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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, February 1, 2016
1:10 P.M

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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

JUDITH JACOBS

CARRIE SOLAGES

WILLIAM J. MULLER, III
Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: Will my
3 colleagues please take their seats.

4 Legislator Dunne, would you
5 please lead us in the Pledge of Allegiance?

6 (The Pledge of Allegiance was
7 recited.)

8 CHAIRWOMAN GONSALVES: Thank you.
9 The Rules Committee will meet to discuss the
10 various contracts that have been put before
11 us and, after the contract portion of the
12 Rules Committee, we will recess so the
13 remaining committees can do their items.

14 So we will begin with the roll
15 call.

16 CLERK MULLER: Sure. Legislator
17 Solages?

18 LEGISLATOR SOLAGES: Here.

19 CLERK MULLER: Legislator Jacobs?

20 LEGISLATOR JACOBS: Here.

21 CLERK MULLER: Ranking Member
22 Abrahams?

23 LEGISLATOR ABRAHAMS: Here.

24 CLERK MULLER: Legislator Kopel?

25 LEGISLATOR KOPEL: Here.

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2 CLERK MULLER: Legislator Dunne?

3 LEGISLATOR DUNNE: Here.

4 CLERK MULLER: Vice Chairman

5 Nicolello?

6 LEGISLATOR NICOLELLO: Here.

7 CLERK MULLER: Chairwoman

8 Gonsalves?

9 CHAIRWOMAN GONSALVES: Present.

10 CLERK MULLER: We have a quorum.

11 CHAIRWOMAN GONSALVES: Okay. We

12 begin with Item A-02, contract with various

13 county departments and Watercraft

14 Irrigation, Inc.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by

19 Legislator Dunne, seconded by Legislator

20 Kopel. Who is here to speak on this item?

21 MR. SCHNEIDER: Good afternoon.

22 Brian Schneider from Public Works. This

23 item is for irrigation maintenance and

24 repair services for use by various county

25 departments; DPW and the Parks Department

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2 more exclusively.

3 This contract was advertised in
4 2013, but the contract has now reached an
5 anticipated usage level and that would
6 require oversight by the Legislature and
7 that's why we are here today.

8 We are recommending awarding this
9 contract to Watercraft Irrigation and,
10 again, this is for maintenance and repair of
11 existing systems.

12 CHAIRWOMAN GONSALVES: Any
13 questions of Mr. Schneider? Minority Leader
14 Kevan Abrahams.

15 LEGISLATOR ABRAHAMS: Thank you,
16 Madam Presiding Officer. How are you, Mr.
17 Schneider?

18 MR. SCHNEIDER: Good, sir.

19 LEGISLATOR ABRAHAMS: We have had
20 an opportunity to review the proposal and
21 although we believe in the merits of the
22 proposal, we still have questions obviously
23 about the county procurement process at this
24 time. But I do have some questions in
25 regards to any outside communication, if

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2 there was any, with the particular responder
3 in this bid and anyone at DPW
4 administration?

5 MR. SCHNEIDER: No, sir.

6 LEGISLATOR ABRAHAMS: Who drafted
7 this particular RFP?

8 MR. SCHNEIDER: This RFP was
9 actually drafted by the Office of
10 Purchasing.

11 LEGISLATOR ABRAHAMS: Do you know
12 who in that office?

13 MR. SCHNEIDER: I can't say
14 specifically. I know that Michael
15 Schlernoff signed off on it.

16 LEGISLATOR ABRAHAMS: The reason
17 I ask then is because we would probably want
18 to verify that there was no correspondence
19 or any possible perceived influence of
20 anyone from either the DPW administration or
21 more importantly the county administration
22 with that particular individual during the
23 prior drafting the RFP.

24 MR. SCHNEIDER: I can only speak
25 for the Department of Public Works. We have

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2 had no communication during the drafting of
3 this specific blanket purchase order.

4 LEGISLATOR ABRAHAMS: So we don't
5 know? It's possible something could have
6 taken place, but it's possible nothing took
7 place?

8 MR. SCHNEIDER: Again, I can't
9 speak for the purchasing department.

10 LEGISLATOR ABRAHAMS: I
11 understand. Thank you, Mr. Schneider.

12 CHAIRWOMAN GONSALVES: Are there
13 any other comments or questions from the
14 legislators?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of Contract A-02 signify by saying
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Any abstentions?

25 (Abstain.)

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2 Four, zero, three.

3 The next item is A-03, a contract
4 with DPW and United Concrete Products, Inc.
5 Motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Nicolello. And Brian?

11 MR. SCHNEIDER: Yes, Brian
12 Schneider again from Public Works. This
13 blanket purchase order is for prefabricated
14 concrete transportable building structures
15 which contain restroom facilities which can
16 be used at any and all county facilities.

17 The RFP was drafted by engineers.
18 The engineering staff at the Department of
19 Public Works and the lowest responsible
20 bidder was United Concrete Products who has
21 done business with the county since 2011 on
22 another contract. So we are recommending
23 approval of the blanket purchase order to
24 United Concrete Products from Yalesville,
25 Connecticut.

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2 CHAIRWOMAN GONSALVES: Any
3 questions or comments from the legislators?
4 Legislator Kevan Abrahams.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Madam Presiding Officer. Just really
7 quickly, Brian. I assume these bathrooms
8 will be used in county parks or facilities?
9 You explain to me where because it wasn't
10 that clear in the backup.

11 MR. SCHNEIDER: Well, the
12 original specification that was written for
13 this particular contract was for a rest room
14 facility at the Veterans Memorial at
15 Eisenhower Park which was supplied and
16 installed as part of the original contract.
17 This contract expired and has been rebid
18 which is why we are here today.

19 We've also had a number of county
20 rest room facilities that were constructed
21 and fabricated by this company specifically
22 for other county parks as well as other
23 locations.

24 I'll give you an example, a rest
25 room facility at a police precinct. A

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2 bathroom facility, actually a shell of a
3 building was used as a result of damage from
4 Hurricane Sandy at the North Woodmere golf
5 courses, used for irrigation, an RPZ
6 building. So the building was actually
7 fabricated by United Concrete. It didn't
8 have a bathroom in it, but we were able to
9 use this contract for that purpose as well.

10 LEGISLATOR ABRAHAMS: Okay. I
11 understand and, granted, we want the county
12 facilities to have top notch bathrooms and,
13 that's not the case, but as I stated before
14 in A-2, we are going to vote to abstain
15 because of the lack of the procurement
16 process or a healthy one in this county.
17 Thank you, Brian.

18 CHAIRWOMAN GONSALVES: Brian, I
19 have a question. What do we anticipate the
20 cost or the expenditures that will be
21 involved with this contract?

22 MR. SCHNEIDER: For the year
23 2015, we are anticipating about \$500,000.
24 We do have a number of facilities that we
25 have identified to be replaced which are

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2 basically stick frame buildings which are
3 very difficult to maintain in the long term.

4 Many other municipalities are
5 going towards a pre-manufactured concrete
6 building which is much more longer lasting
7 and very easy to maintain. It withstands
8 storms and will last many many more years
9 than a stick frame construction building.

10 As of this particular year 2015,
11 I think we anticipated three or four
12 bathroom facilities will be replaced.

13 CHAIRWOMAN GONSALVES: Legislator
14 Dunne.

15 LEGISLATOR DUNNE: Just real
16 quick so I have it right. They're portable,
17 you said?

18 MR. SCHNEIDER: They're
19 transportable meaning they are --

20 LEGISLATOR DUNNE: They're not
21 portable?

22 MR. SCHNEIDER: No. They are not
23 portable. It's not like a mobile trailer
24 that's set up at a wedding event where you
25 would bring a trailer in and use it as a

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2 bathroom facility. This is fabricated in a
3 yard up in Connecticut and transported on
4 the back of a trailer and then set in place
5 on a foundation that is constructed on site.

6 LEGISLATOR DUNNE: Like you said,
7 prefab, when you said there is three or four
8 of them we're getting?

9 MR. SCHNEIDER: Correct.

10 LEGISLATOR DUNNE: So emergency
11 management doesn't need something like that
12 because it's not --

13 MR. SCHNEIDER: It's not
14 portable.

15 LEGISLATOR DUNNE: Thank you.

16 CHAIRWOMAN GONSALVES: I just
17 wanted to clarify. These are modules which
18 will become permanent, correct?

19 MR. SCHNEIDER: They are
20 permanent. They are permanent structures.
21 When I said "transportable," it just means
22 they were fabricated in one location, you're
23 able to put them on the back of a trailer
24 and then transport them to the ultimate
25 final location. Once they're here, they are

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2 installed, they're permanent, they're
3 connected to the sanitary water, all the
4 utilities, electric, once they're set in
5 place, they're permanent. They're not
6 moved.

