

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND  
THE ENVIRONMENT COMMITTEE

MICHAEL VENDITTO,  
CHAIRMAN

1550 Franklin Avenue  
Mineola, New York

June 30, 2014  
2:35 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

MICHAEL VENDITTO  
Chair

DENNIS DUNNE  
Vice-Chair

RICHARD NICOLELLO

DENISE FORD

JUDY JACOBS  
Ranking

DAVID DENENBERG

CARRIE SOLAGES

WILLIAM J. MULLER, III  
Clerk of the Legislature

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2 CHAIRMAN VENDITTO: I'll ask the members  
3 of the Planning, Development and Environment  
4 Committee to please take their seats.

5 I call the Planning, Development and  
6 Environment Committee to order. I'll ask the  
7 clerk to call the roll, please.

8 CLERK MULLER: Legislator Solages?

9 LEGISLATOR SOLAGES: Here.

10 CLERK MULLER: Legislator Denenberg?

11 LEGISLATOR DENENBERG: Here.

12 CLERK MULLER: Ranking Member Jacobs?

13 (No verbal response.)

14 Legislator Ford?

15 LEGISLATOR FORD: Here.

16 CLERK MULLER: Legislator Nicoletto is  
17 here.

18 CLERK MULLER: Vice Chairman Dunne?

19 LEGISLATOR DUNNE: Here.

20 CLERK MULLER: Chairman Venditto?

21 CHAIRMAN VENDITTO: Here.

22 CLERK MULLER: We have a quorum.

23 CHAIRMAN VENDITTO: Okay. We have one  
24 item on the calendar today and an addendum as  
25 well.

2 The one item is Clerk Item Number 239-14,  
3 this is a proposed local law to amend Nassau  
4 County Administrative Code in relation to the  
5 composition and jurisdiction of the Nassau County  
6 Water Resources Board.

7 Motion, please?

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRMAN VENDITTO: Moved by Legislator  
11 Dunne, seconded by Legislator Nicoletto.

12 This item is before us.

13 Before we proceed to the administration,  
14 a statement, just to give us a little context on  
15 the item here.

16 The item before us would serve to amend  
17 the Nassau County Administrative Code to  
18 repurpose the Nassau County Water Resources  
19 Board. The goal of the legislation is to create  
20 an agency within Nassau County that will monitor  
21 potential threats to Nassau County's precious  
22 groundwater resources.

23 The creation of this board is in direct  
24 response to a proposal by New York City to reopen  
25 over 50 groundwater supply wells along the

2 Nassau/Queens border and pump as much as 33  
3 million gallons per day from Long Island's  
4 aquifer system. The impacts of this proposed  
5 pumping are at this time unknown, and issues as  
6 to what this pumping will do to the quantity and  
7 quality of Nassau County's existing groundwater  
8 resources must be addressed.

9 We are also interested in what this  
10 pumping might do to our existing water table and  
11 how it will impact salt water intrusion and  
12 existing plums of contaminants throughout the  
13 county.

14 The board will consist of five to nine  
15 members, each with experience and qualifications  
16 concerning the public water supply or related  
17 fields, appointed by the county executive, and  
18 confirmed by this legislature. Five of the  
19 members will be appointed upon the recommendation  
20 of the presiding officer, minority leader,  
21 commissioner of public works, commissioner of  
22 health, and the county attorney, respectively.

23 This proposal also allows the county to  
24 appropriate resources and employ personnel on  
25 behalf of the board so it can effectively

2 accomplish its mission and it requires the board  
3 to appoint to the county executive and  
4 legislature the nature of its findings and  
5 recommendations.

6 With regard to the New York City plan to  
7 reactivate groundwater wells, this board shall  
8 oversee all environmental reviews conducted by  
9 the City to ensure that all appropriate  
10 consideration be given to the environmental  
11 impacts and how they will affect Nassau County.

12 Mr. May, we have, I believe, County  
13 Attorney Houdek with us.

14 MR. MAY: Jane Houdek from the  
15 Department of Public Works with us.

16 CLERK MULLER: And Legislator Jacobs is  
17 here.

18 CHAIRMAN VENDITTO: Thank you. Good  
19 afternoon, Ms. Houdek.

20 MS. HOUDEK: Good afternoon. Jane  
21 Houdek, Department of Public Works. I think you  
22 did a fine job summarizing the legislation, so --

23 CHAIRMAN VENDITTO: I appreciate that.

24 MS. HOUDEK: I don't know what you'd  
25 like me to add in.

2 CHAIRMAN VENDITTO: In that case, why  
3 don't we go to questions from the committee  
4 members, if there are any. Legislator Denenberg.

5 LEGISLATOR DENENBERG: Hi, Ms. Houdek.  
6 Currently this committee exists or it doesn't?

7 MS. HOUDEK: Right now in the  
8 Administrative Code it does provide for a water  
9 resources board. In its prior constitution, that  
10 board was primarily concerned with making sure  
11 that they could identify supplemental water  
12 supplies and respond to a report some years ago  
13 by the engineering firm of Breely & Hanson  
14 (phonetic) regarding supplemental water supplies.  
15 The new -- we have more up-to-date concerns, as  
16 you heard Legislator Venditto summarize.

17 LEGISLATOR DENENBERG: Well, the more  
18 up-to-date concern of New York City possibly  
19 drawing on the aquifers and what results that  
20 might have on the water tables, the water level,  
21 our aquifers here in Nassau County should be a  
22 big concern. But being that we have a committee  
23 right now, when was the last time it met?

24 MS. HOUDEK: The legislation, as it  
25 exists, doesn't specify when the board is

2 required to meet. I'm not a member of the board,  
3 nor do I serve in any sort of ex officio  
4 capacity, so I'm not familiar with the prior  
5 meetings of the board.

6 LEGISLATOR DENENBERG: And the  
7 legislation being proposed says this  
8 reestablished committee will meet when?

9 MS. HOUDEK: The legislation that's  
10 being proposed gives the board great latitude  
11 about when it's going to meet, but it does have  
12 reporting requirements. So I'm sure that the  
13 women and men of science and law who will be  
14 appointed to this board will meet in a timely  
15 fashion, so as to determine what they need to do  
16 in order to fulfill their mandates.

17 LEGISLATOR DENENBERG: Where does it say  
18 that it will be men and women of science and law  
19 in this legislation?

20 MS. HOUDEK: Certainly, if you look at  
21 the law it says the members shall be citizens  
22 possessing outstanding qualifications in various  
23 disciplines associated with public water supply  
24 and related fields. So I certainly would  
25 consider men and women of science and law and

2 other related fields that would be possessing  
3 those qualities.

4 LEGISLATOR DENENBERG: And that's the  
5 qualifications to be on this board, men and women  
6 of science and?

7 MS. HOUDEK: No. That was my -- you  
8 said to me --

9 LEGISLATOR DENENBERG: What does it  
10 actually say?

11 MS. HOUDEK: It says the members shall  
12 be citizens possessing outstanding qualifications  
13 in various disciplines associated with the public  
14 water supply and related fields. And then it  
15 identifies the activities that they are to do.

16 CHAIRMAN VENDITTO: And the good thing  
17 here, if I may interject, is that the legislation  
18 --

19 LEGISLATOR DENENBERG: I'm sorry.

20 CHAIRMAN VENDITTO: The legislation,  
21 itself, just to clarify the record, gives this  
22 body the direct opportunity to vet any candidates  
23 for the board. So we are the ones who will  
24 ultimately decide what the --

25 LEGISLATOR DENENBERG: I think to avoid

2 --

3 CHAIRMAN VENDITTO: We are the ones,  
4 excuse me, who will properly and finally decide  
5 what the qualifications are for the board  
6 members.

7 LEGISLATOR DENENBERG: That's great. I  
8 think that the legislation should actually put  
9 down qualifications and should make the people  
10 experts when it comes to water resources and  
11 water resource protection so that it wouldn't be  
12 subject to a majority appointment, which I  
13 believe it's five members appointed by the  
14 legislature, which could easily just be political  
15 appointees. I don't see any expertise really  
16 being required say for that broad scope.

17 Are we providing any funding for any  
18 studies or any requirements that any actual  
19 technological studies be performed?

20 CHAIRMAN VENDITTO: One of the things --

21 LEGISLATOR DENENBERG: I'm asking Ms.  
22 Houdek. I'm sorry.

23 CHAIRMAN VENDITTO: One of the things  
24 that you need to do before you start considering  
25 governing by sound bite is take a look at the

2 legislation itself. The point that was attempted  
3 to be made here, in the membership of the section  
4 legislation directly talks about the attributes  
5 that we're requiring of our members.

