

NASSAU COUNTY LEGISLATURE

COMMITTEES MEETING

HOWARD KOPEL

PRESIDING OFFICER

CHAIRMAN

RULES COMMITTEE

County Executive and Legislative Building

1550 Franklin Avenue

Mineola, New York

Monday, March 11, 2024

1:19 p.m.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

A P P E A R A N C E S

CHAIRMAN HOWARD KOPEL

VICE CHAIRMAN THOMAS MCKEVITT

LEGISLATOR JOHN FERRETTI

LEGISLATOR JAMES KENNEDY

LEGISLATOR DELIA DERIGGI-WHITTON

LEGISLATOR SIELA BYNOE

LEGISLATOR ARNOLD DRUCKER

MICHAEL PULITZER Clerk of the Legislature

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CHAIRMAN KOPEL: Good afternoon,
everyone. Welcome to the session of the
Legislature, Committees meeting.
Legislator Koslow, would you be so kind
as to lead us in Pledge?

(Whereupon, the Pledge of
Allegiance is said.)

CHAIRMAN KOPEL: We're going to
convene a meeting of the Rules Committee.
But before I do, I just want to welcome
Wayne Wink, former legislator Wayne Wink,
back as a counsel to the Democrats for
the Minority. Appreciate seeing you here
again.

(Whereupon, applause.)

CHAIRMAN KOPEL: Mr. Pulitzer, would
you please call the roll for the Rules
Committee?

CLERK PULITZER: Thank you,
Presiding Officer.

Legislator Arnold Drucker?

LEGISLATOR DRUCKER: Here.

CLERK PULITZER: Legislator Siela
Bynoe?

LEGISLATOR BYNOE: Here.

CLERK PULITZER: Ranking member
Delia DeRiggi-Whitton?

LEGISLATOR DERIGGI-WHITTON: Here.

CLERK PULITZER: Legislator James
Kennedy?

LEGISLATOR KENNEDY: Here.

CLERK PULITZER: Legislator John
Ferretti.

LEGISLATOR FERRETTI: Here.

CLERK PULITZER: Vice Chairman
Thomas McKevitt?

LEGISLATOR MCKEVITT: Here.

CLERK PULITZER: Chairman Howard
Kopel.

CHAIRMAN KOPEL: Here.

CLERK PULITZER: We have a quorum,
sir.

CHAIRMAN KOPEL: Thank you. We're
going call all the contracts. We start
out with contracts, then we will recess
and do the other committees, and then
we'll reconvene Rules.

So we'll start out with the

1
2 contracts. I'm going to call all of them
3 together:

4 B4-24; B5-24, B6-24 and B8-24, which
5 are Resolutions authorizing awards of
6 contract in County of Nassau and
7 respectively, GGG Construction; H & L
8 Contracting; W.H.M Plumbing and Heating;
9 and IIT Inc.

10 E22-24; E26-24; E27-24; E28-24;
11 E29-24; E30-24; E31-24; E32-24; E33-24;
12 E34-24; E35-24; E36-24; E37-24; E38-24;
13 E39-24; and U1-24, which Resolutions
14 authorizing Personal Service Agreements
15 or Amendments of Personal Service
16 Agreements between Nassau County and,
17 respectively: IIT; Top Key Court
18 Reporting; JKM Training; West Group Law;
19 Lockwood, Kessler and Bartlett; Hardesty
20 & Hanover Construction; Cameron
21 Engineering; De Bruin Engineering; Excel
22 Reporting; G&R Events; Smith Valuation;
23 Genova Burns; Gannett Fleming Engineers;
24 Calabrese & Associates.

25 Motion on all of those is made by

1
2 Legislator Kennedy and seconded by
3 Legislator Bynoe.

4 Before we start, I'll take a motion
5 to untable E25-24. Motion on that by
6 Legislator Ferretti and seconded by
7 Legislator Drucker.

8 All those in favor of untabling E25,
9 please say, "Aye".

10 (Whereupon, all members of
11 the Rules Committee respond in
12 favor with, "Aye".)

13 CHAIRMAN KOPEL: Any opposed?

14 (Whereupon, no verbal
15 response.)

16 CHAIRMAN KOPEL: Okay. That is
17 untabled. Motion on E25 is made by
18 Legislator McKevitt and seconded by
19 Ranking member Legislator
20 DeRiggi-Whitton.

21 Let's start out then with E22, which
22 is Information Technology.

23 MR. JACOVINA: Good afternoon. Joe
24 Jacovina, Deputy Commissioner,
25 Information Technology.

IIT Inc.; this is an amendment to
renew the term of the agreement with IIT
Inc, by extending one year, the
termination date from March 29th, 2024 to
March 29th, 2025. IIT Inc. currently
provides support for the IT Geographic
Information System Team. The vendor is
classified as MWBE. I'll be happy to
answer any questions.

CHAIRMAN KOPEL: Any questions?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: Thank you.

CHAIRMAN KOPEL: Next one is with Probation; E27, JKM Training. I understand the Inspector General still has some issues on that. Will take a motion to table. So moved by Legislator Ferretti and seconded by Legislator Drucker.

All those in favor of tabling?

(Whereupon, all members of the Rules Committee respond in favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal response.)

CHAIRMAN KOPEL: That is tabled.

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CHAIRMAN KOPEL: Next is with
Consumer Affairs. That would be E35.

COMMISSIONER CAPECE: Good
afternoon. Commissioner Capece. I'm
here with counsel Mary Harkins. That
contract amendment is for extending the
contract for the hours we need for
services when we have our hearings where
we set fines and where we listen to
arbitrations between a contractor and a
consumer.

We were trying to clean up the 2021,
2020 Covid backlog. Backlog is a word I'm
trying to eliminate being connected to
Consumer Affairs. So we're trying to move
it through. I need these additional
hours to clean up cases. And we are
putting more cases forward okay.

Any questions?

CHAIRMAN KOPEL: Any questions?

LEGISLATOR BYNOE: I have a
question.

Commissioner Capece, how are you?

COMMISSIONER CAPECE: Good. How are

1
2 you?

3 LEGISLATOR BYNOE: Good. Could you
4 tell us what the status of the backlog
5 and what area this person would
6 particularly --

7 COMMISSIONER CAPECE: Well, I will
8 have counsel come up so I don't give the
9 wrong numbers. We were backlogged -- some
10 of this money is going for cases that we
11 already have used their services for, to
12 clean up the backlog. So we're basically
13 cleaned up, but we're continuing to do
14 more enforcement. We're getting more
15 consumer complaints. So I want to keep a
16 robust schedule so we don't have another
17 backup.

18 MS. HARKINS: Just to that point,
19 and when I started in 2022, we were doing
20 about four hearings a week to get to the
21 backlog. So those were hearings that were
22 already held. Now we're just trying to
23 pay for them. Right now, we're doing two
24 hearings a week. That's our approximate
25 number. The contract ends in May of '24.

