1. Meeting Minutes 7-13-20

Documents:

FULL LEGISLATIVE SESSION, 07-13-20.PDF
NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Monday, July 13, 2020
1:40 P.M.
APPEARANCES:

LEGISLATOR RICHARD J. NICOLELLO
Presiding Officer
9th Legislative District

LEGISLATOR HOWARD KOPEL
Deputy Presiding Officer
7th Legislative District

LEGISLATOR DENISE FORD
Alternate Presiding Officer
4th Legislative District

LEGISLATOR KEVAN ABRAHAMS
Minority Leader
1st Legislative District

LEGISLATOR SIELA BYNOE
2nd Legislative District

LEGISLATOR CARRIE SOLAGES
3rd Legislative District
LEGISLATOR DEBRA MULE
5th Legislative District

LEGISLATOR C. WILLIAM GAYLOR III
6th Legislative District

LEGISLATOR VINCENT T. MUSCARELLA
8th Legislative District

LEGISLATOR ELLEN BIRNBAUM
10th Legislative District

LEGISLATOR DELIA DERIGGI-WHITTON
11th Legislative District

LEGISLATOR JAMES KENNEDY
12th Legislative District

LEGISLATOR THOMAS MCKEVITT
13th Legislative District

LEGISLATOR LAURA SCHAEFER
14th Legislative District
LEGISLATOR JOHN FERRETTI, JR.
15th Legislative District

LEGISLATOR ANDREW DRUCKER
16th Legislative District

LEGISLATOR ROSE WALKER
17th Legislative District

LEGISLATOR JOSHUA LAFAZAN
18th Legislative District

LEGISLATOR STEVEN RHOADS
19th Legislative District

MICHAEL PULITZER
Clerk of the Legislature
LEGISLATOR NICOLELLO: We don't usually need a roll call but since some of us are participating by remote video conference let's just confirm that we are all here.


Roll call. Deputy Presiding Officer Howard Kopel.

LEGISLATOR KOPEL: Here.

MR. PULITZER: Alternate Presiding Officer Denise Ford.

LEGISLATOR FORD: Here.

MR. PULITZER: Legislator Siela Bynoe.

LEGISLATOR BYNOE: Here.

MR. PULITZER: Legislator Carrie Solages.

LEGISLATOR SOLAGES: Here.

MR. PULITZER: Legislator Debra Mule.

LEGISLATOR MULE: Here.

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

LEGISLATOR GAYLOR: Present.

MR. PULITZER: Legislator Vincent
Full Leg - 7-13-20

Legislator Muscarella.

MR. PULITZER: Legislator Ellen Birnbaum.

Legislator Birnbaum.

MR. PULITZER: Legislator Delia DeRiggi-Whitton.

Legislator DeRiggi-Whitton:

Here.

Legislator Kennedy.

MR. PULITZER: Legislator James Kennedy.

Legislator Kennedy:

Here.

Legislator McKevitt.

MR. PULITZER: Legislator Thomas McKevitt.

Legislator McKevitt:

Here.

Legislator Schaefer.

MR. PULITZER: Legislator Laura Schaefer.

Legislator Schaefer:

Here.

Legislator Ferretti.

MR. PULITZER: Legislator John Ferretti.

Legislator Ferretti:

Here.

Legislator Drucker.

MR. PULITZER: Legislator Arnold Drucker.

Legislator Drucker:

Here.
Full Leg - 7-13-20

MR. PULITZER: Legislator Rose Marie Walker.

LEGISLATOR WALKER: Here.

MR. PULITZER: Legislator Josh Lafazan.

LEGISLATOR LAFAZAN: Here.

MR. PULITZER: Minority Leader Kevan Abrahams.

LEGISLATOR ABRAHAMS: Here.

MR. PULITZER: And Presiding Officer Richard Nicolello.

LEGISLATOR NICOLELLO: Here.

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

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

The first item is 152-2020. It had been up for emergency a couple of weeks ago and the emergency was defeated. What we are going to do to start things off is we need a
motion to reconsider which can be made by any member of the legislator who voted to grant the emergency.

