

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FULL LEGISLATURE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

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

NORMA GONSALVES
Chair

KEVAN ABRAHAMS
Minority Leader

ROBERT TROIANO

CARRIÉ SOLAGES

DELIA DERIGGI-WHITTON

JOSEPH SCANNELL

FRANCIS X. BECKER

HOWARD KOPEL

VINCENT MUSCARELLA

RICHARD J. NICOLELLO

JUDI BOSWORTH

WAYNE WINK

MICHAEL VENDITTO

JOSEPH BELESI

DENNIS DUNNE, SR.

DENISE FORD

JUDITH JACOBS

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER
Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: At this point in
3 time, Legislator Dunne please lead us in the
4 Pledge of Allegiance.

5 (Whereupon, the Pledge of Allegiance was
6 recited.)

7 CHAIRWOMAN GONSALVES: Mr. Muller,
8 please call the role.

9 CLERK MULLER: Deputy Presiding Officer
10 Nicoletto?

11 LEGISLATOR NICOLELLO: Here.

12 CLERK MULLER: Alternate Deputy
13 Presiding Officer Kopel?

14 LEGISLATOR KOPEL: Here.

15 CLERK MULLER: Legislator Troiano?

16 LEGISLATOR TROIANO: Here.

17 CLERK MULLER: Legislator Solages?

18 LEGISLATOR SOLAGES: Here.

19 CLERK MULLER: Legislator Ford?

20 LEGISLATOR FORD: Here.

21 CLERK MULLER: Legislator Scannell?

22 LEGISLATOR SCANNELL: Here.

23 CLERK MULLER: Legislator Becker?

24 LEGISLATOR BECKER: Present.

25 CLERK MULLER: Legislator Muscarella?

2 LEGISLATOR MUSCARELLA: Here.

3 CLERK MULLER: Legislator Bosworth?

4 LEGISLATOR BOSWORTH: Here.

5 CLERK MULLER: Legislator Wink?

6 LEGISLATOR WINK: Here.

7 CLERK MULLER: Legislator Venditto?

8 LEGISLATOR VENDITTO: Here.

9 CLERK MULLER: Legislator Belesi?

10 LEGISLATOR BELESI: Here.

11 CLERK MULLER: Legislator Dunne?

12 LEGISLATOR DUNNE: Here.

13 CLERK MULLER: Legislator Jacobs?

14 LEGISLATOR JACOBS: Here.

15 CLERK MULLER: Legislator Walker?

16 LEGISLATOR WALKER: Here.

17 CLERK MULLER: Legislator DeRiggi-

18 Whitton?

19 LEGISLATOR DeRIGGI-WHITTON: Here.

20 CLERK MULLER: Legislator Denenberg?

21 LEGISLATOR DENENBERG: Here.

22 CLERK MULLER: Minority Leader Abrahams?

23 LEGISLATOR ABRAHAMS: Here.

24 CLERK MULLER: Presiding Officer

25 Gonsalves?

2 CHAIRWOMAN GONSALVES: Present.

3 CLERK MULLER: We have a quorum.

4 CHAIRWOMAN GONSALVES: Thank you very
5 much.

6 At this point we have I believe two
7 points of personal privilege. We will begin with
8 Legislator Venditto.

9 LEGISLATOR VENDITTO: Thank you very
10 much Mrs. Presiding Officer and members of the
11 Legislature for allowing me to be with you today
12 to present this point of personal privilege. It
13 really is an honor to start the meeting this way,
14 by introducing you to a young man from my
15 hometown of Massapequa. His name is Sean Martin.
16 I found his story and some of the contributions
17 he's made to our community to be flat out
18 inspirational, and I think you'll agree with me
19 as I kind of recount what he's been working on
20 for the past few years of his life.

21 Sean is a 13 year old resident of
22 Massapequa who has really been instrumental in
23 helping a lot of people, along with his family.
24 His mother is here with us today. But he's also
25 taken an interest in helping animals in need, not

2 just in our hometown but across the country.

3 A couple of years back he realized that
4 animals in shelters across the Island were in
5 need of better care, in some ways, and in need of
6 a little bit of comforting. He and his friends
7 gathered together and collected supplies,
8 accessories, necessities, toys and food for
9 animals who were in a shelter in Huntington,
10 where his sister worked. They gathered together
11 about \$1,000 worth of supplies and they made a
12 donation to the Huntington shelter. Sean, seeing
13 the success that he was having with his endeavor
14 so far decided to spread his wings and thought
15 maybe we could go national, maybe even global
16 with some of this work. So he very, very
17 intelligently decided to start an organization
18 and a website that is called kidsadoptashelter.
19 The premise of kids adopt a shelter is such that
20 any kid across the country, anywhere in the world
21 for that matter, can, via the website that he
22 started up, adopt a shelter in his or her
23 neighborhood and organize drives much like the
24 one that Sean did near his hometown. Wouldn't
25 you know it, two years later and a lot of hard

work and a lot of support from great family and friends, kids in 26 different states of the country and in other countries, such as New Zealand, are now part of kids adopt a shelter, making a real difference in the lives of animals who are in shelters, helping to make them more comfortable and really doing good work to make sure that they are taken care of, provided for, as they await adoption.

Sean, you've made us all very, very proud to be residents of this County through the work that you've done. I want to comment you on a job well done. And on behalf of all of us in county government to you and to your family, I congratulate you. I'm sure we're going to be hearing a lot from you in the years to come. Keep up the good work, not only for your own future, not only for the future of all the animals who you are helping, but the for the future of each and every one of us who, as I said before, are very proud to be residents of this county because of young people like you.

CHAIRWOMAN GONSALVES: Thank you very much, Legislator Venditto.

2 There's the hope of the future right
3 there.

4 We were about 15 minutes late in coming
5 out into this chamber, and I apologize for that.
6 That's primarily because we have such a heavy
7 calendar today. And so we're going to begin
8 public participation, and there are a number of
9 people who have signed up. I am asking those of
10 you who are here for a particular item on the
11 calendar to please wait until that item is
12 called. And anybody who is not here for any item
13 on the calendar I will call so that everyone will
14 have a chance to speak.

15 I'm going to go to at least two o'clock
16 for public comment, in all fairness, since we did
17 come out a little late.

18 Legislator Becker would like to have a
19 few words.

20 LEGISLATOR BECKER: Thank you. Thank
21 you, Presiding Officer.

22 Our last meeting here was a rather
23 contentious one and it got the best of me. I
24 made a couple of comment that I really regret and
25 were beyond the normal political discourse. I

2 wanted to apologize to Mr. Suozzi and to the
3 Dolan Family, and of course I want to apologize
4 to my colleagues in this Legislature, and in
5 particular my colleagues on the other side of the
6 aisle. I really regret some of the comments I
7 made. It shouldn't happen. So I apologize.

8 I also, Presiding Officer, have a young
9 man who is shadowing me today. He is a Lynbrook
10 resident. He is a fine young student. He loves
11 science. He's on his way to becoming an Eagle
12 Scout, I'm sure. I just wanted to quickly
13 introduce him to you, each and every one of you.
14 Mark, would you please stand up? Mark Levine
15 from Lynbrook.

16 Thank you, Presiding Officer.

17 CHAIRWOMAN GONSALVES: You're welcome.

18 I'm going to call, as our first speaker,
19 Joanne Borden, since she's the first one who
20 signed in.

21 MS. BORDEN: Good afternoon. For
22 centuries people have been condemned for who and
23 what they are. Long ago, it was a nearby tribe.
24 After that, no one was exempt.

25 My father told me how signs on

1 establishments said no dogs or Irish allowed
2 before they said no dogs or Jews allowed. They
3 weren't that nice with African Americans,
4 Italians, Greeks, and others.
5

6 Today, prejudice against most groups has
7 diminished overtly. Transgender people are the
8 final people to openly hate. With all the
9 scientific knowledge that says we are a birth
10 variation, you condemn us. You condemn us for
11 having a biological imperative to express the
12 born gender we have inside us.

13 Ask yourselves has denying transgender
14 protection from discrimination evolved into self
15 interest? If so, you are violating a voter
16 trust.

17 There can only be a political reason or
18 raw hatred for refusing to provide me, and for
19 the transgender community, justice, equality
20 before the law. The rest of America is proud
21 that justice is blind but you make Nassau an
22 exception.

23 In February 2011, my legislator said he
24 doesn't have time for human rights, human rights
25 that would protect people from discrimination and

2 employment, housing and other life necessities.

3 Another legislator told me there are too many
4 classes protected already. If that makes any

5 sense, make is one class - universal civil

6 rights. Another in a kindly tone said why don't
7 you stop fighting, you can fit in an enjoy life.

8 I heard that same tactic used on nice Jews and
9 nice African Americans with my own ears. It's

10 time to stop supporting ancient and baseless
11 prejudice.

12 Most people in our state live with
13 transgender rights and there are no, and never
14 were, any ill effects. The overwhelming
15 majority, roughly three-quarters of the people of
16 our state favor equal rights for transgender
17 people. Before anything else, the first, the
18 very first business before anything else of
19 government is to protect its people.

20 Pass the gender clarification amendment.
21 Pass it now. Protect all of our people and do
22 the job you were hired for.

23 Thank you.

24 CHAIRWOMAN GONSALVES: Legislator
25 Jacobs.

2 LEGISLATOR JACOBS: Joanne, I just want
3 to say to you that, as I've told you many times,
4 when we passed -- we did pass a Human Rights
5 Bill. I just want to clarify the record. We
6 passed a very -- what we thought was a completely
7 far reaching and inclusive civil rights -- human
8 rights bill that would really take into
9 consideration any questions out there about
10 anything, and that we would not tolerate any
11 prejudices.

12 What's happening on the local level is
13 that there is a difference in opinion as to the
14 interpretation of our bill. Some people who
15 themselves are not the least bit prejudice, feel
16 that our bill covered gender, you know that.
17 Then there are others who are listening to you
18 and feel, well, if a simple explanation of what
19 gender is, the description of it, then let's put
20 it in. The City has it. Suffolk has it.
21 Westchester has it. We could have it.

22 But I'm going to make a suggestion to you
23 because, number one, I like you and I worry about
24 you. I know this is very aggravating. How many
25 times can you tell us the same thing and not see

2 anything happen.

3 You know I've written a bill -- not I,
4 our attorneys, with the support of my entire
5 delegation. We've put it in. It hasn't gotten
6 to the floor.

7 My question to you I guess is that I know
8 that there is a large organization out there that
9 is very devoted to making certain that all gender
10 rights are covered. I'm wondering if you've ever
11 gone - I hate to say this because I might be shot
12 at from either side - have you ever thought of
13 going around us and go higher and that would
14 definitely put our bill - we would have to put
15 our bill in compliance with that. That's just
16 another thought process I had. If it's not
17 working here, it might work elsewhere.

18 MS. BORDEN: I have petitioned the state.
19 There was a forum on the Genda bill - G-E-N-D-A -
20 Gender Expression Non-Discrimination Act. I also
21 made a video with my granddaughter for the Empire
22 State Pride Agenda.

23 I think it's more important than going
24 over your head. I think the important thing is
25 that every jurisdiction should, on their own,

1 recognize that all people deserve civil rights
2 and it can't be said too many. Actually, we
3 shouldn't even bother with the state; we should
4 be bothering with the federal government. We may
5 get some little relief from it with the ENDA - E-
6 N-D-A unemployment, which failed the last time
7 and just passed one of the committees, to protect
8 people's jobs. But I think it's very important
9 that local, state and federal government that
10 they really believe it, and that the people under
11 them surely know that they really mean it,
12 instead of it being imposed. I think it's very
13 important for us to do it.

15 LEGISLATOR JACOBS: I don't disagree
16 with you, and I wish that was so. I wish it
17 could happen. I haven't seen any indicator that
18 it will. And I hope I'm -- this is one time that
19 I really, truly hope I'm proven wrong.

20 MS. BORDEN: Previously the objection
21 was like here, complete no. Now the objection
22 has something to do with the bathroom issue. I
23 have issued an essay saying how stupid that is
24 because there are transgender men who have
25 whiskers and balding heads and developing pot

2 bellies and they have female chromosomes. If
3 they put anything about that in the law, they
4 would have to use the ladies room. I think the
5 ladies would be a lot more uncomfortable than
6 they would with me. I not only look like a
7 woman, I have the brain like a woman.

8 LEGISLATOR JACOBS: And that's very
9 good.

10 Listen. I won't give up trying. I'm
11 just trying to think of how to make your life a
12 little bit less repaulish.

13 MS. BORDEN: Thank you. I appreciate
14 it.

15 LEGISLATOR JACOBS: Okay.

16 CHAIRWOMAN GONSALVES: Now I have Gerard
17 Ottavino regarding the aquifer system of Nassau
18 County. You need to know that there is no item
19 on the calendar regarding LICAP or the Long
20 Island Commission on Aquifer Protection, so I'm
21 giving you the opportunity to speak and let your
22 voice be heard.

23 MR. OTTAVINO: Thank you. There are
24 myriad reasons to reject the proposed Long Island
25 Aquifer Protection Commission legislation. At

its core, the proposed legislation demonstrates sharp conflicts of interest such as Long Island water management will still be driven by water industry officers who may be experts at selling and distributing water but not necessarily experts in either aquifer protection or groundwater management. For instance, the Commission's first chair will come from a water facility possessing a vested and financial interest in water production and delivery, but need not be a water expert such as a U.S. geological survey hydro-geologist or groundwater engineer. Placing utility finances in a position to trump scientific expertise is certain to undermine the legislation's intent and therefore will not protect the aquifer system. Water quantity will continue to diminish and its quality will likewise degrade as water purveyors continue their business as usual on Long Island.

Participating utilities and consultants may subsidize the commission. For example, the Long Island Groundwater Institute, a proposed *ex officio* member, currently relies heavily on Suffolk County Water Authority donations.

Another point. There is nothing to prevent professional water consultants from representing both counties and New York City, most of which will have strain or competing agendas very, very soon. The proposed legislation relies heavily on New York State DEC to effectuate its own charge and regulate water withdrawals. However, having experienced million dollar budget cuts and loss of nearly 1,000 employees, the agency has been effectively disabled and is virtually affectless with regard to effecting water management, in particular, enforcing district withdrawal limitations and remedying superfund sites.

Other liabilities and questions to consider are that Nassau County is Suffolk's last line of defense against New York City water policy. As I read the Suffolk proposed I cannot help but think Nassau's only purpose is to buffer Suffolk against the City with Nassau ending up as the miner's canary or sacrificial lamb. Whether this is the case or not, the proposed Nassau legislation should be augmented to avail Nassau every protection possible, legal or otherwise,

against New York City opening its Jamaica wells.

On the matter of oversight and transparency, who will monitor the monitors? For instance, who will decide the commission's agenda? In particular, which water issues will be deemed appropriate and via what criteria? Also, who will determine violations, say, for exceeding pumpage limitations and how will respective enforcement be effected and fines assessed? Lastly, to whom will the commission be accountable and who will judge its performance?

In summary, the proposed legislation is indeed quite flawed and will neither advance adequate aquifer protection nor proper water management. Rather, it will affect the exact opposite, resulting in desalinization and ratification purification, hardly adequate substitutes for a pristine aquifer supply.

What is needed to save Long Island's water is not a commission driven by financial interest, but rather a science based compact that will replace unsustainable practice with scientifically based strategy. This recommendation is an already proven solution and

by examining the ongoing successes of upstate surface water compacts, such as the Delaware River basin compact --

CLERK MULLER: Your three minutes have expired, sir.

MR. OTTAVINO: Okay. Thank you.

CHAIRWOMAN GONSALVES: Would you like to submit your testimony to the clerk to become part of the record?

MR. OTTAVINO: I already have.

CHAIRWOMAN GONSALVES: Okay. Thank you very much. I appreciate it.

MR. OTTAVINO: Thank you.

CHAIRWOMAN GONSALVES: Legislator Ford.

LEGISLATOR FORD: Gerry, I just want to thank you very much for your comments. As always, you've always been an advocate for our waters, our surrounding waters, and especially our Lloyd Aquifer and the Magathy. I thank you very much. I think you're giving us a lot to think about and to consider.

CHAIRWOMAN GONSALVES: Thank you again.

Judi Bosworth. Legislator Bosworth.

LEGISLATOR BOSWORTH: Thank you. Gerry,

2 so this is one of the issues that we're
3 struggling with. And certainly the idea of a
4 compact for Nassau and Suffolk is something that,
5 as you know, I have been promoting.

6 One of the issues is that we don't have
7 the ability to have regulatory enforcement
8 mechanisms, and so that's why that kind of
9 legislation really needs to emanate from the
10 state and I'm hoping that it will. But I do
11 agree with what is being proposed with LICAP
12 really raises consciousness about the need to
13 protect our aquifers. I'm not entirely sure how
14 much it actually does in terms of truly
15 protecting them.

16 One of the things -- and Presiding
17 Officer, I'm hoping that you're considering the
18 amendments that we've placed into the bill,
19 number one is so that there would be minority
20 representation on this commission, as well as
21 some kind of funding restore to USGS so that if
22 the commission is looking at some of the data,
23 that there is actual data to be looking at. It
24 is my hope -- I'm so glad you brought up your
25 concerns -- that as we go forward that those two

2 items will be considered.

3 MR. OTTAVINO: Yeah. I was running
4 short on time. But one of my points was that on
5 both sides, in Suffolk and Nassau, the minority
6 is left out. I was going to suggest, the
7 testimony I handed in includes that the minority
8 side both in Suffolk and in Nassau be included.

9 CHAIRWOMAN GONSALVES: Mr. Ottavino, we
10 met with Legislator Bosworth and she brought that
11 to our attention and we said we would review it.
12 It's under consideration at this point.

13 MR. OTTAVINO: Thank you very much.

14 CHAIRWOMAN GONSALVES: Paula Blum, also
15 regarding I believe water.

16 MS. BLUM: Thank you. And I apologize
17 in advance for any redundancy.

18 I'm Paula Blum, Vice President of the
19 League of Women Voters of Nassau County. There
20 are many reasons why we do not believe that the
21 proposed Aquifer Protection Commission is the
22 best answer to the water related problems of the
23 County.

24 The Commission is directed by the
25 legislation to discuss issues, talk about the

1 problems, hold meetings, but will not have the
2 authority to implement policy or effectuate
3 solutions. Its preface will be to make
4 recommendations to others, such as the DEC, the
5 counties, the towns. It will be a passive entity
6 and its scientific expertise will be exceedingly
7 thin.
8

9 The commission proposal gives the
10 appearance of progress but could actually delay
11 efforts to achieve real progress in the
12 management and protection of our aquifers.

13 What we need at this point is a team of
14 professional hydrologists and groundwater
15 management scientists to move past talk to devise
16 the best strategies and practice, and then take
17 action to bring our water situation from
18 unsustainable to sustainable.

19 The proposed legislation shows, as Mr.
20 Ottavino indicated, conflicts of interest and
21 this hardly seems appropriate that the majority
22 of the -- well, a large portion of the commission
23 really would be related to the water industry and
24 they're the ones who are extracting the water.

25 The commission appears also weighted

2 towards Suffolk County. Was it not the Suffolk
3 County Water Authority that attempted to open the
4 Lloyd Aquifer to all users and destroy the Lloyd
5 Moratorium?

6 The proposed legislation relies heavily
7 on the DEC. But having had significant budget
8 cuts, as was also mentioned, the DEC does not
9 have the wherewithal to do more than it already
10 does, and it has actually not done very much at
11 all regarding the groundwater supply. Why should
12 we assume that it will suddenly change and do
13 what needs to be done?

14 The post-legislation appears skewed in
15 favor of protecting Suffolk over Nassau. Why?
16 Nassau's water supply is on the line, vulnerable
17 to New York City's plans to reopen the Jamaica
18 water pumps and even to purchase for Nassau
19 County water suppliers. Who is going to protect
20 Nassau's water?

21 What we feel makes far more sense is the
22 establishment of a Long Island Water Compact,
23 analogous to the water compacts that monitor and
24 manage the surface water supplies all over the
25 rest of New York State. The compact would

2 provide water studies, like the ones that Nassau
3 County sponsored until 1998, which provided
4 important information and recommendations, and it
5 would implement those recommendations, something
6 the County did not do after the 98 report or
7 previous ones.

8 The compact would partner with the
9 U.S.G.S. to ensure a continuing stream of vital
10 information. It would have the mandate,
11 expertise, and ability to take necessary action
12 to manage and protect the groundwater of Long
13 Island for the betterment of both counties.

14 CHAIRWOMAN GONSALVES: Ms. Blum, would
15 you mind submitting that for the record?

16 MS. BLUM: Yes. I'm doing that. I just
17 found one thing that I'm missing in it, which I
18 am correcting before I submit.

19 CHAIRWOMAN GONSALVES: Thank you very
20 much.

21 Paula, Legislator Jacobs has something to
22 say to you.

23 LEGISLATOR JACOBS: Paula, I just wanted
24 to say one thing to you.

25 Yes, Suffolk Water Authority was on the

verge of coming into Nassau and breaking into the Lloyd Aquifer. My colleague, Denise Ford, and I went to New York State -- to a New York State hearing on it at Stony Brook --

MS. BLUM: Right.

LEGISLATOR JACOBS: and spoke together. May Neuberger, I have to say may she rest in peace, blew us both away because she had the history on it, and we stopped it. But I happen to agree with you, that should not be necessary. Both Denise and I felt it from the heart but we didn't have the factual items that would have helped a lot. But we were lucky that May was there and it all worked out fine.

I happen to agree with you. We need something in place that we don't have to go into a panic like that.

MS. BLUM: Right. And I would urge the county to encourage the state legislators in your respective parties that when legislation does come up on this that they encourage them to support it.

CHAIRWOMAN GONSALVES: Legislator Bosworth.

2 LEGISLATOR BOSWORTH: Paula, thanks for
3 your testimony. Of course you bring up those
4 very, very important points.

5 As many of you know, Suffolk County
6 Legislator William Spencer and I held three
7 hearings throughout the Island to find out about
8 what people thought and felt about protecting our
9 aquifers. The response was quite strong. Judy
10 Jacobs came to some of those meetings. Wayne
11 wink did. Denise Ford did. We had bipartisan
12 representation. And David Denenberg, excuse me,
13 of course.

14 One of our former mayors got up and said
15 we're tired of NATO. Everybody looked around and
16 said what does that mean? And it was no action,
17 talk only.

18 And so one of the concerns about LIPAC,
19 which is, as I said before, does raise
20 consciousness but it appears to be, again, people
21 sitting around talking about concerns without
22 actually having the ability to do anything about
23 it. So, certainly what I took from those
24 hearings is that we really do need to have state
25 legislation that provides the ability to regulate

2 and to enforce and protect our water.

3 Thank you.

4 CHAIRWOMAN GONSALVES: Thank you very
5 much.

6 Laura Hunsberger. I have a number of
7 people from Cornell. I'm looking at the clock
8 and I'm not too sure we're going to get to all of
9 you before we go into the regular session. I'll
10 get to as many as I can, depending on how quickly
11 you can say what you have to say.

12 Go ahead, Laura.

13 MS. HUNSBERGER: Thank you.

14 Republicans inspired the creation of
15 Cooperative Extension. I am Laura Hunsberger,
16 the Executive Director of the decidedly
17 nonpartisan Nassau County Cooperative Extension.
18 And as I stand before a republican majority in
19 this chamber today with a republican executive
20 concluding his first term, I respectfully submit
21 it will be the members of the grand old party who
22 will determine the fate of Extension as its
23 centennial approaches.

24 Whether it's 100th anniversary is one of
25 patriotic extension or a funeral this fall will

1 be determined by you this summer, in this
2 building named for a great republican and Long
3 Islander.
4

5 Extension seeks merely one one hundredth
6 of a penny for each county budget dollar to
7 continue its long legacy of proud, faithful
8 service.

9 President Lincoln established the first
10 land grant schools when he signed the Moral Act
11 in 1862. The purpose of the Act is to, "Teach
12 agriculture and the mechanic arts in such a
13 manner as the legislatures of the states may
14 respectively prescribe in order to promote the
15 practical education of the industrial classes and
16 several pursuits and professions in life."

17 I ask you to think of that great
18 republican's intent every time you see a penny
19 and the tiny copper sliver of it that Extension
20 now seeks to survive and, if support with
21 appropriate funding, to thrive.

22 President Roosevelt envisioned a national
23 extension system establishing a commission that
24 called for the expansion of the extension system
25 to distribute information and inspiration to

2 every person in the land in hopes that they might
3 be motivated to adopt a scientific agriculture to
4 improve their own condition. To improve their
5 own condition; that is Extension's primary
6 mission, teaching people how to improve their own
7 condition.

8 A 1914 agreement established shared
9 extension funding between federal, state, and
10 local governments, and the Smith-Lever Act aimed
11 to instill education and economic development.
12 Its purpose was to create a land grant system in
13 which academic knowledge would be disseminated
14 widely using the demonstration method to empower
15 people to improve their own condition.

16 New York enacted County Law 224
17 empowering this Legislature to provide the public
18 benefits generated by extension. As a matter of
19 that law, Extension is a subordinate government
20 agency. And stated a purpose of that law is
21 community betterment. The extent to which New
22 York provides Extension funding for community
23 betterment is dependent on, and a function of,
24 the extent to which this County funds extension.
25 Should you decline to provide appropriate annual

1 budget funding all of those dollars from Albany
2 and all of those dollars from Washington, D.C.
3 would all go elsewhere, to the detriment of your
4 constituents. Refusing to fund Extension simply
5 does not make financial sense.
6

7 County funding has been cut by nearly 97
8 percent since 1999. This retrenchment resulted
9 in slashing full-time staff by over 50 percent,
10 reducing and eliminating numerous programs,
11 instituting furloughs, and a host of cost cutting
12 measures, while relying on high interest loans
13 from Cornell University to fill the gap. We have
14 done more with less for years, and we have no
15 reached the end of our rope.

16 I ask you to consider if Mr. Roosevelt
17 was still alive what he might say to you if
18 Extension was eliminated. No county extension
19 office in New York has ever closed, any century,
20 under such circumstances. You are the elected
21 decision makers of this County, the wealthiest in
22 all of New York, and you have the unique
23 opportunity to make history, although I dare say
24 it would not be the sort of history in which any
25 of us would be proud.

The stock market is now at record levels, Long Island employment is far outpacing the rest of the state. Home sales, starts and prices are all up significantly. County sales tax revenues are up more than 11 percent, year over year, and 2012 ended with a \$41.6 million budget surplus.

Refusing to fund Extension would likely be its death now and it would be statewide news because it has never happened in the 100 year history of extension in New York.

CLERK MULLER: Your three minutes have expired, ma'am.

MS. HUNSBERGER: Thank you.

CHAIRWOMAN GONSALVES: Laura, please.

LEGISLATOR ABRAHAMS: How are you, Laura?

MS. HUNSBERGER: I'm fine, thank you.

LEGISLATOR ABRAHAMS: I apologize. I know you wanted to try to meet with me last week, and I apologize. I just wanted for our position, just to make sure we're clear on the record.

What you're trying to obtain is a budget line, which you have always had --

MS. HUNSBERGER: That's correct.

2 LEGISLATOR ABRAHAMS: in the Nassau
3 County budget that spells out Cornell Cooperative
4 Extension.

5 MS. HUNSBERGER: That's correct.

6 LEGISLATOR ABRAHAMS: It has always been
7 our passion - and I believe I think I can
8 probably speak for everybody but maybe I can't.
9 It's always been our passion to make sure that
10 you receive that budget line; this year is going
11 to be no different. We're going to push to try
12 to get you as much resources.

13 I know the tremendous work. I had an
14 opportunity to visit a couple of your programs
15 and see the tremendous amount of work that you
16 do. I think in this day and time when we're able
17 to support programs, we should be supporting
18 yours and we look forward to doing that in the
19 upcoming budget cycle. However, we don't have to
20 wait for the budget cycle. Obviously, a board
21 transfer, shift in the money into a budget line,
22 as long as a line is created during a budget
23 cycle, it could be done at any time. Am I
24 correct with that assumption?

25 MS. HUNSNBERGER: I'm uncertain.

LEGISLATOR ABRAHAMS: If the line is created -- why would -- I'm just confused. We're talking about an actual line in the budget document. The line is still there today, isn't it?

LEGISLATOR MUSCARELLA: If I might. As far as I know, in 2007 the prior administration cut the line completely.

LEGISLATOR ABRAHAMS: So the line is totally out?

LEGISLATOR MUSCARELLA: That's correct.

LEGISLATOR DENENBERG: No, no. In 2007 there --

CHAIRWOMAN GONSALVES: Excuse me.

LEGISLATOR DENENBERG: was a budget amendment by Legislator Jacobs -

CHAIRWOMAN GONSALVES: Legislator Denenberg, you go through the Chair. And I have something to say at this particular time. When you are recognized, you can then say what you have to say.

LEGISLATOR ABRAHAMS: If I could just finish real quick now that I got clarification. I want to thank Legislator Muscarella for

2 clarifying it.

3 The bottom line is whatever is said about
4 they cut this, we cut that, you're not getting
5 funded today. So, going forward we want to make
6 sure that you are. We're reaffirming our
7 commitment for your program today. I would love
8 to be able to say this is done bipartisanly and
9 it's unanimous. Hopefully the majority can give
10 you that level of assurance, too. That's what we
11 plan to pursue. Hopefully when we sit down in
12 the next couple of weeks we will be able to come
13 up with a hard number which will enable you to
14 sustain your program level in Nassau County,
15 which is very good.

16 Thank you.

17 MS. HUNSBERGER: Thank you.

18 CHAIRWOMAN GONSALVES: Laura -

19 MS. HUNSBERGER: Yes.

20 CHAIRWOMAN GONSALVES: You know that I
21 have been communicating with you and Nancy -

22 MS. HUNSBERGER: That's right.

23 CHAIRWOMAN GONSALVES: regarding getting
24 you back into the budget.

25 MS. HUNSBERGER: Right.

2 CHAIRWOMAN GONSALVES: At this point in
3 time, we are going to be able to get Cornell back
4 in the budget. Even though it's not the amount
5 that you want, you will have that separate line.
6 And that's when board transfers can take place.
7 It's got to be part of the next budget, really.
8 It's going to be in the Parks Department.

9 We are listening. And you know how dear
10 it is to me that you get funded adequately and
11 make sure that we do not jeopardize, we do not
12 jeopardize your funding from Cornell.

13 This is a very important issue to
14 everyone on this panel, and nobody would -- I
15 said we would do everything we can to get you
16 back in the budget.

17 The other thing that I have done and will
18 continue to advocate on behalf of Cornell is the
19 fact that we have the ability to use hotel/motel
20 money. I've already obligated my share of the
21 hotel/motel money to Cornell. Maybe some of the
22 other legislators would like to do that as well.
23 But at the present time - no, it's okay. Then
24 you can find out. I'll help you find out. How's
25 that? They don't know their share either. They

1 don't have a share either. I had a share. How's
2 that? No. Hold on. Hold on.

3
4 LEGISLATOR ABRAHAMS: This is easy. I
5 didn't even know I had a share.

6 CHAIRWOMAN GONSALVES: No, no. They
7 don't have shares either. Just me and him.

8 LEGISLATOR ABRAHAMS: From my
9 understanding, it sounds like the Presiding
10 Officer and the Minority Leader have shares. Let
11 me give myself - my office a week. Can we get a
12 week to find out our share? We will --
13 apparently you guys don't have a share, that's
14 what I'm being told. I don't want to make humor
15 into this because it's a serious issue. It's a
16 very serious issue.

17 CHAIRWOMAN GONSALVES: Hold on. I used
18 the wrong --

19 LEGISLATOR ABRAHAMS: What I want to
20 say to Laura -

21 CHAIRWOMAN GONSALVES: word. I should
22 not have said shares. Okay?

23 LEGISLATOR ABRAHAMS: Okay.

24 CHAIRWOMAN GONSALVES: I am well aware
25 of the fact that everybody is interested in

2 helping Cornell. If there's an opportunity for
3 me to do so, I will do so. That's exactly what -
4 -

5 LEGISLATOR ABRAHAMS: All I was going -
6 -

7 CHAIRWOMAN GONSALVES: Don't look for a
8 share because you're --

9 LEGISLATOR ABRAHAMS: No. All I was
10 going to do was commit whatever resources that we
11 have, that the presiding officer was able to
12 dispose of to you, I would commit it to you as
13 well. We'd match dollar for dollar.

14 CHAIRWOMAN GONSALVES: We'll talk about
15 it.

16 LEGISLATOR ABRAHAMS: We'll talk about
17 it.

18 MS. HUNSBERGER: Thank you very much.

19 Rob Walker did indicate --

20 CHAIRWOMAN GONSALVES: See, we're all
21 fighting for you.

22 MS. HUNSBERGER: Thank you.

23 CHAIRWOMAN GONSALVES: I promised them
24 that -- can I just take a couple of more -- can
25 you do it in 30 seconds?

LEGISLATOR DENENBERG: First, in the past, because you had come to Presiding Officer at the time Jacobs to make a point that you need a line item in there, what's important for all of us to know, when you do have a line item in our budget, which Legislator Jacobs and myself made an amendment to put in on 07 and then it kept in, if it was ever taken out, you get to augment it from funding from elsewhere, namely the state, that benefits all of us.

MS. HUNSBERGER: Correct.

LEGISLATOR DENENBERG: We would be the only county without Cornell Cooperative --

MS. HUNSBERGER: That's right.

LEGISLATOR DENENBERG: At least in the downstate area. We can't let that happen. That's one.

And this is at least the second or third time we've heard about hotel/motel tax shares, which I think was invented --

CHAIRWOMAN GONSALVES: I used the wrong word.

LEGISLATOR DENENBERG: under Presiding Officer Schmitt. And I think every legislator

should get those shares.

CHAIRWOMAN GONSALVES: I said to --

LEGISLATOR SCANNELL: Thirty seconds, if I can.

CHAIRWOMAN GONSALVES: He took more than 30 seconds, Joe.

LEGISLATOR SCANNELL: Laura, you guys do an amazing job. Thanks so much for coming. It's an amazing place. My kids both go to the camp out east.

MS. HUNSBERGER: And we really enjoyed having Brittany as a counselor.

LEGISLATOR SCANNELL: Oh my god. It's an unbelievable place. She's been there for years, summer after summer. Everybody here, it's a great, great place. It's an affordable place in a time when camps are really, really, really tough for people to meet financially. This place does an amazing job at a reasonable price. Like I said, it's a great experience. They can go one week at a time. They can go the whole summer. It's so flexible. The camps try to lock you in at a high rate for the whole summer. This place does it great, professionally, it's neat, and the

2 kids have an amazing job.

3 Thank you.

4 MS. HUNSBERGER: Thank you.

5 CHAIRWOMAN GONSALVES: In light of the
6 fact that some of us had to speak and take time
7 away from you, guess what? I'm going to give a
8 few more speakers the opportunity to address the
9 legislature. And I don't know whether or not --
10 and in all due fairness to those who are sitting
11 here for so long, I wish we would just, you know,
12 restrain from commenting and let them get on the
13 record with their thoughts, if you don't mind.
14 I'm looking at you, yeah.

15 Edward -- I'm going to mispronounce your
16 name, I know I am -- Pekarek.

17 MR. PEKAREK: Pekarek.

18 MS. HUNSBERGER: My concern, Presiding
19 Officer Gonsalves, with the hotel/motel are the
20 restrictions that come along with it.

21 CHAIRWOMAN GONSALVES: You know what
22 they're for. You know what that money is used
23 for, historic and educational programs.

24 MS. HUNSBERGER: Correct. And that
25 really only applies to our East Meadow farm. We

2 have many other costs and -- incurred costs
3 within our business that are not being funded by
4 a funding stream such as hotel/motel. And as I
5 had mentioned to you during a previous
6 conversation, when I spoke with Rob Walker he did
7 indicate 200,000 of hotel/motel that would be
8 available to us. But I do question how that
9 would be operable for the rest of our
10 Association.

11 CHAIRWOMAN GONSALVES: You got it right
12 when I said to you that the monies are used for
13 historic and educational program.

14 MS. HUNSBERGER: Yes.

15 CHAIRWOMAN GONSALVES: And the farm is
16 typical of that program.

17 LEGISLATOR SCANNELL: They've got the
18 camp.

19 CHAIRWOMAN GONSALVES: That's the
20 criteria for hotel/motel money.

21 LEGISLATOR SCANNELL: So that's why if
22 they could just give her a line for a teeny bit
23 amount --

24 CHAIRWOMAN GONSALVES: Mr. Scannell --

25 LEGISLATOR SCANNELL: Like a dollar.

2 One dollar, that's all.

3 CHAIRWOMAN GONSALVES: I just said that
4 we are planning to give them a line.

5 LEGISLATOR SCANNELL: Perfect.

6 CHAIRWOMAN GONSALVES: And giving them a
7 line makes it possible for us to increase
8 funding.

9 LEGISLATOR SCANNELL: A line for a
10 dollar is all they need to get the maximum
11 funding.

12 CHAIRWOMAN GONSALVES: We're getting
13 them back in the budget so that Cornell
14 University makes sure that they are a viable
15 organization in the eyes of Nassau County.

16 I'm sorry, Edward.

17 MR. PEKAREK: That's okay, Presiding
18 Officer. My surname is pronounced Pekarek. My
19 name is Ed Pekarek. I am a lawyer and during the
20 last four years a professor of law. And I, like
21 many in this chamber, do not like paying taxes.
22 Ms. Hunsberger commented about two of the great
23 Americans immortalized on Mount Rushmore; I will
24 give the other two their due.

25 George Washington wrote in 1786, Nothing,

1 in my opinion, would contribute more to the
2 welfare of these states than proper management of
3 our lands, and nothing seems less understood.
4

5 Extension partners with local green
6 industry organizations, training landscapers and
7 nursery personnel to use best practices for
8 integrated pest management. One organization
9 sites that training as a seal of approval at
10 NSLGA.org. Extension instills an ethos to avoid
11 using toxins whenever safer alternatives are
12 available.

13 No matter which side of the aisle we
14 occupy, we all have at least one thing in common,
15 the need for clean water. We all get that water
16 from the safe aquifers flowing beneath our feet
17 right now.

18 It's been 228 years since Washington
19 penned that passage, and it is no less true
20 today.

21 Improper practices may be our ruin of our
22 natural resources. How many landscapers and
23 nurseries are there in Nassau County? How many
24 acres of manicured lawns and golf courses do we
25 have? The Extension is part of a framework

2 providing poisonings from entering the soil that
3 would migrate to your tap, your ice cubes, your
4 showers, not to mention our ponds, streams,
5 lakes, rivers, the Sound, the Great South Bay,
6 and our Atlantic beaches. If it closes a
7 dangerous gap will exist. If clean water is not
8 a priority on an island, I really don't know what
9 could be possibly more important economic policy.

10 And speaking of closing of gaps,
11 Extension is working presently on a project with
12 the Long Island Sound study to protect our assets
13 further, which, if Extension still exists, will
14 also be produced in Spanish. This is but one of
15 many forward looking programs and resources it
16 provides.

17 I noted my dislike for taxes and nothing
18 could be truer. But equally true is that moments
19 exist in which partisanship must stop and
20 pragmatism must begin; this is one of those
21 moments.

22 Eliminating Extension would also
23 eliminate innumerable benefits that flow to your
24 constituents every day, regardless of race, age,
25 religion, sex or social station and it does so

1 with great frugality. If freezing county tax
2 burdens while maintaining and improving
3 government services is a priority, funding
4 Extension would be an easy decision, especially
5 when nearly one half billion dollars in proposed
6 ordinances are on today's agenda.
7

8 Thomas Jefferson wrote frequently about
9 growing food. In this passage he wrote, in 1785,
10 to John Jay, our second governor and first
11 supreme court chief justice seems salient for the
12 decision you will make regarding Extension's
13 fate.

14 Cultivators of the earth are the most
15 valuable citizens, they are the most vigorous,
16 the most independent, the most virtuous, and they
17 are tied to their country and wetted to their
18 liberty and interest by the most lasting by the
19 most lasting bonds.

20 Cultivators are here today and there are
21 hundreds, if not thousands more, who care deeply
22 about this issue who could not be present. I ask
23 respectfully on behalf of those many citizens
24 that you weigh the profound impact on your
25 decision with great care because if it results in

the unprecedented closure of Extension, lasting consequences will follow.

The Hempstead Plains Native Plant initiative underway with Betsy Gulotta would probably be scuttled in its infancy, as would the current master gardener's volunteer landscape design projects at Bethpage Village and Chelsea Mansion. So too would the countywide beautification planned with the Department of Public Works, along with the summer camp at which 92 children from Legislator Ford's district attended during the last two year as campers and counselors, along with the nutrition education that 531 of Legislator Troiano's constituents received and almost 900 of Nassau's elders received at dozens of local senior citizens. Children's education gardening programs would grind to a halt, as would preventative invasive species education. The Grossman's Farm partnership in Legislator Becker's district and Stewardship of East Meadow Farm in Presiding Officer Gonsalves' district all would be forever lost.

Legislator Walker commemorated lost loved

2 ones in the 4H Family recently for a Memorial Day
3 tree planting at the 4H Camp arboretum, with
4 plaudits that brought to the tears of many of the
5 nearly 100 who attended and who view their bond
6 as familial.

7 CLERK MULLER: Your three minutes have
8 expired, sir.

9 MR. PEKAREK: My prepared remarks have
10 been submitted for the record. If you have any
11 questions, I'd be happy to answer them.

12 CHAIRWOMAN GONSALVES: Thank you very
13 much.

14 I am going beyond the hour, and I have
15 several speakers from Cornell. I will be able to
16 have two more speakers from Cornell and the
17 others will either speak after our meeting which
18 can go on for a while, I'll be honest with you,
19 or you can submit any testimony to the Clerk for
20 the record.

21 MR. PEKAREK: Thank you very much.

22 CHAIRWOMAN GONSALVES: Thank you, Mr.
23 Pekarek.

24 MR. PEKAREK: Pekarek.

25 CHAIRWOMAN GONSALVES: Mr. Pekarek.

2 Robert Sympson, and then after that Nancy
3 Youngfert, and then that's it.

4 MR. SYMPSON: I guess after the last
5 speaker I must be a cultivator.

6 Good afternoon, ladies and gentlemen. I
7 am Bob Sympson, a 60 year resident of -- 25 year
8 volunteer in Nassau County. I am also a director
9 of Cornell Cooperative Extension and chairman of
10 the camp committee. My purpose today is to
11 continue to reiterate the importance of the 100
12 year old partnership of Nassau County and CCE.

13 If you cease to adequately fund Cornell
14 Cooperative Extension, this program will be shut
15 down: Nassau County Camp, 89 years, 1924 to
16 2014, the oldest camp in New York State called
17 the Dorothy P. Flynn Camp, 145 acres near
18 Riverhead, serving now three generations of
19 youngsters. Some people ask me what's 4H mean?
20 What are the Hs? Well, one is Head, managing and
21 thinking; one is heart, relating and caring; one
22 is hands, giving and working; and one is health,
23 being healthier and better living. Are these not
24 important timeless values to continue to instill
25 in our present day youth?

1 The Nassau County Master Gardening Plan,
2
3 I'm sure Nancy will talk on this, the limitless
4 value of over 100 dedicated master gardeners,
5 under two staff people, with a new class to begin
6 in September; the East Meadow Farm and
7 Horticultural Center, in its second season,
8 second season with 60 personal community gardens,
9 display gardens, horticultural research
10 activities and school gardens, all of which can
11 be found in the center of the County, not up in
12 Plainview or, you know, wherever, and put
13 together and organized by master gardeners'
14 efforts. I'm sure that each of you has residents
15 who are making use of that facility.

16 Your local school, village site community
17 environmental events will end. Throughout the
18 years CCE has reached out to all residents of the
19 county, whether in horticulture, nutrition,
20 homemakers and the youth services like 4H. For
21 example, as planning was undertaken in Lynbrook
22 for a community garden some 20 years ago, CCE was
23 there and 40 gardens continued to be tilled.
24 Legislator Becker, of course, is very familiar
25 with this. We now have the Marion Street School

2 Garden at two Lynbrook schools. And something
3 I'm very proud of that CCE has been involved in
4 recently as yesterday, the Hewlett High School
5 began a fall planting of its vegetable gardens,
6 which began just in the spring, and cared for its
7 tree nursery located behind the historic Hewlett
8 House that's the county property but the property
9 behind is the school districts. Excess produce
10 has been delivered regularly to the Inn in
11 Hempstead during this summer, another lesson in
12 values. I'm sure many of your constituents have,
13 in some way, been touched by CCE.

