

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,  
CHAIRWOMAN

1550 Franklin Avenue  
Mineola, New York

January 25, 2016  
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REGAL REPORTING SERVICES  
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A P P E A R A N C E S:

NORMA GONSALVES  
Chairwoman

RICHARD NICOLELLO  
Vice Chairman

DENNIS DUNNE

HOWARD KOPEL

KEVAN ABRAHAMS  
Ranking

JUDY JACOBS

CARRIE SOLAGES

WILLIAM J. MULLER, III, Clerk

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2 CHAIRWOMAN GONSLAVES: Mr. Muller, would  
3 you please call the roll?

4 CLERK MULLER: Legislator Solages?

5 LEGISLATOR SOLAGES: Here.

6 CLERK MULLER: Legislator Jacobs?

7 LEGISLATOR JACOBS: Here.

8 CLERK MULLER: Ranking Member Abrahams?

9 He's here.

10 CLERK MULLER: Legislator Kopel?

11 LEGISLATOR KOPEL: Here.

12 CLERK MULLER: Legislator Dunne?

13 LEGISLATOR DUNNE: Here.

14 CLERK MULLER: Vice Chairman Nicoletto?

15 LEGISLATOR NICOLELLO: Here.

16 CLERK MULLER: Chairwoman Gonsalves?

17 CHAIRWOMAN GONSALVES: Present.

18 CLERK MULLER: We have a quorum.

19 CHAIRWOMAN GONSLAVES: Okay. We have a  
20 few contracts. I'm going to go through them as  
21 quickly as can be. I'll begin with Clerk Item B-  
22 2, a resolution authorizing the county executive  
23 to award and execute a contract between the

County of Nassau acting on behalf of the Nassau County Department of Public Works and Philip Ross Industries.

Motion, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR DUNNE: Second.

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

And we have Mr. Arnold here.

MR. ARNOLD: B-2-16 is a construction contract, which is Phase 6 of our pump station hardening initiative. These are for pump stations in the Oceanside area. Philip Ross was the lowest responsible bidder.

CHAIRWOMAN GONSALVES: Any questions?

LEGISLATOR ABRAHAMS: Just a comment and it's not directed at Mr. Arnold. I'm sure what he's saying is truth worthy.

As we have said before and will continue to say again, the lack of a procurement process in this county, I truly believe should preclude every legislator from voting in good conscientious on any of the rules contracts that are before us. We're going to continue to ask

the county executive to have a process that all could come to an agreement on, which would basically add more transparency to the procurement process here in Nassau County. Until that day happens, we will continue to abstain from all contracts that do not have some level of confidence, whether it's done through a different office or it's done in a manner with being a sole source or something where the RFP process cannot be tainted.

Thank you.

CHAIRWOMAN GONSALVES: Any public comment regarding this item?

(No verbal response.)

There being none; all those in favor of B-2 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Any abstentions?

(Abstain.)

So it's 4-0-3.

The next group are personal services agreements between the County of Nassau. The

2 first one, which is E-6 is an agreement between  
3 the County of Nassau and Nassau Health Care  
4 Corporation.

5 Motion, please?

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR KOPEL: Second.

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

10 MS. LAURAIN: Good afternoon. Mary  
11 Ellen Laurain, Department of Health.

12 Item E-6-16 is an amendment to a contract  
13 with Nassau Health Care Corporation in the amount  
14 of \$3,750,000. This is for the mandated public  
15 health services, pursuant to New York State  
16 Public Health Law.

17 This contract continues the county's  
18 current payments to the Health Care Corporation  
19 at a cost of five million annually.

20 CHAIRWOMAN GONSALVES: Questions or  
21 comments?

22 LEGISLATOR ABRAHAMS: If I may.

23 CHAIRWOMAN GONSALVES: Go ahead,  
24 Minority Leader.

25 LEGISLATOR ABRAHAMS: This wouldn't

appear to be something that would go through an RFP. It looks like something that was amending a previous contract.

MS. LAURAIN: Yeah. Nassau Health Care Corporation is the preferred vendor.

LEGISLATOR ABRAHAMS: Preferred vendor. Are they the only vendor or the preferred vendor?

MS. LAURAIN: They are the preferred. In 1999, the hospital became a public benefit corporation -

LEGISLATOR ABRAHAMS: I'm aware.

MS. LAURAIN: And pursuant to that, the health centers, which are run by the Health Department, went under the public benefit corporation and with that mandated clinical services such as tuberculosis, HIV, STD, and a few other services went under that public benefit corporation. But because they are mandated public health services, the Health Department must pay for them.

LEGISLATOR ABRAHAMS: That I'm aware of. But has the Health Department ever decided to seek someone else other than the Nassau Health Care Corporation?



MS. LAURAIN: I don't believe we are permitted to do that because the Health Care Corporation and the hospital is a preferred vendor. I believe that's in the Charter or somewhere in the county it's stated that.

LEGISLATOR ABRAHAMS: When the Health Care Corporation was created.

