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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

LAURA SCHAEFER, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, June 4, 2018
2:35 P.M

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

3

4 LAURA SCHAEFER,
 Chairwoman5 THOMAS MCKEVITT,
 Vice Chairman

6

STEVEN RHOADS

7

DENISE FORD

8

9 ARNOLD DRUCKER,
 Ranking

10 JOSHUA LAFAZAN

11 SIELA BYNOE

12 MICHAEL PULITZER,
 Clerk of the Legislature

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1 Planning & Development/6-4-18

2 CHAIRWOMAN SCHAEFER: At this
3 time I will call the Planning, Development
4 and Environment Committee to order, please.

5 We are waiting for Legislator
6 Ford and Legislator Bynoe.

7 Clerk, can you call the roll?

8 CLERK PULITZER: Thank you,
9 Madam. Planning, Development and the
10 Environment Committee roll call. Legislator
11 Siela Bynoe?

12 LEGISLATOR BYNOE: Here.

13 CLERK PULITZER: Legislator
14 Joshua Lafazan?

15 LEGISLATOR LAFAZAN: Here.

16 CLERK PULITZER: Ranking Member
17 Arnold Drucker?

18 LEGISLATOR DRUCKER: Here.

19 CLERK PULITZER: Legislator
20 Denise Ford?

21 LEGISLATOR FORD: Here.

22 CLERK PULITZER: Legislator
23 Steven Rhoads?

24 LEGISLATOR RHOADS: Present.

25 CLERK PULITZER: Vice Chairman

1 Planning & Development/6-4-18

2 Thomas McKeivitt?

3 LEGISLATOR MCKEVITT: Here.

4 CLERK PULITZER: Chairwoman

5 Laura Schaefer?

6 CHAIRWOMAN SCHAEFER: Here.

7 CLERK PULITZER: We have a
8 quorum.

9 CHAIRWOMAN SCHAEFER: Thank you.
10 We have two items on the agenda today. The
11 first one is Clerk Item 146-18. This is a
12 resolution to amend resolution number
13 107-2013 which is a resolution establishing
14 the Long Island Commission on Aquifer
15 Protection. Do I have a motion?

16 LEGISLATOR RHOADS: So moved.

17 LEGISLATOR FORD: Second.

18 CHAIRWOMAN SCHAEFER: Moved by
19 Legislator Rhoads, seconded by Legislator
20 Ford. Someone to speak on this?
21 Mr. Schneider.

22 MR. SCHNEIDER: Brian Schneider,
23 Deputy County Executive for Parks and Public
24 Works. This item is a resolution to extend
25 the Long Island Commission on Aquifer

1 Planning & Development/6-4-18
2 Protection resolution for an additional five
3 years.

4 With me is Jeff Zabo who is the
5 vice chair for LICAP and also the CEO for
6 Suffolk County Water Authority and with him
7 is John Malazzo, the counsel for the LICAP
8 commission.

9 So I know there has been a lot of
10 discussion internally on both sides of the
11 caucus. If you have any questions, I have
12 both gentlemen here to answer.

13 CHAIRWOMAN SCHAEFER: Thank you.
14 Legislator Rhoads.

15 LEGISLATOR RHOADS: For the
16 benefit of the record, why don't we just --
17 I know that we are all familiar with LICAP's
18 function, but why don't we just go through
19 what LICAP is and what is it that you do?

20 MR. ZABO: Good afternoon. My
21 name is Jeff Zabo, vice chair of LICAP. I
22 want to begin by thanking the legislators
23 for showing tremendous wisdom four plus
24 years ago when they voted unanimously to
25 create the Long Island Commission for

1 Planning & Development/6-4-18

2 Aquifer Protection.

3 It was a historic moment for
4 regional -- looking at drinking water from a
5 regional perspective. This body approved it
6 unanimously as did the Suffolk County
7 Legislature.

8 LICAP is an organization
9 comprised of individuals from all aspects of
10 government, USGS, water providers, health
11 department, elected officials, New York
12 State DEC, community activists,
13 environmentalists, academia. They all came
14 together to look at drinking water from a
15 regional perspective. That's something that
16 really had not been done here on Long Island
17 over the years.

18 So we were charged with looking
19 at water quality and quantity. We have done
20 that over the last four plus years. We
21 completed state of the aquifer report. We
22 have since updated that report.

23 We have since issued a
24 groundwater management resource plan which
25 we are now expanding the scope of and hope

1 Planning & Development/6-4-18
2 to add additional features at the request of
3 both Nassau County and Suffolk County to
4 issue a new RFP to complete that work.

5 But we think that we have built a
6 very, very strong foundation and the good
7 work of this commission should not stop.

8 Two weeks ago the Suffolk County
9 Legislature voted to reauthorize LICAP for
10 another five years. I thank you for your
11 past support and I ask that you also
12 reauthorize the commission today.

13 CHAIRWOMAN SCHAEFER: Thank you.
14 Any questions? Legislator Ford.

15 LEGISLATOR FORD: I see that you
16 set to expire at the end of this year. What
17 is the purpose of us doing it now?

18 MR. ZABO: The sponsors of the
19 reauthorization from Suffolk County wanted
20 to move forward as quickly as possible this
21 year which we appreciate because at the time
22 it was reauthorized in Suffolk we were
23 seeking and had been awarded New York State
24 funding.

25 Over the last two years we

1 Planning & Development/6-4-18
2 received a total of \$450,000 to continue our
3 mission.

4 I think it was important that we
5 show the state of New York that this entity
6 will not sunset at the end of 2018 but will
7 continue.

8 LEGISLATOR FORD: I see. Just
9 when you talked about the environmental
10 representatives, like what agencies are they
11 from, do you know?

12 MR. ZABO: I don't have the list
13 in front of me but certainly I know we
14 invite and try to be as inclusive as
15 possible. Maybe over 100 or 200
16 representatives again from various entities
17 but certainly Long Island Pine Barrens
18 Commission, Citizens Campaign For the
19 Environment, Long Island Farm Bureau, I can
20 go on and on.

21 LEGISLATOR FORD: Thank you. I
22 know you have an advocate up here who is on
23 the committee. So I just want to put it on
24 public record also that if I can get -- I
25 know that you have accomplished a lot in the

1 Planning & Development/6-4-18
2 past five years, so if it's possible to get
3 a list of what you've done so far before the
4 full committee I would really appreciate it.
5 I think it would be for all of
6 us. You gave us a good synopsis of what you
7 have done so far, the members of your
8 committee. So just like moving forward.
9 Perfect.

10 MR. ZABO: Here it is.

11 LEGISLATOR FORD: How about just
12 a list. I know Brian Schneider. I have a
13 lot of respect for him as well. He's on
14 this -- you are on this committee as well.

15 I would like to see because for
16 me the Lloyd is very important, and all of
17 our water needs to be protected. We are
18 trying our best and counting on you to make
19 sure we continue doing what we're doing and
20 even providing better protection. Thank
21 you.

22 LEGISLATOR DRUCKER: Madam Chair?

23 CHAIRWOMAN SCHAEFER: Legislator
24 Drucker.

25 LEGISLATOR DRUCKER: Good

1 Planning & Development/6-4-18
2 afternoon. The 2013 resolution stated that
3 you were ultimately to create a yet to be
4 established entity. Do you remember that?
5 The provision has been removed from the 2018
6 resolution.

7 So I'm just curious as to why
8 there no longer is a need to create a new
9 entity and why we are passing the power to
10 regulate and protect drinking water for the
11 state. Can you answer that for me, please?

12 MR. ZABO: That section, that
13 topic related to a new management entity was
14 fully vetted over the last several years in
15 numerous presentations, committee
16 discussions, presentations, discussions of
17 all various LICAP participants.

18 LEGISLATOR DRUCKER: But not
19 before this Legislature.

20 MR. ZABO: And when we issued
21 over 140 recommendations, actionable items
22 by the Nassau and Suffolk County Legislature
23 and other entities, that was not one of
24 them. That was discussed. When it came
25 time to make recommendations to this body it

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2 did not have any support. It was
3 unanimously decided that it would not be
4 part of the 140 plus recommendations.

5 LEGISLATOR DRUCKER: So you can
6 send us those 140 recommendation if we need
7 to see them?

8 MR. ZABO: I have them here with
9 me today. All of this information here
10 which is LICAP's work for four plus years
11 has been sent to all the legislators as they
12 have been produced over the last several
13 years but most certainly I can give you a
14 copy.

