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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, December 4, 2017
1:33 P.M

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

NORMA GONSALVES,
Chairwoman

RICHARD NICOLELLO,
Vice Chairman

HOWARD KOPEL

VINCENT MUSCARELLA

KEVAN ABRAHAMS,
Ranking

DELIA DERIGGI-WHITTON

SIELA BYNOE

MICHAEL C. PULITZER,
Clerk of the Legislature

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Locate in Public Works and Parks

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2 CHAIRWOMAN GONSALVES: Will my
3 colleagues join us in the chamber for the
4 Pledge of Allegiance.

5 Legislator Gaylor, please lead us
6 in the Pledge of Allegiance.

7 (The Pledge of Allegiance was
8 recited.)

9 CHAIRWOMAN GONSALVES: Thank you,
10 Legislator Gaylor.

11 The Rules Committee will first
12 meet to entertain the various contracts that
13 have been presented to us and, once those
14 contracts have been approved or disapproved,
15 we move on to the other committees for their
16 testimony for other issues which may turn up
17 again in the Rules Committee.

18 So, after the contracts, we do
19 recess to give the other committees an
20 opportunity to address the items that are on
21 their agendas.

22 We will begin with the contracts
23 first but I will ask Mr. Pulitzer to please
24 call the roll for the Rules Committee.

25 CLERK PULITZER: Thank you,

1 Rules Committee/12-4-17

2 Madam. Rules Committee. Legislator Siela

3 Bynoe?

4 LEGISLATOR BYNOE: Here.

5 CLERK PULITZER: Legislator

6 DeRiggi-Whitton?

7 LEGISLATOR DERIGGI-WHITTON:

8 Here.

9 CLERK PULITZER: Ranking Member

10 Kevan Abrahams?

11 LEGISLATOR ABRAHAMS: Here.

12 CLERK PULITZER: Alternate Deputy

13 Presiding Officer Howard Kopel?

14 LEGISLATOR KOPEL: Here.

15 CLERK PULITZER: Legislator

16 Vincent Muscarella?

17 LEGISLATOR MUSCARELLA: Here.

18 CLERK PULITZER: Vice Chairman

19 Richard Nicoletto?

20 LEGISLATOR NICOLELLO: Here.

21 CLERK PULITZER: Chairwoman Norma

22 Gonsalves?

23 CHAIRWOMAN GONSALVES: Present.

24 CLERK PULITZER: We have a

25 quorum, ma'am.

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2 CHAIRWOMAN GONSALVES: Thank you.
3 The first contract is A-51-17, a resolution
4 authorizing the director of Nassau County
5 Office of Purchasing to award and execute a
6 contract between the County of Nassau acting
7 on behalf of various County agencies and
8 Unitech Elevator.

9 Motion, please.

10 LEGISLATOR NICOLELLO: So moved.

11 LEGISLATOR KOPEL: Second.

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

15 MR. MARINO: Anthony Marino,
16 Department of Public Works. This contract
17 is going to replace an existing contract for
18 the maintenance of the elevators in county
19 buildings.

20 CHAIRWOMAN GONSALVES: Any
21 questions for this item?

22 (No verbal response.)

23 Any public comment on this item?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/12-4-17

2 favor of A-51 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item passes four to three.

7 The next item is A-53, a

8 resolution authorizing the director of

9 Nassau County Office of Purchasing to award

10 and execute a contract between the County of

11 Nassau acting on behalf of the Nassau County

12 Department of Public Works and LI Proliner,

13 Inc.

14 Motion, please.

15 LEGISLATOR MUSCARELLA: So moved.

16 LEGISLATOR KOPEL: Second.

17 CHAIRWOMAN GONSALVES: Moved by

18 Legislator Muscarella, seconded by

19 Legislator Kopel.

20 LIEUTENANT STEPHANOFF: Good

21 afternoon. Lieutenant Greg Stephanoff,

22 Nassau County Police Department. Item A-53

23 is to authorize and award a purchase for the

24 purchase of three rescue trucks. These

25 trucks are going to be used by the police

1 Rules Committee/12-4-17

2 department's emergency service unit.

3 They are going to replace two
4 2009 trucks; one with over 200,000 miles and
5 one approaching 200,000 miles.

6 We currently have five trucks.
7 We're going to go to a sixth truck.
8 Emergency service found that with five
9 trucks, when one of the trucks are down they
10 go down for a while and they had trouble
11 keeping trucks on the street.

12 We try to run with two or three
13 trucks per tour. So we are going to replace
14 two with the three that we're purchasing.

15 CHAIRWOMAN GONSALVES: Any
16 questions of the lieutenant? Minority
17 Leader.

18 LEGISLATOR ABRAHAMS: Lieutenant,
19 just explain the function of the trucks
20 again. I know you started to say that they
21 were used in rescue situations. Give us an
22 example of when this truck is used.

23 LIEUTENANT STEPHANOFF: Yes.
24 This truck is called to any heavy scene, can
25 be called to a Homeland Security incident.

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2 Can be called to any major incident. A
3 hazardous material incident, hazardous
4 material trained.

5 They also work together with
6 Bureau of Special Operations, and when the
7 Bureau is unavailable they can come out and
8 go to scenes. They have the heavy
9 bulletproof vests that they can go into
10 heavier situations.

11 They do everything similar to
12 emergency services in the city where the
13 emergency service in the city do a little
14 more than we do but very similar. They
15 basically run county wide. We try to run
16 one truck north, one truck south in the
17 county. They will go to any major scene.

18 Also, major accidents where
19 someone has to be extradited from a car,
20 they have the jaws of life they carry.
21 Probably missing a couple of things, but I
22 can go on and on.

23 LEGISLATOR ABRAHAMS: I think
24 that you've given enough. And the trucks
25 that are currently have in operation have in

1 Rules Committee/12-4-17

2 excess of 200,000 miles?

3 LIEUTENANT STEPHANOFF: There's
4 one over 200,000, one approaching 200,000
5 that we are going to replace.

6 They currently have five trucks
7 but with five trucks believe it or not, they
8 found it hard to keep two on the streets.
9 Like if it goes down, those big trucks go
10 down and sometimes it takes a little bit
11 more than a car to fix. So the sixth truck
12 is going to make it easier for us to
13 maintain two to three trucks on the street.

14 LEGISLATOR ABRAHAMS: Nothing
15 further.

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

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 There being none, all those in
22 favor of Item A-53-17 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 Unanimous.

3 The next item is A-55, a
4 resolution authorizing the director of
5 Nassau County Office of Purchasing to award
6 and execute a contract between the County of
7 Nassau acting on behalf of the Nassau County
8 Fire Marshal and LI Proliner, Inc.

9 Motion, please.

10 LEGISLATOR NICOLELLO: So moved.

11 LEGISLATOR KOPEL: Second.

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

15 ASSISTANT CHIEF PRIEST: Good
16 afternoon. Assistant Chief John Priest from
17 the Nassau County Fire Marshal's Office.

18 The item before you is to
19 purchase a utility vehicle which will be
20 used to transport equipment for hazardous
21 material scenes.

22 It is, believe me, actually a
23 more economic bill. We are replacing two
24 old trailers that have to be towed by pick
25 up trucks. So we will be putting level A

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2 suits and decontamination supplies in one
3 vehicle, get rid of the trailers, have one
4 vehicle, one drive, and be able to get
5 everything to the scene.

6 CHAIRWOMAN GONSALVES: Any
7 questions? Minority Leader.

8 LEGISLATOR ABRAHAMS: Thank you.
9 Just a quick question. According to the
10 backup there was only one bid received. Why
11 did the administration feel not to rebid?

12 ASSISTANT CHIEF PRIEST: Just a
13 little louder.

14 LEGISLATOR ABRAHAMS: According
15 to our backup, it indicates there was only
16 one bid received.

17 Just trying to find out why the
18 administration chose not to rebid.

19 ASSISTANT CHIEF PRIEST: I do not
20 know, legislator, that would have gone
21 through -- the Department of Public Works
22 handled the bidding process for us.

23 I know Proliner is a very popular
24 company on Long Island. They are big in
25 fire service vehicles. I know that from my

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2 volunteer side, but there's somebody, I will
3 get out the way.

4 LEGISLATOR ABRAHAMS: Before you
5 leave, one second. Real quick, before you
6 leave, this contract is also eight months
7 late. Is it on the actual late list?

8 ASSISTANT CHIEF PRIEST: I was
9 unaware that it was late. I don't believe
10 they have begun even making the vehicle.

11 LEGISLATOR ABRAHAMS: It's not on
12 the late list? Sorry. I'm looking at our
13 backup wrong. It's for the next one.
14 Sorry.

15 MR. SCHLERNOFF: Michael
16 Schlernoff, Director of Purchasing. Could
17 you repeat the question?

18 LEGISLATOR ABRAHAMS: It was a
19 question about this, Michael, only one bid
20 was received, so we were asking was there
21 any reasoning or any thinking towards not
22 rebidding to get more bids?

23 MR. SCHLERNOFF: Not rebidding?
24 The reason I would not rebid it is because
25 there is only one major vendor on the island

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2 that can get us these types of vehicles. So
3 it would just be throwing away money to
4 rebid it.

5 LEGISLATOR ABRAHAMS: And you
6 feel that the price that we're paying
7 ensures the fairest and best price the
8 county can get?

9 MR. SCHLERNOFF: Yes, I do.

10 LEGISLATOR ABRAHAMS: Fair
11 enough. Nothing further.

12 CHAIRWOMAN GONSALVES: Any other
13 comments from the legislators?

14 (No verbal response.)

15 Is there any public comment on
16 this item?

17 (No verbal response.)

18 There being none, all those in
19 favor of Item A-55 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Unanimous.

24 Next is E-232, a personal
25 services agreement between the County of

1 Rules Committee/12-4-17

2 Nassau acting on behalf of the Nassau County
3 Department of Public Works and the Savin
4 Engineers, P.C.

5 Motion, please.

6 LEGISLATOR NICOLELLO: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Nicolello, seconded by Legislator
10 Kopel. Mr. Schneider.

11 MR. SCHNEIDER: Brian Schneider
12 from Public Works. This is an amendment to
13 an existing on call construction management
14 and inspection agreement.

15 This will not change the funding
16 of the agreement only to extend the
17 expiration date for an additional 18 months
18 to complete work that is currently ongoing.

19 The department is in the process
20 of bidding a new contract but we are in the
21 process of also negotiating and having
22 discussions with CSEA to determine to what
23 extent the department can subcontract this
24 work going forward.

25 So as of this time until that is

1 Rules Committee/12-4-17
2 worked out, we are requesting that this
3 contract be extended for 18 months to
4 complete ongoing work.

5 CHAIRWOMAN GONSALVES: Any
6 comments from the legislators?

7 (No verbal response.)

8 Any public comment on this item?
9 It's on item E-232 correct.

10 MS. MEREDAY: Meta Mereday,
11 Baldwin resident. Just a quick question
12 with regard to the outreach. I believe I
13 heard something about some discussion with
14 regard to renewing the contract.

15 I'm just hoping that since this
16 has been an existing relationship that there
17 is the proper oversight moving forward as it
18 pertains to past performances in the overall
19 procurement.

20 I'm just curious as to whether
21 those measures have been put in place as far
22 as the types of relationships, if any, any
23 types of internal connections so, again, the
24 public has assurances moving forward that
25 all of our safeguards are in place.

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2 When I hear this is an existing
3 contract, it really kind of precludes any
4 type of fair competition towards this type
5 of work if we don't have an opportunity for
6 others to participate. Thank you.

7 CHAIRWOMAN GONSALVES: You're
8 welcome. Any other comments? Legislator
9 Bynoe.

10 LEGISLATOR BYNOE: Hi,
11 Mr. Schneider. The question is, this is
12 late, this particular contract, and I guess
13 the RFP was issued in 2013. I guess the
14 amendment to this contract is late showing
15 up here to the Legislature late. Could you
16 explain?

17 MR. CLEARY: Robert Cleary,
18 director of compliance. There is a memo in
19 the document explaining the delay.

20 LEGISLATOR BYNOE: I would like
21 it on the record so can you can explain it.

22 MR. CLEARY: You can read it.

23 MR. SCHNEIDER: I'm going to
24 paraphrase this. It basically states that
25 we're requesting CSEA approval to bid a new

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2 contract. So it's not going to be a renewal
3 of this one. It's going to be a new
4 contract. So while this issue is being
5 worked out, we need to extend the expiration
6 date.

7 So, granted there is some
8 lateness, but this is an ongoing issue that
9 we've been trying to work through with CSEA
10 and it's not something that's been sitting
11 on somebody's random desk and we are trying
12 to get through this issue so we can bid a
13 new contract.

14 LEGISLATOR BYNOE: So they have
15 been continuing to work as you have been
16 trying to deal with this issue with CSEA?