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2 We're just trying to pay all the monies
3 that we owe on that contract. So we're
4 looking to add the maximum of \$30,000. We
5 only need to encumber \$10,000. Okay. Just
6 to pay.

7 LEGISLATOR BYNOE: Okay. I'm just
8 trying to get an idea of how many cases
9 are in backlog.

10 MS. HARKINS: At this point, I don't
11 think we have a backlog on hearings.
12 We've gone through them for the most
13 part, not perfectly.

14 LEGISLATOR BYNOE: So this contract
15 is being extended after the work was
16 done?

17 MS. HARKINS: This contract ends in
18 May of '24. It was a five year contract.
19 It ends of May of '24. We have a new
20 court reporter coming in June of '24.

21 COMMISSIONER CAPECE: The amendment
22 is to pay -- we went over our contract
23 number.

24 LEGISLATOR BYNOE: That's not what I
25 asked. I asked if the contract was now

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2 being extended beyond after the work was
3 done. That was the question. The first
4 question was, how many cases do you think
5 you have in backlog so that I would
6 understand where you were, the status of
7 the backlog. Now you're saying they're
8 not in backlog, that they were
9 backlogged, but then you had the hearings
10 and and you utilize the services without
11 having come before the Legislature and
12 had this contract extended. Am I correct
13 now?

14 MS. HARKINS: Yeah. We were trying
15 to get this amendment done in '22, but it
16 never got here till now. Yes.

17 LEGISLATOR BYNOE: Okay. It's been
18 the interest and the concern of this Body
19 that we don't do that. Right? That you
20 come before us prior to engaging and
21 having services rendered so that you
22 don't run the risk of us saying no and
23 not paying the vendor. So it's important
24 that Departments that find themselves in
25 that predicament, that they come to us

1
2 before. Because, otherwise, what are we
3 here for?

4 MS. HARKINS: Understood.

5 LEGISLATOR BYNOE: Thank you.

6 CHAIRMAN KOPEL: Anyone else?

7 (Whereupon, no verbal
8 response.)

9 CHAIRMAN KOPEL: Okay. Thank you.

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2 CHAIRMAN KOPEL: Next contract is
3 with Parks. That would be E36, G&R
4 Events.

5 COMMISSIONER BELYEA: Darcy Belyea,
6 Parks Commissioner. Personal Services
7 Agreement, E36-24 with G&R Events NY.

8 We conducted an RFP in April of last
9 year seeking entertainment promoters and
10 booking agents. Nine proposals were
11 received and evaluated. This item is one
12 of six that was selected to be awarded.
13 Three have already been presented and
14 approved by this Body.

15 The term of this agreement is for
16 three years commencing on October 1st,
17 2023. Terminating on September 30th, 2026
18 with the option to renew for two one year
19 additional periods. Payment on this
20 contract shall not exceed \$150,000 per
21 year, for the total potential value, not
22 to exceed \$750,000 over the potential
23 five year term. Funding is from the
24 Hotel/Motel Tax Grant agreement. And I
25 apologize in advance that this is

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2 retroactive. We have not used the vendor,
3 obviously, pending your approval. It got
4 lost in the approval system in ESRS and
5 forgot to follow up and ask that it be
6 heard. So here we are today.

7 CHAIRMAN KOPEL: But they haven't
8 performed any services yet.

9 COMMISSIONER BELYEA: They have not
10 performed any services. But I would like
11 to utilize them. So we're here.

12 CHAIRMAN KOPEL: I guess no harm, no
13 foul. Okay, good. Thank you.

14 COMMISSIONER BELYEA: Thank you.

15 LEGISLATOR DERIGGI-WHITTON: Hi,
16 Darcy.

17 COMMISSIONER BELYEA: Hi.

18 LEGISLATOR DERIGGI-WHITTON: I just
19 had a quick question. You said it was
20 three out of six contracts for is it not
21 only advertising but also for obtaining
22 the entertainment, bands or whoever,
23 Correct?

24 COMMISSIONER BELYEA: So this is not
25 for advertising. This is just booking

1
2 agents for us to hire the talent.

3 LEGISLATOR DERIGGI-WHITTON: Okay.
4 All right that's good. We were talking
5 about it, we're happy to see Hotel/Motel.
6 But money being used for this. All
7 right. So there's no advertising involved
8 in this. Okay.

9 COMMISSIONER BELYEA: No, we use the
10 agency contract for that.

11 LEGISLATOR DERIGGI-WHITTON: All
12 right. I was just trying to keep track of
13 how much we're spending. All right. Thank
14 you.

15 COMMISSIONER BELYEA: I will add
16 that even though it says not to exceed
17 \$150,000, we don't necessarily for each
18 of these contracts put advisement in for
19 the full amount. We're just advising what
20 what we need to spend. We just need the
21 ability from year to year to spend up to
22 that amount. Just to be clear.

23 CHAIRMAN KOPEL: Okay. Anyone else?

24 (Whereupon, no verbal
25 response.)

CHAIRMAN KOPEL: Thank you.

COMMISSIONER BELYEA: Thank you.

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2 CHAIRMAN KOPEL: U1, which would be
3 with the Public Administrator.

4 MS. MCCARTY: I am Deputy Public
5 Administrator of Nassau County, Meagan
6 McCarty. Good afternoon, and thank you
7 to Presiding Officer Kopel and the Nassau
8 County Legislature for having us today.

9 The Nassau County Public
10 Administrator's Office is required
11 pursuant to Surrogate's Court Procedure
12 Act 1208.3, to conduct an annual audit of
13 the office by an independent Certified
14 Public Accountant. The audit must be
15 filed with the Surrogate, the Attorney
16 General of the State of New York, and the
17 New York State Comptroller.

18 CHAIRMAN KOPEL: Okay. Good job.
19 Arnie?

20 LEGISLATOR DRUCKER: Hi. Just one
21 quick question. Do you provide that
22 annual report to the Legislature or just
23 the AG and Comptroller?

24 MS. MCCARTY: It's not required for
25 us to provide it to you. It's only

1
2 required for us to provide it to the
3 Attorney General of the State of New York
4 and to the New York State Comptroller and
5 filed with the Surrogate.

6 LEGISLATOR DRUCKER: Would it be a
7 problem to provide us with a copy of that
8 report?

9 MS. MCCARTY: You know what? I
10 don't think it would be a problem, but I
11 am going to check with the Public
12 Administrator just to make sure.

13 LEGISLATOR DRUCKER: Please get back
14 to us.

15 MS. MCCARTY: Absolutely. Will do,
16 sir.

17 CHAIRMAN KOPEL: Thank you.
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CHAIRMAN KOPEL: The next five are with the County Attorney. We'll start with E26, Top Key Reporting. Mr. Libert.

