

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEETING OF THE LONG ISLAND COMMISSION ON
AQUIFIER PROTECTION

December 7, 2016

10:00 a.m.

260 Motor Parkway
Hauppauge, New York

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

FRANK KOCH, Chair
Suffolk County Water Authority

STAN CAREY
Nassau-Suffolk Water Commissioners Association

JEFFREY W. SZABO
Suffolk County Water Authority

MICHAEL WHITE
Suffolk County Legislature Presiding Officer

DON IRWIN
Nassau County Commissioner of Health

DORIAN DALE
Suffolk County Executive Representative

JASON HIME
Suffolk County Commissioner of Health

BRIAN SCHNEIDER
Nassau County Commissioner of Public Works

SARAH MEYLAND
Nassau County Legislature Minority Leader

JARED HERSHKOWITZ
Suffolk County Presiding Officer

JOHN C. MILAZZO
Suffolk County Water Authority

TY FULLER
Suffolk County Water Authority

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

MR. KOCH: Let's start with the
Pledge of Allegiance.

(Whereupon, the Pledge of
Allegiance is recited.)

MR. KOCH: Everybody please stand.
This is Pearl Harbor. Let's remember the
people that gave everything so that we could
talk about aquifers.

(A moment of silence.)

Thank you.

Let's get to work. First let's go
around the table again.

I'm Frank Koch, right now the
chairman of Long Island Water Conference --
I mean, right now representative of Long
Island Water Conference and chairman of
LICAP.

I apologize for that.

Next to me is...

MR. CAREY: I'm Stan Carey. I'm
the rep for the Nassau Suffolk Water
Commissioners Association.

MR. SZABO: Jeff Szabo, chief

Proceedings

executive officer of Suffolk County Water Authority.

MR. WHITE: Michael White, representing the Suffolk County Legislature Presiding Officer.

MR. IRWIN: Donald Irwin from the Nassau County Department of Health.

MR. DALE: Dorian Dale, Suffolk Exec.

MR. HIME: Jason Hime, Suffolk County Department of Health Services, sitting in for Walter Dawydiak.

MR. B. SCHNEIDER: Brian Schneider, representing Nassau County Executive.

MS. MEYLAND: Sarah Meyland, representing the Nassau Legislature minority leadership.

MR. HERSHKOWITZ: Jared Hershkowitz, Suffolk County PO Rep.

MR. MILAZZO: John Milazzo, Suffolk County Water Authority.

MR. KOCH: Just as a reminder, the public or anybody here, always state your

Proceedings

1 name.

2
3 So that is the welcome and
4 introduction. We will start going through
5 the agenda.

6 Anybody have any comments on the
7 minutes from September 14th? Did anybody
8 look at it on the LICAP website?

9 It looks fine to me.

10 MR. MILAZZO: Motion to approve.

11 MR. KOCH: Second?

12 MR. WHITE: Second.

13 MR. KOCH: That was Jeff and Mike.

14 We had a little discussion on the
15 public hearings, on the State of the Aquifer
16 Report. Great turnout for the public
17 hearing, great turn out by water districts,
18 engineers, consultants. A lot of the
19 decision makers came out. I saw a lot of
20 great comments, good comments, mostly
21 positive. And so we'll address all comments
22 whether it fits in the State of the Aquifer
23 Report or whether it fits in our management
24 plan. We'll try and find some spot for most
25 of the comments.

1 Proceedings

2 Anybody else have anything they
3 want to put regarding the public hearings
4 that were last month?

5 MR. WHITE: I know it's on the
6 record of the public hearing, but I want to
7 say again -- and I mentioned at the
8 Riverhead public hearing, the great work of
9 LICAP overall, the tremendous technical
10 assistance at the conference with the
11 Suffolk County Water Authority had. That
12 really, really helped our mission.

13 MR. KOCH: I agree, Mike. I
14 agree.

15 MR. SZABO: I would just like to
16 thank Steve Colabufo who presented at all
17 three public hearings and gave a summary of
18 the draft State of the Aquifer Report before
19 the public comments started. So Steve did a
20 lot of fine work and we appreciate all of
21 that.

22 Thank you very much, Steve.

23 MR. KOCH: We're up to the stage
24 here, we're at the final revisions of the
25 State of the Aquifer Report.

1 Proceedings

2 Do we plan on doing any vote? Do
3 you have any last minute decisions we should
4 make on it?

5 MR. CAREY: What we had discussed
6 was -- coming out of the public hearings we
7 obviously couldn't incorporate everything
8 into the State of the Aquifer, so I think
9 Jeff had the idea that maybe we submit a
10 letter of all of the issues that were
11 brought to our attention that we can address
12 in our committee reports. So we drafted a
13 letter for all of the voting members to sign
14 which will become, if everyone agrees to it,
15 which will become part of the State of the
16 Aquifer Report just stating our intent to
17 include as much of that information into the
18 management reports.

19 MR. KOCH: That's correct. After
20 legal counsel reviews it again, maybe we'll
21 pass it around for the signature.

22 The question is do we need a vote
23 to finalize the State of the Aquifer Report?

24 MR. MILAZZO: We should have a
25 vote.

1 Proceedings

2 Are there any comments from the
3 members?

4 MR. KOCH: Please, any members
5 want to comment now? Just raise your hand,
6 I'll swing over.

7 Karen Blumer.

8 MS. BLUMER: Is there a waste
9 water section done here? We were supposed
10 to be working on that, but it seemed like a
11 lead didn't cover.

12 MR. KOCH: It's touched very
13 lightly in the State of the Aquifer Report,
14 but it will come under management plan.
15 There is an actual part of the report for
16 that.

17 MR. DALE: But right now it's
18 indicated -- it has milestone RIP. Is that
19 rest in piece? So in effect, it doesn't
20 seem as if it's anywhere.

21 MR. KOCH: That's a great point.

22 MS. BLUMER: Does that
23 subcommittee no longer exist or is Dorian
24 doing it himself?

25 MR. DALE: I would volunteer to

Proceedings

1
2 step forward on that, given the fact that it
3 seems to have not evolved.

