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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

RICHARD NICOLELLO,
Presiding Officer

1550 Franklin Avenue
Mineola, New York

Monday, July 15, 2019
1:29 P.M.

1

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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LIST OF SPEAKERS

KEN ARNOLD 9

BRIAN SCHNEIDER 18

PATRICK GALLAGHER 20

JANE HODAK 23

ROB WELTNER 32

SCOTT BOCHNER 34

ADRIAN ESPOSITO 37

LISA LOCURTO 41

1 Full Legislature/7-15-19

2 CHAIRMAN NICOLELLO: The
3 procedure for today, today is actually a
4 committee meeting day. We have a Full
5 Legislative Meeting that we had recessed
6 last time. We are going to reopen that
7 meeting at the beginning.

8 However, we are going to first
9 open Government Services and the Rules
10 Committee to move one of the items out of
11 those committees so that can be voted on
12 before the Full Legislature but, before we
13 get to the business of the Legislature, I'm
14 going to ask Legislator Gaylor to lead us in
15 the Pledge of Allegiance.

16 (The Pledge of Allegiance was
17 recited.)

18 CHAIRMAN NICOLELLO: Thank you.
19 Legislator Muscarella has a point of
20 personal privilege.

21 LEGISLATOR MUSCARELLA: Thank you
22 very much. Presiding Officer, members of
23 the Legislature and ladies and gentlemen,
24 today I want to talk to you about table
25 tennis. Table tennis, which many of us

1 Full Legislature/7-15-19

2 played as children, and which we commonly
3 called ping pong, is actually a rigorous,
4 highly competitive, world class sport.
5 Today we have with us a world class athlete.
6 She's from West Hempstead and her name is
7 Este Ackerman. She's 17 years old. At the
8 US Open Table Tennis Championship held in
9 December, she won four gold and one silver
10 medal.

11 At the present time, she is
12 working towards being a representative of
13 the United States at the Olympic games in
14 2020 in Tokyo. She is so good she has
15 beaten tennis star Rafael Nadal in table
16 tennis. She is a recipient 2020 Michael
17 Friedman outstanding Jewish female athlete
18 of the year and her name Este Ackerman.
19 Este, would you please come up and say
20 hello? We will be watching you in 2020.

21 MS. ACKERMAN: I'd first like to
22 thank Legislator Muscarella for having me
23 here today and presenting me with a very
24 generous award.

25 I would first like to share with

1 Full Legislature/7-15-19

2 all of you that last week I came back from
3 Las Vegas, where I competed in the 2019
4 nationals, where I was very privileged to
5 receive a gold and a bronze medal. After
6 Las Vegas, we traveled to San Diego where I
7 was invited to speak to the Chabad of Poway
8 to the day camp to not only play with the
9 kids but also to tell them about my journey.
10 I was the one who was on the receiving end
11 and really felt inspired by their stories
12 and by hearing what they have gone through.

13 Coincidentally, two days later, I
14 saw Vice President Pence visited Chabad of
15 Poway, so I guess he did not know when I was
16 going.

17 After my trip I really felt that
18 the motivation that makes me to keep going
19 and keep competing is for the reason to
20 inspire the youth, if anyone has a passion
21 or hobby that they certainly love or desire
22 to dream big, work hard and live out their
23 passion, because ultimately that is my dream
24 so thank you very much for coming and thank
25 you everyone.

1 Full Legislature/7-15-19

2 (Whereupon, the Full Legislative
3 Committee recessed at 1:50 p.m.)

4 CHAIRMAN NICOLELLO: Now we are
5 reconvening the meeting of the Full
6 Legislature that was actually started on
7 June 24th. I don't believe we need a roll
8 at this time.

9 Legislator Walker, did you have a
10 moment of silence you wanted to?

11 LEGISLATOR WALKER: Yes. I would
12 just ask everyone to stand and give a moment
13 of silence for our police medic Daniel
14 Pignataro who passed away this weekend.
15 Daniel had 22 years of service with us as a
16 medic and please keep Daniel and his loving
17 family and friends in your prayers.

18 (A moment of silence was
19 observed.)

20 LEGISLATOR WALKER: Thank you,
21 and God bless him and his family.

22 CHAIRMAN NICOLELLO: There are
23 four items that are connected relating to
24 the Long Beach sewage diversion project that
25 I'm going to call together. They are items

1 Full Legislature/7-15-19

2 31, 32, 33, and 34. Item 31 is resolution
3 125. It's a resolution declaring a capital
4 budget emergency pursuant to Section 310D of
5 the County Government Law.

