

**HEALTH COMMITTEE  
OF THE  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, October 2nd, 2014 at 2 p.m.

**Members Present:**

***Legislator William Spencer - Chair***

*Legislator Kate Browning - Vice-Chair*

Legislator Rob Calarco

Legislator Robert Trotta

Presiding Officer DuWayne Gregory - *Ex-Officio Member*

**Members Not Present:**

Legislator Monica Martinez

**Also In Attendance:**

George Nolan - Counsel to the Legislature

Lora Gellerstein - Chief Deputy Clerk/Suffolk County Legislature

Michael Pitcher - Aide to Presiding Officer Gregory

Craig Freas - Budget Analyst/Legislative Budget Review Office

Bill Schilling - Aide to Legislator Calarco

Tom Vaughn - County Executive Assistant

James Tomarken – Commissioner/Department of Health Services

Walter Dawydiak - Director-Div of Environmental Quality/Department of Health Services

Jim Meyers - Division of Environmental Quality/Department of Health Services

Kevin Rooney - CEO-Oil Heat Institute of Long Island

Roland Riegel - Underwriters Laboratories

John Levy - Director/National Oil Heat Research Alliance

Joel Panagakos - Nominee/Food Policy Council of Suffolk County

Meghan Ashford-Grooms - Nominee/Food Policy Council of Suffolk County

Michael Haynes - Nominee/Food Policy Council of Suffolk County

All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney - Court Stenographer

*(\*The meeting was called to order at 2:04 P.M. \*)*

**CHAIRMAN SPENCER:**

Good afternoon. Welcome to the October 2nd meeting of the Health Committee. We're going to ask if we could stand and have our salute to the flag to be led by Legislator Trotta.

***Salutation***

As in tradition of this committee, I would like to ask if we could just rise for a moment of silence for all those that are fighting abroad. Also, those that have been lost in the Ebola crisis around the world. We pray for those families that are in Texas that may have been affected by this particular tragedy. And also for the young man, the high school young man that was killed yesterday during a football game, we pray for his family.

***Moment of Silence Observed***

Thank you. So I don't have any correspondence to this committee. This is -- it is now time for the public comment section. I don't have any cards. Is there anyone in the audience that would like to address the committee today? If you would, please come forward and give your name to the Clerk. Is there anyone that would like to be heard? Seeing none, I'm going to close the public comment section.

Today we have a presentation from the Oil & Heat Institute of Long Island, from Mr. Kevin Rooney, and the topic is regarding above-ground oil tanks in FEMA-designed flood zones. This is a very timely presentation, and Mr. Rooney will present his panel. But one of the big issues over the last three years where we've had significant weather; last year was the snow event, but the two prior years we did have major storms. And during flooding during those storms, oil tanks were a significant issue with regards to becoming dislodged and contaminated, especially Long Island which is based on an aquifer.

**MR. ROONEY:**

You're stealing my thunder.

**CHAIRMAN SPENCER:**

So without any further introduction -- Kevin says now I've gone past introducing him and I'm stealing his presentation, so I give you Kevin Rooney. Thank you for being here.

**MR. ROONEY:**

Good evening. For the record, my name is Kevin Rooney, I'm the Chief Executive Officer of the Oil Heat Institute of Long Island. Almost two years ago, Long Island was ravaged by Superstorm Sandy. Although most of Long Island lost its electric power, as we all know, the coastal areas of the South Shore were most directly affected and suffered the worst damage.

For my industry, Sandy posed a unique problem in that hundreds of residential above-ground oil tanks either toppled over from the storm surge or were lifted up by the high water levels experienced in those communities. The threat to public health, safety and the environment was, in some cases, acute. Our response in the aftermath of these extraordinary circumstances was to assemble a team of engineers from every oil tank manufacturer in the United States and Canada, most ably led and directed by Mr. Roland Riegel to my left of Underwriters Laboratories, and assisted by John Levy of the National Oil Heat Research Alliance to my right. And the purpose of assembling this group was to draft new guidelines for securing above-ground oil tanks in FEMA-designated flood zones.

This long and arduous process consisting of thousands of man hours and engineering calculations, analysis and testing culminates today in the very first public presentation of the new National Fire Protection Association, that is NFPA Guide 31, *Recommended Practice for Anchoring Heating Oil Tanks*, which we hope this recommended practice will soon be adopted as part of Article 12 of the Suffolk County Sanitary Code.

To present his findings and conclusions and to give you a sense of what was actually involved in this process, I'm pleased to present Mr. Roland Riegel who is the primary Designated Engineer for Flammable and Combustible Liquids Containment Products -- that's quite a title -- for Underwriters Laboratories in Melville. Roland?

**MR. RIEGEL:**

Thank you, Kevin. And it has been a pleasure working with the group on this task, with John and other members. And as he indicated, this is our presentation/summary of how the recommended practice was developed, what went into it and why we think it is a good solution, a practical solution for the problems. And I'm presenting this on behalf of NORA which has adopted the document as RPOO1, *Recommended Practice for Anchoring Home Heating Oil Tanks*.

All right, so what is the problem? As we've heard, we had many recent storm events -- Hurricane Irene, Superstorm Sandy -- that hit the entire east coast, and these floods were in sometimes excess of hundred-year levels. And as you can see, as a result there was an undetermined number of outdoor, above-ground home heating oil tanks that were uplifted and spilt their contents substantially over a lot of low land areas, and that created combined health, environmental hazards and substantial property damage. Excuse me, I seem to be cutting out some of the contents. I'm not sure if it's this version of -- okay, I see what's going on. I just have to advance further. Sorry about that.

So as you can see, there's some damage that was recorded along the south shore, tipped over tanks and tanks floating in canals. Okay? So as we know, some of the hardest hit areas were along Long Island's South Shore, Nassau/Suffolk County, heavily populated areas. And as a result, as Kevin indicated, we had a collaborative effort with the Oil Heat Institute of Long Island and other experts in the industry, along with manufacturers, to analyze the problem and work towards a solution that would mitigate these events in the future. So our goal was, in the absence of any consistent requirements that were applicable to the small home heating oil tanks, we wanted to develop something that was practical and an affordable solution using very common components to resist the uplifting of the tank and the resulting spills. And we also wanted to provide some types of guidance to homeowners to prepare for these flood events, both before and after. So that was our goal going into it.

Some of the parameters that we had to decide on were trying to focus on the largest majority of the tank populations that are seen not only on Long Island but throughout the East Coast. So that is there's flooding conditions in four separate zones, but we did indicate that we were only going to look at still water, meaning not moving water. And one of the biggest decisions was how much oil there was in the tank, so it was determined that 40% fill level was this average that we got from the industry records. The flood height was two foot above the top shell in the first zone and a maximum of two days submerging if you had a residual flood that kept ongoing.

Now, this is a clip of the category hurricane zones designated by FEMA. The recommended practice zones 1-4 which correspond with them, and then some of the assumptions that we made for the flooding potential and this was for the typical 275 ob-round tank on legs where, for example, zone one you would have water one to two foot above the grade, which is ground level, and then that was approximately a quarter of the tank height, and then substantially going through the zones you would increase the flooding.

So we also had assumptions on the tank types and the tank foundations. So we assumed the most common are UL80 ob-round verticals, a maximum of 330 gallons, located outdoors or even in indoors such as a garage but not in the basement. As I said before, these were the steel pipe legs connected to the tank, the most common.