7 CHAIRWOMAN GONSALVES: Thank you
8 very much, Brian. Are there any other
9 comments or questions from the legislators?

10 (No verbal response.)

11 Is there any public comment.

12 (No verbal response.)

13 There being none, all those in
14 favor of Contract A-03 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Any abstentions?

20 (Abstain.)

21 Four, zero, three.

22 The next one is A-5, a contract
23 with DPW and Ultimate Power Corp.

24 Motion, please.

25 LEGISLATOR KOPEL: So moved.

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2 LEGISLATOR DUNNE: Second.

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

6 MR. LUCIANO: James Luciano, DPW.

7 CHAIRWOMAN GONSALVES: Any
8 questions for Mr. Luciano? Legislator
9 Abrahams.

10 LEGISLATOR ABRAHAMS: Thank you,
11 Madam Presiding Officer. How are you, sir?
12 If you could give us a general update of
13 what this contract is for and why it's
14 necessary then I will have some follow up
15 questions afterwards.

16 MR. LUCIANO: Which company is
17 it?

18 LEGISLATOR ABRAHAMS: I'm on
19 Clerk Item A-5-16, Ultimate Power.

20 MR. LUCIANO: That's an air
21 conditioning contract with split systems.
22 We have very old systems in most of the
23 buildings and they're called quite often
24 when it's hot out, excessively sometimes.
25 We can only do so much ourselves.

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2 So the contract states split
3 systems and window package units also.

4 LEGISLATOR ABRAHAMS: Okay. On
5 the actual procurement process for this
6 contract, based on our understanding, there
7 was only one bid that was received; am I
8 correct?

9 MR. SCHNEIDER: Yes, Legislator,
10 that's correct.

11 LEGISLATOR ABRAHAMS: Was there
12 any discussion within the department
13 regarding rebidding this contract because we
14 only received one bid?

15 MR. SCHNEIDER: No, sir.

16 LEGISLATOR ABRAHAMS: Is that
17 customary? What would rule out a possible
18 rebid? Was it the dollar amount within the
19 specs of the project that you thought, I
20 mean, I'm trying to get an understanding of
21 why the discussion did not --

22 MR. SCHNEIDER: This is basically
23 a time and material contract. Ultimate
24 Power has done work for the county in the
25 past. So we've been satisfied with their

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2 service.

3 When there is an emergency, their
4 response time is highly accurate. So, they
5 are highly responsive to our needs and we
6 don't feel in a rebidding the contract will
7 result in any savings to the county.

8 LEGISLATOR ABRAHAMS: Mr.
9 Schneider, how are you aware or how do you
10 judge you're getting the best value for the
11 county in one bid?

12 MR. SCHNEIDER: Again, it's a
13 result of our historical background with
14 Ultimate Power.

15 LEGISLATOR ABRAHAMS: Okay.
16 Thank you.

17 CHAIRWOMAN GONSALVES: Legislator
18 Nicolello.

19 LEGISLATOR NICOLELLO: According
20 to my backup, the bid was sent -- 43 vendors
21 were notified electronically of the bid; is
22 your understanding as well?

23 MR. SCHNEIDER: That's correct.

24 LEGISLATOR NICOLELLO: So you
25 notified 43 but you only got one response?

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2 MR. SCHNEIDER: You know, we
3 can't force bidders to submit a bid.
4 Fortunately, bidders need to pay their
5 employees, their subcontractors, and
6 unfortunately the county is a little slow in
7 paying their bills.

8 LEGISLATOR NICOLELLO: What's the
9 time period of this agreement?

10 MR. SCHNEIDER: I believe it's a
11 one year with the option to extend for I
12 think three additional years.

13 LEGISLATOR NICOLELLO: Thank you.

14 CHAIRWOMAN GONSALVES: Legislator
15 Dunne.

16 LEGISLATOR DUNNE: This was sent
17 to -- and you made sure it was sent to
18 minority owned companies, veteran owned
19 companies, women owned companies, and they
20 all had the opportunity to bid; is that
21 right?

22 MR. SCHNEIDER: That's correct,
23 legislators.

24 LEGISLATOR DUNNE: That's all
25 thank you.

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2 MR. SCHNEIDER: We have our
3 regular procurement process.

4 CHAIRWOMAN GONSALVES: Any public
5 comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of Contract A-5 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Any abstentions?

13 (Abstain.)

14 The item passes four, zero,
15 three.

16 The next contract is A-6, a
17 contract with various Nassau County
18 departments and Maffucci & Sons, Inc.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Kopel. I guess you're going to talk to us
25 about this one?

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2 MR. LUCIANO: James Luciano.

3 CHAIRWOMAN GONSALVES: You want
4 to give us an overview of this contract?

5 MR. LUCIANO: Yes. This is the
6 oil side of the contract, the oil burner
7 side, like earlier. We're dealing with old
8 equipment and buildings. So we have a lot
9 of facilities that need a lot of attention
10 and service. It's not a one fix thing for
11 two years. They need maintenance and there
12 is a lot of call backs also at nighttime
13 too. Malfucci has been there for us for a
14 lot of these facilities and he's handling
15 all of them right now.

16 CHAIRWOMAN GONSALVES: Any
17 questions from the legislators? Legislator
18 Dunne.

19 LEGISLATOR DUNNE: As Legislator
20 Nicolello mentioned earlier, 115 were sent
21 out and only four responded. Again, my
22 question is, it went to veteran and women
23 owned and minority groups. You make sure of
24 that because we have to have a certain
25 percentage. We get beat up on this every

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2 legislative day.

3 MR. SCHNEIDER: Understood. And,
4 as part of the E procurement system, vendors
5 need to register online in order to pick up
6 and bid on a set of plans and
7 specifications. So the Office of Minority
8 Affairs has been working with the Department
9 of Purchasing to try and marry all of the
10 vendors that are local and can do the type
11 of work that is listed in each individual
12 RFP. Again, we can't force a vendor to bid
13 on a contract if its outside of their
14 comfort zone but we're trying our best to
15 make sure that all local vendors are -- have
16 access to all the most current bids.

17 LEGISLATOR DUNNE: So, of those
18 four, were there any veteran owned or
19 minority owned, or women owned businesses?

20 MR. SCHNEIDER: I don't know
21 that, legislator. I can have the Office of
22 Purchasing do a more detailed analysis of
23 whether they are registered as an MWBE or
24 not or veteran firm.

25 LEGISLATOR DUNNE: Can you check

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2 that out and let us know.

3 MR. SCHNEIDER: Sure.

4 LEGISLATOR DUNNE: Thank you so
5 much.

6 CHAIRWOMAN GONSALVES: Minority
7 Leader Kevan.

8 LEGISLATOR ABRAHAMS: Thank you,
9 Madam Presiding Officer. I have a quick
10 question to piggyback on what Legislator
11 Dunne had mentioned. You had said it was
12 sent to 115 vendors?

13 MR. SCHNEIDER: Connie, do you
14 have that?

15 LEGISLATOR ABRAHAMS: Brian, not
16 a big deal. Notified, yes. So, my question
17 becomes that it seems like a lot of vendors
18 and only four responded.

19 Is it possible, what is the
20 county's ability to pay contracts? How long
21 does it take us, after work is completed, or
22 as per the specifications in the contract
23 and when a vendor will be paid, what's the
24 time frame in terms of how people are paid,
25 is it 90 days, 60 days, 120 days?

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2 MR. SCHNEIDER: Generally, my
3 experience is, if we have a completed claim
4 voucher that has all of the back up that is
5 necessary for the comptroller to do their
6 review and due diligence, within 30 to 45
7 days is a normal time for a vendor to
8 receive a check. In recent times I'm seeing
9 it could be 60 to 90 days, even 120 days
10 before a vendor will see a payment.

11 LEGISLATOR ABRAHAMS: And I'm
12 thinking, and I don't talk to every single
13 vendor that you send proposals to, but I can
14 tell you that just from the information that
15 I have spoken -- gathered from vendors, it
16 sounds like to me they have a problem with
17 the county's procurement system in regards
18 to their payment. They said that they have
19 gone 120, sometimes even 180 days without
20 being paid. This is going back some years.
21 This is not recent as you probably well
22 know.

23 But I find it that you're
24 probably having a lot of people on that list
25 that haven't responded to an RFP in years

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2 because they just chose not to perform
3 services and be paid 120 or even 90 days
4 after services have been rendered.

