

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND
THE ENVIRONMENT COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

September 10, 2012
2:25 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 (Sitting in for Dennis Dunne)
RICHARD NICOLELLO

DENISE FORD

JUDY JACOBS
Ranking

DAVID DENENBERG

KEVAN ABRAHAMS

LIST OF SPEAKERS

MICHAEL KELLY. 6
GEORGE GRAFT 8
KEN ARNOLD 19

2 CHAIRWOMAN GONSALVES: I'm calling the
3 Planning, Development and Environment Committee
4 to order. Mr. Clerk, please call the roll.

5 CLERK MULLER: Legislator

6 CLERK MULLER: Legislator Denenberg?

7 LEGISLATOR DENENBERG: Here.

8 CLERK MULLER: Ranking Member Jacobs?

9 LEGISLATOR JACOBS: Here.

10 CLERK MULLER: Legislator Ford?

11 LEGISLATOR FORD: Here.

12 CLERK MULLER: Legislator Nicoletto?

13 LEGISLATOR NICOLELLO: Here.

14 CLERK MULLER: Legislator Kopel,

15 substituting for Legislator Dunne?

16 LEGISLATOR KOPEL: Here.

17 CLERK MULLER: Chairwoman Gonsalves?

18 CHAIRWOMAN GONSALVES: Present.

19 CLERK MULLER: We have a quorum.

20 CHAIRWOMAN GONSALVES: Thank you.

21 The first item on the agenda is Item 366-
22 12, a resolution to confirm the county
23 executive's appointment of Jeffrey Greenfield as
24 a member of the County Planning Commission
25 pursuant to Section 1601-B of the Nassau County

2 Charter.

3 Motion, please?

4 LEGISLATOR JACOBS: So moved.

5 LEGISLATOR FORD: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Jacobs, seconded by Legislator Ford.

8 Any comments on part of the legislature?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor of the reappointment
13 of Jeffrey Greenfield please indicate by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Motion carries unanimously.

19 The next item is Item 557-12. This is an
20 ordinance making certain determinations pursuant
21 to SEQRA and authorizing the county executive to
22 accept, on behalf of the county, an offer of sale
23 from Greentree Foundation, a certain premises
24 located in the Incorporated Village of North
25 Hills, Town of North Hempstead, County of Nassau,

1 Planning, Development & Environment Committee - 9-10-12 6
2 State of New York, Section 3, Block #, Lot 1066
3 on the land and tax map of the County of Nassau,
4 and authorizing the county executive to execute a
5 deed, contract of sale, and all pertinent
6 documents in connection therewith to consummate
7 the sale.

8 Motion, please?

9 LEGISLATOR FORD: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Moved by

12 Legislator Ford, seconded by Legislator
13 Nicolello.

14 Any comments on the part of the
15 legislators?

16 Hold on. Mr. Kelly, acting director of
17 real estate.

18 MR. KELLY: Michael Kelly, Acting
19 Director, Nassau County Department of Public
20 Works, Division of Real Estate Services. This is
21 to authorize the county executive to sell Section
22 3, Block E, Lot 1066 located in the Incorporated
23 Village of North Hills to the Greentree
24 Foundation. The purchase price is \$6,825. The
25 appraisal was \$6500.

2 The sale of the property was heard at a
3 public hearing on January 5 of this year, and in
4 OSPAC and Planning voted to recommend the sale on
5 January 11 and January 19, respectively, and to
6 issue a negative declaration and determination of
7 non-significance.

8 CHAIRWOMAN GONSALVES: Any questions of
9 Mr. Kelly?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All those in favor indicate by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Motion carries unanimously.

19 Items 562 and 563, with your permission,
20 I would like to call them together. The first
21 one is an ordinance supplemental to the annual
22 appropriation ordinance in connection with the
23 Office of Housing and Community Development.
24 563, an ordinance supplemental to the annual
25 appropriation ordinance in connection with the

2 Office of Housing and community development.

3 Motion, please?

4 LEGISLATOR KOPEL: So moved.

5 LEGISLATOR FORD: Second.

6 CHAIRWOMAN GONSALVES: Motion by

7 Legislator Kopel, seconded by Legislator Ford.

8 Who is here to speak on this item?

9 MR. GRAFT: George Graft, Deputy
10 Director, Finance, Housing and Community
11 Development.

12 CHAIRWOMAN GONSALVES: Welcome. What
13 can you tell us regarding these two items?

14 MR. GRAFT: The community development
15 block grant is the \$15 million that last month
16 the legislature had approved the action plan on,
17 and now this is the appropriation for the 20
18 percent. Besides the money that will be going
19 out to municipalities, this is also the 20
20 percent administrative fees that cover the cost
21 of running the department.

22 In term of Home, Home is also another
23 block grant that is received and it's \$1.7
24 million and ten percent of that goes for
25 administrative.

2 CHAIRWOMAN GONSALVES: Any questions of
3 Mr. Graft?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 There being none, all those in favor
8 indicate by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Motion carries unanimously.

13 Thank you very much.

14 MR. GRAFT: Thank you.

15 CHAIRWOMAN GONSALVES: Item 566-12, a
16 bond ordinance providing for a capital
17 expenditure to finance the capital projects
18 specified herein within the County of Nassau,
19 authorizing \$4,981,755 of bonds of the County of
20 Nassau to finance said expenditure, and making
21 certain determinations pursuant to the State
22 Environmental Quality Review Act, pursuant to the
23 Local Finance Law of New York and the County
24 Government Law of Nassau County.

