervisors of the several towns and to the treasurers of the several villages and cities within the County of Nassau, the sums as apportioned by the County Legislature based on a report filed by the county treasurer and the

county clerk, showing deposits from mortgage taxes for the quarter beginning January 1, 2014.

LEGISLATOR DUNNE: So moved.

CHAIRMAN NICOLELLO: Moved by Legislator Dunne.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Seconded by Legislator Walker.

Any discussion on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

Item 173-2014 is a resolution authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the department of Parks, Recreation, and Museums, and the Agricultural Society of Nassau, Queens, and Suffolk Counties.

LEGISLATOR DUNNE: So moved.

2 LEGISLATOR VENDITTO: Second.

3 CHAIRMAN NICOLELLO: Moved by Legislator
4 Dunne, seconded by Legislator Venditto.

5 Any discussion?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All in favor signify by saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 That item carries unanimously.

14 Item 174-2014 is an ordinance
15 supplemental -- I'm sorry -- an ordinance
16 amending Ordinance Number 535-1989 in relation to
17 fees for services relating to police vehicles,
18 impounded vehicles, and other towing.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRMAN NICOLELLO: Moved by Legislator
22 Dunne, seconded by Legislator Walker.

23 Any discussion on this item? Legislator
24 Denenberg.

25 LEGISLATOR DENENBERG: Is there anyone

to answer?

CHAIRMAN NICOLELLO: Should we start off with Mr. May? Nope. We have Sergeant Stephanoff and Mr. May.

SERGEANT STEPHANOFF: Good afternoon. Sergeant Greg Stephanoff from the police.

LEGISLATOR DENENBERG: The fee increases here, can you explain what the increases are and why we're increasing these fees?

SERGEANT STEPHANOFF: The fee increases are -- we're increasing the towing. There's towing for passenger cars, and commercial cars are towed at a higher rate because of the size of the vehicle. We're also increasing the storage fees that the towing companies, when they store vehicles that are impounded for us.

They're being increased just so the companies can stay more competitive and cover their expenses for the services that they're providing when they impound for us.

LEGISLATOR DENENBERG: These are outside companies that are doing the impounding?

SERGEANT STEPHANOFF: Yes.

LEGISLATOR DENENBERG: So the fees will

go to these companies?

SERGEANT STEPHANOFF: Yes.

LEGISLATOR DENENBERG: So these are fees that we actually pay out?

SERGEANT STEPHANOFF: No. No. We're not paying. We pay -- we generally impound --

LEGISLATOR DENENBERG: Well don't -- go ahead. I'm sorry. Finish.

SERGEANT STEPHANOFF: We generally impound for arrests. Like certain arrests, we need to impound vehicles, or if we need to safeguard a vehicle for an investigation. If we choose to impound the vehicle for our investigation, then most times we pay the fees and then the car is released to the owner. If, subsequent to an arrest, we impound a vehicle for, let's say, DWI and the car gets released back to the person, they'll pay the impound fees.

LEGISLATOR DENENBERG: So either way the fees are going -- so either the county pays the fees or the constituent, Nassau County resident or it could be, I guess, an out-of-county resident, pays the fees directly?

SERGEANT STEPHANOFF: Yes.

LEGISLATOR DENENBERG: Okay. So by ordinance we need to establish what the rates that companies that do business with the county can charge?

SERGEANT STEPHANOFF: Yes. Because these are cars -- these are not voluntary tows. These are cars that we deemed that we're going to impound, the police department, and we contract with the companies. That will come --

LEGISLATOR DENENBERG: And if we don't raise the rates we might not be able to secure these contracts to have towing companies and impound lots available?

SERGEANT STEPHANOFF: Yes.

LEGISLATOR DENENBERG: Are these competitive with, let's say, Queens and Suffolk Counties?

SERGEANT STEPHANOFF: From the work that legal bureau did putting this together, it appears we're lower than Suffolk and New York City. We didn't go as high as they did.

