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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Monday, August 3, 2020
1:22 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

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

22

23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

4

5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

7

8 LEGISLATOR VINCENT T. MUSCARELLA

9 8th Legislative District

10

11 LEGISLATOR ELLEN BIRNBAUM

12 10th Legislative District

13

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

22

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: I'd like
3 to call this meeting to order and ask that
4 Legislator Arnie Drucker lead us in the Pledge
5 of Allegiance and please remain standing
6 afterwards for a moment of silence.

7 We can have a moment of silence for
8 civil rights leader congressman John Lewis,
9 for the marines and sailors who passed away
10 this weekend in the tragic accident and for
11 Judge Sam Levine. May they rest in peace.
12 Thank you.

13 Welcome to the meeting of the
14 Nassau County Legislature. Couple of words
15 about the facility now. We've made some
16 changes. I want to thank the department of
17 public works who put this together late last
18 week in terms of the separations between
19 legislators and in terms of the plexiglass et
20 cetera out in the audience. The removal of
21 chairs as well.

22 This is a temporary solution as far
23 as I can see it, especially with respect to
24 the dais. I think it can be somewhat
25 difficult to see my fellow members of the

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2 legislature. I'm sure they're having the same
3 difficulty and in particular for recognizing
4 members of the legislature it's going to be
5 somewhat difficult. So we are going to be
6 continuing to explore options how to continue
7 to have these separations but do to them
8 perhaps in a way less obtrusive. I have seen
9 in different places, different bodies,
10 governmental bodies, they have the plexiglass
11 without the borders and perhaps that can be
12 helpful. So we will be pursuing that.

13 The limitation on the number of
14 people in this room pursuant to state law is
15 50. So, we have our legislators who are here
16 present. We have some participating by video
17 connection and we have staff. So, although
18 members of the public are invited today,
19 unfortunately the numbers who will be allowed
20 in the room will be relatively small. Because
21 between staff, legislators we are over 40
22 people in the room right now. But we will do
23 the best we can under the circumstance to
24 continue -- we will continue with the public's
25 business but we will do the best we can to

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2 accommodate the public in as many ways as we
3 can.

4 Having said that, I will ask our
5 clerk to call the roll.

6 MR. PULITZER: Thank you
7 Presiding Officer. Roll call. Deputy
8 Presiding Officer Howard Kopel.

9 LEGISLATOR KOPEL: Here.

10 MR. PULITZER: Alternate Deputy
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 C.
23 William 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 Steven
6 Rhoads.

7 LEGISLATOR RHOADS: Present.

8 MR. PULITZER: Minority Leader
9 Kevan Abrahams.

10 LEGISLATOR ABRAHAMS: Here.

11 MR. PULITZER: Presiding Officer
12 Richard Nicoletto.

13 LEGISLATOR NICOLELLO: Here.

14 MR. PULITZER: We have a quorum
15 sir.

16 LEGISLATOR NICOLELLO: Thank
17 you. We are going to have the emergency
18 calendar first. Could you read the first
19 emergency?

20 MR. PULITZER: Emergency
21 Resolution 21-2020. An emergency resolution
22 declaring an emergency for immediate action
23 upon an ordinance making certain
24 determinations pursuant to the State
25 Environmental Quality Review Act and

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2 authorizing the county executive of the county
3 of Nassau to execute an easement and all
4 pertinent documents in connection therewith
5 between the county of Nassau and the United
6 States of America, acting by and through the
7 naval facilities engineering command,
8 mid-Atlantic, for certain premises being
9 Nassau County storm water basin 213 known and
10 designated as Section 51, Block 465, Lot 15,
11 Nassau County storm water basin number 210
12 known and designated as Section 52, Block 440,
13 Lot 7, Nassau County storm water basin number
14 477 known and designated as Section 52, Block
15 376, Lot 60, along an area of the right of way
16 at Union Avenue and Seamans Neck Road six feet
17 wide by 4,200 totaling 25,200 square feet, and
18 along an area of the right of way at Stewart
19 Avenue and the Boundary Avenue tie-in six feet
20 wide by 50 feet totaling 300 square feet,
21 county of Nassau, state of New York.

22 LEGISLATOR NICOLELLO: Thank
23 you. Legislator Walker makes a motion to
24 establish the emergency. Seconded by the
25 Legislator Ferretti. We have our speakers on

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2 the emergency.

3 MR. PAVEL: Craig Pavel, deputy
4 county attorney here with the Office of Real
5 Estate Services.

6 This item is for the transfer of an
7 easement over three Nassau County storm water
8 basins, basin number 210, 213 and 477 and over
9 two areas of the Nassau County right of way
10 along Seamans Neck Road and Union Avenue and
11 along Stewart Avenue at the Boundary Avenue
12 tie-in.

13 The Navy presented this effort to
14 the Department of Public Works in 2019 and the
15 item was presented at OSPAC on January 8, 2020
16 and following that the item was also before
17 the Nassau County Planning Commission for
18 their consideration as well.

19 The Navy has coordinated
20 door-to-door outreach and advertised in
21 multiple newspapers to inform the public of
22 the project.

23 Virtually attending we have Christy
24 Chester, real estate specialist from the
25 Department of the Navy, as well as Dave

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2 Brayack from Tetra Tech, lead contractor for
3 the Department of the Navy and lead contractor
4 for this item.

5 LEGISLATOR NICOLELLO: Just let
6 the record reflect that Legislator Lafazan is
7 here.

8 I guess we can do both since they
9 are connected in description of the item in
10 terms of substance of what it is. You gave us
11 a little bit of meats and bounds but the
12 substance of the item and the need for an
13 emergency.

14 MR. PAVEL: The substance of the
15 item is just transferring real estate. It's
16 an easement. I believe Christy Chester and
17 Dave Brayack would like to tune in for the
18 need for the emergency and the justification
19 for it. Christy are you on?

20 MS. CHESTER: My name is Christy
21 Chester, a real estate specialist with the
22 Department of Navy as Craig just stated. Also
23 have with me to support this effort Dave
24 Brayack. He's with Tetra Tech which is our
25 lead contractor for this action.

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2 MR. BRAYACK: My name is Dave
3 Brayack. I'm with Tetra Tech. We're doing
4 the consulting work for the Navy on this
5 project.

6 MS. CHESTER: So I'm here to
7 answer any questions the legislative body may
8 have with this real estate transaction. Dave
9 is on board for any technically driven
10 questions that may arise. So I will turn it
11 back over to you Craig to see what questions
12 any of legislators have at this time.

13 LEGISLATOR NICOLELLO: Could we
14 just get a description of what this easement
15 is for, what the need is and why it's an
16 emergency?

17 MS. CHESTER: The Navy is
18 constructing a water treatment facility plant
19 for what we deem as RE-108 hot spots phase
20 two. That water treatment facility plant will
21 be erected on a property that we purchased on
22 11 Union Avenue. Part of that overarching
23 remediation action will be drilling recovery
24 wells about five to 700 foot down. If you
25 have any technical questions about that Dave

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2 can touch on that.

3 Drilling recovery wells
4 approximately 5 to 700 feet down to fully
5 contaminated water and then piping it to the
6 water treatment facility plant through right
7 of way, treating the water to drinking water
8 standards, not chlorinated but to drinking
9 water standards, and then piping the clean
10 water into discharge basins, two of which are
11 on Nassau County property that we are here
12 today.

13 So, essentially the parcels that we
14 are looking to acquire easement over three
15 basins for recovery mode and discharge and the
16 two right of ways would be piping.

17 LEGISLATOR NICOLELLO: Just
18 briefly what makes this an emergency to be
19 considered today?

20 MS. CHESTER: I would say this is
21 an emergency not in the sense that this just
22 came about and Nassau County is just being
23 aware it. This is something we've been
24 working with Nassau County and the department
25 of public works, being presented to OSPAC and

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2 the planning commission as well earlier this
3 year. This has been something we have been in
4 communication with them and presenting and
5 having multiple public meetings in the
6 impacted areas as well over the last year, a
7 little over a year in fact at this point.

8 So it's not an emergency in the
9 truest sense that this just came about. But
10 an emergency nonetheless as it relates to
11 being heard on your legislative session
12 today. We attempted to get on the 13th of
13 July agenda. That did not happen because it
14 was too late. Then we had draft notification
15 to get the emergency voted on. We have a
16 number of -- there are a number of impacts
17 that happen beyond this date of getting this
18 approval process. This is the last of the
19 three major ones for Nassau County should they
20 act to move forward.

21 Then once you draft a resolution
22 there are a number of administrative things
23 that have to happen when it comes to parcels
24 like this. Not only obviously for Nassau
25 County but for the Department of the Navy as

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2 well. (Inaudible) federal government ending
3 September 30. So there's a number of fiscal
4 restraints when it comes to funding for
5 acquisitions that we're up against. This
6 would have been heard in April but COVID took
7 that over, so we have now found ourselves at
8 the end of our FY '20 year for acquisitions.
9 That will impact funding. That will impact
10 our ability to acquire the property in an
11 expedited fashion.

12 And ultimately it will impact --
13 honestly, had we not put it on, since we did
14 vote it only in April there's already been a
15 significant impact to the overall construction
16 effort.

17 We presented this, we had a public
18 forum back in February as well as back in
19 December and we stated our timelines to the
20 impacted area, the residents, that our
21 construction was going to begin in April to
22 expect that. Obviously because of COVID we
23 were unable to do that. Our timeline was
24 impacted overall because this is obviously a
25 larger remediation effort as I mentioned with

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2 the water treatment facility plant. Other
3 property owners involved, other right of ways
4 that have to be dealt with as well. Pipeline
5 construction obviously. The recovery well
6 construction. We can't do any of that until
7 we acquire the easement with Nassau County and
8 be able to start drilling a profile and be
9 able to get that data. To be able drill the
10 recovery well with the pipeline.

11 But essentially the emergency comes
12 with our impacted timeline it's been
13 judgementally impacted already because of
14 COVID. Now for our FY '20 that's going to
15 affect our ability for acquisitions as well.

16 So, there's a number of impacts
17 that I can speak. Typically I'm not the
18 subject matter expert when it comes to
19 developing our timeline for contracts in our
20 environmental programs. The manager is. But
21 certainly it impacted none the less.
22 Emergency not in the truest of the word like I
23 stated at the start but not so much that this
24 is just about (inaudible). At this point we
25 need it to be voted on for acquisition and

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2 utilization of our contract.