Tank foundations that we had to consider were small slabs that were in accordance with our recommended practice which you have a copy of. Larger substantial concrete designs, for example, which you might find in a large patio or a garage, or even in some commercial areas where we might have a structural floor.

The type of hold-downs that we were considering were the foot flanges which are on the first slide, the right-hand tank, it's the small disk that's on the leg; and a concrete anchor, which is the left photo, but it's the far left tank where it's cast into the concrete; and then Earth augers for existing tanks, there is a method that we came up with that was for putting in an Earth auger underneath the slab and then fixing it with straps.

We had some other miscellaneous assumptions, that the tanks were in good condition without damage. You would do a regular inspection for corrosion and if any repairs were needed, it would be done by a licensed professional. And some on the disclaimers that we're not covering at this time, underground tanks, for example, rectangular and non-metallic tanks which are going to be covered by specific manufacturer instructions because they are not part of the larger population of tanks yet that can be covered by the RFP. And as I said before, dynamic flooding where you have a storm surge or moving water, excessive winds like a hurricane or things that are driven in water by those winds and waves and hitting the tank. All right?

So our theory in calculation, just going real quick, this is maybe not interesting, but the basic principle that we did our theory was that you've got an uplifting or buoyant force and trying to counteract it with an equally opposite downward force or gravity. The upward force is the volume that's in the tank, but you have to apply Archimedes Principle which is basically that the displacement is a factor in the weight of the buoyancy. So something weighs actually less if it's submerged is the simplistic way of describing it.

Then you have been a downward force which is a difference between the upward force, as I mentioned before, the Archimedes Principle. And then the weight of the tank, what it's attached to, if it's a slab, those are the downward forces from gravity or weight. And then we put those two together where the Net Buoyant Force is equal to the total tank volume minus the weight, which is the tank plus the oil.

Then we had to make some additional adjustments for which zone it was in corresponding to the flood heights. For example, zone 1 is 25% of the tank height, and then because of the ob-round shape, you had to factor in different percentages for the volume. The weight, again, we said 40% fill was our assumption, and then we also assumed the 12-gauge thickness, 40% fill with #2. If we use concrete, standard concrete 145 lbs with cubic foot density, the pad size extending six inches beyond the footprint of the tank, and flooding in salt water which is more severe than fresh water which is the case along the South Shore, and a safety factor of 15%.

So after we did a lot of calculating and number crunching, that's where -- on the left-hand side you can see some of the drawings when we looked at the flood height in a certain zone with a certain percentage of oil which was fixed at 40%. But the displacement in the buoyancy factor, for example, zone 3 was below the top, so those are some of the things that we had to challenge in our calculations. We also came up with a lot of designs that we thought might work, and we created a lot of tables to crunch our calculations. And it showed on the far right-hand table, I know it's too small to see, but it comes down to what we tried to do was find out the net buoyancy force, the volume of concrete that would offset it by weight, and then based on the footprint of the tank, how

thick it should be so it's easy for someone to read what the slab size has to be as a minimum to offset the buoyancy force.

And we also looked at, you know, why do we need this RP. We looked at it as a big picture because we had to look at it from a national recognized document perspective such as putting it in NFP-31 or FEMA specifications. And this would drive consistency, it's more enforceable, and you would also avoid some other unintended consequences of maybe manufacturers coming up with their own solutions like the tank on the left where it looks nice, but you can see the straps are loose, it may slip out, the concrete is undersized and it's been untested, or you have your homemade solutions where this one got lucky and didn't slip out or tip over, but it very well could. So that's why we need a recommended practice.

So after we came up with all these types of design theory, we took it to our validation phase to test it out in real world conditions. So a group of us got together and made some slabs, put some tanks together, and we also had to adjust to some of the slides. Because of our space concerns within a dumpster, we had to have a tank that was half the size, so we had to downsize slabs and the hold-down methods by half, and then additionally do some adjustments in the calculations. Because we couldn't put oil inside the tank and make a mess and we were using fresh instead of salt water, so the resultant was we added another 360 pounds of downward force on the tanks. So if you see some pictures, that's why there's big blocks on top of the tank and buckets filled with dirt. And we also looked at water leaking into the tank through the normal top openings, the fill and the vent, and also some of the compounds that are used to see if they were water tight. All right?

So our testing was for our first dumpster which represented an undersized slab, the tank footprint and four inches thick. We looked at this as someone having an existing tank, but not enough weight to hold it down. So we did two Earth auger methods: One at a four foot auger and 30 degree angle with wire rope; another one we did with a 45 degree angle with less length on the auger, a three foot and a metal ban. So that's the description of -- the middle one is the connections, the one on the left is the 30 degree, and the one on the right is the 45 degree.

Then in the second dumpster we had the full-size slabs which met the specifications in our recommended practice, but we had different anchoring methods. In the first sample we did a foot flange which is the left-hand photo, and we secured it front and back with either a concrete bolt or a concrete screw. The bolt is on the right-hand side photo, and in the middle there's different methods of the cast in either U-anchor or I-anchor.

All right? So then we started filling up the tanks to simulate a flood. And again, this is why we had blocks on top, to simulate the weight of the oil that was missing in the tank

**LEG. TROTТА:**

So the tank's empty.

**MR. RIEGEL:**

Yes. And after we drained the water, we started looking at some of the results. Some of the more interesting photos we have of -- we actually have on the left-hand side one of the tanks, when we took the weight off of it, it popped up but the securing method held and actually it was floating the concrete slab along with the tank. The photo on the right-hand side shows one of the samples actually slipped out from underneath the wire rope, but it didn't fail because you still had the anchor intact in the ground, as you can see, and it would normally not do that because you have two instead of one anchors.

And then we also checked for water entry. In one case we did find water entry with evidence of moisture in the gauge. We also checked for, you know, any damage of the concrete in some of our methods. There was no damage to either the screw/bolt combination and there was very little

movement in the legs.

So our next step and conclusion is that during this whole testing design process, we took our recommended practice to NFPA-31 Technical Committee, made a presentation and asked for additional review and comment. And since we did the validation and testing, we presented those results to the committee. It has been successfully balloted and is now pending publication in the next addition of NFPA-31, and NORA at that time sponsored the document. So the actual wording in the new 31 code just adds the new reference to the NORA Recommended Practice for Anchoring Heating Oil Tanks, so that's where it will be found.

And this is where some additional steps is that we had to finalize and publish, roll it out in NORA's instruction manual and training programs, also tie it in with other tank standards; for example, UL80 in the instructions. We are in the process of trying to approach FEMA to have it considered as a reference document in their guidelines, and this is why we highly recommend that any local regulations also referenced by, either directly or indirectly through NFPA 31, this recommended practice to significantly reduce the oil spills and related damages.

Okay? Thank you for your consideration. And I think if there's any questions, then we can take them.

**MR. ROONEY:**

One last point. Roland mentioned NORA. NORA is the acronym for the National Oil Heat Research Alliance. To my right is John Levy who, in addition to running his own company and business located in Wantagh, is also the Director of the Oil Tank Installation and Certification Process for NORA. And in fact, this is -- yeah, this is the Bible, if you will, for that entire certification process. Once this process is completed, then this recommended practice will become part and parcel of this document and part of the training program for our National Oil Tank Certification Program.

