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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 22, 2017
4:56 P.M

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

3

4 NORMA GONSALVES,
 Chairwoman5 RICHARD NICOLELLO,
 Vice Chairman

6

HOWARD KOPEL

7

8 DENNIS DUNNE (substituted by
 Legislator Gaylor)9 KEVAN ABRAHAMS,
 Ranking

10

DELIA DERIGGI-WHITTON

11

CARRIE SOLAGES

12

13 MICHAEL C. PULITZER,
 Clerk of the Legislature

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1 Rules Committee/5-22-17

2 CHAIRWOMAN GONSALVES: Will my
3 colleagues join us in the chamber.

4 (The Pledge of Allegiance was
5 recited.)

6 CHAIRWOMAN GONSALVES: Please
7 call the roll for the Rules Committee.

8 CLERK PULITZER: Rules Committee
9 roll call. Legislator Carrie Solages?

10 LEGISLATOR SOLAGES: Here.

11 CLERK PULITZER: Legislator
12 DeRiggi-Whitton?

13 LEGISLATOR DERIGGI-WHITTON:
14 Here.

15 CLERK PULITZER: Ranking Member
16 Kevan Abrahams?

17 LEGISLATOR ABRAHAMS: Here.

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

20 LEGISLATOR KOPEL: Here.

21 CLERK PULITZER: Substituting for
22 Legislator Dennis Dunne will be C. William
23 Gaylor?

24 LEGISLATOR GAYLOR: Here.

25 CLERK PULITZER: Vice Chairman

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2 Richard Nicoletello?

3 LEGISLATOR NICOLELLO: Here.

4 CLERK PULITZER: Chairwoman Norma
5 Gonsalves?

6 CHAIRWOMAN GONSALVES: Present.

7 CLERK PULITZER: We have a
8 quorum, ma'am.

9 CHAIRWOMAN GONSALVES: We have
10 several contracts before us today and we
11 begin with Contract A-20, a resolution
12 authorizing the director of Nassau County
13 Office of Purchasing to award and execute a
14 contract between the County of Nassau acting
15 on behalf the Nassau County Department of
16 Information Technology and iConstituent,
17 LLC.

18 Motion, please.

19 LEGISLATOR KOPEL: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Kopel, seconded by Legislator
23 Nicoletello. What are you going to tell us?

24 COMMISSIONER EISENSTEIN: Good
25 afternoon. Ed Eisenstein, IT Department.

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2 This is a late item. It is the item used
3 for our outgoing email system.

4 CHAIRWOMAN GONSALVES: Okay. Any
5 questions for Mr. Eisenstein? Minority
6 Leader.

7 LEGISLATOR ABRAHAMS: Thank you,
8 Madam Presiding Officer. If I'm
9 understanding this contract correctly,
10 Mr. Eisenstein, it's 11 months late?

11 COMMISSIONER EISENSTEIN: Yes,
12 that is correct. The first item was late
13 and then we attempted to do the second item
14 together with the old item and combine it
15 into one.

16 LEGISLATOR ABRAHAMS: Would this
17 be a contract, I saw Mr. Cleary earlier, I
18 see him there now, is this a contract that
19 would be eligible for being on the list of
20 late contracts that we are expected?

21 COMMISSIONER EISENSTEIN: It's a
22 continuation of service, so I'm not sure it
23 wouldn't be for because of that. It's a
24 continuation of service.

25 MR. SCHLERNOFF: It's not a

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2 personal services contract.

3 LEGISLATOR ABRAHAMS: It's not a
4 personal services contract. Only the
5 personal service contracts are on that list?

6 MR. SCHLERNOFF: Yes.

7 LEGISLATOR ABRAHAMS: Do we
8 envision any increases that might arise from
9 that contract?

10 COMMISSIONER EISENSTEIN: Yes,
11 it's an annual license so I assume there may
12 be some small percentage, two or three
13 percent increase, annually, although we
14 haven't experienced that yet.

15 LEGISLATOR ABRAHAMS: Is that
16 within the scope -- do we see that as being
17 fiscally prudent?

18 COMMISSIONER EISENSTEIN: I
19 assume after five or six years we would go
20 out to RFP and see who can compete with that
21 system better. Currently they are the only
22 vendors who can handle that kind of a
23 transaction. We send several million emails
24 out to our residents.

25 LEGISLATOR ABRAHAMS: I do

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2 realize when I see the emails, iConstituent
3 is the only company in the United States
4 that can perform mass email messaging or is
5 there others that we can look for when we do
6 the RFP again in a couple of years?

7 COMMISSIONER EISENSTEIN: Yes. I
8 hope there will be others. Mass emails is a
9 complicated technology of course as you may
10 heard. They allow us to email all our
11 residents within 24, 48 hour period. So
12 that's not something we can do in-house, and
13 it can be competitive after a few years of
14 course, and would RFP it anyway.

15 LEGISLATOR ABRAHAMS: I have it
16 in our back up that the county accepting
17 from this vendor that they are seen as a
18 sole source. I don't understand how they
19 can be seen at a sole source if this is
20 something that can be RFP'd and we can get
21 other potential bidders.

