

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
October 29, 2019
10:35 a.m.

HEARING - FINANCE

To consider the application of the Jericho Water District to issue bonds to pay the cost of improvements to said district. (M.D. 9/17/19 #20).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Now, I'll ask the
2 Town Clerk to please poll the Board.

3 MR. ALTADONNA: Supervisor?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone.

8 COUNCILMAN MACAGNONE: I am present,
9 Mr. Clerk.

10 MR. ALTADONNA: Good morning.

11 COUNCILMAN MACAGNONE: Good morning.

12 MR. ALTADONNA: Councilwoman Johnson?

13 COUNCILWOMAN JOHNSON: Here.

14 MR. ALTADONNA: Councilman Imbroto?

15 COUNCILMAN IMBROTO: Also present.

16 MR. ALTADONNA: Councilman Hand?

17 COUNCILMAN HAND: Here.

18 MR. ALTADONNA: Last but not least,
19 Councilman Labriola.

20 COUNCILMAN LABRIOLA: Present.

21 SUPERVISOR SALADINO: Would you please
22 call the first hearing?

23 MR. ALTADONNA: To consider the
24 application of the Jericho Water District to issue
25 bonds to pay the cost of improvements to said

1 District.

2 MR. INGHAM: Good morning, Supervisor
3 Saladino, Honorable Members of the Town Board.

4 My name is Mike Ingham from the firm of
5 Carman Callahan & Ingham, 266 Main Street,
6 Farmingdale, New York.

7 I'm here today representing the Jericho
8 Water District on their bond petition. I'll be the
9 principal speaker.

10 We have here today our Chairman, Tom
11 Abbate and; we have our Business Manager, Kathleen
12 Cannon; our Superintendent, Peter Logan, and our
13 Engineer, Bill Merkland from Merkland Bartolucci.

14 I also wear two hats. I'm also General
15 Counsel to Long Island Water Conference.

16 So, I would like to proceed by saying
17 thank you to the Town Board for something they did
18 back in June. In May of this year, the State
19 Senate passed a Bill changing the Statute of
20 Limitations in the State of New York to protect
21 Water Districts to sue polluters. The assembly
22 passed unanimously in June.

23 That Bill wipes out two decisions which
24 threw out the case by Bethpage against Grumman and
25 Suffolk County Water Authority against DOW. Those

1 decisions were suspect and probably and likely
2 wrongly decided.

3 To overcome that obstacle, the Water
4 Conference in conjunction with Suffolk County Water
5 Authority drafted a Statute of Limitations Bill
6 which accrues the Statute of Limitations solely
7 upon the exceedance of a maximum contaminate level
8 in the well head. That Statute of Limitations
9 really accrues so long as there is a maximum
10 contaminate level in the well head, which means
11 probably in perpetuity.

12 As soon as the Assembly unanimously
13 passed that Bill, I contacted the Supervisor and I
14 contacted the Deputy Supervisor and asked for a
15 Resolution urging the Governor to sign that Bill.

16 Within two weeks, that Resolution was
17 in hand. With that Resolution as a template, I
18 wrote to every municipality on Long Island and they
19 responded positively.

20 We have Resolutions from Huntington,
21 Babylon and, East Hampton, the County of Suffolk,
22 Suffolk County Water Authority and Brookhaven, and
23 several others that I can't really remember at this
24 point. That Bill was called up yesterday to the
25 Governor's Chambers and it should be signed within

1 ten days. If it does, you will be the first to
2 know, because you guys led the charge to help us
3 get that passed, so I deeply appreciate that.

4 It opens the door -- or at least keeps
5 the door open for us as 23 of the Water Authorities
6 and Water Districts on the Island have joined
7 together to sue DOW for the money that we're going
8 to need to take care of this 1,4 Dioxane issue.

9 So, it's very helpful to have supported
10 us and take the lead on that issue. I appreciate
11 that.

12 The bond issue itself does address 1,4
13 Dioxane. I'd like to talk about that briefly and
14 describe the District and enter into a discussion
15 concerning the projects we are undertaking.

16 The Jericho Water District was founded
17 in 1923. It is by far the largest Commissioner
18 Special District in the State of New York. The
19 District provides water to approximately 20,000
20 services in an area of about 37 square miles. The
21 population served by the Jericho Water District is
22 estimated at 60,000 people.

23 We serve the Incorporated Village of
24 Brookville, Old Brookville, Laurel Hollow and
25 Muttontown, portions of the Incorporated Villages

1 of Matinecock and Upper Brookville, the
2 unincorporated areas of Syosset, Jericho, East
3 Norwich, Woodbury and portions of the
4 unincorporated areas of Glen Head and Greenvale.

5 We're really here today to discuss the
6 background of what I would call uncontaminated
7 contaminants. It's called UMCR3, the Unregulated
8 Contaminant Monitoring Rule. It was processed
9 around the country by the EPA back in the mid
10 2000s, 2015, 2016. We sample our wells. It turns
11 out that five of our wells are impacted by 1,4
12 Dioxane.

13 This 1,4 Dioxane is a bi-product of a
14 destabilizer which worked with TCA to allow
15 machinists, basically in Grumman, but also in
16 subsidiaries of Grumman during the war, to degrease
17 machine parts, so they could be fabricated and
18 assembled.

19 Dow was the group, the company that had
20 a patent on 1,4 Dioxane and they manufactured 95
21 percent of it around the country. The use of that
22 1,4 Dioxane worked to stabilize another product
23 call TCA which would then be able to be used
24 affectively as a degreaser for these machine parts.

25 The use of 1,4 Dioxane was eventually

1 banned by the Montreal Protocol in 1994. It's no
2 longer in use, but its legacy is there. It was
3 discovered through the UMCR3 testing back in
4 2015/2016.

5 So, the interesting thing about this,
6 unfortunately, is that while 1,4 Dioxane was tested
7 throughout the country, Long Island has a major,
8 major problem with major, major impact of 1,4
9 Dioxane. There are some places in California, one
10 in New Mexico, but the EPA decided not to go
11 forward with maximum contaminant level for this
12 contaminant because it's not a nationwide issue.

13 The Governor appointed a drinking water
14 counsel in 2017. They came forward with
15 recommendations to set MCL for 1,4 Dioxane. That
16 decision from drinking water counsel came down in
17 December '18 at one part per billion for 1,4
18 Dioxane and it came down at 10 parts per trillion
19 for the compounds of PFOS and PFOA. These are very
20 low, especially PFOS is very, very difficult to
21 detect given the present testing. It's very
22 sophisticated and we are moving to test those.

23 The Governor, through the Department of
24 Health, adopted those recommendations in June.
25 Thereafter, there was a comment period on the 1,4

1 Dioxane and PFOS/PFOA which terminated in September
2 of this year. We expect a ruling from the
3 Department of Health some time in January to
4 formally adopt this 1,4 Dioxane as standard. If
5 they do and when they do, many wells on Long Island
6 will be impacted.

7 There are 75 wells in Nassau County
8 which that now exceed the proposed one part per
9 billion of 1,4 Dioxane and there are 31 in Suffolk
10 County. That's over 100 wells on Long Island that
11 are impacted by this contaminant.

12 We believe that as soon as that 1,4
13 Dioxane MCL is established in January, there will
14 be a round of testing to be done. Once those wells
15 are formally tested, there will be a Notice of
16 Violation issued to the Districts and if a Notice
17 of Violation is issued to the Districts, we will be
18 in serious problems.

19 The serious problem is that if a Notice
20 of Violation is issued, and we continue to serve
21 water in the violation of the maximum contaminant
22 level, we'll be outside of what we call the Safe
23 Harbor. Safe Harbor is we're immune from suit or
24 exempt from suit provided we stay within the MCLs,
25 an isolate exceedence, mechanical breakdown is

1 still okay.

2 If we serve the water in violation of
3 the MCL for an extended period of time, three of
4 our underwriters have indicated that we would lose
5 our insurance coverage. We can't have that happen.

6 So, what we asked the Department of
7 Health to do is apply an exemption which currently
8 exists in the State Sanitary Code which gives us
9 four years to comply. We are hopeful they will do
10 so. That exemption was passed in 1977. It comes
11 directly out of the Safe Drinking Water Act which
12 was passed by the federal government in 1974 and
13 they had an exemption built into that Statute,
14 42USCA300G5.

15 Our exemption in New York State
16 allowing for the four years is piggybacked directly
17 on the Federal Statute. All around the country,
18 major states enforce the EPA's MCLs. All states
19 that I have looked at, at least a dozen of them,
20 also adopted the same type of an exemption.

21 We asked the Department of Health and
22 the Governor to approve this exemption. We have
23 gotten support from the Suffolk County Department
24 of Health in that regard and the Nassau County
25 Department of Health in that regard.

1 We'll meet with the Governor's
2 representative tomorrow and with the Department of
3 Health tomorrow to press forward our concerns with
4 the Water Conference, Suffolk County Water
5 Authority. It is impossible to meet these goals
6 within a short period of time. There is a backlogs
7 on getting the equipment. There are backlogs on
8 getting the pilot studies done which must be done
9 for each one of these wells. We thought in the
10 beginning, we might have a chance to maybe do 20
11 pilot studies or 10 pilot studies and that will
12 give us a chance to standardize, but we discovered
13 that there are some many differences in the raw
14 water content here on Long Island itself, that that
15 can't be done.

16 So, having the State do 100 pilot
17 studies inside of a period of six months is
18 practically impossible, just to get the pilot
19 studies done. We were informed two days ago that
20 Nassau County Department of Health is dropping the
21 guy. They're cutting. So, we think we've got a
22 real problem.

23 So, what we're going to also do is work
24 with the Supervisor and with the Assistant
25 Superintendent, Supervisor, Ms. Carman, we're going

1 to ask you to also work with us to reach out to the
2 New York State Department of Towns, the Association
3 of Towns to alert them of this problem as well.

4 In New York State, only 131 of the
5 large water suppliers tested under UCMR3 for this
6 contamination for PFOS and PFOA, there are 8,000
7 small Water Districts in Upstate New York. They
8 haven't been tested yet. So, we are going to try
9 to reach out to them and to alert them of problems
10 coming forward and see if they will join with us in
11 getting this exemption pushed forward, which is
12 already in the code.

13 That said, I'll move on to the bond
14 Petition itself directly here.

15 We have 10 projects proposed in this
16 bond. Currently, Wells 9 and 14 of the District
17 are located on separate sites; however, as they are
18 located within 2,200 feet of each other, the
19 District is currently in the process of connecting
20 the two sites and they're dedicating a water main
21 that's already been installed for that purpose.

22 The construction of a new treatment
23 facility will be completed next year at Well 9
24 site. The treatment facility will address
25 excessive nitrate levels at both wells using an Ion

1 Exchange method as well as removing VOCs with an
2 air stripper.

3 Well 14 has exhibited 1,4 Dioxane
4 levels which significantly exceed the proposed MCL.
5 Well 9 has not yet been tested for 1,4 Dioxane.
6 However, because it's screen level is similar to
7 that of Well 14 and it is located only 2,200 feet
8 away. It is a logical assumption on the part of
9 the District that Well 9 will exhibit similar
10 levels of 1,4 Dioxane.

