

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,  
CHAIRWOMAN

1550 Franklin Avenue  
Mineola, New York

MAY 20, 2013  
3:52 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

NORMA GONSALVES  
Chairwoman

HOWARD KOPEL  
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER

KEVAN ABRAHAMS  
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

GREG MAY. . . . . 5  
RICHARD MALLETTE. . . . . 5  
TOMMY ASHER . . . . . 14  
ADRIAN ESPOSITO . . . . . 27  
SCOTT BOCHNER . . . . . 30

CHAIRWOMAN GONSALVES: The special session of the Rules Committee will now come to order.

I believe we have -- Mr. Muller will take the roll, please.

CLERK MULLER: Legislator Wink?

LEGISLATOR WINK: Here.

CLERK MULLER: Legislator Jacobs?

LEGISLATOR JACOBS: Here.

CLERK MULLER: Ranking Member Abrahams?

LEGISLATOR JACOBS: He'll be right out.

CLERK MULLER: Okay.

Legislator Walker?

LEGISLATOR WALKER: Here.

CLERK MULLER: Legislator Dunne?

LEGISLATOR DUNNE: Here.

CLERK MULLER: Vice Chairman Kopel?

LEGISLATOR KOPEL: Here.

CLERK MULLER: Chairwoman Gonsalves?

CHAIRWOMAN GONSALVES: Present.

CLERK MULLER: We have quorum.

CHAIRWOMAN GONSALVES: Thank you.

Before us today we have two contracts.

We will begin with Contract E-108-13, a contract

with DPW and Liro Program and Construction Management.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Motion by Legislator Dunne, seconded by Legislator Kopel.

Who is going to talk to us? He's been sitting there very patiently.

MR. MAY: He's been waiting very patiently. Mr. Richard Mallette from DPW.

CHAIRWOMAN GONSALVES: He's a patient man.

Talk to us about this contract.

MR. MALLETTE: This is a contract for the construction management of the bar screen rehabilitation at Cedar Creek.

CHAIRWOMAN GONSALVES: Do we have questions of Mr. Mallette?

Did you put your name on the record?

MR. MALLETTE: I did. Rich Mallette, Public Works.

LEGISLATOR DUNNE: Just real quick.

Rich, there are four bar screens and one

of them was new.

MR. MALLETT: This will -- there's a construction contract that will remedy that. We will have all the same bar screens. They will also be brought up to grade so our employees no longer have to go down into a subterranean area to do their work.

LEGISLATOR DUNNE: The pit.

MR. MALLETT: Correct.

LEGISLATOR DUNNE: And they'll all be -

-

MR. MALLETT: The building will be expanded up and sideways a bit to fit the new screen systems.

LEGISLATOR DUNNE: Okay. Are we going to do a ribbon cutting after that?

MR. MALLETT: You could ribbon cut all day long, if you want.

LEGISLATOR DUNNE: Thank you, Rich.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Mr. Mallette.

MR. MALLETT: Yes, Mr. Wink.

LEGISLATOR WINK: This is an item that was amended, wasn't it?

2 MR. MALLETTTE: Yes, it was.

3 LEGISLATOR WINK: Commissioner Shah had  
4 signed it?

5 MR. MALLETTTE: Correct. She signed the  
6 routing slips. When she went for her ethics  
7 hearing, the department -- she had discussion  
8 with me that we should amend the routing sheets,  
9 even though it's only a departmental thing and  
10 not part of the contract. So we amended the  
11 routing sheets.

12 LEGISLATOR WINK: And you still work for  
13 us.

14 MR. MALLETTTE: I certainly do.

15 LEGISLATOR WINK: Obviously, you're  
16 aware of the fact that she originally signed off  
17 on this.

18 MR. MALLETTTE: Yes.

19 LEGISLATOR WINK: It is what it is.

20 Thank you.

21 LEGISLATOR JACOBS: Rich, I just wanted  
22 to ask you a question.

23 The money was pursuant to a capital plan  
24 that we had put in place, believe it or not, when  
25 we were the majority about four years ago. Why

2 wasn't this ever executed before this? Since it  
3 came to this situation where it is now.

