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NASSAU COUNTY LEGISLATURE

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RICHARD NICOLELLO

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PRESIDING OFFICER

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PUBLIC WORKS AND PARKS COMMITTEE

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LEGISLATOR VINCENT MUSCARELLA

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CHAIR

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Theodore Roosevelt Building

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1550 Franklin Avenue

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Mineola, New York

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September 13, 2021

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3:54 P.M.

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

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4 LEGISLATOR ROSE MARIE WALKER

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6 LEGISLATOR C. WILLIAM GAYLOR III

7 Vice Chair

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9 LEGISLATOR THOMAS MCKEVITT

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11 LEGISLATOR DENISE FORD

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13 LEGISLATOR SIELA BYNOE

14 Ranking member

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16 LEGISLATOR ARNOLD DRUCKER

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18 LEGISLATOR JOSHUA LAFAZAN

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2 MR. PULITZER: Public Works and
3 Parks Committee roll call. Chairman Vincent
4 Muscarella is with us but Legislator Gaylor
5 will take over his performance.

6 LEGISLATOR GAYLOR: Thank you
7 clerk.

8 MR. PULITZER: Let me finish the
9 roll. Legislator Carrie Solages.

10 LEGISLATOR SOLAGES: Here.

11 MR. PULITZER: Legislator Arnold
12 Drucker.

13 LEGISLATOR DRUCKER: Here.

14 MR. PULITZER: Ranking Member
15 Siela Bynoe.

16 LEGISLATOR BYNOE: Here.

17 MR. PULITZER: Legislator James
18 Kennedy.

19 LEGISLATOR KENNEDY: Here.

20 MR. PULITZER: Legislator Laura
21 Schaefer.

22 LEGISLATOR SCHAEFER: Here.

23 MR. PULITZER: Vice Chairman C.
24 William Gaylor III acting as chairman.

25 LEGISLATOR GAYLOR: Present.

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2 MR. PULITZER: We have a quorum
3 sir.

4 LEGISLATOR GAYLOR: For the
5 record, Legislator Muscarella is there on our
6 screen and we can see him. Welcome
7 legislator. We have a quorum.

8 We have a two items before us.
9 Clerk item 270-21 is a resolution authorizing
10 the county executive to execute an agreement
11 with Pedalshare Incorporated and agreements
12 with municipalities located within the county
13 in relation to the county's bike share
14 program.

15 Can I have a motion? Moved by
16 Legislator Kennedy. Seconded by Legislator
17 Drucker. The item is before us. Do we have
18 someone from the administration to speak?
19 Yes, sir.

20 MR. SALLIE: Sean Sallie, Nassau
21 County Department of Public Works. We are
22 going from bike trails to now making bikes
23 available. This is a proposed contract with
24 Pedalshare to design, build, maintain and
25 operate a bike share operation in Nassau

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2 County. The program would include -- would be
3 broken out into phases. The initial phase,
4 phase one, would call for bike rentals to be
5 located in Eisenhower Park, Cedar Creek Park
6 and Massapequa Preserve. All three of those
7 parks have substantial biking infrastructure
8 and amenities.

9 So, essentially bikes would be
10 available for rent. Anyone who wanted to rent
11 would access the rental portal through a phone
12 app or a mobile app. There is a proposed fee
13 schedule which includes \$4 an hour, \$35 for 24
14 hours and \$59 annually for unlimited one hour
15 rides.

16 I can tell you that Suffolk County
17 is also using Pedalshare for their program.
18 Their program with Pedalshare is about a year
19 old. So the fee schedule would be identical.
20 So again, it would provide bike access for
21 those who may not have the space or desire to
22 own a bike but would like to take a jaunt
23 around one of our parks.

24 A couple of items I'd also like to
25 mention. The contract is for two years with

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2 two one-year extensions. In terms of
3 liability, our understanding is that the bikes
4 are maintained nightly by the company. So, if
5 there is an issue with a bike it's repaired,
6 taken out of service, repaired and put back
7 into service. But, God forbid, there is an
8 injury whether due to an automobile conflict
9 or a sidewalk hole, pothole, otherwise you'd
10 really pretty much follow sort of the rules of
11 the road.

12 Bike trails, more amenities, more
13 opportunities to ride safely. That's
14 something that the county and the Department
15 of Public Works is working on in terms of
16 providing more infrastructure to support both
17 bike share and personal bicycle ownership.

18 Helmet safety. When you do sign on
19 to the application there is a sort of a splash
20 screen that reminds you to utilize a helmet or
21 use the bike at your own risk. So that
22 notification is available.