4 MR. KOCH: The decision to RIP it
5 was simply because nobody was taking the
6 reigns; is that correct, Steve?

7 MR. COLABUFO: Well, it wasn't
8 really a decision. It's just sort of what
9 happened. I tried extensively to get
10 somebody to head up the report, to no avail.

11 MR. DALE: But you did have for
12 some time, seemingly a couple of particular
13 people who ostensibly were (unintelligible).

14 MR. COLABUFO: Right. Well, I
15 believe we might have mentioned at the last
16 meeting that whatever people we had sort of
17 fell off by the wayside. There was a
18 gentleman from D&B Engineers who was a
19 pretty good expert in the field but wasn't
20 really able to participate.

21 I also did each out to Hal Walker
22 and Jen Garvey of the Stony Brook Clean
23 Water Technology Center. I e-mailed them
24 last week. Haven't gotten a response yet.
25 I don't believe they're going to step

Proceedings

forward and volunteer to do this to.

MR. KOCH: Okay. Dorian Dale is establishing that he will take up the lead and try to make those connections and put something forth that is useful.

MS. BLUMER: And there were a number of people on the committee who worked with Dorian. Gwyneth Barry, (unintelligible), Gerry Ottavino.

MR. DALE: I'm fairly familiar with the usual suspects.

MS. BLUMER: Okay.

MR. COLABUFO: Bill Merklin will be the subcommittee chairman as part of the WROS, I believe.

MR. KOCH: Steve Colabufo told Dorian that Bill Merklin is the subcommittee chair for WROS, which is where that report stands.

MR. COLABUFO: Correct.

MR. KOCH: Again, thank you stepping up, Dorian.

Jared, do you have any comments?

MR. HERSHKOWITZ: No.

1 Proceedings

2 MR. KOCH: Anybody else?

3 MR. B. SCHNEIDER: I just wanted
4 to add, Dorian, we'll get someone from
5 Nassau County to assist with that. Joe
6 Davenport, who's the chief sanitary engineer
7 down at DPW. Obviously we'll contribute.
8 We'll reach out.

9 MR. KOCH: Thank you, Brian.

10 MR. B. SCHNEIDER: He doesn't know
11 I just volunteered him.

12 MR. KOCH: Joe Davenport was --
13 Brian Schneider said Joe Davenport will
14 probably help Dorian.

15 Anybody else? Anybody else? Going
16 once.

17 Do we now make a motion to approve
18 the State of the Aquifer Report as is?
19 Obviously, this is a fluid document. We'll
20 be working on it probably next year and the
21 year after that. Just so you know, this is
22 year three of five years. So we've still
23 got a lot of work to do yet.

24 MR. SZABO: Make a motion.

25 MR. CAREY: Second.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

MR. KOCH: Very good.

All in favor?

(Chorus of ayes.)

MR. KOCH: State of the Aquifer
approved for 2016.

Discussions on funding sources for
future/continued LICAP initiatives.

We sent some letters out. We sent
some letters to DEC, DOH -- hang on, I have
the letters right here -- asking for
funding. And I assume this is for the next
fiscal year. The letter gives a breakdown
on what we're looking for. We sent one to
Andrew Cuomo, and we sent one to -- hang on,
stand by. We sent one to Honorable Carl
Heastie, Speaker of the Assembly and
Honorable John Flanagan, Senate Majority
Leader.

MR. HERSHKOWITZ: This is for 2017
or to continue the two years option in the
resolution?

MR. KOCH: I believe it's for one
fiscal year.

MR. HERSHKOWITZ: For 2017 or

Proceedings

2018?

MR. KOCH: 2017, I believe.

The way it breaks down, it's approximately \$350,000 and it's really for water track.

MR. HERSHKOWITZ: Oh, it's for water track.

MR. KOCH: Yes.

MR. HERSHKOWITZ: Is there a break -- I'm sorry. There's a breakdown.

MR. KOCH: There's a breakdown, yes.

MR. HERSHKOWITZ: A breakdown of what that 350 is for?

MR. KOCH: Right.

MS. MEYLAND: Are you going to share the letter with everyone?

MR. KOCH: Absolutely.

MS. MEYLAND: Okay.

MR. WHITE: Just refresh our recollection. What does it say in the legislation that's been adopted by both counties with respect to funding? I don't recall. I recall something being in there.

Proceedings

MR. MILAZZO: I'll read it.

"LICAP is hereby authorized and empowered to receive and expend public and private funds, including grants from non-profit foundations, agencies, corporations, including public benefit corporations and private entities, contracts with public corporations for in-kind services and apply for and accept grants, donations, subsidies or other funding from the federal, state and local government.

MR. HERSHKOWITZ: So this money is going to go -- we're talking about lock-boxing and dedicated funds. Is it going to go directly to the Suffolk County Water Authority general fund for disbursement? Is it going to go into a separate mini entity for water track? How is that money going to be tracked and lock-boxed specifically for this purpose?

MR. MILAZZO: If the money is received, if it's allocated to the Suffolk County Water Authority, the Water Authority has an account -- the Water Authority holds

Proceedings

1 funds for the Central Pine Barrens
2 Commission. So I imagine it would be the
3 same situation where there's a special
4 accounting procedure for those funds. And
5 then the Water Authority would enter into a
6 contract. In the Pine Barrens case, the
7 Water Authority has a contract with the Pine
8 Barrens Commission, and the Water Authority
9 disburses funds on the basis of signed
10 authorization from the Commission's
11 executive director.
12

13 So it probably -- if it's in a
14 general fund, it could only be used for
15 LICAP purposes, but I think where there is a
16 special account. It's not general funds.

17 MR. HERSHKOWITZ: It would be
18 lock-boxed.

19 MR. MILAZZO: It would be
20 lock-boxed. And that's if the Authority
21 accepts it.

22 MS. MEYLAND: I have a question.

23 MR. KOCH: Yes, Sarah.

24 MS. MEYLAND: Will the committee
25 be seeing any reporting on expenditures made

Proceedings

so far under the LICAP program?