25 LEGISLATOR KOPEL: So moved.

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by

4 Legislator Kopel, seconded by Legislator

5 Nicolello.

6 Who is here to speak on this item?

7 MR. KELLY: Michael Kelly, Acting

8 Director of Nassau County Department of Public

9 Works, Division of Real Estate Services.

10 Item 566-12 is a bond ordinance

11 authorizing the issuance of \$4,981,755 in bonds.

12 These monies are being used as the county's match

13 for the purchase of buses for the county's bus

14 system and also for the purchase of support

15 facilities and other facility improvements for

16 the county's bus system.

17 CHAIRWOMAN GONSALVES: Legislator Ford.

18 LEGISLATOR FORD: Good afternoon. I

19 have a question in regard to this. I know that

20 last year when we passed this, the privatization

21 of the bus system, and then we allocated certain

22 money. If my memory serves me right, even just a

23 couple of months ago we ended up passing

24 additional money for the NICE system. Is this

25 above and beyond all of this other money that had

1 Planning, Development & Environment Committee - 9-10-12 11
2 been planned?

3 MR. KELLY: No. This is not part of the
4 Veolia contract. This is not the \$113 million
5 that we would be spending for Veolia to operate
6 the system. This is the county's match for
7 federal grant funds that the county receives in
8 order to purchase capital assets. This is
9 outside of the contract. These are the normal
10 grants that the county -- or before the MTA would
11 receive to operate the system.

12 LEGISLATOR FORD: So this was something
13 that we partnered with the MTA. We would get
14 this funding and we would match the federal funds
15 for the MTA buses.

16 MR. KELLY: Correct. The county has to
17 provide a 10 percent match on the federal grants.

18 LEGISLATOR FORD: Thank you.

19 CHAIRWOMAN GONSALVES: Legislator Kopel.

20 LEGISLATOR KOPEL: What is the
21 anticipated -- I'm just curious. What is the
22 anticipated useful life on these buses?

23 MR. KELLY: The period of probable use,
24 the one that's assigned to these is five years,
25 but they go, eight, nine, ten years.

2 LEGISLATOR KOPEL: And what is the
3 period for which the bonds would be issued?

4 MR. KELLY: It would be five years.

5 LEGISLATOR KOPEL: It would be the same.

6 MR. KELLY: It would be the period of
7 probable usefulness, that's in the Local Finance
8 Law.

9 LEGISLATOR KOPEL: What is the match,
10 50/50?

11 MR. KELLY: It's ten percent.

12 LEGISLATOR KOPEL: We do ten percent.

13 MR. KELLY: We do ten percent. The
14 federal government provides 80 percent, the state
15 provides ten percent, we provide ten percent.

16 LEGISLATOR KOPEL: Got it. Sounds good.
17 Okay. Thank you.

18 CHAIRWOMAN GONSALVES: Legislator Ford.

19 LEGISLATOR FORD: I went already.

20 CHAIRWOMAN GONSALVES: Legislator
21 Nicoletto.

22 LEGISLATOR NICOLELLO: About how many
23 buses will this purchase?

24 MR. KELLY: Forty-nine buses.

25 LEGISLATOR NICOLELLO: Are those the

2 full size buses or are they the smaller mini
3 buses?

4 MR. KELLY: Those are the 40 footers.

5 LEGISLATOR NICOLELLO: And is this about
6 average of what we receive in a given year for
7 the federal grant?

8 MR. KELLY: There's really no average
9 when it comes to the federal grants. We receive
10 different amounts every year, depending on the
11 grants that are available and what we need to
12 replace in the system. Here we have the 49
13 replacement buses, certain support facilities,
14 preventive maintenance, and the CNG facility.

15 LEGISLATOR NICOLELLO: I know that NICE
16 bus -- one of the complications of them taking
17 over has been trying to keep that fleet up and
18 running.

19 MR. KELLY: This will definitely improve
20 that.

21 LEGISLATOR NICOLELLO: Thank you.

22 MR. KELLY: Thank you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Jacobs.

25 LEGISLATOR JACOBS: Actually, Legislator

2 Nicoletto asked the first question I was going to
3 ask.

4 I wanted to just mention something to
5 both of you. And I know nothing about this, let
6 me preface it with that. I know that this is for
7 the 40 footers.

8 Someone had said to me last week when we
9 were discussing this that they know in certain
10 vicinities instead of the larger small bus that
11 Able Ride uses, have then ever given any
12 consideration to part of the fleet being like,
13 you know, the normal ambulette vans that could
14 have at least three or four people in them?

15 MR. KELLY: Or vans or sedans or things
16 like that?

17 LEGISLATOR JACOBS: I'm thinking of the
18 people that actually are in wheelchairs and all.
19 I'm wondering would that, if anyone has ever done
20 a study, on what that might save fuel wise. The
21 problem is with the ADA laws, people can't be in
22 a bus for an inordinant amount of time. So
23 obviously if you're not going to pick up six to
24 ten people and you're limited to let's say two or
25 three just to meet the law requirements, I'm

1 Planning, Development & Environment Committee - 9-10-12 15
2 wondering -- it's just something for the future
3 that maybe something should be thought about.
4 Would that save some money to give them even more
5 money for buses?

6 MR. KELLY: As far as these federal
7 grants go, these were for the replacement of
8 fixed route buses. I can look into the use of
9 other vehicles --

10 LEGISLATOR JACOBS: Of Able Ride.

11 MR. KELLY: I can maybe get you some
12 information on that. They are looking to right
13 size the fleet. A lot of consideration is going
14 into that, but I don't have any specific data on
15 that.

16 LEGISLATOR JACOBS: I think it might be
17 interesting. It might mean something, it may
18 not. As long as the service isn't affected, it
19 could be a savings. I don't know. Thank you.