MS. LAURAIN: Yes. I believe that's when it occurred.

LEGISLATOR ABRAHAMS: I see.

MS. LAURAIN: And we've been providing this since 1999.

LEGISLATOR ABRAHAMS: I'm aware.

CHAIRWOMAN GONSALVES: Any other questions or comments?

LEGISLATOR ABRAHAMS: I'm sorry. One last question.

CHAIRWOMAN GONSALVES: Yes.

LEGISLATOR ABRAHAMS: I'm sorry. I apologize, Presiding Officer.

Counsel just reminded me that this is a contract that expired in, it looks like, September 9, 2015. Why would this legislature take up a contract that's already expired?

2 MS. LAURAIN: It expired - so, from 1999  
3 to 2007 and then 2007 to December 2014. We began  
4 -- so there were two amendments in 2015, the  
5 first one you heard November 15, you passed that,  
6 and that began in December of 2014; there were  
7 some delays in the processing at the hospital and  
8 they signed it in April. It then went back to  
9 the county and there were some coding problems  
10 and it was sent back and the disclosure form  
11 delayed it even further.

12 LEGISLATOR ABRAHAMS: So services have  
13 already been rendered.

14 MS. LAURAIN: Services have been  
15 rendered because they are mandated by Public  
16 Health Law and we require. We have not paid  
17 them.

18 LEGISLATOR ABRAHAMS: I'm not implying  
19 they should stop. But what this legislative body  
20 or this committee is being treated is is kind of  
21 a fait de complete. It's already been done so we  
22 might as well pay for it. Am I understanding  
23 this correctly?

24 MS. LAURAIN: We are mandated by Public  
25 Health Law to provide these services. We cannot

let people have TB and -

LEGISLATOR ABRAHAMS: That's not the point. The point is this legislature is demanding that this come to us in a timely manner. This should come to us before that happens.

MS. LAURAIN: I do agree with you that it should. Unfortunately, there were delays in the process and there were new forms --

LEGISLATOR ABRAHAMS: But you just described the process in which there are delays all the time.

MS. LAURAIN: I didn't -

LEGISLATOR ABRAHAMS: You said that we voted for this late.

MS. LAURAIN: Because there were two parts to the five million agreement. We were going to do it in quarterly installments. We didn't feel that was necessary. This contract could not proceed until the first amendment was approved, and that was the amendment that was delayed. This contract that you're seeing didn't start until December '15 because the first amendment was delayed. Once this is approved, we

will start the full year of 2016.

LEGISLATOR ABRAHAMS: I understand your points. Again, I'm very uncomfortable with voting for a contract that's expired. All these services are extremely important. I just would like to think the Health Department would treat it with the same importance by getting it to this legislative body in a timely manner.

MS. LAURAIN: We absolutely had all intentions. We began the process over a year ago. Unfortunately, as I said, there were delays in processing some of the papers and new forms were needed, such as the disclosure form, so it delayed the process.

LEGISLATOR ABRAHAMS: The disclosure form that the county executive has implemented.

MS. LAURAIN: That was, I believe, in June.

LEGISLATOR ABRAHAMS: That form created -

MS. LAURAIN: I believe in June.

LEGISLATOR ABRAHAMS: That one form created the discrepancy of -

MS. LAURAIN: No. There was an initial

2 delay of a few months. There were many changes  
3 going on in health care and state and federal  
4 reimbursement. I could tell you though that this  
5 must be provided and would jeopardize our state  
6 aid package, which is millions of dollars.

7 LEGISLATOR ABRAHAMS: Okay. Thank you.

8 CHAIRWOMAN GONSALVES: Any other  
9 comments or questions?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 There being none; all those in favor of  
14 E-6-16 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (Nay.)

18 Any abstentions?

19 (No verbal response.)

20 It's six to one.

21 E-10, a resolution authorizing the county  
22 executive to execute an amendment to a personal  
23 services agreement between the County of Nassau,  
24 acting on behalf of the Nassau County Department  
25 of Health and Sivic Solutions Group, LLC.

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

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

Item E-10-16 is an amendment to a contact  
with Sivic Solutions Group in the amount of  
\$23,111. We are required to do this. This is  
for Medicaid reimbursement for preschool special  
education services. The contractor identifies  
Medicaid eligible children.

CHAIRWOMAN GONSALVES: Any questions or  
comments for Mary Ellen Laurain? Legislator  
Jacobs.

LEGISLATOR JACOBS: Mary Ellen, I just  
want to ask you a question. I hope I'm in the  
right place. This is E-10, right?

MS. LAURAIN: Yes.

LEGISLATOR JACOBS: I'm sorry. I was  
looking at the wrong thing. I apologize.

CHAIRWOMAN GONSALVES: Any public  
comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

LEGISLATOR JACOBS: A question.

Considering that this is a commission-based  
compensation, did the contractor increase  
Medicaid reimbursement for Nassau County also?

MS. LAURAIN: No. The contractor  
determined more children who are eligible.  
That's the reason why the amendment.