MR. LIBERT: Hello, Legislators. Brian Libert for the County Attorney's Office.

I believe E26 is a contract with Top Key Court Reporting. This is for court reporting services. This was pursuant to an RFP. Five contractors were responded. And as a result of the scoring and ranking, all five proposers were selected, and this is a contract for Top Key relative to that proposal.

CHAIRMAN KOPEL: So you ranked five and all five got it.

MR. LIBERT: Correct.

CHAIRMAN KOPEL: Okay. Any questions?

(Whereupon, no verbal response.)

CHAIRMAN KOPEL: All right. Let's move on, E28, E29 and E30, West Group Law.

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MR. LIBERT: Yes, E28 is for what we identify as what we call the Coliseum Hub contract. This is for an amendment of \$750,000 to continue West Group's work relative to the Coliseum Hub.

If you have any questions, I'm more than happy to answer the same.

CHAIRMAN KOPEL: Any questions?

(Whereupon, no verbal response.)

CHAIRMAN KOPEL: E29.

MR. LIBERT: This is a contract also with West Group to continue their work on the phase one litigation of the Family Court construction. Again, this is a continuation amendment of a prior contract.

Happy to answer any questions if you have.

CHAIRMAN KOPEL: Anyone?

(Whereupon, no verbal response.)

LEGISLATOR DERIGGI-WHITTON: I don't

1
2 know if you can discuss this, but this is
3 a lawsuit -- are we suing people doing
4 work there, companies doing work there,
5 what is the basis of the lawsuit?

6 MR. LIBERT: I would just say,
7 relative to the point that you made,
8 there's certainly a limit on what I
9 should and ought to discuss. But speaking
10 very generically, my understanding of
11 this lawsuit is that they are involved,
12 West Group, in phase one of the design
13 part of the lawsuit. In other words,
14 there are some disputes with the first
15 designer who's not involved in the
16 project anymore. And further, they
17 continue to help the County eliminate
18 delays going forward. That is sort of
19 part of the project. They're not the
20 construction company, they are a law
21 firm. So I think that's the answer.

22 LEGISLATOR DERIGGI-WHITTON: Okay.
23 I followed you. I don't know if that's
24 part of the reason for delay that we've
25 had with the construction end. All

1
2 right. We will let it go.

3 LEGISLATOR DRUCKER: Brian, can you
4 be a little bit more specific? I mean,
5 West Group's role as a defense attorney
6 for the County? What is their role
7 exactly? You're kind of being vague
8 about litigation, but what is their exact
9 role?

10 MR. LIBERT: Well, if we want to be
11 very technical, I think they serve both
12 roles. Of course, there are multiple
13 lawsuits. Those of us who are lawyers
14 have seen these papers where the caption
15 extends beyond one page. So this is one
16 of those scenarios. It's a little
17 tricky. Yes, they're defending the
18 county. Yes, they're counter suing. Are
19 we plaintiffs? Are we defendants? It gets
20 a little unclear. I think there's a
21 little bit of both going on. I think
22 they're helping the County to reduce the
23 delays and ensure that any delays that
24 did happen are uncostly.

25 LEGISLATOR DRUCKER: Okay. In

1
2 effect they are a legal representative of
3 the County, whether it's on the
4 plaintiff's side or the defendant's side.
5 But they are representative of the County
6 in a legal capacity in litigation.

7 MR. LIBERT: Absolutely.

8 LEGISLATOR DRUCKER: I know there's
9 a limit on what you can and cannot say on
10 the record here. Can you provide us with
11 a confidential memo?

12 MR. LIBERT: Absolutely.

13 LEGISLATOR DRUCKER: I'd appreciate
14 that. Thank you.

15 CHAIRMAN KOPEL: Okay, E30.

16 MR. LIBERT: E30-24 is a new
17 contract for West Group to work with
18 Nassau Community College and Langone
19 Medical. This is ongoing. I was told by
20 counsel to not discuss too much details
21 of this. But this is relative to a
22 potential project at Nassau Community
23 College and those negotiations are
24 ongoing.

25 Happy to answer any questions you

might have.

CHAIRMAN KOPEL: Well, not really.

MR. LIBERT: I'll do my best.

CHAIRMAN KOPEL: You can try. Go on.

LEGISLATOR BYNOE: Well, so you start out saying you shouldn't, then you say you'll answer.

So we're being asked to retain an attorney to get involved in a deal that will happen potentially between NYU and Nassau Community College. I don't have any information on the potential project. It's in my legislative district, but it's impactful across the region.

CHAIRMAN KOPEL: Would you like to have an executive session?

LEGISLATOR BYNOE: Yeah, we need to.

CHAIRMAN KOPEL: Brian, we're going to have an executive session anyway during the Finance Committee meeting, would you make yourself available then?

MR. LIBERT: Of course.

CHAIRMAN KOPEL: Meanwhile, I guess we're going to have to table this one.

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2 Motion to table made by Legislator Bynoe
3 and seconded by Legislator
4 DeRiggi-Whitton. All those in favor of
5 tabling, please say, "Aye".

6 (Whereupon, all members of
7 the Rules Committee respond in
8 favor with, "Aye".)

9 CHAIRMAN KOPEL: Any opposed?

10 (Whereupon, no verbal
11 response.)

12 CHAIRMAN KOPEL: E30 this tabled.

13 E38 is your last one.

14 MR. LIBERT: Would that be with
15 Genova Burns?

16 CHAIRMAN KOPEL: Yes. Genova Burns.

17 MR. LIBERT: Chief Deputy Hiller is
18 on his way down the aisle.

19 MR. HILLER: Good afternoon. My name
20 is John L. Hiller. I'm the Chief Deputy
21 County Attorney. And with me is Harrison
22 Clewell, Associate with the law firm
23 Genova Burns.

24 What we present before this
25 Legislative Body is a personal services

1
2 contract between the Nassau County
3 Attorney's Office and the law firm of
4 Genova Burns.

5 The history of this is back in the
6 beginning of the year, it became public
7 knowledge that the Governor of the State
8 of New York was in the process of
9 presenting two legislative bills, a
10 Senate bill and an Assembly bill in which
11 the proposal at that time was to change
12 the voting dates from even years, as in
13 presidential election to odd years. And
14 with that change would bring about the
15 voting of the Nassau County Executive,
16 towns and Comptroller's Office to an odd
17 year versus the even year they are
18 presently in. It was felt that as we as
19 we heard --

20 CHAIRMAN KOPEL: From odd to even.

21 MR HILLER: Yes.

22 CHAIRMAN KOPEL: You just flipped
23 it. It's okay. Go on. Please.

24 MR HILLER: From the even to odd.

25 CHAIRMAN KOPEL: No. The other way

1
2 around.