Suffolk County -- the Suffolk County Board of Health is obviously the entity with jurisdiction over Article 12 of the Sanitary Code. The Sanitary Code adopts by reference changes or modifications to both UL standards as well as NFPA standards, that is NFPA 30 and 31 specifically. But in all honesty, we think that it would be tremendously helpful in having the Suffolk County Board of Health consider for adoption this recommended practice if this Legislature were to voice its support, and this committee were to voice its support for such an action.

Suffolk County has taken the lead so many times in the past on so many important environmental issues, whether it's, you know, plastic bottles, detergents, you name it. This is a case where Suffolk County can also lead the nation and being the first County to adopt this recommended practice as part and parcel of its Sanitary Code. So thank you very much for your time and attention, and we would be very pleased to take any questions you might have.

**CHAIRMAN SPENCER:**

Thank you, Kevin. I had the privilege of hearing this presentation a few months ago and I invited him to come and present before us.

As far as legislation, things that -- what can we do to support -- you mentioned the Suffolk County Department of Health services, and that would be with the Board of Health as far as Sanitary Code is concerned.

**MR. ROONEY:**

Uh-huh.

**CHAIRMAN SPENCER:**

Is there things that this Legislature can do to help -- or what would be something that would be under our purview?

*(\*Presiding Officer Gregory entered the meeting at 2:30 P.M. \*)*

**MR. ROONEY:**

Well, firstly, you know, you are the Chair of this committee and you also serve on the Board of Health. You know, taking the sentiment of the Legislature or this committee to the Suffolk County Board of Health and saying, *This is something we definitely should do*, sets in motion a set of wheels. And clearly, while this would only apply in the case of new tank installations, be they a complete replacement or a new home that's being built, it would add impetus to our efforts to see whether there are Federal and State funds available through Superstorm Sandy or other funds for -- to incentivize homeowners to retrofit existing above-ground oil tanks with the securement methods. I think that a vote of confidence, if you will, or the imprimatur, the Good Housekeeping Seal of Approval, call it what you will, of this Legislature would be tremendously helpful as we seek to see whether or not funds might be available to help homeowners and incentivize them to retrofit existing tanks, not just new tank installations.

**CHAIRMAN SPENCER:**

And as far as just a general homeowner that fell within -- well, as far as the different zones you mentioned and the stress, you're looking for one standard as far as just with securing these tanks. Do you have a ballpark cost if a homeowner just said, *Wow, I really want to adopt these standard?*

**MR. ROONEY:**

Sure.

**CHAIRMAN SPENCER:**

Who does it? How much materials? How much should it cost? And I do know that was some -- we presented this idea at the beginning of the summer and you indicated that there were still some final touches or some things you were working on.

**MR. ROONEY:**

Uh-huh.

**CHAIRMAN SPENCER:**

Can you tell me, since we met last, what were some of the issues that were resolved with regards to this process?

**MR. ROONEY:**

First off, as a general rule, you know, it talks about Zones 1 through 4.

**CHAIRMAN SPENCER:**

Right.

**MR. ROONEY:**

And as a general rule, and I'm being very general here, Zone 4 would be essentially from the shoreline to Merrick Road/Montauk Highway. Zone 3, Montauk Highway to Sunrise Highway; Zone 2, Sunrise to Southern; Zone 1, Southern to the Long Island Expressway.

**CHAIRMAN SPENCER:**

Okay.

**MR. ROONEY:**

Now, that changes. You know, FEMA doesn't do anything in a straight -- you know, in any kind of linear fashion, so it changes depending on rivers and estuaries and what have you. And there are even zones, some Zone 4 and 3s up on the north shore, Port Jeff Harbor, Setauket Harbor, things of that nature. So those are the zones. And the initial focus should be on Zone 4 and Zone 3; those are the zones that are clearly closest to the shoreline so you're essentially from Sunrise Highway down to the shoreline.

The cost involved -- and actually, John was on the phone just earlier today with one of the largest tank installation companies on the Island, that's Milro Services. For an existing above-ground tank using Earth augers or lifting the tank and putting a slab underneath, you're looking at about \$1500. For a brand new tank installation, which obviously then would include a new tank, you're looking at around 3500 plus, but that would be a new construction. So the average homeowner who has an above-ground tank, it could be around 1500. However, you get variations in that, just as you get variations in the zone. You could have somebody in the geographic Zone 4 who might actually be in Zone 2 because their house has been uplifted or their house is already two, three, four, five feet above grade.

It also depends on whether or not a house -- for example, let's say a split level with no basement; you would actually have a tank there that may be in a garage where it's already on a concrete pad. Then it's very simply a matter of an engineer designing it, setting up the plans and an installation company coming in, putting in the bolts into the floor, putting the straps over the tank; it can be done very simply, very inexpensively. So I would say the most that a home -- would you agree, John?

**MR. LEVY:**

Fifteen would be the max.

**MR. ROONEY:**

Yeah. The most that an existing homeowner might have to pay would be around 1,500. Realistically, the way my industry works -- now, we don't do this kind of work ourselves. We hire professional companies like Milro Services in Nassau County, they do a tremendous amount of work. An oil company such as, you know, Hersch, Sweezey, Parillo, Petro, whoever, would contract out with a company like Milro to do the work, and they would determine what was necessary. But if a homeowner -- if we could honestly find a way to come up with about say \$500 from either the Federal government, the State government or wherever combined, generally speaking my industry will finance the remainder of that for their customer over an extended period of time. They do this normally with heating equipment installations where you might have a \$5,000 heating system installation and the customer is a long-serving customer, long-standing customer, and they'll finance that and build it right into their budget plan at no interest, you know, over a three, four, five-year period.

So the sentiment I clearly have from my Board of Directors is that they would be more than willing to, you know, obviously float a loan, if you will, to their customers to do this kind of work. It would be helped considerably, both the homeowner and my industry, if we could find some Federal or State money to incentivize that process. And I think also you need to encourage people to think proactively in terms of doing something to protect themselves, to protect their property and to protect their environment. So I think a combination of industry, working together with the tank installation industry, we should be able to really do some good things here.

**CHAIRMAN SPENCER:**

It sounds like your heart's in the right place and you've put a lot of science into doing this and gave a very, again, technical, I would say informative presentation.

Let me just ask a couple of questions. And don't take this line of inquiry, take offense to it. So I think one of the questions that I have, as you look at a new construction, 3500 or a someone that would spend 1500 to do this, I know that oil-to-gas conversions have been really big. Is it the type of situation that if people are looking to -- would they continue to invest in oil infrastructure or could this be the impetus that would cause more conversions to alternative forms of heating? Have you taken that into consideration? I know that oil-to-gas conversion is obviously more money than \$1500, but I think that that's been one of the concerns that I hear from my constituents all the time, is just the discrepancy between the cost of gas versus oil. So that would be one of my questions, I'm curious to hear your response to that. If we're looking at as a County, as a Board of Health, on the one hand saying *we can't have this happen, this is an environmental issue, it's a public health issue*, but then when we take it a step further, one of the things that we hear out there in the community, too, is that should we be getting away from fossil fuels -- well, gas is a fossil fuel, obviously, but, you know, should we be converting -- could this be the thing that tips the balance towards driving a lot more conversions?

**MR. ROONEY:**

The downside of proactively trying to do good things is oftentimes that adverse consequences arise from them. I fully understand that, I've been doing this a very long time. And yes, there are some individuals who, for whatever reason, may decide to convert their heating system from one fuel to another. The cost of that is quite substantial, however. And while there's a substantial disparity between the cost of fuels at this point in time, that has not always been the case, nor do most people think it will continue to be the case.

