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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 23, 2016
4:38 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

JUDY JACOBS (Substituted by
Delia DeRiggi-Whitton)

CARRIE SOLAGES

MICHAEL C. PULITZER,
Clerk of the Legislature

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1 Rules Committee/5-23-16

2 CHAIRWOMAN GONSALVES: We have
3 everybody that is supposed to be here.
4 Please call the roll for the Rules
5 Committee.

6 CLERK PULITZER: Thank you,
7 Madam. Legislator Carrie Solages?

8 LEGISLATOR SOLAGES: Here.

9 CLERK PULITZER: Legislator
10 DeRiggi-Whitton substituting for Judy
11 Jacobs?

12 LEGISLATOR DERIGGI-WHITTON:
13 Here.

14 CLERK PULITZER: Ranking Member
15 Kevan Abrahams?

16 LEGISLATOR ABRAHAMS: Here.

17 CLERK PULITZER: Alternate Deputy
18 Presiding Officer Howard Kopel?

19 LEGISLATOR KOPEL: Here.

20 CLERK PULITZER: Legislator
21 Dennis Dunne?

22 LEGISLATOR DUNNE: Here.

23 CLERK PULITZER: Vice Chairman
24 Richard Nicolello?

25 LEGISLATOR NICOLELLO: Here.

1 Rules Committee/5-23-16

2 CLERK PULITZER: Chairwoman Norma
3 Gonsalves?

4 CHAIRWOMAN GONSALVES: She's
5 present.

6 CLERK PULITZER: We have a
7 quorum.

8 CHAIRWOMAN GONSALVES: Thank you.
9 We will begin with Item A-19, a resolution
10 authorizing the Director of Nassau County
11 Office of Purchasing to award and execute a
12 contract between the County of Nassau acting
13 on behalf of the Nassau County Correctional
14 Center and Rockland Bakery, Inc.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Nicolello. Tell us about this.

21 MR. MAY: This is the standard
22 bread products contract, or purchasing
23 contract for the county that we use for the
24 corrections facilities. Any questions?

25 (No verbal response.)

1 Rules Committee/5-23-16

2 CHAIRWOMAN GONSALVES: Any public
3 comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of A-19 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Any abstentions?

11 (Abstain.)

12 Four, zero, three.

13 Item B-13, a contract between the
14 County of Nassau acting on behalf of the
15 Nassau County Department of Public Works and
16 RJ Industries, Inc.

17 Motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Kopel.

23 MR. MAY: Mr. Joe Davenport from
24 Public Works to answer any questions on this
25 item.

1 Rules Committee/5-23-16

2 MR. DAVENPORT: This is a
3 publically bid construction contract for
4 improvements at the Cedar Creek Pollution
5 Control Plant for specially replacement of
6 belt filter presses with centrifuges for
7 drying the digested solids. The bids were
8 open on January 19th. The County received
9 six bids. We are recommending an award to
10 the lowest bidder, RJ Industries.

11 CHAIRWOMAN GONSALVES: Any
12 questions of Mr. Davenport? Legislator
13 Dunne.

14 LEGISLATOR DUNNE: This isn't
15 going to increase the odor?

16 MR. DAVENPORT: No. Actually, if
17 anything, it will improve. The centrifuges
18 are totally an enclosed process as compared
19 to belt filter presses that are open to the
20 interior of the building.

21 CHAIRWOMAN GONSALVES: Any other
22 comments?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/5-23-16

2 There being none, all those in
3 favor of B-13 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Any abstentions?

8 (Abstain.)

9 Four, zero, three.

10 Our next item is B-16, a contract
11 between the County of Nassau acting on
12 behalf of the Nassau County Department of
13 Public Works and NUCO Painting Corporation.

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR KOPEL: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Kopel. Who do we have?

20 MR. MAY: Ms. Donna Boyle from
21 the Department of Public Works.

22 MS. BOYLE: Good afternoon. This
23 contract is with NUCO. They were
24 approximately 1.5 less than the next guy on
25 the list. It was open bid. We had four

1 Rules Committee/5-23-16

2 bidders and we will get an 80 percent
3 reimbursement on this contract from the
4 federal government through New York State.

5 CHAIRWOMAN GONSALVES: Any
6 questions of Ms. Boyle?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of B-16 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Any abstentions?

16 (Abstain.)

17 The item passes four, zero,
18 three.

19 The next item is B-20, a contract
20 amendment between the County of Nassau
21 acting on behalf of the Nassau County
22 Department of Public Works and Hi-Tech
23 Air-Conditioning Services, Inc.

24 Motion, please.

25 LEGISLATOR DUNNE: So moved.

1 Rules Committee/5-23-16

2 LEGISLATOR NICOLELLO: Second.

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

6 MR. SCHNEIDER: Good afternoon.
7 Brian Schneider from Public Works.

8 This is an amendment to an
9 existing building contract HVAC contract
10 with Hi-Tech Air Conditioning Services.

11 This amendment will extend the
12 cap for an additional \$2 million anticipated
13 to be \$1 million for each year which will
14 increase the maximum cap in the contract to
15 be \$5 million.

16 We are not extending the term of
17 the contract. That will remain the same.
18 We are recommending approval of the
19 extension of the contract cap for an
20 additional \$2 million to bring to bring it
21 up to \$5 million.

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

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/5-23-16

2 (No verbal response.)

3 There being none, all those in
4 favor of B-20 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 item is an amendment
12 E-111, an amendment to a personal services
13 agreement between the County of Nassau
14 acting on behalf of the Nassau County Police
15 Department and American Securities
16 Technologies, Inc. D/b/a Life Button 24.

17 Motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Nicolello.

23 ACTING COMMISSIONER KRUMPTER:

24 Good afternoon Legislator Gonsalves, Acting
25 Commissioner Thomas Krumpter, Nassau County

1 Rules Committee/5-23-16

2 Police Department.

3 This contract amendment is kind
4 of unique in that it significantly changes
5 the terms and conditions and scope in
6 particular. As far as the quantity which we
7 are buying, significantly reducing the
8 quantity that is being bought by the Nassau
9 County Police Department of panic buttons.
10 Going from several thousand devices down to
11 \$500. The per unit cost remains the same
12 and this is an additional licensing cost
13 because of the reduction.