6 32 is ordinance number 47, an
7 ordinance to amend ordinance number 174 of
8 2008 adopting the capital budget for the
9 first year of the four year capital plan to
10 commence on January 1st, 2019.

11 Item 33 is ordinance 48, a bond
12 ordinance providing for a capital
13 expenditure to finance the capital projects
14 identified herein within the County of
15 Nassau and authorizing \$66,383,594 of bonds
16 of the county to finance such expenditure.

17 Item 34 is a resolution 126, a
18 resolution authorizing the County Executive
19 to execute an intermunicipal agreement with
20 the city of Long Beach for the consolidation
21 of sewer treatment resources and services.

22 LEGISLATOR FORD: So moved.

23 LEGISLATOR DRUCKER: Seconded.

24 CHAIRMAN NICOLELLO: Those items
25 are moved by Alternate Deputy Presiding

1 Full Legislature/7-15-19
2 Officer Ford and seconded by Legislator
3 Drucker.

4 MR. ARNOLD: Ken Arnold, Public
5 Works. At the committee meetings, I read a
6 protractive statement about the benefits of
7 the project and since then we have sat down
8 with both sides and had discussions on their
9 questions and concerns.

10 As we all are aware, this is the
11 diversion of Long Beach sewage treatment
12 plant to the Bay Park plant. This is part
13 of the Western Bay initiative to improve the
14 water quality and it's also a shared service
15 which will have a financial benefit to do
16 this project.

17 The high points that were
18 discussed was one, that Nassau County has a
19 collection system that discharges into the
20 city system. This will be part of that
21 conveyance.

22 Currently the county pays
23 \$600,000 approximately per year for that
24 disposal and our annual impacts collection
25 is half that number. This will be one thing

1 Full Legislature/7-15-19
2 that will be corrected as part of the
3 project.

4 Second, the county has just
5 completed a project that is diverting a
6 portion of the Village of Hempstead out of
7 the Bay Park disposal area and now sent to
8 Cedar Creek.

9 This Long Beach project, these
10 flows are equal, so we will be seeing no net
11 increase to the Bay Park Plant as a result
12 of this diversion because of the prior
13 diversion of some of the Village of
14 Hempstead sewage to Cedar Creek.

15 Third, the county is applying for
16 various grants for the project. The IMA's
17 essential to the IMG grant and also the bond
18 ordinance is essential to the IMG grant.

19 CHAIRMAN NICOLELLO: Talk about
20 some of the environmental benefits of the
21 diversion project.

22 MR. ARNOLD: Currently, the Bay
23 Park plant overall has a much higher level
24 of treatment because it's an aeration plant.
25 We are also putting in nitrogen removal at

1 Full Legislature/7-15-19

2 the plant. So even if you put aside the
3 future connection of Bay Park to Cedar
4 Creek, there will be an environmental
5 benefit because of those two items.

6 The Long Beach Plant is a
7 tripping filter plant. To upgrade that
8 plant is a tremendous cost for nitrogen
9 removal whereas the Bay Park plant is a much
10 simpler project.

11 Removing an outfall from the
12 western bay is a high priority not just for
13 Nassau County but the state governor's
14 office. Ultimately, when we do divert Bay
15 Park to Cedar Creek there will be no
16 discharges of effluent to the western bays
17 other than the east Atlantic Beach plant
18 that is further west of these facilities.

19 CHAIRMAN NICOLELLO: In the
20 interim before, the diversion to Cedar
21 Creek, the Bay Park Sewage Treatment Plant
22 is much more efficient and effective in
23 reducing nitrogen, correct?

24 MR. ARNOLD: Yes. Both on
25 nitrogen we currently have our state BNR

1 Full Legislature/7-15-19
2 project ongoing. That construction
3 happening now and that should be completed
4 in about 18 months.

5 On the calendar today which will
6 be moved to August is the side stream
7 treatment facility which will remove ammonia
8 out of the sludge process which again will
9 increase the nitrogen removal of the plant.

10 In addition, because we are in an
11 aerated system, we have a much higher level
12 of BOD and suspended solid removal.

13 CHAIRMAN NICOLELLO: Also, the
14 Bay Park Sewage Treatment Plant over the
15 course of the last few years has been
16 hardened against the storm damage?

17 MR. ARNOLD: Yes, the Bay Park
18 plant is hardened and protected against a
19 Sandy type storm with the berm being around
20 it and all the other elevation of the
21 electrical systems that are currently being
22 finished on.

23 CHAIRMAN NICOLELLO: Is it the
24 county intends to and is pursuing various
25 grants that would pay for or help to pay for

1 Full Legislature/7-15-19

2 part of this project, correct?