LEGISLATOR DENENBERG: If the county gets the money directly from the resident or taxpayer or non-resident, for that matter, if the

2 county is getting the money directly, that's
3 because we already paid the company?

4 SERGEANT STEPHANOFF: No. It's
5 determined, when the car is released it is
6 determined who is going to pay. If the car is
7 released and it's not impounded for our purpose,
8 like an investigation, the car gets released to
9 the owner and the owner goes and picks it up
10 directly from the tow company and pays the fee.
11 We don't collect it on the tow company's behalf.

12 LEGISLATOR DENENBERG: Do the fee
13 increases affect our contracts with tow companies
14 or it just move forward at this point?

15 SERGEANT STEPHANOFF: It's going to move
16 forward. The next time it's rebid, the zones
17 will be rebid.

18 LEGISLATOR DENENBERG: I know Mr.
19 Chalmers is in the audience. I don't know if you
20 could answer this. Maybe just get back to this
21 committee what the overall effect of these fee
22 increases are, in terms of how much more revenue
23 it brings in. I'm assuming, though, indeed, it's
24 revenue neutral to the county, right? It's not
25 going to -- I'm trying to find out if this would

1 end up costing the county money or bring in
2 revenue to the county. Since it's outside tow
3 company or impound lots, I would assume that it
4 certainly doesn't bring in any more revenue to
5 the county. I'm just concerned that it could
6 cost us revenue. If someone doesn't pay, are we
7 still liable then to the impound lot or the tow
8 company.
9

10 MR. CHALMERS: I don't believe we are.
11 The revenue here is -- actually, the only revenue
12 we collect is from the franchise fee from the tow
13 truck companies. The revenues that are collected
14 are collected directly by the outside vendor.
15 And this here, from what I understand, is
16 allowing them to charge different fees. The
17 county doesn't collect any of those fees.

18 LEGISLATOR DENENBERG: So it's revenue
19 neutral to the county.

20 MR. CHALMERS: Correct.

21 LEGISLATOR DENENBERG: And it won't cost
22 us more?

23 MR. CHALMERS: What the police
24 department hopes to do is by letting the company
25 charge a higher fee, they are hoping that they

2 get more competition from the tow truck companies
3 and then maybe they could collect a couple more
4 dollars from the franchise fees.

5 LEGISLATOR DENENBERG: Okay. And in
6 each event, meaning in each fee, we're at or
7 lower than what it would be in Suffolk or Queens?

8 SERGEANT STEPHANOFF: From the legal
9 bureau analysis, when they put this together, New
10 York City was charging more for the tows and
11 Suffolk County was charging a little bit more for
12 the tows than we are. We didn't go higher than
13 they did.

14 LEGISLATOR DENENBERG: But we would
15 still be able to get competitive bidding?

16 SERGEANT STEPHANOFF: Yeah. They
17 determined that these were competitive rates to
18 cover the tow company's expenses, so we could get
19 good companies in to perform a service for us for
20 our impounds.

21 LEGISLATOR DENENBERG: Thank you very
22 much.

23 SERGEANT STEPHANOFF: Thank you.

24 CHAIRMAN NICOLELLO: Legislator Walker.

25 LEGISLATOR WALKER: Just to clarify for

1 myself. The only time the county would ever have
2 to pay the fee, say, we kept the car that maybe
3 was involved in an investigation or something
4 and, therefore, we couldn't give it back to the
5 person who owned the car, so then we would be
6 responsible for that. If that person -- I'm
7 going to say, say a stolen vehicle and it was in
8 an accident or whatever the case, and we had to
9 keep that vehicle for a period of time.

11 SERGEANT STEPHANOFF: Yeah. If we need
12 the car for evidence for a case, like we're
13 involved in a case and the car would be evidence
14 so we're safeguarding it for change of evidence
15 and so that it upholds in court, that's when we
16 pay.