20 MR. KELLY: You're welcome.

21 CHAIRWOMAN GONSALVES: Legislator
22 Denenberg.

23 LEGISLATOR DENENBERG: This 4.9 million
24 bonding, is this part of the -- well, we don't
25 have the capital plan in for 12, but is this part

1 Planning, Development & Environment Committee - 9-10-12 16
2 of the capital plan in 11?

3 MR. KELLY: This is for the 2011 capital
4 plan.

5 LEGISLATOR DENENBERG: So this is from a
6 year ago?

7 MR. KELLY: The grant funding that comes
8 in was labeled, yes, it was 2011 grants to be
9 matched by 2011 capital funding.

10 LEGISLATOR DENENBERG: So we just didn't
11 do the grant application in 11 and we're doing it
12 in 12?

13 MR. KELLY: The federal fiscal year for
14 2011 actually starts in 2011, and one starts in
15 2010 for 2011. Until we know exactly what we're
16 getting and how we are going to allocate the
17 grant funding amongst what we need to purchase.
18 The numbers are kind of fluid until that happens.
19 At this point, we allocated this federal funding
20 to do these particular things. So now we're
21 coming back for the bond ordinance in order to
22 match that because we're doing the procurements
23 now.

24 LEGISLATOR DENENBERG: Is this an annual
25 federal program?

2 MR. KELLY: Yes.

3 LEGISLATOR DENENBERG: I look back,
4 unless I'm missing it, we didn't do a similar
5 bond ordinance or proposal last year.

6 MR. KELLY: I can't say last year
7 because I wasn't --

8 LEGISLATOR DENENBERG: In calendar year
9 2011 --

10 MR. KELLY: 2011 was for -- was being
11 done through the MTA, not through the County.

12 LEGISLATOR DENENBERG: But the county
13 share should have been the same amount, and I
14 don't recall a bond ordinance. When was the last
15 time we did a bond ordinance, whether it's the
16 MTA doing the work for us, which may have been a
17 positive or a negative --

18 MR. KELLY: We'd have to look up when
19 the last bond ordinance was. But the county
20 every year does provide ten percent of the
21 matching funds, so there had to have been a bond
22 ordinance.

23 LEGISLATOR DENENBERG: I looked through
24 and didn't see -- let me be sure. If this is an
25 annual program --

2 MR. KELLY: Yes.

3 LEGISLATOR DENENBERG: it seems to our
4 advantage, whether it's the MTA that's
5 administering the buses or running the buses or
6 Veolia running the buses, it's to our advantage
7 that the fleet be updated as regularly as
8 possible, particularly if 90 percent of the money
9 comes from a source other than the county, right?

10 MR. KELLY: Yes.

11 LEGISLATOR DENENBERG: If we're only
12 putting in ten percent, the state's putting in
13 ten percent, and the federal government is
14 putting in 80 percent, and I'm reading this and
15 we're doing this in the capital plan 11, you
16 know, and it's 2011 for the federal government
17 but we're doing it in 12, I'm asking where was it
18 in 11, where was it in 10, 09?

19 MR. KELLY: The County always matches
20 these bonds. Like I said, I don't have the
21 information on the specific ordinances and when
22 they were done, but they had to have been done in
23 the past in order for us to match them.

24 LEGISLATOR DENENBERG: Mr. Arnold, maybe
25 you can help me. I didn't see a bond

1 Planning, Development & Environment Committee - 9-10-12 19
2 authorization for all of 11.

3 MR. ARNOLD: I'll have to go back and
4 look at our notes. I believe, because things
5 were being transferred from the MTA to the
6 county, there might have been a delay at that
7 point. I'll go back and --

8 LEGISLATOR DENENBERG: You mean we lost
9 a year of this program?

10 MR. ARNOLD: No, we did not. It depends
11 on what the build out of the buses are. This is
12 12 money. It was a program for 12. Last years
13 buses could have been programmed in other capital
14 projects that aren't listed here.

15 LEGISLATOR DENENBERG: And this has
16 nothing to do with the Veolia contract in and of
17 itself, the \$133 million we pay to Veolia.

18 MR. ARNOLD: Correct. Two different
19 things.

20 LEGISLATOR DENENBERG: Is this our
21 obligation to provide the buses to Veolia?

22 MR. ARNOLD: Excuse me, Legislator?

23 LEGISLATOR DENENBERG: Is it our
24 obligation as a county to provide the buses to
25 Veolia?

2 MR. KELLY: It's still the county's bus
3 system. Veolia is just a private manager of the
4 county's bus system. We license all of the
5 assets to them. They're just an operator. The
6 county buys all of the assets; we give them to
7 them to operate. So when we buy these buses,
8 they will be Nassau County buses.

9 LEGISLATOR DENENBERG: I guess I'm not
10 sure how it works under the contract and I'm
11 asking you what's our obligation in terms of
12 maintenance, upkeep, or buying new buses?
13 Maintenance of the fleet.

14 MR. KELLY: It's Veolia's responsibility
15 to maintain the fleet. But in order to buy
16 actual physical capital assets, in order to do
17 that -- I'm not talking about buying screws or
18 buying light bulbs or anything like that, that's
19 done through the Veolia contract. Veolia does
20 all of that. Actually, when it comes to
21 upgrading CNG facilities, buying buses, replacing
22 components of the actual three or four facilities
23 that the county has, that is the county's
24 responsibility, that is our responsibility to
25 fund it, to match the federal grants. We go to

1 Planning, Development & Environment Committee - 9-10-12 21
2 the federal government to get grants to do that.

3 We have certain federal money that we get
4 for Veolia to perform preventive maintenance,
5 that's also paid over to Veolia in a part of
6 this. So there's -- it's our responsibility to
7 have a system for Veolia to run.

