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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,  
Presiding Officer

PUBLIC WORKS AND PARKS COMMITTEE

VINCENT MUSCARELLA, Chairman

1550 Franklin Avenue  
Mineola, New York

Monday, March 12, 2018  
4:24 P.M

1

2     A P P E A R A N C E S :

3

4     VINCENT MUSCARELLA,  
Chairman5     C. WILLIAM GAYLOR, III  
Vice Chairman

6

LAURA SCHAEFER

7

JAMES KENNEDY

8

9     SIELA BYNOE,  
Ranking

10    ARNOLD DRUCKER

11    JOSHUA LAFAZAN

12    MICHAEL PULITZER  
Clerk of the Legislature

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LIST OF SPEAKERS

KEN ARNOLD . . . . . 9

1 Public Works and Parks/3-12-18

2 CHAIRMAN MUSCARELLA: I call the  
3 Public Works and Parks Committee to order.

4 I am here. Vice Chairman Gaylor?

5 LEGISLATOR GAYLOR: Present.

6 CHAIRMAN MUSCARELLA: Legislator  
7 Schaefer?

8 LEGISLATOR SCHAEFER: Here.

9 CHAIRMAN MUSCARELLA: Legislator  
10 Kennedy?

11 LEGISLATOR KENNEDY: Here.

12 CHAIRMAN MUSCARELLA: Legislator  
13 Ranking Member Bynoe?

14 LEGISLATOR BYNOE: Here.

15 CHAIRMAN MUSCARELLA: Legislator  
16 Drucker?

17 LEGISLATOR DRUCKER: Here.

18 CHAIRMAN MUSCARELLA: Legislator  
19 Lafazan?

20 LEGISLATOR LAFAZAN: Here.

21 CHAIRMAN MUSCARELLA: We have a  
22 quorum. We have one item. It's Item 91 of  
23 2018, an ordinance to require owners,  
24 lessees, tenants and occupants of business  
25 or commercial real property that abut county

1                   Public Works and Parks/3-12-18  
2       roads to remove snow and ice from paved  
3       sidewalks and prohibit such owner, lessees,  
4       tenants and occupants of business or  
5       commercial real property from depositing  
6       snow and ice on to county roads.

7                   A motion, please.

8                   LEGISLATOR GAYLOR:    So moved.

9                   LEGISLATOR DRUCKER:   Second.

10                  CHAIRMAN MUSCARELLA:   Motion by  
11       Mr. Gaylor, seconded by Mr. Drucker.   The  
12       item is before us.   I guess this is a  
13       Legislative item.   I will kind of summarize  
14       that the ordinance accomplishes the  
15       following regarding owners, lessees,  
16       tenants, occupants or other persons in  
17       charge of real property classified as Class  
18       4 which is commercial property that abuts  
19       public roads as follows;

20                  Number one, requires removal of  
21       snow or ice from sidewalks within four hours  
22       after snow and/or ice ceases to fall;

23                  Number two, it requires the  
24       application of sand, sawdust, or other  
25       material that causes snow and/or ice to melt

1                   Public Works and Parks/3-12-18

2     if the snow or ice is frozen in such a  
3     manner that it cannot be removed without  
4     damaging the sidewalks;

5                   And, three, it prohibits the  
6     depositing of snow, ice, or slush onto a  
7     county road.

8                   There are some requirements as to  
9     time and when the -- I will go through it.  
10    It requires you to remove snow or ice from  
11    sidewalks.

12                  It does not apply between the  
13    hours of 9 p.m. and 7 a.m. and if snow  
14    and/or ice precipitation is between the  
15    hours of 9 p.m. and 7 a.m., it must be  
16    removed by 11 a.m. in the morning.

17                  That kind of summarizes it. Do  
18    we have any questions or comments? Yes,  
19    Ms. Bynoe.

20                  LEGISLATOR BYNOE: Thank you,  
21    Chairman. Could you just read back the one  
22    provision that said that if they could not  
23    remove it without damaging the concrete?

24                  CHAIRMAN MUSCARELLA: If the  
25    requirement to remove snow or ice from the

1                   Public Works and Parks/3-12-18  
2     sidewalk doesn't apply between 9 p.m. and 7  
3     a.m., and if the time between the cessation  
4     of snow and/or ice precipitation and any  
5     hour between 9:00 and 7:00 is less than four  
6     hours, then you have until 11:00 a.m. the  
7     following morning to remove it.

8                   LEGISLATOR BYNOE:   But then I  
9     believe I heard you say you say something  
10    about if they were going to cause damage to  
11    concrete, that they would not have to remove  
12    the --

13                  CHAIRMAN MUSCARELLA:   I was  
14    talking about sawdust.   If it's frozen and  
15    can't be removed by shoveling it, then we  
16    want ice melt put down or sawdust or  
17    something so the residents don't slip.