LEGISLATOR JACOBS: Okay. Good answer.

MS. LAURAIN: I think this is the third  
amendment. It's not uncommon. It's very labor  
intensive. As they collect information and  
services -

LEGISLATOR JACOBS: Special needs.

MS. LAURAIN: Yes. Pre-school.

LEGISLATOR JACOBS: Thank you.

CHAIRWOMAN GONSALVES: Any public  
comment?

LEGISLATOR ABRAHAMS: I'm sorry. Can

2 you hold on a second?

3 CHAIRWOMAN GONSALVES: I did ask if  
4 there was any public comment.

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

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 (5-0-2)

11 Thank you, Mary Ellen.

12 The next contract is E-7, a personal  
13 services agreement, acting on behalf of the  
14 Nassau County Police Department and Safe Center.

15 I'm going to see if there is another one  
16 for the police department so I can put them  
17 together here.

18 Okay, Lieutenant. I got that right,  
19 right?

20 LIEUTENANT STEPHANOFF: Yes, thank you.

21 CHAIRWOMAN GONSALVES: E-7, what can you  
22 tell us?

23 LIEUTENANT STEPHANOFF: E-7 is a  
24 personal services agreement between Safe Center  
25 and the Nassau County Police Department. Safe



Center is formerly known as the Nassau County Coalition against Domestic Violence. They are going to offer support services with regard to domestic violence, sexual abuse, and child abuse.

The contractor will assist the department in its goal of the prevention of abuse by providing a 24-helpline to access information, development and dissemination of education materials, outreach, and counseling, and referrals.

CHAIRWOMAN GONSALVES: I don't believe I took a motion.

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR DUNNE: Second.

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

You already gave us your description of the item.

Any comments or questions from the legislators regarding Safe Center and the Police Department?

(No verbal response.)

Any public comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

Any abstentions?

(No verbal response.)

Okay.

E-8, a personal services agreement  
between the county district attorney and EAC Inc.  
Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

Who do we have here?

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

CHAIRWOMAN GONSALVES: Yes, Bob.

MR. MCMANUS: This item is an amendment  
to an existing agreement with EAC Incorporated to  
increase the budget by approximately \$42,000 to

add a re-entry case manager and conflict resolution training.

EAC Incorporated has been a partner with the district attorney's office for program for formerly incarcerated individuals who are returning to the community. Our relationship with EAC goes back many years and our partnership with them was established due to their history of providing services to at-risk populations and their proven track record in the development and implementation of mediation and conflict resolution services.

LEGISLATOR SOLAGES: I have a question.

CHAIRWOMAN GONSALVES: Funding for this project?

MR. MCMANUS: Civil forfeiture funds.

CHAIRWOMAN GONSALVES: Legislator Solages.

LEGISLATOR SOLAGES: Thank you, Presiding Officer. Good afternoon.

MR. MCMANUS: Good afternoon.

LEGISLATOR SOLAGES: I just want to be clear. The procurement process with this was done with the district attorney's office,

2 correct?

3 MR. MCMANUS: That's correct. There was  
4 no outside influence or third-party involvement.

5 LEGISLATOR SOLAGES: Okay. So it wasn't  
6 like that Abtec situation?

7 MR. MCMANUS: No, sir.

8 LEGISLATOR SOLAGES: Okay. Good. Thank  
9 you.

10 CHAIRWOMAN GONSALVES: Any public  
11 comment?

12 (No verbal response.)

13 There being none; all those in favor of  
14 E-8 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item passes unanimously.

19 MR. MCMANUS: Thank you.

20 CHAIRWOMAN GONSALVES: E-9, a personal  
21 services agreement between OMB, Office of  
22 Management and Budget, and the Nassau County Bar  
23 Association Assigned Counsel Defender Plan.

24 Motion, please?

25 LEGISLATOR NICOLELLO: So moved.

LEGISLATOR KOPEL: Second.

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

Who is here to speak on this item?  
Anyone?

(No verbal response.)

Okay. Guess what? Motion to table?  
Motion to table?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

All those in favor of tabling E-9 signify  
by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

This is tabled. We have one week.  
Hopefully they're going to come.

We're going to E-11, another personal  
services agreement between the Department of  
Social Services and Family Focus Adoption

Services.

Motion, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR DUNNE: Second.

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

Okay.

MR. RHODES: Brendan Rhodes, Social  
Services.

This is the 2016 renewal of the Family  
Focus Adoption Placement contract. The vendor  
provides adoption services for children in the  
care of DSS. Such services include pre-placement  
planning, recruitment, evaluation, and  
counseling.

CHAIRWOMAN GONSALVES: Any questions or  
comments regarding this item?

(No verbal response.)

Any questions or comments?

LEGISLATOR ABRAHAMS: Just a quick  
question.

CHAIRWOMAN GONSALVES: Yes. Minority  
Leader Abrahams.