17 I looked up last year, in 2013 we paid
18 under I believe it was under \$50,000 for all of
19 our impounds that we kept vehicles for evidence.
20 It wasn't a large amount of money.

21 LEGISLATOR WALKER: Right. And every
22 other one is the responsibility of the person
23 who, you know, had their car impounded.

24 SERGEANT STEPHANOFF: Yes.

25 LEGISLATOR WALKER: Okay. Thank you.

CHAIRMAN NICOLELLO: Legislator
Birnbaum.

LEGISLATOR BIRNBAUM: The first part of
this, the oil change, lubrication, and
transmission services, are those for the police
cars?

SERGEANT STEPHANOFF: I think they might
be. I --

LEGISLATOR BIRNBAUM: Is it two separate
things?

SERGEANT STEPHANOFF: haven't seen. I
think it's in the ordinance, because we can use
that. We generally do our repairs at fleet.

LEGISLATOR BIRNBAUM: That's what I
would think.

SERGEANT STEPHANOFF: There might be an
instance where we had a car or we had to do a
brake test and something had to be done
mechanically to the car maybe just to get it to
do a brake test or if we need to use somebody for
oil service, it's in the ordinance. I think it's
always been in the ordinance. But we have a
fleet service that does fully service our cars.

LEGISLATOR BIRNBAUM: I don't know if

2 you know this or Mr. May. When was the last time
3 the fees were raised?

4 LEGISLATOR DENENBERG: It says 1-77-09,
5 right?

6 LEGISLATOR BIRNBAUM: '09?

7 SERGEANT STEPHANOFF: Yeah.

8 LEGISLATOR BIRNBAUM: Okay.

9 CHAIRMAN NICOLELLO: Thank you. Thank
10 you, Sergeant.

11 SERGEANT STEPHANOFF: Thank you.

12 CHAIRMAN NICOLELLO: Any other
13 questions?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All in favor signify by saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Item carries unanimously.

22 Items 176 and 177 are resolutions to
23 authorize the transfer of appropriations
24 heretofore made within the budget for the year
25 2014.

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR WALKER: Second.

4 CHAIRMAN NICOLELLO: Moved by Legislator
5 Dunne, seconded by Legislator Walker.

6 Any discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All in favor signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Those two items carry unanimously.

15 Items 178, 179, 180, 181, 182, and 183

16 are all ordinances supplemental to the annual

17 appropriation ordinance in connection with the

18 District Attorney's Office, Fire Commission,

19 Health Department, and Traffic Safety Board.

20 LEGISLATOR VENDITTO: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRMAN NICOLELLO: Moved by Legislator
23 Venditto, seconded by Legislator Walker.

24 Any discussion?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All in favor signify by saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 Those items carry unanimously.

9 Item 184-2014, a resolution authorizing
10 the county executive to execute a grant agreement
11 between the County of Nassau, acting on behalf of
12 the district attorney's office, and MADD-Long
13 Island.

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR DUNNE: Second.

16 CHAIRMAN NICOLELLO: Moved by Legislator
17 Walker, seconded by Legislator Dunne.

18 Any discussion on this item?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All in favor signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

That item carries unanimously.

Last item for today is 191, which is a resolution to authorize the transfer of appropriations heretofore made within the budget for the year 2013.

LEGISLATOR VENDITTO: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Venditto, seconded by Legislator Walker.

Do we have any discussion on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

(Whereupon, the following is the minutes of the May 5, 2014 Government Services Committee meeting pertaining to Clerk Item 152-14.)

We have one item, which is Clerk Item Number 152-14, which is a proposed local law to amend the County Charter and Administrative Code

in relation to harmonizing purchasing procedures with applicable state laws and practices.

Motion, please?

LEGISLATOR FORD: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN KOPEL: Motion by Legislator Ford, seconded by Legislator Walker.

MR. MAY: And we have Mr. Mike Schlernoff from Purchasing and Deputy County Attorney Kevin Walsh.

