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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,
Presiding Officer

PUBLIC WORKS AND PARKS COMMITTEE

VINCENT MUSCARELLA, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, May 7, 2018
3:29 P.M

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

VINCENT MUSCARELLA,
Chairman

C. WILLIAM GAYLOR, III
Vice Chairman

LAURA SCHAEFER

JAMES KENNEDY

SIELA BYNOE,
Ranking

ARNOLD DRUCKER

JOSHUA LAFAZAN

MICHAEL PULITZER
Clerk of the Legislature

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LIST OF SPEAKERS

BRIAN SCHNEIDER 5
META MEREDAY 18

1 Public Works and Parks/5-7-18

2 CHAIRMAN MUSCARELLA: I call the
3 Public Works and Parks Committee to order.
4 I will act as the clerk and call the roll.
5 Vice Chairman Gaylor?

6 LEGISLATOR GAYLOR: Present.

7 CHAIRMAN MUSCARELLA: Ms.
8 Schaefer?

9 LEGISLATOR SCHAEFER: Here.

10 CHAIRMAN MUSCARELLA: Mr.
11 Kennedy?

12 LEGISLATOR KENNEDY: Here.

13 CHAIRMAN MUSCARELLA: Ranking
14 Member Bynoe?

15 LEGISLATOR BYNOE: Here.

16 CHAIRMAN MUSCARELLA: Mr.
17 Drucker?

18 LEGISLATOR DRUCKER: Here.

19 CHAIRMAN MUSCARELLA: Mr.

20 Lafazan?

21 LEGISLATOR LAFAZAN: Here.

22 CHAIRMAN MUSCARELLA: We have a
23 quorum. First up is Item 172 of '18, a
24 resolution authorizing the County Executive
25 to execute an agreement with the New York

1 Public Works and Parks/5-7-18
2 State Environmental Facilities Corporation
3 in relation to New York State's septic
4 system replacement program.

5 LEGISLATOR GAYLOR: So moved.

6 LEGISLATOR SCHAEFER: Second.

7 CHAIRMAN MUSCARELLA: Motion by
8 Mr. Gaylor, seconded by Ms. Schaefer. The
9 item is before us.

10 Who do we have to speak on this?

11 MR. SCHNEIDER: Brian Schneider,
12 Deputy County Executive. This item 172-18
13 is an agreement with the New York State
14 Environmental Facilities Corporation to
15 participate in a state septic system
16 replacement program.

17 The state has allocated \$1
18 million towards the replacement of failing
19 septic systems in priority geographic areas
20 to be designated by the DEC and the New York
21 State Department of Health.

22 Eligible projects will be
23 reimbursed through this program up to 50
24 percent of the total cost of the septic
25 system replacement with a maximum of \$10,000

1 Public Works and Parks/5-7-18

2 per household.

3 This equates to roughly 100
4 households will be able to participate in
5 the program.

6 Once homeowners are notified tat
7 they have an eligible project an award
8 letter will come out from the county. The
9 homeowners will then be responsible for the
10 total cost of the replacement.

11 The homeowner can choose to have
12 the reimbursement fee directly to their
13 contractor or it could go to them.

14 It's the intent of this program
15 to reduce the environmental and public
16 health impacts associated with the discharge
17 of effluent from failing cesspools and
18 septic systems to ground water, uses
19 drinking water, as well as threatened or
20 impaired water bodies.

21 The Departments of Public Works
22 and Health will be working out the details
23 on the management of this program as we
24 learn more from EFC after this agreement has
25 been executed.

1 Public Works and Parks/5-7-18

2 I have also had a discussion with
3 the Commissioner of Consumer Affairs, Greg
4 May, to be sure that the paperwork will be
5 in order to be sure that the funds that are
6 going to be requested for reimbursement
7 coming from EFC through the county will be
8 all in order and will conform with EFC's
9 requirements reduce.

10 CHAIRMAN MUSCARELLA: Thank you,
11 Mr. Schneider. Is there anything that
12 requires a homeowner to participate in this
13 program?

14 MR. SCHNEIDER: There is no
15 demand certainly from the county. It's a
16 voluntary participation.

17 You can see what's happening out
18 in Suffolk County which has a completely
19 different scope, 75 percent of the
20 population in Suffolk County is on
21 individual cesspools and septic systems,
22 where as in Nassau 90 percent of the
23 population is covered in a centralized
24 sanitary system.

25 So there is other only about

1 Public Works and Parks/5-7-18
2 40,000 homes primary on the north shore of
3 Nassau County that have individual septic
4 systems.