5 MR. SCHNEIDER: I can't disagree
6 with you. I mean, if I was a vendor and I
7 have an opportunity to either work for -- do
8 work for a small business or a resident as
9 opposed to doing work for a large
10 municipality, which way do you think I'd go?

11 LEGISLATOR ABRAHAMS: I mean, I
12 don't want to take too much time from today,
13 but that would definitely beg the question
14 for a larger hearing in terms of the
15 county's procurement process in terms of how
16 we pay people and how we pay them in a
17 timely manner and, I think, to me, that's
18 the best service we can give to make sure
19 we're getting the best price is to make sure
20 we pay people in a timely manner. You'll
21 get a lot more respondents, a lot more RFPs,
22 and I think you'll get a lot more
23 respondents to the RFPs, and I think it's a
24 better way to go.

25 MR. SCHNEIDER: Well, I'm as

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2 frustrated as you are, from a departmental
3 standpoint, if we do our due diligence to
4 make sure that the work was done in
5 accordance with the plans and
6 specifications, the claim voucher is
7 complete, and all the supporting documents
8 are submitted, and if there aren't any
9 errors or omissions, and it gets submitted
10 to the comptroller's office, then we are
11 expecting that the payment will be
12 forthcoming in a relatively short period of
13 time.

14 LEGISLATOR ABRAHAMS: You would
15 think, yes.

16 MR. SCHNEIDER: Unfortunately,
17 we're not really seeing that at this point.
18 In some cases, and I'm not saying in all
19 cases, but --

20 LEGISLATOR ABRAHAMS: No, no.
21 And, Brian, I'm not trying to make this to
22 be the rule. As far as I know, these could
23 be the exceptions, but I think it begs the
24 question of having a hearing on the process
25 so that we can find out the answers.

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2 CHAIRWOMAN GONSALVES: I think
3 you hit the nail on the head when you said
4 that once the vouchers are completed, all
5 the paperwork that is necessary is submitted
6 to the county comptroller's office, and
7 that's where the payment is generated,
8 correct?

9 MR. SCHNEIDER: Correct.

10 CHAIRWOMAN GONSALVES: So,
11 therefore, maybe we should contact
12 Mr. Maragos and ask how long does it take
13 his office to generate payment for these
14 contracts, rather than -- because there's a
15 difference between procurement and payment.

16 In this particular case, some of
17 this problem would be is that they wait too
18 long to be reimbursed for the work done.

19 I think maybe we should contact
20 the comptroller and find out how he can
21 expedite payments once all the paperwork is
22 done. I certainly will contact him on that
23 in that regard.

24 Is there any other comments or
25 questions?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Contract A-6 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Any abstentions?

11 (Abstain.)

12 Four, zero, three.

13 The next one is B-04, it's a
14 contract with DPW and RJ Industries, Inc.

15 Motion, please.

16 LEGISLATOR KOPEL: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Kopel, seconded by Legislator
20 Nicolello. Mr. Arnold.

21 MR. ARNOLD: Good afternoon.

22 B-04 is a construction contract for the
23 installation of a sodium hypochlorite
24 generation facility for Cedar Creek Sewage
25 Treatment Plant.

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2 This facility is one of the
3 energy efficiency projects that was
4 identified in the Suez or the United
5 contract. It allows the county to make
6 their own hypochlorite which is a
7 disinfectant material, an odor control
8 material, for the sewage plant. It will
9 reduce the truck traffic of this chemical
10 being trucked into the plant and also would
11 be a cost savings.

12 CHAIRWOMAN GONSALVES: Legislator
13 Kopel.

14 LEGISLATOR KOPEL: Can you
15 elaborate, please, on the cost savings?

16 MR. ARNOLD: Currently
17 hypochlorite we spend about 3 to \$4 million
18 a year in hypochlorite. This contract is a
19 \$12 million construction contract which
20 will, over the life of the contract, it will
21 be a slight cost savings. That along with
22 the reduction of the trucks, and moving that
23 chemical around the plant with tankers will
24 actually be more efficient.

25 LEGISLATOR KOPEL: So what kind

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2 of cost savings annually will -- in other
3 words, we're spending you say 3 or \$4
4 million a year now.

5 Following this, what will our
6 expenditure be, all in, with considering the
7 various types of cost savings?

8 MR. ARNOLD: I don't have that
9 with me today.

10 LEGISLATOR KOPEL: I would like
11 to understand what the payback period is for
12 this, whether it's totally --

13 MR. ARNOLD: The payback period
14 is pretty close to what we are laying out
15 for the construction facility.

16 LEGISLATOR KOPEL: What do you
17 mean by that?

18 MR. ARNOLD: The payout period is
19 over 20 years.

20 LEGISLATOR KOPEL: That's the
21 question, I guess. It's not the
22 capitalization period. I'm asking whether
23 or not the return on the capital is
24 sensible.

25 In other words, all in, if we are

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2 saving \$2 million a year, well, then, we
3 have a six year payback period.

4 MR. ARNOLD: I'm going off the
5 top of my head. I would have to get that
6 information for you.

7 CHAIRWOMAN GONSALVES: Legislator
8 Dunne.

9 LEGISLATOR DUNNE: Just quickly,
10 we are spending 12 and a half million here,
11 another \$7 million coming up, and then every
12 meeting we seem to have millions and
13 millions of dollars going to the sewage
14 treatment plants. For Cedar Creek alone,
15 can you give me a break out of how much we
16 have been approving for?

17 MR. ARNOLD: Yes. I know we are
18 late getting our month report out. We've
19 been backed up on stuff. I will get that
20 organized for you.

21 LEGISLATOR DUNNE: Thanks.
22 Because we are hearing complaints that
23 nothing is being done.

24 MR. ARNOLD: Cedar Creek has a
25 tremendous amount of work being done

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2 currently.

3 LEGISLATOR DUNNE: Well, I want
4 to see how much it was. And thank you
5 again.

6 CHAIRWOMAN GONSALVES: Mr. Arnold,
7 what's the term of this contract?

8 MR. ARNOLD: The construction
9 contract, it's probably 24 to 36 months. I
10 have to double check the backup.

11 CHAIRWOMAN GONSALVES: Is funding
12 for this project available and where is it
13 coming from?

14 MR. ARNOLD: It's coming from the
15 capital program and it's available.

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

18 MR. ARNOLD: 270 calendar days is
19 the contract. I take that back. I was
20 looking at a different item. 36 months is
21 the period for this construction.

22 CHAIRWOMAN GONSALVES: Any other
23 questions? Legislator Dunne.

24 LEGISLATOR DUNNE: Would there be
25 any problems to the community in the event

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2 of a leak with the trucking of this in and
3 out?

4 MR. ARNOLD: We're no longer
5 bringing that in. Right now we are bringing
6 hypochlorite in and out of the plant. This
7 will stop the hypochlorite into the plant.
8 We'll be producing it on the plant property.
9 The only thing that we would have to bring
10 in is salt and there's one other material
11 that's a non haz that has to be trucked in.

12 LEGISLATOR DUNNE: If there is a
13 problem with it leaking into the community,
14 manufacturing problem with it, and we --

15 MR. ARNOLD: We would follow the
16 same protocol if we had a spill from
17 trucking it in. Notify New York State DEC
18 and our hotline and the community would be
19 notified if they're registered on the
20 website.

21 LEGISLATOR DUNNE: What kind of
22 cause and effect, what would it have on the
23 community?

24 MR. ARNOLD: It's a diluted
25 material. I don't think there's any effect.

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2 I wouldn't want to speak out of turn. I
3 would want to go back and look, but it's
4 diluted. It's actually pumped through the
5 air for odor control so it's actually
6 released through the odor control systems.

7 LEGISLATOR DUNNE: You let the
8 fire departments know what you're doing
9 there so you know how to fight in the event
10 there is a --

11 MR. ARNOLD: I'm positive that
12 our processes require us to have fire
13 department notifications of all materials
14 held on the property.

15 LEGISLATOR DUNNE: You're
16 procurement, you're not the DPW --

17 MR. ARNOLD: I have seen
18 documents in the past that we have all that.
19 That would be a SOP that we would have to
20 have taken care of.

21 LEGISLATOR DUNNE: Thank you.

22 CHAIRWOMAN GONSALVES: I want to
23 ask, what are the benefits to the county in
24 having this contract?

25 MR. ARNOLD: It's twofold. It's

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2 slightly cheaper than trucking the material
3 in, and it reduces the amount of trucks of
4 hypochlorite that we have delivered at the
5 plant. I want to say that we bring trucks
6 in almost on a daily basis. We use a
7 tremendous amount of hypochlorite for both
8 disinfection and also odor control.

