

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND
THE ENVIRONMENT COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

June 4, 2012
2:33 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chair

DENNIS DUNNE (Not Present)
Vice-Chair

HOWARD KOPEL

RICHARD NICOLELLO

DENISE FORD

JUDY JACOBS
Ranking

DAVID DENENBERG

KEVAN ABRAHAMS

WILLIAM J. MULLER III, Clerk

LIST OF SPEAKERS

MICHAEL KELLY. 5

2 CHAIRWOMAN GONSALVES: Would the members
3 of the Planning, Development and Environment
4 Committee join us in the chamber?

5 Sitting in for Dennis Dunne will be
6 Howard Kopel. Will you please call the roll?

7 CLERK MULLER: Legislator Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK MULLER: Legislator Denenberg?

10 LEGISLATOR DENENBERG: Here.

11 CLERK MULLER: Ranking Member Jacobs?

12 LEGISLATOR JACOBS: Here.

13 CLERK MULLER: Legislator Ford?

14 LEGISLATOR FORD: Here.

15 CLERK MULLER: Legislator Nicoletto?

16 LEGISLATOR NICOLELLO: Here.

17 CLERK MULLER: Legislator Kopel?

18 LEGISLATOR KOPEL: Here.

19 CLERK MULLER: Chairwoman Gonsalves?

20 LEGISLATOR GONSALVES: Present.

21 CLERK MULLER: We have a quorum.

22 CHAIRWOMAN GONSALVES: Thank you very
23 much.

24 We have two items on the Planning,
25 Development and Environment Committee, the first

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2 item being 358-12, a resolution making certain
3 determinations pursuant to the State
4 Environmental Quality Review Act and authorizing
5 the county executive on behalf of the County of
6 Nassau to execute a contract of sale between the
7 County of Nassau and the Port Washington Water
8 District, and to execute all pertinent documents
9 in connection therewith to consummate the
10 acquisition by the county of certain premises
11 located in Port Washington, Town of North
12 Hempstead, County of Nassau, State of New York,
13 said property known as Section 5, Block 133, Lot
14 408 on the land and tax map of the County of
15 Nassau.

16 Motion, please?

17 LEGISLATOR KOPEL: So moved.

18 LEGISLATOR NICOLELLO: Second.

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

22 Who is here? Mr. Kelly, thank you very
23 much.

24 MR. KELLY: Michael Kelly, Acting
25 Director, Nassau County Office of Real Estate

3 358-12 is a resolution authorizing the
4 county executive to acquire a parcel known as
5 Section 5, Block 133, Lot 408, located in Port
6 Washington. This is directly adjacent to
7 Stannards Brook Park. This property would be
8 purchased by the county for nothing, with the
9 restriction that it be used for park and
10 recreational purposes. We are recommending that
11 this action be deemed an unlisted action, and
12 that the legislature determine that no further
13 review is needed under SEQRA.

14 CHAIRWOMAN GONSALVES: Any questions of
15 Mr. Kelly? Yes. Mr. Denenberg.

16 LEGISLATOR DENENBERG: As an unlisted
17 action there's no concern, no adverse
18 environmental impact at all. What kind of a
19 search do we do when we're getting property from
20 someone else just to make sure that there's no
21 environmental impact from a spill or otherwise?

22 MR. KELLY: If it were a more -- it
23 depends on what the property's been used for in
24 the past. This property has been municipally
25 owned, hasn't been used for anything --

2 LEGISLATOR DENENBERG: But what about
3 adjacent -- my only -- I mean, I think this is
4 great. But what about adjacent properties? We
5 have no concern that there's any kind of gasoline
6 --

7 MR. KELLY: The adjacent properties --

8 LEGISLATOR DENENBERG: I mean, gas
9 stations nearby whatsoever.

10 MR. KELLY: We haven't done a Phase I
11 environmental assessment on the property. But
12 all the adjacent properties are residential
13 properties and the county, Stannards Brook Park.
14 It's probably unlikely that there would be any
15 issues with it. But we have not done a Phase I
16 environmental assessment because the property has
17 been owned by a public entity, a fire district,
18 has not been used for those purposes. It is
19 heavily wooded, has a creek running through it,
20 and we wish to just use it for park and
21 recreational purposes.

22 LEGISLATOR DENENBERG: So we're just
23 going to add it to the Preserve?

24 MR. KELLY: Correct.

25 LEGISLATOR DENENBERG: Thank you.

2 CHAIRWOMAN GONSALVES: Any other
3 comments?

4 (No verbal response.)