5 We're really going to be -- and
6 the DEC is really going to be driving home
7 the geographic areas that are definitely in
8 need to replace their septic systems that
9 are having an impact on primarily the
10 impacted local water bodies which are
11 primarily the north shore.

12 CHAIRMAN MUSCARELLA: And it
13 would make sense for a homeowner who has a
14 problem with their system to participate but
15 the county is not going out and knocking on
16 doors and saying you must remedy the
17 situation?

18 MR. SCHNEIDER: No. We just
19 don't have jurisdiction, especially along
20 the north shore, the local jurisdictions
21 have the overarching authority for septic
22 systems.

23 I would imagine that most people
24 who are having problems who need to pump out
25 their systems on a monthly basis, that's a

1 Public Works and Parks/5-7-18
2 considerable expense that they're incurring.
3 If they're not working that means they're
4 having a negative impact on the environment.

5 CHAIRMAN MUSCARELLA: And they
6 should welcome this?

7 MR. SCHNEIDER: Absolutely.

8 So there is \$1 million that's
9 been set aside for this program this year.
10 Keeping in mind that the state has
11 authorized \$2.5 million in water quality
12 improvements throughout the state.

13 There is an excellent possibility
14 that there will be additional funding
15 depending upon how the program is rolled out
16 next year.

17 CHAIRMAN MUSCARELLA: Any
18 questions? Ms. Schaefer.

19 LEGISLATOR SCHAEFER: Hi. Since
20 you can identify or I assume you can
21 identify the households that have the septic
22 systems, correct, or is it the general area?

23 MR. SCHNEIDER: Yes. For the
24 most part in geographic areas, we know
25 pretty much who is connected and who is not

1 Public Works and Parks/5-7-18
2 connected.

3 LEGISLATOR SCHAEFER: Is the
4 administration doing some sort of outreach
5 directly to those areas?

6 MR. SCHNEIDER: That's a great
7 question. That's something we will be doing
8 once we execute the agreement with EFC. EFC
9 has put us under the gun timewise to
10 participate in the program. January 18th we
11 signed basically a notice of intent to be
12 included in the program.

13 A month later they sent us not
14 even full agreement, just kind of an
15 appended agreement that we needed to sign
16 and that's why I'm here today.

17 We will be getting more
18 information from EFC after the agreement is
19 executed and then we will be able to roll
20 out the program as we discussed with the
21 county health department but we need to
22 reach out to the individual municipalities
23 along the north shore that have the actual
24 jurisdiction to monitor and also to approve
25 septic systems. The county does not. We do

1 Public Works and Parks/5-7-18

2 not have a program to approval individual
3 residential septic systems.

4 LEGISLATOR SCHAEFER: Thank you.

5 CHAIRMAN MUSCARELLA: Ms. Bynoe.

6 LEGISLATOR BYNOE: Thank you,
7 Chairman. Hi Mr. Schneider. I have
8 questions of how the grant will be
9 administered.

10 Is this going to be, number one,
11 are we going to be doing it in-house?

12 MR. SCHNEIDER: It's our
13 intention to do it in-house keeping in mind
14 there is a number of management things we
15 have to do. There are some financial
16 auditing things we need to do to comply with
17 EFC requirements.

18 I have not been able to get an
19 answer from the EFC if we can utilize the
20 funds from this \$1 million grant for
21 management. Even a nominal amount to cover
22 our time. So that's a question they have
23 not been able to answer yet.

24 I can't entirely tell you whether
25 or not it's going to be done in-house or

1 Public Works and Parks/5-7-18

2 not.

3 From a staffing standpoint, it's
4 giong to be an issue.

5 LEGISLATOR BYNOE: Going to be a
6 challenge.

7 MR. SCHNEIDER: Yes, absolutely,
8 especially if we are going to be reaching
9 out to potentially 40,000 residents who
10 potentially could be eligible for
11 reimbursement.

12 LEGISLATOR BYNOE: So there goes
13 the rest of my questions because you don't
14 have a framework yet. So I was just
15 wondering, you mentioned Commissioner May.
16 Can you clarify again what you believe his
17 role would be?

18 MR. SCHNEIDER: It would really
19 be a recordkeeping issue just to make sure
20 funds coming from the state would not be
21 misappropriated or misused in any way.

22 There are going to be auditing
23 criteria that we are going to need to
24 conform to. So it was not a detailed
25 conversation with Mr. May.