6 LEGISLATOR DENENBERG: It's going to be  
7 a majority vote without any set expertise,  
8 without any funding, without any teeth, without  
9 any concrete reporting requirements, and I'm  
10 asking what's the concrete reporting  
11 requirements, what's the actual expertise, in  
12 terms of degrees, in terms of years in the field,  
13 and are we providing any funding for studies at  
14 all? We're trying to compete here with a New  
15 York City plan that's been years in the making,  
16 that has data, that has studies, that has actual  
17 people that are experts in the field from the New  
18 York City Department of Environmental Protection  
19 who have studied water, and I want us to be at  
20 least on a close to level playing field. I just  
21 don't see it.

22 Jane -- I'm sorry -- Ms. Houdek, what  
23 expertise in terms of degrees are required from  
24 these members, aside from a majority vote of the  
25 legislature?

2 MS. HOUDEK: If you look at the  
3 legislation as it exists, in Section 21A, little  
4 i, it says that they shall be citizens possessing  
5 outstanding qualifications in various disciplines  
6 associated with public water supply and related  
7 fields.

8 LEGISLATOR DENENBERG: I'm sorry. I  
9 don't understand what degree that is.

10 MS. HOUDEK: When the people are  
11 presented you'd want a balanced board. You're  
12 not going to prejudge until you get the  
13 candidates and then you will determine, as you  
14 go, who possesses those qualifications so as to  
15 balance the board.

16 LEGISLATOR DENENBERG: Sounds like ten  
17 votes from the legislature will decide whether  
18 someone's expertise is actually there, as opposed  
19 to concrete degrees in the science, in the water  
20 resource field, or in the water protection field,  
21 or the environmental field. I would at least  
22 like to see someone who has an engineering degree  
23 or an environmental degree and several years of  
24 experience when it comes to water resource  
25 protection, or working for an environmental

2 protection agency or in the environmental field.

3 MS. HOUDEK: So when the people come  
4 before you --

5 LEGISLATOR DENENBERG: We're going up  
6 against the New York City Department of  
7 Environmental Protection that's going to say  
8 drawing water from the wells along what used to  
9 be that Jamaica corridor isn't going to affect  
10 the water table at all. And, by the way, for the  
11 last four years we're going to have absolutely no  
12 studies in Nassau County because we didn't follow  
13 through on the USGS contract. And as an aside,  
14 quick question. Have we signed that USGS  
15 contract yet? Because I'm told we still haven't  
16 signed it, even though the legislature approved  
17 it.

18 MS. HOUDEK: I'm here to talk about this  
19 item, Legislator.

20 LEGISLATOR DENENBERG: Well, for the  
21 record, before this goes to Full I'd like to know  
22 whether the administration has executed the USGS  
23 contract that would start studying the water  
24 table and would start studying or return to  
25 studying what the water levels in our aquifers

2 were, as well as contaminants in our water  
3 aquifers, which contract I believe the  
4 legislature approved about two months ago now.

5 I would move to table this item until we  
6 know whether we've even entered into the USGS  
7 contract so that we even have data for any  
8 experts in Nassau County to try to compete with  
9 what our real experts in New York City.

10 There's a motion from Legislator Solages,  
11 and I second it.

12 CHAIRMAN VENDITTO: We need a vote on  
13 the motion. We have a motion to table. All in  
14 favor?

15 (Aye.)

16 All opposed?

17 (Nay.)

18 The motion fails.

19 And I think the clerk has some relevant  
20 information as to one of the last questions that  
21 was raised by Legislator Denenberg.

22 CLERK MULLER: That contract has been  
23 certified and sent to the comptroller's office.

24 LEGISLATOR DENENBERG: When was that?

25 CLERK MULLER: It was -- I believe it

2 was done yesterday.

3 LEGISLATOR DENENBERG: Yesterday? On a  
4 Sunday?

5 CLERK MULLER: No. I'm sorry. The last  
6 --

7 LEGISLATOR DENENBERG: No. No. You  
8 said yesterday.

9 CLERK MULLER: Okay. I'm sorry for the  
10 sound bite from me then. I misspoke. I  
11 apologize.

12 LEGISLATOR DENENBERG: You guys are --

13 CLERK MULLER: The sound bite from me  
14 then would be that my staff and I certified the  
15 contract last week and it was sent to the  
16 comptroller's today.

17 LEGISLATOR DENENBERG: Okay. I think  
18 that's unfortunate being that the legislature  
19 approved that USGS contract six weeks ago, over a  
20 month ago.

21 I agree with the majority that something  
22 needs to be done and a committee that has failed  
23 to meet for however much time needs to be meeting  
24 and reconstituted. But we saw that a panel that  
25 had no required expertise, in terms of concrete

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2 items such as degrees, year and particular field.  
3 I'd love that Ms. Houdek repeat that generic  
4 phrase again. And that shows that anyone who  
5 gets ten votes up here can be said to have that  
6 kind of expertise. That's not a -- let me  
7 finish. That's not a degree. That's not  
8 required studies. That's not required reporting  
9 to this body. And if we're not going to provide  
10 funding to actually conduct the studies -- and I  
11 would recommend Legislator Jacobs, myself, and I  
12 believe it was Legislator Bosworth has, for  
13 years, stated that the soil and water  
14 conservation district, which was funded for over  
15 25 years to conduct these kind of studies and had  
16 been conducting those studies, hasn't been funded  
17 since 2011. That alone could be providing  
18 funding that would really provide accurate data,  
19 accurate results, accurate conclusions, and  
20 accurate recommendations with respect to aquifer  
21 protection, recharge issues, and to at least have  
22 Nassau conduct real objective studies in response  
23 to New York City plans on drawing our aquifers.  
24 As an engineer I would like to see real data and  
25 real opinions that are based on data. Here, I'm

2 going to be passing legislation without any  
3 reporting requirement, without any real expertise  
4 requirement. The only thing I know is five  
5 members are going to be appointed, subject to ten  
6 votes of this body which, dare I say, could end  
7 up being just political appointments for people  
8 to build up their resume. That doesn't protect  
9 our aquifer. That doesn't protect our water  
10 supply. Is there some degree requirement?

11 CHAIRMAN VENDITTO: I've got to tell  
12 you, quite an unfair presumption, I think, to say  
13 that --

14 LEGISLATOR DENENBERG: There was a  
15 question. Is there some degree requirement?

16 CHAIRMAN VENDITTO: It was a question  
17 after I started making a comment.

18 LEGISLATOR DENENBERG: No. I said it  
19 before --

20 CHAIRMAN VENDITTO: I want to make a  
21 quick comment. It's an unfair presumption to say  
22 that people are just going to vote right along  
23 the party lines.

24 LEGISLATOR DENENBERG: Oh, that never  
25 happens here. You're right.

2 CHAIRMAN VENDITTO: We're voting -- it  
3 never happened for the ten years that the  
4 minority did have control right? Or however long  
5 it was.

6 We vote, I would hope each of us as  
7 legislators, in the way that we think our  
8 residents would want us to vote. It's a very  
9 recent precedent, actually, for a legislator  
10 voting against his party in the name of doing  
11 what's right for his residents. So that's a very  
12 unfair presumption. And I've got to tell you --

13 LEGISLATOR DENENBERG: You should have  
14 been here in committee to stop that vote.  
15 Instead, you went out campaigning.

16 CHAIRMAN VENDITTO: I've got to tell you  
17 something. Something has to be done about this  
18 situation. If we sit in on our hands and let New  
19 York City come into our county and start  
20 dictating what happens with the water supply,  
21 then we really are lost.

22 Now I'll let you proceed with the  
23 question, Legislator.

24 LEGISLATOR DENENBERG: It's a panel  
25 without any expertise, without any funding,

2 without any requirement to actually conduct real  
3 reports with real data that are meaningful is not  
4 going to do it.

5 Again, Ms. Houdek, I ask is there any  
6 degree requirements of these members,  
7 appointments, I should say?

8 MS. HOUDEK: The legislation describes  
9 what the qualifications that the people must have  
10 that creates a floor not a ceiling. Certainly,  
11 when the individuals are presented to you, you  
12 may vet them as to their degrees, as you have  
13 done in the past for other board appointees.

14 LEGISLATOR DENENBERG: How much funding  
15 is provided for studies?

16 MS. HOUDEK: You're presuming what the  
17 work is going to be. Once the board constitutes  
18 itself, they'll decide, determine what needs to  
19 be done. Then, of course, whatever funding needs  
20 to be sought, it will be sought.

21 LEGISLATOR DENENBERG: Is there a  
22 timeline for that?

23 MS. HOUDEK: There is certain required  
24 reporting, as you can see in items six and seven  
25 of the legislation. Of course these people will

2 want to do it timely.

