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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO  
PRESIDING OFFICER

PUBLIC WORKS AND PARKS COMMITTEE

LEGISLATOR VINCENT MUSCARELLA  
CHAIR

Theodore Roosevelt Building  
1550 Franklin Avenue  
Mineola, New York

January 22, 2018  
2:05 P.M.

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2     A P P E A R A N C E S:

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4     LEGISLATOR VINCENT MUSCARELLA

5                     Chair

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7     LEGISLATOR C. WILLIAM GAYLOR III

8                     Vice Chair

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10    LEGISLATOR LAURA SCHAEFER

11

12    LEGISLATOR JAMES KENNEDY

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14    LEGISLATOR SIELA BYNOE

15                     Ranking member

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17    LEGISLATOR ARNOLD DRUCKER

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19    LEGISLATOR JOSHUA LAFAZAN

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1                   Public Works - 1-22-18

2                   LEGISLATOR MUSCARELLA:     Public  
3   Works and Parks Committee is hereby called to  
4   order. I am here. Vice chairman Bill Gaylor.

5                   LEGISLATOR GAYLOR:     Here.

6                   LEGISLATOR MUSCARELLA:     Laura  
7   Schaefer.

8                   LEGISLATOR SCHAEFER:     Here.

9                   LEGISLATOR MUSCARELLA:     James  
10   Kennedy.

11                  LEGISLATOR KENNEDY:     Here.

12                  LEGISLATOR MUSCARELLA:     Ranking  
13   member Bynoe.

14                  LEGISLATOR BYNOE:     Here.

15                  LEGISLATOR MUSCARELLA:     Mr.  
16   Drucker.

17                  LEGISLATOR DRUCKER:     Here.

18                  LEGISLATOR MUSCARELLA:     And Mr.  
19   Lafazan.

20                  LEGISLATOR LAFAZAN:     Here.

21                  LEGISLATOR MUSCARELLA:     We have a  
22   quorum. We have one item today. It's item  
23   two of 2018. A resolution authorizing the  
24   county executive to execute a consulting  
25   services funding agreement between the county

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2       of Nassau acting on behalf of the Department  
3       of Public Works and the Long Island Railroad  
4       Company.

5                   Motion please. Motion by  
6       Ms. Schaefer. Seconded by Mr. Lafazan. Who  
7       do we have from the administration?

8                   MR. MAY: Good afternoon. We  
9       have Mr. Sean Salley from Public Works to  
10      speak on this item. Mr. Chairman, can we ask  
11      that the testimony from the Economic  
12      Development Committee be incorporated by  
13      reference?

14                  LEGISLATOR MUSCARELLA:  
15      Certainly.

16                  MR. SALLEY: Sean Salley, Nassau  
17      County Department of Public Works. The item  
18      before you today is an agreement, a funding  
19      agreement between the County of Nassau and the  
20      Long Island Railroad to provide funding  
21      reimbursement for services undertaken by the  
22      county Department of Public Works in relation  
23      to the Long Island Railroad third track  
24      project. A proposal on the Long Island  
25      Railroad main line between Floral Park and

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2   Hicksville.

3           The county Department of public  
4   Works will be required to review the  
5   substantial infrastructure improvement design  
6   that is part of the third track project,  
7   particularly grade crossing eliminations that  
8   deal with county right of way, county-owned  
9   infrastructure along the corridor, as well as  
10   construction monitoring as the project  
11   proceeds into construction.

12           So this agreement will provide  
13   reimbursement for department staff working on  
14   the project as well as consultant services  
15   that the county is desirous of procuring to  
16   assist the department in conducting the design  
17   review and the construction monitoring in a  
18   manner that conforms with the expedited Long  
19   Island Railroad time frame for this project.

20           LEGISLATOR MUSCARELLA:     I have a  
21   question.   What if the county spends more  
22   money than what the funding source is  
23   requested here?

