

1 NASSAU COUNTY LEGISLATURE

2
3 RICHARD NICOLELLO

4 PRESIDING OFFICER

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6
7 LEGISLATIVE SESSION

8
9
10 County Executive and Legislative Building

11 1550 Franklin Avenue

12 Mineola, New York

13
14
15 Monday, July 13, 2020

16 1:40 P.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

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16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

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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: We don't
3 usually need a roll call but since some of us
4 are participating by remote video conference
5 let's just confirm that we are all here.

6 MR. PULITZER: Will do Rich.
7 Roll call. Deputy Presiding Officer Howard
8 Kopel.

9 LEGISLATOR KOPEL: Here.

10 MR. PULITZER: Alternate
11 Presiding Officer Denise Ford.

12 LEGISLATOR FORD: Here.

13 MR. PULITZER: Legislator Siela
14 Bynoe.

15 LEGISLATOR BYNOE: Here.

16 MR. PULITZER: Legislator Carrie
17 Solages.

18 LEGISLATOR SOLAGES: Here.

19 MR. PULITZER: Legislator Debra
20 Mule.

21 LEGISLATOR MULE: Here.

22 MR. PULITZER: Legislator William
23 C. Gaylor the third.

24 LEGISLATOR GAYLOR: Present.

25 MR. PULITZER: Legislator Vincent

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2 Muscarella.

3 LEGISLATOR MUSCARELLA: Here.

4 MR. PULITZER: Legislator Ellen

5 Birnbaum.

6 LEGISLATOR BIRNBAUM: Here.

7 MR. PULITZER: Legislator Delia

8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON:

10 Here.

11 MR. PULITZER: Legislator James

12 Kennedy.

13 LEGISLATOR KENNEDY: Here.

14 MR. PULITZER: Legislator Thomas

15 McKevitt.

16 LEGISLATOR MCKEVITT: Here.

17 MR. PULITZER: Legislator Laura

18 Schaefer.

19 LEGISLATOR SCHAEFER: Here.

20 MR. PULITZER: Legislator John

21 Ferretti.

22 LEGISLATOR FERRETTI: Here.

23 MR. PULITZER: Legislator Arnold

24 Drucker.

25 LEGISLATOR DRUCKER: Here.

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2 MR. PULITZER: Legislator Rose
3 Marie Walker.

4 LEGISLATOR WALKER: Here.

5 MR. PULITZER: Legislator Josh
6 Lafazan.

7 LEGISLATOR LAFAZAN: Here.

8 MR. PULITZER: Minority Leader
9 Kevan Abrahams.

10 LEGISLATOR ABRAHAMS: Here.

11 MR. PULITZER: And Presiding
12 Officer Richard Nicolello.

13 LEGISLATOR NICOLELLO: Here.

14 MR. PULITZER: Thank you. We
15 have a quorum.

16 LEGISLATOR NICOLELLO: Thank
17 you. We had an email public comment which is
18 submitted Frank Spades Fadaro with respect to
19 police accountability. The email will be
20 given to our clerk and made part of the record
21 for today's proceeding.

22 The first item is 152-2020. It had
23 been up for emergency a couple of weeks ago
24 and the emergency was defeated. What we are
25 going to do to start things off is we need a

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2 motion to reconsider which can be made by any
3 member of the legislator who voted to grant
4 the emergency.

5 Moved by Legislator Rhoads.

6 Seconded by Legislator Drucker. All those in
7 favor of reconsidering the emergency signify
8 by saying aye. Those opposed? Motion to
9 reconsider passes and now we can consider the
10 motion for emergency. What I suggest is we
11 grant the emergency and then bring up, I think
12 we have a couple of speakers from the Port
13 Washington Water District, and we'll go to the
14 substance of this.

15 We need a motion to grant the
16 emergency to a resolution requesting the
17 legislature of the state of New York to enact
18 and the governor to approve an act authorizing
19 the county of Nassau to alienate certain lands
20 used as parklands to enable the Port
21 Washington Water District to construct,
22 maintain and operate a water treatment
23 facility.

24 On the emergency we will have Delia
25 moving the emergency, seconded by Legislator

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2 Ford. Any debate or discussion on the
3 emergency signify by saying aye. Got a little
4 mixed up there. All in favor signify by
5 saying aye. Any opposed? Passes
6 unanimously.