3 LEGISLATOR NICOLELLO: Legislator
4 Ferretti.

5 LEGISLATOR FERRETTI: Hello
6 Christy, how are you? With the positioning of
7 these basins is that based on where the plume
8 is currently located? Are the basins at the
9 southern portion of the plume?

10 MS. CHESTER: It's meant to
11 capture the outer edge of it. But I'm not the
12 subject matter expert from a technical
13 perspective. I will definitely turn this over
14 to Dave to speak to that. But essentially
15 this comes from a lot of data that's been
16 pulled to strategically place where the
17 recovery wells are going to be as well as the
18 piping. Typically 100 yards this way to left
19 or to the right we risk not capturing the
20 plume in its entirety. Excuse me, to the
21 extent that it's necessary. I will let Dave
22 speak to that if you will.

23 LEGISLATOR FERRETTI: Dave,
24 before you start, the point I'm getting at and
25 maybe you can incorporate this into your

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2 responses, is the plume moving and how much
3 does it move on a daily basis?

4 MS. CHESTER: I think Dave can
5 potentially incorporate that as well.

6 MR. BRAYACK: And let me explain
7 this project is multiphased. What we are
8 talking about here is the phase two. And the
9 intent of this is to intercept a lot of the
10 mass of the plume. That's the groundwater
11 with the high enough levels of contamination
12 that as it continues to move south it would
13 have a very bad impact or effect on the
14 aquifer to the south.

15 So this basin that we're targeting,
16 these current well locations, are right near
17 the leading edge of the plume. They are
18 intended to intercept the plume, the hot spot
19 plume. The plume is actually much bigger.
20 But the hot spot plume where it will be in the
21 year 2022. Which is why we are running into
22 schedule constraints at this point.

23 The plume does move about 300 feet
24 a year. So every year that we delay getting
25 this system up and running the plume moves

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2 another 300 feet and it cuts down on the
3 effectiveness of this action.

4 LEGISLATOR FERRETTI: So Dave,
5 every day that you can't do work essentially
6 the plume is moving a foot south and we're
7 losing that opportunity to get the hot zone
8 within these extraction points, correct?

9 MR. BRAYACK: That's correct.
10 Our target is to have these wells up and
11 running by the end of 2022, and that's where
12 we're targeting -- the wells do have a capture
13 zone that extends to the south several hundred
14 feet. But the locations that we have picked
15 here we have been working with for a few
16 years. And like I said, those are targeted to
17 intercept the plume fairly effectively, as
18 long as we get them up and running, by the end
19 of 2022.

20 MS. CHESTER: I just want to kind
21 of speak to that and expand on it a little bit
22 Mr. Ferretti. When you're asking about every
23 day that we are not mobilizing the answer to
24 that is essentially yes. Because there's
25 other property owners -- like Dave said, this

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2 is a phase program. This is not just one
3 phase. It's not just one property owner as
4 well. We've drilled other recovery wells in
5 the same manner on other property but
6 ultimately have no piping to attach to it.
7 They are not functional right now. They are
8 waiting for this phase two, this RE-108 hot
9 spot phase two plan, to actually be
10 operatable.

11 So we have other recovery wells
12 drilled in other locations on other parcels
13 that potentially if we do not execute and
14 mobilize the construction of this phase two
15 Nassau County impacted parcels then ultimately
16 they don't necessarily become obsolete but
17 they stop doing their job. The very reason we
18 acquired those properties, the easements for
19 those properties and drilled those wells, to
20 begin vertical profile boring ahead of that to
21 capture the data to know that we needed
22 another recovery well on a different parcel of
23 land and we've acquired that and we drilled
24 that.

25 Now it's sitting there and it's

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2 awaiting pipeline. It's awaiting easement
3 acquisition for other property owners such
4 Nassau County. Nassau County happens to be
5 the largest property owner in this space too.

6 Every day that we are held up on
7 mobilizing with the data that we can pull from
8 the vertical profile borings that will be the
9 first thing that we do in say since 2013, that
10 helps model the overarching groundwater that
11 were designed that we're working with that
12 Dave I'm sure can speak to as well. But
13 there's a lot of moving parts in the
14 construction of this phase two, the phase one
15 and ultimately phase three.

16 But at this moment, Mr. Ferretti,
17 yes, the answer is absolutely. Every day that
18 we do not move on this and have the ability to
19 mobilize our contractors and retrieve that
20 data from the vertical profile borings and
21 then drill the recovery wells and then the
22 pipelines and then build up the construction
23 in the basin for discharge, yeah, every day
24 that we're not able to do that moves the
25 timeline to actually start treating this water

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2 pushes it back for sure.

3 LEGISLATOR FERRETTI: Thank you.

4 LEGISLATOR NICOLELLO: Legislator
5 Walker then Legislator Birnbaum.

6 LEGISLATOR WALKER: First of all,
7 Legislator Nicolello, I can understand why we
8 need to make this different because I thought
9 I was going to have throw something over to
10 let you know I wanted to speak.

11 Obviously this has been an issue in
12 my district for a very, very long time, and we
13 really had hoped that this work would have
14 started. In one way it was a positive because
15 the residents didn't have the work being done
16 in the spring and into the summer. But this
17 is something that tremendously affects those
18 people who are drastically affected by the
19 Grumman-Navy plume.

20 I understand like when you said
21 it's an emergency, not necessarily the
22 emergency that God forbid something didn't
23 happen today but it's something that we do
24 need to move on quickly and get the process
25 going.

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2 And we did have several meetings.

3 We met, Legislator Ferretti and myself, met
4 with the Navy and went over things. We made
5 sure that the residents in the area knew.
6 Unfortunately the residents in Legislator
7 Ferretti's district really didn't know in the
8 beginning what was taking place and they're
9 not happy about it but they understand the
10 importance about it. So thank you.

11 LEGISLATOR NICOLELLO: Legislator
12 Birnbaum.

13 LEGISLATOR BIRNBAUM: Hi. We've
14 been hearing a lot about 1,4-Dioxane and I was
15 just wondering under this proposal does the
16 Navy have an enforceable contractual
17 obligation to meet the New York State maximum
18 contaminant levels for 1,4-Dioxane and other
19 contaminants?

20 MS. CHESTER: Dave, as far as the
21 water treatment facility plant and its
22 capacity I will let you speak about that. As
23 far as what we are mandated to clean up I
24 would have to have our environmental project
25 manager speak to that. He's not on the call

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2 currently but I think Dave can potentially
3 address that with respect to 1,4-Dioxane.

4 MR. BRAYACK: We do anticipate
5 1,4-Dioxane in our water. The design which is
6 currently in progress as a specific treatment
7 for 1,4-Dioxane it's called advanced oxidation
8 process. Bethpage Water District I believe is
9 currently operating one of these. Suffolk
10 County has one in operation as well. Our
11 current goal is to, at a maximum, is to
12 achieve about one half the MCL and we expect
13 to do much better than that. Meaning like
14 perhaps as low as -- and this is the proposed
15 New York State MCL -- we were targeting --
16 that MCL is about one part per billion. Our
17 maximum that we are shooting for is zero point
18 five parts per billion and we expect to
19 routinely achieve zero point one part per
20 billion or one-tenth that value.

21 LEGISLATOR BIRNBAUM: Great. Why
22 didn't the Navy agree though to restore the
23 property once all this decontamination is
24 complete as recommended by the planning
25 commission? Would the Navy agree to be bound

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2 to maintain the basins once they're not used
3 so they don't become a community problem?

4 MS. CHESTER: Would you repeat
5 that one more time? I apologize.

6 LEGISLATOR BIRNBAUM: Why didn't
7 the Navy agree to restore the property once
8 the decontamination is complete as recommended
9 by the Nassau Planning Commission? Would the
10 Navy agree to be bound to maintain the basins
11 once they're not used so they don't become a
12 community problem with overgrown plants into
13 these kinds of basins?

14 MS. CHESTER: It's still
15 interrupted. But I believe that if I heard
16 your question correctly it was why the Navy
17 could not agree to -- just repeat the last
18 part.

19 LEGISLATOR BIRNBAUM: To restore
20 the property after the decontamination is
21 complete.

22 MS. CHESTER: I apologize. The
23 connection is really bad currently. Yes, to
24 speak to that, we cannot necessary stay over
25 and above what we have in the easement

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2 language that we've already agreed to. But as
3 far as how it's addressed in paragraph eight
4 of the easement, the language, while the
5 Department of Navy would plan to abandon in
6 place any underground piping. Essentially
7 what we are doing is abandoning the piping
8 underground, remove subsurface, remove above
9 ground service structures followed by any
10 other upgrades.

11 In the future the problem is the
12 Department of Navy their plan may differ over
13 the lifetime of this easement. We can't
14 really necessarily tell for the future like
15 federal, legal, environmental requirements,
16 things of that nature. So we can't -- the
17 Navy is unable to change those terminations in
18 a way that would restrict future Department of
19 the Navy decision making.

20 Right now the plan is to abandon in
21 place underground piping and remove any
22 subsurface, followed by filling in recovery
23 and replace the property to what it was
24 before. So that is our plan.

25 But as far as termination language

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2 and the easement we can't differ from that
3 just based on the requirements and the
4 lifetime of this actual easement made from a
5 technological -- technology, like I said,
6 federal, legal environmental requirements and
7 things of that nature. So we have to keep it
8 as such. But we certainly acknowledge what
9 our plan is currently when it comes to buried
10 pipeline that's typically an abandon in place
11 and then the rest is removing subsurface and
12 above ground improvements. Hopefully that
13 addresses what your question was.

14 LEGISLATOR NICOLELLO: Legislator
15 Bynoe.

16 LEGISLATOR BYNOE: Thank you
17 Presiding Officer. I have just one remaining
18 question, and I'm not sure whether you covered
19 it because the connection is kind of
20 distorted. But the expenditure deadline for
21 the Navy to actually be able -- for this money
22 not to be in jeopardy to capture from the
23 Congress what's the deadline for that?

24 MS. CHESTER: The answer to that
25 is we surpassed that deadline but now we are

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2 approaching critical. It was over a year ago
3 we approached Nassau County with this effort
4 and once we went to OSPAC and then the first
5 time we went to planning we realized that
6 Mr. Ferretti and Ms. Walker, the
7 representatives in the impacted area, they
8 wanted to make sure we notified them
9 properly. We held a public forum meeting in
10 December. We did another one in February as
11 well. We had a really great turnout for
12 that. And door-to-door effort. Advertising
13 in multiple newspapers as well.

14 But in order to ensure that the
15 residents were informed as they needed to be
16 not just from the remediation stand point but
17 from a basic construction standpoint as well
18 further delayed this effort. And then COVID
19 happened as well.