15 LEGISLATOR DRUCKER: But in
16 theory why would you object to that whole
17 notion that you were in the initial
18 inaugural year, you were designed, you were
19 formulated to try to gather data so that a
20 new localized entity could be formed and
21 created. Now, all of a sudden that's just
22 gone.

23 MR. ZABO: I think the
24 interpretation differs. John Malazzo,
25 counsel to LICAP is actually the individual

1 Planning & Development/6-4-18
2 who drafted the bill and gave it to both
3 Legislatures, maybe John can comment on the
4 wording and interpretation of that.

5 If I recall, that's a whereas
6 clause. It's not a resolved clause. John.

7 MR. MALAZZO: John Malazzo from
8 the Suffolk County Water Authority and I
9 also act as counsel to LICAP.

10 That issue on the management
11 entities has been fully vetted and the LICAP
12 members had 8 to 12 meetings. We have the
13 exact number debated whether there should be
14 a management entity. There were
15 presentations in favor of it and LICAP
16 members considered it and they decided not
17 to include that in their list of
18 recommendations that are in the interim
19 groundwater management plan which was
20 provided and which had public hearings in
21 this very room.

22 So it was explored. It was
23 discussed. It was debated. And the
24 membership of LICAP in the end chose not to
25 pursue that as a recommendation as something

1 Planning & Development/6-4-18

2 that needs to be done.

3 LEGISLATOR DRUCKER: Can you
4 articulate the reasons for that?

5 MR. MALAZZO: I can give you the
6 minutes of those meetings.

7 LEGISLATOR DRUCKER: I would like
8 you to summarize them for me.

9 MR. ZABO: I can answer. I think
10 primary the thrust of the argument for a new
11 taxing governmental entity to look at
12 oversight of drinking water on Long Island,
13 I think it was rejected because it would --
14 that decision, determination, cannot be made
15 at the local level. It would be an issue
16 for New York State to create a new entity,
17 take powers away from the state DEC and the
18 state health department and provide
19 oversight to drinking water in this region.

20 I think there was also concern
21 about having another level of bureaucracy
22 and another taxing jurisdiction to try to
23 address drinking water issues.

24 We believe that we have work to
25 do. It's not perfectly. LICAP is not

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2 perfect.

3 But we do think that the system
4 and the tools are in place to certainly move
5 the ball forward when it comes to drinking
6 water quality on Long Island.

7 LEGISLATOR DRUCKER: You don't
8 think that the problem we face of our sole
9 source aquifer here on Long Island is a
10 unique problem to this region that perhaps
11 an entity that is formulated, initiated, and
12 created here on Long Island would be better
13 served to evaluate and gather the data? You
14 think it's best served by a state wide
15 agency?

16 MR. ZABO: Sir, the Nassau
17 Legislature does not have the authority to
18 remove authority given to New York State
19 Department of Environmental Conservation and
20 New York State Department of Health. That's
21 just the law.

22 LEGISLATOR DRUCKER: I'm just
23 simply trying to go along with your 2013
24 resolution which you all agreed at that
25 time, that the purpose was to formulate a

1 Planning & Development/6-4-18

2 new entity.

3 MR. ZABO: That's not entirely
4 true.

5 LEGISLATOR DRUCKER: It says it
6 here, sir. I'm looking at it. Page 472 of
7 the 2013 resolution, "to ultimately create a
8 yet to be established entity."

9 MR. MALAZZO: That was in the
10 whereas provisions. And in the provisions
11 for what the plan was to include, it was to
12 explore that need and the experts and the
13 professionals decided that need doesn't
14 exist.

15 Again, that is an area of law
16 that is probably preempted by state
17 legislation, and what you are requesting has
18 occurred in that there have been those
19 discussions on what Long Island needs and
20 that's why you have an interim groundwater
21 management plan. Those recommendations of
22 what Long Island needs for its aquifer is in
23 the management plan.

24 That's why LICAP in vetting these
25 issues, came up with this list of

1 Planning & Development/6-4-18
2 recommendations. That wasn't a
3 recommendation of the membership of LICAP.

4 LEGISLATOR DRUCKER: Now, your
5 groundwater resources management plan, in
6 2013 you were formulated to gather this
7 data, issue reports, and your first report
8 was four years later, three years later,
9 2016.

10 What happened to the reports for
11 2014, 2015, 2017, where are those, were they
12 sent to the county?

13 MR. MALAZZO: When you use the
14 report you may be using it to describe two
15 things. There is a state of the aquifer
16 report that came out right after LICAP was
17 adopted and there has been one update.

18 LEGISLATOR DRUCKER: In 2016?

19 MR. MALAZZO: Yes. And the
20 groundwater management plan, which is
21 hundreds of pages, was adopted last year.

22 There were a significant number
23 of meetings. These are complicated issues
24 that took time to have everyone have their
25 participation and input into. There was a

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2 groundwater, state of the aquifer report, at
3 least one, two, with a third update that's
4 just been released.

5 LEGISLATOR DRUCKER: It took you
6 four years to get your first one out?

7 MR. MALAZZO: I disagree with
8 that. When you use the word "report," can I
9 ask what you are referring to?

10 LEGISLATOR DRUCKER: We have a
11 2016 report from you. We don't anything for
12 '14 and '15 and we didn't get one last year.
13 We have your 475 page one.

14 MR. MALAZZO: That report was
15 within two years. That's the management
16 plan. That's a significant amount of work
17 that went into that. These are volunteer
18 basis. That was the speed it took LICAP to
19 properly consider. Have the meetings to
20 discuss management entity, decide whether it
21 was necessary, and it took that long to come
22 up with a report.

23 LEGISLATOR DRUCKER: You're the
24 Suffolk Water Authority counsel; is that
25 correct?

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2 MR. MALAZZO: I work in the legal
3 department of Suffolk County Water
4 Authority, yes.

5 LEGISLATOR DRUCKER: Why do you
6 speak on behalf of LICAP?

7 MR. MALAZZO: The Water Authority
8 provides staff on a non-reimbursed basis to
9 LICAP and one of the jobs I have is I work
10 for LICAP.

11 LEGISLATOR DRUCKER: I will come
12 back. I want to give my colleagues a chance
13 to ask some questions.

14 CHAIRWOMAN SCHAEFER: Legislator
15 Bynoe.

16 LEGISLATOR BYNOE: Thank you,
17 Madam Chair. I have a question regarding
18 the structure of LICAP's membership. In
19 total, how many members do you have?

20 MR. ZABO: We have -- how many
21 participate, or how many voting members, ex
22 officio members?

23 LEGISLATOR BYNOE: I was going to
24 ask for it to be broken down, but I was
25 asking for the general membership number.

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2 MR. ZABO: We have -- we have
3 nine voting members. We have
4 representatives from the drinking water
5 providers, from the Nassau County and
6 Suffolk County executive offices, Nassau
7 County and Suffolk Legislatures, both county
8 health departments, New York State DEC.

9 We have ex officio members in the
10 Suffolk Legislature Minority Leader. We
11 have the Department of Public Works in both
12 counties, Department of Parks. We have the
13 Planning Commission. We have US geological
14 survey, we have the Long Island Groundwater
15 Research Institute.

16 LEGISLATOR BYNOE: So you have
17 included non voting members there as well,
18 correct?

19 MR. ZABO: Yes, that's voting and
20 ex officio members.

21 LEGISLATOR BYNOE: Do you have a
22 total number? You gave me the voting
23 members are nine. Do you have a total in
24 membership?

25 MR. ZABO: We will count them up

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2 right now. 16.

3 LEGISLATOR BYNOE: 16 members.

4 MR. ZABO: Plus, as I mentioned
5 earlier, the goal here is to solicit
6 participation and input.

7 So when we have our committee
8 meetings and our quarterly LICAP Full
9 Commission meetings, we are as inclusive as
10 possible and just about every one under the
11 sun.

12 LEGISLATOR BYNOE: That's good to
13 be as inclusive as possible. But my concern
14 bubbles out of these nine voting members in
15 so much as it's nine voting members when you
16 look at the municipalities who are able to
17 make the appointments for the voting that
18 here in Nassau, the County Executive makes a
19 recommendation or appoints a representative
20 who will then vote.

21 Then we have a majority member
22 that's appointed by the Presiding Officer
23 that also has a vote. Then the Minority
24 Leader of the Legislature makes an
25 appointment as well but that person does not

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2 have the ability to vote.

3 I think that that is a lopsided
4 approach to having every caucus or having
5 equal voice based on Legislative districts.