1 Public Works and Parks/5-7-18

2 It was like, all right. We are
3 area going to have this program. It's going
4 to be a little bit of an issue going
5 forward, we have to figure out how to roll
6 it out.

7 So we need to staff up and figure
8 out the best way to utilize these funds to
9 make sure they get in the hands of the
10 people who actually need it the most.

11 LEGISLATOR BYNOE: Just
12 administering those types of programs is
13 going to require us to decide whether we are
14 going to use a Lottery type of selection
15 process or whether we're going to do it on a
16 first come first serve with a time stamp
17 water mark type of placement on the
18 applications that come in.

19 MR. SCHNEIDER: That's a good
20 point but I think in order to be eligible in
21 my conversations with EFC, there is going to
22 be very specific criteria for eligibility in
23 these systems.

24 So if you have an existing septic
25 system that is failing in your estimation

1 Public Works and Parks/5-7-18
2 because you are pumping it out every month
3 or so, EFC is going to want to and it's
4 being seen in Suffolk County, they want to
5 see a marked reduction in the amount of
6 nitrogen that is being produced in your
7 septic system.

8 One of the criteria is, they want
9 to see a 30 percent reduction in nitrogen.
10 That's not going to be a simple replacement.
11 That's going to be using an innovative
12 alternative system that's, if you're reading
13 in Newsday, being approved in Suffolk
14 County, these systems are between 15 and
15 \$20,000 a shot in order to meet those water
16 quality goals.

17 It's not simply going to be, we
18 have a Lottery, let's start taking names and
19 numbers. There needs to be a definitive
20 methodology on what system you're going to
21 use and how you are going to be improving
22 water quality especially when we talk about
23 sanitary effluent.

24 LEGISLATOR BYNOE: So the
25 reduction is -- eligibility will be

1 Public Works and Parks/5-7-18
2 determined on that, and whether you can
3 reduce?

4 MR. SCHNEIDER: Correct.

5 LEGISLATOR BYNOE: And we might
6 even suggest certain equipment or a process
7 that would be undertaken as opposed to,
8 like you say, not just a simple replacement.
9 What is the next best technology and we may
10 even suggest what that is.

11 MR. SCHNEIDER: We are going to
12 be learning a lot from Suffolk County. They
13 are going through this rigorous process
14 through their health department in getting
15 manufacturers approved.

16 They are having manufacturers
17 come in and they are volunteering their
18 time, they're donating their services to
19 prove that their technology is something
20 that will make -- give the biggest benefit
21 to the residents and to the environment.

22 Those are the things you're
23 reading about in the paper; probably six or
24 seven technologies that are approved, but
25 each situation is going to have to stand on

1 Public Works and Parks/5-7-18
2 its own.

3 We need to learn a lesson from
4 Suffolk County. We are not going to be
5 reinventing the wheel here.

6 LEGISLATOR BYNOE: So there will
7 be an adjustment to the sanitary code?

8 MR. SCHNEIDER: That's something
9 we have been talking with the health
10 department about with Don Irwin, that's
11 something that we probably have to consider.

12 But, again, we will not want to
13 make any rash decisions. We want to be able
14 to take what Suffolk County is doing and
15 kind of mirror what they're looking at.

16 LEGISLATOR BYNOE: Understood.
17 Thank you very much.

18 CHAIRMAN MUSCARELLA: Any other
19 questions? Mr. Lafazan.

20 LEGISLATOR LAFAZAN: Thanks, Mr.
21 Chairman and thanks again for spending time
22 with us this afternoon.

23 Regarding this grant program,
24 don't we as a county need sub-watershed
25 waste water plants?

1 Public Works and Parks/5-7-18

2 MR. SCHNEIDER: There is a Long
3 Island Nitrogen Action Plan that has been
4 rolled out by the state Governor's Office.

5 They have allocated \$5 million to
6 the DEC to conduct sub watershed plans.
7 Right now, the LINAP, the Long Island
8 National Action Plan Group, is conducting
9 sub watershed analysis in Suffolk County.
10 When they complete that work they will shift
11 over to Nassau County and there will be sub
12 watershed plans and delineations made which
13 are actually going to be -- actually going
14 to delineate where in those water sheds the
15 priority areas are going to be.

16 LEGISLATOR LAFAZAN: Do we have a
17 time line?

18 MR. SCHNEIDER: I actually have a
19 meeting with LINAP tomorrow. I will have an
20 update and I was going to mention the same
21 thing to Minority Counsel Kleins that I will
22 have an update tomorrow on when they
23 anticipate finishing the sub watershed plans
24 in Nassau County.