14 But, overall, it will result in a
15 significant reduction in savings. 300 of
16 the 500 devices and a proportionate amount
17 of the technology is all being funded by a
18 New York State grant with the remaining 200
19 of the devices being funded out of the
20 county operating funds.

21 The 300 devices will be dedicated
22 to domestic violence victims. They are
23 replacing the department's current and
24 existing caper system. This is one of two
25 technologies that the Nassau County Police

1 Rules Committee/5-23-16

2 Department is adopting.

3 The second is a panic button app
4 that will go on the phones where we are
5 buying an enterprise license for that
6 particular license.

7 This gives two different
8 technologies which will be used for
9 robberies and other types of ongoing crime.

10 I'd be more than happy to answer
11 any questions.

12 CHAIRWOMAN GONSALVES: Any
13 questions of the Acting Commissioner?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of E-111 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any abstentions?

23 (Abstain.)

24 Four, zero, three. It passes.

25 The next item is E-113, an

1 Rules Committee/5-23-16
2 amendment to a personal services agreement
3 between the County of Nassau acting on
4 behalf of the Traffic and Parking Violation
5 Agency and Quest Computer Products, Inc.

6 Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR KOPEL: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Kopel. We have?

12 MR. RICH: David Rich, assistant
13 executive director of the Nassau County
14 Parking and Violations Agency.

15 This is amendment 15 to the
16 original contract. Basically it extends the
17 term to January of '18 with an on option to
18 renew for five one year periods. This is
19 the vendor whose system has been in since
20 1995 which basically processes and handles
21 all our traffic and parking violations in
22 the IT system.

23 CHAIRWOMAN GONSALVES: Any
24 questions of Mr. Rich?

25 (No verbal response.)

1 Rules Committee/5-23-16

2 Is there any public comment?

3 (No verbal response.)

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

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Any abstentions?

10 (Abstain.)

11 Four, zero, three.

12 The next item is E-121, a
13 personal services agreement between the
14 County of Nassau acting on behalf of the
15 Nassau County Executive's Office and the
16 Office of the Nassau County Attorney and
17 Robert J. Bishop.

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.

24 MS. LOCURTO: Good afternoon,
25 legislators. This is a contract covering

1 Rules Committee/5-23-16

2 the lobbying services for the period of
3 January 1, 2016 through December 31st, 2016.

4 This firm will provide the county
5 with representation in Albany to fight for
6 the county on various state bills that
7 affect county residents. It is essential to
8 have effective advocacy on behalf of the
9 county for constructive legislation that can
10 help the county function productively and
11 efficiently.

12 Examples of some of the
13 legislation that have helped us in the past
14 and we hope to help the county with in the
15 future would include state funding being
16 provided for the prevention of contagious
17 diseases specifically spraying for or
18 providing assistance with the Zika virus as
19 well as West Nile, aid to our community
20 colleges, real property or tax assessment
21 reforms, Medicaid, Medicare reimbursements
22 from the state. Those are just a few of the
23 things that they work with the county on.

24 CHAIRWOMAN GONSALVES: Minority
25 Leader.

1 Rules Committee/5-23-16

2 LEGISLATOR ABRAHAMS: Thank you.
3 Quick question. Ms. Locurto, has the
4 outside counsel incurred more than \$50,000
5 in fees prior to this approval?

6 MS. LOCURTO: This isn't an
7 outside counsel. They are a specific
8 lobbying firm that provides lobbying
9 services. Have they incurred, yes, while
10 their contract has been pending, it is a
11 flat rate that is paid. This is on the
12 Bishop contract?

13 LEGISLATOR ABRAHAMS: Yes. This
14 is not a law practice that he has?

15 MS. LOCURTO: No, it's a contract
16 with Robert J. Bishop acting in his capacity
17 as a lobbyist and provides those services.
18 He is associated with a law firm but this
19 contract is specifically with him.

20 CHAIRWOMAN GONSALVES: Any other
21 questions of Ms. Locurto?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/5-23-16
2 favor of E-121 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 Item passes four to three.

7 The next item is E-122, a
8 personal services agreement between the
9 County of Nassau acting on behalf of the
10 Nassau County Department of Parks,
11 Recreation and Museums and Dean Karahalidis,
12 Inc.

13 Motion, please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR NICOLELLO: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator
18 Nicolello. Who do we have?

19 MR. MCDERMOTT: Dennis McDermott
20 from the County Attorney's Office. This is
21 a contract between the county and Dean
22 Karahalidis for concert pops for the holiday
23 spectacular that was held last December.
24 The file had been routed and received all
25 approvals including the comptroller's

1 Rules Committee/5-23-16

2 approval in December 2015.

3 At that point the file
4 disappeared and despite many diligent
5 efforts by parks and the County Executive's
6 Office, the file has never showed up.

7 Now we are here to get this
8 payment approved on a file that had already
9 been approved in December.

10 LEGISLATOR KOPEL: You lost me.
11 What happened here?

12 MR. MCDERMOTT: The contract was
13 completely approved and signed off even by
14 the comptroller's office. From that moment
15 on the file disappeared.

16 LEGISLATOR KOPEL: When did this
17 happen?

18 MR. MCDERMOTT: It was routed in
19 October and November and it was approved in
20 December by the comptroller which is the
21 final approval in December of 2015.

22 LEGISLATOR KOPEL: But, once
23 again, I think what you're saying now, if
24 I'm not mistaken here, is that it was
25 approved by the comptroller after it was

1 Rules Committee/5-23-16

2 done, after the performance was done.

3 MR. MCDERMOTT: Well, all of the
4 other approvals, the comptroller is the last
5 one, and in their due diligence they take
6 approximately 30 days to approve it.

7 The last approval that was
8 required other than comptroller was county
9 attorney's office and that was done.

10 LEGISLATOR KOPEL: I'm going to
11 vote this time for it for only one reason
12 and that's because it's unfair to someone
13 who has already done work to start enforcing
14 something like this now.

15 But I've said it before and the
16 time is going to come when I'm going to vote
17 against every single time that a contract
18 comes before us for approval once the money
19 has been spent, once the service has been
20 rendered.

21 That kind of renders the entire
22 process over here pointless. This has to
23 stop.

24 MR. MCDERMOTT: It is out of the
25 ordinary. It doesn't happen -- in this

1 Rules Committee/5-23-16

2 case, it disappeared well after it was out
3 of park's control.