17 MR. SCHNEIDER: Correct. And we
18 also have approval from the Comptroller that
19 this ongoing work associated with these
20 contracts are acceptable to the Comptroller
21 to be paid as it's to allow for completion
22 of assigned work prior to the expiration.

23 LEGISLATOR BYNOE: Were we under
24 some belief that this was going to resolve
25 much earlier on and now you realize you are

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2 at an impasse or something and now you're
3 coming for the extension because if you knew
4 you were working out these issues earlier
5 on, I'm not sure why it wouldn't have come
6 to us back in April or what have you.

7 MR. SCHNEIDER: We tried to
8 address whatever, not controversies, but
9 issues that could arise to the issuance of a
10 new contract which essentially this would
11 be.

12 But, obviously, CSEA had some
13 issues on whether or not this work is being
14 claimed by DPW or if it can be subcontracted
15 out.

16 This is an ongoing discussion
17 that we been having with CSEA over the last
18 several months and it just can't seem to
19 resolve itself. We feel it's necessary for
20 these extensions.

21 This is not the only on call
22 agreement that requires an extension. We
23 have five other agreements besides the one
24 with Savin Engineering and some of which
25 have already been approved by the

1 Rules Committee/12-4-17

2 Legislature.

3 LEGISLATOR BYNOE: Thank you.

4 CHAIRWOMAN GONSALVES: There
5 being no other questions or comments, all
6 those in favor of E-232 signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 The item passes four to three.

12 The next item is E-233-17, a
13 personal services agreement between the
14 County of Nassau acting on behalf of the
15 Nassau County Department of Public Works and
16 Marvel Lite Company, Inc.

17 Motion, please.

18 LEGISLATOR MUSCARELLA: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Muscarella, seconded by
22 Legislator Kopel. We have?

23 MR. SCHNEIDER: Brian Schneider,
24 Public Works. The purpose of this amendment
25 is to extend the existing contract date

1 Rules Committee/12-4-17
2 through December 31st of this year coming up
3 in a couple of weeks for the upgrade of the
4 county's traffic signal control system and
5 the traffic management center in Westbury.

6 This is the second amendment to
7 this contract but all the work has already
8 been completed. There is no cost increase
9 as part of this contract amendment but this
10 is really for payment purposes. So we need
11 to extend the date until December 31st so we
12 can complete all the paperwork for the
13 project and pay the vendor.

14 CHAIRWOMAN GONSALVES: Legislator
15 Kopel.

16 LEGISLATOR KOPEL: Thank you. I
17 understand that there were some issues as to
18 the performance rendered?

19 MR. SCHNEIDER: There's nothing
20 in my file that indicates anything about the
21 performance. I know there have been some
22 delays due to some of the issues ongoing at
23 the facility itself.

24 LEGISLATOR KOPEL: But none of
25 those issues as far as you know are

1 Rules Committee/12-4-17

2 attributable to the contract?

3 MR. SCHNEIDER: In my backup
4 there is nothing that has been indicated
5 that there is an issue with the vendor
6 itself. There have been a number of delays
7 from equipment installation issues,
8 integration issues, and final --

9 LEGISLATOR KOPEL: The equipment
10 and integration, all those, those were not
11 the contractor's responsibility?

12 MR. SCHNEIDER: Correct.

13 LEGISLATOR KOPEL: I understand.
14 Thank you.

15 CHAIRWOMAN GONSALVES: Legislator
16 DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON: Was
18 there actually an original contract?

19 MR. SCHNEIDER: Yes. The
20 original contract was awarded in February of
21 2008. There was a previous amendment
22 authorizing the extension of the contract
23 through December 31st of 2014.

24 LEGISLATOR DERIGGI-WHITTON: And
25 what was the original cost for that

1 Rules Committee/12-4-17

2 contract?

3 MR. SCHNEIDER: Legislator, I do
4 not have that in my package. I can find
5 out. All I know is this extension is for no
6 additional funds. This is just an increase
7 in time.

8 LEGISLATOR DERIGGI-WHITTON: If
9 you could let us know. I'm fine to extend
10 it, just a matter of how much it is. Thank
11 you.

12 CHAIRWOMAN GONSALVES: Any other
13 comments from the legislators?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of Item E-233-17 signify by saying
19 aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The item passes four to three.

24 The next item is E-234 a personal
25 services agreement between the County of

1 Rules Committee/12-4-17

2 Nassau acting on behalf of the Nassau County
3 Attorney's Office and Hopkins & Kopliow.

4 Motion, please.

5 LEGISLATOR NICOLELLO: So moved.

6 LEGISLATOR KOPEL: Second.

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

10 MS. KRISEL: Deputy County
11 Attorney Martha Krisel. This is a personal
12 services contract with Hopkins & Kopliow as
13 the outside counsel.

14 CHAIRWOMAN GONSALVES: Any
15 comments or questions from the legislators?
16 Minority Leader.

17 LEGISLATOR ABRAHAMS: Thank you,
18 Madam Presiding Officer. Just a question.
19 From when the contract lapsed, because it
20 goes back from our backup 13 months late,
21 from the time the contract lapsed, how much
22 billing occurred from the time the contract
23 lapsed until current today?

24 MS. KRISEL: I can check on the
25 amount of billing that occurred with regard

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2 to that but I do have a note in my memo that
3 there were no billings beyond the amount
4 that NIFA permitted.

5 LEGISLATOR ABRAHAMS: Less than
6 \$20,000. It's less than \$20,000 the total
7 bill?

8 MS. KRISSEL: I will double check
9 that for you, legislator. The information
10 that I have focuses on the delay that we had
11 in getting the documents back from the
12 vendor. That's really what the focus was
13 here.

14 LEGISLATOR ABRAHAMS: Do you
15 think you would be able to get those for us
16 today?

17 MS. KRISSEL: Yes.

18 LEGISLATOR ABRAHAMS: You got it
19 now?

20 MS. KRISSEL: No. We will get it.

21 LEGISLATOR ABRAHAMS: Request to
22 table, Madam Presiding Officer.

23 MS. KRISSEL: It will be quick.

24 CHAIRWOMAN GONSALVES: Motion to
25 table by Minority Leader.

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2 LEGISLATOR BYNOE: Second.

3 CHAIRWOMAN GONSALVES: Seconded
4 by Legislator Bynoe. All those in favor of
5 tabling E-234 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item is tabled.

10 The next item is E-235, a
11 personal services agreement between the
12 County of Nassau acting on behalf of the
13 Department of Information Technology and
14 Sierra-Cedar, Inc.

15 Motion, please.

16 LEGISLATOR MUSCARELLA: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Muscarella, seconded by
20 Legislator Kopel. Who is here to speak on
21 this item?

22 COMMISSIONER EISENSTEIN: Ed
23 Eisenstein from the Information Technology
24 Department. We are looking for an extension
25 for about a year for our hosting vendor for

1 Rules Committee/12-4-17

2 our soft product. That is who Sierra-Cedar
3 is.

4 CHAIRWOMAN GONSALVES: Any
5 questions or comments for Mr. Eisenstein?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of Item E-235-17 signify by saying
11 aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The item passes four to three.

16 The next item is E-236, a
17 personal services agreement between the
18 County of Nassau acting on behalf of the
19 Nassau County Department of Traffic and
20 Parking Violations Agency and Zelda Jonas.

21 Motion, please.

22 LEGISLATOR NICOLELLO: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Nicolello, seconded by Legislator

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

3 MR. RICH: Dave Rich, Assistant
4 Executive Director of Traffic and Parking.

5 JUDGE MARKS: John Marks,
6 Executive Director, Traffic and Parking.

7 MR. RICH: Just as a point
8 including this contract, there are 18
9 contracts with additional hearing officers
10 on the calendar for today.

11 CHAIRWOMAN GONSALVES: I just
12 called 236. The other one is I believe
13 E-242, a personal services agreement between
14 the County of Nassau acting on behalf of the
15 Nassau County Department of Health?

16 MR. BECKER: I believe he is
17 referencing the addendum that has that and
18 the tabled items.

19 CHAIRWOMAN GONSALVES: Where is
20 the addendum items. I believe there is one
21 item. Hold on. I see the addendum. Now I
22 have to suspend the rules. I need a motion
23 to suspend the rules.

24 Motion, please.

25 LEGISLATOR KOPEL: So moved.

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2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Kopel, seconded by Legislator
5 Nicolello. All those in favor of suspending
6 the rules signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Now you would like me to call
11 Item E-207 which is I believe a tabled item,
12 am I correct?

13 MR. BECKER: Madam Chair, the 207
14 is on the addendum.

15 CHAIRWOMAN GONSALVES: I know
16 it's on the addendum.

17 MR. BECKER: It's up to you. Do
18 you want to wait?

19 CHAIRWOMAN GONSALVES: No, if
20 they are all pertaining to TPVA, then we
21 need a motion to untable. This is what we
22 are untabling; E-202, E-203.

23 MR. BECKER: E-201?

24 CHAIRWOMAN GONSALVES: No. Just
25 go. Be patient, Mr. Becker. E-204, E-205,

1 Rules Committee/12-4-17

2 E-206, E-208, E-209, E-210, and I believe
3 one more, E-211, E-212, E-214, E-215, E-223,
4 E-229, E-230. A motion to untable.

5 MR. BECKER: And E-201, am I not
6 correct?

7 CHAIRWOMAN GONSALVES: We're not
8 calling it. The item that is on the
9 addendum which is E-207 is going to be also
10 untabled.

11 MR. BECKER: I want to confirm
12 with you, E-201, we don't want to call that,
13 correct?

14 CHAIRWOMAN GONSALVES: No. Are
15 we ready for all of these items?

16 First of all, I need a motion.

17 LEGISLATOR NICOLELLO: So moved.

18 LEGISLATOR KOPEL: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Nicolello, seconded by Legislator
21 Kopel. The motion was to untable all of
22 those items that were just called.

23 That was the motion before us. A
24 motion to untable the items that were just
25 called and the motion to untable was moved

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2 by Legislator Nicoletto and seconded by
3 Legislator Kopel. All those in favor?

4 LEGISLATOR NICOLELLO: May I ask
5 a question?

6 CHAIRWOMAN GONSALVES: Sure. You
7 may ask a question before we untable.

8 LEGISLATOR NICOLELLO: Go ahead
9 and untable.

10 CHAIRWOMAN GONSALVES: All those
11 in favor of untabling the items that were
12 just called signify by saying aye.

13 (Aye.)

14 Any opposed to untabling?

15 (No verbal response.)

16 They are now untabled. Let's go
17 back. I think we started out with 236; am I
18 correct, and then we moved on to the other
19 items, am I correct?

20 I need to read them into the
21 record; E-226, a personal services
22 agreement, I said Traffic and Parking
23 Violations Agency and Zelda Jonas and then,
24 are we doing them all together?

25 MR. RICH: All the contract terms

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2 are exactly the same, they are three year
3 contracts with two one year extensions.

4 CHAIRWOMAN GONSALVES: So we're
5 going to E-202 which is a contract, a
6 personal services agreement with Salvatore
7 Nicosia;

8 E-203 which is a personal
9 services contract with Edward A. Marin;

10 E-204 with Daniel Palmieri;

11 E-205, all personal services
12 agreements, with Frank A. Gulotta, Jr.;

13 E-206 with Joseph C. Calabrese;

14 E-208 with Kenneth S. Diamond;

15 E-209 with Mitchell Studley;

16 E-210 with Anthony Murray;

17 E-211 Lawrence M. Schaefer;

18 E-212 with Clair I. Weinberg;

19 E-214 with Elizabeth Pessala;

20 E-215 with Allen S. Mathers;

21 E-223 with Daniel J. Cotter;

22 E-229 with John P. O'Shea;

23 And E-230 with James J. Tini.

24 They were all untabled. Are you
25 ready? On all of these, is there something

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2 which applies to each and everyone of them?

3 MR. BECKER: Madam Chair, E-207,
4 Mr. Grello also?

5 CHAIRWOMAN GONSALVES: Yes.
6 E-207, Mr. Grello, that was untabled as
7 well.

8 MR. BECKER: Good. Thank you.

9 CHAIRWOMAN GONSALVES: Go ahead.
10 You said you can do a general.

11 MR. RICH: Yes. This is 18
12 judicial hearing officers that are
13 contracted with Traffic and Parking
14 Violations Agency. They are three year
15 contracts with two one year extensions. As
16 you know, it's mandated that we have
17 judicial hearing officers for the agency to
18 run.

19 CHAIRWOMAN GONSALVES: Any
20 questions on this particular personal
21 services agreement? Siela Bynoe.

22 LEGISLATOR BYNOE: Thank you,
23 Presiding Officer. I have pretty much a
24 kind of obvious question. Some of these
25 individual contracts haven't expired. Why

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2 are we here today asking for an extension or
3 to renew these contracts?