MR. WALSH: Good afternoon, Legislators. This is a local law amending certain provisions of the Charter and actually adding some purchasing related provisions in the Administrative Code to the Charter to basically make it more compliant with changes in the state law; predominantly, first of all, to adopt a standard, an alternative way of bidding, awarding contracts in addition to competitive lowest price bid by awarding by best value. As part of your package you have a copy of the state comptroller guidance.

In addition to that change, there are certain things that Mike could speak more to,

2 where we are raising certain of the monetary
3 thresholds for some of the smaller contracts to
4 basically make some of the purchasing processes
5 more efficient.

6 CHAIRMAN KOPEL: Okay.

7 MR. SCHLERNOFF: Michael Schlernoff,
8 Purchasing Department.

9 The thresholds have not been addressed
10 since the legislature was formed in 1996. We are
11 out of step with Suffolk County, with Westchester
12 County, with Nassau Community College. If we
13 want to utilize any of their contracts, we could
14 not under the piggybacking section of the law,
15 because our thresholds do not match their
16 thresholds.

17 What we want to do is raise the sealed
18 bid threshold from \$10,000 to \$20,000 and the
19 non-competitive bidding threshold from \$500 to
20 \$2500.

21 CHAIRMAN KOPEL: Thank you.

22 Any questions from legislators?
23 Legislator Denenberg.

24 LEGISLATOR DENENBERG: With respect to
25 using the best value standard as opposed to the

1 lowest responsible bidder, first explain how
2 often you anticipate using the best value as
3 opposed to the lowest responsive bidder.
4

5 MR. SCHLERNOFF: I have no idea how
6 often I would use it. We tend to use the lowest
7 responsible bidder. It's another tool that's
8 available to us. It depends upon certain things
9 outside of pricing. So that's the only real way
10 I can answer that.

11 We would have to look at each individual
12 procurement separately to determine what is in
13 the best interest of the county.

14 LEGISLATOR DENENBERG: So the lowest
15 responsive bidder standard, although any standard
16 or objective standard could be frustrating at
17 times, was pretty objective. This best value
18 standard, clearly just looking at it, would be
19 subject to a little more subjectivity, if you
20 will, as opposed to objective.

21 MR. SCHLERNOFF: Correct.

22 LEGISLATOR DENENBERG: And you're saying
23 -- how do we make sure that subjectivity is used
24 to get the county more favorable terms on a
25 contract rather than just losing an objective

2 standard to prevent - to prevent an insider from
3 getting a contract, so to say.

4 MR. SCHLERNOFF: Well, each individual
5 procurement would be addressed separately, that's
6 number one. Number two, it would give us the
7 ability to look at what is in the best interest
8 of the county. You have asked me, other members
9 of the legislature have asked me how we can do
10 more local procurement, and the direct awards is
11 possibly a way of doing that.

12 LEGISLATOR DENENBERG: I guess -- not I
13 guess. One answer you could have said to me that
14 you didn't say is that ultimately the
15 ratification of the contract would still come to
16 the legislature.

17 MR. SCHLERNOFF: If it exceeds 100,000.

18 LEGISLATOR DENENBERG: 100,000?

19 MR. SCHLERNOFF: Yes. Under the --

20 LEGISLATOR DENENBERG: You're right. If
21 it's a personal service contract --

22 MR. SCHLERNOFF: It's 25 --

23 LEGISLATOR DENENBERG: but that's not a
24 bid contract --

25 MR. SCHLERNOFF: A regular procurement

is 100,000.

LEGISLATOR DENENBERG: anyway. Right. You're right.

I like that the green -- am I correct that the green procurement provisions that we moved and established back in I think it was '07, might have been '08, is now being elevated to Charter status?

MR. SCHLERNOFF: Yes.

LEGISLATOR DENENBERG: So having --

MR. SCHLERNOFF: So that, of course, would be one of the criterion of best value.