7 Now we have to call the item. It's
8 a resolution requesting the legislature of the
9 state of New York and the governor to approve
10 an act authorizing the county of Nassau to
11 alienate certain lands used as parklands to
12 enable the Port Washington Water District to
13 construct, maintain and operate a water
14 treatment facility.

15 We will have Delia DeRiggi-Whitton
16 make that motion. Seconded by Legislator
17 Kennedy. So now the item is before us.

18 MR. SCHNEIDER: Brian Schneider,
19 deputy county executive. I just wanted to
20 thank the legislature for hearing this item
21 today. I just wanted to introduce the project
22 team from the Port Washington Water District.
23 We have Bill Merklin from the consultant, from
24 Dvirka Bartilucci. He will be giving you a
25 short presentation on the project at

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2 Christopher Morley Park.

3 MR. MERKLIN: Thank you Brian.

4 Thank you for getting us on the calendar
5 today. I have with me Commissioner Mindy
6 Germane from the water district and the
7 superintendent Itala Vaccio and the district's
8 attorney Peter Fishbein. Also with me is
9 Michael Severise from my office. He's got
10 some poster boards he can bring out and put in
11 front of everybody. But also on the Team's
12 chat we put a copy of a power point
13 presentation. So if anybody who is remote
14 wants to go and look at the chat column on
15 your Teams you can get a copy of this
16 presentation. Also for everybody that's here
17 I believe you have a copy in front of you.

18 We made these poster boards for a
19 couple of highlights.

20 First of all, we are requesting an
21 easement to expand an existing treatment plant
22 in the Christopher Morley Park. There is an
23 existing facility there. In fact, there's
24 multiple buildings. There's three buildings
25 for the wells, wells eight, nine and 11.

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2 There's a treatment building for the air
3 stripper and chemical treatment. There's a
4 standby generator in a separate enclosure.
5 And we are looking to expand that and add
6 another facility next to it.

7 This facility provides 60 percent
8 of the summer demand for the Port Washington
9 Water District. The very first user for the
10 water that comes from this facility is
11 actually Morley Park and then Saint Francis
12 Hospital and some town facilities and
13 emergency management. And then as the water
14 goes up, a 24 inch main goes up Searingtown
15 Road and Port Washington Boulevard to feed the
16 service area. It's a critical facility not
17 just because it provides 60 percent of the
18 water but also because these wells were
19 constructed decades ago to get away from the
20 salt water intrusion problem associated with
21 the wells that are located on the peninsula.

22 So, the requirement that's driving
23 this are some proposed regulations that New
24 York State Department of Health has put
25 forth. They would establish new maximum

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2 contaminant levels for some emerging
3 contaminants, 1,4-Dioxane and a couple of PFAS
4 elements. That could happen as soon as August
5 I'm told. Although it's been delayed by COVID
6 and I suppose that could happen again.

7 The three wells at Christopher
8 Morley Park will require enhanced treatment to
9 remove these chemicals. The treatment system
10 that's there now is not capable of removing
11 these chemicals. That's why we're asking for
12 an easement for this space.

13 This is the site plan. I know it's
14 a little hard to see but along Searingtown
15 Road you can see there is an existing
16 treatment building and the new building that
17 we are proposing would be between that
18 treatment building and the county park's
19 maintenance building. It's a portion of land
20 that currently just has some scattered scrap
21 trees and a push wall and storage area for the
22 maintenance facility.

23 The proposed building would be a
24 brick and block building with a shingled
25 roof. Maybe you can flip to that next one.

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2 These are two views. The top view is from
3 Searingtown Road. It will be built into the
4 side of a hill. So the side that you see from
5 Searingtown Road you would only really see the
6 top half of the building. And then access to
7 that would be at the lower level adjacent to
8 the maintenance building.

9 The next slide is to show what goes
10 on inside the building. It's a very tight
11 package. Even though the building appears
12 large there's a lot going on inside and we
13 have not wasted any space. We have a reactor,
14 UV reactor, for an advanced oxidation
15 process. Storage of chemicals to work with
16 that process and then a granular activated
17 carbon vessels. It's hard to tell from this
18 but these are 12 foot diameter by 32 feet tall
19 each and there are six of them. So it's a
20 very large set of equipment.