3 MR. ARNOLD: Yes. We have
4 received some grants as has the city. Both
5 this year we have the WQIP grants with New
6 York State Department of Environmental
7 Conservation both the City and the
8 department are working together to apply for
9 grant funding there.

10 Additionally, the state just
11 released the IMG grant which is an
12 intermunicipal shared services grant, that
13 once we are successful in getting the bond
14 ordinance and IMA approved by both parties,
15 then we'll be applying for that grant.

16 In addition we are still working
17 with the Department of Homeland Security at
18 the state to get more hardening money for
19 the city plant and working with the city,
20 part of that partnership.

21 Finally we are looking to use
22 living with the bay funds, working with our
23 state partners at the Governor's Office of
24 storm recovery to get that work set up to
25 receive additional funding.

1 Full Legislature/7-15-19

2 CHAIRMAN NICOLELLO: The costs on
3 the part of the county in terms of
4 constructing the pump station, force main,
5 et cetera, the county is to be reimbursed
6 both in terms of debt service and
7 operational costs by the city, correct?

8 MR. ARNOLD: Yes. And that was
9 the one point, slip of my tongue that I
10 wanted to say, yes, thank you for bringing
11 that back up.

12 The IMA calls for the city sewer
13 rents to pay for the project, both their
14 existing debt and any future debt for the
15 project.

16 CHAIRMAN NICOLELLO: Alternate
17 Deputy Presiding Officer Ford.

18 LEGISLATOR FORD: Thank you very
19 much. I first want to express my gratitude
20 to you and Brian and Jane and your staff
21 actually for working on this and entering it
22 into the negotiations and working with the
23 city and bringing us to this point. I think
24 that in the long run -- of course it's
25 immediately going to be beneficial to the

1 Full Legislature/7-15-19

2 City of Long Beach but it will ultimately be
3 beneficial to the residents throughout
4 Nassau County and I'm happy that you made
5 efforts to make sure that the county
6 residents are protected in the case of any
7 type of financial mishap or whatever.

8 I'm glad that you are going to be
9 running with the grant processes as well. I
10 will be at the city counsel meeting tomorrow
11 night making sure our city council
12 representative will be joining us and
13 hopefully voting in favor of this.

14 I think that even when we look at
15 all the work that is being done, when I see
16 Scott out there, so I know from the
17 beginning when we had the brown tide, to
18 completely deployable sewage treatment
19 plant, to where we are now, that we are
20 treating it so much better and all the hard
21 work you put into it, Ken, is remarkable and
22 then to be able to accept the effluents from
23 Long Beach I think is wonderful. I'm even
24 grateful because when we think about air
25 quality, we are fixed basically have

1 Full Legislature/7-15-19

2 corrected a lot of the odor over in the Bay
3 Park area for the benefit of the residents
4 in that area.

5 I think that once we take away
6 the sewage treatment plant and make it a
7 pumping station, the residents who
8 especially live on the north side of Long
9 Beach will find themselves the benefit of
10 having much better air quality and be able
11 to breathe and not have a stench permeating
12 their neighborhood.

13 My only concern I have and it
14 probably isn't going to be so much with you
15 but I'm hoping that with the current
16 employees that work for the city of Long
17 Beach currently in the sewage department,
18 because we are going to be taking the
19 collection system, so the people that work
20 the sewage treatment plant as well as those
21 who work in the streets, I understand there
22 is a memorandum of agreement with the city
23 that they will not lay off any of the
24 employees and I'm going to be advocating for
25 that.

1 Full Legislature/7-15-19

2 I'm hoping that in the case of
3 Suez or the county would consider that if
4 there is any danger that you would consider
5 taking a look at some of the senior people
6 that are there, that it would probably be to
7 our benefit for them to bring them over
8 because they know the ins and outs and know
9 the sewer system, especially the collection
10 system throughout the city. So it might be
11 worth our while to hopefully bring them on.

12 This is something that should be
13 a benefit for everybody but I just don't
14 want the workers to be impacted by this
15 move.

16 The last thing I would say is
17 once we do the diversion I think the
18 important key is that when we look at our
19 marshlands, once we are not pumping that
20 nitrogen in, I think the marshlands will
21 some what come back and I think the DEC,
22 USGS was telling us, how we can even plant
23 some of it back which will then help the
24 life, the fish life, sea life there, but it
25 also is a vehicle for helping to help with

1 Full Legislature/7-15-19

2 the flooding. To help maybe take some of
3 that flooding away from coming on to our
4 shores.

5 Once again, I do want to thank
6 you and my fellow members on the Legislature
7 will see that this is something that is a
8 positive for everybody here in the county
9 and I think that we will all benefit from
10 this.