20 We, in our timelines, we put in
21 what I will refer to as a buffer so to speak
22 when it comes to potential delays in
23 acquisition. Potential delays in weather.
24 There's a lot things built into that time.
25 But what was not built in was over a year's

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2 worth of efforts to acquire the interest.

3 Obviously COVID-19 had an impact on that.

4 But now we are approaching a very
5 critical stage. We have a lot of -- obviously
6 you understand there's a lot of moving parts.
7 Such as construct the water treatment facility
8 plants, acquire easements for other parcels,
9 for pipeline construction, drilling recovery
10 wells and the BBPs that have to be drilled
11 ahead of that for the data to be able to move
12 forward. But there's also contract, RFPs,
13 that we have to send out. There's a number of
14 things that have to be satisfied every step of
15 the way for this to not only be functional but
16 operational cleaning contaminated water by the
17 end of 2022. We are approaching a critical,
18 critical deadline at this point and delaying
19 any further we have no justification for
20 delaying any further when it comes to
21 answering the call of being operational by the
22 time that we promised the state of New York.

23 LEGISLATOR BYNOE: Thank you. My
24 concern is that this body has only become
25 aware of this, the full body, I understand

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2 that you've been working with some of the
3 legislators that are representing the most
4 impacted areas, but we've just been aware of
5 this less than four or five days. So this is
6 a lot of information for us to have to upload
7 and then be able to trust it. We are going to
8 be dealing with such an important issue under
9 an emergency type of process. It's concerning
10 for me.

11 But this is a very big issue. It's
12 an issue that I am happy that the Navy is
13 taking responsibility to rectify. I just
14 would have loved a lot more time to be able to
15 have looked at this agreement a little
16 closer. There are certain things that you're
17 agreeing to or that's been stated in this
18 meeting that I don't necessarily see in the
19 agreement. But I guess we're going to have to
20 trust that this is the right way forward. It
21 is concerning for me and I just want to put
22 that on the record. I really wish that this
23 body would have collectively had a lot more
24 time to look at this agreement to ensure that
25 we are doing the right thing for such an

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2 important and critical issue. Thank you.

3 LEGISLATOR NICOLELLO: Legislator
4 DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: Just
6 in a quick answer, who oversees the work that
7 the Navy is doing? Who do you report to? Is
8 it going to be the DEC that gives the sign
9 off? How do we know what the progress is?

10 MS. CHESTER: Sure. That's an
11 understandable question. In the record of
12 decision that was put into place in 2013 that
13 basically placed the Navy -- the
14 responsibility of this cleanup effort. It
15 also placed us as the lead federal agency. We
16 work collaboratively with the DEC. All of our
17 finalized data for design plans as well as the
18 data we pull from the vertical profile borings
19 and the water treatment facility plants. And
20 obviously Dave can I'm sure speak far more
21 eloquently about that.

22 We submit all of our finalized data
23 to DEC. We work hand-in-hand with DEC. The
24 plan that they rolled out about a year and a
25 half or so ago they will tell you very

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2 candidly that the Navy's efforts in this
3 RE-108 hot spot the treatment of this goes
4 hand-in-hand with their overarching effort for
5 cleanup as well. The program that they rolled
6 out about a year and a half ago.

7 So the plan, they will tell you
8 quite frankly our effort is up and running
9 operational and it's moving forward in a
10 capacity that we are on for today.

11 But we have been maintaining the
12 lead federal agency for this. We coordinate
13 and collaborate with DEC constantly and we
14 provide them all of our finalized data as well
15 as our finalized design plans as well.

16 LEGISLATOR DERIGGI-WHITTON: In
17 layman's terms, before the Navy can complete
18 this task you're going to have to get an okay
19 from the DEC that the work is completed in the
20 standards in which they require?

21 MS. CHESTER: Dave, perhaps you
22 can speak to this. There's some nuances about
23 that. We do not have to seek conferment from
24 DEC but it's far more complex than that. We
25 collaborate with them with all of our efforts

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2 from the most basic of designs to the
3 finalized data from the contaminated water, to
4 the treated water and so on and so forth.
5 Dave, maybe you speak to that a little bit
6 better.

7 MR. BRAYACK: The New York State
8 DEC is involved with all of our plans. They
9 review the documents, the design, the work
10 plans that implement. They provide comments
11 on those and we look at and review those
12 comments. Generally we are 100 percent
13 agreement on all technical issues. They are
14 an integral part of this whole process. But
15 as Christy was saying, the Navy is the lead
16 agency on this and then they use for
17 consultation purposes.

18 LEGISLATOR DERIGGI-WHITTON: The
19 Navy is sort of self-ruling in this
20 situation? Would you say the DEC has
21 oversight or really no?

22 MS. CHESTER: I would say that we
23 have transparency in all of our work with
24 New York DEC as well as all of the property
25 owners, municipalities. Whether it be a

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2 courtesy or indeed a requirement we provide
3 all our finalized data to property owners. We
4 do frequently for the Nassau County engineers
5 currently for other projects and we will
6 moving forward with this one as well. I
7 wouldn't say that we provide our own oversight
8 but rather I would say we provide transparency
9 to all property owners as well as the state of
10 New York every step of the way.

11 LEGISLATOR DERIGGI-WHITTON:

12 Should a problem incur with the DEC should
13 they not be happy with something what would
14 happen?

15 MS. CHESTER: I couldn't
16 ascertain what necessarily would happen. If
17 the DEC is not happy with our performance or
18 data that is presented to them I'm sure they
19 will address the Navy accordingly.

20 LEGISLATOR DERIGGI-WHITTON: I
21 have to say I find that a little concerning
22 because a few of these questions I find we are
23 not really getting the answer to. We wanted
24 to know exactly what the funding was going to
25 be available and we're hearing September

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2 15th. But from what you've said I just
3 couldn't get a clear answer on that. I can't
4 get a clear answer on this question because I
5 think there might be some foreseeable
6 situation that the DEC might not be happy with
7 something and I don't where that would go.
8 Which makes me a little concerned.

9 And also the last thing which
10 Legislator Birnbaum asked, it sounds like we
11 would like it to be more of an event to be put
12 in writing. With all due respect, I'm finding
13 this a little frustrating as a legislator. We
14 really needs like clear, concise answers on
15 something so important and I don't feel that
16 we're getting them.

17 Again, we would like to know the
18 exact date that the funding is in jeopardy.
19 We'd like to know what oversight the DEC or
20 any other agency has should there be an
21 issue? I'd also like to know what Ellen
22 Birnbaum asked, clear concise answers as to
23 what will be done after the use of this
24 property is complete. How it's going to be
25 left for our residents. So, I don't know if

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2 there's a way to get those answers. Just one
3 or two word answers really for all three.

4 MS. CHESTER: I will attempt to
5 the best of my ability to answer those
6 questions. As far as the DEC they provide
7 oversight, absolutely. However, they do not
8 have to concur with our plans but we have to
9 collaborate with them. I understand that it's
10 not a clear, concise answer but the Navy is
11 lead federal agency for this. That task is
12 not only with the responsibility of this but
13 to report with a plan. But we work
14 hand-and-hand with DEC and we are absolutely
15 transparent in every step of the way and they
16 are supportive of this action.

17 We sat down with Legislator
18 Ferretti and Legislator Walker with the DEC
19 representative with their support of the
20 Navy's remediation effort in this
21 acquisition.

22 I can't really speak on behalf of
23 the DEC as to how they would manage if they
24 did not like data or something we presented to
25 them. But we create nothing but transparency

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2 to the property owners as well as the state of
3 New York and we collaborate with them
4 hand-and-hand constantly with this effort.

5 Like I said, this is a phased
6 effort. This is one part of a much bigger
7 picture. But we absolutely work hand-in-hand
8 with them but can't really speak for DEC as to
9 how it's going to handle or manage a situation
10 from a state level if they did not like
11 information that we submitted to them.

12 Regarding the easement and how we
13 leave the property we're not leaving a
14 treatment facility plant on any of the
15 county's parcels. We have two parcels that
16 are right-of-way. We will be creating
17 pipelines that go to the water treatment
18 facility plant.

19 Then the other three parcels are
20 three basins and will have a recovery well
21 which will be roughly a six by ten structure
22 above ground. It will have an electrical
23 panel. Mr. Brayack can kind of give you a
24 little more details with that. But it will
25 not be a building so to speak. It will be

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2 somewhat of a small structure. But what we
3 will do is, what the agreement is now, what we
4 typically do is abandon in place underground
5 piping and we remove any subsurface and above
6 ground surface structure and put property back
7 to what it was before.

8 As far as the way basin is
9 concerned, we have discussed at great length
10 with Nassau County various agencies and
11 Department of Public Work as far as adhering
12 to the basic requirement as far as upkeeping.

13 Hopefully that speaks to your
14 question. I wish it was clear and concise one
15 word answer. It's more complex than that when
16 it comes to this.

17 As far as us removing abandon in
18 place we have to keep general terms because as
19 I was saying previously, technology, federal,
20 legal, environmental requirement things of
21 that nature protect us over the life of the
22 easement. So putting specifics in there as to
23 what we will do today perhaps won't work a
24 year from now is not something that we feel we
25 can do at the Department of the Navy.

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2 As far as our fiscal restraint, to
3 speak to that, our fiscal year ends September
4 30th. There's an approval process that goes
5 into funding an acquisition. But we have to
6 wait on this vote to take place first. Then
7 the administrative comment takes for an order
8 or resolution to be drafted and submitted back
9 for funding.

10 There is no finite date that I can
11 give you but from that I have seen you guys
12 are convening one time in September as well
13 and that would be towards the end of the
14 middle of it, and that certainly would not
15 allow enough time for us to fund an
16 acquisition prior to September 30th.

17 LEGISLATOR DERIGGI-WHITTON: I
18 think we made some progress there. So
19 September 30th is the date that we need to
20 pass our agreement now. So September 30th is
21 the date that we might have an issue with
22 funding; is that correct?

23 MS. CHESTER: Yes but --

24 LEGISLATOR DERIGGI-WHITTON:
25 That's good. Okay, okay. That's good. Now

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2 the next question that I have, before the Navy
3 is done and packs it in and leaves does any
4 local agency have to approve the work that you
5 completed?

6 MS. CHESTER: No. We --

7 LEGISLATOR DERIGGI-WHITTON:

8 That's okay. That's good.

9 The last thing, which is what I
10 think I heard, you are working with our own
11 Nassau County DPW, maybe Ken Arnold, that you
12 are going to be working with DPW to leave the
13 property in a certain way. Ken, I don't know
14 if you feel comfortable commenting on that.
15 Ken Arnold. Yes or no?