24           MR. SALLEY:     The \$500,000 that is  
25   part of this agreement today is meant to

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2       really get us going. We negotiated this back  
3       in 2017 thinking that the project would  
4       actually start towards the end of 2017. So we  
5       wanted to make sure that we have assurances  
6       for the Long Island Railroad that we could  
7       begin design review as soon as the Long Island  
8       Railroad contract was approved and a notice to  
9       proceed was issued.

10               However, the agreement fully  
11       contemplates additional funding being  
12       committed by the Long Island Railroad. So the  
13       funding amount, the not-to-exceed, there's an  
14       option essentially to increase that amount.  
15       We do need to speak to the railroad as to the  
16       time frame for that additional funding as well  
17       as the ultimate amount that will be  
18       available.

19               However, we're not committed to  
20       review or expend any resources above and  
21       beyond the funding cap in the agreement.  
22       However, it's in our best interests to review  
23       the design of the project as well as inspect  
24       the construction for the entire project as  
25       much of the infrastructure, as mentioned, is

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2       county owned and will continue to be county  
3       owned in perpetuity.

4           LEGISLATOR MUSCARELLA:       What  
5       you're saying is basically it's the intention  
6       that the county be made whole with respect to  
7       whatever we spend investigating this project?

8           MR. SALLEY:       That is correct.

9           LEGISLATOR MUSCARELLA:       Do we  
10      have any questions? Mr. Drucker.

11          LEGISLATOR DRUCKER:       Thank you  
12      Chairman. Do you have any idea when the  
13      county anticipates issuing the RFPs.

14          MR. SALLEY:       The RFP was issued  
15      in the last weeks of 2017. Responses are due  
16      at the end of the week. So we will be  
17      reviewing proposals next week.

18          LEGISLATOR DRUCKER:       Thank you.

19          LEGISLATOR MUSCARELLA:       Any other  
20      questions? Ms. Schaefer.

21          LEGISLATOR SCHAEFER:       Hi  
22      Mr. Salley. How much of the project is the  
23      county involved in? How is that determined  
24      basically?

25          MR. SALLEY:       While the project is

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2       essentially adding an additional track and  
3       station improvements et cetera, one of the  
4       major components is also the grade crossing  
5       eliminations. And so four of those roads are  
6       county owned. Covert, New Hyde Park Road,  
7       Main Street and Willis Avenue. So that is a  
8       substantial design and construction project.  
9       Not only for the right of way itself and the  
10      traffic design but also sanitary, sewer and  
11      storm water infrastructure that's currently in  
12      that location but needs to be again  
13      substantially improved. So those are -- even  
14      just one of those intersections would be  
15      considered a large project. So essentially  
16      four in a short amount of time will require a  
17      considerable amount of resources from the  
18      department.

19                   LEGISLATOR SCHAEFER:     Do you have  
20      any idea or any sense of whether or not  
21      \$500,000 is going to cover what we need or how  
22      much more we could potentially go over? My  
23      concern obviously is we will go over and we're  
24      not going to get reimbursed.

25                   MR. SALLEY:           We expect absolutely



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2       to require more than the \$500,000. We  
3       expected that initial amount to cover us for  
4       about four to six months of design review. We  
5       expect the first few months to be very  
6       intensive in terms of the plan review portion  
7       and plans coming to the county from the  
8       railroad. So to get us really up to speed and  
9       moving we think we will have enough money to  
10      get to complete those tasks. But we will need  
11      more.

12                   LEGISLATOR SCHAEFER:     How long  
13      does the design review process go?

14                   MR. SALLEY:       The Long Island  
15      Railroad has approved a design build  
16      contract.

17                   LEGISLATOR SCHAEFER:     So it's  
18      going to be a continual -- probably we're  
19      going to be coming back and forth doing this  
20      repeatedly?

21                   MR. SALLEY:       Yes.

22                   LEGISLATOR MUSCARELLA:    If I  
23      may. This would include not only whatever RFP  
24      we put out but also the in-house work that's  
25      done, the salaries that are attributable to

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2       those that are reviewing the project  
3       in-house?