4 MR. RICH: We currently have 22
5 judicial hearing officers. Of the 18 that
6 are presented today, 17 expired 12-31-17 and
7 then one more expires January 31st of '18.

8 LEGISLATOR BYNOE: So let's talk
9 about the one for January 2018. Why would
10 you be here before this body today asking
11 for an extension?

12 MR. RICH: We're not asking for
13 an extension.

14 LEGISLATOR BYNOE: Asking for a
15 new contract. Why are you here today on a
16 contract that does not expire for over a
17 year asking for this body to consider giving
18 them a new contract.

19 MR. RICH: We start this process
20 in July.

21 LEGISLATOR BYNOE: I keep
22 forgetting we are in 2017. I apologize.
23 But why are you here today in a bull quarter
24 like this for three year contracts; is this
25 customary? Were you getting three years in

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2 the previous contracts?

3 MR. RICH: The previous contracts
4 were one year with one year extensions.

5 LEGISLATOR BYNOE: So then I
6 think that would be more appropriate if you
7 were going to come before this body asking
8 for some continuity at TPVA which I think is
9 reasonable.

10 But to come here today and ask
11 for a three year contract on something that
12 we customarily do a one year contract I
13 think is not really in good faith and I
14 think it's out of context for you to be here
15 today asking for a three year contract.

16 MR. RICH: The reason we are
17 asking for the extended terms because
18 there's 22 contracts that we have here in
19 front of the leg and I believe there are
20 five or six agencies involved with the
21 approval of the contracts, so we are just
22 trying to lighten the load for everyone
23 involved with approving a contract. We are
24 not trying to do anything in bad faith.

25 LEGISLATOR BYNOE: Well, I don't

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2 think we need our load lifted to that degree
3 in this fashion. I think it's wrong. I
4 think it's wrong that you be here today
5 asking for three year contracts when we
6 customarily give a one year contract on
7 these type of arrangements. I think it's
8 really wrong. You have to really convince
9 me it's not in bad faith.

10 So, Madam Presiding Officer, I
11 think we should table these items and review
12 them with different terms because I believe
13 that this is -- it's not the appropriate
14 action for this body. So I actually move to
15 table.

16 CHAIRWOMAN GONSALVES: All those
17 in favor of tabling these items signify by
18 saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 We move on.

23 LEGISLATOR BYNOE: I'm just going
24 to close by saying we're talking about
25 \$90,000 per contract for 18 contracts per

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2 year for three years. That is lot of money,
3 a lot of taxpayer dollars and I don't see
4 why we would need to do this in such a rush
5 today.

6 I think that we should really
7 take some time and look at the terms of
8 these contracts and this Rules Committee
9 should have time to mull this over. I think
10 pushing it over to the Full Leg is the wrong
11 move today, Madam Presiding Officer.

12 CHAIRWOMAN GONSALVES: We voted
13 on the tabling. This is on the items.

14 LEGISLATOR ABRAHAMS: Yes, on the
15 item. I wanted to make sure I can clarify a
16 couple of things. I thought I heard it
17 correctly but I'm not too sure.

18 Most of the terms of these
19 contracts expire on December 31st, correct,
20 except one that expires in January of 2018?

21 JUDGE MARKS: That's correct.

22 LEGISLATOR ABRAHAMS: Normally,
23 when these are not new, we have done
24 judicial hearing officers and TPVA officials
25 in the past, so what are the normal terms we

1 Rules Committee/12-4-17

2 appoint in the past over the last four,
3 eight years?

4 JUDGE MARKS: The same as these
5 terms that are before you right now.

6 LEGISLATOR ABRAHAMS: So we
7 normally do three years terms?

8 JUDGE MARKS: No. The labor
9 intensity of doing a contract each year is
10 to try to save the county and everybody at
11 work that's not really essential at this
12 time. The judges have a contract. They
13 have to be approved each year or are
14 approved by the chief administrative judge
15 of Nassau County.

16 LEGISLATOR ABRAHAMS: So, in the
17 past when these gentleman have come before
18 us, and ladies, they ever been appointed to
19 three year terms with this legislative body
20 -- I'm sorry, one year term, which this
21 Legislative body has confirmed?

22 JUDGE MARKS: Yes.

23 LEGISLATOR ABRAHAMS: And because
24 now we realize at this juncture that's
25 become labor intensive. We want to go

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2 forward with three years? Why did you come
3 to that conclusion now? How come you didn't
4 come to that conclusion a year ago, two
5 years ago? It seems like the labor
6 intensive stuff would have existed for the
7 last eight to ten years I think.

8 MR. BECKER: Legislator, one of
9 the things that we've been trying to do in
10 the County Executive's Office with the
11 nonprofits and many the social service
12 contracts as you realize they're like one
13 year contracts. They all renew in January.

14 Of course, this is not a
15 nonprofit but it's a general philosophy we
16 are trying to pursue with all department
17 heads. Where, if it's possible, we are
18 trying to do multiyear contracts so our
19 procurement office, myself and others, we
20 are just going to head us off with this
21 problem of constantly being late with
22 contracts. By having this in place, it was
23 actually encouraged by myself and others --
24 and all the department heads who --

25 LEGISLATOR ABRAHAMS: Fran, I got

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2 you, but let me explain to you a couple of
3 different things. It comes off a bit
4 disingenuous that you are doing this now.

5 Just take a look from our
6 perspective. We are doing this, it's 11:57,
7 midnight is about to strike with the new
8 administration that's coming in, and
9 suddenly we decided to go from one year to
10 three years.

11 MR. BECKER: One and one. It's
12 one year with one year extension currently.

13 LEGISLATOR ABRAHAMS: But you
14 don't come back to this Legislative body for
15 that extension. Let me make sure. Right
16 now it's one and one. Let me make sure --
17 basically we're shifting from a one year
18 contract which we have done now throughout
19 the entire County Executive Mangano's
20 administration, two terms always done one
21 year.

22 Now this looks like we are making
23 this change which it just seems a bit
24 disingenuous we are deciding to make this
25 change today, and, as I used the analogy,

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2 it's 11:57, the administration is about to
3 change. We would have no problem supporting
4 these gentlemen or these ladies for one
5 term, one year, but to do it for three years
6 just seems like holy cow, I just believe for
7 the life of me that suddenly we realized in
8 the eighth year of the current County
9 Executive's term that it's too labor
10 intensive and because of the contracts and
11 them being renewed and timeliness, that
12 suddenly we realize that in the eighth year
13 of his term it's too labor intensive, seem
14 like it's way too disingenuous.

15 And to go three years just seems
16 to be just, calling it for what it is, it
17 does not sit well with our side.

18 I understand how this vote is
19 going to go, but we have to make our
20 objection very well known that this is the
21 same politics people are tired of.

22 Not for nothing, we have a whole
23 bunch of commission appointments which we
24 are going to consider each one individually
25 because obviously we do not want to see any

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2 key people that could be vital to the next
3 administration not be considered, but this
4 is a change. One thing when you got the
5 Human Rights Commission and some other
6 boards, Planning Commission that come before
7 us later on today. That's existing. Those
8 terms, those periods, they are existing.
9 But this is a change in how you are
10 proceeding.

11 MR. BECKER: I can very well
12 appreciate it looking at it from your
13 perspective, I want to tell you that I want
14 to assure that you that that's really not
15 the case.

16 The intent here was just to be
17 very, very sincere, to try to be in a
18 situation where contracts are not late and
19 things are more on the minor side as these
20 are in a sense like our nonprofits and other
21 contracts, we are trying to find ways to
22 extend some of the contracts. We find this
23 in our nonprofit situations we try to do the
24 same thing.

25 I just want to assure that you

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2 this didn't come from -- in the contract
3 routing, the people in the Legislative
4 Affairs Office trying to extend contracts so
5 they won't be late and there's a little more
6 stability in what we're trying to do.

7 I completely understand what
8 you're saying, the appearance of it, but I
9 assure you that's not the case.

10 LEGISLATOR ABRAHAMS: Would you
11 support changing these agreements to one
12 year?

13 MR. BECKER: Whatever it is that
14 this body decides to do, we have no
15 difficulty with that. Of course, if this
16 body decides they want to continue the
17 agreements at one year at a time, we have no
18 trouble with that at all.

19 LEGISLATOR ABRAHAMS: Madam
20 Presiding Officer, we respectfully request
21 that we change these agreements to one year.
22 Would you be accepting of that? We can make
23 an amendment.

24 MR. BECKER: You guys have no
25 trouble with that, right?

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2 CHAIRWOMAN GONSALVES: Legislator
3 Nicoletto.

4 MR. BECKER: The judge has no
5 problem with that either. As I said, this
6 was an initiative on our part to make things
7 fall a little quicker, but if this body
8 decides they want to make it one year, the
9 judge says he has no problem.

10 LEGISLATOR ABRAHAMS: Since the
11 judge has no problem and Mr. Becker, Fran, I
12 appreciate you saying that on the record,
13 let's make it one year.

14 LEGISLATOR NICOLELLO: I have a
15 question for you, Fran, or Judge Marks, or
16 Mr. Rich. The one year contracts currently,
17 there is also an extension that goes with
18 that, correct?

19 JUDGE MARKS: Correct.

20 LEGISLATOR NICOLELLO: Do they
21 come back to us on the extension or no?

22 JUDGE MARKS: Yes, they do.

23 LEGISLATOR NICOLELLO: So it's
24 the option of either party?

25 JUDGE MARKS: Yes. And they are

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2 also approved by the administrative judge of
3 Nassau County.

4 LEGISLATOR NICOLELLO: You have
5 no problem going to a one year contract?

6 JUDGE MARKS: No.

7 LEGISLATOR NICOLELLO: I have no
8 problem either way. Looking at this list,
9 it's Republicans, Democrats, it's retired
10 judges and they're all highly qualified.
11 Whatever way you want to do it, it is fine.
12 Can you get us a one year amendment to one
13 year contracts by two weeks from now?

14 JUDGE MARKS: To be perfectly
15 honest, I can't. We will do our best to do
16 it. The problem we have when we submit
17 something is the different layers it goes
18 through to get to this point. We were
19 talking about the 1157, I think several
20 months ago there were proposals and it was
21 tabled for some reason. I don't know why,
22 it was at same judges. We will do
23 everything in our power to make it one a
24 year.

25 LEGISLATOR NICOLELLO: It is

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2 December 4th and the administration is on
3 the way out. When did this process start
4 with these administrative judges?

5 When did the discussion with
6 these contracts start?

7 JUDGE MARKS: July.

8 MR. BECKER: Let's consult with
9 Martha just a moment.

10 MR. BECKER: Madam Chair,
11 Legislator Nicoletto, they don't have to go
12 through the approval process. We can do it
13 very, very quickly. Could be ready at the
14 next session. There is no trouble with that
15 at all.

16 CHAIRWOMAN GONSALVES: We are
17 going to be meeting on the 18th and there
18 will be a special Rules Committee at that
19 particular time. Hopefully you will be
20 ready and now I'm going to ask for a motion
21 to table the items.

22 MR. BECKER: We will get it done.

23 CHAIRWOMAN GONSALVES: To table
24 the items that were called so they can be
25 amended.

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2 Motion, please.

3 LEGISLATOR NICOLELLO: So moved.

4 LEGISLATOR KOPEL: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Nicolello, seconded by Legislator
7 Kopel. All those in favor of tabling, here
8 I go, E-236, I'm going to do it properly;
9 E-202, E-203, E-204, E-205, E-206, E-207,
10 E-208, E-209, E-210, E-211, E-212, E-214,
11 E-215, E-219, E-223, and E-230. Moved by
12 Legislator Nicolello, second by Legislator
13 Kopel. All those in favor of tabling those
14 items that were just called, signify by
15 saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Tabled unanimously.

20 All the items that I just call
21 carried. All in favor signify by saying
22 aye.

23 (Aye.)

24 The items from E-236 to the
25 addendum item which is E-207 have been

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2 tabled.

3 MR. BECKER: Thank you, Madam
4 Chair.

5 CHAIRWOMAN GONSALVES: The last
6 time is on the 18th when we will be calling
7 another Rules Committee.

8 MR. BECKER: And we will be here
9 and get it done.

10 CHAIRWOMAN GONSALVES: Hopefully.

11 MR. BECKER: It will be done.

12 CHAIRWOMAN GONSALVES: All right,
13 if you say so.

14 The next item is E-237, a
15 personal services agreement between the
16 County of Nassau acting on behalf of the
17 Nassau County Police Department and Long
18 Island Equine Medical Center, P.C.

19 Motion, please.

20 LEGISLATOR MUSCARELLA: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Muscarella, seconded by
24 Legislator Kopel.

25 LIEUTENANT STEPHANOFF: Good

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2 afternoon. Lieutenant Greg Stephanoff,
3 Nassau County Police Department.

