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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

RICHARD NICOLELLO,
Presiding Officer

1550 Franklin Avenue
Mineola, New York

Monday, July 9, 2018
1:07 P.M.

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2 A P P E A R A N C E S:3 RICHARD NICOLELLO,
4 Presiding Officer5 HOWARD KOPEL,
6 Alternate Deputy Presiding Officer7 DENISE FORD,
8 Alt. Deputy Presiding Officer

9 STEVEN RHOADS

10 DEBRA MULE

11 C. WILLIAM GAYLOR III

12 VINCENT MUSCARELLA

13 ELLEN BIRNBAUM

14 LAURA SCHAEFER

15 THOMAS MCKEVITT

16 KEVAN ABRAHAMS,
17 Minority Leader

18 ROSE MARIE WALKER

19 JOHN FERRETTI, JR.

20 JOSHUA LAFAZAN

21 ARNOLD DRUCKER

22 JAMES KENNEDY

23 DELIA DERIGGI-WHITTON

24 CARRIE SOLAGES

25 SIELA BYNOE

26 MICHAEL PULITZER,
27 Clerk of the Legislature

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2

LIST OF SPEAKERS

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PRESENTATION OF TOP COPS,
DETECTIVES

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POLICE MEDIC 8

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STAN CAREY 63

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JEFF SABO 66

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PAUL GRANGE 73

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LIST OF SPEAKERS

PUBLIC COMMENT:

Maureen Cascone
Sue Arantes
Joan Berry
Debbie Haas
Shelly Goldman
Dahana Caro
Susan Brockman
Pat Boyle
Joanne Borden
Richard Clolery
Meta J. Mereday
Pearl Jacobs
Sara Meyland
Phyllis Libutti
Gerald Ottavino
Francine Furtado
Barbara Bernadino
Joseph Nahan
Cara Caporale
Amy Petraglia
Aiden Jay Kaplan
Carmella Perrone
Neil Joher
Sally Hooley

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2 CHAIRMAN NICOLELLO: Will
3 everyone in the audience please stand for
4 the Pledge of Allegiance which will be led
5 by Colonel Legislator Bill Gaylor.

6 (Whereupon, the Pledge of
7 Allegiance was recited.)

8 CHAIRMAN NICOLELLO: A moment of
9 silence for Lou Cocchi who passed away
10 recently, he was the former clerk of the
11 Nassau County Board of Supervisors preceding
12 body to this and also the former mayor of
13 Malverne.

14 (A moment of silence was
15 observed.)

16 CHAIRMAN NICOLELLO: Thank you.
17 Mr. Pulitzer, please call the roll.

18 CLERK PULITZER: Thank you. Roll
19 call for the Nassau County Legislature.

20 Deputy Presiding Officer Howard
21 Kopel?

22 LEGISLATOR KOPEL: Here.

23 CLERK PULITZER: Alternate Deputy
24 Presiding Officer Denise Ford?

25 LEGISLATOR FORD: Here.

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2 CLERK PULITZER: Legislator Siela
3 Bynoe?
4 LEGISLATOR BYNOE: Here.
5 CLERK PULITZER: Legislator
6 Carrie Solages?
7 LEGISLATOR SOLAGES: Here.
8 CLERK PULITZER: Legislator Debra
9 Mule?
10 LEGISLATOR MULE: Here.
11 CLERK PULITZER: Legislator C.
12 William Gaylor, III?
13 LEGISLATOR GAYLOR: Present.
14 CLERK PULITZER: Legislator
15 Vincent Muscarella?
16 LEGISLATOR MUSCARELLA: Here.
17 CLERK PULITZER: Legislator Ellen
18 Birnbaum?
19 LEGISLATOR BIRNBAUM: Here.
20 CLERK PULITZER: Legislator Delia
21 DeRiggi-Whitton?
22 LEGISLATOR DERIGGI-WHITTON: Here.
23 CLERK PULITZER: Legislator James
24 Kennedy?
25 LEGISLATOR KENNEDY: Here.

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2 CLERK PULITZER: Legislator
3 Thomas Mckevitt?
4 LEGISLATOR MCKEVITT: Here.
5 CLERK PULITZER: Legislator Laura
6 Schaefer?
7 LEGISLATOR SCHAEFER: Here.
8 CLERK PULITZER: Legislator John
9 Ferretti, Jr.?
10 LEGISLATOR FERRETTI: Here.
11 CLERK PULITZER: Legislator
12 Arnold Drucker?
13 LEGISLATOR DRUCKER: Here.
14 CLERK PULITZER: Legislator Rose
15 Marie Walker?
16 LEGISLATOR WALKER: Here.
17 CLERK PULITZER: Legislator
18 Joshua Lafazan?
19 LEGISLATOR LAFAZAN: Here.
20 CLERK PULITZER: Legislator
21 Steven Rhoads?
22 LEGISLATOR RHOADS: Present.
23 CLERK PULITZER: Minority Leader
24 Kevan Abrahams?
25 LEGISLATOR ABRAHAMS: Here.

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2 CLERK PULITZER: Presiding
3 Officer Richard Nicoletello?

4 CHAIRMAN NICOLELLO: Here.

5 CLERK PULITZER: We have a
6 quorum, sir.

7 CHAIRMAN NICOLELLO: Thank you.

8 Welcome to everyone to our
9 meeting of the Nassau County Legislature.

10 We have several presentations
11 regarding our top cops, police medics, DAI
12 members, detective members, and then we will
13 go into the public comment period followed
14 by the business of the Legislature.

15 To start things off, I would
16 invite James McDermott, the president of the
17 Police Benevolent Association to join us
18 with the PBA's honorees.

19 MR. MCDERMOTT: I got a mob with
20 me today. Once again, I want to thank the
21 Legislature for honoring our top cops for
22 the month of June 2018.

23 On June 10, Eighth Precinct
24 Police Officers Harrigan, McKayzee, and
25 Grosser, along with Police Medics Dushett

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2 and Condroa, responded for an aided call in
3 Seaford.

4 When officers arrived at the
5 scene they were met by Charles Passagio and
6 his family. This day just happened to be
7 Father's Day and Charles was home with wife
8 and kids celebrating.

9 Charles had suffered a deep
10 laceration to his left bicep from a large
11 broken plate glass plate window. The cut
12 was so severe that the artery was severed
13 and he lost a tremendous amount of blood.
14 His vital signs were rapidly decreasing.

15 The officers along with the
16 police medics applied two tourniquets to
17 slow the bleeding down. The aided was also
18 given IV fluids at the scene to help the
19 vital signs back up to ensure he was stable
20 enough to be transported.

21 When the medics and officers felt
22 he was stable, they quickly brought him to
23 Nassau Medical Center where he underwent
24 seven hours of surgery. Because of the
25 officers and medic's quick response to the

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2 scene and their teamwork and their combined
3 skills, they not only saved Charles' life
4 but were also able to save his arm too.

5 I spoke to Charles beforehand to
6 get his permission, I want to show you his
7 arm. You need to see this. Charles come up
8 here. I don't know if you can see what
9 happened to him, but this is a month later.
10 Hopefully you're going to have a full
11 recovery. This was an arterial bleed. He
12 was losing tremendous amounts of blood. He
13 not only could have lost his life, which he
14 didn't, he didn't lose his limb either and
15 we're expecting a full recovery. I heard
16 his wife was very instrumental in this too,
17 she was on the phone with the 911 doing a
18 great job. My hats off to you too.

19 The officers and medics knew how
20 lucky Charles was and how this call for
21 service could have taken a very, very
22 different turn. So a week later they
23 visited Charles and his family.

24 These officers and medics did
25 such a great job that day working to save

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2 Charles' life and in this case his limb. We
3 are proud to name them all Legislature's top
4 cops for July of 2018. They have a
5 spokesperson.

6 SPOKESPERSON FOR OFFICERS: Thank
7 you to the Legislature, Commissioner Ryder,
8 PBA President McDermott.

9 I speak on behalf of my fellow
10 officers. It's an honor and privilege to
11 serve the residents of Nassau County
12 alongside my brothers and sisters in the
13 Nassau County Police Department and thank
14 you for this honor.

15 MR. MCDERMOTT: Thank you. Just
16 a side note. Today's Newsday cover story
17 boasted a safer Nassau County with lower
18 crime rates. The commissioner attributes
19 technology as one of the reasons for
20 success.

21 I'm sure the Commissioner will
22 agree that technology is only as good as the
23 people using it. As Kevin Black, the SOA
24 president, and I were talking in the hallway
25 he said to me moments ago, garbage in,

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2 garbage out. So obviously that's not the
3 case with these fine officers of the Nassau
4 County Police Department. So thank you
5 again.

6 CHAIRMAN NICOLELLO: Thank you.
7 Commissioner Ryder.

8 COMMISSIONER RYDER: I would also
9 like to echo what the president said. We
10 spoke a little while ago about the new
11 academy, the new training facility, state of
12 the art training. You're looking at the
13 best trained cops in the country and don't
14 forget the police medics that stands behind
15 us.

16 They are trained in a place that
17 is not adequate enough to give them the
18 best. As technology grows, we need to grow
19 with it and of course we train the best
20 cops. He is 100 percent right. These are
21 the best trained cops. It doesn't work
22 without our cops.

23 We always get that support from
24 this Legislative body and I want to thank
25 you for that. And to the family, I'm so

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2 happy he's doing well. I thought Jimmy was
3 going to break his arm there a little bit
4 but he's all right.

5 CHAIRMAN NICOLELLO: Briefly, on
6 behalf of the Legislature, I want to
7 congratulate and thank the officers, cops
8 and the police medics for all the work you
9 did.

10 There is no question in my mind
11 you saved Charles' life to make sure he went
12 home to his family and with his wife and
13 family for the rest of his life. Your quick
14 thinking, your courage and bravery and skill
15 is truly extraordinary. Thank you on behalf
16 of the citizens of Nassau County.

17 Anyone else want to say anything?
18 Charles, do you want to say anything?

19 MR. PASSAGIO: I just want to say
20 thank you. They did a great job.

21 CHAIRMAN NICOLELLO: We have a
22 couple of more presentations but we would
23 ask you to stand aside and then come here in
24 couple of minutes to congratulate you in
25 person.

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2 Next up I would like to invite
3 the Detectives Association Inc. for a
4 presentation.

5 MR. GROSS: Good afternoon
6 everyone. My name is Jeffrey Gross, the
7 first vice president of the Detectives
8 Association and I would like to thank the
9 Presiding Officer Richard Nicolello,
10 Minority Leader Kevan Abrahams and full
11 legislative body for honoring Detectives
12 George Colby, Pete Sickenger, and Gonzalvo
13 Ladonno, of the gang investigation squad
14 today.

15 These detectives developed
16 information regarding a gathering of members
17 of the Crips gang at a location in Hempstead
18 to recognize the anniversary of the fourth
19 anniversary of the death of one of their
20 members. Detectives Sickenger, Colby and
21 Ladonno set up an observation podium and
22 observed approximately 50 people blocking
23 the roadway at Bennett Avenue.

24 The gang members were taping a
25 videotape in front of the candlelight vigil.

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2 The detectives further observed a known
3 Crips gang member doing signals and hand
4 signs to other gang members while wearing
5 the gang colors and gang style clothing.

6 The detectives then observed
7 three males walking from the location. One
8 was carrying a backpack which appeared
9 square and heavy looking and a bulge.

10 The detectives then observed what
11 appeared to be a slide for a semiautomatic
12 firearm. When the three individuals entered
13 a taxi the detectives conducted a car stop.

14 Fearing for their own safety and
15 the safety of the general public, conducted
16 a search and recovered from the subject
17 wearing the backpack a loaded colt 45 semi
18 automatic handgun with laser sights and a
19 loaded glock 357 semi-automatic handgun with
20 a high capacity magazine which were
21 recovered from inside the backpack.

22 All three members were placed
23 under arrest and charged with various
24 charges. All three subjects are Crips gang
25 members.

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2 These are the kinds of cases that
3 our detectives conduct in Nassau County.
4 This was not a reported incident of a crime
5 that they were reacting to. This was a
6 self-generated observation and the arrest of
7 several gang members that we believe
8 undoubtedly stopped other crimes that would
9 have been committed by these three gang
10 members.

11 Our president, John Wighaus, he
12 was unable to come today because he had a
13 prior commitment, but he and the Detectives
14 Association would like to thank the full
15 legislative body for meeting with us and
16 listening to our concerns regarding the
17 status of the Detective Division and also
18 for the continued support of the detectives
19 in Nassau County. Thank you.

20 CHAIRMAN NICOLELLO: Thank you.
21 Commissioner, would you like to say a few
22 words?

23 COMMISSIONER RYDER: It's real
24 simple. Single handedly, there are some
25 units that make a difference in this

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2 department. The gang unit does. They work
3 hand in hand with the intelligence every
4 day, they built that intel database that we
5 have.

6 If it wasn't for the work they do
7 day in and day out, our gang issue would be
8 a problem in Nassau County, but it's not
9 because of the work that they do and you
10 just heard one of the good stories that they
11 have done.

12 Again, congratulations to all of
13 them and thank you for your support.

14 CHAIRMAN NICOLELLO: I would like
15 to join with the Commissioner and thank you
16 for what you have done for Nassau County as
17 well as for the residents to keep people
18 safe, to keep these guns from being used on
19 our residents.

20 I think he hit the nail on the
21 head. What's great about this top cop
22 program is that we get the highlight of the
23 work of the detectives, police, SOA do
24 throughout the year that would not otherwise
25 come to public. This is the type of thing

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2 that you do every day. Thank you for your
3 service.

4 MR. COLBY: Detective Colby on
5 behalf of Detectives Sickenger and Ladonno,
6 thank you. It's nice. Sometimes we just
7 like a pat on the back from our Commissioner
8 and fellow colleagues but it is a privilege
9 and honor coming from you guys and the rest
10 of the public. Thank you.

11 CHAIRMAN NICOLELLO: One more
12 presentation then we will invite you all up
13 for photographs.

14 We would also present or
15 recognize today the actions of the Police
16 Medic Coordinator Scott Dupino with the
17 Nassau County Police Department.

18 MR. CALENDER: Good afternoon.
19 Chris Calender, the president of police
20 medics. Thank you for your time as well.
21 Standing next to me is Police Medic
22 Coordinator Scott Dupino.

23 On June 22nd at 2:26 in the
24 afternoon, the Nassau County received a 911
25 call at the OTB in Carle Place for an

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2 unresponsive male.

3 Within three minutes Coordinator
4 Dupino arrived and began to assess the
5 situation. Bystanders stated that the
6 gentleman was just standing around
7 socializing and he suddenly collapsed.

8 Police Medic Coordinator Dupino
9 arrived and immediately attached a machine
10 which automatically does perfect CPR without
11 delay.

12 While he was doing this it
13 assured him the ability to start providing
14 other advanced life procedures.

15 After he hooked up the patient to
16 an external defibrillator, he shocked him
17 multiple times and he administered the
18 cardiac medication.

19 He inserted a tube into his lungs
20 which provided the oxygen he needed. By the
21 time he transported him to the hospital, the
22 patient had his pulse, his own blood
23 pressure that was sustainable, and because
24 of the Police Medic Coordinator Dupino's
25 actions on that day, that patient walked out

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2 of Winthrop Hospital shortly thereafter.

3 Again, I would like to thank you
4 again for acknowledging his accomplishments.

5 COMMISSIONER RYDER: Said it
6 before and I'll say it again. There is no
7 better police medics in the country.

8 When you are injured you want to
9 see a Nassau County Police Medic because
10 they prepare, they train and prepare and
11 train again. That's what makes them so
12 good. It's all because of the support we
13 get from the Legislative body. So again
14 thank you and congratulations.

15 MEDIC DUPINO: Thank you for the
16 honor. It's a pleasure and privilege to
17 serve the Nassau County Police Department
18 and all the residents. It's a unique job.
19 Without the men in blue behind me it
20 wouldn't be possible. They are our brothers
21 in blue literally. It has been a fantastic
22 career thus far and I'm looking forward to
23 the rest of my career here with the police
24 department. Thank you very much.

25 CHAIRMAN NICOLELLO: Thank you.

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2 My understanding is that you used your own
3 private device, the CPR device, correct?

4 MEDIC DUPINO: We have devices on
5 loan from a company. I am issued one when I
6 worked on supervisory patrol as well as the
7 two currently. I believe we have them for
8 another 30 days. They have been fantastic.

9 CHAIRMAN NICOLELLO: Great.
10 Thank you again.

11 We are going to proceed to the
12 public comment portion of the meeting now.
13 I notice there are a number of slips in for
14 the bully legislation that's on, as well as
15 the Long Island Committee Aquifer Protection
16 which will be called later. I'm assuming
17 that the people that are here for those two
18 items will wait for those two items to be
19 called.

20 If not, once we finish with this
21 portion of public comment, just raise your
22 hand and come up and do it now if you need
23 to leave.

24 To start things off, we have
25 several individuals who have asked to come

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2 up together involving an issue in their
3 community. I would invite them all up
4 together. That would be Maureen Cascone,
5 Sue Arantes, Justin Berry, Debbie Hass, and
6 Dahana Caro. Welcome.

7 MS. CASCONE: Hi. My name is
8 Maureen Cascone. First I do want to thank
9 the law enforcement for all that they do.
10 It pains me to be here today.

11 We are here representing the
12 neighborhood around Williston Park. We are
13 here as a last straw. We have a concern
14 about a nuisance in our neighborhood. We
15 have called the Third Precinct numerous
16 times dating back the last several months.

17 Numerous 911 calls have been made
18 and you can check for Fairfield Avenue in
19 Mineola, the record logs, in particular for
20 the last few months.

21 You can also follow-up and check
22 see what was actually documented on those
23 911 calls. And I'm a betting woman,
24 probably nothing or minimal has been
25 documented regarding the calls placed.

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2 We have a self proclaimed drug
3 dealer who admitted this in front of a third
4 precinct officer after a botched deal went
5 bad.

6 He made a robbery complaint out
7 of this incident. He has a history in the
8 neighborhood of being a nuisance. He drives
9 drunk. I don't believe he has a driver's
10 license. All met with no law enforcement.

11 On the Fourth of July it reached
12 its peak. Officers responded to him
13 standing in the street with a bat
14 threatening harm to another car at the
15 corner of Sheridan and Fairfield Avenue.

16 Others here can attest to
17 witnessing this act as well as myself
18 witnessing it from my front window with my
19 two children.

20 Zero police action was taken from
21 this. The minimum was he could have been
22 arrested for disorderly conduct especially
23 standing and threatening others with harm
24 with a baseball bat. Nothing was taken.

25 He was told to go back inside his

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2 house. This happened four times throughout
3 the day the police were there at his house
4 and did nothing. The only thing that has
5 happened from this is it has emboldened his
6 behavior.

7 Just because Nassau County Police
8 Department shows up and tells him to go
9 inside doesn't rectify the situation. Once
10 they leave, he is right back out menacing
11 the neighborhood.

12 Then he harasses neighbors, which
13 another neighbor is going to come up and
14 attest to his wife and they try to make a
15 report. I'm not going to go into that.

16 I just want to say that the days
17 of showing up with no police action are
18 over. It's not working. Nothing has gone
19 further than a car door call and with as
20 many 911 calls, no one has seen or had any
21 additional police presence in our
22 neighborhood, have not been contacted,
23 contacted by detectives, contacted by
24 narcotics or vice.

25 It pains me to say this, but God

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2 forbid, a child, there are many children on
3 my block. I don't know what it's going to
4 take to get something done about this. I
5 don't want to see a child hurt or maimed
6 because of someone else's behavior and lack
7 of police action.

8 I feel new leadership is in
9 order. Officers responding did not feel
10 they should take police action and in their
11 training officers, so who does that fall on,
12 the rookies or superior officers?

13 The Third Precinct doesn't even
14 pick up the phone when you call. Neither
15 does the POP unit. Clearly what is working
16 is not. I am very upset about it and I
17 would like to have a follow-up plan and more
18 police presence. I would like to know who
19 is actually monitoring the situation because
20 you will hear some more.

21 CHAIRMAN NICOLELLO: We will have
22 the other speakers, but what we will do, two
23 aids are over there on the side and they
24 will take your information and we will
25 arrange a meeting with your group and the

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2 Third Precinct, which I will attend, and we
3 will pursue it at that time.

4 Anyone else want to speak at this
5 time?

6 MS. ARANTES: Hi. I'm Sue
7 Arantes. The person that lives across the
8 street from us, he is not an upstanding
9 citizen. He has a huge, long history with
10 prostitution rings, drugs and now we
11 continue with the same thing. Again,
12 nothing gets done. It's like this person
13 who's breaking the law has more rights than
14 us. The citizens that follow the rules.
15 It's not giving the residents on our block a
16 good image of what the Third Precinct is
17 doing.

18 CHAIRMAN NICOLELLO: Let me just
19 say again, whoever else wants to speak can
20 because they have slips in, but the fact
21 that five people have come to this
22 Legislative meeting is an indication how
23 severe this is, because this does not happen
24 on a regular basis. So it's something that
25 we will have to get the police better

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2 involved in this.

3 MR. BERRY: How are you, my name
4 is Justin Berry.

5 Numerous times, like the people
6 behind me, have complained about this
7 gentleman. He is known to the police
8 department as a drug dealer, as a
9 prostitution ring like you heard before. He
10 has two children living in the house.

11 On July 4th the police officers
12 were there four different times. Once for
13 his son beating up his little sister in the
14 bathroom. Another time for a robbery and
15 another time for a drug deal gone bad. All
16 in the same day. I cannot see how this
17 person doesn't get arrested.

18 The Third Precinct is working
19 with him. That's obviously their tattle
20 tale in the neighborhood. How they're
21 making other arrests. But they're not doing
22 anything for us. My wife was harassed the
23 other night for about seven hours straight.
24 He called my wife's phone and texted my
25 wife.

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2 I called the police department to
3 make a report. They came to my house and
4 told me to block his number. That would be
5 the best solution.

6 He has said racial slurs to my
7 wife. My wife is Hispanic. I have two
8 children on the block. He said MS-13 was on
9 the block the other day and they robbed him.
10 What are we going to wait for a drive by
11 shooting to happen in Mineola for one of my
12 kids or people behind me or kids to get
13 hurt? The Third Precinct has done
14 absolutely nothing.

15 I never heard of I cannot make a
16 harassment complaint. They sent me on my
17 way and told me to go back in my house. If
18 I don't go back in my house I'm going to get
19 in trouble with him. It's going to cost me
20 lawyer fees and everything else.

21 Where are we living here? I just
22 don't see the sense of a guy that drives
23 with no license, drunk 90 percent of the
24 times. The Third Precinct is dropping the
25 ball here.

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2 You have all the officials here
3 and giving out awards, where is the award
4 for the cop taking this guy down? What are
5 we going to wait for, when I put my kid in a
6 body bag for this shit to happen? This is
7 absurd.

8 CHAIRMAN NICOLELLO: Watch your
9 language.

10 MR. BERRY: Excuse me, but this
11 is absurd, not fair. We pay taxes. We pay
12 everything else for everybody here to be
13 here today. When are we going to get a fair
14 share of the deal? We have no fare share.
15 We called the Third Precinct, they put us
16 off. The detective squads are working with
17 him. How does that benefit us? What are we
18 going to get done? When?

19 MS. CARO: Hi. My name is Dahana
20 and I live in my house with two kids and I
21 took off from work today because this is a
22 big concern for us.

23 My kids are not allowed to play
24 in the streets in front of my house or ride
25 a bicycle anymore because I'm afraid of this

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2 guy. I'm not at home on weekends and it's a
3 big scene.

4 Every weekend we have police
5 activity. They block with their cars. They
6 spend hours there and they leave. This guy
7 is back in the street with a baseball bat
8 and looking at me and just trying to
9 intimidate me.

10 I don't think this is fair and I
11 live in fear and I don't think it's fair for
12 my kids either. Fourth of July, my kids had
13 to run inside my house and then went under
14 their bed. They didn't want to come out
15 because this guy was in front of my house
16 making a big scene.

17 I'd really appreciate if we can
18 do something about it because we cannot go
19 on like this anymore.

20 MS. HAAS: Hi. My name is Debbie
21 Haas. You heard from my other neighbors,
22 but there is some background. Been in jail
23 before for prostituting out his now wife.
24 He lost custody of two of his other
25 children, he has two more. He's always a

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2 menace.

3 I get call from people all the
4 time, can you ask your husband to say
5 something to this guy, he's bothering a
6 young girl, he gets in trouble everywhere he
7 goes. Everyone really is really sick of it.
8 We don't go in our house. We don't talk to
9 him. There was a break-in on the block. We
10 feel he has something to do with it and we
11 don't want to deal with it anymore.

12 When we're outside, he says, go
13 back inside your own home if you don't like
14 it. You don't like it, go inside. But he
15 really should be the one. He does not pay.
16 He lives with his grandmother-in-law. She
17 was afraid of him. She expressed to me once
18 and she said she doesn't want to do
19 anything. Some people didn't want to come
20 today for fear of retaliation from him.

21 CHAIRMAN NICOLELLO: As I said,
22 we will arrange a meeting at the Third
23 Precinct and I will attend. My two aids
24 will come and get your information. We will
25 set this meeting up with the brass that's

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2 there.

3 MS. HAAS: Thank you very much.

4 CHAIRMAN NICOLELLO: Thank you
5 very much for coming down. We appreciate
6 you being here.

7 Shelley Goldman.

8 MS. GOLDMAN: Hello. Thank you
9 for the opportunity to speak today. My name
10 is Shelley Goldman. I live in Merrick. I
11 grew up in Bellmore. I spoke last at this
12 Legislative body two months ago.

13 I'm back to remind you that
14 plastic pollution is an important issue.
15 The Legislature can take steps towards
16 reducing plastic pollution by passing a
17 single use plastic bag law in Nassau County.
18 By doing so we can have a huge impact
19 locally.

20 Suffolk has been successful and
21 Westchester and Ulster County legislators
22 are close to passing similar bills.

23 I would like to share a portion
24 of a recent article from Newsday written by
25 Fay Flam. She writes, plastic matters

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2 because it takes centuries to degrade and
3 there is a lot of it.

4 Jenna Jamback, who is an
5 engineering professor at University of
6 Georgia, has estimated that the world has
7 produced more than eight billion metric tons
8 since the 1950s.

9 To help grasp that quantity,
10 paleontologist Jan Zoloskis has estimated
11 that this is enough to wrap our entire
12 planet in Cling Wrap. Others have
13 calculated it would make four mountains the
14 size of Everest.

15 In a study Jamback lead in 2015
16 calculated about eight million metric tons
17 of plastic tons of garbage is added to our
18 already polluted oceans each year killing
19 the sea birds, turtles and marine animals
20 and other creatures. Some break down into
21 particles that infuse the fish and shell
22 fish people eat.

23 Here in Nassau County we can take
24 steps to reduce plastic use. A bill that
25 reduces single use plastic bags at checkout

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2 is a proven effective and responsible first
3 step.

4 If you have questions about such
5 a bill and its impacts there are people like
6 myself who are willing to meet and talk to
7 all of you further about this matter. Thank
8 you for your time.

9 CHAIRMAN NICOLELLO: Thank you,
10 Shelley. Susan Brockman.

11 MS. BROCKMAN: My name is Susan
12 Brockman. Thank you for allowing me this
13 opportunity. I'm here again to beg you to
14 get off the bag wagon. Let's join the world
15 in efforts to reduce plastic pollution.
16 Please bring the plastic bill law for a vote
17 so Nassau can move ahead.