4 LEGISLATOR KOPEL: When did parks
5 approve it?

6 MR. MCDERMOTT: Parks approved it
7 November 14 and then budget approved it
8 October 23rd. County Attorney approved it
9 November 2nd. That is the last approval
10 that's required before comptroller,
11 December.

12 LEGISLATOR KOPEL: There was one
13 performance.

14 MR. MCDERMOTT: Yes, one
15 performance, the Holiday Spectacular last
16 year.

17 LEGISLATOR KOPEL: Even so, don't
18 go and spend the money. If you didn't get
19 the approval, you can't spend the money.

20 MR. MCDERMOTT: They had the
21 approvals.

22 LEGISLATOR KOPEL: But they
23 didn't because we have to approve it. You
24 didn't have our approval.

25 MR. MCDERMOTT: At that time

1 Rules Committee/5-23-16

2 legislative approval was not needed.

3 LEGISLATOR KOPEL: Got it. As I
4 said, I only speak for myself, but going
5 forward I'm going to start voting against
6 all these.

7 CHAIRWOMAN GONSALVES: Legislator
8 Nicolello.

9 LEGISLATOR NICOLELLO: I
10 understand what you're saying, it wouldn't
11 have come to us because of the -- because we
12 were operating under a different threshold,
13 but especially with these performances and
14 advertising and that type of thing, there's
15 no reason whatsoever why they can't come to
16 us before these things actually take place.

17 I can understand a Public Works
18 project seasonal issues with getting started
19 et cetera et cetera, but you have to be able
20 to get to us a contract for someone
21 performing or someone advertising before
22 they actually do it.

23 There's no reason and I think
24 what we are asking you to do, obviously you
25 are up there, the messenger, to let the

1 Rules Committee/5-23-16

2 administration know that these things have
3 to come to us in a timely fashion or they're
4 not going to get through.

5 MR. MCDERMOTT: I agree,
6 legislator, and every effort is being made
7 to do that but this is an unusual situation.
8 It was routed under previous guidelines
9 where it would not have needed legislative
10 approval and had actually received all of
11 the requisite approvals of the comptroller
12 well before the performance itself.

13 LEGISLATOR ABRAHAMS: May I?

14 CHAIRWOMAN GONSALVES: Minority
15 Leader Abrahams.

16 LEGISLATOR ABRAHAMS: Just really
17 quick. I mean, if I understand, this
18 contract still would have been a part of our
19 calendar for notifications, correct?

20 MR. MCDERMOTT: It would have
21 been, yes.

22 LEGISLATOR ABRAHAMS: Okay.

23 CHAIRWOMAN GONSALVES: Any public
24 comment?

25 (No verbal response.)

1 Rules Committee/5-23-16

2 There being none, all those in
3 favor of E-122 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Any abstentions?

8 (Abstain.)

9 Item passes four, zero, three.

10 Next is Item E-123, an amendment
11 to a special counsel contract between the
12 County of Nassau acting on behalf of the
13 Nassau County Attorney's Office and Bee
14 Ready Fishbein Hatter & Donovan, L.L.P.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Nicolello.

21 MS. LOCURTO: Good afternoon.

22 This is a contract with special counsel to
23 represent and assist the Office of Labor
24 Relations and County Attorney's Office in
25 labor disputes and arbitration.

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2 The firm also provides legal
3 counsel on labor issues, negotiations, and
4 specific issues with the five labor unions
5 that the county has. This contract is for
6 \$900,000. It will cover work from the
7 period of January 2016 through December
8 31st, 2016.

9 Special counsel will be providing
10 legal services to specific county agencies
11 and departments. Again, those are the
12 Office of Labor Relations, Nassau County
13 Police Department, Nassau County
14 Correctional Facility and the County
15 Attorney's Office.

16 Each of the county departments
17 are contributing to the funding of this
18 contract. The counsel is required because
19 they do have an expertise and specialized
20 knowledge in the County Attorney's Office
21 and the departments would like to take
22 advantage of the CBA, collective bargaining
23 agreements with the various unions have had
24 extensive amendments and adjustments
25 overtime and the understanding of the

1 Rules Committee/5-23-16

2 complexities of these contracts requires the
3 County Attorney's Office and the various
4 departments to consult with counsel.

5 CHAIRWOMAN GONSALVES: Any
6 questions of Ms. LoCurto? Minority Leader.

7 LEGISLATOR ABRAHAMS: Thank you,
8 Madam Presiding Officer. The same question
9 I asked before, Ms. Locurto, I think it
10 would apply now, because this is a law firm,
11 correct?

12 MS. LOCURTO: Correct.

13 LEGISLATOR ABRAHAMS: Not in the
14 case of Mr. Bishop?

15 MS. LOCURTO: Correct.

16 LEGISLATOR ABRAHAMS: So, again,
17 I ask the question, has outside counsel
18 incurred more than \$50,000 in fees prior to
19 the legislative approval today?

20 MS. LOCURTO: I would have to go
21 back and look. I believe they have occurred
22 that for the period because the contract
23 covers January 2016 and this is May of 2016.
24 So, they would have accrued some billings
25 for that period of time.

1 Rules Committee/5-23-16

2 LEGISLATOR ABRAHAMS: Because the
3 reason I ask is because is the outside
4 counsel aware that NIFA has a policy that
5 states that fees above \$50,000 will not be
6 approved if they occurred prior to
7 legislative approval?

8 MS. LOCURTO: Yes, they have been
9 aware. The County Attorney's Office and
10 NIFA have been speaking about the
11 contracting process. They have been fully
12 brought into the scope of the discussion and
13 they are aware of what is being discussed
14 and required with these legal service
15 contracts.

16 LEGISLATOR ABRAHAMS: Are we
17 concerned about any danger that we could be
18 sued from your perspective?

19 MS. LOCURTO: By who?

20 LEGISLATOR ABRAHAMS: By the law
21 firm. By the law firm, yes.

22 MS. LOCURTO: I don't think so at
23 this time. No.

24 LEGISLATOR ABRAHAMS: I mean this
25 is a policy by NIFA, it's not a law. If

1 Rules Committee/5-23-16

2 somebody rendered services to this county, I
3 don't know, something to think about.