MR. MILAZZO: To date -- to date the funds -- and I think this goes to Michael White's point. The funds that have been expended by LICAP to date have been forwarded mostly by the Water Authority.

The Water Authority -- I'm not sure we have a separate account for that, but it's really been in-kind services to date. And that's where Michael was thanking the Authority for stepping up and filling that vacuum. There hasn't been a dedicated non-Water Authority source of funds for LICAP, which is probably one of the reasons you're seeing a letter asking for funding. It's really been to the credit of the Water Authority board and Jeff Szabo that you had this type of work done at the Water Authority's, essentially, expense.

MS. MEYLAND: Could I just ask a follow-up to that?

So if you aren't separating the expenses so far under the Water Authority, how are you going to do it in the future? Is this going to continue to be work from

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

the Water Authority? Is it going to be outside people who are hired specifically to do the work?

MR. MILAZZO: To date, with the using a Pine Barrens Commission as model, the Water Authority has its employees that work on Pine Barrens Commission matters and those are dedicated employees. They track their time. So that time is a Pine Barrens account in the Water Authority's ledgers, in their books. I'm not an accountant, so I couldn't tell you exactly how it's broken apart, although I know it's broken apart. So the people that work on the Pine Barrens initiative charge their time to Pine Barrens account.

If the Water Authority received funds, which it hasn't to date, the Water Authority will make sure that the funds are only used for LICAP through tracking of time spent on LICAP initiatives by Water Authority staff.

The question of whether the Water Authority will hire staff is a question I

1 Proceedings

2 don't think is appropriate at this time
3 because there is no funding yet. So that's
4 a bridge that everyone will cross when they
5 get to it.

6 MR. HERSHKOWITZ: A point of
7 clarification. There's a duality here that
8 I'm not so sure of. Maybe you can explain
9 it.

10 The funds seem to be dedicated
11 specifically to water track. So if it's
12 dedicated lock-box specifically for water
13 track, then we would continue the same way
14 we have been funding LICAP before? In other
15 words, in terms of secretarial use, papers,
16 use of (unintelligible), et cetera? Is that
17 what you're saying?

18 MR. CAREY: The funds that were
19 requested, they're not completely for the
20 water track. It's for whatever the -- any
21 money that we receive would be subject to
22 the approval, any expenditure, of the voting
23 membership of LICAP. So we would have to
24 all agree before we allocated any money.
25 The same thing for auditing purposes. We

1 Proceedings

2 would have to have available to the voting
3 members for approval any expenditures. So I
4 think we're getting a little far ahead of
5 ourselves in trying to establish what might
6 happen if we get the funds. But it says in
7 our legislative approval we have to follow
8 the processes for auditing and expenditures
9 by the voting board. So the voting board
10 would decide where the money would be spent
11 appropriately.

12 MR. HERSHKOWITZ: It just seems in
13 the budgeting that it's directed
14 specifically toward water track.

15 MR. MILAZZO: Using the example
16 again --

17 MR. HERSHKOWITZ: Just a
18 clarification.

19 MR. MILAZZO: I would imagine that
20 if you receive funds, again, hypothetically
21 you receive funds from government, the LICAP
22 would establish a budget and that budget
23 would be approved by the members of LICAP,
24 and that's how your funds would be used.

25 MR. HERSHKOWITZ: But you're

1 Proceedings

2 asking for general funds for LICAP. You're
3 asking specifically for water track.

4 MR. MILAZZO: I don't think this
5 is water quality data.

6 MR. HERSHKOWITZ: No arguments.
7 I'm just trying to make sure that -- you
8 know, one of the problems in requesting
9 funds and resolutions is the vagueness and
10 the open-endedness, and this is one of the
11 reasons that the public sometimes has
12 issues. I think that maybe we need to be a
13 little bit more specific. Maybe it means
14 more general, but LICAP needs money to do
15 its everyday things that we do, plus we need
16 to do water track, plus maybe other things,
17 instead of targeting one specific thing.
18 That's all.

19 MR. KOCH: I think you might be
20 right, Jared, when it comes to that. But I
21 think this is very specific what we're
22 asking for in the first track. I don't know
23 if everybody agrees with it. It's a lot
24 about that, a lot about collections, a lot
25 about a server. This is all leading to -- I

1 Proceedings

2 can show you this.

3 Again, we'll make copies for
4 everyone so you can see exactly what we're
5 asking for on the first go-around. I think
6 it's important to actually ask for something
7 concrete.

8 MR. HERSHKOWITZ: I agree.

9 MR. KOCH: -- as opposed to a
10 general fund.

11 MR. B. SCHNEIDER: Brian
12 Schneider.

13 The question I have, just looking
14 at the breakdown of the budget -- and I
15 wasn't going to throw stones at it. But
16 we're asking for \$120,000, for example, to
17 collect -- monitoring well water quality
18 samples. Is that just for Nassau and
19 Suffolk? Is that just for --

20 Where is that defined?

21 MR. FULLER: Ty Fuller.

22 That would be a piece of the Nassau
23 monitor wells. There's a network of monitor
24 wells that have not been sampled since 2010.
25 In addition, it would be from Suffolk wells

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

-- monitor wells that have not been sampled.

MR. B. SCHNEIDER: So that cost would be for your staff to take samples of Nassau wells?

MR. FULLER: No. It probably -- again, that has to be figured out, but more than likely it would probably be a contract that would be sent out to have someone to collect samples, deliver it to some agency. Or if LICAP agreed, whether it's USGS -- like, I believe there's a section in there for scientist to investigate reporting. So that's something that we would consider.

MR. B. SCHNEIDER: So would LICAP contract with the USGS or would it go through the existing agreements like between Suffolk County Water Authority or Nassau's ongoing agreement with the --

MR. FULLER: Depending on what the voting members of LICAP agreed to.