3 LEGISLATOR DENENBERG: What's the  
4 timeline? I'm sorry.

5 MS. HOUDEK: Items six and seven.  
6 There's an annual report due in April of each  
7 year --

8 LEGISLATOR DENENBERG: So we're going to  
9 wait until April 2015.

10 MS. HOUDEK: There's certainly not a  
11 requirement that anybody wait that long. And in  
12 item six it says they will report to the county  
13 executive and the county legislature. So if  
14 someone determines that a report is needed more  
15 timely, they certainly have the prerogative to  
16 do so.

17 LEGISLATOR DENENBERG: I, for one, don't  
18 think we're protecting Nassau County interests by  
19 having an April 2015 requirement for a report  
20 that has no real requirement, just a report.

21 MS. HOUDEK: They're certainly not  
22 limited to reporting on April 15. It's clear  
23 that they can report before then --

24 LEGISLATOR DENENBERG: Report what?

25 MS. HOUDEK: if they are so requested to

2 report.

3 LEGISLATOR DENENBERG: What does the  
4 report -- what's the requirement requirement?  
5 What does the report have to be?

6 MS. HOUDEK: In item six it says they  
7 are to report to the county executive and the  
8 county legislature. If you require a report, I  
9 am sure that the board will give you a report.

10 LEGISLATOR DENENBERG: So there's no  
11 specific reporting requirement.

12 MS. HOUDEK: You're an engineer. If you  
13 want to know something, I'm sure you know how to  
14 ask the question.

15 LEGISLATOR DENENBERG: Oh, really? Oh,  
16 really? Of course I know how to ask a question.  
17 Are you telling me this board would be appointed,  
18 and if Legislator Denenberg asks a question, with  
19 everyone yelling at me and saying don't do that,  
20 that's what they're going to do? Are you  
21 kidding? I could ask the county attorney for a  
22 report and then -- I'm still waiting for those  
23 reports from the county attorney's office. I can  
24 name seven right now I'm still waiting for.  
25 Exactly what expertise is required so we can take

2 it out of politics, provide real funding, as  
3 existed for the soil and water conservation  
4 district, which was money that was taken away  
5 that's still there. There's grant money to be  
6 had.

7 New York City DEP has 18 million, \$18  
8 million worth of grants that come from both the  
9 federal government, the state -- I'm not even  
10 talking about the City of New York -- in order to  
11 do studies on aquifer protection alone, not even  
12 getting into their water issues. Because they  
13 have real studies, real plans, and real  
14 requirements to do it.

15 We used to get the soil and water  
16 conservation district money as a grant from the  
17 state. We don't even have that district.  
18 There's no one there. So now we form or reform a  
19 committee with no objective expertise required,  
20 just subjective, subject to ten votes here, no  
21 funding. And you just said any legislator can  
22 ask them to do any study that we want. Do you  
23 really think that's going to happen and that will  
24 be effective?

25 MS. HOUDEK: I certainly didn't say

2 that.

3 LEGISLATOR DENENBERG: Sounded like you  
4 did.

5 MS. HOUDEK: Please don't paraphrase  
6 what I say.

7 LEGISLATOR DENENBERG: Okay. So you  
8 didn't say I'm an engineer, I should ask what I  
9 want them to study; when I just heard that, I  
10 didn't really hear that.

11 MS. HOUDEK: I said you're an engineer,  
12 you certainly can ask them to make a study of  
13 something that would be appropriate.

14 LEGISLATOR DENENBERG: You think I  
15 unfairly paraphrased you. Okay. I got that.

16 I really do think that this legislation,  
17 there's nothing wrong with the idea that we need  
18 to study and to know exactly what the New York  
19 City plan will do to Nassau County. It's not  
20 just the New York City plan, it could be anyone's  
21 plan. I'm looking at two legislators, Denise  
22 Ford and Judy Jacobs who, along with Judi  
23 Bosworth and myself, have looked at issues on the  
24 Lloyd Aquifer as well as the Magathy Aquifer type  
25 issues.

2 If we want something that's going to give  
3 us real data and real opinions, we have to  
4 require real expertise, we have to require real  
5 timelines for reporting requirements, and we have  
6 to provide adequate funding for studies. The end  
7 result would be exactly what this committee has  
8 become, something that never meets, never reports  
9 back, and is of no resource to us.

10 CHAIRMAN VENDITTO: Again, it's just so  
11 important to do your homework when we discuss  
12 this legislation.

13 I'm going to make the point again because  
14 I just don't know if it's being realized around  
15 the table.

16 This legislation, a key component of it,  
17 is that it gives us, the legislature, the  
18 legislators, every one of us the right to  
19 allocate funds, the right to appoint the people  
20 on the board. Everything comes back to us. At  
21 the end of the day we will have the power to make  
22 the decisions. It's a very important component.

23 Any other questions? Okay. I think  
24 Legislator Nicoletto wants to jump in.

25 LEGISLATOR NICOLELLO: Just a couple of

2 points. This is obviously is an appointed board.

3 I don't know if you want to put specific  
4 degrees or require specific degrees and everyone  
5 on the board has to have a Ph.D. or something  
6 like that. I don't really think that necessarily  
7 will create a board that's going to be  
8 functional, that's going to provide the purposes  
9 that we want. Certainly, they can call upon  
10 people that have that type of degree, that type  
11 of expertise. I think you're rather lucky for  
12 people with the requisite background in the area  
13 but not necessarily require that somebody have a  
14 PhD. I think that's too specific. I think it's  
15 better to put the floor in, which is what this  
16 legislation does.

17 It's important that we move forward with  
18 this. No one expects this to be the only tool,  
19 the only option of the county in response to what  
20 New York City plans to do, in terms of opening  
21 those wells. But it is certainly going to be one  
22 of them. No one expects this to be every bit of  
23 what the county is going to do.

24 The other point to keep in mind is  
25 ultimately we are the elected officials. The

2 county executive is the elected official.

3 Whatever actions take place or don't take place,  
4 ultimately we are held accountable. Whether or  
5 not this appointed board meets our full  
6 expectations, ultimately our response is going to  
7 be what's measured.

8 I think the county is going to do what it  
9 has to do to protect its residents. But  
10 ultimately the State of New York is probably  
11 going to be the entity that determines whether  
12 the City can go forward. Unfortunately for our  
13 perspective, we have a governor and an assembly  
14 which are more geared toward the City. I think  
15 we should do everything we can to lobby those  
16 forms of government to protect Nassau, to protect  
17 the aquifer, to protect our water supply because  
18 ultimately they are going to make the decision as  
19 to whether the City can go ahead with this.

20 Again, this is an appointed board, and  
21 it's one part in a process by which Nassau's  
22 going to try to protect its own interests. So  
23 let's not make too much of the fact. We're  
24 moving forward on one item today.

25 CHAIRMAN VENDITTO: Thank you.

2 Legislator Jacobs.

3 LEGISLATOR JACOBS: Yes. I have to  
4 bring you back a little ways, as far as somebody  
5 that was left out of the list that was just  
6 discussed, as far as who was involved, and that's  
7 Legislator Ford and myself. This goes back how  
8 many years ago? Maybe seven. Seven or eight  
9 years ago. It's felt like 20. But I want to say  
10 one thing.

11 In the audience right now is Sarah  
12 Meyland, who is the executive director of  
13 anything environmental that matters. She  
14 educated Denise Ford and I, it seems like  
15 overnight. We're driving out to meet with the  
16 state officials in SUNY to stop the Suffolk  
17 County Water Authority from encroaching upon the  
18 Lloyd Aquifer, which we feel is pure, which we  
19 know is pure, and that was a grave concern. This  
20 creates red flags for me. What the City wants to  
21 do creates red flags for me, for all of us to be  
22 aware of.

23 I don't necessarily agree that people  
24 need a certain doctorate in front of their name  
25 to be on the committee, but I do agree that it

2 would help this wording of this particular  
3 committee being formed if there was certain  
4 criteria and the criteria was not just somebody  
5 who happens to like water. I worry about water.  
6 I think that's our future that we're leaving for  
7 our children. By the way, we were successful in  
8 stopping it. And May Neuberger, may she rest in  
9 peace, was phenomenal at that hearing with the  
10 State. And after she finished talking, nobody  
11 could say a word. And they did not encroach upon  
12 our Lloyd Aquifer.

13           There is no one environmentally -- there  
14 is no one with the environmental expertise  
15 sitting here today, like Sarah Meyland. To be  
16 honest with you, very often our underground water  
17 is not the upper most in people's minds. I'm not  
18 saying you Jane, because I know you a long time.  
19 But people forget it may not be the sexiest  
20 issue. But when it comes to it, if it's  
21 encroached upon and endangers all of us, it  
22 becomes a very serious issue.