3 MR HILLER: I'm sorry. From the
4 even to odd.

5 CHAIRMAN KOPEL: One of those.

6 LEGISLATOR DERIGGI-WHITTON: No, you
7 should have it right for the record.
8 You're going from odd to even.

9 CHAIRMAN KOPEL: I think we've got
10 it.

11 MR HILLER: Excuse me. Voting for
12 the County Executive, County Legislature
13 would go from the odd years to the even
14 years. The even years being the same as
15 the federal elections and the state
16 higher elections. It would result in
17 amending several laws. This was a
18 discussion at the time. It would be
19 amending town laws, village laws, county
20 laws, Municipal Home Rule laws. The
21 initial impression was that this was an
22 unconstitutional presentation. The
23 Legislature, December 22nd of last year
24 approved that legislation. It's effective
25 in year 2026.

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2 When we first recognized the
3 process, the presentation to the
4 Legislature, we felt that in the
5 interests of the County of Nassau, we had
6 to follow closely the developments of at
7 that time proposals, and again, the
8 center of our attention was the
9 constitutionality of the proposals and
10 the ultimate enactment of the proposals.

11 We looked at our panel of outside --
12 we first looked inside, and we felt that
13 in the County Attorney's Office, there
14 was nobody that really possessed,
15 including myself and the County Attorney,
16 possessed the knowledge and the level of
17 understanding of these constitutional
18 issues. We then examined our panel of
19 outside counsel, and we could not find on
20 our panel any firm that had a history of
21 examining and challenging at
22 constitutional issues at this level.

23 We then went on a search of an
24 attorney or a law firm that we felt would
25 have possessed the background, the

1
2 reputation and the knowledge of these
3 constitutional issues. And we came across
4 and we knew of, because they're so well
5 and highly regarded, this particular law
6 firm. This law firm has a history, almost
7 three decades of this type of
8 representation of municipal bodies,
9 municipal authorities, and the
10 examination and challenging of
11 constitutional questions at this level.

12 We were presented here an agreement
13 that has had a little paperwork history
14 backlog. Again, we go back to the
15 beginning of the year, when we first
16 realized of the pending legislation and
17 the likelihood that this legislation
18 would pass, and further likelihood that
19 upon passing it, the Governor would sign
20 it. So when we recognized that, we then,
21 having settled on Genova Burns as the
22 most preeminent firm in this area, we
23 contacted them. We actually proposed to
24 them a contract back in March of last
25 year. And in our proposals, as you are

1
2 probably well aware, there's a tremendous
3 amount of paperwork that goes in to
4 getting these contracts in a form that we
5 can present to this Body. It requires
6 extensive disclosure forms.

7 This firm, by the way, has offices
8 and practices in two states, New York and
9 New Jersey. So when we began the process
10 of formulating the contract and
11 presenting the contract to this firm, the
12 disclosure process took on quite a bit of
13 work because of the different members of
14 the firm and the two states. Finally, it
15 was settled on we would just contract
16 with the New York presence of the law
17 firm.

18 In that process, it took more than
19 six months from the receipt of the
20 disclosures to getting the contract ready
21 to present. The six months made the
22 disclosures stale. So we had to go back
23 to the firm and get updated in new
24 disclosures. That brings us pretty much
25 to where we are now, where we're seeking

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2 an approval of a contract in the amount
3 of \$500,000, with an initial encumbrance
4 of a \$150,000.

5 Since it's a sole source, since
6 there was no other consideration once we
7 found no other prospective law firm. It
8 was advertised and published in *Newsday*.
9 It was reviewed and approved by the Chief
10 procurement officer, Mr. Cleary. We come
11 before this Body seeking your approval of
12 our contract.

13 CHAIRMAN KOPEL: Thank you. Arnie?

14 LEGISLATOR DRUCKER: Thank you, Mr.
15 Hiller. Appreciate the clarification.
16 It's comforting to us when the County
17 Attorney is coming before us to advance
18 the legal argument and understands the
19 actual legislation itself, that it's
20 going from odd years to even years. But
21 that's beside the point.

22 MR HILLER: Odd to even. Yes, sir.

23 LEGISLATOR DRUCKER: It's my
24 understanding that before the
25 Administration can procure or attempt to

1
2 ask this Body to approve contracts that
3 there's a correlation between need,
4 public want, necessity. What data did the
5 County Attorney or the Administration for
6 that matter, obtain to justify or lead
7 them to the conclusion that a lawsuit is
8 necessary on behalf of all of the
9 taxpayers in Nassau County? Can you tell
10 me that? Can you share that?

11 MR HILLER: I don't know exactly how
12 to frame an answer with respect to data.

13 LEGISLATOR DRUCKER: Is data
14 relevant?

15 MR HILLER: We feel it was very
16 relevant. One of the highlights in a
17 relevancy is that if you have a ballot
18 that has all the federal high state
19 elections and now the local elections,
20 there's a term that I had not heard
21 before. As a voter goes into the voting
22 booth or the voting boxes as we know it
23 now, there's a term that reflects the
24 concern. It's called ballot fatigue. And
25 there's an absolute concern that the

1
2 lower part of the ballot will not receive
3 the actual attention of the upper, higher
4 part of the ballot. And the importance at
5 a local level could be lost by virtue of
6 just the overwhelming form that's going
7 to be presented to the voter.

8 LEGISLATOR DRUCKER: That's a
9 conclusion. How did you reach that
10 conclusion? Was there any data that
11 supported that?

12 MR HILLER: It's a concern more than
13 a conclusion, sir.

14 LEGISLATOR DRUCKER: So we're asked
15 to support a vote for a contract based on
16 your concern?

17 MR HILLER: Yes, sir.

18 LEGISLATOR DRUCKER: Okay, so you
19 mentioned your panel. Who comprises your
20 panel?

21 MR HILLER: A solicitation process
22 that is published, at least now, on an
23 annual basis, in which we invite law
24 firms.

25 LEGISLATOR DRUCKER: That's not my

1
2 question. My question is who's on your
3 internal panel? And then you had an
4 outside panel. Who are they?

5 MR HILLER: The internal panel is
6 the County Attorney.

7 LEGISLATOR DRUCKER: Anyone else?

8 MR HILLER: I believe officially he
9 may seek advices from his staff, but the
10 County Attorney is the one who would be
11 the primary assessor of people that would
12 be that would be solicited -- it's an
13 open solicitation, it's published. But
14 when the responses come in, it would be
15 the County Attorney who would decide
16 whether or not the response is
17 sufficient, or poor choice of words,
18 "worthy" to be placed on our panel.

19 LEGISLATOR DRUCKER: Just to be
20 clear, though, you mentioned a panel, so
21 the panel just consists of one person.

22 MR HILLER: I don't know what the
23 plural is for panel other than panels,
24 but we refer to a panel as a
25 classification of attorneys --

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Excuse me.

(Whereupon, brief off the
record discussion.)

MR HILLER: Mr. Libert says that I
misunderstood your question.