8 LEGISLATOR DENENBERG: Okay. And every
9 year this program allows us to do it?

10 MR. KELLY: Yes.

11 LEGISLATOR DENENBERG: Every year this
12 program allows us to keep our fleet up to date?

13 MR. KELLY: We are allocated certain
14 funds from the federal government to update our
15 facilities. This is this year's allocation. So
16 depending on our needs, depending on what needs
17 to be done with the system, with the facilities,
18 we ask the federal government for funds to do
19 that. Yes, this is to keep up the facilities so
20 that we can keep things in good working order and
21 still be able to provide services.

22 LEGISLATOR DENENBERG: Since there is no
23 capital budget in 12, you're saying this comes
24 from 2011. And when I looked into 2011, the
25 amount allocated for I'll call it buses, for lack

1 Planning, Development & Environment Committee - 9-10-12 22
2 of a better expression, was about 3.3 million and
3 I think this is 4.9 million.

4 MR. KELLY: Right.

5 LEGISLATOR DENENBERG: So where's the
6 difference coming from?

7 MR. KELLY: That's because this is not
8 just buses. As I've been explaining, this is
9 also various support equipment, CNG. \$617,000 is
10 for CNG facility, infrastructure upgrade. We
11 have administration costs can be matched here,
12 preventive maintenance for the bus system, which
13 goes to the Veolia contract --

14 LEGISLATOR DENENBERG: So you're saying
15 if I add all three together.

16 MR. KELLY: Yeah. If you add these
17 specific items together you should come to that
18 amount.

19 LEGISLATOR DENENBERG: I'm looking at
20 items last year that was -- you know what? I'd
21 have to look at it again. It looks a little
22 short. I don't know if we need an amendment on
23 the capital plan, but you guys are saying we
24 don't.

25 MR. ARNOLD: The department is

1 Planning, Development & Environment Committee - 9-10-12 23
2 submitting a capital plan shortly. We're working
3 with NIFA and the administration to come to an
4 agreement on that. That will cover any shortfall
5 you see in the 12 budget.

6 LEGISLATOR DENENBERG: You mean in the
7 11 budget.

8 MR. ARNOLD: Yeah, in the 11.

9 LEGISLATOR DENENBERG: So you would
10 agree with me, when I'm looking -- I see it's
11 only about 4.55 and we need 4.98, correct?

12 MR. ARNOLD: Yeah. That will be --

13 LEGISLATOR DENENBERG: So we're getting
14 shortly a capital budget for 12 and 13 together.

15 MR. ARNOLD: It's not decided whether it
16 will be separate or together. Right now the
17 department's working on the 12 plan and the 13
18 plan.

19 LEGISLATOR DENENBERG: We're going to
20 have a 12 budget even though it's September now.

21 MR. ARNOLD: Yes.

22 LEGISLATOR DENENBERG: So we're going to
23 have a 12 capital plan and a 13.

24 MR. ARNOLD: Yeah. That's still being
25 discussed.

2 LEGISLATOR DENENBERG: Okay. So how do
3 we authorize bonding when it's not in the capital
4 budget and we don't have the capital budget yet?
5 In other words, yes, I want to vote for this, but
6 we've approved, in our capital budget, 4.55
7 million. You're telling me in a capital budget
8 that I'm yet to get 12 or 13, you're not sure
9 which one -- and I'm not making fun of you, this
10 is what you said -- there's going to be enough
11 money to cover the difference. But then how do
12 we authorize 4.98 when the capital budgets that
13 we've last authorized for 2011 is 4.55? I don't
14 know that we have the authority to do it, is what
15 I'm trying to say.

16 MR. ARNOLD: My understanding is you
17 have the authority to vote for it but the
18 ordinances can't be moved forward until you have
19 the capital plan approved.

20 LEGISLATOR DENENBERG: Would this have
21 to go to NIFA? I would think it is. It's 4.98
22 million.

23 MR. ARNOLD: I would agree that --

24 LEGISLATOR DENENBERG: And it's capital.
25 They're going to ask a question. I've been at

1 Planning, Development & Environment Committee - 9-10-12 25
2 enough meetings where they look for the backup
3 and send the administration back if they don't
4 have the backup to show that it's covered in the
5 capital plan. My concern right here -- and even
6 if I'm voting yes because it's a good idea, I'm
7 telling you straight out that if I were NIFA I'm
8 going to end up rejecting it because you're
9 \$440,000 short because have haven't approved a
10 capital plan that's sufficient to cover this,
11 unless you want to amend the 11 plan to come up
12 with the extra money.

13 MR. ARNOLD: I'll have discussions with
14 the county attorney's office on your concerns on
15 this. My understanding is we cannot amend the 11
16 plan in 12.

17 LEGISLATOR DENENBERG: I think it's not
18 just mine, it should be the whole legislature.
19 We want this to happen and not be rejected by
20 NIFA.

21 CHAIRWOMAN GONSALVES: Legislator
22 Denenberg, there are questions unanswered.
23 Perhaps in Finance some of those questions can be
24 answered.

25 MR. ARNOLD: Yes. We'll go speak with

1 Planning, Development & Environment Committee - 9-10-12 26
2 the county attorney's office.

3 CHAIRWOMAN GONSALVES: Okay. Thank you
4 very much.

5 Any other questions of Mr. Arnold or Mr.
6 Kelly? I have one.

7 Is this grant available to us on an
8 annual basis?

9 MR. KELLY: Various grants are available
10 to the county on an annual basis. This specific
11 one obviously is for this year only. Like I
12 said, it depends on what the needs of the system
13 are as to the amount of money and what we're
14 going to use it for on a yearly basis.