23           I really do feel that, let's say none of  
24 this are on this legislature five years from now  
25 when things are happening that are bad. If we

2 don't set up this board with very careful  
3 deliberation and objectives as to what we're  
4 setting it up for, then we leave ourselves open  
5 to having a name only. And yeah, someone  
6 mentioned before in passing, I heard, what do we  
7 do, wait for the state? That's exactly what  
8 happened years ago. We had to get the state to  
9 take action to stop the Suffolk County Water  
10 Authority.

11 So we should be mindful that if we're  
12 voting yes on this today, we should be voting yes  
13 as to the people that are going to be serving on  
14 it. The right way to set this up would be to  
15 have a list of nine experts that we all feel are  
16 serious experts and then feel comfortable.  
17 Otherwise, I'm a little concerned here.

18 CHAIRMAN VENDITTO: Thank you.

19 Legislator Ford.

20 LEGISLATOR FORD: Good afternoon, Jane.

21 Thank you very much for your presentation on  
22 this.

23 Yes, Judy, it was a long fight that we  
24 had. It seemed like it went overnight, but it  
25 was many a night filling out questionnaires and

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2 preparing answers and answering questions and so  
3 forth. But I have to just say that going back to  
4 that. I remember. I was a new legislator and  
5 Sarah reached out to me to let me know that there  
6 was going to be a problem with the Lloyd Aquifer,  
7 that the Suffolk County Water Authority wanted to  
8 drill another well, and that was something that  
9 was not permitted. For somebody who really  
10 didn't have much knowledge of the Lloyd Aquifer,  
11 I soon learned about it. But I knew what to do.  
12 Of course writing to everybody, to every  
13 legislator in Nassau County, every legislator in  
14 Suffolk County requesting help with this issue.  
15 Thank God Judy was presiding officer at the time  
16 so she stepped up to the plate to help me. But  
17 then, of course, Suffolk County then found out  
18 what I was trying to do and then generated a lot  
19 of letters to you. And I was sort of afraid to  
20 drive through Suffolk County because I was afraid  
21 I'd be stopped for what I was trying -- you know,  
22 keep the Suffolk County Water Authority from  
23 drilling.

24 This is something, you know, dealing with  
25 our water supply, it is very fragile. It's very,

2 very important to us. I remember many, many  
3 years ago when New York City wanted to infuse  
4 water, they wanted to take the water from the  
5 aqueducts to infuse it into the Magethy as well  
6 as the Lloyd Aquifer, to bolster it so that they  
7 could store some of their water in their so that  
8 eventually they could take it out. And we were  
9 able to stop it then.

10 But I think when I look at -- I am very,  
11 very happy for this proposed legislation. I  
12 really think we have to start somewhere. We  
13 cannot just, like, sit back. It saddens me to  
14 know that we have this committee, that there is  
15 somebody who is in charge of it somewhere and it  
16 has never met. I don't know how long ago it had  
17 been formed. But through many, many  
18 administrations it seems that this committee has  
19 been there and has done nothing. Even when we  
20 were fighting -- we were doing the good fight,  
21 Judy, they did not even reach out to us and let  
22 us know that here we are and we want to help you  
23 with this.

24 I appreciate the fact that we are looking  
25 for people who have some sort of a background,

2 that may have knowledge, and that would be  
3 something that I would like to adhere to. But  
4 it's not always just about the knowledge, which  
5 is very, very important. But you also have to  
6 have people on this committee that have a  
7 passion. Maybe they may not know 100 percent  
8 about water, about the testing, but I think that  
9 we need to have somebody, people who truly want  
10 to serve and truly want to make a difference.

11 Judy, I think that you do bring up  
12 something very important, that maybe it would be  
13 nice to have engineers and scientists. But  
14 perhaps what we should do, like passing this and  
15 starting something today, that we can then ask --  
16 once we look at the members, we could try to put  
17 as many people on that we feel that will do the  
18 best work and to do the most, to formulate  
19 strategies, studies, to start getting the ball  
20 rolling so that we could finally start doing  
21 something with a lot of meat in it to protect the  
22 Lloyd Aquifer and the Magethy, and then we could  
23 then take a look to see who they would recommend  
24 that they should also be on this committee with  
25 us. They should then direct us as to what kind

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2 of, you know, funding they may need in order to  
3 do some of these studies.

4 LEGISLATOR JACOBS: The only thing that  
5 bothers me is that a recent bill that was just  
6 passed in New York State, Assembly and the  
7 Senate, and everyone was applauding never once  
8 put into it, which I fought for, thanks to Sarah  
9 again getting involved and informing me, never  
10 put in the underground water supply. So the  
11 problem is that when -- I'm not belittling any of  
12 us. I've been here 19 years and I know our  
13 hearts are in the right place. What bothers me  
14 is when it's left to the political forces to make  
15 the committee, the problem is will we see the  
16 proper people on it. Certainly the bill would  
17 have been just as important if they had added  
18 underground water protection, they didn't, and  
19 then waiting for the committee to be formed to  
20 get money, when we can't even get enough money to  
21 keep certain social services open. It's scary.  
22 It's scary. I think we're leaving everything  
23 with a big if.

24 LEGISLATOR FORD: Judy, if we don't do  
25 anything and if we wait to maybe get the funding,

2 we are delaying something as well. We don't even  
3 know. I know with the USGS study, finally it's  
4 been passed. And I agree. I was disappointed  
5 that it was not funded for the past couple of  
6 years. I do agree that that was a fault. It was  
7 a bad thing that we did. But we've got to start  
8 somewhere. And we don't know. I don't know what  
9 impact with New York City, with their approach to  
10 taking --

11 LEGISLATOR JACOBS: I agree. What if it  
12 happens very quickly though?

13 LEGISLATOR FORD: Yeah.

14 LEGISLATOR JACOBS: What if it happens  
15 within the next year? Something's going on and  
16 we're still forming a committee --

17 LEGISLATOR FORD: That's why I'm saying  
18 let's get this committee formed now.

19 We have a lot of resources. We do have a  
20 lot of resources. Judy, you mentioned Sarah  
21 Meyland. To me she is the guru of water, I  
22 guess, somebody who has the knowledge and the  
23 passion. Jerry Ottavino, how many conversations  
24 have I had with him? I don't know whether or not  
25 his background is 100 percent with water. But we

2 look at -- we have a lot of people that we know  
3 that really will work on this, that have  
4 knowledge.

5 When we started years ago, did the TMDL  
6 study, a lot of us didn't realize what needed to  
7 be done, but we had some people that guided us in  
8 the right direction and we were able then, at  
9 that time, to secure the funding and then to get  
10 additional funding to continue with that study.  
11 So I think that we shouldn't do ourselves a  
12 disservice. I think that there are enough of us  
13 on this legislature that truly care and always  
14 want to do the right thing. Regardless -- and we  
15 know on both sides of this aisle, we make our  
16 political appointments. We know that. I don't  
17 care if you're democrat or republican. Everybody  
18 falls prey to that.

19 LEGISLATOR JACOBS: Except for Sarah.

20 LEGISLATOR FORD: I meant on this here.  
21 What I'm talking about, just us. But I honestly  
22 believe that this is a step in the right  
23 direction.

24 Jane, may I ask you something? Do you  
25 have any -- looking at this and knowing the

2 challenges that are facing us now, by putting  
3 this board together or committee, do you envision  
4 any successes you might think that they would  
5 have?

6 MS. HOUDEK: I think it's important to  
7 constitute the board and charge them with what  
8 New York City has planned and to determine a  
9 strategy for addressing that, and that strategy  
10 will then give you a sense of what type of budget  
11 you would need for the work that they would do.  
12 Having worked with you all on many water issues  
13 and having worked with Sarah on many water  
14 issues, including some of the ones that you've  
15 mentioned, what I think is important now is to  
16 get moving and to start this board down the work  
17 that it has to do.

18 LEGISLATOR FORD: I agree. I think that  
19 -- Judy, I understand your concern. You know.

20 LEGISLATOR JACOBS: Only because I'm not  
21 trying to be negative. I think we have to --  
22 actually, if it becomes the same as the last  
23 board where it's just there, that didn't help us.  
24 The only one who helped us was Sarah Meyland.

25 But honestly, I'm inclined to pass it

2 through today. But before it comes to us I think  
3 we should, together, put some teeth into it.  
4 Maybe before it comes before the Full Leg, just  
5 something. I'm not saying we should attach a  
6 necessary monetary figure but something that  
7 gives us the ability to know that there's some  
8 pot of money, little, to get this board to have  
9 something to do. And that the board members -- I  
10 hate to embarrass Sarah -- are of the caliber of  
11 a Sarah Meyland.

