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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

RECONVENED LEGISLATIVE SESSION

County Executive and Legislative Building
1550 Franklin Avenue
Mineola, New York

Wednesday, May 20, 2020
11:04 A.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

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12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

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23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

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5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

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8 LEGISLATOR VINCENT T. MUSCARELLA

9 8th Legislative District

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11 LEGISLATOR ELLEN BIRNBAUM

12 10th Legislative District

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14 LEGISLATOR DELIA DERIGGI-WHITTON

15 11th Legislative District

16

17 LEGISLATOR JAMES KENNEDY

18 12th Legislative District

19

20 LEGISLATOR THOMAS MCKEVITT

21 13th Legislative District

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23 LEGISLATOR LAURA SCHAEFER

24 14th Legislative District

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2 LEGISLATOR JOHN FERRETTI, JR.

3 15th Legislative District

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5 LEGISLATOR ANDREW DRUCKER

6 16th Legislative District

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8 LEGISLATOR ROSE WALKER

9 17th Legislative District

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11 LEGISLATOR JOSHUA LAFAZAN

12 18th Legislative District

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14 LEGISLATOR STEVEN RHOADS

15 19th Legislative District

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17 MICHAEL PULITZER

18 Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: Thank you
3 very much for all the legislators for coming
4 back here today after we met on Monday. We
5 have an emergency meeting today. We recessed
6 the meeting on Monday. There's no reason to
7 call a new meeting. Just note on the record
8 that we have not received any public comment
9 about this emergency. There's no requirement
10 in a recessed meeting to call the roll. What
11 I'm going to do is when I call the emergency
12 I'm going to call the roll so that we know who
13 is actually voting and who is present
14 remotely.

15 First item of business is to
16 establish an emergency for an ordinance to
17 temporarily restrict attendance at Nickerson
18 Beach to Nassau County residents only and
19 sunsetting such restriction upon the reopening
20 of New York City owned and operated beaches.

21 Moved by Legislator Ferretti.
22 Seconded by Legislator Rhoads. That's to
23 establish the emergency. Any debate or
24 discussion on the emergency? Obviously the
25 emergency is that we want to get this in place

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2 before this coming Memorial Day weekend which
3 is when the beach will be open.

4 Hearing no debate or discussion,
5 I'm going to call a roll call vote which will
6 then establish who is here for the emergency.
7 Deputy Presiding Officer Kopel.

8 LEGISLATOR KOPEL: Here.

9 LEGISLATOR NICOLELLO: Alternate
10 Deputy Presiding Officer Ford.

11 LEGISLATOR FORD: Here.

12 LEGISLATOR NICOLELLO: Legislator
13 Bynoe.

14 LEGISLATOR BYNOE: Here. Aye.

15 LEGISLATOR NICOLELLO: Legislator
16 Solages. Legislator Mule.

17 LEGISLATOR MULE: Aye.

18 LEGISLATOR NICOLELLO: Legislator
19 Gaylor.

20 LEGISLATOR GAYLOR: Present and
21 I'm voting in the affirmative.

22 LEGISLATOR NICOLELLO: Legislator
23 Muscarella.

24 LEGISLATOR MUSCARELLA: Yes.

25 LEGISLATOR NICOLELLO: Legislator

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2 Birnbaum.

3 LEGISLATOR BIRNBAUM: Aye.

4 Here.

5 LEGISLATOR NICOLELLO: Legislator

6 DeRiggi-Whitton.

7 LEGISLATOR DERIGGI-WHITTON: I'm

8 here and voting aye.

9 LEGISLATOR NICOLELLO: Legislator

10 Kennedy.

11 LEGISLATOR KENNEDY: Here. Aye.

12 LEGISLATOR NICOLELLO: Legislator

13 McKevitt.

14 LEGISLATOR MCKEVITT: Yes.

15 LEGISLATOR NICOLELLO: Legislator

16 Schaefer.

17 LEGISLATOR SCHAEFER: Aye.

18 LEGISLATOR NICOLELLO: Legislator

19 Ferretti.

20 LEGISLATOR FERRETTI: Yes.

21 LEGISLATOR NICOLELLO: Legislator

22 Drucker.

23 LEGISLATOR DRUCKER: Here and

24 aye.

25 LEGISLATOR NICOLELLO: Legislator

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2 Walker.