4 MR. MALLETT: It was executed. I think  
5 we started actually the process. By the time was  
6 done, I wouldn't think -- when I got here it was  
7 probably 60 percent designed and had to be  
8 finished off. It takes a little bit of time to  
9 get all of that in order. Then you have to put  
10 your contracts out for bid and that takes time.

11 LEGISLATOR JACOBS: I know that at the  
12 time we always -- you know, this legislature,  
13 almost to a person, always feels that with the  
14 sewer plants it's very important to be on top of  
15 it. Obviously, when something is agreed to five  
16 years ago, isn't it a little bit of an inordinate  
17 amount of time?

18 MR. MALLETT: Again, I can't answer the  
19 previous to when I got here. When I got here the  
20 design wasn't complete yet. As soon as it was  
21 completed we put out construction bids, put out  
22 construction management bids and moved forward  
23 with the contract.

24 LEGISLATOR JACOBS: I'm just expressing  
25 it because I have some concern about that. In

2 fact, we all do. There's been spills, there's  
3 been other things that have gone on. I actually  
4 toured this particular sewer plant.

5 MR. MALLETTTE: Cedar Creek? This is for  
6 Cedar Creek.

7 LEGISLATOR JACOBS: Yes, I know. Which  
8 was a very exciting thing to do. But I was glad  
9 I did because then you can speak a little bit  
10 more intelligently. I know the community values  
11 the fact when it's kept up. I just hope that  
12 public works look at it as something that -- when  
13 something is available, when the money has been  
14 passed and we're anxious to get things moving, it  
15 seems to me, as a non-expert and as an observer  
16 that that was an inordinate amount of time that  
17 passed.

18 MR. MALLETTTE: Like I said, I could only  
19 answer as to when I got here.

20 LEGISLATOR JACOBS: Okay. Thank you.

21 CHAIRWOMAN GONSALVES: Legislator  
22 Abrahams.

23 LEGISLATOR ABRAHAMS: How are you, Mr.  
24 Mallette?

25 MR. MALLETTTE: Good.

2 LEGISLATOR ABRAHAMS: I just have a  
3 question in regards to notification to the  
4 immediate communities, at least, in regards to  
5 when spills occur.

6 What is the general practice with the  
7 Department of DPW or the County in terms of when  
8 that type of stuff does happen? How does the  
9 notification work?

10 MR. MALLETT: We have a reporting  
11 system where the supervisor fills a form out,  
12 sends it via e-mail to the press secretary, who  
13 sends it out.

14 The Bay Park plant, there was some sort  
15 of glitch in the IT system and it didn't get out,  
16 and we didn't know it until a little bit later.  
17 It got out a little bit later than it should  
18 have. But we've been quite diligent with our  
19 notifications and e-mails up until that point.  
20 Like I said, there was an IT issue.

21 LEGISLATOR ABRAHAMS: So, generally,  
22 the surrounding community, you have all their e-  
23 mail addresses?

24 MR. MALLETT: It goes to your e-mails  
25 and you can e-mail out to your people. We e-mail

2 out to anyone who signed onto an e-mail blast,  
3 which most of the people here are on, and it  
4 comes out to them.

5 LEGISLATOR ABRAHAMS: So most of the  
6 folks in that area can sign up with their e-mail  
7 address.

8 MR. MALLETTTE: Right. They can go onto  
9 the county website and there is notification and  
10 you can put your e-mail in.

11 LEGISLATOR ABRAHAMS: And have people  
12 been notified in the past that this service  
13 exists?

14 MR. MALLETTTE: Yes. I believe there was  
15 a whole press moment that the county executive  
16 did when we did the e-mail notification.

17 LEGISLATOR ABRAHAMS: No. What I'm  
18 saying is -- what I'm trying to say is the  
19 community notified? Other than this press event,  
20 how were they notified on an ongoing basis that  
21 this service exists?