As the responses come in internally,
they are kind of sorted into categories.
And those categories are what I'm -- my
word is "panels".

LEGISLATOR DRUCKER: Do you know any
members other than the County Attorney
who or a member of these vertical panels?

MR HILLER: No, sir. When I'm using
the word panel, it's the firms that are
plugged in by topic or expertise.

LEGISLATOR DRUCKER: I'm not sure I
understand how that is a panel.

MR HILLER: That was my poor choice
of words.

LEGISLATOR DRUCKER: So do you want
to change the word to another word
besides --

MR HILLER: Category?

LEGISLATOR DRUCKER: So you consulted

1
2 a category?

3 MR HILLER: No. We reviewed the
4 responses and placed them in categories.

5 LEGISLATOR DRUCKER: So where were
6 those responses. Was there a gathering?

7 MR HILLER: It's what's called a
8 rolling solicitation. It's out there, for
9 lack of a better word, to the world to
10 reply.

11 LEGISLATOR DRUCKER: How many
12 members of the world replied?

13 MR HILLER: I would say we have on
14 the different again, not calling them
15 categories, we have approximately -- I'm
16 trying to visualize the spreadsheet -- we
17 have approximately somewhere close to two
18 dozen different categories.

19 LEGISLATOR DRUCKER: Two dozen. Can
20 we get that printout?

21 MR HILLER: Absolutely.

22 LEGISLATOR DRUCKER: Okay.

23 A year ago, you mentioned that the
24 County Executive, the Administration was
25 looking to seek and engage outside

counsel for this.

MR HILLER: Initially, we became aware of the potential legislation and we felt that it should be examined. Yes.

LEGISLATOR DRUCKER: Did any did any member of this Legislative Body or staff or anybody on this Body, were they made aware that the Administration was looking to do this?

MR HILLER: Not to my knowledge. So this was done in a cloud of secrecy a year ago.

MR HILLER: I wouldn't call it a cloud of secrecy.

LEGISLATOR DRUCKER: Okay.

Based on your testimony, you stated that you have about two dozen responses in your solicitation of the world to comment on this.

MR HILLER: No, I said two dozen categories.

LEGISLATOR DRUCKER: I asked you -- okay, so of the two dozen categories, how many responses did you get from the

1
2 world?

3 MR HILLER: I can't tell you. Out
4 ignorance I can't tell you.

5 LEGISLATOR DRUCKER: I'm sorry.

6 MR HILLER: Out of ignorance, I
7 can't tell you.

8 LEGISLATOR DRUCKER: That's not very
9 comforting. You want this Body to approve
10 money for law firm based on what? It's
11 such an amorphous thing here.

12 MR HILLER: It's not amorphous if,
13 in fact, it's an unconstitutional act of
14 the Legislature.

15 LEGISLATOR DRUCKER: According to
16 who?

17 MR HILLER: According to our
18 scholarly thought process.

19 LEGISLATOR DRUCKER: Entirely
20 subjective. You have your own people you
21 speak to. I'm sure that there are people
22 that the other side can speak to that
23 disagree. Would you say that?

24 MR HILLER: I would.

25 LEGISLATOR DRUCKER: Okay, so based

1
2 on that speculation on your part, your
3 expert's part, you're looking to have
4 every single taxpayer pay for a contract
5 to support an opinion about a piece of
6 legislation that the Governor and the
7 State Legislature approved.

8 MR HILLER: It's beyond opinion at
9 this point. We feel the black letter --

10 LEGISLATOR DRUCKER: You keep saying
11 feel. You keep saying feel. We feel, we
12 feel, we feel.

13 MR HILLER: I'll try not to use that
14 word again. It was and it is our
15 collective opinion that based on our
16 understanding of the State and Federal
17 Constitution, that this legislation is
18 unconstitutional.

19 LEGISLATOR DRUCKER: All right. We
20 keep going around in circles. Instead of
21 feel, you said it's our collective
22 opinion. It's kind of the same thing.

23 MR HILLER: I'm just trying to stay
24 on the same page with you.

25 LEGISLATOR DRUCKER: But we're just

1
2 looking for empirical data to support why
3 taxpayers should have to pay for this.

4 CHAIRMAN KOPEL: Arnie, would you
5 allow me to jump in for a moment?

6 LEGISLATOR DRUCKER: I don't have
7 any further questions. Let me finish my
8 thing.

9 CHAIRMAN KOPEL: Sure. Of course.

10 LEGISLATOR DRUCKER: So that's my
11 comment. I think that the taxpayers,
12 this entire Legislative Body deserve some
13 sort of justification empirically as to
14 why we should pay for this.

15 MR HILLER: Well, empirically, I
16 think on its face, it merits our concern.

17 LEGISLATOR DRUCKER: On its face is
18 according to your expert's opinion.

19 MR HILLER: That's correct.

20 LEGISLATOR DRUCKER: I have nothing
21 further.

22 CHAIRMAN KOPEL: Basically, what I
23 what I would respond to you is, my
24 feeling, and that is that I want to get
25 away from the constitutional question for

1
2 a moment here. And that is let's look at
3 the effect on the County and on the
4 voters. And that is a proper County
5 concern. If we move it from -- and I
6 think they started out with this -- if
7 they move the ballot years from odd to
8 even, the County Legislature, for
9 instance, will be so far down the ballot,
10 nobody's going to even pay attention to
11 it at all. The County issues, which are
12 very important to all of us here, get
13 lost. They get lost in the fight over the
14 presidential election or the senatorial
15 or the governor's election. Those are
16 proper County issues. At that point, I
17 think it is not only okay, it is
18 necessary for the County to look into it
19 and see if there is a proper and valid
20 basis for challenging that change. And
21 that is precisely what this firm here is
22 being engaged to do. They're being
23 engaged to make sure that we can indeed
24 go into court and challenge on a
25 constitutional or other basis, the

1
2 change in the ballot that is going to
3 degrade the concerns of the County
4 relative to other concerns that are going
5 on. And that is and that is the reason
6 for this contract, as I understand it.
7 Would that be a fair statement?

8 MR HILLER: Yes, sir. It's better
9 spoken than I could.

10 LEGISLATOR DRUCKER: But you just
11 basically elaborated and amplified what
12 Mr. Hiller was saying, which is fine.
13 Except again, and I respect your
14 thinking, and I've heard this argument
15 before, and I've heard both sides of the
16 argument, and I respect what you're
17 saying. But once again, it's an opinion.
18 And you're now asking the entire
19 Legislature, the Administration is asking
20 the entire Legislature to approve
21 something that may be just an opinion of
22 a portion of certainly this Legislative
23 Body and maybe a portion, the percentage
24 of which of the countywide is unclear. Is
25 that fair to say? I lost you again.

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CHAIRMAN KOPEL: It's okay. By the way, Mr. Ferretti, next.