23 I did mention phase one is for
24 those three parks. That is the totality of
25 phase one at this point. Given the timing of

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2 the year, Pedalshare would likely begin with a
3 service in the spring. So the bike share
4 service does not operate in the winter due to
5 the weather etcetera. They typically come out
6 when the weather is warmer in the early spring
7 and then mid-November they grab the bikes and
8 pack it up for the season.

9 Pedalshare and many bike share
10 companies rely on sponsorships. We know in
11 Suffolk County Pedalshare relies on Bethpage
12 Federal Credit Union. In this case,
13 Pedalshare would require a sponsorship to
14 operate. They have been, our understanding is
15 they have been speaking to potential sponsors
16 that those agreements would be inked should
17 the legislature approve this initiative.

18 We've also baked in a provision for
19 what we are calling a local participation
20 agreement as a shared service benefit. So if
21 a local municipality seeks to permit this
22 activity in their location, in their
23 municipality, they could sign on to a
24 participation agreement that basically is like
25 a use and occupancy permit that would allow

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2 the kiosk to be located on local municipal
3 property. So it's completely voluntary. The
4 municipalities would need to opt in. If they
5 do so, great. If not, there's really no
6 pressure. But that's part of the program. I
7 wanted to point that out.

8 We are aware that the Town of North
9 Hempstead, I believe just last week, approved
10 a bike share contract with Pedalshare for
11 operations in the Port Washington area. We
12 know the City of Long Beach had a service with
13 Sobi Bikes. I believe that was terminated
14 around or just before the pandemic, and I
15 believe they are seeking a new operator.

16 There's a lot of desire out there
17 for this type of service and we're trying to
18 put our foot forward and not only provide in
19 county parks but also make it available to
20 other municipalities.

21 LEGISLATOR GAYLOR: Very good.
22 Just a couple of questions. This is a county
23 initiative. Is this county funded in any way,
24 shape or form or is this something that the
25 county receives a revenue from the vendor?

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2 MR. SALLIE: There would be no
3 contribution of county funding for this
4 program and there's no revenue expected from
5 the operator. In our research and
6 understanding of how these programs have been
7 done regionally, either a local municipality
8 subsidizes through capital or federal
9 transportation funds or there, for the larger
10 programs, there is a revenue split. This
11 would be considered a small program, 200 or
12 less bikes in phase one. It's a small
13 program. So we see this more as providing a
14 service to the residents.

15 So, again, there's no outlay of
16 county funds but there's also no proposed
17 revenue.

18 Suffolk County is similar where
19 they do not receive revenue. When Long Beach
20 had Sobi Bike, a similar situation, they did
21 not receive revenue either.

22 However, this contract will be open
23 book. We will see the financial statements at
24 our desired interval from Pedalshare and after
25 that initial two years if we do see that this

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2 is becoming very lucrative, and we hope it
3 does, that means the program would be
4 successful, we would seek to renegotiate to
5 access some revenue. So, this is sort of a
6 two-year pilot phase.

7 LEGISLATOR GAYLOR: Do we have
8 any debate or discussion fellow legislators?
9 Legislator Kennedy.

10 LEGISLATOR KENNEDY: Thank you
11 Legislator Gaylor. Hi. How are you?
12 Although I think it's a great idea to
13 encourage biking, exercise and everything, one
14 of the places is Massapequa Preserve which is
15 not a park. It's actually a perpetual
16 preserve. So, I don't think anything like
17 that could be set up in that area. I just
18 wanted to make that be known. I wasn't sure
19 if maybe something that everyone knew. But
20 it's perpetual preserve just so you're aware.

21 MR. SALLIE: That's a great
22 point. Thank you. So, the bike kiosks they
23 are essentially portable. They're not bolted
24 into the ground. They're heavy duty and then
25 there are sort of lighter, more nimble

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2 kiosks. We will look into that. We are aware
3 of that but those kiosks may need to be just
4 outside of the preserve boundary. But point
5 taken.

6 LEGISLATOR KENNEDY: Once again,
7 I just don't think that that is a place for
8 this because it's not a park actually. It's a
9 preserve. But anyway, thank you.

10 LEGISLATOR GAYLOR: Legislator
11 Solages.

12 LEGISLATOR SOLAGES: Good
13 afternoon, Mr. Sallie. Like Legislator
14 Kennedy, I do agree that you are promoting the
15 use of bicycles and biking is great for health
16 purposes. Public policy purposes. But I'm
17 concerned about liability issues. If a person
18 engages in this activity in a county and veers
19 off onto Hempstead Turnpike is there
20 technology included in the bicycle to stop it
21 from going beyond county property? And what
22 are the ramifications in terms of liability
23 there? I've have seen this program in effect
24 in New York City and, according to news
25 reports I've heard, seen many fatalities,

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2 injuries. Very concerned about the liability
3 here. And given the fact that the county
4 won't gain any revenue here, what's the
5 benefit for us besides promoting healthy
6 activity?