LEGISLATOR DENENBERG: I think at the time this body was ahead of the curve, in terms of green laws. And I like that we put in the green procurement practice, and I like that it's now a Charter status.

I guess my -- there's really no answer. This is more a less objective standard that could be used at times, and you're saying that it just would allow us to do more flexibility, maybe get more local contractors, and at the same time might be able to get the county a better term as well?

MR. SCHLERNOFF: Correct.

LEGISLATOR DENENBERG: How could it get the county better terms without it being the lowest responsive bid, though?

MR. SCHLERNOFF: Again, every contract is different. I can't really state, unless we would look at the contract. If somebody, for example, would agree to do one particular service which would include a subservice and the other -- and the lowest responsive bidder does not provide the subservice and the subservice is important to the county, then that gives me the ability to have the award made to that other vendor who provides that additional service.

LEGISLATOR DENENBERG: Okay. I have nothing further.

CHAIRMAN KOPEL: Any other legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of moving this item please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

(Whereupon, the following is the continuation of the May 5, 2014 Rules Committee meeting.)

CHAIRWOMAN GONSALVES: I don't know if there are any additional questions from the legislators or from the public.

(No verbal response.)

There being none; all those in favor of those items that were called signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

Now for those items that were for Rules only.

We have Clerk Item 17, a resolution authorizing the county executive to execute an amendment to enter into an inter-municipal agreement with the Town of North Hempstead.

Motion, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

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

Any questions or comments from the
legislators regarding this amendment?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 17 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Next item is Item 18, an IMA with the
Town -- an inter-municipal agreement with the
Town of North Hempstead in relation to a project
to undertake storm water quality improvements.

Motion, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Kopel, seconded by Legislator

Nicolello.

Any questions or comments regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Item 18 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 60, a resolution to confirm the county executive's appointment of Robert P. Malloy to the Nassau County Traffic Safety Board.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

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

Any questions or comments regarding Item 60?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 60 --

LEGISLATOR ABRAHAMS: Oh, I want to go
on the record.

CHAIRWOMAN GONSALVES: I'm sorry.

LEGISLATOR ABRAHAMS: Yes. I just want
to note for the record that obviously we do have
some concerns, maybe not with the individuals
directly. Legislator Jacobs, who could not be
here today, has had some high profiled accidents
in her legislative district, in the Roslyn
community, where they have been tragic and life
has been lost. We're concerned and want to make
sure that we get people on the Traffic Safety
Board that have the comprehensive background and
experience and are able to discuss these
challenges that the county faces.

We're going to tee it up today, but we do
have some very extensive questions. We're going
to request, if possible, the two nominees for
this board, if they can come before us in a
couple of weeks. We come back on the 19th.

CHAIRWOMAN GONSALVES: We usually have

them here, Kevan.

LEGISLATOR ABRAHAMS: If that's possible. I just want to make that formal request.

CHAIRWOMAN GONSALVES: We'll ask them to be here.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: You're welcome.

Any public comment?

(No verbal response.)

There being none; all those in favor of Item 60 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 95, a resolution to appoint the county executive appointment of Erin King Sweeney to the Nassau County Traffic Safety Board.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator

Nicolello.

Any questions or comments regarding this?

LEGISLATOR ABRAHAMS: I'm sorry, Norma.

CHAIRWOMAN GONSALVES: Okay. That's all right. The same thing.

LEGISLATOR ABRAHAMS: Yes. The same thing applies.

CHAIRWOMAN GONSALVES: Yes. I heard you.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: Any public comment regarding this?

(No verbal response.)

All those in favor of Item 95 -- and, by the way, Greg, you make sure that these two appointees will be here on the 19th.

MR. MAY: Absolutely.

CHAIRWOMAN GONSALVES: Okay. Thank you.

All those in favor of Item 95 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

2 Here is something that I think everybody
3 loves.

4 Item 149, a local law establishing an
5 animal abuse registry and requiring local Nassau
6 County residents convicted of an animal abuse
7 crime to register therewith.

