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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO

PRESIDING OFFICER

RULES COMMITTEE

LEGISLATOR RICHARD NICOLELLO

CHAIR

Theodore Roosevelt Building

1550 Franklin Avenue

Mineola, New York

February 24, 2020

9:51 P.M.

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

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4 LEGISLATOR RICHARD NICOLELLO

5 Chair

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7 LEGISLATOR HOWARD KOPEL

8 Vice Chair

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10 LEGISLATOR STEVEN RHOADS

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12 LEGISLATOR LAURA SCHAEFER

13

14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

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17 LEGISLATOR DELIA DERIGGI-WHITTON

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19 LEGISLATOR SIELA BYNOE

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1 Rules 2-24-20

2 LEGISLATOR NICOLELLO: Mike call
3 the roll.

4 MR. PULITZER: Thank you. Rules
5 Committee roll call. Legislator Siela Bynoe.

6 LEGISLATOR BYNOE: Here.

7 MR. PULITZER: Legislator Delia
8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON:
10 Here.

11 MR. PULITZER: Ranking Member
12 Kevan Abrahams.

13 LEGISLATOR ABRAHAMS: Here.

14 MR. PULITZER: Legislator Laura
15 Schaefer.

16 LEGISLATOR SCHAEFER: Here.

17 MR. PULITZER: Legislator Steven
18 Rhoads.

19 LEGISLATOR RHOADS: Present.

20 MR. PULITZER: Vice Chairman
21 Howard Kopel.

22 LEGISLATOR KOPEL: Here.

23 MR. PULITZER: Chairman Richard
24 Nicolello.

25 LEGISLATOR NICOLELLO: Here.

1 Rules 2-24-20

2 MR. PULITZER: We have a quorum
3 sir.

4 LEGISLATOR NICOLELLO: Thank
5 you. We have one item to be considered.
6 That's E18 of 2020. A resolution authorizing
7 the county executive to execute an amendment
8 to personal services agreement between the
9 County and Family and Children's Association.

10 Moved by Legislator Rhoads.
11 Seconded by Legislator Bynoe. That's before
12 us. We have several individuals at the
13 podium. And I know that you have the report
14 of the IG and she had posed several
15 questions. I'd like you to attend to those.

16 MR. KANOWITZ: Michael Kanowitz
17 from DSS. I believe as to the second point
18 that the representative of the county
19 attorney's office will address part of that.

20 As to the first part, I believe you
21 have been provided with a revised summary of
22 the services and that corrects a clerical
23 error in the nature of the services under the
24 contract.

25 LEGISLATOR NICOLELLO: So the

1 Rules 2-24-20

2 revised summary contains an accurate
3 description of the services the county is
4 contracting for?

5 MR. KANOWITZ: Yes. I believe
6 that to be correct.

7 As to the second point on the term.

8 MR. HERTZFELD: Paul Hertzfeld
9 from the county attorney's office. The second
10 point is in response to the Office of the
11 Inspector General's question about the
12 extension of the contract beyond 2018. And
13 there was an extension at the end of 2018 that
14 went through 2019. I believe it was approved
15 by the legislature. Now again the contract is
16 being extended for an additional year.

17 Now, the original contract from
18 2014 had four single year extensions to it
19 which the county could exercise at its own
20 option. The last two extensions were not at
21 the sole option of the county because luckily
22 Family and Children's Association agreed to
23 them. They're having agreed to them and the
24 leg hopefully approving them the extensions
25 were perfectly lawful.

1 Rules 2-24-20

2 LEGISLATOR NICOLELLO: So then
3 it's your testimony that the contract was in
4 fact extended through 2019?

5 MR. HERTZFELD: That's my
6 understanding based on the documentation I've
7 seen that there was a one-year extension and
8 now there is an additional extension that it
9 was done on consent of the Family and
10 Children's Association. It wasn't as of
11 right. We didn't have a right to demand it
12 because those were only for the first four
13 years but it was agreed to.

14 LEGISLATOR NICOLELLO: I think
15 what she's asking though is -- I'll tell you
16 what she's asking. Is it correct that the
17 extensions should have been exhausted in
18 2018?

19 MR. HERTZFELD: It's correct that
20 the -- our right to demand renewals on the
21 same terms and conditions exhausted at the end
22 of 2018. But if parties agreed, which they
23 did, to extend them for two additional years
24 it's legally permissible.

25 The question is whether -- if

1 Rules 2-24-20

2 you're asking whether or not there should be a
3 new procurement at this point? I think that's
4 a different question. But that doesn't
5 really -- the question of whether these
6 extensions are legally permissible and
7 enforceable contracts the answer to that is
8 clearly yes.

9 LEGISLATOR NICOLELLO: I think
10 that answers that.

11 Lastly, the third point.

12 MR. HERTZFELD: As to the third
13 point, it is my basic understanding that it is
14 the services -- the payment is for the entire
15 program and not on a per child basis. That is
16 my best understanding.

17 LEGISLATOR NICOLELLO:
18 Specifically she asks whether we are paying
19 for 60 families but only servicing less than
20 30.