4 Sounds like to me we may ask the County
5 Attorney for a legal opinion.

6 MS. LOCURTO: I think I
7 understand your question, legislator. We
8 will be happy to provide whatever opinion
9 that you need or would like us to address
10 whatever questions that you have.

11 CHAIRWOMAN GONSALVES: Any public
12 comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of E-123 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item passes four to three.

20 Item U-16, an amendment to a
21 personal services agreement between the
22 County of Nassau acting on behalf of the
23 Office of the Nassau County Attorney and
24 Jackson Lewis, P.C.

25 Motion, please.

1 Rules Committee/5-23-16

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by

5 Legislator Dunne, seconded by Legislator

6 Nicolello. Now I'm going to call for a

7 motion to table.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRWOMAN GONSALVES: Moved by

11 Legislator Dunne, seconded by Legislator

12 Nicolello. All those in favor of tabling

13 U-16 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Any abstentions?

18 (No verbal response.)

19 The item has been tabled

20 unanimously.

21 The next item is U-18, an

22 amendment to a personal services agreement

23 between the County of Nassau acting on

24 behalf of the Nassau County Department of

25 Social Services and Long Island Cares, Inc.,

1 Rules Committee/5-23-16

2 d/b/a The Harry Chapin Food Bank.

3 Motion, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR KOPEL: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

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

9 MR. BRODERICK: Legislators, good
10 afternoon. Paul Broderick, deputy
11 commissioner, Department of Social Services.

12 The item before you is a contract
13 with the Department of Social Services and
14 Long Island Cares. Essentially the
15 department had realized what the number of
16 individuals who are food insecure in Nassau
17 County.

18 The department wanted to help
19 support efforts to further assist residents
20 of Nassau County. The administration
21 supported us and the contract before you is
22 for \$24,500.

23 CHAIRWOMAN GONSALVES: Any
24 questions? Minority Leader.

25 LEGISLATOR ABRAHAMS: Mr.

1 Rules Committee/5-23-16

2 Broderick, this contract in our backup is
3 identified as the sole source, can you just
4 elaborate on what makes this a sole source?

5 MR. BRODERICK: It's an
6 established food bank.

7 LEGISLATOR ABRAHAMS: I know the
8 Harry Chapin Food Bank very well and other
9 food banks as well.

10 MR. BRODERICK: Well, it's
11 similar to Island Harvest. The way we were
12 looking at it, they were like wholesalers.
13 The supply food banks in various
14 communities. It isn't as if they have one
15 centralized location. They're spread out.
16 They service a number of food pantries
17 throughout various neighborhoods in Nassau
18 County. So they're like a wholesaler that
19 procures food at the discounts, economies of
20 scale, and supports the others out in the
21 community.

22 LEGISLATOR ABRAHAMS: There's no
23 other entity that you believe can do this?

24 MR. BRODERICK: I would say that
25 Island Harvest does that as well and we are

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2 supporting them as well.

3 CHAIRWOMAN GONSALVES: Any public
4 comment on this item?

5 (No verbal response.)

6 LEGISLATOR ABRAHAMS: If I may?
7 Mr. Broderick, we are going to take the
8 position based on your commentary that this
9 will be considered a sole source and we plan
10 to vote for it. Thank you.

11 CHAIRWOMAN GONSALVES: There is
12 no public comment so all those in favor of
13 U-18 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item passes unanimously.

18 U-19, a personal services
19 agreement between the County of Nassau
20 acting on behalf of the Nassau County Fire
21 Marshal's Office and Fire Command Training.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Nicolello.

4 ASSISTANT CHIEF PRIEST: Members,
5 John Priest, Assistant Chief Fire Marshal.
6 The item before you is in regard to a
7 contract with Fire Command Training.

8 Approximately two years ago, the
9 volunteer fire service asked to have a
10 course developed on leadership qualities,
11 Fire Marshal's Office, VEEB and OEM worked
12 together to develop a wonderful program
13 which is just finishing after nine months of
14 educational series and this contract is to
15 agree to have retired Battalion Chief John
16 Sulka, a renowned speaker on fire service
17 education is going to provide the keynote
18 speakers role at the commencement to be held
19 in two weeks.

20 CHAIRWOMAN GONSALVES: Any
21 questions of Assistant Chief Priest?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

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2 favor of U-19 signify by saying aye.
3 (Aye.)
4 Any opposed?
5 (No verbal response.)
6 Any abstentions?
7 (Abstain.)
8 Four, zero, three.
9 It passes.
10 We have some items on the table,
11 I believe, the agenda. Two items that we
12 are going to untable and I'm going to ask
13 for a motion to untable both of them; E-93
14 and E-105. A motion to untable.
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. All those in favor of untabling E-93
21 and E-105 signify by saying aye.
22 (Aye.)
23 Any opposed?
24 (No verbal response.)
25 Any abstentions?

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2 (No verbal response.)

3 The items are untabled.

4 The first one is E-93, an
5 amendment to a personal services agreement
6 between the County of Nassau and Service
7 Air, L.L.C.

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. Who is here to speak on this item?

14 MS. LORRAINE: Good afternoon,
15 MaryEllen Lorraine, Department of Health.

16 Item E-93-16 is a renewal to a
17 contract in the amount of \$384,639. This is
18 for Service Air.

19 This provides transportation
20 management and oversight to approximately
21 1,700 children with developmental delays.
22 We are mandated by Article 25 of the Public
23 Health Law to provide transportation to
24 those children.

25 CHAIRWOMAN GONSALVES: Any

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2 questions? Minority Leader.

3 LEGISLATOR ABRAHAMS: Thank you,
4 Madam Presiding Officer.

5 According to our back-up, it
6 seems like this contract took eight months
7 before it was presented to the Legislature;
8 am I accurate?

9 MS. LORRAINE: Yes, the contract
10 began in September. We entered into the
11 contract process, the Department of Health
12 with the vendor in May of 2015. The vendor
13 signed it in July. There was some forms
14 that needed to be updated. I don't have an
15 exact timeline as to when the contract went
16 back and forth with the forms.

17 LEGISLATOR ABRAHAMS: Look, I
18 know it's not your fault. I do respect
19 that. However, again, similar to Legislator
20 Kopel's concerns, he had brought up we just
21 have to get this stuff in a more timely
22 manner. Obviously it almost becomes a moot
23 issue in terms of this vote.