14 For 20 years CCE -- this is another
15 variation of what we do -- has been a partner
16 with the New York Urban Forestry Council and
17 Volunteer Relief Organization hosting monthly
18 countywide meetings and workshops on suburban
19 trees.

20 CLERK MULLER: Your three minutes have
21 expired, sir.

22 MR. SYMPSON: Five minute?

23 CLERK MULLER: Your three minutes have
24 expired.

25 MR. SYMPSON: Alright. You want me to?

2 CHAIRWOMAN GONSALVES: Wrap it up, Mr.
3 Sympson.

4 MR. SYMPSON: Okay. I just wanted to
5 say that CCE partnered with the Village of East
6 Rockaway and 4H Kids and did a tree survey of the
7 whole village a couple of years ago. And what
8 we've done in terms of trees has been so
9 important that the federal government, U.S.
10 Forestry Service now provides funding for
11 community - partial not total - but funding for a
12 community forestry educator. And our staff is
13 now working on tree/city status for the county as
14 well as the completion of a Dr. Nowak's
15 (phonetic) Forestry Management Plan.

16 So these are all -- some of the things
17 that we've been working on. If funding ends so
18 do these programs and options. The continuum
19 ends after 100 years. What is the raise on debt
20 tray of our county?

21 Thank you very much allowing me to speak.

22 CHAIRWOMAN GONSALVES: Thank you, Mr.
23 Sympson.

24 And the last speaker for now would be
25 Nancy Youngfert. I will make an announcement so

2 that those who are here for other items, I will
3 be able to tell you a little bit more.

4 Nancy.

5 MS. YOUNGFERT: Good afternoon, ladies
6 and gentlemen of the Legislature. Thank you for
7 allowing us to come here. I'm going to cede my
8 three minutes to a person who has come here to us
9 today, his name is Charles Pellegrino. He is
10 here representing himself but he is also a former
11 camper and, from what I'm understanding, a mighty
12 successful business person. He would like to
13 speak. And Bob did a wonderful job of telling
14 you everything I was going to say. So I'm ceding
15 my three minutes to Charles Pellegrino. Thank
16 you.

17 MR. PELLEGRINO: Thank you.

18 CHAIRWOMAN GONSALVES: Name for the
19 record, Charles.

20 MR. PELLEGRINO: Charles Pellegrino. I
21 started as a camper with the 4H camp at about age
22 12. I am now age 60. I remember some years ago
23 a Stephen King story that became the movie Stand
24 By Me, ended with I never had friends again like
25 I had when I was 12 years old; who does? I still

1 have the same friends I had when I was 12 years
2 old. We met up at the Dorothy P. Flint 4H Camp.
3 Three of us have gone on to write books together,
4 one of them is the curator of the Air & Space
5 Museum here on Long Island, the Cradle of
6 Aviation Museum. Another one, we actually
7 originated what became the Europa Theory at the
8 4H Camp, and we began our earliest designs of a
9 space probe that would get through the ice of
10 Jupiter's moon Europa, looking for life; that's
11 now on the NASA drawing boards. We've scattered
12 across the world, to opposite sides of the world
13 sometimes, onto the high seas, and even deep
14 under them, and part of that Europa space probe
15 prototype was actually something that was built
16 by a guy named James Cameron and tested two and a
17 half miles down at the Titanic.

18
19 I no longer dive to the bottom of the
20 ocean in submersibles two and a half miles down
21 to the Titanic and the Hydrothermal vents; that's
22 partly because of some of the values that I
23 learned at the 4H Camp. The 4H is standing for
24 head, heart, health, and hands.

25 In 2001 I came back from the Titanic and

1 9-11 had happened and I knew that the physics I
2 had been studying out there, there were about a
3 half dozen of us in the world who had to go into
4 Ground Zero and study that same physics,
5 hopefully to save lives in the future. I had to
6 come to a decision. I knew that I would be going
7 into very toxic air, that I would probably get
8 sick and the team I was working with, that we
9 would get sick and, in fact, I did and that's why
10 I don't go to the bottom of the ocean anymore. I
11 did a lot of damage to my lungs. I came to that
12 decision.

13
14 Looking all the way back to when I was 12
15 years old making that pledge at the 4H Camp that
16 sometimes you do have to look forward and maybe
17 have to give part of your health to the future
18 and to think of the other person first. That, to
19 me, is one of the values not just that a bunch of
20 us kids who were interested in science got
21 together at the camp and then out there we found
22 some of the best science teachers on the planet
23 to work with us. Maybe above all that, even the
24 values that we took away from our experience
25 there.

2 Thank you.

3 CHAIRWOMAN GONSALVES: Thank you, Mr.
4 Pellegrino.

5 At this time we are going to go on to the
6 calendar. Those of you who are here to speak on
7 certain items on the calendar, you will be called
8 during public participation on the item. Others
9 who are here for items that are not on the
10 calendar, you're welcome to stay. I'm going to
11 be very honest. It's going to be a while before
12 we get to you.

13 Now the other thing. I know that there
14 are a number of people who are - put your mic on,
15 sir.

16 MR. PILEGGI: I said you spent a lot of
17 time on Cornell University, which I appreciate
18 and I am for. But you dominated that issue to
19 the point where I can't stay and make a public
20 statement. I think that's completely unfair and
21 not objective. And I'm protesting that issue.

22 CHAIRWOMAN GONSALVES: You are going to
23 speak on contracts, am I correct?

24 MR. PILEGGI: That's right.

25 CHAIRWOMAN GONSALVES: And we're going

2 to be calling those contracts now.

3 MR. PILEGGI: I'm sorry?

4 CHAIRWOMAN GONSALVES: We're going to be
5 calling those contracts now.

6 MR. PILEGGI: No. It's not about
7 contracts that you're calling. It's about
8 contracts that have been already passed. For
9 instance, for the Welwyn Preserve and the
10 Chelsea, those contracts that were given to carte
11 blanche.

12 CHAIRWOMAN GONSALVES: Since you're mic
13 you may as well speak.

14 MR. PILEGGI: Thank you.

15 Those contracts -

16 CHAIRWOMAN GONSALVES: Name for the
17 record, please.

18 MR. PILEGGI: Eugene Pileggi, Bayville,
19 New York.

20 Those contracts were so badly abused,
21 they were either through incompetence or
22 corruption, and I hope we get to the bottom of
23 that. If it was through corruption, hopefully
24 somebody will go to jail for that.

25 The other thing I wanted to speak about

2 is I understand the town, Nassau County has been
3 downgraded three times. I think we're all aware
4 of that happening in the past under Tom Gulotta's
5 administration. And if that continues to happen,
6 Nassau County will be bankrupt again. It's not
7 like you don't know. You've all been around long
8 enough to know that type of legislation and
9 incompetence will have results. I hope you're
10 all smart enough, bipartisan enough to not let
11 this happen.

12 Thank you.

13 CHAIRWOMAN GONSALVES: Thank you.

14 We're going to let those of you who are
15 here to speak on the Board of Visitors -- the
16 items on the appointments of the Board of
17 Visitors will not be called today. They will not
18 be called today. So if you wish to remain, after
19 the calendar has been completed we will stay in
20 session to hear your comments at that particular
21 time. But the Board of Visitors appointments
22 will not be called today.

23 We are going to proceed.

24 Yes, Mr. May.

25 MR. MAY: I'm just here for the regular

2 calendar.

3 CHAIRWOMAN GONSALVES: Oh, okay. Stay
4 there for the regular calendar because we're
5 going to be out of order completely because --
6 I'm even getting confused up here with the order
7 of the calendar.

8 We're going to begin with Item Number 17,
9 Ordinance Number 119, or better known as 340-13
10 Public Works. And, Mr. Clerk, would you read
11 that item into the record?

12 CLERK MULLER: A bond ordinance
13 providing for a capital expenditure to finance
14 the capital projects specified herein within the
15 County of Nassau, authorizing \$326,250,000 of
16 bonds of the County of Nassau, to finance said
17 expenditure and make certain determinations
18 pursuant to the State Environmental Quality
19 Review Act, pursuant to the Local Finance Law of
20 New York, and the County Government Law of Nassau
21 County.

22 CHAIRWOMAN GONSALVES: Motion, please?

23 LEGISLATOR KOPEL: So moved.

24 LEGISLATOR DUNNE: Second.

25 CHAIRWOMAN GONSALVES: Moved by

2 Legislator Kopel, seconded by Legislator Dunne.

3 And who do we have here to speak on that?

4 MR. MAY: We have Mr. Rich Millet from
5 the Department of Public Works.

6 CHAIRWOMAN GONSALVES: Okay.

7 MR. MILLET: This item is the electrical
8 distribution system for the Bay Park Sewage
9 Treatment Plant. This item is necessary, as the
10 plant was inundated with sea water during Super
11 Storm Sandy, and the electrical components and
12 wiring are decaying daily.

13 CHAIRWOMAN GONSALVES: Any questions of
14 Mr. Millet? Legislator Nicoletto.

15 LEGISLATOR NICOLELLO: Thank you. Mr.
16 Millet, that was a rather brief overview. Can
17 you give some more detail on what this is? What
18 are we doing here?

19 MR. MILLET: Sure. What you're doing is
20 basically you are rebuilding or building a brand
21 new electrical component system that feeds each
22 and every part of the plant, whether it be from
23 the influent pumps all the way back to the
24 effluent tide pumps, that electrical system is a
25 dual cable system with transformers and

2 substations that were all inundated with sea
3 water.

4 LEGISLATOR NICOLELLO: I'm assuming you
5 need this to operate the plant.

6 MR. MILLET: Yes. You cannot operate
7 the plant without the electrical system. And as
8 I said, the electrical system, bits and pieces of
9 it fail, different parts of it fail every day and
10 we are doing either temporary work to keep it
11 moving or trying to do some sort of permanent
12 work. But without a fully operational and fully
13 functional electrical system, the Bay Park plant
14 is in peril every day.

15 LEGISLATOR NICOLELLO: That was my next
16 question. What is going on there now? What's
17 keeping this plant running?

18 MR. MILLET: Basically, we continue to
19 use emergency work. As something breaks, whether
20 it's a pump or a fuse box or a motor control
21 system that goes down, we fix it. We get a new
22 piece and put it in, but as you do that you're
23 continuing to throw good money after bad when you
24 could just be doing an entire rebuild of the
25 system.

2 LEGISLATOR NICOLELLO: Are temporary
3 generators being used?

4 MR. MILLET: We have temporary
5 generators being used now. Our in-house
6 generators are - their control system is not
7 operating the way it's supposed to.

8 LEGISLATOR NICOLELLO: So suffice it to
9 say, there was substantial damage to the
10 electrical system at Bay Park because of the
11 inundation of sea water.

12 MR. MILLET: Yes.

13 LEGISLATOR NICOLELLO: And as part of
14 the work here we're going to be trying to adopt
15 different methods to make sure that does not
16 happen again, right?

17 MR. MILLET: We are. Part of the
18 building of the new system will be mitigation so
19 that it does not happen again.

20 LEGISLATOR NICOLELLO: And how is that
21 going to be done?

22 MR. MILLET: They'll use different style
23 tubes that they run the wiring into. They will
24 close off tunnels in areas where transformers are
25 with sea doors, so we will harden and mitigate in

2 that way.

3 LEGISLATOR NICOLELLO: To the best of
4 the ability of modern engineering, you're going
5 to try to harden this so that this doesn't happen
6 again.

7 MR. MILLET: Absolutely.

8 LEGISLATOR NICOLELLO: Now, there has
9 been some suggestion that you could break out
10 this component, other components from the overall
11 work that's going on, that needs to go on in Bay
12 Park. I want you to address that for a moment.

13 MR. MILLET: The professional engineers,
14 many of them who we've had on the site and every
15 one of them have the same outlook on this, that
16 you need to do it holistically because you're
17 basically building a brand new plant. It's not
18 like you're going to go fix a piece of it and
19 come back seven months later and fix something
20 else. The parts have to communicate. The parts
21 of the plant have to be able to talk to each
22 other and especially through the electrical
23 system. If you don't have the right
24 communication between all the motor controls and
25 the substations, you get blackouts and the

2 engines fail and you have to start the plant up
3 again. It's not like you're just going to run an
4 electrical cord around the plant and be able to
5 plug into it.

6 LEGISLATOR NICOLELLO: So the equipment
7 itself from this component as well as the other
8 work that is going on there has to mesh together.

9 MR. MILLET: It does. And it needs to
10 actually be built. Components like this, you
11 don't got to a Lowe's or Home Depot and buy this
12 stuff, it actually has to be built to your
13 specifications, contractors have to submit shop
14 drawings, they have to get approved by the
15 engineers on the job. It's quite complicated.

16 LEGISLATOR NICOLELLO: So, in other
17 words, if this is approved it's not as if the
18 design work gets done and then you go out and
19 order a whole bunch of things that exist there.
20 It's almost as if it's an organic process, as it
21 moves along as the different components come into
22 play --

23 MR. MILLET: As you move along and
24 design, you can buy forward components once you
25 know what component you need and where it fits.

2 You can purchase ahead of the contractor. Now
3 you can get delivery -- some materials may be 18
4 or 24 weeks to make.

5 LEGISLATOR NICOLELLO: In terms of the
6 different contractors, on the different aspects
7 of what we're going to be doing at Bay Park, can
8 you just have them work in isolation? Can we
9 hire some contractors to start work and just wait
10 until down the road and maybe hiring other
11 contractors to do work?

12 MR. MILLET: No. Again, you're not
13 doing single pieces. If you were just doing one
14 piece that's how you would work. This whole
15 entire system, the contractors have to be in
16 contact with each other, they have to be in
17 meetings, they have to coordinate through the
18 engineers, through our consultants as to when
19 work will get done, how it will get done, how the
20 components will interface. It's very
21 complicated. It is not a simple moment.

22 LEGISLATOR NICOLELLO: I would imagine
23 that would be true especially with respect to
24 electrical work. I would imagine that connects
25 to every, literally and figuratively, to every

2 part of the work that's going to go on at the
3 plant.

4 MR. MILLET: Absolutely. It has to
5 touch every piece of the plant. And every piece
6 of the plant has different needs.

7 LEGISLATOR NICOLELLO: I know on other
8 construction sites you will have a construction
9 manager and you'll have all the various trade
10 contractors will meet on a weekly basis or
11 something like that to coordinate the work.

12 MR. MILLET: Same thing here. There
13 will be a job meeting every week, probably
14 multiple times a week as people move along in
15 their projects.

16 LEGISLATOR NICOLELLO: Can you have a
17 project in which you leave certain vital
18 components out and maybe do it later?

19 MR. MILLET: Not in this circumstance.
20 When you're building, you're building a brand new
21 plant. You have to almost look at it as it's a
22 brand new plant.

23 LEGISLATOR NICOLELLO: So the
24 contractors have to be coordinated, the equipment
25 has to be coordinated and -- so it's your

1 recommendation, the recommendation of the
2 engineers that this not be broken up?

3
4 MR. MILLET: The recommendation of the
5 engineers were clear in the presentation that it
6 has to go as one job, and these are engineers who
7 do billion dollar jobs in the City of New York
8 and Passaic County, which just went out and they
9 put a billion dollars up in the City to redo
10 Bowery Bay. They didn't come back and say we'll
11 give you 200 million here, come back and see us.
12 They just said you need a billion dollars to
13 build the plant back, here's the billion dollars.

14 LEGISLATOR NICOLELLO: Where was that
15 location?

16 MR. MILLET: New York City.

17 LEGISLATOR NICOLELLO: I'm assuming that
18 all up and down the eastern seaboard, at least
19 the northeast, there are projects going on. Is
20 that correct?

21 MR. MILLET: Yes, there are. Passaic
22 County. Patterson. All of the same methodology;
23 it has to be treated holistically, in one piece.

24 LEGISLATOR NICOLELLO: Okay. So what
25 you're telling me is that the other

2 municipalities who are doing this work are doing
3 it in a connected way as opposed to breaking it
4 out piecemeal?

5 MR. MILLET: Yes.

6 LEGISLATOR NICOLELLO: I just want to go
7 back for a second to this concept of having these
8 meetings and having all the contractors on board.
9 Let's -- can you just - is there importance to
10 have each of the contractors at the table so that
11 each one knows what the other contractor is doing
12 even if their work isn't starting yet?

13 MR. MILLET: Absolutely. They have to
14 understand where everything is going to come in,
15 where it's going to interface. And the project
16 management team of Perni ARCADIS and Hazen and
17 Sawyer will be running those meetings, like I
18 said, multiple times a week to make sure all of
19 the contractors understand the entire work
20 product that's going on at the plant.

21 LEGISLATOR NICOLELLO: In terms of
22 procedure, a lot of times we do much smaller
23 projects - each one of us in our districts have
24 been involved - and almost always it doesn't move
25 along as quickly as possible. Are there some

2 roadblocks in the way of getting this done even
3 if we pass this bonding tomorrow?

4 MR. MILLET: There always is. You have
5 your county bidding process, which is part of a
6 law that it has to go out for a certain period of
7 time. Once you review it, it has to go through
8 an approval process - it goes through the county
9 attorney's office, through the insurance division
10 and the county attorney's office and then it
11 moves through to the legislature. Once it's at
12 the legislature, it then has to go NIFA for
13 financial approval, then it comes back, and then
14 you can execute a notice to proceed. Those can
15 sometimes be quite lengthy. NIFA only meets once
16 a month and it's not just NIFA. If the contract
17 hits the county attorney's room and they're on
18 something, you don't know if it will take a day,
19 a week or a week and a half to get something
20 through.

21 LEGISLATOR NICOLELLO: I have no further
22 questions. Thank you.

23 CHAIRWOMAN GONSALVES: Legislator Ford.

24 LEGISLATOR FORD: Good afternoon. Thank
25 you very much, Presiding Officer.

2 Mr. Millet, I'm just curious with the
3 electrical distribution. The wires then will be
4 - the electrical lines will be water tight. Were
5 they not water tight beforehand?

6 MR. MILLET: This plant was built 1949,
7 rebuilt in 82, and they had an open pipe system.
8 I don't think anyone ever thought there was going
9 to be such a flood as there was. Unfortunately,
10 that flood is not going to be the abnormal but
11 the normal now. So the new technology that there
12 is today creates these water tight moments for
13 all the feeder cables.

14 LEGISLATOR FORD: Would the water
15 tightness be based on - I know that, like with
16 LIPA, when they put electrical lines underground
17 they design it so if there is a flood or if there
18 is a lot of water that the electric cables would
19 not be compromised.

20 MR. MILLET: Correct. We're looking at
21 different types of technology now.

22 LEGISLATOR FORD: Thinking back, after
23 the storm, I know those of us whose houses were
24 flooded, you know LIPA came in, of course the
25 power was shut off and we were not allowed to get

1 our power turned on, back until LIPA certified
2 that it would be safe once we put the - to put
3 the meters back in because of the possibility of
4 electric fires. People whose cars may have been
5 - the water may have hit the bottom of the car,
6 were totaled by insurance companies because of
7 the fear of the fact that salt water seems to
8 travel up wires. I'm not an engineer so I'm just
9 going by what I have heard.

11 Considering the fact that you are stating
12 that the electrical wires that are in the plant
13 right now that are being used, there could be a
14 possibility that they're being compromised, that
15 salt water can be moving up and can end up
16 causing problems. I guess we saw it a couple of
17 weeks ago when you lost power to the plant and we
18 had a lot of effluence that was discharged into
19 Reynold's Channel. Am I correct?

20 MR. MILLET: Yes. Daily the electrical
21 system is compromised.

22 LEGISLATOR FORD: My concern then would
23 be because we saw homes that went on fire,
24 because when they turned the power on the wires
25 were shorted out. Is there any concern that this

can happen in that plant?

MR. MILLET: It certainly could happen. We would hope that it wouldn't but it certainly could happen. Salt is a very corrosive material when you're dealing with wiring. It's really dangerous to keep it in the condition that it's in.

LEGISLATOR FORD: So, in essence, because I know that we had a fire at the sewage treatment plant on the night of Sandy, that if we don't act upon this that quite possibly we could be putting the workers in danger.

MR. MILLET: You're putting the workers in danger and you're putting the general public at a health and safety problem if the plant fails.

LEGISLATOR FORD: Are you aware that we're doing a - that we're conducting a TMDL study for the Western Bays group? When we look at the impact that the sewage treatment plant and the discharge has had on our western bays, we already know that the water is greatly impaired. My concern is that with the upgrades and the rebuilding of the new plant, you know if we can

2 get the money to do it, would then effectively
3 help the condition of the western bays. Would
4 the effluence be, for want of a better word, a
5 better quality?

6 MR. MILLET: When you do the upgrades
7 and code upgrades you're going to get a better
8 effluent just out of that, on top of what we have
9 now.

10 LEGISLATOR FORD: Are you looking as -
11 and I know that this is a lot to ask. When you
12 do the upgrades and you rebuild the plant, we
13 know that nitrogen happens to be a big component
14 and has really been the devil in the details with
15 all of this. Are you looking at, with all of
16 these plans that you're doing, that you are going
17 to address the nitrogen issue at the plant or do
18 you have to wait for the study to be completed?

19 MR. MILLET: No. That's already inside
20 the scope of some of our work.

21 LEGISLATOR FORD: Okay. So once the
22 money is funded we would be able to then commence
23 with this work and basically help in the efforts
24 to restore the western bays.

25 MR. MILLET: Yes.

2 LEGISLATOR FORD: Because I just - I
3 don't think people realize what's so unsettling
4 about all of this is that the sewage, the
5 effluence does not leave Reynold's Channel. It
6 was designed years ago that the tide would bring
7 the sewage out into the ocean by a normal
8 occurrence of the tides. But it's been scarfed,
9 and a lot of the effluence that should have been
10 dissipated and leave Reynold's Channel is still
11 there. So we are at a critical issue, especially
12 on health, but obviously also for the safety when
13 we think of the potential of fire.

14 Thank you very much.

15 CHAIRWOMAN GONSALVES: Legislator Kopel.

16 LEGISLATOR KOPEL: Thank you. Rich,
17 we've been talking a lot about technical aspects
18 of the consequences of doing things together, and
19 I get that. I'd like to concentrate a little bit
20 on the impacts of doing things and not doing
21 things, on the people, not only the people of the
22 entire southwestern Nassau but the people who
23 especially who live in the general vicinity, I'm
24 talking about the communities of Bay Park, East
25 Rockaway, Island Park and so forth, Oceanside,

2 that live near there.

3 Now, as you know, you've done magnificent
4 work trying to get this plant actually into shape
5 after many, many years of neglect. These people
6 were just starting to get some relief, the people
7 who live nearby. What's this delay going to do?

8 MR. MILLET: It will continue to have
9 the plant operating, even though we're operating
10 within permit right now, we're kind of operating
11 on a shoe string, some bubblegum, and some tape.
12 Eventually the bubblegum and the tape is going to
13 wear out.

14 LEGISLATOR KOPEL: In other words, in
15 terms of not providing - not only the electrical
16 system, but.

17 MR. MILLET: I'm talking about the
18 regular components of the plant.

19 LEGISLATOR KOPEL: Right. We're going
20 to continue to experience terrible odors.

21 MR. MILLET: We have done better with
22 the odors. But, yes, the odors, unfortunately
23 because now you have temporary units working
24 where they used to work inside of buildings.

25 LEGISLATOR KOPEL: Tell us about the

noise.

MR. MILLET: Right now -

LEGISLATOR KOPEL: Yes.

MR. MILLET: Right now we have a 10.5 temporary meg generator system working outside the plant in replacement of our engines. I would assume that having gone down there quite often, three, four times a week, I would not want to listen to those engines day and night.

LEGISLATOR KOPEL: Right. Isn't it true that this particular plant, the Bay Park plant has people living in unusually close proximity as compared with others?

MR. MILLET: I'd say less than a football field away.

LEGISLATOR KOPEL: So these people are really suffering because of the delay. Every day that goes by these people are suffering, isn't that true?

MR. MILLET: Absolutely.

LEGISLATOR KOPEL: Right. Now the other thing is -- I'm kind of jumping ahead a little bit, forgive me. We're going to be considering the mitigation as well. If we go ahead and do

1 some of this work and don't do some of the
2 preventive work, are we not just risking throwing
3 everything into -- well, into the sewer?
4

5 MR. MILLET: If you go through the
6 repairs and you don't do the mitigation that's
7 recommended by the engineers, then the next storm
8 you'll have broken equipment again and inundated
9 equipment again.

10 LEGISLATOR KOPEL: We'll have it broken
11 again. Will the federal government reimburse us
12 for that again?

13 MR. MILLET: We'd have to really --

14 LEGISLATOR KOPEL: If we didn't do the
15 mitigation work -

16 MR. MILLET: More than likely their
17 insurance people would have a very hard time with
18 paying us again.

19 LEGISLATOR KOPEL: How about even doing
20 it now? Will we have a hard time getting the
21 money back from them now for some of the work if
22 we don't do work that's going to prevent it from
23 happening again?

24 MR. MILLET: They expect us to do
25 mitigation as we do the projects.

LEGISLATOR KOPEL: Will that potentially risk our reimbursement for some of the work that's non-mitigation just for the actual rebuilding? If they see that there's no mitigation being done -

MR. MILLET: It could. It could because we are proposing our work with mitigation so they would have to look at the public work sheets again and re-evaluate them.

LEGISLATOR KOPEL: Okay. Thank you.

CHAIRWOMAN GONSALVES: Legislator Denenberg, are you ready? I called on you. Go.

LEGISLATOR DENENBERG: Mr. Millet -

MR. MILLET: How are you doing?

LEGISLATOR DENENBERG: I'm good. The project that's being called right now is for the electrical system, and the total is 326.250, correct?

MR. MILLET: Yes.

LEGISLATOR DENENBERG: And that's the same as what was set forth in the repair and mitigation capital program that was with the PowerPoint?

MR. MILLET: Yes.

2 LEGISLATOR DENENBERG: We received last
3 meeting.

4 MR. MILLET: Yes.

5 LEGISLATOR DENENBERG: Now I just have a
6 couple of questions.

7 And when that did come up to a vote, I
8 voted for it and I plan on voting for it again.
9 I just want to make sure I understand how these
10 projects are going to go forward.

11 We went to NIFA last week, correct?

12 MR. MILLET: Correct.

13 LEGISLATOR DENENBERG: And the \$262
14 million that was approved, in my understanding,
15 are for projects, to fully fund projects, each of
16 which had an existing project number. So pump
17 station rehabilitation, Bay Park and Cedar Creek
18 digester rehabilitation, wastewater facility
19 improvements, wastewater facility odor control
20 improvements, wastewater facility security
21 improvements, storm restoration, Bay Park various
22 buildings and equipment modification, and Bay
23 Park preliminary treatment modification. That's
24 the whole list by project number, that had
25 existing project numbers that we were adding

2 additional money to, in accordance with the
3 chart, for a total of 262 million, correct?

4 MR. MILLET: Correct.

5 LEGISLATOR DENENBERG: How much of that
6 did we ask for approval from NIFA? Because I was
7 surprised to learn none yet.

8 MR. MILLET: We asked for all of it,
9 from what I understand.

10 LEGISLATOR DENENBERG: No. I have the
11 report from NIFA, just last week. There was
12 about 16 million requested for capital projects
13 in total, 16.9, and none of it was part of this
14 262 in borrowing -

15 MR. MILLET: Our request went through --

16 LEGISLATOR DENENBERG: and that comes
17 from Evan Cohen to the NIFA directors.

18 MR. MILLET: I know we put our request
19 into the administration. I don't know the filing
20 that they made with NIFA. But we put the 262 up
21 to the administration.

22 LEGISLATOR DENENBERG: Okay. Well,
23 which administration?

24 MR. MILLET: The one that I work for,
25 the county executive's office.

LEGISLATOR DENENBERG: You're speaking for the administration.

MR. MILLET: I don't handle NIFA. I handle a few things, but I don't handle NIFA.

LEGISLATOR DENENBERG: So my question to you is why did it not -- it's important. It has to move fast. We got the 262. You know I feel very strongly about these projects.

MR. MILLET: Absolutely. I will find out.

LEGISLATOR DENENBERG: And I don't know why we haven't asked NIFA for the approval.

MR. MILLET: I will find out.

LEGISLATOR DENENBERG: My second question is - and I went back through each of these projects because the 357 million that was previously authorized was an item in the PowerPoint to say that the authorized but unissued 357 is basically a fallacy. Two hundred fifty is from old expired projects where the bond ordinance has lapsed. So I went back over each project that we just added money to - and if we still have those project numbers and we're adding money to those projects. Obviously they haven't

2 expired or lapsed, correct?

3 MR. MILLET: What project in particular
4 are you speaking?

5 LEGISLATOR DENENBERG: The five I just
6 mentioned or the -- I'm sorry. The eight
7 projects that were on the repair and mitigation
8 capital program list and the eight projects that
9 were fully funded by the 262 million.

10 MR. MILLET: Well, 35121, which is 120
11 million, was never funded. It's a new piece, so
12 we'll take that out right out of the gate.

13 LEGISLATOR DENENBERG: Okay. You're
14 right about that one.

15 MR. MILLET: 3P311 is a new project on
16 pump station rehabilitations, so we'll take that
17 53 million out.

18 LEGISLATOR DENENBERG: That's not -
19 that's not a new project.

20 MR. MILLET: But it's new to pump
21 station rehabilitation.

22 LEGISLATOR DENENBERG: See, this is what
23 I don't understand. Because I have Bay Park
24 influent pumping system upgrade, \$22 million
25 authorized from 2010 and that project was

supposed to be constructed and completed by
December 30, 2011. That was the schedule in 10.

MR. MILLET: As we discussed the last
time, it will be completed in April 2014.

LEGISLATOR DENENBERG: I'm wondering why
we didn't get it done as scheduled for 2011.

MR. MILLET: As I explained to you three
meetings ago, there were problems with the pump
and motor manufacturer, with the shop drawings
they had and it probably took about seven months
to clear up because you don't --

LEGISLATOR DENENBERG: Mr. Millet -

MR. MILLET: want mistakes.

LEGISLATOR DENENBERG: Even in 2012,
which was passed, the capital plan in November
2012, it says that the work would be completed in
November 2012. So the information that we're
going with, obviously we're not making the
deadlines. The concern that I'm having is we
should be doing hearings, and I have no less than
12 requests for status hearings, where the
legislature shouldn't punt what we're doing. We
are the legislature. We should be having
hearings, whether it's in public works or in the

2 full committee.

3 I keep voting to authorize this money. I
4 want you to get the work done.

5 I'm going to vote yes on the 320 because
6 it's that important. But just as important in
7 giving you the money is making sure the work gets
8 done. We just authorized \$262 million for, in
9 part, the five projects I put on here, each of
10 which should have been complete. The odor
11 control improvement should have been done March
12 1, 2011, according to the 2010 capital plan.
13 According to the 2012 capital plan, odor control
14 at Cedar Creek and Bay Park was scheduled to be
15 completed, still at the end of 2012. Then, for
16 13 we were saying it would be done July 1, 2013.
17 Obviously none of that's true. But I'm still
18 voting to give you the money to get it done.

19 So my concern is that we need hearings to
20 make sure that these continue to get done. And
21 these projects, gravity belt thickeners, same
22 thing, scheduled to be done 11 and still isn't
23 done. What could we do to make sure we stick
24 with the schedule this time?

25 MR. MILLET: We continue to stick with

1 schedules. Construction is a fluid movement, as
2 well as design. We'll take odor control. We
3 were supposed to have a series of meetings. The
4 public wanted longer meetings and more input; we
5 adjust to what the public wanted. We met with
6 them multiple times to make sure we could satisfy
7 all the different parties. So moments like that,
8 being in government, it's not like being in a
9 private business where you're just going to go
10 and do it. You have to listen to people, listen
11 to the public, they live near the plant. You
12 have to be able to adjust. And schedules in a
13 book that are written a year ago, sometimes
14 they're not up to date because you can't update a
15 stagnant book.

17 LEGISLATOR DENENBERG: Rich, I'm not
18 worried about moments. I'm worried about years
19 right now. I'm looking at preliminary treatment
20 facilities at Bay Park, screening, including grit
21 facility, and this was one of the projects that
22 we have right here, the 3B120 and the 3B19. That
23 would have included ammonia removal, grit
24 removal, new screens, and it's scheduled to be
25 done back in 2010, was scheduled to do in 11. By

12, it was scheduled to be done in 12. But here we are. And we just, last meeting, fully fund with 262. I want to make sure those get done. But I have another question.

The 316 that you're asking for now - I told you again and again I'm going to vote yes. But if the 262, 262 million has fully funded the eight projects listed on the sheet that we talked about, and it comes from the capital program repair mitigation that your contractor gave us last meeting. I believe that there's still \$357 million that had been authorized but not yet issued that we can use, and you're going to tell me know, correct?

MR. MILLET: 120 million of that is for pellitization of plants. Would you like to pellitize at the plants?

LEGISLATOR DENENBERG: You know what? There is not 120 million for pellitization. I never voted for pellitization. It was never in any of our capital projects. I got my start 22 years ago fighting pellitization. There is no such authorized project. No one on this body ever voted for a pellitization project. And if

2 I'm mistaken, guys raise your hand. There's no
3 such project. There is \$357 million authorized
4 but unissued, not a single cent of that is for
5 pellitization. It's never been in one of our
6 capital project. I defy you to show me the
7 project number or the project.

8 MR. MILLET: It was in the presentation
9 they gave you to break --

10 LEGISLATOR DENENBERG: But that was
11 fictitious.

12 MR. MILLET: Yours is fictitious -

13 LEGISLATOR DENENBERG: We don't have
14 that in our capital plan.

15 MR. MILLET: then.

16 LEGISLATOR DENENBERG: No, it isn't.

17 MR. MILLET: It's easy to say that the R
18 numbers are fictitious.

19 LEGISLATOR DENENBERG: Okay. Let's look
20 what the county executive said to Fitch, S&P and
21 the rating agency, and J.P. Morgan signed off on
22 June 20, 2013, when we went to the market, when
23 we went to the market for bonding. We have to
24 present to the market on figure 14, summary of
25 bonds authorized by unissued. June 20, certified

1 by Maragos as our comptroller and by J.P. Morgan
2 as the underwriter. And it says sewer and storm
3 water, \$357.8 million. And it says about figure
4 14, the authorized amounts in figure 14 refer to
5 amounts for which the county has adopted
6 ordinances authorizing the issuance of debt for
7 capital projects and other purposes pursuant to
8 Local Finance Law but has not yet issued debt
9 pursuant to such authority. Such authorization
10 expires ten years after adoption of the approving
11 bond ordinance in which it's been issued.

12
13 The 400 million, most of which goes back
14 to projects that are now in the 262, which we've
15 reauthorized, and I agree with every one of those
16 projects. And the increased expenditures, I
17 agree with that as well. But each of these
18 projects came up in 08, 09, 10, and 11 or really
19 08, 09, and 10, the capital bond ordinances for
20 the 10 passed in I believe it was April or May
21 2010. So those authorizations are clearly - they
22 wouldn't even begin to expire until 2018.

23 There is no pellitization in our capital
24 project book. I think we have the 357. Let's
25 not fight about it. If we have it, let's use it

2 for the 319.

3 I'm going to give you more. I'm voting
4 for it. I want to get it done. But if it
5 doesn't go through there's 357 on top of the 262.
6 The 262 fully funds the existing projects plus
7 two new ones. I want to get to this money.
8 Let's do it.

9 I'm telling you that 357 - you're saying
10 I'll look through this. 94 million represent
11 actual but unissued. So we still have that 94
12 million. 250 is from old expired projects. I
13 looked through it. These projects really started
14 in the 2008 capital plan because we were trying
15 to do \$700 million worth of upgrades in seven
16 years.

17 So I'm voting for you today, Rich. I
18 want you to be able to do the electrical. But if
19 we have authorized money that's unissued that we
20 can use because it's Sewer and Storm Water
21 Authority, let's use it and let's get the project
22 started, just like you say.

23 And I do want an answer as to why we
24 didn't go to NIFA last week with the 262. Can I
25 can an answer to that?

MR. MILLET: I will find an answer for you.

LEGISLATOR DENENBERG: Thank you.

CHAIRWOMAN GONSALVES: Legislator -

LEGISLATOR MUSCARELLA: Just very quickly. Mr. Millet, am I incorrect in saying that authorizations are program specific?

MR. MILLET: Correct. Only for projects that are in the PPU.

LEGISLATOR MUSCARELLA: And the projects that are being considered now are not the projects that were approved back when Mr. Denenberg -

MR. MILLET: They are not. They are different projects.

LEGISLATOR DENENBERG: We can amend it with ten votes.

CHAIRWOMAN GONSALVES: Stop, David.

LEGISLATOR DENENBERG: I'll give you an eleventh.

CHAIRWOMAN GONSALVES: Legislator Dunne.

LEGISLATOR DUNNE: Good afternoon, Mr. Millet. This morning on the news I saw that New York City has shutdown subways, some of their

2 subway lines and they have alternative routes for
3 people to get into Manhattan because of the
4 corrosion to their electrical systems. They shut
5 down the entire subway system, certain lines.
6 Now, that's a people mover.

7 Our sewer system is people's movements.

8 MR. MILLET: Yes.

9 LEGISLATOR DUNNE: To me it really
10 stinks that we're holding up the money for the
11 electrical system that has been just as destroyed
12 as the New York City subways. It's just as
13 important. They're moving people, and we're
14 moving other stuff.

15 MR. MILLET: It's probably more
16 important.

17 LEGISLATOR DUNNE: It's more important
18 because it's the people's health that surround
19 the area.

20 The money we're spending on the
21 generators -

22 MR. MILLET: About a million dollars a
23 month.

24 LEGISLATOR DUNNE: Absolutely
25 astronomical. And if we did pass this today, we

2 could get people who work for the IBEW,
3 International Brotherhood of Electrical Unions,
4 we could get those union workers to work fixing
5 the electrical system right away. Is that
6 correct?

7 MR. MILLET: We could. There would be
8 plenty of work at the plant.

9 LEGISLATOR DUNNE: So we're not only
10 holding up - we're spending a million dollars a
11 month, we're not putting people to work that are
12 desperately in search of work. It just doesn't
13 make sense voting this down.

14 We can say there's money here and there
15 and for every object and every project they can
16 say that there's money here and there. When the
17 youth board comes in, when the people from
18 Gateway come in, oh, we're going to give the
19 money to you. When people from Cornell come,
20 we're going to give the money to you. You know
21 what? Where's it all going to come from?

22 We have an opportunity right now to get
23 the money to take care of the electrical system
24 that's been totally corroded because of the
25 saltwater influx at Bay Park. We have an

2 opportunity to take care of it right now, put
3 people to work, and we're finding a million
4 excuses to divert the attention elsewhere and not
5 do it. That's not fair to the people that live
6 in the area, that live in Nassau County, that
7 live on Long Island that need the work.

8 That's all I wanted to say, Madam Chair.

9 CHAIRWOMAN GONSALVES: Mr. Millet, thank
10 you. You may stay there so you can answer some
11 questions. We have some speakers.

12 The first speaker regarding Bay Park is
13 Rob Weltner. Where are you? I saw you
14 somewhere. Didn't I see Rob?

15 MR. WELTNER: Good afternoon again,
16 everybody. I spent the morning at the Bay Park
17 Sewage Treatment Plant. I spent from eleven
18 o'clock to twelve o'clock at the democrats press
19 conference, and I agree with the democrats that
20 we should have transparency. But Rome is
21 burning. All you have to do is be down at the
22 Bay Park Sewage Treatment Plant.

23 Anybody who voted to not fund this plant
24 - Mr. Abrahams, have you been down to visit the
25 Bay Park Sewage Treatment Plant? Mr. Abrahams,

1 have you been down to visit the Bay Park Sewage
2 Treatment Plant? Kevan?

3
4 LEGISLATOR ABRAHAMS: I don't engage in
5 - if you want to have an honest discussion - last
6 time you spoke from that podium you screamed at
7 this legislature, primarily at me.

8 MR. WELTNER: No, I screamed from my
9 seat so you could hear me.

10 LEGISLATOR ABRAHAMS: Yes, I understand
11 that. Very uncivilly.

12 MR. WELTNER: I was just following the
13 protocol that you all seemed to follow.

14 LEGISLATOR ABRAHAMS: Of course. Of
15 course. I'm not going to engage in your back and
16 forth.

17 MR. WELTNER: Then we'll move on.

18 LEGISLATOR ABRAHAMS: I've been to the
19 plant many times.

20 CHAIRWOMAN GONSALVES: Mr. Weltner, just

21 -

22 LEGISLATOR ABRAHAMS: But thank you.

23 MR. WELTNER: That's good.

24 LEGISLATOR ABRAHAMS: Thank you.

25 CHAIRWOMAN GONSALVES: Just move on.

2 MR. WELTNER: Anyway. To kind of follow
3 what Mr. Millet was talking about, as far as the
4 electrical system is concerned, to rewire that
5 plant, as an electrician for 25 years for the
6 IBEW, to try to rewire that plant while it is in
7 full operation is an extremely difficult task. I
8 would kind of say it's like trying to build a
9 power plant or the Space Shuttle. You have to
10 let the plant run. You have to pull out all of
11 the old corroded wires, all the old splices, pull
12 in all new wires, conduits, make sure everything
13 is connected, all while the plant is process 40
14 percent or 550,000 people's waste every single
15 day.

16 I know we hear a lot of talk up there
17 from both sides, but talk is cheap. The plant,
18 like I said, it's running on bubblegum and duct
19 tape. It's working outside of itself. The time
20 for bickering and politicking is over.

21 I'm going to call on the democrats to
22 pick four people and meet with the county
23 executive and try to hammer out some kind of
24 solution because this obviously is not going to
25 work. It's not working. So I'd like you guys to

2 try to get together - and not like next week, I'm
3 talking very, very soon.

4 You wanted to be elected. God bless you.
5 I wouldn't want your job, truthfully, because
6 then you got people like me coming here and
7 giving you a hard time. The only reason I'm
8 giving you a hard time is because there's a huge
9 problem, there's an 800 pound gorilla swimming
10 out in the bay killing our wildlife, killing the
11 economy down there. So it's very, very
12 important, and I hope we can stress this to you
13 all.

14 The plant needs to be mitigated, so we
15 can't do the work and then have it flood again.
16 Everything has to go into these projects.

17 When you go to remodel your house - I
18 heard people trying to equate this to remodeling
19 your house. This is by no means a house. This
20 is a living, breathing plant that runs 24 hours a
21 day. You would not do a project in your house
22 unless you had the money to pay for it. What are
23 you going to put in a half a door, half a window?
24 You gotta do the whole thing at once. You can't
25 do piecemeal. It's a very delicate process that

1 you're going to be going through. So I would
2 hope that you could all kind of work this out.
3

4 And I'm serious about getting together,
5 not just at this meeting here in the public,
6 behind closed doors with the county executive,
7 whoever you gotta meet with, to get this hammered
8 out. I'm begging you. Please. This is not some
9 kind of grandstanding or a joke. There's a lot
10 of people who count on you guys doing the right
11 thing.

12 CLERK MULLER: Your three minutes have
13 expired, sir.

14 MR. WELTNER: We're calling on you to do
15 the right thing.

16 Thank you very much.

17 CHAIRWOMAN GONSALVES: Next speaker is
18 James Ruocco. Is that correct?

19 MR. RUOCCO: Hello. My name is Jim
20 Ruocco. I'm a lifetime resident of Nassau
21 County, an active member of Operation Splash, an
22 environmentalist, and I own a junkyard. I'll
23 give you a little idea that there is a way that
24 you can do two things at once.

25 I've spoken at this podium several times

1 before. I know a couple of the people up there.
2
3 I was here at the last hearing for bonding this
4 plant. I had plenty of time to think about this,
5 and it's just confounding me as to some of the
6 questions and some of the reasons for lack of
7 response, especially on the democratic side. And
8 I have to give kudos to Dave Denenberg for the
9 only one stepping forward. I've never seen any
10 of you people at any of our meetings out in the
11 environment except for this man. He shows up to
12 every single one and that's why he's so well
13 versed at this.

