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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, February 22, 2016
3:19 P.M

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

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4 NORMA GONSALVES,
 Chairwoman5 RICHARD NICOLELLO,
 Vice Chairman

6

DENNIS DUNNE

7

HOWARD KOPEL

8

9 KEVAN ABRAHAMS,
 Ranking

10 JUDY JACOBS

11 CARRIE SOLAGES

12 FRANK MORONEY,
 Clerk Pro Tempore of the Legislature

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LIST OF SPEAKERS

LISA LOCURTO 5

SERGIO BLANCO 8

BRENDAN ROCHE 13

1 Rules Committee/2-22-16

2 CHAIRWOMAN GONSALVES: We are now
3 in session. Please call the roll, Mr.
4 Moroney.

5 CLERK MORONEY: Presiding Officer
6 Gonsalves?

7 CHAIRWOMAN GONSALVES: Present.

8 CLERK MORONEY: Deputy Presiding
9 Officer Nicoletto?

10 LEGISLATOR NICOLELLO: Here.

11 CLERK MORONEY: Legislator Dunne?

12 LEGISLATOR DUNNE: Here.

13 CLERK MORONEY: Legislator Kopel?

14 LEGISLATOR KOPEL: Here.

15 CLERK MORONEY: Ranking Member
16 Kevan Abrahams?

17 LEGISLATOR ABRAHAMS: Here.

18 CLERK MORONEY: Legislator
19 Jacobs?

20 LEGISLATOR JACOBS: Here.

21 CLERK MORONEY: Legislator
22 Solages?

23 LEGISLATOR SOLAGES: Here.

24 CLERK MORONEY: You have a
25 quorum.

1 Rules Committee/2-22-16

2 CHAIRWOMAN GONSALVES: We have
3 two items on the regular agenda of the Rules
4 Committee and we begin with E-30-16, a
5 resolution affirming to an amendment to a
6 special counsel contract entered into by the
7 Nassau County Attorney and Wilson Elser
8 Moskowitz Edelman & Dicker, L.L.P.

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. Ms. Locurto.

15 MS. LOCURTO: Good afternoon.
16 Lisa Locurto from the County Attorney's
17 Office. This special counsel contract that
18 is before you is to represent a Nassau
19 County police officer due to a potential
20 conflict of interest.

21 The law firm was retained to
22 represent the police officer in a federal
23 civil rights lawsuit, again, because of the
24 potential conflict of interest, the law firm
25 retained will be representing a specific

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2 police officer. The other named defendants
3 will be represented by the County Attorney's
4 Office in-house counsel.

5 CHAIRWOMAN GONSALVES: Legislator
6 Abrahams.

7 LEGISLATOR ABRAHAMS: Thank you,
8 Madam Presiding Officer Gonsalves.

9 I just have two quick questions.
10 First, I just want to get an idea of how
11 much money has been expended on each of the
12 outside counsel contracts associated with
13 this case.

14 MS. LOCURTO: The contract that
15 is before you is in the Rochester matter,
16 legislator. The total amount for the
17 contract is, I believe, \$125,000. It's the
18 budgeted amount to cover the preliminary
19 pleadings and the discovery.

20 LEGISLATOR ABRAHAMS: It's our
21 understanding too, Ms. Locurto, that the
22 Lewis Johs contract is also tied in, is that
23 your understanding as well?

24 MS. LOCURTO: To this contract?

25 LEGISLATOR ABRAHAMS: No. To

1 Rules Committee/2-22-16

2 this case. I'm sorry.

3 MS. LOCURTO: I'm not aware of
4 that, legislator. I don't think I have an
5 answer for you on that.

6 LEGISLATOR ABRAHAMS: Hold on a
7 second. What are the other counsels that
8 are associated with this particular action?
9 I think that's what we're trying to drive
10 at. We were of the mindset that Lewis Johs
11 was. You are saying they're not.

12 MS. LOCURTO: Legislator, that is
13 not my understanding. I have plaintiff's
14 counsel, which is Morta Bruna Cooper is
15 representing the plaintiff's counsel. I'm
16 not aware of the other counsels who have
17 made an appearance, just the county and
18 Wilson Elser are the only two that I'm aware
19 of. But I will go back to the County
20 Attorney's Office and verify that.

21 LEGISLATOR ABRAHAMS: If you
22 could because we have a different
23 understanding. Thank you, Ms. Locurto.

24 MS. LOCURTO: No problem.

25 CHAIRWOMAN GONSALVES: Any other

1 Rules Committee/2-22-16

2 comments from the legislators?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 There being none, all those in
7 favor of E-30 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 The item passes four to three.

12 The next one is E-52, a
13 resolution authorizing the County Executive
14 to execute a personal services agreement
15 between the County of Nassau acting on
16 behalf of the Office of the Nassau County
17 Comptroller and Albrecht Viggiano Zureck &
18 Company, P.C.

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. Yes?

25 MR. BLANCO: Hi. Sergio Blanco

1 Rules Committee/2-22-16
2 from the Comptroller's Office here to speak
3 on this item.

4 CHAIRWOMAN GONSALVES: Welcome,
5 Sergio.

6 MR. BLANCO: I'm here to present
7 the contract between Albrecht Viggiano
8 Zureck & Company known as AVZ with the
9 Comptroller's Office on behalf of Nassau
10 County. Are there any questions from the
11 legislators?