22 LEGISLATOR ABRAHAMS: Initially
23 they weren't a sole source. They became a
24 sole source once they customized their
25 system for us and went through our email

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2 list and washed it or cleaned it, if you
3 will, to make it appropriate.

4 So they're a sole source because
5 now all those 800,000 emails are accepted by
6 every one that receives them, so that took a
7 number of years to get into that.

8 LEGISLATOR ABRAHAMS: But
9 they're not the sole source in the sense
10 like, say an example, an entity that
11 provides Shot Spotter intelligence that is
12 patented and only they can provide that
13 level of intelligence, they're not that?

14 COMMISSIONER EISENSTEIN: They
15 are the sole source in the fact that they
16 have customized the system for us in such a
17 proprietary manner it would take some time
18 to --

19 LEGISLATOR ABRAHAMS: I know what
20 you're saying. I guess when we're normally
21 hearing sole source, it strictly means that
22 this is the only entity that can provides
23 this service if there are certain guidelines
24 or boundaries, they're the only ones that
25 can do it where it sounds like because they

1 Rules Committee/5-22-17

2 have the history with the county is the only
3 reason they can do it, but there are others
4 that are capable of doing it?

5 COMMISSIONER EISENSTEIN: Sure,
6 sure. Just to talk about that, of course in
7 software it's very common for a vendor to
8 customize it for us and become the only
9 entity to be able to service us.

10 But we do make a concerted effort
11 to still go to RFP and see who else is
12 willing to compete.

13 LEGISLATOR ABRAHAMS: I have
14 nothing further, Madam Presiding Officer.

15 CHAIRWOMAN GONSALVES: Is there
16 any public comment?

17 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The item passes four to three.

24 The next two items I will call
25 together; E-126 and E-127, both personal

1 Rules Committee/5-22-17
2 services agreements between the county
3 acting on behalf of the Department of
4 Probation and Family and Children's
5 Association, that's 126.

6 127, a personal services
7 agreement between Nassau County acting on
8 behalf of the Department of Probation and
9 Family and Children's Association.

10 Motion, please.

11 LEGISLATOR GAYLOR: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Gaylor, seconded by Legislator
15 Nicolello. Who do we have?

16 MR. DIMAGGIO: I'm Dominick
17 DiMaggio, Jr., Deputy County Attorney, on
18 behalf of the Department of Probation. I
19 thank you for calling the items together.

20 Item 127 is actually a
21 retroactive contract dating back from April
22 of last year. It is on, to answer your
23 question, it is on the list with Mr. Cleary
24 as well as the other item, 126. I am in
25 weekly contact with Mr. Cleary trying to

1 Rules Committee/5-22-17

2 clear up some of the retroactive contracts
3 with the Department of Probation.

4 The reason for the delay is I
5 actually got involved with the procurement
6 procedure in January of this year. So,
7 obviously, most of the time delay I wasn't
8 involved with the case. But I am working
9 hard to clear up many of the retroactive
10 contracts including this one.

11 This is a grant funded program,
12 62 percent is funded by grant. 39 percent
13 is local. That being generally divided
14 between human services and probation.

15 These are preventative services
16 at the JDC. We try to get involved early so
17 that the juvenile offenders do not reengage
18 in the same behavior.

19 I don't know if there's any other
20 questions that anyone might have?

21 CHAIRWOMAN GONSALVES: Minority
22 Leader.

23 LEGISLATOR ABRAHAMS: How are
24 you, sir?

25 MR. DIMAGGIO: Good. Thank you.

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2 LEGISLATOR ABRAHAMS: We noticed
3 in the disclosure forms that the contract is
4 submitted a letter dated January 24th, 2017
5 explaining that the disclosure forms seems
6 to be a bit arduous task and the
7 organization as well as the board members to
8 complete in a timely manner due to the
9 quarterly meeting scheduled for the Board of
10 Principals.

11 Were you able to find out from
12 the contractor what he meant by that and
13 what components of the disclosure forms and
14 get feedback on them?

15 MR. DIMAGGIO: I'll ask Mr.
16 Cleary to step up on that. Like I said I
17 just got involved actually in January and
18 with this one I didn't get involved until
19 probably a month ago. So I think he may be
20 able to answer that question for you,

21 MR. CLEARY: Robert Cleary,
22 director of procurement compliance. The
23 organization took issue with having its
24 board officers submit principal
25 questionnaires. They had submitted all the

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2 other forms that were required.

3 After some extensive discussions
4 they agreed to have those submitted. One
5 form came back partially completed. After
6 some additional negotiation, we finally
7 obtained recently completed. That was their
8 only issue, was basically the principal
9 questionnaires for the board officers.

10 LEGISLATOR ABRAHAMS: I got you.

11 MR. DIMAGGIO: Sorry I didn't
12 have the answer.

13 LEGISLATOR ABRAHAMS: That's
14 okay.

15 CHAIRWOMAN GONSALVES: Any other
16 questions?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of E-126 and E-127 signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 The items pass unanimously.