MS. MEYLAND: Could I ask one more question?

MR. KOCH: Yes.

MS. MEYLAND: So just for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

clarification, the tasks that are listed in the budget would all be directed toward new information that doesn't currently exist; is that correct? Because you've gotten data from the water utilities and DPW and so forth for what they have so far.

MR. KOCH: I don't want to answer for Ty, but this is a document that continues to grow, and each year there's new samples. While we're trying to put new data in, raw data, we're also going back to the treated data. I should say we're probably going to have new raw data this year and then we're going to have also treated data on top of that.

It's a combination for the most part, but I would say a lot of that is new data, but there is maintenance as well.

MS. MEYLAND: The reason I'm asking is that due to advances in the last couple of years, data is being provided in the format that allows it to be easily downloaded to GIS and so forth. And so that's not such a labor intensive effort.

1 Proceedings

2 The labor intensive part is when
3 you physically have to go out to a site,
4 collect information, analyze it and input
5 it. So my question was basically is that
6 really the direction that this budget is
7 going in, because the other is not so
8 expensive. I mean, you've already done a
9 great deal of work with available data.

10 MR. FULLER: Can I comment?

11 MS. MEYLAND: And as Nassau knows,
12 monitoring all data is not being collected
13 at the moment. I don't know the status in
14 Suffolk. So there won't be new data coming
15 in under that heading unless somebody
16 physically goes out and collects it.

17 Ty, you want to deal with that?

18 MR. FULLER: I would say in terms
19 of the getting the data --

20 Ty Fuller.

21 What I was going to say is that
22 even though the data is coming on that link
23 Excel, it still has to be properly
24 formatted. It also has to go through some
25 QAQC, even though the labs have done that.

1 Proceedings

2 That still requires a good deal of time.

3 Although it's easier to access the data, it
4 still requires a good amount of time to
5 process that.

6 So that's something that needs to
7 be put into consideration. Even with the
8 work we did, it still took a hundred hours
9 or several hundred hours to do. And
10 although we've kind figured out the scheme,
11 going forward that's still to be labor
12 intensive.

13 In addition to that, you're
14 incorporating new data such as modern wells
15 that haven't been sampled, several hundred
16 potentially, treated data that will now
17 potentially come from Nassau.

18 So all of these new initiatives
19 that are now going to be incorporated will
20 require a good deal of time. So I think we
21 tried to account for that.

22 MR. WHITE: I have a suggestion.
23 And I think the comments have been really
24 well served in terms of how we deal with
25 this issue going forward.

1 Proceedings

2 My thought is -- and again, the
3 Water Authority has been tremendous with
4 those services in kind, but to the extent
5 that we are making a request for funding,
6 the reality is is that if someone were to
7 send us a check, it would have to be made
8 out to somebody and would have to go
9 somewhere.

10 My thought is, is that the
11 committee should at this point establish
12 some sort of finance committee -- a couple
13 of the members of the commission -- and it
14 would basically be simplified to operate
15 with the memorandum of understanding with
16 the Water Authority so that I think, similar
17 to the Pine Barrens Commission, when money
18 comes in, the money would be stored
19 somewhere in effectively a lock-box, but
20 then the finance committee could track that.
21 And the commission as a whole could make
22 decisions with respect to actual
23 appropriations.

24 So I would suggest that as a sort
25 of a form and process going forward, if

Proceedings

John's in agreement, and Jeff.

MR. SZABO: Yes.

MR. MILAZZO: Absolutely. We want to establish a committee as -- I don't know if it's premature or not. You just sent a letter in. I'm not sure where the budget process, whether it's even started yet. And that's essentially what happens with the commission, because the state issues a check to the Water Authority and it just holds it and then it disburses when it's told to by the commission. So the work -- and he doesn't make money on how to spend that money, and that wouldn't happen here. So if that was the implication, I apologize. That's not --

MR. WHITE: That's what I was trying to clarify. That's exactly the form that I think we should follow from LICAP.

MR. MILAZZO: And that's only if the Water Authority wants to do it. It has to go to their board to decide whether --

MR. KOCH: Yes, Jared?

MR. HERSHKOWITZ: If I could just

Proceedings

1
2 follow up? I just wanted to piggyback on
3 Michael's suggestion.

4 I think that based on what I've
5 heard from the legislature in the past when
6 you've asked for money, if you have this
7 construct going forward in asking for the
8 money, it's telling them that we're going to
9 be watching it and being very careful with
10 it. So I don't think Michael's suggestion
11 is premature at this point. I think it's
12 part and parcel to the request for cash.

13 MR. WHITE: To some extent the
14 dream would be that Carl Heastie would send
15 a check or the governor would send a check.
16 That's unrealistic. I'm not trying to be
17 glib, but that would be the issue, and if we
18 have a place for it to go --

19 MR. HERSHKOWITZ: But I'm saying
20 if we have it already established, that
21 gives more reasons to the argument.

22 MR. KOCH: Right. If we did have
23 a finance committee, we would have to ask
24 them to send a check to SCWA.

25 MR. SZABO: Correct.

1 Proceedings

2 MR. KOCH: So this way we could
3 say send it to LICAP in the care of Suffolk
4 County Water.

5 MR. WHITE: Perhaps we could ask
6 John to put something together from the
7 Water Authority to LICAP that reflects the
8 same framework that the Pine Barrens
9 Commission has so we know that that's in
10 place. Maybe that would be the next action.

11 MR. KOCH: It sounds like
12 consensus is to wait right now until John
13 gets back to us.

14 MR. HERSHKOWITZ: No. That's not
15 the consensus.

16 MR. MILAZZO: I don't know if you
17 have a consensus. You have two people
18 speaking.

19 MR. HERSHKOWITZ: That's why I'm
20 saying...

21 MR. WHITE: I'm going to make a
22 motion that we establish a finance committee
23 with respect to LICAP to manage any funds
24 that might come in for use -- for uses that
25 would be determined by LICAP, with a

Proceedings

1
2 management of the money through a memorandum
3 of understanding with the Suffolk County
4 Water Authority, again, in the same
5 framework as the Water Authority carries out
6 the work with the Pine Barrens Commission.