6 So I think that it's trendy in
7 the moment that the Presiding Officer has
8 the ability to make the appointment but in
9 the event the Presiding Officer somehow
10 becomes the Minority Leader, then they don't
11 have an opportunity to have a voting member.

12 I don't think that that would
13 feel good for them to have their opportunity
14 stripped away from them and it most
15 certainly doesn't feel right to me that
16 someone who is representing my legislative
17 district and the Legislative districts that
18 comprise the minority caucus does not have
19 the ability to vote.

20 We have just as many water
21 quality issues and concerns as the next. I
22 don't think this is appropriate.

23 I understand that this might be
24 the same case in Suffolk County and I just
25 don't know how we reached to a conclusion

1 Planning & Development/6-4-18
2 that this will be the appropriate way
3 forward.

4 MR. ZABO: This was the
5 composition of the commission when this was
6 first organized unanimously by this
7 Legislature in Suffolk four plus years ago.

8 LEGISLATOR BYNOE: Well, a lot of
9 the members that are sitting here today may
10 not have been sitting here four years ago.
11 And I will have to tell you, I may have been
12 sitting here if it's four years to
13 approximate date. I may have been sitting
14 here and may have been lost on me the
15 importance of having an opportunity to have
16 a voting member at the time.

17 So what may have been something
18 that I was supportive of four years ago, I
19 most certainly don't think it's appropriate
20 in today's environment. I don't support
21 that.

22 I think we should all have --
23 actually, as I've sat here, I have been able
24 to watch this body make appointments to
25 commissions and, at no time have I ever

1 Planning & Development/6-4-18
2 witnessed a case where the minority
3 representation on this body in terms a
4 caucus did not have an ability to have a
5 voting member.

6 So I say to my colleagues of the
7 majority of today's majority, what will we
8 think in the future situation where you are
9 no longer the majority and we are the
10 minority, and we are the majority and you're
11 the minority, and he's shuttering at the
12 thought?

13 But it's happened in the history
14 of this Legislature and what will we think
15 about that?

16 I think this is something that we
17 an opportunity to fix today. I'm hearing a
18 lot of -- is Mr. Kopel on this body? Mr.
19 Kopel can you take your conversation off the
20 floor because you are interrupting the
21 meeting, not on this particular committee,
22 please? Yes, I said it. I dare to say it.

23 I'm talking to the members on the
24 committee and I was interrupted. So I will
25 pose my statement again. It's that, we have

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2 an opportunity to right a wrong, a situation
3 that I believe it was obviously unanimously
4 approved before, but in today's environment
5 I don't think it works. We have to have the
6 ability to have a voting member. I would
7 like to hear your thoughts on how to move
8 forward.

9 LEGISLATOR FORD: Legislator
10 Bynoe, I truly understand your feeling
11 because when I first was elected I sat in
12 the minority. We were the minority caucus
13 for many years. We never had the
14 opportunity. The majority at the time never
15 even entertained allowed us any ability to
16 appoint anybody to any committees.

17 Sarah and I, we were able to like
18 parlay and the minority could appoint people
19 and the majority but, in a lot of cases, we
20 were not always afforded.

21 But, that being said, I do think,
22 I understand what you're saying, and I would
23 never be opposed to that. I think that's
24 something that we should open for discussion
25 because it is, it's very very hard when you

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2 are sitting in the minority, you feel like
3 you would like to have a voice.

4 I'm not, like I said, I know how;
5 it feels because I've been there, did that.
6 I really think that you bring up a good
7 point and I think it's something that we
8 should discuss. I don't know whether or not
9 it can be done today.

10 CHAIRWOMAN SCHAEFER: No. I
11 think with Suffolk voting on it a couple of
12 weeks ago, I think that was supposed to be
13 addressed with Suffolk County because it is
14 a deal between the two counties or contract
15 or decision between the two counties and it
16 should have been discussed with them so they
17 can make a change and we can go forward
18 after that. That's my understanding at this
19 point.

20 I don't know why that wasn't
21 raised with them if that was an issue for
22 somebody.

23 I also believe that it wasn't
24 intended to be political. If the County
25 Executive is appointing somebody, and then

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2 there's a Legislative appointee, it wasn't
3 supposed to be this caucus and that caucus
4 and make it all political. There people
5 from all sides. That's just what I'm
6 saying, my understanding.

7 LEGISLATOR BYNOE: I understand,
8 Madam Chair. My concern is it became very
9 political in the sense that it didn't say
10 the legislative body then appoint somebody
11 because if it was going to be the
12 legislative body then we would then have
13 been able to come to an agreement who that
14 one person was that was going to have the
15 ability to vote for all 19 Legislative
16 districts.

17 But when we break it and sub
18 divide it by saying it be only one
19 particular caucus that has the ability to do
20 that.

21 In Suffolk County, you have -- if
22 you're going to talk about politics, you
23 have a Democratic County Executive and you
24 have a Democratic majority caucus there
25 that's in presiding position.

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2 Here it's lopsided. It's a
3 different situation, but I think equality
4 needs to be struck here and we need an
5 opportunity to have a voice and an
6 opportunity to vote.

7 I think that Suffolk County, it's
8 my understanding that this was discussed in
9 Suffolk County. I believe your counterparts
10 in Suffolk County did not agree with moving
11 forward without having a voting membership
12 as well.

13 I believe there was some mention
14 on the record in Suffolk's meeting, I did
15 not witness it, I did not attend it, but I
16 heard that there was some discussion about
17 the potential for an amendment down the
18 road, that they could amend it.

19 So maybe we should encourage
20 their ability and their timeliness in
21 amending that by making the amendment here
22 in Nassau County. Why can't we be the
23 pioneers and be first at something? Let's
24 today make the move. Let's make the move
25 today.

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2 LEGISLATOR DRUCKER: Madam Chair,
3 I have a quick follow-up question to
4 Legislator Bynoe in that regard.

5 So, gentleman, you want to add
6 two new members to the commission; is that
7 right?

8 MR. MALAZZO: Suffolk County
9 requested a change to include soil and water
10 conservation district.

11 LEGISLATOR DRUCKER: Right. So
12 you want to add two new members from the
13 Nassau and Suffolk soil and water
14 conservation district; is that correct?

15 MR. MALAZZO: The Suffolk bill,
16 reauthorizing LICAP included that amendment.

17 LEGISLATOR DRUCKER: Okay. So
18 they will be voting members?

19 MR. MALAZZO: Yes, sir.

20 LEGISLATOR DRUCKER: So you're
21 not telling us that those people, those
22 projected members who are going to have
23 voting rights, are more important than
24 giving voting rights to an existing member
25 appointed by the minority Legislature who

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2 theoretically and roughly represent half of
3 the residents of Nassau County.

4 MR. ZABO: Sir, we're not saying
5 anything. We are part of a island wide
6 commission, something between Nassau and
7 Suffolk County. How many other entities can
8 you point to that are working, between two
9 counties that are actually doing God's work,
10 right, to look at water quality and
11 quantity.

12 LEGISLATOR DRUCKER: We are not
13 getting into that point.

14 MR. ZABO: This commission is
15 working. It's not our determination who
16 serves on the commission. It's the
17 Legislative body.

18 So it's my understanding that
19 that the subject of adding a voting member
20 from the minority side in the Suffolk
21 portion that was discussed and it was not
22 moved forward. It was not approved and not
23 going to happen.

24 It's my understanding that is not
25 part of any amendment that may come. I have

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2 not heard that either.

3 LEGISLATOR DRUCKER: Well, in
4 follow-up to my colleague, Legislator
5 Bynoe's comments, that perhaps we should
6 take pause here and reconsider and revisit
7 this issue.

8 If you are going to revisit the
9 issue enough to add these two members, maybe
10 we should stop for a minute and think about
11 giving voting rights to a member of this
12 commission that you've had for years.

13 MR. MALAZZO: We work for LICAP.

14 LEGISLATOR DRUCKER: Are you
15 talking about we, for --

16 MR. MALAZZO: LICAP, the people
17 standing here.

18 LEGISLATOR DRUCKER: Not
19 necessarily you though?

20 MR. MALAZZO: The people standing
21 discussing this issue with you today are the
22 professionals, Jeff, Paul Granger, who is
23 now a voting member, Nassau Suffolk County
24 water commissioners, these gentlemen, they
25 didn't pass the legislation, you did. How

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2 their membership is included is your
3 decision.

4 LEGISLATOR DRUCKER: Good.

5 That's correct.

6 MR. MALAZZO: We are providing
7 you information about what we have done.
8 This conversation is a conversation that's
9 occurring so that's all we can say.