16 MS. CHESTER: Was that a question
17 for me?

18 MR. ARNOLD: What's the question
19 again?

20 LEGISLATOR DERIGGI-WHITTON: I'm
21 sorry to put you on the spot. Have you had
22 any contact with the Navy as far as how the
23 property will be left when the work is
24 complete?

25 MR. ARNOLD: My staff has. I

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2 don't know the details of what they
3 discussed. In discussions with what they can
4 do, what they can't do in the property but I'm
5 not sure on what the final restitution of the
6 property will look like.

7 LEGISLATOR DERIGGI-WHITTON: Can
8 we request that you work with them to attempt
9 to make sure that the property is left in the
10 best condition as possible after this is
11 done?

12 MR. ARNOLD: Sure.

13 LEGISLATOR DERIGGI-WHITTON: I'm
14 done. Thank you.

15 LEGISLATOR NICOLELLO: Legislator
16 Ferretti has a couple more.

17 LEGISLATOR FERRETTI: I will try
18 to be brief. Christy, in terms of the
19 schedule, I know prior to COVID your goal was,
20 assuming these easements passed this body, to
21 start work sometime in April. What is your
22 hopeful start time or date for the work?

23 MS. CHESTER: If we were to
24 receive the approval vote and you guys draft
25 an ordinance for us to begin work after this

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2 legislative body meeting convening, then what
3 we would hope to do is go ahead and start
4 mobilizing, clearing utilities, that aspect,
5 as well as drilling notices and things of that
6 nature. That's a door-to-door effort as
7 well. And we would hope to mobilize as early
8 as the first of October.

9 LEGISLATOR FERRETTI: First of
10 October you said?

11 MS. CHESTER: Yes.

12 LEGISLATOR FERRETTI: The work
13 would occur on weekdays. Would it occur
14 weekends as well?

15 MS. CHESTER: Typically we try to
16 stay into the parameters of Monday through
17 Friday and normal business hours. Dave, if
18 you want to speak to that you certainly can
19 clarify.

20 MR. BRAYACK: Normal work hours
21 are Monday through Friday during normal time
22 hours. Periodically on Saturday or Sunday we
23 will have some minor activities mostly to
24 maintain the stability of the bore hole that's
25 being drilled. But there are more minor

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2 activities such as topping off the mud and
3 such. But no, the normal work hours are
4 Monday through Friday.

5 LEGISLATOR FERRETTI: When you
6 say minor activities, the drilling obviously
7 makes noise and one of the basins we're
8 talking about is smack in the middle of a
9 residential community. So that drilling would
10 not be occurring on weekends, correct?

11 MR. BRAYACK: That's correct.

12 LEGISLATOR FERRETTI: I've heard
13 a couple of times concern from my colleagues
14 about how the property will be left once this
15 is complete. This entire process takes over a
16 century, correct?

17 MR. BRAYACK: Our target is
18 between 50 and 100 years right now.

19 LEGISLATOR FERRETTI: Let's put
20 aside when this project is complete for a
21 second and let's talk about the next 50 to 100
22 years. Will the Navy be maintaining these
23 basins, vegetation specifically, during the
24 course of this project?

25 MR. BRAYACK: Christy, I'm going

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2 to let you answer that because it's in the
3 agreement. But what we've done in other
4 basins is had variable agreements between the
5 basin owner and the Navy. In some cases we
6 maintain the basin. In other cases the
7 government compensates the county for that
8 basin maintenance. I defer that to Christy.

9 MS. CHESTER: We've spoken to
10 Nassau County, one of their engineers, and
11 went over in great depth the basin
12 requirements. That's something that typically
13 our Navy contractors work out with the
14 municipality or the property owner. Typically
15 has been Nassau County. We have a number of
16 agreements with other basins as well and they
17 have been very pleased with the upkeep and the
18 maintenance of those basins. We intend to
19 specifically keep the basins the way that we
20 need them to be. Keep them pristine and
21 vegetation cleared back in and of itself.
22 They're typically in better shape after we're
23 there then they were before.

24 LEGISLATOR FERRETTI: It sounds
25 like that's a yes, that the Navy will be

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2 maintaining the basins during the course of
3 this project, correct?

4 MS. CHESTER: Yes.

5 LEGISLATOR FERRETTI: In terms of
6 water levels, obviously there's a basin where
7 the treated water is going to be dumped into
8 the basin, correct?

9 MS. CHESTER: Correct.

10 LEGISLATOR FERRETTI: In that
11 basin in particular I would assume that during
12 storms there will be a propensity for that
13 basin to fill. Will the Navy be monitoring
14 that basin for water levels to ensure that
15 when storms occur there won't be any overflow
16 into residential communities of water?

17 MS. CHESTER: Absolutely. And if
18 you want to expound on what that process is
19 Dave I'm sure you can do that.

20 MR. BRAYACK: Let me explain.
21 The basins are designed to hold a certain
22 volume of water. We do anticipate having some
23 small level, one to two feet, of water in the
24 basin as a result of our actions. What we
25 will do is we're going to actually dig the

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2 basins a couple of feet deeper so that our
3 water -- the volume that we're taking up with
4 our water will be displaced by the amount of
5 water we're excavating.

6 In addition to that we will have
7 level sensors, automatic level sensors, in the
8 basin monitoring for the water. It's a rain
9 gauge in essence is what it is. But if we get
10 a significant precipitation of that, usually
11 about two inches per hour, the system will
12 automatically shut off. If the level in the
13 basin reaches some predetermined level that
14 would be unexpected that could cause it to
15 increase, we would shut off.

16 If we are projecting a major storm
17 coming through, like this current tropical
18 storm coming through, we would typically shut
19 our system off a day or two in advance.

20 We have three levels of
21 protection. And not to mention that we do
22 have our operators go to the basin on a
23 regular basis as well.

24 LEGISLATOR FERRETTI: Thank you
25 for that answer. Last couple of questions.

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2 The piping that's going to go through the
3 roadway, it's going to go through town roads,
4 for this project at least, town roads and
5 county roads, the county road being Seamans
6 Neck Road, correct?

7 MS. CHESTER: Correct.

8 LEGISLATOR FERRETTI: Will there
9 be notice to residents on both the town roads
10 and the county road in advance that this
11 construction is going to be done to the
12 roadway to install the piping?

13 MS. CHESTER: Yes, there will be.

14 LEGISLATOR FERRETTI: That
15 piping, some of which is going to carry
16 treated water to that final basin but the
17 other half of the piping will be contaminated
18 water being pulled up from one of the basins;
19 is that's correct?

20 MS. CHESTER: That's correct.

21 LEGISLATOR FERRETTI: So there
22 will be some contaminated water traveling
23 through pipes underground, correct?

24 MS. CHESTER: Yes.

25 LEGISLATOR FERRETTI: What

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2 assurances do we have if there was a leak in
3 one of those pipes that that contaminated
4 water would not leak into ground underneath
5 people's houses or whatever?

6 MS. CHESTER: I will let Dave
7 speak to that from a technical perspective as
8 well.

9 MR. BRAYACK: You are correct
10 that some of the water coming out of our wells
11 will be contaminated and it will be pumped
12 from those well locations back to our
13 treatment plant. What we're going to do is we
14 will be using something called double wall
15 pipe. The water with the contamination in it
16 will be flowing through the inner pipe and
17 this will be roughly an eight inch diameter
18 pipe. Outside of that we will have a 12 inch
19 diameter pipe. That's the second wall of
20 double contaminant.

21 So if the inner pipe leaks it flows
22 into the outer pipe. The outer pipe has a
23 leak detection system built into it. We will
24 have several manholes along the way. If those
25 manholes, if they see any water, there will a

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2 level switch that says we have a leak in our
3 piping somewhere and it will basically tell
4 everything to shut down and sound an alarm.
5 At which point we have a series of steps to
6 locate the leak and repair it as such.

7 LEGISLATOR FERRETTI: The
8 roadways which are being taken up in order to
9 place these pipes down what is the procedure
10 going to be in terms of putting the asphalt
11 back? Is it going to be resurfacing?
12 Patching? What is it going to be?

13 MR. BRAYACK: Currently we are
14 looking at the conditions of the roads and
15 what's been typically done. Our current plan
16 is to patch the road to match the existing.
17 However, when we get into cases where we have
18 newer roads then we would be look at repaving
19 a lane.

20 LEGISLATOR FERRETTI: Just one
21 last question. Seamans Neck Road has an
22 elementary school on it, East Broadway
23 Elementary School, obviously there is during
24 the school year which we are now going to be
25 approaching, originally we thought the

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2 majority, a lot of this was going to happen in
3 the summer. Now it's going to happen in the
4 middle of the school year. There will be
5 advanced notice and you will work with the
6 school and the school district to ensure that
7 any bus routes, parent drop-offs, assuming we
8 have in person school, that you will work with
9 the school district, correct, in advance and
10 make sure that they are accommodated?

11 MS. CHESTER: Yes. To the extent
12 Nassau County wants to communicate with the
13 school we are amenable to working with them,
14 absolutely. We submit to Nassau County
15 traffic plans and things of that nature ahead
16 of construction and we absolutely will
17 consider bus routes, parent pick-up, drop-offs
18 in the area in the location.

19 LEGISLATOR FERRETTI: I can
20 certainly tell you I absolutely want to make
21 sure that we sit down with the school district
22 and work that out well in advance, as far as
23 in advance as we can. Please let's get
24 together after this and make sure we put
25 something down. Thank you.

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2 LEGISLATOR NICOLELLO: Are there
3 any other questions? Legislator Birnbaum.

4 LEGISLATOR BIRNBAUM: Thank you
5 for giving all these answers. Yet I find it
6 little bit troublesome that we don't have a
7 lot of this in writing, especially since many
8 of these questions had been submitted to you
9 prior to this meeting, and we never saw them
10 in writing. So I truly hope that putting it
11 on the record here will be an indication that
12 you're giving us assurances that you will do
13 all that we have asked you to do.

14 That's why I am troubled about the
15 restoration of the property after the
16 decontamination. And we don't know how long
17 it will take, whether it's 20, 50 years, 75
18 years. We don't know. But it's still
19 property that is in the midst of our residents
20 and we certainly expect it to be left in good
21 shape and in a sensible completion. So I'm
22 troubled about why any of this couldn't be put
23 in writing.

24 And my last question is, can the
25 county attorney's office explain the valuation

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2 process for the property?