15 CHAIRWOMAN GONSALVES: Thank you, Mr.
16 Kelly. Thank you, Mr. Arnold.

17 Any public comment?

18 (No verbal response.)

19 There being none, all those in favor
20 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Motion carries unanimously.

25 Next item is 581-12. This is an

1 Planning, Development & Environment Committee - 9-10-12 27
2 ordinance making certain determinations pursuant
3 to SEQRA and authorizing the county executive to
4 accept an offer of purchase from Community
5 Services for the Mentally Retarded Inc. for the
6 premises located in Glen Head known as Section
7 21, Block 214, Lot 254, and authorizing an
8 execution of all pertinent documents related to
9 the transaction.

10 Motion, please?

11 LEGISLATOR NICOLELLO: So moved.

12 LEGISLATOR FORD: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Nicoletto, seconded by Legislator
15 Ford.

16 Mr. Kelly.

17 MR. KELLY: Item 581 is to authorize the
18 county executive to sell parcel property known as
19 Section 21, Block 214, Lot 254 to Community
20 Services for the Mentally Retarded, Inc. The
21 purchase price is \$1500. The property was
22 appraised for \$700 by the county's appraiser.
23 The sale of this property was heard at public
24 hearing on May 10, 2012, and OSPAC and Planning
25 voted to recommend the sale of the property on

1 Planning, Development & Environment Committee - 9-10-12 28
2 June 13 and June 21 of this year.

3 CHAIRWOMAN GONSALVES: Any questions of
4 Mr. Kelly? Mr. Denenberg.

5 LEGISLATOR DENENBERG: Mr. Kelly, was
6 the vote in OSPAC and at the Planning Commission
7 unanimous?

8 MR. KELLY: I believe they were, yes.

9 LEGISLATOR DENENBERG: Was there any
10 local opposition?

11 MR. KELLY: No, not on this one.

12 LEGISLATOR DENENBERG: Okay. Thanks.

13 CHAIRWOMAN GONSALVES: Any other
14 questions?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 There being none, all those in favor
19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Motion carries unanimously.

24 Item 582, this is an ordinance making
25 certain determinations pursuant to SEQRA and

1 Planning, Development & Environment Committee - 9-10-12 29
2 authorizing the county executive to accept an
3 offer of purchase from Sandra L. Griffin for
4 premises located in Westbury, Town of North
5 Hempstead, known as Section 11, Block 43, Lot 55
6 and authorizing the execution of all pertinent
7 documents related to the transaction.

8 Mr. Kelly.

9 MR. KELLY: This is to authorize --

10 CHAIRWOMAN GONSALVES: Sorry. Motion,
11 please?

12 LEGISLATOR NICOLELLO: So moved.

13 LEGISLATOR FORD: Second.

14 CHAIRWOMAN GONSALVES: Motion by
15 Legislator Nicoletto, seconded by Legislator
16 Ford.

17 Now, Mr. Kelly.

18 MR. KELLY: 582-12 is to authorize the
19 county executive to sell Section 11, Block 43,
20 Lot 55 to Sandra L. Griffin for the purchase
21 price of \$3,825. The property was appraised for
22 \$3,500 by the county's appraiser. As the
23 previous item, this property was reviewed at
24 public hearing on May 10 of this year, and was
25 approved by OSPAC and the Planning Commission on

1 Planning, Development & Environment Committee - 9-10-12 30
2 June 13 and June 21, unanimously by both parties,
3 and also recommended the issuance of a
4 determination of non-significance and a negative
5 declaration.

6 CHAIRWOMAN GONSALVES: Any questions of
7 Mr. Kelly?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none, all those in favor
12 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 Motion carries unanimously.

17 The next item is 583-12. This is an
18 ordinance making certain determinations pursuant
19 to SEQRA and authorizing the county executive to
20 accept an offer of purchase from 8 Dumond Place,
21 LLC, for premises located in Glen Head, known as
22 Section 21, Block N03, Lot 123, and authorizing
23 the execution of all pertinent documents related
24 to the transaction.

25 Motion, please?

2 LEGISLATOR NICOLELLO: So moved.

3 LEGISLATOR FORD: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Nicoletto, seconded by Legislator
6 Ford.

7 Mr. Kelly.

8 MR. KELLY: This is to authorize the
9 county executive to sell Section 21, Block N03,
10 Lot 123 to 8 Dumond Place, LLC, which is the
11 owner of an adjacent property. The purchase
12 price is \$10,000. It was appraised for \$1,000 by
13 the county's appraiser. This property was
14 reviewed at public hearing on April 5 and April
15 19 of this year, and OSPAC and Planning voted
16 unanimously to sell the property at their
17 meetings on May 9 and May 10 of this year, and
18 issue a determination of non-significance and a
19 negative declaration under SEQRA.

20 CHAIRWOMAN GONSALVES: Any questions on
21 the part of the legislators? Legislator
22 Denenberg.

23 LEGISLATOR DENENBERG: Mr. Kelly, on
24 this particular purchase, it's an adjacent
25 landowner that's purchasing it.

2 MR. KELLY: Correct. Yes. It's actually
3 the current user of the property as well.

4 LEGISLATOR DENENBERG: Okay. You know,
5 on some of these others it was clear that we had
6 put in from legislation that I had co-sponsored
7 with then-Legislator Mangano was that you have to
8 note to us that there's a restriction that the
9 lot can't then be a divisible lot, that we
10 wouldn't be creating divisible lots in these.
11 Then, obviously, it's worth a lot more to the
12 adjacent owner.