4 Item E-237 of '17 is to increase
5 contractual encumbrance and extend the
6 contract for the veterinarian services for
7 the Nassau County Police Department mounted
8 unit. This includes routine emergency
9 medical and emergency medical veterinary
10 services for its police horses.

11 We're going to put \$17,500 on the
12 encumbrance for it.

13 CHAIRWOMAN GONSALVES: Any
14 questions of the lieutenant on this item?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of Item E-237-17 signify by saying
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 We all like horses. Especially
25 me. Don't go away, you have E-238, another

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2 personal services agreement between the
3 County of Nassau acting on behalf of the
4 Nassau County Police Department and Euro
5 Lloyd Travel, L.L.C.

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 LIEUTENANT STEPHANOFF: Good
13 afternoon. Lieutenant Greg Stephanoff,
14 Nassau County Police Department. E-238 is a
15 contract with Euro Lloyd Travel Group. This
16 travel service is used for our extraditions.
17 It includes the members travel and also the
18 person we're picking up also that possibly
19 out on a warrant. We book the travel
20 services for them on this as well.

21 We are putting \$20,000 on this.
22 We are doing a one year extension. We are
23 going to be putting -- this as the last
24 year, we are going to be putting an RFP out
25 for a new contract after this.

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2 CHAIRWOMAN GONSALVES: Any
3 questions of the lieutenant on this item?
4 Legislator DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: Why
6 would this be the last year you are putting
7 the RFP out?

8 LIEUTENANT STEPHANOFF: We've had
9 this for a number of years and after this we
10 will put out an RFP. We have been using
11 this for a couple of years already.

12 LEGISLATOR DERIGGI-WHITTON:
13 Thank you.

14 CHAIRWOMAN GONSALVES: Minority
15 Leader.

16 LEGISLATOR ABRAHAMS: Lieutenant,
17 just looking at the back up, it references
18 that the term was extended August 20 of 2017
19 but we don't have any record of that, of
20 that extension coming to the Legislature.
21 We have the original contract which was
22 between August 21, 2013 to August 20, 2016,
23 and then it references that there was an
24 extension if a term in August 2017.

25 I'm sorry, there is an amendment

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2 one that extended to August, let me
3 apologized.

4 So we have the original contract
5 from August 2013 to August 2016, and then it
6 references that there was an amendment that
7 took us from '16 to '17 but we don't have
8 any record of that vote taking place.

9 Now we are considering one that
10 takes us from August '17 to August 2018.

11 We're just trying to find the
12 amendment that extended us from '16 to '17.
13 We don't have any record of that. We just
14 wanted to know that the vote went through in
15 the Rules Committee.

16 LIEUTENANT STEPHANOFF: In the
17 packet I have, the item extended that to
18 August '17. I'm trying to see how to
19 reference it for you.

20 I mean, it went through the
21 Comptroller's Office because it extended and
22 it wouldn't go without the Leg. Like, in
23 other words, it preceded after -- that it
24 would need to go to this body to go to the
25 Comptroller's Office. And we also got a

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2 certified copy back to our office from the
3 clerk of the Leg.

4 LEGISLATOR ABRAHAMS: So you're
5 saying it did go through we just don't know
6 if --

7 LIEUTENANT STEPHANOFF: Yes,
8 because otherwise we wouldn't have been able
9 to, for the past year, from '16 to '17, we
10 wouldn't have been able to operate under the
11 contract.

12 LEGISLATOR ABRAHAMS: I mean, our
13 counsel didn't find anything in our history
14 going back to last year of that vote taking
15 place. That's the only reason why we
16 brought that up.

17 LIEUTENANT STEPHANOFF: It's a
18 good question.

19 LEGISLATOR ABRAHAMS: We didn't
20 see anything with Euro Lloyd Travel Group
21 going back to August.

22 LIEUTENANT STEPHANOFF: I wish I
23 can send you -- like back in my office I
24 have the certified copy.

25 LEGISLATOR ABRAHAMS: Okay. I

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2 appreciate it.

3 CHAIRWOMAN GONSALVES: Any other
4 comments from the legislators?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of Item E-238 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The item passes four to three.

14 Let's move on.

15 The next item is E-239, a
16 personal services agreement between the
17 County of Nassau acting on behalf of the
18 Nassau County Department of Public Works and
19 Liro Program and Construction Management,
20 P.C.

21 Motion, please.

22 LEGISLATOR MUSCARELLA: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Muscarella, seconded by

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2 Legislator Kopel. Who is here to speak on
3 this item?

4 MR. LABAW: Robert Labaw,
5 Architect from DPW. This agreement is for a
6 term extension of an existing contract.
7 There is no additional funds required at
8 this time on this contract.

9 It will permit the consultant to
10 continue to perform construction management
11 services for the family and matrimonial core
12 project through the completion of the Phase
13 One.

14 CHAIRWOMAN GONSALVES: Any
15 questions from the legislators? Legislator
16 DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON: Can
18 I ask the gentleman from the procurement
19 office to come up, Mr. Cleary? Thank you.

20 I'm not sure if this is just my
21 notes or the actual back up. In our notes
22 it says that for the five political
23 contributions the contributed name, the
24 amount and the contributions are not
25 indicated. Is that what you're seeing in

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2 your backup too? They have the five groups
3 that were the donated to but not the amount
4 nor the person who contributed.

5 MR. CLEARY: We have a political
6 contribution form dated 9-22-17 indicating
7 that contributions were made to Friends of
8 Ed Mangano, Friends of Norma Gonsalves,
9 Uvoli 2017, Labriola for Comptroller and
10 Martins for Nassau.

11 LEGISLATOR DERIGGI-WHITTON:
12 Isn't it your understanding that we request
13 the amount?

14 MR. CLEARY: No.

15 LEGISLATOR DERIGGI-WHITTON: So
16 just that the contribution is made without
17 the amount is all that's required?

18 MR. CLEARY: Yes. I mean, the
19 information is publically available once
20 it's recorded.

21 LEGISLATOR DERIGGI-WHITTON: I
22 thought we had requested the amount because
23 we usually see the amount.

24 MR. CLEARY: Not on the form
25 itself, no. Some people do include it.

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2 LEGISLATOR DERIGGI-WHITTON: Why
3 wouldn't we include it?

4 MR. CLEARY: Again, it's
5 publically available.

6 LEGISLATOR DERIGGI-WHITTON: I
7 know but wouldn't it be kind of a good idea
8 if it was a major amount, or -- I don't
9 know.

10 MR. CLEARY: I think this one is
11 written into law if the Legislature wants to
12 change the form.

13 LEGISLATOR DERIGGI-WHITTON:
14 Maybe we should think about that. Thank you
15 for your time.

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

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 There being none, all those in
22 favor of Item E-239 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

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2 The item passes four to three.

3 The next item is E-240, a
4 personal services agreement on behalf of the
5 Nassau County Department of Health and
6 Charles J. Casolaro, Esquire;

7 E-241, a personal services
8 agreement between the Nassau County
9 Department of Health and Eric S. Zaidins,
10 Esquire;

11 And E-242, a personal services
12 agreement on behalf the Nassau County
13 Department of Health and John J. O'Grady.
14 Motion, please.

15 LEGISLATOR NICOLELLO: So moved.

16 LEGISLATOR KOPEL: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Nicolello, seconded by Legislator
19 Kopel.

20 MR. GIULIANO: Yes. Gerard
21 Giuliano, Department of Health, here to
22 speak on all three items.

23 These are administrative law
24 judges that work with the Department of
25 Health. It is their job to enforce the

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2 public health laws of New York State of the
3 Nassau County Public Health Ordinance and
4 your local laws.

5 These are the judges that enforce
6 the food service establishment regulations,
7 laws over pools and camps, led poisoning in
8 children, rabies, clean air acts, smoking,
9 E-cigarettes, to name a few, body piercing,
10 tatooing.

11 The cover all of these laws; they
12 enforce them on behalf of this Legislature
13 and various state laws.

14 This procured through the RFP
15 process, requests for proposals. There are
16 three judges here before you today. Two of
17 them are -- two of the contracts are
18 retroactive. Charles Casolaro, no work has
19 commenced with him.

20 For the other two, they do date
21 back to work that was done in 2016. The
22 reason for that is the Nassau County
23 Department of Health was approached in 2016.
24 We had already started the process to renew
25 the contracts but we were approached by the

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2 state. We have a special delegation from
3 the state which helps protect our
4 groundwater from under the petroleum bulk
5 storage program. That is run under the New
6 York State Department of Environmental
7 Conservation. That is an area entirely
8 preempted by the state. We can't do it
9 without that special delegation.

10 They approached us and asked us
11 to go forward and pick up some work that we
12 had not done previously with respect to the
13 Fire Marshal gasoline tanks. To do so, we
14 had to rewrite or regulations.

15 At the very same time there was
16 passage of the federal energy act. That
17 required a rewrite of the state petroleum
18 bulk storage regulations and we had to wait
19 for that to happen for us to then rewrite
20 our local petroleum bulk storage regulations
21 to conform with the states. That took way
22 longer than anyone at the state, and anyone
23 here in Nassau County that that would take,
24 although we started the process in 2016,
25 those regulations did not get rewritten

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2 until 2017, and we finally got our
3 delegation in the middle of 2017.

4 At that time the delegation they
5 gave to us was a three year delegation and
6 we moved to bring the judges on so that that
7 would mimic that same or similar three year
8 term.

9 We are here today before you
10 today proposing these contracts for these
11 three judges.

12 The three judges have responded
13 to the request for proposals so it went out
14 to an advertisement to Nassau County/Suffolk
15 County and over to 100 legal vendors.

16 CHAIRWOMAN GONSALVES: Minority
17 Leader.

18 LEGISLATOR ABRAHAMS: Good
19 afternoon. I appreciate your explanation in
20 regards to -- obviously all these are late
21 but the two that really caught my eye were
22 the ones that go retro -- back to July 1,
23 2016. If I could finish, just give me a
24 second.

25 If I understand your point

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2 correctly, work has not started for either
3 one of these two contracts?

4 MR. GIULIANO: Work has not
5 started for the contract for Mr. Charles
6 Casolaro. For the other two, Judge Eric
7 Zaidins and Judge John O'Grady, they have
8 been working through without the contract.
9 They felt that that work was too important
10 in terms of enforcing the vital work that
11 the Health Department does and enforcing
12 your laws and in protection of the public
13 health. So they decided to work through
14 while we went through this process with the
15 DEC to try to get the petroleum bulk storage
16 delegation redelegated down to the Health
17 Department with the changes that include
18 picking up the Fire Marshal's work that they
19 used to do with the gasoline tanks which is
20 what necessitated us for the need to have a
21 third judge.

22 LEGISLATOR ABRAHAMS: Not to cut
23 you off and not dismissing what you just
24 said, so from July 2016 to December 2017,
25 you've been, the administration has been

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2 administering the contract, has been paying
3 a contract.

4 MR. GIULIANO: No, no, no. They
5 have not been paid one penny for this work.

6 LEGISLATOR ABRAHAMS: These
7 gentlemen have been working for 18 months
8 without being paid?

9 MR. GIULIANO: At risk, yes.

10 LEGISLATOR ABRAHAMS: So you have
11 been administering a contract. So now in
12 December 2017, we are just a formality to
13 make sure these people get paid?

14 MR. GIULIANO: No. I don't think
15 that at all. We did start a contract in
16 2016. We pulled it back as a result of what
17 came down from the DEC.

18 So we started this process when
19 we knew the delegation was coming down to us
20 and that wasn't until April 2017 which is
21 when we reissued for the contracts for the
22 third.

23 In retrospect, I should have just
24 let the 2016 contracts go, but we didn't
25 realize, the state didn't realize it was

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2 going to take such a long time to write
3 their regs and get them published and
4 approved by the state.

5 LEGISLATOR ABRAHAMS: If you were
6 sitting where I'm sitting, would you vote
7 for these contracts today?

8 MR. GIULIANO: I absolutely
9 would.

10 LEGISLATOR ABRAHAMS: Considering
11 they're 18 months past their time?

12 MR. GIULIANO: And given the
13 explanation of that --

14 LEGISLATOR ABRAHAMS: Let me ask
15 you, do you normally support people that do
16 work 18 months in advance and it doesn't get
17 any legislative approval?

18 MR. GIULIANO: I think they know
19 that they are acting at their own risk but
20 it was important work that they do that is
21 vital to the department and vital to the
22 residents that they felt the need to just
23 continue.

24 LEGISLATOR ABRAHAMS: And if this
25 contract was to fail in Rules today, they

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2 would be perfectly fine with the work they
3 have put forward without being paid?

4 MR. GIULIANO: I think they
5 understand the nature of what they're doing,
6 and they understand the nature of what's
7 going on here in terms of their work and the
8 work of this Legislature.

