

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

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CARRIÉ SOLAGES

DENISE FORD

LAURA CURRAN

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RICHARD J. NICOLELLO

ELLEN BIRNBAUM

DELIA DeRIGGI-WHITTON

MICHAEL VENDITTO

LAURA SCHAEFER

DENNIS DUNNE, SR.

JUDY JACOBS

ROSE MARIE WALKER

DONALD MACKENZIE

DAVID DENENBERG

WILLIAM MULLER
Clerk of the Legislature

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3 CHAIRWOMAN GONSALVES: We're opening the
4 Full Leg. It's a special meeting of the Full Leg
5 to address some of the items that went before us
6 in Rules and are now going forward and need to be
7 done today because we're trying to meet an Albany
8 deadline.

9 Okay. Ready? Mr. Muller, take the roll.

10 CLERK MULLER: Deputy Presiding Officer
11 Nicolello?

12 LEGISLATOR NICOLELLO: Here.

13 CLERK MULLER: Alternate Deputy
14 Presiding Officer Kopel?

15 LEGISLATOR KOPEL: Here.

16 CLERK MULLER: Legislator Bynoe?

17 LEGISLATOR BYNOE: Here.

18 CLERK MULLER: Legislator Solages?

19 LEGISLATOR SOLAGES: Here.

20 CLERK MULLER: Legislator Ford?

21 LEGISLATOR FORD: Here.

22 CLERK MULLER: Legislator Curran?

23 LEGISLATOR CURRAN: Here.

24 CLERK MULLER: Legislator Becker?

25 LEGISLATOR BECKER: Present.

2 CLERK MULLER: Legislator Muscarella?

3 LEGISLATOR MUSCARELLA: Here.

4 CLERK MULLER: Legislator Birnbaum?

5 LEGISLATOR BIRNBAUM: Here.

6 CLERK MULLER: Legislator DeRiggi-
7 Whitton?

8 LEGISLATOR DeRIGGI-WHITTON: Here.

9 CLERK MULLER: Legislator Venditto?

10 LEGISLATOR VENDITTO: Here.

11 CLERK MULLER: Legislator Schafer?

12 LEGISLATOR SCHAEFER: Here.

13 CLERK MULLER: Legislator Dunne?

14 LEGISLATOR DUNNE: Here.

15 CLERK MULLER: Legislator Jacobs?

16 LEGISLATOR JACOBS: Here.

17 CLERK MULLER: Legislator Walker?

18 LEGISLATOR WALKER: Here.

19 CLERK MULLER: Legislator MacKenzie?

20 LEGISLATOR MACKENZIE: Here.

21 CLERK MULLER: Legislator Denenberg?

22 Legislator Denenberg -- he'll come in. Okay.

23 Minority Leader Abrahams?

24 LEGISLATOR ABRAHAMS: Here.

25 CLERK MULLER: Presiding Officer

2 Gonsalves?

3 CHAIRWOMAN GONSALVES: Present.

4 CLERK MULLER: We have a quorum.

5 CHAIRWOMAN GONSALVES: Okay. Thank you
6 very much.

7 The item that we're first going to move
8 is Item 224, which just went through Rules, which
9 is the item requesting the Legislature of the
10 State of New York to enact and the governor to
11 approve an act authorizing the County of Nassau
12 to alienate certain parcels of land used as park
13 land.

14 Motion, please?

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Nicolello.

20 LEGISLATOR DENENBERG: Could you just
21 have the record reflect I'm here?

22 CHAIRWOMAN GONSALVES: Legislator
23 Denenberg is here with us.

24 Any other comments from the legislators
25 regarding this item?

2 (No verbal response.)

3 Any public comment?

4 CLERK MULLER: Legislator Denenberg is
5 here. I'm sorry. I should have noted that.

6 CHAIRWOMAN GONSALVES: I just said that.

7 CLERK MULLER: Oh. I'm sorry. I didn't
8 hear you.

9 CHAIRWOMAN GONSALVES: Is this a
10 presentation, Mr. May, on this item?

11 MR. MAY: Yes. I have -- my attorney I
12 believe is with Majority Counsel right now. I
13 don't know if we want to start with this one or
14 do another one, but I could certainly begin, if
15 that's what you would prefer.

16 LEGISLATOR NICOLELLO: Do you have
17 representatives from the water district here?

18 MR. MAY: Yes. We could start now. I
19 just have -- my attorney is back speaking with
20 Majority counsel.

21 CHAIRWOMAN GONSALVES: I really want to
22 stay on course.

23 MR. MAY: Absolutely.

24 CHAIRWOMAN GONSALVES: I really do.
25 There's enough confusion today without adding

some more to it.

MR. MAY: It's perfectly clear.

CHAIRWOMAN GONSALVES: Thank you. Where are the representatives from the water district? Are they here?

MR. MAY: They are here.

CHAIRWOMAN GONSALVES: So let them come up and start the presentation, and then I can call for public comment after. Okay?

MR. MAY: Okay.

CHAIRWOMAN GONSALVES: Are you ready?

MR. MAY: I will start the presentation while they're coming up behind me.

CHAIRWOMAN GONSALVES: Go ahead. Start.

MR. MAY: So this is a home rule message to the state legislature to alienate a small portion of the Christopher Morley Park to install an air stripper that will be used to remediate Freon 22 that was found in Roslyn Water District Well Number 4, which is located on Diana's trail.

The testing occurred -- the state didn't require -- that they were paying for a program to test for certain volatile organic chemicals, and during that testing that they were funding they

found Freon 22. Excuse me. The testing was done through the County Department of Health. The Freon 22 was discovered. The water district was notified, and the water district is taking actions to remediate the Freon in the water. This start, I believe, back in March 2013. Some of you may remember during the beginning of this year, I think it was in February, the Town of North Hempstead was approving bonding for the Roslyn Water District to build the air stripper and install on Diana's Trail. A condition of that bonding was that the Roslyn Water District seek from the county the permission to install the air stripper, possibly in Christopher Morley. That is how the county got involved. This was not originally a county issue; it's between the Town of North Hempstead and the Roslyn Water District. And we have attempted to alleviate the concerns of the residents who reside adjacent to the air stripper, the proposed site of the air stripper by placing the air stripper in Christopher Morley as opposed to next to their house.

That's the genesis of this entire

1 project. So now we are here requesting that the
2 State Legislature, as part of the two part
3 process for parkland alienation, began the
4 alienation process. If they vote for it up in
5 the state after we vote for it, then we can take
6 the next steps after that.
7

8 I think the important thing to remember
9 here is that the air stripper is going to be
10 constructed. This is not an option. There is
11 Freon in the water. The water well cannot run
12 with Freon in the water.

13 CHAIRWOMAN GONSALVES: Now who do you
14 have here to speak on this from the water
15 district?

16 MR. MAY: Yes. Mr. Peter Fishbein, the
17 attorney for Roslyn Water District, will take
18 part two of this program.

19 CHAIRWOMAN GONSALVES: Okay.

20 MR. FISHEBEIN: Good afternoon. Peter
21 Fishbein, 170 Old Country Road, Mineola, New
22 York.

23 Members of the Legislature, thank you
24 very much for taking up this item today. It is
25 very, very important and you will hear why in

1 just a few moments from Richard Passariello.
2 Richard is the Superintendent of the Roslyn Water
3 District, and he will explain the need that
4 exists within the district to ensure that there
5 is a proper amount of water available not only
6 for the needs of the residents but also for
7 safety measures such as fire protection,
8 etcetera.
9

10 Also presenting today will be Joe Tedaro.
11 Joseph is an engineer from the firm of H2M, and
12 that is the water district's engineers and he is
13 available to answer any technical questions that
14 may exist with regard to this.

15 The Roslyn Water District has eight wells
16 that are available from which to draw water and
17 serve the residents of the district. Last year
18 two of those eight wells were what we call off-
19 line, that is not available to produce water and
20 serve the needs of the residents. As a result of
21 that, and this is due to the Freon that showed up
22 in well number 4, which is what we're talking
23 about today. As a result of that, the district
24 began to look at implementing some sort of
25 treatment, water filtration system, commonly

2 known as an air stripper. And as Mr. May pointed
3 out, there were some local residents who were
4 concerned about having their air stripper in
5 their community. And when we discussed this with
6 the Town of North Hempstead, we talked about
7 looking for an alternative site; that is the site
8 that is proposed today, across the street in
9 Christopher Morley Park.

10 I would ask Rich Passariello if he would
11 just give you a few comments with regard to the
12 needs of the district.

13 MR. PASSARIELLO: Hello. Rich
14 Passariello, Superintendent of Roslyn Water
15 District.

16 Back in March of 2013, the Roslyn Water
17 District had participated in a pesticide, a
18 voluntary pesticide monitoring program
19 implemented by Nassau County Department of
20 Health. As part of that program, the testing for
21 Freon 22, which is not a contaminant that is
22 normally tested for in public water supplies, was
23 tested. We had discovered that we had Freon 22
24 in two of our wells, and we immediately started
25 to test weekly for that contaminant to see if we

1 would see any kind of change in the level of the
2 Freon 22. Initially the levels were what the
3 Health Department and State Health Department
4 would refer to as acceptable levels.
5

6 Upon weekly sampling of the Diana's Trail
7 Well, Well Number 4, we started to see the rise
8 in the level of Freon 22, to a point where we hit
9 80 percent of the maximum contaminant level. The
10 maximum contaminant level of Freon 22 in a public
11 water supply well is 5 micrograms per liter; we
12 saw it as high as 4.3. When we got those sample
13 results, we immediately, voluntarily, removed the
14 well from service and had our district engineers
15 implement emergency plans for the treatment of
16 that facility, which is an air stripper. Air
17 strippers are the only known form of treatment
18 for removal of Freon 22 from a public water
19 supply at this time.

20 The initial plan was to build an
21 emergency treatment facility at our Diana's Trail
22 property, where the pumping station is. And the
23 residents of our community reached out to the
24 public officials and asked if we could consider
25 relocating that facility to Christopher Morley

1 Park. There was concern from the residents that
2 although the science tells us that there is
3 absolutely no concern with the emissions of Freon
4 22 coming out of an air stripper facility, I
5 believe the actual letter from the State Health
6 Department was in reference to emissions from a
7 contaminant from an air stripper, RFC, which
8 would be a lifetime exposure of that air. We
9 were 2.5 million times below that. So from a
10 scientific standpoint there was no concern. But
11 the residents in the community still felt that if
12 we could put it in the park and get it away from
13 their homes, that would give them a level of
14 comfort. Really no one can say, 30 years from
15 now, what would be the impact of the Freon 22.

17 So we are here before you today to ask
18 you to approve the home rule so that we can
19 proceed and get this air stripper installed as
20 soon as possible. Right now, the Roslyn Water
21 District is in a state of emergency. We have
22 implemented mandatory water restrictions for the
23 18,000 people we serve. And if we don't install
24 this treatment facility as soon as possible,
25 those water restrictions will just continue and

2 continue. So we are asking for your support.

3 MR. FISHBEIN: In the interest of
4 everyone's time, if there are any specific
5 questions that anyone has, we would certainly be
6 glad to entertain them.

7 We've brought our team here. As I said,
8 not only Richard but our engineer is here, and we
9 can certainly, I believe, answer any questions
10 that any of the legislators might have.

11 LEGISLATOR NICOLELLO: Sure.

12 CHAIRWOMAN GONSALVES: Legislator
13 Nicolello.

14 LEGISLATOR NICOLELLO: Thank you,
15 Presiding Officer.

16 In terms of the water supply in general,
17 with more than one well offline, what would be
18 the impact on the residents of the Roslyn Water
19 District?

20 MR. PASSARIELLO: The well that's
21 impacted Diana's Trail Well is located on a piece
22 of property that has a million gallon storage
23 tank at that location. The impact is significant
24 right now because we don't have enough capacity
25 in our system to get water to the west end of our

2 district, which is where Diana's Trail is. So
3 it's significant. Right now we are asking
4 residents to reduce lawn irrigation and follow
5 our restrictions this summer.

6 LEGISLATOR NICOLELLO: And what about --
7 that would be for going forward, that would
8 continue?

9 MR. PASSARIELLO: If we don't put the
10 treatment in and have the treatment up and
11 running by June of next year, we will have to
12 implement watering restrictions for next year.

13 LEGISLATOR NICOLELLO: Okay. Anything
14 other than lawn water restrictions?

15 MR. PASSARIELLO: Lawn irrigation is our
16 primary concern. Normally, on a normal day in
17 January, the water district pumps anywhere from
18 1.7 to 2 million gallons a day. In July, when
19 people are using law irrigation, we can be as
20 high as nine million gallons.

21 LEGISLATOR NICOLELLO: It was mentioned
22 that Freon 22 is what's being treated; is that
23 accurate?

24 MR. PASSARIELLO: That's correct. There
25 are some other volatile organic compounds at that

-- in that well that will also be removed as a result of the air stripper. But the Freon 22 is the contaminant that has hit 80 percent of the MCL and we cannot use the facility until that's treated.

LEGISLATOR NICOLELLO: So the other volatile organic compounds would not need this treatment?

MR. PASSARIELLO: At this time, that is correct.

LEGISLATOR NICOLELLO: These other VOCs would be released along with the Freon?

MR. PASSARIELLO: That is correct.

LEGISLATOR NICOLELLO: As the DEC or the Department of Health weighed in on whether the air stripper is a danger to anyone?