10 Suffolk, when they reauthorized
11 LICAP did not include -- they didn't change
12 the membership with the exception of Nassau
13 Suffolk County Soil and Water Conservation
14 District.

15 There is in the legislation, as
16 your minority counsel knows, that it has to
17 be substantially the same bill. Those are
18 all parameters that you all have to decide
19 how you navigate forward. We are here to
20 provide information to the extent you need
21 it.

22 LEGISLATOR DRUCKER: Can I ask
23 the members of the commission, please, who
24 is the one that suggested the Nassau and
25 Suffolk Soil and Water Conservation

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2 districts to be these additional members,
3 who suggested that to you?

4 MR. ZABO: I think it was
5 Suffolk Legislator Krupski, he is a majority
6 member from Eastern Suffolk.

7 LEGISLATOR DRUCKER: This
8 Legislative body now is going to do the same
9 thing okay. We're going to recommend a type
10 of membership.

11 MR. ZABO: As we have expressed
12 repeatedly, our goal is to be as inclusive
13 as possible, legislator.

14 LEGISLATOR DRUCKER: Good. Thank
15 you.

16 CHAIRWOMAN SCHAEFER: This is
17 something that has to be dealt with with the
18 Legislatures, Legislator Drucker. It's
19 telling them, doesn't really -- they're just
20 following through and moving forward with
21 whatever we put forth there. This is
22 something we have to address, not them.
23 Legislator Rhoads.

24 LEGISLATOR RHOADS: Thank you,
25 Madam Chairwoman. I'm also disconcerted by

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2 the fact that not everything has to be
3 political. The fact that there is an
4 appointment from the Legislature from the
5 Presiding Officer who is the Presiding
6 Officer of the Nassau County Legislature,
7 also happens to be the majority in our
8 structure, doesn't mean that minority
9 legislators can't contact whoever the
10 appointee is to discuss issues. It does not
11 mean they have no input into the process
12 whatsoever.

13 I think one of the issues you are
14 going to run into, and, sure, this is
15 something that we can talk about but it's
16 something that shouldn't prohibit the
17 reauthorization of LICAP.

18 One of the other issues that
19 you're probably going to run into that if
20 I'm sitting as the County Executive of
21 Nassau County and the Legislature is talking
22 about now having two votes, meanwhile the
23 County Executive has only one vote, you have
24 twice the voting representation of the board
25 diluting my authority.

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2 There are issues at play here as
3 far as the appointments to LICAP that are
4 larger than just what we decide as a
5 majority minority in the Legislature.

6 I would think, I would hope that
7 when we're talking about something as vital
8 a resource as our drinking water, that it's
9 something that we can work together in a
10 bipartisan fashion and having one
11 representative, we should all feel
12 comfortable being able to know that that
13 representative is going to be supporting our
14 interests and be talking about things that
15 we can agree on as legislators. We are all
16 drinking from the same aquifer.

17 CHAIRWOMAN SCHAEFER: Thank you,
18 Legislator Rhoads.

19 LEGISLATOR BYNOE: Chairwoman?
20 Thank you, Madam Chair.

21 CHAIRWOMAN SCHAEFER: Would you
22 respond first? I just wanted to see if he
23 would respond to that.

24 MR. ZABO: I would like to point
25 out that the success of LICAP, what we have

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2 been able to do is break down the barriers
3 that exist, break down the walls between
4 agencies -- politics does not play a role in
5 this commission. This is not political.

6 This is people who are
7 professionals who have an interest in
8 looking at quality and quantity of the
9 island's resource of our drinking water.

10 Politics does not play a role.
11 The key success -- if I can point to a
12 couple of top two or three successes, in
13 that top group would be our ability to break
14 down the silos and to share information at
15 every level and to ensure that the
16 information that we are now getting, because
17 of this constant communication and because
18 of being accountable to the public and
19 people that we serve, that's extremely
20 beneficial to further the cause of
21 protecting drinking water.

22 A couple of years ago we put
23 together something that has never been
24 accomplished before in the state. We were
25 the first entity to put drinking water

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2 information, right, drinking water testing
3 results, quality information of treated and
4 untreated drinking water up on our website
5 from various water providers across Nassau
6 and Suffolk County. That's sharing
7 information.

8 That is letting people, whether
9 it's Massapequa or Huntington or Southhold
10 or Hempstead, people can go and look at
11 their drinking water quality, pre-treatment
12 and post treatment. People can search
13 contaminants. People can look at trends in
14 their particular neighborhoods.

15 Something like that seems so
16 simple. This is something that people
17 should have had access to for many years.
18 That's not the case.

19 The state could not do it. The
20 state health department is still looking at
21 us and trying to get LICAP to tell them how
22 we did which we are sharing with them so
23 they can do this on a statewide initiative.

24 So there are so many positives
25 with this commission. It's not political.

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2 We're breaking down barriers and I would
3 hate for legislators to be short sighted and
4 be critical of -- from my perspective
5 relatively minor issues when we are
6 furthering the overall discussion related to
7 drinking water.

8 LEGISLATOR BYNOE: Thank you.
9 Madam chair. So here's the thing. I'm not
10 being short sided. I think that I'm
11 actually being very visual, my vision on
12 this is very broad, to the extent that I
13 have stated that even if there was going be
14 only one voting member, it should be from
15 the Legislature and that we should all then
16 have an ability to identify who that member
17 is and come to a conclusion and support have
18 a unanimous vote to support that person. It
19 was. In the moment it was Mr. Ostuni who is
20 the member who happens to be the attorney
21 for the Republican caucus.

22 My point here is that if this was
23 an attempt not to make it a political
24 situation, then it should have been one
25 member from the Legislature. That's it.

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2 And we should have all had an opportunity to
3 vote on that one person, that one person,
4 and bring a vote. Not a non voting member
5 from one caucus and a voting member from the
6 other caucus. That's not how I think that
7 should happen. It should be one member from
8 the Legislature.

9 CHAIRWOMAN SCHAEFER: I believe
10 there was a vote for that person.

11 LEGISLATOR BYNOE: There is more
12 than one way to arrive at the point. The
13 point is, we feel as though it's lopsided.
14 That we should have an ability to have a
15 voting member, a person we can engage with.
16 Someone who potentially we would like to see
17 someone with some kind of environmental
18 background, not a political background, be
19 the person who has the voting right on that
20 body.

21 What we have is somebody who has
22 a political background --

23 CHAIRWOMAN SCHAEFER: And someone
24 who has an environmental background. Does
25 have that.

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2 LEGISLATOR BYNOE: Making the
3 vote for the Presiding Officer and the
4 presiding districts.

5 So, at the end of the day, we
6 don't believe that this is done in a way
7 where we're striking any balance here in
8 terms of equality.

9 We would like to have a member
10 that has an ability to have a voice. We
11 would like to have a member who can engage
12 with us. Because not once have I ever had
13 Mr. Ostuni reach out to me and ask me about
14 any concerns that I may have or any members
15 on this side of the aisle may have in terms
16 of water and how he could appropriately vote
17 to support our concerns.

18 I have not once had an
19 opportunity to have that level of a
20 conversation with Mr. Ostuni. I respect
21 him. I have no problem with Mr. Ostuni.

22 CHAIRWOMAN SCHAEFER: I know but
23 it goes both ways and the meetings are
24 public too.

25 LEGISLATOR BYNOE: I have a

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2 problem with the approach. The thing is,
3 we're not the only ones with the problem
4 with the approach. Again, it's your
5 colleagues in Suffolk County who also had a
6 problem with the approach. We just want to
7 have an opportunity to have a voice and have
8 a vote. I don't think that's there
9 something so unreasonable about that.

10 This is not in the interest of
11 making this political. If we knew we only
12 had one person, not one person that was
13 going to be able to vote for this body, with
14 today's understanding of how LICAP works and
15 how LICAP functions, we would like to have
16 an opportunity to then have one vote. It
17 shouldn't just be that our person does not
18 have the vote.

19 CHAIRWOMAN SCHAEFER: If it's not
20 in the interest of making it political, then
21 what difference does it make? And why are
22 you not comfortable with speaking with the
23 person who now represents the Legislature?

24 LEGISLATOR BYNOE: Because the
25 person who now represents the Legislature

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2 who has the ability to vote has never once
3 engaged us. We have not.

4 CHAIRWOMAN SCHAEFER: You can
5 also engage him.

6 LEGISLATOR BYNOE: We have not.

7 CHAIRWOMAN SCHAEFER: The
8 meetings are public.

9 LEGISLATOR BYNOE: Because it
10 doesn't lend itself. Let's be open minded
11 here. Does it lend itself for that? It
12 does not lend itself for that. This does
13 not lend itself for that.