9 LEGISLATOR ABRAHAMS: Thank you.
10 Nothing further.

11 CHAIRWOMAN GONSALVES: Any other
12 comments from the legislators?

13 (No verbal response.)

14 Is there any public comment on
15 these items?

16 (No verbal response.)

17 There being none, all those in
18 favor of Items E-240, E-241, and E-242
19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The items pass four to three.

24 Now, before we recess Rules, I
25 want to make sure that Item E-236 was

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2 included in the tabled items, so rather than
3 run the risk of it not being, I'm going to
4 ask that E-236 be tabled.

5 Motion, please.

6 LEGISLATOR NICOLELLO: So moved.

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Nicolello, seconded by Legislator
10 Kopel. All those in favor of tabling E-236
11 signify by saying aye.

12 MS. KRISEL: I'm terribly sorry,
13 Madam Chair, we can untable the one County
14 Attorney contract. I do have the
15 information that was asked for.

16 CHAIRWOMAN GONSALVES: Which one
17 is that, Martha?

18 MS. KRISEL: It is E-234-17 where
19 the minority leader had asked for the dollar
20 amount.

21 CHAIRWOMAN GONSALVES: Let me
22 make that the record has E-236 tabled.

23 So there is a motion made by
24 Legislator Nicolello and seconded by
25 Legislator Kopel. All those in favor of

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2 tabling E-236 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 It is tabled. Now, Martha, go
7 ahead.

8 MS. KRISEL: I apologize for the
9 interruption. We have confirmed that
10 \$18,000 has been billed under that contract
11 and that was the question that Legislator
12 Abrahams asked us about.

13 LEGISLATOR ABRAHAMS: \$18,000
14 billed total?

15 MS. KRISEL: Yes, that's correct,
16 yes, \$18,000 total billed.

17 CHAIRWOMAN GONSALVES: Okay. We
18 need a motion to untable E-234.

19 Motion, please.

20 LEGISLATOR MUSCARELLA: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Muscarella, seconded by
24 Legislator Nicolello. All those in favor of
25 untabling E-234 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Now anything further to add?

6 MS. KRISEL: No.

7 CHAIRWOMAN GONSALVES: Then go
8 back. All those in favor of E-234 signify
9 by saying aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The item passes four to three.

14 Now the Rules Committee is now in
15 recess. The next committee is Public
16 Safety.

17 (Whereupon, the Rules Committee
18 recessed at 2:40 p.m. and reconvened at 4:30
19 p.m.)

20 CHAIRWOMAN GONSALVES: Before we
21 get to the regular agenda, we do have two
22 items that were tabled and not called. They
23 are personal services agreements.

24 The first one is E-200 which is
25 personal services agreement between the

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2 County Department of Purchasing and
3 Universal Management Technology Solutions;

4 And the other one is E-227 which
5 is a personal services agreement between the
6 County of Nassau acting on behalf of the
7 Office the Nassau County Comptroller and RSM
8 US, LLP.

9 Motion to untable, please.

10 LEGISLATOR NICOLELLO: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Nicolello, seconded by Legislator
14 Kopel. All those in favor of untabling
15 E-200 and E-227 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Let's go for the first one. The
20 first one is E-200, a personal services
21 agreement between the Department of
22 Purchasing and Universal Technology
23 Management Solutions Inc.

24 Is someone here to talk about it?
25 We untabled it. Let's do it. Let's go.

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2 MR. SCHLERNOFF: Michael
3 Schlernoff, Director of Purchasing.

4 This actually is an agreement
5 from the IT department. It was originated
6 by the IT Department. We were part of the
7 group that asked for it. It came out of the
8 executive branch which was some way to find
9 savings for the county as far as negotiating
10 contracts for the county.

11 CHAIRWOMAN GONSALVES: Any
12 questions or comments? Mr. Cleary, do you
13 have something to add?

14 MR. CLEARY: I can speak to it a
15 little bit. This was solicited as a
16 strategic sourcing contract. The intent is
17 to save the county money which is not a bad
18 thing. It is leveraging vendor information
19 regarding private sector markets and
20 identifying potential savings based on that
21 information.

22 There are not any other
23 capacities in the county to do what that
24 contract does and it has more potential
25 realized some benefits.

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2 CHAIRWOMAN GONSALVES: Any
3 comments or questions? Legislator
4 DeRiggi-Whitton

5 LEGISLATOR DERIGGI-WHITTON: I
6 guess the obvious issue we have had with
7 this contract in the past is, what impact it
8 would have having Mr. Barski as one of the
9 principals of this company?

10 MR. CLEARY: As has been
11 mentioned previously, he recused himself
12 from any involvement in any county business
13 once he took over NIFA. So I don't believe
14 it's had any impact whatsoever. I'm not
15 aware of any interactions whatsoever in this
16 regard, but, as I said, he did in writing he
17 did recuse himself.

18 LEGISLATOR DERIGGI-WHITTON: In
19 recusing himself, does he then preclude the
20 opportunity of him benefitting financially
21 from this type of contract?

22 MR. CLEARY: I believe his
23 recusal referenced that he should not
24 benefit in any way from the contract as
25 well.

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2 LEGISLATOR DERIGGI-WHITTON: But
3 we don't know for sure, right?

4 MR. CLEARY: Well, he has put on
5 record and in writing he specifically
6 directed his company not to have him benefit
7 in any way shape or form the contract.

8 LEGISLATOR DERIGGI-WHITTON: Not
9 to have him benefit but his company can.

10 MR. CLEARY: That's right.

11 LEGISLATOR DERIGGI-WHITTON: It
12 is an indirect benefit if your company
13 benefits.

14 Now, does NIFA have to approve
15 this contract?

16 MR. CLEARY: That will be
17 determined by the Comptroller's Office. I
18 don't know if it was reviewed by them
19 previously or not.

20 LEGISLATOR DERIGGI-WHITTON: If
21 we can get an opinion on that from the
22 Comptroller's office, that would be helpful.

23 I'm going to go on the record
24 that whenever you're on a board that's
25 regulating the county's finances, I can't

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2 just see how we can be giving any contracts
3 at all.

4 Recusing I understand, but there
5 are so many different levels but just the
6 hint of impropriety just with the basic fact
7 that he is on the board, a principal, and on
8 the NIFA board, I don't think it's the way
9 the county should be going in this
10 direction.

11 MR. CLEARY: I don't know. I
12 don't have any specific examples but I have
13 been advised that in certain instances
14 certain members of the Legislature are on
15 board with companies that the county does
16 business with, which is also the case of
17 recusing themselves from those reviews.

18 LEGISLATOR DERIGGI-WHITTON: I
19 don't know anybody that would have -- there
20 might be people that work for the company
21 but not in a situation I know of anyway that
22 might of gained a financial -- possibility
23 of a financial. That's what I'm worried
24 about.

25 I don't have to continue on with

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2 it but, basically, I don't think this type
3 of arrangement looks good for the county.

4 MR. SCHLERNOFF: Can I ask, what
5 is your concern as far as the contract? The
6 whole idea of the contract is to save the
7 county money. If they find ways to save the
8 county money, they get a commission on the
9 savings. So the question really is, what is
10 the problem?

11 LEGISLATOR DERIGGI-WHITTON:

12 Okay. I will take a shot at that.

13 Mr. Barski is in a position where he's very
14 much involved in the county and how it's
15 spending their finances.

16 For us to be giving his company
17 from which he is still a principal, any form
18 of income, you can say you recuse yourself
19 or not --

20 MR. SCHLERNOFF: What happens has
21 nothing do with him. I would ask them to
22 look at a potential contract of ours and
23 find ways to save the county money.

24 My whole function is to save the
25 county money. Why would I not want to save

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2 the county money?

3 LEGISLATOR DERIGGI-WHITTON: I
4 have no problem with that intent. What I
5 have a problem with, which is what we have
6 been living through for a while now, is we
7 to be very careful who is given contracts
8 from the county.

9 If there is any chance that
10 someone who is somewhat connected to the
11 county in any way shape or form benefits
12 financially or their company benefits
13 financially, it not only looks bad but it's
14 a real conflict of interest.

15 We have had this time and time
16 again in the past eight years, and maybe he
17 recused himself but we don't have any back
18 up of that recusal. We don't know for sure
19 he is not benefitting financially.

20 Seeing what's going on in the
21 last couple of years I don't know how that
22 could be a question with all due respect.

23 MR. SCHLERNOFF: First of all,
24 legislator --

25 CHAIRWOMAN GONSALVES: Legislator

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2 DeRiggi-Whitton, thank you. If there are no
3 other comments, any public comment regarding
4 this issue?

5 (No verbal response.)

6 There being none, all those in
7 favor of Item E-200-17 signify by saying
8 aye.

9 (Aye.)

10 Any opposed?

11 (Nay.)

12 We have two nays, four to two.

13 The contract passes four to two.

14 Now E-227, the next contract, a
15 personal services agreement between the
16 County of Nassau acting on behalf of the
17 Nassau County Office of the Comptroller and
18 RM US, LLP. Now it's your turn.

19 MR. BLANCO: My name is Sergio
20 Blanco, Deputy Comptroller. I'm here on
21 behalf of the county for a contract with
22 RSM. They perform our comprehensive audit
23 of our financial statements as well as our
24 single audit. This is a two year contract
25 along with some additional services. Any

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2 questions from the Legislature?

3 CHAIRWOMAN GONSALVES: Any
4 questions? Legislator DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: The
6 main question we have with this. It's
7 untabled, yes.

8 Basically, what you're doing is
9 setting up a company that's going to be used
10 for the Comptroller now through December
11 31st of 2018.

12 I don't understand why we
13 wouldn't wait for the new comptroller to
14 make this decision.

15 MR. BLANCO: I understand that
16 but there is a need for this contract now.
17 If we don't have this contract approved
18 today, in fact the county has significant
19 risk to not only federal funding, but also
20 our bond rating could be impacted if our
21 Caffer is later, single audit is late.

22 It is a two year contract but
23 there is a termination for convenience
24 clause in the contract. We have discussed
25 with the vendor and they are amenable to

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2 that.

3 So if the new Comptroller would
4 like to terminate and go back out to market,
5 he would have the ability to do so.

6 LEGISLATOR DERIGGI-WHITTON: So
7 that's good. So there's absolutely no time
8 he has to wait before he can do that?

9 MR. BLANCO: He would be bound
10 for 2018 for the full year. However, for
11 the second year he would be able to
12 terminate the contract and go back out to
13 the market. And failing to do the 2018
14 would have significant financial
15 consequences for the county.

16 It's for the '17 audit, when I
17 say 2018 it's for the 2017 audit.

18 LEGISLATOR DERIGGI-WHITTON: All
19 right. I understand what you're saying,
20 there are some things that have to be
21 addressed prior.

22 MR. BLANCO: Yes. The training
23 begins December 7 and it's very critical
24 they get the services beginning as soon as
25 possible.

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2 LEGISLATOR DERIGGI-WHITTON: Thank
3 you.

4 CHAIRWOMAN GONSALVES: Are there
5 any other comments or questions from the
6 legislators?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of Item E-227-17 signify by saying
12 aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 The item passes four to two.

17 Right now there are a number of
18 items that are part of the consent agenda.
19 These items were vetted in different
20 committees.

21 Again, I ask that we incorporate
22 them by way of testimony.

23 The first item is 448, 449, 450,
24 458, 459, 460, 461, 462, 463, 464, 465, 466,
25 467, 468, 469, and on the addendum is Item

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2 470, 471, 472, 473, 475, 476.

3 (Whereupon, please refer to the
4 minutes of the Public Safety Committee;
5 Health and Social Services Committee; and
6 Finance Committee dated 12-4-17 pertaining
7 to Clerk Items 448, 449, 450, 458, 459, 460,
8 461, 462, 463, 464, 465, 466, 467, 468, 469,
9 and on the addendum is Item 470, 471, 472,
10 473, 475, 476.)

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. I know Mr. Budnick is standing right
17 there. I'm calling on you.

18 MR. BUDNICK: Thank you, Madam
19 Chair, honorable members.

20 I have a question on 459, a
21 resolution, et cetera, et cetera, agreement
22 and license, New York State Office of Parks
23 Recreation et cetera in relation to a new
24 Environmental Education and Resiliency
25 Center. What is it to be physically or is

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2 it to be physically someplace somewhere in
3 the county? I would just like to know some
4 detail.

5 CHAIRWOMAN GONSALVES: I'm going
6 to give you an answer, Mr. Budnick. You
7 want to hear the answer to your question?
8 It's going to be a site at the Hempstead
9 Lake Park for young explorers.

10 MR. BUDNICK: Thank you. My
11 compliments to you as always.

12 CHAIRWOMAN GONSALVES: Thank you.
13 Any other questions or any other comments
14 from the legislators?

15 (No verbal response.)