11 From the above, a proposed AOP system
12 for two wells must be constructed in the future to
13 reduce any 1,4 Dioxane levels to below the
14 recommended MCL.

15 At this time, however, the bond
16 petition only seeks \$200,000 for the pilot study
17 alone. These pilot studies are expensive because
18 the Health Departments require continuous testing
19 for these pilot studies and the cost of the pilot
20 studies and testing is exorbitant. So, we are
21 forced to do this. We have to do it and it's
22 required so we can find out exactly what type of
23 AOP treatment system will work on that well. It's
24 required by the Health Department.

25 Kirby Lane facility in Wells 25 and 26,

1 these wells exhibit current levels of 1,4 Dioxane
2 at half the contaminate level. That's significant
3 because in the past and we expect this to continue
4 in the future, Nassau County requires that the
5 District start planning for implementation of
6 treatment at that level.

7 So, we're really looking to effectuate
8 those -- that planning. So, we've asked for this
9 bond petition, another \$200,000 for pilot testing
10 for those wells.

11 Additionally, the Kirby Lane site has
12 inadequate drainage. To correct this situation,
13 the District will connect their existing blow-off
14 pit to an adjacent recharge basin via a buried
15 drainage pipe approximately 700 feet long. The
16 cost of this drainage pipe is estimated to be
17 \$500,000.

18 Wells 3 and 5 have exhibited levels of
19 1,4 Dioxane in recent years over one-half of the
20 proposed MCL for 1,4 Dioxane; however, we believe
21 instead of doing a pilot test on these wells at
22 this point, because we think we can find another
23 source of water outside the 1,4 Dioxane plume in
24 this area which will get us outside of the 1,4
25 Dioxane.

1 So, this bond petition asks for
2 \$200,000 to have the engineers search out sites
3 which we believe will get us outside of the 1,4
4 Dioxane plume.

5 Wells 6 and 16: Over the years, Wells
6 6 and 16 have exhibited low levels of volatile
7 compounds, VOCs including TCE. While these
8 contaminates have not been detected at levels above
9 half the MCLs, we are expected to rise over the
10 coming years due to continued well pumpage and our
11 reliance on these wells.

12 Some of the wells are going to go down
13 -- if we don't get this exemption, some of these
14 wells may go down and we'll have to rely on the
15 rest of the system to -- for redundancy. And
16 that's what's really what the balance on this bond
17 issue proposes is upgrading antiquated systems and
18 tanks.

19 So air stripping towers proposed
20 treatment of the VOCs at Wells 6 and 16. Also,
21 Well 16 was originally constructed in 1964. The
22 well screening has extended -- exceeded its use for
23 life.

24 Consequently, it is proposed that the
25 well be re-drilled in place and fitted with a new

1 stainless steel screen to replace the existing
2 aging screen. The estimated cost for this project
3 is \$7,379,000.

4 The Jericho Tank Rehabilitation:

5 Jericho elevated water storage tank is nearly 70
6 years old. It requires a full interior and
7 exterior rehabilitation. The proposed full
8 rehabilitation project will include pit filling or
9 welding prior to surface preparation and painting,
10 surface abrasive blast cleaning for the interior
11 and exterior in preparation of application of
12 protective coating. The estimated cost for this
13 project is \$5,450,000.

14 The Split Rock Standpipe

15 rehabilitation: Split rock standpipe is an aging
16 structure. Consequently, a full rehabilitation
17 project is proposed to extend its useful life by 30
18 years. The proposed rehabilitation will include
19 surface preparation inside and out and painting.
20 The maximum cost of this project is \$5,098,000.

21 However, prior bond authorizations were
22 approved in the amount of \$2,800,000.

23 Consequently, the remaining balance for
24 the project in the current bond is \$2,290,000.

25 A new 3-million gallon storage tank and

1 booster station:

2 To address the significant pressure
3 concerns within the western section of the District
4 during peak Summer months, the Water District will
5 construct a new 3-million gallon ground level water
6 storage tank and booster pump station on a yet
7 unspecified property within the western part of the
8 District.

9 This location will allow for better
10 distribution of the water from the tanks to the
11 areas within the District that currently experience
12 the lowest pressures and highest demand during the
13 Summer months.

14 Critically, the new tank will bolster
15 the ability of the District to provide fire
16 protection during these high demand periods. The
17 estimated cost of this project is \$7,370,000.

18 On a routine basis, we are going to
19 institute and continue a well pump and water
20 rehabilitation replacement program. This program
21 involves rehabilitation or replacement of the
22 District well and booster pumps and motors. One
23 pump per year will be replaced or rehabilitated.

24 The District currently expects to
25 rehabilitate its wells in the following order:

1 Well 31, Well 4, Well 21, and Well 17. The
2 estimated cost for this project is \$1,444,000.

3 Being proactive and staying ahead of
4 the EPA, the District has instituted a replacement
5 program for goosenecks which are connections to the
6 water mains.

7 In 2019, the District issued a program
8 of identifying and replacing gooseneck service
9 connections throughout the distribution system.
10 This project will continue throughout 2020 and
11 2021.

12 The replacement program will upgrade
13 older distribution system connections to meet
14 current Health Department standards. The estimated
15 cost of this project is \$1,444,000.

16 Finally, Annual Water Main
17 Improvements: A schedule of annual water main
18 improvements is included in this capital
19 improvement bond. This project addresses areas of
20 aging infrastructure as well as areas where
21 numerous breakages have repeatedly occurred in the
22 past. It also proposed that new sections of water
23 main be added to the areas that are currently
24 served by limited connections to the distribution
25 system.

1 In addition, a new connection will be
2 made either at the North Service Road at the
3 western end of the District or from the South
4 Service Road across from the Long Island Expressway
5 or from Route 107 crossing under the State
6 University of New York Old Westbury campus. The
7 estimated cost for these water main projects is
8 \$6,760,000.

9 It's a big bond issue and we understand
10 that, but we need to make these improvements to
11 make sure we conserve water, especially faced with
12 this 1,4 Dioxane crisis. It will be a crisis if we
13 don't get an extension.

14 So, for this petition, I urge the Board
15 to consider the improvements that we have requested
16 and an improved bond petition not to exceed a total
17 of \$33,229,000.

18 Are there questions?

19 COUNCILMAN MACAGNONE: I'd like to
20 comment.

21 I'm a resident of Syosset. You guys do
22 a great job. The water tastes terrific. Whatever
23 you guys need, I will be supportive.

24 MR. INGHAM: Thank you, Councilman.

25 SUPERVISOR SALADINO: Other questions?

1 COUNCILMAN HAND: A question about
2 present indebtedness.

3 What's the outstanding bonds before you
4 initiate?

5 MR. INGHAM: I would have to ask
6 Kathleen Cannon our business manager to respond to
7 that.

8 Kathleen?

9 MS. CANNON: We currently have
10 \$38 million in outstanding bonds.

11 COUNCILMAN HAND: Thank you.

12 MR. INGHAM: The cost of the bond would
13 be approximately, for the average homeowner, \$66 a
14 year, \$5 a month.

15 But I also have some good news. I
16 confirmed with Mr. Darienzo this morning and with
17 bond council, that unlike the town, the Water
18 Districts continue their bans for several years.
19 We trust that we can prevail against DOW as soon as
20 the Statute of Limitations issue is behind us.

21 Bring that money in in four or five
22 years and pay it off in advance. That's the plan.
23 That's the goal. It's been a long struggle with
24 the Statute of Limitations, once that's behind us
25 and we could get the money from DOW, pay off these

1 bonds and basically eliminating a major portion of
2 this body of indebtedness.

3 COUNCILMAN IMBROTO: How many years do
4 you think you can prevail in?

5 MR. INGHAM: In litigation four to five
6 years, primarily because if we get rid of this
7 exemption of Statute of Limitations, it's the major
8 obstacle to pursuing the case. Once that's done,
9 and they know we can get them sooner or later no
10 matter what they do, I think it's a better chance
11 to get a settlement from DOW, and if we didn't have
12 that.

13 The other good thing about DOW and
14 about 1,4 Dioxane is, unfortunately, we're the ones
15 most hit, but it's not a nationwide problem.

16 There are some areas in California and
17 some areas in New Mexico. You need a Aquaphor, you
18 need an industrial situation where it hits an
19 Aquaphor and it's not a nationwide issue. So, if
20 they can get rid of us on Long Island, I think it's
21 going to be a chance that we can settle the Statute
22 of Limitations is exempt, maybe less.

23 COUNCILMAN IMBROTO: So, once that
24 issue is resolved, that's their main defense and
25 you'll have more leverage to settle, but it's not

1 something that you have nationwide impact and
2 would --

3 MR. INGHAM: That's correct.

4 COUNCILMAN IMBROTO: -- and would not
5 create a precedent.

6 MR. INGHAM: It's not a Pandora's box,
7 as Chairman Abbate mentioned to me before we
8 started.

9 COUNCILMAN LABRIOLA: I have a
10 question.

11 Can you hear me?

12 MR. INGHAM: I can hear you.

13 COUNCILMAN LABRIOLA: I was listening
14 intently to your presentation. I have read through
15 the paperwork that's been submitted and the backup.
16 Your -- I will agree with you that this is a
17 substantial bond issue and listening to your
18 Comptroller's statement, there is currently 38
19 million in outstanding bonds. You're basically --
20 you're almost doubling your indebtedness in one
21 fell swoop.

22 MR. INGHAM: Correct.

23 COUNCILMAN LABRIOLA: That leaves me to
24 question, why all this work all at once? Is it
25 because there has not been -- you haven't been

1 keeping up with the infrastructure through the
2 years?

3 MR. INGHAM: No. Well, one tank is 70
4 years old, so it has to be rehabilitated. One is
5 also -- it's old. So it has to be rehabilitated,
6 otherwise, we lose the infrastructure. So, it's
7 not doing it all at once; it's that we've looked at
8 what we need to make sure we have water in your
9 tanks if we shut down four wells this Summer.

10 We may shut down four wells because of
11 this 1,4 Dioxane problem, so we are proactive to
12 make sure we don't really have to shut water down.
13 I represent Bethpage. I represent Plainview. They
14 passed emergency Resolutions because they will be
15 without water if we don't get an exemption.
16 Plainview is going to be here on November 19th.
17 Bethpage is to follow. They are seriously impacted
18 districts because of the 1,4 Dioxane crisis.

19 COUNCILMAN IMBROTO: So, this is to
20 maintain capacity if those wells have to shut
21 down --

22 MR. INGHAM: Mostly, for Jericho here,
23 we've got several wells that are impacted. We are
24 moving to try to get them taken care of. The pilot
25 studies come first. But the rest of the

1 infrastructure here, most of this bond issue is a
2 routine bond issue.

3 COUNCILMAN LABRIOLA: I'm not
4 disagreeing with you, especially with the people
5 that do this for a living. I'm certainly no
6 expert.

7 My concern that I'm expressing to you
8 is -- first of all, you spent a great deal of time
9 talking about 1,4 Dioxane in the beginning of your
10 presentation.