12 LEGISLATOR FORD: Yeah.

13 LEGISLATOR JACOBS: I don't know too  
14 many. But if there are some.

15 LEGISLATOR FORD: I think we have a lot  
16 of colleges, universities, we have a lot of  
17 educational systems --

18 LEGISLATOR JACOBS: Exactly.

19 LEGISLATOR FORD: that probably can  
20 provide us with good candidates that we can  
21 choose.

22 Chair, Legislator Venditto, perhaps maybe  
23 in between today's committees and the Full Leg -  
24 I think one of the things that we can maybe  
25 incorporate into this would be basically a

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2 mission statement. I think Ms. Houdek definitely  
3 said it where you said you envision to put some  
4 teeth. Right now the strategy is to take a look  
5 at what New York City is planning on doing and to  
6 identify the resources and whatever funding is  
7 needed. We could take a look.

8 I really think that we can -- Judy, I'd  
9 be happy to sit with you and speak with you about  
10 this, if it's all right with you.

11 LEGISLATOR JACOBS: I think we should.  
12 I think we should.

13 LEGISLATOR FORD: Okay.

14 LEGISLATOR JACOBS: Okay.

15 LEGISLATOR FORD: Thank you.

16 CHAIRMAN VENDITTO: Great. Thank you.  
17 Legislator Dunne.

18 LEGISLATOR DUNNE: Thank you, Chairman  
19 Venditto.

20 We have an opportunity today to do  
21 something to figure out if New York City's action  
22 could hurt us. Shame on us if we were to table  
23 this important legislation. If we did that, then  
24 we really would have been shameful. We must act  
25 fast and put a protective group who, if needed

2 professional studies, we, indeed, this  
3 legislative body, can give the monies to get  
4 those studies done --

5 LEGISLATOR JACOBS: From where?

6 LEGISLATOR DUNNE: We can contract out  
7 to professionals that are across the width and  
8 breadth of this county and the country. We could  
9 pull in professionals. As done with everything  
10 this legislature does, we contract professionals  
11 to make sure the studies are done for the  
12 betterment of our citizens. To contract proper  
13 professionals to do these studies, that have  
14 different expertise, because you can't get all  
15 these different expertise in one person or five  
16 people. You are going to have contract out. And  
17 this body will provide the funding for that.  
18 We're not going to allow Nassau County's water to  
19 go down the drain.

20 Let's pass this legislation, and let's  
21 get started.

22 LEGISLATOR JACOBS: It would have ten  
23 years ago had it not been --

24 LEGISLATOR DUNNE: Well let's pass this  
25 and get started.

2 LEGISLATOR JACOBS: Well, we better get  
3 started because New York City is way ahead of us.

4 LEGISLATOR DENENBERG: If we wait 'til  
5 April 2015 it will be down the drain.

6 CHAIRMAN VENDITTO: Legislator Solages.

7 LEGISLATOR SOLAGES: Thank you. Good  
8 afternoon. Thank you, Chair.

9 Good afternoon, Ms. Houdek. How are you  
10 doing?

11 MS. HOUDEK: Fine, sir.

12 LEGISLATOR SOLAGES: Do you have any  
13 idea as to when New York City will begin pumping  
14 the water?

15 MS. HOUDEK: They are in the  
16 environmental process now. They're preparing an  
17 environmental impact statement. They have not  
18 received any approvals to do so.

19 LEGISLATOR SOLAGES: Isn't it possible  
20 for this body to have a hearing in which we have  
21 a representative from that government report to  
22 us?

23 MS. HOUDEK: I think what's important  
24 now is that we decide what we need to do in order  
25 to be part of the process, to be an effective

2 advocate at whatever public forums the state  
3 holds and the city holds while this is being  
4 considered.

5 LEGISLATOR SOLAGES: I agree with you.  
6 We need a committee with the appropriate funding,  
7 a plan, a timeline, deadlines. We need a plan.  
8 It's ridiculous for us to go forward without a  
9 plan. There's an expression, as you may know,  
10 that is failure to plan is like planning to fail.

11 I agree that we must start, but it can't  
12 be just a symbolic start, it must be a start with  
13 teeth and some actual power to go forward and to  
14 make sure that one of the most important and  
15 pressing environmental concern that faces us as  
16 an entire island, not just Nassau County, in  
17 which our interests can be protected.

18 I agree with the comments made by my  
19 colleague, Legislator Denenberg, and I agree also  
20 with Legislator Ford that we must have a start,  
21 and also Legislator Jacobs. But I want it to be  
22 the right start. There's an expression, you buy  
23 cheap, you buy twice. We can't afford to buy  
24 twice here with this environmental concern.

25 I make a suggestion. Can we start by

2 changing the first report date? Again, this is a  
3 very impressing, important date and we can't  
4 afford to wait all the way into next April to  
5 learn more about this issue.

6 MS. HOUDEK: The April date is in the  
7 existing legislation. You can have a report  
8 before then. It certainly gives the legislature  
9 and the county executive the power to request  
10 reports before then.

11 LEGISLATOR SOLAGES: Can we mandate a  
12 certain date that's sooner than that?

13 MS. HOUDEK: There are reports that you  
14 can request before that. The existing  
15 legislation has that date in it --

16 LEGISLATOR SOLAGES: It's not can. We  
17 must do this.

18 LEGISLATOR FORD: Legislator Solages, I  
19 agree, when you look at the April 2015. But I  
20 think Ms. Houdek has clearly indicated that we  
21 don't have to wait until April 2015 to receive  
22 any information. And that's why I think by  
23 getting this committee put together -- and  
24 changes can be made. I don't think that if we  
25 find that members are not working or not, you

2 know, doing what they're supposed to be doing, I  
3 think that the rest of the committee will let us  
4 know. I, myself, will call for an earlier report  
5 date, you know, to say -- because I want to know.  
6 I don't want to wait until April. I don't even  
7 want to wait until December to find out what is  
8 going on. I want to make sure that this  
9 committee meets, that they do their due  
10 diligence, because we are very, very critical.

11 You and I both are right on that border  
12 of Queens. And where they have -- basically, the  
13 City is cleaning they have a legal right because  
14 they are part of the Lloyd and they have a lot of  
15 wells. I remember my father put a well in in our  
16 backyard. Basically, they can do it but it would  
17 be disastrous for us here in Nassau County. So,  
18 I agree with you.

19 And as I had indicated by Legislator  
20 Jacobs, I am willing to sit and speak with her  
21 and see if there is anything that we could do to  
22 maybe firm this up, make it a little bit more  
23 meaty until the Full Leg, when we vote on it.

24 LEGISLATOR SOLAGES: I agree. Just  
25 before I defer to the Chair. And thank you,

2 Legislator Ford, for making that comment.

3 I just do not want to leave anything up  
4 in the air, so open. I, as an attorney, as  
5 yourself, Mr. Venditto, and used to have cases  
6 together in court, we hold ourselves to standards  
7 and to rules and we cannot deviate from those  
8 rules. So we must make it clear what those rules  
9 are and hold ourselves to that standard. So I'm  
10 asking that we mandate an earlier date for this  
11 report.

12 I am familiar with the way the Assembly  
13 works, with the sister in the Assembly. When it  
14 comes to -- and of course, going back to  
15 Legislator Nicoletto's point. When it comes to  
16 issues concerning New York City, they act and  
17 work quickly and we must be ahead of them when it  
18 comes to this important issue. And so I'm asking  
19 you, please, to make that change in that  
20 requirement.

21 CHAIRMAN VENDITTO: Sure. And we're all  
22 hitting on some key points here, and number one  
23 that we have to get the ball rolling here. So I  
24 think that's the idea of getting past committee  
25 today. But in between today and what happens at

2 Full Legislature, I would actually reasonably  
3 anticipate that we're going to add whatever we  
4 think, you know, would be appropriate and maybe  
5 even demanding a sooner date for the first  
6 report; I think that's a logical point to order.

7 LEGISLATOR JACOBS: To the Chair. I  
8 think that's a great idea.

9 CHAIRMAN VENDITTO: Thank you.

10 LEGISLATOR JACOBS: I think that's a  
11 great idea. And I feel that getting informed is  
12 important, but getting it to have teeth is really  
13 important.

14 CHAIRMAN VENDITTO: So compromising  
15 those two things, but I think for today, getting  
16 the ball rolling.

17 LEGISLATOR JACOBS: I agree with you on  
18 that. But I think what Legislator Solages said  
19 is important, with changing the date on paper.  
20 In addition to that, making sure that we try to  
21 attach some money to it; not to pay the members,  
22 but to have something that they could dip into if  
23 they need to do further research.