MR. PASSARIELLO: Yes. As part of when you put a treatment facility in, the engineers have to file an engineering report and submit that to the County Health Department for approval. That engineering report was submitted by H2M Group and approved by the County. And as part of that engineering report, the air emissions were included and they were not a

problem.

LEGISLATOR NICOLELLO: You mentioned something about exposure over a lifetime; could you go through that again?

MR. PASSARIELLO: The reason why I mentioned that was I'm trying to explain the side of the residents who live in the community. Their argument is although the science right now tells us that there's absolutely no problem with the emissions from the air stripper, the residents are saying we don't know in 30 years if you're going to be telling us the same thing. It's really no different than someone taking a cell phone and saying what is this going to do in 30 years to me? So that's really the argument that the residents are coming with.

LEGISLATOR NICOLELLO: How much property will be taken from the county?

MR. PASSARIELLO: I believe it's just under a half acre. About a half acre.

LEGISLATOR NICOLELLO: The air stripper equipment, the equipment itself, will it be visible or will it be housed in a structure of some kind?

MR. PASSARIELLO: It will be housed in a structure.

LEGISLATOR NICOLELLO: Okay. The structure itself, your intention is to build something that's as conducive as possible to the setting that it's going to be in?

MR. PASSARIELLO: That is correct.

LEGISLATOR NICOLELLO: So people using the park are not going to see a silo or something of that nature? They're going to see a structure that looks like it could be a maintenance facility or something like that in the park.

MR. PASSARIELLO: That is correct.

LEGISLATOR NICOLELLO: There's been some concern -- and Mr. Dicker is here -- that the -- yes, Mr. Fishbein.

MR. FISHBEIN: Thank you. We do have some renderings of other air strippers and the facilities that have been constructed around them. Just to give you an idea of what this facility could look like, and we've also indicated that we will be working with the Nassau County Department of Health -- excuse me -- the Nassau County Department of Public Works, with

regard to what the facility will look like.

And if I could add two more comments about this air stripping facility.

This is not new science. Air strippers, there are approximately 80 to 100 air strippers located on Long Island. They've been constructed since the 1980s. So this is a tried and true message for removing these VOCs from the water.

Second, the DEC does not require the Roslyn Water District, in this particular case, or any other water district, when building an air stripper to come to them for any sort of approval. This is done, as was already mentioned, through the Nassau County Department of Health. And the DEC has labeled the air emissions from an air stripper as negligible. The DEC itself does not see a problem with what comes out of the air stripper.

LEGISLATOR NICOLELLO: Mr. Fishbein, do you know if there is another air stripper in the park currently?

MR. FISHBEIN: There is an air stripper located to Port Washington Boulevard, and I believe it is owned by the Port Washington Water

2 District.

3 LEGISLATOR NICOLELLO: Are you familiar
4 with -- you may not know this but Mr. Tedaro may
5 known this. Are there other air strippers in
6 parkland in Nassau County?

7 MR. FISHBEIN: Offhand, sir, I don't
8 know that. I can tell you again, along Port
9 Washington Boulevard, I believe
10 Manhasset/Lakeville also has an air stripper over
11 in that area.

12 LEGISLATOR NICOLELLO: Mr. Dicker will
13 be up, he's a resident of Roslyn Estates, to
14 speak in a few moments about the location of
15 this, the proposed location in the park as
16 opposed to the current location.

17 Did anyone do any measurements, in terms
18 of the distance from the proposed facility,
19 current water district property, and the
20 residents on Tulip Lane?

21 MR. FISHBEIN: Yes. We did. Mr.
22 Tedaro, from H2M, has that information.

23 LEGISLATOR NICOLELLO: We're not going
24 to be able to see that. Perhaps you can just
25 tell us.

MR. FISHBEIN: Joe, maybe you can just explain the numbers.

MR. TEDARO: Joe Tedaro from H2M Architects & Engineers, the engineers for the district.

We actually met with Mr. Dicker at the site and his neighbor, who, I apologize, but his --

LEGISLATOR NICOLELLO: Mr. Dicker, we're going to let him do his presentation and then the residents will have an opportunity to speak.

MR. DICKER: I have a position that I would like to --

LEGISLATOR NICOLELLO: You'll be allowed to speak.

CHAIRWOMAN GONSALVES: You'll have an opportunity, sir. After the presentation you will have an opportunity to comment.

MR. TEDARO: The map going around, we measured the distance from the proposed location in the park against the proposed location of where it would have been on the Diana's Trail site. From 17 Tulips, it was approximately 786 feet from the existing location and 761 feet from

2 the proposed location.

3 LEGISLATOR NICOLELLO: Okay. Could you
4 give those numbers again?

5 MR. TEDARO: 786 from Diana's Trail site
6 and 761 from the proposed site.

7 LEGISLATOR NICOLELLO: You're talking
8 about 25 feet difference.

9 MR. TEDARO: There's 25 feet difference.

10 LEGISLATOR NICOLELLO: I have nothing
11 further, no other questions at this time.

12 CHAIRWOMAN GONSALVES: Legislator
13 Denenberg.

14 LEGISLATOR DENENBERG: Hi. Is there a
15 primary responsible party for this Freon?

16 MR. FISHBEIN: We have clarification
17 right now from the DEC that they are
18 investigating the potential source of the Freon.
19 That is not identified as of yet and, in fact,
20 sir, may never be.

21 One of the problems with Freon is it
22 could have been in the ground and in the
23 underground water supply going back 20 or 30
24 years and now, given the movement of the
25 underground water supply, has just started to be

2 pumped up through this particular well.

3 LEGISLATOR DENENBERG: My concern is
4 Freon, in and of itself, is a fluorinated
5 hydrocarbon. It's not even chlorine. It's
6 fluorine that we're talking about. It's
7 classically very difficult. There's a lot of
8 breakdown components. So I want to understand a
9 little bit about the technology for the removal
10 here.

11 Often Freon comes from a refrigerant. We
12 can't detect or there hasn't been -- it seems to
13 me that the DEC knew about this contamination for
14 many years, correct?

15 MR. FISHBEIN: I don't know when the DEC
16 -- I can tell you we, the district, notified the
17 DEC and they responded --

18 LEGISLATOR DENENBERG: The district
19 meaning the Roslyn --

20 MR. FISHBEIN: The Roslyn Water
21 District.

22 LEGISLATOR DENENBERG: How long have you
23 known about it?

24 MR. FISHBEIN: We found out about this
25 last August. The test was done by Nassau County

2 in March of '13. We were notified in August of
3 '13 that there was a presence of Freon. The
4 district then commenced testing to retest over
5 the next several weeks. The tests, in a summary,
6 went up and down a bit but ultimately they
7 continued to rise. At that point, in November
8 the district took the well out of service. And
9 here we are roughly six, seven months after that
10 all occurred.

11 We did receive notification from the DEC
12 in January that they had received our letter
13 notifying them of this and that we're undertaking
14 a study or would be evaluating whether to
15 undertake a study. I believe it was March we
16 were notified that they would be trying to
17 identify the source.

18 LEGISLATOR DENENBERG: There are a lot
19 of questions here.

20 So we're trying to find the responsible
21 party. I guess for you that would be to defray
22 some of the costs of this cleanup, I would
23 assume, right?

24 MR. FISHBEIN: Absolutely. If we could
25 find who that might be, we would certainly look

2 at that option.

3 LEGISLATOR DENENBERG: The technology
4 and some of the more recent technology, in terms
5 of breaking down VOCs, particularly in this case
6 fluorinated hydrocarbons, air sparging, soil
7 vapor extraction, that was not a legitimate
8 option?

9 MR. FISHBEIN: I'm going to ask Mr.
10 Tedaro --

11 LEGISLATOR DENENBERG: Just because it
12 wouldn't have as big a tower. It would have a
13 system where you're pumping air into the
14 underground. I'm just trying to understand. It
15 would be a little less invasive.

16 MR. FISHBEIN: The system that the
17 district is planning on installing is an air
18 stripping tower. It will go up about 25 feet. I
19 will explain it in what I call layman's terms,
20 and then I'll ask Mr. Tedaro to add the science
21 to it.

22 The air stripper -- the facility is
23 filled with plastic balls. And what happens is
24 the water is taken to the top of the facility,
25 comes down, and cascades over the plastic balls,

2 and air is blown over that. Freon, like other
3 VOCs, likes air better than it does water. So as
4 it is cascading down it, in essence, comes out of
5 the water, goes up into the air, and then is
6 discharged from a discharge system located at the
7 top of the cylinder.

8 LEGISLATOR DENENBERG: Just so you know,
9 in something like that the reason why the tower's
10 so high is those balls each have surface area
11 which come in contact with the volatile organics
12 and hope to break them down. More recent
13 technology, by and large, has soil vapor
14 extraction where the air is actually pumped into
15 the soil vapors themselves or even air sparging,
16 which doesn't require quite that big of a tower.
17 So I don't know if anyone can tell me why we're
18 going with something that works, I think, but
19 it's old technology.

20 MR. TEDARO: The technology for
21 sparging, etcetera, are really remediation issues
22 for sites with soil, issues with the soil and the
23 water, to clean that up. Right now we're talking
24 about a well that's 500 feet down, that's where
25 we're getting the water from. So, for us, you'd

1 have to do that at the site where it's starting
2 to clean up the site at that location and that's
3 not really in our prerogative to do. We're just
4 trying to treat the water to supply it.
5

6 LEGISLATOR DENENBERG: Did we delineate
7 the extent to this plum yet?

8 MR. TEDARO: No.

9 LEGISLATOR DENENBERG: We have not
10 delineated it yet?

11 MR. TEDARO: No. The DEC has just
12 started. We just got the letter in January that
13 they were going to start investigating it.

14 LEGISLATOR DENENBERG: So we don't
15 really even know where the system would end up
16 then?

17 MR. TEDARO: No.

18 LEGISLATOR DENENBERG: Until we know the
19 extent.

20 MR. TEDARO: That's correct.

21 LEGISLATOR DENENBERG: So you're coming
22 to us because you need to use part of the
23 parkland for a good purpose, cleaning drinking
24 water. How do we know how much we have to
25 alienate to give it to you in order to

2 effectively remediate when we haven't delineated
3 the extent of the plum yet?

4 MR. TEDARO: As part of our design
5 report to the Nassau County Health Department,
6 part of that process is we have to pick a
7 technology, they have to approve it. We have to
8 pick a design level that we're designing for and
9 they have to approve it. We've gone with the
10 design level of 43 parts per billion. It's at
11 4.3 now. No well in Nassau County has ever hit
12 43. Thirty-one I believe is the highest that's
13 been hit. We're confident that that number is
14 enough to hit this plum.

15 Unfortunately, in a lot of cases when we
16 design treatment plants, we don't know the
17 source. We don't know what the plum is like.
18 It's only when you get big jobs like Grumman or
19 some larger plums that you can track them. The
20 smaller ones, and I say smaller but it's still
21 over the limit. When it hits five parts per
22 billion or ten parts per billion, it's very small
23 to track.

24 LEGISLATOR DENENBERG: No one's record's
25 particularly good on this, whether it's a large

1 plum. A lot of us are still can't believe that
2 the Grumman plum's never really been fully
3 delineated and keeps moving south. And I'm a
4 little nervous that this plum would be too.
5

6 If I understand what's going on here,
7 we're being asked to give part of parkland and
8 then we have to go to the state, and that's going
9 to require this year the State Legislature to
10 vote on it and hopefully next year to vote on it
11 in order for the county to alienate parkland.
12 But how do we identify what parkland we're
13 alienating when we don't even know where -- we
14 don't know exactly what this remediation system,
15 where it's going to be, what the best point is.
16 What you're going to do is pump and treat
17 basically, right?

18 MR. TEDARO: We have a well. The well
19 is at Diana's Trail. So that is the point of our
20 treatment, is that well.

21 LEGISLATOR DENENBERG: Okay.

22 MR. TEDARO: So we're treating the water
23 out of that well. The location, the size, the
24 location, we know the size of the tower we need
25 and we know the plant size we need, which is the

2 plot of land that we're asking for. That won't
3 vary. We're not looking to treat it elsewhere.
4 We're just trying to treat that one well.

5 LEGISLATOR DENENBERG: How do we know
6 that that's going to get the entire plum when we
7 haven't really identified or delineated where
8 that plum is?

9 MR. TEDARO: We don't. Our
10 responsibility is to deliver safe drinking water
11 out of that well.

12 LEGISLATOR DENENBERG: I get it. I feel
13 for you because all of a sudden you have a well
14 that you've been using for any number of years
15 and now it's coming up with Freon in it. You
16 can't use it, you have to shut that well. And
17 now you need to extract water from there, treat
18 it with the hope that it's going to be clean.

19 Do you have wells south and north that
20 are clean right now?

21 MR. TEDARO: It's in the southern most
22 part of that west. Well number 8, which is on
23 Mineola Avenue, is north about half a mile. That
24 has been impacted also. We have to build a
25 stripping tower there also. We're worried if we

1 don't treat at it four it's going to hit harder
2 up north. We have two wells in line further
3 north that we want to make sure that we treat,
4 start treating it here.
5

6 LEGISLATOR DENENBERG: You're treating
7 it south.

8 MR. TEDARO: Yes.

9 LEGISLATOR DENENBERG: The well south of
10 you is impacted as well. The well south of the
11 well right here is impacted as well.