11 I, once again, I want to
12 reiterate my gratitude for the hard work you
13 have done. It's phenomenal. Thank you.

14 CHAIRMAN NICOLELLO: Anyone else?
15 Legislator Rhoads.

16 LEGISLATOR RHOADS: Thank you,
17 Mr. Presiding Officer. Deputy County
18 Executive, Brian Schneider, just a quick
19 question. Could you just go briefly what
20 the DEC's consent order is? Obviously this
21 is done in compliance with an agreement that
22 we reached with the Department of
23 Environmental Conservation, correct?

24 MR. SCHNEIDER: That is correct.
25 There is an agreement that we had with the

1 Full Legislature/7-15-19
2 New York State DEC regarding the
3 improvements that are being made at the Bay
4 Park Sewage Treatment Plant. Part of that
5 agreement includes two additional things;
6 the conveyance or the diversion of the
7 sewage effluent from Bay Park to the Cedar
8 Creek ocean outfall, as well as the
9 acceptance of sewage from the Long Beach
10 plant through this diversion to the Bay Park
11 Plant as well.

12 Both of those items are included
13 in this agreement with the New York State
14 DEC.

15 LEGISLATOR RHOADS: If there were
16 no agreement completed, what was the
17 anticipated fine structure pursuant to the
18 agreement?

19 MR. SCHNEIDER: There are fines
20 indicated in the agreement that amount of
21 roughly \$38,000 per day. If we do not go
22 forward with either the diversion or the
23 conversion of the Long Beach plant, so we
24 would be at risk if we do not go forward
25 with either of those two projects and that's

1 Full Legislature/7-15-19

2 not something that we are willing to
3 undertake.

4 Obviously we have fostered a very
5 good relationship with our partners. We
6 consider them partners at the New York State
7 DEC. They recognize the hard work that we
8 have made at the Bay Park plant since Super
9 Storm Sandy, the investment of \$830 million
10 to upgrade that plant, the state of the art
11 technologies and quality giving us the
12 ability to take on the additional or the
13 sewage from the city of Long Beach.

14 We are not looking to poke the
15 bear, per se. We are in a very good
16 position with the DEC and we want to
17 continue that positive relationship.

18 LEGISLATOR RHOADS: Thank you,
19 Deputy County Executive Schneider. I
20 appreciate that. I know we had asked for a
21 representative from the County Attorney's
22 Office. I don't know if Mr. Kasschau is
23 here.

24 MR. GALLAGHER: Good afternoon,
25 Patrick Gallagher from the office of the

1 Full Legislature/7-15-19

2 county attorney.

3 LEGISLATOR RHOADS: Good
4 afternoon. I had actually asked at the last
5 meeting, obviously we want to protect our
6 environmental concerns, we are all
7 interested in doing our part to clean up the
8 western bays. Obviously there are some
9 financial considerations. We want to make
10 sure we are protecting the taxpayers of
11 Nassau County as well.

12 The question was, in the unlikely
13 event of a municipal bankruptcy on the part
14 of the city of Long Beach, again, no one is
15 talking about that, but we are trying to
16 anticipate potential issues, that's kind of
17 our job as attorneys, what would happen?

18 MR. GALLAGHER: To the extent
19 this is a discussion about a hypothetical of
20 potential litigation in order not to
21 prejudice that, it may be better to discuss
22 this in an executive session.

23 LEGISLATOR RHOADS:
24 Hypothetically. What protections are there
25 in place in the agreement for county

1 Full Legislature/7-15-19

2 taxpayers in the event that the City of Long
3 Beach either did not or were not able to
4 generate the collection revenue that we are
5 supposed to receive under the agreement?

6 MR. GALLAGHER: Well, I know
7 there is a statement in the agreement that
8 if they fail to pay their fees that they
9 acknowledge that it would be irreparable
10 harm to the county and that's a protection
11 right there.

12 LEGISLATOR RHOADS: Are you
13 familiar with the memorandum that was
14 actually issued by the county attorney,
15 Jared Kasschau with respect to this point?

16 MR. GALLAGHER: To the bankruptcy
17 points, yes.

18 LEGISLATOR RHOADS: But you are
19 not comfortable with discussing what's in
20 the memorandum on the record?

21 MR. GALLAGHER: No, I'm not.

22 CHAIRMAN NICOLELLO: Legislator
23 Gaylor.

24 LEGISLATOR GAYLOR: My questions
25 are really for Commissioner Arnold or Deputy

1 Full Legislature/7-15-19

2 County Executive Brian Schneider.

3 Commissioner, I heard you talk a
4 little bit about money from various sources,
5 grants or whatnot.

6 I need an assurance that county
7 residents are in no way, shape or form being
8 asked to fund this project now or any time
9 in the future, can you make that?