3 MR. DIMAGGIO: I thank you very
4 much for your time.

5 CHAIRWOMAN GONSALVES: Thank you.
6 The next item is E-128, a personal services
7 agreement between the County of Nassau
8 acting on behalf of the Department of Parks,
9 Recreation and Museums and Cornell
10 Cooperative Extension Nassau County.

11 Motion, please.

12 LEGISLATOR NICOLELLO: So moved.

13 LEGISLATOR KOPEL: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Nicolello, seconded by Legislator
16 Kopel. Go ahead, Eileen.

17 MS. KRIEB: Eileen Krieb,
18 Department of Parks. I'm here to present
19 the service agreement between Nassau County
20 and Cornell for \$100,000 to be funded for
21 their programs, source of funding is Hotel
22 Motel funding.

23 CHAIRWOMAN GONSALVES: Are there
24 any questions?

25 LEGISLATOR KOPEL: It's

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2 completely retroactive, completed, it's a
3 completed contract, right?

4 MS. KRIEB: It's the programing
5 for 2017 and they didn't have the funding
6 until now.

7 LEGISLATOR KOPEL: So partially.
8 I'm sorry. I was looking at the wrong
9 thing.

10 CHAIRWOMAN GONSALVES: There
11 being no other questions, those in favor of
12 E-128 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes unanimously.

17 The next item is E-129, a
18 personal services agreement between Nassau
19 County acting on behalf of the Nassau County
20 Department of Public Works and H2M
21 Architects and Engineers.

22 Motion, please.

23 LEGISLATOR GAYLOR: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/5-22-17

2 Legislator Gaylor, seconded by Legislator
3 Kopel.

4 MR. ARNOLD: Ken Arnold,
5 Department of Public Works. This item is a
6 design contract to assess and design
7 replacement facilities for the preliminary
8 treatment at the Glen Cove Sewage Treatment
9 Plant. There were three firms that
10 submitted bids. H2M was the highest
11 technically ranked firm and they were
12 selected by the committee as the best value
13 to the county.

14 CHAIRWOMAN GONSALVES: Any
15 questions or comments regarding E-129?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of E-129 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (Nay.)

24 Item passes five to two.

25 The next item is E-131, a

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2 personal services agreement between the
3 County of Nassau acting on behalf of the
4 County Department of Social Services and
5 Forensics Psychology Consulting PLLC.

6 Motion, please.

7 LEGISLATOR NICOLELLO: So moved.

8 LEGISLATOR KOPEL: Second.

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

12 MR. BRODERICK: Good afternoon.
13 Paul Broderick, Deputy Commissioner,
14 Department of Social Services. The item
15 before you is a contract between the
16 Department of Social Services and Forensic
17 Psychology Consulting.

18 We are asking them to perform
19 psychological evaluations and courtroom
20 testimony as ordered by the family court.

21 The contract is delayed. The
22 vendor -- we submitted a contract to the
23 vendor in early December of 2016 who only
24 returned the contract back in mid April of
25 this year. Do you have any questions?

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2 CHAIRWOMAN GONSALVES: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON:
5 What exactly do they do at the courts? Can
6 you go over what their task is?

7 MR. BRODERICK: If a family court
8 judge requires an evaluation of a family
9 and/or a child, they have a pool of
10 individuals of psychologists that they can
11 rely on to perform evaluations.

12 LEGISLATOR DERIGGI-WHITTON: So
13 this contract basically pays for the pool
14 they select?

15 MR. BRODERICK: This individual
16 vendor, we have a handful of vendors that
17 perform the service. It allows them some
18 flexibility to chose wherever they are
19 geographically dispersed.

20 CHAIRWOMAN GONSALVES: Any public
21 comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of E-131 signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 Unanimous.

5 The next item is E-133, a
6 personal services agreement between the
7 County of Nassau acting on behalf of the
8 Nassau County Department of Parks,
9 Recreation and Museums and New York Travel
10 Media, L.L.C.

11 Motion, please.

12 LEGISLATOR NICOLELLO: So moved.

13 LEGISLATOR GAYLOR: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Nicolello, seconded by Legislator
16 Gaylor.

17 MS. KRIEB: Eileen Krieb,
18 Department of Parks. This was with a
19 service with the New York Travel Media. It
20 was an RFP that was issued last year for a
21 three year term.

22 This is a second year we're
23 entering into arranging with them for the
24 amount of \$24,000 to provide an overall
25 tourism brochure to the hotels and motels in

1 Rules Committee/5-22-17

2 Nassau County.

3 CHAIRWOMAN GONSALVES: Any
4 questions or comments? Minority Leader?

5 LEGISLATOR ABRAHAMS: No.

6 (No verbal response.)

7 There being none, all those in
8 favor of E-133 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (Nay.)

12 The item passes four to three.

13 MS. KRIEB: Majority Leader, I
14 also have U-28 and 29, may I present that
15 now or do you want me to wait?

16 CHAIRWOMAN GONSALVES: You can do
17 it. U-28?

18 MS. KRIEB: U-28 is with Plaza
19 Theatrical Productions which we annually put
20 on a play at Lakeside Theater each summer.
21 It's My Fair Lady this year on August 25th.