25 We already sit on a sub committee

1 Public Works and Parks/5-7-18
2 for Nassau County. We provided them a
3 wealth of information on GIS, on water
4 quality that we have already collected over
5 the years. They already have the ground
6 work for the modeling that's necessary to
7 move forward with the sub watershed plans in
8 Nassau County.

9 LEGISLATOR LAFAZAN: Thank you
10 very much.

11 CHAIRMAN MUSCARELLA: Any other
12 questions?

13 (No verbal response.)

14 Any public comment? Ms. Mereday.

15 MS. MEREDAY: Meta J. Mereday,
16 Baldwin resident. I am concerned about if
17 we're going into this agreement I'm hopeful
18 that the county will make some
19 recommendations with regard to the selection
20 process.

21 If we're talking about 100 homes
22 at a \$10,000 rate, and we have a number of
23 residents that cannot pay that money up
24 front. We a number of residents that are
25 still trying to collect from the

1 Public Works and Parks/5-7-18
2 reimbursements that they were promised from
3 Super Storm Sandy.

4 I'm hoping again that we do have
5 some consideration with regard to those
6 residents who may fit the criteria but not
7 able to fit the economic impact or the
8 economic requirement for that.

9 So that's what I'm hoping that is
10 something that can be taken into
11 consideration, and, secondly, again, with
12 regard to the representation of the vendors
13 involved with this process, I'm hoping that
14 the procurement and outreach will be
15 inclusive and will be diverse.

16 It's always nice to hear that
17 people are trying to audit funds and to
18 review the actual application process and
19 not recreating the wheel because we seem to
20 do that a lot here and it's very costly.

21 I'm encouraged we are waiting to
22 get information and research from another
23 location. I'm encouraged by that. At least
24 that will save the taxpayers some money, but
25 being that we have the second highest taxes

1 Public Works and Parks/5-7-18
2 in the county, and Suffolk has the eighth
3 highest taxes in the county, I guess a
4 little bit can go a long way.

5 As I said, I'm hoping that there
6 is that requirement that we can look at the
7 needs of those who are underserved. We have
8 a lot of seniors. We have a number of them
9 who are veterans who are strapped. They can
10 not do that initial outlay and wait for the
11 state to decide when they want to give the
12 money back.

13 There are not a lot of
14 facilities, I'm not sure how many facilities
15 on the north shore that still have septic
16 tanks or cesspools, but we do have a number
17 of nursing homes and assisted living
18 facilities, we need to be sure we are
19 recognizing those specific needs as well.

20 And last, but certainly not
21 least, the protection of our water overall
22 because we do have some significant tax on
23 our water supply and things of this nature
24 are equally important when we are talking
25 about how we are addressing our waste water.

1 Public Works and Parks/5-7-18

2 And those of us who live in the
3 South Shore particularly in Baldwin, we are
4 always interested in finding out how we can
5 effectively address the effluent since we
6 are the ones who have to be addressing that
7 when you start digging up to move the
8 effluent. However, it is going to be
9 treated or downsized or de-neutralized or
10 whatever terminology you choose to use
11 through our residential properties in the
12 Baldwin and Baldwin Harbor area.

13 I just wanted to put that on the
14 record and in the minds of those who are
15 making the decisions that are impacting
16 those of us who are closer to the ground.
17 Thank you.

18 CHAIRMAN MUSCARELLA: All in
19 favor signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 That item carries.

24 Next up is Item 207 of '18, a
25 resolution designating Brian Schneider as a

1 Public Works and Parks/5-7-18
2 responsible local official for the New York
3 State Department of Transportations,
4 equitable business opportunities system.
5 Motion, please?

6 LEGISLATOR GAYLOR: So moved.

7 LEGISLATOR SCHAEFER: Second.

8 CHAIRMAN MUSCARELLA: Motion by
9 Mr. Gaylor, seconded by Ms. Schaefer. That
10 item is before us.

11 Who do we have speaking? Do we
12 have Mr. Schneider coming up to speak on
13 this? I see you're accompanied by two other
14 people.

15 MR. SCHNEIDER: Well, apparently
16 I came down at the wrong time because I
17 apparently drew the short straw.

18 So for the purposes of utilizing
19 New York State DOT's Equitable Business
20 Opportunity System, there needs to be a
21 designee from the department to be a
22 responsible local official.