Would it encourage more people to convert? Possibly. That's something that we'll have to live with. I mean, we've been dealing with this issue of public investing in their own utilities, spending tens of millions of dollars every year trying to put my industry out of business. I've been here for 33 years and it hasn't happened yet and I don't think it's on the horizon.

There are also a lot of areas where gas is simply not available. So I don't think that -- that is never one of my considerations. My consideration here is you have homeowners, they have tanks, and about -- okay. Of the approximately 600,000 homes on Long Island that use oil heat, about 25% of them have above-ground outside tanks. Most -- the overwhelming majority are in the basement. So it's that group of homeowners that we're looking at, and specifically looking at that group of homeowners that are in Zone 4, in Zone 3 who are the highest risk. That's where we're as an industry going to be focusing our attention in the days and months and years ahead, so that's our primary concern.

**CHAIRMAN SPENCER:**

Thank you.

**MR. ROONEY:**

We'll let the economic fuel versus fuel chips fall where they may.

**CHAIRMAN SPENCER:**

Sure. My last question, and then I think my colleagues may have some questions. You described a technique that you did testing and you looked at forces and weights and buoyancy and a lot of different things here, and you got to a particular result. My question to you is when we look at these standards and whether or not you look at the size of a concrete block or the length of the screws or the material that the straps are made of, or the number of straps, are you patenting a process? Because they're obviously -- what you're describing here is like -- you know, you're figuring out the best way to tie down this oil tank to prevent contamination and prevent it from floating away. And you reached kind of a critical point where you said *This works, this doesn't*.

You could imagine that in an industry, and you're talking about doing thousands of these things, that there could be different techniques, some that could be more effective; you did a series of tests and you came up with this particular way. So are you looking for us to say, *This is how you have to do it*. Have you allowed for -- or is there a way of being able to judge a Standard, that if a company was out there and they said, *We have a patented process and we're going to do it this way and we're going to use this material*. How do you test? How do you keep it uniform? How do you keep it fair? And how do you keep yourself from monopolizing an idea?

**MR. ROONEY:**

I'll let Roland answer the technical side of that if he thinks it's necessary. Because as John here as mentioned any number of times, no one ever mistook me for being a technical expert on most anything. But the purpose of -- we initially set out to figure out what we could do in in Suffolk County, or in Nassau and Suffolk Counties. And we realized that we were looking at a much, much bigger issue here; that this wasn't just Nassau and Suffolk Counties, that this was the entire coastal area that was affected by Sandy and then potentially by other storms beyond that.

The purpose of taking the time that we did, and it's almost two years since Superstorm Sandy, was to make sure that we got it right, that we put together a standard that would hold up to the most critical engineering criticism, if you will, critique, and that's why it goes out for public comment, and to arrive at a single national standard. And it doesn't matter whether you have a home in the Chesapeake Bay or whether you have a home in Brooklyn or on the Jersey Shore or on the South Shore of Long Island. It's the same standard because it's now part of the National Fire Protection Association, Code 71.

So we're not -- what that does is it stops a whole host of manufacturers and companies from saying, *Hey, I think I can do this without the engineering behind it*. This has been tested, it's been peer reviewed. This is the document, as far as we're concerned. One standard, it doesn't matter where you live or where you have your home. That's uniformity.

**MR. LEVY:**

Can I say something?

**MR. ROONEY:**

Sure.

**MR. LEVY:**

One of the things that I think is important -- is this on? It's green now. You're going to hold that the whole time I talk?

**MR. ROONEY:**

I don't know, maybe.

**MR. LEVY:**

I got it. One of the important things to understand is when you look at the National Code bodies, Roland and I both serve on NFPA-31, he's our current Chair, very often the coding is somewhat vague and it says things like, *When a tank's installed in a flood-prone area, it must be secured, period*.

**CHAIRMAN SPENCER:**

Right.

**MR. LEVY:**

We don't say how to secure it. And if you looked -- if you remembered, two of the pictures in particular, Roland had one where it was a manufacturer setup where there were metal straps around

the tank, there was a tank next to it that had some cloth bands, basically. The cloth bands were home-made, the straps were from a manufacturer but not a manufacturer who's involved in flood-prone areas. There's a lot of problems with those straps. First off, they're loose. The one on the right-hand side doesn't have anything sticking up next to it so it can fall off. That metal is going to rub in the tank and cause corrosion. So when we come up with things in a national code type body, we always leave room for *or equivalent*, but that demands the engineering that Kevin was referring to. We want something tested. This wasn't an easy process. And part of the reason you got the interim several months ago from Kevin was we had not tested this. We drew it up, Roland proved it on paper, we gave it to every engineering company out there, or every engineering department, rather, from the tank manufacturers, but we hadn't tested it, and we had to test it to make sure it worked and it did.

Now, as you look at the standard tank that went in after Sandy, unfortunately people were asking us for guidance. What do we do? And when we came out with where we thought this was going to go, kind of off the record, we were looking at tank slabs that are significantly heavier than what the standard is out there today, and people are saying, *That's impossible, you can't carry a slab that weighs that much*. And what we really came back with was that's what you need. So forget having your preformed slab in a lot of cases, especially in Zone 3 and Zone 4, you're going to have to have concrete boards, you're going to have to wait three weeks. It's going to be a little bit more expensive, but we're not going to have a whole bunch of tanks floating in the Great South Bay again when we have another storm. I think Roland can do the technical part of that, but, you know, we had this nationally. It wasn't just here, we had problems in Maine, Jersey was ridiculous. I mean, we had tanks, forget the Great South Bay; the tanks they're floating in the ocean are washing up. So it's a significant issue that we are addressing nationally, but as Kevin said, we need to have Suffolk in the lead.

**MR. RIEGEL:**

With respect to -- you mentioned if things are patented. Nothing is patented. All of the work that went in with our team is the culmination of it's out there for anyone to use. But what a national standard does is it sets the minimum requirements. And we tried to do it in such a way that it would be affordable and obtainable to, you know, getting the components, for example, from Home Depot. Because, you know, that's what we wanted do to make it more or less universal, so no one had a monopoly on anything.

So again, as a minimum standard, if the minimum thickness is eight inches for a Zone 4 for a certain size tank; well, as long as they have a hundred -- you know, if they have standard concrete that's in the specification, it can come from manufacturer A, B or C. The same thing with some of the tie-downs; we give a minimum and give a specification like, you know, a half-inch bolt with, you know, a certain dimension; so that's not patented, they can go in and get that.

**MR. ROONEY:**

Right.

**CHAIRMAN SPENCER:**

Any questions? Legislator Browning.

**LEG. BROWNING:**

Well, I think, you know, Kevin, Mastic Beach was really hit hard and the day after I was down there. The smell of fuel was unbelievable. But, you know, Rob and I were saying, you know, obviously I would love to -- I will have the Village reach out to you, maybe share their information with you. Because I know they did look at and they did reach out to National Grid about natural gas. However, you know, nearby it would take a very, very long time, and their workload is more than they could handle right now.