8 Motion, please?

9 LEGISLATOR WALKER: So moved.

10 CHAIRWOMAN GONSALVES: All right. And a
11 second on this?

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Nicolello. Okay.

14 I have to say that this is an issue that
15 is of bipartisan support, and there probably are
16 questions or concerns that may not be included
17 here today. However, there is always room to
18 amend the local law, and so I want you to
19 consider that. But I think we all want to see an
20 animal abuse registry here in Nassau County, and
21 make sure that those who are on that list never
22 have the opportunity to house an animal. That's
23 my point of view.

24 If anyone on the Minority caucus would
25 like to make a comment, as I said, this is not

the end of it.

LEGISLATOR ABRAHAMS: No. No. I think, as per our counsel, we're going to continue to have our counsels work together --

CHAIRWOMAN GONSALVES: Absolutely.

LEGISLATOR ABRAHAMS: and try to make sure that we can come to some type of compromise.

CHAIRWOMAN GONSALVES: Yes.

LEGISLATOR ABRAHAMS: We look forward to that.

CHAIRWOMAN GONSALVES: This is something we really need to do.

LEGISLATOR ABRAHAMS: I agree.

CHAIRWOMAN GONSALVES: And if anybody ever saw Miss Harper, the dog that came here from ASPCA, that was a sad state of affairs. Never again should that dog be returned to an abusive owner.

Any public comment regarding the animal abuse registry?

(No verbal response.)

There being none; all those in favor of Item 149 signify by saying aye.

(Aye.)

2 Any opposed?

3 (No verbal response.)

4 The item passes unanimously.

5 And we have Item 153, a resolution
6 reappointing Leonard H. Shapiro to the Planning
7 Commission on the recommendation of County
8 Executive Mangano pursuant to Section 1601 of the
9 County Charter.

10 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 Any questions or comments from the
17 legislators?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 There being none; all those in favor of
22 153 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 The item passes unanimously.

2 The next item is Item 154, a resolution
3 to confirm the county executive's reappointment
4 of Dr. Abby Greenberg to the Board of Health
5 pursuant to Section 902 of the County Charter.

6 Motion, please?

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR KOPEL: Second.

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

11 Any comments or questions from the
12 Minority?

13 (No verbal response.)

14 Any comments from my colleagues in the
15 Majority?

16 (No verbal response.)

17 I want you to know that Dr. Greenberg has
18 been with the county for many, many years. She
19 is quite, quite a lady and I think she knows the
20 Department of Health inside and out. I think she
21 would be a very worthy reappointment to the Board
22 of Health.

23 Any comment from the public?

24 (No verbal response.)

There being none; all those in favor of 154 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

That item passes unanimously.

Item 156, a resolution to accept a gift offered by a donor to the Nassau County Police Department.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

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

Who wants to talk about the gift? Okay. The Sergeant is here. Come forward, Sergeant.

SERGEANT STEPHANOFF: Good afternoon. Sergeant Greg Stephanoff.

Item 156 is a gift of \$225 from the police department foundation, and it's going to fund breakfast and lunch, as part of the youth academy program that we run in the academy.

CHAIRWOMAN GONSALVES: Okay. Sounds

good.

Any comments?

(No verbal response.)

Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 156 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 157, a resolution authorizing the
county executive to execute an inter-municipal
agreement, an IMA, with the City of Long Beach in
relation to continuing operation of transit bus
service.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by

Legislator Walker, seconded by Legislator
Nicolello.

Any questions or comments from the
legislators?

(No verbal response.)

Any public comments?

(No verbal response.)

There being none; all those in favor of
Item 157 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 159, another inter-municipal
agreement between the County of Nassau and the
Town of Hempstead in relation to a project to
share in the cost of drainage improvements on
Browsers Point Branch Road.