24 That being said, if you can bring
25 that message back.

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2 MS. LORRAINE: I understand.

3 Yes, I will.

4 CHAIRWOMAN GONSALVES: Any other
5 questions or comments?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of E-93 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Any abstentions?

15 (Abstain.)

16 The item passes four, zero,
17 three.

18 The last item is E-105, a
19 personal service agreement between the
20 County of Nassau acting on behalf of the
21 Nassau County Police Department and Aon
22 Consulting.

23 Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR NICOLELLO: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Nicolello. Acting Commissioner Krumpter.

5 ACTING COMMISSIONER KRUMPTER:

6 Good afternoon. This contract is with Aon.
7 It is for the next sergeants in the next
8 entrance exam. It's planned that the exam
9 will be given during the first quarter of
10 2017, with the entrance exam occurring in
11 the second quarter, the later part of the
12 second quarter in 2017.

13 The one item of note was on the
14 disclosure was Aon Corporation agreed to pay
15 \$1.76 million and then an additional related
16 \$14.5 million to the Department of Justice
17 on a case in December of 2011.

18 That case was related to the
19 Foreign Corruption Act related to payments
20 made to members of other governments that,
21 while legal in that country, were not legal
22 in this country. Under the Foreign
23 Corruption Act were in violation of federal
24 law, U.S. Law.

25 This consulting engagement is

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2 also party to this particular agreement is
3 the Department of Justice. We are under a
4 federal consent decree since 1982. This is
5 the company that has been doing our exams
6 and has all of the validation information
7 dating back to the '90s. It was a company
8 that was acquired by Aon ultimately and
9 there have been a number of different
10 companies, but the original company goes
11 back in the validation.

12 The issue that we have is the
13 validation studies, some of them we own,
14 some of them the Department of Justice owns.
15 In this particular contract, we own all of
16 the validation materials which is something
17 the Assistant Commissioner Fox changed
18 during the negotiations.

19 The one item of note is that
20 while we were under a federal consent decree
21 since 1982 for hiring first line
22 supervisors, we are right now in the process
23 of working with the Department of Justice to
24 plan an exit of the Department of Justice
25 where they will join with us after the next

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2 sergeant's exam to lift the consent decree.

3 So we expect this consent decree
4 that the department has been under since
5 1982, over 30 years, to be lifted after the
6 next sergeant's exam is given. It's a long
7 time coming and a lot of hard work by all
8 involved. Any questions?

9 CHAIRWOMAN GONSALVES: Minority
10 Leader.

11 LEGISLATOR ABRAHAMS: Thank you,
12 Madam Presiding Officer.

13 Commissioner Krumpter, thank you
14 for clearing up the question that we had in
15 regards to number 12 on the history form
16 when we noticed that Aon checked yes in
17 regards to the past five years has the
18 business and/or any of its owners or
19 officers are affiliated with the business
20 been the subject of a criminal
21 investigation. We thank you for clearing
22 that up.

23 To your knowledge, are you aware
24 of any other incidences within that last
25 five year period? We were able to identify

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2 that one as well in Wikipedia, but were you
3 able to identify any others?

4 ACTING COMMISSIONER KRUMPTER:

5 This information was provided by the vendor.
6 I actually did a search. I wasn't able to
7 locate any on the internet.

8 Just keep in mind, we are under a
9 federal consent decree. This is the civil
10 rights division out of Washington, D.C. that
11 has been party to this process, and they
12 never mentioned any issues with this
13 particular vendor. They have oversight.
14 They did not mention any issues with this
15 vendor.

16 We contract with the vendor, but
17 we are under federal oversight in this
18 particular case.

19 LEGISLATOR ABRAHAMS: My question
20 is concerning because, obviously, I know it
21 falls outside the five year window, but
22 there was also, in 2004 and 2005, Spitzer
23 investigated, the New York Attorney
24 General's Office investigated them as well,
25 and then there was also a breach I guess in

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2 their UK department on their financial
3 services authority.

4 ACTING COMMISSIONER KRUMPTER:

5 That was 2011?

6 LEGISLATOR ABRAHAMS: 2009. Then
7 there was a 2011. And then obviously the
8 investigations speak to potential bribery,
9 conflicts of interest on the part of Aon or
10 inadequate corruption controls on the part
11 of Aon. It's concerning for what we're
12 reviewing today.

13 ACTING COMMISSIONER KRUMPTER: I
14 can appreciate that and, to be quite honest
15 with you, this Aon acquired a company that
16 acquired a company, but basically the people
17 that have developed this test have been
18 doing it in this department since 1994. And
19 they have done a total of nine exams.

20 This is the only relationship
21 that I'm aware of that this police
22 department has with this vendor. I was --
23 other than the fact that they checked the
24 box and disclosed the findings, I was not
25 aware of anything prior to that and I'm not

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2 aware of anything other than what I provided
3 you. Now I'm aware of the items you brought
4 up.

5 LEGISLATOR ABRAHAMS: You are
6 aware that in December 2011 they agreed to
7 pay out \$1.76 million in criminal penalty to
8 resolve the violations of the Foreign
9 Corrupt Practices Act?

10 ACTING COMMISSIONER KRUMPTER: I
11 am aware of that because that's the one item
12 they disclosed within the five year window,
13 legislator.

14 I think it's important to realize
15 that Aon is one the largest -- it's a very
16 large company. I don't even know what their
17 revenue is, but I know it's big.

18 LEGISLATOR ABRAHAMS: Last
19 question, Commissioner. Obviously I
20 understand the consent. I actually
21 appreciate it. I advocated for fair
22 practices in regards to the test design and
23 recruitment.

24 Can I ask you, has the PD been
25 successful in recruiting and promoting

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2 minorities and female applicants as was
3 tried to set out many years ago when the
4 consent decree was established?

5 ACTING COMMISSIONER KRUMPTER:

6 The consent decree -- the biggest problem we
7 face, legislator, is what we have seen on
8 this exam, for the first time ever, this
9 exam by legal definition did not have an
10 adverse impact on minorities.

11 Not only that, the minorities
12 were representative consistent with what the
13 population in Nassau County was with some
14 minority groups other than women. The women
15 were not represented on the exam, but with
16 the exception of the African American and
17 Hispanics were represented with the Hispanic
18 having a bigger percentage than the
19 population.