16 Is there any other public
17 comment? And thank you Mr. Budnick.

18 (No verbal response.)

19 All those in favor of the items
20 that were called signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (Nay.)

24 The items pass unanimously.

25 Now there are a number of

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2 appointments to the Commission on Human
3 Rights and other organizations within the
4 county.

5 We're going to call those
6 appointments by consent which is Item 65-16,
7 Item 121-16, Item 277-17, Item 303-17, Item
8 304-17, Item 375-17, 376-17, 452-17, 453-17,
9 454-17, 455-17, 456-17, 457-17, 477-17.

10 Motion, please.

11 LEGISLATOR KOPEL: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Muscarella, seconded by
15 Legislator Kopel. These are all
16 appointments to, as I said, the Human Rights
17 Commission or other organizations within the
18 county. Any questions or comments regarding
19 these items that were called?

20 (No verbal response.)

21 If not, all those in favor
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 Any abstentions?

3 (Abstain.)

4 You and Siela; four, zero, two.

5 I wanted to explain the abstention.

6 LEGISLATOR BYNOE: Presiding

7 Officer, I wanted to explain my abstention.

8 I'm abstaining and I think it's the position
9 of also my colleague that we are abstaining
10 not because necessarily of who the people
11 are it's about again being 11:57 at night
12 and, all of a sudden, these appointments
13 show up.

14 So there is serious concern about
15 the approach. That is why we are abstaining
16 at this time.

17 CHAIRWOMAN GONSALVES: Hear you.

18 Thank you. Now move along to the Item 397,
19 an intermunicipal agreement with the Village
20 of Bayville in relation to a project to
21 purchase a digital communication sign for
22 the village.

23 Motion, please.

24 LEGISLATOR NICOLELLO: So moved.

25 LEGISLATOR KOPEL: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Nicoletto, seconded by Legislator
4 Kopel. Who is talking about it? Anyone
5 here to talk about it? It's an IMA, Fran.

6 MR. BECKER: Madam Chair, that is
7 a CRP generated from one of the legislator's
8 office. I believe Don MacKenzie's office
9 and I just processed it and it's before you
10 now.

11 CHAIRWOMAN GONSALVES: Do you
12 have any questions of Mr. Becker. I don't
13 know if he can answer them. Legislator
14 Bynoe.

15 LEGISLATOR BYNOE: My question
16 is, where are the CRPs for Legislative
17 District 2,

18 MR. BECKER: Legislator, they have
19 all been filed. Every IMA is signed and I
20 have all the paperwork. They are filed with
21 the Clerk's Office.

22 LEGISLATOR BYNOE: It seems like
23 they get filed but never make it on to an
24 agenda.

25 CHAIRWOMAN GONSALVES: We have

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2 one more time, December 18th.

3 LEGISLATOR BYNOE: You want to
4 give Legislative District 2 a present?
5 You're going to allow these things to show
6 up on the agenda?

7 CHAIRWOMAN GONSALVES: I don't
8 know yet, but there is a possibility.

9 LEGISLATOR BYNOE: As long as
10 there's a possibility there's hope. Thank
11 you, Presiding Officer.

12 CHAIRWOMAN GONSALVES: Say what
13 you have to say.

14 LEGISLATOR DERIGGI-WHITTON:
15 Fran, I was going to give you a compliment.
16 Your office has been a pleasure to work
17 with. You are very organized and I know you
18 have worked with my assistant Tony Castle
19 and I appreciate it, they are all ready to
20 go. We just need them called.

21 MR. BECKER: They're ready to go.
22 Thank you for the kind words. I do
23 appreciate it. And Tony is great to work
24 with. She's wonderful.

25 CHAIRWOMAN GONSALVES: Any other

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2 comments regarding 397? The IMA with the
3 village of Bayville.

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of Item 397-17 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Six to zero.

13 I'm going to call 451 which is a
14 reappointment of Keria L. Blue to the Nassau
15 County Commission on Human Rights.

16 Motion, please.

17 LEGISLATOR KOPEL: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Kopel, seconded by Legislator
21 Muscarella. That's why we took the item
22 separately. Legislator Bynoe.

23 LEGISLATOR BYNOE: Thank you.

24 Some time ago, Keria Blue's appointment was
25 on the agenda but it wasn't called.

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2 I know that I was on record
3 making quite a bit of noise about the fact
4 that it was pulled. No one could ever tell
5 me why it was pulled.

6 Now it mysteriously shows up, now
7 even later at 11:59.

8 So, again, in the spirit of just
9 not appreciating the approach, it is under
10 great duress that I'm going to abstain from
11 this.

12 I think it's wrong that she was
13 pulled from the initial agenda some months
14 ago because I have witnessed Keria Blue's
15 labor in this community.

16 She had just had a beautiful
17 event here on Friday night in recognition of
18 World AIDS Day and some other things. I
19 think it was a huge injustice to her that
20 she was pulled some months ago.

21 With great pains, I'm going to
22 have to abstain from this because I think
23 the spirit of the movement is wrong.

24 CHAIRWOMAN GONSALVES: Any other
25 comments?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in

6 favor of Item 451 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Any abstentions?

11 (Abstain.)

12 Two abstentions. So it's four

13 zero two.

14 LEGISLATOR BYNOE: It was on the

15 agenda and we went over it, not only her,

16 but Mr. Ahmed from the Islamic Center that

17 day, and those two from some reason didn't

18 get called.

19 CHAIRWOMAN GONSALVES: I don't

20 know, I don't remember.

21 The first item on the addendum

22 was 216 which was vetted in the Finance

23 Committee but is now part of the consent

24 calendar and this is an ordinance allowing

25 termination paid to be paid in a single

1 Rules Committee/12-4-17

2 installment for certain officers and
3 employees.

4 Motion, please.

5 LEGISLATOR NICOLELLO: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Nicolello, seconded by Legislator
9 Kopel. Any further discussion?

10 LEGISLATOR BYNOE: Just to let
11 the finance comments be on the record.

12 (Whereupon, please refer to the
13 minutes of the Finance Committee dated
14 12-4-17 pertaining to Clerk Item 216.)

15 LEGISLATOR DERIGGI-WHITTON: I
16 also agree with my colleagues here that this
17 is something that could really hurt the 2018
18 budget and that's exactly not the direction
19 we want to go in.

20 I think that's the only reason I
21 can see it happening honestly. So I would
22 really implore everyone not to vote for
23 this. That's all.

24 CHAIRWOMAN GONSALVES: We should
25 incorporate the testimony by way of

1 Rules Committee/12-4-17

2 reference from the Finance Committee. Is
3 there any other public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Item 216-17 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 So it passes four to two.

11 Moving along, we have 474 an
12 intermunicipal agreement between the County
13 of Nassau acting on behalf of the Nassau
14 County Department of Health and the County
15 of Suffolk acting on behalf of the Suffolk
16 County Department of Health Services in
17 relation to Ryan White Program
18 Implementation.

19 Motion, please.

20 LEGISLATOR MUSCARELLA: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Muscarella, seconded by
24 Legislator Kopel. MaryEllen.

25 MS. LAURAIN: Good afternoon.

1 Rules Committee/12-4-17

2 MaryEllen Laurain, Department of Health.

3 Item 474-17 is an intergovernment
4 agreement between Nassau County Department
5 of Health and Suffolk County Department of
6 Health for the Ryan White HIV AIDS Treatment
7 Modernization Act. Nassau County Department
8 of Health is the grantee so this will allow
9 us to enter into the grant.

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

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 There being none all those in
16 favor of 474 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes I would assume
21 unanimously.

22 The next item is 478, a
23 resolution to confirm the appointment of
24 Carnell T. Foskey by the County Executive to
25 the Nassau County Civil Service Commission.

1 Rules Committee/12-4-17

2 Motion, please.

3 LEGISLATOR NICOLELLO: So moved.

4 LEGISLATOR KOPEL: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Nicolello, seconded by Legislator
7 Kopel. Is there anyone to speak on behalf
8 of this appointment, Fran? Anyone who can
9 speak on this, Judge Foskey to the civil
10 service?

11 MR. BECKER: Mr. Foskey is
12 currently our County Attorney. He's a great
13 guy.

14 CHAIRWOMAN GONSALVES: And, is he
15 going to be?

16 MR. BECKER: Is he going to
17 be -- yes, he is ready to serve.

18 CHAIRWOMAN GONSALVES: He's ready
19 to serve, and that means he's no longer
20 going to serve in two capacities?

21 MR. BECKER: It seems that way,
22 yes.

23 CHAIRWOMAN GONSALVES: I'm
24 putting it bluntly I guess. Someone had a
25 question. Legislator DeRiggi-Whitton.

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2 LEGISLATOR DERIGGI-WHITTON: What
3 is his salary going to be?

4 MR. BECKER: Can I find out for
5 you?

6 LEGISLATOR DERIGGI-WHITTON: I
7 guess for Full Leg, I know the Minority
8 Leader may have a few other questions at the
9 Full Leg also.

10 MR. BECKER: Legislator, would it
11 be possible to get that information for you
12 for the next session?

13 LEGISLATOR DERIGGI-WHITTON: Yes.

14 MR. BECKER: Salary and what
15 other questions?

16 LEGISLATOR DERIGGI-WHITTON:
17 That's all I have, just what his salary is.

18 MR. BECKER: I will get that to
19 you and your counsel.

20 CHAIRWOMAN GONSALVES: Legislator
21 Bynoe, you had your hand up.

22 LEGISLATOR BYNOE: Who will he
23 be replacing?

24 MR. BECKER: I know the person's
25 name. Can I get that for you too? This was

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2 on the addendum and I was unprepared for it.

3 LEGISLATOR BYNOE: Was that
4 person's term --

5 MR. BECKER: Yes, that person's
6 term had already expired. The person -- I
7 forget. Begins with an S.

8 LEGISLATOR BYNOE: If you could
9 give me what that person's name is and what
10 their term was.

11 MR. BECKER: Yes, I will and I
12 appreciate your accommodating me.

13 LEGISLATOR BYNOE: Was there a
14 resume for Mr. Foskey? Of course I know who
15 he is but I want to see if there's some
16 unique experience that he's had that
17 qualifies him to be the one person that was
18 chosen to sit on this commission.

19 MR. BECKER: Honestly, being
20 County Attorney, the resume is definitely
21 submitted, but a few people that know this
22 county better than he does having served
23 here for so so many years.

24 And also being responsible as the
25 County Attorney for civil service as well.

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2 LEGISLATOR BYNOE: Right. There
3 was something with civil service. Yes.
4 That's right. Thank you.

5 MR. BECKER: Legislator, I will
6 get you the resume. What was the other
7 question?

8 LEGISLATOR BYNOE: I want to know
9 who he was replacing and the term of that
10 person.

11 MR. BECKER: I will have that
12 information to your counsel as well as to
13 the majority.

14 LEGISLATOR BYNOE: Thank you.

15 CHAIRWOMAN GONSALVES: Thank you
16 very much. Any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of 478 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 We got four to two.

24 Again it's part of the addendum,
25 it's Item 479, a resolution authorizing the

1 Rules Committee/12-4-17

2 County Executive to execute an
3 administrative consent agreement and
4 cooperative agreement with the New York
5 State Department of Environmental
6 Conservation in relation to the Bay Park
7 Diversion Project and additional work.

8 Motion, please.

9 LEGISLATOR NICOLELLO: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Nicolello, seconded by Legislator
13 Muscarella.

14 I think this was vetted in Public
15 Works so the testimony from Public Works
16 will be incorporated into today's Rules
17 agenda.

18 (Whereupon, please refer to the
19 minutes of the Public Works and Parks
20 Committee dated 12-4-17 pertaining to Clerk
21 Item 479-17.)

22 Are there any other questions?
23 We can move on?

24 (No verbal response.)

25 All those in favor of 479 signify

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2 by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Six zero.

7 480, a local law to amend the
8 county governmental law of Nassau County to
9 establish an independent Office of Inspector
10 General for 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.

17 I'm going to be very brief
18 because I know that we're going to probably
19 have quite a discussion at the Full Leg
20 regarding this item.

21 But this is, I would say, is an
22 attempt on the part of I guess the majority
23 to try to come to a bipartisan piece of
24 legislation.

25 But you have to remember that

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2 this item before us is a version of the
3 Inspector General that is similar in most
4 respects to the version put forth by the
5 Democrats several times over the last two
6 years.

7 Many of those comments are
8 incorporated in the legislation. The key
9 difference in the two proposals is the
10 source is the appointments and whether this
11 office will fall under the executive branch
12 of county government or the legislative
13 branch.

14 The Democratic proposal is optive
15 for the most part by the legislation before
16 us, grants sweeping powers and authorities
17 to the Inspector General.