13 MR. KELLY: Right. And that's contained
14 in the Nassau County Planning Commission
15 resolution, it's the last whereas clause. It
16 says --

17 LEGISLATOR DENENBERG: What does it say?

18 MR. KELLY: It says, Upon the review of
19 the Town of Oyster Bay Zoning Ordinance, the
20 acquisition of the property by an adjacent owner
21 could not result in a single lot that could be
22 subdivided for residential development as of
23 right.

24 LEGISLATOR DENENBERG: Okay. So that's
25 not the situation here.

2 MR. KELLY: No, it's not --

3 LEGISLATOR DENENBERG: Because I have
4 information from someone --

5 MR. KELLY: No.

6 LEGISLATOR DENENBERG: Okay. Someone
7 had said that the reason why it was being bought
8 for 10,000 instead of 1,000 was because it would
9 be worth a lot more to the adjacent owner, in
10 terms of divisible lot. I think it's always
11 worth more to the adjacent owner because it
12 expands what they have.

13 MR. KELLY: Right.

14 LEGISLATOR DENENBERG: Okay.

15 MR. KELLY: That is not the case here.

16 LEGISLATOR DENENBERG: Okay. Thanks.

17 CHAIRWOMAN GONSALVES: Any public
18 comment?

19 (No verbal response.)

20 There being none, all those in favor
21 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Motion carries unanimously.

2 Item 584-12, this is an ordinance making
3 certain determinations pursuant to SEQRA and
4 authorizing the county executive to accept an
5 offer of purchase form Dimitrios Ganasoulis,
6 located in Glen Head, known as Section 23, Block
7 37, Lot 79, and authorizing the execution of all
8 pertinent documents related to the transaction.

9 Motion, please?

10 LEGISLATOR NICOLELLO: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Nicoletto, seconded by Legislator
14 Kopel.

15 Okay. Mr. Kelly, you're on again.

16 MR. KELLY: 584-12 is to authorize the
17 county executive to sell Section 23, Block 37,
18 Lot 79 to Dimitrios Ganasoulis, with the purchase
19 price of \$1,330. The property was appraised for
20 \$1,000 by the county's appraiser. The property
21 was heard at public hearing on April 4 and April
22 19 of this year, and on May 9 and May 10 OSPAC
23 and Planning voted to recommend the sale of the
24 property and issue a declaration of non-
25 significance and a negative declaration under

2 SEQRA.

3 CHAIRWOMAN GONSALVES: Any questions on
4 the part of the legislators?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor indicate by saying
9 aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The motion carries unanimously.

14 Item 585, this is an ordinance making
15 certain determinations pursuant to SEQRA and
16 authorizing the county executive to accept an
17 offer of purchase from Town of North Hempstead,
18 located in Westbury, known as Section 11, Block
19 49, Lot 15, and authorizing the execution of all
20 pertinent documents related to the transaction.

21 LEGISLATOR NICOLELLO: So moved.

22 LEGISLATOR FORD: Second.

23 CHAIRWOMAN GONSALVES: Motion by
24 Legislator Nicolello, seconded by Legislator
25 Ford.

2 Mr. Kelly.

3 MR. KELLY: This is to authorize the
4 county executive to sell Section 11, Block 49,
5 Lot 15 to the Town of North Hempstead. The
6 purchase price is \$3,200. The property was
7 appraised for \$2800 by the county's appraiser.
8 The sale of the property was heard at public
9 hearing on April 4 and April 19 of this year. On
10 May 9 and May 10, OSPAC and Planning voted to
11 recommend the sale of the property and issued a
12 determination of non-significance and a negative
13 declaration.

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

16 LEGISLATOR DENENBERG: Was there any
17 community opposition at either hearing?

18 MR. KELLY: No.

19 LEGISLATOR DENENBERG: Thank you.

20 CHAIRWOMAN GONSALVES: Any public
21 comment?

22 (No verbal response.)

23 There being none, all those in favor
24 indicate by saying aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 Motion carries unanimously.

5 Item 586-12, this is an ordinance making
6 certain determinations pursuant to SEQRA and
7 authorizing the county executive to accept an
8 offer of purchase from Carl D'Antonio, located in
9 Carle Place, known as Section 9, Block 468, Lot
10 69, and authorizing the execution of all
11 pertinent documents related to the transaction.

12 Motion, please?

13 LEGISLATOR NICOLELLO: So moved.

14 LEGISLATOR FORD: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Nicoletto, seconded by Legislator
17 Ford.

18 Okay. Mr. Kelly, again.

19 MR. KELLY: 586-12 is to authorize the
20 county executive to sell Section 9, Block 468,
21 Lot 69 to Carl D'Antonio for the purchase price
22 of \$3,500. The property is appraised by the
23 county's appraiser for \$2,000. The sale of the
24 property was heard at public hearing on March 15,
25 2012. Planning and OSPAC voted to recommend the

1 Planning, Development & Environment Committee - 9-10-12 38
2 sale on April 4 and April 5 and issue a negative
3 declaration and determination of non-significance
4 under SEQRA.

5 CHAIRWOMAN GONSALVES: Questions of Mr.
6 Kelly?

7 LEGISLATOR DENENBERG: Just again, was
8 there any community opposition?

9 MR. KELLY: No, not on this one.

10 LEGISLATOR DENENBERG: Thanks.

11 CHAIRWOMAN GONSALVES: Any public
12 comment?

13 (No verbal response.)