21 MR. KANOWITZ: Again, it's my
22 understanding it is the program. My
23 understanding is that as of through 2019, the
24 information that was provided to me, is that
25 24 families were serviced under this program.

1 Rules 2-24-20

2 But again, it is my understanding it is for
3 the entire program is the nature of the
4 contract and not per family.

5 LEGISLATOR ABRAHAMS: I'd just
6 like to follow-up. I apologize about having
7 you go back and forth to the podium. I
8 understand that the contract is for this
9 program. So I'm confused on where is the IG
10 getting the reference of 60 families? Is that
11 indicated in the contract?

12 MR. KANOWITZ: I believe that the
13 original contract indicates -- I want to make
14 sure I state this to you correctly -- it does
15 provide for 60 families in the original
16 contract going back to 2013. I believe that
17 to be the case.

18 LEGISLATOR ABRAHAMS: So the
19 original contract referenced the 60. That's
20 where she's coming up with that number?

21 MR. KANOWITZ: I believe so.

22 LEGISLATOR ABRAHAMS: When did it
23 morph from 60 families being concrete to a
24 program funded?

25 MR. KANOWITZ: Well, again, I

1 Rules 2-24-20

2 feel it's my understanding, I cannot fully
3 address that question. I think it's beyond my
4 particular knowledge. And it assumes a
5 certain -- that it wasn't always that you were
6 paying for the program in it's entirety and
7 not per family.

8 LEGISLATOR ABRAHAMS: Who would
9 be able to answer the question on whether or
10 not year to year how many families we have
11 servicing? If we're servicing 24 now in 2015
12 were we servicing 15?

13 MR. KANOWITZ: I would have to go
14 back and try to obtain an answer for you on
15 that. I don't have that knowledge.

16 LEGISLATOR NICOLELLO: Just to
17 clarify our understanding. Are we paying for
18 60 families to be serviced? Are we paying for
19 the service to be provided? And if it turns
20 out to be 60 that's good but it could be
21 less?

22 MS. HORST: Katy Horst from the
23 county executive's office. So, I spoke with
24 Jeff Reynolds earlier this evening. The
25 program funds the staff who runs -- the

1 Rules 2-24-20

2 funding, the money is used to fund the staff
3 to run the program. Last year I believe it
4 was about 24, 25 families that used the
5 program. They currently have 11 cases in
6 2020. They've got four family support
7 homemakers, one office manager, one supervisor
8 and a part time of another employee.

9 The program has a capacity of 20
10 cases per case worker at a time and they
11 currently have 11 cases open. We don't pay by
12 the case. We pay to fund the program for the
13 year.

14 I spoke with Brendan Roach from DSS
15 earlier today and he said about 90 percent of
16 their contracts are funded this way where we
17 fund the entire program for the year. And of
18 course we do reconciliation and we don't give
19 all the money upfront. But this is how most
20 of the DSS social programs are operated.

21 LEGISLATOR NICOLELLO: We fund
22 the program itself whether they wind up
23 helping 60 families or they help 30 families
24 or 20 families?

25 MS. HORST: And every year it

1 Rules 2-24-20

2 fluctuates. And we're happy to get the
3 numbers of how many families the program has
4 serviced over the life of the contract.

5 LEGISLATOR NICOLELLO: What's the
6 term of this contract?

7 MS. HORST: This is a one-year
8 extension. I believe DSS is looking to go out
9 for an RFP for the 2021 services.

10 LEGISLATOR NICOLELLO: All right.

11 LEGISLATOR SCHAEFER: I just have
12 a couple of quick questions. When you
13 mentioned reconciliation you're talking about
14 what? like taking a look at the program and
15 seeing if your needs are different the
16 following year?

17 MS. HORST: That the money that
18 we've provided is money they've spent.

19 LEGISLATOR SCHAEFER: Can you
20 tell me anything about Project Independence?
21 Anybody there?

22 MR. KANOWITZ: My understanding
23 is that that Project Independence is a totally
24 separate program and contract.

25 LEGISLATOR SCHAEFER: Is it

1 Rules 2-24-20

2 handled same way as this one?

3 MR. KANOWITZ: I would not be
4 able to fully respond to you on that, and I
5 would have to go back and seek further
6 information for you.

7 MS. HORST: We can get you like a
8 one pager on the program and how it works and
9 if it's similar.

10 LEGISLATOR SCHAEFER: Thank you.

11 LEGISLATOR NICOLELLO: I think we
12 are going to move ahead on this. I think I'm
13 in agreement with the Minority Leader. We
14 want to see an RFP for -- beyond this
15 extension we want to see something new.

16 Any other debate or discussion?
17 All in favor signify by saying aye. Those
18 opposed? Carries unanimously.

19 Motion to adjourn by Legislator
20 DeRiggi-Whitton. Seconded by Deputy Presiding
21 Officer Kopel. All those in favor of
22 adjourning signify by saying aye. We are
23 adjourned.

24 (Meeting was adjourned at 10 p.m.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 27th day of
February 2020

FRANK GRAY