18 I know you are all concerned
19 about how your constituents feel and how
20 merchants will feel about the proposed law.

21 In the past few months, many of
22 us in the organization we volunteer for, the
23 organization is All Our Energy, we have been
24 holding many public events to educate the
25 public about plastic waste.

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2 We have also been discussing the
3 proposed bill with merchants with several
4 towns on the South Shore.

5 I just spent three hours this
6 morning walking through Lynbrook, speaking
7 to merchants about the law. I promise you,
8 we are finding great support for the bill.

9 Merchants realize that it's time
10 to join Suffolk, to join Long Beach and join
11 the rest of the world in controlling plastic
12 pollution.

13 We have two important events
14 coming up in Rockville Centre where you can
15 learn more about this plastic bag law. We
16 will send you an invitation by email so you
17 can hopefully join us. The time is now.
18 Your action is needed now. Your
19 constituents will be proud of your
20 leadership. And, again, you will feel great
21 when you get off the bag wagon.

22 CHAIRMAN NICOLELLO: Thank you,
23 Susan. Pat Boyle.

24 MR. BOYLE: Hi. How is everybody
25 doing? I'm going to ask you to put on your

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2 small business hat for a second. Most of
3 you run small businesses, whether it be a
4 law firm or insurance practice, whatever you
5 do so you kind of know what it's like to run
6 a small business and what you need to make
7 it work. We run small businesses too, the
8 youth services -- I'm sorry. Pat Boyle from
9 Gateway Youth Outreach. Sorry about that.

10 Most of us are having a hard time
11 trying to keep our cash flow going. Isn't
12 that what a small business is all about?
13 Keeping your cash flow up and figuring out
14 how to make things work?

15 Let me give you a little bit of a
16 time line. I don't know if you really
17 understand what has happened to youth
18 services as we have been going along.

19 This isn't a complaint by any
20 matter or means. It's looking forward,
21 trying to be able to find a way to fix these
22 things.

23 In November of 2017 we were told
24 the youth services that we would be fully
25 funded again and we were asked to fill out

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2 contracts being fully funded. So we did.

3 In December we were told that we
4 got a 25 percent cut and we needed to fill
5 out new contracts that would only go through
6 September. Think about that. People who
7 are running after-school programs and
8 everything else that the contract is only
9 going to go up to September. That's when
10 school starts.

11 In January we had another new set
12 of contracts filled out with a 25 percent
13 cut. So now we fill out two contracts.
14 And, by the way, most of them are asking
15 about do our board members give donations to
16 political campaigns and things of that
17 nature. Which it's just a lot of extra work
18 to be able to do to get that kind of thing
19 done when most of our people don't give
20 money to anybody.

21 In February, March probably April
22 we were told, yeah, you're going to get your
23 contracts now and it won't be a 25 percent
24 cut. It will be a six percent cut. We said
25 okay. We can't really deal with a six

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2 percent cut either. What are we supposed to
3 do now?

4 Admittedly, about three weeks ago
5 we were told we would receive 100 percent of
6 our funding and we had to fill out new
7 contracts again for the 25 percent that we
8 were going to get back after the six
9 percent. How do you run a business like
10 this? It's getting impossible.

11 I'm lucky. I get about a third
12 of our funding from the county so I can
13 borrow from Peter to pay Paul with state
14 funding. But a lot of our agencies don't
15 have that and it's becoming very difficult.

16 Now we are waiting for advances.
17 We received our advances that we were
18 supposed to receive January 1st, we received
19 them in June. We had to fund six months of
20 funding to be able to keep our programs up
21 and running and we did. Basically all of
22 our programs did. I don't know how.

23 Let me skip on to the last part
24 of this. This is the part that I really
25 want you to think about a little bit. I

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2 just hit kind of a big birthday where you
3 look at the number and start to think about
4 what's happening.

5 CLERK PULITZER: Sir, your time
6 is expiring.

7 MR. BOYLE: I just hit that
8 birthday and I started to think to myself,
9 who is going to be running these programs
10 now in the next five to ten years? Who is
11 going to take over programs that can't get
12 funded and the funding streams are just not
13 able to be able to support you? Who's going
14 to do that?

15 We are all retiring. Most of us
16 are getting to the age where we are getting
17 out of here. We can't find people who are
18 going to be able to want to work with that.

19 The bottom line is you really
20 need to look at mandating youth funding.

21 If it was mandated it couldn't be
22 as easily cut. That's the only way to make
23 this happen. We're doing what we can to
24 help out in the community with as many young
25 people as we can. We really need your help

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2 to do it now and in the future. Thanks.

3 CHAIRMAN NICOLELLO: Thank you,
4 Pat. Joanne Borden.

5 MS. BORDEN: Good afternoon. My
6 name is Joanne Borden, North Woodmere,
7 New York. The conservative icon Ronald
8 Reagan said government's first duty is to
9 protect the people.

10 Most descriptions of the purpose
11 of government agree with that principle and
12 I suspect most, if not all of you, also
13 agree or should agree. Yet our human rights
14 law, our Human Rights Commission Law
15 interprets that principle to say
16 government's first duty is to protect
17 gender, race, color, creed, national origin,
18 disability, age, religion, source of income
19 and sexual orientation in an effort to make
20 the law all inclusive, the originators named
21 every class of people they could think of
22 and each subsequent change followed that
23 model.

24 But that actually means the law
25 is exclusive not inclusive. The law

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2 actually limits the county's protection to
3 the listed reasons only.

4 For example, if a reason for
5 discrimination is a person's religion, which
6 is protected, we merely falsely claim
7 discrimination was for another reason.

8 Conversely, a person who wrecks
9 from the smell of a sewer can falsely claim
10 he was refused service in a restaurant
11 because of his age which is also a protected
12 class.

13 For eight years I have been
14 coming here asking in effect to exclude
15 everyone from protection except those ten
16 named classes of people. Plus the addition
17 of transgender people which I sought and
18 still seek. I was wrong and our law is
19 wrong.

20 Reagan was right when he said
21 government's first duty is to protect the
22 people. Period. No restrictions. Everyone
23 who is a people.

24 So I'm here today to ask you to
25 amend our Human Rights Commission law to

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2 eliminate all limitations in our law.
3 Eliminate the mention of all ten classes of
4 people now protected and protect the people.
5 All the people. No restrictions. No one
6 excluded.

7 As Reagan Reagan said, "the
8 government's first duty is to protect the
9 people, not run their lives."

10 Thank you for listening.

11 CHAIRMAN NICOLELLO: Thank you,
12 Joanne. Richard Clolery.

13 MR. CLOLERY: To the members of
14 the Legislature. Wow. We are in some deep
15 hole. Rainy day fund in the red among other
16 things. This caused by the previous
17 administration for the most part pulling it
18 together from the news.

19 So you are wondering what all
20 this has to do with me and my cause in
21 restoring bus service.

22 For starters, it means all of you
23 are here are probably going to make some
24 tough choices. My hope is that you will not
25 balance the books on the backs of the

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2 people. Specifically those that cannot
3 drive, who are disabled, have a medical
4 condition, too old to drive, or simply can't
5 afford to drive.

6 My other hope is that you will
7 find a way to restore funding. My
8 suggestions from last time included a list
9 of fines, traffic fines, snow shoveling, or
10 like a rough plan of action and now
11 littering.

12 Would you consider those part of
13 the solution for funding? Anyone?

14 Or do you consider the needs of
15 non-drivers beneath you? All right.

16 Thomas McKeivitt, you who
17 represent my district, how would you feel
18 one day that your car should not work nor be
19 able to call a cab, and that you should feel
20 isolated in the community you serve? Would
21 you like public transportation as an option
22 to get you to work every day?

23 CHAIRMAN NICOLELLO: Basically
24 the rule is, you're not posing questions to
25 us. You are giving a comment, stating what

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2 your issue is.

3 MR. CLOLERY: I know. I just
4 want some -- never mind. For those of us
5 who have cars there is a new problem on the
6 horizon. Gas prices are going up again and
7 they probably won't go down for quite some
8 time, just go up.

9 For some people it means they may
10 be choosey about when they should go out
11 with the car. In certain situations,
12 probably won't do the activities which gives
13 the county the tax revenue it really needs
14 right now. Such a shame that we don't have
15 a public transportation option that the
16 people need right now.

17 What I'm asking for is not just
18 restore funding, funding to restore the
19 funds that were cuts, but also funding to
20 increase bus service so that it can run at
21 night and on the weekends so people can use
22 the buses as they need it. Especially those
23 that work at night and on the weekend.

24 I know it seems like a bad
25 proposition right now, but think of the

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2 possibilities for those who can't drive but
3 want to visit the county. Sure use the tax
4 revenue in case they visit our county and
5 shop here. Especially those if they choose
6 to visit Nassau County. That's all for now.
7 Have a good day.

8 CHAIRMAN NICOLELLO: Thank you,
9 Richard. Meta Mereday.

10 MS. MEREDAY: Meta J. Mereday,
11 Baldwin resident. As I stand here less than
12 a week after our celebration of independence
13 I am still in awe of the shoulders that I
14 stand on to be able to stand here and the
15 fact that those many shoulders, so many of
16 them who have gone on long since dust, are
17 not fully acknowledged or recognized for
18 their contributions to this country, to this
19 county. So I will continue as best I can to
20 be a voice for them because so many of us
21 are voiceless.

22 As we look at the legislation
23 that we are coming up to another budget
24 process and yet and still we have no
25 structured program that addresses the needs

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2 for our veterans.

3 You can't build on zero. You
4 cannot develop a platform or a program that
5 has no structure. In Nassau County we still
6 do not know how veteran-owned businesses are
7 still doing business. I have yet to receive
8 the information as to how many minority and
9 women businesses are getting actual
10 contracts. It's not like we don't have the
11 information to do that. It's not like we
12 don't pay the money out there to make those
13 things happen.

14 Again, I continue to stand again
15 as best I can and I'm heading to my third
16 epidural shot soon for my 911 services and I
17 brought something that might spark some
18 interest since I'm just blowing air here
19 with my COPD.

20 This is the 911 resource guide.
21 It talks about mental health. Talks about
22 support services. Talks about the agencies
23 and organizations.

24 Guess what, I see you have on
25 this agenda to do a bulletin or a brochure

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2 about bullying. I find that amazing since
3 you have so many county employees addressing
4 bullying and things of that nature.

5 So, once again, we want to
6 allocate taxpayer dollars to a put a face on
7 something externally that we are not
8 addressing internally.

9 Let's talk about transportation.
10 We are being sued I believe by a
11 municipality but it would be interesting if
12 all the committees that all of you have been
13 designated to serve on actually put
14 something on your report so the public can
15 see you are actually doing something.

16 Because I have been here a number
17 of years, as many of you know, and it's a
18 waste of paper to constantly see these
19 various committees; whether it's veterans,
20 transportation, or whatever, and the big
21 line behind the paper that has all your
22 names on it, has nothing to report.

23 Again, that seems to be standard
24 operation for Nassau County. There is
25 nothing to report.

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2 Lastly, because I know I'm about
3 to lose my time. Newsday once again has
4 just put the scandal on the front page.
5 What are we going to do about the water
6 situation in Nassau County and the egregious
7 payments that the many residents have had to
8 make with New York American Water? Is this
9 aquifer commission, is that actually going
10 to be funded to do something to address
11 that?

12 Again, where is the commission
13 for veterans, for their families, for their
14 descendants who are still here, still trying
15 to get for their relatives what they fought
16 for on the battlefield that we were waving
17 the flags and attending parades last week?
18 Thank you.

19 CHAIRMAN NICOLELLO: Thank you,
20 Meta. Pearl Jacobs.

21 MS. JACOBS: Good afternoon. I'm
22 Pearl Jacobs, Uniondale. I'm speaking on
23 behalf of the Nostrand Garden Civic
24 Association in Uniondale.

25 I'm coming before you to ask

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2 regarding the status of the Uniondale
3 streetscaping project, which again is
4 delayed again. The last update that I
5 received personally when I spoke with Rich
6 Debaeo of the Nassau County Department of
7 Public Works, he conveyed to me that the
8 delay was due to some sort of bidding issue.

9 This is a little strange to me
10 only because in NIFA, of course, and the
11 contract was agreed, the contractor agreed
12 to perform this work at the 2015 price point
13 and I would like to know why this is taking
14 so long.

15 LEGISLATOR ABRAHAMS: So, Pearl,
16 two things. One, Richard was correct.
17 There was a bidding issue but it wasn't the
18 bid on the contract that was the problem.
19 It was all NIFA.

20 So NIFA had an issue with the
21 contract because as they felt there weren't
22 enough bids that were received, NIFA has
23 made it, I guess, an internal policy. It's
24 not required by their Charter, but they have
25 made it a policy that they are requesting

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2 that county projects that basically receive
3 an inadequate amount of bids that they get
4 more bids.

5 Fast forward through that. The
6 administration, with the Legislature's
7 assistance, was able to convey that and NIFA
8 approved the contract.

9 What I'm telling you is the
10 reason for the delay. The unfortunate thing
11 about this is NIFA only meets once a month
12 and, from their standpoint, we, all
13 procurement, all contracts, that even though
14 the Uniondale streetscape received approval,
15 some time ago late last year, are subject to
16 them calendaring it and subject to them
17 approving it. So the long and the short of
18 the story is, the contract is approved based
19 on my conversation as of Tuesday last week
20 the work is to begin this month.

21 The reason for the delay was tied
22 to the fact that we did not have NIFA's
23 approval. They were holding up their
24 approval because the contract did not
25 receive enough bids. NIFA does not consider

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2 the contract until this Legislature approves
3 it and it actually comes to them and they
4 calendar it for a vote.

5 MS. JACOBS: So you're saying
6 that the contract was approved by NIFA and
7 you're saying that shovel in the ground
8 should be --

9 LEGISLATOR ABRAHAMS: From what
10 I'm being told by the Department of Public
11 Works, they will give you the same answer,
12 we are being told that the shovel should be
13 in the ground. The only hindrance in this
14 entire process is that, one, NIFA didn't
15 approve it, which NIFA just recently
16 approved it and, two, they were holding it
17 up for the bidding concerns.

18 But put that aside for a second.
19 Like I said before, we have gotten past that
20 hurdle because the contract has now been
21 approved by NIFA.

22 So now, like any other DPW
23 project, once they receive approval from
24 NIFA, the next step is to put a shovel in
25 the ground.

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2 Based on my conversation with the
3 Commissioner -- I don't if he's here today,
4 because we are looking to do some of the
5 capital stuff later on -- the Uniondale
6 streetscape project will begin by the end of
7 this month. That's what he had made clear
8 to me. That was Tuesday last week.

9 MS. JACOBS: Thank you for your
10 explanation, Legislator Abrahams. I will
11 take that back to the community.

12 LEGISLATOR ABRAHAMS: I'm sorry.
13 Not to cut you off, Pearl, but Mr. Arnold is
14 here. You can hear it from the horse's
15 mouth rather than me give it to you in the
16 secondhand version.

17 MR. ARNOLD: Ken Arnold,
18 Department of Public Works. Yes, we will be
19 issuing notice to proceed this month. I'm
20 working on a schedule with him right now
21 when he's out in the field doing work. He
22 does have other work ongoing. I can't speak
23 for his field crews at the moment, but the
24 county will be issuing notice to proceed for
25 him to start work this month.

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2 LEGISLATOR ABRAHAMS: Can you
3 elaborate or get back to the civic
4 association or get back to Pearl on what
5 exactly will be done and when it will be
6 done throughout this process? This is a
7 long project. Let her know whether it's
8 curbs or resurfacing or striping or whatever
9 is getting done so they have an actual
10 schedule to see how it unfolds.

11 MR. ARNOLD: I will take care of
12 that and I will copy you.

13 LEGISLATOR ABRAHAMS: Thank you.

14 MS. JACOBS: Thank you very much
15 for that update. Another issue the
16 condition of Jerusalem Avenue, Legislator
17 Abrahams, is deplorable. He's coming back?

18 MR. ARNOLD: Jerusalem Avenue is
19 an ongoing project, which is the Hempstead
20 force main, I'm working with my construction
21 crews now to get that temporary patch more
22 sustainable. Right now it is an awful drive
23 and hoping to have that resolved in the next
24 month or so.

25 LEGISLATOR ABRAHAMS: So we can

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2 be clear, the work that's going on on
3 Jerusalem Avenue is tied to the diversion of
4 the sewage that was coming from Hempstead
5 that was going to Bay Park but now is going
6 to Cedar Creek?

7 MR. ARNOLD: Yes, it's part of
8 the sanitary sewer overflow project
9 diverting a percentage of the Hempstead flow
10 away from the interceptor that runs through
11 Baldwin and now sending it force main to a
12 larger pipe that goes to Cedar Creek.

13 The pipe is installed, put their
14 temporary paving down, like to let it
15 settle, and then come back and cutting out
16 that patch and redoing the patch. So I'm
17 work on now getting that schedule put
18 together.

19 LEGISLATOR ABRAHAMS: The work
20 for the diversion is done, but what
21 Ms. Jacobs is talking about is the actual
22 resurfacing?

23 MR. ARNOLD: The pipe on
24 Jerusalem, most of that pipe is completed.
25 There are some segments, one which is up in

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2 the Village of Hempstead where we have a
3 conflict we are working through but most of
4 the pipe has been installed and that patch
5 needs to be finalized.

6 LEGISLATOR ABRAHAMS: So would
7 they do the resurfacing once that patch is
8 done or once the resurfacing is almost at
9 completion?

10 MR. ARNOLD: Well, right now, I'm
11 working with my team to find out if we're
12 doing a patch, resurfacing on the limits of
13 the trench or going curb to curb. I don't
14 have that answer right now.

15 LEGISLATOR ABRAHAMS: When can we
16 have an answer to provide to her?

17 MR. ARNOLD: Hopefully within a
18 couple of weeks.

19 MS. JACOBS: I just want to say I
20 do see some patching that was done.

21 LEGISLATOR ABRAHAMS: In the
22 middle?

23 MS. JACOBS: Well, sporadically,
24 in the middle. If that's the end result
25 that is unacceptable. We would hope that's

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2 not the end result.

3 We would like, like I spoke with
4 you, Legislator Abrahams, before, we would
5 like it dug up and resurfaced just like the
6 beautiful job they just did on Stewart
7 Avenue. Thank you.

8 CHAIRMAN NICOLELLO: Thank you.
9 That includes the general slips.

10 What we're going to do is this.
11 We have a consent calendar which only takes
12 a minute to do. These are items that went
13 through the committees and the majority and
14 minority have agreed to pass these at this
15 time without further debate or discussion.

16 After the consent calendar, we
17 are going to the Long Island Committee of
18 Aquifer Protection item and LICAP item and
19 then to the bullying legislation. Since
20 those are two with the slips that are in.

21 The consent calendar. I will
22 call that right now. Item 8, ordinance 60;
23 Item 9, Ordinance 61; Item 10, Ordinance 62;
24 Item 13, Resolution 120; 14, Resolution 121;
25 15, Resolution 122; 16, Resolution 123; 17,

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2 Resolution 124; 19, Resolution 126; Item 22,
3 Resolution 129; Item 24, Resolution 131;
4 Item 25, Resolution 132.

5 Motion to pass these?

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR DERIGGI-WHITTON:

8 Second.

9 CHAIRMAN NICOLELLO: By Rose
10 Walker, seconded by Legislator
11 DeRiggi-Whitton. Any debate or discussion?

12 (No verbal response.)

13 Any public comment on those items
14 that are part of the consent calendar?

15 MS. MEREDAY: Meta Mereday, Item
16 16, the grant agreement between the county
17 and Nassau County acting on behalf of Parks
18 and Recreation and Museums.

19 Just curious again as to what is
20 the amount of the grant and what is the
21 purpose for the grant? I guess that would
22 apply also to 17, Resolution 124. Just
23 again curious with regard to the grant.
24 Where it was generated from. Was it like
25 hotel-motel, et cetera, et cetera? What is

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2 the amount of the grant? What is the
3 purpose of the grant?

4 CHAIRMAN NICOLELLO: Item 16 the
5 grant is \$100,000, it is hotel-motel money.
6 It is for the Long Island Children's Museum.
7 It involves programing. I can give you a
8 list of the programs that they run for that
9 money. But, again, it's hotel-motel funds
10 and it's \$100,000.

11 17 is a grant of \$40,000 to
12 support ongoing programing at Cornell
13 Cooperative Extension, East Meadow Farm.
14 This is also hotel-motel monies.

15 MS. MEREDAY: I believe Mr. Boyle
16 spoke with regard to mandating youth
17 programs. I would gather this is something
18 that is kind of separate but I'm just trying
19 to again see about the possibility in Nassau
20 County trying to somehow bring us into 2018
21 with regard to incorporating and engaging
22 these types of proactive support services.

23 CHAIRMAN NICOLELLO: That's not
24 before us. We have a whole bunch of people
25 waiting here.

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2 MS. MEREDAY: I understand that
3 and I get it. I'm a taxpayer as well.

4 CHAIRMAN NICOLELLO: You want to
5 have more bites of the apple so they can
6 wait.

7 MS. MEREDAY: I'm trying to be
8 cooperative and proactive. We can go down
9 that lane if you want to.

10 CHAIRMAN NICOLELLO: You're not
11 being cooperative.

12 MS. MEREDAY: The time it takes
13 you to try to be insulting I can say what I
14 need to say and sit down. You asked the
15 question about public comment on these
16 issues and I'm giving you my public comment.

17 CHAIRMAN NICOLELLO: No, no.
18 Public comment is over. These comments are
19 now limited to those two items? If you have
20 more comments about these items, fine. Then
21 wait until the end of the calendar like
22 everyone else.

23 MS. MEREDAY: I do. Thank you.
24 22. When we talk about conspicuous signage
25 what are the related costs of that? Also,

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2 what is the vetting process as it pertains
3 to designating buildings, rooms, spaces,
4 corners, walls to certain individuals?

5 CHAIRMAN NICOLELLO: What do you
6 mean by vetting process?

7 MS. MEREDAY: It says to install
8 conspicuous signage.

9 CHAIRMAN NICOLELLO: We are going
10 to put a sign in the room that is going to
11 be dedicated to Legislator John Ciotti who
12 served here for close to two decades. First
13 as chairman of the Finance Committee, Deputy
14 Presiding Officer, was a public servant in
15 this county. Served two decades. So we are
16 dedicating a room in the building to him,
17 putting up a sign that says the room is
18 dedicated to him.

19 MS. MEREDAY: Simple answer.
20 Appreciate that. Thank you. As it pertains
21 to the items that were on the consent
22 calendar for the moment I am finished.
23 Thank you.

24 CHAIRMAN NICOLELLO: Any other
25 public comment? I believe I saw a hand at

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2 the back of the room. Greg May, I believe
3 the person you were speaking had her hand
4 up.

5 MS. MESHKOW: Carol Meshkow, I
6 have no comment. I just wanted to ask if
7 the item regarding relocating baby products
8 displays was one of the consent items. You
9 read the list and moved fast for me.

10 CHAIRMAN NICOLELLO: I apologize.
11 That was not. Basically we were jumping to
12 two other items that have a ton of slips
13 here. Thank you.

14 MS. MESHKOW: Thank you.

15 CHAIRMAN NICOLELLO: If you have
16 to leave and you want to make a comment
17 about that you can.

18 MS. MESHKOW: No, that's fine.

19 CHAIRMAN NICOLELLO: Any other
20 public comment?

21 (No verbal response.)

22 We are going to call all of the
23 items except for Item 13, which we will call
24 separately because one of our legislators
25 has to recuse themselves.

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2 All the other items I called
3 before are up for a vote now. All in favor
4 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The items carry unanimously.

9 Now I'm going to call Item 13
10 which is Resolution 120. It's already
11 before the Legislature. Legislator Solages
12 has left the room, recused himself and is
13 not participating in the debate or
14 discussion on this item.

15 Any public comment?

16 (No verbal response.)

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Carries unanimously.

23 Invite Legislator Solages back in
24 the room.

25 Item 12, Resolution 109 is a

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2 Resolution to amend Resolution 107 of 2013
3 establishing the Long Island Committee on
4 Aquifer Protection.

5 LEGISLATOR RHOADS: So moved.

6 LEGISLATOR KENNEDY: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Rhoads, seconded by Legislator
9 Kennedy. That item is before us. Do we
10 have any speakers here on behalf of the
11 administration or LICAP?

12 MR. CAREY: Good afternoon. My
13 name is Stan Carey. I'm the present chair
14 of LICAP. I'm the representative from the
15 Nassau Suffolk Water Commissioner's
16 Association and also the superintendent of
17 Massapequa Water District.

18 To date, LICAP has accomplished
19 quite a bit in protecting our aquifer. We
20 produced an annual State of the Aquifer
21 report, an interim ground water management
22 plan, which we hope to enhance in the coming
23 year, many initiatives on conservation as
24 well as Water Track where the general
25 public, regulatory agencies can go online

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2 and use a very interactive GIS mapping
3 system to check for various water quality in
4 their community. We're very proud of that
5 development. It's been used by the DEC and
6 local health departments.

7 We are here today to respectfully
8 request that this Legislature extend LICAP
9 for an additional five years, this
10 legislation in front of. There's more work
11 to be done. We would like to enhance some
12 of our reports and continue our mission in
13 protecting the vital resource of the
14 aquifer.

15 With that, if there's any
16 specific questions we have some other staff
17 here today if you have questions on our
18 financials or anything towards that regard,
19 we would be more than happy to answer them.
20 Also here today is the Vice-Chairman, the
21 CEO of the Suffolk County Water Authority
22 Jeff Sabo.

23 CHAIRMAN NICOLELLO: Thank you.
24 We will open it up for questions from the
25 legislators. Legislator Ford.

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2 LEGISLATOR FORD: Thank you very
3 much. I have some questions. I've been
4 going through a lot of your materials as
5 well as other materials I have received from
6 other groups that are basically not in favor
7 of extending LICAP.

8 But in regard to the groundwater
9 management, you said that you want to
10 enhance it. How do you plan on doing that?

11 MR. CAREY: We learned very
12 quickly when we first gathered and
13 contemplated our mission, we all were
14 volunteers and had full-time jobs with. It
15 was very difficult to effectively and in
16 great detail meet some of the requirements.

17 So we received some funding from
18 both the state, from DEC, and we intend to
19 hire consultants to get the level of detail
20 that generally the public has commented on
21 in public hearings we had and both county
22 health departments have requested.

23 LEGISLATOR FORD: And then the
24 consultants would be able to determine what
25 would be the next step to implement a lot of

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2 the recommendations?

3 MR. CAREY: LICAP has no
4 regulatory authority. Really, all we're
5 doing is producing reports so that the
6 Nassau and Suffolk County Legislatures can
7 vote, do the implementation.

8 LEGISLATOR FORD: And then these
9 reports can be sent to New York State?

10 MR. CAREY: Sure. A lot of the
11 agencies have representation on LICAP. Jeff
12 you want to?

13 MR. SABO: Hi. My name is Jeff
14 Sabo, chief executive officer of Suffolk
15 County Water Authority and Vice Chair of
16 LICAP. Thank you all very much for having
17 us today.

18 Just to maybe clarify and answer
19 your question a little more directly. So
20 LICAP issued an interim groundwater
21 management plan last December, off the top
22 of my head, I think 250 pages or so.