18                  LEGISLATOR BYNOE:   Thank you.  
19    That was the part I wanted you to read for  
20    me again.   I think it's sufficient when we  
21    talk about the sawdust and I missed that  
22    part.   Thank you.

23                  CHAIRMAN MUSCARELLA:   Any other  
24    questions?   Mr. Drucker.

25                  LEGISLATOR DRUCKER:   Can you

1                   Public Works and Parks/3-12-18

2       clarify what you just said about if there's  
3       any period of time that there's a cessation  
4       of the snow, and what constitutes a  
5       cessation?

6                   CHAIRMAN MUSCARELLA: Mr. Drucker,  
7       I don't know. When it stops it's normally a  
8       cessation.

9                   LEGISLATOR DRUCKER: Does it have  
10      to be a cessation for more than a certain  
11      period of time?

12                  CHAIRMAN MUSCARELLA: It does not  
13      specify in the law. I will be the first to  
14      say I don't personally believe that this is  
15      a perfect law, but I think it goes a long  
16      way to solving a problem we have in the  
17      county.

18                  My question, main question with  
19      this law, is who or what agency in the  
20      county will enforce this law?

21                  If I could have someone from the  
22      administration come up, I would love to ask  
23      that question. Do we have anyone who can  
24      answer that question as to who might enforce  
25      this and/or whether or not we can enforce



1                   Public Works and Parks/3-12-18

2       this law?   Mr. Arnold, DPW, perfect.

3                   MR. ARNOLD:   Ken Arnold, DPW.

4                   CHAIRMAN MUSCARELLA:   Mr. Arnold,  
5       there has been some question.  I understood  
6       in a previous version of this bill that DPW  
7       was inclined to enforce this law and I kind  
8       of got it through the grapevine somewhere  
9       that DPW may not be able to enforce this  
10      law.  Can you explain?

11                  MR. ARNOLD:   The previous bill  
12      talked about pushing of snow or slush on to  
13      county roadways, which, in that case, yes,  
14      DPW would be more inclined to enforce  
15      because our guys, while they're doing their  
16      plowing operations, the supervisors would  
17      see this issue and this impact.

18                  Now when you talk about  
19      sidewalks, that's a whole another level of  
20      review and enforcement which DPW would be  
21      hard pressed to be on top of that, because  
22      now you're answering complaints from  
23      homeowners and other residents to run out to  
24      all these different properties.

25                  I think it would be more inclined

1                   Public Works and Parks/3-12-18

2       that it's not just by enforced by DPW but by  
3       other county agencies that might be able to  
4       assist; fire marshal or consumer affairs or  
5       the other agencies that could assist in this  
6       endeavor.

7                   CHAIRMAN MUSCARELLA:   So, in your  
8       opinion, this is not something that DPW  
9       could enforce completely?

10                  MR. ARNOLD:   No.   We would be  
11       hard pressed to -- we get many many calls to  
12       get people out to all these locations at a  
13       reasonable amount of time.

14                  CHAIRMAN MUSCARELLA:   Here's what  
15       I would like to do because we don't have any  
16       definitive agency that might be able to  
17       enforce this law.   I think one of the worst  
18       things we can do in the Legislature are pass  
19       bills that we know are not going to be  
20       enforced.

21                  I'm inclined to ask for a vote on  
22       this and maybe pass it through and between  
23       now and the Legislative meeting, have some  
24       meetings with various departments to discuss  
25       how, and this bill either can be tweaked or

1                   Public Works and Parks/3-12-18

2   share enforcement of this bill among the  
3   agencies. And if we cannot come to some  
4   kind of a resolution, then maybe it just  
5   doesn't get called at all in the  
6   Legislature.

7                   LEGISLATOR BYNOE: We have  
8   consensus on our side. Thank you.

9                   CHAIRMAN MUSCARELLA: Any public  
10   comment?

11                   (No verbal response.)

12                   All in favor of passing this bill  
13   please say aye.

14                   (Aye.)

15                   Any opposed?

16                   (No verbal response.)

17                   The item passes unanimously. I  
18   think that's all we have on our agenda.

19                   Motion to adjourn?

20                   LEGISLATOR KENNEDY: So moved.

21                   LEGISLATOR LAFAZAN: Second.

22                   CHAIRMAN MUSCARELLA: Motion by  
23   Mr. Kennedy, seconded by Mr. Lafazan.

24                   All those in favor of adjourning?

25                   (Aye.)

1                   Public Works and Parks/3-12-18

2                   Any opposed?

3                   (No verbal response.)

4                   We are adjourned.   The next  
5   committee is Health and Social Services.

6                   (Whereupon, the Public Works and  
7   Parks Committee adjourned at 4:33 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 stated:

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 28th day of March, 2018.

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FRANK GRAY