11 MR. INGHAM: Correct.

12 COUNCILMAN LABRIOLA: Yet, I notice
13 that there is only money in this bond to actually
14 test and explore for possible --

15 MR. INGHAM: This was an introduction
16 to the Plainview bond issue on November 19th.

17 If you have more questions, I can
18 certainly answer those, but a lot of that was more
19 of an education for this Board as to what's coming
20 down the pipe, not just FOR Jericho.

21 COUNCILMAN LABRIOLA: So, I understand
22 that you stated that there are over 100 wells on
23 Long Island --

24 MR. INGHAM: That's correct.

25 COUNCILMAN LABRIOLA: -- that are going

1 to be impacted by the Governor's Drinking Water
2 Council that made this proclamation.

3 MR. INGHAM: They made the
4 recommendation. They are not an official body.
5 They're an official body, but they can't make the
6 determination. There was a review period by the
7 Department of Health where comments were received.
8 Long Island Water Conference made comments.
9 Everybody made comments.

10 As indicated, the Suffolk County
11 Department of Health, the Nassau County Department
12 of Health, have also asked for more time to put
13 this in place because they have to do the 100 pilot
14 studies. So, hopefully, we will be able to get an
15 extension. If not, we face a crisis.

16 COUNCILMAN LABRIOLA: I agree with you.
17 What I'm getting at is that I noticed
18 this council composed of appointees from the
19 Governor and the Assembly and the Senate --

20 MR. INGHAM: Correct.

21 COUNCILMAN LABRIOLA: -- made this
22 recommendation and they basically have mandated
23 upon our Water Districts throughout Long Island to
24 cut in half the level of what was an acceptable
25 rate prior to this mandate.

1 Now --

2 MR. INGHAM: Actually, the acceptable
3 rate before this was 50 parts.

4 COUNCILMAN LABRIOLA: Now, we are at
5 one part.

6 MR. INGHAM: Correct.

7 COUNCILMAN LABRIOLA: I thought I read
8 somewhere it was 2 parts.

9 MR. INGHAM: No.

10 COUNCILMAN LABRIOLA: It went from 50
11 to one.

12 MR. INGHAM: Correct.

13 COUNCILMAN LABRIOLA: Has the State
14 provided money to our Long Island Water Districts
15 to help them achieve this goal?

16 MR. INGHAM: There is a program in
17 place where grants have been given to the
18 Districts. Generally, in \$3 million range, which
19 is not going to be anywhere near where we need to
20 get this done.

21 COUNCILMAN LABRIOLA: That doesn't
22 surprise me.

23 MR. INGHAM: We are working to get more
24 money.

25 Well, it's a localized problem on Long

1 Island. How are you going to get money from a
2 widow in Buffalo to pay for our problem here on
3 Long Island? That's a political issue.

4 I'm hopeful they'll send us some money,
5 but we proceeding against DOW Chemical which is the
6 true source of this pollution to obtain real money
7 to make sure we didn't have to pay these bonds.

8 COUNCILMAN LABRIOLA: I've had
9 discussions with our own water expert here on the
10 Board, Tom Hand who has great experience --

11 MR. INGHAM: I know Mr. Hand from
12 Massapequa Water District is one of my clients
13 also.

14 COUNCILMAN LABRIOLA: I've been having
15 discussions with him since I've learned of this new
16 mandate from the State.

17 We've been talking about the fact that
18 has the Conference -- the Long Island Water
19 Conference -- have they considered the possibility
20 or the suggestion that at what point does their
21 cost benefit analysis determine that it's no longer
22 effective to pull the water from the ground and
23 maybe we join New York City or possibly what other
24 states are doing where they are desalinizing water
25 from the ocean?

1 I just -- at what point does it become
2 that it's not cost effective anymore.

3 MR. INGHAM: Unfortunately, we don't
4 have the time. They're not giving us the time.
5 They're barely giving us enough time to get
6 advanced 1,4 Dioxane treatment processes in place
7 this Summer. Otherwise, we're going to be shut
8 down. So looking at desalinization, looking at
9 water from other sources is great, but the State's
10 not going to give us that time. They're not going
11 to give us that time.

12 So, even trying to get water from
13 New York City, that's certainly been a thought in
14 the past, it will never get to Jericho Water
15 District. We're on the Eastern side of the county.
16 It'll never happen. It could never happen in a
17 timely way.

18 I believe some of the guys in Western
19 Nassau are considering it, but that doesn't really
20 help in the long run because as soon as you accept
21 water from the City and you haven't treated the 1,4
22 Dioxane, your wells are basically abandoned.

23 You can't use those wells unless
24 treatment has been put in place in the first place.
25 You can't put water in the system, even for

1 fighting fires.

2 So, it's a real problem because this
3 has come on very, very quickly. The EPA did not do
4 this. It would be years if the EPA had done this.
5 This is the first time New York State, I believe,
6 at least in a significant way, passed their own
7 MCLs.

8 It's not fun being here. It has been a
9 real struggle. A lot of guys are really scared
10 that they're going to be out of water and so am I.

11 COUNCILMAN LABRIOLA: Thank you, Frank.

12 SUPERVISOR SALADINO: Are there any
13 other questions?

14 (No verbal response given.)

15 SUPERVISOR SALADINO: If I may, to
16 inform the public, you're here -- Jericho has its
17 own Board of Commissioners, and yet you're here
18 asking us.

19 Could you explain to the public the
20 State mandate on this?

21 MR. INGHAM: Well, the State mandate, I
22 believe, originated from people who were concerned
23 about the water.

24 SUPERVISOR SALADINO: I'm going to ask
25 you to back up for just a moment. What I'm really

1 asking is --

2 MR. INGHAM: Can you rephrase the
3 question, sir?

4 SUPERVISOR SALADINO: The State's
5 mandate that requires Districts to bond through the
6 town -- you have your own Board, but why is it --
7 for the public's knowledge so everyone understands
8 why you're coming to us --

9 MR. INGHAM: All of the Districts rely
10 upon the Town to facilitate the bonding of our
11 facilities. We are solely and singularly
12 responsible for the payment of those bonds.

13 SUPERVISOR SALADINO: And the Town,
14 taxpayers are not --

15 MR. INGHAM: Our own taxpayers are.
16 Bethpage, Plainview, Massapequa. Each one is a
17 separate -- is truly a separate entity from the
18 Town with their own commissioners.

19 Back in 1932, which a lot of people
20 don't recognize, all the Districts in New York
21 State were abolished by the Kirkland Act. The ones
22 that survived with their own commissioners survived
23 because the people in those Districts filed a
24 petition, had a referendum and voters stayed
25 separate from the Town.

1 So, we really are a creation of
2 referendum and democracy. But, in that process,
3 they also took on the responsibility of paying all
4 the debt back. So, they're responsible for the
5 debt payments. They're responsible for paying that
6 money through their taxes and it has no implication
7 to the Town's debt. There's no implication for the
8 Town to pay that money back whatsoever.

9 SUPERVISOR SALADINO: It is only the
10 rate payers of the District.

11 MR. INGHAM: Only the rate payers of
12 each specific District.

13 SUPERVISOR SALADINO: And this is a
14 statewide mandate that forces the town --

15 MR. INGHAM: 1932, exactly right.

16 SUPERVISOR SALADINO: -- consider the
17 bond --

18 MR. INGHAM: When all these Districts
19 were created under Article 13 under the Town Law in
20 1932, that's exactly what happened. We can only
21 come to you.

22 SUPERVISOR SALADINO: What's
23 interesting about this and what has been my issue
24 all long with this process is that Districts could
25 get a much better rate by bonding through the State

1 and it should be whether it's the Dormitory
2 Authority or those other entities that provided
3 that --

4 MR. INGHAM: You need to change the
5 statute. You need to to change the --

6 SUPERVISOR SALADINO: The statute needs
7 to be changed.

8 MR. INGHAM: However, I can understand
9 the Supervisor's position, but the rates are really
10 set by the bond market. And, so whether we go
11 through the State or the County or the Town, it's
12 really set by the bond market, and by the grace of
13 God, even though we have to go through some of this
14 major funding at this stage of the game, the rates
15 are as low as they've ever been. That's the saving
16 grace at this stage of the game.

17 The next two or three years we expect
18 low rates. And really, the good news that I got
19 Mr. Darienzo today and confirmed by bond council is
20 we can pay these off without triggering a formal
21 bond to pay off for our rate payers for 30 years.
22 That's huge. We've been thinking about it and
23 talking about it. It really didn't come to the
24 forefront until this litigation was in front of us
25 and we have the chance to get this money back.

1 So, that's been great news for all of
2 us and even for the Town.

3 SUPERVISOR SALADINO: My next question,
4 you have spoken about banking water as part of your
5 strategy, but would some of this money, if passed,
6 be used for building remediation apparatus to
7 remove 1,4 Dioxane from the water?

8 MR. INGHAM: After the pilot studies
9 are done, that's what we will be back to talk about
10 that. We can't give you a real solid indication of
11 exactly what it's going to take to do those
12 treatments centers at this point. There will be
13 four of them -- four or five of them.

14 Hopefully, we can get out of the plume
15 for those three to five and don't have to do any
16 treatment, but until the pilot studies are done,
17 you're kind of in the dark as to exactly what it's
18 going to cost to do these treatment processes.

19 So, this bond issue really talks about
20 the two pilot studies that Councilman Labriola
21 talked about, but until they are done, we probably
22 can't give you a full real explanation of as to
23 what the cost is going to be at this stage of the
24 game.

25 SUPERVISOR SALADINO: As you stated

1 previously, a number of us have water background.

2 Councilman Hand, who was a Water
3 Commissioner for some years, and most know that I
4 was -- as a member of the New York State Assembly
5 where I sat on the Environmental Conservation
6 Committee, the loudest voice in Albany for cleaning
7 up and remediating and hydraulically containing the
8 Grumman Navy plume.

9 Through my years, almost 14 years, we
10 did a lot of research on ground water contaminant
11 and researching our Aquaphor system and through
12 that time and effort it was determined that 1,4
13 Dioxane, while it's getting the headlines is but
14 one of so many emerging contaminants.

15 MR. INGHAM: Correct.

16 SUPERVISOR SALADINO: Whether they're
17 the VOCs, the -- so many different issues are out
18 there waiting to be the next issue that emerges its
19 head. These emerging contaminates are being shown
20 to make people sick, create dangerous situations.

21 MR. INGHAM: We are now undergoing
22 UCMR4, and then it's gong to be UCMR5, and it's
23 going to come down the pike, absolutely.

24 SUPERVISOR SALADINO: Some 150 emerging
25 contaminants out there that we expect will be on

1 the radar of the EPA and the DEC and then, of
2 course, Water Districts and this Town Board.

3 MR. INGHAM: That's correct.

4 SUPERVISOR SALADINO: So, having said
5 that, as you move forward to design the way to deal
6 with 1,4 Dioxane, would that apparatus -- would
7 that infrastructure allow for additional processes
8 to remediate other contaminates as the law changes?

9 MR. INGHAM: That's an excellent
10 question.

11 SUPERVISOR SALADINO: So, you don't
12 have to start from scratch.

13 MR. INGHAM: I gotcha. I gotcha.

14 The TCE and the Volatile Organic
15 Compounds are fairly easy to remediate. Expensive,
16 but not overly expensive. It could be done by the
17 use of the Granular Activated Carbon or the GAC
18 system. It's charcoal. When it gets heavy or it's
19 -- like in Bethpage, a lot. You've got to use air
20 stripping towers as well.