12 MR. TEDARO: We don't have a well south.

13 LEGISLATOR DENENBERG: Okay.

14 MR. TEDARO: The district ends right at
15 the north end of the park, and that's where the
16 well is.

17 LEGISLATOR DENENBERG: Which district is
18 south of you?

19 MR. TEDARO: It's either Albertson or
20 Manhasset/Lakeville.

21 LEGISLATOR DENENBERG: Does the ground
22 water or the aquifers, which direction does it
23 flow there?

24 MR. TEDARO: It flows north.

25 LEGISLATOR DENENBERG: It flows north.

2 Okay. So it's flowing towards the Sound.

3 MR. TEDARO: It's flowing towards the
4 north. I'm sorry.

5 LEGISLATOR DENENBERG: That would be
6 towards the Sound, right?

7 MR. TEDARO: To the Sound. I'm sorry.
8 I thought you said south.

9 LEGISLATOR DENENBERG: No. No. I said
10 Sound.

11 MR. TEDARO: I'm sorry. Yes. You're
12 correct.

13 LEGISLATOR DENENBERG: And the well
14 north right now is not impacted.

15 MR. TEDARO: The well just north of this
16 well has been impacted.

17 LEGISLATOR DENENBERG: Oh, wow.

18 MR. TEDARO: It's about 2.5 parts per
19 billion.

20 LEGISLATOR DENENBERG: And where is
21 that?

22 MR. TEDARO: The Maples. The Maples and
23 Mineola Avenue.

24 LEGISLATOR DENENBERG: If you pump in
25 order to treat from the well at Christopher

Morley, I don't know what you want to call that.
What's the well number?

MR. TEDARO: Well Number 4. It's
Diana's Trail.

LEGISLATOR DENENBERG: So if you pump
from well number 4 are we impacting -- what's the
number of the well just north?

MR. TEDARO: Number 8.

LEGISLATOR DENENBERG: Would we be
drawing back from well number 8 as well?

MR. TEDARO: We would hope that if we
start pumping at four that we would keep it from
getting to eight. That's the hope, that 8
wouldn't get as impacted as --

LEGISLATOR DENENBERG: But you're saying
it's already there, correct?

MR. TEDARO: It's a continuous flow of
water --

LEGISLATOR DENENBERG: So let's get to
the timing, right? We can't start this. If we
alienate, as Mr. Nicoletto was asking, if we
alienate now or vote to do it we need the State
Legislature to approve it this year, in '14, and
then against next year in '15. Is that enough

2 time and what does the DEC say?

3 MR. FISHBEIN: Presuming this body
4 approves this today and we have the first passage
5 through New York State potentially next week, we
6 have talked with the county about entering into a
7 license agreement, license/permit agreement which
8 would allow the district access into the site
9 commencing in July/August, and that license would
10 obviously have to be approved by this body as
11 well. Under that license agreement, one of the
12 items that -- and that would allow the district
13 to start construction of the site. And the goal
14 of that would be to have the site and their air
15 tower completed by the spring of '15 so that the
16 restrictions that are currently in effect within
17 the Roslyn Water District would not be in effect
18 for next year.

19 The county has indicated to us in the
20 event that we did not obtain a second approval
21 from New York State, that license/permit
22 agreement would require the district to remove
23 its facility from the park.

24 LEGISLATOR DENENBERG: We built ball
25 fields on these one year permits. I think

1 keeping drinking water clean, I don't know why
2 we're not doing -- Mr. May, maybe you explain why
3 we're not doing a one year permit on something
4 that really needs to be up and operating as fast
5 as possible, given that the well to the north is
6 already impacted.

7
8 MR. MAY: That's what we're attempting
9 to address here. If we have the State
10 Legislature's -- let's do this in order. First,
11 we have to have your authorization. Then, if we
12 have the State Legislature's authorization, we
13 are contemplating entering into, as Mr. Fishbein
14 said, a license permit agreement to allow the
15 water district to begin work in the park,
16 contingent upon the subsequent approval by this
17 body and then the state legislature in the spring
18 for this facility. If, for some reason -- just,
19 as you're saying how important this is. If, for
20 some reason, this does not get passed either by
21 you now, the state legislature now, you now next
22 year, the state legislature next year, that the
23 water district would be responsible for removing
24 their equipment from the park and restoring it
25 to, you know, its pristine state, if you want to

2 say.

3 Really, we're trying to do everything
4 that we can to address the concerns of the Roslyn
5 Water District, address the concerns of the
6 residents, the immediate residents who would be
7 impacted immediately by the construction of the
8 water stripper, air stripper at Diana's Trail,
9 and the residents of the County at large. We're
10 trying to do this as, you know -- I don't know
11 what the right adjective is.

12 LEGISLATOR DENENBERG: I know. You're
13 trying to --

14 MR. MAY: We're trying to address
15 everybody's concerns and do this as expeditiously
16 as possible.

17 LEGISLATOR DENENBERG: I just think it's
18 ironic that here we're going to go through the
19 state alienation of parkland laws and we built
20 hockey rinks and ball fields saying it's one year
21 permits that are terminable at will or whatever
22 they are, even though to me those are really 30
23 years. Here, we need to get something done to
24 clean this water and I have no problem going
25 through the correct process. I'm just concerned

about the contamination continuing to move before this becomes operable -- I didn't catch what you said. Did you say summer 2015? So one year from now.

MR. FISHBEIN: Our goal is to have this facility up and running one year from last month.

LEGISLATOR DENENBERG: How do we monitor to understand how far -- how do we monitor --- there are two questions, really. How do we monitor that this contamination doesn't continue to move down gradient, which in this case is north, in the meantime? And I would assume we're monitoring well number 8 and whatever's north of well number 8, correct?

MR. FISHBEIN: Yes. There is continuous monitoring at all of the wells within the district.

LEGISLATOR DENENBERG: Where is well number 8 located? This is well number 4.

MR. FISHBEIN: This is well number 4 on Diana's Trail. Well number 8 is located on Mineola Avenue.

LEGISLATOR DENENBERG: Mineola Avenue?

MR. FISHBEIN: Yeah. Joe, what did you

2 say, about a half mile north?

3 LEGISLATOR DENENBERG: And do you draw
4 from both wells right now?

5 MR. FISHBEIN: We are not drawing from
6 well number 4; that is offline, out of service
7 until we can build this facility and get it back
8 online. Well number 8 can be used, but that's
9 being put online last. Right, last on, first
10 off.

11 LEGISLATOR DENENBERG: Okay. Who is the
12 -- what's the name of the environmental
13 consulting firm that's installing this?

14 MR. FISHBEIN: The engineer's H2M.

15 LEGISLATOR DENENBERG: Okay. You say
16 the engineers, there's actually a company that's
17 doing the operation on top of H2M?

18 MR. FISHBEIN: No. H2M did the design
19 of the water filtration system, had that approved
20 by the Nassau County Department of Health, and
21 will oversee the construction.

22 LEGISLATOR DENENBERG: Has the DEC
23 approved anything yet?

24 MR. FISHBEIN: There is no DEC approval
25 required for this type of facility.

LEGISLATOR DENENBERG: For the remediation we don't need DEC approval, it's all DOH?

MR. FISHBEIN: That is correct.

LEGISLATOR DENENBERG: Is it State DOH too?

MR. FISHBEIN: Just the Nassau County Department of Health.

LEGISLATOR DENENBERG: Okay. Why aren't we going with a use and occupancy permit, Mr. May? We've done use and occupancy permits, whether this side of the aisle has favored it or not and considered it alienation of parkland or not. We've done use and occupancy permits for a number of items. My concern here is I don't know what would make this go faster.

MR. FISHBEIN: Mr. Denenberg, if I could respond to that. And I know you made mention of some ball fields and so forth.

This facility will cost just shy of \$3 million to construct. While a use and occupancy would be terrific, the fact of the matter is with a \$3 million investment of the taxpayers' funds, the district is looking for something that is

2 more permanent in nature. While there's always
3 the chance that the remediation would no longer
4 be needed, given the overall ground water supply
5 on Long Island, I think we all have an
6 understanding that these issues that we are
7 facing are only going to become greater as we
8 move forward. We anticipate that this facility
9 will be in place --

10 LEGISLATOR DENENBERG: I agree with you.
11 I have never seen and I've done this business in
12 my engineering and law practice. I've never seen
13 a remediation that doesn't take longer than
14 expected or hoped for. It always does. I don't
15 know why. I guess it's because it's difficult to
16 fully delineate. There's, just in the last few
17 years there's been even bigger investments made
18 in parks by private companies, private enterprise
19 for bigger investments based on use and occupancy
20 permits. And I'm just looking at that as a way
21 to get you started faster, no matter what the
22 state does.

23 Everyone here is very concerned about
24 aquifers and clean drinking water.

25 MR. MAY: Legislator Denenberg, just to

2 address your concern.

3 I don't think government is ever really
4 known for moving fast. As far as this process is
5 concerned --

6 LEGISLATOR DENENBERG: That's for sure.

7 MR. MAY: we are moving it like
8 lightening speed. The state's involved. The
9 Village of Roslyn Estates was involved. The
10 County's involved. We are coordinating a lot of
11 different people. There's a lot of different
12 moving parts on this. And I think we're doing
13 this the right way to make sure that we can
14 protect both the residents, again, who live
15 directly adjacent to the facility at Diana's
16 Trail, the residents who are going to be using
17 the park facility, as well as everybody who is
18 going to be drawing on the water supply from the
19 Roslyn Water District. I think it's important
20 that it's just done correctly, and that's why
21 we're doing it the way we're doing it.

22 I think this is lightening fast. I have
23 not seen too many things move with this speed.

24 LEGISLATOR DENENBERG: The use and
25 occupancy permit, again, would allow it to move

2 quicker and without the state alienation issues
3 that I've disagreed with you in the past.

4 The bottom line, I guess my question
5 environmentally and scientifically would be do we
6 know for sure that well number 4 is where we need
7 to draw back from or is this something that we
8 need to fully -- we still need to test and fully
9 delineate, and it might be that we need to put
10 this system elsewhere just in order to completely
11 effect the plum of Freon that right now you just
12 said we haven't fully delineated.

13 MR. FISHBEIN: As a matter of fact, the
14 district will be constructing a similar water
15 filtration system, an air stripper at well number
16 8, and the hope is to have that air stripper
17 online one year from now, as well as the one for
18 well number 4.

19 LEGISLATOR DENENBERG: So that we'd be
20 drawing from both wells with the hope that
21 wherever the source is and wherever it's moved we
22 could be drawing in the contamination entirely?

23 MR. FISHBEIN: With the hope that the
24 system should be removing Freon and all of the
25 other VOCs from the water supply, allowing us to

put that out to the public for drinking, fire safety, irrigation, etcetera.

LEGISLATOR DENENBERG: So, in other words, we're going to be pumping from both wells and we're going to have a tower at both wells to treat and put it back?

MR. FISHBEIN: Yes.

LEGISLATOR DENENBERG: Okay. Thank you.

MR. FISHBEIN: If I might.

CHAIRWOMAN GONSALVES: Yes, sir.

MR. FISHBEIN: We did distribute the draft environmental assessment form that was completed by the district's engineers and reviewed by the Board of Water Commissioners of the Roslyn Water District. If you'll note, the water district has declared itself lead agency under the New York State Environmental Quality Review Act, SEQRA, and has classified this as an unlisted action and will be notifying all of the other relevant parties associated with this. This is a 13 page document. The district did not use a short form which, those of you familiar with SEQRA are aware that that is an option

available to it. The district opted for the long form and has found that there is no environmental impact associated with this project going into Morley Park.

We can go through this form if you'd like, in terms of each of the questions or if anyone has any specific questions. But I think the relevant facts are that it is an unlisted action, the water district would be the lead agency and there is no environmental impact associated with it.

LEGISLATOR DeRIGGI-WHITTON: Thank you, Madam Chair.

What was the number, well number at well number 8 now?

MR. FISHBEIN: The latest test.

MR. PASSARIELLO: The highest level that we saw at well number 8 was 2.8 micrograms per liter.

LEGISLATOR DeRIGGI-WHITTON: When did you start testing well number 8?

MR. PASSARIELLO: At the same time we started testing well number 4.

LEGISLATOR DeRIGGI-WHITTON: How much of

an increase have you seen?

MR. PASSARIELLO: The initial test was 1.7 micrograms per liter. We got as high as 2.5. The most recent test at well number 8 was 1.8.

LEGISLATOR DeRIGGI-WHITTON: So it's varying. It's not only just increasing, it's varying.

MR. PASSARIELLO: That's correct.

LEGISLATOR DeRIGGI-WHITTON: Okay. And the other question I have, are there any other wells that you're concerned about other than these two?

MR. PASSARIELLO: Yeah. We have a third well, well number 1, that has very, very low detection levels.

LEGISLATOR DeRIGGI-WHITTON: Are they all connected pretty much at the same water source?

MR. PASSARIELLO: All of our wells come from the same aquifer, the Magathey Aquifer.

LEGISLATOR DeRIGGI-WHITTON: One other quick question.

What system do we have in place to monitor the air?

2 MR. PASSARIELLO: What happens is by
3 monitoring the water you're, in essence,
4 monitoring the air. If you see your raw water
5 levels go up then you know your emissions to your
6 air would be going up.

7 LEGISLATOR DeRIGGI-WHITTON: What level
8 is the level we should be concerned of? Is there
9 any reason to be concerned of that number in the
10 air?