LEGISLATOR ABRAHAMS: I just wanted to

2 make sure we verified the budget increase from  
3 year to year. It looks like it's going up from  
4 \$24,840 to - I'm sorry - 82 to 109.

5 MR. RHODES: Yes, the budget did go up.  
6 The vendor is providing more services to more  
7 families.

8 LEGISLATOR ABRAHAMS: So there are more  
9 services being provided?

10 MR. RHODES: Yes.

11 LEGISLATOR ABRAHAMS: Okay. Thank you.

12 CHAIRWOMAN GONSALVES: Any public  
13 comment?

14 (No verbal response.)

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

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Any abstention?

21 (No verbal response.)

22 The item passes unanimously.

23 E-12, a special counsel contract entered  
24 into by the Nassau County Attorney and Vecchione,  
25 Vecchione & Connors, LLP.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

Okay. Lisa.

MS. LOCURTO: Good afternoon. This is a  
special counsel contract amendment to continue to  
provide legal services by the law firm in the  
defense of worker compensation claims. The  
contract term is only being extended until April  
2016. There is currently a new RFP out for legal  
services and that vendor or law firm will be  
selected before this extension expires.

CHAIRWOMAN GONSALVES: Legislator  
Nicolello.

LEGISLATOR NICOLELLO: I just want to  
ask you or just comment. This area of law is  
very specialized, right? There's only a number  
of law firms that practice worker's compensation.

MS. LOCURTO: Correct. And the nature  
of going before the New York State Board, the  
complexity of the law, it provides great  
assistance to not only the county attorney's



office but all of the county agencies that go before the Board.

LEGISLATOR NICOLELLO: Thank you.

CHAIRWOMAN GONSALVES: Any other comments or questions? Minority Leader Kevan.

LEGISLATOR ABRAHAMS: Ms. Locurto, based on the question I just heard, you said that this is very specialized. When it was first issued, this contract - or this law firm, there were actually three respondents. I don't know if you're familiar with that. This goes back over almost a decade.

MS. LOCURTO: Correct.

LEGISLATOR ABRAHAMS: It seems to me that this could benefit from the possibility of different people being able to do it rather than continue to renew the contract with the same firm year after year.

MS. LOCURTO: Correct. And that is the -- originally, there was an RFP in 2006, the contract lasted for three years. It had been extended for a period of time. But a new RFP is, as I spoke earlier before, is out and we are looking at other firms as well.

LEGISLATOR ABRAHAMS: We'll definitely consider it at a higher level when that time comes. I would think -

Also, I mean, wasn't there a time when this was done with county attorney staff?

MS. LOCURTO: That was several years ago. I think it was determined in 2004 by the prior administration that the administration of the worker's compensation claims, as well as providing the legal services was better served by coupling with a third-party administrator and legal services. The result has been, as you indicated, for the past decade there seems to have been substantial savings to the county because worker's compensation claims are handled and paid on time, which results in a savings to the county.

For those reasons, it's been determined that we're going to continue to use the third-party administrator as well as seeking the assistance of special counsel.

LEGISLATOR ABRAHAMS: Thank you.

MS. LOCURTO: You're welcome.

CHAIRWOMAN GONSALVES: Any public

comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(Nay.)

Four-three.

The next one is E-14, a special counsel  
contract entered into by Nassau County Attorney  
and Wilson Elser Moskowitz Edelman & Dicker LLP.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

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

Okay. Lisa.

MS. LOCURTO: This is another contract  
amendment to defend the charges for county  
legislation permitting certain not-for-profits to  
contribute and pay for their sewer chargers.  
Several not-for-profits - school districts,  
hospitals - sued the county against the

implementation of it. We are currently litigating that now. The purpose of this amendment will determine the continuing litigation for this matter.

CHAIRWOMAN GONSALVES: Any questions or comments? Legislator Jacobs.

LEGISLATOR JACOBS: Yes. Hi. Lisa, I want to know something.

I'm wondering if you could state on the record what's involved in these cases that requires the county to use outside counsel and not have it in-house. It's been my pet peeve for years.

MS. LOCURTO: Sure. The criteria - I think you're asking what is the criteria to determine. First and foremost of the criteria, there are three areas where the county attorney's office, we consider going to outside counsel: one, is there a conflict of interest? For some reason we can't represent the defendants. Many times there are multiple defendants and you can't - you want to give each defendant in the county a proper representation, and due to a conflict that would be one reason.

The second reason is there are certain complexities of the litigation that demand time consuming and particular attention that because of the high volume of work that is done in the county attorney's office, each county attorney works with the outside counsel but they can dedicate the resources to - outside counsel can dedicate those resources that in-house may not have the ability to do. But in-house counsel is always partnered with and working with the outside counsel to ensure that the county's policies, interests, and guidance in the litigation is there.

LEGISLATOR JACOBS: But can I ask you?

MS. LOCURTO: Sure.

LEGISLATOR JACOBS: If you hired more DCAs in the office wouldn't that help us to avoid the expenses of the outside counsel?