21 SUPERVISOR SALADINO: Seen those at gas
22 stations across Long Island.

23 MR. INGHAM: That cleans up a great
24 deal of these unregulated contaminates.

25 Unfortunately, this 1,4 Dioxane is

1 unlike something we've ever seen before. So, what
2 you've got to do with this 1,4 Dioxane is just not
3 done by the GAC and the air stripping towers, you
4 have to employ an advanced oxidation process which
5 utilizes ultraviolet light, intense ultraviolet
6 light and peroxide. They tried Chlorine. They
7 tried others, but this looks like the one we're
8 going to be able to use.

9 Thank God the State Health Department
10 just let Bethpage put theirs on the line last week
11 after a six-year struggle. That's the only one
12 really working out there at this stage of the game.
13 We are hopeful that with the GAC, with the air
14 stripping, with the AOP systems, we'll be able to
15 handle the next wave. God knows.

16 SUPERVISOR SALADINO: But what I'm
17 specifically asking, will the designs allow for
18 add-on components rather than having to build from
19 scratch another facility? Will the department and
20 its engineers design these remediations in a way
21 that they can save money as time goes on by adding
22 a component to the system rather than starting from
23 scratch and building a brand-new system which as we
24 all know is very expensive?

25 MR. INGHAM: To respond to that, I

1 would have to indicate that space alone in the
2 buildings is fairly easy to work with. I mean, you
3 can always put an addition on the building if you
4 have to put a new treatment system in. The real
5 issue is you're going to have to go through pilot
6 studies with the Department of Health for every one
7 of these contaminates until they come to some
8 conclusion that the treatment we have, the
9 remediation we put in place is safe. That's
10 unknown at this stage of the game. So it's an
11 unknown. We don't know what it's going to take.
12 We don't know what the contaminates are at this
13 stage of the game if they're going to regulate. We
14 don't know what it's going to take to treat them.
15 We don't know yet.

16 So, unfortunately, we are behind the
17 eight ball on that.

18 SUPERVISOR SALADINO: What I'm asking
19 is, sending the message out to all the Water
20 Districts across Long Island that we keep in mind
21 that there are other emerging contaminates coming,
22 that the State will increase the criteria and that
23 we will be adding and doing more building as time
24 goes on --

25 MR. INGHAM: We will.

1 SUPERVISOR SALADINO: -- to
2 remediate --

3 MR. INGHAM: We will.

4 SUPERVISOR SALADINO: -- the VOCs and
5 emerging contaminates.

6 MR. INGHAM: Right. So coming full
7 circle, if we have the ability to go after the guys
8 who manufactured these pollutants, and we can bring
9 the money in, and we can pay off these bonds we
10 need, if they don't give us these extensions, we
11 will be okay. But it's going to be a long process.

12 SUPERVISOR SALADINO: We should keep a
13 close eye on what's going on between the State, the
14 Water Districts and Grumman and Navy to see what
15 that process -- how long that process takes and
16 what resources have to be put to bring those
17 payments to fruition.

18 MR. INGHAM: Well stated, Supervisor.
19 I agree with you.

20 SUPERVISOR SALADINO: Thank you, sir.

21 COUNCILMAN HAND: Just to add some
22 clarity to Councilman Labriola's comments in
23 regards to discussions we've had, when it comes to
24 desalinization, it could be as much as five times
25 the cost of ground water.

1 Quoting John Kennedy, the Executive
2 Director of Engineering of Water Resources in
3 Orange County, the ground water per acre foot, and
4 an acre foot is about 326,000 gallons that costs
5 \$402 out of the ground water and in Southern
6 California, they even have options of importing the
7 water. That's 1,059 to import it from other areas.

8 Desalinization of ocean water costs
9 1,900 to 2,100 per acre foot, so you can see the
10 cost involved, so, therefore, some of these
11 improvements bringing forth by your District seem
12 prudent and worthy of consideration.

13 MR. INGHAM: Thank you.

14 COUNCILMAN HAND: Thank you.

15 COUNCILMAN LABRIOLA: That's at the
16 current cost.

17 COUNCILMAN HAND: Current cost.

18 COUNCILMAN LABRIOLA: You're comparing
19 desalinization cost today what it is our current
20 cost of pulling water from the ground today, but
21 what I'm thinking about is in the future, how much
22 more expensive is it going to be to remove these
23 upcoming contaminates as well as 1,4 Dioxane?

24 I mean, at what point do you prepare to
25 basically abandon the concept of pulling water from

1 the Magothy and pulling water from other areas? At
2 what point? I mean, Connecticut is near -- is a
3 possibility. I think if you -- we have aqueducts
4 that draw water from hundreds of miles for New York
5 City, I don't understand why that would be out of
6 the realm of possibility for the Long Island Water
7 Conference to consider --

8 MR. INGHAM: It's not.

9 COUNCILMAN LABRIOLA: -- the
10 alternative --

11 MR. INGHAM: It's not. It's just that
12 we don't have time.

13 Unfortunately, right now, we don't have
14 time. If we had time and we had the luxury of
15 time -- I'm certain that has been thought about for
16 the last fifty years. We've thought about that.

17 We have the aqueduct down there on
18 Sunrise Highway. Mr. Caruso has very actively
19 expressed that to me. So, there are other options,
20 but, unfortunately, this process started on
21 December 18th and it will end in a year and we may
22 have no time even to get our own wells on line next
23 Summer.

24 SUPERVISOR SALADINO: And we do
25 understand that the permitting agency, the DEC,

1 must accept the responsibility for the testing, for
2 the studies to make this come to fruition.

3 MR. INGHAM: The Department of Health,
4 right.

5 SUPERVISOR SALADINO: I brought this
6 point up during our DEC hearings over and over and
7 over again, and, Steve, someone who has served in
8 the State Assembly, you know how difficult it is to
9 get them to spend money in our region where some in
10 Albany believe we are all rich and can afford it
11 ourselves and there is always that constant
12 struggle.

13 We have brought this up to them that we
14 should have a master plan of overall options and
15 take into account cost factors, take into account
16 -- this was the reason I pushed so hard to get not
17 only the remediation of the plume, but the
18 hydraulic containment. It made no sense to
19 contaminate uncontaminated areas that could serve
20 to provide water for contaminated areas during the
21 transition process.

22 MR. INGHAM: Well, the good news is you
23 were there. The bad news is you should have been
24 there twenty years ago so you could have stopped
25 this in Bethpage and it got out and it's four miles

1 long now and it should have been done twenty years
2 ago.

3 SUPERVISOR SALADINO: I agree, but I am
4 happy that we've gotten the State Legislature on
5 Board, we've got the Governor on Board and now the
6 process has shifted from studying it to designing
7 what the infrastructure will look like. Designing
8 all of the specifics so that this next step will be
9 building that infrastructure.

10 MR. INGHAM: I must commend the DEC
11 now. It's a light change, a world light change
12 from where it was five years ago, as you know,
13 Supervisor.

14 SUPERVISOR SALADINO: Yes.

15 Putting in new leadership, changing out
16 that leadership and bringing in whether it's Deputy
17 Commissioner Martez, who are calling on a regular
18 basis, Commissioner Sagos and the entire time has
19 really shifted the paradigm in terms of dealing
20 with these issues and not sweeping it under the rug
21 or --

22 MR. INGHAM: That's correct.

23 SUPERVISOR SALADINO: -- creating --

24 MR. INGHAM: More delay.

25 SUPERVISOR SALADINO: -- more delays.

1 COUNCILMAN LABRIOLA: It's clear that
2 this debate that we are having here, this worthy
3 discussion requires more of a regional approach.

4 I think that as the Long Island Water
5 Conference goes forward, I mean I certainly would
6 be glad to assist as well as any of the Board
7 members here I'm sure, because water is such an
8 important issue as we go forward, clean water,
9 clean and tested water people feel confident that
10 they are drinking safe clean water and is not a
11 detriment to their health.

12 I mean, when you read these things, to
13 the average layperson, it seems pretty frightening
14 that we are pulling water from, you know, areas
15 where there is so much of these VOCs and other
16 contaminants that we are hearing more and more
17 about. So, I hope that as we go forward we can, as
18 a Board and as a council, advocate on behalf of
19 Long Island Water, get our Senators and Assembly
20 members on Board and get us the required funds we
21 need and the required time you need.

22 MR. INGHAM: And we have worked
23 together in the past. We've worked today and we
24 will work together in the future. No question
25 about it.

1 SUPERVISOR SALADINO: Councilman

2 Labriola, you hit the nail right on the head.

3 It's critical that our State Senators
4 lobby harder and deliver the resources to all our
5 Districts. They are providing the mandates out of
6 Albany, but we need the funding, and this is
7 another case of unfunded or underfunded mandates,
8 be it the time, be it the resources to get it done.

9 MR. INGHAM: We're working on it.

10 SUPERVISOR SALADINO: Good.

11 MR. INGHAM: We're working on it.

12 SUPERVISOR SALADINO: Good.

13 Well, we are here to send that message
14 out to our delegation in Albany that we need the
15 money to fulfill the mandates that they are
16 bringing upon us.

17 MR. INGHAM: Thank you all.

18 Thank you very much.

19 COUNCILMAN LABRIOLA: Perhaps we can
20 put together a Resolution by the Town Board urging
21 such action by our State and Assembly delegation.

22 SUPERVISOR SALADINO: I think that's
23 very important and I'm going to request that
24 Department of Environmental Resources work with our
25 Engineering Department and Division of Public Works

1 to come up with that letter that we'll all happily
2 sign onto.

3 Thank you, Counselor.

4 COUNCILWOMAN JOHNSON: Just one more
5 thing.

6 I think everyone has to recognize that
7 desalinization poses its own challenges, especially
8 to places like Oyster Bay where once the water is
9 treated, it's returned to the -- back to the
10 environment with twice the salinity. And we can't
11 have fish or shell fish grow in a region like that.

12 MR. INGHAM: Massapequa.

13 COUNCILWOMAN JOHNSON: I'm sorry,
14 Massapequa.

15 MR. INGHAM: We have two sources of
16 water to work with.

17 COUNCILWOMAN JOHNSON: I stand
18 corrected 100 percent.

19 It's not going to work.

20 Thank you.

21 SUPERVISOR SALADINO: Thank you very
22 much.

23 MR. INGHAM: Thank you very much.

24 SUPERVISOR SALADINO: Thank you.

25 I don't have any slips, so I ask the

1 clerk, is there any correspondence?

2 MR. ALTADONNA: Yes.

3 We have an affidavit --

4 MR. McKENNA: I didn't think you needed
5 to fill out a slip for a hearing like this, so,
6 please.

7 I didn't think you needed one.

8 (Whereupon, a discussion was held off
9 the record.)