22 CHAIRWOMAN GONSALVES: I need to
23 call them. U-28 is a personal services
24 agreement between the County of Nassau
25 acting on behalf of the Nassau County

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2 Department of Parks, Recreation and Museums
3 and Plaza Theatrical Productions, Inc.;

4 U-29 is another personal services
5 agreement between the County of Nassau
6 acting on behalf of the Nassau County
7 Department of Parks, Recreation and Museums
8 and Leftfield Productions, 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. Now you can talk.

15 MS. KRIEB: Both of these
16 contracts are for performances held in
17 August at Lakeside Theatre. One is with
18 Plaza Productions for the performance of My
19 Fair Lady and it's \$4,000 funded by Hotel
20 Motel.

21 The other is for Neilbergs 100
22 years of Broadway at Lakeside Theatre in the
23 amount of \$10,000 and that's to be performed
24 on August 12th; both being funded again
25 through Hotel Motel.

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2 CHAIRWOMAN GONSALVES: Any
3 questions of Ms. Krieb?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of U-28 and U-29 signify by saying
9 aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Unanimous. Thank you.

14 Let's go to U-15, a personal
15 services agreement between the County of
16 Nassau acting on behalf of the Department of
17 Corrections and the New York Board of
18 Rabbis.

19 Motion, please.

20 LEGISLATOR GAYLOR: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Gaylor, seconded by Legislator
24 Nicolello. Who is here to speak on this
25 item?

1 Rules Committee/5-22-17

2 MS. HALL: Good afternoon. Narda
3 Hall, Correctional Center.

4 Item U-15-17 is for the New York
5 Board of Rabbis to provide religious
6 services and counseling to inmate population
7 at the Nassau County Correctional Center.

8 The process began November 2016.
9 Incomplete and or missing documentation
10 followed by untimely receipt of information
11 has resulted in processing delays.

12 The New York State Commission of
13 Corrections mandates that all inmates have
14 the right to hold any religious beliefs and
15 requires that the facility permit advisors
16 to conduct congregated activities at least
17 once per week. The contract period is
18 January through December of 2017 with a
19 budget impact of \$8,400.

20 CHAIRWOMAN GONSALVES: Any
21 questions 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/5-22-17

2 favor of U-15 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item passes unanimously.

7 Now, I need a motion to suspend
8 the rules because we have an addendum.

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

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The rules are suspended.

20 On the addendum is A-23, a
21 resolution authorizing the Director of
22 Nassau County Office of Purchasing to award
23 and execute a contract between the County of
24 Nassau acting on behalf of the Nassau County
25 Police Department and Virsig, LLC.

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2 Motion, please.

3 LEGISLATOR GAYLOR: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Gaylor, seconded by Legislator

7 Nicolello.

8 LIEUTENANT STEPHANOFF: Good

9 afternoon. Lieutenant Greg Stephanoff,

10 Nassau County Police Department. I have

11 Inspector Robert Torres with me.

12 Item A-23 is to authorize and

13 award a purchase order for a security system

14 to furnish and install for the Nassau County

15 Police Department for the Second Precinct

16 south with Virsig.

17 This is going to install

18 electronic access and cameras for the

19 building and also a separate garage.

20 This item was put out to bid with

21 four bidders and we selected the lowest

22 bidder.

23 CHAIRWOMAN GONSALVES: Any

24 questions of the lieutenant?

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 A-23 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item passes unanimously.

10 Thank you, Lieutenant.

11 Now we have one item remaining on
12 the Rules Committee. That's why I left it
13 for last. It's E-134, a resolution
14 authorizing the County Executive to execute
15 an amendment to a personal services
16 agreement between the County of Nassau
17 acting on behalf of the Nassau County
18 Sheriff's Department and Armor Correctional
19 Health Services of New York.

20 Motion, please.

21 LEGISLATOR GAYLOR: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Gaylor, seconded by Legislator
25 Nicolello. We have a trio?

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2 MR. RIBANDO: Good evening, Chuck
3 Ribando, Deputy County Executive for Public
4 Safety.

5 CHAIRWOMAN GONSALVES: You're
6 joined by?

7 MR. GRIPPO: Dan Grippo, Deputy
8 County Attorney.

9 MR. DENION: Conal Denion from
10 the County Attorney's Office.

11 MR. RIBANDO: This is an
12 amendment to a final extension of the Armor
13 contract to bring us health care through
14 August 31st while we transition NUMC to
15 fully take over on September 1st.

16 CHAIRWOMAN GONSALVES: Now we
17 have questions I'm sure. Legislator
18 Solages.

19 LEGISLATOR SOLAGES: Thank you
20 very much, Presiding Officer. Is there a
21 contract already in place for the medical
22 center to take on the responsibilities for
23 the inmates there at the correctional
24 facility?