MS. LOCURTO: Not necessarily. The particular complexity of a particular area of law may require an expertise and the expertise of that law firm and their experience in the courtroom adds to the force of the county attorney's ability to defend or to affirm,

reassert or whatever defenses or legal arguments that we wish to put forth before the court.

LEGISLATOR JACOBS: All right. Thank you.

MS. LOCURTO: You're welcome.

CHAIRWOMAN GONSALVES: Any other questions or comments?

LEGISLATOR NICOLELLO: I do.

CHAIRWOMAN GONSALVES: Legislator Nicolello.

LEGISLATOR NICOLELLO: Ms. Locurto, who is on the other side of this case? Who are the attorneys that are hired to sue the county?

MS. LOCURTO: There are several that have been retained by the various school districts, Guercio & Guercio is one, I believe, Harris Beach is another law firm. Harris Beach has multiple firms throughout the State of New York. They have well over two to 300 maybe within their firm's grasp. And that's just two of the firms off the top of my head.

LEGISLATOR NICOLELLO: I understand the point that Legislator Jacob makes, but there are some cases that you would not want to throw a DCA

2 up against multiple law firms with multiple  
3 resources. I think you're just creating a losing  
4 proposition and I think it's going to cost you  
5 more money in the end than whatever you're paying  
6 for outside counsel. If you, as an individual,  
7 had the ability to do this, you would do it  
8 without even thinking about it, as opposed to  
9 keeping it in-house.

10 CHAIRWOMAN GONSALVES: Legislator  
11 Jacobs.

12 LEGISLATOR JACOBS: Just one follow up.

13 Lisa, I'm sorry, I cut you off because I  
14 asked you a question. You gave me two of the  
15 three: Conflict of interest, too time consuming,  
16 and three would be what?

17 MS. LOCURTO: I'm sorry, Legislator. A  
18 combination of both. Sometimes there is a  
19 conflict and sometimes it is the complexity.

20 CHAIRWOMAN GONSALVES: Any other  
21 comments?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 There being none; all those in favor of

E-14 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

It's four to three.

I'm going to call the personal services agreement E-15, E-16, E-17, E-18, E-19, E-20, E-21, and E-22. They are all personal services agreements between Nassau County acting on behalf of the Police Department and different towing agencies.

A motion please for all of those items - E-15, 16, 17, 18, 19, 20, 21, and 22. Motion?

LEGISLATOR KOPEL: So moved.

LEGISLATOR DUNNE: Second.

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

Okay, Lieutenant.

LIEUTENANT STEPHANOFF: Good afternoon. Lieutenant Greg Stephanoff.

E-15 as well as the seven after, E-15 is a personal services contract between Bill's Towing and the Nassau County Police Department to



provide impound services. This is an extension of the current contract that we're using to cover the period until we get the new contracts in place. The new contracts will take effect with the rezoning of the impound zones to separate the Long Island Expressway, as was done in a prior item, separates the LIE and the 135. The new contracts will go forward with those new zones. So this will cover the current zones with the current contracts for just the time period until the new contract takes effect.

CHAIRWOMAN GONSALVES: Legislator Kopel.

LEGISLATOR KOPEL: Good afternoon, Lieutenant.

My question is that these towing services make money from the car owners on each tow; isn't that right?

LIEUTENANT STEPHANOFF: Yes.

LEGISLATOR KOPEL: So why are we required to fund them as well? Would there not be bidders even if we didn't provide money out of the county money for these services? Did we ever try, in other words, to go out for bid and require them to provide these, perhaps slight

extra services, without charge?

LIEUTENANT STEPHANOFF: These are revenue contracts. We collect for the zones and then, in turn, they collect from the motorists to make the money back.

LEGISLATOR KOPEL: So there is no net cost to the county?

LIEUTENANT STEPHANOFF: The only tows that we pay for, we pay for tows if we impound for evidence, where we need a car for evidence, then we're responsible for the tow.

LEGISLATOR KOPEL: And that's what these fees are for? The money that you're asking us to approve now -

LIEUTENANT STEPHANOFF: Yeah. Some of it is to pay - to pay in the case that we impound the car for our use.

LEGISLATOR KOPEL: What I'm asking you is that could we not require them to - the next RFP, to provide those services without charge because they're getting -

LIEUTENANT STEPHANOFF: They also pay us monthly for each zone that they would have bid on.

LEGISLATOR KOPEL: Okay.

LIEUTENANT STEPHANOFF: So we collect in that respect.

LEGISLATOR KOPEL: Okay.

LIEUTENANT STEPHANOFF: It's an unknown number, what we're going to need for impound for evidence.

LEGISLATOR KOPEL: So they are taking this money into account when they do the bid.

LIEUTENANT STEPHANOFF: Yes.

LEGISLATOR KOPEL: Okay.

CHAIRWOMAN GONSALVES: Does that apply to all of these towing agencies?

LIEUTENANT STEPHANOFF: Yes.

CHAIRWOMAN GONSALVES: Any other comments or questions? Legislator Dunne.