10 SUPERVISOR SALADINO: He filled out
11 that slip?

12 MR. ALTADONNA: Yes (handing).

13 SUPERVISOR SALADINO: Mr. McKenna,
14 please step forward.

15 MR. McKENNA: Good morning, Town Board.
16 Kevin McKenna, Edna Drive, Syosset,
17 New York.

18 Thank you very much for the information
19 that you provided this morning. I'm very impressed
20 that an attorney is so knowledgeable about this
21 very, very important topic.

22 What we heard today were alarms. As
23 you know, I've been very, very involved in
24 researching the 150 Miller Place situation and
25 first off, I want to say that it's very upsetting

1 to me that for such an important topic that,
2 obviously, it was being planned today to be
3 discussed that we do not have any of our local
4 officials here in this room to hear the important
5 information that was just shared today.

6 And I would just suggest, in the
7 future, that when a topic like this is going to be
8 discussed, that the Senator, Legislators, they
9 should be here to hear this topic and they're not
10 here. I'm not saying it's anybody's fault. I'm
11 just saying it's something that should take place
12 in the future. They should have heard this.

13 I would like to know if -- I don't know
14 whether Jericho Water can respond to this, but I
15 would like to know if they have been working in
16 cooperation with the DEC that did radioactive
17 screening and test results last October that has
18 not be communicated, whatsoever, to the public at
19 all by anyone really except for me.

20 You mentioned -- it's Mr. Ingham,
21 correct --

22 MR. INGHAM: Correct.

23 MR. MCKENNA: Mr. Ingham mentioned
24 earlier that he raised alarms on Well No. 9 and
25 Well No. 14.

1 I would like know where those wells --
2 the public would like to know where those wells are
3 located, and is Well 9 and 14, is it one of the ten
4 wells that was tested last October by the DEC's
5 contractor that we still don't have the test
6 results on?

7 Where is Well 9 and 14?

8 (Whereupon, someone spoke in the
9 audience.)

10 SUPERVISOR SALADINO: Not until the
11 speaker is done.

12 MR. MCKENNA: I'll finish.

13 SUPERVISOR SALADINO: You're allowed to
14 speak. Let him finish and take his seat.

15 Thank you.

16 MR. MCKENNA: When I listened to this
17 and I heard him talk about how fire departments are
18 worried about being able to get water down the road
19 if this becomes a major problem, I wonder your
20 opinion on whether or not this Town Board or any
21 Town Government in Nassau County right now should
22 be considering or should consider putting a
23 moratorium on any major developments that are in
24 the immediate area that is going to obviously
25 require more water, putting more of a demand on a

1 system that you're talking about might not be able
2 to provide water in the future for whatever the
3 reason, God forbid, that happens.

4 And I'm also curious to know your
5 opinion -- there's been lot talk about -- it's
6 actually 1,4 Dioxane. This is not something new.
7 This has been -- this has been there for a lot, lot
8 of years and all of a sudden now, you know, it's a
9 problem, but I believe that what has contributed to
10 this problem is the fact that the EPA, the DEC, the
11 Department of Health in Nassau County, they used a
12 cost effective solution of putting caps on top of
13 super fund sites. And you have a major problem
14 right at 150 Miller Place where you have 75 years
15 of toxic material from every defense contractor
16 buried below that cap in Syosset, and I'm wondering
17 your opinion on whether or not that is just
18 continuing to contribute to the destroying the
19 aquaphor below the cap even though there is a cap,
20 there's still all the stuff below it. It's still
21 going into aquaphor.

22 Do you believe that we should get to
23 the root of the problem, using Syosset as an
24 example, and get the State or Federal government to
25 put the funding to removing these caps and properly

1 cleaning up the super fund sites and not putting a
2 cap on top of a problem?

3 Thank you very much.

4 SUPERVISOR SALADINO: Thank you, Kevin.

5 Okay. Let's just stick with one
6 question that relates to today's hearing and that
7 is the location of the wells.

8 Would you kindly inform the public of
9 the location of these wells?

10 Would you kindly stand up to the --
11 approach the podium? Thank you.

12 MR. LOGAN: My name is Pete Logan. I'm
13 Superintendent of Jericho Water District.

14 Well 9 is located at 2 Merry Lane, the
15 corner of Merry Lane and Jericho Turnpike, Jericho,
16 right underneath our elevated water storage tank.

17 Well 14 is located at 13 Toby Lane
18 which backs up to Jericho Turnpike approximately
19 2,300 feet east of the Well 9 site.

20 SUPERVISOR SALADINO: That covers all
21 the wells in question.

22 Thank you very much. We greatly
23 appreciate it.

24 MR. McKENNA: What about development?

25 SUPERVISOR SALADINO: It's not really

1 in their wheelhouse to get involved with that
2 question, but we will be happy to ask our engineers
3 when we speak to them.

4 Is there any correspondence?

5 MR. ALTADONNA: We have affidavits of
6 postings and publications.

7 There is no other correspondence.

8 SUPERVISOR SALADINO: May I have a
9 motion?

10 COUNCILMAN MUSCARELLA: Supervisor,
11 I'll make a motion that this public hearing be
12 closed and the decision be reserved.

13 COUNCILMAN MACAGNONE: Second.

14 SUPERVISOR SALADINO: All in favor
15 please signify by saying "Aye."

16 ALL: "Aye."

17 SUPERVISOR SALADINO: Those opposed,
18 "Nay."

19 (No verbal response given.)

20 SUPERVISOR SALADINO: The "Ayes" have
21 it.

22 Thank you very much for coming in.

23 (TIME NOTED: 11:14 A.M.)

24

25

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
October 29, 2019
11:15 a.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Now, we will call
2 our regular Action Calendar.

3 MR. ALTADONNA: May I have a motion to
4 table Resolutions Nos. 675A, 675B?

5 **RESOLUTION NO. 675A-2019;** Resolution/
6 Order pertaining to the decision on the application
7 of the Jericho Water District to issue bonds to pay
8 the cost of improvements to said district. Hearing
9 held: October 29, 2019. (M.D. 9/17/19 #20).

10 **RESOLUTION NO. 675B-2019;** Resolution
11 authorizing issuance of serial bonds to pay the
12 cost of Improvements to the Jericho Water District.
13 Hearing held: October 29, 2019. (M.D. 9/17/19
14 #20).

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Second.

18 MR. ALTADONNA: A motion was made by
19 Councilman Muscarella, second by Councilman
20 Macagnone.

21 On the vote:

22 Supervisor?

23 SUPERVISOR SALADINO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 COUNCILMAN MUSCARELLA: "Aye."

1 MR. ALTADONNA: Councilman Macagnone?

2 COUNCILMAN MACAGNONE: "Aye."

3 MR. ALTADONNA: Councilwoman Johnson?

4 COUNCILWOMAN JOHNSON: "Aye."

5 MR. ALTADONNA: Councilman Imbroto?

6 COUNCILMAN IMBROTO: "Aye."

7 MR. ALTADONNA: Councilman Hand?

8 COUNCILMAN HAND: "Aye."

9 MR. ALTADONNA: Councilman Labriola?

10 COUNCILMAN LABRIOLA: "Aye."

11 MR. ALTADONNA: Motion to table

12 Resolutions 675A and 675B passes with seven "Ayes."

13 SUPERVISOR SALADINO: We have a speaker
14 on our Resolution calendar.

15 Arthur, would you please stand up?

16 MR. ALTADONNA: I'm not done yet. We
17 still have more.

18 SUPERVISOR SALADINO: Please proceed.

19 MR. ALTADONNA: May I have a motion to
20 suspend the rules and add the following Walk-on
21 Resolution, No. 676, which is a Resolution that was
22 brought to me once again by Councilman,
23 Mr. Macagnone.

24 It says, Resolution:

25 "WHEREAS, it's a primary responsibility

1 of Town Government to represent the residents and
2 businesses of the Town of Oyster Bay.

3 "WHEREAS all commissioners and deputy
4 commissioners have the responsibility to run their
5 departments and their staff to serve the residents
6 of the Town of Oyster Bay. Therefore, effective
7 January 1, 2020 no elected and/or appointed
8 officials and commissioners and deputy commissioner
9 and/or officer that serves on any Board of the Town
10 of Oyster Bay including Zoning, Planning, Housing
11 and Ethics not hold the position of a political
12 leader and/or political club officer in any
13 political organization."

14 On the motion?

15 COUNCILMAN MACAGNONE: So moved.

16 There's not going to be a second on it?

17 COUNCILMAN MUSCARELLA: I thought this
18 was going to be -- the Town Attorney going to
19 determine if there was going to be a hearing -- a
20 public hearing and input and then we would discuss
21 it.

22 COUNCILMAN MACAGNONE: This was going
23 to be a prelude to a public hearing that would
24 hopefully be held November 19th. Mike talked to
25 the Town Attorney last week.

1 SUPERVISOR SALADINO: Is the Town
2 Attorney available?

3 Is Mr. Nocella available.

4 He's not here in the building at this
5 time. Okay.

6 Please step forward.

7 MR. SCALERA: Good morning.

8 Frank Scalera, Chief Deputy Town
9 Attorney's Office, Town Attorney, Town of Oyster
10 Bay.

11 My understanding here is that the Town
12 Attorney's office obviously stands ready to draft
13 whatever is necessary but preliminary research
14 because the issue is not as simple as some people
15 may want to perceive it as.

16 It is a First Amendment issue which
17 requires more research and at the very least
18 requires local law. In and of itself a Resolution
19 would not be enough to do this.

20 Preliminary research indicates that the
21 First Amendment Rights -- government workers are
22 protected by First Amendment Rights more so than
23 private sector workers. But that's, again,
24 preliminary research. So, we have to do -- at the
25 very least, a public hearing.

1 One of the things that came up and one
2 of the ideas that came up, which I think is
3 something that the Board should consider -- I don't
4 know if it was from Councilman Labriola -- but a
5 work session on the matter, I think would be
6 preferable first before we even do a public
7 hearing, because I think, one, the work session --
8 because I expected you folks do want to air this
9 out in the public but -- a work session before a
10 public hearing because there are a lot of legal
11 issues that are invoked.

12 SUPERVISOR SALADINO: Counselor, let's
13 do this. I'm very open minded to exploring this
14 issue. I would like know and I'm sure -- I know
15 many of the Bord members would like to know about
16 the Constitutional ramifications.

17 So, I'm asking you to please step up
18 that research and do your full due diligence and
19 report back to us on the Constitutional
20 ramifications of this.

21 MR. SCALERA: Absolutely, Supervisor.

22 SUPERVISOR SALADINO: Thank you.

23 COUNCILMAN MACAGNONE: Excuse me,
24 Counselor.

25 Would it preclude us from having a

1 local law, for argument's sake, that any
2 commissioner cannot have any member of their club
3 work in their department under them, directly under
4 them? Would that be Constitutional?

5 MR. SCALERA: Again, preliminary
6 research indicates that even the ACLU has indicated
7 when you're a government worker, you have more
8 rights than a private sector worker; particularly,
9 when it comes to First Amendment Speech and in this
10 case, political activities is what you're getting
11 at and union workers even more so.

12 So, it's not a simple answer.
13 Basically, the preliminary research, again, there's
14 a lot of cases on the matter. It's a
15 Constitutional issue. So, you can imagine how many
16 cases you're going to find across the country;
17 however, the First Amendment Right is from the
18 Constitution, and it does invoke a lot of these
19 varying situations.