23 There is an addendum and we want
24 to complete that report. There's some
25 suggestions that we received from both

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2 Nassau County government and Suffolk County
3 from both health departments and other
4 officials. So what we're hoping to do, now
5 that we received a total of about \$450,000
6 from New York State, we would like as Stan
7 mentioned, to hire the consultants to sort
8 of fine tune that report and issue it by the
9 end of this year to the governing bodies.
10 That report will enhance the 144
11 recommendations related to groundwater
12 quality and quantity in Nassau and Suffolk
13 County, depending on the applicable
14 jurisdiction we may come back before you and
15 ask for your support and legislation to act
16 on these issues.

17 LEGISLATOR FORD: It seems that
18 like even with the funding that you're not
19 getting -- I know we're supposed to get
20 \$50,000, and Suffolk County is given \$50,000
21 or whatever it is, but that doesn't seem to
22 be enough for your group to be able to
23 operate properly, basically properly or
24 whatever, I don't know.

25 I saw that in one of the other

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2 recommendations, one of the other groups
3 that one way of raising money would be to
4 assess an annual fee on I guess all the
5 people using the water. That would then be
6 maybe \$3 or something like that, or come up
7 with a vehicle that may be that can be used
8 to be able to educate the public and help
9 you in lack of any other type of funding.

10 Maybe that's something you might
11 want to look at. Or if there is a way we
12 can go after people who violate some of the
13 water laws to allow you to recuperate some
14 of that money on violations in order to be
15 able to enhance your funding. But that's
16 one thought that I have.

17 One question I have is that you
18 always hold your meetings out in Suffolk.
19 Why don't you bring some of your meetings
20 here to Nassau?

21 MR. SABO: We've had public
22 hearings here.

23 LEGISLATOR FORD: Yes, in Long
24 Beach.

25 MR. SABO: In this very room,

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2 we've had typically our quarterly meetings
3 have been at the Water Authority's Hauppauge
4 office. We will gladly come to Nassau
5 County if this room is available. We would
6 love to travel. We love to see the island.
7 But we have been here on a couple of
8 occasions for public hearings related to
9 both the state of the aquifer report and the
10 draft interim ground water management plan.

11 LEGISLATOR FORD: When you talk
12 about one track, and this is something that
13 you devised where you're able to compile all
14 the information of all the wells throughout
15 Nassau and Suffolk County, where do you get
16 that information from? Is that via the
17 health department?

18 MR. FULLER: Ty Fuller, director
19 of strategic initiatives, Suffolk County
20 Water Authority, and also representative of
21 LICAP.

22 Water Track, the information is
23 shared from the majority of the water
24 suppliers on Long Island. Of that I would
25 say 47 in Nassau County.

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2 So we've received individual
3 agreements from all the water suppliers to
4 share that information and the respective
5 laboratories provide us that information
6 that we put into the system.

7 LEGISLATOR FORD: Is that the
8 same because I know that they also have to
9 send information to the Department of
10 Health; is that basically the same
11 information that the Department of Health
12 gets?

13 MR. FULLER: It's similar. I
14 think with the Department of Health, they
15 may have some additional information.

16 What we get is information that
17 the water suppliers typically put on their
18 water quality reports, all the water
19 suppliers. So we are getting a snapshot.
20 There may be additional Department of Health
21 and Nassau County does get.

22 But I would like to point out we
23 are working closely with members of not only
24 the Nassau County Department of Health but
25 also Nassau DPW. I can personally attest to

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2 the fact that LICAP has brought together all
3 these various entities in this one platform.

4 LEGISLATOR FORD: My one
5 recommendation would be if you work with the
6 person from Nassau County Department of
7 Health, that you take a look at the
8 information they received.

9 If it's something that they
10 receive more information, more detailed
11 information in regard to the wells, which
12 these water suppliers are required by law to
13 send to them, then maybe it's already in a
14 database. Maybe it's something that you can
15 pull up and take a look at and compare what
16 information you are getting just to make
17 sure we get the complete story for each and
18 every single well. All right?

19 MR. FULLER: Thank you.

20 LEGISLATOR FORD: My other
21 request would be that -- we do monitor
22 homeowners and commercial establishments and
23 other things. But I think my pet peeve
24 would be that we don't monitor our own
25 government buildings.

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2 I would love to see it if some
3 day, I know this is probably heresy, but I
4 would love to see water meters, just maybe
5 for monitoring purposes, to be able to see
6 how much the governments use, how much water
7 that we do use, and to make sure that we
8 follow through on any type of practice or
9 installing any type of water saving devices
10 throughout all of our buildings.

11 I think sometimes people might
12 leave the water running somewhere, no one is
13 watching, and it just really annoys me to no
14 end.

15 I guess even like sometimes when
16 they have these programs and I know down in
17 the city of Long Beach we have these
18 wonderful water parks. I love them. I love
19 the fact that children can go there and play
20 in them but they're not monitored. They get
21 turned on in the morning and they are on
22 9:00 a.m. or whatever to 6:00 p.m. to 7:00
23 p.m., the water is constantly running. It's
24 fresh Lloyd aquifer water.

25 For years I have been complaining

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2 about this but the only voice complaining
3 about this. I would like to start moving,
4 not to take the parks away, but maybe turn
5 around and start working with the local
6 governments if they're going to have this
7 certain benefit and fun things for their
8 children to enjoy, then maybe what we should
9 do is put filters in and recycle that water
10 than constantly take even fresh water even
11 when it rains that water is flowing.

12 MR. GRANGE: Good afternoon,
13 Legislator Ford. I'm Paul Grange,
14 Superintendent of the Port Washington Water
15 District and also a member of LICAP. I'm
16 the Long Island Water conference
17 representative.

18 Your remarks are on the mark so
19 to speak. We do, as individual water
20 suppliers, depending on where that
21 government building is, we do monitor the
22 water usage.

23 You bring up a very good point
24 that we should have a tighter outreach with
25 the government entities in working together

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2 because we are, for the most part,
3 government entities and we should be working
4 closer together. So I think that's
5 something that LICAP can look at and focus
6 as we move forward with our reauthorization
7 which I'm hopeful will happen today. Thank
8 you.

9 LEGISLATOR KOPEL: Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON: Hi.
12 I just have a couple of questions. I know
13 we discussed a little bit at the last LICAP
14 meeting. I have the transcript of our June
15 4th meeting in which I asked if LICAP had
16 any input as to the monitoring or how much
17 water is taken out of the aquifer.

18 On page 54 of the transcript
19 Mr. Sabo's answer was no. Then I looked at
20 the two budgets which you provided and the
21 budget for 2017 has water monitoring as a
22 total of \$120,000. It's additional
23 monitoring wells Nassau, Suffolk Counties.
24 So this was the 2017 budget.

25 I also noticed at the meeting,

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2 handed out 2018 budget, which was after our
3 discussion here at the leg and there is no
4 mention of well monitoring in any budget.

5 MR. FULLER: I'd just like to
6 point out that that is two separate budgets.
7 In 2017 New York State authorized \$250,000
8 via a grant. We did have a list of the
9 items. One of which you mentioned was
10 monitoring of wells in Nassau and Suffolk
11 County. We are currently working with the
12 USGS on that.

13 In the future budget, which is
14 current now, the state authorized an
15 additional \$200,000. That does not mean the
16 monitoring stops. It's just means that from
17 that previous budget request we had that.
18 So the monitoring is ongoing.

19 I would also like to point out
20 that the Nassau DPW, they pointed out that
21 they've continued their monitoring of wells
22 in Nassau County. I know several years ago
23 that monitoring had stopped.

24 So even though you do not see
25 that monitoring item on the new budget that

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2 does not mean that monitoring of wells or
3 monitor wells stops. It's just going on an
4 ongoing project.

5 But right now the funding request
6 we had previously is sufficient for to what
7 we need to do.

8 LEGISLATOR DERIGGI-WHITTON: Just
9 to reiterate, what you are saying is the
10 \$120,000 that you received for the 2017
11 budget is enough to continue monitoring the
12 wells in 2018?

13 MR. FULLER: Yes. Those funds,
14 they are filling a void that wasn't
15 happening. So that's why that's beneficial.

16 LEGISLATOR DERIGGI-WHITTON: I
17 don't know if you were at the meeting. I
18 apologize, this was again referring back to
19 the June 4th meeting. I asked, do you have
20 any input into how much water is taken out
21 of the aquifers? Do you have any input in
22 that? And the answer from Mr. Sabo is no.

23 MR. SABO: We have well, water
24 providers have well permits that are
25 approved by the New York DEC. Perhaps I

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2 wasn't clear or I misspoke, but all of the
3 water providers have a permit for each of
4 their wells on what they can withdraw from
5 each particular well.

6 LEGISLATOR DERIGGI-WHITTON: Does
7 LICAP have any role in that permit process?

8 MR. CAREY: No. LICAP has no
9 regulatory authority. But each public water
10 supplier in addition to have a permit for
11 each well, they have to furnish a monthly
12 report to the state DEC on how much water is
13 withdrawn from each well. The DEC has all
14 of that information.

15 LEGISLATOR DERIGGI-WHITTON: Just
16 to put it on the record, going forward, you
17 will continue to monitoring the wells even
18 though it's not included in the budget?

19 MR. FULLER: For water quality,
20 yes.

21 LEGISLATOR DERIGGI-WHITTON: Okay.
22 The other question I have, there's two.
23 One, from what we understand, you're going
24 to be using a lot of different consultants
25 going forward as Denise was mentioning, I

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2 guess for notifying the public of
3 conservation efforts and things like that,
4 correct? Because that budget is now --
5 honestly, I didn't see consultant so much it
6 went up to I think 90,000. That's the total
7 budget, for consultants, it's now \$50,000.
8 It's now \$90,000.

9 MR. SABO: The thought is the
10 consultants will not be used to develop
11 island-wide comprehensive conservation and
12 public outreach plan. We have a committee
13 comprised of LICAP members and additional
14 volunteers, people, elected officials,
15 people from community organizations and
16 others who have volunteered to sit on the
17 committee.

18 I believe the first committee
19 meeting is scheduled for this Thursday. In
20 fact, at least a couple of members of this
21 body have expressed interest in
22 participating.

23 Our intent is not to use the
24 consultants for the development of the
25 comprehensive island-wide conservation

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2 program.

3 The consultants will be used to
4 finish the interim groundwater management
5 plan.

6 LEGISLATOR DERIGGI-WHITTON: Is
7 that your next report is that what you are
8 saying you're going to be finishing? They
9 are going to be finishing your next report?

10 MR. SABO: Well, we have the
11 interim report. About 250 pages. They are
12 going to fine tune it. The thought, the
13 intent is to have that published in a final
14 report by the end of the year.

15 LEGISLATOR DERIGGI-WHITTON: On
16 page ten of the Resolution it says "LICAP
17 shall file with Nassau and Suffolk County
18 executives and the Nassau County and Suffolk
19 County Legislature the terms and conditions
20 of employment or consultant 30 days before
21 such an agreement is entered into."

22 Do you know if that step was ever
23 taken?

24 MR. MILAZZO: Good afternoon. My
25 name is John Milazzo. I'm with the Suffolk

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2 County Water Authority and also I work with
3 LICAP.

4 So, the filing of the conditions
5 of employment for consultants, the RFP for
6 the consultant services to finish the plan
7 to make that from an interim to a final is
8 on the street currently so bids are due.
9 That consultant hasn't been retained.

10 USGS is under an agreement to do
11 the monitoring so prospectively we will file
12 those agreements. But we haven't, LICAP
13 hasn't considered a consultant yet. It
14 hasn't received responses. It hasn't
15 received consultants. We will do that. Or
16 LICAP will do that.

17 LEGISLATOR DERIGGI-WHITTON: Just
18 to make sure I'm clear, you have not entered
19 into any type of agreement with consultants
20 as of today?

21 MR. MILAZZO: I feel like -- the
22 USGS has received funding from LICAP and we
23 purchased some licenses which has all been
24 disclosed. We have the public education
25 outreach.

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2 So the consultant services in
3 that section, if it refers to hiring an
4 entity to work on the report, that has not
5 been done.

6 LEGISLATOR DERIGGI-WHITTON: It
7 says all consultants. It doesn't narrow it
8 down to just a report.

9 MR. MILAZZO: We can discuss
10 where the USGS is under their standard
11 agreement as a consultant for LICAP, I think
12 that's where you're heading. So --

13 LEGISLATOR DERIGGI-WHITTON: I
14 just want to make sure we're in compliance
15 with the regulations that are put in place.

16 From what I'm understanding up
17 until now, we haven't received any of this
18 notification from LICAP. So at least going
19 forward we really need that. But I do think
20 it's a concern that we don't have it up
21 until this day.

22 The other thing, one quick
23 question. I know at the last meeting it was
24 discussed at the LICAP meeting we were
25 handed this monitoring map basically of the

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2 sites.

3 The whole North Shore of Nassau
4 County is not highlighted as to any wells
5 being considered. The only ones that are
6 even close to the area are back up, which I
7 understand might not even be looked at.

8 I was told that USGS was doing
9 the monitoring for those wells but USGS is
10 also on this map.

11 I want to clarify who's
12 monitoring the wells in the northern Nassau
13 County district area?

14 MR. FULLER: To clarify, all of
15 those wells listed on that map will be
16 monitored by the USGS. They are existing
17 USGS monitor wells as part of their national
18 water quality assessment known as NWQA.

19 What you have to understand is
20 that with the monitoring wells that were
21 selected, they did it in a randomized
22 fashion to avoid any type of bias that would
23 occur during the selection process. So they
24 looked at various factors in terms of land
25 use, population.

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2 And, as a result, those wells
3 that were selected ultimately give what they
4 would consider to be the most accurate
5 assessment across the island. Obviously it
6 is a portion of the north shore that is
7 missing. But, again, that could be due to
8 the fact in that area there may have been
9 larger property sizes or things that did not
10 result in it being selected.

11 They wanted to make sure that the
12 selection process was completely random,
13 that gave what they consider to be an
14 accurate assessment across the Long Island.

15 LEGISLATOR DERIGGI-WHITTON: So
16 who is monitoring the wells from it looks
17 like Port Washington all the way down the
18 Suffolk County line from the North Shore?

19 MR. FULLER: The USGS.

20 LEGISLATOR DERIGGI-WHITTON: But
21 it's not on this map.

22 MR. FULLER: This is just monitor
23 wells that we have selected for this
24 particular program. This does not include,
25 and, again, that number could be wrong. I

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2 believe it's 500 or so monitoring wells in
3 Nassau or several hundred additional.

4 This is part of a program that
5 LICAP is working in conjunction with USGS
6 for an itemized sampling of that.

7 LEGISLATOR DERIGGI-WHITTON: I
8 understand the randomness of it, but even
9 the population and all when you talk about
10 Great Neck and Port Washington and the Glen
11 Cove area, it's a pretty highly populated
12 area. I would like someone to go back and
13 look at it. I know it's supposed to be
14 random. It seems like there is something
15 missing in that area.

16 MR. SABO: Just to clarify,
17 again, I don't want you to have the
18 impression that there is no water quality
19 monitoring going on in that area. Is that
20 your understanding?

21 LEGISLATOR DERIGGI-WHITTON: If
22 you look at the map that we were provided at
23 the LICAP meeting, there seems to be a lack
24 of any --

25 MR. SABO: So, public supply

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2 wells, right, from Port Washington down
3 south, I think you said essentially the
4 county line?

5 LEGISLATOR DERIGGI-WHITTON: To
6 the east.

7 MR. SABO: East. Public supply
8 wells, all of that information obviously is
9 provided by the drinking water provider
10 serving area and provided to the health
11 department and available in their annual
12 water quality report and provided in Water
13 Track.

14 What you are looking at, USGS,
15 that's additional monitoring and sampling
16 that wasn't happening that we got funding
17 from the state and decided to use that money
18 because there was this gap. We decided to
19 do additional sampling in those areas to
20 sort of get a better perspective of the
21 water quality.

22 The determination to do -- where
23 to do the sampling was made by USGS. So it
24 was more of a filling in where gaps existed
25 than not having any sampling being done at

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2 all. Does that help clarify it a little
3 bit?

4 LEGISLATOR DERIGGI-WHITTON: It
5 does. So what you are saying is you are
6 taking information from USGS that is
7 monitoring these wells and you're
8 incorporating it into your information?

9 MR. FULLER: Yes.

10 LEGISLATOR DERIGGI-WHITTON: I
11 have to tell you, I had a struggle with this
12 item. I believe it's one of the most
13 important committees we have protecting our
14 aquifer.

15 However, there were a couple of
16 requests that we had. One being that
17 minority legislators had a voting member,
18 which I think Suffolk didn't agree to it but
19 I would love to see Nassau -- I wish that we
20 had considered it. I think it really would
21 have made sense to have all the Legislative
22 districts represented.

23 Number two, I've never, again, as
24 I said last time, seen a contract that says
25 Nassau County will give at a minimum

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2 \$50,000. There's no maximum as to how much
3 we are on this for. It's coming from Nassau
4 County. I've never voted on a contract
5 which said what our minimum was. Always
6 been our maximum.

7 MR. CAREY: If it helps, on the
8 record today, we are not asking for a penny
9 more from the \$50,000 and we don't expect
10 it.

11 LEGISLATOR DERIGGI-WHITTON:
12 Well, I don't know if that helps but it's
13 just not the way I believe, as a legislator,
14 a piece of legislation should be written
15 with a minimum. I have never see it even as
16 a city councilwoman. It's always maximum.

17 I would like to put a maximum in.
18 I would be really happy to do that. We can
19 amend it.

20 The last thing. I understand
21 what you're saying about the budget not
22 including the monitoring, but I think it
23 would be good when you present your budget
24 just to show what is remaining for that
25 expense. Like, I find it, you have two

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2 separate budgets. But if you're saying one
3 is overlapping the other and you are still
4 continuing to monitor, it would just be
5 clear if you showed how much you have left
6 to continue to monitor.

7 In my opinion, education is
8 important but the monitoring of the wells is
9 most important.

10 Again, if I didn't think this was
11 such an important task that you all have I
12 would maybe be a little more laxed.

13 I think we still need to do a lot
14 of work with LICAP. We'll see how the vote
15 goes today. But I will be at the meetings
16 as much as possible going forward. I want
17 to work together. Again, it's just such an
18 important subject that we need to make sure
19 it's done correctly.

20 LEGISLATOR KOPEL: Thank you,
21 Legislator DeRiggi-Whitton. Legislator
22 Bynoe.

23 LEGISLATOR BYNOE: Thank you,
24 Legislator Kopel. Good afternoon.

25 So I'm going to actually renumber

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2 my points. I'm going to start with
3 Legislator DeRiggi-Whitton's last point
4 about the fact that she's concerned about a
5 maximum.

6 I'm going to go a step further to
7 say I'm concerned that this Resolution
8 includes the dollar amount that we would be
9 providing moving forward.

10 There was an item that was
11 brought forward, it was brought forward last
12 session, that also earmarked funding for
13 that item.

14 That item, one of the legislators
15 spoke very passionately against providing
16 approval for an item based on the fact that
17 it would have funding tied to do. Because,
18 in essence, he felt that we were usurping
19 the authority of the County Executive by way
20 of approving such an item.

21 I would go as far as to say that
22 this is the case of this particular item
23 too. It establishes a minimum which means
24 it has a future.

25 I think the item, to me, should

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2 be amended only to deal with this particular
3 year's funding and there should be no
4 mention of a minimum. There should be a
5 specific dollar amount that is earmarked for
6 consideration.

7 I think the point that was raised
8 by I think it was Legislator Muscarella had
9 some value. But even if I don't agree with
10 him, at this point if that was a bone of
11 contention by others, and it was supported
12 by way of tabling that item, I believe that
13 we have to treat this particular item the
14 same way.

15 So one of my other issues with
16 moving forward on this particular item, I
17 spoke to prior which was not allowing for
18 all membership to have an opportunity to
19 vote.

20 I believe that the minority
21 caucuses both here in Nassau and in Suffolk
22 were being watered down.

23 Our voice is being watered down
24 if our membership does not have an ability
25 to speak to issues. This is not about

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2 politics. This is about having selected
3 people that we trust and believe have
4 significant experience on this issue and we
5 want their voice to be heard and to be
6 counted.

7 I think it's not the appropriate
8 way forward. I know that Suffolk County
9 felt it was. I argue differently and I
10 believe that we can be the trend setter here
11 by moving forward by not allowing for a
12 voice of this body's appointment to be
13 actually shuttered. I think it's wrong.

14 One of my other issues, and I
15 think this is paramount and ties right into
16 Legislator DeRiggi-Whitton's point, is this
17 is a very important body, the LICAP body.
18 You are tasked with something that is so
19 critical for the residents of Nassau and
20 Suffolk County, given you a charge that I
21 really have concern that we would be moving
22 away from the initial intended purpose of
23 that body by way of not requiring and
24 removing from this 2018 legislation, not
25 requiring that yet another entity perform to

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2 deal with the issues of water use here in
3 Nassau County.

4 There was a reason, this was
5 birthed out of a concern that the state may
6 not have the ability to have all of the
7 information it would need and the concerns
8 its residents here in Nassau and Suffolk
9 County to deal with our issues. That's why
10 we felt like we needed to have a separate
11 body.

12 I'm concerned that we would be
13 moving away from the original goal. It was
14 intended for LICAP to only be a temporary
15 commission charged with gathering relevant
16 data on groundwater issues and preparing a
17 state of the aquifer report, which we don't
18 have, state of aquifer and groundwater
19 resources management plan which is only in
20 an informal state, I think it's in a draft
21 form. That it should form the scientific
22 underpinning for a yet to be established
23 entity.

24 So it's my understanding that
25 this entity is not going to be established.

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2 Am I correct?

3 MR. CAREY: Well, first, LICAP
4 has produced the State of the Aquifer report
5 annually since our inception. You may have
6 not have received it. It's online. Been
7 vetted through public hearings. It's out
8 there.

9 LEGISLATOR BYNOE: The most
10 recent form you stated is in the draft form?

11 MR. CAREY: No. That's the
12 ground water management plan.

13 LEGISLATOR BYNOE: Well, that's
14 what I'm talking about. I said the
15 groundwater resource management plan.

16 MR. CAREY: We identified many
17 initiatives that we want to enhance it based
18 on comments from the public and both county
19 health departments.

20 As far as the entity, we had
21 several, nearly a dozen meetings on the
22 creation of a another level of government,
23 which the DEC now has authority for, and the
24 LICAP board voted unanimously not to pursue
25 that anymore. So it was contemplated.

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2 LEGISLATOR BYNOE: The LICAP
3 board?

4 MR. CAREY: The LICAP board
5 unanimously voted not to pursue that. We
6 were not in favor of creating another layer
7 of government.

8 LEGISLATOR BYNOE: So the main
9 reason that you were established, the main
10 reason that these counties, Nassau and
11 Suffolk, decided they would come together
12 and fund your committee you have determined
13 is not the way forward.

14 So if we're determining that
15 that's not the way forward, LICAP has
16 determined that's not the way forward, I'm
17 unsure why we would even consider to fund
18 you because that was the primary premise.

19 MR. CAREY: Well, to date you
20 haven't funded us. We haven't gotten any
21 money from Nassau or Suffolk County.

22 LEGISLATOR BYNOE: I don't know
23 why we would be considering it today if
24 that's better placed.

25 MR. CAREY: That's because the

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2 mission of LICAP was not to explore another
3 layer of government. It was to study the
4 quantity and quality of our drinking water.
5 That was the main purpose. Not to create
6 another layer of government.

7 LEGISLATOR BYNOE: Based on my
8 reading, I was not here in 2013, so I have
9 to rely on information provided to me, based
10 on my reading, that there's was to be an
11 entity established that would have a
12 specific role in implementing some of the
13 charges that would come out of the
14 groundwater resource management plan.

15 MR. MILAZZO: Well, if you look
16 at the resolved and the resolution from 2013
17 when LICAP was established, it had said a
18 lot there. You talked about the State of
19 the Aquifer report. That's been prepared.

20 LEGISLATOR BYNOE: Then I said
21 the groundwater resource management plan.

22 MR. MILAZZO: The resources plan,
23 interim status, because of the comments from
24 the Nassau and Suffolk County Departments of
25 Health, RFP on the street to update it,

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2 include the things that Nassau has said that
3 Nassau experts and the health departments
4 have said these are important to us. We
5 want more resources devoted to this issue.
6 We want you to look at this question.

7 Suffolk has prepared the same
8 comments. There were public hearings in
9 this building in Suffolk on what people
10 thought about the interim plan.

11 The plan was intended to be final
12 after the comments came in, LICAP membership
13 said, we are not ready to make this final.
14 It should be interim. We need to do more
15 work. That's the RFP that's on the street.
16 The consultant will be hired. There is a
17 very discreet set of items that the
18 consultant needs to perform for LICAP, and
19 that is going to be responses to the RFP
20 what we consider about LICAP when they were
21 in and a consultant will be hired, so that
22 those deficiencies or areas of places in the
23 interim plan that can be strengthened that
24 will be done responsive to the requests of
25 the public and also to the experts in the

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2 Health Departments.

3 With respect to this question of
4 whether a central prime principle issue for
5 LICAP was to create another entity, we
6 looked at the Resolution that was answered.
7 They are listed A, B, C, D, E, F, G, H, one,
8 two, three, four, five, eight things to be
9 considered that the plan shall include.

10 LICAP, in preparing the plan,
11 took those topics, they debated them as Stan
12 mentioned, the management entity was a prime
13 concern. That was a driving force. There
14 are people in this room who are very
15 passionate that there needs to be a
16 management entity.

17 That person came down, made
18 presentation after presentation. They
19 provided their experts on compacts. LICAP
20 membership considered it. They heard it and
21 they said, after receiving all that
22 information, the membership, who was doing
23 your will, said we don't need it and they
24 had that vote.

25 So, if you debate an item, you

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2 get the information, you gather it, sort of
3 what you're doing today, and then after that
4 process you say that's not something that
5 needs to occur, I think LICAP has satisfied
6 their charge. They have vetted the issue,
7 and that's where we are with the management
8 entity.

9 I know that's a driving force for
10 some people but it's not something that
11 hasn't been fully vetted.

12 To continue to discuss something
13 that was researched and listened and
14 presentations, it's the same arguments
15 that's happened. That's where we are.

16 LEGISLATOR BYNOE: So part of my
17 issue with that -- and you said some things
18 I want to address. First and foremost being
19 the fact that the plan is in the interim
20 form. So the plan is in the interim form
21 and hasn't even been voted on by LICAP yet.

22 MR. MILAZZO: The interim plan,
23 it was a vote, it was accepted --

24 LEGISLATOR BYNOE: As an interim?
25 The final -- my point is that the final

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2 hasn't been approved yet? I'm just asking
3 you a question.

4 MR. MILAZZO: Indulge me one
5 second. There was a plan. LICAP thought it
6 was a final.

7 The membership, the experts in
8 the two counties said, we need additional
9 information before we can say this is a
10 final.

11 LICAP said, let's make this an
12 interim and fix it, let's address the issues
13 that the experts said need to be addressed.
14 The way they did that was to say, let's get
15 an RFP out there so we can get a consultant
16 to do that.

17 So there was a vote on the
18 interim plan. It was accepted as interim
19 because they recognized more work needs to
20 be done.

21 The second step of that was, how
22 do we do that work? We issue an RFP. We
23 get a consultant. They bring back reports.
24 They provide comments on the interim plan
25 with a goal by the end of this year saying,

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2 we notice there were some holes. We've
3 addressed them. Now LICAP membership, does
4 this meet your concerns? There will be
5 another public hearing. Members of the
6 public, is this final? So that interim
7 process is ongoing.