11 MR. PASSARIELLO: Like I said earlier,
12 we had the State Health Department do an
13 evaluation on the emissions of Freon 22 into the
14 air, and they base it on an RFC, which would be
15 what would be the health affects if you had a
16 lifetime exposure? And at 2.5 million times
17 below what we're emitting our of the air stripper
18 there, there would still be no known health
19 effects.

20 LEGISLATOR DeRIGGI-WHITTON: 2.5 million
21 times -

22 MR. PASSARIELLO: Below.

23 LEGISLATOR DeRIGGI-WHITTON: below.

24 MR. PASSARIELLO: Right.

25 LEGISLATOR DeRIGGI-WHITTON: Below not

above.

MR. PASSARIELLO: Below.

LEGISLATOR DeRIGGI-WHITTON: So there's really no way to monitor the air itself. We just go by the water.

MR. PASSARIELLO: Not at the levels that -- they're so minute that the technology isn't there.

LEGISLATOR DeRIGGI-WHITTON: Just so I have an idea. Obviously, the wind and all comes into play. But what is the normal distribution of the -- as far as, like, is there any moisture that comes out of that from the air? Are there going to be water droppings or anything from the facility itself?

MR. PASSARIELLO: No.

LEGISLATOR DeRIGGI-WHITTON: All right. Thank you.

MR. PASSARIELLO: You're welcome.

MR. FISHBEIN: So I'd just like to turn back to the environmental assessment from that I had brought up a little bit earlier.

You've heard from the engineer with some scientific evidence, also Mr. Passariello with

1 some scientific evidence. If we look in the
2 environmental assessment form you will see it
3 supports what is listed here. But if you'll also
4 look, for example, on page 4, letter G about the
5 proposed action include new construction, it
6 talks here about a height of 30 feet, a width of
7 42 feet, a length of 26, so about a 1200 square
8 foot facility. That's not a tremendous building
9 that is going to be placed within the park.
10 We've provided you with some renderings with
11 regard to that.

12
13 Additionally, it's interesting. One of
14 the questions in here had asked is there an
15 increased demand for water, and I almost wanted
16 to write in the answer when we were working on
17 this, no, but it will certainly help in terms of
18 providing additional water.

19 There is no disturbance here. If you
20 look at page 6, disturb more than one acre, this
21 is a smaller facility. This is approximately .55
22 of an acre. So, as Mr. Tedaro mentioned earlier,
23 it is just over half an acre. Again on page 6,
24 letter G near the bottom, there is no emission
25 sources here that require any New York State air

1 registration, air facility permit. There will be
2 no increase in traffic. And that was a question
3 that came up earlier at another hearing that we
4 held.

5
6 The Roslyn Water District once a day, at
7 a minimum, sometimes twice, but once a day sends
8 one of the trucks to the facility to check on the
9 facility, take the samples that need to be taken
10 and so forth. So we will not have any sort of an
11 increase in traffic that would be associated with
12 this.

13 There is no storage of petroleum, which
14 you will see on page 8, no hazardous material as
15 indicated on page 9. We are not in a flood
16 plain, that will be on page 11. And on the top
17 of page 12, the document discusses the predominant
18 wildlife species that are there, and we have
19 nothing -- none of the science has shown that any
20 of those species would be negatively impacted as
21 a result of the construction of this facility.

22 In summary, and we'll be glad to answer
23 any other questions that you may have. But in a
24 summary, and Legislator Denenberg brought this
25 out, we need to treat the water. As Mr. May said

2 earlier, whether it's at the Morley Park site,
3 whether it's at the original site, this well
4 needs to be in service, the water from this well
5 needs to be treated.

6 The Morley site works. In terms of the
7 environmental assessment, it works within the
8 confines of that, it works for the residents in
9 that area who are immediately surrounding well
10 number 4. And we respectfully request that this
11 body pass the home rule message necessary so that
12 this can move forward at the state level.

13 Thank you.

14 CHAIRWOMAN GONSALVES: Any other
15 questions from the legislators? Legislator
16 Curran.

17 LEGISLATOR CURRAN: Are there any
18 hypotheses as to how the Freon got there? I know
19 you don't know for sure, but are there any
20 theories about it?

21 MR. FISHBEIN: We don't have any
22 theories with regard to where the Freon came
23 from. There are a number of wells up there that
24 are impacted, not only Roslyn's. Some of those
25 wells, they do not know the source either.

2 If I could just ask indulgence for one
3 second. We are also going to request of the
4 legislature that they would adopt our findings
5 with regard to the EAF, and that is that Roslyn
6 Water District would be the lead agency, that it
7 is an unlisted action, and that there is a
8 negative environmental impact.

9 LEGISLATOR DENENBERG: Point of order,
10 through the Chair, please.

11 CHAIRWOMAN GONSALVES: Legislator
12 Denenberg.

13 LEGISLATOR DENENBERG: You just said in
14 terms of adopting a negative EAF --

15 MR. FISHBEIN: No. I used --

16 LEGISLATOR DENENBERG: If we were the
17 lead agency, then we'd do that kind of a
18 declaration and we'd have to opine upon it.
19 That's not the matter presented to us. If you
20 are correct and you are the lead agency, then the
21 neg dec or the environmental form that's been
22 adopted would be yours. We're not voting on your
23 findings. What we're voting on right here is a
24 matter of giving you a permit or allowing you and
25 the first step in an alienation of parkland so

2 that you can put the remedial system on Nassau
3 County parkland.

4 MR. FISHBEIN: I will leave that to the
5 legislature. And when I said negative -- what I
6 mean is there is no environmental impact.

7 LEGISLATOR DENENBERG: If we were the
8 lead agency, that's a decision through the
9 Planning Commission or through whoever we
10 designate to make that evaluation, we can adopt
11 that. We're not making that kind of an adoption
12 right here. And there's nothing that we could
13 do. There is no such thing here as sense of the
14 legislature where we can say our sense is that
15 this is good or bad for the environment. If,
16 under State Law and the SEQRA process, Roslyn
17 Water District is the lead agency, you make that
18 determination. I see counsel's here as well. I
19 don't think that's before us.

20 MS. HOUDEK: Jane Houdek, Nassau County.
21 This is an uncoordinated review. It's an
22 unlisted action so, therefore, there doesn't need
23 to be a coordinated review and there doesn't need
24 to be a lead agency.

25 The EAF is presented to you and explained

2 to you so that you and explained to you so that
3 you may look at it and concur with the contents
4 of the EAF. Not concur with the contents, rather
5 review it. You've had it explained to you and
6 you may look at it and ask questions and
7 determine whether or not you think more
8 information is needed or whether the EAF is
9 adequate for purposes of your decision making
10 today. And so when you look at the EAF, you're
11 conducting your review based upon the finding --
12 based upon the EAF of the Roslyn Water District.
13 That's normally what we do with every IMA that we
14 enter into with villages and others, we have them
15 prepare the EAF and we review the EAF.

16 LEGISLATOR DENENBERG: Ms. Houdek, we're
17 using the information provided to us to vote on a
18 resolution. The resolution is requesting the
19 state legislature --

20 MS. HOUDEK: Right.

21 LEGISLATOR DENENBERG: to pass an act
22 that would allow alienation of parkland for the
23 remedial system.

24 MS. HOUDEK: Right. And you're
25 concurring that it's an unlisted action and

2 you're looking at the environmental review of
3 that unlisted action.

4 LEGISLATOR DENENBERG: We're voting on a
5 resolution. I don't know that we're concurring
6 on anything by this vote. It's just not part of
7 the resolution. And I don't know why you need us
8 to concur. If we don't think that the state
9 should approve alienation of this parkland for
10 Roslyn Water District, then we should vote no.
11 If we think that Roslyn Water District is trying
12 to clean up well number 4 by utilizing our
13 parkland, then we should vote yes. Whether
14 you've conducted the proper EAF or not, if we
15 think that you didn't, then maybe we shouldn't
16 vote for this, but that's not what we're voting
17 on. We are not ratifying whether the EAF was
18 conducted properly. If someone up here thinks
19 I'm wrong on this, say something. But I think
20 what we're voting on is simply the resolution
21 that would ask the state to allow this
22 alienation.

23 CHAIRWOMAN GONSALVES: Legislator
24 Birnbaum.

25 LEGISLATOR BIRNBAUM: In alienating the

2 parkland, is there a condition that the county
3 dedicates an equal amount greater to the value of
4 that parkland for capital improvements at the
5 park and that will be funded by the Roslyn Water
6 District?

7 MR. FISHBEIN: Yes. The state
8 legislation allows either the replacement or a
9 fair market value, and that's the way the state
10 legislation has been written, for the exchange of
11 funds of a fair market value that would go
12 towards improvements -- I'll let the county
13 handle where they're going to go -- towards
14 improvements I believe within Christopher Morley.

15 MR. MAY: Yes, that's correct.

16 I'm sorry. Was there a follow-up
17 question?

18 LEGISLATOR BIRNBAUM: Are there any
19 plans of what kind of improvements might be made
20 at that park?

21 MR. MAY: I don't want to speak for the
22 parks department right now. I'm sure there's a
23 wish list.

24 LEGISLATOR BIRNBAUM: But it will stay
25 in that park?

MR. MAY: The funds are being earmarked for Christopher Morley.

CHAIRWOMAN GONSALVES: Any other questions or comments from the legislators?

(No verbal response.)

Now, if the presentation is over, Mr. May, it's time for public comment. And I'm going to begin -- and I did say that I would get to you after the presentation. I have Richard Oberlander.

MR. OBERLANDER: Richard Oberlander.

CHAIRWOMAN GONSALVES: Some of the letters run into each other so I couldn't read it. Sorry. Go ahead.

MR. OBERLANDER: I am a certified arborist and I live in the Roslyn area. I find it absolutely reprehensible that they want to go in and cut down hundred year old trees. Nobody's mentioned these trees are already marked. They want to cut a road right through and cut down trees that can't be replaced. This is an oak tulip forest and we don't have any down in the south of New York, very few. This strip can be put closer to the homes. If the people in the

2 homes don't like it, my attitude is they can
3 leave. I believe that there are a couple of
4 dozen of these strippers all over Nassau County
5 where the gasoline has leaked into the soil by
6 the gas stations. I see these units sitting
7 everywhere. They don't emit anything that's
8 harmful. Just going into New York City and
9 living in there or in Queens or Brooklyn, just
10 breathing the air is worse than staying next to
11 one of these strippers. And you can't replace
12 100 year old beech, oak, and tulip trees that are
13 in this area of the park. And they are already
14 marked that they want to cut them down.

15 Thank you.

16 CHAIRWOMAN GONSALVES: Thank you.

17 Next speaker is William Stegemann.

18 MR. OBERLANDER: Does anybody have any
19 questions on this?

20 CHAIRWOMAN GONSALVES: We don't usually
21 do that. Thank you.

22 Mr. William Stegemann.

23 MR. STEGEMANN: Good afternoon. Thank
24 you.

25 CHAIRWOMAN GONSALVES: State your name

2 and your address, please.

3 MR. STEGEMANN: My name is Bill
4 Stegemann. I live at 569 Bellmore Street, which
5 is West Islip, in Suffolk County, but I'm here
6 today representing the Long Island Group of the
7 Sierra Club. I'm conservation chair for the
8 group.

9 First, I would like to read a statement
10 written by our group chair, Mark Kinnucan and
11 myself.

12 Long Island Sierra Club opposes the
13 placement of Roslyn Water District's proposed air
14 stripper in Christopher Morley Park and urges
15 Nassau County to find a suitable alternative.
16 Placing the air stripper in the park would
17 detract significantly from the character of the
18 park, as well as necessitate the removal of a
19 large number of mature trees, as you've just
20 heard.

21 Nassau County has few remaining national
22 forests and dedicated open space areas. Those
23 that remain, especially our parks, need to be
24 protected for public recreation and habitat for
25 wildlife.

As an environmental group with over 6,000 members on Long Island, the Long Island Sierra Club seeks to the protection and expansion of open space and wildlife habitat. Parks are embodiments of a public trust, a place for recreation and enjoyment of nature beauty. They need to be kept as such. You must resist the urge to think of parks, in general, and Christopher Morley Park, in particular, as multi-function facilities.

I would just like to add to that that more and more Long Islanders are beginning to understand that our aquifer system faces serious threats, and in Nassau County that includes over pumping as well as pollution.

Significant challenges and critical choices lie ahead for us. But selling off one nature source in the passive recreation portion of Christopher Morley Park for the sake of another, clean water, is not necessary in this situation. Just because there's no building or infrastructure there does not mean that there is nothing of real value to Nassau County residents.

Thank you for the opportunity to speak.

2 CHAIRWOMAN GONSALVES: Thank you, Mr.
3 Stegemann.

4 Richard Brummel. What is it, Mr.
5 Brummel? Are you going to speak?

6 MR. BRUMMEL: No problem. Okay. I have
7 a written statement in case there's not enough
8 time.

9 I collected a petition from park users,
10 there are 150 signatures here of park users who
11 don't want this built. They were explaining the
12 situation with the water systems, with the needs
13 of drinking water, etcetera. They understood the
14 situation. They don't want it built there.

15 This is a very well used walking trail in
16 the area. You're talking about a 300 foot access
17 road. You were told that there's only half an
18 acre involved. No. There's a 300 foot or more
19 access road currently 10 feet wide that's coming
20 through the woods there. That's a false
21 statement that you received.