3 MR. PAVEL: The valuation process
4 Christy if you can weigh in on it it's
5 actually a federal valuation process called
6 waiver valuation as I understand it. I do
7 have an email from the Navy on that from
8 Amanda. And as I understand it, the Navy
9 makes a determination of value, in this case
10 nominal valuation, and it allows the Navy the
11 greatest degree of flexibility in
12 negotiating. Christy, can you expound perhaps
13 on the waiver valuation process and if there
14 are any other questions I can gladly answer
15 them.

16 MS. CHESTER: Certainly. We've
17 discussed in great depth with Nassau County
18 the valuation the parcels. Ultimately,
19 without getting into technical terms, the
20 Uniform Act describes the use of a waiver
21 valuation when the agency determines that an
22 appraisal is unnecessary because the valuation
23 is uncomplicated and it's anticipated proposed
24 acquisition is estimated to be \$10,000 or
25 less. Ultimately the standard was written

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2 primarily for federal acquisitions from
3 private land owners. Can you guys hear me?
4 Can you hear me?

5 LEGISLATOR BIRNBAUM: Yes.

6 MS. CHESTER: The screen went
7 blank. I wasn't quite sure you guys could
8 hear me. Ultimately we have to adhere to what
9 we sustain as (inaudible) standards. It was
10 primary for federal acquisitions from private
11 landowners to not only protect the landowner
12 from the government unjustly compensating them
13 but also protecting taxpayers whose is
14 ultimately paying for it.

15 Because (inaudible) which is the
16 federal standard evaluation differs from
17 USPAP, which is the private sector standard
18 for appraisals. In this respect, UASFLA does
19 not allow for speculative highest and best use
20 and undersubmits comments easier.

21 In fact, UASFLA assumes that the
22 property's highest and best use is ordinarily
23 its existing use. And the property owner will
24 typically put their property to its maximum
25 use. In this case right of ways and basins.

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2 Storm water basin.

3 Ultimately given the direction
4 found within the Uniform Act and useful of the
5 element standards the Navy made the
6 determination that an appraisal would be
7 unnecessary and opted for a waiver valuation
8 procedure making a nominal value determination
9 via a waiver valuation under the Uniform Act.
10 We discussed this with Nassau County at great
11 length. It gives us a great deal of latitude
12 for us to execute expeditiously.

13 MR. PAVEL: I will just follow
14 up. We did seek the advice of John Guest on
15 the Navy's determination regarding the waiver
16 valuation determination and our appraiser on
17 staff sent us a very precise memo explaining
18 the situation and that he would concur in
19 essence and that otherwise it's appropriate.

20 LEGISLATOR BIRNBAUM: What was
21 the last line.

22 MR. PAVEL: Appropriate.

23 LEGISLATOR NICOLELLO: Any other
24 questions? Legislator Walker.

25 LEGISLATOR WALKER: Really not a

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2 question just a comment. As far as the sumps
3 go, the majority of our sumps are in pretty
4 poor shape to begin with. Actually these
5 sumps will be cleared out. A lot of the trees
6 and shrubs and brush that's in there they have
7 to be maintained far better than they are
8 being maintained presently. So those sumps
9 will end up being in better condition than
10 many of our other sumps throughout the
11 county.

12 My concern is the roadways. I want
13 to make sure the roadways are back to where
14 they should be. Some of those roadways have
15 had recent work on them. I don't want them to
16 just be patch jobs. Legislator Ferretti and I
17 had discussed that and had gone over that with
18 the Navy and said we want them to be in
19 excellent shape when they're finished.

20 Again, making sure our residents,
21 our school districts that they are aware as
22 each step is happening. Not just days
23 before. Well in advance.

24 LEGISLATOR NICOLELLO: Anyone
25 else? Thank you. Let's have a vote on the

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2 emergency. All in favor of establishing the
3 emergency signify by saying aye. Those
4 opposed? Carries unanimously.

5 With the consent of the Minority we
6 will waive the reading of this again and just
7 simply call the item for a vote. It will be
8 198 of 2020. Actually I should call any
9 public comment. Any public comment on this
10 item? Hearing none, all in favor signify by
11 saying aye. Those opposed? Passes
12 unanimously.

13 Thank you all who participated in
14 that.

15 The other item for an emergency is
16 106 of 2020. I will just call the emergency.
17 A resolution authorizing the county executive
18 to execute an intermunicipal agreement with
19 the Town of Hempstead in relation to a
20 streetscape project on a section of Uniondale
21 Avenue in Uniondale.

22 The motion to establish the
23 emergency is made by Minority Leader
24 Abrahams. Seconded by Legislator Rhoads.

25 Ken, do you want to speak to the

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2 emergency?

3 MR. ARNOLD: Good afternoon. Ken
4 Arnold, public works.

5 LEGISLATOR NICOLELLO: Cover the
6 substance of it too.

7 MR. ARNOLD: This is an IMA with
8 the Town of Hempstead. The department has a
9 capital project on its books for streetscape
10 work on Uniondale Avenue. We completed phase
11 one about a year ago. We were looking to do
12 phase two. And then in talking with the town
13 they were undergoing a similar project in
14 another portion of Uniondale Avenue. It was
15 best felt that we combine our efforts and have
16 a single contract out there and not to disturb
17 the community with multiple contractors.

18 So, we did the design and we
19 brought the design to the town. They put
20 together the IMA and they bid the contract and
21 are ready to proceed. They're just waiting
22 for the county to act on the IMA which is what
23 is in front of you today. The IMA is for \$1
24 million. It will cover all the county's
25 previous obligated phase for phase two.

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2 LEGISLATOR NICOLELLO: As to the
3 emergency, my understanding is that we need to
4 move as quickly as possible on this in order
5 to get the work done before the paving season
6 ends; is that correct?

7 MR. ARNOLD: Yes. The town is
8 looking to start the work as soon as possible
9 and this type of work would usually end
10 somewhere around December. So moving this
11 forwarded today would give them a chance to
12 get this work done before that point.

13 LEGISLATOR NICOLELLO: Anyone
14 have any questions for Mr. Arnold? Did we
15 lose connection here? We were considering the
16 intermunicipal agreement between the Town of
17 Hempstead in relation to the streetscape
18 project on Uniondale Avenue. Kevan, did you
19 want to add anything to that or say anything
20 about that project? Kevan, I don't know if
21 you wanted to add anything about the
22 streetscape project president.

23 LEGISLATOR ABRAHAMS: I'm sorry.
24 I don't want to belabor. I want to say that
25 the Uniondale community has been very patience

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2 as we approach the first phase and I'm glad to
3 see and I want to support going forward it's
4 going to be a shot in the arm for the
5 Uniondale community. And some of you have
6 seen phase one, the crosswalk. It's going to
7 continue to transform. This partnership with
8 the IMA that is before us today and working
9 the Town of Hempstead is going to continue
10 that. Hopefully it bodes well for more things
11 to come. I'm thankful that it's on the
12 calendar today and I will be giving it
13 obviously my 100 percent support.

14 LEGISLATOR NICOLELLO: Thank
15 you. Any other legislator want to weigh in on
16 this? Hearing none, any public comment on the
17 emergency? Hearing none, all in favor signify
18 by saying aye. Those opposed? Carries
19 unanimously. That establishes the emergency.
20 On the item itself, 106, any other discussion
21 on the item? Any public comments? All in
22 favor signify by saying aye. Those opposed?
23 That carries unanimously.

24 That's the end of the emergency
25 portion of our meeting. Go to the regular

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2 calendar and there are a number of items that
3 have been agreed to between the Minority and
4 Majority that can go by way of consent
5 calendar. These items were on committees
6 several weeks ago and have been vetted and
7 discussed and determined that no further
8 discussion among us is required. So let me go
9 to those items.

10 Item seven, Ordinance 52. Eight,
11 Ordinance 63. Nine, Ordinance 64. Ten,
12 Ordinance 65. 11, Ordinance 66. 12
13 Resolution 54. 13, Resolution 55. 14,
14 Resolution 56. 15, Resolution 57. 16,
15 Resolution 58. 17, Resolution 59. 19,
16 Resolution 61. 20, Resolution 62. 21,
17 Resolution 63. 22, Resolution 64. 23,
18 Resolution 65. 24, Resolution 66. 25,
19 Resolution 67. 26, Resolution 68. 27,
20 Resolution 69. 28, Resolution 70. 29,
21 Resolution 71. 30, Resolution 72. 31,
22 Resolution 73. 32, Resolution 74.

23 Motions are made by Legislator
24 Bynoe and seconded by Legislator Ford. Any
25 debate or discussion? Any public comment?

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2 Hearing none, all in favor signify by saying
3 aye. Those opposed? Carries unanimously.

4 Going back to the start of the
5 calendar. Number one is a hearing on a
6 proposed local law to extend the deadline
7 regarding penalties and interest for late
8 payment of general taxes due July 1, 2020 on
9 property owned by deceased health care workers
10 and deceased first responders.

11 Moved by Legislator Drucker.
12 Seconded by Legislator Ferretti. Do you want
13 to say a few words about this?

14 LEGISLATOR DRUCKER: Thank you
15 Presiding Officer. Once again, I would just
16 like to thank Legislator Gaylor for his
17 collaboration on this bill, and I want to
18 thank the Majority and my caucus here for
19 continuing to do whatever we can to show our
20 appreciation to our front line workers and our
21 first responders for the hero's work they do
22 day in and day out during this COVID
23 pandemic. And this is just one small way to
24 show our appreciation to them and provide some
25 sort of economic relief to their families for

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2 suffering the grievous loss of these heroes in
3 fighting this pandemic.

4 So I just want to commend everyone,
5 commend the legislature, the body entirely,
6 and I'm just very gratifying by this. Thank
7 you.

8 LEGISLATOR NICOLELLO: Thank you
9 Arnie. I neglected to do one thing which is a
10 vote to open the hearing. All in favor of
11 opening the hearing signify by saying aye.
12 Those opposed? The hearing is open. Thank
13 you Arnie. Any other legislators want to
14 speak on this? Hearing none, any public
15 comment?

16 Motion to close the hearing by
17 Legislator Drucker. Seconded by Legislator
18 Gaylor. All in favor of closing the hearing
19 signify by saying aye. Those opposed? The
20 hearing is closed.

21 Go to item four which is a vote on
22 this local law which is to extend the deadline
23 regarding penalties and interest for late
24 payment of general taxes due July 1, 2020 on
25 property owned by deceased health care workers

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2 and deceased first responders.