25 MR. RIBANDO: The contract is in

1 Rules Committee/5-22-17

2 final stage of negotiation. It was actually
3 voted, the terms of the contract were voted
4 on last Wednesday by the partial board that
5 votes on approval of contracts.

6 So very shortly they will be
7 voting on the full approval of the contract
8 and it will be given obviously to the leg.

9 LEGISLATOR SOLAGES: I
10 understand. But my concern is that, you
11 know, the rate that the county is paying for
12 it. I feel like honestly this is price
13 gauging. So if you can please address those
14 concerns I would appreciate that.

15 MR. GRIPPO: The terms of the
16 proposed amendment are clear that this is a
17 final extension with Armor. Armor is out no
18 later than August 31, 2017.

19 The amendment is also clear that
20 it contemplates a transition to NUMC. That
21 is the plan at this point.

22 Now, let me just say a few
23 things. The amendment, in our view, is a
24 preferred alternative to a judicially
25 imposed order. There is a pending lawsuit

1 Rules Committee/5-22-17

2 that Armor has brought to declare --

3 LEGISLATOR NICOLELLO: You want
4 to discuss this in public?

5 MR. GRIPPO: I'm just saying
6 what's publicly plead. I'm not going to get
7 into the merits of it. But what I'm saying
8 is, this is an alternative to what might
9 happen. We are happy to discuss in greater
10 detail; the merits, the lack of matters, our
11 views on that. But the lawsuit is there.

12 So what I'm saying is, this would
13 be a consensual extension as opposed to a
14 judicially imposed order. So --

15 LEGISLATOR SOLAGES: Is it your
16 opinion that a judicial imposed order would
17 cost us more?

18 MR. GRIPPO: I think the merits
19 of the judicial imposed order, whether it's
20 better or worse would be better discussed in
21 executive session.

22 LEGISLATOR KOPEL: Motion for an
23 executive session.

24 CHAIRWOMAN GONSALVES: If you
25 want to do it now do it now. Go ahead. If

1 Rules Committee/5-22-17

2 it doesn't require going into an executive
3 session, be my guest. Hold on. Hold on
4 because Legislator Nicoletto wanted to ask
5 questions. Okay. Let's go.

6 LEGISLATOR NICOLELLO: There's an
7 additional cost for the three month
8 extension?

9 MR. RIBANDO: You want to know
10 what the pricing is?

11 LEGISLATOR NICOLELLO: Doesn't it
12 round out to 1.8 million? Above what the
13 contract is now?

14 MR. RIBANDO: Yes.

15 LEGISLATOR NICOLELLO: My
16 question is, where is the money coming from
17 to pay for the additional cost?

18 MS. D'ALLEVA: Roseann D'Alleva.
19 We're looking for additional opportunities
20 in the current budget to be able to fund
21 both the Armor contract and whatever the
22 proposed increases would be for the new
23 hospital contract as well for the 2017
24 budget year.

25 LEGISLATOR NICOLELLO: Can you be

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2 anymore specific?

3 MS. D'ALLEVA: I can only say
4 that, you know, currently the Armor contract
5 is about \$11.5 million. This three month
6 extension is going to be at least 1.9, 1.8,
7 so therefore we have to build in that cost
8 increase for the second six months of the
9 year. So that's what, you know, we're
10 looking for opportunities in the current
11 budget to be able to fund this. It's a
12 priority.

13 LEGISLATOR SOLAGES: I thought it
14 was \$3 million?

15 MS. D'ALLEVA: The current
16 expenditure for the Armor contract is
17 approximately a million dollars a year. A
18 million a month, I'm sorry. A million
19 dollars a month. So the additional funding
20 required over the three month span equates
21 to approximately \$1.9 million.

22 LEGISLATOR SOLAGES: A million,
23 we are paying approximately about \$600,
24 \$700,000 a month.

25 MS. D'ALLEVA: All in it's like

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2 \$900,000 a month.

3 LEGISLATOR SOLAGES: No. We're
4 paying more than half for one month when you
5 said that it's a million dollars a month.

6 MS. D'ALLEVA: It's approximately
7 a million dollars a month.

8 LEGISLATOR SOLAGES: So if it's
9 approximately a million dollars a month but
10 for our three month extension we are paying
11 4.8?

12 MS. D'ALLEVA: 1.9 over what it
13 would currently cost you. So if it
14 currently cost you \$3 million for three
15 months, right, then it would be 4.8 for the
16 same three months. The differential is 1.9.

17 LEGISLATOR ABRAHAMS: I'm sorry,
18 Legislator Solages. That includes what we
19 are going to pay the NUMC from September to
20 December?

21 MS. D'ALLEVA: No.

22 LEGISLATOR ABRAHAMS: So
23 basically you're taking a contract and
24 you're taking it in terms of nine months or
25 eight months?

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2 MS. D'ALLEVA: No. What I'm
3 saying is --

4 LEGISLATOR ABRAHAMS: What will
5 it cost us in medical services whether it
6 goes to Armor, this extension, NUMC, tell me
7 what it will cost us.