22 MR. MALLETTTE: That I couldn't answer.

23 LEGISLATOR ABRAHAMS: Are there civic  
24 meetings?

25 MR. MALLETTTE: It's on the website.

2 LEGISLATOR ABRAHAMS: No, no. I  
3 understand that. Are there civic meetings you're  
4 going to? How do you keep the information?

5 MR. MALLETTTE: I believe that the press  
6 secretary, Mike Martino, when he goes, if people  
7 have questions, he'll address how to find the e-  
8 mail address.

9 LEGISLATOR ABRAHAMS: How many e-mail  
10 addresses exist?

11 MR. MALLETTTE: I couldn't even tell you.  
12 I don't know how many people signed up.

13 CHAIRWOMAN GONSALVES: Legislator  
14 Jacobs.

15 LEGISLATOR JACOBS: My only suggestion,  
16 Rich, would be just to make sure notification is  
17 complete. Perhaps that is worth a mailing into  
18 that immediate community, at the very least.  
19 Because I don't know -- these e-mail addresses  
20 that people get are not always the most reliable.  
21 I'm wondering if -- living close to something  
22 like this, there should be a certain square  
23 footage that's developed that these people should  
24 absolutely know when something like that happens.

25 MR. MALLETTTE: I will be looking into it.

LEGISLATOR JACOBS: We're only following up on things that have been told to us.

MR. MALLETTTE: I think the mailing takes quite a bit longer than an e-mail would, but I will mention it.

LEGISLATOR JACOBS: You're right. You're right. But I can't imagine -- I could be wrong. But I can't imagine they have a very complete e-mail list. I know that you run into a lot of trouble with that.

MR. MALLETTTE: Okay. I will certainly check it.

CHAIRWOMAN GONSALVES: Any other comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

I have to apologize to the people over here - Adrienne is there, I believe, and some members from SPLASH. And you did want to meet prior to the calendar. Because of the nature of the calendar and of course public comment, I had asked if you would come and speak to us after the meeting. Were you intending to do that?

Any public comment? Yes. Come forward.

MR. ASHER: Tommy Asher, 86 Waterford Road, Island Park.

Mr. Abrahams, on some of your questions. The county has come out to our civic groups; I'm in Island Park, as far as the notification. I was very upset. I was out on a boat the following day. When that spill happened, I did not know about it. I am a SPLASH captain and I did not know about it. That did disturb all of us. We're on top of that. But they do give some pretty good notification on getting that word out.

Thank you.

CHAIRWOMAN GONSALVES: No other comment?

(No verbal response.)

All those in favor of Contract E-108 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is E-112, a contract with DPW and Hazen and Sawyer/Malcom Pirnie, the

Water Division of Arcadis, a joint venture.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

MR. MALLETTE: Richard Mallette, Public  
Works.

This is a contract for the rehabilitation  
and rebuilding of Bay Park after Sandy. As  
everyone knows, approximately a nine foot wall of  
water overtook the plant, flooded the equipment,  
and the plant went down. We had brought Hazen  
and Sawyer and Pirnie in on their on-call  
contracts. They worked with contractors and  
ourselves to bring the plant back to operating.  
We were quite fortunate to have them. They have  
an intrinsic knowledge of the plant. They are  
extremely tuned into the community.

This money that's going to fund this is  
in the \$65 million that was bonded in Sandy for  
SSW. We expect there will be a return of either  
75 percent or 90 percent, depending on the  
declaration by the President of the United  
States.

CHAIRWOMAN GONSALVES: I'm going to comment. I, together with other legislators, a few days after Sandy had the opportunity to tour Bay Park. We were extremely amazed how quickly they were able to restore to the point of functionality. A lot has to be said about DPW and, of course, the commissioner's leadership in getting this done. It was unbelievable to see the transition that was made from the time of the storm until the time revisited.

We had seen for ourselves that the water level, the surge was high as 15 feet within that plant, and that much of the equipment had to be temporarily restored by the company that was involved there. I think a lot has to be said that the interim measures that were implemented certain assured the effective and environmentally safe plant that followed as a result.

We were truly thankful to DPW and the commissioner's leadership. And I'm sure that the community itself, after witnessing and experiencing such a terrible hazard, that this was restored as best as can be. Hopefully as we move forward, we will continue to do what has to

1 be done with that plant.