7 MR. IRWIN: I'm going to second
8 that.

9 Don Irwin.

10 I think it's essential at this
11 point. If we're going to start asking for
12 funds, I would also propose that one of the
13 first objectives of that committee is to
14 develop a more comprehensive budget. I
15 think if you came to me and asked me for
16 money, I would want to see what the rest of
17 your budget is, not just this one project.

18 MR. KOCH: Good point.

19 MR. B. SCHNEIDER: I would also
20 like to dovetail to that.

21 We shouldn't just be asking the
22 state for money. Obviously, you know,
23 federal agencies are out there and there are
24 other not-for-profit agencies. I don't
25 think we've really shaken the tree enough to

1 Proceedings

2 see whether other funding can be made
3 available. So it's not just the state as
4 the only option.

5 So I also second that
6 recommendation to form the finance
7 committee.

8 MR. KOCH: One other thing about
9 the finance committee, I heard -- I think it
10 probably should be all voting members as
11 part of the financial committee. Correct?

12 MR. WHITE: That's fine.

13 MR. KOCH: As opposed to two or
14 three.

15 MR. SZABO: Sure.

16 MR. KOCH: I would just like to
17 add that part about it.

18 Anybody second Michael's motion?

19 MR. IRWIN: I'll second.

20 MR. KOCH: All in favor?

21 (Chorus of ayes.)

22 MR. KOCH: So we have a financial
23 committee.

24 Michael, would you like to be
25 chair?

1 Proceedings

2 MR. WHITE: I'm okay in the
3 process, not very good at math. So I'll do
4 my best.

5 MR. B. SCHNEIDER: We don't have
6 any money, so...

7 MR. KOCH: We're not in debt.

8 MR. WHITE: I specifically will
9 work with Jeff and John so we arrange the
10 proper framework with the Water Authority.

11 MR. KOCH: Thank you, Michael.

12 Anything else on that topic? That
13 was an extensive topic.

14 Anybody have any ideas how to make
15 money?

16 MR. HERSHKOWITZ: We should go to
17 the federal source of agencies while they
18 still exist. Different topic.

19 MR. KOCH: Mr. Colabufo, do you
20 have some time to report on subcommittee
21 reports?

22 MR. COLABUFO: Steve Colabufo.

23 So we've had several meetings since
24 the last LICAP meeting. One of them was a
25 meeting on a water supply alternatives

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

working group, report group, and no one really showed up, actually. It was myself. It was Bill Merklin and Lisa Ortiz from D&B Engineering. Those are always the best meetings. When no one shows up they go nice and quick.

We have a draft report. I would call it a preliminary draft, which myself and Rich (unintelligible) did kind of as a research report. These technologies are in use throughout the world, so we sort of summarized different water supply alternatives and where they're being used as case studies.

Bill Merklin was going to try to put the finishing touches on it and sort of tailoring it for Long Island, saying where on Long Island these could apply and how they could do that.

We hope to have a final draft of that report I would say in a month or so, let's say by the end of January, and then you've got the full subcommittee for their review.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

We did have a joint subcommittee meeting on the 17th of November, again with a skeleton crew in attendance. We reviewed the reports up to that time and the scoreboard that you see in front of you there is a result of that meeting.

There was one more report that was finalized, a report from Doug Feldman of the Suffolk County Department of Health Services. So good for Doug. He finalized that.

That's a total of five that are done. There are four more reports that have been fully reviewed and what we call final draft pending. Hopefully within about a month or so they'll be out to the full subcommittee for review. They are listed there. They include geothermal systems and the long distance cross county transmission. A couple of others, they're indicated on the report there.

There are a couple of other reports that are sort of in in-between status. I spoke with Jared earlier about the

Proceedings

public/private partnerships in education.

We now have an entire subcommittee devoted to that very subject, among others. And I was going to suggest at the 11/17 meeting that maybe that report just be moved to your subcommittee for its review and publication, for lack of better words. So we can consider that as well.

MR. HERSHKOWITZ: Is P3, to your best knowledge, a draft finalization status? It's gone through eight different drafts with lots of opportunity --

MR. COLABUFO: Right. I would be happy with how that is as it is now. It's going to be part of an overall report on that plus education. You had some other ideas on education that we talked about prior.

MR. HERSHKOWITZ: Right. The education is -- yes.

MR. COLABUFO: Maybe you could compile it as a final draft for your subcommittee to then review, and we can have that wrapped up within a month or so.

1 Proceedings

2 MR. HERSHKOWITZ: I'll do the P3
3 separately, but we'll do it as an addendum
4 on the education.

5 MR. COLABUFO: However you
6 conceive of it is fine.

7 We had a meeting Monday on the
8 aquifer report. There were a few points of
9 -- possible points of dissension I guess you
10 might call it among different people
11 involved in that writing group. So we're
12 trying to schedule another meeting to review
13 it again, this time with some LICAP board
14 members present, as well as -- Rich Humann
15 of H2M was one of the more vocal
16 participants in the comments on the report,
17 and he was not available even though we did
18 sort of schedule the meeting in accordance
19 with his schedule. He wasn't available at
20 the last meeting. So we'd like to get him
21 involved, as well as a couple of members of
22 LICAP, to just iron out these possible
23 points of dissension before we can consider
24 it a final draft report. So Bill Merklin
25 and Lisa Ortiz are trying to schedule that

Proceedings

meeting.

And then as we already discussed the waste water management has just been resurrected from the dead. So that will begin anew. We haven't really had anybody yet to step up to the plate with enough knowledge or expertise to compile the report or time to do it. So Dorian is assuming the mantle of leadership, so way to go, Dorian.

That's just about it. That's all I've got.

MR. WHITE: Just a question -- and I apologize. Perhaps I haven't followed this close enough. But just outline what the dissension is with respect to the Lloyd aquifer issue.