24 LEGISLATOR SOLAGES: Can we get a  
25 commitment in writing that this will be improved

2 upon?

3 LEGISLATOR DENENBERG: Something that  
4 Jane just said, Houdek, that's very important.  
5 There is a SEQRA process that's going through  
6 with the City. The whole idea of our water  
7 resource conservation board and this committee  
8 and the legislation now that's re-establishing  
9 the committee is dangerously close to the former  
10 legislation where if all you have is a reporting  
11 requirement perhaps in April, by then, for  
12 example, the public comment period on New York  
13 City's plan will have passed already or could  
14 have passed. The whole point of expertise  
15 requirements, a real plan, funding and teeth is  
16 to correct the problems with the committee in the  
17 past. So even if we pass it through today, would  
18 like to see something more along the lines of  
19 quarterly reporting requirements so that if there  
20 is a need for funding or if there is a need to  
21 comment, in this case I don't know that April  
22 2015 would even be timely on New York City's  
23 environmental review, even for the public comment  
24 period.

25 The whole idea here is to form a

2 committee that has the expertise, that has the  
3 teeth, that has the requirements and the ability  
4 on an ongoing basis to respond to our water  
5 resource requirements. It might be New York  
6 City's plan today. A few years ago it was a  
7 Suffolk plan. A few years from now it's going to  
8 be something else. It needs to be something that  
9 works on an ongoing basis.

10 CHAIRMAN VENDITTO: For the record, what  
11 I am personally envisioning is a board that will  
12 be accountable to the 19 of us, daily, on a  
13 moment's notice, to be quite honest with you. I  
14 want to have communication with this board  
15 whenever I see fit. So if things need to be  
16 demanded on a moment's notice, I would anticipate  
17 that we choose the right members and make sure  
18 that we have people on this board who are going  
19 to get the information to us on a moment's  
20 notice.

21 This is no laughing matter. It's a  
22 serious one. We have to make sure that we have  
23 the right people on the board. The good news is  
24 that we get to directly appoint those people.

25 Any other discussion here before we

2 proceed on with public comment? Because we have  
3 residents who would like to weight in.

4 (No verbal response.)

5 Okay. Then let's go to it. Public  
6 comment. The first speaker that I have is Bill  
7 Stegemann. Mr. Stegemann.

8 MR. STEGMAN: Good afternoon. My name  
9 is Bill Stegemann. I'm conservation chair for  
10 the Sierra Club's Long Island group. We have  
11 over 6,000 members on Long Island.

12 I was watching the Long Island Pine  
13 Barren Society public access TV show a while back  
14 and they had on, as a guest, the chairman of the  
15 Suffolk County Water Authority. He was asked  
16 what challenges lie ahead for Long Island. His  
17 answer was infrastructure.

18 Long Island has a lot of aging water  
19 infrastructure. That answer was spot on. That's  
20 exactly what we would expect a water utility to  
21 be focused on, because they are supplying water  
22 to residents. But managing the aquifer system is  
23 a very different focus.

24 I was at the Suffolk County Legislature  
25 when the Long Island Commission on Aquifer

2 Protection was passed. There was not one  
3 environmental organization or civic group there  
4 in support of LICAP. That was the same story  
5 here, in Nassau County. There was nobody to  
6 speak for it. Who was here to speak in favor was  
7 representatives from the water industry.

8 I was looking online about this Nassau  
9 County Resources Board. I found a quote from the  
10 chairman back in 2001, who actually is the  
11 current chairman. He was talking about superfund  
12 sites and the processes governing those. He  
13 said, "An equivalent level of oversight does not  
14 exist when it comes to groundwater quantity  
15 issues." And that quote is still true today.

16 We have the DEC, they're focused on  
17 surface water issues, they are focused on  
18 superfund sites, which we desperately need them  
19 to be focused on. It's good to have this renewed  
20 focus on water issues facing Nassau County,  
21 particularly the threats from New York City.

22 The Sierra Club supports some of the  
23 comments you've heard from Dave Denenberg and  
24 Legislator Jacobs, as well, some of the suggested  
25 changes that you are going to hear in the

2 legislation.

3 The Sierra Club hopes that the Water  
4 Resources Board will be supportive of science-  
5 based ways to effectively manage the aquifer  
6 system. And to the extent that the Water  
7 Resources Board depends on LICAP, more the DEC,  
8 the less effective it will be.

9 Thank you for the opportunity to speak.

10 CHAIRMAN VENDITTO: No, thank you, Mr.  
11 Stegemann, for getting your thoughts and  
12 information into the record today.

13 The next speaker I have is Ms. Sarah  
14 Meyland. Is Sarah here?

15 MS. MEYLAND: Good afternoon to you as  
16 well. Greetings to the committee chair, the vice  
17 chair, and members of the committee. My name is  
18 Sarah Meyland, and I am very pleased to be here  
19 this afternoon to talk to you about the Water  
20 Resources Board.

21 It has been a very long time, indeed,  
22 since the workings of the Water Resources Board  
23 were the topic of consideration and debate.  
24 Thus, it is actually refreshing to see that the  
25 Water Resources Board is now being considered for

2 rehabilitation after such a long time of  
3 inactivity.

4 So I have looked at the proposed  
5 legislation, and I have several comments  
6 regarding proposed changes and suggestions that  
7 might assist the Water Resources Board to perform  
8 its duties to the fullest degree possible.

9 I have submitted my comments in writing.  
10 So if that can be distributed to the members of  
11 the committee, that would be helpful.

12 CHAIRMAN VENDITTO: Okay. And that is  
13 being done as we speak. Thank you.

14 MS. MEYLAND: So I'm not going to go  
15 through every single point in my written  
16 comments, but I would to just highlight the ones  
17 that I think are most vital, that should be  
18 presented today and give you an opportunity to  
19 answer questions.

20 The main changes to the current code  
21 regarding the Water Resources Board occur in  
22 Section 21-9.3, which is a section that deals  
23 with the powers and duties of the board. There  
24 are seven subsections within this specific  
25 section, and I would like to call your attention

2 specifically to subsections 3, 4, 5, and 7.

3 Section 3 authorizes the Water Resources  
4 Board to especially focus on water issues  
5 relative to SEQRA. I want you to understand that  
6 this specific way of focusing the Water Resources  
7 Board is too narrow. And the reason is that it  
8 ties the hands of the Water Resources Board in  
9 ways that I don't think you really want the hands  
10 to be tied. That is because to focus mainly on  
11 SEQRA, which is a process that you're going to be  
12 looking at specifically as it relates to water  
13 utility actions, is too narrow.

14 SEQRA is a self-administered review  
15 process. It has no penalties. It has no  
16 enforcement power within its process orientation.  
17 Whether or not SEQRA is followed correctly or not  
18 does not mean that threats to groundwater are  
19 eliminated or appropriately addressed.

20 The oversight that you're really looking  
21 to employ through the work of the Water Resources  
22 Board is to assess how well the New York State  
23 well permit program, which is administered by the  
24 DEC, is operating. And I would just call your  
25 attention to the dialogue about the Lloyd well

2 application by the Suffolk Water Authority. That  
3 was not about SEQRA. SEQRA was not an issue.  
4 There was no SEQRA operational at that time for  
5 that well. It was all about whether or not the  
6 well would get a permit, what those permit  
7 conditions would be, how the DEC had administered  
8 its duties under the well permit program.

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

11 MS. MEYLAND: Okay. So I will just move  
12 on to say that --

13 CHAIRMAN VENDITTO: You can wrap up, and  
14 then I think Legislator Ford just wanted to have  
15 a dialogue with you, if that was okay.

16 MS. MEYLAND: Okay. Thank you.

17 CHAIRMAN VENDITTO: Sure.

18 MS. MEYLAND: So the question that you  
19 need to address through the authorizations for  
20 the Water Resources Board is to have it look at  
21 how effectively the well permit program is  
22 administered and enforced to ensure that the  
23 groundwater in Nassau County is properly  
24 protected from the harm of water utility  
25 activities. Those activities are regulated by

2 the well permit program not SEQRA.

3 Under Section 4, the Water Resources  
4 Board is directed to collaborate with the New  
5 York State DEC, the Long Island Aquifer  
6 Protection Commission, or LICAP, and the water  
7 utilities. Again, the scope of this subsection  
8 is too narrow. There are other organizations  
9 that could be very helpful to the Water Resources  
10 board, such as the U.S. Geological Survey or even  
11 the U.S. EPA. And so I would ask you to look at  
12 that and expand the entities that the Water  
13 Resources Board could collaborate with.