22 I'm going to jump ahead a little bit
23 here.

24 Your responsibility under SEQRA is to
25 make a formal determination of significance; you

1 have not done so. I have been to your clerk
2 Friday and then again this morning. You have no
3 documentation regarding your SEQRA
4 responsibilities. Any action that you take today
5 is a nullity in the face of the law, which
6 requires you, before you take such an action, to
7 comply with SEQRA, make a determination. You
8 don't have the information. The information that
9 was presented to you that there was no danger to
10 any kind of vegetation or any kind of plant is
11 contradicted by the water system's own analysis
12 by one of their land use, which states that
13 woodland acrimony is a New York's threatened
14 plant suitable habitat for this species occurs in
15 the proposed parcel. The species can only be
16 observed between June and September. This
17 species cannot be definitely ruled out because of
18 the suitability of the existing habitat. You
19 don't have the fully picture here.

21 An oak tulip forest is a rare
22 vegetational community type under the New York
23 State Heritage Program. That is what exists in
24 that part of Christopher Morley Park. A SEQRA
25 analysis would allow you to evaluate that this is

2 a kind of forest that should be preserved.

3 In terms of this drinking water crisis, I
4 live in Roslyn. I live in the Roslyn Water
5 District. There are lawn sprinklers going on
6 every night. The Village of East Hills has a
7 sprinkler that waters their sign in the middle of
8 Glen Cove Road. What Mr. Nicolello is talking
9 about, it's all going for irrigation. Half of
10 this water is being wasted. Swimming pools,
11 everything else. You're not talking about people
12 in the middle of Arizona who have no water.
13 You're talking about people wasting huge
14 quantities of water and you're balancing that by
15 cutting down this forest.

16 Boy Scouts camp in this woods. Do you
17 have kind of response from the Boy Scouts? I've
18 asked the Boy Scouts for some information. I
19 haven't heard back from them.

20 I have letters, which I'll submit, from a
21 couple of parks users, one of whom says I've been
22 coming to Christopher Morley for 20 years. I
23 hike in here at least once, possibly two or three
24 times a week. It will be a sin and a crime
25 against the community, etcetera, to cut down the

1 forest. I object to putting a water stripper in
2 the park. Peter Fenger, Westbury, New York.

3 I have people in this petition. I went
4 to the park three times. People signed it.
5 Everybody signed it except for two people. Okay.
6 I have people from Roslyn, Queens, Manhasset,
7 Westbury, Searingtown, Mineola. Every district
8 that you folks represent is represented here by
9 the park users.

10 I do have a lot of comments. If you want
11 to give me a couple of extra minutes, I would
12 appreciate it.

13 What the takeaway is, it's not emergency
14 drinking water. Mr. Denenberg, I don't know --
15 he seems a little confused. The whole point here
16 is not to clean up that aquifer. They're not
17 cleaning that aquifer. They're only cleaning the
18 water they're taking out. You're not remediating
19 the aquifer. It's irrelevant.

20 The water systems itself, they say
21 there's no danger to this well. They're putting
22 another stripper in a residential community half
23 a mile away from here because there is no
24 Christopher Morley Park to cut down.

2 CLERK MULLER: Your three minutes have
3 expired, sir.

4 CHAIRWOMAN GONSALVES: Mr. Brummel,
5 please sum it up.

6 MR. BRUMMEL: Okay. My summary is --
7 the one final thing is that the information, from
8 what I've seen, being sent to Albany is untrue,
9 that this is an unused portion of forest. This
10 is an aggressively used recreational, beautiful
11 forest that you folks need to go out and look at.
12 You need to have things in writing. You need to
13 follow SEQRA. There is no way you can possibly
14 vote on this today and make a reasonable
15 determination. Honestly. You need to speak to
16 your constituents. I will leave all this
17 information for you to evaluate.

18 I urge you to defer your vote.

19 CHAIRWOMAN GONSALVES: Thank you, Mr.
20 Brummel.

21 The next speaker is Joshua Dicker.

22 MR. DICKER: I didn't realize that I
23 have to be quick, so let me try.

24 My name is Joshua Dicker. I live on the
25 Tulips, right next to the beautiful Christopher

2 Morley Park.

3 What is shocking to me as I listen to
4 some of the presentations here by the water
5 district - and, by the way, I did meet with them
6 and they were gentlemanly and professional in
7 their courtesies to me. What is shocking to me
8 is the speed and the casual nature with which the
9 taking of these parklands are going to be done.
10 The talk about emergency action and the quick
11 effort that's going on here is alarming. Not the
12 fact that there is going to be built an air
13 stripper, but the fact, as a matter of
14 convenience, and because of a few local community
15 members, it's going to be -- that public park is
16 going to be taken from all of your constituents,
17 the people who use it every day, and I do. It is
18 beautiful. I urge you to go out and take a look
19 at it. It is as magnificent as that man
20 described, tall oaks.

21 It doesn't deserve to be taken away. The
22 truth of the matter is the water authority
23 doesn't even want to do that. Their plans were
24 to build that air stripper right next to the
25 well, which would be more efficient, more

1 convenient, much more cost effective. It's going
2 to cost over a million dollars of bond money and
3 taxpayer dollars to put that air stripper in the
4 park. And to remove those trees is shocking.
5 And why? There is no legitimate reason. There
6 is no public interest being served by the theft
7 of that parkland. None.

8
9 That air stripper can be installed
10 directly next to the well where it would be more
11 efficient and have a greater use, be more
12 effective, and be far less expensive. Why is it
13 being moved? Why?

14 The EPA, the DOH, the State, New York
15 Department of Environmental Conservation, they've
16 all said that the emissions from this air
17 stripper are negligible. Indeed, there are --
18 you heard the gentleman speak. There are a
19 hundred air strippers located directly in
20 residential communities throughout Long Island,
21 probably in your own jurisdictions. And why are
22 they not being put in parklands? Because there's
23 not a park conveniently located across the street
24 for a few local residents to say, hey, NYMBY. I
25 don't want it in my backyard. Put it over there.

1 Okay. Let's just steal those trees. Let's just
2 steal that park for that purpose.
3

4 The generations that use that park are
5 going to be disappointed forever. It's a great
6 disappointment. I urge you to go out and look at
7 that park and weight the merits here. The public
8 trust is being violated by the taking of this
9 parkland.

10 I urge you to consider the issues
11 seriously and question why. Why are these
12 parklands being taken for this purpose? There is
13 no true reason.

14 I am not objecting to the installation of
15 that air stripper; it needs to be put in and, as
16 everybody said, to provide water for the people.
17 But not there. It can be put exactly -- by the
18 way. The air stripper is being built right next
19 to well number 8, as you heard the district say.
20 Right there. Why is it being built there?
21 Because the park is not across the street to toss
22 it into.

23 Please, don't dispose of our parklands,
24 there are very few left in Long Island. Take
25 care of them. Protect them for your constituents

2 and for the people of Long Island.

3 Thank you.

4 CHAIRWOMAN GONSALVES: Legislator
5 Denenberg.

6 LEGISLATOR DENENBERG: Thanks. Where
7 well number 4 would be, you would end up with a
8 tower that's what, about 25 feet, correct?

9 MR. TEDARO: Yes.

10 LEGISLATOR DENENBERG: And where was
11 well number 4 right now?

12 MR. DICKER: It's on Diana's Trial.
13 There is a water facility right next to well
14 number 4 right now. This notion that a building
15 and air stripper can be installed in the middle
16 of this park and not affect the beauty of it, to
17 somehow blend in with the environment is really
18 quite preposterous. Think about it. You build
19 this in the middle of a beautiful oak forest and
20 you're telling me that it's not going to have an
21 impact? By the way, right in the middle of a
22 walking trail, a nature walking trail, right next
23 to a picnic area, and it's not going to have an
24 impact? It's a shame.

25 LEGISLATOR DENENBERG: But if it's built

right next to the well, wouldn't it have an impact also?

MR. DICKER: It's got to be built. The question is not does it have to be built, the question is why must it be built in the park?

LEGISLATOR DENENBERG: The well itself -

-

MR. DICKER: On Diana's Trail in Roslyn Estates.

LEGISLATOR DENENBERG: Which is in the park, isn't it?

MR. DICKER: No, it is not. It's not in the park. It's in a residential neighborhood across from the park. The few residents who live next to that well have started an outcry, created apprehension, caused people to get fearful, and then everybody said wait, there's a park across the street, let's just throw it in there. I can't believe it's so easy to just take parklands for this purpose.

LEGISLATOR DENENBERG: It's actually not that easy to take parkland, that's why we have to go through a resolution and then get approval from the State Legislature twice --

2 MR. DICKER: I urge you not to resolve -
3 - I urge you not to even send that bill up to the
4 state and to think about your duties to the
5 constituents that you serve and to all the people
6 who use that park, myself, my children, and all
7 the other people from your own communities. I
8 would ask them.

9 These air strippers are installed
10 throughout -- if you look at the materials that
11 the Roslyn Water Authority had produced, they
12 have pictures of air strippers --

13 LEGISLATOR DENENBERG: Let me just ask.
14 How many trees are we talking about being removed
15 and is there a way to minimize that?

16 MR. TEDARO: Right now it's
17 approximately 20 trees, ranging from very small
18 trees to some large ones. Many of them are dead
19 or decaying. But we can work the road coming in
20 and different things to save as many as we can.
21 We picked out a spot that is fairly clear.

22 LEGISLATOR DENENBERG: Why not just work
23 with some of the concerned people to minimize it?
24 If it's 20 trees and you're saying a lot of them
25 are diseased, maybe we can all agree and do this

2 as minimal as possible. A lot of people up here
3 would think if you're living right next door to a
4 well and you had that all your life and now
5 you're up with a 25 foot tower, you really
6 wouldn't want to do that and you would want a
7 solution that's a little bit better that still
8 gets the water clean for everyone but minimizes
9 the impact.

10 MR. DICKER: The concerns of a few local
11 residents should not outweigh the public issues,
12 the public benefit.

13 LEGISLATOR DENENBERG: They just said
14 it's 20 trees and maybe it could be less than
15 that.

16 MR. DICKER: I don't see really why the
17 parklands should be stolen and transferred to a
18 local use when that air stripper can be installed
19 directly next to where Roslyn Water Authority
20 wanted to install it in the first instance, which
21 is far more efficient, far more cost effective
22 and it would effect a couple of local people as
23 opposed to all the people who use that park.
24 That's what I'm suggesting.

25 CHAIRWOMAN GONSALVES: Thank you, Mr.

2 Dicker.

3 MR. MAY: Legislator, if I could just
4 address some of your concerns.

5 When we're talking about the access road
6 here, I want to be clear that we've already
7 discussed with the Roslyn Water District that the
8 access road is not to be paved, it's either going
9 to be a dirt or a gravel access driveway that
10 will not interfere with the walking trail there.
11 I happen to visit the site on Saturday. I noticed
12 that there was -- if you don't do a straight line
13 path, there's way to sort of do a curved driveway
14 that would not impact as many trees. I spoke to
15 Mr. Fishbein this morning about that; he assured
16 me that we can work cooperatively together to
17 reduce the impact as much as possible and not
18 take down as many trees. If some of the trees
19 are dying or decaying anyway, it may be
20 beneficial. If people are in the area, you
21 certainly don't want something falling on them.
22 We can absolutely design this in a way that is
23 cognizant of and respectful to the need of the
24 residents and the environment.

25 I just wanted to point out the gentleman

1 that -- this design, this is not the design that
2 we are talking about in Christopher Morley. This
3 was a design I believe for the Port Washington
4 Water District that is in a residential
5 neighborhood. The design of the building would
6 be more rustic, more of a barn-like appearance
7 that is designed to blend in with the
8 surroundings, much like this is but instead of
9 being in a neighborhood it's amongst trees.

11 Every opportunity is being taken to
12 minimize the impact of having the air stripper on
13 parkland.

14 CHAIRWOMAN GONSALVES: Any other
15 comments from the legislators?

16 (No verbal response.)

17 There being none, guess what?

18 You spoke already. Mr. Budnick is the
19 last speaker.

20 MR. BUDNICK: My name is John Budnick.
21 I live at 122 Von Huenfeld Street, Massapequa
22 Park. I was here to speak about something else.

23 I want to correct Mr. Denenberg. The
24 State Park's Trust Law is a use law. That is to
25 say that if you are changing the use of park

property from a park to a, let's say a water stripping facility, that's not a park use.

Changing it to a hockey rink is, indeed, a park use, it's a recreational use. Putting in a restaurant has been found by the State Court of Appeals to be a park use.

The problem is we are alienating the use of that park to a totally non-parks recreational and historic preservation use for an extended period of time, that's why it requires the state legislature to act.

I know how you feel and I tend -- well. But you don't need an action to be sent to the state legislature if you are utilizing it for a different sort of parks, recreational or historic preservation use.

I'll be happy to send you the manual. I am very familiar with it, having been a park ranger, served at this facility. I am very sad about the possible loss of trees. They're not making trees like they used to anymore. That's a very serious issue.

There is potentially and conceptually the environmental assessment by the water district is

2 for the action of having a stripper there while
3 what they're asking the county to do is to
4 alienate the property. I don't believe that
5 their environmental assessment and the assessment
6 that we have to look at at the county level are
7 the same and may take -- there may be an issue
8 there too.