20 So we did a great job recruiting
21 and that, unfortunately, has not translated
22 into the same -- on the hiring.

23 The number one reason I attribute
24 that to is that a lot of the minorities that
25 are on this exam are being hired by the

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2 village police departments. We are seeing a
3 significant amount.

4 One of the things that we focused
5 on going forward and will continue to have
6 an oversight sample on the next exam of
7 minorities. So, we have made huge strides
8 but nowhere near where we got to be.

9 But the Department of Justice on
10 the entrance exam is satisfied with the
11 entrance exam. To that end, they are going
12 to join us in removing us from the consent
13 decree. This has been 30 years. We have
14 been under oversight for the last 30 years.

15 We have been working with the
16 Department of Justice and on the next
17 entrance exam we expect to be making some
18 changes in order to address the Department
19 of Justice and our concerns.

20 LEGISLATOR ABRAHAMS: If you
21 could, Commissioner, provide us with any
22 type of stats that you may have that shows
23 like a trend. We're not looking for a I
24 gotcha, we're just trying to get an idea of
25 a trend.

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2 ACTING COMMISSIONER KRUMPTER: I
3 hate to say, there's not a gotcha, we're not
4 getting it done yet. We are going to
5 continue to work to get it done.

6 LEGISLATOR ABRAHAMS: What I'm
7 trying to say is, we're not trying to put
8 you into a gotcha, not trying to embarrass
9 anyone, we're just trying to find out what
10 the trend is so we get a better idea of what
11 we can be doing.

12 ACTING COMMISSIONER KRUMPTER:
13 There is a lot more work to do, legislator.
14 We have come a long way, but what we have to
15 now do is turn those people sitting in those
16 seats taking the entrance exam, we have to
17 turn that into actually minority members
18 taking the job.

19 What I will say is, that it is a
20 problem, one of the real positives now is,
21 since Commissioner Willet has been named, we
22 have right now three African Americans that
23 sit within critical positions within the
24 department as one deputy inspector, one
25 inspector, one deputy chief.

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2 Additionally we have another
3 African-American lieutenant who will be
4 likely promoted off the current exam to
5 captain.

6 So there is a lot more work to do
7 and the work really is about getting the
8 minority applicants into the academy
9 classes. We will provide you all the data.
10 That's just so you are aware. That is
11 something that we report to the Department
12 of Justice on regular intervals. I don't
13 know if it's quarterly or annually. We do
14 report to them so we will provide you all
15 that data.

16 CHAIRWOMAN GONSALVES: Legislator
17 Nicolello.

18 LEGISLATOR NICOLELLO: I just
19 took a quick look on mine and it looks like
20 Aon is multi billion dollar company with
21 involvement in all sorts of enterprises and
22 insurance risk, et cetera. More or less in
23 lines of AIG.

24 I guess if you have one
25 department engaging in activities, it's

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2 obviously been fined or potential criminal,
3 whatever, doesn't necessarily mean the one
4 we're dealing with -- have you been
5 satisfied with the services with whatever
6 branch of Aon you are dealing with?

7 ACTING COMMISSIONER KRUMPTER:

8 The service has actually been outstanding.
9 We have been nine exams. All nine exams
10 have met the standards set by the Department
11 of Justice. Remember, we are in federal
12 oversight.

13 One of the reasons the Department
14 of Justice gave for the settlement of \$1.76
15 million and an additional 14.5 to the
16 Securities and Exchange on this particular
17 case was how quickly and cooperative they
18 were in routing out these issues.

19 If you read Justice News which is
20 the actual press release, I have in my
21 possession, they actually cite how
22 cooperative they were in addressing the
23 issue.

24 LEGISLATOR NICOLELLO: Thank you.

25 CHAIRWOMAN GONSALVES: Any public

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2 comment?
3 (No verbal response.)
4 There being none, all those in
5 favor of E-105 signify by saying aye.
6 (Aye.)
7 Any opposed?
8 (No verbal response.)
9 Any abstentions?
10 (Abstain.)
11 Four, zero, three.
12 That takes care of the regular
13 agenda for Rules, but now we have an
14 addendum. Motion to suspend the rules.
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 suspending
20 the rules signify by saying aye.
21 (Aye.)
22 Any opposed?
23 (No verbal response.)
24 The rules are suspended.
25 The first item is A-9, a

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2 resolution authorizing the director of
3 Nassau County Office of Purchasing to award
4 and execute a contract between the County of
5 Nassau acting on behalf of the Nassau County
6 Correctional Center and Mercury Elevator
7 Corp.

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. Who is here to speak on this
14 item?

15 MR. MAY: We have Ms. Donna Hall
16 from the correctional facility.

17 MS. HALL: Good afternoon,
18 Legislature. The item before you is to
19 authorize an award a purchase order for
20 elevator modernization and repair for the
21 Nassau County Correctional Center.

22 The solicitation was advertised
23 in Newsday and posted to the Nassau County
24 Bid Solicitation Board where 33 vendors were
25 notified electronically of the bid.

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2 Minorities was given a copy of the bid and
3 the one bid was received. The cost of the
4 purchase will be \$317,000 from capital
5 funds. There was a typo on here. I know it
6 indicates grant. It was a typo through the
7 purchasing department. They read it and
8 thought it was grants but it's actual
9 capital.

10 CHAIRWOMAN GONSALVES: Any
11 questions? Minority Leader.

12 LEGISLATOR ABRAHAMS: How are
13 you? On the business history form, the
14 vendor, question 17B, the response to the
15 conflict policy states that if a conflict
16 were to arise, the vendor would seek
17 guidance from the county, are you familiar
18 with that part of the form? That's the
19 response, I'm sorry.

20 I'm talking about the business
21 history form. I don't know if you see that
22 response on question 17B. The response
23 seems to be a nonresponse.

24 MS. HALL: No conflict exists, if
25 a conflict should arise, seek guidance from

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2 the county. Okay. Do you want my
3 interpretation of that?

4 LEGISLATOR ABRAHAMS: Well, I
5 guess our feeling is what procedures would
6 they use to see if there was a conflict? It
7 seems more reactive than preventive.

8 I think the questions weren't
9 designed towards preventative. Do you
10 agree?

11 MS. HALL: I can actually get
12 clarification on that but my interpretation
13 is that if they were told there was a
14 conflict they would seek to rectify it.