Motion, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

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

Any questions or comments regarding this
item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 159 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

We have 161, a local law to harmonize the
financial disclosure provisions of the
Administrative Code with the County Code of
Ethics.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

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

Any questions or comments regarding this
item? Okay.

LEGISLATOR ABRAHAMS: Mr. May is here.

MR. MAY: Always.

LEGISLATOR ABRAHAMS: If you could
explain this measure, quickly, Mr. May.

MR. MAY: Yes. I have Ms. Lisa Locurto from the County Attorney's office to explain the item.

MS. LOCURTO: Good afternoon, Legislator. What's your question?

LEGISLATOR ABRAHAMS: If you could just give us a quick synopsis of this particular item.

MS. LOCURTO: Sure. The purpose of the local law to make a series of changes to the financial disclosure provisions of the Administrative Code. Essentially, it's to harmonize them with the Charter's Code of Ethics.

There are three things the local law is going to focus on. One, it's going to task the board of ethics with filing a list of all of the positions that are required to file a financial disclosure statement by February 15 of each year. The second thing the local law does is it changes the point at which a candidate for elective office must file their disclosure statement. Currently, they have 14 days from their -- I'm sorry -- they had seven days. The new legislation will give them 14 days after their nomination to designation to file their financial

1 disclosure. The third thing that the local law
2 does is it provides that the financial disclosure
3 forms must be filed by May 15 of each year, and
4 it clarifies the responsibilities and duties of
5 the board of ethics with respect to freedom of
6 information requests, particularly also with
7 advisory counsel opinions as well.
8

9 The remaining changes to the local law
10 are somewhat linguistic, stylistic, for lack of a
11 better word, cosmetic. It removes, for example,
12 all of the references from the board of
13 supervisors to the county legislature.

14 Finally, the local law also sets forth a
15 special schedule for financial disclosure for the
16 year -- for this current year. The schedule
17 provides that the board of ethics will list --
18 shall file a list of policy making positions
19 required to file disclosure within 30 days, and
20 financial disclosure statements must be filed
21 within 120 days of the effective date. Also, it
22 sets forth a schedule for candidates for elective
23 office, when their financial statements will be
24 filed. Again, it will be within 14 days of their
25 nomination.

That's a summary of what the local law does.

LEGISLATOR ABRAHAMS: Ms. Locurto, we appreciate the direction you're going in. Obviously, we're going to use the next two weeks to review this a little bit more. But we do have some things that we would like to see, if it's possible, to be incorporated as well. One of the biggest substantive changes, the removal of the filing requirement for the department heads, their deputies, and their assistants. I don't know if you have any comment on any of that. But that's something that we would like to see incorporated back in --

MS. LOCURTO: Okay.

LEGISLATOR ABRAHAMS: to this particular bill.

And then, obviously, why wouldn't we use the dates that have been used for the last ten years? And has this been effective January 1, 2015 -- or will this be effective January 1, 2015.

MS. LOCURTO: I believe the local law is to take effect immediately; first, to answer that

question. Why are we -- and to answer your question with regard to the timetable, I think the purpose of the local law is the timetable. There is not a harmonization or -- it wasn't in synch, the timetable, between what the code of ethics had and what the board of ethics was supposed to promulgate and when the legislature was to approve it, as the law originally was under the old board of supervisors, then the new legislature came into being. So I think that's why this law is being proposed: one is to set out a clear timeline and to harmonize the different sections which had different times when the list was supposed to be prepared by the board of ethics, when was it supposed to be approved by the now legislature, formerly the board of supervisors. So I think that's why it looks like are we changing the timeline. I don't think we're necessarily changing the timeline; I think we're just clarify what the proper timeline should be and what everybody's understanding of what it should be.

LEGISLATOR ABRAHAMS: Obviously, one of the bigger necessary things would be tied into

2 the list of titles. Some of them outlined
3 commissioner of accounts, which I believe is no
4 longer a title in the county.

