

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND
THE ENVIRONMENT COMMITTEE

MICHAEL VENDITTO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

March 4, 2013
3:13 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

MICHAEL VENDITTO
Chair

DENNIS DUNNE
Vice-Chair

RICHARD NICOLELLO

DENISE FORD

JUDY JACOBS
Ranking

DAVID DENENBERG

KEVAN ABRAHAMS

LIST OF SPEAKERS

GREG MAY. 5
MICHAEL KELLY 5

2 CHAIRMAN VENDITTO: At this time I will
3 call the Planning, Development and Environment
4 Committee to order. We don't have the clerk with
5 us, so I'll act as clerk.

6 Michael Venditto, I'm here.

7 Legislator Dunne?

8 LEGISLATOR DUNNE: Here.

9 CHAIRMAN VENDITTO: Legislator
10 Nicoletto?

11 LEGISLATOR NICOLELLO: Here.

12 CHAIRMAN VENDITTO: Legislator Ford?

13 LEGISLATOR FORD: Here.

14 CHAIRMAN VENDITTO: Legislator Judy
15 Jacobs, ranking?

16 LEGISLATOR JACOBS: Here.

17 CHAIRMAN VENDITTO: Legislator

18 Denenberg?

19 LEGISLATOR DENENBERG: Here.

20 CHAIRMAN VENDITTO: Legislator

21 Abrahams?

22 We have a quorum.

23 We have one item on the agenda and it is
24 Clerk Item Number 113-13. This is a resolution
25 making certain determinations pursuant to the

1 Planning, Development & Environment Committee - 3-4-13 5
2 State Environmental Quality Review Act and
3 authorizing the county executive on behalf of the
4 County of Nassau to acquire a certain premises
5 located in Uniondale, Town of Hempstead, County
6 of Nassau, State of New York, said property known
7 as Section 44, Block F, adjacent to Lots 338 and
8 391 on the land and tax map of the County of
9 Nassau from the Long Island Railroad Company, and
10 to execute all pertinent documents to consummate
11 the acquisition.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR FORD: Second.

14 CHAIRMAN VENDITTO: Motion made by
15 Legislator Dunne, seconded by Legislator Ford.

16 The item is before us. Do we have
17 anybody from the administration, Mr. May?

18 MR. MAY: We do. We have Mr. Mike
19 Kelly, Acting Director of Real Estate -- from the
20 Division of Real Estate -- I can't.

21 MR. KELLY: Good afternoon. Michael
22 Kelly, Acting Director of Nassau County
23 Department of Public Works, Division of Real
24 Estate Services.

25 Item 113-13 is a resolution authorizing

1 Planning, Development & Environment Committee - 3-4-13 6
2 to acquire from the Long Island Railroad company
3 a parcel of real property known as Section 44,
4 Block F, adjacent to Lots 338 and 391, located in
5 Uniondale/East Garden City, New York. This
6 property is being acquired for the sum of
7 \$93,000, which was the appraised value of the
8 property by the county's appraiser. This
9 property is being used by the county to expand a
10 compressed natural gas facility that is adjacent
11 to this property, on county property, to service
12 the NICE bus facility and the bus system. We're
13 recommending that this acquisition be classified
14 as an unlisted action and that a negative
15 declaration and determination of non-significance
16 be issued.

17 CHAIRMAN VENDITTO: Thank you for that
18 presentation.

19 Any questions from the legislators today?
20 Legislator Abrahams.

21 LEGISLATOR ABRAHAMS: How are you, Mr.
22 Kelly?

23 MR. KELLY: Fine, thank you. How are
24 you?

25 LEGISLATOR ABRAHAMS: My objection --

2 I'm not objecting, let me be clear. My point
3 that I'm about to make has nothing to do with the
4 item you just brought up.

5 In clarification, for the point of the
6 record, you brought up that this site, this
7 particular location is at the Uniondale/East
8 Garden City location.

9 MR. KELLY: It's kind of on the border
10 between Uniondale and East Garden City; we refer
11 to it as Uniondale, though.