10 MR. ARNOLD: The IMA states that
11 the city sewer rents will pay for the
12 project both the existing debt and any
13 future debts for the project.

14 LEGISLATOR GAYLOR: Should the
15 city default on any payment, what is our
16 recourse as a county?

17 MR. ARNOLD: There is language
18 in the IMA that deals with that. I will ask
19 Jane Hodak to get into that detail.

20 MS. HODAK: Good afternoon,
21 legislator. As you know, the IMA
22 specifically identifies the covenant of the
23 city to collect sewer rents and the sewer
24 rents would be an amount to cover the
25 operation and the debt service and were they

1 Full Legislature/7-15-19
2 not to do so that would be an event of
3 irreparable harm to the county and the
4 county could seek to have the specific
5 performance of those amounts of money
6 necessary to cover the debt and the
7 operational costs.

8 As this is an IMA that
9 specifically authorized under state law
10 under section 119-0 of the GML, and 119-0 of
11 the GML specifically allows for the fixing
12 and collecting of charges, rates, and rents
13 where appropriate amongst such joint
14 municipal agreements, we are confident that
15 the court would in fact enforce the city's
16 obligation to pay over to the county money
17 sufficient to allow for the payment of the
18 debt and for the payment of the sewer
19 operational costs.

20 Even in the absence of those
21 particular provisions, in the past, there
22 had been an issue with the village of
23 Roslyn, and in that instance the court had
24 found that even under a theory of quantum
25 meruit that the county would be entitled to

1 Full Legislature/7-15-19
2 receive from the village adequate funds to
3 compensate the county for the operation,
4 maintenance and fees for the provision of
5 sewer services to the village.

6 LEGISLATOR GAYLOR: Thank you
7 very much for your detailed explanation. I
8 guess we can say you simply stated on the
9 record that the taxpayers of the county of
10 Nassau will not be responsible for funding
11 this project now or in the future in any
12 way, shape or form, correct?

13 MS. HODAK: Not under the terms
14 of this IMA, no.

15 CHAIRMAN NICOLELLO: Thank you
16 very much. I'm going to ask Mr. Gallagher
17 to come back up. Legislator McKeivitt.

18 LEGISLATOR MCKEVITT: Good
19 afternoon, Mr. Gallagher. Just get to the
20 basic issue though and not getting into the
21 specifics of the memo, the generalities with
22 how bankruptcy works, but it's my
23 understanding if I'm correct that when a
24 municipality files bankruptcy under Chapter
25 9 is significantly different than under a

1 Full Legislature/7-15-19
2 Chapter 7 or Chapter 11 either under an
3 individual or corporate type of bankruptcy
4 where, in those instances, there is an
5 option of doing a liquidation and, in many
6 instances, sometimes the creditors will only
7 receive pennies on the dollar, but when
8 you're dealing with a municipal bankruptcy,
9 obviously you can't liquidate municipal
10 assets, it's going to continue to operate as
11 a municipal corporation after the bankruptcy
12 proceedings is completed.

13 So then would you agree with me
14 that there are more protections for I guess
15 like a creditor for Nassau County in a
16 municipal bankruptcy than a regular
17 bankruptcy proceeding for the fact that the
18 bankruptcy court is going to have simply
19 more control over what happens with those
20 assets over getting directed and not just
21 simply liquidating whatever assets they have
22 and then the creditors being caught holding
23 the bag, would that be true?

24 MR. GALLAGHER: The creditors
25 have more protection in a Chapter 9 than

1 Full Legislature/7-15-19

2 they would in a Chapter 11 or Chapter 7.

3 LEGISLATOR MCKEVITT: Yes.

4 MR. GALLAGHER: I think yes.

5 LEGISLATOR MCKEVITT: Thank you.

6 CHAIRMAN NICOLELLO: Thank you,
7 Legislator McKevitt. Anyone else? Minority
8 Leader Abrahams.

9 LEGISLATOR ABRAHAMS: Thank you,
10 Presiding Officer. Ken, just a follow up
11 issue to the last time we met. I think you
12 guys were trying to give us totals for some
13 of the future projects in terms of their
14 potential sewage consumption, I think we
15 talked about Belmont and I think A. Holly
16 Patterson, and I think we might have talked
17 about the hub. You were looking to get us
18 better estimates?