9 CHAIRWOMAN GONSALVES: Legislator
10 Kopel.

11 LEGISLATOR KOPEL: Are we going
12 to be able to use any of the hypochlorite
13 which is manufactured here for the other
14 sewage plants?

15 MR. ARNOLD: No. We won't be
16 doing that. The current plan is to install
17 a UV disinfection at Bay Park and also use
18 hypochlorite for odor control.

19 LEGISLATOR KOPEL: In other
20 words, Bay Park would still be buying it
21 from outside vendors?

22 MR. ARNOLD: Yes, but at a much
23 lower rate because they'd only be using it
24 for odor control. We can go to UV
25 disinfection which would not require that

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2 type of chemical.

3 LEGISLATOR KOPEL: So why are we
4 not going to UV for this one as well?

5 MR. ARNOLD: Because at Cedar
6 Creek the long term plan is to produce its
7 own power. When you produce your own power,
8 there's a phasing issue and the UV lights is
9 not a constant load and there could be
10 brownouts, so we can't have that
11 disinfection.

12 LEGISLATOR KOPEL: So, what I
13 would like to see and I would make it as a
14 general comment rather than specifically
15 only on this contract is a far more robust
16 financial analysis of the various costs that
17 we have now, the various costs that we have
18 later following the construction of this
19 facility, as well as of course of the other
20 benefits to the community such as you've
21 mentioned.

22 But, in the end, I would need
23 convincing as to why it's cheaper taking
24 this in-house than purchasing this elsewhere
25 and, so far, I'm not hearing any real

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2 answers to that.

3 CHAIRWOMAN GONSALVES: I'm going
4 to ask one more question and entertain
5 another motion.

6 Mr. Arnold, how imminent is the
7 need for this contract?

8 MR. ARNOLD: It's part of the
9 Suez contract, that they get so much work
10 done in the efficiency project. I have to
11 go back to the Suez agreement that if there
12 is a long delay, whether there is any
13 compensation required to them. I don't
14 think that there's an imminent thing that we
15 couldn't wait to last session if we're
16 looking for that information.

17 CHAIRWOMAN GONSALVES: Then I'm
18 going to entertain a motion to table.

19 LEGISLATOR KOPEL: So moved.

20 LEGISLATOR DUNNE: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Kopel, seconded by Legislator
23 Dunne. All those in favor of tabling this
24 item signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The item is tabled. That was
5 Item B-04. Thank you, Mr. Arnold.

6 The next one is B-06, contract
7 with DPW and Hinck Electrical Contractors,
8 Inc.

9 Motion, please.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR NICOLELLO: Second.

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

15 MR. ARNOLD: B-6 is a
16 construction contract associated with
17 putting scata systems at the various pump
18 stations in the county. Scata systems are a
19 remote control that allow instrumentation to
20 come back to a centralized monitoring point,
21 and also allow operators to do certain
22 things remotely at our pump stations.

23 Currently everything at our pump
24 station is hand driven which requires our
25 operators to visit the sites. While we do

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2 have alarms, anything that has to get
3 changed would require a visit. This is
4 looking to increase our efficiency at the
5 facilities and the reliability.

6 CHAIRWOMAN GONSALVES: Any
7 questions from the legislators for
8 Mr. Arnold?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of Contract B-06 signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Any abstentions?

19 (Abstain.)

20 Four, zero, three.

21 The next contract is B-7, a
22 contract with DPW and RG Industries.

23 Motion, please.

24 LEGISLATOR KOPEL: So moved.

25 LEGISLATOR NICOLELLO: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Kopel, seconded by Legislator
4 Nicolello. Mr. Arnold.

5 MR. ARNOLD: B-7 is the
6 construction contract for the installation
7 of new fuel dispensing tanks and its
8 ancillary equipment at the Bay Park Sewage
9 Plant maintenance garage. RJ Industries was
10 the third lowest bidder. The lowest bidder,
11 Adventura, their bids were rejected because
12 they didn't have the proper apprenticeship
13 program for the type of work we were
14 undertaking. The second bidder, Gem Star,
15 because of the period for the recommended
16 award was over 45 days they asked for us to
17 reject that bid, so the third bidder was RJ
18 Industries. This project was part of the
19 Sandy recovery as these fuel tanks were
20 damaged during Sandy.

21 CHAIRWOMAN GONSALVES: I have a
22 very serious issue. Hazen & Sawyer Arcadis
23 evaluated the bids. While it believes the
24 contractor should be capable of succeeding
25 or being successful in completing the

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2 project, it has concerns about the
3 contract's apparent lack of experience with
4 fuel dispensing concern projects and their
5 apparent lack of bearing fuel storage tank
6 experience within the county. How can you
7 address that?

8 MR. ARNOLD: This is speaking
9 about RJ?

10 CHAIRWOMAN GONSALVES: Yes.

11 MR. ARNOLD: I know that RJ has
12 done other fuel tank work on the property
13 and I also know that any work with regards
14 to the installation of fuel dispensing tanks
15 is oversight by our fire marshal office. So
16 I believe with our oversight and the fire
17 marshal we can have a successful project.

18 CHAIRWOMAN GONSALVES: Any other
19 comments or questions regarding this item?
20 Legislator Dunne.

21 LEGISLATOR DUNNE: I'm sorry.
22 But this is a labor contract, so we have
23 checked with CSEA to see if they can do the
24 work for us?

25 LEGISLATOR DUNNE: CSEA does not

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2 do installation of fuel tanks. You have to
3 have a special license with the fire
4 marshall's office for that work.

5 LEGISLATOR DUNNE: Good enough.

6 Thank you.

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

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of Contract B-7 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (Abstain.)

19 Four, zero, three.

20 The next item is B-8, a contract
21 with DPW and Welsbach Electric, Inc.

22 Motion, please.

23 LEGISLATOR KOPEL: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Kopel, seconded by Legislator
3 Nicolello. Mr. Arnold.

4 MR. ARNOLD: B-8 is a
5 construction contract for the installation
6 of electrical outlets for all the voting
7 machines in the Board of Election's office.
8 The Board of Elections has requested that
9 these devices be plugged in during their non
10 use.

11 This contract, there were four
12 bidders, and Welsbach was the lowest
13 responsible bidder.

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

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of Contract B-08 signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Any abstentions?

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2 (Abstain.)

3 Four, zero, three.

4 The next contract is B-09, a
5 contract with DPW and Banker Construction
6 Corp.

7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR KOPEL: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Kopel. Mr. Arnold.

13 MR. ARNOLD: B-9 is the
14 construction contract for the hardening and
15 storm mitigation of the dechlorination vault
16 that's located in Bay Park. It's outside
17 the berm area. It's actually located by the
18 shoreline by the golf course. This will
19 protect the vault from storm surge in the
20 future.

21 CHAIRWOMAN GONSALVES: Any
22 questions or comments from the legislators?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 There being none, all those in
3 favor of B-09 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Any abstentions?

8 (Abstain.)

9 Four, zero, three.

10 B-10, a contract with DPW and
11 Grace Industries, L.L.C.

12 Motion, please.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Dunne, seconded by Legislator
17 Nicolello. Mr. Arnold.

18 MR. ARNOLD: B-10 is a contract
19 amendment. This is associated with the
20 emergency contract to deal with the concrete
21 in the drainage pipe from the supposed
22 concrete plant in New Cassel.

23 Once the contractor began his
24 work, it was obvious that the concrete was
25 more hardened than initially anticipated

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2 during our proposal phase. In addition,
3 there was an additional length of pipe north
4 of the railroad tracks that required a
5 cleaning. We had issues with water coming
6 into the system beyond what we thought we
7 could anticipate to control in the original
8 contract. So this is an amendment for the
9 contractor to complete the work.

10 CHAIRWOMAN GONSALVES: Legislator
11 Kopel.

12 LEGISLATOR KOPEL: Ken, was this
13 contract, was this a fixed price contract,
14 time and materials?

15 MR. ARNOLD: It was presented as
16 a fixed contract initially.

17 LEGISLATOR KOPEL: So if it was a
18 fixed contract, was there a specified state
19 of amount of work, or was there something
20 that the contractor had to go to investigate
21 before making a bid?