14 I would like to ask the same question
15 that the previous speaker just did, about how
16 many of you, on both sides, have been in the Bay
17 Park Sewage Treatment Plant since Sandy. Can I
18 even get a hand on that? Since Sandy. Three.
19 Dave, have you been in there since Sandy? Okay.
20 How about all the Dems that have voted the
21 repairs down? Have you been in -

22 CHAIRWOMAN GONSALVES: Mr. Ruocco,
23 please.

24 LEGISLATOR ABRAHAMS: Let me tell you
25 something, sir.

2 MR. RUOCCO: I've been in there four
3 times since Sandy and I'm just a resident.

4 LEGISLATOR ABRAHAMS: And so have we,
5 sir. So have we. You don't poll from that seat.

6 MR. RUOCCO: You need to be qualified as
7 to what you're voting on.

8 LEGISLATOR ABRAHAMS: Sir, sir. Let me
9 tell you something -

10 MR. RUOCCO: And I have not heard
11 anything qualified from your mouth every time
12 I've been here.

13 LEGISLATOR ABRAHAMS: Of course you
14 haven't. Of course you haven't.

15 MR. RUOCCO: It's bipartisan -

16 CHAIRWOMAN GONSALVES: Mr. Ruocco,
17 please.

18 LEGISLATOR ABRAHAMS: Thank you. To
19 poll each legislator from that position, we
20 respond to Nassau County voters, not to one
21 person.

22 MR. RUOCCO: You see these cameras?

23 LEGISLATOR ABRAHAMS: We're polled --

24 MR. RUOCCO: You are being polled by
25 Nassau County right now when you're talking to

me.

LEGISLATOR ABRAHAMS: I go before the voters every two years and I ask for their consideration at the polls, not just you.

MR. RUOCCO: You will have consideration this time around, I can tell you that.

LEGISLATOR ABRAHAMS: Sure. Thank you.

MR. RUOCCO: Because you are not speaking with reason and you are not speaking with intelligence.

CHAIRWOMAN GONSALVES: Mr. Rocco, please.

LEGISLATOR ABRAHAMS: Okay. I don't speak with intelligence. I've served in this capacity for 11 years, and I've got re-elected six times by my constituency. But thank you. I don't serve in this -

MR. RUOCCO: And I could too if I were hiding in a hole and didn't have to go out and address things.

CHAIRWOMAN GONSALVES: Okay.

LEGISLATOR ABRAHAMS: I'm sure, sir. You have a great day. It's fine. It's totally

2 fine. You have a great day, sir.

3 CHAIRWOMAN GONSALVES: Mr. Ruocco, did
4 you finish your comments?

5 MR. RUOCCO: There's always an excuse
6 not to act, okay. And you talk about
7 transparency. You've been offered transparency
8 from your own constituents. You've been offered
9 transparency by environmental groups who have
10 been working at this thing for a lot longer than
11 you've been elected. And yet now you turn around
12 and you vote something down knowing that nothing
13 is going to get past us, nothing ever has. Are
14 you telling me you don't trust your constituents?
15 Is that what you're saying?

16 CLERK MULLER: Your three minutes have
17 expired, sir.

18 MR. RUOCCO: Silence. Silence is not
19 going to get you any votes.

20 CHAIRWOMAN GONSALVES: I guess it's
21 Tommy Asher. Is that you? Island Park.

22 MR. ASHER: Yes.

23 CHAIRWOMAN GONSALVES: Okay.

24 MR. ASHER: Good afternoon. Tommy Asher
25 from Island Park. I'm also the captain of the

2 Island Park Chapter of Splash.

3 First, I want to open up by thanking Mr.
4 Becker. It was a very standup thing to open up
5 this morning, appreciate that.

6 Basically, I had a couple of guys coming
7 down from my neighborhood; one's father's in the
8 hospital. Chris Fabris (phonetic) owns a bay
9 house right by the cement block in Reynold's
10 Channel. He's witnessing a white cloud around
11 that area, around that Channel and we don't know
12 what that is. It's never been there before. The
13 only thing that we could possibly think is maybe
14 it's the high amounts of chlorine that the plant
15 is using to keep the bacteria levels low.

16 I brought the *Newsday* this morning. I
17 don't know if any of you read the *Newsday* this
18 morning, page A8. It's talking about the
19 flounder population.

20 We're in real bad shape. I've listened
21 to some great testimony this morning about
22 Cornell and how we're able to fund things through
23 business.

24 The south shore is, I've got to tell you,
25 is destroyed. Captains of our charter boats,

1 instead of having 150 people on the boats, they
2 have 17, sometimes less than 15. They're not
3 catching anything. Most of the time their
4 patrons, their reasoning for not coming on the
5 boat, they said your water is dirty, your water
6 is polluted, and there's no fish, we're going out
7 east. How do we fund Cornell and other, you
8 know, the youth groups and stuff like that if 11
9 percent, I think the woman said as far as
10 revenue. I have a feeling that we're not going
11 to hit those markers this year because the way
12 the south shore is.

14 Restaurants opened back up in Bay Park
15 and East Rockaway, The Fishery. Who is going to
16 go eat a hot lobster roll when the water, please
17 come down. Mr. Kevan, if you get a chance, I'll
18 go with you personally. I just want you to -- I
19 won't even take you to the plant. I'll just take
20 you to the surrounding waters and you can see it
21 with your eyes. You wouldn't want to eat there.
22 I know all of you are married. You go out.

23 Mr. Solages, I grew up in Floral Park.
24 My first house was in Elmont. My brother still
25 lives in Elmont. I went and talked to some of my

1 old neighbors and stuff. They're not really in
2 touch with the water that much, but we all are
3 and that's why we live here. I'm sure you bring
4 your wife down to Freeport once in a while, a
5 night on the water for dinner. Who wants to eat
6 a hot lobster roll when it smells? Or who wants
7 to eat the fluke when you know it's contaminated
8 or the clams.

10 The crab catch right now is down two-
11 thirds from last year. This is our -- this is
12 who we are. This is our whole economy here. We
13 gotta do something here. I beg you, please.

14 This is just not an environmental impact,
15 this is an economic impact to us all. We're
16 trying to get out of our own way from Sandy. I
17 want to put my kids back in the water someday. I
18 want my neighbors to get back home. Thirty
19 percent of my community is still not home. They
20 want to come back. But if we don't give them
21 something to come back to, they're not coming
22 back. Then we're going to lose that gentleman
23 from the camp.

24 We've got some of the smartest people in
25 the world here on Long Island. We won World War

2 II here. We got the most beautiful resources.
3 The aquifer was brought up here today. All this
4 important stuff. We gotta stop. We have an
5 opportunity today to cross the line, to do the
6 right thing, take a step forward. I know it's
7 electric season and all that garbage. I don't
8 care. I want my neighborhood back.

9 CLERK MULLER: Your three minutes have
10 expired, sir.

11 LEGISLATOR FORD: Thank you very much
12 for coming down and expressing, you know, being
13 so eloquent in what you have to say. You and I,
14 you know, with our neighborhoods having been so
15 devastated by Sandy, and we can't imagine that
16 it's nine months already.

17 I know that I read that you are going to
18 be representing Island Park as one of the leaders
19 for CRZ, which has been established by Governor
20 Cuomo. And as I understand it, one of the issues
21 that you must tackle is as you look to your
22 community to rebuild it, you must make every
23 effort also to look to see how you can mitigate
24 and to make sure that this doesn't happen again.
25 Am I correct?

1 MR. ASHER: Absolutely. That was
2
3 straight from Governor Cuomo's mouth.

4 LEGISLATOR FORD: Okay. So my guess
5 would be as we look at our sewage treatment plant
6 the Governor may be very well looking to see what
7 efforts we are going to make sure that the sewer
8 treatment plant doesn't get ruined again or
9 destroyed again by a storm.

10 MR. ASHER: The way I take the CRZ
11 program defined by Governor Cuomo, take Freeport
12 for example. Twenty plus years ago the
13 government and our state poured tons and tons of
14 money, CBGB money, all kinds of money into that
15 area to revitalize it. It's been working
16 wonderful for 20 years. Now it's gone. It got
17 destroyed. So the government looks at that as we
18 wasted our money. So Governor Cuomo wants us to
19 build bigger, better, and stronger so we can get
20 longevity out of the funding. So that \$25
21 million is just the beginning. But if we don't -
22 - in my zone. If we don't spend that \$25 million
23 properly, they're not going to fund us anymore
24 because they don't want to waste any more money.
25 So we've got to do things right this time. We've

2 got to cross boundaries.

3 He wants us to stop fighting. We got to
4 cross barriers and borderlines. I've got my East
5 Rockaway friends, we're all working together even
6 though East Rockaway is not in my zone. We're
7 working on a regional - because we're all
8 together, and we've got to move forward that way.

9 LEGISLATOR FORD: I think Hurricane
10 Sandy taught us that we, as a community,
11 especially on the south shore, whether or not -
12 we would even extend it to Lindenhurst - but even
13 with Massapequa right through Freeport into
14 Island Park, Long Beach, Oceanside, in the Bay
15 Park area, all of us suffered as to the storm.
16 And we forgot about our neighborhoods and said
17 you know what? We, as a region all have to work
18 together and rebuild together.

19 I just want to make a comment in regard
20 to, like, even when you look at even the
21 devastation of this storm and how it brought
22 everyone back. And we are nervous. There are a
23 lot of us, as Tommy said 30 percent of Island
24 Park is still not back in their homes. I have
25 areas in Long Beach where 30 percent of the west

1 end, possibly 30 percent of the canal areas, not
2 counting over by the hospital, people are just
3 not in their homes. The houses are still vacant.
4 Some of them have been torn down.
5

6 We are on edge, all of us. We are very,
7 very concerned about our future, the future of
8 our neighborhoods. There are many people still
9 trying to come to grips with what has happened in
10 their lives. They don't know where they're going
11 to live. They are displaced. They're not back
12 in their neighborhoods. They're not back in
13 their homes. We're now looking at a storm time
14 coming ahead of us. We're now in hurricane
15 season, and we can't help but think to ourselves
16 what's going to happen this year? Even those
17 that did rebuild. Is it going to have the money
18 that has been wasted, that all of a sudden we're
19 going to be flooded again and we're going to lose
20 the homes that we have? And God forbid if that
21 happens, I'll tell you right now, the south shore
22 will be a ghost town, there are many people who
23 have already said.

24 Sometimes when we do get a little hot
25 under the collar it's because we have lived

2 through hell and we are still living through
3 hell. And what we are asking of all of our
4 elected officials is to walk a mile in our shoes
5 and see what it's like, to know what it was like
6 last year not to be able to use our toilets, not
7 to be able to have water, not to be able to live
8 in our homes. It is something that really stays
9 with you for the rest of your life.

10 Tommy, as we know, we know that we all
11 have to work together. And there are times that
12 even with us, you know, even in the small
13 communities that we have, we could have all
14 stayed within our own - I'm only worried about
15 Island Park mentality, I'm only worried about
16 Oceanside mentality, but all of us said if we're
17 going to fight, we're going to fight for
18 everybody.

19 And I thank you and the previous speakers
20 for coming up and advocating for the people of
21 the south shore.

22 MR. ASHER: I'm a pretty tough bird, you
23 know, New York City fireman, retired, all that
24 stuff, and I don't cry much. This issue is
25 bringing tears to my eyes. I just hope you do

2 the right thing.

3 Thank you.

4 CHAIRWOMAN GONSALVES: Thank you, Tommy.

5 LEGISLATOR DeRIGGI-WHITTON: Tommy,
6 before you go can I just ask you one favor? I
7 want you to understand we all live on an Island.
8 We're all together. I respect the fact that you
9 are passionate and you are intelligent; I get
10 that from you. And I know you're a parent and I
11 got all that.

12 The way this works, we gave \$262 million,
13 which really could get things started. Can you
14 ask them, can you ask our administration, can you
15 put pressure on them to go to NIFA for more than
16 just \$16 million. We could have already had all
17 262 at least lined up. That's all I'm asking you
18 to do. I know we're going to have a little
19 discrepancy.

20 Look. I still think the 357 million
21 could be voted on, ten votes today, and we could
22 do the electrical part. I actually believe what
23 David Denenberg said. I think we have that money
24 already, so why do we have to go out and borrow
25 more?

MR. ASHER: I know we have a pump up by you that needs --

LEGISLATOR DeRIGGI-WHITTON: I know. Listen. I have Bayville. I was there when the road collapsed. I was there pulling people's things out of their homes.

MR. ASHER: You guys got your issues up there, too.

LEGISLATOR DeRIGGI-WHITTON: You have no idea.

MR. ASHER: We're on top of that too.

LEGISLATOR DeRIGGI-WHITTON: I did not have the number percentage wise. But if it happens to one person, you know what it is. And I saw the sewage in people's homes and there were people still living in their homes with their kids. I was there pulling stuff out.

Can you do me one small favor? And I understand you're going for the whole amount. But just look at it a little bit from where I am. We need them to go to NIFA for the whole 262 that we already allocated. They could start that work right away. And we need to look at this 357 million that is there. I really believe that with

2 a small little vote from us we could allocate
3 that for the electrical system. And I will be
4 the happiest person in the world to vote yes for
5 that.

6 MR. ASHER: I'm sure we're going to get
7 on top of that. But as far as what Mr. Denenberg
8 brought up, the \$357 million is going to be
9 there. This is not done. The money, the 262
10 that was allotted and the money that's going to
11 be voted on today, we'll find out about that and
12 we'll work with that. But there are going to be
13 more projects after this. Okay. What I'm trying
14 --

15 LEGISLATOR DeRIGGI-WHITTON: Right. And
16 we've always said we'll support it.

17 MR. ASHER: Please, Ms. Whitton. What
18 I'm trying to say is, believe me, we're up by you
19 too. Operation Splash is working for your
20 community also. This is not just a south shore
21 operation. Okay. We will work towards that, and
22 we will get answers towards that. But please
23 don't vote no today. If that 357 is still
24 sitting there, okay, just say it is, there are
25 going to be more projects after this. This is a

1 \$2 billion project at the end of the day, after
2 four years. So we have time to spend that 357 if
3 it's there. We have time to spend that money
4 too. And we'll make sure that that money is
5 spent if it's there, I promise you.

6
7 LEGISLATOR DeRIGGI-WHITTON: Can I just
8 back up a little bit with this? There's a couple
9 of things.

10 Number one. If we - let's say we hold on
11 to the 357 and then we borrow another 300, what
12 might not seem like a big thing, is the more we
13 borrow - we already owe so much money. Our bond
14 rating, our interest is so high already. What's
15 better to do - what we did is the 262 will cover
16 what anyone can do right now, today, as long as
17 we get NIFA approval, that's the only thing
18 stopping. But wait, just let me finish one
19 thing.

20 Even the 262, we're going to get some of
21 that back from FEMA which we'll ask, you know, to
22 borrow less in the future.

23 And with this 357, if this is ready to go
24 right now that means no borrowing; that's what we
25 got to focus on right now.

2 MR. ASHER: Let me ask you -

3 LEGISLATOR DeRIGGI-WHITTON: If we can
4 use the 357 to pay for the electrical and we get
5 this 262 going so we can get FEMA reimbursement,
6 listen, do you think you have any problem coming
7 back to us for another project and another
8 project? It's just the steps we have to take for
9 it to work.

10 MR. ASHER: This is not the one
11 component, okay, that you --

12 LEGISLATOR DeRIGGI-WHITTON: I
13 understand.

14 MR. ASHER: I understand the fight. But
15 this is not the one component. Just think of it
16 in layman's terms. If you have your car, you
17 bring it to the shop. You have an electric
18 problem and you have a fuel injector problem.
19 You can fix your fuel injector problem; you're
20 still not going to be able to start the car.

21 LEGISLATOR DeRIGGI-WHITTON: I know.
22 You know what? I really believe - and I'm
23 looking at you as a real person to real person
24 right now. We have enough money to do what
25 you're up here asking us to do. We have enough

1 to start this three months worth of project; we
2 already allocated that. And I'm telling you
3 right now, when I asked Mr. Millet a couple of
4 weeks ago how much money was left - there has
5 been so many numbers back and forth. Finally, we
6 think we have the right number, which is \$357
7 million sitting there today. All we have to do
8 is just allocate it a little differently to say
9 go use it for the electrical pump. This is
10 faster than even going to NIFA for approval and
11 getting another bond. This is here. Let's do
12 this now. That's what I'm voting for right now.

13 We use the 357 to buy electrical pump.
14 It's there. Do it. I'll vote yes to change the
15 allocation for the contract. I'm telling you, if
16 you want to do things as fast as possible, get
17 NIFA approval on the money we okayed last week
18 and use the 357 today. I will vote yes right
19 now, that will allocate it for the electrical --

20 MR. ASHER: The only problem --

21 LEGISLATOR DeRIGGI-WHITTON: But -

22 MR. ASHER: Listen. The only problem,
23 because we all see it, the people back here, we
24 all see it, this argument is going to go back and
25

2 forth, back and forth like it has for the last 25
3 years.

4 LEGISLATOR DeRIGGI-WHITTON: We need you

5 -

6 MR. ASHER: I understand.

7 LEGISLATOR DeRIGGI-WHITTON: who is a

8 person who has the right intent --

9 MR. ASHER: Believe me, we're going to -

10 -

11 LEGISLATOR DeRIGGI-WHITTON: you have

12 the right intent. You want this done. So you

13 need to say it.

14 MR. ASHER: What I'm trying to say is

15 that money, if it's there, that money, we have a

16 \$2 billion project -

17 LEGISLATOR DeRIGGI-WHITTON: I

18 understand -

19 MR. ASHER: It's going to be used.

20 LEGISLATOR DeRIGGI-WHITTON: You're

21 mixing - no. We're ready right now to do the 262

22 and we're ready right now to move this 357 to do

23 electrical. We need someone like you and your

24 groups who are independent to put pressure on

25 everybody to go ahead and do that. Because you

1 know what? That could be done today.

2
3 Not only that, as far as future, we are
4 all telling you from day one, whatever the number
5 is - \$2 billion is a little bit higher than what
6 I've heard. I've heard between one billion and
7 two billion. We are here. We know how important
8 it is. I have kids, too. I'm on the north shore
9 but I have the sewage treatment plant in Glen
10 Cove, yes, and that's been a big project. My dad
11 started that 20 years ago, cleaning that up. The
12 bottom line is I've lived this forever. And I
13 love to bring the kids to the south shore and we
14 love to use the restaurants and we love to use
15 the ocean, who doesn't?

16 We're all with you and we're all willing
17 to do what we have to do. But the smartest,
18 quickest way, which you seem to be that kind of
19 person, is to get this NIFA approval as quick as
20 possible. To only put in 16 million, I don't
21 understand it. I'm shocked that they didn't put
22 in for the full amount. To only put in for 16
23 million and to not use money that's already all
24 set and has to be used for the sewer department
25 and could buy the electrical equipment tomorrow

2 doesn't make any sense.

3 CHAIRWOMAN GONSALVES: Thank you, Mr.
4 Asher. Thank you, Legislator DeRiggi-Whitton.

5 Mr. Millet, I need clarification here,
6 please. I think it needs to be addressed. We
7 keep talking about \$357 million. Please talk to
8 us.

9 LEGISLATOR NICOLELLO: Madam Chair?

10 CHAIRWOMAN GONSALVES: Mr. Nicolello.

11 LEGISLATOR NICOLELLO: We have Deputy
12 County Executive Sullivan here.

13 DEPUTY COUNTY EXECUTIVE SULLIVAN: Just
14 a couple of points, a couple of points of
15 clarification.

16 The bonds that were approved I believe
17 two or three weeks back for 262 million, those
18 are for specific projects which, to my
19 understanding, are out to bid. You can't spend
20 that money on other items once you pass a bond
21 ordinance, so that would be -

22 LEGISLATOR DeRIGGI-WHITTON: That's not
23 been suggested. That has not been suggested.

24 LEGISLATOR NICOLELLO: Would you please
25 not interrupt.

2 LEGISLATOR DeRIGGI-WHITTON: That has
3 not been suggested. We're talking about -

4 DEPUTY COUNTY EXECUTIVE SULLIVAN: At
5 that --

6 LEGISLATOR NICOLELLO: Mr. Sullivan -

7 LEGISLATOR DeRIGGI-WHITTON: The 262 is
8 for the projects that we allocated for at the
9 last meeting.

10 DEPUTY COUNTY EXECUTIVE SULLIVAN: You
11 just said electrical.

12 LEGISLATOR DeRIGGI-WHITTON: No, no, no.

13 CHAIRWOMAN GONSALVES: Legislator
14 DeRiggi-Whitton..

15 LEGISLATOR DeRIGGI-WHITTON: That
16 electrical is not --

17 LEGISLATOR NICOLELLO: Mr. Sullivan -

18 LEGISLATOR DeRIGGI-WHITTON: from that.

19 LEGISLATOR NICOLELLO: there are very
20 specific questions here. Number one. With
21 respect to the \$262 million that was authorized
22 by this legislature to go for bonding, was there
23 a reason why it didn't go to the last NIFA
24 meeting?

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: The

1 first thing that happens when you get the
2 approval, that's like an authorization to spend
3 that money, then the projects go out to bid.
4 There is the process obviously of the bidding and
5 then you get the specific dollar amounts per
6 project with the winning bids that come back. At
7 that point in time, you can go out, identify the
8 projects with the specific funding, with the
9 specific vendor and bond that way.
10

11 NIFA met, the board met July 30, so I
12 don't believe there would have been time to go
13 out, solicit bids, do all the work that is
14 required for that process. NIFA also wants to
15 see this weeks in advance of their board, weeks
16 in advance. So the project list that was
17 submitted was submitted to NIFA in advance of
18 this legislature ever convening.

19 LEGISLATOR NICOLELLO: I understand that
20 point, that they need weeks in advance to prepare
21 for these things. Again, is it enough for us to
22 go to them and say the legislature has approved
23 bonding? Can we just drop that at their doorstep
24 or are there other steps? And those other steps
25 are take it slowly - what are the other steps you

have to do before you get to NIFA?

DEPUTY COUNTY EXECUTIVE SULLIVAN: They want to see the specific projects that have been bid. You need specific pricing. It isn't just we think a project is going to come at this level, let's borrowing \$18 million, we think that's a good estimate. They want to know that there is a specific project that has been run through, that there is an identified cost, a contractor in place, that this is all lined up up front.

LEGISLATOR NICOLELLO: So you have a contractor in place, among other things.

DEPUTY COUNTY EXECUTIVE SULLIVAN: Yeah. A lot of time NIFA approves the contracts before they approve the funding.

LEGISLATOR NICOLELLO: Okay. So the bottom line is it didn't go to NIFA last week because it wasn't ripe to go to NIFA and they wouldn't have entertained it.

DEPUTY COUNTY EXECUTIVE SULLIVAN: It wasn't even close. I don't think bids have come back to DPW at that point.

LEGISLATOR NICOLELLO: Secondly, this

2 whole suggestion that there is this prior
3 authorization of bonding out there, that somehow
4 this prior authorization could be merely shifted
5 to the new projects, the post-Sandy projects that
6 the county is undertaking. Can you address that?

7 DEPUTY COUNTY EXECUTIVE SULLIVAN: To my
8 understanding, that would be illegal. You're not
9 allowed to take authorization for -- you can't
10 cross projects. If you authorize \$50 million for
11 a bridge, I can't say, hey, let's use that 50
12 million that the bridge is no longer in place,
13 let's throw it towards the sewer. You can't do
14 that.

15 LEGISLATOR NICOLELLO: That's clear
16 enough. I think that particular concept -- we've
17 been informed about that concept any number of
18 times. If it hasn't penetrated yet, then it
19 never will.

20 But there's also been this concept
21 proposed - promoted here that we could still do
22 that. We'll put an amendment in and we'll vote
23 ten to nine and therefore we can do that. Is
24 that possible?

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: You'd

need a new bond ordinance appropriating refunds to that. So then it would be a super majority.

LEGISLATOR NICOLELLO: It would be a super majority.

DEPUTY COUNTY EXECUTIVE SULLIVAN: Yes.

LEGISLATOR NICOLELLO: Okay. New bond ordinance?

DEPUTY COUNTY EXECUTIVE SULLIVAN: Yeah.

LEGISLATOR NICOLELLO: The bottom line - with respect to the bonding itself and the authorization, what is that governed by? Is it governed by something at the state level? Is it governed by state law?

DEPUTY COUNTY EXECUTIVE SULLIVAN: Local Finance Law.

LEGISLATOR NICOLELLO: New York State Local Finance Law.

DEPUTY COUNTY EXECUTIVE SULLIVAN: Yes.

LEGISLATOR NICOLELLO: And the County can't, because it wants to do that or it thinks it's urgent to do something can't vary that law, it's a matter of state law.

DEPUTY COUNTY EXECUTIVE SULLIVAN: Correct.

2 LEGISLATOR NICOLELLO: And in general
3 or, as you just said, specifically, if something
4 is authorized for one project, bonding is
5 authorized for one project and that money's been
6 borrowed, you cannot just shift that money to a
7 second project.

8 DEPUTY COUNTY EXECUTIVE SULLIVAN: That's
9 correct.

10 LEGISLATOR NICOLELLO: And you cannot
11 just vote by a ten to nine vote of the
12 legislature to do that.

13 DEPUTY COUNTY EXECUTIVE SULLIVAN: That
14 is my understanding, yes.

15 LEGISLATOR NICOLELLO: So then I would
16 suggest to the legislators over there who are
17 saying all we need is a ten/nine vote and they
18 will gladly give us the vote to do that, I
19 suggest that that's not possible, that you come
20 with us and vote for with these projects today
21 the way it's supposed to be done, according to
22 New York State Finance Law.

23 LEGISLATOR DENENBERG: It was, in all
24 deference to the Chair, it was an answer to my -
25 thank you.

2 CHAIRWOMAN GONSALVES: Legislator
3 Denenberg, to ahead.

4 LEGISLATOR DENENBERG: Mr. Sullivan -
5 DEPUTY COUNTY EXECUTIVE SULLIVAN:
6 Legislator.

7 LEGISLATOR DENENBERG: I'm looking at a
8 PowerPoint from last week that said there really
9 isn't 357 in authorized but unissued sewer and
10 storm water authority bonds. But I'm looking at
11 a bond offering from June 20 which says, and I'm
12 sure your office signed off on this, figure 14
13 says \$357.8 million in sewer and storm water
14 authorized but unissued bonds. And it says right
15 here that the authorization expires ten years
16 after adoption of the approved bond ordinance.
17 So if this was expired, it wouldn't be on this
18 chart. So the chart says \$357.8 million
19 authorized but unissued sewer and storm water
20 bonds. We had a PowerPoint last week saying
21 there's really only 92, \$250 million expired.
22 Some people talk about a pellitization project
23 that, for the life of me, I know hasn't been
24 ratified or in any of our capital plans. The
25 only time any money was allocated for

2 pellitization was in the late 80's or early 90's,
3 which clearly would have expired. That was by
4 the old board of supervisors. So is that 357.8
5 still authorized but unissued?

6 DEPUTY COUNTY EXECUTIVE SULLIVAN: I
7 don't have the specifics in front of me. That
8 wasn't my PowerPoint, number one. Number two, if
9 obviously bond is - an ordinance is over ten
10 years it's not valid, we're quite familiar with
11 that.

12 Again, the projects have to be
13 specifically spelled out. You can't use
14 something -

15 LEGISLATOR DENENBERG: I gotcha.

16 First of all, when I went through the
17 math to add the 357, it includes all the projects
18 that then got fully funded again by the 262 plus
19 numerous other projects, like ammonia removal,
20 like gravity belt thickeners, a ton of other
21 projects, still scrubbers.

22 Let me ask you this. The Figure 14 of
23 our bond issuance from --

24 DEPUTY COUNTY EXECUTIVE SULLIVAN: When
25 you say bond issuance, what do you mean by that?

2 LEGISLATOR DENENBERG: It's the official
3 statement for a new issue of bonds. Nassau
4 County general obligation bonds, with the county
5 executive signing off on it, and it's J.P. Morgan
6 and Ramirez & Company.

7 DEPUTY COUNTY EXECUTIVE SULLIVAN: What
8 date?

9 LEGISLATOR DENENBERG: June 20, 2013.
10 And there's a Figure 14 that's a summary of bonds
11 authorized but unissued and it says that it comes
12 from the county.

13 DEPUTY COUNTY EXECUTIVE SULLIVAN: There
14 was not an offering for that said dollar amount
15 at that time. I -

16 LEGISLATOR DENENBERG: No. It was for a
17 different - it was an offering for a different
18 amount. But the offering was for bonds for a
19 different purpose -

20 DEPUTY COUNTY EXECUTIVE SULLIVAN: We
21 could have RAN in June - Revenue Anticipation
22 Note. So I don't know what you're looking at
23 actually.

24 LEGISLATOR DENENBERG: So OS for the
25 RAN.

2 DEPUTY COUNTY EXECUTIVE SULLIVAN: Right.
3 What does a RAN have to do with sewer bonds? A
4 RAN is a cash flow borrowing.

5 LEGISLATOR DENENBERG: Well, would you
6 want Figure 14 and the RAN to be accurate?

7 DEPUTY COUNTY EXECUTIVE SULLIVAN: Yes,
8 I would.

9 LEGISLATOR DENENBERG: Would you check
10 and make sure it's accurate?

11 DEPUTY COUNTY EXECUTIVE SULLIVAN: I'm
12 sure it is. Was that -

13 LEGISLATOR DENENBERG: So if I'm reading
14 -

15 DEPUTY COUNTY EXECUTIVE SULLIVAN:
16 before the bond counsel people review it, you are
17 stating that something, we were going out with
18 357 million worth of bonds -

19 LEGISLATOR DENENBERG: That's not what
20 I'm saying.

21 DEPUTY COUNTY EXECUTIVE SULLIVAN: Yes,
22 you did.

23 LEGISLATOR DENENBERG: I'm saying that
24 Figure 14 -

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: The

2 issuance was, like, 240, if I recall. So your
3 numbers -

4 CHAIRWOMAN GONSALVES: Legislator
5 Denenberg, let him finish.

6 LEGISLATOR DENENBERG: Okay. Let me -

7 DEPUTY COUNTY EXECUTIVE SULLIVAN: are
8 wrong and it was a -

9 LEGISLATOR DENENBERG: Let's be clear to
10 the audience. What I'm saying is that Figure 14,
11 which you said has to be accurate, says that
12 there's \$357.8 million of authorized but unissued
13 sewer and storm water debt - bonds. The answer
14 isn't so what. Because two weeks ago we were
15 told that's not real. And if anyone -- is that
16 accurate or not?

17 DEPUTY COUNTY EXECUTIVE SULLIVAN: What
18 was your question again, sir? You're looking at
19 a figure in an offering. There's lots of data in
20 an offering. The offering -

21 LEGISLATOR DENENBERG: Would you
22 correct that figure if it was inaccurate?

23 DEPUTY COUNTY EXECUTIVE SULLIVAN: If
24 you turn to the front cover -

25 LEGISLATOR DENENBERG: Just answer the

2 question, sir.

3 DEPUTY COUNTY EXECUTIVE WALKER: the
4 front cover, which everyone can see right here
5 says \$153 million of revenue anticipation notes,
6 2013 Series A which are due March 31, 2014, and
7 the second is \$55 million which is due April 30,
8 2014. So if you look at that, off the top of my
9 head that's 208,150,000. So that is the
10 issuance.

11 LEGISLATOR DENENBERG: No, no. Let me
12 ask you again -

13 DEPUTY COUNTY EXECUTIVE SULLIVAN: So I
14 don't understand your question.

15 LEGISLATOR DENENBERG: so you can
16 actually answer the question. Figure 14 for this
17 issuance that went to the market, Figure 14 is
18 something that needs to be accurate and it is a
19 summary of bond authorized but unissued, correct
20 or not?

21 DEPUTY COUNTY EXECUTIVE SULLIVAN:
22 That's what it says, correct.

23 LEGISLATOR DENENBERG: Do you believe
24 that to be accurate?

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: Yes.

2 LEGISLATOR DENENBERG: And if it wasn't
3 accurate you would have corrected it, correct?

4 DEPUTY COUNTY EXECUTIVE SULLIVAN: One
5 would have assumed, yes.

6 LEGISLATOR DENENBERG: Okay. So if it
7 says sewer and storm water \$357.8 million worth
8 of authorized but unissued bonds, then we have
9 357.8 authorized but unissued bonds. Correct?

10 DEPUTY COUNTY EXECUTIVE SULLIVAN:
11 Correct. But you have to ask -

12 LEGISLATOR DENENBERG: Let me go with
13 the next question.

14 DEPUTY COUNTY EXECUTIVE SULLIVAN: its
15 purpose, what the purpose is.

16 LEGISLATOR DENENBERG: You're saying it
17 could only be used for the projects that were
18 authorized during that time period, correct?

19 DEPUTY COUNTY EXECUTIVE SULLIVAN: The
20 projects for which the specific authorizations
21 were given.

22 LEGISLATOR DENENBERG: Under the Capital
23 Bond Law of Nassau County, which I sponsored with
24 Brian Muellers, this goes way back, where you
25 have to show a plan for four years and you have

1 to authorize each year a year ahead of time. A
2 vote of this body, if there's unused money or
3 authorized but unissued, a vote of this body, and
4 I think it's ten/nine, but let's say it's a super
5 majority. A super majority could reallocate that
6 money because it was all in a capital plan and we
7 would have to amend the capital plan to put the
8 authorized but unissued into the electrical. I'm
9 trying - I'm going to vote yes today, I keep
10 telling you that. But if I have 357.8 that's
11 already authorized but unissued and a Capital
12 Bond Law that I wrote, and I know that we can
13 amend capital plans for issued but unspent money
14 or authorized by unissued, why not use that money
15 if we can?
16

17 MR. DENION: Connell Denion, Deputy
18 County Attorney.

19 LEGISLATOR DENENBERG: Everyone up here
20 is trying to figure out ways to say no. I want a
21 way to say yes.

22 MR. DENION: Legislator Denenberg, as
23 the change in capital projects, there are legal
24 issues with that the way the law is written. It
25 talks about changing the capital budget. By

2 definition there's only one budget, that's 2013.

3 So to go back years and change prior capital

4 budgets, there are legal issues with that,

5 whether the Capital Plan Law allows for that. So

6 I think it's not as simple as you first think

7 here.

8 LEGISLATOR DENENBERG: Connell, let me
9 ask you a question. And this is why I thought it
10 was somewhat simpler.

11 The 262, which I just went through with
12 Mr. Millet, the 262 million, at least six of
13 eight of those projects were from prior capital
14 plans and already authorized but unissued bonds.
15 We then changed the 13 capital plan that still
16 has those projects because we just fully funded
17 every project from scratch with that 262. So we
18 may have just done that.

19 MR. DENION: You don't amend. You have
20 a capital plan that you renew, you change. The
21 out years are always changing in any plan,
22 whether capital or operating.

23 LEGISLATOR DENENBERG: So let's change
24 it and let's use that 357.

25 MR. DENION: You're talking about

1 changing - capital plan is always years to come.
2 Capital budget is what you can borrow. You can
3 borrow for the plan and budget, but you're
4 talking about going back and amending budgets -

5 LEGISLATOR DENENBERG: We just did it
6 last week with the 262, didn't we?

7 MR. DENION: Well you're talking about
8 going back and changing a capital budget from
9 2010, I'm telling you that's the difficult I
10 think legally.

11 LEGISLATOR DENENBERG: These projects
12 are in the 2013 capital budget. Six out of eight
13 of them are in the 2013 capital budget. We just
14 fully funded those projects with the 262. That
15 was all on the spreadsheet. Fully funded it. So
16 why can't we amend the capital plan to include
17 the electrical work? Fully include it and use
18 authorized but unissued bonds with a vote to
19 amend it, whether it's 13 or 10. You already
20 hear some of the democrats saying use that money,
21 we'll give you the votes.

22 MR. DENION: You're saying the old bond
23 ordinance is for that project?

24 LEGISLATOR DENENBERG: Why not? They're
25

good for ten years, I just read the document.

MR. DENION: I understand. But it has to be defined in the capital bond ordinances but for particular projects. So you're talking about going and trying to amend back -- you're trying to tie a new project to an old project that's in an old bond ordinance, and I'm not sure that matches.

LEGISLATOR DENENBERG: First of all, it's all sewer and storm water authority, it's not outside authorization.

Second of all, we just changed capital plans and fully funded, with a new bond ordinance, projects which were - six out of eight which were at least partially, if not mostly, funded from earlier bond ordinances. We just did it last week.

MR. DENION: We were not funded to authorized in a prior capital budget.

LEGISLATOR DENENBERG: No, it was.

MR. DENION: I agree with you. I'm saying they were authorized in a prior capital budget but they did not have a sufficient bond ordinance, so -

2 LEGISLATOR DENENBERG: They did have
3 sufficient bond ordinances. We added to the
4 projects. The projects became more expense this
5 year, in part because we added mitigation to it.

6 MR. DENION: I'm not sure. If they went
7 into the bond ordinance, they need a new bond
8 offering.

9 LEGISLATOR DENENBERG: You know what?
10 You really should have a can-do mentality here.

11 LEGISLATOR MUSCARELLA: Can I just ask a
12 question? Is it the minority's opinion that we
13 can pass something that requires 13 votes on a
14 bond and then come back six months, a year later
15 and change those projects with ten votes as to
16 what we're going to use the money for?

17 LEGISLATOR DENENBERG: No. In
18 accordance with the capital plan, you can change
19 what we funded in the capital plan. There always
20 was a mechanism to do that, and we've done that.

21 MR. DENION: A bond ordinance takes 13
22 votes, of course, to amend.

23 LEGISLATOR DENENBERG: Okay. But that
24 would be with an existing approval.

25 LEGISLATOR MUSCARELLA: You just said it

2 takes 13 votes -

3 MR. DENION: To amend a bond ordinance,
4 correct.

5 LEGISLATOR MUSCARELLA: Dave's alleging
6 you need 10 now to change it.

7 MR. DENION: You can't amend if you've
8 already borrowed, so that's an important point.

9 CHAIRWOMAN GONSALVES: One question to
10 ask. When we authorized the 357 million, were
11 there projects associated with that 357 million?

12 MR. DENION: There would have to be,
13 sure.

14 CHAIRWOMAN GONSALVES: Okay. And so
15 that money has to be directed toward those
16 projects, correct?

17 MR. DENION: Correct.

18 CHAIRWOMAN GONSALVES: Okay. That's my
19 question.

20 LEGISLATOR DENENBERG: Norma, my only
21 point -

22 CHAIRWOMAN GONSALVES: Excuse me.

23 LEGISLATOR DENENBERG: is we just - the
24 262 just -

25 CHAIRWOMAN GONSALVES: Let him speak,

2 please.

3 LEGISLATOR ABRAHAMS: Thank you, Madam
4 Presiding Officer. I think I do need Mr. Millet,
5 if he can come back to the podium. He's to the
6 left.

7 I can say, and this is a commentary on
8 today and this is not to be done in a malice way,
9 Madam Presiding Officer. But I really wish we
10 could have done some of the other business of the
11 day because there are people here from the
12 College, we have youth board appointments, we
13 have a human rights appointment, there's a rent
14 appointment. All of those appointments would
15 have been done unanimously and those people could
16 have been on their way - I'm going to say this,
17 after 10 or 15 minutes. To make them wait
18 through this entire meeting on an issue that we
19 knew very full well was going to take a very long
20 time, which I'm glad we're having this debate
21 because we're going to have it for many months to
22 come, to me is totally unfair.

23 Mr. Saunders and to the youth board folks
24 that are here, I believe I saw Mr. Gray who is up
25 for the rent guidelines board, I apologize to

1 you. I truly do. I'm ashamed at the fact that
2 you had to wait hours for something that would
3 have taken 15 minutes. But that being said.

4 Mr. Millet, can you please come to the
5 podium? How are you, Mr. Millet?

6 MR. MILLET: Good. How are you?

7 LEGISLATOR ABRAHAMS: Last week you
8 gave us an update on the projects that were
9 included in the 262. Can you provide this
10 legislature with those projects against?

11 MR. MILLET: Yes. They are still out to
12 bid, waiting to return from bid. I think they
13 are back in the next two weeks.

14 LEGISLATOR ABRAHAMS: Can you go
15 through the projects again? I'm sorry.

16 MR. MILLET: The Bay Park digester is
17 ongoing now. Construction is about to start.

18 LEGISLATOR ABRAHAMS: What's the total
19 on that?

20 MR. MILLET: That is a \$13 million job
21 right now.

22 LEGISLATOR ABRAHAMS: And you're saying
23 construction is about to start when?

24 MR. MILLET: We have been mobilizing for
25

2 probably two weeks. I think they're in the
3 middle of shop drawing -

4 LEGISLATOR ABRAHAMS: And when did -
5 I'm sorry to cut you off. When did the bid
6 originally go out for that?

7 MR. MILLET: The bid came back maybe
8 eight weeks ago on that.

9 LEGISLATOR ABRAHAMS: Eight weeks. And
10 what's the next one?

11 MR. MILLET: Odor control is out to bid
12 now.

13 LEGISLATOR ABRAHAMS: I'm sorry. Just
14 go back to the digesters for a second. And
15 what's the -- what does the master schedule
16 determine, in terms of the timeframe to complete
17 that project?

18 MR. MILLET: It is an 18 month
19 construction period, possibly 12 with
20 acceleration.

21 LEGISLATOR ABRAHAMS: Okay. So 18
22 months would put us sometime in 2015.

23 MR. MILLET: Correct.

24 LEGISLATOR ABRAHAMS: And the next
25 project?

2 MR. MILLET: Odor control.

3 LEGISLATOR ABRAHAMS: Odor control.

4 Okay.

5 MR. MILLET: That is out to bid. That
6 is on the street now.

7 LEGISLATOR ABRAHAMS: That's out to
8 bid. How many weeks are we into the bid process
9 now?

10 MR. MILLET: I believe that comes back
11 in two weeks.

12 LEGISLATOR ABRAHAMS: And when did that
13 one go out?

14 MR. MILLET: That went out the beginning
15 of last week.

16 LEGISLATOR ABRAHAMS: Beginning of last
17 week. And that one totals?

18 MR. MILLET: 26 million.

19 LEGISLATOR ABRAHAMS: 26 million. I'm
20 just making sure it ties into the sheet that I
21 have here.

22 Go right down the line.

23 MR. MILLET: The wastewater security.

24 LEGISLATOR ABRAHAMS: Wastewater?

25 MR. MILLET: Security.

2 LEGISLATOR ABRAHAMS: Security. Okay.

3 MR. MILLET: It's out to bid.

4 LEGISLATOR ABRAHAMS: Okay.

5 MR. MILLET: You have 35121, which is
6 the storm restoration which connects itself to --

7 LEGISLATOR ABRAHAMS: When did it go
8 out to bid? I'm sorry.

9 MR. MILLET: That's a hazard mitigation
10 one. That will go out as each construction
11 contract comes in.

12 LEGISLATOR ABRAHAMS: Okay. Now, if
13 you just go back to the digesters, that one went
14 out to bid without the authorization of this
15 legislature. How was that done?

16 MR. MILLET: That went out with some
17 previous money that was there.

18 LEGISLATOR ABRAHAMS: Okay. Go ahead.
19 I'm sorry. Continue.

20 MR. MILLET: 3B119, that's various
21 equipment at Bay Park. That is on the street
22 now. That is influent pumping and influent
23 screening. Along with 3B120, they both went out
24 at the middle of last week.

25 LEGISLATOR ABRAHAMS: Middle of last

2 week. So these won't come back for at least
3 another?

4 MR. MILLET: Usually three weeks.

5 LEGISLATOR ABRAHAMS: Three weeks. So
6 we still have about 21 days. So that's pretty
7 much the end of the month, you would say?

8 MR. MILLET: I would say that's when
9 they're due back.

10 LEGISLATOR ABRAHAMS: Okay. I still
11 have a couple of more on my list, unless I missed
12 what you said. Go ahead. Did you mention the
13 wastewater facility storm restoration?

14 MR. MILLET: I did.

15 LEGISLATOR ABRAHAMS: 120 million?

16 MR. MILLET: I did.

17 LEGISLATOR ABRAHAMS: When did that go
18 out for bid?

19 MR. MILLET: That does not. That goes
20 individually with each piece. That is the
21 mitigation moment for each individual piece.
22 There is an attachment in 121 that applies to
23 each program.