3 Again Legislator Drucker makes the
4 motion. Legislator Drucker seconds it. Any
5 discussion or debate on the item itself?
6 Hearing none, any public comments? All in
7 favor signify by saying aye. Those opposed?
8 Passes unanimously.

9 Item two is a hearing on a proposed
10 local law to amend the Nassau County
11 administrative code in relation to amending
12 the Nassau County Human Rights Law to preclude
13 discrimination based on certain visible
14 characteristics.

15 Moved by Legislator McKevitt.
16 Seconded by Legislator Kopel to open the
17 hearing. All in favor of opening the hearing
18 signify by saying aye. The hearing is open.

19 This is a proposed law to expand
20 the human rights law to prohibit
21 discrimination against individual traits such
22 as natural hair texture, protective hairstyles
23 and the donning of religious garments or
24 items.

25 With respect to that latter

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2 category, the county has become and is
3 extremely diverse specifically in the area of
4 religious traditions, cultures, backgrounds
5 and this makes sure that whether you are Hindu
6 or a Sikhs or a Muslim or Christian or of the
7 Jewish faith or any other faith and what you
8 are wearing is part of your religious attire
9 you cannot be discriminated against under our
10 human rights law.

11 Just to add one other thing, these
12 specific categories are not otherwise covered
13 by the Human Rights law either specifically or
14 by a general catchall provision. Anyone
15 else? Legislator Drucker.

16 LEGISLATOR DRUCKER: Thank you
17 Presiding Officer. I will be voting in favor
18 of this amendment to Nassau County's Human
19 Rights Law. However, I cannot help but feel
20 that today's action is incomplete. Nearly a
21 decade ago Judy Jacobs first carried
22 legislation that would add simple language to
23 our human right's law to make it unambiguously
24 clear that transgender people are protected
25 under county nondiscrimination laws. The

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2 legislature has not acted upon this amendment
3 despite numerous opportunities. Since that
4 time state legislation has since been enacted
5 to mandate equal treatment under the law for
6 transgender New Yorkers.

7 Mr. Presiding Officer, you argued
8 on July 13th that this makes local action on
9 behalf of transgender Nassau residents
10 unnecessary. I respectfully submit that the
11 actions of this legislature reveal this stance
12 to be an unjust double standard.

13 Consider the amendment we are
14 debating today. It will ensure that the
15 people that form the beautiful cultural
16 tapestry that we call Nassau County are
17 protected from discrimination based on certain
18 visible characteristics or traits such as
19 natural hair texture and protective
20 hairstyles.

21 However, Section 292 of the New
22 York State Human Rights law was amended last
23 year to prohibit exactly this same type of
24 discrimination by expanding the definition of
25 race to include traits historically associated

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2 with race including but not limited to hair
3 texture and protective hairstyles such as
4 braids, locks and twists. Why is this bill
5 before us today, worthwhile and honorable as
6 it is, being held to a different standard by
7 this legislature than one for transgender
8 people?

9 Furthermore, it is an established
10 practice of this legislature to make certain
11 protections explicit under county law
12 notwithstanding the existence of similar
13 protections under state or federal law.

14 The challenges faced by transgender
15 Nassau County and New York residents has not
16 abated. Transgender people experience
17 elevated levels of poverty, housing
18 discrimination, workplace bias and a risk of
19 suicide and mental health challenges as
20 compared to the general population. They are
21 also frequently the target of fatal violence.

22 According to the human rights
23 campaign advocates track no fewer than 27
24 violent deaths of transgender or gender
25 nonconforming Americans in 2019. Many were

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2 black transgender women. At least 21
3 transpeople have been killed in America this
4 year alone.

5 It is now clear in 2020 that gender
6 identity and racial equity are inseparable. I
7 believe that in trying county level protection
8 stemming from gender identity in our human
9 rights law is not only morally and legally
10 correct but consistent with the practices of
11 this body. The transgender community is under
12 attack as we speak and we have a duty to stand
13 with them just as we seek to do with other
14 marginalized groups. It is literally the
15 least we can do. Thank you.

16 LEGISLATOR NICOLELLO: Just a
17 brief response. You mischaracterized my
18 statements. My position has been and is now
19 that transgender rights are covered and that
20 the general statement with respect to
21 perceived gender covers it completely. It was
22 intended to do so back when we adopted it. It
23 is sufficient to do so. So my position has
24 also been and our position has always been
25 they're already covered.

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2 Over the last ten years while the
3 minority has raised this issue consistently in
4 that ten years time, even go back farther,
5 when we changed the human rights law there has
6 never been one incident where it has been
7 shown that the absence of the language that
8 you're pushing for the human rights law has
9 made a difference in one single case.

10 I understand your arguments in
11 terms of philosophically and rationally, but
12 the truth of the matter is, and I think if
13 anyone really looked at this from a legal
14 standpoint or otherwise, it's already
15 covered. It has already been covered. And
16 they specifically included perceived gender to
17 cover it.

18 I must also repeat something I said
19 last time which is that this area changes so
20 quickly, that the descriptions that change so
21 quickly, the terminology changes so quickly
22 that it is better to have the catchall
23 provision in place as opposed to specifically
24 trying to capture something which will then
25 have to be changed in a year or two.

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2 I think in New York State, New York
3 City human rights laws and regulations cover
4 some 290 something, that's an exaggeration,
5 but multiple numbers of sexual genders. To go
6 down the road of having to change this every
7 the terminology changes is not a direction
8 this county should be going in.

9 Secondly, I would just point out
10 whereas natural hair texture, protective
11 hairstyles you may be correct may be covered
12 already, the donning of religious garments or
13 items is not. It's important that we protect
14 religious faiths and the diversity of this
15 county.

16 LEGISLATOR DRUCKER: I'll just
17 respectfully disagree Presiding Officer. My
18 disagreement is not just philosophical. It is
19 what I consider to be legal and I believe that
20 we've had incidences on this body where we had
21 made accommodations. We made accommodations
22 last year for visually impaired and those who
23 are hearing impaired. That was already
24 covered under state and federal regulations
25 and we did it then. So there is precedent

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2 here. So I'm just saying that the transgender
3 population has not changed. It's not a moving
4 target and gender identity and gender
5 expression are something that it's here, it's
6 relevant. It's intertwined with racial
7 quality. I think we need to address it. It's
8 the 800 pound gorilla in the room and by
9 ignoring it I think we are doing an injustice
10 as a legislative body. But I respectfully
11 disagree.

12 LEGISLATOR NICOLELLO: One
13 response with respect to visual or hearing
14 impaired, they may have been covered by state
15 and federal regulations and laws they were not
16 specifically covered in our code. As I said
17 again, transgender are already covered which
18 is why we're not addressing that at this time.

19 Again, with respect to donning of
20 religious garments or items that is already
21 not covered and it makes a statement that we
22 believe should be made as opposed to something
23 that is already covered.

24 Anyone else want to speak to this?
25 Legislator Solages.

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2 LEGISLATOR SOLAGES: Thank you
3 very much Presiding Officer. Just in response
4 to your argument, you mentioned that there
5 hasn't been one instance of this in the county
6 to your understanding. Again, I think it's a
7 flawed argument. Just because there hasn't
8 been a reported incident doesn't mean it
9 doesn't occur. Perhaps they didn't report it
10 because they were scared of retribution. Or
11 perhaps they didn't report it because they
12 thought that no one would care. So that's one
13 comment I have.

14 Secondly, I have a question. If a
15 Starbucks worker would shave Black Lives
16 Matter in his hair would this law cover him?
17 And he was fired for that. Would this law
18 cover him?

19 LEGISLATOR NICOLELLO: That is an
20 answer that I do not have. Ultimately natural
21 hair texture or protective hairstyles. The
22 creation of a slogan in your hairstyle
23 constitute protective hairstyles? I doubt
24 it. Ultimately that's not where we're going
25 with this. I think if you Google the term

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2 protective hairstyles it relates to a specific
3 type of hairstyle that people wear.

4 LEGISLATOR SOLAGES: Like corn
5 rows, dreads?

6 LEGISLATOR NICOLELLO: It could
7 be but it's defined. Again, it's not intended
8 to cover political speech.

9 LEGISLATOR SOLAGES: That's a
10 human rights speech sir not a political
11 speech.

12 LEGISLATOR NICOLELLO: However
13 you want to characterize it, there are rights
14 under the existing laws in terms of the first
15 amendment and other things that would address
16 something like that. This is more intended to
17 prevent people from being discriminated
18 because they're wearing a particular hairstyle
19 not because they want to send a message
20 particularly with respect to an issue in their
21 hairstyle. That's my interpretation. Now if
22 it goes to courts it might be something else.

23 LEGISLATOR SOLAGES: Thank you
24 counselor.

25 LEGISLATOR NICOLELLO: Anyone

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2 else? Any public comment? Hearing none, all
3 in favor of -- actually I'm getting ahead of
4 myself. Motion to close the hearing? That
5 will be moved by Legislator Ford. Seconded by
6 Legislator Schaefer. All in favor of closing
7 the hearing signify by saying aye. Those
8 opposed? The hearing is closed. Carries
9 unanimously.

10 Now for the item which is item
11 five. Again, a the local law to amend the
12 Nassau County administrative code as described
13 before. Motion by Legislator McKevitt.
14 Seconded by Legislator Schaefer. The item is
15 before us. Any further debate or discussion?
16 Hearing none, any public comment? All in
17 favor signify by saying aye. Those opposed?
18 Carries unanimously.

19 Last hearing for today is number
20 three. A local law amending Local Law 18-1984
21 as last amended by Local Law number 9-2017 and
22 as incorporated in Chapter 4 of Title 9 of the
23 miscellaneous laws of Nassau County in
24 relation to imposing additional rates of sales
25 and compensating use taxes authorized by

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2 Section 1210 of the tax law and continuing a
3 local government assistance program authorized
4 by Section 1262E of the tax law.

5 Moved by Legislator Mule. Seconded
6 by Legislator Schaefer. That is a motion to
7 open the hearing. All in favor of opening the
8 hearing signify by saying aye. Those
9 opposed? Carries unanimously and the hearing
10 is open.

11 Do we have anyone from the
12 administration to speak on this item?

13 MR. PERSICH: Andy Persich,
14 Office of Management and Budget. This is just
15 the renewal of the local government assistance
16 program for sales tax. There's two
17 components. The one piece goes to the towns
18 and cities. The other piece goes to the
19 villages. Budgetary-wise, up until the
20 pandemic, it was approximately \$75 million
21 that we paid out. It's been revised as the
22 sales tax numbers decline. Here to answer any
23 questions that you may have.