8 LEGISLATOR BYNOE: I'm asking the
9 question if there is a Department of Health
10 representative here. I would like to know
11 if there is a comprehensive list of the
12 items that were of concern for the county.

13 MR. SABO: So Don Irwin, I
14 believe his title is Deputy Commissioner of
15 the Health Department has served on LICAP's
16 board for the last four and a half years,
17 but I don't know if Mr. Irwin is here. He
18 is not. Brian Schneider is here.

19 LEGISLATOR BYNOE: Are you
20 prepared, Brian, to answer my question?

21 MR. SCHNEIDER: Brian Schneider,
22 Deputy County Executive for Department of
23 Parks and Public Works. I'm sorry, what was
24 your specific question?

25 LEGISLATOR BYNOE: What were your

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2 concerns specific to the Nassau County
3 Department of Health regarding the report
4 that was first submitted and then later
5 accepted as an interim by LICAP?

6 MR. SCHNEIDER: I really can't
7 speak specifically to the Health
8 Department's concerns. I did have a number
9 of conversations with Don Irwin, with my
10 counterpart in Suffolk County, Dorian Dale,
11 as well as Walter Wittiak who is the Suffolk
12 County Department of Health's
13 representative.

14 There were numerous times during
15 the meeting when we were going to vote on
16 making the plan a final.

17 I actually was the voting member
18 who recommended that it becomes an interim
19 ground water resources management plan.

20 I was not happy with just
21 generally the readability of the report.
22 Keeping in mind there were probably over 20
23 authors of each of the individual sections.

24 Each author has their own writing
25 style and when you're trying to put together

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2 a document, as you recognize, of significant
3 importance, you want to make sure it's
4 readable and be understandable to the
5 general public.

6 So at that point we believed it
7 would be necessary to continue our work and
8 come up with a document that was going to be
9 worthy of distribution to the general
10 public.

11 Specifically I can't answer to
12 the health department's specific concerns.
13 I did reach out to Don. I think he is on
14 vacation this week. Obviously he would be
15 here if he was working today.

16 LEGISLATOR BYNOE: So part of
17 their concerns could in fact be related to
18 the deviation from setting up a new,
19 established entity. I don't know if that is
20 a concern or not.

21 I have a concern about it. I
22 would like to hear from the Nassau County
23 Department of Health and see if they have a
24 concern about it.

25 To the point -- that's probably

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2 going to be all for you, Brian, at this
3 point. I just feel that I would like to
4 hear from the Department of Health on that
5 issue.

6 Further, I believe that they
7 played a pretty major role in trying to set
8 up such an entity like LICAP. I'm sure they
9 had certain goals in mind. I would like to
10 hear from them.

11 I think, yes, there were many
12 different goals established during the
13 initial Resolution, but I suspect that one
14 of the major ones would be setting up this
15 additional entity to help support Nassau and
16 Suffolk County, how they're dealing with the
17 water in the aquifer.

18 MR. SCHNEIDER: And to your point
19 about this yet to be established entity and
20 the work that this commission is going
21 forward with, is to generate the
22 underpinnings for that, whatever it is.

23 LEGISLATOR BYNOE: But, Brian, I
24 don't know if you know, it was removed from
25 -- it's not 2018 --

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2 MR. SCHNEIDER: I understand. I
3 was involved in many, many of those meetings
4 and I understand. I think the issue here is
5 that the discussion should not be over.

6 So the fact that even though it's
7 not included as a recommendation in the
8 interim plan does not mean that the
9 discussion stops. It does not mean that you
10 are not allowed to utter the word new
11 entity.

12 LEGISLATOR BYNOE: So then the
13 argument should be then just leave it in.
14 That should be the point. Just leave it in.
15 And I know it was voted on by LICAP members,
16 and that goes to my other point that certain
17 LICAP members do not have a voice. That
18 they are not able to vote.

19 I believe that if we dealt with
20 the fact that there are nonvoting members
21 and they're being silenced, and we dealt
22 also with allowing for that entity to be
23 established that was in the initial
24 legislation to remain, if we dealt with
25 those two things today, and also dealt with

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2 the fact that I think we should only be
3 establishing this year's funding, a \$50,000
4 funding for this year, based on the same
5 premises that was used in an argument
6 against some other legislation, then I think
7 we get to where we need to go. I think that
8 that could happen. All three of those
9 things can happen.

10 MR. SABO: Legislator, if I can
11 just clarify, on the point of this new
12 taxing entity to provide oversight to
13 drinking water, taking away authority from
14 the DEC and the health departments and all
15 that, again, that point was discussed.
16 There were presentations. We had guest
17 speakers; people from across the state,
18 fully vetted, debated, discussed and
19 defeated unanimously.

20 Both Don Irwin was representing
21 the health department voting against it and
22 Brian Schneider representing at that point I
23 believe Public Works voted against it. So
24 that has been heard. But --

25 LEGISLATOR BYNOE: I hear you.

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2 MR. SABO: Please let me just
3 finish.

4 LEGISLATOR BYNOE: Let me just
5 finish, and I really think in the interest
6 of time and in the interest of other members
7 having I think the issues that I'm raising
8 is not for you. These issues are for this
9 body.

10 So let me just sum up by saying,
11 yes, I know it was heard and it was voted on
12 by LICAP membership, but it was only voted
13 on by the members who have the ability to
14 vote. There were nonvoting members which I
15 argue is not the right way to move forward.
16 Every member should have the ability to
17 vote. That is my point.

18 MR. SABO: But when we went to
19 Suffolk a few months ago and the Suffolk
20 County Legislature voted I think 16 or 17
21 voted to reauthorize the commission, that
22 question came up. Does that mean that we
23 can't discuss an entity or some other level
24 of government bureaucracy, tax residents and
25 do this -- poll this jurisdiction and start

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2 taxing water and doing whatever? Does that
3 mean that issue is dead forever? We said
4 no.

5 We said, although it may not be
6 in the legislation that was approved by
7 Suffolk and that hopefully the Nassau
8 Legislature will approve today, that doesn't
9 mean the topic is dead.

10 If Ms. Meyland or some other
11 representatives want that discussion or make
12 a presentation, we will ask to reserve this
13 room itself here in Mineola and have yet
14 another presentation and invite all of you
15 to come down and learn more about it. So
16 the issue does not go away. It's still
17 there.

18 LEGISLATOR BYNOE: It's been my
19 experience, albeit a very short tenure here,
20 when we approve things here, there is no
21 second bite of the apple. This is the time
22 to make the modifications and move forward
23 in the most appropriate way.

24 And the most appropriate way I
25 identified my three issues. I don't need to

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2 go over them again.

3 I believe Suffolk County missed
4 the mark on this. I was clear to
5 communicate that to one member that I spoke
6 to.

7 I'm done and going to yield the
8 floor to my colleague, Arnie Drucker.

9 LEGISLATOR DRUCKER: Thank you,
10 Legislator Bynoe.

11 Mr. Sabo, just one quick thing.
12 When you say these items are still open for
13 discussion I would think that a little self
14 serving. To say someone who is on your
15 committee without a voting right, but you're
16 saying we will still leave it open for
17 discussion?

18 MR. SABO: Well, we don't prevent
19 anyone from speaking before the LICAP, or
20 participating in any of our subcommittees,
21 where we try to be inclusive as possible,
22 Legislator Drucker.

23 LEGISLATOR DRUCKER: We're
24 talking about voting rights. Are you going
25 to revisit the issue of whether members of

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2 your committee will have a right to vote?

3 MR. SABO: No. In fact, back to
4 the minority voting power? Is that the
5 question I'm sorry. In Suffolk?

6 LEGISLATOR DRUCKER: No, in
7 Nassau. We're getting back to the
8 disproportionate, the minority leader's
9 inability to appoint someone.

10 MR. SABO: Well, that's a
11 question for this body to decide. I know
12 Suffolk voted not to have the minority
13 membership have voting authority. Had a
14 conversation with Presiding Officer D'Wayne
15 Gregory today and he said they are not
16 considering a change to the law that they
17 adopted a couple of months ago.

18 LEGISLATOR DRUCKER: Well, we are
19 not beholding to Suffolk County thankfully.

20 I have a question for the
21 attorney. Am I incorrect when I summarize
22 the basis for your establishment in 2013,
23 the temporary commission charged with
24 gathering relevant data on groundwater
25 issues and preparing a state of the aquifer

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2 report and ground water resources management
3 plan that should form for a yet to be
4 established entity.

5 So, at some point in time, you
6 guys decided to change your mission. And
7 when you changed your mission, do you
8 realize that you usurped the prerogatives
9 and the rights of the Legislature?

10 MR. MILAZZO: You're citing from
11 a whereas clause.

12 LEGISLATOR DRUCKER: Doesn't
13 matter where I'm citing it from. It's in
14 there.

15 MR. MILAZZO: Well, general
16 construction law, whereas clauses are
17 preambles, they give intent.

18 So there is the operative
19 language in the resolve issues and the
20 resolve doesn't have that. So that's the
21 short answer as a matter of law.

22 LEGISLATOR DRUCKER: But the
23 premise for the whole establishment --

24 MR. MILAZZO: That conversation
25 was -- we sound like we're rehashing the

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2 same conversation. So you all say you
3 needed to do it. LICAP says we vetted it.
4 We spent a lot of time talking about it.

5 The experts chose not to do it.
6 At some point you create an entity. You
7 look to these people to give a plan. They
8 did their charge and they considered it and
9 it wasn't included. That's how they squared
10 that circle.

11 LEGISLATOR DRUCKER: You said the
12 operative word now. The operative word was
13 the experts chose not to do it. That's
14 against your mission.

15 MR. MILAZZO: But those are the
16 people you said to look at it, the
17 Legislature. The Legislature said, these
18 people should consider it and those people
19 considered it and it wasn't considered in a
20 vacuum. It was considered after extensive
21 conversation.

22 LEGISLATOR DRUCKER:
23 Consideration and adoption and change are
24 two different things. You can consider
25 anything. You changed the mission.

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2 MR. MILAZZO: You created this
3 membership. They performed their charge.
4 They looked at the issues they had to look
5 at. They vetted everything. They prepared
6 a report.

7 So this conversation, it's
8 frustrating because LICAP has really striven
9 to do what they were charged to do. And the
10 way they did it was they gathered
11 information, they gathered evidence, they
12 allowed people to make presentations, they
13 heard from all the people. They never said
14 no, you can't make a presentation. No, you
15 can't bring the people from upstate New York
16 to talk about compacts. No, you can't make
17 a presentation on how to tax people in
18 Suffolk County and Nassau County more for
19 their water.

20 At the end of the day they said
21 that's not something we're going to
22 recommend.

23 Just as a matter of legal issues,
24 LICAP doesn't have that authority anyway.
25 That's vested in the state. The state says

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2 we think that New York State DEC has control
3 over the ground water. We think the
4 Department of Health regulates what people
5 drink and ingest. So LICAP doesn't have
6 that legal authority, notwithstanding
7 whatever legislation you provide. That's a
8 New York State determination.

9 So when you consider all of the
10 things LICAP has done, they researched it,
11 they looked at the whereas clause, they
12 looked back at the things they were assigned
13 to do and they made their recommendation.

14 LEGISLATOR DRUCKER: Is it fair
15 to say that there are parts of Long Island
16 and Nassau County, for example, the South
17 Shore, Bethpage area, the North Shore, is it
18 fair to say that the areas in Nassau County
19 have differing issues with respect to water
20 contamination?

21 MR. MILAZZO: Well, you would
22 have to call the attorneys. I'm the
23 attorney, I don't know.

24 LEGISLATOR DRUCKER: I will defer
25 to some of the other experts.

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2 MR. MILAZZO: We have experts
3 that can answer that question. I will note
4 that the plan, the interim plan extensive
5 conversation on Bethpage. It had extensive
6 conversation on different contamination
7 threats.

8 LEGISLATOR DRUCKER: When was
9 that plan issued?

10 MR. MILAZZO: That was the one
11 that was adopted last year, the interim
12 plan.

13 LEGISLATOR DRUCKER: 2016. Where
14 are the reports for '14, '15 and '17?

15 MR. MILAZZO: I'm not sure what
16 you're referring to. All the information
17 that LICAP has prepared is on its website.

18 LEGISLATOR DRUCKER: I think
19 Mr. Sabo said they produced one every year.
20 Did you produce one every year?

21 MR. CAREY: Yes, the State of the
22 Aquifer report was done at the completion of
23 every year and was posted online. We had
24 public hearings before they were adopted by
25 the board.

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2 To answer your question about
3 differing water quality issues in Nassau and
4 Suffolk, I think, you point out the Bethpage
5 plume. The Bethpage plume, the contaminants
6 in the groundwater, it's legacy
7 contamination from 20, 30, 40 years ago.
8 It's just unfortunately one of the more
9 popular ones that's in the media that has
10 everyone's attention.

11 Suffolk County has similar
12 problems, they have TCE and 1-4 dioxane
13 plumes just like Nassau does. Maybe not
14 that great, not that big of a size but they
15 have similar issues.

16 The question about quantity is a
17 little different in Nassau than Suffolk
18 because of the population density. But, as
19 a whole, the commission contemplated these
20 issues and we came up with our
21 recommendations.

22 Again, we held public hearings.
23 I don't agree that it's fair for you or any
24 of the legislators to question. You
25 certainly have the right to question what

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2 we've published to date.

3 I didn't see any of you at any of
4 our meetings when you appointed these people
5 to vote on these things and now you're --
6 with the exception of Legislator
7 DeRiggi-Whitton, I think she was at two
8 meetings, but the question is now, it's like
9 beyond the 12th hour.

10 LEGISLATOR DRUCKER: Because you
11 are certainly changing a lot. You have
12 raised our attention, you've raised our
13 awareness.

14 MR. CAREY: It wouldn't change.

15 LEGISLATOR DRUCKER: Because of
16 the findings?

17 MR. CAREY: We contemplated the
18 compact and the people that you put on there
19 voted against it.

20 LEGISLATOR DRUCKER: The minority
21 has no voting rights anyway.

22 MR. CAREY: The health department
23 falls under your jurisdiction.

24 LEGISLATOR DRUCKER: In
25 furtherance of my question, why I asked if

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2 you recognized there was a difference in
3 water problems in Nassau County from the
4 different regions, you had stated earlier
5 that the monitoring of the wells in answer
6 to Legislator DeRiggi-Whitton's question,
7 you indicated that the responsibility of the
8 monitoring of the wells is delegated to the
9 individual water districts.

10 So my point is, how is it
11 possible or effective for you to develop a
12 groundwater conservation plan when you're
13 really deferring to the local water
14 districts for the monitoring and the results
15 of the wells?

16 MR. CAREY: I think you're
17 talking about two different things. You
18 mentioned quality of water, which all water
19 suppliers are required to furnish not only
20 to the health department but to the DEC each
21 year in monthly report, versus conservation,
22 which is how much water is actually
23 withdrawn from the aquifer. So it's really
24 two different things that are being
25 reported.

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2 LEGISLATOR DRUCKER: Which
3 answers my question about a need for a yet
4 to be determined entity to further determine
5 and delve into this a little more carefully.
6 That is the whole purpose of why you were
7 established to begin with, to gather the
8 necessary data so that you would be able to
9 point a yet to be determined entity in the
10 proper direction to deal with the disparate
11 water issues that we have here on Long
12 Island.

13 MR. CAREY: I think at this point
14 we should agree to disagree because we can
15 debate this compact issue until sundown
16 tonight and I don't think it's going to be
17 resolved.

18 We contemplated it. We didn't
19 change anything. The people you put on the
20 commission unanimously voted not to pursue
21 it. We don't have the authority to create a
22 compact. Maybe perhaps it's for some of the
23 legislators to lobby Albany for something
24 like that. It's not in LICAP's mission or
25 authority.

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2 MR. GRANGE: I just wanted to add
3 one thing. We're kind of losing sight that
4 there is a regulatory framework in place
5 both with the DEC on quantity and with the
6 health department with regard to quality.

7 What this LICAP Commission has
8 done in the past five years is phenomenal.
9 It has broken down the silos.

10 We have DEC, the health
11 department, USGS, we have everybody in one
12 room which, last year, resulted in state
13 Legislature in bipartisan support that
14 resulted in a phenomenal amount of funding
15 for infrastructure improvements and for
16 addressing these very needs.

17 I just want to put that in place.
18 The conclusion was a compact is not required
19 at this time because we have the regulatory
20 framework in place. It was determined that
21 it wasn't adequately funded.

22 Funding was put in place in prior
23 years and there was adequate funding put in
24 place in this state budget so that has
25 helped us move things forward.

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2 I don't want anyone to think that
3 this is a ship without a rudder. I mean,
4 we're moving in the right direction and
5 making great strides and one of the reasons
6 why we want to move forward with another
7 five year renewal is to continue with that
8 good work.

9 LEGISLATOR DRUCKER: It just
10 boils down to my point that, first of all,
11 what you have done, phenomenal things, but
12 you defied the very nature of your
13 existence, the mission you were charged
14 with. You're defying it. You're ignoring
15 it now. You're saying, we don't need this.
16 But we decided on our own that we don't need
17 this entity.

18 We don't need an entity to delve
19 into and to study the really significant
20 impact that the water conservation, water
21 pollution contaminants that we have on Long
22 Island that are different than from all over
23 parts of New York.

24 MR. GRANGE: Sir, as a water
25 supplier, I've been in the business for

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2 almost 30 years, which makes me kind of old,
3 but I share the same passion with regard to
4 that.

5 We want to get to the same end
6 game. Bottom line, I don't want to debate
7 you on this topic. I think my colleagues
8 have answered your questions. So --

9 LEGISLATOR DRUCKER: I think the
10 only thing I can agree on of anything that's
11 been said is that we can agree to disagree
12 and maybe never get to a common point. I
13 have no further questions.

14 CHAIRMAN NICOLELLO: Legislator
15 Bynoe and Legislator Ford.

16 LEGISLATOR BYNOE: Thank you,
17 Presiding Officer. I offered to allow
18 Legislator Ford to go ahead of me, she
19 deferred to me. I appreciate that.

20 I have a concern. As I stated
21 earlier, one of the other legislators made a
22 pretty significant point at the last meeting
23 stating that we would be usurping the
24 authority of the County Executive if in fact
25 we allowed for a piece of legislation to be

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2 adopted that would require funding year
3 after year.

4 So, I actually I didn't like it
5 last week but mulled it over and immediately
6 it wasn't lost on me that it actually was
7 the exact same issue that was posed with
8 LICAP. So very, very early on when he said
9 it it resonated with me. I shared it with
10 the counsel and, in bringing up the point
11 again today, I'm left to think that this
12 actually requires some level of a legal
13 opinion to determine whether this is in fact
14 one of those issues that would require a
15 referendum.

16 Because we actually would be
17 impeding the county executive's ability to
18 be able to create a budget year after year
19 with having a requirement to fund this
20 issue, to fund this particular Resolution.

21 So I think the referendum, do we
22 really want to do a referendum? No. But I
23 do believe we need to look at tabling this
24 item and amending it if it were to be really
25 introduced for only -- for a one year

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2 funding mechanism and we would be curtailing
3 the County Executive's ability if we do not
4 do that.

5 So I honestly think that we need
6 to bring a motion to table this item until
7 we can get the legal opinion whether there
8 is a curtailment of the County Executive's
9 authority or powers to be able to create our
10 own budget.

11 CHAIRMAN NICOLELLO: Is there a
12 second?

13 LEGISLATOR DERIGGI-WHITTON:
14 Second.

15 CHAIRMAN NICOLELLO: Seconded by
16 Legislator DeRiggi-Whitton. There is no
17 debate or discussion on a motion to table.
18 I will ask for a vote. All in favor signify
19 by any saying aye.

20 (Aye.)

21 Those opposed?

22 (Nay.)

23 Motion failed.

24 LEGISLATOR BYNOE: You don't
25 think we need a legal opinion?

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2 CHAIRMAN NICOLELLO: I don't and
3 I would actually like to ask Mr. Schneider
4 if he can tell us if the County Executive is
5 in favor of this.

6 LEGISLATOR BYNOE: But whether
7 she's in favor or not, then we're setting a
8 precedent, so the same reason why you shot
9 down a piece of legislation last in
10 committees in the last meeting was because
11 you felt as though we were curtailing the
12 county executive's ability to create a
13 budget year after year because we were
14 requiring by way of that Resolution that it
15 be funded year after year at a certain
16 dollar amount.

17 So you think it wasn't right in
18 the last submission but we think it's
19 appropriate in today's submission of this
20 Resolution? I want to hear it for the
21 record.

22 CHAIRMAN NICOLELLO: I personally
23 don't think it's a inhibition of the County
24 Executive at all.

25 Mr. Schneider, is the County

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2 Executive in favor of this or not?

3 MR. SCHNEIDER: Yes, the County
4 Executive is in favor of reauthorizing LICAP
5 for five additional years, keeping in mind
6 she does have concerns that we discussed
7 numerous topics. A lot of the concerns that
8 you have and some of the members of the
9 public has.

10 But, yes, in order to move
11 forward with the work that LICAP is doing
12 she's supporting the five-year term.

13 As far as the funding is
14 concerned, you're bringing up legal issues.
15 I'm not an attorney. I'm not going to
16 answer that question.

17 But being able to, from a public
18 work standpoint, which probably is where
19 this funding is going to come from, it will
20 be a penny more than 50, I can tell you that
21 right now.

22 LEGISLATOR BYNOE: Thank you,
23 Brian. I suspected the County Executive
24 supports the idea of LICAP and the idea of
25 having some mechanism to fund them.

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2 I'm not sure the county executive
3 is aware of the argument made in the last
4 committee session and how that argument is
5 the identical issue that would be now raised
6 by way of approving this Resolution.

7 I think the County Attorney and
8 the County Executive should have an
9 opportunity to look at this issue and render
10 a decision whether they want to in some way
11 curtail her ability to create a budget year
12 after year and I think she's owed that.

13 MR. SCHNEIDER: Just to respond,
14 again, not from a legal standpoint, the
15 County Executive did meet with the LICAP
16 board members on two occasions. We talked
17 about the reauthorization and the language
18 and the specific the specifics of that
19 reauthorization including the \$50,000
20 funding requirement and she was still
21 supportive of that.

22 LEGISLATOR BYNOE: That's fine.
23 Again, I don't know that she had the benefit
24 of hearing an argument of the last committee
25 session and how this is actually a

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2 curtailment of her ability to form a budget.
3 I would like an opinion from the
4 County Attorney's Office regardless of
5 whether this item moves forward or not.
6 Whether this is legal for us to require that
7 the County Executive create a budget year
8 after year funding a particular initiative.
9 Thank you.

10 CHAIRMAN NICOLELLO: Legislator
11 Ford.

12 LEGISLATOR FORD: Just to
13 follow-up, I will be very, very brief. I
14 know that one of the concerns that we have
15 is that for the groundwater monitoring that
16 I know that it was through my discussion and
17 I guess the following discussions that you
18 are hiring consultants to be able to perform
19 this function or did I misunderstand you?

20 MR. FULLER: We're working in
21 conjunction with the United States
22 Geological Survey for that project.

23 LEGISLATOR FORD: Because you
24 know what it is, the issue is the
25 groundwater and I think that was one of the

1 Full Legislature/7-9-18
2 main issues why in 2013 LICAP was formed.

3 MR. SCHNEIDER: Let me just
4 respond. There were some misinformation
5 that's been passed along specifically to the
6 USGS and the USGS's work.

7 Specifically Legislator
8 DeRiggi-Whitton on the map, that's basically
9 the national water quality assessment work
10 that's being done by the USGS and why there
11 is only seven or eight wells in Nassau
12 County, I think there are fewer in Suffolk
13 County if you go by spatial area.

14 So there is specific criteria on
15 why they pick those wells. It has to fall
16 within that criteria. It's a national
17 program. It's not specific to just Nassau
18 County and the issues we have here.

19 Nassau County does have an
20 existing agreement with the USGS which has
21 been ongoing since the 1930s except for a
22 couple of years from the prior
23 administration when funding was cut off.

24 There is existing work that is
25 going on. With the USGS as far as salt

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2 water intrusion monitoring, water quality
3 sampling, water level measurements that are
4 being taken throughout the county.

5 In addition, the state provided
6 Nassau County with \$400,000 to allow
7 additional sampling of Nassau County owned
8 monitoring wells throughout the county not
9 specifically to pocketed areas.

10 I think there is 100 wells we're
11 going to be sampling over the next two years
12 with that \$400,000 from the state that's
13 going to allow us to take water quality
14 analysis from those 100 wells which will be
15 a complete full sweep of contaminants of
16 concerns, emerging contaminants,
17 pharmaceuticals, you name it, it's going to
18 be monitored.

19 LEGISLATOR DERIGGI-WHITTON: Just
20 so you understand, Brian, I received this
21 map at the LICAP meeting. Someone from
22 LICAP handed it to me.

23 MR. SCHNEIDER: Right. And that
24 was specific at the last meeting about the
25 national water quality assessment work that

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2 was going on with the USGS.

3 LEGISLATOR DERIGGI-WHITTON: I'm
4 just saying that's part of it but I would
5 think if you hand me this map, it would just
6 include the other wells that --

7 MR. SCHNEIDER: But, again,
8 legislator, that is not a complete snapshot
9 of all the wells existing in Nassau County
10 and where we are taking samples from.

11 I can't stress enough that we --

12 LEGISLATOR BYNOE: I just want to
13 put on the record that I got this from
14 LICAP.

15 MR. SCHNEIDER: Again, you are
16 comparing apples to oranges. We want to
17 make sure water quality in Nassau County is
18 going to be of sufficient quality that
19 people can have some confidence drinking it.
20 With our work with the USGS we are
21 monitoring all over Nassau County.

22 LEGISLATOR FORD: Brian, you
23 might as well stay here. I know much has
24 been said in regard to moving forward and we
25 do have concerns about the Lloyd aquifer,

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2 the condition, the yield, how much is being
3 recharged as compared to the yield that's
4 coming out of it. We know that there is
5 salt water intrusion in some of the wells
6 there is great concerns among all of us.

7 I live in Long Beach. It is a
8 big big concern down by me. I know they
9 talk about compact -- I think Legislator
10 Drucker brought that subject up and getting
11 another regulatory agency. But that would
12 be my understanding that that would have to
13 come through state legislation.

14 So I'm curious if there is any
15 legislation pending to form something like
16 that and, if there is, would LICAP be
17 willing to work with them, to join partner
18 with any type of agency, or if there is a
19 mandate from anywhere else that creates
20 another agency independent of LICAP to be
21 able to work together on something like
22 this?

23 MR. SCHNEIDER: The 800 pound
24 gorilla that's not in the room is New York
25 State DEC. DEC has obviously been at the

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2 table at all LICAP meetings. They have
3 taken their shots.

4 I think admittedly their mission
5 to protect the natural resources of New York
6 State and when it comes specific to
7 groundwater has been woefully inadequate.

8 They do not view on a state level
9 groundwater as important as upstate
10 resources; surface water and drinking water.

11 How do we get that conversation
12 changed? That needs to come from this
13 Legislative body. It needs to come from
14 LICAP, from Suffolk County as well, that New
15 York State DEC is not doing a good enough
16 job to manage our water resources. That is
17 the discussion that needs to be held.

18 I think they recognize that, the
19 Stony Brook office, the local office of the
20 New York State DEC recognizes that as well.
21 They are frustrated because they've lost
22 staff, they've lost funding. That is the
23 discussion that needs to be held.