24 LEGISLATOR ABRAHAMS: Okay. And for
25 35114, wastewater facilities improvement?

2 MR. MILLET: No. We talked about that.
3 That's going to - that's the effluence tide -

4 LEGISLATOR ABRAHAMS: We did?

5 MR. MILLET: And effluence screening.

6 LEGISLATOR ABRAHAMS: I don't have a
7 note next to it.

8 MR. MILLET: That is out to bid now. I
9 believe it went out in the beginning of last
10 week.

11 LEGISLATOR ABRAHAMS: And all of these
12 projects that are currently either out to bid or
13 in the process of coming back -

14 MR. MILLET: Correct.

15 LEGISLATOR ABRAHAMS: will be totaling
16 262 million. And when will this legislature
17 anticipate contracts for these projects?

18 MR. MILLET: It usually takes two to
19 three, maybe four weeks to get the contracts
20 through the county system.

21 LEGISLATOR ABRAHAMS: So even if these
22 projects came to the legislature -- I'm sorry.
23 Even if these projects - the RFPs came back by
24 late August the earliest this legislature would
25 see contracts is late September.

2 MR. MILLET: Mid to late September.

3 LEGISLATOR ABRAHAMS: So, I've heard a
4 lot of discussion about, I guess our side
5 delaying the process. For this slate of work,
6 which was going to start in quarter three of this
7 year, is the process being delayed?

8 MR. MILLET: Of the 262?

9 LEGISLATOR ABRAHAMS: Yes.

10 MR. MILLET: No.

11 LEGISLATOR ABRAHAMS: Okay. So
12 accusations that the 262 is somehow delaying the
13 process, that we're not allowing work to go
14 forward -

15 MR. MILLET: No, it's -

16 LEGISLATOR ABRAHAMS: Let me finish.
17 That work is not going forward - so the delay, if
18 I'm understanding this correctly, is when the
19 electrical distribution is supposed to be done.
20 Is that - so there haven't been any delays to
21 date.

22 MR. MILLET: There are delays occurring
23 without the remainder of the funding.

24 LEGISLATOR ABRAHAMS: No, no, no.
25 There can't be delays occurring.

2 MR. MILLET: There are, because we're not
3 able to start, we can't even start the process.

4 LEGISLATOR ABRAHAMS: Mr. Millet, let's
5 be honest. I don't know if you're familiar with
6 the PowerPoint presentation, but the PowerPoint
7 presentation slated that the electrical
8 distribution was going to be done in quarter
9 four.

10 MR. MILLET: Correct.

11 LEGISLATOR ABRAHAMS: Which will be
12 October.

13 MR. MILLET: Correct.

14 LEGISLATOR ABRAHAMS: So there wouldn't
15 be a delay until we got to the first of October,
16 correct?

17 MR. MILLET: Again, there can't be an
18 acceleration either. If we find moments to
19 accelerate -

20 LEGISLATOR ABRAHAMS: I totally agree.
21 But, Mr. Millet -

22 MR. MILLET: that can't be a moment to
23 accelerate without it.

24 LEGISLATOR ABRAHAMS: Mr. Millet, I'm
25 not sure if you want to have that debate because

1 this legislature gave money for much of the work
2 to be done at the Bay Park Treatment Plant years
3 ago, going back to 2009. You really want to have
4 this debate on the floor?
5

6 MR. MILLET: I'll tell you, I wouldn't
7 mind having a debate since when I got here the
8 plant barely ran on one-third of its equipment.
9 I spent a year and a half practically two years
10 rebuilding a plant that was in total disarray.
11 There were emergency situations every day. And
12 now you're going to turn around and -

13 LEGISLATOR ABRAHAMS: But, Mr. Millet -

14 MR. MILLET: Wait. Let me finish now.

15 LEGISLATOR ABRAHAMS: Sure.

16 MR. MILLET: You're going to turn around
17 and tell me that there's a delay on something
18 else?

19 There are eight primary tanks working at
20 Bay Park; there were two when I got here. There
21 were four good screens; one worked. No grit
22 tanks worked. One bar screen. Two final tanks
23 worked. No GBTs in. There were air flotation
24 devices that did not operate. When I came in and
25 the administration brought me here, we brought

1 that plant back. There were eight running
2 primary tanks. There were ten final tanks
3 running. There were all the GBTs running.
4

5 So, I, personally, I take my job very
6 seriously. When I came here I made a commitment
7 to the county executive. Between Cedar Creek and
8 Bay Park, I spent 90 percent of my day, every
9 day, fixing what was broken when I got here,
10 whether it was digester valves, whether it was
11 primary tanks or final tanks, or the fact that we
12 didn't have health and safety for our men. There
13 were no rescue classes here. So, I get a little
14 bit offended when someone goes, well, there's a
15 \$20 million project that didn't get done. Well,
16 I'm sorry. Because I was trying to stop feces
17 from going out into Reynold's Channel. And I was
18 trying to stop a plant from violating every day.
19 That's what I spent my first two years doing.
20 And I know nothing about treatment plants when I
21 got here, and I know way too much now. Way too
22 much.

23 In find it a little bit offensive to me,
24 personally, because, like you do, I take my
25 business personal.

2 LEGISLATOR ABRAHAMS: Well, you
3 shouldn't feel offended, Mr. Millet. That's not
4 what my intent is, nor do I think anybody's
5 intent here is to make you feel offensive. The
6 intent is to get to the root of the answer.

7 MR. MILLET: The root of the answer is
8 give me the money I asked for, let the
9 professionals fix the plant --

10 LEGISLATOR ABRAHAMS: If I may.

11 MR. MILLET: the way they're supposed to
12 fix it. That's the answer.

13 LEGISLATOR ABRAHAMS: Okay.

14 MR. MILLET: These guys -

15 LEGISLATOR ABRAHAMS: Mr. Millet, I let
16 you go on for quite some time. I was trying to
17 say something after that, if I may.

18 What the root of the answer is, I mean,
19 and I think it's been said over and over again
20 and I don't want to be redundant. But the root
21 of the answer is there was money allotted in
22 previous years. We're trying to figure out what
23 happened to that money.

24 I think the questions that Legislator
25 Denenberg had brought up in regards to the 357

2 are absolutely valid.

3 MR. MILLET: What happened to some of
4 that money that was in grit and all of that, it
5 had to wait. It had to wait until we could get
6 the plants not to violate.

7 LEGISLATOR ABRAHAMS: So let's go back
8 to what I was saying before.

9 The original commentary was there's been
10 notions still out there about delays. Now you've
11 mentioned acceleration, which we would love to be
12 able to try to get this done.

13 MR. MILLET: But you can't because you
14 won't give us the money. Just give us the money.

15 LEGISLATOR ABRAHAMS: Mr. Millet, are
16 you going to continue to cut me off? I've been
17 very respectful to you, very respectful.

18 MR. MILLET: I know. I'm just a little
19 frustrated.

20 LEGISLATOR ABRAHAMS: As we all are.
21 As we all are. I will reaffirm again, and I've
22 said this I guess at least a dozen to two dozen
23 times.

24 We support every single dime and nickel
25 that it will take to be able to rebuild the Bay

1 Park Treatment Plant, every single dime. That's
2 not the issue. The issue is - and Mr. Millet,
3 you can't really answer these questions. The
4 issue is that there are oversight concerns, there
5 are debt concerns. This administration has the
6 highest debt. And I don't expect you to be able
7 to answer this. But you're asking for us to give
8 a response.
9

10 The administration has rung up three and
11 a half billion dollars - I'm sorry. This
12 administration has \$3.5 billion of debt. That
13 debt level is the highest number ever in the
14 history of Nassau County. We want to be able to
15 bond for this, if it's necessary. Obviously, you
16 have expressed before that it's very important
17 that we work the routes of reimbursement through
18 FEMA, which is all well and good. But if those
19 routes are not there, we still think this needs
20 to be done. We have said that countless times.
21 However, we have also asked your administration
22 for a master schedule to give us a layout of the
23 projects on how they will be done. Mr. Walker
24 gave us a PowerPoint presentation, which
25 basically outlined that quarter three, all the

2 projects that you have outlined were going to be
3 out to bid and start in construction, which it
4 doesn't sound like those projects are going to
5 start in construction because for the obvious
6 fact that they're not even going to be presented
7 to this legislature until the end of September.
8 When we voted on this in July, a couple of weeks
9 ago, we were under the impression this work was
10 going to start, every single project, from the
11 Bay Park, Cedar Creek digesters, the waste
12 facilities improvement, we thought this stuff was
13 going to start, that's what that PowerPoint
14 presentation indicated and that's the impression
15 that everyone here left with.

16 So when you talk about accelerations, I
17 got to say that --

18 MR. MILLET: What is your definition of
19 start?

20 LEGISLATOR ABRAHAMS: Again -

21 MR. MILLET: I've been looking for the
22 ready to go definition and the start definition
23 through this whole thing so maybe I can answer
24 your question.

25 LEGISLATOR ABRAHAMS: Start to me means

1 construction.

2
3 MR. MILLET: Start to you means
4 construction.

5 LEGISLATOR ABRAHAMS: Shovel in the
6 ground.

7 MR. MILLET: Someone puts a bid out,
8 they should come with the shovel - it doesn't
9 work --

10 LEGISLATOR ABRAHAMS: Mr. Millet, I
11 wasn't done yet.

12 Look. I understand you're very
13 frustrated. I understand you want to get the
14 work done. I respect that. At the same time,
15 the legislature was presented with this work was
16 going to begin in quarter three of 2013, it's
17 just not going to start. Now, when do you
18 anticipate - that goes back to my question. When
19 do you anticipate construction, people going to
20 work, labor getting started, when will
21 construction start based on some of the stuff you
22 outlined here? You already said that some work
23 started already.

24 MR. MILLET: Correct.

25 LEGISLATOR ABRAHAMS: So can you tell

2 us when the rest of it will start so we can
3 convey that to the public?

4 MR. MILLET: I can't tell you until the
5 contracts come back. The bided contracts have to
6 come back for me to be able to put a schedule
7 together. That's where we're disconnecting.

8 You want me to give a schedule that can't
9 be done because I don't have contractors in place
10 who tell you here's the leave time for this piece
11 of equipment that has to get made, here's what
12 this is going to take, here's how long this is.
13 You can't drill a construction schedule down in
14 this room. It doesn't work.

15 LEGISLATOR ABRAHAMS: We're using your
16 timeframe. You said --

17 MR MILLET: Your definition of start and
18 ready to go is very different than every other
19 construction --

20 LEGISLATOR ABRAHAMS: Mr. Millet, I've
21 got to tell you --

22 MR. MILLET: person in the world. Very
23 different.

24 LEGISLATOR ABRAHAMS: I've got to tell
25 you -- I can't speak for the other side but I can

2 speak for my side. We thought that meant
3 construction.

4 MR. MILLET: Well, without --

5 LEGISLATOR ABRAHAMS: We thought, I
6 mean --

7 MR. MILLET: bidding? So you want me to
8 just go out and get a contractor?

9 LEGISLATOR ABRAHAMS: Well, why would
10 you put a number --

11 MR. MILLET: I would do that if you
12 wanted me to.

13 LEGISLATOR ABRAHAMS: So, basically
14 construction, that quarter three just means
15 that's when we'll get bids back, that's when
16 we'll --

17 MR. MILLET: That's when design is done,
18 that's when bidding happens; that's the start of
19 the project.

20 LEGISLATOR ABRAHAMS: When will
21 construction start?

22 MR. MILLET: I can't tell until the
23 contracts come back with the bids on them.
24 You're not getting that. You're disconnecting.

25 LEGISLATOR ABRAHAMS: The disconnect

2 is, then, I can't see how -- if you have so much
3 work to do, and I agree, it's a lot of work to be
4 able to rebuild a plant. If there's so much work
5 to do, I can't fathom why the legislature -- why
6 would you think that this legislature would grant
7 326 when you haven't even gone through the
8 process on the 260.

9 MR. MILLET: But we are in the process,
10 they're all out to bid.

11 LEGISLATOR ABRAHAMS: You can't have it
12 both ways.

13 MR. MILLET: Your idea of the process is
14 very different. That's why I'm a construction
15 guy and you're --

16 LEGISLATOR ABRAHAMS: Mr. Millet, I
17 just asked you a question.

18 MR. MILLET: an accountant.

19 LEGISLATOR ABRAHAMS: Mr. Millet --

20 MR. MILLET: It doesn't work like that.

21 LEGISLATOR ABRAHAMS: Mr. Millet, I
22 just asked you the question. You told me that
23 basically the master schedule can't be done until
24 you get all of the --

25 MR. MILLET: Not all. You can do it in

1 phases.

2
3 LEGISLATOR ABRAHAMS: So now it's some
4 phases.

5 MR. MILLET: Yeah.

6 LEGISLATOR ABRAHAMS: So now the story
7 changes. It changes. Okay. Great.

8 MR. MILLET: Am I telling you I have to
9 haul 18 months of contracts in? No. But you
10 need contracts --

11 LEGISLATOR ABRAHAMS: We're changing
12 the story.

13 MR. MILLET: in.

14 LEGISLATOR ABRAHAMS: So you need
15 contracts to come back from bid --

16 MR. MILLET: In. Correct.

17 LEGISLATOR ABRAHAMS: Okay. So once
18 the contracts come back from bid then you can put
19 together the master schedule.

20 MR. MILLET: Then, for those projects,
21 you can --

22 LEGISLATOR ABRAHAMS: Which sounds like
23 an enormous amount of work, which obviously maybe
24 we underestimated. It sounds like an enormous
25 amount of work. But I've got to tell you, it

2 doesn't sound like it's going to happen in a
3 timeframe where you're going to be able to manage
4 that and you're going to be able to manage the
5 326 from the electrical distribution all at the
6 same time.

7 MR. MILLET: It will happen.

8 LEGISLATOR ABRAHAMS: You know what?
9 I'm sure you feel it will happen.

10 MR. MILLET: That's why you bring on
11 professionals.

12 LEGISLATOR ABRAHAMS: But let me give
13 you our insight. From what we can see has not
14 happened, I could tell you right now from our
15 standpoint, the best thing that this legislature
16 can do to ensure the work does happen is make
17 sure that we have continued oversight, which from
18 this process we have none. We have no oversight.
19 And that's one of the things -- and if you're
20 going to be a sticking point, which I don't
21 expect you to be able to respond to. But we need
22 to see some level of oversight over this entire
23 process, over this entire \$722 million. So, from
24 that standpoint, that's just one example.

25 How many public hearings have been

1 conducted in the Bay Park, in the East Rockaway
2 area? Baldwin? Any? So the public doesn't even
3 understand where you're coming from either.
4

5 MR. MILLET: They know exactly where
6 we're coming from.

7 LEGISLATOR ABRAHAMS: They do?

8 MR. MILLET: They certainly do. And you
9 could talk to every one of them.

10 LEGISLATOR ABRAHAMS: Really?

11 MR. MILLET: They know exactly what you
12 need to do, you're just unwilling to do it.

13 LEGISLATOR ABRAHAMS: No, sir. No,
14 sir.

15 MR. MILLET: Because you have to -

16 LEGISLATOR ABRAHAMS: You're unwilling
17 - you're unwilling to present, I gotta say this,
18 correct answers. The answers that you're giving
19 us -

20 MR. MILLET: They're the only answers
21 that you have. If you don't want to take them
22 for what they are -

23 LEGISLATOR ABRAHAMS: Unfortunately,
24 it's a sad indictment of where the county is
25 because we could do much better.

2 MR. MILLET: Inside, the engineers that
3 ran this plan, there are no lawyers, there are
4 doctors, there are no accountants, there are
5 anybody else, they're engineers. Their companies
6 have been doing this for 500 years. The two lead
7 people have been doing this for over 40 years.

8 LEGISLATOR ABRAHAMS: Mr. Millet,
9 nobody -

10 MR. MILLET: If you can't -

11 LEGISLATOR ABRAHAMS: doubts their
12 experience.

13 MR. MILLET: their direction and their
14 advice on this -

15 LEGISLATOR ABRAHAMS: Nobody doubts
16 their experience.

17 MR. MILLET: that's a very, very, very -
18 -

19 LEGISLATOR ABRAHAMS: We don't doubt
20 their experience.

21 MR. MILLET: very poor example.

22 LEGISLATOR ABRAHAMS: We don't doubt
23 their experience, Mr. Millet.

24 MR. MILLET: You are.

25 LEGISLATOR ABRAHAMS: No.

2 MR. MILLET: You absolutely are.

3 LEGISLATOR ABRAHAMS: We don't.

4 MR. MILLET: You're saying that their
5 piece, their work is not worthwhile.

6 LEGISLATOR ABRAHAMS: You've given this
7 legislature tremendous doubt in your responses.

8 MR. MILLET: That's because you want
9 doubt.

10 LEGISLATOR ABRAHAMS: I would say -

11 MR. MILLET: You don't want anything
12 else.

13 LEGISLATOR ABRAHAMS: Well, no. Mr.
14 Millet, are you done, Mr. Millet? Thank you.
15 Have a great day.

16 I've gotta tell you, the level of
17 disrespect from this, I've gotta tell you is
18 amazing. Truly amazing.

19 LEGISLATOR NICOLELLO: You've been
20 cutting him off for the last 20 minutes, so I
21 could see why there would be a little disrespect.

22 LEGISLATOR ABRAHAMS: Mr. Nicolello,
23 you went on for 20 minutes too, and I patiently
24 waited for you to finish.

25 LEGISLATOR NICOLELLO: But I didn't cut

off the witnesses.

LEGISLATOR ABRAHAMS: Mr. Nicoletto,
you went on for 20 minutes too, so please.

LEGISLATOR NICOLELLO: When you're
calling that disrespect, that's disrespectful -

LEGISLATOR ABRAHAMS: It's a level of
disrespect - let me make sure I understand this
correctly. It's okay for a speaker to leave the
podium when a legislator is asking questions?

LEGISLATOR NICOLELLO: Yeah, you're
right about that. I agree. But it's a bigger
disrespect if you've been cutting the guy off for
the last 10 minutes -

LEGISLATOR ABRAHAMS: And he never cut
me off, Mr. Nicoletto?

LEGISLATOR NICOLELLO: No, I don't think
he did.

LEGISLATOR ABRAHAMS: Of course he
didn't. Of course he didn't. I would expect you
to say that.

LEGISLATOR NICOLELLO: This is what I'm
talking about -

CHAIRWOMAN GONSALVES: Legislator Ford.

LEGISLATOR FORD: Mr. Millet, I'm not

1 going to - you don't need to come up. I just
2 want to ask you, in regard to a lot of the
3 projects that are going on -- and I understand
4 that when we - we had originally wanted to vote
5 for the full \$742 million in order to do the
6 electrical work and all of the work that's needed
7 to be done, the 262 plus the mitigation, plus all
8 of the other work. Would it have been easier to
9 go forward, to know that the plant would be
10 repaired in a more timely fashion had we passed
11 the full amount of money rather than doing
12 piecemeal?
13

14 MR. MILLET: Yes. If you have the
15 entire piece, it gives you moments where you can
16 accelerate the contracts, move things ahead, and
17 get things maybe moving that weren't moving in
18 the schedule. You can find opportunities to
19 accelerate your schedule.

20 LEGISLATOR FORD: Do you find that,
21 like, even moving forward without having the
22 electrical component in place that it may be a
23 deterrent? Like, in a way it may hamper some of
24 the work, some of the upgrades that we've already
25 authorized to be done, that not being able to do

2 all of the work, especially the electrical work
3 at that time, you know, can be deterrent in
4 getting the work done in a more timely fashion?

5 MR. MILLET: Yes. It will take longer
6 to get the work done. It will be more expensive.

7 LEGISLATOR FORD: So, just as you said,
8 that when we pass this bonding, a couple of weeks
9 ago, that now time, you can't - it's not - you're
10 not doing the work today because by law and by
11 basic regulations that we've done in the past,
12 ever since we've been bonding out work and
13 bidding out work, that we have to then send out
14 bids, get the contracts, have people come back
15 with the contracts, then you sit down in a room,
16 and then you set out the game plan as to when you
17 are going to be able to start this work, who is
18 going to be able, at the plant, do the work at
19 this time, what are the hours of operation, and
20 so forth and so forth. At that time you would
21 have a better opportunity to give us a timeline
22 as to when the work will start and when it will
23 end.

24 MR. MILLET: Yes.

25 LEGISLATOR FORD: It's basically like

1 the same thing, like, if you were going to do
2 roadwork. You can say that you need to do
3 repairs, just as we did up in Bayville, to do the
4 bridge, that you couldn't start the work the next
5 day. You actually had to send it out and ask the
6 company to take a look at the roadwork to
7 determine how it's going to be rebuilt. Are you
8 going to reinforce it? What kind of piles are
9 you going to use? So forth and so forth. So
10 even though you might have said that January 5 we
11 could start the work, but if you have to bid the
12 work out, get all the equipment, get everybody
13 together, then you would know how to fix the road
14 up in Bayville, correct?

15
16 MR. MILLET: Yes.

17 LEGISLATOR FORD: It's the same
18 mentality, the same -

19 MR. MILLET: Same mindset.

20 LEGISLATOR FORD: procedure is followed
21 time and time again.

22 For me, I guess I am having - and this is
23 not meant to, you know, I guess I just lament and
24 I feel that I'm going to lament for a while. I'm
25 sure Tommy Asher and the rest of the people know.

2 If you're willing to bond and agree to
3 357 million that was already supposedly bonded
4 before - authorized before, today you won't even
5 go for 326 million, but that's just my own
6 observation.

7 Moving forward, we know that the county
8 executive has established a committee and that we
9 will have people that will be watching the
10 oversight as to the reconstruction of the Bay
11 Park Sewage Treatment Plant, correct?

12 MR. MILLET: Yes.

13 LEGISLATOR FORD: Mr. Millet, did we not
14 attend a press conference not too long ago where
15 we were at the Bay Park Sewage Treatment Plant
16 with residents of the Bay Park area -

17 MR. MILLET: Yes.

18 LEGISLATOR FORD: calling upon the
19 governor to authorize and give us a funding right
20 away to do our outflow pipe and to do the
21 necessary upgrades?

22 MR. MILLET: Yes.

23 LEGISLATOR FORD: We have not heard from
24 the governor since then, have we?

25 MR. MILLET: No.

2 LEGISLATOR FORD: Okay. I'm not
3 surprised. On this then, how many residents from
4 East Rockaway and Bay Park were in that audience?

5 MR. MILLET: I - close to probably 75 or
6 100, I would imagine.

7 LEGISLATOR FORD: Did they walk with us
8 or did they actually engage the county executive
9 and every other elected official, as well as
10 yourself, to discuss the plant and to discuss the
11 issues that they have.

12 MR. MILLET: They always engage us, and
13 we always keep an open communication with them.

14 LEGISLATOR FORD: Right. They've never
15 been silent about the Bay Park Sewage Treatment
16 Plant.

17 MR. MILLET: No.

18 LEGISLATOR FORD: So they're probably
19 quite aware. I have to say that to the credit of
20 the people in my neighborhood, and especially not
21 only those in Operation Splash, but also those
22 with the Sludge Stoppers. They have been on top
23 of you, have they not been, in regard to all the
24 operations, as well as CCE. Every environmental
25 group has been on top of the Bay Park Sewage

2 Treatment Plant, yourself and all the workers
3 there, to make sure that this work is getting
4 done and that we stop polluting the Western Bays.
5 Am I correct?

6 MR. MILLET: I am constantly in
7 communication with them.

8 LEGISLATOR FORD: So it's not like
9 you're just working in the dark and just doing on
10 your own, deciding what you want to do that day.
11 I'm going to fix this, maybe I'm not going to fix
12 it.

13 MR. MILLET: No, it doesn't happen like
14 that.

15 LEGISLATOR FORD: So you could honestly
16 say that you probably had a lot of oversight in
17 the work that you're doing right now.

18 MR. MILLET: I would say we have a lot
19 of input.

20 LEGISLATOR FORD: Okay. Thank you very
21 much.

22 MR. MILLET: Legislator Abrahams, I
23 apologize. I got a little bit upset. I'm almost
24 never like that. I apologize for walking away.
25 Just walking away was a moment I needed just to

collect myself. My apologies.

LEGISLATOR ABRAHAMS: Apology accepted, Mr. Millet. And there's no grudge.

MR. MILLET: No. Again, I just needed to collect myself away from the podium.

LEGISLATOR ABRAHAMS: I will come down and we will shake hands. There's no grudges at all.

CHAIRWOMAN GONSALVES: There was another speaker. I don't know if that person is here. Terry Retchel. I didn't want to ignore you. I know you want to speak on the Bay Park Sewage Plant.

MR. RETCHEL: I'm a resident of Island Park. I was born and raised in Island Park. My husband as well, born and raised in Island Park. We spent our summers at the beach socializing, crabbing, clamming, and all the things that the beach had to offer. Now we have four children. My children are ages 7, 11, 15, and 17. They work hard in school. They are good kids. And we like to keep them off the streets and out of trouble. We want them exercising. We want them to be healthy. And we want them to be proud of

1 the community that they live in. We want them to
2 take advantage of what our community has to
3 offer.
4

5 In October of last year, as you all know,
6 Sandy came and hit our town, as it did many other
7 towns. Among 90 percent of our belongings - my
8 children lost their life vests, their fishing
9 poles, and their crab traps. That's what they
10 asked for for Christmas, they wanted those to be
11 replaced. That's what they got.

12 Now the summer comes. My seven year old
13 used to take swimming lessons at the beach, my 11
14 year did as well. She was looking forward this
15 year to swimming dock to dock. That was her big
16 goal, to swim dock to dock. She can do it, if I
17 let her.

18 My boys got their boating license last
19 year, a big accomplishment for the both of them,
20 something they enjoy. They enjoy boating,
21 fishing, swimming, kayaking. They look forward
22 to summer. We finally were able to get back in
23 our house; it's not a home yet but it is a house
24 and we have beds to sleep in, and that made them
25 happy for a short time. They look forward to the

1 summer coming, when they can get back on the
2 water, back to the beach with their friends.

3
4 Our summertime ritual of barbequing on
5 the beach every Sunday, with a vast majority of
6 our community gathering, talking, sharing food,
7 playing ball, etcetera, has come to an end.

8 Our waters are contaminated. The
9 economic and social impact is depending on this
10 plant being fixed in its entirety. Our community
11 is slowly coming back. Our children, our
12 community want to be together, we want to take
13 advantage of what our little town has to offer.

14 Island Park has been battered, it has not
15 been shattered. Please get our community where
16 it was. Allow my children and my neighborhood's
17 children to start participating in the things
18 that our town has to offer, the reason that we
19 came to live in that town.

20 This is my first time attending any
21 meeting of this type. I don't understand a lot
22 of the processes. I don't care. I just want
23 everybody to be safe. I want everybody to be
24 comfortable with the waters that they're swimming
25 in, the water that they're drinking, and the fish

1 that they're eating. Politics is not my thing.
2 My family, my community, that's my thing and
3 that's all I care about.
4

5 I did pick up on the fact that this can
6 be completed as one project or it can be broken
7 up. I heard you're supporting future projects
8 that might come along. It's not going to happen.

9 I sat here for many hours, I don't even
10 know how many hours, just to come up here and
11 talk to you about this. That's a lot of time for
12 myself and the people behind me to come back and
13 do over, and over, and over again and continue
14 this bickering back and forth. Just get it done.
15 I beg of you, just get it done. I need it. My
16 family needs it. My community needs it.

17 VOICE: Your three minutes have expired,
18 ma'am.

19 MS. RETCHEL: That's it. Thank you.

20 CHAIRWOMAN GONSALVES: Thank you, Terry.
21 Thank you for coming.

22 Yes. Mr. Alexander.

23 MR. ALEXANDER: Is there any folks
24 before me? I put two items on the card.

25 CHAIRWOMAN GONSALVES: This is an item

2 that required public comment. I know what you
3 have, Eric.

4 MR. ALEXANDER: I want to speak on
5 behalf of Bay Park, as well.

6 CHAIRWOMAN GONSALVES: You want to speak
7 on Bay Park as well?

8 MR. ALEXANDER: Yes.

9 CHAIRWOMAN GONSALVES: Be my guest. Go.

10 MR. ALEXANDER: Thanks, Presiding
11 Officer. It's the second time we've been asked
12 by others to come here and speak.

13 Eric Alexander, Executive Director of
14 Vision Long Island.

15 I know we had some conversations with
16 folks on Facebook about this at the last meeting.
17 To clarify, we did report both votes, the vote
18 that failed for the full 722 and then the 262
19 that did pass. We've had very productive
20 conversations with Legislator Denenberg and also
21 Legislator Solages through the process, and many
22 others.

23 Legislator Ford, I agree with you, most
24 Long Islanders don't understand and are wildly
25 disconnected from the devastation post-Sandy. We

2 have the benefit of spending some time each
3 weekend volunteering post-Sandy and seeing folks
4 on the south shore and what their needs are on a
5 regular basis. And while they may not be public
6 hearings and public meetings, we hear clearly,
7 and have since the last two weeks in Freeport,
8 Island Park, and East Rockaway, that they want
9 There's lots of details that need to go into and
10 construction schedules and processes that need to
11 go into place to achieve that, and that's the job
12 of the good people here and certainly with the
13 support of the community and folks in county
14 government and all levels of government.

15 Again, Vision Long Island once again
16 supports full funding of the Bay Park Sewage
17 Treatment Plant.

18 We want to see - we know that it's up to
19 90 percent reimbursable. We know that today we
20 support the 326 million bonding for upgrades for
21 the electrical system. He are heartened to see
22 that there is an oversight committee that was put
23 in place by the county exec, with a lot of good,
24 very smart people who have been involved. We're
25 late to the party, as far as being engaged. But

1 we do know a lot about infrastructure. Vision
2 Long Island has an infrastructure committee with
3 a number of engineers and folks around the Island
4 who have expertise that will also provide input
5 into this process.
6

7 We believe a visit makes sense. Some
8 folks have not been to the plant. I personally
9 have not been to the plant. I know a lot of
10 smart people who are engaged in these issues have
11 not gotten a firsthand view that the gentleman
12 had shared, where we really can come together and
13 identify the needs and an action plan.

14 You have a very good engineer in Hazen
15 and Sawyer, they are well respected, and it would
16 be good if they were here today to answer some of
17 the questions. The point is there are solutions
18 to these problems that need to be sorted out by
19 the good people up here at the legislature.

20 Lastly, I'm just going to say in the last
21 two weeks I know there was a lot of back and
22 forth on my Facebook and a lot of agita even here
23 today.

24 We've reached out to community and
25 business leaders in Freeport, Island Park, East

2 Rocakway, as well as engineering and technical
3 professionals, and not one of them said that you
4 should not be moving forward with the full
5 funding. So we haven't received any feedback
6 that runs counter to our earlier position that
7 the funding of these plants should move forward
8 without delay.

9 Thank you.

10 CHAIRWOMAN GONSALVES: Legislator
11 Troiano. Then I'm going to call the question.

12 LEGISLATOR TROIANO: Can we ask the
13 Deputy County Executive to come back up?

14 CHAIRWOMAN GONSALVES: Sure.

15 LEGISLATOR TROIANO: How are you, Tim?

16 DEPUTY COUNTY EXECUTIVE SULLIVAN: How
17 are you, Legislator?

18 LEGISLATOR TROIANO: I want to dig a
19 little bit into the - we won't stay there too
20 long. As you know, I worked on Wall Street for
21 many years and was the treasurer of one of the
22 largest firms in the world in the securities
23 business and had responsibility for a \$5 billion
24 portfolio of borrowings. And I always considered
25 it my mandate to be able to fund whatever the

1 firm needed funded in any way the firm wanted it
2 funded. That was my job. The senior manager
3 said we want to do this deal, it was my job to
4 find a way to finance that. So I'm a bit
5 perplexed by this whole discussion that seems to
6 all revolve around the democratic caucus wanting
7 an oversight committee before it will approve any
8 funding. And if were still the treasurer at
9 Penserra Securities, I would be saying I don't
10 really care about that. I don't care what you
11 deliberate at the senior management level, it's
12 my job to find a way to finance this. And maybe
13 you share some of those same feelings, that it's
14 just your job to find a way to finance it. So
15 there's a discussion that we somehow are stopping
16 the project from moving forward as an entirely
17 because of some funding concerns. It's foreign
18 to me as a former treasurer.

20 DEPUTY COUNTY EXECUTIVE SULLIVAN: I
21 guess the one difference would be before we can
22 go to the bond market, obviously we need
23 approvals.

24 LEGISLATOR TROIANO: For the bond
25 market, right. Again, it was always my mission

2 as a treasurer - because there are times when
3 going to the long terms markets denied us as a
4 firm.

5 DEPUTY COUNTY EXECUTIVE SULLIVAN:

6 Correct.

7 LEGISLATOR TROIANO: So we had to borrow
8 short term.

9 DEPUTY COUNTY EXECUTIVE SULLIVAN:

10 Right.

11 LEGISLATOR TROIANO: We couldn't say no,
12 we're not going to do that deal, at least I
13 wouldn't allow myself to say we're not going to
14 do that deal because we can't do it long term.
15 We'd say, okay, if that's what you want to do we
16 will find the money to do it and we will borrow
17 the money.

18 DEPUTY COUNTY EXECUTIVE SULLIVAN:

19 Right. Again, the authorization is through this
20 legislature.

21 LEGISLATOR TROIANO: No, no. The
22 authorization for long term -

23 DEPUTY COUNTY EXECUTIVE SULLIVAN:

24 Correct.

25 LEGISLATOR TROIANO: is to the

legislature. But if not -- if we won't approve that, you have the ability to find it in other ways.

DEPUTY COUNTY EXECUTIVE SULLIVAN: If you went out with RANs and TANs, the market would perceive that for these hundreds of millions of dollars as not the right mechanic to go out. You'd be talking about potentially doubling your cash flow borrowing which would be not a good sign to Wall Street.

LEGISLATOR TROIANO: Well, is there - they'd be concerned with your ability to pay it back. Correct?

DEPUTY COUNTY EXECUTIVE SULLIVAN: Correct.

LEGISLATOR TROIANO: And they'd be concerned that on the short term borrowings there might be stress on that.

DEPUTY COUNTY EXECUTIVE SULLIVAN: Yeah.

LEGISLATOR TROIANO: We've heard numerous times from this dais that FEMA is going to reimburse the county 90 percent, and that's going to be fast tracked.

DEPUTY COUNTY EXECUTIVE SULLIVAN:

2 That's correct.

3 LEGISLATOR TROIANO: And so it's likely
4 that before the maturity date comes on whatever
5 short term borrowing you might enter into, FEMA
6 will have reimbursed you.

7 DEPUTY COUNTY EXECUTIVE SULLIVAN: I
8 mean, for a RAN I think that would be difficult
9 to support that with the FEMA, with a FEMA
10 promise. To time it you have to have the dollars
11 there at that specific point in time. They
12 wouldn't take --

13 LEGISLATOR TROIANO: What do you mean
14 you have to have the dollars there?

15 DEPUTY COUNTY EXECUTIVE SULLIVAN: To
16 pay back the RAN.

17 LEGISLATOR TROIANO: When you borrow on
18 a RAN --

19 DEPUTY COUNTY EXECUTIVE SULLIVAN:
20 Right.

21 LEGISLATOR TROIANO: You know the money
22 -- at the time you do the borrowing you have the
23 money in place to repay it at that point. You
24 have a projection, you have a plan on how the
25 money is going to come in.

2 DEPUTY COUNTY EXECUTIVE SULLIVAN: So
3 what would be the purpose of borrowing and sit on
4 the money, earning what the market is paying
5 today, 20, 30 BPS and then pay it back? There
6 would be sort of no point in that.

7 LEGISLATOR TROIANO: Right. I'm not
8 suggesting that. But you could borrow short term
9 with anticipation of getting money back from
10 FEMA.

11 DEPUTY COUNTY EXECUTIVE SULLIVAN:
12 Correct. Which is what we've done with the BANs.

13 LEGISLATOR TROIANO: So you've done that
14 before?

15 DEPUTY COUNTY EXECUTIVE SULLIVAN: Bond
16 Anticipation Notes, that's correct.

17 LEGISLATOR TROIANO: And you've done
18 that before?

19 DEPUTY COUNTY EXECUTIVE SULLIVAN:
20 Right. Just again, a bond anticipation note,
21 which is the short term instrument we use when
22 we're dealing with FEMA, that requires
23 legislative authorization.

24 LEGISLATOR TROIANO: For a BAN. What
25 about for a RAN?

2 DEPUTY COUNTY EXECUTIVE SULLIVAN: A
3 RAN, again, is a revenue anticipation note, so
4 the market's going to ask us -- specifically, you
5 can roll a BAN. I don't think you have the
6 ability to roll a RAN, so you'd be driving your
7 cash flow borrowings sky high which puts a lot of
8 stress in your position.

9 LEGISLATOR TROIANO: Right. But you're
10 anticipating getting reimbursed by FEMA.

11 DEPUTY COUNTY EXECUTIVE SULLIVAN:

12 That's going to be a support.

13 LEGISLATOR TROIANO: I beg your pardon?

14 DEPUTY COUNTY EXECUTIVE SULLIVAN:

15 That's going to be your support when you're doing
16 a RAN.

17 LEGISLATOR TROIANO: Correct.

18 DEPUTY COUNTY EXECUTIVE SULLIVAN: I

19 would not recommend that at all.

20 LEGISLATOR TROIANO: So you're not sure
21 if we're going to be reimbursed?

22 DEPUTY COUNTY EXECUTIVE SULLIVAN: No,
23 I'm quite sure. I think the timing is the thing
24 that's the issue.

25 LEGISLATOR TROIANO: You can -

2 DEPUTY COUNTY EXECUTIVE SULLIVAN:

3 Again, you have a bond anticipation note -

4 LEGISLATOR TROIANO: roll it.

5 DEPUTY COUNTY EXECUTIVE SULLIVAN: You
6 want to keep rolling RANs?

7 LEGISLATOR TROIANO: If I know I'm going
8 to get money back from FEMA, it's a lot cheaper
9 alternative than issuing long-term debt, paying
10 the issuance cost, and paying --

11 DEPUTY COUNTY EXECUTIVE SULLIVAN: We
12 weren't issuing for the FEMA stuff. We're not
13 issuing long-term debt. We're issuing bond
14 anticipation notes.

15 LEGISLATOR TROIANO: But you can't do
16 that without the authority from this bond.

17 DEPUTY COUNTY EXECUTIVE SULLIVAN:
18 That's correct.

19 LEGISLATOR TROIANO: But you could just
20 as easily switch if you wanted to. If you had as
21 your mission in your mandate that under all
22 circumstances I am going to fund whatever the
23 county needs to have funded, you could switch to
24 a RAN.

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: I

2 don't think that would be advisable. I have -

3 LEGISLATOR TROIANO: But you could do
4 that, though.

5 DEPUTY COUNTY EXECUTIVE SULLIVAN: But I
6 talk to the rating analyst all the time and I
7 don't think that's advisable.

8 LEGISLATOR TROIANO: But you could do
9 that.

10 DEPUTY COUNTY EXECUTIVE SULLIVAN: If I
11 wanted to get another downgrade or something that
12 would not be sort of the smart thing to do. I
13 would not recommend that to the county executive.

14 LEGISLATOR TROIANO: We've had testimony
15 that the Bay Park residents, and they really are,
16 are suffering. So are you telling me that even
17 in the face of that suffering?

18 DEPUTY COUNTY EXECUTIVE SULLIVAN: I
19 believe in doing it the correct way, which -

20 LEGISLATOR TROIANO: Even in the face of
21 --

22 DEPUTY COUNTY EXECUTIVE SULLIVAN:
23 talking to bond counsel --

24 LEGISLATOR TROIANO: those people
25 suffering --

2 DEPUTY COUNTY EXECUTIVE SULLIVAN: I

3 would say --

4 LEGISLATOR TROIANO: I'm sorry. Let me
5 finish, okay. In the face of their suffering you
6 wouldn't put aside what you believe are better
7 financial principles?

8 DEPUTY COUNTY EXECUTIVE SULLIVAN: I
9 guess I would say to this body here, if you are
10 playing a game to try to force the county into a
11 worse financial position or for the sake of
12 claiming to help the residents when you have the
13 power now before you to approve the financing, I
14 find the argument kind of circular and not a good
15 argument.

16 LEGISLATOR TROIANO: I'm making the
17 point that there is a way to do this and that the
18 crux of this does not come down to this board
19 giving authority to do a long term borrowing.
20 That there is a --

21 DEPUTY COUNTY EXECUTIVE SULLIVAN: A
22 bond anticipation note is not a long term
23 borrowing, sir.

24 LEGISLATOR TROIANO: I'm sorry?

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: A

2 bond anticipation note is not a long term
3 borrowing.

4 LEGISLATOR TROIANO: Okay. But you need
5 the authority of this bond to go forward.

6 DEPUTY COUNTY EXECUTIVE SULLIVAN:
7 Correct.

8 LEGISLATOR TROIANO: And there is
9 another way. There is another --

10 DEPUTY COUNTY EXECUTIVE SULLIVAN:
11 You're advocating your position is that we should
12 be bypassing the Leg and do these short term cash
13 borrowing? That's your position?

14 LEGISLATOR TROIANO: No, it's not my
15 position. My position is that we should have an
16 oversight board, but we can't seem to get anybody
17 to agree with that. What I'm saying is there is
18 another way you could take.

19 DEPUTY COUNTY EXECUTIVE SULLIVAN: If
20 you want to put in an oversight board, I'm more
21 than willing to talk. I think I'm meeting
22 members of your staff two days from now to
23 discuss this.

24 LEGISLATOR TROIANO: Can we go back to
25 earlier. Earlier you gave some testimony what

2 NIFA requires from you before they'll approve a
3 borrowing.

4 DEPUTY COUNTY EXECUTIVE SULLIVAN: Yeah.
5 Again, this project list that went to NIFA for
6 the upcoming financing which we are pricing this
7 Thursday and closing on the Fifteenth, that list
8 was submitted to NIFA before the Legislature even
9 considered the \$262 million.

10 LEGISLATOR TROIANO: What are those list
11 of things that NIFA looks for from you?

12 DEPUTY COUNTY EXECUTIVE SULLIVAN: They
13 want to see that there are contracts in place,
14 that this has been bid out, that they -- there's
15 lots of queries.

16 LEGISLATOR TROIANO: Can you put some
17 more detail behind that?

18 DEPUTY COUNTY EXECUTIVE SULLIVAN: I
19 think I just did. I think they want to see that
20 the projects have been bid, that contracts are in
21 place, things like that.

22 LEGISLATOR TROIANO: And then you said
23 there are lots of queries in addition to that.
24 What are some of those lots of queries?

25 DEPUTY COUNTY EXECUTIVE SULLIVAN: They

want to know the instruments we're using, the timing of when we're doing the issuance, when we're going to market, things of that nature.

LEGISLATOR TROIANO: Do you think the legislature might want to know those items as well?

DEPUTY COUNTY EXECUTIVE SULLIVAN: I just told you we are going out this Thursday to price. And, obviously the POS is online, so I think it's a public document and that is something that people should be familiar with.

LEGISLATOR TROIANO: Thank you.

DEPUTY COUNTY EXECUTIVE SULLIVAN: Thank you. Thank you, sir.

CHAIRWOMAN GONSALVES: I'm going to have one more speaker, Adrienne Esposito, and then I'm going to call the vote.

Adrienne Esposito.

MS. ESPOSITO: I'm going to be very brief and not be redundant.

My name is Adrienne Esposito. I'm the executive director of Citizens Campaign for the Environment. I just want to say that for us, what this looks like is a mess. And so we have

1 two sides, clearly both sides have articulated
2 concerns and objectives that you want to achieve,
3 but what we don't see is a path forward on how to
4 solve the problem. So what we're going to ask
5 you today is that you have to -- we understand
6 you both have concerns, we understand you both
7 have objectives, and we understand, believe, and
8 hope that both sides want to solve the problem.
9 But now we need a pathway that gets us to solving
10 the problem, and it shouldn't matter how badly
11 the community is suffering, how bad it smells, or
12 how much it dumped yesterday. It's the county's
13 own plant. The county needs to solve the
14 problem, and the county needs an action plan.

15
16 So what we're going to ask if you guys
17 could get together, hash it out. Cross examining
18 people here doesn't seem to be too fruitful, it
19 really doesn't. It looks to us from this side of
20 the horseshoe - and we're not privy to all of
21 your conversations. But from this side of the
22 horseshoe it doesn't look like we've made much
23 progress today. What we need as communities, who
24 have worked on it for 10 years, is progress.