15 LEGISLATOR ABRAHAMS: It just
16 seems that, I don't know, we've seen this
17 multiple times in the business history form
18 and we've asked for more clarity. I see
19 Ms. LoCurto is here, I hate to put her on
20 the spot. Seem to think we would get more
21 response.

22 MR. MAY: Legislator, it states
23 no conflict exists. If a conflict should
24 arise we will seek guidance from the county.
25 I don't understand why that is an

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2 insufficient answer. If you would like to
3 tell us what you prefer to see on these
4 forms, but we have been playing this dance
5 for like three months now and we put an
6 answer down. First it was NA, that wasn't
7 acceptable. Then none is not acceptable.

8 Now we are saying, if there is a
9 conflict that exists, they would seek
10 guidance from the county, that can be from
11 the Board of Ethics, could be from the
12 County Attorney's Office. There are a
13 number of solutions there. We feel that is
14 a sufficient answer.

15 LEGISLATOR ABRAHAMS: Mr. May, if
16 I may, please describe any procedures your
17 firm has or would adopt to ensure the county
18 that a conflict of interest would not exist
19 for your firm in the future. And you're
20 saying because they say none exists now,
21 they're not concerned about anything
22 developing in the future?

23 MR. MAY: That's actually not
24 what they. They say that if a conflict
25 exists in the future, they will seek

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2 guidance from the county. That could be
3 anything from a county attorney opinion, an
4 opinion from the Board of Ethics. There's a
5 number of avenues available to us should a
6 conflict arise.

7 LEGISLATOR ABRAHAMS: So, you
8 accept, the administration accepts that
9 there is no policy or procedure they have in
10 place now to deal with it and you are
11 comfortable accepting the response that they
12 will seek guidance from the county if one
13 does arise?

14 MR. MAY: We are comfortable with
15 that otherwise we would not have presented
16 it to you, whether or not that is a
17 sufficient answer is up to this body.

18 LEGISLATOR ABRAHAMS: Okay. From
19 our standpoint, that's why we keep bringing
20 it up.

21 MR. MAY: I understand. We keep
22 trying to find the answer.

23 LEGISLATOR ABRAHAMS: No, no.
24 What I think would help is if the question
25 was probably designed differently because

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2 this gives the impression -- the way this
3 question reads, 17B, they should have
4 something in place already not seeking
5 guidance from the county and not running NA.

6 MR. MAY: They're not allowed to
7 write NA anymore, so that's out.

8 LEGISLATOR ABRAHAMS: And it's
9 funny that, counsel just advised me, that
10 this response is actually written on every
11 contract. Is this something that you guys
12 tell them what to write?

13 MR. MAY: Not that I recall.

14 LEGISLATOR ABRAHAMS: It's almost
15 identical. We'll get to another one.

16 MR. MAY: NA was identical and
17 none was identical.

18 LEGISLATOR ABRAHAMS: But NA and
19 none are pretty -- this is about a ten word
20 response which comes very close to what
21 we've seen.

22 CHAIRWOMAN GONSALVES: I'm going
23 to ask a question, if it's okay, is it okay?

24 LEGISLATOR ABRAHAMS: Sure.

25 CHAIRWOMAN GONSALVES: If the

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2 contractor said no conflict exists, would
3 that have been sufficient to give this
4 contract to this contractor? Why would
5 anyone want to go on any further to say --
6 to incriminate themselves if any conflict
7 exists in the future then we will seek
8 guidance. I would think that it would have
9 been sufficient to say no conflict exists at
10 this time. Period.

11 MR. MAY: We would think that it
12 would be sufficient too. Just to address
13 the Minority Leader's question from before.
14 We had numerous conversations with majority
15 counsel on this and we've been working with
16 the vendors to state that the answer to this
17 question has to be, what would happen if a
18 conflict exists.

19 If they are coming up with
20 similar answers, there is not a whole lot we
21 can do about that. If you don't want to
22 accept it, there's really nothing I can do
23 about that either.

24 LEGISLATOR ABRAHAMS: I
25 understand that there is no conflict that

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2 exists, but for them to determine if no
3 conflict exists, they have to have a
4 procedure that determines that. How did
5 they come to that conclusion? Who are they
6 speaking to? What is the process, the
7 procedure they must have to be able to
8 determine if there is no conflict within
9 their leadership?

10 MR. MAY: That's not really for
11 us to decide.

12 LEGISLATOR ABRAHAMS: But it is.

13 MR. MAY: No, it's not for us to
14 decide. This is their policy.

15 LEGISLATOR ABRAHAMS: They're
16 asking the questions.

17 MR. MAY: No, this is their
18 policy. They can say they don't have one.

19 LEGISLATOR ABRAHAMS: Yes. But
20 you're asking the question in 17B which says
21 please describe your procedures in your
22 firm. You have to care.

23 MR. MAY: I didn't say that I
24 don't care. It's actually not my response.
25 What I said is I have no control over their

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2 response.

3 LEGISLATOR ABRAHAMS: Yes, but we
4 do have control over what we will accept.

5 MR. MAY: Yes, you do have
6 control over what you accept.

7 LEGISLATOR ABRAHAMS: We are
8 accepting that even though they say -- we
9 say please describe any procedures your firm
10 has or would adopt to ensure that the
11 county, that the conflict of interest would
12 not exist, they have to explain to you a
13 process or procedure on how to get to that
14 conclusion.

15 CHAIRWOMAN GONSALVES: Mr. May, I
16 would believe that there is an item after
17 17A that does require an answer seeking a
18 procedure that they may have in place, am I
19 correct?

20 MR. MAY: Yes. It says no
21 conflict exists. If a conflict should
22 arise, we would seek guidance from the
23 county. That is their procedure. They
24 would seek guidance from the county.

25 CHAIRWOMAN GONSALVES: But they

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2 must have a procedure in place in order to
3 determine that there was no conflict, that
4 is the procedure. It's very confusing.

5 MR. MAY: Just to sort of
6 duck-tail on to the minority leader, perhaps
7 the question is inartfully drafted and we
8 can revise it.

9 CHAIRWOMAN GONSALVES: Maybe we
10 should.

11 LEGISLATOR ABRAHAMS: I think you
12 should revise it.

13 CHAIRWOMAN GONSALVES: Here we go
14 again. Yes, please.

15 LEGISLATOR NICOLELLO: My
16 suggestion, when you get to 17A, if they say
17 there's no conflict, you get rid of 17B,
18 something to drop down to the next question.