3 LEGISLATOR WALKER: Here and aye.

4 LEGISLATOR NICOLELLO: Legislator
5 Lafazan Legislator Rhoads.

6 LEGISLATOR RHOADS: Aye.

7 LEGISLATOR NICOLELLO: Minority
8 Leader Abrahams.

9 LEGISLATOR ABRAHAMS: Yes.

10 LEGISLATOR NICOLELLO: I'm here.

11 I vote yes. Again, just so we know,
12 Legislator Solages are you there? Legislator
13 Lafazan, are you there?

14 LEGISLATOR LAFAZAN: Here.

15 LEGISLATOR NICOLELLO: How are
16 you voting on this emergency?

17 LEGISLATOR LAFAZAN: Yes.

18 LEGISLATOR NICOLELLO: So it
19 passes by a vote of 18 to nothing to establish
20 the emergency. Now I'm going to call the
21 actual item which is an ordinance to
22 temporarily restrict attendance at Nickerson
23 Beach to Nassau County residents only and
24 sunseting such restriction upon the reopening
25 of New York City owned and operated beaches.

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2 Moved by Legislator Ford. Seconded
3 by Deputy Presiding Officer Kopel. This
4 emergency measure, local law -- my
5 understanding is Legislator Solages is trying
6 to connect remotely and once he does we will
7 record his vote for both the emergency and the
8 item.

9 The legislation temporarily
10 restricts access to Nassau County beaches,
11 essentially Nickerson Beach, to Nassau County
12 residents only. We are taking this action in
13 conjunction with the Town of Hempstead which
14 yesterday passed a similar measure. The
15 concern here is that a small fraction of the
16 eight million New York City residents, that a
17 small fraction of those residents could come
18 to Nassau County beaches because the city
19 beaches are closed to bathing. This would
20 overwhelm our local beaches.

21 LEGISLATOR SOLAGES: Hi. This is
22 Carrie. I'm having a little bit of
23 difficulty. Is anybody there?

24 LEGISLATOR NICOLELLO: Yes, we
25 hear you. Can you hear us?

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2 LEGISLATOR SOLAGES: I can hear
3 you now.

4 LEGISLATOR NICOLELLO: We know
5 you're there.

6 The concern, as I said, is that a
7 small fraction of the eight million residents
8 of the city of New York if they attempt to
9 come to Nassau County beaches because of the
10 restrictions imposed by Mayor de Blasio would
11 overwhelm our beaches. Not only our beaches
12 but the barrier island roads that we have such
13 limitation on them.

14 Our beaches also will have limited
15 access as is directed by the state of New York
16 in conjunction with four other states who are
17 imposing similar restraints. We will have
18 half of our capacity. There will be social
19 distancing et cetera. It's safe that our
20 beaches will be opened safely. But with
21 limited capacity and the possibility of large
22 number of individuals trying to access Nassau
23 County beaches it makes for a potentially
24 chaotic and catastrophic situation.

25 This is not about any sort of issue

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2 with our neighbors to the west. Once the
3 mayor opens the beaches and New York City this
4 legislation sunsets. So we anticipate that we
5 will go back to the situation which existed
6 forever which residents and nonresidents can
7 go to our beaches and nonresidents will pay a
8 different fee. But again, this is about the
9 health and safety and welfare of Nassau County
10 residents. It's also making sure that Nassau
11 County residents, many of whom are not working
12 or at home or looking for ways to go out and
13 recreation and enjoy the sunshine. It's a
14 concern that they will be precluded from doing
15 that.

16 So again, this is about the mayor's
17 decision. Once he changes his mind and goes
18 into compliance with the rest of the states in
19 the northeast region and opens his beaches
20 this measure will sunset.

21 Anyone else want to speak on the
22 item? Sure. Legislator DeRiggi-Whitton.

23 LEGISLATOR DERIGGI-WHITTON: I
24 just want to mention as far as I do agree that
25 we should reserve the places for the Nassau

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2 County residents. Especially the parking is
3 going to be limited and everything else.
4 However, the only thing I'm worried about is
5 saying that we will have to wait until the
6 city opens the beaches. I don't know if they
7 were technically closed. I believe they are
8 open to walk on. The only thing I see in
9 writing is that they can't go swimming. And
10 it's 40 degrees in the water, 45. I don't
11 know. I just want to be careful with that as
12 to when we're going to lift it. Maybe we
13 should just say we're going to lift it at the
14 time when we fell the restrictions are no
15 longer necessary.

16 LEGISLATOR NICOLELLO: I think
17 that's what this legislation does and you're
18 right, the mayor is allowing people to walk on
19 the beaches, take a chair and sit on the
20 beach. And that might be fine for this
21 weekend if the weather stays in the 70s. The
22 moment the temperature goes up to 80 or 90
23 degrees to think that the people are going to
24 go to a beach and sit there without being able
25 to go in the water it's kind of foolish.