9 Thank you very much for your time and
10 trouble.

11 LEGISLATOR DENENBERG: Just to answer
12 you quickly. Alienation of parkland could be by
13 a non-park use, that's one way under state law,
14 and if you read the decision of In Re Cortland
15 Park, alienation of parkland, there's also like
16 transferring for a permit or lease of anything
17 three or more years to a different owner, that's
18 also alienation -

19 MR. BUDNICK: Indeed.

20 LEGISLATOR DENENBERG: Or to a lease for
21 someone else to use. So it's not just a type of
22 use. It's a county municipality that happens to
23 own it --

24 MR. BUDNICK: Yes.

25 LEGISLATOR DENENBERG: giving the use to

2 someone else for anywhere for three or --

3 MR. BUDNICK: Yes. For an extended
4 period of time. And this has to be contemplated
5 to be for an extended period of time, which is
6 another reason --

7 LEGISLATOR DENENBERG: I'd urge you to
8 read *In Re Cortland Park*, because what you just
9 said, that transfer of ownership, isn't the
10 issue. A transfer of who is using it isn't the
11 issue, that's just not what the case law says.
12 Sorry.

13 MR. BUDNICK: Thank you very much. And
14 have a very nice day.

15 CHAIRWOMAN GONSALVES: That's the end.
16 Mr. Brummel, you had an opportunity to speak. We
17 need to pursue the item.

18 At this time there is an item on the
19 floor, and it's Item 224. I believe at this
20 point in time that we've had public comment, and
21 we've had comment from the legislators, and we
22 certainly had presentation from Roslyn Water
23 District and all those who were involved in it.

24 At this time it would be perfectly --
25 since the item was not filed in the 17 day rule,

2 we are now going to ask for a suspension of the
3 rules.

4 Motion, please?

5 LEGISLATOR NICOLELLO: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Nicolello, seconded by Legislator
9 Kopel.

10 All those in favor of suspending the
11 rules signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The motion carries unanimously.

16 Now for the item, 224-14. All those in
17 favor of 224-14 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item passes unanimously.

22 Next item is Item 225. It requires an
23 emergency. I'm going to ask that the Clerk, 225,
24 it's your turn.

25 CLERK MULLER: Presiding Officer, we

2 have an emergency by recommendation of the county
3 executive of the County Legislature at the
4 meeting of the County Legislature on Monday, June
5 2, 2014, for the adoption of an emergency
6 resolution declaring an emergency for immediate
7 action upon a resolution requesting the
8 Legislature of the State of New York to enact and
9 the governor to approve a bill to amend the
10 Vehicle and Traffic Law, the Public Officers Law,
11 and the General Municipal Law in relation to
12 establishing in the Counties of Nassau and
13 Suffolk, a demonstration program implementing
14 speed violation monitoring systems in school
15 speed zones by means of photo devices and in
16 relation to photo speed violation monitoring
17 systems in school speed zones in the City of New
18 York and providing for the repeal of such
19 provisions upon expiration thereof.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR SCHAEFR: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Schaefer.

25 Any comments regarding this?

2 (No verbal response.)

3 Right now we're going to do the
4 emergency. All those in favor of establishing
5 the emergency?

6 (Aye.)

7 Now, the emergency has been established.

8 Go ahead, Bill.

9 CLERK MULLER: An emergency resolution
10 declaring an emergency for immediate action upon
11 a resolution requesting the Legislature of the
12 State of New York to enact and the governor to
13 approve a bill to amend the Vehicle and Traffic
14 Law and Public Officer's Law and General
15 Municipal Law in relation to establishing, in the
16 Counties of Nassau and Suffolk, a demonstrating
17 program implementing speed violation monitoring
18 systems in school speed zones by means of photo
19 devices and in relation to photo speed violation
20 monitoring systems in school speed zones in the
21 City of New York and providing for the repeal of
22 such provision upon expiration thereof.

23 Can I have a motion?

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator

2 Schaefer.

3 Have we established the emergency?

4 CLERK MULLER: We have. The item is on
5 the floor.

6 MR. MAY: This is the item that we heard
7 previously in Rules, probably about an hour and a
8 half ago. I've sort of lost track of time now.
9 It is to request that the State of New York
10 extend the red light camera program for five
11 years, ending now in 2019.

12 CHAIRWOMAN GONSALVES: Any additional
13 comments regarding this item?

14 (No verbal response.)

15 Whatever testimony was given in the Rules
16 Committee, please incorporate it.

17 (Whereupon, the following are the minutes
18 of the June 2, 2014 Rules Committee pertaining to
19 Clerk Item 225-14.)

20 The next item, I believe, is Item 225, a
21 resolution requesting the Legislature of the
22 State of New York to enact and the governor to
23 approve a bill to amend Chapter 19 of the Laws of
24 2009, amending the Vehicle and Traffic Law and
25 other laws relating to adjudications and owner

liabilities for a violation of traffic control signal indications in relation to extending the provisions of such Chapter.

I need a motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Nicolello.

Now, I have an amendment in the nature of a substitution which was filed on May 27 at 2:52 p.m. The amendment to this item adds the senate bill number to the resolution. There is a senate bill up in Albany, and I believe this is what they are waiting for from us.

Any questions regarding the amendment in the nature of a substitution?

(No verbal response.)

No questions.

All those in favor of the amendment in the nature of a substitution?

Motion to move the amendment?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator Kopel.

4 All those in favor of moving the
5 amendment signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Now the item, 225, as amended.

10 All those in favor signify by -- no. No.
11 Do we have comment now on 225 as amended? Who is
12 going to speak on it?

13 MR. MAY: This is to file an extender
14 for the red light camera demonstration program
15 for five years.

16 CHAIRWOMAN GONSALVES: And who is the
17 backup?

18 MR. MAY: The backup is --

19 CHAIRWOMAN GONSALVES: Let them speak.

20 MR. MAY: Behind me is Chris Mistrion and
21 David Rich. Chris Mistrion is from Traffic Safety
22 and David Rich is TPVA.

23 CHAIRWOMAN GONSALVES: Okay. Explain
24 the item.

25 MR. MAY: Excuse me?

2 CHAIRWOMAN GONSALVES: Explain the item.

3 MR. MAY: It's to extend the current red
4 light camera demonstration program by five years,
5 ending in 2019 as opposed to December 1 of this
6 year.

7 CHAIRWOMAN GONSALVES: Okay. Any
8 questions regarding the item as presented by Mr.
9 May?

10 (No verbal response.)

11 No questions? No public comment?

12 (No verbal response.)

13 Okay. All those in favor of the item,
14 225, signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item passes unanimously.

19 (Whereupon, the following is the
20 continuation of the minutes of the June 2, 2014
21 Full Legislature.)

22 CHAIRWOMAN GONSALVES: Any comments from
23 the legislators?

24 (No verbal response.)

25 Any further comments from the

2 legislators?

3 (No verbal response.)

4 Any public comment on this item?

5 (No verbal response.)

6 Do you have Mr. Mistron here to say
7 anything?

8 MR. MAY: I just want to make sure that
9 we're on Clerk Item 225.

10 CHAIRWOMAN GONSALVES: 225.

11 MR. MAY: Yes. No. They're here for
12 support. That's what the bill is, it's the red
13 light camera extender.

14 CHAIRWOMAN GONSALVES: Okay. There
15 being no other comments, all those in favor of
16 Item 225 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 The first item on the Full Leg calendar,
22 which is a hearing on a local law to establish a
23 demonstration program imposing monetary liability
24 on the owner of a vehicle for failure of an
25 operator thereof to comply with posted maximum

2 speed limits in a school speed zone.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Dunne, seconded by Legislator
5 Nicoletto.

6 Who is going to speak on this one, Mr.
7 May? The hearing is now open.

8 MR. MAY: I'm sorry. I was speaking to
9 the Clerk of the Legislature. This is now Item
10 195?

11 CHAIRWOMAN GONSALVES: The speed limits
12 in a school speed zone.

13 MR. MAY: Yes.

14 CHAIRWOMAN GONSALVES: Now, the hearing
15 is open.

16 MR. MAY: Yes. I have Christopher
17 Mistrion from the Traffic Safety Board and David
18 Rich from the Traffic and Parking Violations
19 Agency to speak on this item and answer any
20 questions.

21 CHAIRWOMAN GONSALVES: Okay. Please do.

22 MR. MAY: Thank you.

23 CHAIRWOMAN GONSALVES: Thank you. Who
24 is going first? Mr. Mistrion, are you going
25 first?

2 MR. MISTRON: This basically is
3 requesting the automated use of speed cameras
4 within the speed zones to be able to assist in
5 maintaining the proper speed limits within those
6 zones.

7 We're looking at, from demonstration
8 programs, that, indeed, we were able to view
9 quite a large number of violations. And it is
10 with the hope that with the proper education and
11 the implementation of the program, we will be
12 able to bring down the speeds within these zones
13 to ones that will help make it safe for the
14 children, for the crossing guards themselves, and
15 just the community in general, and then we'll
16 have a further benefit of encouraging parents to
17 have their children actually walk to school, in
18 many cases.

19 CHAIRWOMAN GONSALVES: Before we
20 proceed, I just want to make sure the record has
21 it clear. The motion to open the hearing was
22 established by Legislator Dunne and seconded by
23 Legislator Schaefer.

24 Go on, Mr. Mistron.

25 MR. MISTRON: That's pretty much the

2 summary. What it is is basically legislation
3 requesting that we increase the encouragement of
4 people to walk, feel safe within the school
5 zones, and to be able to establish a program that
6 we can help reduce the speeds to be manageable
7 and for people to be able to enter those areas.

8 CHAIRWOMAN GONSALVES: Does the
9 gentleman next to you want to say something? No.
10 You're okay.

11 How about Legislators? Comments or
12 questions? Legislator Denenberg.

13 LEGISLATOR DENENBERG: When these red
14 light -- I'm sorry. When these speed cameras go
15 up, there was some talk last time when we first
16 adopted I guess the home rule message that there
17 would be notification as to -- to us, first of
18 all, which locations it would be. But also, are
19 we going to put up signs to let people know that
20 that area is being monitored by camera? If what
21 we're after is public safety, putting up a sign
22 would seem to promote public safety. If all
23 we're after is revenue, then you wouldn't put up
24 the sign.

25 MR. MISTRON: That argument could be

1 true more of speed cameras than the school zone
2 cameras. The fact is that our school zones are
3 currently marked. The fact is that we're just
4 simply requesting -- we're actually indicating
5 that we already have marked school zones. We
6 already have areas that are marked, in fact,
7 beyond just simply a school zone sign. Some of
8 these locations already have monitoring devices,
9 have your speed is indicators. The fact is these
10 areas are already properly marked. What we're
11 looking for is for people to actually do a
12 compliance.

13
14 One important note here is that when we
15 are doing the enforcement of these areas, we are
16 actually not necessarily even bringing it down to
17 that school speed limit. What we are doing is
18 we're giving a threshold that radar normally will
19 be accurate to.

20 So the real fact is these areas are
21 already marked. These areas already have an
22 indication of what their use is for. So unlike
23 where with the red light cameras we utilized
24 approach signs because the fact was, other than,
25 of course, everybody should stop for a traffic

2 signal, we went the further step with the red
3 light cameras to say that they were being
4 enforced. In the particular case of a school
5 zone, they already are marked and they are such
6 that people should be --

7 LEGISLATOR DENENBERG: They're marked.
8 They're marked just like the speed on the road is
9 marked. Just like a red light, in and of itself,
10 is a marking that you're supposed to stop on red.
11 But putting up a notice that this intersection,
12 when it comes to a red light, is being monitored
13 by a red light camera or that this school zone is
14 being monitored electronically or by camera --
15 there was talk about putting up notification that
16 this particular school location is being
17 monitored. There was talk of that. If we want
18 to promote public safety, putting up that kind of
19 a warning or that kind of a notification, like
20 you have on a highway, this area is detected by
21 radar, might or, in all likelihood, would have
22 people complying with the law. So if what we're
23 ultimately after is public safety and compliance,
24 I would say putting up the notice that this
25 school zone is being monitored by camera or by

1 electronically, all it would do is promote the
2 public safety aspect of what we're trying to do.
3 The only reason I could think for not putting up
4 a sign that says that is we want people to get a
5 few tickets first before they get used to it,
6 which would say it's all about revenue.
7

8 MR. MISTRON: I would say that that part
9 of our job, in terms of educating the public of
10 anything added in a school zone, would be the
11 function of, whether it be traffic safety or of
12 the program itself, to be able to educate as to
13 the installation of the locations. In some cases
14 we will be utilizing a mobile unit, where a
15 school district has multiple viable locations.
16 Again, I would say that that's something that we
17 can view and take a look at, how we encourage
18 more knowledge of the locations.

19 The main difference is, as I said,
20 between our red light camera program and the
21 school zone cameras is school zones are already
22 marked. The red light cameras was an education
23 to try and tell the people that we are enforcing,
24 by use of photographic equipment, where that was
25 not a norm.

2 LEGISLATOR DENENBERG: Chris, in my
3 opinion, they're marked in the same way; a school
4 zone, where you see the reduced speed and you see
5 the school zone crossing. A red light of course
6 is marked. It's a light that turns red. What
7 better marking can you have?

8 MR. MISTRON: One of the things, please
9 understand that when it comes to the red light
10 camera program, the markings of the signs was an
11 educational tool to try and make sure that people
12 will be aware of the presence of the enforcement
13 and it was a way of advertising and trying to get
14 people to stop.