24 Are we going to create a new
25 entity to just push the DEC aside because

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2 they screwed things up in the past 40 years?
3 I don't think personally I've heard enough
4 to say that the New York State DEC we need
5 to usurp their power, move aside and create
6 something new. I think that discussion
7 needs to be advanced.

8 So from a grand scheme of things
9 LICAP is not going to create new
10 legislation. That's not what we do, that's
11 what you guys are going to have to do.

12 LEGISLATOR FORD: So then we need
13 to partner with all of you. I guess I will
14 follow Delia's lead and attend the meetings
15 as well.

16 MR. SCHNEIDER: Understand one
17 more thing. Even though the DEC has been
18 kind of the weak link in the chain here, the
19 governor has earmarked \$6 million towards a
20 Long Island water sustainability project.

21 That's going to allow us, you,
22 the health departments in both counties to
23 garner more information about where we have
24 issues.

25 We know we have a salt water

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2 intrusion problem on the North Shore and the
3 South Shore. We know the Queens wells are
4 looming not too far off and we have been
5 having discussions with the New York City
6 DEP on how to manage regionally our
7 groundwater resources.

8 But this Long Island
9 sustainability study, this \$6 million study
10 is a huge chunk of money that is going to
11 allow us to answer more of these questions.
12 A lot of the funding is going to go to the
13 USGS to drill monitoring wells, not only in
14 Nassau and Suffolk County but in south
15 eastern Queens. They want to draw wells off
16 shore; Jones Beach to find out exactly where
17 the saltwater interface is located.

18 This is new information. We
19 can't make this stuff up as we go along. \$6
20 million is an excellent beginning from the
21 state of New York.

22 But, again, the DEC I think is a
23 linchpin here and moving forward they're
24 going to have to beef up their staff and
25 their funding in order to maintain their

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2 mission.

3 LEGISLATOR FORD: I thank you
4 very much.

5 MR. CAREY: Legislator Ford, just
6 to expand on two of the answers to your
7 questions, if an entity were to be formed at
8 the state level, absolutely LICAP would
9 share information and work with them. We
10 would welcome that. We wouldn't not share
11 all of our information.

12 And secondly, the Long Island
13 Water Conference lobbied the state
14 legislature both, the assembly and senate,
15 because of the staffing reductions in
16 regional and Stony Brook and two years ago
17 they reinstated two positions and we were
18 told the third is to come so they can
19 improve managing the aquifer resource.

20 LEGISLATOR FORD: Thank you very
21 much.

22 MR. SCHNEIDER: Just one more
23 quick statement. When the County Executive
24 did meet with the minority, she made it
25 quite clear that she did support having a

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2 voting member become a member on LICAP.

3 I think at that particular time
4 she was asking for support from the minority
5 in Suffolk County.

6 So I want to go on record that
7 the County Executive did support having a
8 minority voting member.

9 CHAIRMAN NICOLELLO: Public
10 comment, the first speaker Sara Meyland.

11 MS. MEYLAND: Honorable members
12 of the Nassau County Legislature. This has
13 been an exceedingly interesting conversation
14 that you've been having.

15 My name is Sara Meyland. I have
16 served as a representative of the Nassau
17 County minority leader to LICAP. In that
18 capacity, I have endeavored to represent
19 Nassau County's interests during LICAP
20 deliberations and discussions on regional
21 issues and policies. I am commenting today
22 on Item 12, Resolution 109.

23 The LICAP process has been long
24 and occasionally turbulent. Like there is
25 so much at stake that it needs to be like

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2 that.

3 Please consider the following
4 which summarize my written comments.

5 Salt water intrusion is now well
6 into the aquifer on the South Shore, further
7 inland than anyone ever suspected.

8 Nassau County is withdrawing at
9 least 15 percent more water than is
10 sustainable. The Lloyd aquifer is at risk
11 due to heavy water demand affecting both
12 north shore and South Shore communities.

13 Nassau County as the largest
14 number of contaminated sites in the state of
15 New York, over 50 sites.

16 To remediate the largest
17 groundwater plume in the state, the Bethpage
18 plume, the DEC has proposed to pump 19
19 million gallons a day to treat ground water.
20 If this were to be pursued, this would result
21 in salt water intrusion along the South
22 Shore.

23 Salt water is still detected in
24 shallow groundwater due to the impact of
25 Super Storm Sandy from 2012.

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2 Nassau County is moving ever
3 closer to needing all drinking water to be
4 treated for a large range of water quality
5 issues. This will seriously increase the
6 price of water for everyone one.

7 If you are concerned about any of
8 these facts, I ask you to let LICAP sunset
9 as originally planned or extend LICAP in
10 order to complete its required mission from
11 its 2013 mandate, because there were many
12 issues in that mandate that were important
13 to Nassau County.

14 I also ask you to please decline
15 the request for county funding to LICAP
16 until had it has completed its task or, if
17 provided, to directly link the use of those
18 funds to USGS data collection, which is now
19 funded solely through Nassau County funding
20 to help support that work which will be need
21 to be renewed at the end of this year.

22 I call your attention, an article
23 in today's Newsday, where it was reported
24 that Suffolk County Water Authority is
25 investigating how to make money from the

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2 Water Track project, which you have heard
3 about today and it has been touted as a
4 LICAP --

5 CLERK PULITZER: Ma'am, your time
6 has expired.

7 MS. MEYLAND: So it raises the
8 question of who owns the Water Track
9 Program? And who should be allowed to reap
10 financial rewards from it? If Nassau County
11 funds LICAP, will Nassau County join in the
12 profits if Water Track is licensed?

13 Groundwater is a regional
14 resource essential to every person living on
15 Long Island. It deserves better protection
16 and action than it is receiving from LICAP
17 or the DEC. The duty of better groundwater
18 protection is one we all owe to ourselves
19 and to all those who live on Long Island in
20 the future. Thank you very much.

21 CHAIRMAN NICOLELLO: Thank you
22 Sara. Phyllis Libutti.

23 MS. LIBUTTI: My name is Phyllis
24 Libutti. I live in Long Beach and Lido, I'm
25 vice president the Beach to Bay Civic

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2 Association whose membership includes
3 residents from Point Lookout through East
4 Atlantic Beach.

5 To put things in perspective
6 United States Geological Survey monitoring
7 wells is the canary in the coal mine. The
8 survey strongly cautions drinking water
9 contamination is probably inevitable when
10 readings reach 50 parts per million
11 chlorides. Their monitoring well at
12 Laurelton Boulevard in Long Beach is already
13 recording is 110 parts. That's over twice
14 the canary safe tolerance.

15 In May of this year, the fresh
16 water salt water interface was already at
17 that time and under much of the barrier
18 island's western shoreline.

19 Survey readings indicated the
20 long term welfare and sustainability of the
21 barrier island's Lloyd aquifer were at risk
22 ten years ago. Now their data evinces the
23 risks have been escalating ever since.

24 The bottom line, along with
25 drinking water advocates along such as

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2 myself and my organization and certainly
3 you, Nassau County has been waiting for four
4 years for the Long Island Commission for
5 Aquifer Protection to provide a science
6 based management plan, including a proactive
7 agency to implement that plan, to attack
8 emerging crisis exactly like our own.

9 But LICAP did not follow its
10 Legislative mandate. It did not produce a
11 viable plan and, totally inexcusable, it
12 denounced forming the agency, which was its
13 original purpose and primary reason for this
14 Legislature establishing the commission in
15 the first place.

16 Our barrier island needs that
17 agency. Nassau County needs that agency.
18 It was original, and one that will respond
19 to threatening aquifer readings and the
20 canary dying in the coal mine.

21 All LICAP has done during its
22 tenure is defy its mandate and entrench
23 water purveyor self interests.

24 Do not reward LICAP's failure.
25 And do not allow self interest to dictate

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2 aquifer policy.

3 I implore you vote down

4 Resolution 146-18. Establish a

5 science-based management planned agency that

6 will actually protect our drinking water

7 supply long term. The responsibility is

8 yours. I see that you do not take it

9 lightly and for that I thank you.

10 CHAIRMAN NICOLELLO: Thank you,

11 Phyllis. Gerald Ottavino.

12 MR. OTTAVINO: Good afternoon.

13 My name is Gerald Ottavino. I'm a member of

14 Water for Long Island and co-chair Beach to

15 Bay's Association's environmental committee.

16 What I was going to read today I

17 sent you pretty much on Friday, but I would

18 like to touch on the exchanges that occurred

19 here today.

20 First between Legislator Bynoe

21 and Legislator Drucker. You almost got to

22 the core problem.

23 The core problem started years

24 ago but this Legislature, roughly in July

25 2016, recognized that the layers of

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2 government that existed at that time just
3 wasn't getting water protection done. It
4 recognized that.

5 Those layers of government still
6 exist and still you have no water
7 protection. That's why LICAP was invented.
8 That's why you installed LICAP because the
9 layers of government were not getting the
10 job done. So that's what you assigned
11 LICAP, a mandate, come up with a solution.

12 Part of that solution was the
13 entity. They say the entity doesn't have to
14 exist because you have these layers of
15 government. So you are back to failure.

16 Now I want to address the
17 exchange between Brian and Legislator Ford.
18 This is where I get angry. Because five
19 years ago that was the problem you went
20 through readdress and relook at now.

21 Five years have gone by and you
22 haven't gotten one step further. That's not
23 good at all. I'll put it in perspective
24 okay.

25 If LICAP says they don't want to

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2 do an entity, create an entity because the
3 layers of government are not working, and
4 they voted down the idea to install an
5 entity, didn't they just vote down the
6 reason for the initial existence? They just
7 voted themselves out of business.

8 What they really did was reinvent
9 themselves to do what they damn well please.
10 That's all you have here. Thank you for
11 listening to my anger.

12 CHAIRMAN NICOLELLO: Francine
13 Furtado.

14 MS. FURTADO: Good afternoon
15 honorable members of the Nassau County
16 Legislature. My name is Francine Furtado.
17 I'm representing both Open Space Counsel, a
18 not-for-profit with water expertise and the
19 Umbrella Water Group Water for Long Island.

20 This speech was emailed to all of
21 you this morning from Karen Bloomer and
22 reading it aloud on her behalf.

23 We urge you to table any vote on
24 Resolution 146-2018 until you restructure
25 its language and the commission itself.

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2 You must be aware of the need to
3 make changes. Not only the need but of your
4 power and responsibility as trustees of our
5 sole source drinking water aquifer to do
6 that, especially in the interest of Nassau
7 County.

8 What have we learned in the four
9 and a half years of LICAP? This is a
10 bicounty commission. We are Nassau County.
11 Yet LICAP is dominated and controlled by the
12 Suffolk County Water Authority.

13 The ramifications of Suffolk
14 control are manifest for Nassau County and
15 the well being of our Long Island aquifer.

16 Examine the current nine voting
17 commission members, three belong to water
18 suppliers; the Suffolk County, the Long
19 Island Water Conference, and the
20 Nassau-Suffolk Water Commissioner's
21 Association. Do we need three water
22 purveyor votes? Certainly not.

23 Besides an unbalanced weight, the
24 water purveyors who pump our water sell it
25 back to us and whose income depends on the

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2 quantity of the water pumped, they possess
3 an inherent conflict of interest and do not
4 represent the public. We need more science
5 on the commission.

6 Therefore, we recommend that you
7 restructure the voting commission so as to
8 eliminate two of the water suppliers.

9 We recommend especially
10 eliminating the Suffolk County Water
11 Authority.

12 Instead, replace those two votes
13 with minority legislature's appointees for
14 Nassau County. It would be hydro-geologist
15 Sara Meyland, currently a nonvoting ex
16 officio member on the commission and include
17 a similar Suffolk County minority appointee,
18 to restructure the commission to better
19 represent Nassau County and remove the
20 inordinate power of both the Suffolk County
21 Water Authority and water purveyors in favor
22 of science and fierce groundwater
23 protectors.

24 One comment from a Nassau County
25 Legislator has been, oh, but Suffolk already

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2 passed its version. So what, we ask. The
3 Suffolk County Legislature can revise its
4 vote and consider any changes that Nassau
5 will return to it. It is so written as part
6 of the terms of this Resolution.

7 In the email this morning we have
8 attached a list of other recommendations for
9 other changes to include: First, setting
10 benchmarks for LICAP accomplishments.

11 Second, questioning the minimum
12 Nassau contribution of \$50,000 annually.

13 Third, requiring any monies go to
14 a serious centrally shared database, not
15 Water Track, the water baby of Suffolk
16 County Water Authority which the now have
17 aspirations to own and profit from as
18 written in Newsday today.

19 Lastly appointing independent
20 counsel to LICAP not independent of the
21 Suffolk County Water Authority.

22 Also for your information in the
23 interest of Nassau County and its water we
24 bring to your attention that the Suffolk
25 County --

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2 CLERK PULITZER: Ma'am, your time
3 has expired.

4 MS. FURTADO: The Suffolk County
5 Legislature passed their version of the
6 Resolution under false pretenses. They were
7 given the erroneous information by LICAP,
8 Jeff Sabo, and the attorney John Milazzo
9 that there was some urgency on the part of
10 Suffolk because expectations from the Nassau
11 Legislature, who has described as all ready
12 to go and just waiting for Suffolk to act.

13 The truth was that this
14 resolution hadn't even gotten out of the
15 Nassau Rules Committee at that time.

16 In closing, please, we insist
17 that you and your colleagues go back to the
18 drawing board and read carefully the
19 resolution before you.

20 Again, we have attached a full
21 list of suggested changes for you in your
22 email. Thank you for this opportunity to
23 address you.

24 CHAIRMAN NICOLELLO: Thank you.
25 Barbara Bernadino.

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2 MS. BERNADINO: Barbara Bernadino
3 from Long Beach. I want to say hello to our
4 esteemed Legislator Denise Ford, how are
5 you? My name is Barbara Bernadino and I am
6 the president of Beach to Bay Civic
7 Association representing residents on the
8 Long Beach barrier beach island, which
9 includes Atlantic Beach, the City of Long
10 Beach, Lido Beach, Point Lookout and Island
11 Park.

12 Contamination of the aquifer is
13 in crisis now. We don't need any more
14 reports to know that. We are in crisis now.

15 Beach to Bay, along with other
16 organizations, have been advocating for
17 protection of our Lloyd aquifer. The county
18 has been waiting for four years for the Long
19 Island Commission for Aquifer Protection to
20 provide a science-based management plan
21 including a proactive agency to implement
22 that plan. A real action plan to tackle
23 Nassau's emerging drinking water crisis.

24 However, the Long Island
25 Commission did not follow its mandate.

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2 Therefore, Beach to Bay believes that by
3 voting down Resolution 146-18, Nassau
4 legislators are rightfully saying you're
5 fired. You're done.

6 Although I appreciate any of the
7 work that the commission has done and we may
8 be able to use that to build upon, we need
9 other players in this game.

10 It seems to me that we have
11 people in the water department evaluating
12 their own work, which is a major conflict of
13 interest.

14 This Legislative item also, when
15 you reject this item, what you are telling
16 your constituents is that you are on their
17 side and not on the side of increasing
18 profits for water bottling and distribution
19 companies because eventually if our water is
20 contaminated we are going to have to buy our
21 water.

22 Beach to Bay and other
23 organizations have excellent resources. We
24 have engineers. We have science-based data
25 and reports. We are ready. We are willing

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2 and able to work with the legislators to put
3 forth a real plan with definitive actions in
4 our effort to protect our Lloyd aquifer.

5 I appreciate the comments of the
6 legislators. I thought your questions and
7 concerns were intelligent and right on. It
8 was a pleasure to hear you. Thank you. On
9 time. Thank you very much.

10 CHAIRMAN NICOLELLO: Thank you
11 Barbara. Joseph Nahan.

12 MR. NAHAN: Good afternoon. My
13 name is Joseph Nahan, the chairperson of the
14 Green Party of Nassau County and cochair of
15 the Beach to Bay Civic Association's
16 Environmental Committee.

17 I reside in and still have family
18 living in Long Beach, the barrier island I
19 grew up in. I sent all of you what I'm
20 about to read, an email on Friday.

21 I must be frank. You cannot have
22 it both ways. Simply, you cannot assert you
23 are protecting the welfare of your
24 respective constituencies, the environment,
25 Nassau County sole source aquifer system and

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2 drinking water supply and still vote in
3 favor of resolution 146-18. That would be
4 impossible, a gross contradiction and in
5 some cases a full misrepresentation of your
6 stated position on these vital issues.

7 Voting for Resolution 146-18
8 would be voting for further aquifer system
9 demise and drinking water depletion in
10 Nassau and in particular to Lloyd aquifer on
11 Long Beach barrier island.

12 To protect your constituencies,
13 the underground environment, Nassau's sole
14 source aquifer system, and our drinking
15 water supply, you must vote against
16 Resolution 146-18.

17 It is the county and specifically
18 this Legislature that are ultimately charged
19 with protecting the welfare of the public
20 trust and its groundwater resources in
21 Nassau County, not LICAP.

22 Passing Resolution 146-18 would
23 be surrendering this charge and paramount
24 responsibility to protect the welfare of
25 your constituencies and that of public trust

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2 water resources over to private interests.

3 In addition, to being a blatant
4 conflict of interest, if this Legislature
5 approves Resolution 146-18, it would be an
6 unconscionable violation of its own
7 stewardship and public's faith in it.

8 When today's vote comes to you on
9 Resolution 146-18, please ignore the party
10 line and vote for your drinking water.

11 Vote down 146-18. Because I
12 don't like hearing we're frustrated having
13 this conversation. This is our drinking
14 water. It's frustrating that there isn't
15 action. Thank you.

16 CHAIRMAN NICOLELLO: That is the
17 last slip I have. Is there anyone else that
18 has any public comment?

19 MS. MEREDAY: Meta J. Mereday,
20 Baldwin resident. Where does one begin?

21 We're talking about a commission
22 on aquifer protection and it seems again the
23 responsibility which should rest before
24 those that are sitting before me, even
25 though all 19 aren't really paying much

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2 attention. I really should take that as an
3 offense but I really don't. I'll keep it
4 moving. My feelings have long been
5 protected against being hurt by this body.
6 So let me keep on moving.

7 A number of things that were
8 addressed here. We're talking about studies
9 and enforcement and again putting the
10 responsibility by putting nothing in support
11 of making that thing happen.

12 I heard that the group has L cap,
13 Long Island CAP has no regulatory authority.
14 So there is only so much they were able to
15 do. And it is designated again by this body
16 to make those things happen.

17 We're talking about an initial
18 investment of \$50,000 from Nassau County
19 \$50,000 from Suffolk County.

20 But I heard as mentioned by the
21 previous speakers and I'm always a student
22 of history and information, and I was around
23 in 2013 when this initial premises was
24 brought to the forefront and I agree that
25 their initial mission in the initial Charter

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2 has not been fulfilled. So where do we go
3 from here?

4 I appreciate the questions that
5 were asked by Legislator Bynoe as well as
6 Legislator Drucker, but Legislator Drucker
7 made a point that I think was lost in the
8 discussion because the minority here has no
9 power.

10 So I would hope that the
11 residents that took the time out of their
12 families and businesses and other
13 responsibilities understand that many of the
14 deals and the arrangements that are cut in
15 Nassau County have already been decided.

16 So where you might nod your head
17 and act like you are sympathetic to what
18 they have to say you are more than likely
19 going to vote for it anyway, or table it
20 today and bring it up for a vote when they
21 have to take care of their responsibilities.
22 So then where are we?

23 Again it's interesting as a
24 member of the Long Island Clean Air Water
25 and Soil to read what was written in Newsday

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2 about the New York American Water
3 Corporation which was something that was
4 addressed by many of us years ago when we
5 brought that to this body as well.

6 So, again, we can only hope that
7 you might decide this time to listen to the
8 voices of the public. Because, look on
9 either side of you, some of the people who
10 were part of that Legislative body before
11 are not sitting there now and that's because
12 the voices of the people did speak and
13 elections are coming up so be aware, be
14 clear. Some of you may not no longer be
15 sitting there. Thank you.

16 CHAIRMAN NICOLELLO: All right.
17 Hearing no further public comment, I'm going
18 to call for a vote on this item. All in
19 favor signify by saying aye.

20 (Aye.)

21 Actually, before we vote
22 Legislator Ford would like to make a
23 statement.

24 LEGISLATOR FORD: I thank
25 everyone for coming down here and voicing

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2 their concerns. I do value the opinions and
3 some of the recommendations or comments made
4 by my fellow legislators who sit to my left.

5 I'm not a big fan of LICAP but,
6 for me, and I especially thank my residents
7 of Long Beach. I'm not necessarily a big
8 fan of LICAP, I believe they can do more.

9 But in the absence of having them
10 we would be left with a void if we do not
11 continue with them at this point.

12 I think they have done some good
13 work. They need to do a lot more. I look
14 to our Suffolk County and I know if we found
15 out that the Presiding Officer out there has
16 said they are not going to entertain
17 revisiting this legislation, and if we don't
18 pass it, then who do we have, we have
19 nothing at this point.

20 For me I'd rather like bringing
21 in some information we can use. We are now
22 going to work with them to make sure we deal
23 with the groundwater issue.

24 The Lloyd aquifer has been
25 depleted and has been I guess in danger, at

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2 risk for many many years, well before I was
3 a legislator I went to meetings on the Lloyd
4 aquifer. I know of some of the challenges
5 that we have.

6 But I think that we all have to
7 start working together and I think that by
8 partnering with Suffolk County and by
9 working with the members of LICAP, and
10 sometimes when we look, who really has a
11 voice, when we look at we have a voting
12 member, but the County Executive does have a
13 voting member and that is Brian Schneider
14 and he does represent all of Nassau County
15 in regard to this.

16 I've spoken with him. I read
17 Friday going through reports, votes sent by
18 those in opposition and those for.

19 I really believe that at it point
20 we need to continue with this and work with
21 them and try to get it so that it would be
22 something, a commission that we will all
23 feel good about and feel comfortable.

24 I believe by going to the
25 meetings and doing this we will be able to

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2 achieve that goal and work toward the Lloyd.

3 But, for me, voting for this, I
4 will still continue my efforts in trying to
5 help protect the Lloyd aquifer.

6 CHAIRMAN NICOLELLO: Thank you.
7 Legislator Mule has a statement to make.

8 LEGISLATOR MULE: Thank you,
9 Presiding Officer. I am one of the newest
10 legislators here and I have found this
11 discussion to be very interesting.

12 As a representative for the South
13 Shore, a resident of Freeport, I know the
14 importance of the water issue.

15 It's important for every one who
16 lives on Long Island as we know that our
17 sole source aquifer is so fragile and in
18 need of protection.

19 Again, I have been listening to
20 all of the testimony that has been said and
21 listened to the questions and answers, and I
22 think it's very, very important that we have
23 a watchdog, a responsible watchdog for our
24 water supply.

25 What we have right now is LICAP.

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2 However, I'm uncomfortable with the way the
3 legislation is written I'm uncomfortable
4 with the fact that it's written in such a
5 way that, even though I keep hearing
6 everyone say, well, we won't spend a penny
7 more than \$50,000, that it's a minimum of
8 \$50,000. That doesn't make sense to me.

9 I think that the legislation can
10 certainly be improved and, as I understand,
11 there is no urgency on this. We have until
12 the end of this year to make this better.

13 So although I firmly support
14 clean water, it's one of the most important
15 things that we can do here as a Legislative
16 body, I will be voting no. Thank you.

17 CHAIRMAN NICOLELLO: Legislator
18 Rhoads would like also to make a statement.

19 LEGISLATOR RHOADS: Not so much
20 as statement. I guess it is. That's
21 exactly what it is. Thank you, Presiding
22 Officer.

23 Just to dovetail off of
24 Legislator Ford's comments. Just like
25 government, LICAP certainly isn't perfect.

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2 However, I think it's important for there to
3 be coordination between Nassau and Suffolk
4 County when it comes to an issue as
5 important as the preservation of our sole
6 source aquifer.

7 Even though LICAP, certainly
8 there is room for improvement, room for
9 revisiting their mission certainly.

10 But I think to do away with LICAP
11 as an organization denies residents of
12 Nassau and Suffolk County the opportunity
13 and denies both Nassau County and Suffolk
14 County Legislature the opportunity to be
15 able to use them as a resource.

16 I view LICAP as being a tool to
17 provide to bring experts together, to
18 provide information to the individual
19 legislatures so that we have an opportunity
20 to be educated on policy decisions and to
21 how to best advocate for our constituencies
22 to regulatory authorities that have more
23 direct control certainly than we do at a
24 local level.

25 I'm concerned that if we do not

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2 approve LICAP, an extension of LICAP, that
3 leaves us with nothing.

4 Since we are talking about a sole
5 source aquifer that all Nassau and Suffolk
6 County residents depend upon for their
7 drinking water, I think we need to have a
8 coordinated approach between Nassau and
9 Suffolk County how to address these serious
10 issues we have with salt water intrusion and
11 many of the other challenges we face moving
12 forward.

13 Again, even though it's not
14 perfect, my intention is to support the
15 legislation.

16 CHAIRMAN NICOLELLO: Thank you,
17 Legislator Rhoads. Now we will go into that
18 vote. All in favor signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 Abstain?

23 (Abstain.)

24 Three abstentions? I have ten in
25 the affirmative, five no votes, and three

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2 abstentions, correct? With Legislator
3 Lafazan, Drucker and Birnbaum abstaining.
4 The item passes 10 to 5.

5 Item 20, Resolution 127, is a
6 Resolution to develop to develop and publish
7 a website dedicated to bullying prevention
8 and awareness in the County of Nassau.

9 LEGISLATOR LAFAZAN: So moved.

10 LEGISLATOR BYNOE: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Lafazan, seconded by Legislator
13 Bynoe. That item is before us. Legislator
14 Lafazan would you like to say something?

15 LEGISLATOR LAFAZAN: With your
16 indulgence we have some folks who have been
17 waiting here a long time.

18 CHAIRMAN NICOLELLO: Bring them
19 up. Cara Caporale.

20 MS. CAPORALE: Good afternoon.
21 My name is Cara Caporale. I sit on the
22 Board of Directors of the Long Island
23 Coalition Against Bullying. I'm also on the
24 executive committee as their secretary and
25 further I'm a Nassau resident and I live in

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2 Syosset with my family and I work in
3 Hempstead, and I'm an attorney in Hempstead.

4 Since our organization's founding
5 in 2013, we have worked directly with many
6 families and children dealing with bullying.
7 Each and every day we hear the cries of
8 frustration from parents looking for advice
9 and resources and from kids looking for an
10 escape.

11 Our founder and executive
12 director Joseph Salamony is unable to be
13 here today but he did ask that I read this
14 statement for you.

15 Joseph writes:

16 "As a victim of adolescent
17 bullying and a person who deals every day
18 with the lasting mental damage and anxieties
19 from those tumultuous years, I can still
20 remember the lies I would tell my parents
21 about how the school day went. The
22 stomachaches I would fake to avoid school,
23 and their frustration for not knowing what
24 was wrong with me. They had no outside
25 help, only the hope that parental intuition

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2 would tell them that something was in fact
3 not right. That was 20 years ago and there
4 really were not as many resources about how
5 to tell if a child was a victim of bullying
6 or is engaging in victim behavior.

7 Fast forward now to 2018 and the
8 spot light is burning on this issue. But
9 even so many many families are desperate
10 still for information that often is not
11 readily accessible to them.

12 Kids are still reluctant to come
13 forward about their struggles and parents
14 are still unaware of what to look out for or
15 what to do until it becomes unmistakably
16 clear that there is a terrible problem.

