

1

2

3

4

5

6

NASSAU COUNTY LEGISLATURE

7

8

RICHARD NICOLELLO

9

PRESIDING OFFICER

10

11

RULES COMMITTEE

12

13

LEGISLATOR RICHARD NICOLELLO

14

CHAIR

15

16

17

Theodore Roosevelt Building

18

1550 Franklin Avenue

19

Mineola, New York

20

21

22

October 26, 2020

23

1:09 P.M.

24

25

1

2     A P P E A R A N C E S :

3

4     LEGISLATOR RICHARD NICOLELLO

5                     Chair

6

7     LEGISLATOR HOWARD KOPEL

8                     Vice Chair

9

10    LEGISLATOR STEVEN RHOADS

11

12    LEGISLATOR LAURA SCHAEFER

13

14    LEGISLATOR KEVAN ABRAHAMS

15                     Ranking member

16

17    LEGISLATOR DELIA DERIGGI-WHITTON

18

19    LEGISLATOR SIELA BYNOE

20

21

22

23

24

25

1 Rules - 10-26-20

2 LEGISLATOR NICOLELLO: I would  
3 like to call the Rules Committee to order.  
4 We're going to have a brief Rules Committee  
5 meeting before we go into the full legislative  
6 meeting.

7 MR. PULITZER: Do you want the  
8 roll call?

9 LEGISLATOR NICOLELLO: Before we  
10 do that I would ask everyone to please stand  
11 and Legislator Kennedy to lead us in the  
12 Pledge of Allegiance.

13 MR. PULITZER: Thank you. Rules  
14 Committee roll call. Legislator Siela Bynoe.  
15 Legislator Delia DeRiggi-Whitton.

16 LEGISLATOR DERIGGI-WHITTON:  
17 Here.

18 MR. PULITZER: Ranking member  
19 Kevan Abrahams.

20 LEGISLATOR ABRAHAMS: Here.

21 MR. PULITZER: Legislator Laura  
22 Schaefer.

23 LEGISLATOR SCHAEFER: Here.

24 MR. PULITZER: Legislator Steven  
25 Rhoads.

1 Rules - 10-26-20

2 LEGISLATOR RHOADS: Present.

3 MR. PULITZER: Vice chairman

4 Howard Kopel.

5 MR. KOPEL: Here.

6 MR. PULITZER: Chairman Richard

7 Nicolello.

8 LEGISLATOR NICOLELLO: Here.

9 MR. PULITZER: We have a quorum  
10 sir.

11 LEGISLATOR NICOLELLO: We have  
12 several items. I'm going to call first five  
13 altogether so we can consider them as separate  
14 items but we can ask questions, if necessary  
15 take them out for a vote.

16 286, 287, 296, 297, 298. These are  
17 resolutions authorizing the county attorney to  
18 compromise and settle claims of the county of  
19 Nassau against the Incorporated Village of  
20 Cedarhurst and the Incorporated Village of  
21 Lawrence arising from agreements for the  
22 consolidation of sewage treatment resource  
23 services pursuant to the county law.

24 They are also resolutions  
25 authorizing the county executive to execute

1 Rules - 10-26-20  
2 amendments to intermunicipal agreements with  
3 the Incorporated Village of Lawrence and the  
4 Incorporated Village of Cedarhurst.

5 Lastly, there is a resolution  
6 authorizing the county executive to execute an  
7 amendment to a intermunicipal agreement with  
8 the Village of Sea Cliff in relation to the  
9 installation of sewer lines.

10 Moved by Legislator Rhoads.  
11 Seconded by Legislator DeRiggi-Whitton. Do we  
12 have someone to speak on these items Katy? We  
13 will do the Cedarhurst and Lawrence matters  
14 first and then Sea Cliff is slightly  
15 different.

16 MS. HORST: Katy Horst from the  
17 administration. Connell Denion from the  
18 county attorney's office is joining remotely.  
19 He's just logging in now.

20 LEGISLATOR NICOLELLO: Do you  
21 want to wait to do your presentation Ken or  
22 wait for Connell?

23 MR. ARNOLD: I need Connell to  
24 talk about the settlements but I can talk  
25 about the IMAs if you want me to start with

1 Rules - 10-26-20

2 those.

3 LEGISLATOR NICOLELLO: Okay.

4 MR. ARNOLD: So, you have in  
5 front of you two IMAs. One with the Village  
6 of Cedarhurst amendment and one with the  
7 Village of Lawrence. Both of the IMAs come  
8 out of the settlement agreement that Connell  
9 Denion will bring up in a moment.