20 And one of the things that I've seen
21 preliminarily is that if it doesn't affect the job
22 itself, the functions of the job, folks who get --
23 folks who are working for a municipality do have
24 First Amendment Rights and can bring lawsuits
25 against their bosses, employers.

1 As the Town Attorney's Office, it's our
2 job in our office to mitigate those types of
3 situations, because we don't want our employees and
4 employers fighting in the courtroom based on First
5 Amendment.

6 So, I suggest -- I'm suggesting based
7 upon what I've heard this morning from Councilman
8 Labriola which I think is a very good idea, and
9 Supervisor, I suggest that a work session in the
10 open is probably better because then we can call --
11 we can call Executive Sessions if there is a legal
12 issue that we have to run into the room and discuss
13 and come in and out while the public is still here.
14 With a hearing, we might not have that flexibility.

15 COUNCILMAN MACAGNONE: Can we set that
16 date for that work session? I see it go down line
17 as, you know, things tend to do and just...

18 MR. SCALERA: Look, we stand ready to
19 draft anything that is necessary to put up before
20 the Board, so the Resolution would have to be
21 presented.

22 However, because of the complexity of
23 it -- again, I can't dictate the timing of when and
24 how you're going to do it -- I mean when.

25 The how, I suggest strongly a work

1 session before considering any local law, but in
2 the end, it is my preliminary opinion, it be done
3 by local law, not just by Resolution because it
4 invokes First Amendment privileges, rights.

5 COUNCILMAN MACAGNONE: Would it be too
6 soon to say December 10th would be a proper date to
7 do this work session?

8 MR. SCALERA: That's up to --

9 COUNCILMAN MACAGNONE: I'm asking if
10 your office has the ability to get it together by
11 then.

12 MR. SCALERA: I believe I can probably
13 put something together for December.

14 COUNCILMAN MACAGNONE: Make a motion to
15 make a work session dated December 10th.

16 MR. SCALERA: I don't know if you'd
17 like to do it the same day as a Town Board meeting.

18 SUPERVISOR SALADINO: Counselor, my
19 feeling is I'm very open to exploring this
20 initiative.

21 I would like to know, before I vote on
22 anything, I would like to know what the
23 Constitutional considerations are.

24 MR. SCALERA: Correct. I agree.

25 It can't just be --

1 COUNCILMAN MACAGNONE: That would come
2 out in a work session, Supervisor, I believe.

3 MR. SCALERA: Right, but just
4 preliminarily as well, New York State and
5 California have the broadest based laws that
6 protect private sector individuals from their
7 political affiliations, and as we know, as I
8 mentioned earlier, and for folks who don't know,
9 Government workers and Unionized workers have even
10 more rights than private sector workers.

11 The issue is different in different
12 states and it appears that the office, our office,
13 has to, you know, research it all before we propose
14 any legislation that could be subject to challenge.

15 SUPERVISOR SALADINO: Counsel, what
16 we're asking is to please make sure you get that
17 done. Put a full court press on. We want to see
18 what that research shows.

19 Obviously, Freedom of Speech is very
20 important to all in this Town.

21 MR. SCALERA: Correct.

22 SUPERVISOR SALADINO: We need that
23 research done as quickly as possible.

24 MR. SCALERA: Do we have a Town Board
25 meeting on December 10th?

1 COUNCILMAN MACAGNONE: I believe so,
2 yes.

3 MR. SCALERA: Okay. So, we can schedule
4 a portion of that for a work session if you so
5 choose amongst yourselves.

6 Okay?

7 COUNCILMAN MACAGNONE: I'd like to see
8 it done before the end of the year, if possible.

9 MR. SCALERA: Very well.

10 COUNCILMAN MACAGNONE: Great ideas
11 might come out of it.

12 Maybe not surgiconian [sic] but maybe
13 something to make it a little black and white.

14 MR. SCALERA: You can understand why
15 our office wants to provide you with all the law so
16 you can read it before --

17 COUNCILMAN MACAGNONE: Without a doubt.
18 I have all the faith in the world in your office.

19 MR. SCALERA: Thank you.

20 SUPERVISOR SALADINO: Thank you.

21 We have a speaker.

22 MR. ALTADONNA: We still didn't call
23 the calendar.

24 SUPERVISOR SALADINO: Okay.

25 MR. ALTADONNA: Are you amending the

1 Resolution or just tabling it?

2 COUNCILMAN MACAGNONE: It didn't get
3 seconded, so hopefully.

4 COUNCILMAN IMBROTO: The Resolution is
5 not before us.

6 COUNCILMAN MACAGNONE: But, hopefully,
7 it will come up in a work session and have a
8 Resolution before the end of the year.

9 MR. ALTADONNA: Okay.

10 (Whereupon, someone spoke in the
11 audience.)

12 MR. ALTADONNA: Let us call the
13 calendar.

14 SUPERVISOR SALADINO: We have to call
15 the calender first.

16 MR. ALTADONNA: You have to fill out a
17 form.

18 May I have a Motion to adopt Resolution
19 No. TF-18-19 through 675A and B noting that 675A
20 and B have been tabled?

21 **TRANSFER OF FUNDS RESOLUTION NO.**

22 **TF-18-19;** Resolution pertaining to Transfer of
23 Funds within various departments' accounts for the
24 Year 2019.

25 **RESOLUTION NO. 659-2019;** Resolution

1 authorizing the Town's 36th Annual Holiday Concert
2 Series at the Tilles Center, Long Island
3 University's C. W. Post Campus, Brookville,
4 New York, with four performances scheduled to be
5 held December 2, 3 & 4, 2019, and for the
6 Supervisor, his designee or Commissioner of the
7 Department of Community & Youth Services to execute
8 agreements for said concerts. Account No. CYS A
9 7020 47660 000 0000. (M.D. 10/15/19 #4).

10 **RESOLUTION NO. 660-2019;** Resolution
11 authorizing a Licensing Agreement for the Town's
12 Annual Holiday Concert Series at the Tilles Center,
13 for the Department Commissioner to sign a Licensing
14 Agreement and Letter of Self Insured, payment of
15 fee for the services of the Old Brookville Police
16 Department and for the Supervisor, his designee
17 and/or Commissioner of the Department of Community
18 & Youth Services to execute said agreement. Account
19 No. CYS A 7020 47660 000 0000. (M.D. 10/15/19 #5).

20 **RESOLUTION NO. 661-2019;** Resolution
21 amending Resolution No. 323-2019 to employ the
22 services of a performer as a replacement for a
23 November 24, 2019 performance at Jericho Public
24 Library, and for the Supervisor, his designee or
25 Commissioner of the Department of Community & Youth

1 Services to execute the agreement. Account No. CYS
2 A 7020 47660 000 0000. (M.D. 10/15/19 #6).

3 **RESOLUTION NO. 662-2019;** Resolution
4 authorizing an Extension of and Modification to a
5 Professional Services contract for the period
6 January 1, 2020 through December 31, 2020 for the
7 provision of Computerized Accounting and One Stop
8 System Support Services and to authorize the
9 Supervisor or his designee to execute said
10 agreement. Account No. IGA CD 6293 48080 000 CW19.
11 (M.D. 10/15/19 #7).

12 **RESOLUTION NO. 663-2019;** Resolution
13 pertaining to the Dock Application of Christopher
14 Moustouka, 79 Clearwater Avenue, Massapequa,
15 New York. (M.D. 10/15/19 #11).

16 **RESOLUTION NO. 664-2019;** Resolution
17 amending Resolution No. 735-2017 to include updated
18 costs incurred with the filing of the Town's 2018
19 Comprehensive Annual Financial Report. Account No.
20 CMP A 1315 44800 000 0000. (M.D. 10/15/19 #12).

21 **RESOLUTION NO. 665-2019;** Resolution
22 directing the Town Clerk to advertise a Notice of
23 Hearing in connection with the application of
24 Beechwood PV Retail LLC, fee owner and CR Fitness
25 Venture, Inc., lessee, for a Special Use Permit for

1 premises located at Old Country Road and Round
2 Swamp Road, Plainview, New York. Hearing Date:
3 November 19, 2019. (M.D. 10/15/19 #16).

4 **RESOLUTION NO. 666-2019;** Resolution
5 pertaining to On-Call Engineering Services relative
6 to Civil Engineering in connection with the 9/11
7 Walls of Honor project at TOBAY Beach, under
8 Contract No. PWC07-18. Account No. PKS H 7197 20000
9 000 1902-001. (M.D. 10/15/19 #17).

10 **RESOLUTION NO. 667-2019;** Resolution
11 pertaining to On-Call Engineering Services relative
12 to Civil Engineering and use of Sub-Consultants for
13 the permit process for Beach Nourishment at TOBAY
14 Beach and Fire Island Inlet Dredging Permits to
15 build up TOBAY Beach under Contract No. PWC 07-18.
16 Account No. PKS H 7197 20000 000 1902 001.
17 (M.D.10/15/19 #23 & 10/22/19 #16).

18 **RESOLUTION NO. 668-2019;** Resolution
19 directing the Town Clerk to advertise a public
20 notice to call a hearing to consider the
21 application of the Plainview Water District for
22 serial bonds to pay the cost of improvements to the
23 water district. Hearing date: November 19, 2019.
24 (M.D. 10/15/19 #25).

25 **RESOLUTION NO. 669-2019;** Resolution

1 granting request from Robin Schmidt to donate a
2 memorial plaque and bench to be placed at
3 Syosset-Woodbury Community Park in memory of
4 Richard and Shirley Wicks. (M.D. 10/15/19 #26).

5 **RESOLUTION NO. 670-2019;** Resolution
6 pertaining to On-Call Engineering Services relative
7 to Civil Engineering and use of Sub-Consultants for
8 the boundary surveys and design drawings for
9 parking at Parklet B-21, Contract No. PWC 07-18.
10 Account No. PKS H 7197 20000 000 1902 001. (M.D.
11 10/15/19 #24 & 10/22/19 #14).

12 **RESOLUTION NO. 671-2019;** Resolution
13 authorizing the Supervisor to execute an Appendix
14 C: Nassau County - County Wide Shared Services Use
15 and Distribution Agreement and for the Supervisor,
16 or his designee, to execute all documents in
17 connection with the 2018 County Wide-Shared
18 Services Initiative. (M.D. 10/15/19 #10 & 10/22/19
19 #8).

20 **RESOLUTION NO. 672-2019;** Resolution
21 authorizing an Extension of Time, Quantity
22 Adjustment, Acceptance and Final Payment for
23 Contract No. DP18-176 - Sodium Hypochlorite
24 Improvements at Marjorie Post and Syosset-Woodbury
25 Community Parks. (M.D. 10/15/19 #18 & 10/22/19

1 #12).

2 **RESOLUTION NO. 673-2019;** Resolution
3 granting request of New York AutoFest for Town
4 assistance in conducting their Charity Car Show,
5 Harry Chapin Food Bank event on November 10, 2019
6 in Oyster Bay, have Audrey Avenue closed between
7 the gazebo to Oyster Bay Rail Road Station and to
8 use various Town equipment for the event. (M.D.
9 10/15/19 #21 & 10/22/19 #19).