17 Today in New York we do have the
18 Dignity For All Students Act however it
19 remains largely unknown or misunderstood to
20 parents and children and inaccessible to
21 them.

22 You have the ability today to
23 help Nassau County parents and students with
24 creation of this resource website, you can
25 help provide clear, concise, and desperately

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2 needed information right at the fingertips
3 of students and parents.

4 When our organization was
5 started, it was one simple goal in mind,
6 help one kid, help one family and our
7 mission will already be accomplished.

8 With this website today, we can
9 expand one kid and one family to all of
10 Nassau County. Thank you very much."

11 CHAIRMAN NICOLELLO: Thank you.
12 Amy Petraglia.

13 MS. PETRAGLIA: Hi. My name is
14 Amy Petraglia and I'm the mother of two
15 young girls ages ten and eight.

16 The oldest of two girls has been
17 a victim of bullying. She was bullied for
18 the entire third grade year. Sammy was told
19 to die, she was kicked, taunted, threatened
20 and peers were told not to talk to her.

21 As a parent, I did everything I
22 could think of to fix this for my daughter.
23 I first reached out to the other parent
24 hoping I could rectify the issue.

25 Unfortunately many parents of

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2 bullies have the not my child attitude, and,
3 as a result, I didn't get anywhere.

4 My second call was to my
5 daughter's third grade teacher. Clearly she
6 was a witness to the issue and I thought she
7 could help me, but to my surprise I hit
8 another road block.

9 I felt as though the school was
10 not on my side. What else could I do? I
11 certainly was not going to allow my daughter
12 to continue to suffer on a daily basis.

13 Watching your child cry
14 themselves to sleep every night is hard
15 enough, but the most upsetting part of this
16 experience with my daughter was that I
17 realize how many others are having similar
18 experiences.

19 There were too many parents
20 trying to help their children but they keep
21 hitting road blocks. To make matters worse,
22 they don't know where to turn. I needed a
23 resource. We all need a central resource
24 where parents can reach out for help when
25 their children are being bullied.

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2 Having one central resource where
3 a parent can go for help when they are
4 confronted with a bullying issue but don't
5 know where to turn would enable them to
6 address these issues quickly and
7 effectively.

8 In some cases, being able to get
9 help more quickly could be the difference
10 between saving and losing one of our
11 precious children.

12 From personal experience, there
13 is no worse feeling than having a child
14 consistently come home in tears because of
15 another child's cruel action.

16 It is our duty to protect all
17 children. A central resource for
18 information is an absolute necessity to this
19 goal. The proposed website contains helpful
20 information about bullying and bullying
21 prevention would help parents navigate
22 through these difficult situations and put
23 them in touch with people, advocates, that
24 could help them and their children. Thank
25 you.

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2 CHAIRMAN NICOLELLO: Thank you,
3 Amy. Aiden J. Kaplan. Good afternoon and
4 thank you for having us today. My name is
5 Aiden J. Kaplan and I'm the LGBT youth
6 services coordinator at Pride For Youth
7 which is located in Bellmore.

8 As a person of transgender
9 experience who also grew up in Bellmore, I
10 faced bullying due to my gender identity and
11 sexual orientation.

12 Countless times I was physically
13 or verbally harassed due to the ways in
14 which I expressed my identity.

15 I had the privilege of serving
16 612 unduplicated young people through Pride
17 for Youth's Coffee House Program last year.

18 Through this program, I observed
19 clients discuss their experiences with
20 bullying in Nassau County and their
21 inability to identify support and resources.

22 Based on the 2015 school climate
23 survey, due to their sexual orientation, 65
24 percent of students feel unsafe in their
25 schools. 32 percent have skipped a school

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2 day in the last month because they feel
3 unsafe in their schools; and they are three
4 times more likely to drop out of school than
5 their straight peers are.

6 Due to their gender identities,
7 55 percent experience verbal harassment; 49
8 percent experience cyber bullying; 61
9 percent of these students do not report what
10 they're experiencing in their schools
11 because they believe that staff will not
12 intervene.

13 This bill would not only connect
14 these youth who feel helpless to their DASA
15 coordinators in their schools, but ensure
16 that they access to agencies like Pride For
17 Youth that will celebrate and affirm their
18 identities.

19 I believe strongly that my
20 bullying experience as a youth would have
21 been less isolating had a website like this
22 existed back then. Let's change that for
23 the future generations. Thank you.

24 CHAIRMAN NICOLELLO: Thank you,
25 Aiden. I'd call up Deputy County Executive

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2 Kyle Rose Louder at this time.

3 MS. LOUDER: Good afternoon, Kyle
4 Rose Louder, Deputy County Executive for
5 Health and Human Services.

6 I just wanted to address you to
7 let you know that the County Executive is in
8 support of this Resolution. It's clearly to
9 put together a website to compile all the
10 information that's out there, so people who
11 are dealing with this issue, both students
12 and parent will have a place to go to get
13 all the information in terms of county
14 services as well as other providers that are
15 out there and get the help that they need
16 and also get the help embedded in their own
17 school.

18 So it is a place for people to go
19 to get this information so that they can
20 deal with the issue, find the people that
21 are going to help them, and there really is
22 no downside.

23 This is something that -- most of
24 the information is already out there but
25 it's putting it all together in one place

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2 for every one to see and so that they're not
3 searching around aimlessly and they can get
4 help to deal with the issues.

5 So we are in support of the
6 Resolution and we just wanted to give you
7 that information. Thank you.

8 CHAIRMAN NICOLELLO: Thank you.
9 Carmella Perrone.

10 MS. PERRONE: Hello. My name is
11 Carmella Perrone and I am a rising senior at
12 Savior High School.

13 I would like to take the
14 opportunity to thank each and every one of
15 you for allowing me to speak today on the
16 proposed website and its benefits.

17 I'm also sharing from an
18 adolescent's viewpoint on how important this
19 growing issue really is in our society
20 today.

21 These horrible acts of bullying
22 observed each day in this world is something
23 that no one should ever have to endure.

24 Unfortunately the bullying I
25 endured was something that stopped me from

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2 living my life. I was told to kill myself
3 and made out to believe I was not good
4 enough.

5 After enduring these horrible
6 acts of bullying, I then proceeded to look
7 for the correct answers in resolving this
8 issue.

9 By putting in place this
10 magnificent resource it can give parents of
11 victims and along with victims themselves
12 answers and ways to prevent this horrible
13 epidemic. Don't let this stop someone you
14 care for from living their life. Thank you.

15 CHAIRMAN NICOLELLO: Thank you,
16 Carmella. Neil Joheri.

17 MR. JOHERI: Hello. I'm Neil
18 Joheri. I'm a student, recently graduated
19 from Syosset High School.

20 I'm in support of this bill
21 because it creates a centralized and unified
22 set of resources for our community to turn
23 to when it comes to bullying.

24 I'm thankful that I've never had
25 to go through bullying, but it's not

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2 something that my family is unfamiliar with.
3 Back in 1992, before I was born, my brother
4 suffered from bullying throughout the public
5 school that he was in and put my parents
6 into a situation where they had to take him
7 out of a public school and put him in the
8 private school just to avoid bullying.

9 Thankfully we've come further
10 than that today and I think most of you
11 would agree that this kind of bullying is
12 unheard of today.

13 However, that's not because is
14 gone, it has changed today. Today bullying
15 happens online under the noses of parents
16 and teachers. It happens on Snapchat where
17 the messages are deleted, it happens in a
18 way where bullies are anonymous and they are
19 hidden under screen names and they feel
20 invincible and they feel they can commit
21 their horrific act without ever being
22 caught.

23 I think that this level of
24 bullying is extremely sophisticated and it's
25 very hard to catch, very hard for parents to

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2 know about and I think a set of resources
3 like this because it gives everyone a place
4 to turn to without any questions about
5 whether it's expert advice or not. Thank
6 you.

7 CHAIRMAN NICOLELLO: Thank you.
8 Sally Hooey.

9 MS. HOOEY: Hello. My name is
10 Sally Hooey. I'm a rising junior at Syosset
11 High School and a girl scout entering my
12 12th year as an ambassador with both my
13 bronze and silver awards.

14 Thank you so much for welcoming
15 me here today. This year I will earn my
16 gold award by building a mental wellness
17 program at Syosset High School.

18 I chose to build this program
19 because of the rise in tragic events around
20 us like increased school shootings and
21 teenage suicides.

22 I believe the root cause of these
23 incidents is mental instability.

24 If we build a strong mental
25 wellness program in all of our schools, we

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2 can help kids who are struggling before
3 things get out of control.

4 An anti bullying website in
5 Nassau County would be a tremendous resource
6 for the community and more specifically for
7 Syosset High School as we would integrate
8 into our overall mental health program.

9 The Mental Health Association of
10 New York State recently published nine core
11 curriculum elements for mental health
12 instruction in schools and the anti bullying
13 website actually hits on many of them.

14 For example, number three states
15 the importance of recognizing the signs and
16 symptoms of developing mental health
17 problems.

18 Number four states the importance
19 of instruction in the awareness and
20 management of mental health. This anti
21 bullying website will deliver on these
22 important pieces of the puzzle.

23 Please, green light this project
24 as it will benefit so many in Nassau County
25 and may even save lives. Thank you.

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2 CHAIRMAN NICOLELLO: Thank you.
3 That's the last slip I have, do you want to
4 say anything at this point?

5 LEGISLATOR LAFAZAN: Thank you.
6 Of course, I first want to thank Presiding
7 Officer Nicoletto for your unwavering
8 support of this bill, Minority Leader
9 Abrahams for your consistent guidance and
10 mentorship, Commissioner Rose Louder,
11 Commissioner Ryder, and of course my
12 colleagues on both sides of aisle for your
13 encouragement.

14 Today is a bittersweet day. It's
15 a sad day because we have just been reminded
16 of the harrowing consequences that bullying
17 inflicts on the youngest members of our
18 society.

19 We have heard testimony of what
20 it's like for some youths to go to school on
21 Long Island in the 21st Century.

22 But today is also a happy day
23 because today we rejoice in hope, because as
24 my friend Andy Malekoff says, politicians
25 cannot legislate hope, but hope can be given

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2 to others through legislation.

3 This bill means that we have
4 brought together a broad coalition of
5 stakeholders including police officers,
6 social workers, parents, teachers, and
7 students to take action that will make a
8 difference in the lives of others and
9 importantly in the lives of children.

10 This bill means that no longer
11 will parents, children and community leaders
12 in times of adversity and difficulty have to
13 struggle to find the resources that they
14 need to help themselves or help a loved one.

15 This bill means that
16 NassauStopBullying.org will be a bright
17 beacon of information to teach our next
18 generation about signs that someone is being
19 bullied, the dangers of being a bystander,
20 specific resources for LGBT youth and links
21 to get help now when it is needed.

22 Most importantly, I hope this
23 bill is a symbol for all of us as citizens
24 of this great nation to modify our behavior
25 going forward.

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2 At a time when our conversations
3 have primarily shifted from in-person to
4 social media, we have never been so
5 interconnected yet so removed from others.

6 We need to come together as one
7 to put aside differences to once again treat
8 those around us as neighbors and Americans.
9 We need to remember that there is more that
10 unites us than divides us and that only in a
11 true democracy does everyone come together
12 and no one gets left behind.

13 So I urge an affirmative vote.
14 Let's pass this bill. Thank you.

15 CHAIRMAN NICOLELLO: Any other
16 legislators? Legislator Walker.

17 LEGISLATOR WALKER: I'd just like
18 to commend everyone that got up and spoke.
19 Your words were amazing, you truly are
20 wonderful and so articulate and handled
21 yourself beautifully.

22 I can say as a grandparent of
23 four little ones, I constantly remind my
24 grandchildren to choose kind and certainly
25 the movie Wonder that was very, very popular

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2 and fairly new movie, I'm sure most of the
3 people here have seen it. Maybe not some of
4 those who are not as young, younger than me,
5 but it really does remind every one to think
6 about being kind and choose that before you
7 choose a different behavior.

8 So thank you again for coming
9 here and speaking today and certainly I will
10 be supporting the bill also.

11 CHAIRMAN NICOLELLO: Public
12 comment?

13 MS. MEREDAY: Meta J. Mereday,
14 Baldwin resident. I'm definitely in support
15 of anything that is going to provide a
16 positive and productive atmosphere
17 particularly for our young people.

18 I commend Legislator Lafazan for
19 definitely coming into this situation and
20 into this body with both feet on the ground
21 and hitting the ground running. I
22 definitely commend you for. So many people
23 feel intimidated. And when we talk about
24 bullying there's various forms of it, and I
25 experienced bullying as a young person.

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2 Sometimes I experience bullying before this
3 group but I'm going to keep it moving.

4 But I support this and I hope
5 that we look at this also from an
6 enforcement standpoint and not just looking
7 at this opportunity to take photos and just
8 to put the responsibility on a website to do
9 the job that our elected officials, our
10 parents, our community leaders should be
11 doing and being more involved and engaged on
12 a regular basis with the educational
13 institutions, the high schools, the junior
14 high schools, the middle schools, private
15 schools, Charter schools, that are educating
16 our young people.

17 Because without enforcement,
18 again, it's another bill. Again, being the
19 driving force behind the Veteran Owned
20 Business Act which sounded good on paper and
21 received unanimous support, having no teeth
22 and no funding and no resources behind it,
23 again, it just makes for a nice photo
24 opportunity.

25 Again, if you are going to

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2 mandate this and put this forward, put the
3 resources behind it because teenage suicides
4 are coming up sharply in line with the
5 number of veteran suicides that we are
6 facing every day.

7 If these young people were strong
8 enough to stay here this long to make their
9 statements heard, we need to take their
10 actions and activities seriously on a
11 regular basis, and not just when it comes
12 time to being elected or be at a special
13 event.

14 Let's be at the scene on these
15 institutions so that these young people know
16 that their elected officials care for them.
17 We need to see more of the resources on the
18 ground as opposed to right here and police
19 officers.

20 We have an opioid crisis and a
21 prescription drug crisis for a reason. We
22 have mental health considerations that we
23 need to take into consideration. And Nassau
24 County needs to be working with Suffolk
25 County so that this becomes a Long Island

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2 focused agenda. We can't stop it at the
3 borders. It has to go across boundaries,
4 political parties, ideologies, genders, et
5 cetera.

6 If it's going to work, let's work
7 it together. Let's look at what our
8 benchmarks are now and a year from now let's
9 just see how we have improved the issues,
10 how we addressed bullying, improved
11 communication and interaction and engagement
12 with our young people across the board.

13 Let's finally get something done
14 right because we get sued too many times at
15 this point and we need to do something on a
16 positive and proactive basis with some long
17 term stability and sustainability. Thank
18 you.

19 CHAIRMAN NICOLELLO: State your
20 name.

21 MR. SERODA: Chase Seroda, a
22 resident of Brookville. If I can just touch
23 on some of the previous speaker. As someone
24 who served as the first junior
25 representative of the Jericho School

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2 District's board of education, I'm very very
3 familiar with this issue.

4 One of the things that is most
5 important in enforcing the issues of
6 bullying and making sure the bullies are
7 held accountable is, one, making sure the
8 victims have their information and the
9 resources they need within the school system
10 to fight through the school to prevent the
11 bully from continuing those actions.

12 And one of the things the Suffolk
13 website does is it publicizes the Dignity
14 for All Student coordinate that every school
15 district is legally obligated to have
16 according to the Dignity for All Students
17 Act passed by New York State.

18 So, by publicizing this through
19 the website, like Suffolk has done since
20 2014 when they passed a similar bill, we are
21 letting the schools enforce this and making
22 it known to all the victims the specific
23 resource officer, the DACT coordinator
24 within the school system to report that they
25 can go to to report the case and file it

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2 through the Dignity For All Students Act.

3 The last thing I wanted to
4 mention is the statistic that stood out to
5 me. There are a lot of statistics about
6 bullying but one of them is that 85 percent
7 of all bullying cases, no intervention is
8 made on behalf of the school.

9 By publicizing the names of the
10 DACT coordinators and also listing resources
11 nationally, locally and within the state
12 we're actually, hopefully, going to cut this
13 number by increasing the accountability on
14 the part of the school and make it known to
15 all the victims and all the bullies that we
16 are not messing around in Nassau County, and
17 considering that Suffolk passed a similar
18 bill in 2014, I think it's time to act.

19 I commend Legislator Lafazan for
20 all his hard work and I urge the body to
21 give a voice to all the victims of bullying.
22 Thank you.

23 CHAIRMAN NICOLELLO: Are there
24 any other public comments?

25 (No verbal response.)

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2 Hearing none -- Legislator
3 Birnbaum.

4 LEGISLATOR BIRNBAUM: I would
5 like to add that many many years ago I had
6 training in bully prevention by an
7 organization called CAPS child abuse
8 prevention services, where I went into the
9 classrooms, many volunteers who did this,
10 and we talked to young students.

11 There was really to resources and
12 what we were encouraging at the time is
13 please to speak up, tell somebody, tell your
14 teacher, tell your parents.

15 Now with cyber bullying it's even
16 a greater problem. So I want to commend my
17 colleague Josh Lafazan for coming up with
18 this simple idea, a centralized database
19 where anybody in Nassau County, if they
20 experienced bullying, will know where to go.
21 I think it's a great idea. I'm glad we will
22 all support this. Thank you.

23 CHAIRMAN NICOLELLO: Thank you
24 any other legislators?

25 (No verbal response.)

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2 Hearing none, take a vote on
3 this. All in favor signify by saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Carries unanimously.

8 Item 6, Ordinance 58, an
9 ordinance making certain determinations
10 pursuant to SEQRA and authorizing the County
11 Executive to execute on behalf of the county
12 an offer of purchase from Nassau Steel
13 L.L.C. of certain real property located in
14 Bethpage, town of Oyster Bay.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR SCHAEFER: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Walker, seconded by Legislator
19 Schaefer. That item is before the
20 Legislature.

21 MR. WALSH: Good afternoon.
22 Kevin Walsh from the Office of Real Estate
23 Services. This is a transfer, a land sale
24 of property in Bethpage approximately 6.44
25 acres to Nassau Steel.

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2 A little history on t his
3 property. The county had originally
4 acquired 105 acre piece of property of the
5 former navy weapons plant in Bethpage in
6 2016, and then in 2008 through an RFP
7 process conveyed approximately 96 acres of
8 that to Nassau Steel.

9 That transaction closed for \$15
10 million in October 2011 and is currently
11 part of the developing property known as the
12 Nassau Steel business park.

13 Originally these 6.44 acres were
14 retained for municipal purposes but then it
15 was determined that it wasn't necessary
16 needed for municipal and now we have an
17 opportunity to sell this property for fair
18 market value, actually beyond fair market
19 value.

20 This sale will result in the
21 creation of jobs which I believe was shared
22 with counsel to the Legislature,
23 approximately 110 construction jobs and 259
24 permanent jobs.

25 It should also be noted that this

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2 sale, in addition to the \$3 million cash
3 payment to the county, the property is also
4 going to have other consideration.

5 Part of the easement on this
6 property is the Navy has a long term
7 environmental access and storage pad
8 easement which needs to be relocated and
9 will be relocated on other property owned by
10 Nassau Steel, at lot 98 adjacent to the
11 parcel we will be conveying, and also the
12 Bethpage Fire District which presently
13 occupies a portion of the site for storage
14 and fire training, will be relocated also on
15 the site by Nassau Steel.

16 I want to also point out that
17 Open Space Committee and Planning Commission
18 unanimously recommended the sale of this on
19 May 17, 2018. Thank you.

20 CHAIRMAN NICOLELLO: Thank you.
21 Any questions? Legislator Mule.

22 LEGISLATOR MULE: Kevin, what is
23 the appraised value of the land?

24 MR. WALSH: The land value is
25 approximately five and a half million

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2 dollars.

3 However, what's unique about this
4 land is the appraisal doesn't really
5 consider the fact that the Navy has a right
6 to two acres of this land for storage and
7 they actually occupy space on this.

8 So the RFP, the developers are
9 uniquely situated to be able to relocate the
10 Navy because the Navy has a mission still in
11 the area where they're still involved in
12 some remediation in the area. They were
13 able to find another location that the Navy
14 is satisfied with, will be relocated, and
15 space will be built out for the Navy, a
16 small building and space as part of this
17 transaction. That's also valued as well.

18 LEGISLATOR MULE: Could the navy
19 move without this transaction?

20 MR. WALSH: The Navy's
21 requirement is, they have to be in this
22 vicinity, and the lot adjoining, they have
23 been in long term discussions with the
24 developer to see if there was another
25 acceptable location and they identified a

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2 space on Lot 19, another portion of the
3 business park.

4 LEGISLATOR MULE: So what I'm
5 asking is, could the Navy move to that other
6 place and that property actually sell for
7 the \$5 million?

8 MR. WALSH: Well, also, part of
9 the consideration -- the developer is going
10 to lay out the money and give up the land of
11 its own, so it is part of the consideration
12 for our transfer.

13 My colleague Pat Gallagher from
14 the County Attorney's Office reminded me
15 that they do have to build out a new storage
16 pad for the Navy and the demolition of the
17 buildings on the site also probably in the
18 range of about a million dollars, at least,
19 and that's only above ground demolition. If
20 it was something more involved it could be
21 expensively more.

22 LEGISLATOR MULE: If I buy a
23 piece of property and it has a building on
24 it, aren't I responsible for the demolition
25 of that building?

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2 MR. WALSH: Yes, but this is a
3 little unique in the sense that probably
4 this property is limited value to others
5 because there's not going to be -- another
6 developer probably will not be able to
7 accommodate the Navy special requirements to
8 be in this area and have the special needs
9 that they have.

10 So in a way it's a four way
11 transaction, really, with the Navy, the
12 county, the developer, and Bethpage Fire
13 District really through the town.

14 LEGISLATOR MULE: Thank you.

15 CHAIRMAN NICOLELLO: Legislator
16 Abrahams.

17 LEGISLATOR ABRAHAMS: Hey Kevin,
18 how are you? I just wanted to delve into
19 the community CBA portion of the agreement.

20 As you mentioned before with
21 Legislator Mule, that the property was
22 appraised at five and a half million
23 dollars. We are getting \$3 million in cash
24 and then a two and a half million community
25 benefit agreement?

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2 MR. WALSH: What is also
3 happening is, the Navy is getting relocated
4 at the cost and expense of the developer,
5 and in addition the Bethpage Fire Department
6 which also is currently on the 6.4 acre site
7 and the fire training is going to get a new
8 facility with a 20 year rent free lease that
9 they're going to be able to continue to do
10 fire training.

11 I understand they do some sort of
12 training at the maze training and things
13 like that that will also be available to
14 other fire districts in the county.

15 LEGISLATOR ABRAHAMS: Counsel is
16 just bringing to my attention that it's
17 creating of public parking and a Bethpage
18 retail district.

19 MR. WALSH: Right. One of the
20 things listed in our contract is, the
21 developer made a commitment to acquire a
22 piece of property on Washington Street,
23 where they're going to create an additional
24 commuter parking lot to alleviate some of
25 the congestion in the parking district. I

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2 guess as the development is happening, which
3 is a good thing, the job creation, and what
4 comes with that is sometimes the problems
5 with lack of parking.

6 They have an opportunity to be a
7 good neighbor and I think the legislators
8 from the district could probably speak to
9 this better than me, they have been a good
10 neighbor and they try to work with the
11 community and the district and they have an
12 opportunity to create additional parking,
13 they have offered to do that.

14 LEGISLATOR ABRAHAMS: Just walk
15 me through the process or the steps. I
16 guess you guys have done an accounting of
17 how all that adds up to two and a half
18 million dollars?

19 MR. WALSH: Yes, it was all
20 evaluation and it's been going on for a
21 while. We kind of narrowed this down to
22 pieces that are doable that we can value and
23 that really benefit the community.

24 I'm presenting a transaction that
25 I strongly believe is in the best interests

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2 of the county to go forward with, not only
3 with the job creation, but the benefits
4 certainly to the Bethpage community and
5 getting the property back on the tax rolls
6 and moving productively and meeting the
7 needs of the Navy.

8 LEGISLATOR ABRAHAMS: I guess
9 what I'm looking at in the backup to the
10 public, the fire department renovations 250,
11 the PW of the fire department lease is 1.6;
12 the Navy building land is 360; and the Navy
13 building cost is 403 for a total of 2.613.

14 MR. WALSH: That's correct. That
15 consideration is part of this conveyance of
16 the land in addition to the three million.

17 Another thing I wanted to point
18 out, we sold 95 acres for 15 million in
19 2011. We still feel even with the appraisal
20 and conditions on the land it's a very fair
21 transaction.

22 LEGISLATOR ABRAHAMS: So I guess
23 what I'm driving at is, is this going to be
24 kind of what we should expect in the future
25 in regards to land sales or land leases

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2 having some level of community benefit
3 agreement that we may not get the actual
4 cash value of the property but get some type
5 of community benefit agreement in lieu of
6 that?

7 MR. WALSH: I think you have to
8 look at that. I think you and I have had
9 situations where we had lands -- where we
10 have a lot of properties over the years
11 where we had trouble trying to get to save
12 the finish line because of community
13 concerns.

14 Whatever reasons in certain
15 circumstances, it's kind of unique because
16 of the Bethpage situation and history of
17 Grumman and the Navy, but in certain
18 circumstances absolutely, it would certainly
19 look to that and look for that opportunity
20 when it's appropriate.

21 LEGISLATOR ABRAHAMS: The only
22 reason I bring that up is, Legislator Bynoe,
23 what was it, two, three, years ago, we were
24 trying to include the community benefits
25 agreement for the Coliseum for the Uniondale

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2 area and, at that time, we were allowing
3 refinancing of the deal for, I guess at that
4 time, it wasn't the current entity, it was
5 actually Forrest Ratner, Forrest City, and
6 it seemed like the administration at that
7 time completely shut the door on our faces.
8 Said it was unheard of, even though this is
9 kind of the opposite of that because in that
10 case we were revisiting their agreement to
11 bump them up so they would make more money.

12 In this case at least the
13 developer is presenting where he is right
14 now and he's not going to make more money,
15 he's being presented with what he has, but I
16 think if we're going to go down this path
17 obviously, if the property is valued at a
18 particular price, I think if we're going to
19 go down this path, I wish the previous
20 administration would have bought that up
21 when the opportunity struck for Uniondale.
22 That's unfortunate.

23 But that being said, if we are
24 going to go down this path, then I want to
25 make sure that every single community that

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2 has a land sale, that they get heard on a
3 community benefits agreement. Whether
4 that's in Bethpage, Uniondale, Hicksville,
5 Freeport, I want to make sure that this
6 administration is reaching out to those
7 municipalities to ensure that, Legislator
8 Solages, those municipalities have been
9 reached out to and, if they have not been,
10 we should not be considering any land sales
11 for those particular communities until I get
12 some type of level of feedback whether it's
13 the Town of Hempstead or the Village of
14 Valley Stream or Village of Freeport or
15 Village of Hempstead, whoever it is that
16 oversees that entity or that area that
17 they're reached out to.

18 I think everybody's community
19 would love to be able to get a renovated
20 fire department and a whole bunch of other
21 stuff. I think the Uniondale community, all
22 they're asking for is a couple hundred
23 thousand dollars so they can do uniformed
24 signage which to me was kind of a deal.

25 That being said, I would make

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2 sure it is very clear to the administration
3 that we anticipate that there will be some
4 level of outreach to the local
5 municipalities to determine whether or not a
6 community benefits agreement could be
7 established.