12 LEGISLATOR ABRAHAMS: Let me make
13 sure I follow protocol. Madam Presiding
14 Officer, may I ask a quick question?

15 CHAIRWOMAN GONSALVES: Yes, you
16 may.

17 LEGISLATOR ABRAHAMS: Just a
18 quick question, Mr. Blanco. In regards to
19 the procurement process, was it handled by
20 the Comptroller's Office or handled by the
21 county's purchasing?

22 MR. BLANCO: We initiated the RFP
23 and we sent it to purchasing to actually
24 effectuate the procurement.

25 LEGISLATOR ABRAHAMS: But your

1 Rules Committee/2-22-16

2 office drafted the RFP?

3 MR. BLANCO: That's correct.

4 LEGISLATOR ABRAHAMS: And you
5 selected the services of Albrecht Viggiano
6 Zureck, AVZ?

7 MR. BLANCO: That is correct.

8 LEGISLATOR ABRAHAMS: Thank you.

9 CHAIRWOMAN GONSALVES: Legislator
10 Solages.

11 LEGISLATOR SOLAGES: Thank you.
12 Good afternoon, Mr. Blanco. I just want to
13 make sure, it's been 313 days since the
14 AbTech scandal happened in Nassau County. I
15 just want to make sure we are not
16 duplicating what happened there.

17 Again, how is this different?
18 How did the procurement process here differ
19 from what happened with that AbTech
20 situation?

21 MR. BLANCO: I can't speak with
22 what happened with AbTech, I was not
23 involved in that process.

24 LEGISLATOR SOLAGES: But here in
25 this process, it was the Comptroller's

1 Rules Committee/2-22-16

2 Office that handled the procurement, not
3 another office in the county administration?

4 MR. BLANCO: Yes. So far we do
5 submit it to the office of purchasing for
6 the actual posting in the procurement system
7 as well as advertising it in Newsday in
8 Nassau County, Queens and Suffolk County,
9 but, beyond that, yes, we did the paperwork
10 related to this procurement as well as the
11 evaluation.

12 LEGISLATOR SOLAGES: And are
13 aware of any familial relationships between
14 the county and those who will be responsible
15 for effectuating this service?

16 MR. BLANCO: Not at all that I'm
17 aware of.

18 LEGISLATOR SOLAGES: Thank you
19 very much.

20 CHAIRWOMAN GONSALVES: Any other
21 comments from the legislators?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/2-22-16

2 favor of E-52 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item passes seven to zero.

7 Now we have one item from a
8 previous Rules Committee that was tabled and
9 I'm going to ask for a motion to untable
10 Item E-13, a resolution authorizing the
11 County Executive to execute an amendment to
12 a personal services 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 to untable, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Nicolello. All those in favor of untabling
22 E-13 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 The item is untabled. We have?

3 MR. ROCHE: Brendan Roche, Social
4 Services. Berkshire Farm Center will
5 provide preventive services which consist of
6 short term, intensive home base services to
7 Nassau County Families whose child is in
8 imminent risk of foster care placement.

9 CHAIRWOMAN GONSALVES: Any
10 questions or comments?

11 LEGISLATOR ABRAHAMS: If I may,
12 Presiding Officer.

13 CHAIRWOMAN GONSALVES: Minority
14 Leader Abrahams.

15 LEGISLATOR ABRAHAMS: I just want
16 to also state for the record -- I know
17 representatives of the county or the
18 administration came to meet with us -- the
19 vendor, I'm sorry, came to meet with us in
20 regards to this particular contract.

21 From our standpoint, again, this
22 is the type of contract which it sounds like
23 providing good youth services, it sounds
24 like something we would support, however,
25 because it falls under realm of the county

1 Rules Committee/2-22-16

2 procurement process, I just couldn't see how
3 we could vote for this in good conscience.

4 CHAIRWOMAN GONSALVES: Any public
5 comment?

6 LEGISLATOR ABRAHAMS: I just
7 wanted to make sure it was part on their
8 general program, not on this specific
9 contract, per se, but they did come to meet
10 with us about the general program just for
11 clarification for the record.

12 CHAIRWOMAN GONSALVES: Any public
13 comment regarding this personal services
14 agreement? Minority Leader.

15 LEGISLATOR ABRAHAMS: Thank you.
16 Just a quick question in regards to a
17 followup confirmed with staff.

18 We just want to make sure that
19 the administration or the department has the
20 capability to be able to evaluate contracts
21 of this nature, like this one. Do you have
22 that confidence?

23 MR. ROCHE: Yes, we do. We have
24 the contractor evaluation form that gets
25 filled out.

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2 LEGISLATOR ABRAHAMS: Okay.

3 Thank you.

4 CHAIRWOMAN GONSALVES: Any public
5 comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of E-13 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. A motion to adjourn, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Kopel. All those in favor of adjourning the
21 Rules Committee signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The meeting is adjourned.

1 Rules Committee/2-22-16

2 Remember, at 4 o'clock, for those of you who
3 could stay, it would be nice, and my
4 colleagues hopefully they're going to stay
5 for the program that will begin at 4:00.

6 (Whereupon, the Rules Committee
7 adjourned at 3:29 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 8th day of March, 2016.

FRANK GRAY