22 MR. ARNOLD: The contractor took
23 a look at the limits, the defined limits in
24 this contract. The contractor looked at the
25 limits but he could not get into the pipe to

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2 see the condition of the material. It was
3 presented in the proposal that it was a
4 concrete slurry when in fact when we started
5 doing the work the concrete was cured which
6 is why its taking considerable more time to
7 remove it.

8 LEGISLATOR KOPEL: So, in other
9 words, it can be said that the scope of work
10 that we originally had in the contract was
11 not correct, is that what you're saying?

12 MR. ARNOLD: That is correct. We
13 had the fast trackers. We put our proposal
14 together very quickly because we needed to
15 get somebody starting work and we did not
16 have time.

17 LEGISLATOR KOPEL: Did the RFP
18 require the contractor to do his own
19 investigation and rely upon that?

20 MR. ARNOLD: This wasn't an RFP,
21 this was a bid contract, but the bid
22 contract did ask the contractor to do
23 fielding and verify that.

24 LEGISLATOR KOPEL: It did require
25 that?

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2 MR. ARNOLD: It did give them the
3 opportunity to go out in the field but let's
4 understand that you couldn't see what was in
5 the pipe.

6 LEGISLATOR KOPEL: I quite
7 understand that but my question is whether
8 these changed circumstances under the terms
9 of our contract legally require an
10 additional payment.

11 MR. ARNOLD: We've consulted with
12 the County Attorney's Office and my own
13 counsel on this and they both believe that
14 it does.

15 LEGISLATOR KOPEL: It does.
16 Okay. Thank you.

17 CHAIRWOMAN GONSALVES: I have a
18 question and the question is, is the county
19 recovering damages for the harm that was
20 done by the entity --

21 MR. ARNOLD: The county has
22 ongoing work with the outside counsel and
23 the County Attorney's Office looking to get
24 reimbursement, yes.

25 CHAIRWOMAN GONSALVES: In other

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2 words, they are being prosecuted?

3 MR. ARNOLD: I don't want to
4 speak to exactly how we are doing what we
5 are doing, you have to speak to the County
6 Attorney, but there is ongoing work.

7 CHAIRWOMAN GONSALVES: But they
8 are trying to recover?

9 MR. ARNOLD: Yes, trying to
10 recover.

11 CHAIRWOMAN GONSALVES: Any other
12 comments? Legislator Solages.

13 LEGISLATOR SOLAGES: Good
14 afternoon. Thank you, Presiding Officer.
15 Just, again, is the outside counsel
16 conducting this investigation?

17 MR. ARNOLD: No. The outside
18 counsel is working with in-house staff. I
19 can't speak to exactly what they're doing
20 but we're working through them on recovering
21 our costs.

22 LEGISLATOR SOLAGES: Who is the
23 specific counsel?

24 MR. ARNOLD: I believe it's
25 Wilson Elser but don't quote me on that. I

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2 will have to check with the County
3 Attorney's Office.

4 LEGISLATOR SOLAGES: This is very
5 concerning and I thought there would be a
6 further understanding or more information on
7 this and I feel we are still in the dark.

8 MR. ARNOLD: There's two pieces
9 to it. My piece is, I have to get the drain
10 pipe cleaned as quickly as possible. That's
11 what I'm working towards, and the other
12 piece, which is also important which is the
13 recovery of costs, and that's on the County
14 Attorney to question on that.

15 LEGISLATOR SOLAGES: I
16 understand. Thank you. But when is it
17 foreseeable when this will be completed?

18 MR. ARNOLD: I think we're
19 looking at a June completion at this point.
20 It's slow going and we're hoping that it
21 does pick up as we get to some pipe areas
22 that have less concrete in them but
23 approaching about ten to 15 feet a day right
24 now. It's like a mining operation. It's
25 quite extensive.

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2 CHAIRWOMAN GONSALVES: Any public
3 comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Contract B-10 signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Any abstentions?

12 (Abstain.)

13 Four, zero, three.

14 The next item is E-29, contract
15 with DPW and LK Mclean Associates, P.C.

16 Motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Nicolello. Mr. Arnold.

22 MR. ARNOLD: E-29 is a
23 construction management professional
24 services contract for the Phase 4 camera
25 project. Phase 4 camera project is putting

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2 up traffic monitoring cameras in various
3 locations throughout the county.

4 The first three phases have been
5 completed. There are cameras at Peninsula,
6 Old Country and Merrick Road currently.
7 This contractor, LK Mclean, was the highest
8 technically ranked firm and one of the
9 lowest bidders.

10 CHAIRWOMAN GONSALVES: Any
11 questions or comments from the legislators?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 There being none, all those in
16 favor of E-29 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Any abstentions?

21 (Abstain.)

22 Four, zero, three.

23 I'm going to block five of the
24 contracts, E-31, contract with the
25 Department of Police, C&R Automotive, Inc.;

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2 E-32m a contract with T&D Towing
3 Corporation; E-33, a contract with A1 Grand
4 Auto Body, Inc.; E-34, contract with North
5 Shore Auto and Towing, Inc.; Contract E-35
6 with All County Hookup Towing, Inc. d/b/a
7 All County Towing and Recovery.

8 Motion, please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Nicolello. Go ahead, Lieutenant.

14 LIEUTENANT STEPHANOFF: Good
15 afternoon. Lieutenant Stephanoff from the
16 Police Department. I have Detective Robert
17 Speto from administrative inspection here.

18 E-31 through and including E-35
19 are contracts to between tow companies in
20 the Nassau County Police Department to
21 perform impounds for the Nassau County
22 Police Department.

23 They include North Shore Auto and
24 Towing, Quadruple A1 Auto & Towing, A1 Grand
25 Auto Body, All County Towing and Recovery,

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2 T&D Towing Corporation.

3 These contracts were procured
4 through a sealed bid process that was
5 advertised in Newsday. The bids were
6 received by a committee. The committee
7 rated the companies and chose the highest
8 responsible bidders that were able to
9 perform the work for the impounds.

10 These contracts are revenue
11 generating as well as we are encumbering
12 money against them. When we impound a car
13 for evidence, we pay the impound for that
14 vehicle.

15 These contracts also are going to
16 impound with the three new zones; the LIE,
17 the Seaford Oyster Bay Expressway, and we
18 are going to have a zone for big vehicles
19 that require a tow truck with over 30,000
20 gross weight to tow a vehicle.

21 A committee was formed to
22 evaluate all the companies to make sure that
23 they were licensed for each zone, that they
24 had the proper storage facility that is
25 fenced in and lighted to keep the vehicles

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2 safe that are impounded from the public.

3 And also that they had the amount of tow
4 trucks necessary to carry out the impounds.

5 CHAIRWOMAN GONSALVES: I have a
6 question regarding E-33 with A1 Grand Auto
7 Body. There were violations I believe from
8 2000. Have those violations been cleared?
9 It's Contract E-33 with A1 Grand Auto Body,
10 Inc. There were violations from the year
11 2000. Have they been cleared?

12 MR. SPETO: Yes. He initially
13 cleared one earlier last year and just
14 recently within the last two or three weeks
15 he had the second one cleared up. So
16 they're no longer --

17 CHAIRWOMAN GONSALVES: In other
18 words, those violations don't exist anymore?

19 MR. SPETO: They don't exist any
20 more. It's been taken care of.

21 CHAIRWOMAN GONSALVES: Any other
22 questions? Minority Leader Kevan.

23 LEGISLATOR ABRAHAMS: Thank you,
24 Madam Presiding Officer. Just a quick
25 question. In regards to E-31-16, from our

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2 reading of the contract, the disclosure
3 indicates -- we don't see, actually,
4 Mr. Michael Schmeltzer, am I pronouncing
5 that correct? I hope I am. We don't see
6 his name mentioned on the disclosure form.
7 But there is documentation in the back that
8 indicates he's 49 percent owner.

9 MR. SPETO: Yes, he is.

10 LEGISLATOR ABRAHAMS: He's is a
11 49 percent owner?

12 MR. SPETO: I believe he is, yes.

13 LEGISLATOR ABRAHAMS: So I would
14 think that he would fall under the
15 requirements of filing disclosure since he
16 is a principal of the business?

17 MR. SPETO: I believe the
18 disclosure we have is for the other family
19 member who I believe is a 51 percent owner.

20 LEGISLATOR ABRAHAMS: Yes. But
21 we would need all of them. And then, also,
22 we went through this, it's no fault of
23 yours, we went through this in the committee
24 meeting last week actually in regards to the
25 responses or lack of responses to the

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2 conflict of interest questions on 17A and
3 17B.