18 The nature of these powers are in
19 our opinion inherently legislative in
20 nature.

21 For a very long time we
22 emphatically voiced our concerns as to the
23 accountability of this office and heard from
24 our colleagues across the aisle as a need to
25 be independent.

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2 For this legislation to progress,
3 a balance must be struck. The proposal
4 before us would create this office as a
5 legislative office similar to the office of
6 Legislative Budget Review whose selection is
7 by the Legislature and whose appointment is
8 subject to a majority vote of the
9 Legislature.

10 The Democrat proposal makes the
11 Inspector General an appointee of the county
12 executive subject to a super majority vote
13 selected via committee consisting of
14 representatives of the County Executive
15 majority minority.

16 The term of the Democrat's
17 proposal proposed Inspector General is six
18 years and the one being put forth by the
19 Republican delegation is amended to include
20 a four year term.

21 I have little doubt that our
22 proposal is as equally unaccessible to the
23 Democrats as theirs is to us.

24 I'm sure we are going to hear a
25 little bit more about this in the coming

1 Rules Committee/12-4-17

2 days.

3 I had the opportunity to speak
4 with the Minority Leader this morning. I
5 gave him a heads up on Saturday letting him
6 know that this legislation was being filed
7 Friday night and that we will continue the
8 dialogue between now and when this will come
9 to a vote, a Full Legislative vote on the
10 18th.

11 But to temper those voices of
12 discontent, I in fact made this offer to the
13 Minority Leader to sit down and discuss what
14 this office will become or come to on
15 January 1st.

16 Let's get it done in time so the
17 additional processes and procedures
18 occasioned by this law are absorbed into the
19 new administration's work product on day
20 one.

21 This county can withstand no more
22 grid lock over this issue and we are
23 prepared to turn the page.

24 As I said to you, I do intend to
25 continue this dialogue with the minority

1 Rules Committee/12-4-17

2 and, as I had stated to the Minority Leader
3 Kevan Abrahams.

4 That's where we are at this
5 point. We want this to go forward but we
6 also want it to be something that both sides
7 can agree on because it's very necessary
8 that we get rid of the logjam and that's
9 exactly what's happened.

10 That's why I said come the 18th
11 of this month there will be a special Rules
12 Committee. So a lot can be done between now
13 and next week.

14 So here's hoping that we have
15 reasonable minds can disagree and also
16 agree. Without any further comment, I don't
17 know what you want to do.

18 Legislator Bynoe.

19 LEGISLATOR BYNOE: Thank you.

20 This is indeed a good day, excited and happy
21 to be working together to have a final bill
22 that hopefully we can all be very proud of.

23 I think the community and the
24 residents of Nassau County have spoken and
25 asked for this and I'm happy that we are

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2 answering the call to action.

3 I'm hopeful that as we work
4 together and as our legal counsel will come
5 together to work on this, that one of the
6 things we will look at is the fact that the
7 appointment is made by the appointment and
8 then I guess the termination of that
9 individual is made by a simple majority of
10 the Legislature.

11 While I think it's very trendy
12 for that to happen at this point being that
13 we have a Republican majority and a
14 Democratic County Executive elect, I think
15 that over time as we can see this situation
16 change, in two years we could have a
17 Democratic majority and two years following
18 that we could have a Republican County
19 Executive elect.

20 So I think we should consider
21 doing something that is not trendy for the
22 moment but would be timeless insomuch that
23 we would have a super majority be the ones
24 that would ultimately confirm the
25 appointment and be the ones that would be

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2 able to terminate the contract or agreement
3 with that individual so that it could stand
4 the test of time and that this really would
5 be a piece of legislation that would not
6 need to be modified or repealed if the
7 political winds were to turn.

8 So that is something that I would
9 be very anxious and excited to work on and
10 so I look forward to these next few days of
11 these two parties, these two caucuses
12 working together.

13 I know that my colleague has some
14 comments that she would like to share and
15 some issues that she would like to identify.
16 So I will yield the floor to her.

17 CHAIRWOMAN GONSALVES: Legislator
18 DeRiggi-Whitton.

19 LEGISLATOR DERIGGI-WHITTON:
20 Thank you. I second my colleague's comments
21 which is we had been hoping for this for so
22 long and we are happy that it's being
23 entertained and more so the need is being
24 recognized.

25 The real problem I think we had

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2 with the Commissioner of Investigations and
3 some of these other positions that have been
4 put in place are the basic lack of
5 independence.

6 What I think we really have to be
7 careful going forward and what we are going
8 to want on this side is to ensure complete
9 independence is present in the IG, otherwise
10 this is really just a waste of time in my
11 opinion.

12 It has to be real and people know
13 what's real. I know a lot of times when we
14 talked about the IG we talked about how they
15 actually work for the County Executive and
16 they also are dependent upon the county
17 executive's roll as far as him or her being
18 the person to be able to fire the IG.

19 If you really -- it is a turning
20 point. I think this could be an incredible
21 time for Nassau County. I think if we do it
22 right it can be. If we do it wrong and it's
23 just another layer of something that's
24 ineffective which is what we've had in the
25 past and doesn't do anything to prevent

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2 things such as AbTech then, not only are we
3 wasting our time and our money and resources
4 but we are insulting the residents of Nassau
5 County.

6 The fact that, number one, the
7 funding isn't independent is number one,
8 that's really concerning me. Again we
9 really need it set up correctly.

10 Number two, as Legislator Bynoe
11 addressed, we can't just have the majority
12 Legislature choose this person. I really
13 think it has to be a super majority rule.

14 Otherwise, again, this is not
15 only for us but for the residents of Nassau
16 County. They endured a lot in the last
17 eight years. We have to do it right or else
18 it's really not anything better than what we
19 have right now.

20 As far as funding the office, we
21 would like to work with you on that as well
22 because it's something that we need to
23 figure out. We have to have transparency
24 with that as well.

25 Again, look, when I first heard

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2 this I wasn't happy in the sense because I
3 just felt without the independence it's
4 really going to be -- I don't know, I want
5 to say a disappointment.

6 I hope that you keep your word.
7 I know you will, but I hope you understand
8 how important it is for us to have this be a
9 joint venture and having both of us along
10 with our attorneys reach the point that we
11 feel this is a legitimate bill.

12 If we can, I would be very happy
13 it sit down along with my attorney to the
14 majority counsel this week if he is
15 available. I'd rather see this even not
16 happen immediately, although I really want
17 it to happen and just wait to have it
18 completely right.

19 I think again the major thing is
20 independence and who approves the IG.

21 CHAIRWOMAN GONSALVES: All right.
22 Is there any comment from the public? I
23 think everybody is gone.

24 (No verbal response.)

25 There being no other comments and

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2 again hopefully something will be done. Our
3 counsels have heard your concerns and we
4 start working on it this week. We don't
5 have much time in which to do this if we
6 want to bring it before the Full Leg on the
7 18th.

8 There being no other comments or
9 questions, all those in favor of moving 480
10 on to the Full Legislature signify by saying
11 aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 It's I guess unanimous.

16 The next item, I think that
17 Legislator Birnbaum is happy to see this
18 one. I may have introduced, however, I'm
19 going to suggest that it would be a Full
20 Legislative sponsorship.

21 Both sides of the aisle will
22 sponsor the legislation dealing with Item
23 481 which is the legislative approval of
24 acting department heads, something that
25 Legislator Birnbaum has submitted and, if

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2 you looked at the legislation, most of it is
3 legislation that you submitted.

4 So if there is any comments --
5 first a motion.

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. Is there any comments or questions?
12 Legislator Nicolello.

13 LEGISLATOR NICOLELLO: I have one
14 suggestion, that we amend this so that after
15 the initial six month period for acting
16 commissioner, that if County Executive
17 wanted to come to the Legislature, she or he
18 could request an additional six month
19 period, one six month period but the Full
20 Legislature would have to approve it. Just
21 to give it a little bit of the flexibility
22 and retain our ability to control the
23 process. We're not doing it now, no
24 amendment now.

25 LEGISLATOR DERIGGI-WHITTON: Super

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2 majority or unanimously?

3 LEGISLATOR NICOLELLO: I really
4 didn't get to that. Not unanimous I don't
5 think.

6 CHAIRWOMAN GONSALVES: Explain
7 why.

8 LEGISLATOR NICOLELLO: As I said,
9 it gives a little bit of flexibility in case
10 they need additional time in their search
11 for finding a commissioner to be appointed
12 so there will be one initial six-month
13 period for the Acting Commissioner, and if
14 the County Executive needed additional time
15 then come before the Legislature and the
16 Legislature then approves an additional
17 final six month period. It builds a little
18 bit of flexibility.

19 CHAIRWOMAN GONSALVES: I know
20 that Legislator Birnbaum is not on this
21 committee but out of courtesy -- would you
22 like to add something?

23 LEGISLATOR BIRNBAUM: First I
24 want to thank Norma for recognizing the
25 importance of this legislation because I

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2 think it will really tighten the government
3 better. I think we'll have more qualified
4 people in positions and I think it will
5 really act to move the county forward in a
6 positive direction so I thank you for that.
7 I would be very proud to be a co-sponsor
8 with you if it's the exact bill, we're all
9 going to be sponsors, the entire
10 Legislature. That would be great.

11 I'm listening to the possible
12 amendment. I think that would work if the
13 County Executive is the one to come with the
14 request to do the extension.

15 LEGISLATOR NICOLELLO: Of course.

16 CHAIRWOMAN GONSALVES: Any other
17 comments? Go ahead.

18 LEGISLATOR DERIGGI-WHITTON: One
19 more, along those lines. Is this
20 retroactive as of today, like I know that
21 Commissioner Ryder has four or five months
22 already? That's what I want on the record.
23 This is going to start January 1st. So it
24 will be six months from January 1st for any
25 Acting Commissioner?

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2 LEGISLATOR NICOLELLO: I think it
3 should be clarified that that would be the
4 case.

5 LEGISLATOR DERIGGI-WHITTON: I
6 think that that's important because we don't
7 want to run into that with him.

8 And we just have one more other
9 clarification which I think is worthwhile.
10 We just want to make sure the nomination
11 could be done like the next meeting after
12 the appointment.

13 LEGISLATOR BIRNBAUM: Not to hold
14 up nominations.

15 CHAIRWOMAN GONSALVES: Would you
16 do me a favor and write it down and just
17 pass them on and if we have to amend before
18 the 18th we can do it?

19 So whatever expressed just now,
20 do it. Are you ready to go home yet?

21 All those in favor of 481 signify
22 by saying aye.

23 (Aye.)

24 It better be unanimous otherwise
25 we can't all sponsor it.

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2 MR. BECKER: Madam Chair, may I
3 just interject one thing. I just wanted to
4 mention Mr. Foskey, his salary would be
5 \$20,000. Mr. Foskey is retiring on December
6 28th. His term will begin on December 29th,
7 2017 and end May 31st, 2022. This by the
8 way is all in the resolution which you will
9 eventually see. I don't yet know who he is
10 replacing but we will have that for you.

11 CHAIRWOMAN GONSALVES: Okay.
12 Item 482, an ordinance authorizing the
13 County Executive on behalf of the County of
14 Nassau to execute an amendment to amend a
15 restated Coliseum lease between the county
16 of Nassau, as landlord, and Nassau Event
17 Center, NEC, LLC, as tenant of certain
18 premises located in Uniondale, Town of
19 Hempstead, County of Nassau, State of New
20 York, said property known as Section 44,
21 Block F, lot 415 and 351 on the land and tax
22 map of the County of Nassau and authorizing
23 the County Executive to execute all
24 pertinent documents in connection therewith
25 to consummate the lease.

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2 Motion, please.

3 LEGISLATOR NICOLELLO: So moved.

4 LEGISLATOR KOPEL: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Nicolello, seconded by Legislator
7 Kopel. Explain explain explain. Who is
8 going to do it? I thought I saw him back
9 there. Okay, Mr. Meyer.

10 MR. MEYER: Good evening. I
11 thought you forgot about me. I'm here to
12 speak on this item. It's Josh Meyer, West
13 Group Law, 81 Main Street, Suite 510, White
14 Plains, New York 10601.

15 So this is, on the proposed
16 amendment, what we are doing is extending
17 the deadline for the tenant to enter into
18 the agreement with the minor league hockey
19 team number December 31st, 2018.

20 We are also addressing that the
21 parties are going to agree to cooperate in
22 good faith to execute the development of the
23 structured parking garbage utilizing the
24 grant from the Empire State Development
25 Corporation. So those two items are in the

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2 proposed amendment.

3 LEGISLATOR NICOLELLO: The second
4 item, where did that come from? I thought
5 we were just extending the AHL requirement
6 for a year?

7 MR. MEYER: Right. And this one
8 is just an agreement for the parties to
9 cooperate on that, it's just a single
10 paragraph in there that says that the Empire
11 State Development would like to see
12 continued momentum on this.