So, you know, we're looking at what about, you know, if there's something that we can do on the County level with new construction, you know, because there's still new homes being built in a lot of these areas. The homes that are being elevated, and I wish this was something that kind of came with the New York Rising, that maybe that's something that could have been tied in with New York Rising where they could do something like this. I have to say, I give you a lot of credit for the work that you've done in this, because I'm sitting here thinking, Gee, how long did it take you to -- all the work that you did, how much time did you actually spend, you know, coming up with the idea? *(Laughter)*. Yeah, it's starting to look a little complicated for me. But I don't think it's a bad idea. I mean, the biggest concern for me, you know, with the district I represent, it's a working class community.

**MR. ROONEY:**

Right.

**LEG. BROWNING:**

And when we looked at natural gas, I think the conversion, minimum about 6,000; we figured between six and \$9,000. And they said, you know, if the furnaces, their heating systems were not that old, it could be maybe as low as three, but it's still a lot.

**MR. ROONEY:**

You also have to remove or properly abandon the tank.

**LEG. BROWNING:**

Correct.

**MR. ROONEY:**

You have to remove or properly abandon the oil tank.

**LEG. BROWNING:**

Right, right.

**MR. ROONEY:**

You still have to line the chimney, so add those costs on top of that. Yeah, but that gets prohibitive.

Our objective here, Legislator Browning, was to figure out a method to make sure or to minimize as much as possible the fact that this did not happen again. Now, maybe we'll never get another storm like Sandy.

**LEG. BROWNING:**

Never say never.

**MR. ROONEY:**

Maybe it's a 100-year storm. And hey, I just got my Medicare card the other day, so, you know, I'm not going to be around a hundred years from now; I hate to say it. So maybe it won't happen in my lifetime or yours, but it might happen in my kids or one of my five granddaughters. So we want to make sure that what happened two years ago, as much as we could prevent it in the future, we would want to do that. And we want to do it, as Roland said, as simply, as easily, as inexpensively as possible.

Now, if you get someone who has a tank and is already sitting on a slab. Now, maybe the slab is not the right thickness for this RP, but they could put in an Earth augers into the ground, strap that tank; we proved that will work and that's pretty inexpensive. If it's in a garage, real easy to do. So there's a lot of ways that this can be done, and each homeowner has to be treated as an

individual case. There are going to be very few that will be identical, because of the age of the tank, where it's located, is it on the side of a house, is it on the back of the house, does the house face north, south, whatever. So all of them are going to be a little bit different. But knowing the district that you represent, knowing the socioeconomic demographics of your district, yours is the kind of district that we want to be able to do something as simply and easily and inexpensively as possible, but that will work, that we know will work.

**LEG. BROWNING:**

Well, I know we have a lot of seniors, we have a lot of seniors who live there and they're equally as concerned about what it's done to their environment where they live, what's happened. So, I definitely would like to follow-up with the Village to see if maybe they could meet with you.

**MR. ROONEY:**

Sure.

**LEG. BROWNING:**

When it comes to like our local oil delivery companies who do the servicing and stuff, you would work with them to do the --

**MR. ROONEY:**

Oh, yeah. Most of them are --

**LEG. BROWNING:**

Work with them to be the operators of the installations?

**MR. ROONEY:**

Other than CO2, they're pretty much all members of my association anyway.

**LEG. BROWNING:**

Okay. I'm going to follow up with you, with the Village.

**MR. ROONEY:**

Sure, absolutely. Would love to do it.

**LEG. BROWNING:**

Thank you.

**CHAIRMAN SPENCER:**

Legislator Trotta.

**LEG. TROTТА:**

Did that one hold all of the parachute straps, that held?

**MR. ROONEY:**

It held amazingly. It's a homeowner job.

**LEG. TROTТА:**

Yeah. I mean, I was just -- you now, I'm a big money saving guy and, you know, if there's some kind of -- like I see my friend's got one in the back of his house; if you were to tie it to a stud in the house on one side, on the other side. I mean, almost thinking there should be some kind of, *If you have this, use this; if you have this, use that.*

**MR. ROONEY:**

You know, the --

**LEG. TROTТА:**

Just generically, to get it done as quickly --

**MR. ROONEY:**

It's a sort of Rube Goldberg type of --

**LEG. TROTТА:**

It worked.

**MR. ROONEY:**

Like that. It worked, but barely, and we don't know exactly where that was or what the level of water was or what the surge might have been. But I think somehow -- I think somehow we could do it a little better than that.

**LEG. TROTТА:**

Are you suggesting that like, you know, the homeowner shouldn't be able to do it himself?

**MR. ROONEY:**

As long -- no, I'm not, actually.

**LEG. TROTТА:**

Like I'm a handy guy.

**MR. ROONEY:**

I know you are.

**LEG. TROTТА:**

I could drill down into the ground, I could pour new things, I could put bolts in and tie it down.

**MR. ROONEY:**

Right. Look, you and I have had this conversation before. I've got concrete drills, as do you. So if I were in that situation, I know that I could put a concrete drill down eight, nine inches with an eye on -- a stainless steel eye on the end and then get the appropriate type of straps. I can read the RP. There's a Home Depot -- a sku number.

**LEG. TROTТА:**

Like a kit you could buy.

**MR. ROONEY:**

Yeah. I mean, that's one possibility, that we might look as an industry, we might look at and work on. But yeah, someone who's handy like you are, like I am. We might be able to do that, as long --

**LEG. TROTТА:**

Maybe we should go into business.

**MR. ROONEY:**

-- as you can follow an RP.

**LEG. BROWNING:**

There you go (*laughter*).

**MR. LEVY:**

Can I kick in?

**MR. ROONEY:**

Sure.

**MR. LEVY:**

I'm going to take the opposite path from Kevin. First off, as far as the code goes, NFPA and NORA, we're looking at this as code on new tanks. On the refitting old tanks at this point, it's a recommendation, it's not there. I do probably 50 oil tank failure investigations a year, right around 90, 95% of them are done by homeowners where they bought a tank at Home Depot and they're somewhat handy, but there's a pitch to an oil tank, there's certain leveling things you have to do. There are so many concerns and I have never seen a homeowner tank put in properly nationally, and I've been doing this since 1967 and I've been the Director of Education for NORA for about seven years. We get these calls all the time and people are upset, but it's because they did something for much less than it should have cost. And especially something like an oil tank, it would be like somebody running their own gas line. People very often don't understand the size it should be, they don't understand the connection that should be made. So we wouldn't prohibit that, but I believe that code should, or code should be enforced, and typically that's a town function. And we find some towns in your County don't enforce national codes. So you see things go in and then there's a problem and everybody wonders why, but the reason is nobody is really capable sometimes of doing the installation themselves.

**LEG. TROTТА:**

Are there town codes for oil tanks, where they're placed or how they're installed?

**MR. LEVY:**

They follow national codes, typically, but they don't always get enforced.

**MR. ROONEY:**

Generally no.

**LEG. TROTТА:**

Fortunately for like the Town of Smithtown, we didn't have that problem. You know, we had no floodings. I sympathize with Kate's constituents because it's a lot of money to do that and there's a lot of houses that are going to need it.

**MR. ROONEY:**

Rob's also, down the south shore, Patchogue, Bellport.

**MR. RIEGEL:**

That's, again, the reason why we wanted to get this on a national level so that everyone would benefit from a consistent design. And instead of each County or town across, you know, the entire eastern seaboard figuring out a different thing to do, here's the standardized minimum.

**MR. ROONEY:**

Right.

**MR. RIEGEL:**

You know, which -- if they're using the 31 code, which is the most prevalent, then it's now a referenced document.