We do that all the time. We approve contracts and and other items that a significant portion of the Legislature may disagree with. We do it all the time. That's our job. We vote.

Mr. Ferretti.

LEGISLATOR FERRETTI: Good afternoon, Mr. Hiller. How are you?

MR HILLER: Good afternoon, sir.

LEGISLATOR FERRETTI: I want to make sure I heard you right. Is it a fair statement that in the Administration and the County Attorney's judgment, there's been an unconstitutional and illegal action taken by the State Legislature in passing this.

MR HILLER: Yes, sir.

LEGISLATOR FERRETTI: That's a yes?

MR HILLER: Yes, sir.

LEGISLATOR DRUCKER: Okay. I would submit that it's our obligation if we feel something is unconstitutional to

1
2 pursue this. Let me ask you, are we the
3 only county that has brought a lawsuit as
4 a result of this?

5 MR HILLER: There's been no lawsuit
6 brought. There is a coalition of
7 counties that are in the process of
8 commencing such a lawsuit.

9 LEGISLATOR FERRETTI: Similar to us.

10 MR HILLER: Yes, sir. The only
11 difference is our county charter is a
12 little bit more unique than the other
13 counties that are anticipating
14 litigation. So we're standing on our own
15 two feet at this point. But there is
16 absolute commitment by other counties to
17 commence litigation.

18 LEGISLATOR FERRETTI: So it's the
19 opinion of the Administration and the
20 County Attorney that the state law is
21 unconstitutional. Can you elaborate on
22 that a little bit?

23 MR HILLER: I'll defer to counsel
24 here, since I already admitted my lack of
25 expertise. I think I got a "C" in common

1
2 law in law school, which was over 50
3 years ago.

4 MR. CLEWELL: Thank you, everyone. I
5 want to stay pretty general just because
6 I don't want to get into the internal
7 legal strategy.

8 It is the enforcement of the
9 County's rights under the county charter
10 itself and under Article 2 of the New
11 York State Constitution.

12 LEGISLATOR FERRETTI: Okay. Thank
13 you.

14 LEGISLATOR DERIGGI-WHITTON: I can't
15 help but think listening to this that
16 especially since you've already
17 encumbered \$150,000; is that correct?

18 MR HILLER: We are going to encumber
19 it if the Legislature approves it at this
20 time.

21 LEGISLATOR DERIGGI-WHITTON: That's
22 not what I heard. Okay.

23 In my opinion, this is something
24 that taxpayer money should not be paying
25 for. I mean, if it's your preference to

1
2 hold elections on odd years rather than
3 even, that's something that possibly a
4 party should take up. Not Nassau County
5 residents. When you look at some of the
6 data, nearly 70% of Americans favor
7 voting local elections the same time
8 national elections are held. And the
9 voter turnout historically is also much
10 higher on even numbered years,
11 consistently with a higher voter turnout.
12 Marschall versus Lippie, 2018. I have the
13 notated studies and/or cases if you want
14 them. Basically, the voter fatigue I
15 think comes from having elections every
16 year. Voter fatigue going down a ballot,
17 I have never seen any empirical study
18 showing that that would be a
19 constitutional reason to try to fight
20 this decision that the State made and the
21 Governor signed. It used to be this way.
22 I would have to say possibly misspoke
23 during his speech. It was not always on
24 odd years. Up until 1973, that's when
25 they went to odd years. So having it on

1
2 even years, I just think it's a
3 preference as to how many -- there are
4 studies that show certain geographical
5 areas come out more on non-presidential
6 years. I'm just afraid that right now
7 we're asking the county taxpayers to pay
8 for a lawsuit that might influence the
9 possible results of elections based on
10 what year we vote on. And just because
11 one party doesn't like those results,
12 doesn't mean that the taxpayers should
13 have the burden of half \$1 million to be
14 put on this.

15 I mean, look, if you have a problem
16 or if someone's not happy with it, that's
17 a real political issue. Not a
18 governmental issue. It's political. It's
19 basically based on the outcome. We have
20 all this background. Again, I think that
21 we're the only county right now that's
22 opposing it. It's very clear what's
23 happening. I'm not surprised that there
24 was a lawsuit because I knew that people
25 wouldn't be happy with this change. But I

1
2 never thought in a million years you'd be
3 asking the county taxpayers to pay for
4 it.

5 LEGISLATOR MCKEVITT: Just to
6 clarify point. It was not the case that
7 we always held elections even numbered
8 years. Until 1973, the County Executive
9 and the District Attorney were held on
10 three year terms, not four year terms.
11 So, for example, county executive
12 elections in 1961, 1964, 1967, 1970 and
13 1973 when we first won the four year
14 term. So because of that odd three year
15 cycle, some years would be odd, sometimes
16 even, but it was not always even. And
17 again, starting in '73 we went to four
18 year terms on the odd cycle. Just clarify
19 that.

20 LEGISLATOR DERIGGI-WHITTON: Can I
21 just clarify? That's not what I said.
22 It's what the County Executive said in
23 his speech.

24 LEGISLATOR MCKEVITT: I'm just
25 correcting everyone that I'm a history

1
2 geek.

3 LEGISLATOR DERIGGI-WHITTON: That's
4 right. It was three year terms, but it
5 wasn't always an odd years, as he stated
6 in his speech.

7 LEGISLATOR BYNOE: Thank you. Hi.
8 Good day.

9 You stated that we're out ahead of
10 every other county because our charter is
11 unique in some way.

12 MR HILLER: I said we are
13 considering ourselves independent of the
14 other lawsuits because we feel that in
15 looking at our charter and looking at the
16 charters and the other counties that are
17 entertaining legislation, our charter is
18 different and a little bit more unique.
19 So at this point, our thought process is,
20 if we commence the lawsuit, we will
21 commence it on our own behalf and not
22 align align Nassau County with the other
23 counties that are considering litigation.

24 LEGISLATOR BYNOE: Okay. Can you
25 describe, give some examples or

1
2 illustrate what makes us unique from the
3 other counties?

4 MR. CLEWELL: Again, I just want to
5 be general here. I would say how the
6 charter was created, the Nassau County
7 charter was created under a different,
8 for lack of a better word, precedent that
9 some of these other charters were not.
10 And as a result, it's afforded different
11 rights accordingly.

12 LEGISLATOR BYNOE: So you're not
13 being specific intentionally.

14 MR. CLEWELL: I just would prefer
15 not to get into legal strategy. I'm
16 happy to answer that in Executive
17 Session.