MR. COLABUFO: One of the points had to do with the law or the rule about replacing Lloyd wells and the fact that you need a brand new permit to replace a Lloyd well that's not within a coastal community. We got involved in kind of an off-in-the-weeds discussion at the meeting. I'm not sure how many Lloyd wells are not in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

coastal communities. So it may only be a couple of wells that might really almost be a non-issue. So that's, again, something that Nassau Water Suppliers would know better than me, and it may be something that isn't really that big of a deal.

There were one or two other reports. I think Rich Humann has something like 34 comments on the report, so I was at a loss to put words in his mouth for him. So he needs to be present and to address his comments, and they may be fairly insignificant, too, once we get to discussing it. That's about it.

MS. MEYLAND: Just to clarify on the issue of re-permitting existing Lloyd wells. The current policy at the DEC is if you need to drill a replacement well, you're starting over again. You start with the normal well permit process. In Nassau there are actually a number of Lloyd wells that are not a coastal community.

And so the question was, really, do water suppliers have an as of right ability

Proceedings

1
2 to go back to the Lloyd with no review
3 simply because their existing Lloyd well has
4 failed and they need to replace it, either
5 in the exact location or somewhere nearby.
6 It applies almost exclusively to Nassau
7 County water suppliers. And that thought
8 that new Lloyd wells would not go through a
9 new review process is not the procedure that
10 the DEC requires right now. And those of us
11 who think that that is a good policy and
12 should not change are not in agreement with
13 the water suppliers who believe that they
14 should have an as of right ability to go
15 back to the Lloyd with no review. So that's
16 the issue.

17 MR. WHITE: And then while not
18 necessarily in the jurisdiction of a LICAP,
19 this issue does relate to New York City
20 because if they were to go to renew those
21 well permits in southwest Queens --
22 southeast Queens, there's at least four
23 Lloyd wells in that batch.

24 MS. MEYLAND: Correct.

25 MR. WHITE: Okay.

1 Proceedings

2 MR. KOCH: Sarah, how many are in
3 Nassau County that are not along the shore?

4 MS. MEYLAND: I believe there are
5 43 Lloyd wells all together, and the bulk of
6 those are in Nassau County. And probably of
7 the 35 to 40 Lloyd wells in Nassau County,
8 the majority are not in coastal communities.

9 MR. IRWIN: I think another part
10 of the problem is how DEC is defining a
11 coastal community. You can be on the shore
12 and not defined as a coastal community. So
13 I think that's another thing we need
14 clarification from the DEC --

15 MS. MEYLAND: No, we don't.

16 MR. IRWIN: -- and the data to
17 back it up. They need to decide one way or
18 another.

19 MS. MEYLAND: Just to comment on
20 Don's comment, the definitions of a coastal
21 community is set in the law. There is no
22 question. But it is a site-by-site
23 analysis. So every well that proposes to go
24 to the Lloyd has to meet a two step
25 criteria. Is it in an area where there is

Proceedings

1
2 no Magothy -- one possibility -- or is it an
3 area where the Magothy is already
4 contaminated by salt water? So those are
5 the two issues that have to be considered
6 when an application is put before the DEC.

7 If those conditions are met, it's a
8 coastal community. The well proceeds
9 through a normal review process. If they're
10 not --

11 MR. IRWIN: But there are sites
12 where they've already made that
13 determination and other sites where they
14 have not because of a lack of data. And
15 that's my point.

16 MS. MEYLAND: Okay, very good.
17 Good point.

18 MR. KOCH: Very good. Thanks,
19 everybody. Thank you, Steve.

20 Does anybody else have any comments
21 on this topic?

22 MR. HERSHKOWITZ: Are we going to
23 be talking about, Steve, committees that are
24 currently in place for the next part of
25 LICAP's responsibility, or are we not

1 Proceedings

2 talking about that today?

3 MR. COLABUFO: I do not intend on
4 talking about that today.

5 MR. HERSHKOWITZ: I do have an
6 issue. We can bring it up in other business
7 if you want.

8 MR. KOCH: Okay. Let's bring it
9 up in other business. That might be a
10 better location for that.

11 I think the LICAP calendar for the
12 next quarterly meeting is on the website.

13 Did everybody get one via e-mail?
14 If not, I don't think the copier is working.
15 Take a look at it and see what you think,
16 whoever has it. Does everybody have it?
17 Very good. Okay. So if there's any
18 comments?

19 MR. HERSHKOWITZ: I think if we
20 could just take a moment and applaud Maria
21 Trupia for holding us all together here.

22 MR. KOCH: Thank you, Maria.

23 MR. HERSHKOWITZ: She does an
24 unbelievable job.

25 MR. KOCH: Yes, she does. She not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

only works with us, but she works with the subcommittees.

A motion to adopt the calendar?

MR. WHITE: Motion.

MR. KOCH: Again Michael.

MR. CAREY: Second.

MR. KOCH: Stan seconds.

Very good. Very good.

Does anybody have other business?

Jared Hershkowitz?

MR. HERSHKOWITZ: I have a quick question.

Is there a reason that the DEC is the not present at the meeting, nor a card for the DEC present at the meeting today, if you know?

MR. WHITE: The cards were there. I think there was an understanding that they were not going to be available.

MR. SZABO: Carrie Gallagher e-mailed this morning saying that she --

MR. HERSHKOWITZ: I know she is ill.

MR. SZABO: -- was home sick.

Proceedings

1
2 MR. HERSHKOWITZ: Some of you
3 know, some of you do not know that Tony and
4 Carrie e-mailed to me, as the co-chair of
5 the subcommittee on management
6 opportunities, that the DEC is withdrawing
7 from the subcommittee because of a conflict
8 of interest.

9 I sent Carrie and Tony e-mail
10 responses asking them to define what the
11 conflict was. I called and asked for them
12 to define what the conflict was and have not
13 received a response.