14 I don't think we're asking for
15 anything -- and I'm quite sure if the roles
16 were reversed and time plays out where they
17 do become reversed, you are going to want to
18 have the same thing that we are asking for
19 today. Simple as that.

20 LEGISLATOR RHOADS: If I may,
21 Madam Chairwoman. But you're talking about
22 a very specific problem, a communication
23 problem.

24 So the simple question that I
25 have is, has anybody from the minority ever

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2 reached out to the representative, the
3 voting representative of the Legislature to
4 discuss any issue? Has the minority's
5 representative to LICAP ever reached out to
6 the voting member to discuss any issue and
7 not gotten a call back, not gotten an
8 answer?

9 If there is some sort of
10 communication issue you can point to, I
11 would understand the argument. But as of
12 right now, the voting member of the
13 Legislature should be representing the
14 entire Legislature and, as far as I know,
15 does. So if there is a problem, let us
16 know.

17 LEGISLATOR BYNOE: Can somebody
18 on the opposite side of the aisle give me an
19 example where we may have another situation
20 where we both don't have a voting member?
21 Because I think that we've done a very good
22 job in creating bodies, we have created a
23 land bank where we have just as many voting
24 members from the majority and the minority.

25 We have created so many other

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2 institutions and commissions where there is
3 equality, where each side has the same
4 ability to have a vote and a say and an
5 appointment.

6 This is the only time I have seen
7 this to be lopsided. I'm led to ask why.
8 Why would that be?

9 LEGISLATOR RHOADS: I would say
10 that this is one of the few commissions
11 however that's bi-county. If there is an
12 agreement between Nassau and Suffolk County
13 as to the structure, I'm assuming there
14 would be an agreement.

15 If Suffolk County were to agree
16 that they were going to put a majority
17 minority representative onto LICAP as voting
18 members, I would assume that Nassau County
19 would probably do the same thing.

20 LEGISLATOR BYNOE: And if we were
21 the only ones with this issue and if it was
22 just our caucus internally when we were
23 discussing this, and if I learned that
24 Suffolk County didn't have the same concerns
25 that we had in terms of the Suffolk County

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2 minority did not have the same concerns as
3 Nassau County's minority, I may have not
4 have brought it up.

5 We may have agreed as a consensus
6 here within this caucus that we wouldn't
7 even bring it up.

8 But, because we knew they had the
9 same concerns that we have, they have the
10 same concerns, so it's not like we're
11 sitting here building some kind of
12 conspiracy theory within our own caucus.
13 This is something that Suffolk County
14 Legislative minority caucus also feels the
15 same way.

16 LEGISLATOR RHOADS: Understood.
17 But Suffolk County Legislature has already,
18 I don't know if they voted, they voted no.

19 LEGISLATOR BYNOE: So they voted
20 after debate too. That's what we are doing
21 right now.

22 LEGISLATOR RHOADS: But we can't
23 do something that they haven't done.
24 They've already said they're not going to do
25 it, we can't have unequal representation.

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2 LEGISLATOR BYNOE: So let me
3 address that. Somebody has to be first.
4 Somebody has to be the one to vote on it
5 first. If they had voted on it last week it
6 would have had the same ability to come here
7 and still not be voted on or supported. I
8 think somebody has to act first.

9 MR. MALAZZO: Legislator, can I
10 interrupt?

11 LEGISLATOR BYNOE: I'm going to
12 finish. Somebody who is in the majority has
13 to be adult in the room and say, this is
14 wrong and let's bring some kind of leverage
15 to this experience.

16 LEGISLATOR RHOADS: One of the
17 reasons this wasn't on the calendar for two
18 months was so that conversation with Suffolk
19 County can take place. This is something
20 that is supposed to be agreed to behind the
21 scenes and both Legislatures vote in
22 unanimity on it. There's got to be
23 agreement first.

24 CHAIRWOMAN SCHAEFER: It's
25 certainly something we can address. It's

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2 not what we are here to address today
3 though. We can definitely discuss it and
4 move forward. It's good that we had a
5 debate, but I think at this point --

6 LEGISLATOR BYNOE: That's
7 unfortunate. Because in Suffolk --

8 CHAIRWOMAN SCHAEFER: That's not
9 what we're voting on today. I wasn't in
10 Suffolk when they did that. I would be
11 happy to talk to them but I hadn't heard
12 that myself. So do you have something to
13 add to this, Legislator Ford?

14 LEGISLATOR FORD: Let me just --
15 this whole discussion, even when we look at,
16 and unfortunately to a certain degree in a
17 way it sort of stemmed down into politics.
18 But just our appointment, our voting member,
19 Chris Ostuni, who is our voting member, does
20 have the background, he was an environmental
21 lawyer. So it wasn't that he's just --
22 wasn't just based on politics but based on
23 his experience.

24 To be quite honest with you, no
25 matter who is sitting on these boards and

1 Planning & Development/6-4-18
2 these departments and agencies that we have
3 that work in conjunction, whether or not
4 it's LICAP or for any other land bank or
5 whatever, those meetings are open. We have
6 every opportunity where we can go and sit in
7 on the meetings to voice our concerns and
8 say this is what we would like to see
9 happen.

10 Even when you look at this,
11 Legislator Bynoe brought out over in Suffolk
12 they opted, even though they had some
13 reservations, they opted to not make any
14 changes, and for them, Legislator Drucker
15 you pointed out that, well, the balance,
16 because our appointment is obviously
17 Republican so we only represent half the
18 people and we have a unique situation here
19 in Nassau County. We have a Democratic
20 County Executive and she has an appointment
21 that she is allowed to make.

22 I think for the appointments that
23 we do have, they are people that are
24 approachable, that we can reach out to them,
25 we can ask them questions. It doesn't

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2 matter whether or not it's the County
3 Executive's appointment, whether or not it's
4 the Legislator's appointment, even for the
5 non voting appointment from the minority
6 side that person I think has an opportunity.

7 The non voting members of your
8 organization, are they allowed to speak up
9 at the meetings, or must they sit silent.

10 MR. ZABO: Of course we encourage
11 them to speak up and to contribute and many
12 of them do.

13 LEGISLATOR FORD: So that if they
14 have a concern if they want something
15 changed because -- even, you know, our doors
16 are always open, if we have to talk about
17 something we will talk about it.

18 Nobody has even -- your
19 appointment has never approached any of us
20 to say, I have a problem with this, I have a
21 problem with what is going on with the Lloyd
22 aquifer or the water LICAP.

23 I think this is something that
24 you generated a great conversation. I think
25 that's something that we can maybe

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2 entertain, but I think today let's take a
3 look at what we're supposed to do today.

4 I'm comfortable with Brian
5 Schneider being a voting member and
6 comfortable with Chris Ostuni and I
7 appreciate your testimony.

8 CHAIRWOMAN SCHAEFER: Thank you,
9 Legislator Ford. Unless you have something
10 to add, we are going to take public comment
11 at this point because I know we have a
12 couple of slips in.

13 MR. ZABO: Thank you all very
14 much. We appreciate your support.

15 LEGISLATOR LAFAZAN: Madam Chair,
16 with your indulgence?

17 CHAIRWOMAN SCHAEFER: Are you on
18 this committee?

19 LEGISLATOR LAFAZAN: Yes.
20 Listening in politics has become a lost art
21 so I just like to listen. Good afternoon
22 gentlemen.

23 CHAIRWOMAN SCHAEFER: We
24 appreciate that.

25 LEGISLATOR LAFAZAN: Thank you

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2 very much. I appreciate your indulgence
3 here. Before I speak about finances, I just
4 want to let you all know that water is on
5 the minds of my constituents with senior
6 citizens paying \$2,500 for water in Glenn
7 Head and some of my constituents in Woodbury
8 are paying \$500.

9 The discrepancy is unconscionable
10 and, while that's not on your plate, water
11 is on the minds and the number one priority
12 of many of my constituents which is why I
13 will be voting no today just because I feel
14 we have inadequate representation. But I
15 will not belabor the point.

16 My question is about finances.
17 LICAP is, per page six of the 2018
18 resolution, authorized and empowered to
19 receive and extend private and public funds.