14 Subsection 5 authorizes the Water  
15 Resources Board to consider other pertinent  
16 materials helpful to the board. However, the key  
17 point here is that the board is not authorized to  
18 undertake any outside research, data collection,  
19 or independent studies by itself. It should be  
20 authorized to undertake research and collect data  
21 that it needs, especially because it is very hard  
22 to collect current research on groundwater. And  
23 certain information that the board will need  
24 simply may not exist at this point in time. So  
25 you need to expand that scope.

2 And, most importantly, in Subsection 7  
3 the Water Resources Board has been directed to  
4 make an annual report to the County on April 15  
5 of every year. Whether it's April 15 or some  
6 other date, I leave to your best judgment.

7 However, there is an important point to be made  
8 here.

9 I strongly encourage the legislature to  
10 amend the legislation to include a directive to  
11 the Nassau County Department of Health to resume  
12 the preparation and dissemination of its annual  
13 groundwater and public water supply facts  
14 publication. This document was last prepared in  
15 1999, about the same time that we lost the work  
16 of the Water Resources Board. This is what one  
17 of those publications look like. It's not a  
18 written report, per say. It is simply data, data  
19 and data, and data and data that taken together  
20 tells you everything you need to know about  
21 water, operations groundwater pumping,  
22 groundwater quality, how deep the wells are, how  
23 many there are, how they're being treated.  
24 Everything you would need to know and the board  
25 would need to know, have a strong sense of

2 conditions and this would help it judge what  
3 others are doing because you're asking it to do  
4 two things: look at water operations in Nassau  
5 and water operations on the borders of Nassau.  
6 You can't make those judgments in a vacuum. And  
7 this report from the Health Department gives you  
8 the tools, gives you the knowledge and  
9 understanding to make those judgments. So I  
10 strongly urge you to reestablish this  
11 publication. It could be the foundation for the  
12 annual report, in fact. So, please do that.

13 I also point out that there are no terms  
14 of office for the board. There may be a conflict  
15 of interest between the board and LICAP, given  
16 the dominance of the water industry on LICAP.  
17 Again, as we've heard you comment many times,  
18 there needs to be sufficient funding for both the  
19 board and the health department to give you the  
20 tools to do the job you would like to have done.

21 Thank you.

22 CHAIRMAN VENDITTO: Thank you, Ms.  
23 Meyland. Very clear thoughts there. Good input.

24 Legislator Ford, I will turn to you.

25 LEGISLATOR FORD: Sarah, thank you very

2 much. And as you mentioned the Department of  
3 Health, that's when I turned to the presiding  
4 officer. I said that I know the Department of  
5 Health always had a report and that there is  
6 information that is sent to them but it's not --

7 MS. MEYLAND: Collated correctly.

8 LEGISLATOR FORD: Yeah. That's  
9 something that, you know, obviously should be  
10 something that we can look at and to hopefully  
11 maybe require it.

12 I think even when we look at members of  
13 this board that they -- perhaps maybe somebody  
14 should be from the Department of Health because  
15 then they would have access to that information  
16 and help bring it over to the committee. I'll be  
17 reaching out to you because I think what you've  
18 brought to us is, you know, very informative and  
19 very worthy of consideration. Besides you, we  
20 have Jane Houdek and of course Brian Schneider,  
21 even people here in the County.

22 I know that this should definitely be an  
23 independent body from the LICAP. To me, that was  
24 formed for a different reason; this, of course,  
25 is formed for a very good reason.

2 And so, I thank you very much.

3 MS. MEYLAND: Thank you.

4 CHAIRMAN VENDITTO: Thank you again, Ms.  
5 Meyland.

6 LEGISLATOR JACOBS: Just one more  
7 question.

8 CHAIRMAN VENDITTO: Legislator Jacobs.

9 LEGISLATOR JACOBS: I don't know whether  
10 this is to you. It has to be to you. I think we  
11 should also see if the Department of Health has  
12 the resources now or the capacity now to still do  
13 this report. It bothers me that what Sarah's  
14 saying, the last time it was done was 1999. I  
15 think that would be an important question also.  
16 If they don't have the capacity to do it, then  
17 maybe we should sit with Sarah Meyland and figure  
18 out which would be another entity that could  
19 handle it. Maybe public works has the capacity.  
20 I don't know. I agree with her. That would at  
21 least give us what Denise said, something to put  
22 our hands on to do this. I don't know.

23 MS. MEYLAND: The County Health  
24 Department has indicated that they do not have  
25 the funding at the present time --

2 LEGISLATOR JACOBS: There you go.

3 MS. MEYLAND: to reinitiate this  
4 publication.

5 LEGISLATOR JACOBS: Then, you know what?  
6 You just pointed out something very important  
7 because that might help this entire -- certainly  
8 the health chair, but certainly the entire  
9 legislature -- to find out what they would  
10 consider sufficient funding to do this report.  
11 If so, at the very least we have to know that  
12 that funding is ready to go with this.

13 MS. MEYLAND: Right. That would be  
14 excellent.

15 LEGISLATOR JACOBS: Thank you.

16 MS. MEYLAND: Thank you.

17 CHAIRMAN VENDITTO: I think we could  
18 find out that answer.

19 Thank you again, Ms. Meyland.

20 We have two more speakers. Next is Mr.  
21 Gerald Ottavino. Good afternoon, sir.

22 MR. OTTAVINO: Good afternoon. I'm  
23 Gerald Ottavino, and I co-chair the Point Lookout  
24 Civic Association Environmental Committee. And I  
25 respectfully request that my written comments be

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2 entered into the record of this meeting, and I've  
3 given a copy of them for each of you to the  
4 clerk.

5 Just to answer some of your questions.  
6 The Suffolk County Water Authority wanted to  
7 drill into the Lloyd in 2007, so that's seven  
8 years ago. And my understanding is with the  
9 Health Department, a lot of the costs can now be  
10 absorbed, if you will, or deferred or you  
11 wouldn't have any printing costs. All you would  
12 have to do is put it on a website.

13 But getting to the point here today,  
14 amending the Code and the Water Resources Board.  
15 Other than what I've written, I want to point out  
16 a very -- what I consider to be the most  
17 important point. It's going to be amended. The  
18 Code is going to be amended so that the board can  
19 act as a liaison between the County, New York  
20 State Department of Conservation, and Long Island  
21 Commission on Aquifer Protection and other  
22 resources. That's a point I have to bring to  
23 your attention. In my opinion, it's something  
24 you have to be very careful about. You have to  
25 be careful who you are going to choose as your

2 allies.

3           There is a lot of dialogue here at the  
4 arc about expertise. The experts have their own  
5 interests that can run contrary to your own. If  
6 you're going to act as a liaison with the New  
7 York State DEC, I consider DEC, particularly  
8 Region 1, Long Island's Region 1 to be somewhat  
9 enfeebled. They've done literally nothing to be  
10 proactive on taking care and monitoring  
11 groundwater. With regard to LICAP, the  
12 protection, the Aquifer Protection Commission,  
13 it's an untested body and many of its ranking  
14 officials possess financial and other interests  
15 that run in direct opposition to the welfare of  
16 Nassau County's ground water. I have to really  
17 caution you there. One glaring example is the  
18 president of H2M vice chairs the commission. H2M  
19 is the water consultant for New York City. When  
20 it comes to opposing a pragmatic city hell bent  
21 on reopening its Jamaica wells, will the  
22 commission aggressively fight to save Nassau's  
23 water? Doubtful.

24           Similarly, other officials, directly or  
25 indirectly, over represent the Suffolk County

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2 Water Authority. Simply, Nassau cannot afford to  
3 have Suffolk interests, in particular this  
4 authority, they're the ones who wanted to drill  
5 into the Lloyd Aquifer in 2007, driving our  
6 county's water policy.

7 Finally, in addition -- excuse me.  
8 Compared to Suffolk's membership, Nassau is  
9 grossly underrepresented and may easily be  
10 outvoted on most any critical water issue.  
11 Finally, for one eyewitness, having attended the  
12 last commission meeting, Nassau representatives  
13 are far too complacent and willing to allow  
14 outside interests to run the county's water.  
15 This is potentially ruinous. So be careful who  
16 you choose as your allies, is my message.

17 The rest you can read in the report I've  
18 handed out. But that's what I feel is a very --  
19 is my message, and I think you should heed it.

20 CHAIRMAN VENDITTO: Sure. Understood.

21 MR. OTTAVINO: Thank you.

22 CHAIRMAN VENDITTO: Thank you. And we  
23 all have copies of that report. Thank you, Mr.  
24 Ottavino.

25 The final speaker on this item is Mr.

2 John Budnick. Good afternoon, Mr. Budnick.

3 MR. BUDNICK: Members of the  
4 Legislature, we have a clear and present danger,  
5 that is the virtual sucking dry of our aquifers  
6 here in particularly the western part of Nassau  
7 County by the City of New York. We have other  
8 problems too. We have severe problems, both in  
9 southwest and northwest Nassau County of salt  
10 water intrusion. Those problems are probably  
11 going to be vastly increased if, indeed, New York  
12 City's suction of our aquifers turns out to be as  
13 bad as it could be.