14 There being none. All those in favor
15 indicate by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Motion carries unanimously.

20 And the last item for Planning is 588-12,
21 this is an ordinance making certain
22 determinations pursuant to SEQRA and authorizing
23 the county executive to accept an offer of
24 purchase from the Incorporated Village of
25 Massapequa Park, located in Massapequa Park,

1 Planning, Development & Environment Committee - 9-10-12 39
2 known as Section 57, Block 59, Part of Lot 4B and
3 authorizing the execution of all pertinent
4 documents related to the transaction.

5 Motion, please?

6 LEGISLATOR NICOLELLO: So moved.

7 LEGISLATOR FORD: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Nicoletto, seconded by Legislator
10 Ford.

11 Okay.

12 MR. KELLY: 588-12 is to authorize the
13 county executive to sell a portion of real
14 property known as Section 57, Block 59, Part of
15 Lot 4B to the Village of Massapequa Park. The
16 purchase price is \$5,600. The property was
17 appraised for 4,000 by the county's appraiser.
18 The sale of the property was heard at a public
19 hearing on October 27, 2011, and on November 9
20 and November 10 of 2011, OSPAC and the Planning
21 Commission voted to recommend the sale. The
22 property would be sold subject to all existing
23 restrictions on the property that were in
24 existence since the 1980's, imposed by the City
25 of New York that it has to be used for park and

2 parkway purposes and certain other restrictions
3 that are contained in the settlement agreement
4 between Nassau County and the City of New York
5 from 1986. So if the Village wishes to do
6 anything with the property, they would have to
7 clear all those restrictions.

8 CHAIRWOMAN GONSALVES: Questions or
9 comments of Mr. Kelly?

10 LEGISLATOR JACOBS: Michael, could you
11 just clarify this for me? Was there any
12 objection to this? This is a cell tower type of
13 thing.

14 MR. KELLY: The Villages wants to put a
15 cell tower on the property.

16 LEGISLATOR JACOBS: They want to, okay.

17 MR. KELLY: There's no cell tower on the
18 property right now, and there are certain things
19 they are going to have to go through in order to
20 make that possible with the restrictions that are
21 on the property.

22 When this went to public hearing, we did
23 receive some phone calls from people within the
24 150 foot radius who were provided notice. But
25 there was no real opposition to it. We explained

2 where it was going to be --

3 LEGISLATOR JACOBS: Let me just ask you
4 one thing though. They understood what it was
5 going to be?

6 MR. KELLY: Yes.

7 LEGISLATOR JACOBS: Alright. And this
8 particular action would clear the way for that?

9 MR. KELLY: There's a lot of things that
10 would have to happen. We're selling this subject
11 to all of the restrictions on the property, that
12 it has to be used for park and parkway uses, that
13 it has to be used for municipal purposes --

14 LEGISLATOR JACOBS: Oh, I see.

15 MR. KELLY: We even state in the
16 contract and it's going to state in the deed that
17 it has to be used for those things. So they are
18 going to have to do whatever they need to do in
19 order to remove those restrictions, work around
20 those restrictions, which is why the purchase
21 price is what it is.

22 LEGISLATOR JACOBS: Is it obvious that -
23 - so, in other words, they're purchasing it fully
24 aware that they're purchasing it with
25 restrictions.

2 MR. KELLY: Absolutely. I've had many
3 conversations with the Village attorney on this
4 one.

5 LEGISLATOR JACOBS: Do they have any
6 reason to believe that they're going to be able
7 to -- oh. Are they in charge of the removal of
8 the restrictions then?

9 MR. KELLY: They would have to be in
10 charge of everything, yes.

11 LEGISLATOR JACOBS: So they're for it.

12 MR. KELLY: Yes. We're removing
13 ourselves from this situation as far as this
14 goes.

15 LEGISLATOR JACOBS: Got it. Got it.

16 MR. KELLY: Once the subdivision
17 happens, I hand them the deed, that's it.

18 LEGISLATOR JACOBS: Thank you, Michael.

19 LEGISLATOR DENENBERG: I've got a
20 question.

21 CHAIRWOMAN GONSALVES: Legislator
22 Denenberg.

23 LEGISLATOR DENENBERG: Thank you.

24 Mike, my understanding is -- and we've
25 done this before with even parkland, where we've

1 Planning, Development & Environment Committee - 9-10-12 43
2 gotten the approval where a neighborhood would
3 rather the parkland be used for a cell tower than
4 something that's closer to residents. For the
5 most part, my understanding is that here the
6 Village would like to use this property for the
7 cell tower because the alternatives to the
8 community might be a lot worse, where the cell
9 tower would be a lot closer to residential homes
10 as opposed to Sunrise Highway and the train
11 station.

12 MR. KELLY: Correct. And right now
13 there's a cell tower in front of the Village Hall
14 that they want to move to this location so it's
15 not there and it's not in that area anymore.
16 Also, there is a Verizon cell tower that's nearby
17 on a water tower for the Massapequa Water
18 District, I believe. I think they want to move
19 some facilities over there. So this is something
20 that we haven't gotten really any opposition on.
21 The Village is very supportive of this,
22 obviously.

23 LEGISLATOR DENENBERG: My concern is
24 this, I'll say it straight out, of course the
25 Village would welcome the opportunity for -- what

2 are they paying, \$5,000?