**LEG. TROTТА:**

Do you have an estimate on how many we lost or that were destroyed during Sandy.

**MR. ROONEY:**

Hundreds.

**LEG. TROTТА:**

Not thousands but hundreds.

**MR. ROONEY:**

No, hundreds.

**MR. LEVY:**

Hundreds here, yeah.

**MR. ROONEY:**

Yeah, on the Island.

**MR. LEVY:**

Nationally.

**MR. ROONEY:**

Oh, yes. I mean nationally --

**LEG. TROTТА:**

No, during Sandy here.

**MR. ROONEY:**

Yeah, hundreds.

**LEG. TROTТА:**

So we would have to do hundreds of these. So it's not the end -- I'm thinking maybe there's some kind of money that could be available.

**MR. ROONEY:**

Well, we'll certainly be more than happy to work with the committee to identify possible Federal, State funds that might be available.

**LEG. TROTТА:**

God knows the County doesn't have any.

**MR. ROONEY:**

*(Laughter)* Yes, we know.

**CHAIRMAN SPENCER:**

Legislator Calarco has a question.

**LEG. CALARCO:**

I just wanted to thank you gentlemen for putting all the work to developing this standard. So often, sitting on this side of the table, we're looking at trying to find ways of ensuring that we protect our environment, we're ensuring that homeowners have the proper protections and we're fighting with an industry to do that. And it's great to see an industry step up and say, *We're going to put our own -- you know, our money where our mouths are and we're going to figure out what's the best way of doing this kind of a process, what's the best way of securing these tanks so that we don't have future problems.* So thank you very much for that.

**MR. ROONEY:**

Thank you very much.

**CHAIRMAN SPENCER:**

Thank you, Kevin. We really appreciate it. We'll be in touch. And we'll be working with this committee, we'll see what things we can do. But I will definitely share this with the Board of Health, too.

**MR. ROONEY:**

Thank you.

**CHAIRMAN SPENCER:**

Thank you. Thank you, gentlemen.

**MR. ROONEY:**

Thank you all for your time and attention.

**CHAIRMAN SPENCER:**

That's the only presentation I have scheduled for today. So with that, we're going to move on to our agenda. I would ask if we could have our Clerk back.

All right, moving on to our agenda.

**Tabled Resolutions**

***IR 1334-14 - Directing the Department of Health Services to test groundwater for 1,4 Dioxane (Hahn).*** We've been going back and forth on this. We know it's a critical substance. I don't know if -- I guess Walter is here; do you have any comments? It is the mind of this Legislature to move this forward and I think that you could work it in with whatever plans we have.

**MR. DAWYDIAK:**

Thank you, Dr. Spencer, Members of the Committee. We fully support the intent of this and we'll do what we can to comply. Our only concern is in the first RESOLVED clause, the word *all* appears which is just not really feasible or practicable for an emerging contaminant and a labor intensive contaminant. We've been trying to reach out to Legislator Hahn to convey this message, I'm not sure if it's gotten to her. I don't know if it's possible to mark this up before it reaches the floor of the Legislature to remove that word.

**CHAIRMAN SPENCER:**

Would that -- if we approve this, would that constitute a major change?

**MR. NOLAN:**

We're after the amended filing deadline. So if it's changed after this -- now, for example, it couldn't be voted on Tuesday. Perhaps what you want to do is vote it out of committee, since it's going to time out, and the department can bring this to Legislator Hahn, perhaps she's open to an amendment and would be willing to table it on Tuesday.

**CHAIRMAN SPENCER:**

I think that she would be amenable to that. So I think that we'll move it, and Kara has given me just, again, her word that she will work to make this something that works out for everyone, and I feel confident that she will help us do that. Otherwise we won't vote for it on Tuesday (*laughter*).

**MR. DAWYDIAK:**

Thank you, Dr. Spencer. Could I indulge you for just a moment of time on another resolution? I don't know if Intergovernmental Affairs has spoken to you about the Ronkonkoma wall paper application.

**CHAIRMAN SPENCER:**

Absolutely.

**MR. DAWYDIAK:**

Thank you. Jim Myers is here, he's the Chief of our Office of Pollution Control and he's the project manager for our Brownfields Program.

This next Legislature you'll be seeing a Certificate of Necessity requesting that the Legislature authorize the County Executive to execute a grant application in any associated contracts, as well as provide a 10% match for a grant if awarded. This is the Ronkonkoma wallpaper clean-up which is estimated to cost the County over 1.6 million. A recent call for applications has been issued by the DEC. If we're selected, we'll get 90% of that, meaning the County cost will be 160,000, not 1.6 million, we save about a million and a half dollars. We're not guaranteed of receiving the funding. We were in line for it before when the money ran out, so we hope that we'll get in line again. We apologize for the C of N, but the grant application came up on short notice and this resolution is one of the requirements. So we're happy to answer questions about that. We also presented this to Legislator Hahn and EPAC and that committee was also supportive.

**CHAIRMAN SPENCER:**

It sounds like a very reasonable thing that will save us money and any time try we can try to bring in other sources of funding. I look forward to getting more details before the General Meeting or at the General Meeting before we pass the final vote.

**MR. DAWYDIAK:**

We actually prepared a short fact sheet, Jim Myers did, that we provided to Legislator Hahn, we'll also send it along to you as well.

**CHAIRMAN SPENCER:**

I appreciate that. Thank you. And could you send it along to the members of the committee?

**MR. DAWYDIAK:**

Certainly.

**CHAIRMAN SPENCER:**

Well, really you should send it to all Legislators.

**MR. DAWYDIAK:**

Yes.

**MR. FREAS:**

I'll take one as well.

**MR. DAWYDIAK:**

I'll send it to Craig Freas.

**CHAIRMAN SPENCER:**

Okay. Excellent. Okay, thank you. Thanks a lot.

Before we move on to the agenda. Commissioner, is there anything that you need to address or any concerns that you have on any of the legislation or anything going on in the Department of Health?

**COMMISSIONER TOMARKEN:**

Just through the legislation to address the issue there is.

**CHAIRMAN SPENCER:**

Okay, very good.

I am going to go through the agenda. But Commissioner, I think our agenda is fairly brief. Just in light of the national prominence of Enterovirus D-68 and the Ebola Virus, I would like to ask for just a -- as we spoke about on the phone, but we've got Legislators that are communicating with their constituents of just kind of an overall position on these two, what we're doing and our state of preparedness and recommendations.

**COMMISSIONER TOMARKEN:**

The Enterovirus D-68, we have five cases in Suffolk County confirmed by the State, which is where the testing is done. This is a condition that has come from -- an unknown reason why it's become so prevalent, and we've all read about it, but no one has an answer as to why it is. The precautions that we're and the State and the CDC are urging is people to view this as they would any respiratory illness; hand washing, avoiding sneezing and coughing in people's proximity.

The people most adversely affected are those with asthma and any underlying lung condition. There is a group of patients who have developed some neurological deficits, what we call neurological deficits weakness in an arm or a leg. Some have tested positive for the D-68, some have not, so the correlation is not clear. No one knows yet if that's part of this or is this a completely separate entity or if some patients have a predisposition. So this is all emerging and it's new. There is no specific treatment, there is no vaccine for it. It's a virus that's been around for many, many years, but it goes under the radar screen.