12 LEGISLATOR ABRAHAMS: My point is East
13 Garden City does not exist.

14 MR. KELLY: Right.

15 LEGISLATOR ABRAHAMS: As anything.

16 MR. KELLY: Right. As a zip code --

17 LEGISLATOR ABRAHAMS: Other than folks
18 in that area particularly calling it East Garden
19 City. I just want to make a point of
20 clarification for the record that that's more of
21 a, you know --

22 MR. KELLY: A colloquial term.

23 LEGISLATOR ABRAHAMS: Correct. Thank
24 you.

25 CHAIRMAN VENDITTO: Legislator

2 Denenberg.

3 LEGISLATOR DENENBERG: The cleanup
4 that's going on there that's been in the news at
5 that CNG facility, there's no issue there?

6 MR. KELLY: There's a water treatment
7 facility next door. This has nothing to do with
8 that.

9 LEGISLATOR DENENBERG: So the pump and
10 treat has nothing to do with this?

11 MR. KELLY: No.

12 LEGISLATOR DENENBERG: Okay.

13 MR. KELLY: This is different.

14 LEGISLATOR DENENBERG: We don't have to
15 be concerned about the ongoing, I guess former
16 LILCO, maybe it's Key Span cleanup. I'm not even
17 sure who is responsible.

18 MR. KELLY: There are pipes that go under
19 this property that are related to that pumping
20 facility next to the CNG facility.

21 LEGISLATOR DENENBERG: Right.

22 MR. KELLY: Obviously we'll have to not
23 rip up any pipes.

24 LEGISLATOR DENENBERG: I'm just
25 concerned that we're -- what physically are we

2 going to be doing on this property? Because
3 given the massive contamination and cleanup next
4 door, I don't want us to have any fingerprints or
5 any liability for anything that we have nothing
6 to do with.

7 MR. KELLY: Right next to this facility
8 is the current compressed natural gas, I believe
9 the condensing units, on county property. We
10 need this property because we are replacing those
11 units with units that are -- because, obviously,
12 the designs have changed over the years, that
13 these units are larger and we need to go onto
14 this property in order to physically put the
15 units on the property.

16 LEGISLATOR DENENBERG: This is my
17 concern. As soon as we have a right of access on
18 that property, I just want to make sure, given
19 the Navigation Law of the State of New York,
20 anyone who is an owner or has a leasehold
21 interest have absolute liability for any
22 contamination thereon. That's not to say that --
23 I mean, tenants, therefore, sometimes have
24 absolute liability, so do innocent purchasers
25 after the fact. Could we or should we before

2 this is actually executed just put in language
3 there that at no point would we have any
4 liability for any of the cleanup on that
5 property?

6 MR. KELLY: We've broached that subject
7 with the MTA, and the MTA, as a condition of
8 this, is requiring that we release them from that
9 liability; that was a deal breaker, will not
10 consider this deal unless that happened. They
11 don't want to continue -- we have obviously
12 negotiated certain things out of the contract
13 that the MTA wanted with regard to environmental
14 liability. We're not indemnifying them for
15 anything. However, in exchange for that we're
16 also not getting them to indemnify us for
17 anything here.

18 This is a property that -- we all know
19 what it is -- it's a former Long Island Railroad
20 siding. We know that we own the property on both
21 sides of this. We know essentially what's there.
22 This is not something we're considering a big
23 risk for the county.

24 LEGISLATOR DENENBERG: All right. I
25 guess you're our counsel, I'll take your word for

2 it that this was the best we could do in terms of
3 limitation of liability.

4 MR. KELLY: Yes. This was a much
5 discussed subject.

6 LEGISLATOR DENENBERG: Thank you.

7 MR. KELLY: You're welcome.

8 CHAIRMAN VENDITTO: Thank you,
9 legislators.

10 Any public comment on the item?

11 (No verbal response.)

12 Seeing none, let's take the vote. All
13 those in favor of passing this item, please
14 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item passes unanimously.

19 MR. KELLY: Thank you.

20 CHAIRMAN VENDITTO: No other business.

21 Motion to adjourn?

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRMAN VENDITTO: Motion to adjourn

25 by Legislator Dunne, seconded by Legislator

1 Planning, Development & Environment Committee - 3-4-13 12
2 Nicoletto.
3 All those in favor?
4 (Aye.)
5 Any opposed?
6 (No verbal response.)
7 The Committee is now adjourned.
8 (Whereupon, the Planning, Development and
9 the Environment Committee adjourned at 3:20 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 _____ day of _____, 2013.

FRANK GRAY