10 **RESOLUTION NO. 674A-2019;** Resolution
11 pertaining to the decision on the Budget of the
12 Town of Oyster Bay for the Year 2020. Hearing held:
13 October 22, 2019. (M.D. 10/22/19 #4).

14 **RESOLUTION NO. 674B-2019;** Resolution
15 pertaining to the decision on the Budget of the
16 Town of Oyster Bay for the Year 2020 - Special
17 Districts. Hearing held: October 22, 2019. (M.D.
18 10/22/19 #4).

19 On the motion?

20 COUNCILMAN MUSCARELLA: So moved.

21 COUNCILMAN MACAGNONE: Second.

22 MR. ALTADONNA: A motion was made by
23 Councilman Muscarella, second by Councilman
24 Macagnone.

25 I think you have one speaker so far.

1 SUPERVISOR SALADINO: Arthur Adelman.

2 Hi, Arthur.

3 How are you feeling?

4 MR. ADELMAN: Fine.

5 COUNCILMAN IMBROTO: Arthur, we've
6 missed you.

7 MR. ADELMAN: You've missed me? That's
8 something else.

9 SUPERVISOR SALADINO: It's good to see
10 you, Arthur.

11 MR. ADELMAN: Good morning, everybody.

12 Arthur Adelman, 110 Dubois Avenue,
13 Sea Cliff, New York.

14 I'm here -- I posted that I was going
15 to talk about Resolutions 666 and 667, but my main
16 goal here is to try to get all the Resolutions
17 tabled at this time because the public was
18 precluded from reviewing any of the draft
19 Resolutions online. They weren't up yesterday at
20 all, so I couldn't review any of the Resolutions,
21 the drafts and any back-up data. So, I couldn't
22 come here to make any educated, you know, educated
23 comments about any and all the Resolutions
24 presented.

25 COUNCILMAN IMBROTO: Do you have the

1 Resolutions now, Arthur?

2 MR. ADELMAN: No. I don't have a
3 smartphone. I got here -- I leave home at 9:30.

4 I'd like to take a few hours the day
5 before to review the Resolutions like you've always
6 given me the opportunity.

7 So, I'm saying I would like to see you
8 adjourn right now and reconvene at 7:00 p.m.
9 tonight when the public will have the opportunity
10 -- hopefully, it's up online now and we can all
11 make comments that are -- we are fully informed
12 about.

13 We're talking about pertaining to
14 on-call engineering services, a few of those. You
15 have four of those Resolutions. I have no idea who
16 they're with. I don't know what they're for. I
17 have no understanding.

18 There is mention about things from the
19 budget hearings. The only thing I have any
20 information about is the Resolution pertaining to
21 the Jericho Water District because we just had a
22 hearing about it, so I've been informed about it.

23 COUNCILMAN MACAGNONE: And that one
24 we're tabling.

25 MR. ADELMAN: We had the other

1 Resolution that was just read into the record that
2 wasn't seconded, that I'm familiar with now, but
3 the rest -- my request is to adjourn and reconvene
4 at 7:00 p.m. tonight, if and when the draft
5 Resolutions are made public to the public.

6 Thank you.

7 SUPERVISOR SALADINO: Thank you.

8 In an effort to explain Resolutions 666
9 and 667, which I believe are very important
10 Resolutions, and the reality is they are time
11 sensitive in restoring our resources, I'm going to
12 ask that Commissioner Richard Lenz, please step
13 forward.

14 COMMISSIONER LENZ: Good morning.

15 SUPERVISOR SALADINO: Commissioner
16 would you state your presence, please?

17 COMMISSIONER LENZ: My name is Richard
18 Lenz, Commissioner of Department of Public Works
19 and Highway.

20 SUPERVISOR SALADINO: I've been
21 informed that we have an IT problem.

22 And for some reason, there has been
23 difficulty getting this up on the website. I know
24 that they are making a full court press to work on
25 that, but it is important that we -- get -- reach

1 our deadlines, and I would like you to explain the
2 services, especially as it relates to providing for
3 sand on our beach.

4 This is something that is, we know,
5 that is very important to all of us, to all our
6 residents and we are also aware that there is a
7 small window that the Army Corps of Engineers
8 allows dredging to take place and allows the
9 projects to take place.

10 So could you give us, please, an
11 informative and detailed reasons as to why -- what
12 this Resolutions is about? That would be -- let's
13 start with 667.

14 COMMISSIONER LENZ: Okay.

15 That is a four-phased project. The
16 first phase is a permit for scraping of the sand on
17 Tobay Beach. On Mother's Day, we had a Mother's
18 Day storm. We lost a lot of sand near the pavilion
19 and also along the beach edge.

20 So, what this will allow us to do is to
21 take -- we have a three-mile beach and both ends
22 are really not as used -- as populated as the
23 center portion.

24 We would be allowed to take sand from
25 those east and west portions of the beach, bring it

1 towards the center where the pavilion is and where
2 most of the bathers --

3 SUPERVISOR SALADINO: So, we have more
4 than three miles of beach.

5 COMMISSIONER LENZ: Yes.

6 SUPERVISOR SALADINO: And we utilize
7 about a mile and a half --

8 COMMISSIONER LENZ: Yes.

9 SUPERVISOR SALADINO: -- of beach.
10 So, Phase One -- and this all came out
11 from our meetings that we held immediately with the
12 DEC and the Army Corps of Engineers. I attended
13 those meetings with you and many staff members.

14 COMMISSIONER LENZ: Right.

15 SUPERVISOR SALADINO: We're taking a
16 multistep approach --

17 COMMISSIONER LENZ: Exactly.

18 SUPERVISOR SALADINO: -- to restoring
19 our beach that Mother Nature took away from us.

20 COMMISSIONER LENZ: Right.

21 Also --

22 SUPERVISOR SALADINO: In terms of the
23 scraping, that's taking sand from other areas and
24 putting it to where the residents utilize the
25 beach.

1 COMMISSIONER LENZ: Exactly.

2 SUPERVISOR SALADINO: As well as land
3 banking sand?

4 COMMISSIONER LENZ: Yes. That would
5 also -- you're allowed to land bank sand. What we
6 would do it make mounds, again, near the pavilion
7 but not next to it, but near the pavilion.

8 Also, we've got to keep in mind, that
9 near the pavilion is also your sanitary -- we have
10 sanitary basins --

11 SUPERVISOR SALADINO: Facility basins.

12 COMMISSIONER LENZ: The facilities that
13 are there, if they are compromised, we lose that.

14 We also lose the water, drinking water,
15 for that facility that is also near by, because we
16 have wells. We also -- if the dune is breached at
17 any point, you also have problems with Ocean
18 Parkway.

19 So, this is what we're trying to do to
20 prevent all of this from happening in the future.

21 SUPERVISOR SALADINO: And there are
22 time limits on this?

23 COMMISSIONER LENZ: The time limit is
24 March 1st to March 31st.

25 So, once we had this problem and you

1 called a meeting with the Army Corps of Engineers
2 and the DEC, we had to file these applications as
3 soon as possible. Applications meaning permits.
4 We had to file as soon as possible so that we can
5 get them approved before March so that we can do
6 some of this work in the whole month of March.

7 The applications have already been
8 submitted to the DEC for their approval. We
9 already have a letter back saying that they
10 received it. So what that means is that they have
11 reviewed it on a cursory review and said the
12 application is -- all of the areas have been filled
13 out.

14 So, now the next step them to actually
15 review it and that takes usually a couple of weeks
16 or month or so, so we are ahead of the curve on
17 that.

18 SUPERVISOR SALADINO: And at my
19 direction trying to stay ahead of the curve.

20 COMMISSIONER LENZ: Absolutely.

21 SUPERVISOR SALADINO: So we've let you
22 know that we want this beach restored in time --

23 COMMISSIONER LENZ: Yes.

24 SUPERVISOR SALADINO: -- for the Summer
25 beach season?

1 COMMISSIONER LENZ: Right.

2 SUPERVISOR SALADINO: You spoke to one
3 of the permits we are applying for but, in fact, we
4 are applying for four permits.

5 COMMISSIONER LENZ: Yes.

6 SUPERVISOR SALADINO: So let's speak
7 about the next one.

8 COMMISSIONER LENZ: The other one is we
9 can -- we're looking -- if we can transport --
10 import sand from other areas.

11 SUPERVISOR SALADINO: To be the
12 recipient?

13 COMMISSIONER LENZ: To be the
14 recipient --

15 SUPERVISOR SALADINO: Donor sand --

16 COMMISSIONER LENZ: Like you're saying,
17 the donor. Other sand from other areas.

18 There is another one that we were
19 looking into to accept material from the Fire
20 Island inlet dredging. The Army Corps of Engineers
21 does that. It's usually every five years. There
22 is talk that they might be doing it again next
23 year. So, we wanted to have an application in so
24 that we are on -- one of the first that we can ask
25 for additional material.

1 What had happened, too, is we have
2 found that the material came from -- that they were
3 dredging to Gilgo Beach and only up to Gilgo Beach,
4 and then our beach is the next beach over.

5 For some reason, the tides on this
6 Mother's Day storm and for several months after
7 that, the tides were opposite what they usually
8 are. We don't know if it really -- we're in the
9 process of doing more studies, but we don't know if
10 that had to do with them putting more sand on the
11 beach at Gilgo and bringing the beach out further
12 into the ocean on Gilgo side and not taking care of
13 Town of Oyster Bay side. We have to look into it.
14 I'm not saying that that's a definite or anything,
15 but we have to look into it.

16 COUNCILMAN MACAGNONE: But that's cause
17 and effect.

18 COMMISSIONER LENZ: Exactly. That's
19 what I'm trying to say.

20 SUPERVISOR SALADINO: And that study,
21 when you get a permit of this type to see what
22 those effects, those unintended consequences would
23 be, and so we do have reason to believe that
24 putting the sand up to the Nassau/Suffolk or
25 borderline of the Town of Hempstead -- rather the

1 Town of Bablyon/Town of Oyster Bay line might have
2 changed the flow.

3 COMMISSIONER LENZ: Yes.

4 SUPERVISOR SALADINO: And that affected
5 or worsened the erosion.

6 COMMISSIONER LENZ: Right.

7 So this way by applying to the Army
8 Corps of Engineers would allow us to get sand in
9 the future when they're dredging that area.

10 Also, the last one was investigating
11 the bay side to see if that sand -- if we dredge
12 some sand from there and transport it over, we
13 could through piping, you know, injection piping
14 and stuff, through piping to go to the ocean side.

15 Again, we got to check crane size, make
16 sure the material is the proper material because
17 you don't want to be moving --

18 COUNCILMAN MACAGNONE: Once again, we
19 have to see what effect that will have.

20 COMMISSIONER LENZ: Exactly.

21 SUPERVISOR SALADINO: You've spoken to
22 the scraping?

23 COMMISSIONER LENZ: Right.

24 SUPERVISOR SALADINO: You've spoken to
25 the application we need or the permit we would need

1 for the next time dredging is done at Fire Island
2 Inlet and quite frankly, I'd like it also to be
3 available to other dredge projects.