19 MR. ARNOLD: That was provided.
20 Basically we looked at, instead of going by
21 individual projects we looked at the
22 population increases of the county using
23 data that Nymtech, the transportation
24 authority, that does capital planning. We
25 looked at population growths of somewhere in

1 Full Legislature/7-15-19

2 both districts I think it was 50,000 people
3 over the next 20 years which would be a
4 reasonable time line and applying that
5 increase by 100 gallons for each person, the
6 plant would have access to plenty of
7 capacity under those projections.

8 LEGISLATOR ABRAHAMS: Thank you.

9 CHAIRMAN NICOLELLO: Legislator
10 Schaefer.

11 LEGISLATOR SCHAEFER: Hi,
12 Commissioner. I just have two quick
13 questions.

14 All of the repairs that have been
15 done at Bay Park and all of the work done at
16 Bay Park, is that what you would say
17 everything is completed that we have been
18 working on over the years, is there anything
19 that's still left to be done since the Sandy
20 damage?

21 MR. ARNOLD: The Bay Park program
22 is probably two-thirds of the way through.
23 There are still other things that we are
24 looking to achieve; one is bringing in
25 outside power to the facility. We are

1 Full Legislature/7-15-19

2 negotiating with PSEG currently it's an
3 ongoing 18 month negotiation about setting
4 up that work. There's all the capacity we
5 are looking to increase. And there's some
6 other, not as non process improvements that
7 need to be done at the plant.

8 But the critical work, the
9 electrical power, the berm, and nitrogen
10 removal have all been or will be completed
11 within the next 18 months.

12 LEGISLATOR SCHAEFER: And do all
13 of those need to be completed before this
14 project moves forward?

15 MR. ARNOLD: None of them really
16 need to be completed. The plant is
17 operating on permit, above permit
18 expectations, very little odor control but
19 none needed to be done, just that you get
20 the added benefit of the nitrogen removal,
21 those projects on this.

22 LEGISLATOR SCHAEFER: Okay.
23 Thank you.

24 CHAIRMAN NICOLELLO: Anyone else?
25 Deputy Presiding Officer Kopel.

1 Full Legislature/7-15-19

2 LEGISLATOR KOPEL: Commissioner,
3 under normal circumstances, I would like to
4 support a project like this because
5 obviously the goals are laudable, they're
6 important. But I find I can't for a number
7 of reasons after consultation with the
8 people in my district.

9 First of all, the Bay Park
10 diversion for effluent to go into Cedar
11 Creek is taking a while. I know that you
12 told me it's going to be another two and a
13 half years, I believe, and the problem with
14 that is that unfortunately I have very
15 little confidence in schedules when a
16 government is building anything; schedules
17 or dollars.

18 I know the state is in control, I
19 know we are not even in control of that.
20 We've done, in the county, we have done a
21 very good job with Bay Park but it's not
22 just yet complete as you just acknowledged a
23 couple of moments ago. I would have liked
24 to have seen that complete.

25 MR. ARNOLD: Legislator, Bay

1 Full Legislature/7-15-19

2 Park, that's schedule has been pretty much
3 on board. You could not do all the
4 improvements at Bay Park at the same time.
5 Things had to be phased and stretched out
6 because some things had to be completed.

7 LEGISLATOR KOPEL: I have no
8 quarrel with your management of the project.
9 I think it's been going along great. It's
10 just factual it's not done yet.

11 MR. ARNOLD: Understood.

12 LEGISLATOR KOPEL: Through no
13 fault certainly of your department. I think
14 you have been doing a great job.

15 I'm also not confident
16 notwithstanding the assurances that we have
17 received that the financial burden of this
18 project might not ultimately fall on the
19 county. This has been a necessity of doing
20 this the necessity of doing this has been a
21 result, one of the results of the terribly
22 improvident management of the City of Long
23 Beach overall, and I am concerned that that
24 financial burden caused by the City of Long
25 Beach should not fall upon other taxpayers

1 Full Legislature/7-15-19
2 especially upon the residents who live
3 around Bay Park. These people should not
4 have to take any chances and deal with the
5 situation until it is really fully resolved.

6 I understand from what I see the
7 vote will be such that the project will go
8 forward. I certainly hope that all of those
9 milestones and promises that are made to the
10 county by other parties are lived up to and
11 I hope I'm proved wrong. Thank you.

12 CHAIRMAN NICOLELLO: Anyone else
13 on the Legislature?

14 (No verbal response.)

15 There are several slips for
16 public comment for this item. I'm going to
17 call them out. First off, Rob Weltner.

18 MR. WELTNER: We always greatly
19 appreciate your past support from both the
20 republican democratic legislators concerning
21 the help and the economy of the western
22 bays.