5 Any public debate?

6 (No verbal response.)

7 There being none. All those in favor
8 signify y saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The item passes unanimously.

13 Thank you, Mr. Kelly.

14 MR. KELLY: Thank you.

15 CHAIRWOMAN GONSALVES: The second item,
16 363-12, is a proposed local law to amend Title 42
17 of the Miscellaneous Laws of Nassau County in
18 relation to the advance notification of aerial
19 and ground spraying of pesticides for adult
20 mosquito control.

21 Motion, please?

22 LEGISLATOR NICOLELLO: So moved.

23 LEGISLATOR FORD: Second.

24 CHAIRWOMAN GONSALVES: Motion by

25 Legislator Nicoletto, seconded by Legislator

2 Ford.

3 This item actually is something that will
4 be vetted in a hearing, but the item is something
5 that we have considered is simply an extension of
6 an amendment to an existing law. It certainly
7 will be -- in light of the fact that we have had
8 such a mild winter and an even more mild spring,
9 that we know that the mosquito population is
10 going to be alive and well. This is something
11 that is deemed extremely necessary at this point.
12 And the purpose of the legislation is to provide
13 telephone notification of the application of
14 pesticides for adult mosquito control through
15 aerial or ground spraying to Nassau County
16 residents located within the area where
17 pesticides are to be applied, at least 24 hours
18 prior to spraying. Notification must include the
19 following: date and time of spraying; duration
20 of spraying; location of spraying; and the phone
21 number of the mosquito spraying hotline and
22 instructions as to how to access additional
23 information contained on the County Department of
24 Health and Nassau County websites.

25 Any questions or debate on the part of

2 the legislators?

3 LEGISLATOR DENENBERG: Is there no one
4 here?

5 CHAIRWOMAN GONSALVES: No one here to
6 speak.

7 LEGISLATOR DENENBERG: Is this the Swift
8 Reach Networks? Right now we post it online.
9 And the Swift Reach Networks, is that the same
10 thing as, like, for the hurricane notification?

11 CHAIRWOMAN GONSALVES: Yes. Absolutely.
12 Yes. It's the so-called robotic calls that are
13 made.

14 LEGISLATOR DENENBERG: So this would be
15 done in-house. It's not like we're hiring anyone
16 outside to do it.

17 CHAIRWOMAN GONSALVES: Basically, it is
18 an outfit that I believe we indicated was Swift
19 Reach, I believe. It's already engaged in the
20 services of the county.

21 LEGISLATOR DENENBERG: Okay. And when
22 you saw Swift Reach Networks is already engaged,
23 that's the -- we've engaged them for emergency
24 management?

25 CHAIRWOMAN GONSALVES: Yes.

2 LEGISLATOR DENENBERG: I guess my
3 question -- I could wait for the hearing.

4 CHAIRWOMAN GONSALVES: Yes. There will
5 be a hearing.

6 LEGISLATOR DENENBERG: There's actually
7 an outside agency that does it or is it just
8 outside software where we make the calls in-
9 house.

10 CHAIRWOMAN GONSALVES: This was done
11 last year by this agency, so it's not something
12 new. It's just to make sure at this point in
13 time --

14 LEGISLATOR DENENBERG: We're codifying
15 it.

16 CHAIRWOMAN GONSALVES: Yes, we codify
17 it. And, of course, as I said, the nature of the
18 weather during the past several months indicates
19 that we're going to have quite, quite a season
20 regarding mosquitoes.

21 LEGISLATOR DENENBERG: You probably know
22 as well as I do, I mean, we're getting phone
23 calls already about this.

24 CHAIRWOMAN GONSALVES: Yes. Absolutely.
25 Any other comments or discussion on the

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2 part of the legislators?
3 (No verbal response.)
4 Any public comment?
5 (No verbal response.)
6 There being none, all those in favor of
7 passing this item on to I believe Rules signify
8 by indicating aye.
9 (Aye.)
10 Any opposed?
11 (No verbal response.)
12 The item passes unanimously.
13 There being no other items on the
14 Planning, Development and Environment agenda, may
15 I have a motion to adjourn?
16 LEGISLATOR FORD: So moved.
17 LEGISLATOR NICOLELLO: Second.
18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Ford, seconded by Legislator
20 Nicolello.
21 All those in favor?
22 (Aye.)
23 The committee is adjourned.
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2 (Whereupon, the Planning, Development and
3 the Environment Committee is adjourned at 2:40
4 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of June, 2012.

FRANK GRAY