25 So we are asking you to hash it out, put

1 forth a plan where we could get the plant
2 upgraded, get an ocean outfall pipe, and solve
3 the problem. If you all agree on the objective,
4 then you could get into a room and come out with
5 a plan that gets us the objective. So that's all
6 we're asking.

7
8 Right now, frankly, it looks like where
9 we were last month when we were here for eight
10 hours. And so when we come back in September are
11 we going to do it all again? If we are, let's
12 not.

13 What's going to be different next month,
14 that's up to you. Now we need leadership.
15 Leadership means getting into the room,
16 compromising, hashing it out, and getting it
17 together.

18 Frankly, I think I could speak for all of
19 us in the Western Bays. We don't care who is on
20 this oversight committee. We don't care how the
21 job gets done. We care about the ends results,
22 and I know you care about that too but only you
23 can decide how we get there. So help us get
24 there and we will go with you.

25 Thank you.

2 CHAIRWOMAN GONSALVES: Yes, sir. You
3 have your hand up. Didn't you speak?

4 MR. GALLAGHER: My name is Tom
5 Gallagher. I've been living in Wantagh for over
6 46 years, right across from the Cedar Creek
7 Sewage Treatment Plant.

8 The main thing here is the plant does
9 need to get up back and running. Cedar Creek
10 Sewage Treatment Plant was going downhill.
11 Richie came along, he brought it up. We've got
12 to give good trust to that man.

13 The only main thing is Cedar Creek Sewage
14 Treatment Plant was noted for and it produced raw
15 sewage to drinkable water. So if we do put an
16 outflow pipe, which has to be added onto this
17 project, from Bay Park out to the ocean, will
18 they guarantee that we will have fresh water
19 going out there or will we pump out the same
20 sludge from that plant that was not able to
21 purify its water going into Reynold's Channel for
22 all those years.

23 And there has been a tremendous layoff in
24 these plants. We need more manpower to upgrade
25 them and more manpower to get more knowledge of

1 the new technical wiring and communications. The
2 older men probably could learn the new system
3 they're going to try to put in here.
4

5 But there's many things here. Dave has
6 brought out here that money has not been spent on
7 old projects. Mr. Abrahams said nothing's been
8 physically started because there's that process.
9 Now you want to vote on this. Will this ever get
10 started? It will never get started because you
11 couldn't get the other thing started. We
12 couldn't even get things physically coming up to
13 par. So this here has to be done today, not
14 five, 10, 15, 20 years from now. Because the
15 plant will go down further and further and you
16 will not have nobody there. The only way we're
17 going to wind up doing this project is back it up
18 to Merrick Road, shoot it into Cedar Creek Sewage
19 Treatment Plant, and we will process it out from
20 the Cedar Creek Sewage Treatment plant and burn
21 that place down. That's the only way Freeport,
22 Merrick, and all these people are going to
23 survive in the future. They're not going to put
24 up with the stuff on the street like they had put
25 up with. They're scared to stay here. They're

1 going to abandon those towns.

2
3 I'm telling you this thing has to get
4 started, contracted, working on the job date, not
5 processing paperwork. The process in paperwork
6 will come up with glitches that, oh, they didn't
7 say this and they didn't say that. They didn't
8 say they're going to put in an outflow pipe. And
9 they're not going to say that the pipes in the
10 street are deteriorated and we have to re-pipe
11 the streets. We got new homes going in. We got
12 new -- we want to add on different areas into the
13 plant.

14 There's too much to be looked into. But
15 it does need -- and get rid of the generator
16 that's outside this building to start with. Get
17 it running the best way we can.

18 Richie's stuck with just paperwork. It's
19 not been a contractor saying come on down
20 tomorrow and at least take out the old stuff and
21 put in the new stuff.

22 All right. The new guys come in and say
23 how do I operate this? So you have to have
24 manpower to be able to operate the plant and you
25 have to have backup, like another man like

1 Richie, to follow in his shoes, because if he
2 leaves that plant will go down again.

3
4 I was very thankful to be able to come
5 down here and speak today. I waited a long time.

6 I live across the street from that plant
7 and been to many meetings over there in the
8 course of many, many years. David Denenberg,
9 Dennis Dunne, they've been down there fighting
10 hard for this plant and I really appreciate them.

11 We, the community, we haven't had many
12 meetings in the past. And that's what we got to
13 get up running again, is meetings so the public
14 will understand what the county is up against.

15 CLERK MULLER: Your three minutes have
16 expired, sir.

17 MR. GALLAGHER: But I want the people
18 from Bay Park to come to Cedar Creek Park and see
19 a plant that is in operation, that is beautified,
20 it's up to date. Because these people here,
21 they're going to leave this town, they're going
22 to leave Nassau County. I know damn well if I
23 lived down there I wouldn't be hanging around
24 because that plant is going to stop, it's going
25 to come up on the street, it's going to go into

2 the toilets, it's going to back up into their
3 systems. You gotta spend this money but you
4 gotta get the old projects going.

5 If you get a car and you got a dead
6 battery --

7 CLERK MULLER: Your three minutes have
8 expired, sir.

9 MR. GALLAGHER: but the fuel pump don't
10 work, why find a batter if the fuel pump don't
11 work? You gotta get physical construction done.

12 I thank you very much. Try to figure out
13 those points. Thank you. Thank you.

14 CHAIRWOMAN GONSALVES: Okay. A very
15 brief comment, Legislator Becker.

16 LEGISLATOR BECKER: Presiding Officer,
17 very quickly.

18 One thing that bears repeating; Mr.
19 Millet, as we all know, is not a political guy.
20 He's just a guy that likes to get the job done.
21 I think just ending this hearing, I'm just going
22 to quote him.

23 He said the electrical system is being
24 compromised every day. The electrical system --
25 this is from a professional. The electrical

2 system down at the Bay Park Facility is being
3 compromised every day. I truly encourage my
4 colleagues on the other side of the aisle to vote
5 in favor of this funding.

6 Thank you.

7 CHAIRWOMAN GONSALVES: We're going to
8 call the vote on Item 17. I want to be sure that
9 I have it right. It's 340-13.

10 All those in favor of Item 17, 340-13,
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 We have 11-8, the ordinance fails.

16 Now, I have a choice to make and I'm
17 looking out there and I really feel very, very
18 sad that too many people have been waiting for so
19 long, including you, Mr. Gallagher. I think that
20 we have several appointments and I'm going to
21 call for those appointments. With the consent of
22 the minority, I would ask if we could just block
23 them all. I don't know if any of them are here.

24 LEGISLATOR DUNNE: Madam Chair, I'd
25 like to make a motion to reconsider that last

item.

LEGISLATOR NICOLELLO: I second the motion.

CHAIRWOMAN GONSALVES: All those in favor of reconsidering this item signify by saying aye.

(Aye.)

LEGISLATOR WINK: Point of order, Presiding Officer. The fact of the matter is that the prevailing side is the one that can make a motion to reconsider -

CHAIRWOMAN GONSALVES: That's right.

LEGISLATOR WINK: Not the side that happened to vote more than the other side.

CHAIRWOMAN GONSALVES: No -

LEGISLATOR WINK: We are the prevailing side because it didn't pass.

CLERK MULLER: It was the way it was done when we did 262. Mr. Denenberg and one of the other side, under Robert's Rules, I did research, the majority in that would be correct. It would be the 11 votes. I was asked to research that.

CHAIRWOMAN GONSALVES: Yes. And so the

1 motion is to reconsider.

2 All those in favor signify by saying aye.

3 (Aye.)

4 By the way, who seconded it?

5 LEGISLATOR NICOLELLO: I did.

6 CHAIRWOMAN GONSALVES: Okay. Mr.

7 Nicolello.

8 All those in favor of reconsidering?

9 (Aye.)

10 Guess what?

11 LEGISLATOR NICOLELLO: Motion to table.

12 CHAIRWOMAN GONSALVES: I'm going to make

13 a motion to table, seconded by Legislator

14 Nicolello.

15 There is no debate or discussion on the
16 motion to table. And so that we will be meeting
17 very soon.

18 All in favor of tabling the item that was
19 just reconsidered -- all those in favor of
20 tabling the item signify by saying aye.

21 (Aye.)

22 Any opposed?

23 The motion to table has passed.

24 Guess what? We will revisit this very

1 soon.

2
3 There are several appointments, and with
4 the permission of the minority I'm going to -- I
5 am going to call all of them together. And if
6 anybody wishes to say anything, please feel free.

7 Item 56, a resolution to confirm the
8 county executive's reappointment of Dr. Usman
9 Khan Phar to the Nassau County Commission of
10 Human Rights.

11 Now, the rest of them are the youth
12 board. Is Mr. Phar still here? They all left.

13 57 is a resolution to confirm the county
14 executive's appointment of Danny Grodotzke to the
15 Nassau County Youth Board.

16 Item 58, a Resolution to confirm the
17 county executive's appointment of Linda Parmely
18 to the Nassau County Youth Board.

19 59, a Resolution to confirm the
20 appointment of Kristina Heuser to the Nassau
21 County youth Board.

22 60, a Resolution to confirm the county
23 executive's appointment of Joshua Lafazan to
24 Nassau County Youth Board.

25 61, a Resolution to confirm the county

executive's appointment of Loretta Cameron to the Nassau County Youth Board.

62, a resolution to confirm the county executive's appointment of Leo Fernandez to the Nassau County Youth Board.

Item 63, a resolution to confirm the county executive's appointment of Martin Blum to the Nassau County Youth Board.

Item 64, a resolution to confirm the county executive's appointment of Catherine Tully Muscente to the Nassau County Youth Board.

65, a resolution to confirm the county executive's appointment of Lucinda Hurley to the Nassau County Youth Board.

Hold on. Hold on. I said we're going to do all the appointments.

Item 66, a resolution designating Dr. Phillip Elliot as the responsible local official for the New York State Department of Transportation's Equitable Business Opportunities System.

And I believe there is one more. Mr. Grey, you are so patient. God Bless you.

Item 67, a resolution to recommend to the

2 Commissioner of Housing and Community Renewal of
3 the State of New York the appointment of Garrett
4 L. Grey to the Nassau County Rent Guidelines
5 Board pursuant to the Emergency Tenant Protection
6 Act of 1974, the County Government Law, and the
7 Administrative Code.

8 Moved by Legislator Dunne, seconded by
9 Legislator - I believe it was Becker.

10 Any comments regarding these
11 appointments? Hold on. Hold on.

12 Mr. Grey, is your last name spelled G-R-
13 E-Y or G-R-A-Y.

14 You know what we have to do with that
15 one.

16 MR. GRAY: I can change it, if you'd
17 like.

18 CHAIRWOMAN GONSALVES: No, no. We're
19 going to amend it on the floor, if you don't
20 mind.

21 All those of favor of amending Mr. Gray's
22 name from G-R-E-Y to G-R-A-Y say - I didn't take
23 a motion to amend it.

24 Moved by Legislator Dunne, seconded by
25 Legislator Kopel.

1 All those willing to amend Mr. Gray's
2 name to its proper spelling, G-R-A-Y, signify by
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Okay. Now, that item has been amended.

8 Before we take the vote. Mr. Gray, since
9 you've been so patient, you've been here, I know,
10 since at least 12 o'clock. Would you like to say
11 anything?
12

13 MR. GRAY: Just that I look forward to
14 serving on this board and getting to know each
15 one of you.

16 CHAIRWOMAN GONSALVES: Okay. Any other
17 comments before I take the vote?

18 (No verbal response.)

19 All those in favor of all of those
20 appointments signify by saying aye.

21 Go ahead, Judy.

22 LEGISLATOR JACOBS: I'm in favor of
23 everyone. But I did speak to -- Maggie's here.
24 I did speak to Maggie. I just wanted to have it
25 on record that I know there are more appointments

1 coming up for the youth board, and I would hope
2 that due consideration would be given to some of
3 the people who served on the youth board prior to
4 now, to give them an opportunity to, if you feel
5 that you've worked with them and they deserve
6 that opportunity, to have an opportunity to
7 serve. That's all. But I wish everyone good
8 luck who went on.

10 CHAIRWOMAN GONSALVES: Okay. Did we
11 take a vote? Yes, Legislator Troiano.

12 LEGISLATOR TROIANO: Garrett, he and I
13 spoke a little bit before the meeting, before we
14 took the vote. I just want to give him a chance
15 to respond on the record to one of the questions
16 I asked of him.

17 He's got a very extensive and very
18 impressive resume. But it does give the
19 appearance that you perhaps have done work on
20 behalf of landlords, perhaps in zoning and other
21 phases of your law practice. And that would be a
22 real concern to me, the fact that you had done
23 work for landlords and you were going to vote on
24 rent increases.

25 MR. GRAY: I've actually done work on

2 both sides, both landlord and tenant. None of
3 the work that I've ever done has involved rent
4 stabilization of rent control.

5 LEGISLATOR TROIANO: I just wanted to
6 give you the chance to put that on the record.

7 MR. GRAY: None of the buildings I
8 represent, none of the tenants in any of those
9 buildings, no.

10 LEGISLATOR TROIANO: Thank you.

11 MR. GRAY: You bet.

12 CHAIRWOMAN GONSALVES: I don't know
13 whether or not I should say congratulations, Mr.
14 Gray.

15 But after today's meeting, I guess you
16 say thank God I'm there, not here.

17 MR. GRAY: And thank God I'm going out
18 there, while you have to stay there.

19 CHAIRWOMAN GONSALVES: Okay. Oh, yes.
20 Absolutely.

21 Thank you. Congratulations.

22 MR. GRAY: Thank you.

23 CHAIRWOMAN GONSALVES: Now, I know -- I
24 am really out of order here, to the point where I
25 don't know which way I'm going.

2 I am not going to bypass the College
3 budget. So here we go.

4 In all due respect, I know the College
5 staff was here. And I have to say, Dr. James, is
6 he here? Because he did ask me -- hold on.

7 We voted on the amendment of Mr. Gray's
8 name, I believe, but we didn't vote on all the
9 appointments.

10 All those in favor of all of the
11 appointments signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The appointments are confirmed
16 unanimously.

17 We're going with Item 5, and that's the
18 ordinance to adopt the Nassau County budget for
19 Nassau Community College for the fiscal year
20 commencing September 1, 2013 and ending August
21 31, 2014, and to appropriate revenues in the
22 total amount of monies to be raised by taxation
23 within the County of Nassau for the purposes of
24 Nassau Community College for such fiscal year,
25 pursuant to the provisions of the Education Law,

2 the County Law, the General Municipal Law, the
3 County Government Law of Nassau County, and the
4 Nassau County Administrative Code.

5 Motion, please?

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator Walker.

10 I think that -- Dr. Saunders I believe is
11 here, and he is planning on speaking. Again, is
12 there a Dr. James Hoit (phonetic) here, who
13 contacted me? I don't believe he's here. Okay.
14 I want it to be known that I was going to call
15 him to speak, as well.

16 DR. SAUNDERS: Good afternoon. It's my
17 pleasure to present to some and introduce to
18 others Dr. Jorge Garden, who is the chair, acting
19 chair our board of trustees at Nassau Community
20 College.

21 I know that it would be reasonable for
22 members of this Legislature to think that when we
23 come before you, we are here to ask for
24 something. And certainly, we are doing that
25 today in asking you to approve the Nassau

2 Community College budget for the Fiscal Year
3 2013-2014. As you know, during the public
4 hearing on July 15, I made a statement in support
5 of the passage of our budget. But, as a change
6 of pace, we wanted to bring something to you, as
7 well.

8 As you know, New York State funds 50
9 percent of Nassau Community College's capital
10 construction program. County funds are matched
11 by the state dollar-for-dollar. But state
12 funding is provided on a reimbursable basis only.
13 The county puts up the full amount up front.

14 It is, therefore, essential that
15 appropriate documentation of capital expenditures
16 be forwarded to SUNY on a timely basis for these
17 state reimbursements to be actually received.
18 Nassau Community College has taken on the
19 responsibility of filing for reimbursement since
20 2009. These reimbursement payments to directly
21 back to Nassau County to cover the state's 50
22 percent share of the project cost.

23 We were here in March of 2011 to report
24 that we had received \$6.4 million in state
25 reimbursements. Since then, we have continued to

2 be hard at work in providing all of the paperwork
3 to obtain the reimbursements. We would like to
4 report now that we have received another \$27.9
5 million in state reimbursements for Nassau County
6 since 2011, which brings the total to over \$34
7 million.

8 Thank you. That concludes my remarks.

9 CHAIRWOMAN GONSALVES: Any questions of
10 Dr. Saunders regarding the budget?

11 (No verbal response.)

12 Colleagues, are you listening?

13 Any public comment regarding the College
14 budget?

15 (No verbal response.)

16 There being none. All those in favor of
17 approving the College budget signify by saying
18 aye.

19 (Aye.)

20 Loud and clear, Aye.

21 Any opposed?

22 (No verbal response.)

23 The item passes unanimously.

24 DR. SAUNDERS: Thank you very much.

25 CHAIRWOMAN GONSALVES: And I'm sorry you

2 had to wait so long. But I guess all good things
3 are worth waiting for.

4 DR. SAUNDERS: Yes, they are.

5 CHAIRWOMAN GONSALVES: Okay. Thank you.
6 Enjoy the rest of the day.

7 DR. SAUNDERS: You too. Have a good
8 day.

9 CHAIRWOMAN GONSALVES: You too.

10 We're going to open up the first hearing
11 on the calendar on proposed Local Law 2013. It's
12 a local law amending Local Law Number 18-1984 as
13 last amended by Local Law Number 8-2011 and Local
14 Law 9-2011 and as incorporated in Chapter 4 of
15 Title 9 of the Miscellaneous Laws of Nassau
16 County in relation to imposing additional rates
17 of sale and compensating use taxes authorized by
18 Section 1210 of the Tax Law, and continuing a
19 local government assistance program authorized by
20 Section 1262-E of the Tax Law.

21 Motion to open the hearing?

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR BELESI: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator Belesi.

2 Anybody here to speak on this?

3 MR. MAY: There is. We have Ms. Rosanne
4 D'Alleva from the Office of Management and Budget
5 to speak on this item.

6 CHAIRWOMAN GONSALVES: Okay.

7 MR. MAY: This local law extends the
8 sales tax in the county for two years.

9 CHAIRWOMAN GONSALVES: Right.

10 MS. D'ALLEVA: Are there any questions
11 on this item?

12 CHAIRWOMAN GONSALVES: Any questions for
13 Roseanne?

14 (No verbal response.)

15 Any public comment regarding this?

16 (No verbal response.)

17 Okay. Guess what? A motion, please, to
18 close the hearing.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR BELESI: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator Belesi.

23 All those in favor of closing the hearing
24 signify by saying aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The hearing is closed.

5 Now we have a second hearing, that's Item
6 2 on the calendar. A local law amending Title 24
7 of the Miscellaneous Laws of Nassau County in
8 relation to extending the hotel and motel
9 occupancy tax.

10 Motion to open the hearing?

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR BELESI: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator Belesi.

15 The hearing is now open. Who is speaking
16 on this one?

17 MR. MAY: Again, we have Ms. Roseanne
18 D'Allewa from the Office of Management and
19 Budget. This is a local law that extends the
20 authority of the county to impose a hotel/motel
21 sales tax for two years.

22 CHAIRWOMAN GONSALVES: Okay. Any
23 questions of Roseanne? Any questions?

24 (No verbal response.)

25 Any public comment?

2 Sure.

3 LEGISLATOR ABRAHAMS: If we can, Madam
4 Presiding Officer, we did want to request from
5 the Office of Legislative Review to conduct a
6 report on how the money was disbursed for 2012
7 and 2013. Would that be a problem for Mr.
8 Chalmers? To clarify, more for 2013 than 2012.
9 I think he might have done 2012 already, not
10 sure.

11 CHAIRWOMAN GONSALVES: Mr. Chalmers,
12 does your report do an annual report?

13 MR. CHALMERS: No, we haven't, but we
14 can put one together. You want to know what the
15 actual 2012 expenditures were.

16 LEGISLATOR ABRAHAMS: Yes.

17 MR. CHALMERS: Okay. We can put one
18 together.

19 LEGISLATOR ABRAHAMS: And for 2013, Mr.
20 Chalmers, both years.

21 MR. CHALMERS: 2013 is not done yet.

22 LEGISLATOR ABRAHAMS: Oh, okay. For
23 2012 then, just 2012. Or, if you could give us
24 to date that would be great.

25 CHAIRWOMAN GONSALVES: Hold on, Mr.

Chalmers. It's my understanding it's the Parks Department that does the annual report. Am I correct?

MR. CHALMERS: My department --

CHAIRWOMAN GONSALVES: Because it has to be submitted to Albany.

MS. D'ALLEVA: Yes. Currently it is 4.7 for 2012. Is that what we're asking? I'm sorry. I wasn't paying attention.

CHAIRWOMAN GONSALVES: No. I think he's asking for 13 at this present time.

LEGISLATOR ABRAHAMS: No. We're asking for 2012 and then we're asking 2013 to date. If that's possible, Mr. Chalmers.

MS. D'ALLEVA: The budget for 13 is approximately the same amount, which would be about 4.5 million.

LEGISLATOR ABRAHAMS: Actual expenditures we are looking for not the budget.

MS. D'ALLEVA: We can get that for you.

LEGISLATOR ABRAHAMS: Well, we would like to get it - no disrespect, we would like to get it from the Office of Legislative Budget Review.

2 CHAIRWOMAN GONSALVES: But the breakdown
3 really is done by the Department of Parks.

4 LEGISLATOR ABRAHAMS: Okay. So we want
5 it verified by the Independent Budget Review
6 Office, that's all. What's wrong with that?

7 CHAIRWOMAN GONSALVES: There's nothing
8 wrong with that. But I think in do courtesy to
9 Parks, they would be able to address this as
10 well.

11 LEGISLATOR ABRAHAMS: Okay.

12 CHAIRWOMAN GONSALVES: Go ahead,
13 Legislator - who is going, Roseanne or Mr.
14 Chalmers?

15 MS. D'ALLEVA: Any other questions?

16 LEGISLATOR ABRAHAMS: No.

17 CHAIRWOMAN GONSALVES: Okay. Mr.
18 Chalmers, you're going to provide that
19 information to Mr. Abrahams, correct, and the
20 majority as well.

21 MR. CHALMERS: Correct. We'll get that
22 information, we'll go through it make sure it's
23 accurate, double check it, and then we'll
24 distribute it to the entire legislature.

25 CHAIRWOMAN GONSALVES: We're asking for

2 12 as well as 13.

3 MR. CHALMERS: 13 will be a budget, just
4 so that we're clear.

5 CHAIRWOMAN GONSALVES: Okay.

6 LEGISLATOR ABRAHAMS: Mr. Chalmers, you
7 couldn't give us to date expenses?

8 MR. CHALMERS: To the extent that
9 anything is posted in the system, we'll get that
10 information.

11 LEGISLATOR ABRAHAMS: Okay. Thank you.

12 MR. CHALMERS: You're welcome.

13 CHAIRWOMAN GONSALVES: Now, any other
14 questions regarding Item Number 2 regarding the
15 hotel and motel occupancy tax?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 Okay. There being none, a motion to
20 close the hearing?

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR BELESI: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Walker, seconded by Legislator Belesi.

25 All those in favor of closing the hearing

2 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The hearing is closed.

7 Now, we're going to backtrack a little
8 bit. We have a vote on a proposed law which
9 extends from the first hearing, which is
10 regarding the sales tax.

11 I need a motion, please. I didn't read
12 the entire item, but if you wish I will. It has
13 to do with the extension of the sales tax. Okay.
14 No reading.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR FORD: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator Ford.

19 Any questions from Mr. May?

20 (No verbal response.)

21 Any questions from the public?

22 (No verbal response.)

23 There being none, all those in favor of
24 Item 3, local law regarding the extension of the
25 sales tax, signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item passes unanimously.

6 The next one is a local law amending
7 Title 24 of the Miscellaneous Laws of Nassau
8 County in relation to extending the hotel and
9 motel occupancy tax.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR BELESI: Second.

12 CHAIRWOMAN GONSALVES: Motion by
13 Legislator Walker, seconded by Legislator Belesi.

14 Any questions regarding this item?

15 (No verbal response.)

16 I believe that the testimony from the
17 hearing should be incorporated primarily because
18 we're looking for information that will be
19 forwarded to us regarding the monies and how they
20 were spent.

21 (Whereupon, the following are the minutes
22 from the August 5, 2013 Full Legislature meeting
23 pertaining to Clerk Items 3 and 4.)

24 CHAIRWOMAN GONSALVES: You too.

25 We're going to open up the first hearing

on the calendar on proposed Local Law 2013. It's a local law amending Local Law Number 18-1984 as last amended by Local Law Number 8-2011 and Local Law 9-2011 and as incorporated in Chapter 4 of Title 9 of the Miscellaneous Laws of Nassau County in relation to imposing additional rates of sale and compensating use taxes authorized by Section 1210 of the Tax Law, and continuing a local government assistance program authorized by Section 1262-E of the Tax Law.

Motion to open the hearing?

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Anybody here to speak on this?

MR. MAY: There is. We have Ms. Rosanne D'Alleva from the Office of Management and Budget to speak on this item.

CHAIRWOMAN GONSALVES: Okay.

MR. MAY: This local law extends the sales tax in the county for two years.

CHAIRWOMAN GONSALVES: Right.

MS. D'ALLEVA: Are there any questions

2 on this item?

3 CHAIRWOMAN GONSALVES: Any questions for
4 Roseanne?

5 (No verbal response.)

6 Any public comment regarding this?

7 (No verbal response.)

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9 close the hearing.

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12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator Belesi.

14 All those in favor of closing the hearing
15 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The hearing is closed.

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19 Presiding Officer, we did want to request from
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CHAIRWOMAN GONSALVES: No. I think he's asking for 13 at this present time.

LEGISLATOR ABRAHAMS: No. We're asking for 2012 and then we're asking 2013 to date. If that's possible, Mr. Chalmers.

MS. D'ALLEVA: The budget for 13 is approximately the same amount, which would be about 4.5 million.

LEGISLATOR ABRAHAMS: Actual expenditures we are looking for not the budget.

MS. D'ALLEVA: We can get that for you.

LEGISLATOR ABRAHAMS: Well, we would like to get it - no disrespect; we would like to get it from the Office of Legislative Budget Review.

CHAIRWOMAN GONSALVES: But the breakdown really is done by the Department of Parks.

LEGISLATOR ABRAHAMS: Okay. So we want it verified by the Independent Budget Review Office, that's all. What's wrong with that?

CHAIRWOMAN GONSALVES: There's nothing wrong with that. But I think in do courtesy to Parks, they would be able to address this as well.

2 LEGISLATOR ABRAHAMS: Okay.

3 CHAIRWOMAN GONSALVES: Go ahead,
4 Legislator - who is going, Roseanne or Mr.
5 Chalmers?

6 MS. D'ALLEVA: Any other questions?

7 LEGISLATOR ABRAHAMS: No.

8 CHAIRWOMAN GONSALVES: Okay. Mr.
9 Chalmers, you're going to provide that
10 information to Mr. Abrahams, correct, and the
11 majority as well.

12 MR. CHALMERS: Correct. We'll get that
13 information, we'll go through it make sure it's
14 accurate, double check it, and then we'll
15 distribute it to the entire legislature.

16 CHAIRWOMAN GONSALVES: We're asking for
17 12 as well as 13.

18 MR. CHALMERS: 13 will be a budget, just
19 so that we're clear.

20 CHAIRWOMAN GONSALVES: Okay.

21 LEGISLATOR ABRAHAMS: Mr. Chalmers, you
22 couldn't give us to date expenses?

23 MR. CHALMERS: To the extent that
24 anything is posted in the system, we'll get that
25 information.

2 LEGISLATOR ABRAHAMS: Okay. Thank you.

3 MR. CHALMERS: You're welcome.

4 CHAIRWOMAN GONSALVES: Now, any other
5 questions regarding Item Number 2 regarding the
6 hotel and motel occupancy tax?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 Okay. There being none, a motion to
11 close the hearing?

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR BELESI: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Walker, seconded by Legislator Belesi.

16 All those in favor of closing the hearing
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The hearing is closed.

22 (Whereupon, the following is the
23 continuation of the minutes of the August 5, 2013
24 Full Legislature meeting.)

25 CHAIRWOMAN GONSALVES: Any public

comment regarding Item 4?

(No verbal response.)

There being none, all those in favor of
Item 4 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

There is an item on the calendar
regarding those two items we just passed, which
is Item 34, Ordinance Number 124-2013 or 320-13,
an ordinance to amend Ordinance Number 404-C-1968
as amended, in relation to imposing an additional
rate of sales and compensating use taxes and to
continue to the Local Government Assistance
Program in Nassau County.

Motion, please.

LEGISLATOR BELESI: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Belesi, seconded by Legislator Dunne.

Any questions regarding Item 34?

(No verbal response.)

Any public comment?

2 (No verbal response.)

3 There being none, all those in favor of
4 Item 34 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item passes unanimously.

9 Thank you.

10 The following items - can we make a
11 motion to suspend the reading?

12 LEGISLATOR ABRAHAMS: That's fine.

13 CHAIRWOMAN GONSALVES: We'll begin with
14 Item 19, Resolution 124; Item 20, Resolution 125;
15 21, Resolution 126; 22, Resolution 127; 23,
16 Resolution 128; Number 24, Resolution 129; 25,
17 Item 25, Resolution 130; 26, Resolution 131; 27,
18 Resolution 132; 28, Resolution 133; Item 30,
19 Resolution 134; Item 32, Resolution 135; Item 36,
20 Resolution 126; Item 37 -- I'm sorry, 36 is
21 Ordinance 126; 37, Ordinance 127; 38, Ordinance
22 128; 39, Ordinance 129; 40, Ordinance 130, 41,
23 Ordinance 131; 42, Ordinance 132; 43, Ordinance
24 133; 45, Resolution 136; 46, Resolution 137; 47,
25 Resolution 138; 48, Resolution 139; Item 68,

Resolution 159; 69, Resolution 160; 71,
Resolution 162; 72, Resolution 163; Item 73,
Resolution 164; 74, Resolution 165; and last item
is Item 75, Resolution 166.

A motion, please, for all those items?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Motion by
Legislator Dunne, seconded by Legislator Kopel.
Thank you.

Any questions on any of this?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none.

All those in favor of these items signify
by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

These items pass unanimously.

Okay.

Here we go. On the non-consent calendar
we have Item 29, Ordinance Number 121-2013 from

2 the county attorney, which is 303-13, and that is
3 an ordinance providing for a capital expenditure
4 to finance the payment of certain judgments,
5 awards, determinations or compromised or settled
6 claims against the County of New York -- of
7 Nassau, excuse me, authorizing \$949,202.62 of
8 bonds of the County of Nassau, to finance said
9 expenditure, making certain determinations
10 pursuant to the State Environmental Quality
11 Review Act, pursuant to the Local Finance Law of
12 New York, and the County Government Law of Nassau
13 County.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR BELESI: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator Belesi.

18 And who do we have here?

19 MR. MAY: We have Miss Lisa Locurto from
20 the county attorney's office.

21 CHAIRWOMAN GONSALVES: Okay. Any
22 questions?

23 LEGISLATOR ABRAHAMS: No, just a
24 general comment.

25 CHAIRWOMAN GONSALVES: Okay. Legislator

2 Abrahams.

3 LEGISLATOR ABRAHAMS: I don't have a
4 question for Mrs. Locurto. But thank you.

5 Generally, we anticipate voting for the
6 bonding for the worker's comp and the judgment.
7 In general, we're a little disappointed that
8 we're bonding for expenditures so low in nature.
9 We would like to see these items be a part of the
10 operating budget on a going forward basis. But
11 at this time we will supply or provide the votes,
12 I should say, to vote for these items in the
13 affirmative because of their nature.

14 CHAIRWOMAN GONSALVES: Any other
15 comments regarding this item?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none. All those in favor of
20 Item 29, Ordinance 121, signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 We're going to go to Item 31, Ordinance

2 122, an ordinance providing for a capital
3 expenditure to refinance the payment of certain
4 settled claims against the County of Nassau,
5 authorizing \$479,400 of bonds of the County of
6 Nassau to finance said expenditure and make
7 certain determinations pursuant to the State
8 Environmental Quality Review Act, the Local
9 Finance Law of New York, and the County
10 Government Law of Nassau County.

11 Motion, please?

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Muscarella.

17 Anyone here to speak on this item?

18 MR. MAY: If there are any questions, we
19 have Ms. Lisa Locurto to answer any.

20 CHAIRWOMAN GONSALVES: Are there any
21 questions of Ms. Locurto?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 There being none. All those in favor of

2 Item 31 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item passes unanimously.

7 Item 33, Ordinance 123, an ordinance
8 providing for a capital expenditure to finance
9 the payment of certain settled claims against the
10 County of Nassau, authorizing \$252,960 of
11 borrowings of the County of Nassau to finance
12 said expenditure and make certain determinations
13 pursuant to the State Environmental Quality
14 Review Act, the Local Finance Law of New York,
15 and the County Government Law of Nassau County.

16 Motion, please?

17 LEGISLATOR MUSCARELLA: So moved.

18 LEGISLATOR KOPEL: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Muscarella, seconded by Legislator
21 Kopel.

22 Any questions regarding this item?

23 (No verbal response.)

24 I guess Lisa is the one who will speak on
25 this one.

2 Any questions of Lisa?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 There being none. All those in favor of
7 Item 33 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item passes unanimously.

12 Now we're going to Item 35, which is
13 Ordinance Number 125, making certain
14 determinations pursuant to the State
15 Environmental Quality Review Act and authorizing
16 the County of Nassau to accept on behalf of the
17 County of Nassau an offer of purchase from
18 Gabrielli Truck Sales Limited of certain premises
19 located in Inwood, Town of Hempstead, County of
20 Nassau, State of New York, said property known as
21 Section 40, Block L, P/O Lot 2 on the land and
22 tax map of the County of Nassau, and authorizing
23 the county executive to execute a deed, contract
24 of sale, and all pertinent documents in
25 connection therewith to consummate the sale.

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR BELESI: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Walker, seconded by Legislator Belesi.

6 Who is here to speak on this?

7 MR. MAY: Mr. Charles Theophan.

8 CHAIRWOMAN GONSALVES: Do you have any
9 questions of Charles?

10 LEGISLATOR ABRAHAMS: Just general. I
11 don't really have a question for Mr. Theophan.
12 Just the fact that obviously this is a one-shot
13 particular sale where the county is selling off
14 one of its property to collect a one shot of
15 revenue, and this is the type of thing that I'm
16 sure NIFA and other fiscal monitors frown upon.
17 This is something that we voted through in
18 committee to try to get more answers, and we're
19 happy to Mr. Theophan. Unless it's something
20 contrary to what we believe it is, we're going to
21 vote in the negative.

22 CHAIRWOMAN GONSALVES: Okay.

23 Any public comment regarding this item?

24 (No verbal response.)

25 There being none - Legislator Denenberg.

2 LEGISLATOR DENENBERG: Mr. Theophan,
3 going back had asked for some information as to
4 why OSPAC had voted against this.

5 MR. THEOPHAN: I read directly from the
6 OSPAC minutes. The last time they voted against
7 it because it's contiguous to a Nassau County
8 Park and it was OSPAC's feeling that they would
9 like to see this parcel incorporated in the park.

10 LEGISLATOR DENENBERG: I, for one, have
11 always stuck with their recommendations, and I
12 didn't see anything that made me feel that they
13 were wrong.

14 MR. THEOPHAN: This was not a vacant
15 parcel. This was a garage that was utilized by
16 public works. It's a little qualitatively
17 different than some of the other parcels that
18 they have expressed a desire not to see them sold
19 and developed.

20 CHAIRWOMAN GONSALVES: Okay. Legislator
21 Denenberg?

22 LEGISLATOR DENENBERG: I have nothing
23 further.

24 CHAIRWOMAN GONSALVES: Any other
25 questions of Mr. Theophan?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 There being none. All those in favor of
6 Item 70, Resolution 161 signify - that's not the
7 right one. Sorry.

8 All those in favor of Item 35, Ordinance
9 125, signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The item passes ten to seven.

14 Item 70, Resolution 161, a resolution to
15 establish a complete streets policy in Nassau
16 County.

17 Motion, please?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR DUNNE: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Walker, seconded by Legislator Dunne.

22 We have, I see, Mr. Mistrion to speak on
23 this item.

24 MR. MAY: Correct.

25 CHAIRWOMAN GONSALVES: Mr. Gallagher,

1 you're going to speak when you need to.

2 We're on 70, the complete streets.

3 MR. MISTRON: I've had the opportunity
4 over the past several months to go into the
5 different legislative districts to try and
6 promote walk safe programs, to encourage ways of
7 improving safety for pedestrians. As part of
8 this, we've always seen a partnership between
9 enforcement, engineering, and education to try
10 and promote safety; engineering, of course, with
11 the improvement of crosswalks, signalization,
12 push buttons, countdown timers leading
13 pedestrians.

14 We've also seen enforcement involved in
15 our programs, enforcing both the pedestrian laws
16 for motorists failing to yield the right of way,
17 as well as improvements with pedestrians
18 themselves to try and encourage them to utilize
19 the improved engineering locations.

20 This particular measure for complete
21 streets goes beyond that, goes beyond the
22 recognition of safety for pedestrians and
23 vehicles sharing the road. But it goes to the
24 point that there are other individuals, as well
25

1 as other uses of the roadways by both bicyclists,
2 by pedestrians, as we've already mentioned, but
3 of various ages and abilities.
4

5 Complete streets takes into recognition
6 and has engineering recognize the uses of the
7 streets and makes them or actually requests that
8 all future designs, that all rehabilitations take
9 into consideration the shared usage of our
10 roadways to make them safer. For that reason,
11 complete streets, in that recognition, asks
12 engineering to take that one step beyond, seize
13 the opportunities to see how can we get people
14 out of their vehicles into the streets and to be
15 able to be willing to buy into many of the
16 changes, to be able to be safe, improve their
17 health, as well as maybe bring back some of our
18 downtown communities to want to walk.

19 And that's the basis.

20 CHAIRWOMAN GONSALVES: Mr. Mistron, I
21 think you have made several presentations
22 regarding this program, and I was present at one
23 of them and extremely impressed with the fact
24 that you are not only including the pedestrians
25 but you are also including the motorists. And if

2 you can make our streets safer and have more
3 people walk instead of drive, I think that would
4 be a plus.

5 Legislator Ford.

6 LEGISLATOR FORD: Thank you very much.

7 The City of Long Beach just passed a
8 similar resolution.

9 Just one quick question in regard - when
10 you talk about, like with the complete streets.
11 I'm going to guess that you also include
12 sidewalks as well.

13 MR. MISTRON: Of course.

14 LEGISLATOR FORD: If a person - I just
15 want to know if you do a streetscapes program
16 where you redo the streets as well as the
17 sidewalks, then you have to -- do you have to
18 make sure that you add in a component to make
19 sure that all sidewalks and ramps are fully
20 handicapped accessible if you do any changes or
21 any upgrades?

22 MR. MISTRON: Where upgrades permit, all
23 ADA requirements are met. Depending upon the
24 particular project, what will happen is the
25 engineers will go, at the opportunity to see how

2 can the sidewalk area or at least some area be
3 improved for the use of the pedestrian.

4 Bicycle paths are -

5 LEGISLATOR FORD: I mean also those who
6 are handicapped.

7 MR. MISTRON: That's the ADA
8 requirements.

9 LEGISLATOR FORD: Okay. Then on any
10 upgrades, like any changes in roadways, any
11 projects that we're doing, would that also then -
12 - would the component then be that we would have
13 to then take a look at bicycle lanes as well?

14 MR. MISTRON: Again, we're
15 environmentally able to place such bicycle lanes.
16 For instance, right now Merrick Avenue has been
17 improving with bicycle lanes being added. The
18 state, of course, has already passed complete
19 streets. They've done things on Hempstead
20 Turnpike. But yes, absolutely, where the
21 opportunity to exists to be able to have enough
22 roadway to be able to share the road and to
23 encourage the bicycling, yes, bicycle paths are
24 also a part of this.

25 LEGISLATOR FORD: Thank you very much.

2 Thank you.

3 CHAIRWOMAN GONSALVES: Any comments from
4 the rest of the legislators?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 There being none. All those in favor -
9 I'm sorry. Mr. Gallagher, come forward.

10 MR. GALLAGHER: Thank you very much.

11 Again, the Cedar Creek Park, for some
12 unknown reason, allows bicycle clubs to ride on
13 the same roadway that trucks and cars are riding
14 on those roads at the same time. Bicycle clubs.
15 They have signs up - no bicycles, no
16 skateboarding, no pedestrians on the roadway.
17 It's a county ordinance. Nobody enforces the
18 law. Before we get sued, when somebody gets
19 issued on this parkway or roadway, we're going to
20 be in trouble. Stop the people from riding on
21 the road that says a sign, no bicycling, no
22 skateboarding, no pedestrians. There's a sign
23 but it's being allowed in the Cedar Creek Park.

24 I also find that - we did have a girl
25 killed one time on Sunrise Highway and Wantagh

1 Avenue. You got the state highway, and then the
2 road that comes down, Wantagh, it's either county
3 or town roadway. What takes place there - and it
4 should be that all cars in all directions stop
5 until all pedestrians cross the roadway. What's
6 taking place now is the east and west cars on
7 Sunrise Highway stop at a red light. Then the
8 left hand turn going south and coming up north,
9 the right hand turn cars come and where are the
10 pedestrians? They got a sign, come on and cross
11 the street. You're going to be a target for the
12 cars that are making the left and right turns.
13 There's got to be a complete stop to give the
14 pedestrians the right of way.

15
16 Merrick Road, it needs to be lined.
17 People don't understand when there's a white line
18 between the curb and a white line out in the
19 street, that is for bicyclists. They park in
20 those areas. It should be no parking in those
21 areas so that bicycles can ride safely.

22 That Sunrise Highway needs to be looked
23 over, and other areas.

24 I feel that the county or whoever
25 implemented the red light cameras, we need to

1 have in certain areas stop sign cameras to catch
2 the people running through stop signs. They got
3 the signs out there - speed signs. Set up
4 cameras and catch them speeding down roadways.
5 This is where people are going to get killed, by
6 not enforcing the law. We are not enforcing the
7 laws enough to stop this stuff.

8
9 I went up to a red light one time and the
10 other traffic started moving. I went a little
11 bit forward and went into the crosswalk. I did
12 get a ticket for that, \$80. That makes me stop
13 on a dime in the future. And that's what we need
14 to get, a little bit more enforcement on these
15 things for the safety of the people.

16 We have sidewalks that have a sidewalk
17 and if somebody has their grass all the way out
18 to the curb. I think the lady was trying to
19 bring that point out, that this is not their
20 property to have grass on. This is a sidewalk
21 for people to walk on.

22 You got blind people, you got people who
23 are handicapped and they have to walk and they're
24 going to trip on this stuff. Across the street
25 from my house is a tree that belongs to the Town

2 of Hempstead, raised the sidewalk eight inches,
3 somebody acknowledged it by putting blacktop on
4 each side of it, and they leave it that way until
5 somebody falls down. Another lawsuit. But
6 nothing gets done.

7 CLERK MULLER: Your three minutes have
8 expired, sir.

9 MR. GALLAGHER: Thank you very much.
10 And goodbye.

11 CHAIRWOMAN GONSALVES: Thank you, Mr.
12 Gallagher.

13 Mr. Alexander, I know you wanted to speak
14 on this item.

15 MR. ALEXANDER: It's been a while, okay.

16 CHAIRWOMAN GONSALVES: I know it's been
17 a while.

18 MR. ALEXANDER: Thank you very much for,
19 Ms. Presiding Officer and members of the
20 Legislature, for a bipartisan effort expressing
21 support for safe streets and complete streets of
22 Nassau County. We're excited about that.

23 There is precedence for this. There is
24 New York State Law, there is North Hempstead,
25 Hempstead, Village of Great Neck Plaza, and City

2 of Long Beach have passed this legislation in
3 different forms. In Suffolk County four towns
4 have passed a version of complete streets.

5 There's a demonstrated need on county
6 roadways. Different parts of Old Country Road in
7 Plainview and Hicksville, North Main Street in
8 Freeport, Jackson Avenue in Syosset, there are
9 high concentrations of people walking and biking.
10 Auto registrations are down. We have an aging
11 population. There were a number of people from
12 AARP here before who wanted to speak on this
13 matter but were excited that you're considering
14 this again.