20 Has an audit ever been performed?

21 MR. MALAZZO: So the answer to
22 your question is we did an RFP for an
23 auditor and the RFP proposals came in at 20
24 to \$25,000 and the amount of money that
25 LICAP had spent in the fiscal period was

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2 \$5,000. So they made a decision that was
3 not a prudent use of funds. They will do an
4 audit this year now that they received a
5 grant on a reimbursement basis so they'll be
6 an audit done in this fiscal year.

7 LEGISLATOR LAFAZAN: My second
8 question is, how has LICAP spent any of the
9 funding that you guys received even a small
10 number as \$5,000?

11 MR. MALAZZO: The LICAP
12 membership votes on a budget and adopt it.
13 They've used it for public outreach and for
14 some computer software technology to support
15 water track which is the item Jeff was
16 talking about which is the online data base.

17 LEGISLATOR LAFAZAN: Those
18 budgets are made available to legislators?

19 MR. MALAZZO: And also they're
20 available at the meetings and anyone that
21 wants to comment on them can.

22 LEGISLATOR LAFAZAN: Thank you,
23 gentlemen, for your time, and, thank you,
24 Madam Chair.

25 CHAIRWOMAN SCHAEFER: Thank you.

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2 So we have our first speaker --

3 LEGISLATOR BYNOE: I'm sorry,
4 Madam Chair. It won't be my voice that
5 you'll hear. I'm going to request that the
6 minority's representation on the LICAP board
7 is here. Ms. Sarah Meyland and I believe
8 she's no stranger to anyone. So I know that
9 our representation on that board has been
10 sharing information with this entire body.
11 So my request is for Ms. Meyland to come
12 forward at this time.

13 CHAIRWOMAN SCHAEFER: Yes. I
14 have a slip for her.

15 LEGISLATOR BYNOE: Okay.

16 MS. MEYLAND: Good afternoon
17 members. The committee, the committee
18 chair, the minority members. My name is
19 Sarah Meyland and I came prepared to make
20 some comments but if you would like to start
21 with some questions for me that would be
22 fine as well.

23 CHAIRWOMAN SCHAEFER: We'd rather
24 have your comments first.

25 MS. MEYLAND: Very well. I'm

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2 here today as the minority leadership
3 representative to the LICAP commission. I
4 have faithfully attended all the meetings of
5 LICAP and endless meetings of the various
6 committees that I have worked on.

7 So I thought it would be helpful
8 if I shared with you some of my observations
9 which might be a little different than what
10 you heard so far.

11 One I would like to begin by
12 making the point with respect to the
13 authorization from LICAP in 2013, that
14 occurred here in Nassau County before the
15 Legislature on the last day of the
16 Legislative session in 2013, and it was part
17 of an Omnibus bill. There was no public
18 comment. There was to public commentary.
19 There was not even a discussion within the
20 Legislature. It was simply an Omnibus bill.
21 It was pass or not pass. Multiple items
22 were in that.

23 When LICAP was first authorized
24 here in Nassau there was no opportunity for
25 debate or discussion like this. That's

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2 probably why a number of you are wondering
3 why how did this happen to begin with.

4 Secondarily, as you just heard
5 from the counsel, they're telling you that
6 this they drafted this legislation.

7 So if you want to know why it was
8 divided the way it was in terms of voting
9 membership, they're the ones that originated
10 this concept.

11 So it isn't genuine then I don't
12 think to then put it back on the shoulders
13 of the Legislature and say the Legislature
14 agreed. And obviously the representatives
15 from the Suffolk Water Authority carry a
16 large amount of leverage with the people
17 they represent in Suffolk County.

18 So it's actually a very healthy
19 thing to start to discuss some of these
20 finer points that led to the LICAP that we
21 have today.

22 Let me just say the comments that
23 I wanted to offer formally included the fact
24 that LICAP has not accomplished four out of
25 the eight main mandates that were set out

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2 for it in 2013.

3 I have shared with every one on
4 the committee a report that I have prepared
5 for every one here in the County Legislature
6 that is a groundwater strategy.

7 The reason that this was prepared
8 was because LICAP has never gotten to the
9 point of talking about a strategy although
10 it was a very specific mandate within their
11 enabling legislation of 2013.

12 The mandate represented the goal
13 that was set for LICAP to move Long Island
14 closer to an approach, a regional approach,
15 that would both protect and manage our
16 groundwater.

17 If you look on page three of the
18 document that I have shared with you, it
19 explains what those eight mandates are and
20 the four that are still outstanding and have
21 not been addressed.

22 By not dealing with all of the
23 eight mandates and only dealing with four,
24 what that left up to LICAP to do was to
25 support groundwater being left where it has

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2 been for many many years.

3 To propose that groundwater will
4 continue to be decentralized, uncoordinated,
5 underfunded and understaffed by the agencies
6 at the state and local level who have had
7 the same authority to protect and manage our
8 groundwater for 40 years.

9 We're here now 40 years later
10 seeing that that has not really been a
11 successful approach.

12 The intention that was expressed
13 in 2013 was that we need a different
14 approach, we need a better approach, a
15 regional approach that actually looks not
16 just at delivering water but managing the
17 resource itself. So that is why this issue
18 of regional management is such a critical
19 and important point.

20 So I was going to suggest some
21 specific items for your consideration here
22 today in terms of how LICAP should or may go
23 forward for your consideration.

24 One, I would ask you to decline
25 the request to change the original mandate

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2 to something different. Because the
3 original mandate was the heart of what LICAP
4 was supposed to be about. I do disagree
5 with some of the characterizations about our
6 conversations with regional management and I
7 would be happy to offer some details on that
8 after these comments.

9 Second, I would ask you to
10 decline the request for the two counties
11 each to provide \$50,000 a year to LICAP for
12 the next five years which would bring the
13 total amount of money that LICAP would have
14 acquired over the past two years and the
15 coming five years to almost a million
16 dollars.

17 LICAP has not presented to you a
18 clear plan of how that money would be used
19 or why it is even needed. In fact, when
20 they just got the \$200,000 from New York
21 State this year, there were no strings
22 attached to my knowledge. It was just,
23 here's money, do something with it. So
24 LICAP hasn't decided how it will use the new
25 \$200,000 and they are still trying to spend

1 Planning & Development/6-4-18
2 down the 250 that they got last year.

3 I would suggest that if you do
4 alter the voting membership to better
5 reflect the needs of Nassau County.

6 I would ask that there be a new
7 focus and commitment to regional protection,
8 needs and actions.

9 Having a document that is
10 represented to be four or five inches thick
11 is fine as a visual, but you cannot go into
12 that document and ask and be shown, where's
13 the plan? It doesn't have a plan yet. It's
14 just a document with a lot of reports and
15 there's no strategy.

16 So what we provided to you in
17 this very brief document is an example of
18 what a strategy looks like. Who is
19 responsible? How long will it take? How
20 much money will it require? What kind of
21 outcomes are you looking for? That doesn't
22 exist now. Just to move on as if it's
23 unimportant is I think missing the point.

24 So, the last point I would make
25 is that there should be an incorporation of

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2 tasks in any mandate to LICAP that would
3 better represent the interests of Nassau
4 County.

5 I will leave it there and be
6 happy to answer any questions that you have.

7 CHAIRWOMAN SCHAEFER: Thank you,
8 Ms. Meyland and for your report as well.
9 Legislator Drucker.

10 LEGISLATOR DRUCKER: Thank you,
11 Sarah, and thank you for your report as well
12 which is very, very well done.

13 Could you describe the efficacy
14 of your role as a minority member of the
15 commission in terms of being able to
16 articulate and express the positions you've
17 taken in this report over the past few
18 years?

19 MS. MEYLAND: Well, I try to be
20 as effective as I could be under the
21 circumstances. I did speak up when
22 necessary.

23 I tried to offer clear
24 understanding of the science of groundwater
25 to articulate issues that are especially

1 Planning & Development/6-4-18
2 relevant to Nassau County that may not be
3 appreciated in Suffolk County, to guide
4 where possible the direction of some
5 conversations. But I wasn't always
6 successful and often times I was somewhat
7 discredited because I didn't have a vote.

8 But, nevertheless, I did try to
9 do my part to move LICAP to a successful
10 level of work and work outcome.

11 LEGISLATOR DRUCKER: When you say
12 you were discredited, can you describe that,
13 please?

14 MS. MEYLAND: Well, as we got
15 closer to the final document, I was not sent
16 copies of work on the same schedule of the
17 voting members.

18 LEGISLATOR DRUCKER: Thank you.

19 CHAIRWOMAN SCHAEFER: Anybody
20 else? Thank you, Ms. Meyland. Our next
21 speaker is Gerald Ottavino.

22 MR. OTTAVINO: Good afternoon.
23 Given what the dialogue that's transpired on
24 both sides of the rail, what I prepared
25 today has changed. So please bear with me.