LEGISLATOR DUNNE: Just to let you know, maybe you can let the towing companies know that Legislator Curran and I are working on legislation that will, I believe you do it already, that the tow company is to pick up the glass and debris after an accident when they're going to tow the cars or vehicles anywhere they tow them to. Right now you already have a

2 practice in place but there is no law stating  
3 that it has to be done. There are some non-  
4 county tow companies that do this. We're going  
5 to provide legislation for that. We're looking  
6 at other different things too.

7 CHAIRWOMAN GONSALVES: I'm going to  
8 follow up on that one. The contract that we have  
9 with these agencies, is there provision in their  
10 contract that they would do such a thing?

11 LIEUTENANT STEPHANOFF: Yes. We put it  
12 in there. They're required to, if there is  
13 debris caused by that accident they clear the  
14 roadway, they broom the street to clear the glass  
15 or whatever debris.

16 CHAIRWOMAN GONSALVES: If there is an  
17 oil spill or gasoline spill they would obligated  
18 to -

19 LIEUTENANT STEPHANOFF: In the case of  
20 something like that, maybe a hazmat, oil or  
21 something, we have emergency service, the fire  
22 department that could come in and assist with  
23 that. As far as just debris, if it's broken  
24 glass, windshield glass, parts that fell off the  
25 car, that's cleared by the tow companies.

CHAIRWOMAN GONSALVES: And it's in their contract?

LIEUTENANT STEPHANOFF: Yes.

CHAIRWOMAN GONSALVES: Okay.

Any other comments or questions?

LEGISLATOR SOLAGES: Yes.

CHAIRWOMAN GONSALVES: Legislator Solages.

LEGISLATOR SOLAGES: Thank you, Presiding Officer. Good afternoon.

LIEUTENANT STEPHANOFF: Good afternoon.

LEGISLATOR SOLAGES: Are vendor evaluation forms provided in the backup here?

LIEUTENANT STEPHANOFF: These are extensions. This was done on an RFP originally with the contract we're currently using. They were evaluated and awarded. This is just a small extension to cover a time period -- we're going to put a new contract for all the zones, I anticipate the next leg session, that will include an RFP and will include the valuations for the new contracts.

LEGISLATOR SOLAGES: Are the vendor evaluation forms required with extensions?

LIEUTENANT STEPHANOFF: No, because we're extending. We're going off the current contract to extend the same terms.

LEGISLATOR SOLAGES: I've been advised that the comptroller specifically requires them for extensions.

CHAIRWOMAN GONSALVES: Lieutenant, these are extensions. Prior to the extension there must have been an evaluation for each of these companies, yes?

LIEUTENANT STEPHANOFF: Yes.

CHAIRWOMAN GONSALVES: And that's also part of our backup?

LIEUTENANT STEPHANOFF: Yeah. It should be in the package, the original contracts.

CHAIRWOMAN GONSALVES: Okay.

LIEUTENANT STEPHANOFF: It wasn't done for the extensions. It was done when the original contract -

CHAIRWOMAN GONSALVES: The original contract, okay.

LEGISLATOR SOLAGES: But as for the extensions no evaluations were performed, just to be clear, is that correct?

CHAIRWOMAN GONSALVES: Not for the extensions.

LEGISLATOR SOLAGES: My question is then how do we know to extend them? I need enough information in order to make this vote on this extension and I don't have that information.

LIEUTENANT STEPHANOFF: Because we're currently - we have RFPs out for a new company. With redesigning the zones, with separating the LIE and the 135, the valuations got delayed. We also had to re-inspect the impound yards for the new companies, and we also had to update the paperwork, so it pushed us past the current contracts, contractors, the tow contractors. So we're just asking for a small extension just to cover that time period.

The ability for us to impound is important, to get cars off the road, to keep traffic moving.

CHAIRWOMAN GONSALVES: Any other comments or questions?

(No verbal response.)

Any public comment?

(No verbal response.)

Remember, I blocked all of these together, so if there are any questions I would say that they're pretty much related to each of these contracts.

LIEUTENANT STEPHANOFF: Yes. They are all identical, except each one is a different company.

CHAIRWOMAN GONSALVES: Okay. That sounds good to me.

All those in favor of E-15, E-16, E-17, E-18, E-19, E-20, 21, 22, signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

So we have four to three. Four to three.

LIEUTENANT STEPHANOFF: Thank you.

CHAIRWOMAN GONSALVES: Thank you, Lieutenant.

The next one is E-23, a personal services agreement between the County of Nassau acting on behalf of the Department of Social Services and EAC Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.



LEGISLATOR NICOLELLO: Second.

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

MR. RHODES: Brendan Rhodes, Social  
Services.

This is an amendment to add an additional  
\$16,667 to the EAC Child Support contract. It's  
adding enhanced vocational services for non-  
custodial parents paying child support.

CHAIRWOMAN GONSALVES: And while you're  
up there, I believe you can respond to E-26,  
another personal services agreement between the  
County of Nassau acting on behalf of the Nassau  
County Department of Social Services and  
Mercyfirst.