Just to give you an example, the Wednesday call with the State Department of Health, they had tested between 500 and 600 samples for this and about 175 were positive for D-68 throughout the State, but another 200 were positive for Rhinovirus which is a much more common virus. So it's a mixed picture. So it's not like this is the only virus out there. And the majority of people either recover from it, but those that you read about and hear about are those that end up often in the hospital and require an intensive care treatment.

**CHAIRMAN SPENCER:**

With regards to testing, and if someone, for instance, with Ebola, apparently, if they're asystematic, we know that they're not contagious at that point. But would a test reveal positive exposure to Ebola before they're symptomatic? And then my second follow-up to that is when we do a test and it goes to the State lab in Albany, what's the turnaround time before we get results?

**COMMISSIONER TOMARKEN:**

Well, let's not mix up things. We're talking about the Enterovirus.

**CHAIRMAN SPENCER:**

Understood. Understood. No, I should have separated those questions, absolutely.

**COMMISSIONER TOMARKEN:**

That takes -- it's been taking about a week. And in a sense, it's not crucial, it's only first -- not only, but it's mainly for tracking. Because the treatment is not determined by the results of the test. So whether you have Rhinovirus or Enterovirus and you have complications or a severe case of it, you're going to get the same -- you're going to get whatever treatment you need. But the test is very slow, very laborious, it's only done at the State. So it's about a week. Now, having said that, it depends on how much volume they get. So if they get flooded with tests -- and in fact, many places are probably not sending samples to them because at the end of the day, they're going to treat the patient for whatever the patient needs and they're not going to wait on the results, which is appropriate. But, so it depends on -- the test is slow to begin with. It depends on the volume they have and there's only one lab that can do it in the State that that's the State lab. So

there are multiple factors involved involving the turnaround time.

And regarding Ebola, it's unlikely that anybody exposed to Ebola and asystematic, no systems, would test positive for it. And in fact, the likelihood of them getting a test for it, because the test is done at the CDC. So what happens when you get somebody that comes in with -- and you have two sets of risk factors. You have the clinical -- so fever, headache, sore throat, cough; and you have an exposure group of criteria; where did you come from? Did you help -- were you a health care worker or were you involved with anybody who had Ebola? Where you involved with fruit baths or what's called bush meat, meat out of the rural areas of West Africa? And you put those two together and then if you're -- if you have those two groups of systems, and combination, then you're going to get tested, hopefully. Because that comes to the attention of the State Health Department and then it goes the State Health Department consults the CDC and says -- they decide what needs to be done. So if you don't have any symptoms, then you're not going to meet those criteria to get a test. And there's no -- at least in New York, all our testing goes to CDC, so in order to get tested, you've got to have some combination of those two categories of symptoms, and then the CDC and the State have to agree that that's appropriate.

**CHAIRMAN SPENCER:**

Really very well spoken. Thanks for the clarity, we really appreciate that. And some of it I wanted to get on the record, but you also helped me clarify my understanding, too. Legislator Browning had a question.

**LEG. BROWNING:**

I think I'm good. You know, there's always, when a lot of these viruses come out, it's almost like everybody gets into a panic. And it seems that people always miss that part where, you know, if you have respiratory problems or if you have asthma, but if you're a very healthy person, you're not likely; not saying you won't, but you're not likely. So people are wanting to go out and get the flu shots and get this and get that and, you know, I just think there's just not a strong enough message going out there, that certain populations are more vulnerable which have to be careful. But I just, you know, when I listen to it on the news, it just seems like they're always trying to put the fear of God in everybody and it's not healthy.

**COMMISSIONER TOMARKEN:**

No, I agree. The perspective gets lost, especially when it's children and especially when you see the small percentage that end up in hospitals and intensive care units. The State, the CDC and us have been putting out numerous messages, especially to the public and to the health care providers so that they know what the situation is, and that continues on a daily basis.

**LEG. BROWNING:**

You know, because that other virus that's in -- it started in Colorado. You know, my daughter's in Denver with my granddaughter, so of course I'm hearing about this crisis in Denver and I'm calling my daughter, *Is Maeve okay. You know, is she getting sick?* But she's perfectly healthy. So, you know, I just don't like the way everything is coming out and the way it's being portrayed, that everybody should get into a panic, and I wish there was some way to change that.

**LEG. TROTТА:**

I agree.

**CHAIRMAN SPENCER:**

Commissioner, thank you. I really appreciate that. I did feel it was important, though, in light of everything that we're hearing, for as elected representatives to kind of have a -- to have clarity from our Commissioner. Thank you.

Moving on to the agenda, **1334-14 - Directing the Department of Health Services to test groundwater for 1,4 Dioxane (Hahn)**. I'll make a motion to approve. Seconded by Legislator --

**LEG. CALARCO:**

Calarco.

**CHAIRMAN SPENCER:**

Calarco. All those in favor? Opposed? Abstentions? So we're approving it, but we'll speak to Legislator Hahn in terms of making the adjustment to the language before we pass it at the General Meeting. **(VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).**

**IR 1725-14 - Establishing policy for hiring in the jail medical unit (Browning)**. Legislator Browning, what's your pleasure?

**LEG. BROWNING:**

I would like to make a motion to approve. I have made some changes. I think I've made some significant changes.

**CHAIRMAN SPENCER:**

Okay. Is there a second for the motion to approve?

**LEG. TROTТА:**

*(Raised hand).*

**CHAIRMAN SPENCER:**

Legislator Trotta is seconding it, all right. Tom Vaughn, what are -- do you have comments or discussion on this legislation or concerns?

**MR. VAUGHN:**

Yes, Legislator Spencer. Thank you. We -- Legislator Browning is correct, she has made some really significant changes to the bill. She's worked very closely with the Administration and we are deeply appreciative of that. The Administration right now is actually hung up on a singular word, and it's the word *emergency* versus *temporary*.

We feel that *temporary* is the more appropriate term to use in the piece of legislation. We apologize that we did not let her know that concern prior to the amended copy deadline, that is our fault. I, in fact, also thought that we were in a good place on this legislation as late as yesterday. I was wrong and we do have concern over the word *emergency*. We think that *temporary* is the more appropriate word. I apologize for the late notice on that. We would like to continue to work with the Legislator on the legislation.

**CHAIRMAN SPENCER:**

To Counsel, if we were to do the similar situation as we're doing with the one for Groundwater Dioxane, could we make that change before -- you could, could we do it like we're doing with that legislation, if Legislator Browning's agreeable, and approve this today?

**MR. NOLAN:**

Right, if Legislator Browning's agreeable to changing the wording, of course you can pass it out of committee. We can't vote it on Tuesday because that's an amendment after the amended filing deadline. But I don't know that Legislator Browning necessarily wants to change the language at this point.

**CHAIRMAN SPENCER:**

If we approve it today, Legislator Browning, would you do that?

**LEG. BROWNING:**

I'd like -- I know Rob just asked a couple of questions. You know, I'd like to have George respond to the issue with changing the word *emergency* to *temporary*; what's the difference? And to be all honest would you, I think I've bent over backwards to change this where basically this bill means nothing at the rate that we're going. And I might as well -- and I know you'd love to hear me say I'm going to pull it, but no I'm not.

**MR. NOLAN:**

Yeah. I mean, Legislator Browning did make a lot of changes to the bill. But I think it was suggested by the County Executive, including add an exemption and changing the effective date.

**MR. VAUGHN:**

True.