15 LEGISLATOR DENENBERG: Exactly. It
16 promotes enforcement. It promotes compliance.

17 MR. MISTRON: I don't have an objection.
18 The thing is that we are going to look at is a
19 way of educating and to bring that forward, that
20 information forward. In terms of the signage,
21 that's something that we can view and look more
22 into.

23 As I said, the main difference to me was
24 the fact that school zones are very conspicuously
25 marked. Red light cameras, although everybody

2 could see a signal, the enforcement of a red
3 light camera, however, is not a conspicuously
4 marked location with regard to a camera being
5 used.

6 Our problem right now is in terms of how
7 can we get the word out. If it's something that
8 we can do, you feel that it is a question of
9 signage, it's something that would advance the
10 safety program, then that is something definitely
11 that we can view and figure out ways to
12 accommodate.

13 CHAIRWOMAN GONSALVES: Mr. Mistron, I
14 don't mean to interject. But these cameras are
15 not going to be in every school zone.

16 MR. MISTRON: That is correct.

17 CHAIRWOMAN GONSALVES: But we do have
18 signs in every school zone indicating speed
19 level, not only on the poles but on the streets
20 as well, and in some instances we have the
21 flashing signal that tells people how fast
22 they're going.

23 MR. MISTRON: That is correct.

24 CHAIRWOMAN GONSALVES: So even though,
25 even though we're not going to be monitoring them

2 with a camera, they have to be responsible for
3 following the law. Okay. And this is something
4 people should know.

5 And I don't know whether or not I want to
6 be so capricious. If you are speeding in a
7 school zone and you are jeopardizing the safety
8 of the school kids and their parents, then I
9 don't know whether or not we should be so
10 lenient.

11 LEGISLATOR DENENBERG: To the presiding
12 officer --

13 CHAIRWOMAN GONSALVES: Just a minute.
14 Maybe in order to educate them, maybe to -- the
15 easiest way to educate them is for them to get a
16 ticket and maybe they won't do it again. All
17 right.

18 I'm sorry. But you know what? If they
19 speed in a school zone, then I've got news for
20 you. They deserve the ticket, and maybe they
21 won't do it again.

22 LEGISLATOR DENENBERG: When we put up
23 the red lights, we put up the warning. I don't
24 see any reason why we wouldn't want to say that
25 this location is being monitored by camera or

2 electronically. If what we're trying to do is
3 promote public safety, that would promote public
4 safety. If all we're trying to do is get
5 revenue, then you wouldn't want to give the
6 warning.

7 CHAIRWOMAN GONSALVES: Legislator Ford.

8 LEGISLATOR FORD: Thank you. Chris, I
9 hope you're feeling better.

10 MR. MISTRON: Thank you.

11 LEGISLATOR FORD: I have to, as much as
12 I am in 100 percent support of speed cameras
13 because I think people drive way too fast,
14 especially by our schools, I would also ask that
15 signs be placed, especially in places that are
16 permanent locations for the speed cameras.

17 For me, we all -- we know. Based on the
18 studies that have been taken, where you looked at
19 cars that were going 10 miles above, 20 miles
20 above or whatever, the percentage of cars that
21 actually do speed in school zones, motorists
22 could care less whether or not there's 20 miles
23 an hour and kids are on the side of the road. If
24 they want to go 50, they're going 50. If they
25 want to go 60.

1 I think for me, I think that if we're
2 trying to achieve a change in driver behavior,
3 especially when it comes to speeding in school
4 zones, I think that what we need to do is at
5 least let people know that there are cameras
6 ahead and they are going to be ticketed. I think
7 that we're going to still get people speeding
8 because they could care less whether or not, you
9 know, with the way that they're driving.

11 I really think for those -- because when
12 people are all of a sudden going to decrease the
13 speed of their car, if they're going 40 or 50
14 miles an hour and they realize that they're going
15 to get a ticket, they may slow down. And I'm
16 afraid that if a lot of people don't realize why
17 the people are slowing down that we may end up
18 getting more accidents.

19 So I would ask that, you know, that we do
20 post a warning beforehand. Even though we had
21 the warnings about red light cameras, people
22 still went through red lights. I think in this
23 case, I think it might be safer for the other
24 motorists as well, if people are aware that they
25 are entering an area where they are going to get

1 a ticket.

2
3 I also would like to see if, in all of
4 these areas, in all school areas that we have the
5 speed awareness devices posted so people can see.
6 If they are going 35 miles an hour, that they
7 need to start bringing their speed down. Because
8 I know that I pay attention to that as well.

9 My other question would be that when --
10 how do we -- I know that a lot of, you know,
11 motorists that go through red light cameras,
12 okay, they will say that the yellow is not long
13 enough, it should be 15 seconds, whatever it is.
14 It should be 20 seconds instead of 15 seconds,
15 whatever. That's something tangible that we can
16 measure. What happens, because it's going to be
17 radar driven to see how fast? So I may be
18 driving in my car and I may look down at my
19 speedometer and say according to my car, because
20 it's not going to be exact, maybe it will say I'm
21 going 28 miles an hour in a school zone, just for
22 argument's sake, but yet the radar is going to
23 pick me up and what if it says I'm going 32
24 miles? What recourse does a motorist have if
25 it's that close?

2 MR. MISTRON: Well, first off, you have
3 to understand that a big part of the program is
4 such that we are putting in a ten mile threshold
5 within all the cameras. So, in fact, while the
6 school zone legislation generally is a ten mile
7 reduction when you approach the school zone,
8 we're actually enforcing the approach speed. So
9 we're not really -- we're not even really forcing
10 the cars to slow down, we're asking them to do
11 what the approach speed is.

12 LEGISLATOR FORD: Which is?

13 MR. MISTRON: Which is, you know, say
14 the 30 mile approach. So we're not really --
15 basically, we're already giving a threshold to
16 the drivers to actually do what the approach
17 speed of that school zone area is. We're almost
18 asking people to drive what the speed limit was.
19 But we're finding -- if you recall the
20 demonstrations that we presented in the last
21 month, we had locations where we were looking at
22 30 miles above the posted speed in some of these
23 locations.

24 Indeed, we are already giving a threshold
25 above what the posted school zone speed is. So

we are really enforcing the approach speed.

In terms of the notifications, number of the locations that have been -- are being looked at already have enhanced speed indicators on them, a number of them don't. But we're trying to select areas that are of a higher population area, where there have been a number of crashes. We're looking for the people to be able to slow down. One of the main problems we have are we have parents that are not having their children walk or they don't feel safe having their children walk to the schools. And the fact is we want to encourage.

Part of our workings over the past several years has been to encourage pedestrian safety and the want and the desire to get people out of their cars. So the fact is that this type of enforcement, and set at the threshold which we're setting at, I think we'll be able to encourage and we're also being more than fair to those in the approach of those school areas. We're not even asking them to reduce to the 20. We're asking them to at least maintain the speed of the approach.

2 LEGISLATOR FORD: Right. And when you
3 consider, like, they show that if a child was hit
4 by a car going, like, say 30 miles an hour as
5 compared to if they were hit by a car going 40
6 miles per hour, it could be a matter of truly
7 life and death.

8 I commend it. We do travel. Everybody
9 drives way too fast. It's frightening to see how
10 many people go 30, 40 miles an hour above, 20
11 miles an hour in a school zone.

12 For me, my feeling is if we could just
13 warn people that they're coming upon this that
14 maybe they'll become a little bit more cognizant.
15 I think they are still going to go fast. I think
16 they are still going to speed through it. I
17 think they may be aware that there may be other
18 cars that are slowing down and that's the reason
19 why they are before we have any horrific car
20 accidents.

21 I thank you.

22 CHAIRWOMAN GONSALVES: Legislator Kopel
23 and then Legislator Jacobs.

24 LEGISLATOR KOPEL: Very briefly to
25 Legislator Denenberg's point.

2 I think that we have to remember that
3 we're just doing one school in each district. If
4 we were to post this kind of warning -- if we
5 were to put a camera at every school then I would
6 agree. But since we're not going to put a camera
7 at every school and we are only going to put it
8 at one school, by posting it only at one place,
9 you're just giving notice to drivers don't worry
10 about these places because there's no radar sign
11 up there and if you don't see a copy you're good
12 to go, that would kind of defeat the purpose.

13 Being that we're only doing one in each
14 district, I would say don't put any signs up
15 specifically of that nature.

16 LEGISLATOR DENENBERG: Just to your
17 point. All I'm saying is the sign would promote
18 exactly what we're trying to get, which is public
19 safety and people staying within the speed and
20 particularly in a school zone area.

21 CHAIRWOMAN GONSALVES: Legislator
22 Jacobs.

23 LEGISLATOR JACOBS: You know, this has
24 been a debate that I happen to agree with
25 everybody that's speaking. It sounds crazy but I

1 do. Everyone has made -- everybody has really
2 made a very good point. Not that I'm sitting in
3 judgment of anybody else.
4

5 Correct me if I'm wrong. When you
6 originally presented, didn't you tell us that
7 every site that's chosen can be moved, that these
8 sites, although they might go up in front of one
9 school at one point can be moved to another
10 school easily.

11 MR. MISTRON: Not necessarily easily.
12 What happens is we have a number of districts
13 where there's multiple, possible locations --

14 LEGISLATOR JACOBS: Right.

15 MR. MISTRON: in which case, say we had
16 started with a fixed site, we would be able to
17 shut that off and use a mobile vehicle to go to
18 another site.

19 LEGISLATOR JACOBS: But that would still
20 be there.

21 MR. MISTRON: The permanent one would
22 still be there and would just be shut off. The
23 thing is that this particular program is going to
24 be different than, say, the red light cameras,
25 which is affixed at the locations. In this

1 particular case, we're going to be utilizing I
2 would say maybe a third, about a third of our
3 allowable locations or districts as being mobile
4 units so that we can go throughout that district
5 area. In some districts we have, there really is
6 only one viable location because of the nature of
7 the school district itself. We'll take a look at
8 requests. We'll take a look at concerns of both
9 the district administrators as well as parents
10 are.
11

12 In many of our cases, historically in
13 which the way Nassau County school districts have
14 been designed, a lot of them are in cul de sacs
15 and in residential neighborhoods where speed has
16 not been necessarily a problem. The schools that
17 we are looking at and have made our list are main
18 roads, high volume locations, and areas that
19 speeds have been amazingly -- in your district, I
20 believe South Oyster Bay Road, it may be your
21 district --

22 LEGISLATOR JACOBS: Woodbury Road.
23 South Oyster Bay Road. Robbins Lane. They are
24 all major roads.

25 MR. MISTRON: We have seen in our tests

2 people exceeding over 50 miles over the posted
3 school zone.

4 LEGISLATOR JACOBS: So here's my point.
5 Let me just get to my point. So the ones that
6 the 30 percent that will be movable, it would be
7 easy to affix a sign to a movable stanchion.
8 That's my point. So that could be done very
9 easily. It could satisfy all of us with our
10 concerns. Instead, make it as you're moving it,
11 hello, slow down. It wouldn't be that difficult
12 or that expensive to do. It wouldn't be like
13 affixing a sign in cement that says camera ahead
14 and then having to dig that up and move it to
15 something else when it's a mobile sign. That's
16 the only point I wanted to make. It's a
17 possibility, and at least 30 percent of them will
18 be warned.

19 I have news for you. It won't take very
20 long for people, like the PTAs and the
21 administration of the schools to let people
22 within a district know, be careful because it's
23 going to happen.

24 I know in my particular district, between
25 Cantiague Road, Robbins Lane, Woodbury Road and

2 South Oyster Bay Road, there's four locations for
3 you right away. Major roads.

4 CHAIRWOMAN GONSALVES: Mr. Mistron, do
5 you have a list of the school zones that would be
6 --

7 MR. MISTRON: Yes. We have a list
8 together of the initial ones that we're looking
9 at that we could make available, as well as a
10 district list. We did a district inventory of
11 all the different schools within a district and
12 the locations that we consider viable placements.

13 CHAIRWOMAN GONSALVES: Can you make that
14 available to us?

15 MR. MISTRON: We can. Yes.

16 CHAIRWOMAN GONSALVES: I'd appreciate
17 it. Thank you.

18 Any other comments from the legislators?

19 (No verbal response.)

20 (Whereupon, the Full Legislature recessed
21 at 4:10 p.m.)

22 (Whereupon, the Full Legislature
23 reconvened at 4:55 p.m.)

24 CHAIRWOMAN GONSALVES: Ladies and
25 gentlemen. Sorry. Sorry, Mr. Mistron. We're

2 still on the hearing. I think we've resolved
3 some of the concerns, and we're going to move
4 forward. And I don't think the legislators at
5 this point have any questions or comments for
6 you, Mr. Mistrion.

7 I know that I should ask for public
8 comment. However, I have no slips here. You
9 need to put in a slip, Mr. Brummel. You need to
10 put in a slip every time you want to speak. Come
11 and fill out a slip. You too, Mr. Budnick? You
12 know the procedure. You know it. Wait a minute.
13 You spoke twice, Mr. Budnick. I called you first
14 and then I called you second. You want to speak
15 on this item? Fill out a slip.

16 Mr. Brummel, get up and talk, please.
17 Are you finished? Let's go, Mr. Brummel. Stay
18 within the time limit. Okay. Let's go.