2 I thank DPW and the commissioner for your  
3 efforts in at least getting this back on board.

4 MR. MALLETT: Thank you.

5 CHAIRWOMAN GONSALVES: Any other  
6 comments?

7 LEGISLATOR DUNNE: Madam Chair.

8 CHAIRWOMAN GONSALVES: Legislator Dunne.

9 LEGISLATOR DUNNE: Just a quick  
10 question.

11 Accolades definitely are deserved. It  
12 was a horror show. It was a nightmare. To all  
13 extents that we could, we stayed afloat. The  
14 community was devastated. A horrible thing we  
15 hope never happens again.

16 Can you tell me where we are with regards  
17 to the outflow pipe going two miles into the  
18 Atlantic?

19 MR. MALLETT: That was part of our  
20 proposal to the State, the infrastructure fund,  
21 to the federal government, and to FEMA. We have  
22 to wait to hear back from them. We're supposed  
23 to have another meeting this week about it. But  
24 that is part of our proposal.  
25

1                   LEGISLATOR DUNNE:        We have secured  
2  
3 support from Senator Schumer?

4                   MR. MALLETT:        We have been in contact  
5 with both Senator Schumer and Senator Gillibrand.

6                   LEGISLATOR DUNNE:        Excellent. I'm sure  
7 you have McCarthy and King on board because they  
8 both have a sewage plant in their district, so  
9 that's good. If we can do anything to help move  
10 that, please let us know.

11                   This is extremely important, especially  
12 to those people by Bay Park.

13                   We have an effluent pipe in Cedar Creek.  
14 Those poor people in Bay Park, they need all the  
15 help we can give them. We are there to help you.

16                   MR. MALLETT:        Thank you.

17                   LEGISLATOR DUNNE:        Thank you.

18                   CHAIRWOMAN GONSALVES:    Legislator Kopel.

19                   LEGISLATOR KOPEL:        Can you just give us  
20 a synopsis where the actual rehabilitation is up  
21 to at this point?

22                   MR. MALLETT:        Right now, I guess it was  
23 six weeks ago, Mr. Arnold presented an amendment  
24 to the Hazen contract that would carry them  
25 through a certain point. So we have done

2 preliminary TDRs, which is what you need to do  
3 before you can do a design. Once this contract  
4 comes into play, they'll take that TDR, bring it  
5 to 30 percent completion, and then an outside bid  
6 to another designer will finish the design.  
7 Hazen and Sawyer and Pirnie will manage that  
8 design all the way through, this way we know what  
9 we're getting from the beginning because we are  
10 putting the base down, we are putting the 30  
11 percent down that we need for the county.

12 LEGISLATOR KOPEL: So we're still in the  
13 design phase.

14 MR. MALLETT: Absolutely.

15 LEGISLATOR KOPEL: We are running on a  
16 lot of temporary equipment?

17 MR. MALLETT: We are running in several  
18 pieces of temporary equipment, yes.

19 LEGISLATOR KOPEL: How well are they  
20 performing right now?

21 MR. MALLETT: They were performing up  
22 to where we needed them to perform. We had an  
23 electrical problem that caused us to have --

24 LEGISLATOR KOPEL: Have the electrical -  
25 - the temporary generators, are they still there?

MR. MALLETTE: It was a pump feed system; the electrical wire was corroded from salt water. As you go on in time, you'll find more and more of it degrading quicker and quicker.

LEGISLATOR KOPEL: And we're requesting money for that as well?

MR. MALLETTE: We are. That's all in here.

LEGISLATOR KOPEL: Okay. What is your hope -- I'm not going to say timetable -- but your hope for when we can get this plant up to snuff?

MR. MALLETTE: Our schedule was that we -- once this contract is finished, we're looking at 2015/2016 to be completely pushed forward.

LEGISLATOR KOPEL: And we're not talking about the outfall pipe?

MR. MALLETTE: That's part of the conversation.