19 It is ridiculous to require them
20 to surmise or conjecture as to what they
21 would do in terms of a hypothetical
22 conflict. It's a completely unfair
23 question. If they say there is no conflict,
24 direct them to question number 18 and move
25 on.

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2 MR. MAY: I think that that would
3 be a perfectly reasonable solution to this
4 conundrum.

5 CHAIRWOMAN GONSALVES: They do
6 that in a lot of questionnaires. If you
7 say no to this particular question, they
8 move on to let's say 18 in this case.

9 MR. MAY: We can do that.

10 CHAIRWOMAN GONSALVES: I've seen
11 that in a number of questionnaires. It's
12 not applicable, so, guess what, therefore,
13 move on.

14 MR. MAY: Well, yes, it is a new
15 process, right, and we are all sort of
16 feeling our way through it. I understand
17 the frustration that's involved, but we're
18 all trying to do the right thing here and
19 continue the transparency of the process.

20 The more input we have on this,
21 the better we can refine the process so that
22 it gets to all of the points that the
23 Legislature would like to see addressed but
24 also is clear enough for the vendors to fill
25 out without having to hire their own outside

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2 counsel.

3 CHAIRWOMAN GONSALVES: We just
4 gave you a suggestion. If there is no
5 conflict, there is need to go on to 17B or
6 whatever it is. Let's move on. I don't
7 know if there is any public comment.

8 LEGISLATOR ABRAHAMS: I would
9 like to establish on the record and be quick
10 that, yes, we understand that if there is no
11 conflict, but, for me, I would like to know
12 that the vendors that we bring into the
13 county, it's a bit unacceptable that they
14 don't have a practice that can determine
15 conflict.

16 So, I would like to see a
17 practice that actually establishes whether
18 this conflict should arise.

19 I just want to focus your
20 attention, there was a contract, Mr. May,
21 counsel just presented to me E-123-16, this
22 is Bee Ready provides the response, the firm
23 utilizes both a manual and computer based
24 program to review for any conflict of issue
25 questions. That's a little bit better than

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2 no conflict exists. If it does, we will
3 knock on the county door.

4 It just seems like you want
5 something that has a proactive -- I'm not
6 longing for a long dissertation. I'm not
7 looking for a book. I'm looking that they
8 do something.

9 MR. MAY: I certainly appreciate
10 that, legislator, but with absent guidance
11 from the county and what you would like to
12 see, taking shots in the dark I don't think
13 is fair to ask of any vendor looking to do
14 business with the county.

15 LEGISLATOR ABRAHAMS: How are we
16 taking shots in the dark?

17 MR. MAY: Because we're not
18 providing any guidance as to what we want to
19 see, so we're asking them, a fairly open
20 ended question to which there is apparently
21 no satisfactory answer.

22 LEGISLATOR ABRAHAMS: I just gave
23 you, Bee Ready gave I think an established
24 good answer.

25 MR. MAY: Yes. And they're a law

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2 firm and they have certain policies and
3 procedures already in place. Depending on
4 the firm, they may or may not have
5 encountered this kind of thing. You have
6 law firms that need to be aware of conflicts
7 of interest, generally considering
8 practicing in front of judges, and with each
9 other all the time.

10 So, absent guidance from the
11 county or from the County Legislature, we
12 are asking from the vendors this question,
13 and this is how they're responding.

14 If you would like us to provide
15 guidance, we need to know what that guidance
16 is. Otherwise we are asking them an
17 open-ended question with no sufficient
18 answer.

19 LEGISLATOR ABRAHAMS: I have
20 nothing further.

21 CHAIRWOMAN GONSALVES: All those
22 in favor of A-9 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 Any abstentions?

3 (Abstain.)

4 Four, zero, three.

5 Next item is B-18, a contract
6 between the County of Nassau acting on
7 behalf of the Nassau County Department of
8 Public Works and Commander Electric, Inc.

9 Motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Kopel. Who is here to speak on this item?

15 MR. LINDGREN: Good afternoon.
16 Jeff Lindgren from Public Works. This is a
17 bid contract between Nassau County and
18 Commander Electric that was opened on August
19 4th of 2015.

20 This is for the construction of
21 traffic signals along Roslyn Road, North
22 Country Road and the upgrade of our traffic
23 signal communications. This is a federal
24 aid project that will be funded within 80
25 percent subsidy from federal.

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2 CHAIRWOMAN GONSALVES: Any
3 questions from the Legislature? Legislator
4 Nicolello.

5 LEGISLATOR NICOLELLO: Real
6 briefly, it says that the county costs will
7 be approximately \$949,000,

8 MR. LINDGREN: Yes.

9 LEGISLATOR NICOLELLO: How would
10 that be paid for, is that a capital item?

11 MR. LINDGREN: It's in the
12 capital plan.

13 LEGISLATOR NICOLELLO: In the
14 capital plan that hasn't been passed yet?

15 MR. LINDGREN: The bond ordinance
16 has already been passed for this one.

17 LEGISLATOR NICOLELLO: But it has
18 to be bonded, right?

19 MR. LINDGREN: It's already been
20 bonded. This was older.

21 LEGISLATOR NICOLELLO: Never
22 mind.

23 CHAIRWOMAN GONSALVES: Are there
24 any other comments or questions?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of B-18 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Any abstentions?

10 (Abstain.)

11 Four, zero, three.

12 The last item is U-10, a personal
13 service agreement between the County of
14 Nassau acting on behalf of the Traffic and
15 Parking Violations Agency and Claire I.
16 Weinberg.

17 Motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Kopel. Who is here to speak on this one?

23 MR. MAY: I'll be pinch hitting
24 for TPVA on this one. This is a JHO
25 contract from Judge Claire Weinberg. This

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2 is to handle adjudications, the tickets that
3 go before the Traffic and Violations Agency.

4 CHAIRWOMAN GONSALVES: Any
5 questions or comments?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of U-10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Any abstentions?

15 (No verbal response.)

16 U-10 is unanimous.

17 Motion to adjourn.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Nicolello. All those in favor of adjourning
23 signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 (Whereupon, the Rules Committee

4 adjourned at 5:36 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 7th day of June, 2016.

FRANK GRAY