23 We are here again to ask for your
24 support for the IMA between Nassau County
25 and City of Long Beach. And I'm sure that

1 Full Legislature/7-15-19
2 everybody understands what we are about
3 here. The bottom line is, even though it's
4 Long Beach and sewage, it does affect a lot
5 of Nassau County residents and it is killing
6 ten miles of the South Shore of the western
7 bays.

8 I'm happy to be by the sewage
9 treatment plant quite often and I can tell
10 you it's not pleasant, especially with the
11 effluent coming out of there.

12 This is a project not just for
13 Long Beach but everybody in Nassau County.

14 Since Super Storm Sandy, the Long
15 Beach plant has been unable to meet the
16 discharge permit levels and has been a
17 detriment to all who make a living on the
18 bay and those that use it for recreation and
19 relaxation.

20 We have been given this
21 opportunity to put a stop to this and take
22 this long broken piece of critical
23 infrastructure out of the equation. We hope
24 that you will continue to support this
25 exceptional opportunity to restore the life

1 Full Legislature/7-15-19

2 and economy of such a large section of the
3 South Shore and continue down the path of
4 restoring our bays and healthy environment
5 ecosystem that everyone wants to get. Thank
6 you very much.

7 CHAIRMAN NICOLELLO: Thank you,
8 Rob. The next speaker is Scott Bochner.

9 MR. BOCHNER: I'd like to thank
10 you all up there for considering this and
11 passing this through. Part of the western
12 bays coalition will be working on this
13 project for many many years. The City of
14 Long Beach, we all know we need to push that
15 pipe into Bay Park so it will be treated
16 correctly.

17 I've been living on the bays
18 there for a really long time. We've been
19 watching the degradation of the western bays
20 for years and years and this is the only way
21 to correct the problem that's in the western
22 bays.

23 I'd like to just speak to
24 Mr. Kopel for a minute because I'm always in
25 your area around Bay Park. I

1 Full Legislature/7-15-19

2 I work Operation Splash, we are
3 always on the boats. In those areas there
4 is an enormous amount of seaweed that keeps
5 being pushed up into your where your
6 residents are.

7 So to say that this project won't
8 help the people in Bay Park is a little bit
9 ludicrous because all of the effluent that's
10 going into the western bays, the scientific
11 study we did in there is proving that the
12 effluent is not moving, it's sitting in the
13 bay and it keeps getting pushed into your
14 area. Mostly of your area. It is so thick
15 in there that nothing can live and nothing
16 can breathe.

17 So, in order to get this pipe
18 diverted, and, yes, it takes time, we have
19 been really patient just like you, it takes
20 take time to get a project like this under
21 way and I'm hoping I can change your mind
22 and change your vote.

23 Because if you don't take that
24 effluent out of your area where your
25 constituents are, there won't be any

1 Full Legislature/7-15-19

2 protection, the marshlands are falling in
3 because it's just killing the oxygen that's
4 underneath there. The marshes are growing
5 towards the nitrogen so they won't root.

6 So, to say that it just takes
7 time and you don't think this is going to
8 help, the state and Mr. Cuomo, who who's
9 been really good at this, Mr. Tierney, and
10 Mr. Schneider here, everybody, they
11 understand what this is going to do if you
12 don't move this Long Beach plant, it's a
13 vital part. They won't do the diversion
14 without this. I'm hoping that you will
15 reconsider your vote.

16 LEGISLATOR KOPEL: Mr. Bochner, I
17 would probably agree with just about every
18 single thing you said except for one which
19 is that I don't think it would help. I do
20 think it will help some of the things you
21 are talking about.

22 My concerns that I articulated
23 were addressed to other areas. I would like
24 to have seen some protections in the
25 agreement that we're not seeing.

1 Full Legislature/7-15-19

2 Nonetheless, the agreement in all
3 likelihood will go forward and I fervently
4 hope and agree with you that this is going
5 to do a lot of good ultimately and that it
6 will accomplish its goals.

7 I do have some scepticism and I
8 was obligated to express what they are. I
9 do believe that you've just got this thing a
10 little bit wrong as far as what I think.

11 CHAIRMAN NICOLELLO: Thank you.
12 Adrian Esposito.

13 MS. ESPOSITO: Good afternoon,
14 legislators. Thank you very much for the
15 opportunity to speak.

16 I'm the executive director of
17 Citizens Campaign for the Environment. We
18 are here also to urge you to vote yes on
19 this upcoming vote to connect the Long Beach
20 STP to Bay Park. You think you've waiting
21 long, Legislator Kopel, we have been working
22 together for 15 years on this particular
23 campaign and this particular issue for this
24 particular moment of time.

25 Yes, it takes patience and, yes,

1 Full Legislature/7-15-19

2 we all wish it can happen quicker but it
3 didn't but here we are today with a
4 successful program.