24 LEGISLATOR NICOLELLO: The total
25 number has been revised downward, correct?

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2 MR. PERSICH: Yes, that's
3 correct. They are going to follow suit with
4 the amount of collections we make.

5 LEGISLATOR NICOLELLO: What about
6 the specifics in terms of I know a certain
7 amount is guaranteed to the villages. Has
8 that been --

9 MR. PERSICH: Still in place.
10 \$1.25 million annually.

11 LEGISLATOR NICOLELLO: Any
12 questions? Legislator Rhoads.

13 LEGISLATOR RHOADS: How are you
14 Mr. Persich? Good to see you. Has there been
15 any discussion between the administration and
16 any of the villages? Because I know that from
17 my own communications with them that the split
18 between the towns and villages has always been
19 a bone of contention.

20 MR. PERSICH: I'm not aware of
21 any ongoing involvement or conversations
22 between the villages. I know everybody wants
23 a little bit more take of the sales tax but it
24 would require state legislation in order for
25 that to happen I think. This is part of state

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2 law. Even if we wanted to enact it it would
3 require an action by the state in order to
4 change the split between the villages and the
5 county.

6 LEGISLATOR RHOADS: But that
7 ultimately would wind up having a start with
8 some sort of discussions at a local level,
9 correct?

10 MR. PERSICH: Correct.
11 Unfortunately if times were a little more
12 robust I would be more in favor of that. But
13 where we're at right now I can't see giving
14 away any additional sales tax proceeds that we
15 may have.

16 LEGISLATOR RHOADS: The amount
17 remains the same, does it not? In other
18 words, the impact to the county doesn't
19 change. It would be the split between the
20 town and the villages would change.

21 MR. PERSICH: The village piece
22 is a fixed amount. The town piece is a
23 percentage of the total amount. So it's a
24 component of the reduction. Sales tax goes up
25 they get a little bit more. Sales tax goes

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2 down they get a little bit less.

3 LEGISLATOR RHOADS: The money
4 that's received by the villages comes out of
5 the town's portion, does it not?

6 MR. PERSICH: No, it doesn't. It
7 comes out of the county's portion. Comes out
8 of our pocket, that is correct.

9 LEGISLATOR RHOADS: My
10 understanding is the argument for the villages
11 is that many of the services that are provided
12 by the villages are services that the towns
13 are receiving compensation for. That the
14 villages don't necessarily --

15 MR. PERSICH: Correct. There's
16 been some conversations with some villages
17 that I know of that they didn't feel their
18 portion of the town piece was not an equitable
19 distribution. But again, it would require the
20 state to make a change in the law to change
21 the splits between even the town piece and the
22 village piece.

23 LEGISLATOR RHOADS: I understand
24 there has to be state action. But again, if
25 there's a conversation to be had that

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2 conversation should occur locally first I
3 would assume, right?

4 MR. PERSICH: Yes. I don't have
5 enough to give back to the villages. If the
6 towns want to give some of the money of their
7 take back then I think that's a conversation
8 the villages could have with the individual
9 townships. But we here in the county, I can't
10 afford to split.

11 LEGISLATOR RHOADS: I certainly
12 understand the financial picture. My
13 understanding is that the current agreement
14 does not expire until November 30th; is that
15 correct?

16 MR. PERSICH: That I am not sure
17 of. The reason that it was put on was in
18 order to get it on the state calendar. So
19 it's a timing issue that it had to be put on
20 here because the state wanted it by September
21 because they need our local law in order to
22 renew the expiring law in the state.

23 LEGISLATOR RHOADS: When is the
24 legislature going back in session, do you
25 know?

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2 MR. PERSICH: I can't answer that
3 legislator. I'm being honest with you.

4 LEGISLATOR RHOADS: You would
5 anticipate it being sometime in September
6 otherwise this would be a pointless effort?

7 MR. PERSICH: September, October
8 I would think because that's when they
9 specifically asked us to get it up to them to
10 give them a little lead time.

11 LEGISLATOR RHOADS: Knowing the
12 issues that the villages have I'm just
13 hesitant to considering this now knowing that
14 there have been no conversations with the
15 villages and the county. That I feel as
16 though should have been something that was
17 done before it was presented to us. Even if
18 there's no change. Just know that those
19 issues have been heard and that they have been
20 taken into account.

21 MR. PERSICH: I can rewind you a
22 little bit to 2018 when there was a
23 conversation with the president of the
24 villages association from one of the villages
25 and we discussed the issue. But again, the

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2 county's shaky financial position limits us of
3 what we can give them. Even if we could do
4 something. We don't have the funding in order
5 to give them additional funds. We are in a
6 control period. So I don't think to increase
7 the piece to the villages is actually going to
8 be something that I can sit here and tell you
9 that it's going happen.

10 LEGISLATOR RHOADS: At this pace
11 we will be in a control period for the next 50
12 years. At some point in time the issue has to
13 be addressed. I just feel as though it should
14 be addressed now. Or at least the
15 conversation should take place now. We can't
16 rely on the conversation for you 2018. But
17 the discussion hasn't been had and I
18 appreciate that.

19 MR. PERSICH: Understand.

20 LEGISLATOR NICOLELLO: Just for
21 clarification, the town's piece is established
22 by state law, correct?

23 MR. PERSICH: Correct.

24 LEGISLATOR NICOLELLO: And you
25 have a percentage of the overall sales tax

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2 collection?

3 MR. PERSICH: Correct.

4 LEGISLATOR NICOLELLO: With
5 respect to the villages' piece, does that come
6 out of the towns' piece or is it separate?

7 MR. PERSICH: Separate. Comes
8 out of the county piece of it. It's the
9 county portion of the sales tax that's also
10 enacted by state law it's one-twelfth of one
11 quarter of whatever the crazy denominator is.

12 LEGISLATOR NICOLELLO: Did you
13 have something you wanted to add?

14 MR. PERSICH: I misspoke. There
15 has been some conversations with the local
16 villages on the split of the sales tax I just
17 got from the administration. I wasn't privy
18 to that. I'm on the financial side of this.

19 LEGISLATOR NICOLELLO:
20 Specifically with the state direction you're
21 getting from the state legislature they want
22 it by when?

23 MR. PERSICH: I think they wanted
24 it up to them because the meeting schedule
25 that we had I think we had to do it for this

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2 one because they wanted it in early September.

3 LEGISLATOR NICOLELLO: All

4 right. Any other debate or discussion? Any

5 public comment? Hearing none, a motion to

6 close the hearing. Legislator Walker moves to

7 close the hearing. Legislator Birnbaum

8 seconds that motion. All in favor of closing

9 the hearing signify by saying aye. Those

10 opposed? Carries unanimously.

11 Go to the item for a vote which is

12 item 6, a local law we just heard about in the

13 hearing. Motion by Legislator Ford. Seconded

14 by Legislator Kennedy. Any further debate or

15 discussion on this item? Legislator Rhoads.

16 LEGISLATOR RHOADS: Thanks. I

17 did have conversations with the Village of

18 Freeport, specifically their counsel. Mayor

19 Kennedy from the Village of Freeport is the

20 head of the State Conference of Mayors. They

21 expressed their dissatisfaction with the split

22 that the villages would be receiving from the

23 county. Communication to me was that there

24 had been no outreach or no discussions with

25 the administration and the village. Again,

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2 that's what I'm being told by the village.

3 I just feel as though those
4 conversations should take place before this
5 item was presented to the legislature. We're
6 going to wind up taking a vote today because
7 essentially we're being told that there's no
8 opportunity for us to act because the state
9 legislature is coming back into session before
10 we would have our next meeting towards the end
11 of September. And we certainly don't want to
12 create a scenario where the villages would not
13 be receiving any split because there's been no
14 renewal in place and we don't know prior to
15 the election whether the state legislature is
16 going to come back into session.

17 Regardless of what action we take
18 today, I think there does have to be a
19 conversation between the villages and the
20 administration to ensure that we can reach
21 some sort of resolution to this. Obviously
22 the plight of the villages and the pressures
23 on their budget obviously is relevant to all
24 of us as is our own. I just wanted to make
25 that statement before we vote.

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2 LEGISLATOR NICOLELLO: Anyone
3 else? Katy, do you want to add something?

4 MS. HORST: Sure. Just that the
5 administration has spoken to the villages. I
6 know that I have been in a meeting with Mayor
7 Kennedy and he has absolutely expressed his
8 displeasure with the breakdown. I know DC
9 Santeramo has spoken to Howard Copeland and
10 there have been ongoing conversations with the
11 Village Officials Association on this topic.

12 LEGISLATOR NICOLELLO: Anyone
13 else? Thank you. Any public comment? All in
14 favor signify by saying aye. Those opposed?
15 Carries unanimously.

16 That is the end of the legislative
17 calendar. We need a motion to adjourn. Moved
18 by Legislator Lafazan. Seconded by --

19 Thank you for reminding me. Number
20 18 is a resolution to establish a committee to
21 study alternative approaches to mental health
22 response and intervention by law enforcement.
23 There's a motion on that by Legislator Bynoe
24 and it's seconded by Legislator Kopel. That
25 is before us.

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2 There is an amendment which I guess
3 we will take up at this time. It is an
4 amendment in the nature of a substitution and
5 adds two nonvoting members to the committee.
6 One is appointed upon the recommendation of
7 the presiding officer. One is appointed upon
8 the recommendation of the minority leader.

9 That motion is made by Legislator
10 Walker. Seconded by Legislator Kennedy.
11 That's a motion to amend. Any debate or
12 discussion on the amendment? Proposed
13 amendment. Hearing none, all in favor of the
14 proposed amendment signify by saying aye.
15 Those opposed? Amendment carries
16 unanimously.

17 Now the item as amended is before
18 us. Is there anyone from the administration
19 who wants to speak on this? Ultimately
20 Legislator Bynoe I'm sure will speak to this
21 but we had requested some members of the
22 police department and human services to be
23 able to speak.

24 MS. HORST: Katy Horst from the
25 administration. I've got Dr. McCummings on

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2 the phone. She's having difficulty connecting
3 via Microsoft Team. So she's on the phone.
4 She's listening. If there are any questions
5 for her I will be happy to put the phone up.

6 LEGISLATOR NICOLELLO: Any
7 questions for Dr. McCummings? Maybe put the
8 phone up. My question is, is she prepared to
9 move forward? What is her position with
10 respect to the proposal?