7 MR. SALLIE: As far as allowing
8 the bicycles to leave a park, there is no
9 automatic shutoff or pedal lock if they do
10 leave. They do need to come back to a kiosk
11 or the meter continues to run so to speak.
12 But no, if you're in a park and you decide to
13 leave, yes, there's really nothing stopping
14 you.

15 In terms of liability, Pedalshare
16 itself will have insurance in order to cover
17 those liability issues. But, yes, I mean, of
18 course there is a safety concern and a
19 liability concern I think. We're dipping our
20 toes into this world of shared mobility. And
21 so I think we'd like to think that we're
22 taking the right step and seeing how this can
23 work. We think that it will be a very
24 organized program where, again, the three
25 parks or the two parks especially that we are

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2 targeting have dedicated multi-use trails.
3 Cedar Creek will have access to Jones Beach or
4 to the Wantagh Parkway trail. And then in
5 Eisenhower you have that dedicated multi-use
6 trail at the perimeter. Around the
7 perimeter.

8 So, again, the contract does
9 include insurance and liability provisions.
10 But yes, I guess technically, yes, there could
11 be incidents.

12 LEGISLATOR SOLAGES: In their
13 contract the county avoids any liability?
14 It's all on the part of the vendor?

15 MR. SALLIE: I believe so.

16 LEGISLATOR SOLAGES: Do you
17 foresee the county engaging in any increased
18 capital costs in the parks to provide more
19 bike lanes? Legislator Kennedy, again,
20 pointed to a good example. But do you foresee
21 increasing the amount of bike lanes in the
22 county parks? Eisenhower Park?

23 MR. SALLIE: With an increase in
24 demand in cycling it's possible. I think
25 we're looking at that though already. There

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2 is a demand and a desire for, not only due to
3 the pandemic but also just folks looking to
4 gain a more active life-style. There have
5 been numerous requests to the department for
6 bike infrastructure in parks, on existing
7 county roads and otherwise. So, will this
8 accelerate those improvements in county
9 parks? It's possible.

10 A lot of the work though that we do
11 incorporating bike infrastructure is heavily
12 funded by the federal and state governments.
13 There are funding sources that are only
14 available to those types of projects. So, I
15 think with this program in place it would put
16 us in a better position, even better position
17 to access those funds and expand out the
18 biking infrastructure. It goes hand and hand,
19 the infrastructure and the service and the
20 education. I think we're capable of moving
21 those three pieces forward.

22 But again, this is a pilot project
23 and there is a termination for convenience
24 clause should it need to be exercised. We're
25 taking this cautiously but we think it's a

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2 promising initiative.

3 LEGISLATOR SOLAGES: Lastly,
4 again, two more questions. Was there any
5 study done to explore public safety and other
6 issues where the possible consumer will be in
7 danger? Is that study available?

8 And lastly, in other jurisdictions
9 where this program is implemented did it
10 produce a profit or did they re-engage in a
11 contractual relationship with the vendor where
12 they saw that there was a profit?

13 MR. SALLIE: Sure. So, your
14 first question regarding safety, we have
15 already talked about doing what are called
16 like bike rodeos and sort of pop up events to
17 get the word out as far as biking safely. We
18 already do that sort of as part of the traffic
19 and safety board. But there's additional
20 outreach that we can provide and Pedalshare is
21 willing to be a partner with us in doing
22 that. I think this is an opportunity and
23 again to expose this amenity to those who may
24 not have had the opportunity to do so. That
25 definitely is part and parcel of this

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2 program. Your second question I'm sorry?

3 LEGISLATOR SOLAGES: Where this
4 program has existed in other jurisdictions.
5 Was there a return and did they engage?

6 MR. SALLIE: We've had extensive
7 conversations with Suffolk County. Their
8 initial program about three years ago was with
9 a company called Zagster. They had a similar
10 arraignment where revenue was not produced to
11 Suffolk County. During the pandemic, Zagster
12 pulled out and they weren't able to maintain
13 and Pedalshare came in. I don't think that
14 there's been enough time for, I think, in our
15 conversations with Suffolk, to fully analyze
16 the revenue potential. They have a bunch of
17 the locations. Downtowns primarily. They
18 have some parks that they operate. Patchogue,
19 Babylon Village. I believe they're looking at
20 Riverhead and Huntington. They have busy
21 areas that are not within a sort of a
22 controlled park setting but with potentially
23 more demand because you have folks living
24 directly in those locations.