23 I believe that I fall into each
24 of those three categories. So I'm just
25 asking that I can be designated as the

1 Public Works and Parks/5-7-18
2 responsible local official.

3 CHAIRMAN MUSCARELLA: Could you
4 tell us what those three categories are?

5 MR. SCHNEIDER: Responsible local
6 official.

7 CHAIRMAN MUSCARELLA: Do we have
8 any questions of Mr. Schneider? Mr. Gaylor.

9 LEGISLATOR GAYLOR: So the
10 function of this position is to satisfy
11 contractual reporting requirements. Do you
12 currently do that as the Deputy County
13 Executive or is that a function of the DPW?

14 MR. SCHNEIDER: That's the
15 function of DPW and it was something since
16 the new administration came in in early
17 January, there needed to be a new designee.

18 LEGISLATOR GAYLOR: So you in
19 your position as Deputy County Executive
20 review all the contracts of DPW before they
21 go any where or as part of the process?

22 MR. SCHNEIDER: You're talking
23 about DOT contracts or any contracts?

24 LEGISLATOR GAYLOR: All.

25 MR. SCHNEIDER: Yes, correct.

1 Public Works and Parks/5-7-18

2 This specific item relates to DOT contracts.

3 LEGISLATOR GAYLOR: Thank you.

4 CHAIRMAN NICOLELLO: Any other
5 questions?

6 (No verbal response.)

7 Any public comment? Ms. Mereday.

8 MS. MEREDAY: Meta J. Mereday.

9 I'm just seeking some some additional
10 information with regard to the structure of
11 this Equitable Business Opportunity System
12 since we are talking about a New York State
13 Department of Transportation which I'm
14 gathering receives federal funding as well,
15 since most of you and some of you who may
16 not know, my focus, my primary focus is
17 about addressing the lack of the
18 representation and inclusion of services for
19 veteran owned businesses to a significant
20 extent in Nassau County as far as funding.

21 Transportation is something that
22 is very key and necessary to our county. So
23 I'm hopeful, I have to remain hopeful that
24 we are looking in a different direction
25 because I don't know of anyone else, I'm

1 Public Works and Parks/5-7-18

2 really tired about hearing about the number
3 of lawsuits that Nassau County is involved
4 in while I'm also trying to fight the number
5 of zombie houses increasing in my community
6 and others.

7 If we continue to violate federal
8 and state law as it pertains to the lack of
9 outreach which leads to the lack of
10 inclusion of our service disabled and
11 veteran owned businesses that have a growing
12 majority of minorities, particular women of
13 color.

14 It forces those of us who to
15 start to consider that we might need to join
16 that band wagon of class action because
17 that's the only way we seem to get any
18 action or attention.

19 I just need for me just some
20 clarity as to what the role is going to be
21 as opposed to just being the responsible
22 local official. I'm looking for someone to
23 be a little more innovative, a little more
24 aggressive, a little more proactive so that
25 we can start to look for opportunities to

1 Public Works and Parks/5-7-18
2 keep our veterans in their homes here, to
3 keep our student veterans who go to our
4 universities and colleges here and to
5 provide opportunities to generate those
6 alliances because we have a growing older
7 population on the north shore and we have a
8 working force on the South Shore who can't
9 get there.

10 Since I have been told Long
11 Island Railroad cannot possibly get the
12 infrastructure to go from south to north, we
13 need to do something to focus on our busing
14 system and our transport to address those
15 needs.

16 So that's kind of where I am.
17 I'm going to remain hopeful. I look forward
18 to working with Mr. Schneider because I'm
19 really not all about just coming to these
20 meetings. I also have to be out here in
21 those trenches to address these unmet needs
22 on my own with my limited resources and
23 still try to pay these taxes to stay here as
24 well.

25 So, since you have all been

1 Public Works and Parks/5-7-18
2 listening attentively, I appreciate it.
3 Thank you.

4 CHAIRMAN MUSCARELLA: Thank you,
5 Ms. Mereday. Any other public comment?

6 (No verbal response.)

7 All those in favor please say
8 aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 That item carries. We have no
13 other business. Motion to adjourn?

14 LEGISLATOR BYNOE: So moved.

15 LEGISLATOR DRUCKER: Second.

16 CHAIRMAN MUSCARELLA: Motion by
17 Ms. Bynoe, seconded by Mr. Drucker. All
18 those in favor?

19 (Aye.)

20 We are adjourned. Next up is
21 Health.

22 (Whereupon, the Public Works,
23 Planning and Environment Committee adjourned
24 at 3:51 p.m.)

25

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 24th day of May, 2018.

FRANK GRAY