10 The Lawrence amendment is to have  
11 the county take over the collection of the  
12 sewer rates starting in 2021 and it also is a  
13 back payment of the monies owed. The  
14 Cedarhurst amendment is slightly different.  
15 Cedarhurst will continue to collect their  
16 sewer fees within their village and pay the  
17 county for the operation of the facility.

18 LEGISLATOR NICOLELLO: Can tell  
19 us how much is going to be paid to the  
20 county?

21 MR. ARNOLD: I believe Connell  
22 has that information. That's in the  
23 settlement not in the agreements.

24 LEGISLATOR NICOLELLO: Is Connell  
25 on yet? We are waiting for Connell Denion to

1 Rules - 10-26-20

2 log on.

3 MR. ARNOLD: Also I can do that  
4 one while we're waiting.

5 LEGISLATOR NICOLELLO: Okay. I  
6 also did call Sea Cliff.

7 MR. ARNOLD: The Sea Cliff  
8 amendment is tied to a project this body  
9 previously approved. This body previously  
10 approved a contract IMA with the village to  
11 sewer parts of Sea Cliff. When Sea Cliff took  
12 the bids on the project the bids came in  
13 better than anticipated. They requested that  
14 additional properties be added for the same  
15 amount of money originally allocated in the  
16 IMA. This amendment adds additional I think  
17 it was 44 or 47 additional properties that can  
18 be added to the sewer area that is being  
19 developed for the Village of Sea Cliff.  
20 There's no additional money. The cap in the  
21 original phase this just expands the scope.

22 LEGISLATOR NICOLELLO: Thank  
23 you. Do you know off hand how much of the  
24 Village of Sea Cliff will be sewer as opposed  
25 to cesspools or whatever?

1 Rules - 10-26-20

2 MR. ARNOLD: I know it's a good  
3 part of their downtown area. I haven't done  
4 exactly the percentages. But this expands  
5 within their downtown area which is a tightly  
6 packed community. So it's very beneficial to  
7 get as much sewerage as possible.

8 LEGISLATOR NICOLELLO: It's  
9 obviously advantageous from an environmental  
10 standpoint?

11 MR. ARNOLD: Yes. Back 20 years  
12 ago when I worked on the Hempstead Harbor  
13 Protection Committee this was identified as  
14 something that should be looked. So it's nice  
15 to see 20 years later this coming to fruition.

16 LEGISLATOR NICOLELLO: It's about  
17 average time for things to get done at the  
18 county.

19 MR. ARNOLD: It's been an ongoing  
20 project. Any type of sewer project is a big  
21 push because it's very expensive. Not a cheap  
22 project.

23 MS. HORST: Connell are you  
24 there?

25 MS. KRETZING: Yes, I'm getting



1 Rules - 10-26-20

2 on.

3 MS. HORST: Are you ready to  
4 discuss the settlements with the legislature?

5 LEGISLATOR NICOLELLO: Legislator  
6 DeRiggi-Whitton.

7 LEGISLATOR DERIGGI-WHITTON: Ken,  
8 before we move forward, I just want to thank  
9 you for all your work with Sea Cliff, it's  
10 been amazing, and I'm glad we had these  
11 savings. I still think only like ten to 15  
12 percent of Sea Cliff will be sewerred after  
13 this but at least we're --

14 MR. ARNOLD: It's good. It's the  
15 downtown area. It's the area that most  
16 benefitted by the sewer also.

17 LEGISLATOR DERIGGI-WHITTON: Some  
18 of the restaurants in Sea Cliff had their  
19 septic systems in the basement. You can  
20 imagine what an improvement this is going to  
21 be. It's kind of gross.

22 Do you have any idea when we think  
23 that we will be able to start the hookups with  
24 the commercial?

25 MR. ARNOLD: I have to talk to

1 Rules - 10-26-20

2 the village to see they are with the project.  
3 I would think sometime in the spring we might  
4 be able to issue permits to people as they  
5 come in.

6 LEGISLATOR DERIGGI-WHITTON: As  
7 far as hooking it up to the sewer system for  
8 the Glen Cove sewage treatment plant is there  
9 anything else that we have to do like  
10 permit-wise or anything?

11 MR. ARNOLD: Each individual  
12 homeowner will need to apply for a sewer  
13 permit. They got two years to do it because I  
14 think county health law once you have sewers  
15 valuable to you you have two years to connect.

16 LEGISLATOR DERIGGI-WHITTON: So  
17 the actual sewer itself is connected to the  
18 Glen Cove sewage treatment plant now?