13 LEGISLATOR KOPEL: What do you
14 mean by cooperation?

15 MR. MEYER: It's just very
16 general to say that right now, the issue
17 with that, is that --

18 LEGISLATOR KOPEL: We need a
19 contractual amendment to say we are going to
20 cooperate?

21 MR. MEYER: We don't, we're just
22 saying that the Empire State Development
23 Corporation wanted to see some additional
24 evidence because the county received the
25 grant for \$85 million, the approval for the

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2 \$85 million, to come from Empire State
3 Development, to develop that parking garage.

4 Right now, NEC has site control
5 there. So they just wanted to see something
6 that said the parties were agreeing to
7 cooperate to construct that parking garage
8 on the site.

9 LEGISLATOR KOPEL: They're
10 worried that we won't agree?

11 MR. MEYER: It's just further
12 evidence that we are going to as they
13 process the paperwork and provide the
14 funding agreement for that to the county.
15 It's basically an agreement to agree in
16 there.

17 LEGISLATOR NICOLELLO: I think we
18 have to look at that. We got not chance to
19 look at it. We thought we had an agreement
20 on one item and now we find there's a second
21 item. There should be some disclosure to
22 us. We have to take a look at it.

23 LEGISLATOR KOPEL: We're almost
24 done here. We don't like being surprised.

25 CHAIRWOMAN GONSALVES: Only when

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2 somebody is giving us a nice present. You
3 knew about it?

4 MR. MEYER: As I indicated, it's
5 just an agreement to agree on that. It's
6 just to say the parties have worked together
7 in the development of the parking garbage.

8 CHAIRWOMAN GONSALVES: Are you
9 agreeable? Go ahead Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON: I'm
12 sorry. It's never that easy. I understand
13 that going back to the first part with
14 allowing another year to find a hockey team.

15 We were supposedly to possibly be
16 told of other things that had been
17 progressing and has been bringing in
18 revenue, other than the hockey team, we're
19 supposed to get a report I believe, do you
20 know anything about that?

21 MR. MEYER: No. Just my
22 understanding it was prior to the December
23 18th meeting that that would be discussed,
24 but that's all in terms of a financial
25 analysis. That was just my understanding

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2 that it would be prior to the December 18th
3 meeting and that would need to be --

4 LEGISLATOR DERIGGI-WHITTON:

5 Well, how prior, like the day of? I would
6 like to see that pretty soon only because we
7 are kind of giving them a pass right now
8 with the hockey team, which was a big part
9 of this, and if it's true that other
10 concerts or whatever made up for it, we
11 would really like to see that as soon as
12 possible.

13 MR. MEYER: So I would like to
14 clarify that issue, exactly what you are
15 looking for. Just to clarify on this, it's
16 a deferral on the requirement to provide the
17 minor league to enter into the agreement to
18 provide the minor league hockey team for the
19 15 years. They would still be required to
20 provide that and this is just the deferral
21 for one year in order to enable them to do
22 that.

23 The tenant currently is
24 negotiating with the Islanders to bring them
25 back, that's been the goal of this

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2 administration, to bring the Islanders back
3 here. We don't want to do anything to
4 interfere with that at this time.

5 So, what they are doing is,
6 they're allowing the negotiations with the
7 Islanders to play out so they can maximize
8 the number of games and the number of
9 seasons they could come here.

10 In doing that, we were just
11 giving the extra year and then once the
12 negotiations play out with the Islanders,
13 then the parties will go back and discuss.

14 LEGISLATOR DERIGGI-WHITTON:

15 Listen, I hope that's the reason. I hope
16 it's to bring the Islanders back. I know we
17 have a real problem with the seating. I
18 know that and I know we're not going to get
19 around that without major renovations to
20 bring the 3,000 seats back in.

21 So I appreciate you saying that's
22 the reason but, no disrespect, but I think
23 honestly it might have just been that they
24 weren't able to find someone right by now.

25 Either way, if there is a way to

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2 get that report by Monday, my counsels would
3 be very happy to meet with you and go over
4 it. I would like to see it prior to the
5 meeting.

6 MR. MEYER: Just to clarify, that
7 would not come from us, we would have to
8 request that and work with the tenant to
9 provide that and just to clarify that, what
10 is the specific analysis you would be
11 interested in?

12 LEGISLATOR DERIGGI-WHITTON: My
13 attorney can speak to you about that, Pete
14 Kleins, but from what I understand that was
15 a verbal agreement that they would be
16 providing that, supposedly they can show
17 that revenue in other areas, might have
18 compensated for the fact that they haven't
19 been able to find a minor league hockey
20 team, possibly more concerts again.

21 So I think it has been discussed
22 so we're just waiting for the actual report.

23 MR. MEYER: So, like I said, we
24 would have to -- that's outside of our
25 control for that financial analysis, but we

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2 can work with them and get back to your
3 office to let you know.

4 LEGISLATOR DERIGGI-WHITTON: Just
5 before we give the consideration of that, I
6 think they know that's sort of what we would
7 like and expect.

8 As far as the parking garbage, is
9 there any issue with the zoning, is that
10 part of why they're trying to get us to
11 agree ahead of time?

12 MR. MEYER: No. Getting who to
13 agree with us? The state?

14 LEGISLATOR DERIGGI-WHITTON: I'm
15 just trying to figure out what the reason
16 would be to have this -- I mean, obviously
17 we want to see this happen.

18 MR. MEYER: So it's nothing more.
19 Both parties are interested in doing it it's
20 that as we move forward with the application
21 process with the state for the funding that,
22 we're in the process of either developing an
23 MOU, or future amendment with the tenant,
24 because they have site control, where it
25 would be located, how it would be handled,

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2 how does site access work.

3 In lieu of that, we would just
4 like to show the state that there is
5 continued cooperation there, that the tenant
6 is willing to allow us to do that and to
7 work with us on it because they do have site
8 control for the next approaching 49 years on
9 that site.

10 CHAIRWOMAN GONSALVES: Any other
11 comments?

12 LEGISLATOR DERIGGI-WHITTON: I
13 want to finish one last thing.

14 The agreement to cooperate if you
15 look at it when you get it, it's subjective
16 because it doesn't really say -- like we
17 were just talking about the zoning, if the
18 zoning is involved, we don't know exactly
19 what -- obviously we all want to see it
20 happen but this kind of agreement we just
21 don't know exactly what we are agreeing to
22 at this point.

23 LEGISLATOR NICOLELLO: That's
24 exactly my point. I'm not a contract lawyer
25 so I'm not sure what the ramifications are

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2 or what rights we're losing or whatever so
3 we will have to take a look at it. It might
4 be innocuous, might be positive but it was a
5 surprise to us. Let's put it that way.

6 CHAIRWOMAN GONSALVES: Legislator
7 Bynoe.

8 LEGISLATOR BYNOE: Thank you,
9 Presiding Officer. Good evening, Josh. I
10 have a host of different questions and one
11 of them, what would be the financial
12 impacts. So I'm awaiting that information.

13 One of the other things that I
14 started to question was, when were we
15 supposed to be in compliance with this and
16 when did the clock start ticking? It
17 unearthed another issue that I have concern
18 about.

19 Part of this AHL league
20 requirement was tied to the substantial
21 completion of the Coliseum?

22 MR. MEYER: That's correct.

23 LEGISLATOR BYNOE: So I asked
24 what date was the substantial completion.
25 I'm told that the substantial completion

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2 hasn't even been signed off on. There is no
3 completion, certification of completion. So
4 that is concerning, alarming, and I'm
5 questioning as to why we wouldn't have, from
6 my point of view, it looks substantially
7 completed.

8 So why is it that we are still in
9 this limbo stage?

10 MR. MEYER: Right. So just to
11 give you the background on it, it was -- the
12 requirement to bring the minor league team
13 -- to enter into the agreement with a minor
14 league team was the construction commencing
15 with a condition.

16 So, by letter, the County
17 Executive waived that requirement, which he
18 was authorized to do pursuant to section
19 551C of the lease and he did issue that
20 letter relating to that. That extended the
21 time for them to enter in the agreement from
22 the construction commencement date to the
23 substantial complete date, which would be at
24 the end of the construction date.

25 That technically would have

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2 occurred on April 6th which is the date
3 after Billy Joel played at the Coliseum.

4 Pursuant to that, there could be
5 a certificate that's issued in connection
6 with the substantial completion between the
7 parties that they made that agreement that
8 that occurred.

9 One reason is, technically they
10 would be in breach if that certificate was
11 entered into and that was the actual date
12 that that substantial completion occurred.
13 They were in the process of negotiating with
14 the Islanders at that time. The county did
15 not want to impede those negotiations.

16 It was described to us that they
17 would have an agreement immanently and that
18 has extended on since that time.

19 They have been paying the full
20 rent as if it were a substantial completion
21 but, like I said, if the goal is to bring
22 the Islanders back in some form for a number
23 of games, a number of seasons, it would just
24 be impeding those negotiations to do
25 something along those lines.

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2 LEGISLATOR BYNOE: So my question
3 now is then, when there was a determination,
4 a business decision, not to issue or to
5 issue the construction completion
6 certificate, whatever it would be called, to
7 move out of this substantial holding
8 pattern, right?

9 What would have been the damages
10 had we not done that? Would it have been a
11 financial reward to the county?

12 MR. MEYER: Technically it would
13 be that they would be in breach at that
14 time. With the Islanders, there's a million
15 dollars a year penalty, if they didn't bring
16 the Islanders, they have been paying that
17 penalty.

18 In this regard, it's an
19 obligation of the tenant under the lease and
20 if they did not meet that they could be
21 breached, defaulted under the current lease.

22 LEGISLATOR BYNOE: Just a breach
23 in the sense then they would lose the
24 opportunity to lose the operation of the
25 Coliseum?

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2 MR. MEYER: Potentially, there's
3 a separate provision regarding assessing
4 liquidated -- assessing damages.

5 LEGISLATOR BYNOE: Well, that's
6 my question. That's the question, what
7 would be the damages?

8 MR. MEYER: So they would be
9 difficult to assess at this point. This
10 would be the first season that the AHL team
11 would be playing there because the arena
12 just opened in April.

13 So you would probably go to
14 Bridgeport, go to where the Sound Tigers
15 play, where the Islanders AHL team plays and
16 you'd look at the revenue coming in from
17 that and make some determination as to how
18 it would be here.

19 Just in connection with this
20 lease though, the way it works, is greater
21 of eight percent of revenue or 12 and three
22 quarter percent of parking revenue, or \$4
23 million, which is the minimum rent that
24 comes to the county.

25 Let's just say the revenue of \$4

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2 million as a round number in Bridgeport,
3 which I don't know if that's accurate or
4 not, the eight percent would only bring you
5 to \$320,000. Of that \$4 million minimum
6 that they would have to pay no matter what.

7 So it's in-determined at this
8 point whether or not what the damages would
9 be.

10 To a certain extent that would be
11 in their control because they could, right
12 now they would be backfilling all of those
13 dates. It's very difficult when you have an
14 AHL team like that that they take up a lot
15 of Friday and Saturday night games and you
16 have to hold dates many months in advance
17 for playoffs, and so to backfill that with
18 concerts or in the future potentially with
19 Islander games, that could be much more
20 lucrative for the county.

21 LEGISLATOR BYNOE: I agree 100
22 percent in terms of it potentially being
23 more lucrative for us.

24 Is there any other ramifications
25 or provisions that are tied to this

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2 substantial completion requirement?

3 MR. MEYER: As I indicated, the
4 rent payment.

5 LEGISLATOR BYNOE: Other than
6 what we just discussed.

7 MR. MEYER: I believe there are a
8 few others.

9 LEGISLATOR BYNOE: I would like
10 to see what those are in a clear and concise
11 way as opposed to me trying to read through
12 this voluminous contract. It was a business
13 decision that this body was not a part of.
14 It's a fiduciary issue. I would like to see
15 what those are.

16 MR. MEYER: Certainly. I'll get
17 those to you.

18 LEGISLATOR BYNOE: Thank you. I
19 appreciate it.

20 CHAIRWOMAN GONSALVES: There
21 being no other comment, no public comment?

22 (No verbal response.)

23 All those in favor of 482 signify
24 by saying aye.

25 (Aye.)

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2 Any opposed?

3 LEGISLATOR DERIGGI-WHITTON: Yes

4 on the condition that we will get the
5 information. It's yes with a condition.

6 MR. MEYER: So I will get back to
7 you on the date that I can get that to you,
8 but I won't get it to you the day before.

9 CHAIRWOMAN GONSALVES: It's six
10 zero.

11 LEGISLATOR MUSCARELLA: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Muscarella, seconded by
15 Legislator Nicolello.

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 We are adjourned. Until we meet
22 again.

23 (Whereupon, the Rules Committee
24 adjourned at 5:40 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 21st day of December, 2017.

FRANK GRAY