4 It also looks like, and this is
5 from Mr. Arnold, we did receive, I guess,
6 amendments to question 17 in regards to the
7 conflict of interest on B-19, B-10, E-36,
8 E-37 and E- 42. So it seems like this one
9 kind of slipped through for some reason.
10 But we did just receive this, this came
11 today, February 1, so people are reading it.

12 CHAIRWOMAN GONSALVES: I'm going
13 to make it easy, guess what, I'm going to
14 take a motion to table this item.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Nicolello. All those in favor of tabling
20 E-31 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item is tabled until we get
25 the additional information. What is the

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2 item? Did you agree to the tabling, Kevan?

3 LEGISLATOR ABRAHAMS: We agree to
4 the tabling.

5 CHAIRWOMAN GONSALVES: So it's
6 seven.

7 LEGISLATOR ABRAHAMS: Just for
8 the record, it's also been brought to my
9 attention that on all of these contracts the
10 same issue in regard to the conflict of
11 interest, I believe that's question 17A and
12 B, it was not responded to in this
13 particular, for any of these contracts that
14 are up before us for today.

15 CHAIRWOMAN GONSALVES: I have a
16 question. I think Mr. Podlesak is here. I
17 think that your concern really should be
18 addressed by whether or not these contracts
19 indicate a conflict of interest. Would you
20 be able to tell us whether or not that is
21 so?

22 MR. PODLESAK: Gerry Podlesak.
23 This is the first I've heard about there
24 being an email. This is the first I've
25 heard of it. I don't know if it's been

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2 addressed by the police department. I can't
3 answer it.

4 LEGISLATOR ABRAHAMS: If I may,
5 Madam Presiding Officer.

6 CHAIRWOMAN GONSALVES: Hold on,
7 Minority Leader. This question came up, I
8 believe Mr. Podlesak, this question came up
9 I believe in a previous meeting which raised
10 the question of conflict of interest
11 according to the disclosure form, Item 17,
12 and we were going to get a clarification
13 from the County Attorney's Office regarding
14 whether or not the items demanded either a
15 yes or no answer.

16 So, I'm going to at this point,
17 guess what, sorry, I'm going to ask to table
18 all of these items.

19 LEGISLATOR DUNNE: So moved.

20 CHAIRWOMAN GONSALVES: There's a
21 motion on the table. He just made the
22 motion to table. Hold on. Before a get a
23 second on this.

24 LEGISLATOR ABRAHAMS: I rather
25 present the question because we're going to

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2 bring it up in two weeks.

3 CHAIRWOMAN GONSALVES: The
4 question was already posed.

5 LEGISLATOR ABRAHAMS: No, no. We
6 have another question that I don't want to
7 pose and then suddenly they don't have an
8 answer or maybe they do have an answer, and
9 then it just comes up again. So I'd rather
10 present the question now so they have the
11 time to answer it.

12 CHAIRWOMAN GONSALVES: Go ahead.

13 LEGISLATOR ABRAHAMS: It has also
14 come to our attention that one of the owners
15 of the business in E-31, I believe, Thomas
16 Schmeltzer, again, that he didn't answer the
17 question 8A, in the past five years have you
18 been convicted after trial or plea of a
19 misdemeanor, convicted of a trial or plea of
20 a misdemeanor, so just to put that on your
21 radar as well that he can respond to that.

22 CHAIRWOMAN GONSALVES: In other
23 words, we need some work done on the
24 disclosures. Okay? Lieutenant, you have
25 it?

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2 MR. PODLESAK: Is that E-31 or
3 another one?

4 CHAIRWOMAN GONSALVES: E-31.
5 Question 8.

6 LEGISLATOR ABRAHAMS: That was
7 E-31.

8 MR. PODLESAK: You're talking
9 about question eight, it's marked in the
10 copy that I'm looking at, it's marked --
11 which one are you talking about, which
12 number is it?

13 LEGISLATOR ABRAHAMS: I'm talking
14 about --

15 CHAIRWOMAN GONSALVES: We just
16 tabled that item.

17 LEGISLATOR ABRAHAMS: We tabled
18 it.

19 CHAIRWOMAN GONSALVES: In the
20 interest of getting as much information as
21 we can, we need to go back and look at the
22 disclosure form and are questionable,
23 especially 17 when it comes to the conflict
24 of interest because we did get the feeling
25 that the County Attorney's Office would

1 Rules Committee/2-1-16
2 address that question on the disclosure
3 form. All right? Whether or not the
4 contractor needs to say yes, no or just
5 ignore it.

6 So I think this is what we need
7 to do. I'm going to unfortunately table,
8 and Legislator Dunne began the tabling
9 motion.

10 LEGISLATOR KOPEL: Second.

11 CHAIRWOMAN GONSALVES: And
12 seconded by Legislator Kopel. All those in
13 favor of tabling E-32, 33, and 34 and 35
14 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 LEGISLATOR ABRAHAMS: We are in
19 favor of tabling.

20 CHAIRWOMAN GONSALVES: Seven
21 zero. Please get whatever information we
22 need. That means from the County Attorney's
23 Office as well to clarify Item 17.

24 LIEUTENANT STEPHANOFF: Yes, I
25 will. Thank you very much.

1 Rules Committee/2-1-16

2 CHAIRWOMAN GONSALVES: 32, 33,
3 34, and 35 were tabled as well. Next one is
4 E-36, contract with DPW and Dvirka and
5 Bartilucci/Liro, Joint Venture.

6 Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Nicolello. Go ahead, Mr. Arnold.

12 MR. ARNOLD: E-36 is a contract
13 amendment to the Liro Dvirka Bartilucci
14 construction management contract for
15 miscellaneous improvements at Bay Park.
16 It's for time only for additional 18 months.
17 The project was delayed due to impacts from
18 Hurricane Sandy.

19 CHAIRWOMAN GONSALVES: Any
20 questions of Mr. Arnold on this contract?

21 LEGISLATOR ABRAHAMS: Mr. Arnold,
22 you updated it. That was part of the ones
23 that I read into the record.

24 MR. ARNOLD: Yes.

25 CHAIRWOMAN GONSALVES: Legislator

1 Rules Committee/2-1-16

2 Nicoletello.

3 LEGISLATOR NICOLELLO: You just
4 indicated that it was delayed due to
5 Hurricane Sandy, so these construction
6 management contracts were in place before
7 Hurricane Sandy?

8 MR. ARNOLD: That's correct.

9 LEGISLATOR NICOLELLO: So it was
10 the ongoing project that was --

11 MR. ARNOLD: It was an ongoing
12 project. Hurricane Sandy came and we put a
13 hold while we reevaluated the plan.

14 LEGISLATOR NICOLELLO: Right.
15 Okay. Thank you.

16 CHAIRWOMAN GONSALVES: Are there
17 any other comments or questions from the
18 legislators?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 There being none, all those in
23 favor of E-36 signify by saying aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/2-1-16

2 (No verbal response.)

3 Any abstentions?

4 (Abstain.)

5 Four, zero, three.

6 The next item is contract E-37

7 with DPW and LKB Consulting Engineers.

8 Motion, please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR KOPEL: Second.

11 CHAIRWOMAN GONSALVES: Moved by

12 Legislator Dunne, seconded by Legislator

13 Kopel. Mr. Arnold.

14 MR. ARNOLD: E-37 is a

15 construction management for a professional

16 services with Lockwood Kessler & Bartlett

17 for our traffic expansion Phase 6 project.

18 They will oversee all construction and make

19 sure we do all construction activities and

20 get reimbursed to the maximum extent

21 possible which should be 80 percent.

22 CHAIRWOMAN GONSALVES: Any

23 questions of Mr. Arnold on this contract?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of E-37 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Any abstentions?

9 (Abstain.)

10 Four, zero, three.

11 The next contract is E-38, a
12 contract with CDM Smith, Liro Engineers,
13 Inc.

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

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

20 MR. ARNOLD: E-38 is a contract
21 amendment for time only for Liro and CDM.
22 They were our contract managers for the Step
23 and the environmental cleanup, or the Clean
24 & Seat Program. This is -- we're closing
25 out that contract and there was some billing

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2 that occurred that we needed to close out so
3 we had to extend the contract accordingly to
4 make them whole. There is no money involved
5 in this. It was all within the existing
6 cap.

7 CHAIRWOMAN GONSALVES: Any
8 questions or comments of Mr. Arnold?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of E-38 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (Abstain.)

19 Four, zero, three.

20 The next item is contract E-39, a
21 contract with Liro Engineers, Inc.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/2-1-16
2 Legislator Dunne, seconded by Legislator
3 Kopel. Mr. Arnold.