21 But we have optimized the footprint
22 to not waste any space and to fit it within
23 the available space between the existing air
24 stripper building and the county maintenance
25 facility.

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2 Time is of the essence. Currently
3 the water district has a moratorium for all
4 main services for developments larger than one
5 family homes in place until this project can
6 be completed. Also we have some mandatory
7 irrigation requirements in place.

8 I wanted to finish by saying the
9 Port Washington Water District has a track
10 record of being a very good neighbor. When I
11 say this I mean that they have communicated
12 with the community. In fact, we have had
13 public meetings at the Port Washington
14 firehouse, which included the New York State
15 DEC and the Nassau County Department of Health
16 and the Town of Hempstead. And we had a
17 public hearing for the bonding and two public
18 information sessions which talked about this
19 project as well as some other projects caused
20 by same proposed legislation.

21 Following the learning on Friday
22 that further public education is required
23 beyond just the Port Washington Water
24 District, we are currently working on three
25 public information sessions. Which we're

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2 hoping to do on July 23rd at ten a.m. Again
3 on July 23rd at 6:30 p.m. and on July 27th at
4 noon. I do have some follow-up questions
5 about that before I conclude.

6 I also wanted to say that in all of
7 the projects -- I have been working with the
8 water district now for 20 years -- in all of
9 the projects we've ever done they have been
10 really conscientious about making the sites
11 beautiful. If you look at the end of my
12 presentation, I have several photos of
13 projects that were done recently with the date
14 on them. So you can see that every one of
15 them they did a really great job on
16 landscaping and they are committed to do the
17 same thing here.

18 Before I take questions I just want
19 to ask a question of my own which is, we are
20 preparing these postcards for notice of these
21 public meetings but we don't really know what
22 the criteria is for who should be notified.
23 Typically there's a radius or something along
24 those lines. So I would like to ask for
25 direction in that regard.

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2 I also wanted to make note that
3 timing is very critical here because the state
4 legislature is in session next week and we are
5 not sure when they would meet again. But we
6 need them to vote on this in order to get the
7 easement in place. With that I would then go
8 to questions.

9 LEGISLATOR NICOLELLO: Thank you
10 Mr. Merklin. With respect to the postcards
11 and what area to cover we will get that
12 information to you in a text. The facility
13 actually sits on the borderline between two
14 districts, two legislative districts. So it
15 will be myself and Legislator Birnbaum who can
16 get that information to you.

17 Just one correction. For today's
18 purpose it's not the easement agreement that's
19 before the legislature. It's actually the
20 alienation of the parkland which is what
21 requires the home rule message. We have also
22 confirmed that apparently the legislature will
23 be meeting over the next couple of weeks.
24 You're correct, we don't know when they will
25 be coming back. So a delay on the home rule

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2 message at this time would delay this project
3 for probably upwards of a year. I appreciate
4 the fact that you have so quickly scheduled
5 those public information sessions. I think
6 that's vitally important. I just have a
7 general question.

8 I think at the time that it comes
9 back to us for the easement agreement we will
10 have more detailed discussions of this. But
11 there's already a treatment facility there for
12 the Port Washington Water District and for the
13 wells I think involved here. Why couldn't
14 this have been consolidated into one facility
15 and/or expanded facility? Why was a second
16 facility needed?

17 MR. WILLIAMS: The main reason is
18 that the first hole of the golf course is
19 right there. So the first thing we thought
20 about was expanding further directly into the
21 park but that would inhibit that golf course
22 hole.

23 And then we looked to the north and
24 realized that there was this unused space that
25 really is not used by any of the park

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2 residents as a park. It's just an unused area
3 between our treatment plant and the
4 maintenance building.

5 LEGISLATOR NICOLELLO: So if I
6 understand your answer, actually will have
7 less of an intrusion into the park itself, and
8 specifically the nine hole golf course right
9 there, to build a second facility in the
10 location that you are describing as opposed to
11 expanding the existing facility?

12 MR. WILLIAMS: That's correct.
13 And the existing equipment is not capable of
14 removing these compounds. So we do need to
15 expand.