LEGISLATOR KOPEL: That's part of it. Okay. Okay, thank you.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Mr. Mallette, it

2 appears over the years there have been a number  
3 of upgrades that were actually passed by this  
4 legislature as part of the capital plan that had  
5 never been implanted. I guess my question is, to  
6 the extent that some of these upgrades if they  
7 had been implemented prior to Sandy, would we be  
8 facing the same crisis?

9 MR. MALLETTE: Absolutely.

10 LEGISLATOR WINK: It just seems to me  
11 things like the influent pumping system upgrade -  
12 -

13 MR. MALLETTE: Nine feet of water is  
14 nine feet of water, whether you had brand new  
15 influent pumps or not, that water is going to  
16 overtake it. Plants were designed subterranean.  
17 The work that's going to occur in this contract  
18 will be mitigation to the plant as a whole and  
19 mitigation to elevate items that need to be above  
20 the 500 year storm, which they had not ever  
21 thought of before. It's now something we have to  
22 live with.

23 LEGISLATOR WINK: Okay. Thanks.

24 CHAIRWOMAN GONSALVES: Legislator  
25 Jacobs.

2 LEGISLATOR JACOBS: I don't know  
3 obviously the first thing about running a sewer  
4 plant. In retrospect, is there anything that  
5 could have been in place in your mind that could  
6 have --

7 MR. MALLETTTE: Nothing that we could have  
8 done. The items you need to put in to prevent  
9 something like that from hurting you, no one  
10 would have thought of it. No one in that whole  
11 neighborhood ever saw a tide like that. You go  
12 down to the -- the old timers who have been there  
13 40 years living down the road, they've never seen  
14 anything like that.

15 LEGISLATOR JACOBS: So talking about  
16 oversight from the past or anything like that is  
17 almost, from the way you're speaking -- I'm not  
18 saying this in a negative way -- is that that  
19 type of thing could have resulted in some  
20 improvements a couple of years ago, but it's  
21 unusual if they would have survived what  
22 happened.

23 MR. MALLETTTE: I would say it would have  
24 been implausible for them to survive.

25 The thought has always been rebuild and

2 replace in kind. They never had to look at the  
3 problems we have to look at now. So, now, it  
4 wouldn't have been because it would have been a  
5 replace in kind.

6 LEGISLATOR JACOBS: When you rebuild  
7 something after something like this that's  
8 overwhelming, do you change the way it's being  
9 rebuilt at all?

10 MR. MALLETT: Absolutely. You change  
11 codes and standards. You change with mitigation  
12 on individual pieces. That's the reason why this  
13 contract is so important, because all those  
14 pieces are plugged into this contract.

15 LEGISLATOR JACOBS: Okay. Let's hope we  
16 don't have another Sandy.

17 MR. MALLETT: I'm with you.

18 LEGISLATOR JACOBS: Okay.

19 CHAIRWOMAN GONSALVES: Minority Leader  
20 Kevan Abrahams.

21 LEGISLATOR ABRAHAMS: How are you  
22 again, Mr. Mallette? Just a quick comment. I  
23 know it's not customary for you to come back and  
24 give us reports on any particular contract. But  
25 just the nature of what we're discussing today,

2 in conjunction with Super Storm Sandy, I would  
3 suggest, and maybe this is something that the  
4 majority would concur, that we get periodic  
5 reports on how this contract is being spent and  
6 what it's being spent on. It is a large amount  
7 of money. It is \$29 million. Obviously, I think  
8 it's important that we try to get as much  
9 information in a timely manner. If you could  
10 update this legislature. I don't know what the  
11 frequency could be.

12 CHAIRWOMAN GONSALVES: We have requested  
13 updates on a periodic basis. If you want to do  
14 it quarterly or every six months, it depends on  
15 the nature of the work and the progress that's  
16 taking place. So we have no problem with  
17 requesting, and we have done it before.

18 LEGISLATOR ABRAHAMS: If you could  
19 share that with us when you make your request --

20 CHAIRWOMAN GONSALVES: Absolutely.

21 LEGISLATOR ABRAHAMS: And when we make  
22 our request, we will share it with you, as well.

23 CHAIRWOMAN GONSALVES: Absolutely.

24 LEGISLATOR ABRAHAMS: Thank you.

25 CHAIRWOMAN GONSALVES: Any public

2 comment regarding this contract?