4 MR. ARNOLD: E-39 is a
5 construction management contract for
6 professional services for traffic expansion
7 Phase 5 project. Again, as in E-37, this
8 contract will oversee all contract
9 operations to make sure that we do
10 everything to maximize our state
11 reimbursement which should be 80 percent.

12 CHAIRWOMAN GONSALVES: Are there
13 any questions of Mr. Arnold regarding this
14 contract?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of E-39 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Any abstentions?

24 (Abstain.)

25 Four, zero, three.

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2 The next contract is a contract
3 with DPW and Simco Engineering, P.C.

4 Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Nicolello. Mr. Arnold.

10 MR. ARNOLD: E-40 is another
11 construction management contract for
12 professional services associated with paving
13 markings Phase 8.

14 Again, this contractor will
15 oversee all contractor operations to make
16 sure we maximize our state reimbursement
17 which is at 80 percent.

18 CHAIRWOMAN GONSALVES: Any
19 comments or questions for Mr. Arnold?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of E-40 signify by saying aye.

25 (Aye.)

1 Rules Committee/2-1-16

2 Any opposed?

3 (No verbal response.)

4 Any abstentions?

5 (Abstain.)

6 Four, zero, three.

7 The next contract is E-41 with
8 DPW Greenman - Pedersen, Inc.

9 Motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Nicolello. Mr. Arnold.

15 MR. ARNOLD: E-41 is a design
16 contract for professional services with
17 Greenman Pedersen, Inc. For the design of
18 replacement traffic signal equipment on the
19 Long Beach barrier island. There are three
20 individual sub-tasks within this contract.
21 Greenman Pedersen along with their sub will
22 be designing all three. This will be all
23 reimbursed 80 percent by state and federal
24 money. It's Super Storm Sandy damage.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/2-1-16

2 questions or comments for Mr. Arnold on this
3 contract?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of E-41 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Any abstentions?

13 (Abstain.)

14 Four, zero, three.

15 The next contract is E-42 with
16 DPW and Haks Engineers, Architects and Land
17 Surveyors, P.C.

18 Motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Nicolello. Mr. Arnold.

24 MR. ARNOLD: E-42 is a
25 construction management contract associated

1 Rules Committee/2-1-16
2 with the installation of new effluent pumps
3 at the Bay Park Sewage Treatment Plant.

4 Again, it's a professional
5 services contract. Haks was the highest
6 technically ranked provider. This, again,
7 is part of the Sandy reimbursement money.

8 CHAIRWOMAN GONSALVES: Any
9 questions or comments for Mr. Arnold on
10 E-42? Minority Leader Kevan.

11 LEGISLATOR ABRAHAMS: Mr. Arnold,
12 can you just explain to us, this was done
13 with the qualification base selection
14 procedure for procurement that was used?

15 MR. ARNOLD: That's correct.

16 LEGISLATOR ABRAHAMS: Just
17 explain that to us so we can have a general
18 idea of what that is.

19 MR. ARNOLD: The department's
20 technical review committee reviews all the
21 technical proposals. We rank them on a
22 number of factors, experience, the team,
23 local preference, schedule.

24 LEGISLATOR ABRAHAMS: This sounds
25 like the normal process.

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2 MR. ARNOLD: Yes. The regular
3 process.

4 LEGISLATOR ABRAHAMS: I don't
5 remember ever seeing that verbiage before.
6 Then, after we get done with the technical
7 ranking, if we have a clear highest
8 technically ranked firm, we open core
9 proposals and then we negotiate best value.

10 LEGISLATOR ABRAHAMS: Thank you.

11 CHAIRWOMAN GONSALVES: Legislator
12 Dunne.

13 LEGISLATOR DUNNE: A quick
14 question. They had a chart one time and
15 they showed us how much was needed and what
16 was going to be done in phases. Can we get
17 some type of --

18 MR. ARNOLD: We owe you an update
19 on our sewage treatment plan work.

20 LEGISLATOR DUNNE: You'll get
21 that for us?

22 MR. ARNOLD: Mr. McCloy spoke to
23 me earlier and we are working on that. We
24 have just been covering a couple of
25 different things.

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2 LEGISLATOR DUNNE: Thank you.

3 CHAIRWOMAN GONSALVES: Any other
4 comments or questions?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of E-42 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Any abstentions?

14 (Abstain.)

15 Four, zero, three.

16 Then we have an addendum. At
17 this point I need a motion to suspend the
18 rules.

19 LEGISLATOR KOPEL: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Kopel, seconded by Legislator
23 Nicolello. All those in favor of suspending
24 the rules signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The motion passes unanimously.

5 We have two personal services
6 agreements; E-5, a resolution executing a
7 personal services agreement between the
8 County of Nassau acting on behalf of the
9 Nassau County District Attorney Office and
10 fund for the City of New York Center for
11 Court Innovation; and a personal services
12 agreement E-13, an agreement between the
13 County of Nassau on behalf of the Department
14 of Social Services and Berkshire Farm Center
15 and Services for Youth.

16 Motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Nicolello. I don't know if there's anyone
22 here to speak on these items. Motion to
23 table, please. There is a reason.

24 We need additional information so
25 we're going to table E-5 and E-13. Motion

1 Rules Committee/2-1-16

2 to table.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Nicolello. All those in favor of tabling

8 E-5 and E-13 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The items are tabled. That

13 concludes the contract portion of the Rules

14 Committee. The next committee is Public

15 Works.

16 (Whereupon, the Rules Committee

17 recessed at 2:18 p.m. and reconvened at 2:39

18 p.m.)

19 CHAIRWOMAN GONSALVES: The

20 committee is now reconvening.

21 We are calling the one on the

22 addendum, that's it. The items we're

23 calling now are on the addendum. I'm going

24 to call 48 separately, Item 48, a resolution

25 to authorize the transfer of appropriations

1 Rules Committee/2-1-16

2 heretofore made within the budget for the
3 year 2016.

4 Motion, please.

5 LEGISLATOR ABRAHAMS: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Abrahams, seconded by Legislator
9 Kopel. Any questions, any comments
10 regarding this item?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of 48 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 I'm going to block 49, 50, 51,
21 52, 53, and 54. All these items have gone
22 through committee and, again, I ask we
23 incorporate the testimony from the
24 committees into the Rules Committee.

25 Any further questions on 49, 50,

1 Rules Committee/2-1-16

2 51, 52, 53, 54? Yes, Minority Leader.

3 LEGISLATOR ABRAHAMS: Thank you.

4 I just want to elaborate, obviously if we
5 can adopt the record from both previous
6 committees, including Legislator Birnbaum
7 including Legislator DeRiggi-Whitton's
8 comments, but I just wanted to elaborate --

9 CHAIRWOMAN GONSALVES: Hold on.

10 I think I said to incorporate the testimony
11 from the previous committees. I do that all
12 the time.

13 (Whereupon, the following are the
14 minutes of the Public Works Committee
15 pertaining to Clerk Items 49-54; 2-1-16.)

16 CHAIRMAN MUSCARELLA: At this
17 time we have an addendum to the committee.
18 I would ask for a motion to suspend the
19 rules.

20 LEGISLATOR RHOADS: So moved.

21 LEGISLATOR MACKENZIE: Second.

22 CHAIRMAN MUSCARELLA: By Mr.
23 Rhoads, seconded by Mr. MacKenzie. All
24 those in favor of suspending the rules
25 please say aye.

1 Rules Committee/2-1-16

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The rules are suspended. I'm
6 going to call all of these items at once and
7 block vote them. We have Clerk Item 49-16,
8 a bond ordinance providing for a capital
9 expenditure to finance a capital project
10 specified herein within the County of Nassau
11 authorizing \$74,986,552 of bonds of the
12 County of Nassau to finance said expenditure
13 and making certain determinations pursuant
14 to SEQRA and pursuant to the Local Finance
15 Law of New York and the County Government
16 Law of Nassau County;

17 Item 50 of '16, a bond ordinance
18 providing for a capital expenditure to
19 finance a capital project identified herein
20 within the County of Nassau authorizing
21 \$164,283,342.78 of bonds of the County of
22 Nassau to finance said expenditure pursuant
23 to the Local Finance Law of New York and the
24 County Government Law of Nassau County;

25 Item 51 of '16 is an ordinance to

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2 adopt the capital budget for the County of
3 Nassau for the first year of the four year
4 capital plan, to commence on January 1st,
5 2014 pursuant to the provisions of Section
6 310 of the County Government Law of Nassau
7 County;

8 Item 52 of 2016 is an ordinance
9 to adopt the capital budget for the County
10 of Nassau for the first year of the four
11 year capital plan to commence on January
12 1st, 2016, pursuant to the provisions of
13 Section 310 of the County Government Law of
14 Nassau County;

15 Item 53 of '16 is a resolution to
16 adopt the four year capital plan for the
17 County of Nassau to commence on January 1st,
18 2015 pursuant to the provisions of Section
19 310 of the County Government Law of Nassau
20 County;

21 And Item 54 of 2016 is a
22 resolution to adopt the four year capital
23 plan for the County of Nassau to commence on
24 January 1st, 2016 pursuant to the provisions
25 of Section 310 of the County Government Law

1 Rules Committee/2-1-16
2 of Nassau County.

3 LEGISLATOR GAYLOR: So moved.

4 LEGISLATOR RHOADS: Second.

5 CHAIRMAN MUSCARELLA: Motion by
6 Mr. Gaylor, seconded by Mr. Rhoads. The
7 items are before us. Normally at this time
8 what we do is pass these along through to
9 the Legislature, basically what we would
10 call teeing it up.