18 LEGISLATOR BYNOE: That's exactly
19 it. It's going to trigger my request for
20 an Executive Session. Because you stated,
21 in some way, you're trying to protect the
22 County in its attempt to bring this case
23 to court. And we are the County, so we
24 need to understand what the strategy is.
25 Because I'm left outside of understanding

1
2 the strategy and outside of understanding
3 the violation of the Constitution in your
4 frame of mind. I'm left to ask who is the
5 aggrieved party? And it's the aggrieved
6 party that should be then bringing a case
7 in court. And I need to understand how
8 the County is the aggrieved party. So I'm
9 requesting that we go to --

10 CHAIRMAN KOPEL: Legislator Bynoe
11 moves for Executive Session -- moves to
12 table the item pending Executive Session.

13 LEGISLATOR BYNOE: That's correct.

14 CHAIRMAN KOPEL: Actually, I'm just
15 thinking.

16 (Whereupon, off the record
17 discussion.)

18 CHAIRMAN KOPEL: Legislator Bynoe
19 moves to take this item into Executive
20 Session.

21 MR HILLER: We're prepared to do
22 that now.

23 CHAIRMAN KOPEL: Legislator McKevitt
24 seconds. All those in favor of Executive
25 Session, please say, "Aye".

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(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: Now we're going to
Executive Session, into which I'm going
to invite legislators only. No staff.
Members of Rules only.

(Whereupon, Executive
Session, 2:08-2:21 p.m.)

CHAIRMAN KOPEL: Rules Committee
back. Rules committee back. And we're
going to now take a vote on one item. One
item only, which is item E38. All those
in favor of item E38, please so indicate
by saying aye.

CHAIRMAN KOPEL: Aye.

LEGISLATOR MCKEVITT: Aye.

LEGISLATOR FERRETTI: Aye.

LEGISLATOR KENNEDY: Aye.

CHAIRMAN KOPEL: Those opposed?

LEGISLATOR DERIGGI-WHITTON: Nay.

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LEGISLATOR DRUCKER: Nay.

LEGISLATOR BYNOE: Nay.

CHAIRMAN KOPEL: So it's 4 to 3.
That item passes.

Now what I'm going to do is out of
order here I'm going to call another item
which is we're going to take a motion now
to untable E30. Legislator Ferretti moves
to untable, Legislator McKevitt seconds.
All those in favor of untabling E30,
please say, "Aye".

(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: All right.
Legislator Kennedy moves for Executive
Session on E30, that is seconded by
Legislator Drucker. All those in favor of
Executive Session for E30, for that item,
please say, "Aye".

(Whereupon, all members of

the Rule Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

(Whereupon, Executive
Session, 2:23-2:37 p.m.)

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CHAIRMAN KOPEL: Okay. We're back.

The next group, the rest, will be with Public Works. Ken, sorry to keep you waiting, but here we go.

Go straight down the list. Start with B4-24.

COMMISSIONER ARNOLD: Good afternoon. Ken Arnold, Public Works.

B4 is a construction contract to make traffic safety improvements on Cuttermill Road in Great Neck. Five proposals were received, with GGG Construction as being the lowest responsible bidder at a bit of \$2.22 million, slightly above the engineer's estimate; 5% of the work will go to WBE.

CHAIRMAN KOPEL: Anyone have questions, just jump in. Anyone?

(Whereupon, no verbal response.)

CHAIRMAN KOPEL: Okay.

COMMISSIONER ARNOLD: I'll do five and six together. So B5 and B6 are construction contracts associated with

1
2 the Department's 2024 resurfacing
3 program. These two contracts account for
4 about 80 lane miles of resurfacing. Both
5 had six bidders each. In both cases, H&L
6 was the lowest possible bidder.

7 For B5, the bid was \$6 million,
8 below engineers estimate, and the WMBE is
9 at 17%.

10 For B6, the bid was \$5.69 million,
11 also below the engineer's estimate, WBE
12 at 17%.

13 CHAIRMAN KOPEL: Okay. Keep on
14 going as long as no one's asking
15 questions.

16 COMMISSIONER ARNOLD: The next one
17 is B8, a construction contract for the
18 rehabilitation of digesters at Cedar
19 Creek Sewage Treatment plant. This
20 project will reconstruct three of the
21 nine digesters at the facility. Four bids
22 received and WHM Plumbing and heating was
23 the lowest possible bidder at \$30.8
24 million, slightly higher than the
25 engineer's estimate. MWBE is at 0.5%.

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2 Next one is E 31 is a professional
3 service --

4 CHAIRMAN KOPEL: E25.

5 COMMISSIONER ARNOLD: Sorry. Yes.
6 The untabled one.

7 E25 is a professional services
8 contract with on call civil engineering
9 design firms. The Department received 24
10 proposals. Review was done looking at
11 four subcategories: Bridge, drainage,
12 roadway and parks work. The top tech
13 ranked firms in each subcategory was
14 selected by the Technical Review
15 Committee. GPI was selected for work
16 associated with bridges. The contract has
17 a multiplier of 2.75. It's a four year
18 contract with a \$10 million cap.

19 LEGISLATOR DERIGGI-WHITTON: Ken, do
20 you remember why that was tabled?

21 COMMISSIONER ARNOLD: I think there
22 was information still from the IG that
23 had to come, had to be resolved, which to
24 my understanding it has been.

25 LEGISLATOR DERIGGI-WHITTON: Okay.

1
2 Thank you.

3 CHAIRMAN KOPEL: Go on, please.

4 COMMISSIONER ARNOLD: E31 is a
5 professional services contract for CMS
6 services associated with the Cuttermill
7 Road safety project I mentioned earlier.
8 There were 15 responses to the
9 solicitation. LKB was technically ranked
10 as significantly higher than the other
11 proposals, and as such, the cost of 598
12 was accepted as the responsible bidder.
13 The MWBE at 26%.

14 E32 is a contract amendment for
15 Hardesty & Hanover related to CM services
16 for the Bayville Bridge. The amendment is
17 for six additional month extension and an
18 increase of cost of \$839,000 for
19 capacity.

20 LEGISLATOR DERIGGI-WHITTON: Can I
21 just ask you what you're doing with the
22 bridge now? I get asked all the time,
23 even though it's not my district.

24 COMMISSIONER ARNOLD: So we're on
25 the second full closure of the bridge,

1
2 which is the mechanical replacement of
3 the leaf, so that we could not do that
4 with the bridge open. That's why we split
5 into two pieces. I forget what leaf we're
6 doing, but we're replacing the
7 mechanicals on that leaf. This is a 35
8 day shutdown. There's incentives to get
9 it done on time and penalties if they
10 don't. And the last update I got, we are
11 on schedule.

12 LEGISLATOR DERIGGI-WHITTON: In
13 other words, it's under the bridge. Or
14 where are they doing the work?

15 COMMISSIONER ARNOLD: It's the
16 mechanicals of the leaf itself. So they
17 take the leaf, they disconnect the leaf
18 and they replace pieces and parts inside
19 the leaf.