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

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

On the emergency we will have Delia moving the emergency, seconded by Legislator
Ford. Any debate or discussion on the emergency signify by saying aye. Got a little mixed up there. All in favor signify by saying aye. Any opposed? Passes unanimously.

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

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

MR. SCHNEIDER: Brian Schneider, deputy county executive. I just wanted to thank the legislature for hearing this item today. I just wanted to introduce the project team from the Port Washington Water District. We have Bill Merklin from the consultant, from Dvirka Bartilucci. He will be giving you a short presentation on the project at
Full Leg - 7-13-20

Christopher Morley Park.

MR. MERKLIN: Thank you Brian.

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

We made these poster boards for a couple of highlights.

First of all, we are requesting an easement to expand an existing treatment plant in the Christopher Morley Park. There is an existing facility there. In fact, there's multiple buildings. There's three buildings for the wells, wells eight, nine and 11.
There's a treatment building for the air stripper and chemical treatment. There's a standby generator in a separate enclosure. And we are looking to expand that and add another facility next to it.

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

So, the requirement that's driving this are some proposed regulations that New York State Department of Health has put forth. They would establish new maximum
Full Leg – 7-13-20

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

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

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

The proposed building would be a brick and block building with a shingled roof. Maybe you can flip to that next one.
These are two views. The top view is from Searingtown Road. It will be built into the side of a hill. So the side that you see from Searingtown Road you would only really see the top half of the building. And then access to that would be at the lower level adjacent to the maintenance building.

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

But we have optimized the footprint to not waste any space and to fit it within the available space between the existing air stripper building and the county maintenance facility.
Time is of the essence. Currently the water district has a moratorium for all main services for developments larger than one family homes in place until this project can be completed. Also we have some mandatory irrigation requirements in place.

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

Following the learning on Friday that further public education is required beyond just the Port Washington Water District, we are currently working on three public information sessions. Which we're
hoping to do on July 23rd at ten a.m. Again on July 23rd at 6:30 p.m. and on July 27th at noon. I do have some follow-up questions about that before I conclude.

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

Before I take questions I just want to ask a question of my own which is, we are preparing these postcards for notice of these public meetings but we don't really know what the criteria is for who should be notified. Typically there's a radius or something along those lines. So I would like to ask for direction in that regard.
I also wanted to make note that timing is very critical here because the state legislature is in session next week and we are not sure when they would meet again. But we need them to vote on this in order to get the easement in place. With that I would then go to questions.

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

Just one correction. For today's purpose it's not the easement agreement that's before the legislature. It's actually the alienation of the parkland which is what requires the home rule message. We have also confirmed that apparently the legislature will be meeting over the next couple of weeks. You're correct, we don't know when they will be coming back. So a delay on the home rule
message at this time would delay this project for probably upwards of a year. I appreciate the fact that you have so quickly scheduled those public information sessions. I think that's vitally important. I just have a general question.

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

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

And then we looked to the north and realized that there was this unused space that really is not used by any of the park
residents as a park. It's just an unused area between our treatment plant and the maintenance building.

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

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

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

MR. WILLIAMS: This is not the
same and in fact would be less invasive. It would very quiet because it doesn't have any blower associated with it. It's really just a quiet building. The number of visits required by the operators will be the same as what currently happens in the existing facility. Maybe they would be there just a little longer each time.

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

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

MR. MERKLIN: Thank you so much.

LEGISLATOR NICOLELLO: It's been a major issue for water districts all over the state and all over Long Island and tremendous
Full Leg - 7-13-20

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

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

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

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

171 is a resolution requesting the
legislature of the state of New York to enact
and the governor to approve an act authorizing
the county of Nassau to alienate and sell
parklands to the Coleman Country Day Camp and Coleson Properties L.L.C.

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

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

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

Those motions are made by Legislator Ford. Seconded by Minority Leader Abrahams. Those are motions to establish
emergencies. Any debate or discussion on establishing the emergencies? Hearing none, all in favor of the emergency resolutions signify by saying aye. Those opposed? They carry unanimously. So with the consent of the minority, I'm not going to reread those items. I'm just going to call the numbers. That's 179, 180, 191 and B-15.

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

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

(Meeting was adjourned at two p.m.)
CERTIFICATION

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of July 2020

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FRANK GRAY