19 MR. ARNOLD: At the end of this  
20 project it will be, yes.

21 LEGISLATOR DERIGGI-WHITTON:  
22 Thank you.

23 LEGISLATOR NICOLELLO: Are they  
24 ready? We have before us the items with  
25 respect to the villages of Cedarhurst and

1 Rules - 10-26-20

2 Lawrence. Just invite speakers from the  
3 county attorney's office to tell us about the  
4 settlements.

5 MS. KRETZING: Hi. It's Laurel  
6 Kretzing from the Bureau of Legal Appeals.  
7 I'm having a lot of feedback. Can you hear  
8 me? Are you on Connell?

9 MR. DENION: Yes.

10 MS. KRETZING: I just want to be  
11 clear that we're handling this settlement in  
12 full session and not in executive session?

13 LEGISLATOR NICOLELLO: That's  
14 accurate. Why don't you give us the details  
15 on the settlement.

16 MS. KRETZING: The facts of this  
17 matter were the county and the two villages  
18 entered into an agreement, an intermunicipal  
19 agreement back in 2008. It was amended in  
20 2009. The agreement called for the county to  
21 undertake the work necessary to incorporate  
22 the two villages sewer systems into the county  
23 system and have the sewage processed in Bay  
24 Park. The county undertook the work.

25 The connection date was to be

1 Rules - 10-26-20

2 achieved by January 1, 2012 and it was not  
3 achieved until October of 2015 for both of the  
4 villages.

5 According to the agreement as  
6 amended in 2009, the villages took ECF  
7 financing and they were obligated to continue  
8 to collect their sewer rents and then pay over  
9 to the county the excess of the sewer rents  
10 over and above the principal and interest on  
11 the ECF financing. The villages failed to pay  
12 the monies over and they also failed to  
13 provide the documentation that they were  
14 required to provide under the agreement.

15 After sending the requisite notice  
16 of default, the county -- we were required  
17 to -- we tried to work it out with the  
18 villages to no avail. We finally filed  
19 notices of claims with respect to the amounts  
20 that the county believed to be due, and after  
21 a series of negotiations we resolved the  
22 outstanding matters by compromising the claims  
23 and also by agreeing to the amendment. Which  
24 I couldn't tell whether Commissioner Arnold  
25 had spoken to that but Connell can speak to

1 Rules - 10-26-20

2 the amendment.

3 MR. DENION: Thank you Laurel.

4 The amendments I think Ken touched on them  
5 that the basic premise of the Lawrence  
6 amendment is that Lawrence will be  
7 incorporated into the sewer district as of  
8 January 2021. Whereas, Cedarhurst will not  
9 come into the district until either the county  
10 refunds the outstanding sewer debt or it  
11 matures. So that will be some point in the  
12 future. So Cedarhurst will not be folded into  
13 the district right away. And then we also  
14 clarified that the villages will each make  
15 payments annually for any amounts due until  
16 they become part of the district.

17 LEGISLATOR NICOLELLO: How much  
18 is coming to the county for the settlements?

19 MS. KRETZING: Lawrence is paying  
20 approximately \$5 million and Cedarhurst is  
21 paying approximately two and a half million  
22 dollars.

23 LEGISLATOR NICOLELLO: Thank  
24 you. Does anyone have any questions? Hearing  
25 none, any public comments? All in favor

1 Rules - 10-26-20

2 signify by saying aye. Those opposed?

3 Carries unanimously.

4 One other item on the Rules

5 Committee then we will go to the full

6 legislature. Other item is 308 of 2020. A

7 resolution to transfer funds within the

8 legislative budget control center LE15 on

9 behalf of the majority delegation to the

10 Nassau County Legislature.

11 I will move that. Seconded by

12 Deputy Presiding Officer Kopel. Is there any

13 debate or discussion on this item? Hearing

14 none any public comments? All in favor

15 signify by saying aye. Those opposed?

16 Carries unanimously.

17 Motion to adjourn by Legislator

18 Schaefer. Seconded by Legislator Rhoads. All

19 in favor of adjourning signify by saying aye.

20 Those opposed? Carries unanimously.

21 I neglected to do something before

22 but Legislator Bynoe had arrived at the very

23 beginning of the meeting, so I just wanted to

24 confirm the record she was present and voted

25 on all these items.

1 Rules - 10-26-20  
2 (Committee adjourned at 1:25 p.m.)  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 27th day of  
October 2020

-----

FRANK GRAY