1 Planning & Development/6-4-18

2 With respect to the questions
3 that Legislator Drucker had asked, I would
4 like to point out that one of LICAP's
5 strongest affirmations among its draft
6 management plans 15 recommendations for
7 immediate implication was, do not create a
8 new state or regional entity to awry the
9 regional basis the oversight of drinking
10 water because the power to regulate and
11 protect drinking water on a regional basis
12 is already vested in New York State
13 Departments of Health and Environmental
14 Conservation.

15 The reason why LICAP was created
16 in the first place was because both those
17 departments weren't providing enough
18 services to take care of the groundwater at
19 its resource level. That's why LICAP was
20 installed to begin with.

21 So if you follow LICAP's
22 recommendation that these two departments
23 can indeed provide those services and can
24 indeed protect your resources at the
25 resource level, then why does even LICAP

1 Planning & Development/6-4-18
2 exist now? Why are we even having this
3 conversation? It's a logic thing. You
4 can't have it both ways. Okay?

5 Either you need a regional
6 management plan and an entity or agency to
7 effectuate that plan or you don't. You have
8 real serious problems and you do so LICAP's
9 conclusion here is unjustified.

10 Number two, I would like the
11 Legislature to consider the following.
12 Nassau County's code of ethics conflict of
13 interest prohibited. It states, "no county
14 officer or employee whether paid or unpaid
15 shall have a financial interest in any
16 business or professional dealings with the
17 county or any agency thereof or a financial
18 interest in any entity which has a business
19 or professional dealings with the county,"
20 or "it will not engage in any business
21 transaction that directly or indirectly
22 creates a conflict of interest with his or
23 her official duties."

24 So given what I had just said,
25 how can this Legislature even consider

1 Planning & Development/6-4-18
2 Resolution 146-18 when one third of the
3 commission's voting board members plus it's
4 appointed counsel and publications editor
5 are all integral parts of Long Island's
6 water supply community that minds public
7 trust resources for finance gain? It may
8 not be a political issue but it is a
9 financial issue.

10 How is this not a conflict of
11 interest under the county code? Further,
12 how are resolution 146 and LICAP's draft
13 management plan's recommendation to expand
14 and enhance the public water suppliers self
15 monitoring activities not further attempt to
16 exacerbate this violation as well? Thank
17 you.

18 CLERK PULITZER: Your time has
19 expired.

20 CHAIRWOMAN SCHAEFER: Thank you,
21 Mr. Ottavino. We are going to take a vote
22 here on Clerk Item 146-18. Did you put a
23 slip in?

24 MR. KAUFMAN: Good afternoon.
25 Thank you for letting me speak. Thomas

1 Planning & Development/6-4-18

2 Kaufman. I live in Garden City. I have
3 been a concerned environmentalist probably
4 my whole life.

5 I just came here today to hand
6 out a few things to this Legislative body in
7 regards to what's going on in the
8 environment, but listening to the
9 conversation here today about the aquifers,
10 it's quite simple.

11 Aquifers, I don't know who they
12 belong to. I guess they belong to
13 everybody, everybody in this room, because
14 we all drink and we all shower and we all
15 use water every day. It should be a primary
16 interest to us.

17 Right now it's springtime.
18 People are doing things with their garden.
19 They're putting things like Round Up on
20 their garden, putting nitrates on their
21 lawns. And two years ago I talked to
22 somebody in Garden City who was with the
23 water works and I understand we are blending
24 two of our aquifers because we have so much
25 nitrates in one of them we can't use it.

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2 It's also my understanding that glyphosates
3 cause cancer, and I'm sure 90 percent of the
4 people in the room know somebody who has had
5 cancer and probably worries about it.

6 Monsanto has a lot of money and
7 they use it to push their product. I've
8 gone to Costco, gone to Hicks, gone to Home
9 Depot. I've asked everybody to take that
10 thing off the shelves. It's the worst. Not
11 only is there a cancer causing element in it
12 but it also causes colony collapse disorder
13 among bees.

14 We all know that pollen and
15 pollinators are absolutely necessary if we
16 are going to continue to eat fruits and
17 vegetables. Why do we want to go in the
18 direction that parts of China have already
19 by hand pollinating their fruits and
20 vegetables. These two products, glyphosate
21 and nitrates should be eliminated.

22 Is the Long Island Commission for
23 Aquifer Protection talking about this at
24 all? Have they offered any plans for this?
25 I don't hear anybody talking about it. I

1 Planning & Development/6-4-18

2 don't see anything about it in the papers.

3 I don't hear anything. So I would really
4 appreciate it if this legislative body would
5 take this issue on.

6 It's the air we breathe, the
7 water we drink. It's the most important
8 thing that's going on here.

9 Everybody is depending on this.
10 Doesn't matter whether you are a Republican
11 or Democrat or anything at all, but you have
12 to pay attention to what you put in your
13 body. I would appreciate your help on this.

14 CHAIRWOMAN SCHAEFER: Thank you,
15 sir.

16 MR. KAUFMAN: May I pass these
17 out to you?

18 CHAIRWOMAN SCHAEFER: Yes, just
19 give them up front.

20 LEGISLATOR DRUCKER: Madam
21 Chairwoman, one question?

22 CHAIRWOMAN SCHAEFER: Yes,
23 Legislator.

24 LEGISLATOR DRUCKER: I move that
25 we -- based on the conversations that we've

1 Planning & Development/6-4-18
2 had and the issues raised, I move that we
3 table this item until we can get a full
4 presentation on why the groundwater
5 management entity is not a good policy
6 objective for LICAP to advocate for, and
7 just to get a better presentation and for us
8 as a legislative body to discuss the
9 composition of the commission. So I move to
10 table this item.

11 LEGISLATOR BYNOE: I second the
12 motion.

13 CHAIRWOMAN SCHAEFER: All right.
14 Second, Legislator Bynoe.

15 LEGISLATOR RHOADS: If I can be
16 heard on this particular issue. I
17 understand the point that the minority is
18 making and in many respects I'm sympathetic
19 to the point that the minority is making,
20 however, this particular topic was held off
21 on coming to the calendar for two months.
22 There was a conversation between majority
23 counsel and I believe minority counsel
24 asking that someone reach out to the
25 majority of the Suffolk County Legislature

1 Planning & Development/6-4-18
2 to coordinate what the two Legislatures were
3 going to do with respect to the composition.

4 As far as I know, that
5 conversation never took place. So, for us
6 to have the conversation here and for it to
7 be presented that the majority is somehow
8 doing something wrong, I find to be
9 offensive.

10 We already indicated that if
11 Suffolk County agrees that they're going to
12 do the same thing, we would be open to
13 changing the composition as well.

14 Both counties have to do the same
15 thing. So there is no reason why this
16 conversation can't take place between the
17 two counties and the two Legislatures act
18 accordingly. We are still open to that
19 possibility.

20 I don't understand why it would
21 prevent us from actually allowing LICAP to
22 move forward with the important work its
23 doing.

24 There is no question that
25 regional oversight of our limited resources

1 Planning & Development/6-4-18

2 is absolutely important.

3 But we also have to understand
4 that New York State controls the field. The
5 Department of Environmental Conservation and
6 Department of Health.

7 Whatever regionally we would love
8 to see it happen has to be to be approved by
9 the state. So, having LICAP there to
10 provide us the information that we need to
11 act as proper advocates for our Long Island
12 resources is absolutely essential and that
13 work should continue and I don't think it
14 should be held up while we are negotiating
15 with Suffolk County over what the
16 composition of the board is going to be.

17 So I intend to vote no on the
18 motion to table and intend to vote yes on
19 the overall motion to approve LICAP. Thank
20 you, Madam Chairwoman.

21 LEGISLATOR DRUCKER: One final
22 comment to Legislator Rhoads. With all due
23 respect though, their existence, LICAP's
24 existence doesn't sunset until December. So
25 there is no urgency today.

1 Planning & Development/6-4-18

2 We can have further discussions
3 on and the composition of the commission is
4 just one issue. You've heard several others
5 today that bear and merit further discussion
6 of this body.

7 So I don't think there is any
8 rush to judgement today. We shouldn't be in
9 a rush to judgement today. We have time.
10 We should be very, very circumspect in how
11 we decide on this item so I don't think
12 there is any harm in delaying it a little
13 further, get a better presentation next time
14 and go forward.