I need a motion.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

Okay. What can you tell us?

MR. RHODES: This is our 2016 contract  
with Mercyfirst to provide six beds for non-

secure detention services, which is for the placement of persons in need of supervision in juvenile delinquents placed by family court.

CHAIRWOMAN GONSALVES: Any questions of Mr. Rhodes? Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madam Presiding Officer.

Let's start with E-23-16. This is a contract with EAC, Education and Assistant Corporation, to provide education employment programs, to provide alternative methods of obtaining child support. I think the program is definitely worthwhile. I just wanted to make sure I get a clearer understanding of the actual process to award the contract.

MR. RHODES: There was an RFP issued for 2015, and EAC was the only vendor who responded to that.

LEGISLATOR ABRAHAMS: Why wouldn't you re-issue the RFP?

MR. RHODES: It was just re-issued in 2015.

LEGISLATOR ABRAHAMS: When was it first issued, I should say?

MR. RHODES: We do it every four or five years. I don't know exactly when but I could find that out for you.

LEGISLATOR ABRAHAMS: I guess four or five years ago it was issued -

MR. RHODES: Just recently in 2015, re-issued an RFP.

LEGISLATOR ABRAHAMS: Can I finish my question?

MR. RHODES: Sorry.

LEGISLATOR ABRAHAMS: Thank you. So four or five years ago it was issued. Do you know how many respondents were at that time?

MR. RHODES: At that time, I don't.

LEGISLATOR ABRAHAMS: Okay. I value the contract. As I said before, with the procurement process here in Nassau County, I'm inclined to vote abstention.

CHAIRWOMAN GONSALVES: Legislator Nicolello.

LEGISLATOR NICOLELLO: I just wanted to say that EAC actually provides a number of different services for this county, and they do a fine job. If anyone hasn't had the opportunity

among us to go with them when they do their meals on wheels, you should do it because it really opens your eyes.

LEGISLATOR ABRAHAMS: As I said before, I don't - I've known EAC for quite some time and they provide services in my district. This is not about EAC. This is about the lack of a procurement process. Obviously, I think every single legislator should take light of the fact that we do not have a secure procurement process here in this county; no one could argue that point.

From that standpoint, going forward, until we have that process in place, I'm inclined to vote abstention.

CHAIRWOMAN GONSALVES: There being no other comments; all those in favor of E-23 and E-26 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Any abstentions?

(Abstain.)

So we have four-zero-three for both of

them.

We have two others that we can call together, two other personal services agreement or special counsel contract.

E-24 and E-25, entered into by the Nassau County Attorney and Pannone Lopes Devereaux & West and that was E-24.

E-25 is a contract entered into by Nassau County Attorney and Pannone Lopes Devereaux & West, LLC.

Motion, please, for both of them?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

Ms. Locurto.

MS. LOCURTO: Yes. E-24 is a contract to - is an amendment to continue services and extend services on the county sewer - contracting sewer operation.

E-25 deals - is another amendment to continue to provide legal services as the county continues to develop and redevelop the hub and Coliseum area.

There are various aspects of which they are - the law firm is working in conjunction with the county attorney's office. Within the hub there has been an RFP as they develop or as the expiration of the Trigen facility contract is coming up, they have been assisting us in finalizing that RFP which was issued this month. They will work with us, ultimately, when the vendor is selected.

With regard to the sewer contract - I'm jumping back to the sewer contract - they are working on several aspects of the continued operator's agreement with the county and the continued development of the sewer system under that operator's agreement; specifically, they are helping us with negotiations with the City of Long Beach regarding possible consolidation of the county's sewers, including the City of Long Beach and other management issues as the operator's agreement continues to go forward.

CHAIRWOMAN GONSALVES: Any questions or comments regarding these two items, E-24, E-25?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of  
E-24 and E-25 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

Any abstentions?

(No verbal response.)

I guess it's four to three on these two  
items.

Thank you.

E-27 is a personal services agreement  
between the Department of Public Works and H2M  
Architects and Engineers.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

We have Mr. Arnold.

MR. ARNOLD: E-27 is a design contract  
with H2M for the design of a custom bulkhead  
along the Glen Cove Sewage Treatment Plant. The  
Glen Cove bulkhead was found to be in poor

condition at its last evaluation, so the firm will be designing it and it will be going out to bid once their design is complete.

H2M was the lowest responsible designer chosen.

CHAIRWOMAN GONSALVES: Any questions or comments for Mr. Arnold? Yes. Kevan Abrahams.

LEGISLATOR ABRAHAMS: Mr. Arnold, on the inter-departmental memo approving the award of this contract, who signs off on it? We just can't make out the name.

MR. ARNOLD: The memo was signed by the commissioner.

LEGISLATOR ABRAHAMS: It's signed by Commissioner Shah? And who?

MR. ARNOLD: Usually Rob Walker authorizes all the -

LEGISLATOR ABRAHAMS: Is that his signature on the inter-departmental memo?