5 MS. LOCURTO: Correct. Some of the
6 titles, and that was another thing, we picked up
7 in cleaning up the law, so to speak, was there
8 are many titles that are defunct now, so we've
9 tried to capture as many titles as possible, that
10 either are in existence now and are applicable.

11 LEGISLATOR ABRAHAMS: Counsel has
12 advised me that there are still some that today
13 are still an issue in the current bill.

14 MS. LOCURTO: I will -- if you could
15 identify which they are. And as you said, in the
16 next two weeks we will definitely clarify and
17 answer those questions.

18 LEGISLATOR ABRAHAMS: Okay.

19 MR. MAY: I just wanted to point out, we
20 probably will need changes in the next week or
21 so. I think the filing deadline, for seven days,
22 any changes, I believe is Monday.

23 LEGISLATOR ABRAHAMS: Okay.

24 MR. MAY: Two weeks from now we can't
25 make any changes.

2 LEGISLATOR ABRAHAMS: Okay.

3 CHAIRWOMAN GONSALVES: Thank you very
4 much for that information.

5 Any other questions or comments regarding
6 this item?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 There being none; all those in favor of
11 Item 161 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 I'm sorry, Sergeant. I could have called
17 the other two as well when you were up here.

18 I have 162 and 163, both donors to the
19 Nassau County Police Department.

20 Motion, please?

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Walker, seconded by Legislator
25 Nicolello.

2 Tell us about it.

3 SERGEANT STEPHANOFF: Item 162 is
4 similar to 156. It's a donation of \$250 for
5 another session of the police youth academy for
6 meals for the kids.

7 CHAIRWOMAN GONSALVES: Any questions of
8 the Sergeant?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 There being none; all those in favor of
13 Items 162 and 163 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The items pass unanimously.

18 We have two more items, I believe. We
19 have -- thank you, Sergeant.

20 We have Item 188, which is a resolution
21 establishing a standard work day for elected and
22 appointed officials other than those covered by a
23 collective bargaining agreement, pursuant to
24 which a standard work day has been established.

25 Motion, please?

2 LEGISLATOR WALKER: So moved

3 LEGISLATOR KOPEL: Second.

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

6 Do you want to talk to us about this?

7 MR. MAY: No. I want Lisa Locurto to
8 talk to you about it.

9 CHAIRWOMAN GONSALVES: Okay.

10 MS. LOCURTO: I'm sure you're sick of
11 the sound of my voice.

12 CHAIRWOMAN GONSALVES: No, I'm not.

13 MS. LOCURTO: This is legislation that
14 comes from the state that requires us to
15 establish the standard work day. Every year we
16 present this to the legislature. Unfortunately
17 my colleague, David Tauster, Deputy County
18 Attorney Tauster usually presents on it but he
19 wasn't available today, so I'm just presenting on
20 it.

21 Again, this is something that the state
22 requires us to do locally to establish a standard
23 work day, and that's what this law does.

24 CHAIRWOMAN GONSALVES: Any questions of
25 Ms. Locurto regarding this item?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 We may have to amend it primarily because
6 the name of the legislator, Laura Curran, is
7 reflects her maiden name. We probably are going
8 to have to amend it when we bring it back up
9 during the Full Leg.

10 Other than that, any other comments or
11 questions?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 There being none; all those in favor of
16 188 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 Item 189, a resolution authorizing the
22 county executive to execute an IMA, inter-
23 municipal agreement, with the Baldwin Fire
24 Department or Fire District in relation to a
25 project to procure watercraft for emergency

response.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

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

Any questions or comments or concerns
regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 189 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Guess what? The Rules Committee is now
taking a motion to adjourn. And I believe
Legislator Kopel has just done it, and seconded
by Legislator Walker.

All those in favor of adjourning signify
by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The Rules Committee is now adjourned.

6 (Whereupon, the Rules Committee adjourned

7 at 4:46 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 _____ day of _____, 2014.

FRANK GRAY