20 LEGISLATOR DERIGGI-WHITTON: Thank
21 you.

22 COMMISSIONER ARNOLD: Next one's E33
23 is for professional design services
24 associated with the mitigation and
25 rehabilitation of sewage pump stations in

1
2 the City of Long Beach. This is being
3 done as part of the IMA, where the County
4 will be responsible for the operation of
5 the collection and disposal of facilities
6 of Long Beach once the diversion is
7 completed.

8 Four firms submitted proposals, and
9 Cameron was ranked as one of the highest
10 technically ranked firms. The Technical
11 Review Committee evaluated costs of the
12 highest ranked firms, and determined that
13 at a cost of 942, that Cameron was the
14 best value. Combined WMBE is 24%, and it
15 should be noted that this is fully
16 federally funded through FEMA.

17 E34 is a professional services
18 contract search CM services for the Cedar
19 Creek Digester Project I mentioned
20 earlier. This contract covers both this
21 phase of the digesters and additional
22 phase that will be bid later next year.
23 Each phase will be three digesters.

24 Seven firms submitted proposals and
25 De Bruin, being the highest technically

ranked firm, was determined by the
Technical Review Committee to offer the
best value at a cost of \$5.72 million.
MWBE for this project is 5%.

E39 is a professional services
contract for CM services associated with
our Long Beach Road Drainage and Traffic
Safety Project. That construction
contract went to this Body previously.

Thirteen firms submitted proposals
and Gannett Fleming was determined by the
Technical Review Committee to be the
highest ranked firm and provided a
sufficient cost proposal at a value of
\$807,000. MWBE for this project is 21%.

CHAIRMAN KOPEL: All right. Any
questions?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: Did you do 37?

COMMISSIONER ARNOLD: Thirty seven
is Kevin.

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MR. K. WALSH: Good afternoon.
Legislators. Kevin Walsh from the Office
of Real Estate Services.

Item E37 is an amendment to one of
our on call appraisal contracts with
Standard (sic) Valuation Services. The
contract is typically \$20,000 a year.
We've added 100,000 cap to this contract
to assist the Assessment Department with
the appraisal of the UBS arena, which
many of you probably know is a state
owned property. Actually, Empire State
Development owns it. The County Charter
requires it to be assessed.

CHAIRMAN KOPEL: Notwithstanding
that it's not taxed.

MR. K. WALSH: Correct.

CHAIRMAN KOPEL: Any questions?

(Whereupon, no verbal
response.)

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CHAIRMAN KOPEL: Okay. Thank you.

So we're going to vote first on just
E30.

All those in favor of E30, please so
indicate by saying, "Aye".

CHAIRMAN KOPEL: Aye.

LEGISLATOR MCKEVITT: Aye.

LEGISLATOR FERRETTI: Aye.

LEGISLATOR KENNEDY: Aye.

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.

CHAIRMAN KOPEL: Any abstained?

LEGISLATOR DERIGGI-WHITTON: We're
abstaining.

CHAIRMAN KOPEL: All right. So it's
4-0-3.

All right. I'm calling the rest of
them:

E22; E35; E36; U1; E26; E28; E29;
E30; E38; B4; B5; B6; B8; E25; E31; E32;
E33; E34; E37 and E39.

All those in favor of those items,
please say, "Aye".

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(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: Those items pass
unanimously.

I am now putting the Rules Committee
and recess.

Public safety is next.

(Whereupon, recess, 2:45
p.m.- 4:11 p.m.)

CHAIRMAN KOPEL: Okay, we're back to
Rules. First of all, there's a motion to
suspend the Rules made by Mr. McKevitt,
seconded by Mr. Ferretti.

All those in favor of suspending the
rules, please say, "Aye".

(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal

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response.)

CHAIRMAN KOPEL: Those items pass
unanimously.

CHAIRMAN KOPEL: The Rules are
suspended.

I'm going to call consent items on
the main Calendar: 45, 46, 47, 48, 49,
50, 51, 52, 56; on the Addendum: 59, 60,
61, 62.

All those in favor of those items,
please say, "Aye".

(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: Those items pass
unanimously.

MR. LEIMONE: Did you call 54?

LEGISLATOR MCKEVITT: I'm recused.

CHAIRMAN KOPEL: Now, 54. Legislator
McKevitt is recusing himself. He did not
take part in the discussion or debate and

will not vote.

(Whereupon, Legislator
McKevitt leaves the Chambers.)

CHAIRMAN KOPEL: All in favor of
item 54, say, "Aye".

(Whereupon, all members
present of the Rules Committee
respond in favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: That is 6-0.

Legislator McKevitt should come back
now, please.

(Whereupon, Legislator
McKevitt returns to Chambers.)

CHAIRMAN KOPEL: Number 57 is a
resolution to confirm the County
Executive's appointment of Charles G.
McQuair as Judge of the District Court.

Motion by Mr. Kennedy, seconded by
Legislator Bynoe.

Any debate or discussion on that?

LEGISLATOR DERIGGI-WHITTON: Are

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they going to be here in person?

CHAIRMAN KOPEL: Yes. That's what I'm just asking, I suppose.

MR. LEIMONE: Chris Leimone. Yes. They'll both be here at Full Legislature.

CHAIRMAN KOPEL: All right. Thank you.

That being the case, all those in favor of moving this on, please say, "Aye".

(Whereupon, all members of the Rules Committee respond in favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal response.)

CHAIRMAN KOPEL: Unanimous.

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2 CHAIRMAN KOPEL: Number 58 is
3 confirming the appointment of Robert
4 Hughes, the Nassau County Vocational
5 Education Extension Board.

6 There's a motion by Legislator
7 Drucker, seconded by Deputy Presiding
8 Officer McKeivitt.

9 All those in favor of Item 58,
10 please say, "Aye".

11 (Whereupon, all members of
12 the Rules Committee respond in
13 favor with, "Aye".)

14 CHAIRMAN KOPEL: Opposed?

15 (Whereupon, no verbal
16 response.)

17 CHAIRMAN KOPEL: That item is
18 unanimous.

19 Now all together 63, 64, 65 and 66,
20 all in favor of those four items, please
21 say, "Aye".

22 (Whereupon, all members of
23 the Rules Committee respond in
24 favor with, "Aye".)

25 CHAIRMAN KOPEL: Those opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: Those are passed
unanimously.

That does it. Alternate Deputy
Presiding Officer Ferretti moves to
adjourn, Alternate Minority Leader
Drucker seconds the motion.

All those in favor of adjourning,
please say, "Aye".

(Whereupon, all members of
the Rules Committee respond in
favor with, "Aye".)

CHAIRMAN KOPEL: Any opposed?

(Whereupon, no verbal
response.)

CHAIRMAN KOPEL: We are adjourned.
Thank you.

(Whereupon, the Rules
Committee is adjourned, 4:16
p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public
for and within the State of New York, do
hereby certify:

That the above is a correct
transcription of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of March, 2024.

Karen Lorenzo

Karen Lorenzo

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