8 MS. D'ALLEVA: Well, that's a
9 different question. So right now the NUMC
10 contract is not final.

11 LEGISLATOR ABRAHAMS: I
12 understand that. So then, you're telling us
13 that it's going to cost us 1.9 more than
14 what we would've paid?

15 MS. D'ALLEVA: For these three
16 months.

17 LEGISLATOR ABRAHAMS: But we are
18 not getting a full year.

19 MS. D'ALLEVA: Legislator
20 Abrahams, the whole 12 months that we
21 budgeted, right, assuming if Armor or
22 another health care provider was in place
23 that would bid approximately the same amount
24 of money, would have been \$11.5 million for
25 the 2017 budget year. Right?

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2 That construct of that contract
3 is through May. So that's what we've paid,
4 that's what they've billed us, it's through
5 May.

6 Now we are taking this contract
7 another three months, right? We're
8 extending it another three months.

9 I have budgeted a million dollars
10 a month. Right?

11 Now for those three months, I
12 will have to seek because of this amendment,
13 I'll have to find a million nine in other
14 opportunities in the budget to fund that.

15 Now, once the final contract is
16 done with the hospital, at that point, once
17 I know those costs associated with that
18 contract, anything above approximately a
19 million dollars a month, will be another gap
20 opener to the 2017 budget that I will find
21 an opportunity. Right? Right now we have
22 opportunities in utilities. There are
23 basically --

24 LEGISLATOR ABRAHAMS: I
25 understand what you're saying. I get that

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2 from before. I guess, to me, I look at it
3 as a budget line.

4 When I look at it as a budget
5 line I think medical services to be provided
6 at the jail, I'm not going to
7 compartmentalize it from January to August.

8 So in the past we have spent 11,
9 11 and a half million dollars on that line.

10 MS. D'ALLEVA: Correct.

11 LEGISLATOR ABRAHAMS: I
12 understand we are in negotiations with NUMC.
13 You're saying the numbers are going to be
14 approximately 1.9 higher than what we would
15 have paid this year to Armor.

16 Granted, that does not include
17 what we will be pay to NUMC for a four month
18 period. That number is going to be much
19 higher than two million on what we paid for
20 medical services at the correctional center.
21 That part I'm understanding correctly.

22 MS. D'ALLEVA: Depending on what
23 the negotiation with the hospital is for the
24 remaining months from September, October,
25 November and December, if those negotiations

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2 render a contract that is above a million
3 dollars a month, then the deficit on that
4 line for medical services will be more than
5 \$2 million.

6 LEGISLATOR ABRAHAMS: That's my
7 point. We are saying the same thing. I
8 just wanted to make sure.

9 I don't have any questions for
10 Roseann. My questions are more tied to -- I
11 have questions in regards to how this will
12 be foreseen in terms of the negotiations.

13 If I understand this correctly,
14 we entered into an RFP process. When was
15 that first RFP process to replace Armor
16 begun?

17 MR. RIBANDO: Last August.

18 LEGISLATOR ABRAHAMS: So we
19 entered into that process. Explain to us
20 what happened between last August for the
21 record and now why we don't have a vendor in
22 place and we're going through with an
23 extension.

24 MR. RIBANDO: The August RFP was
25 awarded in November, late November to a

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2 company called CCS. Their bid was I think
3 initially a little over \$12 million. When
4 we got into negotiations of finalizing the
5 contract there was a lot of things they
6 didn't take into consideration for and they
7 started adding on and adding on.

8 That coupled with -- and before I
9 knew it, they were up to almost \$1.6
10 million.

11 A couple of issues we found out
12 later on that happened after the RFP was
13 awarded, of their integrity in Virginia,
14 which we ceased negotiations with.

15 The other two companies; one was
16 wasn't fit, I didn't think, to provide
17 health care to the jail. And the third one
18 was a startup company.

19 So at that point in time, and I
20 think, Legislator Abrahams, you are aware of
21 CCS's issues and we had that discussion.

22 But at that point in time those
23 were the only bidders. We put out another
24 RFP. Those negotiations were ceased
25 somewhere around the end of February with

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2 CCS.

3 We put out -- shortly after we
4 put out another RFP for hospitals only. We
5 had no responses other than three companies
6 that didn't meet the criteria of the RFP.

7 At that point in time we started
8 negotiations at the end of April with NUMC
9 to take over. That has been ongoing on a
10 formal weekly basis but also three times a
11 week for myself.

12 LEGISLATOR ABRAHAMS: Now,
13 obviously, without publicizing our position
14 negotiation wise with NUMC, it just seems to
15 me, Mr. Ribando, I'm trying to figure out
16 how we can negotiate the best price for the
17 county when NUMC has an understanding that
18 we are writing language into this agreement
19 that Armor will no longer be here come
20 September 1st.

21 Walk us through -- I'm not asking
22 you to walk us through the negotiations,
23 obviously that's sensitive and we would have
24 to do that in executive session.