14 We also have other problems. For  
15 example, in the Bethpage, Levittown, Massapequa  
16 area, we have the Grumman Navy plums heading for  
17 the pumping areas of the Massapequa Water  
18 District as well as the Tackapausah and the  
19 Massapequa Preserve. All of these are clear and  
20 present dangers.

21 I am extremely distressed that somebody  
22 wants to hold this from proceeding further. I  
23 can't even conceive how anybody can say that.

24 There are some strengthenings that maybe  
25 considered. I'm sure the chair of the committee

2 and other members of the legislature will get  
3 together and consider strengthening the powers of  
4 the committee, particularly when it comes to the  
5 SEQRA process with reference to New York City.

6 It may be necessary to consider legal  
7 proceedings. I don't know. It's much too early  
8 yet to determine that. But I think the powers of  
9 the committee need to be expanded. It doesn't  
10 necessarily have to be at this point where we are  
11 really reestablishing it, but it must be  
12 considered.

13 I would note that in many cases in Nassau  
14 County, New York State DEC has not been a friend  
15 to the area of Nassau County. And, indeed, in  
16 the Massapequa Grumman Navy issue, it was worse  
17 than useless. It was actually advocating things  
18 that were not in the best interest of the  
19 residents and people of Nassau County.

20 We must have quick action because without  
21 it -- we are already beginning to get behind the  
22 eight ball. And we have to have the maximum  
23 flexibility. And we have to have the maximum  
24 availability of resources to be able to devote to  
25 this.

2 I thank you very much for your time and  
3 trouble and putting up with me. Have a great day  
4 folks.

5 CHAIRMAN VENDITTO: No trouble at all.  
6 Thank you, Mr. Budnick.

7 MR. BUDNICK: God bless you all.

8 CHAIRMAN VENDITTO: Same to you.

9 With our public comment concluded, unless  
10 there's anybody else out there. Okay. Let's  
11 take it to a vote.

12 All those in favor of passing the item  
13 please signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item passes unanimously.

18 LEGISLATOR DENENBERG: Just let the  
19 record reflect that on behalf of the minority, we  
20 look forward to working to try to make some of  
21 the amendments we've been discussing.

22 CHAIRMAN VENDITTO: Okay. Thank you.

23 We have an addendum, which is Clerk Item  
24 -- I'll ask for a motion to suspend the rules at  
25 this time.

2 Motion?

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR FORD: Second.

5 CHAIRMAN VENDITTO: Legislator Dunne,  
6 seconded by Legislator Ford.

7 All in favor?

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Rules is suspended at this point.

12 Clerk Item Number 283-14, a resolution  
13 authorizing the release of a surety bond and cash  
14 escrow monies for the map of Meadowbrook Pointe  
15 Subdivision.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRMAN VENDITTO: Motion by Legislator  
19 Dunne, seconded by Legislator Nicoletto.

20 The item is before us. Anyone here from  
21 the administration? I see we have someone. Good  
22 afternoon.

23 MR. KATZ: Hi. Martin Katz, Nassau  
24 County Department of Public Works, Division of  
25 Planning.

2 The applicant, Beechwood, Bennett,  
3 Agnello, LLC is requesting the release of the  
4 remaining surety bond and escrow deposit for  
5 Section 7 of the subdivision known as Meadowbrook  
6 Pointe, an adult gated community of several  
7 hundred units located between Meadowbrook Parkway  
8 to the south, Corporate Drive to the north, and  
9 Merchant's Concourse in the Unincorporated Hamlet  
10 of Westbury, Town of Hempstead.

11 The amount of bond and escrow requested  
12 for release by the applicant is \$142,876.20,  
13 that's the surety bond, and \$21,507.46 for the  
14 cash escrow.

15 On May 26, 2011, the applicant requested  
16 for and was granted a reduction in surety bond in  
17 the amount of \$479,676.50 for remaining bond for  
18 Section 7 in the amount of \$142,876.20.

19 On March 31, 2014, a final inspection of  
20 Section 7, of all public improvements were made  
21 by Nassau County DPW chief subdivision inspector,  
22 and the written report indicated that all  
23 required public improvements were completed in  
24 accordance with appropriate local, county, state,  
25 county and state standards and specifications and

2 recommended the remaining bond and cash escrow be  
3 released.

4 On May 22, 2014, the planning commission  
5 conducted a duly noticed public hearing on the  
6 proposed release of surety bond and escrow and  
7 recommended release of said bond and escrow, and  
8 the amount is indicated above.

9 At this time, bonds for Sections 1, 2,  
10 and 3 have been released. Bonds for Sections 4  
11 and 5 have been reduced. For Section 6, no  
12 request at this time has been made.

13 We have with us, if the committee wants  
14 to ask any questions with specific items of the  
15 public improvements, we have a representative for  
16 Beechwood Benett here and also Nassau County DPW  
17 chief subdivision inspector.

18 CHAIRMAN VENDITTO: Great. Thank you,  
19 Mr. Katz.

20 Any questions from any of the committee  
21 members on this item?

22 (No verbal response.)

23 Seeing none; any public comment?

24 Mr. Budnick. Welcome, again.

25 MR. BUDNICK: I'd just like to know --

2 good afternoon again, members of the legislature.

3 Honorable members of the legislature.

4 The question I have is very simple. This  
5 area lies in the jurisdiction of the Town of  
6 Hempstead. Has the Town of Hempstead Building  
7 Department okayed this? Has the Town of  
8 Hempstead okayed this proceeding further? Also,  
9 I would inquire as to whether there are  
10 requirements of the Nassau County Fire Marshal  
11 with regard to these structures and whether those  
12 have been complied with.

13 Thank you.

14 CHAIRMAN VENDITTO: Thank you. Mr.  
15 Katz, do we have information?

16 MR. KATZ: The town -- because this went  
17 through the entire preliminary and final map  
18 process, once all of that was completed and the  
19 bonds were established and want not, it was  
20 required that building permits be issued by the  
21 Town of Hempstead Building Department,  
22 certificates of occupancy be issued. And with  
23 respect to compliance with the fire marshal, all  
24 of that has been completed to the satisfaction of  
25 all parties concerned in order to reach this

2 stage.

3 CHAIRMAN VENDITTO: Okay.

4 MR. BUDNICK: If I may.

5 CHAIRMAN VENDITTO: Sure. Mr. Budnick.

6 MR. BUDNICK: The question that I have  
7 is just this: has the Town of Hempstead said  
8 that it agrees with releasing of this bond, or  
9 not, I don't know. Has the fire marshal office  
10 said that they are actually in compliance now and  
11 that they agree to release of the bond or not? I  
12 don't know. Thank you.

13 MR. KATZ: First of all, the items that  
14 Mr. Budnick are referring to are not part of the  
15 public bond improvement, which are specifically  
16 grating, paving, sidewalks, curbs, driveway  
17 aprons, catch basins, drywells, retaining walls,  
18 street signs, lighting, plantings, and water  
19 supply. The Town does not get involved with the  
20 bond release with those items. These are bonded  
21 items, public improvement items.

22 CHAIRMAN VENDITTO: Legislator Jacobs.

23 LEGISLATOR JACOBS: I just have one  
24 question to ask you.

25 One thing that the speaker did not

2 mention, do we know that -- is it a condo there  
3 or co-op?

4 MR. KATZ: These are condominiums.

5 LEGISLATOR JACOBS: Condominiums. Does  
6 the board know that these are being released?

7 MR. KATZ: Yes. Yes. They were, like I  
8 indicated earlier, these were up -- this release  
9 was before the Planning Commission on May 22,  
10 2014 and representatives of the condo --

11 LEGISLATOR JACOBS: I missed that. I'm  
12 sorry.

13 MR. KATZ: That's all right.

14 LEGISLATOR JACOBS: Thank you.

15 CHAIRMAN VENDITTO: Okay. Thank you.

16 With the public comment having been  
17 concluded, it's time for the vote.

18 All those in favor of passing the item  
19 please signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item passes unanimously.

24 There being no other business before this  
25 committee --

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR FORD: Second.

4 CHAIRMAN VENDITTO: we have a motion to  
5 adjourn by Legislator Dunne, seconded by  
6 Legislator Ford.

7 All in favor?

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 We are hereby adjourned.

12 (Whereupon, the Planning, Development and  
13 the Environment Committee is adjourned at 3:51  
14 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 11th day of July, 2014.

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FRANK GRAY