25 We continue to work with them.

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2 They're a very good group over there. So
3 we'll sniff out if it's lucrative and we'll
4 make sure we get a fair shake.

5 LEGISLATOR GAYLOR: How about
6 Legislator Schaefer.

7 LEGISLATOR SCHAEFER: Thank you.
8 Legislator Solages just asked some of the
9 questions I was going to ask. Thank you for
10 your answers. Can you just tell me again the
11 fee schedule again for it? For the bikes.

12 MR. SALLIE: The initial fee
13 schedule is \$4 for a one hour ride. \$35 for
14 24 hours. Which is probably not likely that
15 someone would look to do that. \$59 annually
16 for unlimited one hour rides. That's
17 identical to what Suffolk is doing.

18 LEGISLATOR SCHAEFER: So, then
19 how is it -- what if somebody has the -- if
20 someone takes the bike, they do the \$4 one
21 hour ride and say they get in Eisenhower Park
22 and they end up having the right of way and
23 end up having it for two or three hours. How
24 does that work? It obviously keeps track of
25 where they are and how much they're going to

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2 be charged?

3 MR. SALLIE: Yes. My
4 understanding is you create an account and you
5 load your information in and if you exceed
6 that one hour it would trip the next.

7 LEGISLATOR SCHAEFER: Did they
8 tell you from Suffolk County, did they tell
9 you kind of what they are seeing there? I
10 know we're different counties. They're spread
11 out a bit more. But what they're seeing as
12 far as usage is concerned.

13 MR. SALLIE: They're seeing a lot
14 of short duration trips. We asked them, well,
15 are you seeing first mile last mile where
16 people are traveling from a work designation
17 to home. Not so much, and again, with
18 commuting sort of being a lot different than
19 what it used to be, they're seeing a lot of
20 short duration trips. Especially around in
21 Babylon there's a local park, pond. So people
22 take a stroll around the pond and the park for
23 a half hour. They're actually looking to move
24 more bikes to that location. Basically short
25 duration. You're at the park for a couple of

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2 hours and you take the bike for a spin.

3 LEGISLATOR SCHAEFER: You were
4 saying before about indemnification. You
5 believe that we're 100 percent indemnified?

6 MR. SALLIE: Yes. The insurance
7 limits two million per occurrence and three
8 million in aggregate. We have -- the control
9 in the contract is such that in order to
10 expand this program, so past phase one, past
11 the three parks, we will need to go back to
12 Pedalshare and Pedalshare will need to provide
13 increase in insurance commensurate with the
14 expansion of the program.

15 We think that what they have
16 currently for the three parks is sufficient.
17 But again, if we start exercising these
18 participation agreements they will need to
19 increase their limits and we would not go
20 forward with those agreements until they do
21 so.

22 LEGISLATOR SCHAEFER: Is that \$2
23 million per incident?

24 MR. SALLIE: I believe it's per
25 occurrence as it's stated in the contract.

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2 Suffolk County I believe they actually have
3 lesser limits. That was not acceptable to
4 us.

5 LEGISLATOR SCHAEFER: You said
6 Suffolk's been doing it for about a year now?

7 MR. SALLIE: About a year. I
8 believe they kicked off with Pedalshare last
9 summer. So, about a year. They've shared
10 some data with us. Pedalshare, as part of the
11 contract, they will be sharing usage data with
12 us. We will see which parks are being
13 utilized more so than others. We'll be able
14 to figure out where it makes most sense to
15 aggregate the most bikes or not. We'll see in
16 real time how things are moving.

17 LEGISLATOR SCHAEFER: That's all
18 I have. Thank you.

19 LEGISLATOR GAYLOR: Thank you.
20 Is there any public comment.

21 LEGISLATOR DRUCKER: Legislator
22 Gaylor I have one question.

23 LEGISLATOR GAYLOR: Legislator
24 Drucker, I'm sorry. All yours.

25 LEGISLATOR DRUCKER: I wanted to

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2 follow-up on Legislator Solages' question. Is
3 it possible that when the resident signs up to
4 take out the bike that they sign a waiver or a
5 general release of some kind or an
6 indemnification to the county should they do
7 something like Legislator Solages suggested?
8 They ride off designated areas and go off the
9 county roads or into main highways and stuff
10 like that. Is there something that they can
11 sign up? It's not unusual to have a vendor
12 have a general release or a waiver or
13 indemnification of some kind that they sign
14 right away at the beginning.