19 MR. BRUMMEL: I didn't expect to talk on
20 this but I just wanted to stay until the end of
21 your special meeting.

22 This idea of the -- I think there's a
23 good solution to the two different sides there.
24 If you put a sign in front of every school that
25 says this school may be monitored for speed, then

1 you -- it's great that you're concerned about
2 such a specific issue regarding this one issue.
3 But the bigger issue is certainly the speed limit
4 in general in Nassau County and the variation of
5 speed limit and the lack of consistency in the
6 speed limit, the unsafe speeds that are permitted
7 throughout the County. As a county you should
8 have the vision to try to bring together the
9 local jurisdictions and harmonize the speed
10 limits to a consistent safe speeds, so we don't
11 have 45, 40, 30. In New York City that's what
12 they do. I think that the urbanization of this
13 county demands a similar response.
14

15 In addition, the other question is --
16 does it need to be so noisy in here, Your Honor,
17 Presiding Officership? It seems very noisy. Is
18 there any possibility of getting any order here.
19 Okay. Thank you.

20 The other issue would be the lack of
21 enforcement by the police department of Nassau
22 County of the speed limits. I would urge the
23 county legislature to consider that a critical
24 element in the quality of life and the speed
25 enforcement in this community, the contribution,

1 or lack thereof, of the Nassau County Police
2 Department. And I think that one way of doing
3 that is to analyze historically the patterns of
4 enforcement and also to require some kind of an
5 annual report regarding the enforcement.
6

7 Obviously, the Nassau County Police
8 Department is not successful in maintaining a
9 compliance, a safe environment for the citizens
10 of this county. That is not going to be
11 rectified whether you put up signs or you don't
12 put up signs in front of the schools. And that
13 is a critical issue that faces every resident in
14 this town, in this county, and I think that
15 demands your concern.

16 I speak about this as an environmentalist
17 because this discourages pedestrians, discourage
18 bicyclists, it leads to increased emissions that
19 would not occur if the speeds were not so
20 excessive. All these are interrelated.

21 I think it's great that you're taking a
22 first step with this program, whether you put the
23 signs or not. It should tap into a broader issue
24 and a broader awareness that this is a serious
25 problem in this county.

2 As far as the water stripper, I had
3 planned to say that it's fool hearted to purify
4 all these water systems because we're going to
5 have water strippers every two blocks and there
6 needs to be an alternative system. We're
7 destroying the atmosphere with these --

8 CHAIRWOMAN GONSALVES: Okay, Mr.
9 Brummel.

10 MR. BRUMMEL: water strippers overall.

11 CHAIRWOMAN GONSALVES: Thank you.

12 Mr. Budnick.

13 MR. BUDNICK: I was able to get some
14 issues --

15 CHAIRWOMAN GONSALVES: On topic now.
16 Stay on topic. You're staying on topic. Put
17 your mic on.

18 MR. BUDNICK: I made a technical
19 mistake.

20 One thing remains. There are several
21 schools that have signs with flashing lights.

22 CHAIRWOMAN GONSALVES: Yes.

23 MR. BUDNICK: Very often those lights
24 are either on at the wrong time or off at the
25 wrong time. Somebody needs to be a liaison with

1 whoever is running those lights so that
2 motorists, pardon my language, don't get suckered
3 into speeding at the wrong time. That's the only
4 thing that's left after my conversation with
5 these gentlemen.
6

7 CHAIRWOMAN GONSALVES: Mr. Mistron is
8 right behind you; he heard you.

9 MR. BUDNICK: Thank you.

10 CHAIRWOMAN GONSALVES: Thank you, Mr.
11 Budnick.

12 MR. BUDNICK: God bless you.

13 CHAIRWOMAN GONSALVES: God bless you
14 too.

15 Okay. No further public comments. Now
16 I'm going to ask for a motion to close the
17 hearing.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator Kopel.

22 All those in favor of closing the hearing
23 signify by saying aye.

24 (Aye.)

25 Any opposed?

2 (No verbal response.)

3 The hearing is closed.

4 Now, by the way, just so you know, the
5 comments that you've made today have not fallen
6 on deaf ears. I've had an opportunity to speak
7 with the Minority Leader. And so we're going to
8 move forward on taking the vote, which is Item 2
9 on the Full Leg calendar or Clerk Item 195, and
10 that's to establish a demonstration program
11 imposing monetary liability on the owner of a
12 vehicle for failure of an operator thereof to
13 comply with posted maximum speed limits in a
14 school speed zone.

15 Motion, please?

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR SCHAEFER: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Schaefer.

21 Any further comment?

22 (No verbal response.)

23 Now what do you want? Legislator
24 Denenberg, please.

25 LEGISLATOR DENENBERG: I think you had

spoken to the Minority Leader, that when it comes back to --

CHAIRWOMAN GONSALVES: I gave him my word and that's good enough. Okay.

LEGISLATOR DENENBERG: My only comment is that --

CHAIRWOMAN GONSALVES: If anybody -- listen to me.

LEGISLATOR DENENBERG: So then let me make the comment.

CHAIRWOMAN GONSALVES: It's not what you'd like to see. It's what we would like to see.

LEGISLATOR DENENBERG: We require --

CHAIRWOMAN GONSALVES: It's a we.

LEGISLATOR DENENBERG: Okay. We would like notice at each of the school zones, all school zones that it could be monitored by red light --

CHAIRWOMAN GONSALVES: Would you just hold on a minute? Listen. This is what we agreed to.

LEGISLATOR DENENBERG: I'm trying to get it on the record.

CHAIRWOMAN GONSALVES: You don't have to get it on the record.

LEGISLATOR DENENBERG: Why not?

CHAIRWOMAN GONSALVES: At the 16th meeting we will -- it's on the record now. At the next meeting, since you already brought it up, Mr. Denenberg, on the meeting on the 16th, we have a full leg, we will amend this to, in fact, we will amend it to, by emergency, to include the speed signs, this area may be -- at every school zone.

LEGISLATOR DENENBERG: Notification.

CHAIRWOMAN GONSALVES: However, we must ascertain that this is in keeping with the law. And that's the only thing I wanted to hear. I need to know that it's in keeping with the law. But you can't wait, Mr. Denenberg. If I said we were going to do it, we're going to do it. I think it's fair. Now I'm tired. Okay.

There's so much more that needs to be done this afternoon. Are you willing to wait or do you have to go some place, Mr. Denenberg?

LEGISLATOR DENENBERG: I didn't say I was going anywhere.

CHAIRWOMAN GONSALVES: Mr. Mistron, you heard what I just said?

MR. MISTRON: We will be able to look into whatever request you send over, and it will have to meet whatever guidelines as set forth by the --

CHAIRWOMAN GONSALVES: That's fair enough. Thank you, Mr. Mistron.

All those in favor of Item 195 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Would you call 233, please?

CLERK MULLER: Yes, Presiding Officer. I just want to clear up the record real quick because I didn't number it first.

The red light cameras that we did before was emergency resolution 4-2004, and that was an emergency resolution declaring an emergency for an immediate action upon a resolution requesting the Legislature of the State of New York to enact and the governor to approve a bill to amend

2 Chapter 19 of the Laws of 2009, amending the
3 Vehicle and Traffic Law and other laws related to
4 adjudications and owner liability for a violation
5 of traffic control signal indicators in relation
6 to extending the provisions to such Chapter.

7 Now we're up to the next emergency, which
8 is a recommendation of the county executive to
9 the County Legislature at a meeting of the County
10 Legislature on Monday, June 2, 2014, for the
11 adoption of an emergency resolution declaring an
12 emergency for immediate action upon a resolution
13 requesting the Legislature of the State of New
14 York to enact and the governor to approve and act
15 to authorize Darwyn Byer to apply for accidental
16 disability retirement benefits from New York
17 State and local police and fire retirement
18 system.

19 Please entertain a motion to accept this
20 emergency.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR WALKER: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator Walker.

25 All those in favor of establishing the

2 emergency signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The emergency has been established.

7 Now, for the item.

8 CLERK MULLER: Emergency Resolution

9 Number 5-2014, an emergency resolution declaring

10 an emergency for immediate action upon a

11 resolution requesting the legislature of the

12 State of New York to enact and the governor to

13 approve an act to authorize Darwyn Byer to apply

14 for accidental disability retirement benefits

15 from New York State and local police and fire

16 retirement system

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR WALKER: Second.

19 CHAIRWOMAN GONSALVES: Moved by

20 Legislator Dunne, seconded by Legislator Walker.

21 And we have Sergeant here.

22 SERGEANT STEPHANOFF: Good afternoon.

23 Sergeant Greg Stephanoff. This is a home rule

24 message requesting the legislature of the State

25 of New York pass Senate Bill 7644 and act to

2 authorize Darwyn Byer to apply for accidental
3 disability retirement benefits from the State of
4 New York and local police and fire retirement
5 system.

6 Officer Byer was working the Long Island
7 Expressway and he was setting out flares to
8 divert traffic from an auto accident, and he was
9 hit while outside his vehicle by a tractor
10 trailer. He was trying to stay on. He didn't
11 want to go with disability retirement but he's
12 deemed fully disabled. He won't be able to come
13 back to full duty. This item will allow him to
14 apply for disability benefits.

15 CHAIRWOMAN GONSALVES: Any questions or
16 comments from the legislators? Legislator Kopel.

17 LEGISLATOR KOPEL: Thank you. Why do we
18 need a special procedure for this? It sounds
19 like it ought to be fairly routine.

20 SERGEANT STEPHANOFF: Because he was
21 trying to stay on. He didn't want to go with a
22 disability retirement. As such, now he went
23 light duty for a while, which means limited
24 performance.

25 LEGISLATOR KOPEL: And that would

1 preclude him for filing for full disability,
2 because he went on light duty? Is that what
3 you're saying?
4

5 SERGEANT STEPHANOFF: I guess because he
6 was on light duty for a while, it was precluding
7 him from going. So this will allow him to go on
8 disability with full duty --

9 LEGISLATOR KOPEL: What I'm asking, I
10 guess, does the fact that he was on light duty
11 for a while, does that preclude him from now
12 going back and asking for full disability?

13 SERGEANT STEPHANOFF: Yes. And this
14 item will allow him to apply for disability under
15 the --

16 LEGISLATOR KOPEL: I know what this item
17 will do. What I'm asking you is without this
18 item can he not apply for it anyway?

19 SERGEANT STEPHANOFF: I believe he could
20 go under light duty status, not fully duty,
21 without this item.

22 LEGISLATOR KOPEL: Thank you. Somebody
23 explained to me; he missed the filing deadline.
24 Okay.

25 LEGISLATOR DUNNE: There was a filing

2 deadline and the police department didn't file in
3 time.

4 LEGISLATOR KOPEL: Now I understand.

5 Thank you.

6 CHAIRWOMAN GONSALVES: Any other
7 comments or questions of the Sergeant?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none; all those in favor of
12 Item 233 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes unanimously.

17 Thank you, Sergeant.

18 SERGEANT STEPHANOFF: Thank you.

19 CHAIRWOMAN GONSALVES: 234.

20 CLERK MULLER: A resolution of the -- a
21 recommendation of the county executive to the
22 County Legislature at a meeting of the County
23 Legislature at a meeting of the County
24 Legislature on Monday, June 2, 2014, for the
25 adoption of an emergency resolution declaring an

emergency for -- I'm sorry. I have the wrong one.

We're doing the gas station one, correct?

CHAIRWOMAN GONSALVES: Yes.

CLERK MULLER: Thank you. I apologize.

A recommendation of the county executive of the County Legislature at a meeting of the County Legislature at a meeting of the County Legislature on Monday, June 2, 2014, for the adoption of an emergency resolution declaring an emergency for immediate action upon a resolution requesting the Legislature of the State of New York to enact and the governor to approve and act to amend the Tax Law in relation to competing sales and compensating use tax on retail sales and motor fuel and diesel fuel at a rate of cents per gallon in Suffolk County and in Nassau County and providing for the repeal of such provisions upon expiration thereof.

Please entertain a motion to adopt this recommendation.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Legislature

2 Dunne, seconded by Legislator Walker.

3 All those in favor of establishing the
4 emergency signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The emergency is established.

9 Now, for the item.

10 CLERK MULLER: Emergency Resolution
11 Number 6-2014, an emergency resolution declaring
12 an emergency for immediate action upon a
13 resolution requesting the Legislature of the
14 State of New York to enact and the governor to
15 approve and act to amend the Tax Law in relation
16 to competing sales and compensating use tax on
17 retail sales of motor fuel and diesel fuel at a
18 rate of cents per gallon in Suffolk County and in
19 Nassau County and providing for the repeal of
20 such provisions upon expiration thereof.

21 CHAIRWOMAN GONSALVES: Motion, please?

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator Walker.

2 And, Mr. May.

3 MR. MAY: Again, this is the same that
4 we spoke about in the Rules Committee. It
5 provides for the prepayment in full of the sales
6 tax on gasoline by the retailers so that they
7 don't have an opportunity -- so that certain
8 unscrupulous retailers don't have the opportunity
9 to not fully support their sales to the state and
10 then stiff the county, essentially, on its fair
11 share of the sales tax.

12 CHAIRWOMAN GONSALVES: Any questions of
13 Mr. May?

14 (No verbal response.)

15 Any comments?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none; all those in favor of
20 Item 234 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 Thank you, Mr. May.

2 To be safe, we should just recess this
3 special meeting. And so we will recess this
4 special meeting.

5 (Whereupon, the Full Legislature recessed
6 at 5:10 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 1st day of July, 2014.

FRANK GRAY