14 I have a relatively lengthy
15 response to that which may not be
16 appropriate here. Until I hear from them
17 and I know what the conflict actually is,
18 you know, I'm going to hold it in abeyance.
19 I want to give them that respect. However,
20 I believe that it has something to do with
21 their feeling that we may be intruding on
22 their authority, their power, and I'm not
23 comfortable with that at all. Because --
24 you know, it's an old -- if you're not part
25 of the solution, you're part of the problem.

1 Proceedings

2 So rather than get into a lot of details,
3 let's wait and hear from them. But it is of
4 grave consideration to me that they've
5 chosen not to participate in dealing with
6 gaps, unmet needs, and opportunities to
7 manage those gaps and needs. That's the
8 tenet of the second part of LICAP's
9 responsibility, and in a microcosm, the
10 responsibility of the subcommittee. So I'm
11 a little concerned about that, and that's
12 what I want to say.

13 MR. DALE: As long as we're
14 engaging in speculation --

15 MR. HERSHKOWITZ: Well, I tried
16 not to.

17 MR. DALE: -- I have been present
18 at the committee meetings, and I would
19 suggest only based upon pure conjecture that
20 it has less to do with, as you characterized
21 it, intrusion on their authority, as to
22 really assault on their activities because I
23 think really complicates how they were
24 responding. Just, as I said, anecdotal.

25 MR. HERSHKOWITZ: I totally

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

disagree in terms of the word "assault."

There were questions in the subcommittee that Tony defended in terms of whether some of the accusations about the gaps and the responsibilities of DEC in fulfilling those responsibilities, but I wouldn't call them an "assault." I think that's really a misnomer.

I think that we were very careful, if you go back and -- I have the transcription of the committee. If you go back and you look at those, there were a lot of reassurances that in any management opportunity the DEC was going to play a significant part. And as a matter of fact, I made a statement that they're one of the choices down the road with an expansion and a refunding of the DEC so that they could take on all of the responsibilities that they have been given by the constitution of the State of New York.

So at least I was trying to be very careful about how these things go down the road, but it is part of the LICAP that we

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

are responsible to find the scientific underpinnings for new entity somewhere down the road, and of course the question is when, but that's still in the resolution.

So I respectfully say that if they feel -- and once again I agree with Dorian, this is still conjecture -- that if it's not assault, but a question as to doubt --

MR. DALE: Can I, by the way, slightly modify that characterization to make it more comfortable for Jared in saying that they conceivably felt they were being assailed unfairly as opposed to assault.

MR. HERSHKOWITZ: Yes --

MR. DALE: I make that modification.

MR. HERSHKOWITZ: The question is if they don't want to participate in the subcommittee, is there a question about the participation in LICAP since the subcommittee in a microcosm deals with the second part of the responsibility of LICAP? That's my concern.

MR. KOCH: I think the

1 Proceedings

2 management opportunity subcommittee, as it
3 moves forward -- and again, this is my
4 opinion, is the key wording Jared said is
5 "scientific underpinnings." What we've been
6 throwing around a lot here with this
7 management is there's a crisis. It's
8 failed. DEC is doing nothing. Supplies are
9 doing nothing. And now we're at a point
10 where, okay, we're looking at management
11 opportunities. We have something in place
12 already. And to be honest with you, I don't
13 blame Tony for actually walking off. At
14 this point I think we should keep the
15 discussion going, and I think whenever we
16 say something like that -- when it comes to
17 quantity, we have USGS explaining the
18 quantity. You know, they say we're
19 sustainable for the indefinite future right
20 now. Again, we have to be vigilant, but we
21 are using alarming words when it's not
22 there. That's a difference of opinion. But
23 I'm using "scientific underpinnings."

24 So as we move forward, I think we
25 all should learn what they do. What does

1 Proceedings
2 New York State DEC do right now? And I
3 think you'll find they do a lot more than
4 you think. I think you'll find the Nassau
5 County and Suffolk County Health Department
6 do a lot more than you think. I think from
7 an outsider's point of view, they're saying
8 nothing's being done. And I disagree with
9 that. That's just a subpart of that.

10 Anybody else have any comments on
11 that?

12 MS. REESE: Brenda Reese.

13 I sit on that subcommittee, and
14 being a novice in this area because I'm
15 fairly new to all of this, I respectfully
16 disagree with Dorian and also, sorry, Frank.

17 MR. KOCH: You're allowed to.

18 MS. REESE: No one was assailed.
19 No one was assaulted. If asking questions
20 -- and they might be pointed questions -- is
21 defined now as assault or as -- I don't
22 remember the other word.

23 MR. HERSHKOWITZ: Assailed.

24 MS. REESE: Assailing. Then
25 maybe then yes. But I think the committee

Proceedings

1
2 mandate, when we talked about it, was to
3 look for a way -- I live on Long Island and
4 I want to have water until I die. And there
5 is a problem with water, whether it's Nassau
6 with quantity and Suffolk with quality, and
7 it's not only nitrogen. And the DEC is not
8 being assailed. I actually assail the
9 funding of the DEC. They constantly cut
10 their funds so they can't -- I remember the
11 whole fracking issue. If you don't have the
12 money, you can't hire the staff to do the
13 work that you were mandated to do. I regret
14 that Tony -- because he was going to give a
15 report as to what DEC does, and the next
16 thing I know is they're not on the committee
17 anymore, and I'm quite upset about that. I
18 mean, people ask pointed questions because
19 we're trying to find the best way to get to
20 the solution.

21 MR. KOCH: If I can rebut, I don't
22 think anybody actually asked Tony a
23 question.

24 MS. REESE: That's not true. We
25 asked him questions. And he made a

Proceedings

1
2 statement that he was going to come back to
3 the next meeting with a list of what DEC
4 actually has been doing vis-a-vis water
5 aquifers. So I don't understand this all of
6 the sudden, you know -- I get attacked all
7 the time for opinions or -- but you don't
8 walk away. We're adults. Nobody wants to
9 take their jobs away. I know it's all about
10 that. And nobody wants to take their
11 territory away. We're trying to find a
12 better way. And I'm sitting here -- I'm
13 not on the board, but I'm sitting here
14 hearing these accusations being thrown. I
15 thought -- I mean, Frank, you were there. I
16 don't think anybody attacked anybody. If
17 you ask a pointed question, if you are so
18 thin skinned, I'm sorry.