MR. ARNOLD: I would not know for sure.

LEGISLATOR ABRAHAMS: I don't know either. We're trying to get an answer to that.

MR. ARNOLD: I would assume so because on the RTI, the paper that follows it, it's very



2 similar and he only signs on the RTIs; nobody  
3 else in his office signs off on those.

4 LEGISLATOR ABRAHAMS: Just curious. So  
5 the deputy county executive is going to continue  
6 to sign off on public works inter-departmental  
7 memos going forward, I guess?

8 MR. ARNOLD: He authorizes anything over  
9 \$100,000, he's required to authorize.

10 CHAIRWOMAN GONSALVES: Any other  
11 comments or questions regarding this item?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 There being none; all those in favor of  
16 E-27 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (Nay.)

20 The item passes four to three.

21 Thank you, Mr. Arnold.

22 The last is E-28, a personal services  
23 agreement between the County of Nassau, acting on  
24 behalf of the Nassau County Fire Commission and  
25 the Nassau County Vocational Education and

2 Extension Board, better known as VEEB.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR NICOLELLO: Second.

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

8 MR. PRIEST: Good afternoon, members.  
9 John Priest, Assistant Chief Fire Marshal.

10 The item before you is the annual  
11 contract with VEEB to furnish training through  
12 the Nassau County Fire Service Academy to the  
13 fire department's 71 volunteer fire departments.

14 CHAIRWOMAN GONSALVES: Any questions of  
15 Mr. Priest on this item?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none; all those in favor of  
20 E-28 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 MR. PRIEST: Thank you. Wish you all a

happy New Year and a good year coming up.

CHAIRWOMAN GONSALVES: Thank you, John.  
Thank you. Thank you very much.

We have one item that we tabled. I need a  
motion to un-table E-9, please.

LEGISLATOR KOPEL: So moved.

LEGISLATOR DUNNE: Second.

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

All those in favor of un-tabling E-9  
signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Who is here to speak on it?

MS. LOCURTO: I am going to speak, Madam  
Presiding Officer, on behalf of budget. They  
asked me and authorized me to speak on their  
behalf.

This is a contract with selected counsel  
for 18-B, that is a mandate for New York State  
that services be provided for the indigent, that  
is those individuals who cannot afford legal  
counsel on their own. The county can either

provide on their own or they are permitted under the statute to contract. The county is traditionally contracted.

We usually have two selected vendors in the event that there is a contract of interest. The vendor here selected is the Bar Association of Nassau County.

CHAIRWOMAN GONSALVES: Any questions or comments regarding this item?

LEGISLATOR ABRAHAMS: If I may.

CHAIRWOMAN GONSALVES: Yes. Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Ms. Locurto, just a point of clarification.

MS. LOCURTO: Yes.

LEGISLATOR ABRAHAMS: This particular contract is with the Bar Association. From your standpoint, is there any other entity the county could contract with on this particular service that they provide with regard to 18-B service?

MS. LOCURTO: Actually, in my remarks, the county contracts with two providers - one is the Nassau County Bar Association; the other usually is Legal Aid Society. The reason we do

that is potentially there could be conflicts of interest.

Why the Bar Association and Legal Aid, the Bar Association in particular is such a large entity and reaches out to a vast variety of attorneys in multiple disciplines, so we believe they can provide the services needed because it's not just limited to, for example, family court, contractual, criminal, family, all facets of law where an individual needs counsel but unfortunately cannot afford it on their own and the state has created this statute to provide those services.

LEGISLATOR ABRAHAMS: I guess what I was driving at - outside of Legal Aid and the Bar Association, you don't see too many other entities being able to provide this level of -

MS. LOCURTO: Probably none of that, with that size and specialized areas of law that would be covered.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: Any other comments or questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of  
E-9 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

I believe that ends the Rules Committee.

Motion to adjourn, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

All those in favor of adjourning?

LEGISLATOR ABRAHAMS: If I may, before  
we adjourn, because I don't think I can speak  
after we adjourn.

I just want to make sure that the  
committee knows, and also for our members that  
are part of the full legislature, I believe we  
have the answers we need for the two CRPs that  
were tabled earlier and were not called.

CHAIRWOMAN GONSALVES: I know.

LEGISLATOR ABRAHAMS: I was going to ask respectfully if they are going to be called.

CHAIRWOMAN GONSALVES: Yes.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: That's why I'm adjourning this meeting and going back to the other one.

LEGISLATOR ABRAHAMS: Okay. I just wanted to make sure. I didn't know we were going back to the other one.

CHAIRWOMAN GONSALVES: Yes, we have to.

LEGISLATOR ABRAHAMS: I didn't know we were going to.

CHAIRWOMAN GONSALVES: All those in favor of adjourning?

(Aye.)

We are adjourned.

(Whereupon, the Rules Committee adjourned at 5:16 p.m.)

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 10th day of February, 2016.

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FRANK GRAY