15 There are a lot distracted and aggressive
16 drivers that aren't paying attention to people on
17 the roadways. So we need other tools to allow
18 pedestrians and bicyclists, older folks, disabled
19 folks, young people to have a leg up,
20 essentially, in a negotiation on the roadway with
21 automobiles. So there's emerging technical
22 expertise to address this.

23 We've brought Dan Burden (phonetic) in
24 from Walkable Communities, Rick Carl (phonetic),
25 traffic engineers. There are companies -

2 Wendell, Greenman Pederson that know how to do
3 this. There's a book, a manual that was created
4 by the ITE. It's a chapter, the Green Book, that
5 tells you how to design roadways in a safe
6 fashion.

7 There are projects on another municipal
8 roadways. The Tri-State Transportation Campaign
9 was here before. They've given you testimony
10 that outlines some of these projects. And AARP
11 is four square behind this. There are successful
12 projects. There are also funding streams that
13 are geared towards pedestrian safety amenities.

14 Smithtown, Hempstead Turnpike, most
15 recently Great Neck, downtown Great Neck,
16 Patchogue, Huntington have all important traffic
17 calming projects and implemented them; that's
18 exciting.

19 This last April we had a complete street
20 summit. Certainly from Nassau County
21 Commissioner of Traffic Safety and also
22 Legislator Delia DeRiggi-Whitton addressed a
23 group and expressed interest in advancing some
24 legislation, so thank you for that. We also know
25 we brought this back to the administration and

2 they were very interested. So we're excited that
3 there's some progress.

4 The last point I'll make is too many
5 lives have been lost over poor roadway design.
6 In downtown Syosset, my niece Victoria, Victoria
7 Alexander was hit on a bike a few years ago by a
8 speeding car. She could have died, and she would
9 have been in one of those stories in *Newsday* that
10 we read about or we read about on News 12.
11 There's just no need for it. We know better.
12 There's designs that can make our roadways
13 better. And it's incumbent upon public folks in
14 the seats that you have to make these roadways
15 safer for folks. No need for good people to be
16 statistics in news stories.

17 Thank you for taking action today. And
18 that's it.

19 CHAIRWOMAN GONSALVES: Legislator
20 Jacobs.

21 LEGISLATOR JACOBS: I just wanted to
22 tell all of you who spoke on this that something
23 really good is happening from Bethpage to
24 Syosset. It needs tweaking, which I'm involved
25 with the state with now. But I was involved with

1 this when I was minority leader, before we won
2 the majority. And it's that they built a bike
3 path literally from Bethpage State Park all the
4 way to Syosset. The reason the state was able to
5 do it is there was a grant at the time that as
6 long as you could show that it had a destination
7 for mass transit, that they would build this bike
8 path. It happens to be, the people I speak to
9 who use it all the time love it. Now here's the
10 problem. Just like Eric is saying with how our
11 streets are, unfortunately this bike path
12 eventually comes to a part where Northern State
13 has an ingress and egress, where you're driving
14 along and also when you get to Manetto Hill Road
15 and obviously people are going the normal speed,
16 there's no right of way for that bicyclist to
17 keep going. Of course people were going crazy
18 about what are we supposed to do? We all know
19 the answer. It's not finished. They're going to
20 be putting signs up telling bicyclists you do not
21 have the right of way and if you are crossing the
22 artery in front of you, you must get off and walk
23 your bike.

24
25 Essentially, it really does give the

1 alternative very easily. If people are smart, I
2 just hope, like you hope Eric, that people are
3 not hit when they're riding and they're in a daze
4 and they're not thinking I'm going right passed
5 the Northern State exit or entrance. However,
6 it's done. It's worth coming by to take a look
7 at it because it's something that they're hoping
8 is going to work. I think it will, if most
9 people that use it are sensible.

11 MR. ALEXANDER: Well, designs aren't a
12 panacea but there's something that's incumbent
13 upon us to have the state-of-the-art designs.

14 LEGISLATOR JACOBS: It even has a yellow
15 line. Picture, it's just as big - a little bit
16 wider than a regular sidewalk. There's a yellow
17 line so two people can pass quite easily. It's
18 quite something and it's just about finished.

19 MR. MISTRON: To add to that is the
20 designation, like you're describing, people are
21 used to seeing those lines when they drive.
22 They've been taught that from places like Safety
23 Town and so on.

24 LEGISLATOR JACOBS: Yes. The little
25 bicycles.

2 MR. MISTRON: Right. The thing is,
3 again, all these aspects of improvements are ways
4 of encouraging people to do it. When they see
5 something familiar, they'll use it.

6 LEGISLATOR JACOBS: Now, bicyclists
7 should also be told not to ride eight abreast
8 when they're riding.

9 MR. MISTRON: That's correct.

10 LEGISLATOR JACOBS: And take up more
11 than just a lane.

12 MR. MISTRON: We have received --
13 Traffic Safety received a grant through one of
14 our partners, New York Coalition for
15 Transportation Safety, to provide bicycle
16 education. Again, when we start coming into your
17 legislative districts to do the educational
18 programs, there will be a bicycle component. A
19 number of the legislators have already taken
20 advantage of our partners in doing bike rodeos.
21 Again, all of this is made available to residents
22 within the County through traffic safety.

23 LEGISLATOR JACOBS: Well, Chris, I don't
24 want to give you an extra job to do but I would
25 like to ask you right now to think about the fact

2 if there is ever an education program needed,
3 maybe at one of the POB High School or Junior
4 High Schools, it's a good time because this is
5 all brand new to them, and maybe they have to be
6 told the obvious that we know, that you have to
7 get off your bicycle when you're about to go into
8 a regular street.

9 MR. MISTRON: That will -

10 LEGISLATOR JACOBS: This might be a
11 perfect time to do some kind of presentation like
12 that.

13 MR. MISTRON: Well, we have already
14 contacted -- the county executive's office has
15 already contacted the high schools with regard to
16 the Walk Safe videos that we introduced several
17 weeks back. So this will be something that we
18 are looking at trying to produce a specific video
19 on bike safety also and again, specifically for
20 the schools.

21 LEGISLATOR JACOBS: Only because this is
22 so unusual. It's just opened and people are
23 questioning. Thank you.

24 MR. MISTRON: Sure.

25 CHAIRWOMAN GONSALVES: While you're at

2 it, I'll tell you right now there is a bicycle
3 path that's being extended from Hempstead
4 Turnpike across Merrick Avenue alongside the park
5 going north to Old Country Road and down to
6 Salisbury Park Drive; part of it is county, part
7 of it is state and they are looking to connect
8 the path with the Wantagh. Again, it's
9 troublesome because of the nature of that trail.

10 Mr. Dunne. Legislator Dunne.

11 LEGISLATOR DUNNE: Thank you, Madam
12 Chair. I just have one quick question.

13 State law says that the pedestrian in a
14 walkway has a right of way.

15 MR. MISTRON: That is correct.

16 LEGISLATOR DUNNE: You must stop for a
17 pedestrian in a walkway. The perceived signs at
18 different locations with that state law right by
19 the traffic lights. Being that we are doing this
20 safe street, can we get those signs from the
21 state and place them in the heavy intersections?

22 MR. MISTRON: The use of signs is kind
23 of a double edge sword. What I mean by that is
24 too many signs becomes a distraction, also. The
25 fact that what we've been working on, what the

1 state has done, what the County DPW is doing is
2 we're trying to make sure that we're going to the
3 communities and educate the use of the crosswalk
4 button. New York State has been utilizing,
5 especially along Hempstead Turnpike as well as
6 the county in certain designated areas, we are
7 looking at what's called the LPI, the leading
8 pedestrian indicator, that will create an all red
9 period so that pedestrians have the ability to
10 start their cross safely, not for any fear of
11 rights on reds or anything, and they'll be maybe
12 a third of the way if not half of the way into
13 their crossing before the green light releases
14 traffic.
15

16 While the use of those signs, as far as
17 yielding to pedestrians, the law is that we are
18 supposed to yield to pedestrians. I'll just add
19 one last thing, an exciting thing that we've
20 done. We trained our police officers back in
21 March, we were able to bring in some experts to
22 teach them on pedestrian enforcement, making sure
23 the pedestrian knows also the law and will cross
24 properly.

25 But one of the things is up in Port

2 Washington, Legislator Bosworth's area -- I'm
3 sorry -- Legislator Wink's area. We did an
4 exciting program up there where we started
5 enforcement of some of the local roads. We had a
6 motorcycle police officer, a chase car, and we
7 were utilizing a police officer that was not in
8 uniform, and when he would step into the street,
9 we were pulling over the cars that were failing
10 to yield to the pedestrians in that crosswalk.
11 They went further to pedestrians that were
12 crossing mid-block, to just kind of stop them and
13 ask them to please use the proper crossings. The
14 main objective here is for everybody to be
15 wherever the vehicles expect you to be and that
16 will add to your safety.

17 CHAIRWOMAN GONSALVES: Legislator
18 Bosworth.

19 LEGISLATOR BOSWORTH: So this is kind of
20 a variation on the theme, and we're talking about
21 pedestrian safety, bicycles, and all of that.

22 Is there any focus on helping pedestrians
23 to be safer, in terms of wearing things so that
24 as it's getting darker people can see them?
25 That's an issue. We have a lot of walkers in my

2 district. They walk sometimes and it's twilight
3 and hard to see. What efforts are being made?

4 MR. MISTRON: The grant that we received
5 -- actually, I applied for a grant and we'll find
6 out in the coming months whether or not we
7 received it -- as well as reflectors added to
8 their jackets for visibility. We're hoping also
9 that with the improvement with the landscape for
10 better sidewalks, for better roadways that the
11 conspicuous will be much higher.

12 LEGISLATOR BOSWORTH: If you get that,
13 is there a way for the different --

14 MR. MISTRON: Again, when I had the
15 opportunity to meet with both caucuses with
16 regard to advancing the safety, this is something
17 that will be part of the programs that we'll be
18 bringing throughout the County. Those type of
19 items, especially earmarked for the most
20 vulnerable, be it the senior or the very young
21 pedestrian, those will be made available.

22 LEGISLATOR BOSWORTH: Just to be aware,
23 there's another component in that the senior
24 driver -

25 MR. MISTRON: Yes.

2 LEGISLATOR BOSWORTH: who is not able to
3 see the pedestrians, so it's --

4 MR. MISTRON: The senior drivers is a
5 challenge all unto itself.

6 LEGISLATOR BOSWORTH: Not casting any
7 aspersions onto senior drivers. It's just a
8 concern that was raised.

9 CHAIRWOMAN GONSALVES: Any other
10 comments? No, seriously, there were people who
11 put in a slip about complete streets and one was
12 Ryan Lynch. I don't know if he is still here.
13 No.

14 William Stoner. Am I right? I guess --

15 MR. MAY: I think William Stoner was
16 from the AARP.

17 CHAIRWOMAN GONSALVES: Yes.

18 MR. MAY: He left testimony; I gave it
19 to the clerk's office to read into the record.
20 Not to read into the record, but for the record.

21 CHAIRWOMAN GONSALVES: Thank you very
22 much.

23 There being no other comments, no public
24 participation, all those in favor of Item Number
25 70 signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item passes unanimously.

6 Good job. Thank you very much.

7 Now, we have a number of bond ordinances
8 that have to do with the capital improvements or
9 capital projects, I should say. I'm going to
10 begin with -- I'm going to call them all at once,
11 and if there are any comments regarding them, so
12 be it.

13 The first one is Item Number 7, Ordinance
14 Number 109 or 330-13, Public Works; remember that
15 a lot of testimony was given during the
16 testimony, so please, the testimony of those
17 committees is certainly incorporated into this
18 calendar meeting.

19 Number 8, Ordinance 110, which is 331-13,
20 Public Works; Ordinance 9 - I mean Item 9,
21 Ordinance 11, 332-13, Public Works; Item 11,
22 Ordinance Number 113 or 334, Public Works; Item
23 12, which is Ordinance 114, 335-13, Public Works;
24 Item 35 - 13, excuse me, Ordinance 115, which was
25 336-13, Public Works; 14, which was Ordinance

2 116, 337-13 from Public Works; 15, a bond
3 ordinance providing for a capital - Ordinance 117
4 - Item 15, Ordinance 117, 338-13, Public Works;
5 Item 16, Ordinance 118, 339-13, Public Works; and
6 Item 18, Ordinance 120, 341-13.

7 (Whereupon, the following are the minutes
8 of the July 29, 2013 Public Works Committee
9 meeting pertaining to Clerk Items 331, 332, 334,
10 335, 336, 337, 338, 339, and 341-13.)

11 CHAIRMAN MUSCARELLA: But let me call
12 them one at a time all at once. We have Item 330
13 of '13 which is a bond ordinance providing for a
14 capital expenditure to finance a capital project
15 specified herein within the County of Nassau
16 authorizing \$14,467,140 worth of bonds. The
17 County of Nassau to finance said expenditure and
18 make certain determinations pursuant to the State
19 Environmental Quality Review Act pursuant to the
20 Local Finance Law of New York and the County
21 Government Law of Nassau County;

22 Item 331 of '13, a bond ordinance
23 providing for a capital expenditure to finance a
24 capital project specified herein within the
25 County of Nassau authorizing \$500,000 worth of

2 bonds. The County of Nassau to finance said
3 expenditure and make certain determinations
4 pursuant to the State Environmental Quality
5 Review Act pursuant to the Local Finance Law of
6 New York and the County Government Law of Nassau
7 County;

8 332 of '13 which is a bond ordinance
9 providing for a capital expenditure to finance a
10 capital project specified herein within the
11 County of Nassau authorizing \$33 million worth of
12 bonds. The County of Nassau to finance said
13 expenditure and make certain determinations
14 pursuant to the State Environmental Quality
15 Review Act pursuant to the Local Finance Law of
16 New York and the County Government Law of Nassau
17 County;

18 Item 333 of '13 which is a bond ordinance
19 providing for a capital expenditure to finance a
20 capital project specified herein within the
21 County of Nassau authorizing \$1 million worth of
22 bonds. The County of Nassau to finance said
23 expenditure and make certain determinations
24 pursuant to the State Environmental Quality
25 Review Act pursuant to the Local Finance Law of

2 New York and the County Government Law of Nassau
3 County;

4 Item 334 of '13 which is a bond ordinance
5 providing for a capital expenditure to finance a
6 capital project specified herein within the
7 County of Nassau authorizing \$200,000 worth of
8 bonds. The County of Nassau to finance said
9 expenditure and make certain determinations
10 pursuant to the State Environmental Quality
11 Review Act pursuant to the Local Finance Law of
12 New York and the County Government Law of Nassau
13 County;

14 Item 335 of '13 which is a bond ordinance
15 providing for a capital expenditure to finance a
16 capital project specified herein within the
17 County of Nassau authorizing \$750,000 worth of
18 bonds. The County of Nassau to finance said
19 expenditure and make certain determinations
20 pursuant to the State Environmental Quality
21 Review Act pursuant to the Local Finance Law of
22 New York and the County Government Law of Nassau
23 County;

24 Item 336 of '13, a bond ordinance
25 providing for a capital expenditure to finance a

2 capital project specified herein within the
3 County of Nassau authorizing \$108,665 worth of
4 bonds. The County of Nassau to finance said
5 expenditure and make certain determinations
6 pursuant to the State Environmental Quality
7 Review Act pursuant to the Local Finance Law of
8 New York and the County Government Law of Nassau
9 County;

10 Item 337 of '13, a bond ordinance
11 providing for a capital expenditure to finance a
12 capital project specified herein within the
13 County of Nassau authorizing \$1 million worth of
14 bonds. The County of Nassau to finance said
15 expenditure and make certain determinations
16 pursuant to the State Environmental Quality
17 Review Act pursuant to the Local Finance Law of
18 New York and the County Government Law of Nassau
19 County;

20 Item 338 of '13 is a bond ordinance
21 providing for a capital expenditure to finance a
22 capital project specified herein within the
23 County of Nassau authorizing \$1 million worth of
24 bonds. The County of Nassau to finance said
25 expenditure and make certain determinations

2 pursuant to the State Environmental Quality
3 Review Act pursuant to the Local Finance Law of
4 New York and the County Government Law of Nassau
5 County;

6 Item 339 of '13 is a bond ordinance
7 providing for a capital expenditure to finance a
8 capital project specified herein within the
9 County of Nassau authorizing \$500,000 worth of
10 bonds. The County of Nassau to finance said
11 expenditure and make certain determinations
12 pursuant to the State Environmental Quality
13 Review Act pursuant to the Local Finance Law of
14 New York and the County Government Law of Nassau
15 County;

16 Item 340 of '13 is a bond ordinance
17 providing for a capital expenditure to finance a
18 capital project specified herein within the
19 County of Nassau authorizing \$326,250,000 worth
20 of bonds.

21 The County of Nassau to finance said
22 expenditure and make certain determinations
23 pursuant to the State Environmental Quality
24 Review Act pursuant to the Local Finance Law of
25 New York and the County Government Law of Nassau

2 County;

3 The last item is Item 341 of '13, a
4 bond ordinance providing for a capital
5 expenditure to finance a capital project
6 specified herein within the County of Nassau
7 authorizing \$72,500,000 worth of bonds. The
8 County of Nassau to finance said expenditure and
9 make certain determinations pursuant to the State
10 Environmental Quality Review Act pursuant to the
11 Local Finance Law of New York and the County
12 Government Law of Nassau County.

13 Motion, please.

14 LEGISLATOR BECKER: So moved.

15 LEGISLATOR WALKER: Second.

16 CHAIRMAN MUSCARELLA: Moved by Mr.
17 Becker, seconded by Ms. Walker. Okay, Mr. May.

18 MR. MAY: We have Mr. Richard Millet from
19 DPW to answer any questions on these items.

20 LEGISLATOR DENENBERG: For the minority,
21 we are fine letting the questions wait until
22 Finance since each of these items go to Finance
23 and Rules as well.

24 LEGISLATOR SCANNELL: Dave, we're not.
25 The two of us aren't, you are. You're going to

2 vote yes, we're going to vote no.

3 LEGISLATOR DENENBERG: No, but we are
4 fine waiting for Finance for the questions. So
5 we are going to allow it to pass through with
6 questions but, for the record, since Legislator
7 Scannell brought it up, Legislators Scannell and
8 Solages will vote no in this committee and myself
9 will vote yes in this committee.

10 CHAIRMAN MUSCARELLA: Do you have any
11 specific questions at this point?

12 LEGISLATOR DENENBERG: We are going to
13 save it for Finance.

14 CHAIRMAN MUSCARELLA: On our side, no
15 questions, we will save it for Finance?

16 Okay. There being no questions, all
17 those in favor of moving these items to Finance
18 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 These items carry. That's a vote 4 of 5
23 to 2, with Mr. Scannell and Mr. Solages in the
24 negative.

25 (Whereupon, the following are the minutes

2 of the July 29, 2013 Finance Committee meeting
3 pertaining to Clerk Items 331, 332, 334, 335,
4 336, 337, 338, 339, and 341-13.)

5 CHAIRMAN NICOLELLO: Now I'm going to
6 call Items 330, 331, 332, 333, 334, 335, 336,
7 337, 338, 339, 340, 341. I will read the first
8 one and then give the amounts for the rest of
9 them because they're all identical except for the
10 amounts.

11 A bond ordinance providing for a capital
12 expenditure to finance the capital project
13 specified herein within the County of Nassau in
14 authorizing \$500,000 in bonds of the County of
15 Nassau to finance said expenditure and making
16 certain determinations pursuant to SEQRA pursuant
17 to the Local Finance Law of New York and the
18 County Government Law of Nassau County.

19 Item 332 authorizes \$33 million in bonds;
20 Item 333 authorizes \$1 million in bonds; Item 334
21 authorizes \$200,000 in bonds; Item 335 authorizes
22 \$750,000 of bonds; Item 336 authorizes \$108,665
23 of bonds; Item 337 authorizes a million dollars
24 in bonds; and Item 338 authorizes a million
25 dollars in bonds; Item 339 authorizes \$500,000 of

bonds; Item 340 authorizes \$326,250,000 in bonds; Item 341 authorizes \$72,500,000 in bonds, and I think I skipped over the first one which authorizes, 330 of 2013, which authorizes \$14,467,140 of bonds.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella. These items are before the committee. Do we have anybody to speak about these items?

MR. MAY: We do. We have Mr. Richard Millet from DPW to answer any questions on these items.

CHAIRMAN NICOLELLO: Okay.

MR. MAY: Mr. Arnold first and then Rich.

MR. ARNOLD: Project by project, item by item?

CHAIRMAN NICOLELLO: Yes.

LEGISLATOR DENENBERG: And, as you go, if I many, to the Chair, as you go item by item and describe what it's for, can you say if it's an existing project or a new project?

MR. ARNOLD: Okay. Item 330-13 is for

2 additional funding on an existing project,
3 capital project 81011. This funding is going to
4 be allocated towards the environmental cleanup of
5 the sanitary sewage overflows in the communities
6 of Baldwin and East Rockaway. This is to pay for
7 both the interior work, some claims that we have
8 outstanding, and also to move forward with the
9 exterior work.

10 CHAIRMAN NICOLELLO: Keep going.

11 We'll ask, unless something comes up, our
12 questions when you're done.

13 MR. ARNOLD: Item 331-13 is a bond
14 ordinance to an existing capital project to add
15 an additional \$500,000 for various roof repairs
16 for the various buildings at both Bay Park, City
17 Creek, Glen Cove, Cedarhurst, Lawrence and the
18 pump stations.

19 Item 332 is an additional bond ordinance
20 for an existing capital project associated with
21 equipment replacement at Cedar Creek. This
22 funding will go towards both Cedar Creek screens
23 and grid, effluent screens and other various
24 miscellaneous improvements that the plant will
25 require.

2 Item 333-13 is an additional bond
3 ordinance from an existing capital project for
4 Whitney drain up in Manhasset.

5 Item 334-13 is an additional ordinance
6 for an existing capital project for mosquito
7 control program so we can finish our SEQRA
8 determination.

9 Item 335-13 is an additional bond
10 ordinance for an existing capital project
11 associated with requirements contract work
12 associated with both the collection and the waste
13 water facilities.

14 Item 336 is additional bond ordinance for
15 our drainage reconstruction capital projection,
16 that's an existing capital project.

17 Item 337 is an additional bond ordinance
18 from existing capital project associated with our
19 reconstruction and rehabilitation of storm water
20 basins.

21 Item 338 is an additional bond ordinance
22 for an existing capital project associated with
23 the replacement of motorized equipment for the
24 wastewater facility operation.

25 Item 339 is an additional bond ordinance

2 for an existing capital project for various
3 improvements to the wastewater facilities
4 associated with employee amenities such as
5 bathrooms, locker rooms, common space, office, as
6 much.

7 Item 340 is an additional bond ordinance
8 to the capital project that was recently approved
9 which is associated with the Hurricane Sandy
10 recovery at Bay Park.

11 This bond ordinance is associated with
12 the work for the electrical distribution system
13 at Bay Park.

14 Item 341 is an additional bond ordinance
15 for the Bay Park, same capital project that was
16 recently approved. This funding is for the plant
17 and boundary protection system.

18 CHAIRMAN NICOLELLO: Is it just the last
19 two that were part of the recently proposed 700
20 million?

21 MR. ARNOLD: Yes. That capital project
22 is 35,121. I think that capital project is
23 closer to \$500,000. There were other pieces of
24 that that made it up to 700,000 in other capital
25 projects.

2 CHAIRMAN NICOLELLO: And Items 340 and
3 341 in particular, are those -- are we ready to
4 go in terms of vetting those contracts, et
5 cetera?

6 MR. ARNOLD: Those contracts will be
7 ready to go out in the second quarter of '14.

8 CHAIRMAN NICOLELLO: In terms of the
9 timeline, what is the necessity of borrowing the
10 money now or authorizing the borrowing?

11 MR. ARNOLD: To have the funding, the
12 good faith effort to the federal and state
13 government that we are moving forward with these
14 projects and we have the financial background as
15 we negotiate grants and reimbursement with them,
16 that's one of the main reasons.

17 CHAIRMAN NICOLELLO: These obviously have
18 to do with hardening this facility in the event
19 of future storms.

20 MR. ARNOLD: Both hardening and repair.
21 The contract is repair and replacement of damaged
22 equipment.

23 CHAIRMAN NICOLELLO: And that's to also
24 elevate it, is it not?

25 MR. ARNOLD: And mitigation. There's

2 components of elevation and mitigation and
3 hardening.

4 CHAIRMAN NICOLELLO: Any other questions?
5 Legislator Denenberg.

6 LEGISLATOR DENENBERG: I have several
7 questions but I will piggyback where Legislator
8 Nicolello was. So I will start at the end and
9 work to the beginning.

10 You said that 340 and 341 which were both
11 for Bay Park, it's projected that these would be
12 for contracts that would be bid second quarter
13 2014?

14 MR. ARNOLD: Yes. We're doing the design
15 currently. We need them for the design right
16 now, but the contract documents would be ready
17 second quarter 2014.

18 LEGISLATOR DENENBERG: So that's
19 different.

20 MR. ARNOLD: Well, you have two phases of
21 any project.

22 CHAIRMAN NICOLELLO: Mr. Millet, if you
23 have information to add, we would appreciate it
24 if you would approach the podium.

25 LEGISLATOR DENENBERG: Because 262 was

2 approved, and, Mr. Millet, say what you were
3 going to say about the second quarter of 2014.

4 MR. MILLET: Right now they are in active
5 30 percent design, so we need to fund the 100
6 percent design to be ready to go to bid in 2014
7 on these two items.

8 LEGISLATOR DENENBERG: The 262 is not
9 enough for the design?

10 MR. MILLET: No. Because it didn't have
11 anything to do with the electrical system.

12 The Hazen & Sawyer team is actively
13 pursuing to accelerate their 30 percent design.
14 We are actively pursuing to get this money in
15 place so we can get out to 100 percent design and
16 replace the electrical system that is woefully
17 damaged.

18 LEGISLATOR DENENBERG: What's second
19 quarter 2014, the bid for the construction?

20 MR. MILLET: That would be the
21 construction.

22 CHAIRMAN NICOLELLO: That's different.
23 You said, was it the bid, he said it's for the
24 construction.

25 MR. MILLET: For the construction.

2 LEGISLATOR DENENBERG: When are we going
3 to bid?

4 MR. MILLET: For the construction in the
5 second quarter of 2014.

6 LEGISLATOR DENENBERG: So the bid for the
7 construction second quarter 2014 --

8 MR. MILLET: You still need the 100
9 percent design. I don't have money to pay a
10 designer to design it if I can't get money in the
11 electrical system programs.

12 LEGISLATOR DENENBERG: So, how much is
13 that?

14 MR. MILLET: I would assume, the entire
15 electrical system in Bay Park?

16 LEGISLATOR DENENBERG: We are doing the
17 design now, correct?

18 MR. MILLET: We are doing a 30 percent
19 technical report in preparation for full design.
20 Not a full design. That is not part of their
21 contract.

22 LEGISLATOR DENENBERG: So right now we
23 have a contractor that's doing what you are
24 calling a 30 percent design?

25 MR. MILLET: Correct.

2 LEGISLATOR DENENBERG: Explain to us what
3 you mean by a 30 percent design and what you mean
4 by a 100 percent design?

5 MR. MILLET: What you do when you do a
6 technical design report, an outward 30 percent
7 design is, you bring in a program that another
8 designer can pick up and finish so that there are
9 no changes that will be made or guesses as to
10 what people want in the electrical system. It
11 will be laid out for them and they just have to
12 carry the program out to 100 percent.

13 LEGISLATOR DENENBERG: How much money do
14 we need to do that?

15 MR. MILLET: Again, I couldn't venture to
16 guess. I would think that a regular design on a
17 digester rehab is 100 grand. I would imagine the
18 whole electrical system is fairly expensive.

19 LEGISLATOR DENENBERG: So part of the
20 326.25 for the electrical is the 30 percent
21 design --

22 MR. MILLET: The 100 percent. The 30
23 percent is covered inside Hazen & Sawyer's
24 existing contract.

25 LEGISLATOR DENENBERG: So when do we

2 think we are going to get to the 100 percent
3 design?

4 MR. MILLET: I would assume that we would
5 probably have it mid first quarter so that we can
6 do contract documents and then go out to bid in
7 the beginning of the second quarter.

8 LEGISLATOR DENENBERG: So the 100 percent
9 design is the detailed technical specifications
10 that we would need to do a construction bid?

11 MR. MILLET: Correct.

12 LEGISLATOR DENENBERG: The 30 percent
13 design would be the first phase of the design so
14 that we could get to detailed technical specs?

15 MR. MILLET: Correct. They would put
16 together what equipment we would want to use, how
17 we would want to put everything in order so the
18 designer can build it the way it's exactly laid
19 out without having any guesswork by the designer.

20 LEGISLATOR DENENBERG: So let's go to 341
21 now which is the \$72.5 million which, Mr. Arnold,
22 you said that would be ready, I believe you said
23 ready for bidding on construction second quarter
24 2014?

25 MR. ARNOLD: Yes, that is running under

2 the same time frame as the electrical
3 distribution job.

4 LEGISLATOR DENENBERG: What is it and are
5 we in the 30 percent design phase right now and
6 need to move to a 100 percent design phase?

7 MR. ARNOLD: Correct. It's with our
8 Hazen & Sawyer Pirnie, they are doing the 30
9 percent design, and we need to move to the 100
10 percent design phase.

11 LEGISLATOR DENENBERG: This 72.5
12 ultimately is for what?

13 MR. ARNOLD: It's for whatever
14 alternative that this design report puts
15 together. They're still looking at the various
16 options.

17 LEGISLATOR DENENBERG: What's the
18 ultimate construction?

19 MR. MILLET: Ultimately it will go out in
20 the second quarter of '14 as well.

21 LEGISLATOR DENENBERG: For what?
22 326 is for electrical. The 72.5 is for -
23 -

24 MR. MILLET: Plant hardening as a 14
25 whole. It may be a dike with seawalls, it may be

2 some sort of retractable wall system as well as
3 exterior pumping.

4 We're talking to Pirnie with a bunch of
5 people the Dutch people who, this is what they do
6 best.

7 LEGISLATOR DENENBERG: So the 30 percent
8 design for this too, Mr. Millet, has already
9 begun?

10 MR. MILLET: It is ongoing right now.

11 LEGISLATOR DENENBERG: So when
12 we move to the 100 percent design phase?

13 MR. MILLET: Again, I think we're looking
14 at the end of October, beginning of November.
15 We're keeping everything on a very short pace.

16 LEGISLATOR DENENBERG: I thought you said
17 first quarter of 2014.

18 MR. MILLET: The hardening is going to
19 move a little faster.

20 LEGISLATOR DENENBERG: So we're looking
21 at the end of fourth quarter 2013?

22 MR. MILLET: Correct.

23 LEGISLATOR DENENBERG: That's when we
24 would need this money?

25 MR. MILLET: That's when the contract

2 documents would be ready to go out.

3 New contract administration documents.

4 There is a long lead time on some of the
5 product information. So we got a little jump on
6 this one.

7 LEGISLATOR DENENBERG: Let me ask now. I
8 guess it's Mr. Arnold, but if you can help, Mr.
9 Millet, what you said, existing projects on most
10 of these different items, Baldwin and other areas
11 that had sewage 330-13 would be \$14.4 million and
12 you said that's adding to existing projects to
13 sanitize and help repair homes that were
14 contaminated.

15 MR. ARNOLD: Right. There was an
16 existing bond ordinance that this body passed
17 right after the storm, I think it was three and a
18 half million dollars, and that was utilized for
19 the interior work. We needed an additional,
20 roughly million and a half, \$2 million to finish
21 that part of the work, plus the exterior work is
22 running around 11, \$12 million.

23 LEGISLATOR DENENBERG: How much of the 3
24 and a half have we used so far?

25 MR. ARNOLD: It has all been spent. We

2 are in the process of paying those claims right
3 now.

4 LEGISLATOR DENENBERG: It's all been
5 spent in terms of what, our people going out
6 there and making repairs, or us paying people
7 that put in claims to us?

8 MR. ARNOLD: No. We brought a contractor
9 on to do the interior clean-ups, it us paying
10 that contractor.

11 LEGISLATOR DENENBERG: So we've done the
12 cleanup ourselves? What about people that didn't
13 wait for our contractor to do the cleanup? In
14 the first month, I know of several residents that
15 didn't feel they could wait because it was an
16 unhealthy condition and they did cleanups
17 themselves.

18 MR. ARNOLD: That is being handled by the
19 county attorney's office. I'm not sure where
20 that stands at this moment.

21 LEGISLATOR DENENBERG: Is this money to
22 help reimburse the people who laid out money?

23 MR. ARNOLD: I would have to speak with
24 the county attorney.

25 LEGISLATOR DENENBERG: Mr. Millet, if you

1 know, I see your head signals, but I want to get
2 it on the record.

3
4 MR. MILLET: This money is going to be
5 used to, we still owe the original two
6 contractors on the interior work. We them about
7 \$2 million, that will be used for that. Right
8 now we are doing the exterior cleanup work on
9 houses as we speak. That is what this money is
10 for.

11 If the county attorney has claims, I
12 guess they come here usually for their bonding,
13 but this is not intended to pay claims that the
14 county is intended to pay the contractors who are
15 performing the cleanup work.

16 LEGISLATOR DENENBERG: They are doing the
17 work right now?

18 MR. MILLET: Yes.

19 LEGISLATOR DENENBERG: So for the
20 existing project, as you called it, where it's
21 zero dollars, we need to increase the funding?

22 MR. MILLET: Yes, by this number.

23 LEGISLATOR DENENBERG: Several other of
24 the projects you said, I think all of them, you
25 said were existing projects, correct, Mr. Arnold?

2 MR. ARNOLD: Yes.

3 LEGISLATOR DENENBERG: Let's go
4 to 332, for example, that's \$33 million?

5 MR. ARNOLD: Correct.

6 LEGISLATOR DENENBERG: That's for which
7 existing project?

8 MR. ARNOLD: 3C-067.

9 LEGISLATOR DENENBERG: Which is what?

10 MR. ARNOLD: Cedar Creek miscellaneous
11 equipment.

12 LEGISLATOR DENENBERG: That's a project
13 that's been existing at least since the capital
14 plan 2010?

15 MR. ARNOLD: I believe so. I would have
16 to double-check the exact year.

17 Goes back to at least '10 with an
18 ordinance in 2010.

19 LEGISLATOR DENENBERG: That was in the
20 millions I thought. So we've spent that money --

21 MR. ARNOLD: We currently have a carry
22 forward of 15 million. This initial \$33 million
23 will allow us to get all our projects done that
24 are planned for this coming year.

25 LEGISLATOR DENENBERG: So that's my

1 question. I was looking at an existing project
2 that has \$15 million that, according to this
3 year's capital budget, the 2013 budget documents
4 that I just received a month ago, we still have
5 \$15 million unused.
6

7 MR. ARNOLD: Correct.

8 LEGISLATOR DENENBERG: So we are going to
9 use that \$15 million and we think we need another
10 \$33 million?

11 MR. ARNOLD: We are going to put
12 contracts out this year that will require the
13 additional \$33 million.

14 LEGISLATOR DENENBERG: When is that
15 contract going to go out? When you say "this
16 year," is that the third quarter?

17 MR. ARNOLD: Cedar Creek screens are
18 going to go out by the end of the month, Cedar
19 Creek grit should be going out by the end of the
20 year.

21 We have a contract for final screens that
22 will go out in early '14, and then there is other
23 miscellaneous projects that will also be put out.

24 LEGISLATOR DENENBERG: How come over the
25 years we didn't use the \$15 million authorization

2 for this particular project?

3 I mean, that's been a carry forward
4 number for at least two or three years.

5 MR. ARNOLD: The Cedar Creek screen
6 project required a couple of go arounds and what
7 the correct design of this facility should be,
8 and there's been delays in getting that job up
9 because of that. It is ready to go now. We are
10 finalizing the PLA which held the job up a little
11 bit. And now we're ready to go out to bid.

12 LEGISLATOR DENENBERG: So I'm not reading
13 it wrong through, this \$15 million in this
14 project, I'm reading it in our 2010 capital
15 budget -- capital plan, I'm sorry?

16 MR. ARNOLD: I know this project has been
17 around since 2010. I don't have the numbers in
18 front of me exactly how we funded it each year.
19 I have to go back and look at that.

20 LEGISLATOR DENENBERG: So some of that
21 \$48 million should be hitting the streets in a
22 bid right now, this month?

23 MR. ARNOLD: The screen jobs will be
24 going out in August.

25 LEGISLATOR DENENBERG: The SEQRA for 334,

1 what is it, we haven't done the SEQRA process yet
2 so we need money for engineers to get us through
3 the process?
4

5 MR. ARNOLD: We went through half the
6 process. We got through the public scoping
7 session. This is the complete -- the last pieces
8 of taking the comments from the scoping session
9 and completing the EIS document.

10 LEGISLATOR DENENBERG: Who have we hired
11 for that?

12 MR. ARNOLD: We have not hired anybody
13 yet. Once we get the bond ordinance approval,
14 we'll get a contract.

15 LEGISLATOR DENENBERG: How did we get
16 through the first process, the public scoping?

17 MR. ARNOLD: We utilized a contract off
18 the OGS state contract list and they did the
19 initial work for us.

20 LEGISLATOR DENENBERG: What is the name
21 of that contract?

22 MR. ARNOLD: Environment and Ecology is a
23 company out of Buffalo that did the work for us.

24 LEGISLATOR DENENBERG: At least it's from
25 New York State. Seems like we have people

2 closer. I'm okay. Thank you, chairman.

3 LEGISLATOR DERIGGI-WHITTON: I have a
4 real quick one. Chairman Nicoletto, you may even
5 be able to answer it.

6 When you just mentioned the 722 that was
7 before us the last finance, you said only two
8 items were included in that?

9 CHAIRMAN NICOLELLO: That actually was a
10 question I asked. I think there were more than
11 two items here that were associated with the bond
12 ordinance that was before the Full Legislature.

13 MR. ARNOLD: I would have to go back to
14 my notes. 722 made up all of these.

15 LEGISLATOR DERIGGI-WHITTON: So all of
16 these were included in the 722?

17 MR. ARNOLD: Yes.

18 LEGISLATOR DERIGGI-WHITTON: Which we
19 already passed in Finance.

20 CHAIRMAN NICOLELLO: Well, as you know,
21 the full 722 was not approved by the Full
22 Legislature.

23 LEGISLATOR DERIGGI-WHITTON: Right, but
24 we already passed it through here to line up. So
25 I just don't know why if we already okayed --

2 CHAIRMAN NICOLELLO: Because since there
3 was a refusal on your side to bond with the pay -
4 - to authorize the full \$722 million in borrowing
5 --

6 LEGISLATOR DERIGGI-WHITTON: I don't see
7 why we have to come back to this.

8 CHAIRMAN NICOLELLO: -- to the extent
9 that items were not authorized, they died. So
10 you have to bring them back. So since they were
11 voted down in the Full Legislature, there's no
12 authorization for any of these items that are
13 before us. So they have to come back to us. We
14 have to pass them again. They have to go to the
15 Full Legislature again, and hopefully we will get
16 13 votes at that time.

17 LEGISLATOR DERIGGI-WHITTON: So none of
18 these are included in the 262 that we approved?

19 MR. ARNOLD: That is correct.

20 LEGISLATOR DERIGGI-WHITTON: I don't
21 know. To me it just seems like we went through
22 it already and now we are going through it again
23 for finance which just lines it up -- we
24 basically said we were supportive of the project,
25 we just weren't going to bond for the whole thing

2 at once.

3 But, to me, it just seems like we're
4 being very redundant right now.

5 CHAIRMAN NICOLELLO: Legislator Denenberg
6 has another question.

7 LEGISLATOR DENENBERG: Can we get a list
8 -- this was discussed when the 262 was passed. I
9 think I asked for it at that point and I had
10 supported the whole amount.

11 But what's included in the 262? Can we
12 get a breakdown of that at some point before this
13 gets to Full, meaning this week, that would be
14 important?

15 Just, on the record, can we do that if we
16 have that? I'm sure Legislator Nicolello would
17 like it for his side, and I would like it here
18 too. Thank you.

19 Was that a yes?

20 MR. ARNOLD: Yes.

21 CHAIRMAN NICOLELLO: Any other questions?
22 Legislator Abrahams.

23 LEGISLATOR ABRAHAMS: I will try to be
24 brief. I mean, obviously I think the questions
25 that Legislator Denenberg and Legislator DeRiggi-

2 Whitton indicated are kind of along the same
3 lines.

4 Our approach toward addressing the issues
5 at the Bay Park treatment plant have always been
6 tied to fact that, number one, we wanted to see a
7 greater amount of oversight, we want to make sure
8 we're administering the contracts in a way,
9 especially when you're talking about \$722
10 million, it's in the best interest of the Nassau
11 County taxpayers that we watch every single
12 nickel on how that's being spent.

13 As you probably know, Mr. Arnold, as well
14 as you, Mr. Millet, there are multiple ways that
15 are being talked about in terms of the oversight,
16 but that's something that's very crucial to this
17 legislative body.

18 The next aspect, to be honest, is that we
19 asked for multiple things during the debate two
20 weeks ago. At that time there was supposed to be
21 a master schedule that was going to outline this
22 very same issue that's before us today.

23 This is the first that we are hearing
24 that the electrical distribution system will not
25 go into contract until quarter two of 2014, as

1 per the Power Point that the deputy county
2 executive demonstrated it clearly indicated, I
3 believe, I remember quarter four. Now I guess
4 quarter four is the design.
5

6 But, in that demonstration, not once did
7 we hear that a portion was going to be broken out
8 for the design, versus a portion for the
9 construction. We have no idea still at this
10 point. I would love to have had Hazen & Sawyer
11 on here to ask the question of how much the
12 design would be.

13 These are the types of things that we
14 need answers to before we decide to bond and, to
15 be honest, and I said it before and I'll say it
16 again, we are committed towards doing the entire
17 amount to address the Bay Park treatment issues,
18 but we truly believe the 262 million, we can only
19 go based off of what the county executive has
20 presented to us, the \$262 million gets that
21 process rolling, from the digesters to the pumps,
22 those things are all being addressed with that
23 first allotment of money. We were hoping in good
24 faith that we would see a master schedule.

25 So my question comes down to this. When

2 will we see the master schedule which gives us a
3 breakdown week by week on how things are being
4 done? Obviously you can't do everything at once.
5 So there has to be some type of project
6 management master schedule that indicates how
7 things will be done so you don't have guys
8 bumping into each other constantly throughout the
9 next 24 to 48 months.

10 MR. MILLET: The master schedule or the
11 construction master schedule that you are looking
12 for, cannot be fully developed until we have
13 design development to tell us where the contracts
14 are going to fall and how the mopo in the plant
15 will have to operate. The plant has to operate
16 throughout the entire construction period.

17 So there has to be a very, I'll say,
18 delicate way to handle the plant while you're
19 going through and replacing major pieces of the
20 process. A detailed construction program
21 schedule is very difficult until you have design
22 done, until you can see things.

23 The programmatic piece you saw, the
24 schedule you saw, is the programmatic part to
25 when we're going to get to bid. The construction

2 schedule cannot be put together in that format
3 until we know when the construction dates are
4 hitting.

5 LEGISLATOR ABRAHAMS: Mr. Millet, you
6 should be able to give us a preliminary schedule.

7 MR. MILLET: You had the preliminary
8 layout. Until you get construction documents,
9 until you get biddable documents and until you
10 get people who bid, then you have to coordinate
11 with the different contractors. That's when the
12 CPO schedule gets developed.

13 LEGISLATOR ABRAHAMS: Mr. Millet, there
14 must be a disconnect because I swore I heard
15 Hazen & Sawyer, when I had the same back and
16 forth that they were working on a master schedule
17 that wouldn't be done until August, September.

18 MR. MILLET: They certainly are working
19 on one, but now we have no funding towards
20 programs, and you cannot continue to plug --

21 LEGISLATOR ABRAHAMS: So it was never
22 clear that they needed funding, the entire
23 funding, of \$722 million in order to do that.