11 I know the majority has a number
12 of questions and concerns regarding these
13 items and I would ask if anybody has
14 anything else to say. Yes, Ms. Birnbaum.

15 LEGISLATOR BIRNBAUM: I would
16 just like to say on behalf of the minority
17 caucus that we received, I think we all
18 received these items just on Friday and,
19 because they are all very important and
20 contain significant projects for a lot of
21 money, a lot of funding that's being asked
22 for, I think at this point we need more time
23 to review it.

24 I have been told there's some
25 errors in some of the expenses, some of the

1 Rules Committee/2-1-16

2 funds being asked for, and I would like to
3 see it corrected before we review it again.

4 So, at this point in time I don't
5 believe any of us on the minority caucus
6 will be voting in favor of it.

7 CHAIRMAN MUSCARELLA: Okay. Ms.
8 Curran, do you have something to say?

9 LEGISLATOR CURRAN: I actually
10 have a question if there is anyone here to
11 answer it.

12 CHAIRMAN MUSCARELLA: Is there
13 anyone here to answer?

14 MR. ARNOLD: Kenneth Arnold,
15 Public Works.

16 LEGISLATOR CURRAN: So I don't
17 know if this is a finance question or a
18 Public Works question but I will pose it
19 anyway since you're standing there, but I
20 don't expect you to have the answer but,
21 maybe, in the meantime, someone could come
22 who does know the answer.

23 So, according to the official
24 statement from the county dated this past
25 January 15th, there are about 1.5 billion

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2 dollars in authorized but unissued bonds, so
3 money that has been approved by this body
4 but the county has not gone to actually get.

5 I guess my question would be, can
6 we use some of this money for these projects
7 that we're talking about?

8 Also, are all of these approved
9 by NIFA, and is there sort of a time when
10 that runs out, when that authorization runs
11 out? Those would be my questions. I'm told
12 it's ten years. So thank you for that.

13 MR. ARNOLD: Yes. Bonds do
14 sunset in ten years.

15 LEGISLATOR CURRAN: So these
16 would still be legitimate, yes?

17 MR. ARNOLD: Yes, but those bonds
18 also are dedicated for a purpose, they
19 cannot be used for other purposes.

20 LEGISLATOR CURRAN: Yes, that's
21 true. There is a list of what they are for.
22 But I'm wondering if there are any there
23 that could be used for some of these other
24 things or no?

25 MR. ARNOLD: No. If we could

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2 have, we would have used them.

3 LEGISLATOR CURRAN: Okay. And,
4 also, do you know if they have all been
5 approved by NIFA?

6 MR. ARNOLD: NIFA does not
7 approve individual capital projects, they
8 approve borrowing.

9 LEGISLATOR CURRAN: Right. I got
10 my answer. Thank you very much.

11 CHAIRMAN MUSCARELLA: Just for
12 the record, the majority also did not get
13 any of these items until this past Friday.

14 So, without any further
15 questions, any public comment?

16 (No verbal response.)

17 What I would like to do then, if
18 we can, is pass this through. It will I
19 believe be noticed for our next meeting but
20 I'm not quite so sure the items are going to
21 be called until we have all the answers both
22 on your side and ours.

23 All those in favor of passing
24 these items through signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (Nay.)

4 The items pass four to three.

5 (Whereupon, the following are the
6 minutes of the Finance Committee pertaining
7 to Clerk Items 48-54; 2-1-16.)

8 CHAIRMAN NICOLELLO: We have an
9 amended addendum. Motion to suspend the
10 rules.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MACKENZIE: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Walker, seconded by Legislator
15 MacKenzie. All those in favor of suspending
16 the rules signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 The rules are suspended.

21 Item 48 of 2016 is a resolution
22 to authorize the transfer of appropriations
23 heretofore made within the budget for the
24 year 2016.

25 LEGISLATOR WALKER: So moved.

1 Rules Committee/2-1-16

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN NICOLELLO: Moved by
4 Legislator Walker, seconded by Legislator
5 Muscarella. Do we have any discussion on
6 this item?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 All those in favor signify by
11 saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 That item carries unanimously.
16 Items 49, 50, 51, 52, 53, 54 of 2016,
17 actually, these were just called in Public
18 Works. Do we have consent to waive the
19 reading of these items from the minority?
20 Okay. We will incorporate by reference the
21 minutes of the last committee, the Public
22 Works committee.

23 (Whereupon, please refer to the
24 minutes of the Public Works Committee dated
25 February 1, 2016 pertaining to Clerk Items

1 Rules Committee/2-1-16

2 49-54 at pages 4-11.)

3 LEGISLATOR MUSCARELLA: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by

6 Legislator Muscarella, seconded by

7 Legislator Walker. The item is before the

8 committee. As Legislator Muscarella just

9 indicated, the point of this is to tee these

10 up for a full hearing before the Full

11 Legislature. Both the minority and majority

12 have questions regarding these items.

13 Obviously we all received them

14 late but, at the same time, the point is to

15 put them into a position where they can be

16 approved by the Full Legislature.

17 Legislator DeRiggi-Whitton.

18 LEGISLATOR DERIGGI-WHITTON: Thank

19 you. With that hearing, I would also just

20 like to incorporate the fact that, although

21 we were told there were numerous errors in

22 the capital budget which have to be

23 addressed, we also are still asking for some

24 type of contract procurement reform.

25 We need to feel comfortable

1 Rules Committee/2-1-16
2 voting for these and, as Legislator Birnbaum
3 expressed, we do support many of these
4 projects and personally want to see many of
5 them go through, but as a Legislature we
6 have to also be brought to the point where
7 we all feel comfortable.

8 I'm asking prior to the next
9 hearing that we at least take the basic
10 recommendations that were offered by the Zar
11 Committee or at least make some attempt to
12 make sure by us voting for this capital that
13 we are also making that money available and
14 therefore contracts will be coming, and we
15 just have to again make sure that we are all
16 in a place where we can have absolutely no
17 question that the procurement process was
18 done correctly.

19 CHAIRMAN NICOLELLO: Any other
20 discussion?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by
25 saying aye.

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2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Carries by a vote of four to
6 three.

7 (Whereupon, the following is the
8 continuation of the minutes of the Rules
9 Committee, 2-1-16.)

10 LEGISLATOR ABRAHAMS: But I just
11 wanted to elaborate on some of the comments
12 that Legislator DeRiggi-Whitton made.

13 Obviously, as it pertains to the
14 procurement process, we want to make sure
15 that what we vote for protects the entire
16 institution, all 19 of us as well as those
17 that are part of the process as well.

18 CHAIRWOMAN GONSALVES: You got
19 it. Any other comments or questions or any
20 public comment?

21 (No verbal response.)

22 There being none, all those in
23 favor of 49, 50, 51, 52, 53, and 54 signify
24 by saying aye. There wasn't a motion.
25 Thank you very much. A motion please on

1 Rules Committee/2-1-16

2 those items.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Kopel, seconded by Legislator
7 Nicolello. Since there is no further
8 comment from the legislators or the public,
9 all those in favor of 49, 50, 51, 52, 53, 54
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (Nay.)

14 It's four three.

15 Motion to adjourn.

16 LEGISLATOR KOPEL: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Kopel, seconded by Legislator
20 Nicolello. All those in favor signify by
21 saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 We are now adjourned.

1 Rules Committee/2-1-16

2 (Whereupon, the Rules Committee
3 adjourned at 2:44 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of February, 2016.

FRANK GRAY