15 MR. SALLIE: Yes. We can
16 certainly speak to Pedalshare before they
17 implement the program to see if that's
18 feasible. We can provide the result of that
19 conversation to the legislature. We're happy
20 to do. I think it makes a lot of sense to
21 cover both Pedalshare and the county. We'd be
22 happy to get back to you on that.

23 LEGISLATOR DRUCKER: We can all
24 agree that we live in a very litigious world
25 and lawsuits for the smallest things can end

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2 up coming back to bite us as a county and we
3 need to avoid that as much as possible.

4 MR. SALLIE: Agreed.

5 LEGISLATOR SCHAEFER: I have one
6 other question. I'll just ask it. Do you
7 happen to know when someone sets up an account
8 what they use? Is it like credit-card based?

9 MR. SALLIE: I believe it is.
10 Yes.

11 LEGISLATOR SCHAEFER: Because I'm
12 thinking what if the bike never returns what
13 do they do?

14 MR. SALLIE: Right. I think
15 that's actually in the agreement that should
16 the bike not return and you're the last person
17 holding the account you may be responsible.

18 LEGISLATOR SCHAEFER: Going to be
19 charged for it I assume.

20 MR. SALLIE: This is sort of the
21 tip of the iceberg. It's not in the immediate
22 future but these types of subscription
23 services are becoming more of the norm. It's
24 good to see that we are again looking forward.

25 LEGISLATOR GAYLOR: Thank you.

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2 Any other legislators? Do we have any public
3 comment? There being none, all in favor
4 please signify by saying aye. Any opposed?
5 The ayes have it. The item passes
6 unanimously.

7 I would like to call clerk item
8 numbers 298-21, 308-21, 309-21 and 316-21
9 which are all ordinances supplemental to an
10 appropriation ordinance in connection with the
11 Department of Public Works. May I have a
12 motion. Moved by Legislator Schaefer.
13 Seconded by Legislator Bynoe. The item is
14 before us. Commissioner Arnold all yours.

15 MR. ARNOLD: Good afternoon. Ken
16 Arnold, Public Works. Item 298 is a
17 appropriation for capital funds to be received
18 from the federal transit administration and
19 New York State DOT for fiscal year 2022 in the
20 amount of \$22.5 million. Funds will be used
21 for rolling stock service equipment, facility
22 upgrades associated with both the fixed and
23 paratransit bus systems.

24 LEGISLATOR GAYLOR: You want to
25 talk about 308? Just go right through them

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2 all. 308, 309, 316.

3 MR. ARNOLD: 308, this item is an
4 appropriation operating funds received from
5 New York State DOT for the STOWA program for
6 fiscal year 2021 in the amount of \$11.2
7 million. This is used as operation of both
8 the fixed and paratransit systems and will
9 continue the same level of service we
10 currently have.

11 LEGISLATOR GAYLOR: 309.

12 MR. ARNOLD: 309, this item
13 appropriates \$684,000 associated with the
14 unified planning work program. This is part
15 of our tip regional transportation program and
16 these funds are used for problematic and for
17 projects.

18 Then 316 appropriates \$100,000 to
19 be received from the Long Island Regional
20 Planning Council to be used for our septic
21 replacement grant program.

22 LEGISLATOR GAYLOR: Excellent.
23 Great. Do we have any debate or discussion
24 from the legislators? Do we have any public
25 comment? Let's take a vote. All in favor

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2 please say aye. Any opposed? The ayes have
3 it. The items pass unanimously.

4 Clerk item 311-21. It's a
5 resolution approving a federal aid project
6 administered by the New York State Department
7 of Transportation and authorizing the county
8 of Nassau to participate in the nonfederal
9 share.

10 Can I have a motion? Moved by
11 Legislator Schaefer. Seconded by Legislator
12 Drucker. The item is before us. Commissioner
13 Arnold this one yours also?

14 MR. ARNOLD: Item 311 is a master
15 agreement with New York State DOT for our
16 operations of our traffic management system.
17 This is a three-year agreement and the total
18 value of it is worth \$3.2 million.

19 LEGISLATOR GAYLOR: Do we have
20 any debate or discussion legislators? Any
21 public comment? All in favor please signify
22 by saying aye. Any opposed? The ayes have
23 it. The item passes unanimously.

24 There being no other business in
25 front of this committee may I have a motion to

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2 adjourn. Moved by Legislator Solages and
3 seconded by Legislator Schaefer. All in
4 favor? Great. The committee is now
5 adjourned.

6 (Committee adjourned at 4:20 p.m.)

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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 21st day of
September 2021.

FRANK GRAY