24 MR. MILLET: Well, you need funding to do
25 design. You need funding for that.

2 LEGISLATOR ABRAHAMS: I'm talking about a
3 master schedule. I'm not --

4 MR. MILLET: I think you're
5 disconnecting. I don't think it's as easy as you
6 think it is to turn around and say, hey, here's
7 this date, and here's that date, and -- it
8 doesn't work like. A construction management --

9 LEGISLATOR ABRAHAMS: Then why did they
10 say that on the record though?

11 MR. MILLET: Listen, they're going to
12 give you an item. It's not going to be what you
13 think it is. It's just not.

14 LEGISLATOR ABRAHAMS: But if I ask a
15 question and they give a response, they gave a
16 response that a master schedule would be
17 developed --

18 MR. MILLET: It will be a 10,000 foot
19 view. It will not be --

20 LEGISLATOR ABRAHAMS: It's not what the
21 question was. Maybe we should go back and make
22 sure we check the record because that's not the
23 response.

24 MR. MILLET: Again, I can't see anyone
25 developing detailed construction management

2 without having any idea where the design dates
3 fall. And, without the design dates, without the
4 funding for design, you can't do that.

5 LEGISLATOR ABRAHAMS: Let's try it this
6 way, Mr. Millet. Where are you with the \$262
7 million that's been spent, been authorized?

8 MR. MILLET: Four contracts when out
9 already and a fifth is due out --

10 LEGISLATOR ABRAHAMS: Contracts have gone
11 out that have come to this legislature?

12 MR. MILLET: No. Contracts have gone out
13 on the street.

14 LEGISLATOR ABRAHAMS: So RFP.

15 MR. MILLET: Yes. To bid.

16 LEGISLATOR ABRAHAMS: What is the total?

17 MR. MILLET: They haven't come back yet.

18 LEGISLATOR ABRAHAMS: What went out, what
19 kind of work, what's the estimate?

20 MR. MILLET: Rebuilding of the final
21 tanks were one.

22 LEGISLATOR ABRAHAMS: Final tanks, okay.

23 MR. ARNOLD: Final tanks when out to bid.
24 Odor control is going out to bid.

25 I was off last week so I don't know if it

2 actually went out last week.

3 LEGISLATOR DENENBERG: Odor control is
4 from an old project.

5 MR. ARNOLD: You had the pump stations at
6 Glen Cove, the final GBT project.

7 LEGISLATOR ABRAHAMS: What is the
8 turnaround on these bids, Mr. Arnold?

9 MR. ARNOLD: Usually they're out for bid
10 usually about a month.

11 LEGISLATOR ABRAHAMS: So 30 days.

12 MR. ARNOLD: 30 days.

13 LEGISLATOR ABRAHAMS: So we should expect
14 something back by the end of August?

15 MR. ARNOLD: Should have contracts back.

16 LEGISLATOR ABRAHAMS: When can this
17 legislature anticipate contracts associated with
18 these particular bids?

19 MR. ARNOLD: If we get vendors that we
20 are familiar with, they are quicker to turn
21 around, you can see something probably within two
22 weeks of getting back.

23 LEGISLATOR ABRAHAMS: So it's possible we
24 can see stuff as early as the first session in
25 September?

2 MR. ARNOLD: Yes. More likely the second
3 session.

4 LEGISLATOR ABRAHAMS: What about the
5 balance of the rest of the 260 or is that for the
6 entire 260?

7 MR. ARNOLD: That's it.

8 LEGISLATOR ABRAHAMS: That's the entire
9 260, all that will be --

10 MR. ARNOLD: There's design work going
11 on, program management work going on, and --

12 LEGISLATOR ABRAHAMS: So everything that
13 we outlined in the third quarter of 2013 that's
14 going to get done, the entire programmatic
15 schedule, that's all on the street, that's all
16 being bid on, correct?

17 MR. ARNOLD: I have to check on the one
18 item.

19 LEGISLATOR ABRAHAMS: If I remember
20 correctly, I thought there were more things. So
21 there's four contracts that's going to cover
22 everything, five contracts that's going to cover
23 everything that we're talking about, the 262?

24 MR. ARNOLD: We have two design jobs that
25 are also part of that 260 that need to go out,

2 which is the sludge dewatering facility, and the
3 effluent pumping facility.

4 LEGISLATOR ABRAHAMS: When will those go
5 out?

6 MR. ARNOLD: I would have to check with
7 the engineer. Assume some time this month.

8 LEGISLATOR ABRAHAMS: What is the
9 estimates on those?

10 MR. ARNOLD: The sludge dewatering
11 design, the construction is estimated about 35.
12 You're probably talking 3 to \$4 million on
13 design.

14 LEGISLATOR ABRAHAMS: And the effluent?
15 Effluent pump is probably roughly the same
16 number. About the same.

17 LEGISLATOR ABRAHAMS: So about \$70
18 million of the 260 is still not out on the
19 street, am I saying that right?

20 I thought you said 35 for each one. So
21 about \$70 million of the 260 is not on the
22 street?

23 MR. ARNOLD: Correct.

24 LEGISLATOR ABRAHAMS: So of the stuff
25 that is out on the street and possibly could be

2 awarded by some time in September, when will we
3 anticipate -- see this is the thing. We want to
4 see work and we want to be able to say to the
5 taxpayers, go visit the plant and you'll see
6 construction going on. When can we say to
7 someone, construction will start with regard to
8 these projects?

9 MR. ARNOLD: We are talking about a lot
10 of moving parts which is why we are having such
11 trouble with this.

12 The schedule that you have, the roll up
13 schedule that was given to you indicates
14 construction starting for influent screens in the
15 third quarter of '13. That job will be out to
16 bid this month. So that job before the end of
17 the year will be in construction.

18 Secondary treatment facilities, which is
19 the final tanks, the repair of the final tanks is
20 out to bid now. Again, that job will start in
21 the last quarter of '13, construction, if we get
22 the contractor, we get a responsible contractor,
23 we come to this body, it gets approved, and --

24 LEGISLATOR ABRAHAMS: Final tanks?

25 MR. ARNOLD: Final tanks.

2 LEGISLATOR ABRAHAMS: That's one thing we
3 can expect to be done in the third quarter. What
4 else?

5 MR. ARNOLD: Digesters you're already
6 aware that that's ongoing. That construction
7 contract has already started.

8 Sludge thickening, that we need to get
9 final design. That contract will probably go out
10 to bid toward the end of the year. So we need
11 that money for the bond ordinance so we can award
12 that --

13 LEGISLATOR ABRAHAMS: Wait. The sludge
14 thickening will go out to bond at the end of the
15 year?

16 MR. ARNOLD: I'm sorry. Sludge
17 thickening is currently out to bid. So that job
18 will start before the end of the year.

19 Sludge dewatering is the one we're doing
20 design on.

21 LEGISLATOR ABRAHAMS: Dewatering, that's
22 right.

23 MR. ARNOLD: Sorry. I reversed those.

24 LEGISLATOR ABRAHAMS: That's okay. So
25 basically, in the third quarter of this year,

2 what taxpayers can expect is the final tanks will
3 be in construction some time by September?

4 MR. ARNOLD: As long as those things
5 happen, there's always that case we get a bad
6 bid. We have to rebid something, you know?

7 LEGISLATOR ABRAHAMS: In that
8 programmatic plan it outlined that this stuff
9 would get done in the third quarter, and I'm not
10 here -- I understand things come up and
11 electrical distribution would start in the fourth
12 quarter.

13 So, in essence, wouldn't we want to see a
14 good chunk of the stuff we outlined for the third
15 quarter get done before we go into the fourth
16 quarter stuff?

17 MR. MILLET: You can't wait to go into
18 design because now you're fracturing the way the
19 plant has to operate. There is a certain way you
20 want to approach repairing.

21 LEGISLATOR ABRAHAMS: This is as per your
22 plan. You outlined that the electrical
23 distribution system wasn't going to go into
24 contract for the fourth quarter. Not me.

25 MR. MILLET: That's a construction

2 contract. It has to go into design. The design
3 gets paid out of the same money.

4 LEGISLATOR ABRAHAMS: I understand that.
5 But you said today, which was news to us, I guess
6 maybe it was news to you, that construction
7 wasn't going to start until second quarter of
8 2014. Was that factored in when you came up with
9 this or Mr. Walker came up with the presentation
10 regarding the electrical distribution? Was it
11 always supposed to start construction in 2014,
12 quarter two?

13 MR. MILLET: Let me take a look.

14 LEGISLATOR ABRAHAMS: I'm thinking
15 everything got pushed back.

16 MR. MILLET: No.

17 LEGISLATOR ABRAHAMS: So then Mr. Walker
18 came down here with the impression that the
19 construction was going to start in 2014, even
20 though a document that was up on the screen
21 presented something different?

22 MR. MILLET: I didn't look at the
23 document. I'm going to look at it right now. My
24 apologies if I put a wrong date in there.
25 There's an awful lot of information that's

2 bouncing around.

3 LEGISLATOR ABRAHAMS: I understand. Take
4 your time.

5 MR. MILLET: According to the chart, it
6 will be ready for construction documents in the
7 fourth quarter of '13.

8 That means it's going out to bid in the
9 fourth quarter of '13. But it's not going to go
10 out to bid in the fourth quarter of '13 because I
11 don't have any design money.

12 LEGISLATOR ABRAHAMS: Again, that's what
13 the Power Point said but today it's something
14 different.

15 MR. MILLET: Because I misspoke. I got
16 the wrong date.

17 LEGISLATOR ABRAHAMS: You didn't say it
18 though, Mr. Millet. Mr. Arnold said earlier --

19 MR. MILLET: He is apologizing for the
20 wrong date.

21 LEGISLATOR ABRAHAMS: So it's not the
22 second quarter of 2014?

23 MR. MILLET: It is going out.

24 Our schedule is to put it out in the last
25 quarter of '13, but our schedule cannot be met if

2 I don't have the design money.

3 LEGISLATOR ABRAHAMS: Mr. Millet, you're
4 beating a dead horse with that. I understand
5 that.

6 What I'm saying is, you misspoke when it
7 was supposed to be --

8 CHAIRMAN NICOLELLO: He's not beating a
9 dead horse. He's trying to make a point and
10 apparently it's not getting through to you.

11 LEGISLATOR ABRAHAMS: I would appreciate,
12 Mr. Nicolello, I've never jumped in.

13 CHAIRMAN NICOLELLO: That's true, but you
14 just interrupted him.

15 LEGISLATOR ABRAHAMS: We're having a
16 discussion.

17 CHAIRMAN NICOLELLO: Right.

18 LEGISLATOR ABRAHAMS: So let me ask you
19 again, and this is to make the point. So when
20 Mr. Arnold said that we wouldn't be going into
21 construction until the second quarter of 2014, he
22 misspoke?

23 MR. MILLET: He had not looked at the
24 flow chart.

25 LEGISLATOR ABRAHAMS: So what was he

looking at?

MR. MILLET: He had not brought it up yet.

LEGISLATOR ABRAHAMS: Mr. Arnold, was that just a number that was in your head? Is there another document that you were referring to?

MR. ARNOLD: I didn't check my notes when I said it was '14. I was making an assumption. I should have went back and looked at the table.

LEGISLATOR ABRAHAMS: So it's your recollection it's quarter four of 2013?

MR. ARNOLD: Yes.

LEGISLATOR ABRAHAMS: Okay. As I said before, and I will go back to it again, and I'll understand that point, but I'm going to go back to the same point that we have been making now is that, number one, we been given an enormous amount of money towards an investment which we understand will be in the hundreds of millions of dollars that we plan to do.

I still would need to see more information as our side would want to see more information that clearly delineates how this plan

1 will be implemented over the next couple of
2 years.

3
4 I would strongly suggest -- I mean we had
5 allocated \$262 million to go towards those third
6 quarter expenses. I would strongly suggest that
7 the administration utilize resources so that they
8 can do the design on the electrical distribution
9 system and come back to this legislature with a
10 master schedule on how things will get done.

11 From our standpoint, when we allocated
12 \$262 million to be allocated for the third
13 quarter towards the Bay Park Sewage Treatment
14 Plant, we expected to see \$262 million in
15 contracts. Is that a fair expectation when we
16 look at the Power Point presentation? Our
17 expectation was to see \$260 million to be
18 filtered through this legislation by the end of
19 September. That is not going to be the case from
20 what I'm hearing today. So the people in Bay
21 Park, East Rockaway and Baldwin, throughout the
22 entire south shore have been sold a bad bill of
23 goods, because they're being told based off of
24 what they came here, was presented with, is that
25 we're going to be entering into contracts into

1 the third quarter of 2013. This makes the point
2 even more clearer on why we need to have some
3 oversight.
4

5 Not only that, it also makes the point
6 clearer that the bottom line is, we are going to
7 bond to insure work gets done when the county
8 executive indicates it's going to get done.

9 From our standpoint, we should not go
10 over 260 until he shows us the
11 contracts that are associated with the 260 and we
12 visit the site, which I'm going to suggest to
13 this entire legislature, we go to this site, I
14 know many of use have been there before and many
15 of us have been there since Sandy, and I plan to
16 go there several times between now and the end of
17 the year because I want to make sure that, number
18 one, that the taxpayer's investment is being done
19 soundly, and, number two, we want to make sure
20 that the work is progressing in an even keeled
21 manner.

22 If we decide to give \$722 million to this
23 administration at this point, at this juncture,
24 it would be a wrong investment for this county.
25 We need to make sure this work actually gets

2 done, and not just get it done, but get it done
3 in a timely manner so people are not -- instead
4 of waiting 24 to 48 months which was outlined by
5 Hazen & Sawyer, they're waiting hundreds of
6 months to get this thing done.

7 I think the people in that area have
8 waited long enough and this is the best way to
9 get it done.

10 So we envision seeing the rest of the
11 contracts for the \$260 million be presented to
12 this legislature, and at that time we will
13 definitely look to foot the bill on the
14 electrical distribution system.

15 So I would strongly suggest to my side
16 that we vote no on this particular item. Thank
17 you.

18 CHAIRMAN NICOLELLO: Legislator
19 Muscarella.

20 LEGISLATOR MUSCARELLA: I just have a
21 couple of questions because it boggles my mind.

22 Am I wrong that the deputy county
23 executive came here a couple of weeks ago and
24 said, the most effective way to do this, the only
25 proper way to do this was to bond the whole thing

1 so that we would proceed expeditiously in a
2 manner that would be the most effective to get
3 the plant fixed? Was I wrong in thinking that
4 that was his presentation?
5

6 MR. MILLET: No.

7 LEGISLATOR MUSCARELLA: And if we had
8 bonded the entire amount of money, would this
9 process go much more smoothly, much more quickly
10 to get this plant fixed?

11 MR. MILLET: Yes.

12 LEGISLATOR MUSCARELLA: So it seems to me
13 that the protestations of the minority in that
14 the best way to go about doing this is to do it
15 piecemeal and have the administration get its act
16 together and to feign this outrage that it's
17 going to be much better if the administration
18 does its piecemeal is in fact putting obstacles
19 in front of the administration at every single 16
20 step of the way, and then feigning outrage that
21 they're not doing it as expeditiously as
22 possible. Am I wrong? I don't want to put you
23 on the spot. That's my own comment and you don't
24 have to agree or disagree with that.

25 But it seems to me that anyone that's

insure projects are actually going to get done at our treatment plants.

We have given \$262 million. That is enough to get the ball rolling. When Mr. Arnold or Mr. Millet presents to us that those contracts that we have bonded for in the third quarter of this year get done and work gets done and we can say to people, look this is what's happening, this is what's getting done, we are more than happy to bond for the electrical distribution and pay for that expense. But we can't do that before we see work being done.

We have been down this road, folks, where we bonded and the work didn't get done. We bonded a capital plan in 2010.

We were supposed to do a ton of road projects and nothing got done. So we are not going to go down this road again. We're going to be more prudent and we're going to make sure what we outline, whether it be the odor control, the dewatering system, you name it, the pumps, the digesters, it's going to get done, it's going to be well on its way before we even consider giving this

2 administration more money.

3 CHAIRMAN NICOLELLO: You don't have to
4 respond to that.

5 MR. ARNOLD: There's road projects to
6 SSW, and you have to understand also, even the
7 capital plan that was approved, NIFA had approved
8 the actual borrowing. Projects were held up
9 because we did not getting the borrowing --

10 CHAIRMAN NICOLELLO: Wait, wait, wait.
11 We're not interrupting and we're not jumping in.
12 There's some decorum to this committee. Mr.
13 Denenberg --

14 LEGISLATOR DENENBERG: Not one sewer and
15 storm water project -- denied by NIFA.

16 MR. ARNOLD: That is correct.

17 I'm not disagreeing with you, legislator,
18 when you bringing road projects, the delay of
19 road projects --

20 CHAIRMAN NICOLELLO: Mr. Arnold,
21 something. You don't have to respond to that
22 because it's just another false issue they are
23 throwing up there. I noticed in the last
24 statement they brought up this whole issue which
25 was explained last time about the \$400 million in

1 borrowing.

2
3 It was explained to them that they had
4 spent every dime of that money, that it would
5 have been under water in Hurricane Sandy, but
6 they still bring it up because it's another
7 issue.

8 They may seem intent on slowing down this
9 project. They've given you all sorts of reasons,
10 piecemeal is a better way to do it, we have to
11 committees, oversight, and it's going to save us
12 money. There's no proof of any of that. It's
13 just members of the minority caucus creating
14 issues. But, again, it makes no sense to me to
15 want to slow this down.

16 We are all political individuals, we all
17 ran for office, but, from a political standpoint,
18 why would you want to slow down this? There is
19 nothing to be benefitted from it. From a
20 governmental standpoint, it's been explained over
21 and over again that you can't break this down
22 piecemeal and, to the extent that you do, it
23 simply slows down the project and the work will
24 not get done in a timely fashion. If we started
25 on the project long enough, we're going to be

1 into a second hurricane season.

2
3 Ultimately, this money is going to be
4 spent. It has to be spent. We have to repair
5 the electrical works. We have to make it storm
6 proof. We have do the same with the facility.
7 We have to make the repairs to Cedar Creek.

8 To slow it down and make it, let's do it
9 piecemeal, let's fund the design first, and then
10 maybe we'll have you come back and do the
11 contract. It could do nothing else but make sure
12 that this project doesn't get done until much
13 further down the road.

14 So, again, for whatever reason, and
15 they've thrown up a whole bunch of different
16 things. Let's have another committee look at
17 them, the county executive have his committee,
18 and somehow we'll form another committee and
19 we'll have them in Bay Park overseeing the
20 operation, and somehow it's going to be to
21 benefitted.

22 Again, you know, I don't understand why
23 they want to slow this down. I don't the
24 benefits to the people of Nassau and I don't
25 understand the benefit to them politically, so it

2 just makes no sense to me.

3 Legislator Denenberg.

4 LEGISLATOR DENENBERG: Thank you.

5 Legislator Nicoletto, I, for one, again,
6 have never voted against any funding for the
7 sewage treatment plants, not in all the years
8 I've been here.

9 I agree with you, 100 percent, to form
10 new committees to do what we should be doing is
11 ridiculous. But I been writing letters since
12 2010 to renew and start up again with either
13 Public Works or the Full Legislative Body to have
14 hearings on a regular basis just as to the status
15 of all capital projects, but, specifically, the
16 sewage treatment plants. And I will always
17 disagree if we have projects and we do for years
18 for influent pump, effluent pumps, digesters,
19 gravity belt thickeners, odor control, that if
20 that had not been done, clearly at Cedar Creek,
21 if it was done on time, it would have been done
22 on time.

23 So it's incumbent upon us to do our job
24 to make sure that we know what the status of
25 these projects are. And you're not going to get

2 me to say we shouldn't have the money allocated,
3 we should. But we also shouldn't give our job to
4 any committee and we don't need committees. The
5 committees are the legislature and the Public
6 Works Committee to know where these projects are
7 and why they slip, a year, two years, three
8 years, four years.

9 CHAIRMAN NICOLELLO: I can tell you why
10 this one is slipping. We can't get authorization
11 to borrow. Every time we oppose it it gets
12 slowed down.

13 LEGISLATOR DENENBERG: Every project
14 Mr. Arnold just mentioned, odor control,
15 digester, I think he mentioned gravity belt
16 thickeners, are existing projects that are four,
17 five years old.

18 CHAIRMAN NICOLELLO: Well, there were a
19 lot of projects that were dormant when you left
20 the majority, so if you want to go down that road
21 -- there were infrequent meetings to discuss it,
22 there was needed repairs to both Bay Park and
23 Cedar Creek that were not done.

24 LEGISLATOR DENENBERG: Rich, in '07, '08
25 -- done in the plants which was millions of

2 dollars. Mr. Arnold just confirmed that a new
3 dewatering facility that was put into Cedar
4 Creek.

5 So don't say -- what have we done in four
6 years? What?

7 CHAIRMAN NICOLELLO: We've done more than
8 we did before that, that's for sure.

9 LEGISLATOR DENENBERG: Hurricane Sandy
10 for everything. Low and behold, Hurricane Sandy
11 came and all these projects we haven't done,
12 thank God we didn't do them, because Sandy would
13 have wiped them out. It doesn't make sense. You
14 are not going to get a no vote from me. You're 4
15 going to get a yes vote for the funding.

16 But I'm also agreeing with you, no
17 separate committees. We need to do our
18 oversight. We are the legislature, period.

19 CHAIRMAN NICOLELLO: All right.

20 Any other questions? Legislator Walker.

21 LEGISLATOR WALKER: I don't need to say
22 what's been said over and over by my colleagues
23 on this side of the table.

24 But I just look at the one area that
25 we're talking about, the electrical system. When

1 the project was presented here, and it was
2 emphatically said, we need to do this as a whole,
3 we need to do the project as a whole, I just
4 think on a much smaller scale, I think if you had
5 to do major repairs in your house, you would have
6 to look at that project as a whole. You can't
7 say, I'll start with this little bit, and then I
8 know have to replace the whole thing, but I'll
9 start with this and then we'll see what the
10 design is for the next part, and the money for
11 the next part.

12
13 I just look at this electrical area and
14 we're spending \$700,000 a month on generators
15 running our sewage treatment plant. It just
16 scares me to death to think if something happens
17 and that goes down in any way the mess that this
18 county will be in.

19 I don't think all of us wanted to listen
20 to the part of the presentation that said we need
21 to look at this as a whole, we need to put it
22 together as a whole. We didn't want to face that
23 and even now we don't want to face the fact that
24 these monies have to be made available so we can
25 give out the information for it.

2 LEGISLATOR ABRAHAMS: If I may, through
3 the chair.

4 CHAIRMAN NICOLELLO: Legislator Abrahams.

5 LEGISLATOR ABRAHAMS: And I have a great
6 amount of respect for Legislator Walker, but, to
7 me, the analogy that was presented is totally the
8 opposite of what we're talking about.

9 What we're talking about is, we're in
10 favor of building that house and you should
11 design that house to whatever you want to design
12 it to; four bedrooms, three bathrooms, kitchen,
13 living room.

14 What we're against is, you would never
15 pay a contractor \$400,000 \$500,000 \$800,000 all
16 up front and hope he does the work in an executed
17 manner. What we're saying is, no one in this
18 country gets paid for work that they promise to
19 do. Everybody gets paid for work that they do
20 and they show that work gets done and things get
21 done in phases. Look, when I enter into a
22 contract, if I want to do work on my house, we
23 pay it out in three payments, or sometimes two
24 payments.

25 All I'm saying is, that's the approach

2 we're taking. We have an agreement. I've said
3 it before, we agree that whatever the cost is, we
4 will provide the votes to make sure that that is
5 paid for. We have never deviated from that.

6 But the point that needs to be made is
7 that what is being asked of us is that we pay for
8 the entire amount up front.

9 That's when you ask \$722 million to be
10 bonded, that's what you are asking this
11 legislative body to do.

12 LEGISLATOR WALKER: I do respect you,
13 Kevan, but I do disagree. We are not putting the
14 money up front. We are making sure we have the
15 monies available to us that, as we move on to the
16 next thing we have to do, the next contract we
17 have to send out, we know we have the monies for.

18 It would be totally ridiculous to think -
19 - I don't care if you are doing something with a
20 small amount of money and you say, oh, here's all
21 the money and you hope the job gets done.
22 Absolutely not.

23 But I think you do have to make sure the
24 money is there for you to be able to put it out
25 when you have to.

2 CHAIRMAN NICOLELLO: Legislator
3 Muscarella.

4 LEGISLATOR MUSCARELLA: You know, I agree
5 with you, Kevan, no one would pay all that money
6 in the beginning.

7 But, here is my analogy. My analogy is,
8 I have to do the roof, I have to do the
9 foundation, the interior, the exterior. What
10 you're doing is, you're saying, the whole job is
11 going to cost us \$100,000. But what I'm going to
12 do, I'm going to get a mortgage first to do the
13 roof for \$10,000. Once that roof is done, then
14 maybe I'll go out and get a mortgage to do the
15 next phase.

16 You're asking, you're saying, yeah, but
17 the money is going to be there.

18 So, you know, foundation guy, and
19 exterior guy, start doing the work, even though
20 I'm only bonding, even though I'm only getting my
21 mortgage from my roof now, I'll be getting that
22 mortgage later on.

23 No contractor in the world would go ahead
24 and start doing the work and the plan when you
25 are only mortgaging for the roof and you're

2 saying you'll get the mortgages. You take one
3 mortgage, you get the \$100,000, and then you
4 dispense it as you go along. But at least you
5 got the contractors lined up to do the work
6 expeditiously and in the right order so that the
7 plant keeps going and you do the jobs
8 individually.

9 You've got to bond the whole thing first.
10 You don't say, I'm going to get the next phase
11 later.

12 LEGISLATOR ABRAHAMS: Vinny, that's where
13 we respectfully disagree, that you have to bond
14 the first allotment. We respectfully disagree.
15 Because not one project that's starting in
16 quarter three is being delayed because of this.
17 Not one.

18 Not one contract that was supposed to be
19 implemented in the third quarter to do the
20 digesters and the pumps is being delayed because
21 of it. Not one.

22 The only delays that we have heard about
23 are because of getting RFPs out, getting them
24 awarded, takes time. We understand that. That's
25 why, again, we are committed towards every single

1 dime that's necessary. But we are going to make
2 sure at the same time that work gets implemented.
3 When was the last time we've done a hearing on
4 the capital plan? When was the last time we've
5 done a hearing on our sewage treatment plants?
6

7 So, from that standpoint, to allow this
8 process to go forward, when will someone come
9 back to the legislature and give us a report on
10 where we stand with, not just Bay Park, but Cedar
11 Creek and all our treatment plants?

12 This is a legislative body that has to
13 exercise its oversight. Right now we're not
14 doing that. The only way we are going to do that
15 and get that done is that we force the
16 administration to come back to us and get more
17 authorization for the next phases of the project.
18 That's the best way to get it done. We have not
19 got hearings done in this legislative body for
20 years now. Years. I think we are in violation
21 of the charter when it comes to the hearings we
22 need to have for legislative budget review.

23 Did we even have a hearing so far this
24 year? We are violating the charter already.
25 Someone could easily sue us on the fact that we

2 are violating the charter of having hearings in
3 legislative budget review which are specified in
4 the charter to do.

5 So this is no different. We are going to
6 force the county executive to come down here and
7 give us updates because obviously he's not giving
8 us updates via the hearings. We're not getting
9 updates via reports in the questions that we're
10 asking.

11 So we need better answers and we need
12 better responses. And, look, the only way we're
13 going to get -- I hate to put Mr. Arnold and Mr.
14 Millet in these kinds of positions because I know
15 they are just trying to do their job, but the
16 only way we're going to be able to get that is if
17 we cut off the bonding and we require the county
18 executive to come down here or whatever staffers
19 to come down here to give us updates.

20 Then, we will go one step further, we
21 plan, I can speak for our side, we plan to visit
22 the site multiple times to make sure our \$260
23 million investment on behalf of the taxpayers of
24 Nassau County is implemented well.

25 CHAIRMAN NICOLELLO: Okay. At least you

1 have come out and said you are cutting off the
2 bonding to force the county executive to come
3 down here repeatedly.

4 They've told you, the engineers have told
5 you, it's not the proper way to do this. You've
6 made your decision.

7 Just to clarify one thing. When we
8 authorize the bonding, the money doesn't get
9 borrowed immediately. Obviously when the project
10 starts to roll and you encumber the money and you
11 do the contracts, do the design work, as you
12 spend the money, then the money is borrowed, but,
13 anyway, any other questions on this item?

14 LEGISLATOR DERIGGI-WHITTON: Just one
15 last comment. This started off on the wrong foot
16 when Mr. Millet came down here and mentioned that
17 there was \$400 million left. Now, obviously,
18 since then, he's been corrected, but that just
19 goes to show that there really is -- even your
20 own spokesman wasn't sure of what a \$300 million
21 difference is.

22 So, you have to understand, this is not
23 that we're just walking into a situation. We
24 have reason to want to make sure everything is
25

2 done correctly.

3 CHAIRMAN NICOLELLO: So that's another
4 reason to add to the minority not voting for this
5 because of how they're upset because of something
6 Mr. Millet said.

7 LEGISLATOR DERIGGI-WHITTON: A \$300
8 million mistake from your expert is something to
9 be concerned about.

10 CHAIRMAN NICOLELLO: The longer we talk
11 the more excuses come out as to why you don't
12 want to do this. Again, slowing down this
13 project is not in the best interests of the
14 taxpayers of Nassau County, no matter what you
15 say. It's perilous because at some point, the
16 chickens may come home to roost, and we may have
17 another devastating event there which we won't be
18 prepared for. That's the nightmare scenario that
19 nobody wants to deal with but the project is
20 being slowed down, and, for whatever reason, the
21 minority wants to do that.

22 Any questions?

23 (No verbal response.)

24 Is there any public comments?

25 (No verbal response.)

2 All those in favor of passing this,
3 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 Items pass five to two.

8 LEGISLATOR DENENBERG: I was an aye.

9 (Whereupon, the following are the minutes
10 of the July 29, 2013 Rules Committee meeting
11 pertaining to Clerk Items 331, 332, 334, 335,
12 336, 337, 338, 339, and 341-13.)

13 The next item is 330-13, again,
14 Frank this went through Finance, so please
15 incorporate the testimony. It's a bond ordinance
16 providing for a capital expenditure to finance
17 the capital project specified herein within the
18 County of Nassau authorizing \$14,467,140 of bond
19 of the County of Nassau to finance said
20 expenditure and making certain determinations
21 pursuant to the State Environmental Quality
22 Review Act pursuant to the Local Finance Law of
23 New York and the County Government Law of Nassau
24 County. And, also, the next item, 331-13 went
25 through committee, 332-13, 333-13, 334-13, 335-

2 13, 336-13, 337-13, 338-13, 339-13, 340-13, 341-
3 13.

4 A motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Muscarella. All the comments were made.

10 I'm not going to ask any others. We ask
11 that all the testimony from the Finance Committee
12 be incorporated.

13 (Whereupon, the following are the minutes
14 of the Finance Committee, 7-29-13.)

15 CHAIRMAN NICOLELLO: Now I'm going to
16 call Items 330, 331, 332, 333, 334, 335, 336,
17 337, 338, 339, 340, 341. I will read the first
18 one and then give the amounts for the rest of
19 them because they're all identical except for the
20 amounts.

21 A bond ordinance providing for a capital
22 expenditure to finance the capital project
23 specified herein within the County of Nassau in
24 authorizing \$500,000 in bonds of the County of
25 Nassau to finance said expenditure and making

2 certain determinations pursuant to SEQRA pursuant
3 to the Local Finance Law of New York and the
4 County Government Law of Nassau County.

5 Item 332 authorizes \$33 million in bonds;
6 Item 333 authorizes \$1 million in bonds; Item 334
7 authorizes \$200,000 in bonds; Item 335 authorizes
8 \$750,000 of bonds; Item 336 authorizes \$108,665
9 of bonds; Item 337 authorizes a million dollars
10 in bonds; and Item 338 authorizes a million
11 dollars in bonds; Item 339 authorizes \$500,000 of
12 bonds; Item 340 authorizes \$326,250,000 in bonds;
13 Item 341 authorizes \$72,500,000 in bonds, and I
14 think I skipped over the first one which
15 authorizes, 330 of 2013, which authorizes
16 \$14,467,140 of bonds.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN NICOLELLO: Moved by Legislator
20 Walker, seconded by Legislator Muscarella. These
21 items are before the committee. Do we have
22 anybody to speak about these items?

23 MR. MAY: We do. We have Mr. Richard
24 Millet from DPW to answer any questions on these
25 items.

2 CHAIRMAN NICOLELLO: Okay.

3 MR. MAY: Mr. Arnold first and then Rich.

4 MR. ARNOLD: Project by project, item by
5 item?

6 CHAIRMAN NICOLELLO: Yes.

7 LEGISLATOR DENENBERG: And, as you go, if
8 I many, to the Chair, as you go item by item and
9 describe what it's for, can you say if it's an
10 existing project or a new project?

11 MR. ARNOLD: Okay. Item 330-13 is for
12 additional funding on an existing project,
13 capital project 81011. This funding is going to
14 be allocated towards the environmental cleanup of
15 the sanitary sewage overflows in the communities
16 of Baldwin and East Rockaway. This is to pay for
17 both the interior work, some claims that we have
18 outstanding, and also to move forward with the
19 exterior work.

20 CHAIRMAN NICOLELLO: Keep going.

21 We'll ask, unless something comes up, our
22 questions when you're done.

23 MR. ARNOLD: Item 331-13 is a bond
24 ordinance to an existing capital project to add
25 an additional \$500,000 for various roof repairs

1 for the various buildings at both Bay Park, City
2 Creek, Glen Cove, Cedarhurst, Lawrence and the
3 pump stations.
4

5 Item 332 is an additional bond ordinance
6 for an existing capital project associated with
7 equipment replacement at Cedar Creek. This
8 funding will go towards both Cedar Creek screens
9 and grid, effluent screens and other various
10 miscellaneous improvements that the plant will
11 require.

12 Item 333-13 is an additional bond
13 ordinance from an existing capital project for
14 Whitney drain up in Manhasset.

15 Item 334-13 is an additional ordinance
16 for an existing capital project for mosquito
17 control program so we can finish our SEQRA
18 determination.

19 Item 335-13 is an additional bond
20 ordinance for an existing capital project
21 associated with requirements contract work
22 associated with both the collection and the waste
23 water facilities.

24 Item 336 is additional bond ordinance for
25 our drainage reconstruction capital projection,

that's an existing capital project.

Item 337 is an additional bond ordinance from existing capital project associated with our reconstruction and rehabilitation of storm water basins.

Item 338 is an additional bond ordinance for an existing capital project associated with the replacement of motorized equipment for the wastewater facility operation.

Item 339 is an additional bond ordinance for an existing capital project for various improvements to the wastewater facilities associated with employee amenities such as bathrooms, locker rooms, common space, office, as much.

Item 340 is an additional bond ordinance to the capital project that was recently approved which is associated with the Hurricane Sandy recovery at Bay Park.

This bond ordinance is associated with the work for the electrical distribution system at Bay Park.

Item 341 is an additional bond ordinance for the Bay Park, same capital project that was

2 recently approved. This funding is for the plant
3 and boundary protection system.

4 CHAIRMAN NICOLELLO: Is it just the last
5 two that were part of the recently proposed 700
6 million?

7 MR. ARNOLD: Yes. That capital project
8 is 35,121. I think that capital project is
9 closer to \$500,000. There were other pieces of
10 that that made it up to 700,000 in other capital
11 projects.

12 CHAIRMAN NICOLELLO: And Items 340 and
13 341 in particular, are those -- are we ready to
14 go in terms of vetting those contracts, et
15 cetera?

16 MR. ARNOLD: Those contracts will be
17 ready to go out in the second quarter of '14.

18 CHAIRMAN NICOLELLO: In terms of the
19 timeline, what is the necessity of borrowing the
20 money now or authorizing the borrowing?

21 MR. ARNOLD: To have the funding, the
22 good faith effort to the federal and state
23 government that we are moving forward with these
24 projects and we have the financial background as
25 we negotiate grants and reimbursement with them,

2 that's one of the main reasons.

3 CHAIRMAN NICOLELLO: These obviously have
4 to do with hardening this facility in the event
5 of future storms.

6 MR. ARNOLD: Both hardening and repair.
7 The contract is repair and replacement of damaged
8 equipment.

9 CHAIRMAN NICOLELLO: And that's to also
10 elevate it, is it not?

11 MR. ARNOLD: And mitigation. There's
12 components of elevation and mitigation and
13 hardening.

14 CHAIRMAN NICOLELLO: Any other questions?
15 Legislator Denenberg.

16 LEGISLATOR DENENBERG: I have several
17 questions but I will piggyback where Legislator
18 Nicolello was. So I will start at the end and
19 work to the beginning.

20 You said that 340 and 341 which were both
21 for Bay Park, it's projected that these would be
22 for contracts that would be bid second quarter
23 2014?

24 MR. ARNOLD: Yes. We're doing the design
25 currently. We need them for the design right

2 now, but the contract documents would be ready
3 second quarter 2014.

4 LEGISLATOR DENENBERG: So that's
5 different.

6 MR. ARNOLD: Well, you have two phases of
7 any project.

8 CHAIRMAN NICOLELLO: Mr. Millet, if you
9 have information to add, we would appreciate it
10 if you would approach the podium.

11 LEGISLATOR DENENBERG: Because 262 was
12 approved, and, Mr. Millet, say what you were
13 going to say about the second quarter of 2014.

14 MR. MILLET: Right now they are in active
15 30 percent design, so we need to fund the 100
16 percent design to be ready to go to bid in 2014
17 on these two items.

18 LEGISLATOR DENENBERG: The 262 is not
19 enough for the design?

20 MR. MILLET: No. Because it didn't have
21 anything to do with the electrical system.

22 The Hazen & Sawyer team is actively
23 pursuing to accelerate their 30 percent design.
24 We are actively pursuing to get this money in
25 place so we can get out to 100 percent design and

2 replace the electrical system that is woefully
3 damaged.

4 LEGISLATOR DENENBERG: What's second
5 quarter 2014, the bid for the construction?

6 MR. MILLET: That would be the
7 construction.

8 CHAIRMAN NICOLELLO: That's different.
9 You said, was it the bid, he said it's for the
10 construction.

11 MR. MILLET: For the construction.

12 LEGISLATOR DENENBERG: When are we going
13 to bid?

14 MR. MILLET: For the construction in the
15 second quarter of 2014.

16 LEGISLATOR DENENBERG: So the bid for the
17 construction second quarter 2014 --

18 MR. MILLET: You still need the 100
19 percent design. I don't have money to pay a
20 designer to design it if I can't get money in the
21 electrical system programs.

22 LEGISLATOR DENENBERG: So, how much is
23 that?

24 MR. MILLET: I would assume, the entire
25 electrical system in Bay Park?

2 LEGISLATOR DENENBERG: We are doing the
3 design now, correct?

4 MR. MILLET: We are doing a 30 percent
5 technical report in preparation for full design.
6 Not a full design. That is not part of their
7 contract.

8 LEGISLATOR DENENBERG: So right now we
9 have a contractor that's doing what you are
10 calling a 30 percent design?

11 MR. MILLET: Correct.

12 LEGISLATOR DENENBERG: Explain to us what
13 you mean by a 30 percent design and what you mean
14 by a 100 percent design?

15 MR. MILLET: What you do when you do a
16 technical design report, an outward 30 percent
17 design is, you bring in a program that another
18 designer can pick up and finish so that there are
19 no changes that will be made or guesses as to
20 what people want in the electrical system. It
21 will be laid out for them and they just have to
22 carry the program out to 100 percent.

23 LEGISLATOR DENENBERG: How much money do
24 we need to do that?

25 MR. MILLET: Again, I couldn't venture to

2 guess. I would think that a regular design on a
3 digester rehab is 100 grand. I would imagine the
4 whole electrical system is fairly expensive.

5 LEGISLATOR DENENBERG: So part of the
6 326.25 for the electrical is the 30 percent
7 design --

8 MR. MILLET: The 100 percent. The 30
9 percent is covered inside Hazen & Sawyer's
10 existing contract.

11 LEGISLATOR DENENBERG: So when do we
12 think we are going to get to the 100 percent
13 design?

14 MR. MILLET: I would assume that we would
15 probably have it mid first quarter so that we can
16 do contract documents and then go out to bid in
17 the beginning of the second quarter.

18 LEGISLATOR DENENBERG: So the 100 percent
19 design is the detailed technical specifications
20 that we would need to do a construction bid?

21 MR. MILLET: Correct.

22 LEGISLATOR DENENBERG: The 30 percent
23 design would be the first phase of the design so
24 that we could get to detailed technical specs?

25 MR. MILLET: Correct. They would put

2 together what equipment we would want to use, how
3 we would want to put everything in order so the
4 designer can build it the way it's exactly laid
5 out without having any guesswork by the designer.

6 LEGISLATOR DENENBERG: So let's go to 341
7 now which is the \$72.5 million which, Mr. Arnold,
8 you said that would be ready, I believe you said
9 ready for bidding on construction second quarter
10 2014?

11 MR. ARNOLD: Yes, that is running under
12 the same time frame as the electrical
13 distribution job.

14 LEGISLATOR DENENBERG: What is it and are
15 we in the 30 percent design phase right now and
16 need to move to a 100 percent design phase?

17 MR. ARNOLD: Correct. It's with our
18 Hazen & Sawyer Pirnie, they are doing the 30
19 percent design, and we need to move to the 100
20 percent design phase.

21 LEGISLATOR DENENBERG: This 72.5
22 ultimately is for what?

23 MR. ARNOLD: It's for whatever
24 alternative that this design report puts
25 together. They're still looking at the various

2 options.

3 LEGISLATOR DENENBERG: What's the
4 ultimate construction?

5 MR. MILLET: Ultimately it will go out in
6 the second quarter of '14 as well.

7 LEGISLATOR DENENBERG: For what?

8 326 is for electrical. The 72.5 is for -
9 -

10 MR. MILLET: Plant hardening as a 14
11 whole. It may be a dike with seawalls, it may be
12 some sort of retractable wall system as well as
13 exterior pumping.

14 We're talking to Pirnie with a bunch of
15 people the Dutch people who, this is what they do
16 best.

17 LEGISLATOR DENENBERG: So the 30 percent
18 design for this too, Mr. Millet, has already
19 begun?

20 MR. MILLET: It is ongoing right now.

21 LEGISLATOR DENENBERG: So when
22 we move to the 100 percent design phase?

23 MR. MILLET: Again, I think we're looking
24 at the end of October, beginning of November.
25 We're keeping everything on a very short pace.

2 LEGISLATOR DENENBERG: I thought you said
3 first quarter of 2014.

4 MR. MILLET: The hardening is going to
5 move a little faster.

6 LEGISLATOR DENENBERG: So we're looking
7 at the end of fourth quarter 2013?

8 MR. MILLET: Correct.

9 LEGISLATOR DENENBERG: That's when we
10 would need this money?

11 MR. MILLET: That's when the contract
12 documents would be ready to go out.

13 New contract administration documents.

14 There is a long lead time on some of the
15 product information. So we got a little jump on
16 this one.

17 LEGISLATOR DENENBERG: Let me ask now. I
18 guess it's Mr. Arnold, but if you can help, Mr.
19 Millet, what you said, existing projects on most
20 of these different items, Baldwin and other areas
21 that had sewage 330-13 would be \$14.4 million and
22 you said that's adding to existing projects to
23 sanitize and help repair homes that were
24 contaminated.

25 MR. ARNOLD: Right. There was an

2 existing bond ordinance that this body passed
3 right after the storm, I think it was three and a
4 half million dollars, and that was utilized for
5 the interior work. We needed an additional,
6 roughly million and a half, \$2 million to finish
7 that part of the work, plus the exterior work is
8 running around 11, \$12 million.

9 LEGISLATOR DENENBERG: How much of the 3
10 and a half have we used so far?

11 MR. ARNOLD: It has all been spent. We
12 are in the process of paying those claims right
13 now.

14 LEGISLATOR DENENBERG: It's all been
15 spent in terms of what, our people going out
16 there and making repairs, or us paying people
17 that put in claims to us?

18 MR. ARNOLD: No. We brought a contractor
19 on to do the interior clean-ups, it us paying
20 that contractor.

21 LEGISLATOR DENENBERG: So we've done the
22 cleanup ourselves? What about people that didn't
23 wait for our contractor to do the cleanup? In
24 the first month, I know of several residents that
25 didn't feel they could wait because it was an

1 unhealthy condition and they did cleanups
2 themselves.