3 MR. ASHER: Good afternoon. Tom Asher,  
4 86 Waterford Road, Island Park. Thank you,  
5 again. I just wanted to express my feelings  
6 towards this contract.

7 I am a captain of Operation SPLASH in the  
8 Island Park chapter. We support this. We've  
9 been working with this administration for, like,  
10 the last two years or so as far as the Bay Park  
11 Sewer Treatment Plant is concerned. We've been  
12 trying to help them out with all of the  
13 information. The Western Bays study with Ms.  
14 Ford and Mr. Denenberg, they've been highly  
15 involved with that. We've taken a lot of that  
16 information over the last 20 years. It's been a  
17 nice relationship with upstairs; they've had an  
18 open door policy with us. We've gotten very far  
19 with them. And then Sandy hit.

20 I've read in the papers a few articles in  
21 the *Patch* with some comments from Mr. Denenberg,  
22 Mr. Abrahams, and Mr. Wink about past money. Not  
23 that I'm disagreeing with them about money that  
24 should have been spent back then. But we need to  
25 move forward.

1 I live in Island Park. My house and my  
2 business was destroyed, along with my new cars.  
3 Now I know that I'm just talking about my  
4 vehicles here. But a month before the storm, I  
5 spent \$5,000 on my two vehicles. Guess what?  
6 They're gone. I wasted \$5,000. That point  
7 being, if we would have spent \$400 million when  
8 we probably maybe should have, we would have  
9 wasted that money.  
10

11 I just want to move forward. I want that  
12 plant to move forward. Hopefully we get a lot of  
13 this funding from the government and we all move  
14 forward. I would really love for us to be on the  
15 same wave length like we were with the frocking  
16 issue. That was wonderful. When I was up here  
17 last year asking you to get on board with that  
18 and Ms. Ford really took a strong stance on that.  
19 That was bipartisan. I think we need  
20 bipartisanship here too, as far as this plant is  
21 concerned.

22 Our bays are being destroyed daily before  
23 Sandy. Now, with Sandy we are in jeopardy with  
24 what just happened last week. My car, one of my  
25 cars died three months later. I survived. One

1 car lasted three weeks. The other car lasted  
2 three months. It's going to die. Little by  
3 little electric stuff is going to happen, like it  
4 did last week, and we're in a lot of trouble.

5  
6 The sooner, the better, we could all get  
7 on board together, we would really appreciate it.

8 Thank you.

9 CHAIRWOMAN GONSALVES: Thank you very  
10 much.

11 MS. ESPOSITO: Good afternoon,  
12 legislators. I'm Adrienne Esposito, executive  
13 director of Citizens Campaign for the  
14 Environment.

15 CHAIRWOMAN GONSALVES: Welcome.

16 MS. ESPOSITO: Thank you.

17 We are also here to support this  
18 contract. A couple of points of clarity.

19 Number one. I also agree that the county  
20 did a great job in getting the plant up and  
21 running. But it's not enough to have it up and  
22 running, it needs to be running well. And that's  
23 what we are seeking.

24 We don't want what was there. We need to  
25 now transition into what we need.

1 I want to disagree with one thing that  
2 was said, and that is -- it was asked, I think  
3 Legislator Jacobs said what could we have done  
4 differently? Frankly, if we had an ocean outfall  
5 pipe at the time Sandy hit, that would have been  
6 different. That would have prevented the 2.2  
7 billion gallons of raw or partially treated  
8 sewage from going into an embayment and another  
9 3.06 million gallons the other day from going  
10 into the embayment.  
11

12 You may or may not know this but we all  
13 know this now from the science done by Stony  
14 Brook SOMA, the School of Ocean, Marine,  
15 Atmospheric Science, where a lot of us with  
16 partnership with Legislator Denise Ford worked to  
17 get the state funding for this study. But we  
18 know a couple of things that make us smarter and  
19 make this decision a good decision that you're  
20 about to make.