15 I'm not adverse to seeing the
16 commission continue their work. But some of
17 the modifications they have made to the
18 current resolution bear further discussion.
19 Yes, should we have had discussions prior to
20 today, maybe you're right, but now it's come
21 to light, let's talk about it a little
22 further. Let's not rush to judgement.
23 Their existence doesn't expire until
24 December.

25 CHAIRWOMAN SCHAEFER: Okay.

1 Planning & Development/6-4-18

2 Thank you. We are going to take a vote on
3 the motion to table.

4 All those in favor say aye.

5 (Aye.)

6 All those against?

7 (Nay.)

8 So we are not tabling this item.

9 We are going to now take a vote on Clerk
10 Item 146-18.

11 LEGISLATOR FORD: I also want to
12 make a comment, you're right, Legislator
13 Drucker, and I think Legislator Rhoads was
14 rather eloquent in reasons for the vote for
15 today.

16 LEGISLATOR DRUCKER: And I
17 wasn't?

18 LEGISLATOR FORD: It's very rare
19 for him.

20 LEGISLATOR DRUCKER: My eloquence
21 was purely accidental.

22 LEGISLATOR FORD: But that being
23 said, I think that I'm going to pass this
24 through because I think this is something
25 that can be discussed by the Full

1 Planning & Development/6-4-18
2 Legislature. I think that we should provide
3 all of us to have -- and a lot of issues
4 have been brought up and I will be meeting
5 with the members that were here today before
6 the Full Leg. There are some things, I have
7 a lot of concerns, and I expect to have
8 answers.

9 CHAIRWOMAN SCHAEFER: I was just
10 going to add that a lot of us brought up a
11 lot of questions that we've had or now have
12 as a result of this discussion, that we
13 certainly present them to LICAP for a better
14 presentation next week or a more
15 comprehensive presentation based on those
16 questions.

17 So Clerk Item 146-18, all those
18 in favor of passing 146-18 say aye.

19 (Aye.)

20 All those against?

21 (Nay.)

22 So it's four three; is that
23 correct? Okay. I think we're actually
24 going to get to Clerk Item 147-18. God, let
25 it be quicker.

1 Planning & Development/6-4-18
2 147-18 is a resolution
3 authorizing the County Executive to execute
4 an intermunicipal agreement with Nassau
5 County Soil and Water Conservation District
6 in relation to providing conservation
7 services.

8 Do I have a motion?

9 LEGISLATOR RHOADS: So moved.

10 LEGISLATOR BYNOE: Second.

11 CHAIRWOMAN SCHAEFER: So moved by
12 Legislator Rhoads, seconded by Legislator
13 Bynoe. Is there anyone to speak on this?

14 MS. HODAK: Good afternoon. Jane
15 Hodak, Nassau County Department of Public
16 Works.

17 This agreement, this
18 intermunicipal agreement with the Nassau
19 County Soil and Water Conservation District
20 will help the county meet the requirements
21 of its existing storm water permit.

22 The Soil and Water Conservation
23 District has been performing a number of
24 functions required by the permit regarding
25 public education and education of

1 Planning & Development/6-4-18
2 contractors throughout the county for a
3 number of years. They have done so
4 successfully in a recent audit by EPA that
5 was noted that this particular aspect of the
6 permit was working particularly well and so
7 we are recommending that this IMA be
8 approved by the Legislature so we may
9 continue this work.

10 CHAIRWOMAN SCHAEFER: Thank you.
11 Are there any questions from the legislators
12 on this item? Legislator Bynoe.

13 LEGISLATOR BYNOE: Hi. Good
14 afternoon. Just a quick question. You said
15 that it was successful. Can you illustrate
16 its success?

17 MS. HODAK: Well, one of the
18 things, we meet regularly with the DEC and
19 with the EPA to discuss what we're doing for
20 this permit and they have not found fault.

21 So I take that as a "gold star"
22 for Soil and Water Conservation District and
23 the work they're doing.

24 Also, the Storm and Water
25 Conservation District has performed this

1 Planning & Development/6-4-18
2 function over the past years and they have
3 provided us at least 20 locations and so we
4 have seen approximately 9,000 people who
5 have taken advantage of this education to
6 learn about what they need to do in order to
7 control storm water at construction sites
8 and other sites that would generate storm
9 water that you would not want to be entering
10 into the various rivers and lakes and water
11 bodies in the county without some sort of
12 control.

13 So, I think that, again, it's a
14 matter of -- no one has -- we haven't been
15 found lacking in our performance of those
16 duties. We also believe that based upon --
17 there are 58 Soil and Water Conservation
18 Districts throughout the state and they work
19 collaboratively together. They perform this
20 function, the Soil and Water Conservation
21 Districts form this function for a number of
22 counties that also have these storm water
23 permits and we benefit from that
24 collaboration, not only that but the towns
25 and villages within the counties that also

1 Planning & Development/6-4-18
2 have storm water permit responsibilities,
3 they benefit from this education that's
4 provided from the soil and water
5 conservation districts because the districts
6 perform that function to service them as
7 well as the county's permit obligations.

8 LEGISLATOR BYNOE: Does this
9 program encapsulate industrial areas as
10 well?

11 MS. HODAK: Well, basically, like
12 construction sites. Like when you have a
13 construction site?

14 LEGISLATOR BYNOE: I understood
15 the construction site. But there's certain
16 areas that have industrial areas they're
17 manufacturing companies and the like.

18 Would we also be providing
19 educational services to them too?

20 MS. HODAK: They have very
21 specific responsibilities for storm water
22 run off that is commensurate with the type
23 of industrial activity that they perform.
24 We have been focused on primarily the
25 responsibilities that we as a county and the

1 Planning & Development/6-4-18
2 villages and the towns have within the
3 county to control storm water runoff into
4 our water bodies that's more of a general
5 nature.

6 Certainly we can speak to the
7 Soil and Water Conservation Districts and
8 find out what experience they may have had
9 with the industrial activities either in the
10 county or throughout the state maybe in New
11 York City as well.

12 I don't know that we sort of
13 jumped into that area yet but we can speak
14 to them about expanding that function.

15 LEGISLATOR BYNOE: I think that
16 would be great. I know of a particular
17 situation that occurred in the New Cassel
18 community where there is an industrial area
19 there, manufacturing all kinds of different
20 items and, in one case, you had several
21 concrete companies that are back there and
22 the concrete actually got into the storm
23 water and the sewer lines there and actually
24 is now creating a backup into the Yes We Can
25 Center for the Town of North Hempstead as

1 Planning & Development/6-4-18
2 well as some of the residential properties
3 there.

4 I think some education to those
5 industrial areas throughout Nassau County
6 probably could go a long way. Because
7 that's one particular instance I'm familiar
8 with but I'm sure there are others that
9 exist as well.

10 So I think maybe expanding the
11 scope might be helpful. Thank you.

12 MS. HODAK: Thank you.

13 CHAIRWOMAN SCHAEFER: Thank you.
14 Any other questions or comments from the
15 legislators?

16 (No verbal response.)

17 Is there any public comment on
18 this item? Mr. Budnick, come on up.

19 MR. BUDNICK: One of the things I
20 most want to compliment, the Nassau County
21 Soil and Water Conservation, just quick for
22 doing what's called the Wayne Barrel
23 Program. These are mini sumps, only several
24 feet across, but having storm water drained
25 into them instead of going into the bays,

1 Planning & Development/6-4-18
2 the various streams and things of that
3 nature where they wouldn't go through the
4 various types of sand and buffers that they
5 have in the barrel which purifies the storm
6 water run off.

7 There are at least two dozen or
8 more around various county and other
9 municipal and other facilities. And it's
10 one of the cutting edge programs in New York
11 State. The Soil and Water Conservation
12 Board has been and is doing that. Thank you
13 very much.

14 CHAIRWOMAN SCHAEFER: Thank you,
15 Mr. Budnick. Any other public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of adopting Clerk Item 247-18 please
19 say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item passes unanimously.

24 There is no other business before
25 this committee, so a motion to adjourn.

1 Planning & Development/6-4-18

2 LEGISLATOR MCKEVITT: So moved.

3 LEGISLATOR RHOADS: Second.

4 CHAIRWOMAN SCHAEFER: Moved by
5 Legislator McKevitt, seconded by Legislator
6 Rhoads. All in favor?

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 This committee is in adjournment.

11 We stand adjourned.

12 (Whereupon, the Planning,
13 Development and Environment Committee
14 adjourned at 3:55 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 8th day of June, 2018.

FRANK GRAY