8 MR. WALSH: I hear you,
9 legislator, I will still say again, I really
10 can't speak to the Coliseum issue there, I
11 wasn't really involved there. On a case by
12 case basis, we do have to look at it in
13 terms of public notice of things.

14 Every sale that comes here has to
15 go through SEQRA process. I will say, when
16 I'm at the Planning Commission, I usually
17 appear at the Planning Commission, members
18 of the public sometimes come and speak,
19 sometimes they make their concerns known to
20 the commission members.

21 So there are a lot of
22 opportunities to do it but certainly in many
23 of these sales also --

24 LEGISLATOR ABRAHAMS: Maybe I'm
25 not being clear. What I'm saying is that I

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2 understand there are many opportunities and
3 sometimes you may look at opportunities, may
4 look good at one point and turn out it may
5 not be.

6 Before this administration comes
7 back to the Legislature, because there will
8 be future land sales, I want to hear from
9 this administration, whether it's from you
10 or someone else from the County Executive's
11 office, I want to hear that we made the
12 outreach to the local municipality to see if
13 there was any level of community benefit
14 that we can provide to them.

15 Because I'm sure in my case, the
16 Uniondale Fire Department, would have loved
17 to get a renovated building that is tied to
18 this if the administration was willing to do
19 it.

20 In that case you're talking about
21 tens of millions of dollars, much more than
22 what we're talking about today.

23 So from that standpoint, it begs
24 the question, why didn't the administration
25 even consider it if they were considering

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2 something very similar for the Bethpage
3 area?

4 Which I'm not here to fight
5 against the Bethpage area. What I'm talking
6 about fair is fair. If this administration
7 is looking to get unanimous support, I can't
8 speak for my colleagues in the majority, but
9 if they're looking for support in this
10 particular endeavor, we need to hear from
11 them unequivocally that we have made the
12 outreach to the local municipality, whether
13 that's a village, a school district, a fire
14 district, a town, to ensure that we reached
15 out to them and is there any community
16 benefit we can provide to your particular
17 area that can help those areas at the same
18 time.

19 In all honesty we should be
20 getting five and a half million dollars for
21 this but I understand the community benefits
22 aspect to it. I don't want to belabor this
23 question too much now.

24 The next aspect I do have a
25 question about is, this is a community

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2 benefit, this is a county land sale.

3 So if I'm understanding this
4 correctly, then there is a community benefit
5 for the entire county. So the Uniondale
6 Fire Department can utilize this renovated
7 space?

8 MR. WALSH: That's correct,
9 they're going to use the renovated space by
10 leasing the building, it's going to be built
11 out for them.

12 LEGISLATOR ABRAHAMS: How does
13 that work?

14 MR. WALSH: What it's going to be
15 is, the developer is going to build out
16 space for them, the developer will build out
17 the space for the Bethpage Fire Department
18 on their other land and other space on their
19 property of their 95 acres. That will be a
20 lease which will benefit that fire district
21 but also be open for training to other fire
22 districts in Nassau County.

23 LEGISLATOR ABRAHAMS: Tell me
24 about that, how does that work? The
25 Uniondale calls them up and says, hey, we

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2 want to use the space on Saturday July 22nd,
3 is that the way it works?

4 MR. WALSH: I will let Pat
5 Gallagher, the counsel, who worked on this
6 discuss this.

7 MR. GALLAGHER: I'm Patrick
8 Gallagher, One West Street, Mineola,
9 New York, Deputy County Attorney.

10 Yes, that's essentially the way
11 it would work. They would ask permission of
12 the fire department.

13 LEGISLATOR ABRAHAMS: And the
14 fire department has acknowledged that this
15 practice will happen?

16 MR. GALLAGHER: Yes, that's in
17 the lease.

18 LEGISLATOR ABRAHAMS: I'm
19 envisioning they will have signed the lease
20 when the Legislature approves this action?

21 MR. GALLAGHER: The lease has
22 already been signed.

23 LEGISLATOR ABRAHAMS: Is there a
24 charge to the district that's utilizing the
25 area, like can Bethpage charge --

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2 MR. GALLAGHER: Not in the lease.

3 LEGISLATOR ABRAHAMS: Are they
4 prohibited from charging?

5 MR. GALLAGHER: Well, it's not
6 addressed in the lease.

7 LEGISLATOR ABRAHAMS: Can we
8 address that today?

9 MR. GALLAGHER: Address the?

10 LEGISLATOR ABRAHAMS: Address the
11 fact it would prohibit Bethpage Fire
12 Department from charging any other fire
13 department for using that facility for
14 training.

15 MR. GALLAGHER: To prohibit it?
16 I guess thy can amend the lease. The lease
17 is between Bethpage and the developer. We
18 can speak about that.

19 LEGISLATOR ABRAHAMS: Let's do
20 that. Sure. I think everybody would agree
21 that they would want to make sure their fire
22 departments are not getting charged, not
23 that I think Bethpage would do anything like
24 that of course.

25 But what I'm saying, more

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2 importantly, different principals come into
3 play, ten years from now, no one knows about
4 this agreement, hey, why can't we charge
5 Elmont Fire District, no disrespect to you,
6 Legislator Solages, but different people get
7 elected, you don't know what can happen,
8 things change. I want to make sure we have
9 an iron clad.

10 MR. GALLAGHER: Well, the exact
11 language from the lease is, the tenant shall
12 use --

13 LEGISLATOR ABRAHAMS: What page
14 are you referring to in the lease?

15 MR. GALLAGHER: The lease
16 modification, page three of the lease
17 modification. Paragraph four, "tenant shall
18 use the premises solely as a fire training
19 and equipment storage facility for use by
20 member of tenants fire service or by the
21 members of any other Nassau County fire
22 service approved by tenant."

23 LEGISLATOR ABRAHAMS: I'm sorry,
24 I missed the part where Bethpage can't
25 charge other fire districts. What part is

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2 that?

3 MR. GALLAGHER: It's not in
4 there, they can or cannot charge.

5 LEGISLATOR ABRAHAMS: So can we
6 address it?

7 MR. GALLAGHER: Yes, we have to
8 speak to the developer about that.

9 LEGISLATOR ABRAHAMS: No, no.
10 This is being passed today in the Full
11 Legislature. Is this something that you can
12 address now or is it something that we
13 should table and pick it up another day?

14 Pat, I found the section that you
15 were talking about. I think we need to have
16 that section amended.

17 MR. WALSH: Just so you know,
18 when they made this modification to the
19 lease where they agreed to add the fire
20 districts, there was an opportunity then,
21 they could have put something in that they
22 would charge, and I think it's a stretch
23 only in the sense that the fire district is
24 getting a 20 year lease without charge.
25 Granted, they are responsible to pay for

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2 utilities and maintenance of the facility,
3 and certainly if they're working with
4 another district and they really are
5 significantly sharing services and so forth,
6 they would obviously have to work out an
7 arrangement to pay their pro rata share.

8 No rent is being charged to the
9 fire district and I would not expect any
10 kind of pass on to any other user but if
11 they were using space --

12 LEGISLATOR ABRAHAMS: I just
13 think right now it's very crystal clear to
14 us because we're reading it and considering
15 it, but ten years from now when none of us
16 are here, hopefully I won't be here, I think
17 it would be the hope that we have something
18 that we can refer to in print in black and
19 white that we can refer to that would be
20 clear and delineate exactly what can happen
21 versus cannot happen versus charges to other
22 districts.

23 I would like to see it get
24 written in. If it's potentially good that
25 we can do it now, great, because I believe

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2 we do have some other items to consider
3 today but if it cannot be done, I respect --
4 no disrespect to the developer, I know being
5 here today, but I would respectfully ask for
6 it to be tabled while this particular area
7 can be addressed.

8 MR. WALSH: I think at this point
9 we do have a lease agreement that is signed,
10 and it is a condition of closing.

11 First I want to thank all the
12 legislators again for letting us get this
13 item. I know this came very late before
14 committees at the last meeting, but we also
15 don't want to lose more time because, as I
16 think I mentioned last meeting, there are so
17 many steps to get to this point with the
18 planning commission and so forth and all the
19 steps of this particular transaction, not
20 being a two party transaction, we really
21 lost a lot of time and we're concerned we
22 could lose an opportunity.

23 LEGISLATOR ABRAHAMS: Let me ask
24 the question, if the Legislature does not go
25 forward with this agreement today, what will

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2 happen?

3 MR. WALSH: I'm not so sure we
4 will be back, you never know, it's taken a
5 long time to get to this point, a lot of
6 work by a lot of people to make it happen.

7 We have an agreement. There's a
8 set time line with a tenant who's eager to
9 move forward, assuming we get a sale and
10 approval in the fall with construction, if
11 we lose a month, that may not be available
12 anymore.

13 LEGISLATOR ABRAHAMS: So if I
14 understand this, the developer says they
15 won't go to closing if it doesn't get
16 approved today on July 9th?

17 MR. WALSH: It just will delay
18 the process.

19 LEGISLATOR ABRAHAMS: Kevin, what
20 I'm asking is, has the developer clearly
21 stated that he will not go to closing if
22 this is not approved today? Is everything
23 okay, gentlemen?

24 MR. WALSH: We feel that we need
25 to go forward with this today with a vote to

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2 not lose this opportunity.

3 LEGISLATOR ABRAHAMS: I hate to
4 put you on the spot but the answer to my
5 question is no, the developer has not said
6 if this does not go forward today that they
7 will not develop. To me, Kevin, I like you,
8 you know I do. But it's a yes or no
9 question.

10 Either the developer said it
11 passes on July 9th in the Legislature, but
12 it passes through the Legislature today or
13 adios, it's one or the other. If he hasn't
14 said that --

15 MR. WALSH: There is a variety of
16 factors -- from experience and knowing how
17 long this has gone, and I know there's
18 somebody watching these steps publicly,
19 there is a concern that there will be no
20 second bite at the apple.

21 CHAIRMAN NICOLELLO: Let me,
22 while there is a gap --

23 LEGISLATOR ABRAHAMS: I wasn't
24 done yet. Is the developer here?

25 MR. WALSH: The developer is here

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2 and his counsel is here.

3 LEGISLATOR ABRAHAMS: Perfect.

4 Have him come up. Do you mind, sir?

5 MR. FORCHELLI: Jeff Forchelli,
6 Uniondale, New York.

7 I think we're looking at this in
8 an incorrect way. This is not like this was
9 six acres free that the county owned and
10 they're going to sell it and they're going
11 to get their money but giving back some
12 community benefits. That's not what it was.

13 This is land that came from the
14 Navy to the county and it was encumbered.
15 It was encumbered, two acres for the fire
16 department, two acres for the Navy so they
17 can continue their remediation.

18 So there's really only two free
19 acres. So if you look at it that way, the
20 county is getting 2.9 acres -- million
21 dollars for two acres. It's not really a
22 six acre sale. Six acres of open land. Two
23 acres of open land and the other four acres,
24 my client is relocating on his property.
25 That's what the deal is.

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2 It's not like the county said,
3 we're going to give the benefit to Bethpage
4 fire and nobody else is going to get it.

5 That's not what it was. There
6 was two free acres out of six. With respect
7 to the other four acres, relocated people on
8 his property. That's what the deal was.

9 It wasn't a special community
10 benefit to Bethpage on the part of the
11 county.

12 LEGISLATOR ABRAHAMS: I
13 understand your point. I guess if we can
14 get back to the question.

15 Is your client prepared to walk
16 if this Legislature does not move forward
17 today?

18 MR. FORCHELLI: I'm not so
19 worried about my client, I'm worried about
20 the tenant. And the 112 union jobs and 400
21 permanent jobs to go with this.

22 LEGISLATOR ABRAHAMS: That part
23 we want to see as well.

24 MR. FORCHELLI: The only thing we
25 will say to you is we will go back to the

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2 fire department and talk to them about your
3 issue. We've heard you loud and clear. We
4 will do our very best.

5 This job had so many stops and
6 starts with the last administration,
7 although it was a much different deal.

8 Frankly, my client is losing
9 credibility and there's a lot of good things
10 going on for the community and for the Navy
11 and for the county and for the fire district
12 and, now, at the insistence of the county we
13 went back and amended the lease with the
14 fire department. I think we covered just
15 about everything.

16 We will give you our word, we
17 will go back to the fire department and we
18 understand your concerns, but not moving on
19 this, we all cry fire we all cry whatever we
20 cry, but this has started and stopped and
21 some of your legislators can tell you this
22 was very, very hard to put together. We
23 don't want to lose it.

24 LEGISLATOR ABRAHAMS:

25 Mr. Forchelli, you realize you are asking

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2 this Legislative body, pretty much everybody
3 that represents an area outside of Bethpage
4 to take a strong leap of faith.

5 Basically we don't know what can
6 happen five years from now, seven years from
7 now where our fire departments may want to
8 utilize this facility and suddenly they're
9 being charged by different people making the
10 agreement today.

11 Then, obviously, how is that even
12 remotely close to being fair to the other
13 surrounding fire districts?

14 MR. FORCHELLI: Well, if you
15 don't act on this and probably stays the way
16 it is, and the Navy stays on their two acres
17 and the Bethpage Fire District stays on
18 their two acres, what is the county, the
19 rest of the county get then? Zero.

20 LEGISLATOR ABRAHAMS: But, but I
21 have never once implied that we weren't
22 going to move forward. What I'm saying is,
23 if it's the understanding that since the
24 Bethpage Fire Department is not paying
25 anything towards the 20 year lease and it's

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2 your interpretation that they would not try
3 to charge anything during that time frame to
4 the other neighboring fire districts, all
5 I'm asking for of the interpretation is to
6 become black and white print.

7 Black and white print, I don't
8 think you have an issue, and this has
9 nothing to do with you, has everything to do
10 with the previous administration, even
11 though I feel there has been a level of a
12 double standard as it pertains the Nassau
13 Coliseum, but, you know what, you are not
14 here for that today, I'm not going to bring
15 that up with you.

16 That being said, there is a clear
17 double standard which feeds into the next
18 point that I was making about earlier about
19 future land sales and how they are presented
20 to the Legislature. I expect to see
21 outreach. Has nothing to do with you.

22 MR. FORCHELLI: I think you hit
23 the nail on the head. Every sale is an ad
24 hoc and you look at it on its own merits.

25 Following that, what you said

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2 before about every one is a separate deal,
3 this deal came, the Bethpage Fire Department
4 already has the benefit, they already have
5 it. It's not like the county is giving it
6 to them.

7 All we are doing is putting it on
8 another piece of property at our expense.
9 Now the fire department has said it will let
10 other districts use the facility.

11 So the other districts in the
12 county are coming out with a benefit that
13 they don't have now.

14 We think the language is clear
15 but we will try to make it better. This has
16 had so many stops and starts, I don't know
17 that our tenant is going to be there. We
18 are risking too much by not moving forward.
19 That's our position.

20 LEGISLATOR ABRAHAMS: I'm giving
21 you every fair consideration that I can.
22 Obviously today is July 9th. This
23 Legislative body meets on the 23rd.
24 Obviously, if you are able to go back and
25 have the language changed so the other 18

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2 members here can have some level of
3 assurance, then I will be prepared to tell
4 you, to the County Executive, we will be
5 prepared to give you some level of an
6 emergency that can be done on the 23rd so
7 this can move through even faster.

8 We are asking for a simple change
9 that can make sure that the other 18
10 legislative districts, make sure that they
11 have that ability to tell their fire
12 districts that you will not be charging --

13 CHAIRMAN NICOLELLO: You should
14 not be speaking for the other districts,
15 because in this case you're not.

16 LEGISLATOR ABRAHAMS: So let me
17 make sure I understand clearly.

18 You don't want that clarity for
19 your fire districts in your community?

20 CHAIRMAN NICOLELLO: I was trying
21 to say this before when you interrupted me.
22 When you mentioned a leap of faith. The
23 people in this county that I would give a
24 leap of faith for every day, any hour of the
25 day for our volunteer fire fighters.

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2 They are brothers and sisters.

3 If they have a call, other fire departments
4 attend. They are going to fires together.

5 If they have an event, other fire fighters
6 cover for them. They are a brotherhood and
7 a sisterhood.

8 I'm not worried about the
9 Bethpage Fire Department treating other fire
10 departments poorly. This is one group of
11 people in this county that we can have
12 complete faith in it's them.

13 So it is simply not a concern at
14 all on my part. I've seen how they operate.
15 I've dealt with them for 20 years. I see
16 how they treat each other. We can take a
17 lesson from how they treat each other. They
18 have each other's backs. They're brothers.
19 They train together. They go away together.
20 They do everything you can possibly do as if
21 they were brothers in the same family.

22 I'm not worried at all that
23 Bethpage is going to charge some other fire
24 department an unfair fee.

25 MR. FORCHELLI: Neither are we,

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2 Mr. Nicoletto.

3 LEGISLATOR ABRAHAMS: First of
4 all, we are not saying unfair fee. We are
5 talking about a fee per fee period.

6 This is not directed at the
7 Bethpage Fire Department. This is directed
8 at making sure we have an agreement that
9 makes sure that every single entity in
10 Nassau County is protected. That's all it
11 is.

12 It's making sure that a fee
13 cannot be charged which is not in the
14 agreement now.

15 From that standpoint I think it's
16 been pretty crystal clear of what we have
17 here today. I think this is probably going
18 to go forward, I can fairly count.

19 That being said it's going to go
20 forward with the understanding that we do
21 not have that level of language in the
22 agreement.

23 God forbid, and I'm sure the
24 Bethpage Fire Department is a very
25 upstanding and very devoted department

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2 towards their constituency. It's not about
3 them.

4 It's about making sure that when
5 you have different principals and different
6 people that could be elected to that office,
7 different fire commissioners, it is
8 important that they understand that they're
9 prohibited from doing. They're not here
10 now. Some of them might be in high school,
11 some of them might be in college. Some of
12 them might live in Bethpage right now and
13 you don't know how they will interpret this
14 agreement ten years from now. You just
15 don't know.

16 From that standpoint, if you guys
17 are comfortable with it, okay, I'm sure it's
18 going to go forward.

19 Regrettably I feel uncomfortable
20 with passing something that does not clearly
21 delineate exactly where we're going.

22 CHAIRMAN NICOLELLO: Can I speak
23 to Jeff Forchelli? It was our understanding
24 that there was time restrictions because of
25 the use that's going into the property that

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2 the urgency was, the reason it came up as an
3 emergency in the last committee meetings,
4 the urgency was that to develop this
5 property in time for the holiday season, it
6 had to be done as soon as possible.

7 MR. FORCHELLI: They have to
8 start installing conveyor belts by next May
9 to have it ready for the holiday season
10 2019. Our schedule is extremely tight to
11 get to that date.

12 If we don't get off and running,
13 get off the ground soon, if we miss the May
14 date for when the conveyer belts in, then
15 there is no rush at all for another year
16 because they have to make the holiday
17 season.

18 We're desperately trying to make
19 that date and any delay, this has been going
20 on for four years. We are going to lose the
21 tenant or even if we can save them, it will
22 be a year from now. You may be aware that
23 on the property Amazon was opening Amazon
24 Fresh and it got delayed and delayed with
25 building permits and so on and they walked

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2 away.

3 It's not uncommon for these big
4 companies, if it doesn't meet their
5 standards they leave. We lost one already.
6 We lost Amazon Fresh.

7 CHAIRMAN NICOLELLO: Bethpage
8 Fire Department is using two acres of the
9 property now; is that correct?

10 MR. FORCHELLI: Yes. They
11 already have it. When they go to the new
12 spot they're going to share it.

13 CHAIRMAN NICOLELLO: This
14 property we're talking about, is the
15 property that generated an enormous amount
16 of pollution contaminant into the
17 environment, the old Navy property?

18 MR. FORCHELLI: Yes. The old
19 Navy property and Grumman did a lot of
20 cleanup. Obviously didn't do enough. The
21 Navy is involved now. The Navy kept about
22 12, 14 acres because they know they're
23 responsible for cleanup. Two acres of this
24 piece was for that cleanup which is being
25 moved off to another site.

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2 The county didn't have six acres
3 to sell; it was six acres encumbered with
4 two acres, two acres. Two clearing acres
5 which now they're selling for the numbers
6 they have.

7 CHAIRMAN NICOLELLO: The point I
8 was driving at there, the Bethpage property
9 has developed, or developed this incredible
10 amount of pollution and contaminants. The
11 community has been burdened by this to an
12 incredible extent.

13 You have the largest plume in the
14 state emanating from this property. Again,
15 the community of Bethpage is burdened by
16 this for decades. I remember Legislator
17 Mangano was trying to get some benefit for
18 his community.

19 Let's put this into it the
20 overall understanding of the property that
21 we're dealing with.

22 MR. FORCHELLI: And a lot has
23 been there and a lot more to still be done
24 and the community has been burdened
25 tremendously.

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2 CHAIRMAN NICOLELLO: Legislator
3 Kopel.

4 LEGISLATOR KOPEL: Thank you,
5 Presiding Officer. Mr. Forchelli. Good
6 afternoon.

7 We've spoken about the price that
8 the county will receive for the property,
9 but it seems like that's only a small
10 portion of the benefits to the county and
11 the taxpayers.

12 I would love to hear what you are
13 going to build, how much you are proposing
14 to spend on it, the benefits to the
15 construction industry, the jobs to be
16 created, taxes to be paid and so forth. Can
17 you enlighten on that, please?

18 MR. FORCHELLI: It's estimated
19 that there will be 112 full time
20 construction workers to get it done which
21 will all be union workers.

22 LEGISLATOR KOPEL: Over what
23 period?

24 MR. FORCHELLI: 18 months. And
25 there will be 400 permanent employees in

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2 this facility who work there. It's a \$50
3 million construction job.

4 MR. KOPEL: Which means that?

5 MR. FORCHELLI: It will generate
6 substantial real estate taxes, which now
7 it's off the rolls.

8 LEGISLATOR KOPEL: So it's off
9 the rolls completely. So, as I said, the \$3
10 million or so, that's just in the grand
11 scheme of the larger scheme of things, only
12 a small portion of the benefits to the
13 county.

14 MR. FORCHELLI: And it is a fair
15 number for the two usable acres. Very fair.

16 LEGISLATOR KOPEL: I understand
17 your point about that. Thank you.

18 CHAIRMAN NICOLELLO: Legislator
19 Walker and Legislator Solages.

20 LEGISLATOR WALKER: I just wanted
21 to reiterate what Mr. Forchelli had said.

22 The Bethpage Fire Department
23 would be happy to stay like it is. They are
24 using the facility. They are doing all they
25 need to do there.

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2 It's really the tenant, the
3 developer, the way they can have their
4 development be the most it could be, they
5 will move that facility. That's why
6 therefore they are getting that new
7 facility.

8 I too believe that the fire
9 departments always work very, very well
10 together.

11 Yesterday I was at an event in
12 Hicksville where Hicksville's juniors
13 received they were recognized as the number
14 one in New York State, they received a big
15 award yesterday, and there were members if
16 all different departments across the county
17 there. So proud of the kids, so proud of
18 future fire fighters.

19 I do believe that they will
20 certainly, speaking as our Presiding Officer
21 said, about utilizing our equipment together
22 they always work together. That was one of
23 the big things with our juniors, they work
24 with the other junior fire fighters and
25 train often at the facility at Hicksville,

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2 one of our CRP projects.

3 I do feel that they will utilize
4 that together with every one. I do think
5 that if the Bethpage Fire Department
6 obviously is paying bills that are occurring
7 there and should that be a need when other
8 fire departments are using it to help with
9 some of those bills, utility bills, I can
10 see the department say, look we need to work
11 on this together, to utilize that together.

12 Not the fact of renting the space
13 to use it, but if there are fees that the
14 department is paying, that other departments
15 might in the future have to pay that.

16 I have no idea. I'm not a member
17 of the fire department but this is a project
18 that's been working on for years and years
19 and years.

20 We had very big difficulties
21 working with the MTA because parking was
22 also a big issue. It's a big issue for the
23 downtown area, Bethpage where development
24 can't take place there because there is no
25 place for people to park. We tried to work

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2 that out with the developer.

3 So this has been going on for a
4 long long time. I certainly see it as a
5 benefit to the county.

6 I don't necessarily see it that
7 it's such a big benefit to the Bethpage
8 community as it's kind of being perceived
9 and that other communities don't receive
10 that benefit.

11 Like I said, the fire department
12 has already been there. They can stay just
13 the way it is. But this could be an
14 additional benefit certainly to the county
15 as a whole, to our workers, getting them
16 jobs and certainly not just in construction
17 but, afterwards, many jobs.

18 I'm hoping that the majority of
19 us see it that way. Thank you.

20 CHAIRMAN NICOLELLO: Minority
21 Leader Abrahams.

22 LEGISLATOR ABRAHAMS: Thank you,
23 Presiding Officer. So I have heard from
24 Legislator Walker and agree the fire
25 departments do work well together.

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2 I do have I guess a compromise
3 which I'm willing to propose. On page eight
4 of the backup where we start getting to the
5 agreement, the first paragraph references,
6 at closing Nassau Steel, and the Bethpage
7 Fire Department shall execute and deliver
8 the BFD lease attached hereto Exhibit-B.

9 Kevin this is an agreement that
10 the county is making, is it potentially okay
11 if we add a sentence that reference that the
12 BFD, the Bethpage Fire Department cannot
13 charge other facilities for use of that
14 facility?

15 MR. WALSH: Pat Gallagher is
16 going to address one other provision in this
17 lease, will probably help?

18 MR. GALLAGHER: Yes. Mr.
19 Abrahams, one thing that might give you a
20 little more comfort with this is paragraph
21 12 of the lease which is on page five. It
22 states the agreement and rights and
23 obligations hereunder shall not be assigned
24 sublet or shared or otherwise transferred
25 without the prior written consent of the

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2 landlord.

3 LEGISLATOR ABRAHAMS: Sorry. You
4 said page five?

5 MR. GALLAGHER: Yes. Not of the
6 lease modification, but of the lease itself.
7 I read that as if they want to assign their
8 rights of use they would need approval from
9 the landlord.

10 LEGISLATOR ABRAHAMS: Is that
11 saying that others can't use it?

12 MR. GALLAGHER: No. That means
13 if they tried to charge a fee, they would
14 need approval from the landlord to do so.
15 They can't assign their rights under the
16 lease without landlord approval.

17 LEGISLATOR ABRAHAMS: I don't
18 know if we have the same interpretation,
19 rather than get into a back and forth about
20 the interpretation, is it potentially okay
21 to add that provision as I talked about a
22 little earlier? We can do that now.

23 MR. GALLAGHER: I don't think
24 it's necessary based on that language and
25 based on the fact that they can make it

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2 clear.

3 LEGISLATOR ABRAHAMS: We tried.

4 Thank you.

5 CHAIRMAN NICOLELLO: Legislator
6 Drucker.

7 LEGISLATOR DRUCKER: Kevin, thank
8 you. You indicated that the estimated land
9 value was .575 and there really was no
10 interest from anyone else at all, did you
11 get any other offers or bids on that?

12 MR. WALSH: Well, this was an RFP
13 that was issued back in '08, and because
14 this parcel is unique, as Mr. Forchelli
15 pointed out, this is a property, not really
16 six acres, it's encumbered by two users who
17 would stay on this property unless there was
18 an opportunity for them to be located
19 somewhere else in the vicinity and,
20 uniquely, this developer, who controls the
21 95 adjacent acres, were finally able to work
22 with the two tenants, permittees, whatever
23 they are, and relocate them.

24 So it really is a way, in
25 essence, like we had two acres available of

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2 former Grumman property that was given to
3 the county. So to answer your question, I
4 had no other interest in this property from
5 any other developers.