19 MR. MILAZZO: Not being part of it
20 and just-- calling Tony thin skinned doesn't
21 advance anybody's purpose.

22 MS. REESE: I didn't call him thin
23 skinned.

24 MR. MILAZZO: Yes, you did. You
25 did say, "if you're that thin skinned."

1 Proceedings

2 It's just inappropriate.

3 Now if you have a comment about the
4 DEC's choice not to involve itself in that
5 subcommittee, that's fine. But let's leave
6 whether they're thin skinned or not out of
7 it. That's inappropriate. That's just
8 inappropriate. Thank you.

9 MS. REESE: Really?

10 MR. MILAZZO: Yes.

11 MR. KOCH: Sarah has the mic.

12 MS. MEYLAND: I just wanted to add
13 that I think we should wait to hear from the
14 DEC to hear their perspective, but you
15 should be aware that there is an effort, a
16 statewide effort of environmentalists and
17 advocates all pushing for more water money
18 in the state budget for next year. So there
19 is an acknowledgement that the DEC provides
20 essential services and that they need more
21 financial support.

22 And the other thing is that I've
23 heard folks from the DEC actually say the
24 conversations that have taken place here at
25 the LICAP meetings have been helpful in

1 Proceedings

2 their ability to justify additional
3 positions which they have been able to
4 secure. So I think we all hope that the DEC
5 comes back to the table when they are able
6 to and that they will continue their
7 participation. I think, you know, we have
8 different perspectives but I think we all
9 agree on that.

10 MR. KOCH: Well said, Sarah.

11 MR. HIME: Jason Hime, Suffolk
12 County Department of Health Services.

13 I worked with DEC for many years in
14 consulting and then when I was at the
15 Department of Health Services Office of
16 Pollution Control and now very actively in
17 the Office of Water Resources. And I know
18 that there's a lot of very valuable work
19 that they do, a lot of very dedicated and
20 committed professionals at that agency. In
21 all honesty, as closely as I worked with
22 them, I don't completely understand their
23 structure and everything that they're truly
24 responsible for at the local office. And I
25 just wanted to maybe see if maybe LICAP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

could request that the local DEC office come down and maybe offer a presentation to us about their management structure and responsibilities possibly.

MR. FLAHERTY: Can I answer that for a second?

Mike Flaherty, Nassau County Department of Public Works.

I'm in a similar situation. I've worked very closely with DEC for about 30 years. Very similar situation.

What we found is, the other thing is, the second part of that, we need to find out what the local Stony Brook group is doing but we also have to find out what's going on in Albany. A big problem is some of the stuff that's being done gets sent and works through Albany. So we used to have the opportunity locally to work directly, so we could make a phone call, we could have somebody come out to sit on a well, take a look at a boring, see what's going on directly. We could say tomorrow we need you to come out, and we'd get that.

1 Proceedings

2 Again, as the numbers have gone
3 down, the level of dedication has gone way
4 up. These are all good people. The people
5 that are left are trying very hard. I see
6 that at all levels. But the second part is
7 what's the relationship with Albany and
8 Stony Brook? They're two different regions.
9 Because you can't do everything from there
10 here on Long Island. And we know the
11 problems better -- the people in this room
12 know those Long Island problems better than
13 anybody. That's what we need to have. We
14 need to have more of that influence. Now,
15 if they have to staff Stony Brook
16 differently, that's what they have to do.
17 That's what maybe we should find out.

18 MR. ROSENTHAL: Peter Rosenthal.

19 We've sort of been talking around
20 the fact that all of these other entities
21 are keeping us limited in what we can do
22 because there isn't funding. We spent the
23 first few minutes here talking about can we
24 get some grants. We've got a lot of work
25 that's ongoing work. We need to find a way

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

to have an ongoing revenue stream that is not being controlled by some outside interest, concerns with -- I mean they have -- there's only so much money the state has. There's only so much money the feds have. But we continue to need good quality water for our population and we've got to find a way to keep that going. Thank you.

MR. KOCH: Where does that leave us?

Karen, were you looking to raise your hand?

MS. BLUMER: I was wondering, the follow-up for DEC, to invite them to come and talk about local, state. Are you going to...

MR. KOCH: Absolutely. We'll talk to Carrie Gallagher and see what we can do. It's unfortunate that she's not here today.

Does anybody disagree with that? I apologize, sometimes I jump the gun.

Very good.

Any other new business? Does anybody have anything else?

1 Proceedings

2 The public -- anybody not say
3 anything that would like to still say
4 something that we haven't talked about?

5 (No response.)

6 Okay.

7 To the left of me is going to be
8 the new chairman of LICAP, Stan Carey. So
9 you won't kick me around as much and you'll
10 kick Stan around a little more.

11 MR. HERSHKOWITZ: I have one.

12 MR. KOCH: The management
13 subcommittee meeting was originally
14 scheduled for 10:00 a.m. on the 15th of
15 December. I just found out there is a Water
16 Resource Board meeting at 10:00 that day.
17 So I've requested for Maria to move our
18 meeting to 2:00 so that there wouldn't be
19 any conflict. If the room is available,
20 we'll send an e-mail out to everybody on the
21 committee.

22 MR. KOCH: Great. Thank you,
23 Jared.

24 Unless anybody else would like to
25 say anything, I would like to make a motion

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

to close the meeting.

MR. DALE: Second.

MR. KOCH: Second by Dorian Dale.

All in favor?

Thank you.

(Time noted: 11:07 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, PATRICIA GUARINO, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on December 7, 2016, at 260 Motor Parkway, Hauppauge, New York, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of December, 2016.



PATRICIA GUARINO