25 But it seems like if NUMC knows

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2 that our date on when we have to have a
3 contract in place is on August 31st, they
4 are under no requirement, no agreement, to
5 give the county a price that it can afford
6 that is within the confines of what Roseann
7 had talked about that is within the budget
8 frame.

9 Explain to me how you plan to
10 achieve some level of balance to the budget
11 with dealing with the fact that you're
12 dealing with one particular vendor and one
13 vendor that basically doesn't have any other
14 competition and you have a time frame that
15 this contract has to be in place by.

16 MR. RIBANDO: I understand your
17 question. The only way I can answer that,
18 Legislator, is that we've been in
19 negotiations with them on a number of
20 different issues; one is staffing, but
21 everything has been done in good faith.

22 I can say that we've had a
23 number, without going into executive
24 session, we've had a number of bids over the
25 RFP process that there is a number in place

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2 in my head and the county's head of probably
3 what it's going to cost, or what it's going
4 to cost us for a monthly and annual
5 contract.

6 LEGISLATOR ABRAHAMS: Is that
7 number determined by practices elsewhere?

8 MR. RIBANDO: It's determined by
9 staffing feasibilities and it's also
10 determined also on reviewing previous
11 responses to the RFPs, and their staffing
12 plans.

13 LEGISLATOR ABRAHAMS: The
14 contract, if I'm understanding the extension
15 of services, Section 3, subpart B, A, sorry,
16 it mentions that Nu Health will assume
17 operation control no later than September
18 1st, 2017.

19 MR. RIBANDO: Correct.

20 LEGISLATOR ABRAHAMS: If the
21 county is unable to reach an agreement with
22 Nu Health, would we be in breach of the
23 contract with Armor or this agreement
24 because we're not able to provide the
25 services?

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2 I guess where I'm leading at is,
3 and this is where we have to kind of get a
4 feeling probably in executive session where
5 the negotiations is because without knowing
6 where the negotiation is, it's going to be
7 very difficult for us to vote for an
8 agreement that has a drop dead date and we
9 don't know where the negotiations are, and
10 we don't know if you are close, if you are
11 far --

12 MR. RIBANDO: I totally
13 understand and I think I would be able to
14 explain it a lot better in executive
15 session. I definitely understand your
16 concerns. Will do my best to alleviate
17 that.

18 LEGISLATOR ABRAHAMS: There may
19 be a concern with the fact that depending on
20 what we hear, we may consider tabling this
21 matter until we get a better comfort level
22 if you feel the need in executive session to
23 determine the proximity of how close we are
24 to that agreement.

25 MR. RIBANDO: Okay. Like I said,

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2 legislator, I understand completely where
3 you are coming from. Hopefully I can
4 alleviate your concerns in executive session
5 which I will do my best to try.

6 CHAIRWOMAN GONSALVES: Legislator
7 Kopel has a couple of questions before we go
8 into executive session.

9 LEGISLATOR KOPEL: Just a couple.
10 First of all, this three-month period is not
11 a firm period, is it? Is it a period that's
12 subject to earlier termination at our
13 option?

14 MR. RIBANDO: It is. I can
15 explain why the amendment is written the way
16 it is in executive session.

17 LEGISLATOR KOPEL: Okay. That's
18 one. My other question is, and I suspect
19 you will have to do that in executive
20 session as well, just setting the table
21 here, there is a contract and some of this
22 you can discuss now. There is the contract
23 with Armor right now does have end of
24 contract provisions and transitional
25 provisions, does it not?

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2 MR. RIBANDO: Are you talking
3 about Section 14C of the contract?

4 LEGISLATOR KOPEL: What you just
5 described.

6 MR. RIBANDO: Yes, it does have
7 provisions.

8 LEGISLATOR KOPEL: Again, now
9 without saying anything in terms of matters
10 that are in controversy, why don't you
11 describe those provisions?

12 MR. RIBANDO: I can read 14C for
13 the record but --

14 LEGISLATOR KOPEL: That's fine.
15 That's fine.

16 MR. RIBANDO: I think it's
17 important to note that Armor has brought a
18 lawsuit. And the subject of that lawsuit,
19 Armor has questioned the applicability of
20 14C to the present circumstances --

21 LEGISLATOR KOPEL: Understood,
22 understood.

23 MR. RIBANDO: As well as the
24 scope. It's a somewhat generally worded
25 provision that talks about reasonable

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2 requests and transition assistance. But,
3 with respect to specific questions of price
4 and the term of that, it's most general.
5 Those will be either --

6 LEGISLATOR KOPEL: And, the
7 county, so they've made a motion to allow
8 themselves to be terminated on time?

9 MR. RIBANDO: They're pleading.

10 LEGISLATOR KOPEL: They're
11 pleadings, I understand this. And the
12 County pleadings, again, just the pleadings.
13 Has the county made a cross motion to
14 require them to continue?