4 COMMISSIONER LENZ: Yes.

5 SUPERVISOR SALADINO: Whether it be the
6 Jones Inlet, the State Boat Channel, other areas in
7 the vicinity. We'll take clean sand from any of
8 the areas that are appropriate because we need that
9 sand.

10 Would these permits allow for us to be
11 the donor site from these other areas?

12 COMMISSIONER LENZ: Yes, they are.

13 SUPERVISOR SALADINO: Okay.

14 Can you please speak to the other
15 permits that we are applying for and the need for
16 the engineering specialties to make sure we get it
17 down right and not slow this down?

18 COMMISSIONER LENZ: Sure.

19 The other one is sand from up -- upland
20 sand pits and stuff. We would need to see if that
21 grain size would be acceptable to put on our beach.
22 So, that was the other permit we're looking for.
23 So, that's the four of them.

24 The main thing that you've got to
25 remember when you're doing this is, you've got to

1 have specialties, specialty consultants that are
2 doing this type of work. One of them is an
3 engineer that's been doing this for years, working
4 with the Town of Oyster Bay on dredging projects
5 for -- I'm not sure, let's say at least twenty
6 years. That's Bob de Bruin at Robert de Bruin
7 Engineering.

8 Also, you have to have soil mechanics
9 to check the grain size. So, you have to do soil
10 samples. Then you also need a consultant for the
11 profiling of the beaches, of the beach itself and
12 then also you need another one to do sampling and
13 testing of all the materials. So, this is not just
14 a one-engineering-firm-type project. It's a
15 multiple-phased project with several
16 subconsultants.

17 COUNCILMAN MACAGNONE: You need
18 specialists.

19 COMMISSIONER LENZ: Yes.

20 COUNCILMAN MACAGNONE: For each phase.

21 COMMISSIONER LENZ: Exactly, and it's
22 not something that engineering, my staff have in
23 place. This is specialty type of work that you
24 only use every couple of years. It's not something
25 that we need to staff up for.

1 COUNCILMAN MUSCARELLA: Thank you,
2 Commissioner.

3 We have full confidence in you and I
4 know you're on it.

5 COUNCILMAN MACAGNONE: This is 666.

6 COMMISSIONER LENZ: Right.

7 COUNCILMAN MACAGNONE: And that's for
8 the walls at Tobay.

9 COMMISSIONER LENZ: Right.

10 MR. ADELMAN: I think you misunderstood
11 my objection to what I was relating to.

12 The fact that the draft Resolutions
13 were not offered for review to the public prior to
14 this meeting up until, you know, I went to bed last
15 night. I wrote you a letter about it.

16 I was just requesting that we table all
17 the Resolutions and adjourn until 7:00 p.m. so I
18 can go home, get on my computer and review all the
19 draft Resolutions.

20 I might come back at 7:00 and say, "I
21 have no objections to anything. You can vote and
22 go home."

23 But I just thought it would be --

24 COUNCILMAN IMBROTO: Can we just have
25 somebody to speak to whether the Resolutions are --

1 SUPERVISOR SALADINO: Are they
2 available now?

3 COUNCILMAN IMBROTO: In compliance --

4 SUPERVISOR SALADINO: Let's get
5 Mr. Adelman -- what I suggest we do we've had the
6 questions on these two Resolutions answered which
7 were --

8 MR. ADELMAN: Not really.

9 SUPERVISOR SALADINO: Gentlemen.
10 Gentlemen. We won't have back and forth.

11 MR. ADELMAN: I have not seen the
12 Resolution itself.

13 SUPERVISOR SALADINO: I understand.

14 MR. ADELMAN: I understand what's
15 involved and --

16 SUPERVISOR SALADINO: So let's do
17 this --

18 MR. ADELMAN: The cost and who's doing
19 it, et cetera.

20 SUPERVISOR SALADINO: I understand. I
21 understand what you're asking.

22 So, what I suggest, we have provided
23 the information on these two Resolutions which I
24 think is very thorough.

25 What are the costs involved with these

1 two Resolutions?

2 COMMISSIONER LENZ: For 666, that's the
3 9/11 wall as the Councilman said, and that's LKB
4 and that's \$26,000 for engineering oversight of
5 designing of the wall and then also the
6 construction of the wall.

7 The other one for 667, that is for
8 de Bruin and also the four engineers that I just
9 mentioned a couple of seconds ago and that's for
10 \$168,310.

11 SUPERVISOR SALADINO: Now, since we
12 don't know how long it will take the DEC and the
13 Army Corps of Engineers to provide us with these
14 permits, but we do know there is a hard wall that
15 that work has to be done by, by their own mandate,
16 is this a situation where we have to get this in,
17 not only accurately with all the data they require,
18 but get it in as quickly as possible so that we can
19 get those permits within the deadline?

20 COMMISSIONER LENZ: Absolutely.

21 As I said, you have to have the permit
22 in hand by March 1st in order to do any of this
23 work. So, if you don't submit it now and it
24 usually takes several months for the DEC to review
25 -- you know, because there are so many applications

1 that they get. It's not that they --

2 SUPERVISOR SALADINO: And there's quite
3 a bit of data involved --

4 COMMISSIONER LENZ: Absolutely. Data
5 they review --

6 SUPERVISOR SALADINO: When filling out
7 an application, we have to provide them factual
8 data and our research.

9 COMMISSIONER LENZ: Exactly.

10 SUPERVISOR SALADINO: So, what I'm
11 going to suggest is that we take a fifteen-minute
12 recess and Mr. Adelman and anyone else who would
13 like is provided the Resolutions and give them an
14 opportunity to look them over, and we'll go from
15 there.

16 So, I'm going to call for a
17 fifteen-minute recess.

18 COUNCILMAN MUSCARELLA: I make a motion
19 to have a fifteen-minute recess.

20 COUNCILMAN MACAGNONE: Second.

21 SUPERVISOR SALADINO: All in favor
22 please signify by saying, "Aye."

23 ALL: "Aye."

24 SUPERVISOR SALADINO: Those opposed,
25 "Nay."

1 (No verbal response given.)

2 SUPERVISOR SALADINO: The "Ayes" have
3 it.

4 Thank you.

5 (Whereupon, a recess was taken at
6 11:40 a.m. and the proceedings resumed at
7 12:13 p.m. as follows:)

8 COUNCILMAN MUSCARELLA: Supervisor,
9 I'll make a motion to reopen the meeting.

10 COUNCILMAN MACAGNONE: Second.

11 SUPERVISOR SALADINO: All in favor,
12 please signify by saying, "Aye."

13 ALL: "Aye."

14 SUPERVISOR SALADINO: Those opposed,
15 "Nay."

16 (No verbal response given.)

17 SUPERVISOR SALADINO: The "Ayes" have
18 it.

19 Okay. Please let the record reflect
20 that I asked Mr. Adelman if he is satisfied with
21 the time that was given, and he told me that he was
22 satisfied and that he had no questions on the
23 Resolution calendar.

24 Thank you, Arthur.

25 We have one speaker, Ned Newhouse.

1 MR. NEWHOUSE: Good afternoon, all.

2 SUPERVISOR SALADINO: Good afternoon,
3 Ned.

4 MR. NEWHOUSE: This is regarding
5 Resolution 676. This is regarding that Republican
6 Club members and leaders should not be
7 Commissioners or Deputy Commissioners.

8 COUNCILMAN IMBROTO: I don't think that
9 was the Resolution.

10 MR. NEWHOUSE: Can you clarify, because
11 I have nothing to read?

12 COUNCILMAN MACAGNONE: First of all, it
13 never became a Resolution. It never got on the
14 table.

15 Second, it wasn't the record of any
16 political part specifically. It could have been
17 Conservative, Independent, Liberal, Republican,
18 Democrat, whatever party. It wasn't directed at
19 any party specifically.

20 SUPERVISOR SALADINO: It could be a
21 union person that runs a pack.

22 COUNCILMAN MACAGNONE: Right, anything.

23 MR. NEWHOUSE: It could even be a
24 Democrat.

25 SUPERVISOR SALADINO: Absolutely.

1 MR. NEWHOUSE: I think it's important.

2 COUNCILMAN IMBROTO: It's not part of
3 the calendar, so it's not properly the subject --

4 MR. NEWHOUSE: In the future, I'd love
5 to make a comment.

6 SUPERVISOR SALADINO: Do it in public
7 comment. That's very appropriate.

8 MR. NEWHOUSE okay.

9 SUPERVISOR SALADINO: We will call you
10 back up.

11 COUNCILMAN MACAGNONE: That was a good
12 point. I didn't even think of that.

13 SUPERVISOR SALADINO: Thank you, Tony.
14 So we have no other slips on the
15 Resolutions.

16 Is there any correspondence?

17 MR. ALTADONNA: No correspondence on
18 the regular Action Calendar.

19 SUPERVISOR SALADINO: So we will call
20 for a vote.

21 MR. ALTADONNA: We're voting on
22 TF-18-19 through 675A and B noting that 675A and B
23 were tabled.

24 So, we are going through 674. I just
25 want you to know there is A and B on 674 as well.

1 On the vote:

2 Supervisor?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye" on all.

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: No on 674A.

8 It was a great presentation last week,
9 well read, well scripted, but my problem is
10 Standard & Poor's, Mooney's and the State
11 Comptroller all can't be wrong.

12 So I vote no.

13 "Aye" on the rest.

14 MR. ALTADONNA: Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: I vote "Aye" on
16 all.

17 MR. ALTADONNA: Councilman Imbroto?

18 COUNCILMAN IMBROTO: I vote "Aye."

19 MR. ALTADONNA: Councilman Hand?

20 COUNCILMAN HAND: "Aye" on all.

21 MR. ALTADONNA: Councilman Labriola?

22 COUNCILMAN LABRIOLA: "Aye."

23 MR. ALTADONNA: TF-18-19 through 673
24 passes with seven "Ayes."

25 674A passes with six "Ayes," one "Nay."

1 674B passes with seven "Ayes."

2 675A and B were tabled.

3 676 was never followed through.

4 Calendar is complete.

5 SUPERVISOR SALADINO: Thank you.

6 COUNCILMAN MUSCARELLA: Supervisor, I
7 make a motion to close the meeting.

8 COUNCILMAN MACAGNONE: Second.

9 SUPERVISOR SALADINO: All in favor
10 please signify by saying, "Aye."

11 ALL: "Aye."

12 SUPERVISOR SALADINO: Those opposed,
13 "Nay."

14 (No verbal response given.)

15 SUPERVISOR SALADINO: The "Ayes" have
16 it.

17 I do want to thank our teams,
18 especially those who have assisted in preparing a
19 phenomenal budget that freezes taxes and continues
20 to build our reserves, that continues to
21 substantially, substantially pay down our capital
22 debit while freezing taxes and continues to do all
23 of the improvements that our residents have asked
24 for.

25 I thank the cooperation of the Board.

1 I thank all the department heads and all involved
2 in putting together what is a spectacular budget.

3 Just year ago, just five years ago, no
4 one thought we would be where we are financially at
5 this time and we are in a very rock solid place and
6 we're very proud of that, so thank you.

7 We have some slips.

8 Well done on the closeout of our
9 meeting.

10 We thank you very much.

11 (TIME NOTED: 12:18 P.M.)

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