16 LEGISLATOR NICOLELLO: I looked
17 at the diagrams of what it will look like from
18 Searingtown Road. It does look like a minimal
19 footprint so to speak. There is another
20 treatment facility in the preserved part of
21 the park, woodlands, that's an air stripper
22 with a high tower and that looks like it would
23 be a larger intrusion into the park. So this
24 is not the same thing as an air stripper?

25 MR. WILLIAMS: This is not the

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2 same and in fact would be less invasive. It
3 would very quiet because it doesn't have any
4 blower associated with it. It's really just a
5 quiet building. The number of visits required
6 by the operators will be the same as what
7 currently happens in the existing facility.
8 Maybe they would be there just a little longer
9 each time.

10 LEGISLATOR NICOLELLO: I had a
11 couple of questions I had submitted to the
12 administration or things I wanted to see and
13 they have responded to all of those five items
14 to my satisfaction. So I'm ready to vote for
15 this. Any other questions or discussion?

16 LEGISLATOR DERIGGI-WHITTON: Just
17 want to say thank you for putting this on
18 again today and thank you to the Port
19 Washington Water District. You've really been
20 on top of your game and a pleasure to work
21 with.

22 MR. MERKLIN: Thank you so much.

23 LEGISLATOR NICOLELLO: It's been
24 a major issue for water districts all over the
25 state and all over Long Island and tremendous

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2 expense to those districts. Appreciate the
3 work you have done. Again, anyone else here
4 or remotely want to make any comments?

5 LEGISLATOR BIRNBAUM: I just
6 wanted to say I went to see the location and
7 I'm satisfied where it is being built that
8 it's going to be unobtrusive and it will be
9 serving a public good of removing the
10 1.4-Dioxane from the water lines. So I think
11 that it's a worthy project and that's a good
12 place for it to go.

13 LEGISLATOR NICOLELLO: Thank
14 you. Any other questions or comments? Thank
15 you. Having no other questions or comments,
16 all in favor signify by saying aye. Those
17 opposed? Carries unanimously.

18 We have four other emergencies. I
19 guess we will call them all at once unless
20 there's objections. 179, 180, 191 and B-15.
21 I'll read them all quickly.

22 171 is a resolution requesting the
23 legislature of the state of New York to enact
24 and the governor to approve an act authorizing
25 the county of Nassau to alienate and sell

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2 parklands to the Coleman Country Day Camp and
3 Coleson Properties L.L.C.

4 180 is a resolution requesting the
5 legislature of the state of New York to enact
6 and the governor to approve an act in relation
7 to authorizing the county of Nassau to lease
8 certain parkland located in the village of
9 Atlantic Beach.

10 191 is a resolution requesting the
11 legislature of the state of New York to enact
12 and the governor to approve an act to
13 authorize the county of Nassau to discontinue
14 use of certain lands as parkland located in
15 the county's Bay Park and authorizing the City
16 of Long Beach to convey to the county of
17 Nassau an easement through land located in the
18 city's Veterans Memorial Park.

19 Last proposed emergency is a
20 resolution authorizing the county executive to
21 award and execute a contract between the
22 county and Pratt Brothers, Inc.

23 Those motions are made by
24 Legislator Ford. Seconded by Minority Leader
25 Abrahams. Those are motions to establish

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2 emergencies. Any debate or discussion on
3 establishing the emergencies? Hearing none,
4 all in favor of the emergency resolutions
5 signify by saying aye. Those opposed? They
6 carry unanimously. So with the consent of the
7 minority, I'm not going to reread those
8 items. I'm just going to call the numbers.
9 That's 179, 180, 191 and B-15.

10 Anyone have any questions or
11 discussion on these emergency items? Hearing
12 none, all in favor of these four items -- no
13 motion. Moved by Legislator Rhoads. Seconded
14 by Legislator Bynoe. All in favor of those
15 items signify by saying aye. Those opposed?
16 The resolutions are passed unanimously.

17 Motion to adjourn the legislative
18 meeting? Moved by Legislator Rhoads.
19 Seconded by Legislator Kennedy. All in favor
20 of adjourning signify by saying aye. Those
21 opposed? Carries unanimously. The
22 legislative meeting is adjourned. We will go
23 back to the Rules Committee.

24 (Meeting was adjourned at two p.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 20th day of
July 2020

FRANK GRAY