11 MS. HORST: Go ahead Dr.
12 McCummings.

13 DR. MCCUMMINGS: Good afternoon.
14 We are definitely ready to go ahead and
15 proceed with the committee. There already is
16 and it's already stated in the amendment that
17 we already have a mechanism where we have
18 mobile crisis teams available to go out on
19 these calls with the police department if they
20 are called to any kind of mental health or
21 behavior health call.

22 What happens now is I understand
23 most of the police department they do not call
24 them to ask for their assistance. Rather
25 usually call and ask for assistance. I think

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2 the amendment or the resolution would be a
3 good way for us to establish a protocol for
4 having both the mobile crisis team and police
5 department work together in order to make sure
6 that any of these calls are handled properly.

7 LEGISLATOR NICOLELLO: Thanks.

8 Anyone else have any questions for Dr.
9 McCummings? I think we're good. Inspector,
10 did you want to speak to that as well?

11 MR. FIELD: William Field, deputy
12 inspector Nassau County Police Department. If
13 you have any questions in regards I would be
14 more than happy.

15 LEGISLATOR NICOLELLO: Actually
16 the only question I had was what the position
17 of the commissioner of the police department
18 with respect to this proposal, support it, if
19 he can work with it, what's your position?

20 MR. FIELD: Obviously the police
21 department welcomes any improvement to the
22 service of the residents of Nassau County.
23 Especially in situations that can be quite
24 serious related to mental illness or an
25 individual in crisis.

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2 We are currently working with the
3 governor's request to review police response
4 to a number of items. Included in those items
5 we proactively added response by the police to
6 situations involving mental health as well as
7 complaint investigations in relations to
8 internal affairs. We hope to have this
9 completed and submitted to the legislature in
10 the late fall of 2020 and we continue to
11 discuss with mental health experts we already
12 have and continue to in regards to the
13 governor's order at this time and hope to do
14 more so in the future.

15 LEGISLATOR NICOLELLO: So the
16 commissioner will be supportive of this
17 initiative?

18 MR. FIELD: I believe that we are
19 supporting improving things. We are working
20 on this simultaneously. It may be helpful to
21 wait until we complete this portion of the
22 governor's request. But we are here to --
23 this is an urgent matter and obviously
24 understand how important it is to address.

25 LEGISLATOR NICOLELLO: This

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2 creates the formation of a committee which I
3 think will work over the course of time, so I
4 think it can actually work hand in glove with
5 what you're doing with response to the
6 governor's mandate.

7 MR. FIELD: Absolutely.

8 LEGISLATOR NICOLELLO: Legislator
9 Ford.

10 LEGISLATOR FORD: Good
11 afternoon. I don't know whether or not you
12 can answer this or maybe this is something
13 that maybe the committee can undertake. But
14 considering the HIPAA laws in regard to
15 people's health whether or not it's physical
16 or mental, is it possible, I don't know if you
17 do this already or not, if you have a
18 situation where you know somebody is in a
19 community and they may have some issues, the
20 police have been there prior for different
21 complaints or whatever, is that something that
22 you're allowed to do then -- do you pass it on to
23 the other officers? So like you have those
24 smart laptops or something where you may know
25 at 32 Oakwood Line Denise always acts

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2 erratically. So that going forward if you're
3 reporting to a call that you may know that
4 somebody may not be completely stable. So
5 that before you go there then you can
6 always -- you don't know what the call would
7 be but maybe you might be aware that you might
8 need the crisis intervention or social worker
9 there. Is that something you do already?

10 MR. FIELD: So, with any 911 call
11 if it's a location that we have been to before
12 the officers have access on their terminals in
13 their computers they'll have access to
14 previous call history there. And sometimes
15 that's very helpful. It can describe a
16 situation where maybe we have been there
17 before for somebody that has had mental
18 illness.

19 Many times officers work in the
20 same areas and same locations so they're
21 intimately familiar hopefully with the
22 neighborhood and are able to perhaps already
23 have had built rapport up with their
24 residents.

25 We also can reach out to mobile

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2 crisis in situations where perhaps -- where we
3 can't take the person into custody physically
4 based on the law but we can reach out to them
5 to further assist.

6 LEGISLATOR FORD: And maybe that
7 they may be able to get social services to go
8 and help them.

9 MR. FIELD: Absolutely. I have
10 done it myself.

11 LEGISLATOR FORD: Thank you very
12 much.

13 LEGISLATOR NICOLELLO: Legislator
14 Schaefer.

15 LEGISLATOR SCHAEFER: Good
16 afternoon officer. I was just curious. I
17 guess alluding to what Legislator Ford was
18 just asking. Who makes that determination
19 whether or not to call the mobile service unit
20 to come? Is it the police officers that are
21 responding? Is it the 911 operator? Who
22 makes that determination?

23 MR. FIELD: As it is in the
24 policy now we currently -- it could be the
25 police officer at scene. Could be the police

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2 supervisor at the location. Usually that
3 would be, in my experience, that would be the
4 options, either the police officer at the
5 scene or police supervisor at the scene.

6 LEGISLATOR SCHAEFER: Do you have
7 any idea about how many mental health or
8 mental aided calls you get a year basically?
9 Is it very much?

10 MR. FIELD: I don't have the
11 global number of mental illness, mental aided
12 related calls. But in regards to what we have
13 coded as violent mental aided, which comes
14 through 911, just in 2018 alone we responded
15 to about 390 and in 2019 we were over 300 as
16 well. Anyone of those situations
17 automatically requires the response of our
18 emergency services personnel who are highly
19 trained and can assist the officers at scene.

20 LEGISLATOR SCHAEFER: So that's
21 different from the mobile crisis unit?

22 MR. FIELD: Yes.

23 LEGISLATOR SCHAEFER: If it's a
24 violent one or you anticipate it to be one
25 based on whatever information you have do you

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2 automatically call the mobile crisis unit or
3 you don't? I guess I'm just wondering when
4 you do bring them in.

5 MR. FIELD: Generally, if it's a
6 violent -- it depends on the circumstances. A
7 lot of these situations are fact sensitive and
8 it's dependent upon how the information is
9 relayed to the 911 operators as well as how
10 the information is relayed to the police
11 officers at scene.

12 With that being the case, if the
13 person is required under the Mental Hygiene
14 Law to be brought in for a psychological
15 evaluation often times the police officers
16 make that determination in conjunction with
17 the emergency services or their police
18 supervisor.

19 LEGISLATOR SCHAEFER: Emergency
20 services you said are highly trained in aiding
21 mental health issues; is that correct? What's
22 the difference in their training as to what a
23 general police officer will get?

24 MR. FIELD: Under New York State
25 Department -- excuse me, the Division of

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2 Criminal Justice Services mandates all police
3 officers to receive 20 hour course related to
4 behavioral science with emotional distress.
5 How to communicate effectively with people
6 under emotional stress and crisis. In
7 addition to that, the police officers also
8 receive another over 20 hours of training
9 dealing with numerous items that can be
10 helpful when in a situation involving somebody
11 mental in illness which includes crisis
12 intervention, de-escalation, professional
13 communication, autism training is separate and
14 also general verbal skills and communication
15 with persons in crisis.

16 Emergency services unit actually
17 has -- they go through a five-day training
18 program. It's in-depth. Given by the doctors
19 of Hofstra's psychology department. That's
20 where they get additional training in some
21 specific diagnosis that they may coming in
22 contact with. Such as neurological disorders,
23 depression, down syndrome, psychosis,
24 personality disorders. That's on top of the
25 tactical training that they receive in

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2 nonlethal and verbal communication.

3 LEGISLATOR SCHAEFER: Are there
4 many instances where the mobile crisis unit is
5 called first and then they end up calling the
6 police? Does that ever happen? Or is it
7 you're only handling when 911 takes the call
8 and it goes straight to you? Probably asking
9 like five questions at once. Do any homes
10 generally, that you know of, get calls
11 directly or do the homes directly call the
12 mobile crisis unit to come out to help them?

13 MR. FIELD: I'm not sure off the
14 top of my head. I do remember from my
15 experience there have been situations where we
16 have been notified by perhaps someone's mental
17 health professional that takes care of them
18 that there is an emergency and an urgent
19 situation that needs our response. But as to
20 specifics with mobile crisis I would have to
21 really look into that more.

22 LEGISLATOR SCHAEFER: Okay.
23 That's all.

24 LEGISLATOR NICOLELLO: Anyone
25 else before we get to Legislator Bynoe?

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2 LEGISLATOR BYNOE: Thank you
3 Presiding Officer. I will be very brief in my
4 comments. We spent a lot of time on this in
5 the committees. First I would like to start
6 by thanking my colleague Josh Lafazan for
7 working on this important issue with me. I
8 think it's a piece of work that I been trying
9 to advance since my time here at the
10 legislature just surrounding mental health
11 issues. I think it's very important that the
12 county work diligently and utilize all
13 resources available to them to ensure that we
14 are servicing that population as best as
15 possible.

16 I also would like to thank the
17 members of the Rules Committee that was part
18 of teeing this up so it got to the full
19 legislature. I'm hopeful today that it will
20 gain support form the legislature to be able
21 to move forward. I think it's important to
22 that we take the time to study such essential
23 services that this county is required to
24 provide to those would be mentally ill.

25 I likened this the last to somebody

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2 being medically ill, maybe somebody breaking a
3 leg or falling down the stairs. Some level of
4 a cardiac issue and only sending the police
5 and not sending medical professionals to
6 assist in aiding that individual. So I think
7 it's similar if we don't have highly trained,
8 highly skilled individuals to be able to look
9 at -- to go to these scenes and respond and
10 look for optimal outcomes once they're on
11 scene. I think it's important to study it.

12 I think our police commissioner
13 along with our commissioner of human services
14 are perfectly steeped in experience and
15 skilled in their craft to be able to review
16 this process and identify an alternative
17 approach or alternative approaches as we move
18 forward.

19 I'd just like to in advance thank
20 my colleagues or hopefully we can move this
21 forward and look how we can look to work
22 together in how we can serve this population
23 of individuals who are so deserving of our
24 assistance. Thank you.

25 LEGISLATOR NICOLELLO: Any other

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2 legislators? Thank you inspector. Any public
3 comment? All in favor signify by saying aye.
4 Those opposed? Carries unanimously.

5 Now we can recess or adjourn.

6 Legislator Schaefer makes a motion to
7 adjourn. Seconded by Legislator Drucker. All
8 in favor of adjourning signify by saying aye.
9 Those opposed? Carries unanimously.

10 (Meeting was adjourned at 3:12
11 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 12th day of
August 2020

FRANK GRAY