21 One is that the water in the embayment  
22 doesn't really leave quickly. There isn't any,  
23 as we like to say, flushing into the ocean. It  
24 has a long residency time in that bay. So even  
25 when the plant's running well and we have 50

1 million or 58 million gallons of treated sewage  
2 going into the bay, we are still in trouble, and  
3 that's why, as Tommy said, it's dying.

4           The other thing we now know is that 85  
5 percent -- this is mind blowing -- 85 percent of  
6 the nitrogen loading into the Western Bays is  
7 directly from the sewage treatment plant, Bay  
8 Park Sewage Treatment Plant outfall pipe; we know  
9 that for a fact.

10           Ocean outfall, upgrading the technology,  
11 it really is the only way to go to make us  
12 sustainable and to bring back that bay.

13           The good news is, in other areas like in  
14 Cape Cod and where they've done this, the bays  
15 have been restored. So once we stop the nitrogen  
16 loading, such an excessive nitrogen loading into  
17 embayments, the bays can be restored and come  
18 back and new life can come of it. That's what we  
19 want, that's why we're here, and that's why many  
20 of us, frankly, have been working so hard for the  
21 last several years to get the science, get the  
22 funding, and to get all of you to work to do  
23 this.

24           I think we're at a critical juncture of  
25

2 time right now with this Bay Park Treatment  
3 Plant. And we can do it. We can do the right  
4 thing, get a fix, and we can have -- we actually  
5 can have a better, healthier future.

6 Thank you.

7 CHAIRWOMAN GONSALVES: Thank you very  
8 much, Adrienne.

9 MR. BOCHNER: How are you doing? It's  
10 hard to follow Adrienne.

11 CHAIRWOMAN GONSALVES: It's okay.  
12 You'll do good.

13 MR. BOCHNER: My name is Scott Bochner.  
14 I'm from Long Beach. I happen to live right  
15 outside of that outflow pipe, which has been  
16 deemed by scientists as the environmental hell of  
17 the Channel there.

18 What's nice about this particular meeting  
19 compared to other meetings that I've gone to, it  
20 seems like almost everybody here is on board with  
21 what Commissioner Mallette has said there, and  
22 you are all going forward. What's key about this  
23 is and what I heard is a lot of it is going to be  
24 reimbursed, that's what you said. Most of it is  
25 going to be reimbursed, which is not going to be

1 on the taxpayers' dollars. Well, it is  
2 taxpayers' dollars but not Nassau County's  
3 taxpayers' dollars, which is kind of a cool thing  
4 because every time I've come to these meetings  
5 it's always been about money. Now we have an  
6 opportunity, a rare opportunity to be smarter and  
7 safer and better.  
8

9 Like Adrienne had said, we know that the  
10 nitrogen levels in this Channel from that plant  
11 has pretty much killed the Channel.

12 What you might not know is after Sandy  
13 what we've seen is, and we're on the water a lot,  
14 is that the marshlands, the marshlands that  
15 filter, our natural filter that protects us, a  
16 lot of it, because of the amount of nitrogen that  
17 went in, the root systems were so shallow because  
18 it was being fed by this nitrogen that they  
19 pretty much ripped away from Sandy. So there is  
20 a lot less protection, a lot less filtration, a  
21 lot less growth as far as our shellfish, the  
22 wildlife, the environment. So the outflow pipe  
23 is very important to this particular project, and  
24 also upgrading the facility, like they're  
25 heading.

1 This contract that they put up, we  
2 definitely applaud and we really are glad that  
3 you are on board with it.

4 Thank you.

5 CHAIRWOMAN GONSALVES: Any other  
6 comments?

7 (No verbal response.)

8 There being none, time to vote. All  
9 those in favor of Contract E-112 signify by  
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The contract passes unanimously.

15 Good job.

16 Mr. Mallette, thank you again.

17 We need a motion to adjourn.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

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

22 All those in favor of adjourning signify  
23 by saying aye.

24 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 That's it. Thank you.

5 (Whereupon, the Rules Committee adjourned  
6 at 4:23 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

-----

FRANK GRAY