6 LEGISLATOR DRUCKER: Just to be
7 clear, the lease that you're referring to
8 for the development of the yet to be
9 finished fire facility, is that lease and
10 that structure on the two acres that are
11 being sold?

12 MR. WALSH: No. They are building
13 them out another spot on an adjacent lot
14 that Nassau Steel owns. They are going to
15 relocate them and that building they're in
16 now will be demolished.

17 LEGISLATOR DRUCKER: I want to be
18 clear because I'm a little confused. The
19 lease that you are referring to, that's not
20 a lease that's covering land that Nassau
21 Steel does not own yet?

22 MR. WALSH: Nassau Steel owns the
23 lease that they are leasing now.

24 LEGISLATOR DRUCKER: But the
25 Minority Leader was talking about in terms

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2 of amending the lease to include a provision
3 that prohibited the changing of fees to
4 other fire districts, would that be an
5 amendment to a lease that Nassau Steel has
6 entered into with Bethpage for the property
7 that Nassau Steel is contracted to buy now?

8 MR. WALSH: No, that's a
9 different property.

10 LEGISLATOR DRUCKER: So my last
11 question is, if your appraised value is
12 5.575 million, that's really your value.

13 What we got, are we deducting the
14 costs that Nassau Steel has, as far as the
15 county is concerned, we have a property or
16 parcel that's worth \$5.5 million, that's
17 what we should be expecting, right?

18 Just explain to me why in the
19 normal scenario when I'm selling the
20 property, I don't really care what my buyer
21 is spending to develop it, I care about
22 getting the true value of what I'm selling.

23 MR. WALSH: This is unique in the
24 sense that this is really an exchange of
25 values and the appraisal is not talking just

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2 about a land sale, although it does have the
3 component of sales comparisons other like
4 vacant properties, but this has an
5 encumbrance for the Navy where they must
6 have assigned in this area because of the
7 needs in the area, and the Bethpage Fire
8 District having their use, so those factors
9 are valued and added into the equation.

10 Like I said, at the end of the
11 day, it's really like a two acres sale.
12 Keep in mind, this is property the Navy gave
13 this county or conveyed to the county in
14 2006 for economic development purposes.

15 So originally the thought was
16 this would be the site for these users for
17 the Navy and the fire district, and I know I
18 keep using the word, but now the opportunity
19 is to relocate those and create a job with a
20 big tenant who we hope we don't lose. It
21 would be great to have these jobs in Nassau
22 County.

23 LEGISLATOR DRUCKER: So in your
24 opinion, if we don't do this deal, we are
25 not going to be able to sell that property

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2 to anyone?

3 MR. WALSH: That's what I
4 believe.

5 LEGISLATOR DRUCKER: Would do you
6 think the county's choices would be then?

7 MR. WALSH: It would just be
8 county land, what other purpose could we use
9 it for, it's limited.

10 LEGISLATOR DRUCKER: Thank you,
11 Kevin.

12 CHAIRMAN NICOLELLO: Legislator
13 Schaefer.

14 LEGISLATOR SCHAEFER: To
15 Legislator Abrahams, one of his points
16 earlier, with regard to land purchases, land
17 sales, in the county, I think to the extent
18 that we're not and, my guess is, you
19 probably do see community benefits, but to
20 the extent that we're not, I would hope that
21 you would because I think it's a great idea.

22 Unfortunately, you don't always
23 find people who are looking to give much
24 benefit to the community.

25 I can say certainly as a

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2 representative as a part of Bethpage that
3 I'm very grateful for what Nassau Steel is
4 offering and providing to the community
5 because they have tried from the beginning
6 when Legislator Walker and I have had
7 meetings with them over the last couple of
8 years, they have tried to be nothing but a
9 good neighbor, so I do appreciate it and I
10 hope that's something that we see more of
11 that in different communities all throughout
12 the county.

13 CHAIRMAN NICOLELLO: Legislator
14 Rhoads.

15 LEGISLATOR RHOADS: Thank you,
16 Mr. Presiding Officer. I understand
17 Mr. Walsh we were calling this a community
18 benefit agreement, but in reality, what this
19 is is that you have an encumbered piece of
20 property as part of the negotiations because
21 the developer wants to use the full six
22 acres as part of the negotiations to get the
23 two tenants off of the property that they
24 presently occupy, they're having to spend
25 money in order to do that, correct?

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2 MR. WALSH: Correct.

3 LEGISLATOR RHOADS: So, in other
4 words, they are relocating the Navy to a
5 different parcel?

6 MR. WALSH: Correct.

7 LEGISLATOR RHOADS: Off of this
8 property they presently own and they are
9 relocating Bethpage Fire and building them a
10 new facility, to get the fire district to
11 agree to move off of the property; is that
12 correct?

13 MR. WALSH: That's correct.

14 LEGISLATOR RHOADS: So we're
15 terming that a community benefit agreement,
16 but, in reality, it's a negotiation between
17 the developer and the tenants to get them to
18 move off the property?

19 MR. WALSH: Correct.

20 LEGISLATOR RHOADS: Correct?

21 MR. WALSH: Yes.

22 LEGISLATOR RHOADS: It's really a
23 concession agreement, to use Legislator
24 Gaylor's terms, correct?

25 MR. WALSH: Correct.

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2 LEGISLATOR RHOADS: So the value
3 of the property, \$5.575 million?

4 MR. WALSH: It's 5.5 before you
5 factor in.

6 LEGISLATOR RHOADS: So \$5.5
7 million based on the six acres being vacant.
8 That's what it would be worth?

9 MR. WALSH: Correct.

10 LEGISLATOR RHOADS: But we are
11 not selling the property to the developer
12 vacant, we are selling the property to the
13 developer with four of the six acres
14 occupied by two other entities, correct?

15 MR. WALSH: Correct.

16 LEGISLATOR RHOADS: So the
17 developer, as we just established, has to
18 spend money to get those tenants off and
19 that's reflected in the decreased purchase
20 price of \$3 million, correct?

21 MR. WALSH: That's correct, and
22 also have to demolish the buildings too. I
23 know that a cost of buyer, but you're
24 correct.

25 LEGISLATOR RHOADS: So I just

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2 wanted to make sure I wasn't
3 misunderstanding anything.

4 I know we have been trying to
5 draw the parallels between -- and we can
6 have a whole separate discussion on it, the
7 parallels between the Coliseum property
8 where no other entity occupied any portion
9 of the Coliseum property, to this where you
10 actually have two entities that
11 contractually have a right to stay on the
12 property that you had to negotiate to
13 extinguish?

14 MR. WALSH: Correct, they both
15 have agreements in place.

16 LEGISLATOR RHOADS: Thank you. I
17 just wanted to make sure I understood.

18 CHAIRMAN NICOLELLO: Legislator
19 DeRiggi-Whitton, and then Legislator Bynoe.

20 LEGISLATOR DERIGGI-WHITTON: Can
21 I refer to Legislator Bynoe first?

22 CHAIRMAN NICOLELLO: Sure.

23 LEGISLATOR BYNOE: Hi Kevin. How
24 are you? Just for clarity, am I to
25 understand that the developer is also now

1 Full Legislature/7-9-18
2 going to build something in the business
3 district, a parking lot?

4 MR. WALSH: In the?

5 LEGISLATOR BYNOE: Separate and
6 apart from this property.

7 MR. WALSH: It is contemplated in
8 this agreement that they are going to do
9 that, yes.

10 LEGISLATOR BYNOE: So separate
11 from this property, not because we are
12 moving one party on to a different parcel,
13 this is for the purpose that's connected to
14 this contract, they are going to go ahead
15 and build a parking lot?

16 MR. WALSH: They are going to
17 build a parking lot in adjacent property,
18 just adjacent to where their big piece is to
19 accommodate because of the movement and --

20 LEGISLATOR BYNOE: So that's a
21 community benefit? That's a benefit to that
22 community?

23 MR. WALSH: I would say it's a
24 community benefit just as Legislator Rhoads
25 pointed as well as encumbrance it also is a

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2 community benefit, yes.

3 LEGISLATOR BYNOE: It is.

4 Because I needed help reconciling to his
5 argument that it wasn't a community benefit
6 when in fact it is.

7 So he wasn't here during the time
8 that the issue came up with Nassau Coliseum
9 so I can understand why he doesn't see how
10 this ties this.

11 It's almost the same exact issue
12 where we were looking for the developer to
13 come in and be a good neighbor to the
14 community that would be most effected by
15 their presence and have them provide some
16 benefit to that community.

17 So this is definitely a tie in.
18 I think it's almost the same exact thing.

19 I have one other question. Did
20 the developer do its own appraisal?

21 MR. WALSH: I'm not aware of it.
22 We procured our only appraisal through our
23 on call appraisals. I could -- no, they did
24 not procure their own appraisal.

25 LEGISLATOR BYNOE: You did not.

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2 Mr. Forchelli, could you say that on the
3 record?

4 MR. FORCHELLI: My clients did
5 not secure their own appraisal. They relied
6 on the county's appraisal so we wouldn't
7 have a back and forth as to what it was
8 worth.

9 LEGISLATOR BYNOE: Thank you very
10 much, Mr. Forchelli, for putting that on the
11 record and I appreciate you coming into that
12 community and proving them a benefit, a
13 benefit that wasn't provided to another
14 community.

15 But I think we have an
16 opportunity to actually right that wrong and
17 you have really given us a great example of
18 how that can be done and thank you for that.
19 Thank you.

20 CHAIRMAN NICOLELLO: Legislator
21 DeRiggi-Whitton and then Legislator Walker.

22 LEGISLATOR DERIGGI-WHITTON: Can
23 you just explain to me the nature of the
24 encumbrance with the fire department right
25 now on that land?

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2 MR. WALSH: Right now the fire
3 department has a license agreement to
4 operate. They use it for storage and also
5 use it for fire training. They have a
6 permanent agreement given to them by the
7 county.

8 LEGISLATOR DERIGGI-WHITTON: Is
9 it revocable at will or --

10 MR. WALSH: It's a revocable
11 license but it doesn't have a termination
12 date. It was an honoring commitment made to
13 the fire district at the time the county got
14 the property, the larger piece of property.

15 LEGISLATOR DERIGGI-WHITTON: It
16 can be revoked without -- not that it would
17 be, but it can be revoked without any
18 liability?

19 MR. GALLAGHER: Yes, it can be.
20 Which is another benefit as to why the
21 developer is under no obligation to move the
22 Bethpage Fire Department to a new location.
23 This is just another benefit of that.

24 LEGISLATOR DERIGGI-WHITTON: I
25 appreciate that and we are trying to protect

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2 the fire departments as far as costs and
3 protecting them in this situation.

4 One last thing to kind of
5 piggyback on what Legislator Bynoe said.

6 I appreciate the way that you are
7 handling this by doing community benefits.
8 I think it's the right way to enter into a
9 community.

10 I think having you as a president
11 will help us go forward, Mr. Forchelli, I
12 appreciate your standard with that, although
13 I don't like to sell property for less than
14 what we feel the full assessed value might
15 be, I'm inclined to support this because I
16 do support the way you handled that one
17 particular aspect and I thank you for that.

18 CHAIRMAN NICOLELLO: Legislator
19 walker.

20 LEGISLATOR WALKER: I just want
21 to add that that little piece of property
22 that's going to be a parking lot was also an
23 exchange because there was a piece of
24 property that was supposed to be a little
25 park let area but it's kind of smack in the

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2 middle of no place. So what it could be,
3 maybe a passive park, there was a bench or
4 something. It really couldn't be anything.

5 That was kind of an exchange also
6 that the developers would not do that in
7 that little area and, because the parking
8 situation was being negated in downtown,
9 there is an empty piece of property between
10 the American Legion Hall and the restaurant.
11 It's right in the town in the community. So
12 they will not do that park which they were
13 supposed to be doing.

14 That was set aside years before.
15 They will now put this parking -- make it
16 into a parking lot. Did I say that right in
17 the whole scheme of things?

18 MR. WALSH: That's correct.

19 CHAIRMAN NICOLELLO: Legislator
20 Abrahams.

21 LEGISLATOR ABRAHAMS: Now or at
22 the time of the vote? Just to summarize
23 Kevin and to Mr. Forchelli, after talking to
24 a few of my members, we're going to support
25 this item, but for a couple of different

1 Full Legislature/7-9-18

2 reasons.

3 We want to make sure the record
4 is extremely established that we support
5 community benefit agreements. I fought for
6 one for Uniondale.

7 So I think from that standpoint,
8 we need to see them or make sure there's
9 proper outreach going forward. Hopefully
10 that will be something that the majority can
11 join us on, that going forward, community
12 benefit agreements will be to make sure the
13 outreach is there to the jurisdictions to
14 make sure there is any community benefit if
15 it can be reached to make sure it's a part
16 of the agreement. We all want to see that
17 as being a part of our communities.

18 Second, I think Mr. Forchelli
19 said in representing his client that he
20 would try to fight to make sure the language
21 in the agreement or discussions with his
22 client as well as with the fire department
23 will try to be reached.

24 Mr. Forchelli, I will hold you to
25 that standard to make sure that takes place.

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2 Lastly, Kevin, for you, I look
3 forward as the County Executive goes into
4 the phase two of the Coliseum project, I
5 look forward to seeing one incredible
6 community benefits agreement for the
7 Uniondale area.

8 To me that is a community is that
9 seeing increase in traffic, increase in
10 their water use, and it would be shame that
11 the benefit that the developer will have on
12 that second phase and not see a community
13 benefit agreement for that particular area.
14 So I look forward to that.

15 For that and for all those issues
16 as well and obviously the benefit it will
17 provide to the Bethpage Fire District, we
18 will be voting in the affirmative.

19 CHAIRMAN NICOLELLO: Thank you.
20 I think we've asked all our questions. Do
21 we have public comment?

22 MS. JACOBS: Pearl Jacobs,
23 speaking on behalf of the Nostrand Garden
24 Civic Association in Uniondale.

25 Definitely, and I would like to

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2 thank Legislator Abrahams and Legislator
3 Bynoe for raising the issue of community
4 benefits agreement fairness.

5 For public comment, I would like
6 to state in keeping in the vein of fairness
7 and equality for all communities across
8 Nassau County, this communication, recent
9 communication leads to the question as to
10 why can't the community benefit agreement
11 discussion for the Coliseum be reopened
12 specifically for Uniondale? Thank you.

13 LEGISLATOR ABRAHAMS: That's what
14 I was saying, Pearl.

15 MS. JACOBS: I thank you, but I
16 wanted to speak on behalf of the community,
17 I want it on public record. That's why I'm
18 doing it. Thank you and I thank you again.

19 MS. MEREDAY: Meta J. Mereday,
20 Baldwin resident. Again, I will also concur
21 with thanking Minority Leader Kevan Abrahams
22 for his questions in bringing that to the
23 forefront as it pertained to the Coliseum.

24 As it pertains to this specific
25 issue before I get challenged about speaking

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2 on this particular issue, since I believe I
3 heard a lot of the questions were answered
4 for me and I appreciate those questions that
5 were asked by the Deputy Leader Kopel with
6 regard to the value of this project and the
7 project itself.

8 As we are talking about creating
9 jobs and contracts, I'm just curious as to
10 how the jobs themselves will be promoted and
11 the contract as it pertains to the
12 construction and demolition, the evacuation,
13 and the community outreach advising them of
14 these projects taking place. Particularly
15 since Nassau County really doesn't have a
16 fully fledged diverse business outreach
17 process.

18 So you can say this is going to
19 be done from a private practice standpoint
20 so it looks like I will be asking from the
21 developer standpoint what they will be doing
22 which can also be a model for the county to
23 follow since they continue to violate state
24 and federal law.

25 I'm also concerned about the

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2 manufacturing of what that requires this
3 rush toward making sure things are in place
4 for a holiday delivery.

5 What exactly is being
6 manufactured and what is the true impact on
7 the water and sewage in that region since we
8 are already talking about compromised land
9 being involved?

10 And if we want to talk about any
11 land available, we have some brown fields in
12 northern Baldwin that you can't even stick a
13 shovel if that we are still waiting to see
14 what the county is going to do, so we are
15 always interested in land sales in our
16 sister community.

17 So the question was raised and
18 there was information brought up about jobs
19 and contracts so I would be asking again how
20 are these jobs going to be promoted?

21 What means will be used to
22 promote these jobs?

23 What type of inclusion is going
24 to be involved for these jobs?

25 And, talking about the agreements

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2 themselves, the space that -- for the tax
3 roll, going back on the tax roll, I'm hoping
4 that this project will not be coming back at
5 some point looking for a pilot or some type
6 of payment in lieu of taxes because that
7 also seems to be something developers seem
8 to use as a tool down the road.

9 So I commend the process at which
10 this project was brought to the forefront,
11 but I hope the mechanisms will be in place
12 that there is a full inclusion of all
13 residents and opportunities for all
14 residents, service disabled veterans and the
15 like. Thank you.

16 CHAIRMAN NICOLELLO: Thank you.
17 I ask all legislators to take their seats to
18 vote on this item.

19 Legislator Lafazan wanted to say
20 something.

21 LEGISLATOR LAFAZAN: Thank you
22 very much, Presiding Officer. Just for the
23 record, my calculus here is strictly
24 academic and has nothing to do with the
25 Bethpage Fire Department whose membership I

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2 admire and look up to greatly, nor the
3 specific deal. Voting no just from my
4 philosophical belief that government should
5 not sell property which is a longstanding
6 precept that I have held dating back from
7 the serving on the school board, and before
8 I end thank you all for your prior
9 affirmative vote, you've made a real
10 difference in the lives of children.

11 CHAIRMAN NICOLELLO: Thank you,
12 Legislator Lafazan. Hearing no further
13 public comment, all in favor of this item
14 signify by saying aye.

15 (Aye.)

16 Those opposed?

17 (Nay.)

18 Carries unanimously. 17
19 affirmative, one nay, passes by that vote.

20 MR. WALSH: Thank you,
21 legislators.

22 CHAIRMAN NICOLELLO: We have
23 several other items to attend to. First one
24 is an Item 1, hearing on a proposed local
25 law to amend title 38 of the miscellaneous

1 Full Legislature/7-9-18
2 laws of Nassau County. Motion to open the
3 hearing.

4 LEGISLATOR MCKEVITT: So moved.

5 LEGISLATOR FERRETTI: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator McKevitt, seconded by Legislator
8 Ferretti. All those in favor of opening the
9 hearing signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The hearing is open.

14 This is Item 1, it has to do with
15 the amendments, this is the amendment which
16 does a couple of it things. It harmonizes
17 the existing point of sale legislation with
18 the recently passed tobacco 21 in terms of
19 where E cigarettes and vaping products are
20 to be stored on store premises.

21 Secondly, it includes vaping
22 products, E cigarettes, et cetera, in the
23 point of sale advertising restrictions that
24 are currently in place with tobacco
25 products.

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2 Simply stated, they cannot be
3 placed within two feet from a fixture upon
4 which candy, trading cards, toys or the like
5 are displayed. It's targeted from moving
6 these products away from products that are
7 attractive to young people to try to get the
8 message as much as we can do that these are
9 harmful and these are not toys, not like
10 bubble gum which is one of the vaping juices
11 that's available out there.

12 We would like to do more
13 unfortunately we are restricted in terms of
14 what the federal and state requirements are
15 but this will help us in the battle to
16 restrict the use of vaping products by our
17 young people.

18 Anyone else have anything to say?
19 Every one else is all talked out. Any
20 public comment?

21 (No verbal response.)

22 Hearing none, we will have a
23 motion to close the hearing.

24 LEGISLATOR MCKEVITT: So moved.

25 LEGISLATOR FERRETTI: Second.

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2 CHAIRMAN NICOLELLO: Moved by
3 Legislator McKeivitt, seconded by Legislator
4 Ferretti. All those in favor of closing the
5 hearing signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The hearing is closed.

10 Now we will vote on the actual
11 item. Item 3 is a local law to amend Title
12 38 of the miscellaneous laws of Nassau
13 County.

14 LEGISLATOR MCKEVITT: So moved.

15 LEGISLATOR FERRETTI: Second.

16 CHAIRMAN NICOLELLO: Moved by
17 Legislator McKeivitt, seconded by Legislator
18 Ferretti. Any public comment?

19 (No verbal response.)

20 Hearing none, all those in favor
21 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Carries unanimously.

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2 Item 2, another hearing, this is
3 a local law to amend the Nassau County
4 Administrative Code to require the
5 notification by mail to all resident county
6 property owners of the tentative assessed
7 value of owned property.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR BYNOE: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Walker, seconded by Legislator
12 Bynoe.

13 This item is open. This came in
14 response to a notice that went out with the
15 last assessment notices indicating that
16 written notices will no longer be mailed to
17 properties.

18 Apparently that policy has been
19 rescinded by the County Executive,
20 nevertheless, we want to codify this in law
21 that any property owner in the County of
22 Nassau that wants to receive written notice
23 of their tentative assessed value will
24 receive that notice.

25 There are some amendments which I

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2 will talk about when we get to the item
3 itself. Any discussion on this item? Yes?

4 MR. MOOG: David Moog, County
5 Assessor. I just want to make a few
6 comments about this bill.

7 The County Executive and the
8 Department of Assessment endorses the
9 measure. We just feel that the bill in the
10 present form has a few defects that need to
11 be cured such as the mention of two levels
12 of assessment.

13 The term of pending assessment,
14 which we're unclear of what that means, and
15 the need to put transitional AV which does
16 not apply to tax one properties.

17 We also just want to put on the
18 record that this action even though we are
19 endorsing the action will cost the county up
20 to a quarter of million dollars in mailing
21 fees and processing.

22 CHAIRMAN NICOLELLO: One of the
23 things that this legislation does, it states
24 that residents can opt out so basically you
25 can put that on the notices going forward

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2 and you will have a substantial number of
3 people who will choose to get electronic
4 notice of their tentative assessed value.

5 But this is such an important
6 piece of advice, piece of information that
7 residents must have and it could easily
8 overlook if they don't get something
9 prompting them that we feel it is important
10 and worth the expense that every resident in
11 this county get notice of their tentative
12 value in case they want to exercise their
13 right to challenge it.

14 MR. MOOG: We understand that and
15 we are working diligently to work out the
16 issues on the opt out.

17 CHAIRMAN NICOLELLO: Okay. The
18 opt out, there are many people that would
19 like to get electronic. Legislator Bynoe.

20 LEGISLATOR BYNOE: Thank you,
21 Presiding Officer. I have a question. It
22 is my understanding that we would remove any
23 reference to the level of assessment; is
24 that correct?

25 CHAIRMAN NICOLELLO: Yes, I was

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2 going to talk about that in terms of the
3 amendment. But in addition to removing the
4 reference to a specific level of assessment
5 we are also decreasing the amount of time
6 the department of assessment has to mail the
7 notice from 45 to 30 days from the
8 completion of the tentative assessment roll.
9 That was something that was negotiated
10 between the minority and majority, or
11 discussed.

12 LEGISLATOR BYNOE: Thank you.

13 MR. MOOG: Just a point of
14 reference are we doing tax Class 1 or tax
15 Class 1, 2 and 4? It doesn't specify in the
16 bill.

17 CHAIRMAN NICOLELLO: The local,
18 the title of the local law is to amend the
19 county administrative code to require the
20 notification by mail to all resident county
21 property owners. So I believe you are
22 talking about Class 1 and maybe some
23 condominiums and co-ops.

24 MR. MOOG: So it will be 386,000
25 tax Class I homeowners, only tax Class I.

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2 CHAIRMAN NICOLELLO: No. Since
3 it says resident. So I assume you have to
4 mail it to condominium owners, co-ops.

5 MR. MOOG: We currently mail out
6 to all four tax classes, one, two, and four.
7 We mailed it out previously to tax class
8 ones, twos and fours.

9 CHAIRMAN NICOLELLO: So that will
10 continue? We're not changing that.

11 MR. MOOG: Thank you. I mean the
12 local law is only worded for residential,
13 that's why we are making note of that. That
14 way it's worded, it says residential.

15 LEGISLATOR BYNOE: Is there a way
16 for us to amend this?

17 MR. MOOG: Probably.

18 LEGISLATOR BYNOE: Says all
19 residents in the item.

20 MR. MOOG: Just for
21 clarification, in prior years until this
22 year we mailed out to tax class ones, two
23 and four. It wasn't codified in the
24 administrative code. It was discontinued in
25 the prior administration as an opt in rather

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2 than opt out.

3 CHAIRMAN NICOLELLO: Collectively
4 we disagreed with that policy of the prior
5 administration. Any other questions?

6 LEGISLATOR DRUCKER: Thank you.
7 I just wanted to confirm what your counsel
8 just said. Is it the nonresident commercial
9 property owners receive their tentative
10 assessment under a separate section, is that
11 what was said? I want to be clear on that.

12 CHAIRMAN NICOLELLO: Here is what
13 we are going to do. Thank you for that.
14 What we are going to do is close the hearing
15 on the item itself, I'm not going to call.
16 In two weeks we will call it. If there
17 needs to be any sort of changes to the
18 language or clarification put on the record,
19 we will do it at that time.

20 MR. MOOG: Thank you.

21 CHAIRMAN NICOLELLO: Thank you
22 for your comments, Mr. Moog, Legislator
23 Drucker. Anyone else have any questions
24 before we close the hearing?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 Hearing none, all those in favor
5 signify by saying aye of closing the
6 hearing.

7 (Aye.)

8 Hearing is closed. We are not
9 going to call item 4 at this time.

10 The last item before us today,
11 I'm sorry we actually have business for the
12 committees.

13 The last item, Item 11,
14 Resolution authorizing the County Executive
15 to execute an intermunicipal agreement with
16 the Village of Freeport in relation to
17 collection of delinquent taxes satisfaction
18 and discharge of tax liens, et cetera.

19 LEGISLATOR RHOADS: So moved.

20 LEGISLATOR MULE: Second.

21 CHAIRMAN NICOLELLO: Moved by
22 Legislator Rhoads, seconded by Legislator
23 Mule.

24 The item is before the committee.
25 We have to make an amendment in the nature

1 Full Legislature/7-9-18
2 of a substitution before we start to discuss
3 it. It needs to be amended to correct a
4 typographical error in the Nassau County tax
5 map identified portion of the Resolution and
6 the underlying IMA by changing Block 324 to
7 Block 364.

8 LEGISLATOR MULE: So moved.

9 LEGISLATOR RHOADS: Second.

10 CHAIRMAN NICOLELLO: That
11 amendment is moved by Legislator Mule and
12 seconded by Legislator Rhoads. All in favor
13 of amending this item signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item is amended. Is before
18 us.

19 MR. WILLIAMS: Good afternoon.
20 I'm Errol Williams, Deputy County Attorney.
21 This is an agreement between the county and
22 the Village of Freeport where the proceeds
23 of the sale of county property will be
24 divided between the village and the county.

25 CHAIRMAN NICOLELLO: Went through

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2 committees a couple of weeks ago. Any
3 questions of Mr. Williams? Guess not. Any
4 public comment?

5 (No verbal response.)

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 Carries unanimously.

12 We need a motion to adjourn.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR BIRNBAUM: Second.

15 CHAIRMAN NICOLELLO: Moved by

16 Legislator Walker, seconded by Legislator

17 Birnbaum. All those in favor of adjourning
18 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The Legislature is adjourned.

23 (Whereupon, the Full Legislative
24 Committee adjourned at 5:48 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 23rd day of July, 2018.

FRANK GRAY