4                   MR. SALLEY:       Yes.   So in-house  
5       staff is eligible for the reimbursement.

6                   LEGISLATOR MUSCARELLA:       Any other  
7       questions from the legislature?   Any public  
8       comment?

9                   MS. MEREDAY:       Yes.   Meta J.  
10      Mereday, Baldwin.   I'm hoping that this time I  
11      can probably get an answer to some of the  
12      questions.   Again, speaking to the issue about  
13      the RFP being distributed at the end of 2017,  
14      my question again, and I'm hoping I get more  
15      than crickets this time, is where was it  
16      distributed?   What new innovations, directions  
17      constituency groups, communities,  
18      organizations are on the list that have  
19      received this?

20                   And if there is a deadline, I  
21      believe I heard the end of the week, who  
22      determines if that pile, that grouping, that  
23      listing will be reflective and representative  
24      of the companies and the communities that live  
25      on Long Island?

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2                   And again, I'm fully aware of the  
3 fact that this is just a start. So \$500,000  
4 for this multibillion dollar project truly is,  
5 unfortunately, a lot of money but is a drop in  
6 the bucket and we have to understand that this  
7 is not something that will have a time frame  
8 on it just because of the conditions in which  
9 this process has to take place. Being a 9-11  
10 first responder and being involved with a lot  
11 of the downtown rebuild I understand that  
12 dynamic.

13                   But what I do not understand again  
14 is that we are continuing to operate based  
15 upon guidelines and procedures set by folks  
16 outside this region. Because you still have a  
17 lot of people who are going to be  
18 disadvantaged and how is that going to be  
19 communicated to them? And what resources,  
20 what plans are in place not just to reimburse  
21 our staff and find out how the staff is going  
22 to get their money back, I mean how the county  
23 is going to get their money back because staff  
24 and the consultants are going to get paid,  
25 even though we don't have an inspector general

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2       or a proactive plan in place to address how  
3       these consultants will be determined.

4                   But what about the impact on the  
5       residents? I'm not hearing anyone speaking to  
6       the issues as it pertains to that mitigating  
7       fund base that's going to communicate the  
8       significance of this project to our  
9       residents.

10                   As I said, lastly, what are we  
11       doing with regard to outreach to groom,  
12       develop and incorporate service disabled,  
13       veteran-owned, minority and women-owned  
14       businesses into this project and provide work  
15       for the residents who are struggling to live  
16       here on Long Island?

17                   So, I'm not here waxing poetic  
18       because I want to hear myself talk. And I  
19       brought up that pinwheel before because I  
20       guess I need to prove a point that the air I  
21       breathe as a 9-11 first responder is precious  
22       to me. I am hoping that we are going into  
23       2018 with more aggressive, inclusive and  
24       across the board programs and services that  
25       are benefiting the taxpayers who do not still

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2     feel like they have a voice.   Thank you.

3                   LEGISLATOR MUSCARELLA:       Thank  
4     you.   Yes, Ms. Bynoe.

5                   LEGISLATOR BYNOE:       Ms. Mereday,  
6     in terms of the communication to the local  
7     residents, this is a Long Island Railroad  
8     initiative and they have been the one  
9     spearheading communications to the actual  
10    community.   Just recently they had to close  
11    the road in Westbury and they sent me a  
12    notice, they sent the village a notice and we  
13    both then sent information to our  
14    constituents.   But at the end of the day in  
15    terms of impacts to community for the third  
16    rail it's borne to the state by way of this  
17    initiative.

18                  LEGISLATOR MUSCARELLA:       Any other  
19    public comment?   Hearing none, all those in  
20    favor of moving this item please say aye.   Any  
21    opposed?   The item passes unanimously.

22                  There is no further business.  
23    Motion to adjourn by Mr. Gaylor.   Seconded by  
24    Ms. Schaefer.   All those in favor please say  
25    aye.   We are adjourned.

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CERTIFICATION

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

THAT the foregoing is a true and  
accurate transcript of my stenographic  
notes.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 25th day of  
January 2018

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FRANK GRAY