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2 Those people are going to look to go somewhere
3 else.

4 I think the mayor basically by
5 expressing concern about the fact that Long
6 Island is closing its beaches acknowledges
7 that. I think the mayor fully understands
8 that those people who live in the city who
9 have the means to go to the Jersey shore or to
10 the Hamptons or to Long Island beaches will do
11 so. Unfortunately, his decision is just
12 affecting those people who don't have the
13 means to do that.

14 Again, technically New York City
15 beaches are not closed but in reality if
16 you're not letting people in the water the
17 weather goes up what use is that? It's like
18 sending someone to the Sahara desert.

19 LEGISLATOR DERIGGI-WHITTON: I
20 agree. I just wanted it to be clarified that
21 we can't really wait for them to open them
22 because they're not really closed. I think we
23 should kind of say that we will lift this
24 restriction once it's deemed that it's not
25 necessary.

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2 LEGISLATOR NICOLELLO: That is
3 the spirit of this legislation.

4 LEGISLATOR FORD: Legislator
5 Nicolello, thank you very much for passing
6 this legislation. I think it's warranted.
7 I'm on a barrier island. I know the amount of
8 traffic that we would get with a lot of people
9 that would be the overflow from Jones Beach.
10 And just to be put on the record that Long
11 Beach counsel voted to make their beach
12 residents only as well. So they are able to
13 control the number of people coming down to
14 the barrier island also. I think this is
15 warranted and I appreciate the fact that we
16 are doing it.

17 LEGISLATOR NICOLELLO: I think
18 it's clear we are being consistent not only
19 with the Town of Hempstead, with the county of
20 Suffolk and with the city of Long Beach.

21 And of course just to Legislator
22 DeRiggi-Whitton's point, when the city allows
23 its beaches to be fully accessible to its
24 residents within the standards set by the
25 state, Nassau County beaches will accept

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2 residents from the city as well. Legislator
3 Rhoads did you have something to add?

4 LEGISLATOR RHOADS: No. Actually
5 you just covered the point. We were made a
6 distinction without a difference. New York
7 City beaches are not fully opened because you
8 are not allowing residents to go in the water
9 which is what's creating a problem potentially
10 with Nassau County beaches. And one of the
11 reasons that we had a regional approach and
12 that we are all trying to do the same thing is
13 because you don't want one municipality making
14 a decision that's going to impact other
15 surrounding municipalities which is exactly
16 the situation that Mayor de Blasio has
17 created.

18 LEGISLATOR NICOLELLO: Any other
19 debate or discussion?

20 LEGISLATOR WALKER: I just have
21 one comment just pertaining to this issue.
22 Are we going to make sure that we have police
23 coverage there, public safety coverage there?
24 Because even for our own residents when they
25 reach that limit of number of cars permitted,

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2 you know, I just don't want it to fall on that
3 gate attendant or whoever to have to deal with
4 the situation where our own residents are not
5 happy. Because obviously there's going to be
6 residents that are going to be shut out.

7 LEGISLATOR NICOLELLO: That is a
8 very good point Legislator Walker. We will be
9 in touch with the administration to make
10 ensure that happens. Obviously with respect
11 to the people at the booths who will be
12 checking licenses as they always do, you don't
13 want them to get into a confrontation and have
14 to enforce this. We are going to make sure
15 that there is public safety and/or police at
16 these beaches to make sure there are no such
17 problems. That's a good point.

18 LEGISLATOR WALKER: Thank you.

19 LEGISLATOR NICOLELLO: Anyone
20 else would like to speak on this? All right.
21 Hearing none, all in favor signify by saying
22 aye. One nay. Who is the nay?

23 LEGISLATOR SOLAGES: Carrie
24 Solages.

25 LEGISLATOR NICOLELLO: It passes

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2 by a vote of 18 to one. Carrie Solages was
3 the only negative vote on this item. This
4 measure is now in effect for Memorial Day and
5 we will take it from there.

6 Motion to adjourn by Legislator
7 Rhoads. Seconded by Legislator
8 DeRiggi-Whitton. All in favor of adjourning
9 signify by saying aye. Those opposed? We are
10 adjourned. Thank you everyone.

11 Legislator Solages voted yes on the
12 emergency and voted no on the item.

13 (Meeting was adjourned at 11:18
14 a.m.)

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CERTIFICATION

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of
May 2020

FRANK GRAY