3
4 MR. ARNOLD: That is being handled by the
5 county attorney's office. I'm not sure where
6 that stands at this moment.

7 LEGISLATOR DENENBERG: Is this money to
8 help reimburse the people who laid out money?

9 MR. ARNOLD: I would have to speak with
10 the county attorney.

11 LEGISLATOR DENENBERG: Mr. Millet, if you
12 know, I see your head signals, but I want to get
13 it on the record.

14 MR. MILLET: This money is going to be
15 used to, we still owe the original two
16 contractors on the interior work. We then about
17 \$2 million, that will be used for that. Right
18 now we are doing the exterior cleanup work on
19 houses as we speak. That is what this money is
20 for.

21 If the county attorney has claims, I
22 guess they come here usually for their bonding,
23 but this is not intended to pay claims that the
24 county is intended to pay the contractors who are
25 performing the cleanup work.

2 LEGISLATOR DENENBERG: They are doing the
3 work right now?

4 MR. MILLET: Yes.

5 LEGISLATOR DENENBERG: So for the
6 existing project, as you called it, where it's
7 zero dollars, we need to increase the funding?

8 MR. MILLET: Yes, by this number.

9 LEGISLATOR DENENBERG: Several other of
10 the projects you said, I think all of them, you
11 said were existing projects, correct, Mr. Arnold?

12 MR. ARNOLD: Yes.

13 LEGISLATOR DENENBERG: Let's go
14 to 332, for example, that's \$33 million?

15 MR. ARNOLD: Correct.

16 LEGISLATOR DENENBERG: That's for which
17 existing project?

18 MR. ARNOLD: 3C-067.

19 LEGISLATOR DENENBERG: Which is what?

20 MR. ARNOLD: Cedar Creek miscellaneous
21 equipment.

22 LEGISLATOR DENENBERG: That's a project
23 that's been existing at least since the capital
24 plan 2010?

25 MR. ARNOLD: I believe so. I would have

2 to double-check the exact year.

3 Goes back to at least '10 with an
4 ordinance in 2010.

5 LEGISLATOR DENENBERG: That was in the
6 millions I thought. So we've spent that money --

7 MR. ARNOLD: We currently have a carry
8 forward of 15 million. This initial \$33 million
9 will allow us to get all our projects done that
10 are planned for this coming year.

11 LEGISLATOR DENENBERG: So that's my
12 question. I was looking at an existing project
13 that has \$15 million that, according to this
14 year's capital budget, the 2013 budget documents
15 that I just received a month ago, we still have
16 \$15 million unused.

17 MR. ARNOLD: Correct.

18 LEGISLATOR DENENBERG: So we are going to
19 use that \$15 million and we think we need another
20 \$33 million?

21 MR. ARNOLD: We are going to put
22 contracts out this year that will require the
23 additional \$33 million.

24 LEGISLATOR DENENBERG: When is that
25 contract going to go out? When you say "this

2 year," is that the third quarter?

3 MR. ARNOLD: Cedar Creek screens are
4 going to go out by the end of the month, Cedar
5 Creek grit should be going out by the end of the
6 year.

7 We have a contract for final screens that
8 will go out in early '14, and then there is other
9 miscellaneous projects that will also be put out.

10 LEGISLATOR DENENBERG: How come over the
11 years we didn't use the \$15 million authorization
12 for this particular project?

13 I mean, that's been a carry forward
14 number for at least two or three years.

15 MR. ARNOLD: The Cedar Creek screen
16 project required a couple of go arounds and what
17 the correct design of this facility should be,
18 and there's been delays in getting that job up
19 because of that. It is ready to go now. We are
20 finalizing the PLA which held the job up a little
21 bit. And now we're ready to go out to bid.

22 LEGISLATOR DENENBERG: So I'm not reading
23 it wrong through, this \$15 million in this
24 project, I'm reading it in our 2010 capital
25 budget -- capital plan, I'm sorry?

2 MR. ARNOLD: I know this project has been
3 around since 2010. I don't have the numbers in
4 front of me exactly how we funded it each year.
5 I have to go back and look at that.

6 LEGISLATOR DENENBERG: So some of that
7 \$48 million should be hitting the streets in a
8 bid right now, this month?

9 MR. ARNOLD: The screen jobs will be
10 going out in August.

11 LEGISLATOR DENENBERG: The SEQRA for 334,
12 what is it, we haven't done the SEQRA process yet
13 so we need money for engineers to get us through
14 the process?

15 MR. ARNOLD: We went through half the
16 process. We got through the public scoping
17 session. This is the complete -- the last pieces
18 of taking the comments from the scoping session
19 and completing the EIS document.

20 LEGISLATOR DENENBERG: Who have we hired
21 for that?

22 MR. ARNOLD: We have not hired anybody
23 yet. Once we get the bond ordinance approval,
24 we'll get a contract.

25 LEGISLATOR DENENBERG: How did we get

2 through the first process, the public scoping?

3 MR. ARNOLD: We utilized a contract off
4 the OGS state contract list and they did the
5 initial work for us.

6 LEGISLATOR DENENBERG: What is the name
7 of that contract?

8 MR. ARNOLD: Environment and Ecology is a
9 company out of Buffalo that did the work for us.

10 LEGISLATOR DENENBERG: At least it's from
11 New York State. Seems like we have people
12 closer. I'm okay. Thank you, chairman.

13 LEGISLATOR DERIGGI-WHITTON: I have a
14 real quick one. Chairman Nicoletto, you may even
15 be able to answer it.

16 When you just mentioned the 722 that was
17 before us the last finance, you said only two
18 items were included in that?

19 CHAIRMAN NICOLELLO: That actually was a
20 question I asked. I think there were more than
21 two items here that were associated with the bond
22 ordinance that was before the Full Legislature.

23 MR. ARNOLD: I would have to go back to
24 my notes. 722 made up all of these.

25 LEGISLATOR DERIGGI-WHITTON: So all of

2 these were included in the 722?

3 MR. ARNOLD: Yes.

4 LEGISLATOR DERIGGI-WHITTON: Which we
5 already passed in Finance.

6 CHAIRMAN NICOLELLO: Well, as you know,
7 the full 722 was not approved by the Full
8 Legislature.

9 LEGISLATOR DERIGGI-WHITTON: Right, but
10 we already passed it through here to line up. So
11 I just don't know why if we already okayed --

12 CHAIRMAN NICOLELLO: Because since there
13 was a refusal on your side to bond with the pay -
14 - to authorize the full \$722 million in borrowing
15 --

16 LEGISLATOR DERIGGI-WHITTON: I don't see
17 why we have to come back to this.

18 CHAIRMAN NICOLELLO: -- to the extent
19 that items were not authorized, they died. So
20 you have to bring them back. So since they were
21 voted down in the Full Legislature, there's no
22 authorization for any of these items that are
23 before us. So they have to come back to us. We
24 have to pass them again. They have to go to the
25 Full Legislature again, and hopefully we will get

2 13 votes at that time.

3 LEGISLATOR DERIGGI-WHITTON: So none of
4 these are included in the 262 that we approved?

5 MR. ARNOLD: That is correct.

6 LEGISLATOR DERIGGI-WHITTON: I don't
7 know. To me it just seems like we went through
8 it already and now we are going through it again
9 for finance which just lines it up -- we
10 basically said we were supportive of the project,
11 we just weren't going to bond for the whole thing
12 at once.

13 But, to me, it just seems like we're
14 being very redundant right now.

15 CHAIRMAN NICOLELLO: Legislator Denenberg
16 has another question.

17 LEGISLATOR DENENBERG: Can we get a list
18 -- this was discussed when the 262 was passed. I
19 think I asked for it at that point and I had
20 supported the whole amount.

21 But what's included in the 262? Can we
22 get a breakdown of that at some point before this
23 gets to Full, meaning this week, that would be
24 important?

25 Just, on the record, can we do that if we

2 have that? I'm sure Legislator Nicoletto would
3 like it for his side, and I would like it here
4 too. Thank you.

5 Was that a yes?

6 MR. ARNOLD: Yes.

7 CHAIRMAN NICOLELLO: Any other questions?
8 Legislator Abrahams.

9 LEGISLATOR ABRAHAMS: I will try to be
10 brief. I mean, obviously I think the questions
11 that Legislator Denenberg and Legislator DeRiggi-
12 Whitton indicated are kind of along the same
13 lines.

14 Our approach toward addressing the issues
15 at the Bay Park treatment plant have always been
16 tied to fact that, number one, we wanted to see a
17 greater amount of oversight, we want to make sure
18 we're administering the contracts in a way,
19 especially when you're talking about \$722
20 million, it's in the best interest of the Nassau
21 County taxpayers that we watch every single
22 nickel on how that's being spent.

23 As you probably know, Mr. Arnold, as well
24 as you, Mr. Millet, there are multiple ways that
25 are being talked about in terms of the oversight,

1 but that's something that's very crucial to this
2 legislative body.

3
4 The next aspect, to be honest, is that we
5 asked for multiple things during the debate two
6 weeks ago. At that time there was supposed to be
7 a master schedule that was going to outline this
8 very same issue that's before us today.

9 This is the first that we are hearing
10 that the electrical distribution system will not
11 go into contract until quarter two of 2014, as
12 per the Power Point that the deputy county
13 executive demonstrated it clearly indicated, I
14 believe, I remember quarter four. Now I guess
15 quarter four is the design.

16 But, in that demonstration, not once did
17 we hear that a portion was going to be broken out
18 for the design, versus a portion for the
19 construction. We have no idea still at this
20 point. I would love to have had Hazen & Sawyer
21 on here to ask the question of how much the
22 design would be.

23 These are the types of things that we
24 need answers to before we decide to bond and, to
25 be honest, and I said it before and I'll say it

1 again, we are committed towards doing the entire
2 amount to address the Bay Park treatment issues,
3 but we truly believe the 262 million, we can only
4 go based off of what the county executive has
5 presented to us, the \$262 million gets that
6 process rolling, from the digesters to the pumps,
7 those things are all being addressed with that
8 first allotment of money. We were hoping in good
9 faith that we would see a master schedule.
10

11 So my question comes down to this. When
12 will we see the master schedule which gives us a
13 breakdown week by week on how things are being
14 done? Obviously you can't do everything at once.
15 So there has to be some type of project
16 management master schedule that indicates how
17 things will be done so you don't have guys
18 bumping into each other constantly throughout the
19 next 24 to 48 months.

20 MR. MILLET: The master schedule or the
21 construction master schedule that you are looking
22 for, cannot be fully developed until we have
23 design development to tell us where the contracts
24 are going to fall and how the mopo in the plant
25 will have to operate. The plant has to operate

2 throughout the entire construction period.

3 So there has to be a very, I'll say,
4 delicate way to handle the plant while you're
5 going through and replacing major pieces of the
6 process. A detailed construction program
7 schedule is very difficult until you have design
8 done, until you can see things.

9 The programmatic piece you saw, the
10 schedule you saw, is the programmatic part to
11 when we're going to get to bid. The construction
12 schedule cannot be put together in that format
13 until we know when the construction dates are
14 hitting.

15 LEGISLATOR ABRAHAMS: Mr. Millet, you
16 should be able to give us a preliminary schedule.

17 MR. MILLET: You had the preliminary
18 layout. Until you get construction documents,
19 until you get biddable documents and until you
20 get people who bid, then you have to coordinate
21 with the different contractors. That's when the
22 CPO schedule gets developed.

23 LEGISLATOR ABRAHAMS: Mr. Millet, there
24 must be a disconnect because I swore I heard
25 Hazen & Sawyer, when I had the same back and

2 forth that they were working on a master schedule
3 that wouldn't be done until August, September.

4 MR. MILLET: They certainly are working
5 on one, but now we have no funding towards
6 programs, and you cannot continue to plug --

7 LEGISLATOR ABRAHAMS: So it was never
8 clear that they needed funding, the entire
9 funding, of \$722 million in order to do that.

10 MR. MILLET: Well, you need funding to do
11 design. You need funding for that.

12 LEGISLATOR ABRAHAMS: I'm talking about a
13 master schedule. I'm not --

14 MR. MILLET: I think you're
15 disconnecting. I don't think it's as easy as you
16 think it is to turn around and say, hey, here's
17 this date, and here's that date, and -- it
18 doesn't work like. A construction management --

19 LEGISLATOR ABRAHAMS: Then why did they
20 say that on the record though?

21 MR. MILLET: Listen, they're going to
22 give you an item. It's not going to be what you
23 think it is. It's just not.

24 LEGISLATOR ABRAHAMS: But if I ask a
25 question and they give a response, they gave a

2 response that a master schedule would be
3 developed --

4 MR. MILLET: It will be a 10,000 foot
5 view. It will not be --

6 LEGISLATOR ABRAHAMS: It's not what the
7 question was. Maybe we should go back and make
8 sure we check the record because that's not the
9 response.

10 MR. MILLET: Again, I can't see anyone
11 developing detailed construction management
12 without having any idea where the design dates
13 fall. And, without the design dates, without the
14 funding for design, you can't do that.

15 LEGISLATOR ABRAHAMS: Let's try it this
16 way, Mr. Millet. Where are you with the \$262
17 million that's been spent, been authorized?

18 MR. MILLET: Four contracts when out
19 already and a fifth is due out --

20 LEGISLATOR ABRAHAMS: Contracts have gone
21 out that have come to this legislature?

22 MR. MILLET: No. Contracts have gone out
23 on the street.

24 LEGISLATOR ABRAHAMS: So RFP.

25 MR. MILLET: Yes. To bid.

2 LEGISLATOR ABRAHAMS: What is the total?

3 MR. MILLET: They haven't come back yet.

4 LEGISLATOR ABRAHAMS: What went out, what
5 kind of work, what's the estimate?

6 MR. MILLET: Rebuilding of the final
7 tanks were one.

8 LEGISLATOR ABRAHAMS: Final tanks, okay.

9 MR. ARNOLD: Final tanks when out to bid.
10 Odor control is going out to bid.

11 I was off last week so I don't know if it
12 actually went out last week.

13 LEGISLATOR DENENBERG: Odor control is
14 from an old project.

15 MR. ARNOLD: You had the pump stations at
16 Glen Cove, the final GBT project.

17 LEGISLATOR ABRAHAMS: What is the
18 turnaround on these bids, Mr. Arnold?

19 MR. ARNOLD: Usually they're out for bid
20 usually about a month.

21 LEGISLATOR ABRAHAMS: So 30 days.

22 MR. ARNOLD: 30 days.

23 LEGISLATOR ABRAHAMS: So we should expect
24 something back by the end of August?

25 MR. ARNOLD: Should have contracts back.

2 LEGISLATOR ABRAHAMS: When can this
3 legislature anticipate contracts associated with
4 these particular bids?

5 MR. ARNOLD: If we get vendors that we
6 are familiar with, they are quicker to turn
7 around, you can see something probably within two
8 weeks of getting back.

9 LEGISLATOR ABRAHAMS: So it's possible we
10 can see stuff as early as the first session in
11 September?

12 MR. ARNOLD: Yes. More likely the second
13 session.

14 LEGISLATOR ABRAHAMS: What about the
15 balance of the rest of the 260 or is that for the
16 entire 260?

17 MR. ARNOLD: That's it.

18 LEGISLATOR ABRAHAMS: That's the entire
19 260, all that will be --

20 MR. ARNOLD: There's design work going
21 on, program management work going on, and --

22 LEGISLATOR ABRAHAMS: So everything that
23 we outlined in the third quarter of 2013 that's
24 going to get done, the entire programmatic
25 schedule, that's all on the street, that's all

2 being bid on, correct?

3 MR. ARNOLD: I have to check on the one
4 item.

5 LEGISLATOR ABRAHAMS: If I remember
6 correctly, I thought there were more things. So
7 there's four contracts that's going to cover
8 everything, five contracts that's going to cover
9 everything that we're talking about, the 262?

10 MR. ARNOLD: We have two design jobs that
11 are also part of that 260 that need to go out,
12 which is the sludge dewatering facility, and the
13 effluent pumping facility.

14 LEGISLATOR ABRAHAMS: When will those go
15 out?

16 MR. ARNOLD: I would have to check with
17 the engineer. Assume some time this month.

18 LEGISLATOR ABRAHAMS: What is the
19 estimates on those?

20 MR. ARNOLD: The sludge dewatering
21 design, the construction is estimated about 35.
22 You're probably talking 3 to \$4 million on
23 design.

24 LEGISLATOR ABRAHAMS: And the effluent?
25 Effluent pump is probably roughly the same

2 number. About the same.

3 LEGISLATOR ABRAHAMS: So about \$70
4 million of the 260 is still not out on the
5 street, am I saying that right?

6 I thought you said 35 for each one. So
7 about \$70 million of the 260 is not on the
8 street?

9 MR. ARNOLD: Correct.

10 LEGISLATOR ABRAHAMS: So of the stuff
11 that is out on the street and possibly could be
12 awarded by some time in September, when will we
13 anticipate -- see this is the thing. We want to
14 see work and we want to be able to say to the
15 taxpayers, go visit the plant and you'll see
16 construction going on. When can we say to
17 someone, construction will start with regard to
18 these projects?

19 MR. ARNOLD: We are talking about a lot
20 of moving parts which is why we are having such
21 trouble with this.

22 The schedule that you have, the roll up
23 schedule that was given to you indicates
24 construction starting for influent screens in the
25 third quarter of '13. That job will be out to

bid this month. So that job before the end of the year will be in construction.

Secondary treatment facilities, which is the final tanks, the repair of the final tanks is out to bid now. Again, that job will start in the last quarter of '13, construction, if we get the contractor, we get a responsible contractor, we come to this body, it gets approved, and --

LEGISLATOR ABRAHAMS: Final tanks?

MR. ARNOLD: Final tanks.

LEGISLATOR ABRAHAMS: That's one thing we can expect to be done in the third quarter. What else?

MR. ARNOLD: Digesters you're already aware that that's ongoing. That construction contract has already started.

Sludge thickening, that we need to get final design. That contract will probably go out to bid toward the end of the year. So we need that money for the bond ordinance so we can award that --

LEGISLATOR ABRAHAMS: Wait. The sludge thickening will go out to bond at the end of the year?

2 MR. ARNOLD: I'm sorry. Sludge
3 thickening is currently out to bid. So that job
4 will start before the end of the year.

5 Sludge dewatering is the one we're doing
6 design on.

7 LEGISLATOR ABRAHAMS: Dewatering, that's
8 right.

9 MR. ARNOLD: Sorry. I reversed those.

10 LEGISLATOR ABRAHAMS: That's okay. So
11 basically, in the third quarter of this year,
12 what taxpayers can expect is the final tanks will
13 be in construction some time by September?

14 MR. ARNOLD: As long as those things
15 happen, there's always that case we get a bad
16 bid. We have to rebid something, you know?

17 LEGISLATOR ABRAHAMS: In that
18 programmatic plan it outlined that this stuff
19 would get done in the third quarter, and I'm not
20 here -- I understand things come up and
21 electrical distribution would start in the fourth
22 quarter.

23 So, in essence, wouldn't we want to see a
24 good chunk of the stuff we outlined for the third
25 quarter get done before we go into the fourth

2 quarter stuff?

3 MR. MILLET: You can't wait to go into
4 design because now you're fracturing the way the
5 plant has to operate. There is a certain way you
6 want to approach repairing.

7 LEGISLATOR ABRAHAMS: This is as per your
8 plan. You outlined that the electrical
9 distribution system wasn't going to go into
10 contract for the fourth quarter. Not me.

11 MR. MILLET: That's a construction
12 contract. It has to go into design. The design
13 gets paid out of the same money.

14 LEGISLATOR ABRAHAMS: I understand that.
15 But you said today, which was news to us, I guess
16 maybe it was news to you, that construction
17 wasn't going to start until second quarter of
18 2014. Was that factored in when you came up with
19 this or Mr. Walker came up with the presentation
20 regarding the electrical distribution? Was it
21 always supposed to start construction in 2014,
22 quarter two?

23 MR. MILLET: Let me take a look.

24 LEGISLATOR ABRAHAMS: I'm thinking
25 everything got pushed back.

2 MR. MILLET: No.

3 LEGISLATOR ABRAHAMS: So then Mr. Walker
4 came down here with the impression that the
5 construction was going to start in 2014, even
6 though a document that was up on the screen
7 presented something different?

8 MR. MILLET: I didn't look at the
9 document. I'm going to look at it right now. My
10 apologies if I put a wrong date in there.
11 There's an awful lot of information that's
12 bouncing around.

13 LEGISLATOR ABRAHAMS: I understand. Take
14 your time.

15 MR. MILLET: According to the chart, it
16 will be ready for construction documents in the
17 fourth quarter of '13.

18 That means it's going out to bid in the
19 fourth quarter of '13. But it's not going to go
20 out to bid in the fourth quarter of '13 because I
21 don't have any design money.

22 LEGISLATOR ABRAHAMS: Again, that's what
23 the Power Point said but today it's something
24 different.

25 MR. MILLET: Because I misspoke. I got

2 the wrong date.

3 LEGISLATOR ABRAHAMS: You didn't say it
4 though, Mr. Millet. Mr. Arnold said earlier --

5 MR. MILLET: He is apologizing for the
6 wrong date.

7 LEGISLATOR ABRAHAMS: So it's not the
8 second quarter of 2014?

9 MR. MILLET: It is going out.

10 Our schedule is to put it out in the last
11 quarter of '13, but our schedule cannot be met if
12 I don't have the design money.

13 LEGISLATOR ABRAHAMS: Mr. Millet, you're
14 beating a dead horse with that. I understand
15 that.

16 What I'm saying is, you misspoke when it
17 was supposed to be --

18 CHAIRMAN NICOLELLO: He's not beating a
19 dead horse. He's trying to make a point and
20 apparently it's not getting through to you.

21 LEGISLATOR ABRAHAMS: I would appreciate,
22 Mr. Nicolello, I've never jumped in.

23 CHAIRMAN NICOLELLO: That's true, but you
24 just interrupted him.

25 LEGISLATOR ABRAHAMS: We're having a

2 discussion.

3 CHAIRMAN NICOLELLO: Right.

4 LEGISLATOR ABRAHAMS: So let me ask you
5 again, and this is to make the point. So when
6 Mr. Arnold said that we wouldn't be going into
7 construction until the second quarter of 2014, he
8 misspoke?

9 MR. MILLET: He had not looked at the
10 flow chart.

11 LEGISLATOR ABRAHAMS: So what was he
12 looking at?

13 MR. MILLET: He had not brought it up
14 yet.

15 LEGISLATOR ABRAHAMS: Mr. Arnold, was
16 that just a number that was in your head? Is
17 there another document that you were referring
18 to?

19 MR. ARNOLD: I didn't check my notes when
20 I said it was '14. I was making an assumption.
21 I should have went back and looked at the table.

22 LEGISLATOR ABRAHAMS: So it's your
23 recollection it's quarter four of 2013?

24 MR. ARNOLD: Yes.

25 LEGISLATOR ABRAHAMS: Okay. As I said

2 before, and I will go back to it again, and I'll
3 understand that point, but I'm going to go back
4 to the same point that we have been making now is
5 that, number one, we been given an enormous
6 amount of money towards an investment which we
7 understand will be in the hundreds of millions of
8 dollars that we plan to do.

9 I still would need to see more
10 information as our side would want to see more
11 information that clearly delineates how this plan
12 will be implemented over the next couple of
13 years.

14 I would strongly suggest -- I mean we had
15 allocated \$262 million to go towards those third
16 quarter expenses. I would strongly suggest that
17 the administration utilize resources so that they
18 can do the design on the electrical distribution
19 system and come back to this legislature with a
20 master schedule on how things will get done.

21 From our standpoint, when we allocated
22 \$262 million to be allocated for the third
23 quarter towards the Bay Park Sewage Treatment
24 Plant, we expected to see \$262 million in
25 contracts. Is that a fair expectation when we

1 look at the Power Point presentation? Our
2 expectation was to see \$260 million to be
3 filtered through this legislation by the end of
4 September. That is not going to be the case from
5 what I'm hearing today. So the people in Bay
6 Park, East Rockaway and Baldwin, throughout the
7 entire south shore have been sold a bad bill of
8 goods, because they're being told based off of
9 what they came here, was presented with, is that
10 we're going to be entering into contracts into
11 the third quarter of 2013. This makes the point
12 even more clearer on why we need to have some
13 oversight.
14

15 Not only that, it also makes the point
16 clearer that the bottom line is, we are going to
17 bond to insure work gets done when the county
18 executive indicates it's going to get done.

19 From our standpoint, we should not go
20 over 260 until he shows us the
21 contracts that are associated with the 260 and we
22 visit the site, which I'm going to suggest to
23 this entire legislature, we go to this site, I
24 know many of use have been there before and many
25 of us have been there since Sandy, and I plan to

1 go there several times between now and the end of
2 the year because I want to make sure that, number
3 one, that the taxpayer's investment is being done
4 soundly, and, number two, we want to make sure
5 that the work is progressing in an even keeled
6 manner.
7

8 If we decide to give \$722 million to this
9 administration at this point, at this juncture,
10 it would be a wrong investment for this county.
11 We need to make sure this work actually gets
12 done, and not just get it done, but get it done
13 in a timely manner so people are not -- instead
14 of waiting 24 to 48 months which was outlined by
15 Hazen & Sawyer, they're waiting hundreds of
16 months to get this thing done.

17 I think the people in that area have
18 waited long enough and this is the best way to
19 get it done.

20 So we envision seeing the rest of the
21 contracts for the \$260 million be presented to
22 this legislature, and at that time we will
23 definitely look to foot the bill on the
24 electrical distribution system.

25 So I would strongly suggest to my side

2 that we vote no on this particular item. Thank
3 you.

4 CHAIRMAN NICOLELLO: Legislator
5 Muscarella.

6 LEGISLATOR MUSCARELLA: I just have a
7 couple of questions because it boggles my mind.

8 Am I wrong that the deputy county
9 executive came here a couple of weeks ago and
10 said, the most effective way to do this, the only
11 proper way to do this was to bond the whole thing
12 so that we would proceed expeditiously in a
13 manner that would be the most effective to get
14 the plant fixed? Was I wrong in thinking that
15 that was his presentation?

16 MR. MILLET: No.

17 LEGISLATOR MUSCARELLA: And if we had
18 bonded the entire amount of money, would this
19 process go much more smoothly, much more quickly
20 to get this plant fixed?

21 MR. MILLET: Yes.

22 LEGISLATOR MUSCARELLA: So it seems to me
23 that the protestations of the minority in that
24 the best way to go about doing this is to do it
25 piecemeal and have the administration get its act

1 together and to feign this outrage that it's
2 going to be much better if the administration
3 does its piecemeal is in fact putting obstacles
4 in front of the administration at every single 16
5 step of the way, and then feigning outrage that
6 they're not doing it as expeditiously as
7 possible. Am I wrong? I don't want to put you
8 on the spot. That's my own comment and you don't
9 have to agree or disagree with that.
10

11 But it seems to me that anyone that's
12 been here for the last two meetings can see that
13 the administration presented a way to get this
14 done for the residents of Nassau County and that
15 the minority's protestations that it was not
16 being done quick enough or expeditiously enough
17 is in fact because of their actions, not despite
18 their actions, because it's not because of the
19 actions of the administration, but the actions of
20 the minority that are in fact throwing up
21 obstacles every step of the way to get this done
22 for the citizens of Nassau County.

23 LEGISLATOR ABRAHAMS: You know what, I
24 take some umbrage with that because, know what,
25 the fact remains, Mr. Arnold and Mr. Millet, this

2 legislature bonded \$400 million. \$400 million
3 for the same expenses, some of the stuff that
4 should have been done pre-Sandy that wasn't done.

5 So the fact remains, we did bond \$400 million at
6 a particular time and work didn't happen, it
7 didn't happen for whatever reason it may have not
8 happened.

9 So the fact remains, we need to make sure
10 that we do not give a bonding authorization of
11 \$722 million if we want to
12 insure projects are actually going to get done at
13 our treatment plants.

14 We have given \$262 million. That is
15 enough to get the ball rolling. When Mr. Arnold
16 or Mr. Millet presents to us that those contracts
17 that we have bonded for in the third quarter of
18 this year get done and work gets done and we can
19 say to people, look this is what's happening,
20 this is what's getting done, we are more than
21 happy to bond for the electrical distribution and
22 pay for that expense. But we can't do that
23 before we see work being done.

24 We have been down this road, folks, where
25 we bonded and the work didn't get done. We

2 bonded a capital plan in 2010.

3 We were supposed to do a ton of road
4 projects and nothing got done. So we are not
5 going to go down this road again. We're going to
6 be more prudent and we're going to make sure what
7 we outline, whether it be the odor control, the
8 dewatering system, you name it, the pumps, the
9 digesters, it's going to get done, it's going to
10 be well on
11 its way before we even consider giving this
12 administration more money.

13 CHAIRMAN NICOLELLO: You don't have to
14 respond to that.

15 MR. ARNOLD: There's road projects to
16 SSW, and you have to understand also, even the
17 capital plan that was approved, NIFA had approved
18 the actual borrowing. Projects were held up
19 because we did not getting the borrowing --

20 CHAIRMAN NICOLELLO: Wait, wait, wait.
21 We're not interrupting and we're not jumping in.
22 There's some decorum to this committee. Mr.
23 Denenberg --

24 LEGISLATOR DENENBERG: Not one sewer and
25 storm water project -- denied by NIFA.

2 MR. ARNOLD: That is correct.

3 I'm not disagreeing with you, legislator,
4 when you bringing road projects, the delay of
5 road projects --

6 CHAIRMAN NICOLELLO: Mr. Arnold,
7 something. You don't have to respond to that
8 because it's just another false issue they are
9 throwing up there. I noticed in the last
10 statement they brought up this whole issue which
11 was explained last time about the \$400 million in
12 borrowing.

13 It was explained to them that they had
14 spent every dime of that money, that it would
15 have been under water in Hurricane Sandy, but
16 they still bring it up because it's another
17 issue.

18 They may seem intent on slowing down this
19 project. They've given you all sorts of reasons,
20 piecemeal is a better way to do it, we have to
21 committees, oversight, and it's going to save us
22 money. There's no proof of any of that. It's
23 just members of the minority caucus creating
24 issues. But, again, it makes no sense to me to
25 want to slow this down.

1 We are all political individuals, we all
2 ran for office, but, from a political standpoint,
3 why would you want to slow down this? There is
4 nothing to be benefitted from it. From a
5 governmental standpoint, it's been explained over
6 and over again that you can't break this down
7 piecemeal and, to the extent that you do, it
8 simply slows down the project and the work will
9 not get done in a timely fashion. If we started
10 on the project long enough, we're going to be
11 into a second hurricane season.

13 Ultimately, this money is going to be
14 spent. It has to be spent. We have to repair
15 the electrical works. We have to make it storm
16 proof. We have do the same with the facility.
17 We have to make the repairs to Cedar Creek.

18 To slow it down and make it, let's do it
19 piecemeal, let's fund the design first, and then
20 maybe we'll have you come back and do the
21 contract. It could do nothing else but make sure
22 that this project doesn't get done until much
23 further down the road.

24 So, again, for whatever reason, and
25 they've thrown up a whole bunch of different

2 things. Let's have another committee look at
3 them, the county executive have his committee,
4 and somehow we'll form another committee and
5 we'll have them in Bay Park overseeing the
6 operation, and somehow it's going to be to
7 benefitted.

8 Again, you know, I don't understand why
9 they want to slow this down. I don't the
10 benefits to the people of Nassau and I don't
11 understand the benefit to them politically, so it
12 just makes no sense to me.

13 Legislator Denenberg.

14 LEGISLATOR DENENBERG: Thank you.

15 Legislator Nicoletto, I, for one, again,
16 have never voted against any funding for the
17 sewage treatment plants, not in all the years
18 I've been here.

19 I agree with you, 100 percent, to form
20 new committees to do what we should be doing is
21 ridiculous. But I been writing letters since
22 2010 to renew and start up again with either
23 Public Works or the Full Legislative Body to have
24 hearings on a regular basis just as to the status
25 of all capital projects, but, specifically, the

2 sewage treatment plants. And I will always
3 disagree if we have projects and we do for years
4 for influent pump, effluent pumps, digesters,
5 gravity belt thickeners, odor control, that if
6 that had not been done, clearly at Cedar Creek,
7 if it was done on time, it would have been done
8 on time.

9 So it's incumbent upon us to do our job
10 to make sure that we know what the status of
11 these projects are. And you're not going to get
12 me to say we shouldn't have the money allocated,
13 we should. But we also shouldn't give our job to
14 any committee and we don't need committees. The
15 committees are the legislature and the Public
16 Works Committee to know where these projects are
17 and why they slip, a year, two years, three
18 years, four years.

19 CHAIRMAN NICOLELLO: I can tell you why
20 this one is slipping. We can't get authorization
21 to borrow. Every time we oppose it it gets
22 slowed down.

23 LEGISLATOR DENENBERG: Every project
24 Mr. Arnold just mentioned, odor control,
25 digester, I think he mentioned gravity belt

2 thickeners, are existing projects that are four,
3 five years old.

4 CHAIRMAN NICOLELLO: Well, there were a
5 lot of projects that were dormant when you left
6 the majority, so if you want to go down that road
7 -- there were infrequent meetings to discuss it,
8 there was needed repairs to both Bay Park and
9 Cedar Creek that were not done.

10 LEGISLATOR DENENBERG: Rich, in '07, '08
11 -- done in the plants which was millions of
12 dollars. Mr. Arnold just confirmed that a new
13 dewatering facility that was put into Cedar
14 Creek.

15 So don't say -- what have we done in four
16 years? What?

17 CHAIRMAN NICOLELLO: We've done more than
18 we did before that, that's for sure.

19 LEGISLATOR DENENBERG: Hurricane Sandy
20 for everything. Low and behold, Hurricane Sandy
21 came and all these projects we haven't done,
22 thank God we didn't do them, because Sandy would
23 have wiped them out. It doesn't make sense. You
24 are not going to get a no vote from me. You're 4
25 going to get a yes vote for the funding.

2 But I'm also agreeing with you, no
3 separate committees. We need to do our
4 oversight. We are the legislature, period.

5 CHAIRMAN NICOLELLO: All right.

6 Any other questions? Legislator Walker.

7 LEGISLATOR WALKER: I don't need to say
8 what's been said over and over by my colleagues
9 on this side of the table.

10 But I just look at the one area that
11 we're talking about, the electrical system. When
12 the project was presented here, and it was
13 emphatically said, we need to do this as a whole,
14 we need to do the project as a whole, I just
15 think on a much smaller scale, I think if you had
16 to do major repairs in your house, you would have
17 to look at that project as a whole. You can't
18 say, I'll start with this little bit, and then I
19 know have to replace the whole thing, but I'll
20 start with this and then we'll see what the
21 design is for the next part, and the money for
22 the next part.

23 I just look at this electrical area and
24 we're spending \$700,000 a month on generators
25 running our sewage treatment plant. It just

1 scares me to death to think if something happens
2 and that goes down in any way the mess that this
3 county will be in.

4
5 I don't think all of us wanted to listen
6 to the part of the presentation that said we need
7 to look at this as a whole, we need to put it
8 together as a whole. We didn't want to face that
9 and even now we don't want to face the fact that
10 these monies have to be made available so we can
11 give out the information for it.

12 LEGISLATOR ABRAHAMS: If I may, through
13 the chair.

14 CHAIRMAN NICOLELLO: Legislator Abrahams.

15 LEGISLATOR ABRAHAMS: And I have a great
16 amount of respect for Legislator Walker, but, to
17 me, the analogy that was presented is totally the
18 opposite of what we're talking about.

19 What we're talking about is, we're in
20 favor of building that house and you should
21 design that house to whatever you want to design
22 it to; four bedrooms, three bathrooms, kitchen,
23 living room.

24 What we're against is, you would never
25 pay a contractor \$400,000 \$500,000 \$800,000 all

1 up front and hope he does the work in an executed
2 manner. What we're saying is, no one in this
3 country gets paid for work that they promise to
4 do. Everybody gets paid for work that they do
5 and they show that work gets done and things get
6 done in phases. Look, when I enter into a
7 contract, if I want to do work on my house, we
8 pay it out in three payments, or sometimes two
9 payments.
10

11 All I'm saying is, that's the approach
12 we're taking. We have an agreement. I've said
13 it before, we agree that whatever the cost is, we
14 will provide the votes to make sure that that is
15 paid for. We have never deviated from that.

16 But the point that needs to be made is
17 that what is being asked of us is that we pay for
18 the entire amount up front.

19 That's when you ask \$722 million to be
20 bonded, that's what you are asking this
21 legislative body to do.

22 LEGISLATOR WALKER: I do respect you,
23 Kevan, but I do disagree. We are not putting the
24 money up front. We are making sure we have the
25 monies available to us that, as we move on to the

2 next thing we have to do, the next contract we
3 have to send out, we know we have the monies for.

4 It would be totally ridiculous to think -
5 - I don't care if you are doing something with a
6 small amount of money and you say, oh, here's all
7 the money and you hope the job gets done.

8 Absolutely not.

9 But I think you do have to make sure the
10 money is there for you to be able to put it out
11 when you have to.

12 CHAIRMAN NICOLELLO: Legislator
13 Muscarella.

14 LEGISLATOR MUSCARELLA: You know, I agree
15 with you, Kevan, no one would pay all that money
16 in the beginning.

17 But, here is my analogy. My analogy is,
18 I have to do the roof, I have to do the
19 foundation, the interior, the exterior. What
20 you're doing is, you're saying, the whole job is
21 going to cost us \$100,000. But what I'm going to
22 do, I'm going to get a mortgage first to do the
23 roof for \$10,000. Once that roof is done, then
24 maybe I'll go out and get a mortgage to do the
25 next phase.

1 You're asking, you're saying, yeah, but
2
3 the money is going to be there.

4 So, you know, foundation guy, and
5 exterior guy, start doing the work, even though
6 I'm only bonding, even though I'm only getting my
7 mortgage from my roof now, I'll be getting that
8 mortgage later on.

9 No contractor in the world would go ahead
10 and start doing the work and the plan when you
11 are only mortgaging for the roof and you're
12 saying you'll get the mortgages. You take one
13 mortgage, you get the \$100,000, and then you
14 dispense it as you go along. But at least you
15 got the contractors lined up to do the work
16 expeditiously and in the right order so that the
17 plant keeps going and you do the jobs
18 individually.

19 You've got to bond the whole thing first.
20 You don't say, I'm going to get the next phase
21 later.

22 LEGISLATOR ABRAHAMS: Vinny, that's where
23 we respectfully disagree, that you have to bond
24 the first allotment. We respectfully disagree.
25 Because not one project that's starting in

1 quarter three is being delayed because of this.

2 Not one.

3
4 Not one contract that was supposed to be
5 implemented in the third quarter to do the
6 digesters and the pumps is being delayed because
7 of it. Not one.

8 The only delays that we have heard about
9 are because of getting RFPs out, getting them
10 awarded, takes time. We understand that. That's
11 why, again, we are committed towards every single
12 dime that's necessary. But we are going to make
13 sure at the same time that work gets implemented.
14 When was the last time we've done a hearing on
15 the capital plan? When was the last time we've
16 done a hearing on our sewage treatment plants?

17 So, from that standpoint, to allow this
18 process to go forward, when will someone come
19 back to the legislature and give us a report on
20 where we stand with, not just Bay Park, but Cedar
21 Creek and all our treatment plants?

22 This is a legislative body that has to
23 exercise its oversight. Right now we're not
24 doing that. The only way we are going to do that
25 and get that done is that we force the

2 administration to come back to us and get more
3 authorization for the next phases of the project.
4 That's the best way to get it done. We have not
5 got hearings done in this legislative body for
6 years now. Years. I think we are in violation
7 of the charter when it comes to the hearings we
8 need to have for legislative budget review.

9 Did we even have a hearing so far this
10 year? We are violating the charter already.
11 Someone could easily sue us on the fact that we
12 are violating the charter of having hearings in
13 legislative budget review which are specified in
14 the charter to do.

15 So this is no different. We are going to
16 force the county executive to come down here and
17 give us updates because obviously he's not giving
18 us updates via the hearings. We're not getting
19 updates via reports in the questions that we're
20 asking.

21 So we need better answers and we need
22 better responses. And, look, the only way we're
23 going to get -- I hate to put Mr. Arnold and Mr.
24 Millet in these kinds of positions because I know
25 they are just trying to do their job, but the

2 only way we're going to be able to get that is if
3 we cut off the bonding and we require the county
4 executive to come down here or whatever staffers
5 to come down here to give us updates.

6 Then, we will go one step further, we
7 plan, I can speak for our side, we plan to visit
8 the site multiple times to make sure our \$260
9 million investment on behalf of the taxpayers of
10 Nassau County is implemented well.

11 CHAIRMAN NICOLELLO: Okay. At least you
12 have come out and said you are cutting off the
13 bonding to force the county executive to come
14 down here repeatedly.

15 They've told you, the engineers have told
16 you, it's not the proper way to do this. You've
17 made your decision.

18 Just to clarify one thing. When we
19 authorize the bonding, the money doesn't get
20 borrowed immediately. Obviously when the project
21 starts to roll and you encumber the money and you
22 do the contracts, do the design work, as you
23 spend the money, then the money is borrowed, but,
24 anyway, any other questions on this item?

25 LEGISLATOR DERIGGI-WHITTON: Just one

2 last comment. This started off on the wrong foot
3 when Mr. Millet came down here and mentioned that
4 there was \$400 million left. Now, obviously,
5 since then, he's been corrected, but that just
6 goes to show that there really is -- even your
7 own spokesman wasn't sure of what a \$300 million
8 difference is.

9 So, you have to understand, this is not
10 that we're just walking into a situation. We
11 have reason to want to make sure everything is
12 done correctly.

13 CHAIRMAN NICOLELLO: So that's another
14 reason to add to the minority not voting for this
15 because of how they're upset because of something
16 Mr. Millet said.

17 LEGISLATOR DERIGGI-WHITTON: A \$300
18 million mistake from your expert is something to
19 be concerned about.

20 CHAIRMAN NICOLELLO: The longer we talk
21 the more excuses come out as to why you don't
22 want to do this. Again, slowing down this
23 project is not in the best interests of the
24 taxpayers of Nassau County, no matter what you
25 say. It's perilous because at some point, the

2 chickens may come home to roost, and we may have
3 another devastating event there which we won't be
4 prepared for. That's the nightmare scenario that
5 nobody wants to deal with but the project is
6 being slowed down, and, for whatever reason, the
7 minority wants to do that.

8 Any questions?

9 (No verbal response.)

10 Is there any public comments?

11 (No verbal response.)

12 All those in favor of passing this,
13 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (Nay.)

17 Items pass five to two.

18 LEGISLATOR DENENBERG: I was an aye.

19 (Whereupon, the following is the
20 continuation of the minutes of the Rules
21 Committee, 7-29-13.)

22 CHAIRWOMAN GONSALVES: Therefore, all
23 those in favor of these items signify by saying
24 aye.

25 (Aye.)

2 Any opposed?

3 (Nay.)

4 So we have four ayes and two nays.

5 (Whereupon, the following is the
6 continuation of the minutes of the August 5, 2013
7 Rules Committee meeting.)

8 CHAIRWOMAN GONSALVES: Motion, please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR BECKER: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator Becker.

13 Any comments regarding these items?

14 (No verbal response.)

15 No comments.

16 Any public comment?

17 (No verbal response.)

18 There being none. All those in favor of
19 the items just called signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 We have 11 to 8. Mr. Denenberg is voting
24 with the majority. Therefore, the bond
25 ordinances fail.

2 At this time I'm going to ask for a
3 motion to reconsider.

4 LEGISLATOR NICOLELLO: I make that
5 motion.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Nicolello, seconded by Legislator
9 Muscarella.

10 All those in favor of reconsidering
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 The motion to reconsider passes.

15 At this point I move to table these
16 items, and seconded by Legislator Muscarella.

17 All those in favor of tabling signify by
18 saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The items are tabled.

23 I believe that's the end of the calendar.
24 I am going to be calling for a recess. I will
25 put this meeting in recess. I would like really

2 to ask those of you who can to give me a schedule
3 so that I know when you will be available so we
4 can reconvene.

5 Thank you. Sorry this took so long. But
6 guess what? This is it. Thank you to my
7 colleagues on both sides of the aisle. Safe
8 home.

9 (Whereupon, the Full Legislature
10 recessed at 5:37 p.m.)

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C E R T I F I C A T E

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

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2013.

FRANK GRAY