5 I think it's worth reminding
6 every member of the Legislature that the
7 \$830 million is largely from federal and
8 state grants. It's not at Nassau County
9 taxpayer's expense. That's number one.

10 Number two, the main people
11 benefitted will be in Legislator Ford and
12 Legislator Kopel's districts, but also all
13 of Nassau County.

14 We are going to have
15 strengthening and improved wetlands, and
16 that means it will protect the mainland from
17 flooding and storm surges and that is
18 something that we should all be getting
19 behind.

20 We have programs and consultant
21 that are presenting to you and others,
22 building storm gates and storm barriers for
23 billions of dollars when, really, what we
24 need are marshlands that are healthy and
25 protective of our mainland and this is the

1 Full Legislature/7-15-19

2 way to achieve this.

3 It will also mean this project's
4 restoration of water quality, restoration of
5 the shellfish industry, greater financial
6 success for maritime businesses, and, as
7 Scott pointed out, this is not us saying
8 this, this is based on independent
9 scientific studies illustrating that all of
10 the sewage going into the western bays is
11 deteriorating the water quality, is
12 weakening our wetlands structure, killing
13 off finfish reproductive abilities,
14 degrading shellfish beds.

15 All of that can be mitigated and
16 improved with this project that you are
17 voting on today. So if there ever was an
18 example of a vote that matters, this is it
19 today.

20 We want to thank you. We need
21 all of you to vote yes. We wish it happened
22 earlier but it didn't. It's going to happen
23 today and today is the day we need your
24 vote. Thank you.

25 CHAIRMAN NICOLELLO: Thank you.

1 Full Legislature/7-15-19

2 Any other public comment?

3 (No verbal response.)

4 Hearing none, I'm going to call a
5 vote. All in favor signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Carries by a vote of 18 to one.

10 LEGISLATOR FORD: I want to thank
11 everyone who spoke in favor of this and to
12 thank our representatives from DPW for all
13 their hard work and, really, from the bottom
14 of my heart want to thank my fellow
15 legislators for supporting this.

16 I think, Adrian, you are right, I
17 think you all are going to see the benefits
18 especially when we have a lot more fishing
19 down in that area and a lot more water
20 sports in a safe manner.

21 LEGISLATOR KOPEL: I want to add
22 to it that my vote should not be counted as
23 a lack of confidence or a lack of belief
24 that the project will accomplish a lot of
25 good things. I had some issues with the way

1 Full Legislature/7-15-19

2 it's structured and that's it.

3 CHAIRMAN NICOLELLO: I would just
4 encourage all of our public comment
5 individuals to go to the Long Beach city
6 council meeting tomorrow night. I know
7 Legislator Ford will be there.

8 Moving on to the other item
9 that's before the Full Legislature which is
10 Item 35, Resolution 127, a resolution
11 authorizing the County Executive to execute
12 an intermunicipal agreement with the village
13 of Hempstead in relation to assisting the
14 county in representation, recommendation,
15 and defense of assessment challenges brought
16 municipal employees.

17 LEGISLATOR MULE: So moved.

18 LEGISLATOR FERRETTI: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Legislator Mule, seconded by Legislator
21 Ferretti. Ms. LoCurto.

22 MS. LOCURTO: Good afternoon,
23 legislators. I apologize for being delayed.
24 I didn't realize this item was going to be
25 called first before.

1 Full Legislature/7-15-19

2 This intermunicipal agreement I
3 believe was discussed in Government Services
4 and other committees. The purpose the
5 intermunicipal agreement is to provide when
6 there are employees in the county who are
7 challenging their own assessments for either
8 their residential or commercial properties.
9 Obviously that creates a conflict of
10 interest and we will have their grievances
11 heard by an independent third party and they
12 will make recommendation so the individual
13 employee has the ability to pursue their
14 right which is to challenge their
15 assessments but also to do so in such a way
16 that avoids any conflict of interest.

17 CHAIRMAN NICOLELLO: Thank you.
18 Any questions for Lisa?

19 (No verbal response.)

20 Hearing none, any discussion
21 among the legislators?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 All those in favor signify by

1 Full Legislature/7-15-19

2 saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 Motion to adjourn the

8 Legislature.

9 LEGISLATOR SCHAEFER: So moved.

10 LEGISLATOR BYNOE: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Schaefer, seconded by Legislator
13 Bynoe. All in favor of adjourning signify
14 by saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 We are adjourned. We will go
19 right into the Rules Committee.

20 (Whereupon, the Full Legislative
21 Committee adjourned at 2:45 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 31st day of July, 2019.

FRANK GRAY