3 MR. KELLY: \$5,600.

4 LEGISLATOR DENENBERG: On the good hand,
5 to solve a situation where people don't want the
6 cell tower where it is now or where it would be.
7 But anyone who hosts, if you will, a cell tower
8 gets money from any of the companies that's
9 putting their sites on it. We actually, as a
10 legislative body, as an alternative, even though
11 the county typically doesn't do this, we used an
12 area near DPW down in Cedar Creek Park or
13 adjacent to Cedar Creek Park for an alternative
14 for a Wantagh area that I represent, the Wantagh
15 Mandalay area that didn't want to see the cell
16 tower on Merrick Road adjacent to homes, and the
17 county gets a lot of money.

18 MR. KELLY: Yes.

19 LEGISLATOR DENENBERG: So if we're doing
20 this sale to the Village we're giving up the
21 rental price, and we could provide the solution
22 to the neighborhood the same way the Village can.

23 MR. KELLY: I disagree. The county, in
24 order to develop a cell tower on this property,
25 as the Village would have to do as well, would

2 have to go through a lot in order to clear the
3 restrictions on the property in order to get that
4 done. So we're talking about a lot of work and -
5 -

6 LEGISLATOR DENENBERG: We've done that
7 before.

8 MR. KELLY: What's that?

9 LEGISLATOR DENENBERG: We have done it
10 before. You were involved. You helped me.

11 MR. KELLY: Not the cell tower in Cedar
12 Creek, because that's not on park property.
13 That's at a DPW water pollution control plant.

14 LEGISLATOR DENENBERG: Right.

15 MR. KELLY: That we can just put up a
16 tower where there are no restrictions on how we
17 use that property.

18 LEGISLATOR DENENBERG: So here you say
19 we'd have to go through two state legislatures.

20 MR. KELLY: I don't know about two state
21 legislatures. I would think you would have to go
22 through at least one.

23 LEGISLATOR DENENBERG: If it's parkland
24 you have to go through two successive state
25 legislatures --

2 MR. KELLY: If it's a preserve.

3 LEGISLATOR DENENBERG: And this year is
4 an obvious time to do it --

5 MR. KELLY: If it's a preserve you would
6 have to do it. If it's regular parkland, it's
7 just one.

8 Also, the county is subject to deed
9 restrictions that were placed on the property by
10 the City of New York were subject to a settlement
11 agreement that if this property is used for for-
12 profit purposes, if we sell it for profit and
13 take the restrictions off of the property, the
14 City gets a huge chunk of that money, per our
15 settlement agreement. So that's something that
16 the Village is going to have to work out with the
17 City of New York, as well.

18 LEGISLATOR DENENBERG: So you're saying
19 that whatever revenue the Village is going to get
20 is going to be offset by the City getting a piece
21 of it?

22 MR. KELLY: Or whatever deal they work
23 out with the City; I'm not sure. What your
24 question is, is wouldn't the County benefit
25 financially from doing this, and I don't believe

1 Planning, Development & Environment Committee - 9-10-12 47
2 that -- from putting up a cell tower, not selling
3 the property -- would they benefit financially
4 from doing that. I'm not sure that we would
5 because all the hoops that we would have to go
6 through in order to get this done. So we would
7 be spending county resources, spending county
8 money. It's a very large administrative task to
9 do something like that. So what we're doing is
10 separating this property out from the rest of it,
11 selling it to the Village of Massapequa Park so
12 they can take care of it. I don't know if
13 they're ever going to be able to do it.

14 LEGISLATOR DENENBERG: How much of the
15 money, we get for selling this, do we have to
16 give to New York City?

17 MR. KELLY: We don't. Because under our
18 settlement agreement it says that that doesn't
19 apply, if we sell the property with all of the
20 existing restrictions on it, and that's what
21 we're doing.

22 LEGISLATOR DENENBERG: It just seems to
23 me that there's a lot of revenue in leasing this
24 to cell companies for a cell tower. And we've
25 done it before when communities desire us to use

1 Planning, Development & Environment Committee - 9-10-12 48
2 our spot. I'm very proud of this Legislature,
3 that we'll never even entertain the idea of cell
4 tower if it's an issue in the community. But
5 where a community such as here or such as the DPW
6 land in Cedar Creek was asking us to provide a
7 solution from a location that was not as
8 desirable, we've done it. It seems hard for me
9 to believe that we wouldn't end up making money
10 for all the county taxpayers and at the same time
11 do the right thing for Massapequa Park people.

12 CHAIRWOMAN GONSALVES: Any other
13 questions of Mr. Kelly?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor indicate by saying
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The motion --

23 LEGISLATOR DENENBERG: You know what?

24 I'm going to abstain because I want to look into
25 this a little more. I want to see how much money

2 could be made --

3 CHAIRWOMAN GONSALVES: Fine. So it's
4 going to be --

5 LEGISLATOR DENENBERG: and how much it
6 could cost.

7 And we're asking Mr. Kelly if he can
8 provide us that deed information that you're
9 telling us about that could ask to the cost of
10 the county.

11 MR. KELLY: Certainly.

12 LEGISLATOR DENENBERG: Okay.

13 CHAIRWOMAN GONSALVES: Thank you.

14 Motion carries with six in favor and one
15 abstention.

16 There being no other business --

17 MR. KELLY: Thank you.

18 CHAIRWOMAN GONSALVES: Thank you, Mr.
19 Kelly.

20 CHAIRWOMAN GONSALVES: There being no
21 other business before the Planning Committee, may
22 I have a motion to adjourn?

23 LEGISLATOR NICOLELLO: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Planning, Development & Environment Committee - 9-10-12 50
2 Legislator Nicoletto, seconded by Legislator
3 Kopel.

4 All those in favor signify by saying aye.
5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Motion carries unanimously.

9 (Whereupon, the Planning, Development and
10 the Environment Committee is adjourned at 3:06
11 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 September, 2012.

FRANK GRAY