15 MR. GRIPPO: The County has
16 submitted an answer. It hasn't made a
17 cross-motion. There have been preliminary
18 conferences I can fill you in on. Some of
19 the judge's thoughts back --

20 LEGISLATOR KOPEL: Fine.

21 LEGISLATOR ABRAHAMS: I have one
22 more quick thing, I think it would be easy
23 for them to answer. There's also a section
24 in the contract, \$155,000 payment that
25 within 20 days of execution of the agreement

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2 that I guess these monies are going to be
3 released of the money deducted by the Nassau
4 County Comptroller. Has anyone spoken to
5 the Comptroller?

6 MR. RIBANDO: The County
7 Attorney's Office and the Sheriff's Office
8 has submitted written opinions about the
9 legality of holding that \$155,000. I
10 haven't spoken to him yet about the 20 days,
11 no.

12 LEGISLATOR ABRAHAMS: So no one
13 has spoken to the Comptroller? Does the
14 Comptroller agree with those legal opinions?

15 MR. RIBANDO: I haven't had the
16 discussion with him.

17 LEGISLATOR ABRAHAMS: I'm just
18 thinking of possible pitfalls that can put
19 the County in breach of this agreement.

20 I think maybe while we're in
21 executive session, Madam Presiding Officer,
22 someone should reach out to the
23 Comptroller's office.

24 MR. RIBANDO: Maybe in executive
25 session, not to interrupt you, sir, but

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2 maybe in executive session I can explain
3 exactly what that \$155,000 is for and why
4 it's being held and maybe that would kind of
5 explain it a little more.

6 LEGISLATOR ABRAHAMS: No, no, no,
7 I understand why it's being held. But you
8 don't need to convince me, you have to
9 convince the Comptroller because he's the
10 one that's deducting it.

11 So I think from that standpoint,
12 if we're going to vote for this agreement
13 with this in there, I think he has to buy in
14 as well. I agree. Does everybody concur
15 with that?

16 CHAIRWOMAN GONSALVES: What do
17 the attorneys say in regard to the
18 Comptroller?

19 MR. RIBANDO: Like I said, I can
20 explain this in executive session when we do
21 it.

22 LEGISLATOR ABRAHAMS: All right.

23 CHAIRWOMAN GONSALVES: Motion to
24 go into executive session.

25 LEGISLATOR NICOLELLO: So moved.

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2 LEGISLATOR KOPEL: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Nicoletto, seconded by Legislator
5 Kopel. All those in favor of going into
6 executive session signify by saying Aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 (Whereupon, the Rules Committee
11 recessed into executive session at 5:37 p.m.
12 and reconvened at 6:13 p.m.)

13 CHAIRWOMAN GONSALVES: The item
14 before us is E-134. There were certain
15 concerns that were raised in executive
16 session and Mr. Ribando is well aware of
17 what they are.

18 Hopefully, regardless of the
19 outcome of the vote today, that they will
20 continue to pursue those concerns.

21 MR. RIBANDO: Absolutely.

22 CHAIRWOMAN GONSALVES: I'm
23 holding you very responsible to those
24 concerns.

25 I would like from you to make

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2 sure that Kevan Abrahams and myself receive
3 any updates between now and the rest of the
4 week that they transpire so that we may be
5 sure that things are going the way it should
6 be going.

7 MR. RIBANDO: Absolutely.

8 CHAIRWOMAN GONSALVES: Now, the
9 majority has decided that we are going to
10 take the vote today. But that doesn't leave
11 you off the hook. So, guess what, all those
12 in favor -- oh, go ahead.

13 LEGISLATOR ABRAHAMS: I just
14 wanted to explain our vote. We actually
15 will be voting in abstention for the
16 reasoning that we talked about in regards to
17 the Comptroller as well as the global
18 settlement.

19 CHAIRWOMAN GONSALVES: I put that
20 on.

21 LEGISLATOR ABRAHAMS: Okay. You
22 did already, and the global settlement as
23 well.

24 CHAIRWOMAN GONSALVES: You are
25 well informed as to what our concerns are

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2 but, because of the expediency I think of
3 the issue, we decided that we would do the
4 vote today. And so all those in favor of
5 E-134 signify by saying aye.

6 (Aye.)

7 All those opposed?

8 (No verbal response.)

9 All those who abstained?

10 (Abstain.)

11 So the vote goes four, zero,
12 three. We have passed it. This is driving
13 me crazy this four, zero, three. And so we
14 have passed it and to move on I'm expecting
15 you to keep us updated.

16 MR. RIBANDO: You have my word.

17 CHAIRWOMAN GONSALVES: That's on
18 the record, please. And I'm serious about
19 that.

20 Mr. RIBANDO: So am I.

21 CHAIRWOMAN GONSALVES: Okay. So
22 now, with that, motion to adjourn, please.
23 I need to go home.

24 MR. RIBANDO: Thank you very
25 much.

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2 CHAIRWOMAN GONSALVES: You're
3 welcome. A motion to adjourn.

4 LEGISLATOR GAYLOR: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Gaylor, seconded by Legislator
8 Nicolello. All those in favor of adjourning
9 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Thank you.

14 (Whereupon, the Rules Committee
15 adjourned at 6:15 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 6th day of June, 2017.

FRANK GRAY