**MR. NOLAN:**

I guess the hang-up is right now it says, you know, we're establishing a policy that the department's not going to hire LPNs on an independent contractor basis except where -- right now the bill says, *Except where there is an emergency need to temporarily staff the Jail Medical Unit on a short-term basis, in which case an outside contractor may be hired for a period not to exceed five consecutive days.* I think there's a hang up on the use of the word *emergency need*. I don't know that's really that important because I think it's hair splitting. Because basically, to me it means we're establishing a policy if the department needs to staff a position and can't do it any other way except through an independent contractor, they do it by an independent contractor, and I think that, you know, either way it's the same.

**CHAIRMAN SPENCER:**

Legislator Calarco has a question for Counsel also.

**LEG. CALARCO:**

Okay, George, I'm going to give you a scenario and I think this is perhaps where they're coming from. Say you have somebody who's working in the facility as an LPN, she is pregnant, she goes out on maternity leave, that's certainly not an emergency, you can see that coming along the lines, you know she's going to be out for a period of time. Would that be considered something where you could fill her slot temporarily, have that exemption that's granted under our No. 3, which I think under the exemptions you'd be able to have that exemption.

**MR. NOLAN:**

Yeah.

**LEG. CALARCO:**

But is that considered an emergency situation, or are you looking at having to hire somebody else to come out to fill that role until such time that that person returns to their post?

**MR. NOLAN:**

I think the third RESOLVED was added at the request of the County Executive's side. Basically if they've got to replace somebody, they can do it for longer than five days, that's what that resolution --

**LEG. CALARCO:**

But the third RESOLVED speaks to expand and pass a five-day situation.

**MR. NOLAN:**

Right.

**LEG. CALARCO:**

And to me, an emergency situation is, you know, somebody gets hurt on the job, and now you have -- or has some other situation in their life where they have to leave very unexpectedly, but if you have somebody who is -- you clearly see that they're leaving, or you clearly see that you're going to have a shortage for a temporary period of time, I think that's the point of the Administration here. What does *emergency* constitute? And it certainly can't constitute every time somebody is vacant from the post just because they're vacant from the post.

**MR. NOLAN:**

I think what it means is that they have that situation and the only way they can -- they can't fill it except with the use of an independent contractor; that's the way they have to do it, that's where their determination is, they can do it and the person can come in for more than five days.

**LEG. CALARCO:**

If there's a medical situation. But emergency -- if someone's leaving on a maternity leave, it's not emergency. I don't know how you could classify that as an emergency. You know the person's leaving, you know around what time that person is going to be leaving, and you even have a pretty good idea of how long that person may or may not decide to stay out. At minimum, it's going to be three months that they have the right to stay out for.

**MR. NOLAN:**

Yeah.

**LEG. CALARCO:**

Actually, they have the right to stay out for up to a year.

**MR. NOLAN:**

I think the intent of the resolution is if they can replace that person with somebody who's not an independent contractor, they should. But if they can't, you know, for whatever reason, that --

**LEG. CALARCO:**

But if you replace --

**MR. NOLAN:**

If they have to fill that position, they have to have that position filled and those hours and they can't do it any other way, then they could go to the independent contractor.

**LEG. CALARCO:**

So what you're saying is that then they wouldn't have to hire somebody to fill that slot. They could try to do it through overtime, and if overtime doesn't work then you have to hire -- then they could bring in the contractor.

**MR. NOLAN:**

If they can't do it any other way. You know, the department's going to have to make that decision.

**LEG. BROWNING:**

I think when you want to talk emergency, it's medical leave for -- you know, it's very clear, if somebody's going out on a medical for a maternity. However, I mean, if I'm at home tonight and I have a heart attack, it's an emergency. They have to fill my position, I'm not coming to work tomorrow and they don't know when.

**LEG. CALARCO:**

I agree with you, Kate. I guess to me --

**CHAIRMAN SPENCER:**

I apologize. We need to keep the conversation through the Chair, please.

**LEG. CALARCO:**

I apologize to the Chair.

**CHAIRMAN SPENCER:**

Thank you. And Commissioner Tomarken, I'm going to acknowledge him after Legislator Calarco.

**LEG. CALARCO:**

I guess my question, and I think the Administration's question on this particular issue in terms of emergency, I don't think emergency -- emergency implies to me something that is unforeseen.

**LEG. BROWNING:**

Right.

**LEG. CALARCO:**

And if you have a foreseeable event occurring in the near future, are we telling the Administration that even though it's going to be a temporary vacancy that they have to take care, that they have to hire somebody fill that temporary vacancy? And I don't know if that's necessarily how far we want to tie their hands as far as if they have a vacancy, because somebody steps out from the post, I don't want them filling that vacancy with somebody who is staff from an agency, I want them to hire somebody new to fill the slot that became vacant.

**LEG. BROWNING:**

If somebody is out on an emergency --

**CHAIRMAN SPENCER:**

Legislator Browning, I'm just going to go -- I said I was going to acknowledge him

**LEG. BROWNING:**

It's my bill.

**CHAIRMAN SPENCER:**

It is your bill, and we still have --

**LEG. BROWNING:**

They don't seem to get the definition.

**CHAIRMAN SPENCER:**

It has nothing to do with the point just as far as the order, it's with regards to this. I'm going to acknowledge Tom Vaughn.

**MR. VAUGHN:**

Thank you very much, Mr. Chairman. So one of the examples, and I think Legislator Calarco was kind of getting towards this, was a vacation day, if somebody is taking a vacation. Now, under our normal scenarios, and Dr. Tomarken can support what I'm about to say, is that we would, of course, that vacant slot to any of our employees, not our agency staff but any of our employees who would like to work that slot on overtime or switch the shift schedules around or however that could be accommodated. But if in the event that we are unable to accommodate that, a vacation day, we would think that that would be an appropriate point at which to be able to use an agency staff

member, if we had gone through the other individuals. And that is where you get into a question of is that an emergency or is that temporary, and we are more comfortable under that scenario using the term *temporary* rather than *emergency*, and that's one of the places that we're running into an issue with it.

And look, again, we have -- I think that we have come a very long way on working with the Legislator on this bill. I think that the position of the Administration has changed and I think that the Legislator has really worked with us and taken our concerns and considerations into account. It bothers me to no end that we are hung up on a singular word, I wish that we were not. I wish that I could change that and acquiesce because I do think that the Legislator has been very accommodating on this. But unfortunately words matter and this one matters to us, and that's where we're hung up.

**MR. NOLAN:**

I would just say, like in the situation you just described, yes, that's an emergency. You have to fill it, you have no other way to do it, you can go to an independent contractor. I think the resolution allows that.

**CHAIRMAN SPENCER:**

Commissioner?

**COMMISSIONER TOMARKEN:**

I just want to clarify. I think the term *emergency* applies to the fact that whether it be an unscheduled absence or a scheduled absence, if we've gone through the process that's outlined in the legislation where we try to find somebody in our staff and we can't find them, then -- and you can call it an emergency, you can call it temporary, you can call it whatever you want, but that's when that would kick in, that we'd have to go to an agency.

**LEG. BROWNING:**

Right.

**COMMISSIONER TOMARKEN:**

It's when we've explored all the options, regardless of whether it's planned or unplanned. It's not the emergency of somebody falling and slipping and hurting themselves, that's not the emergency.

**CHAIRMAN SPENCER:**

It's the emergency of the staffing.

**COMMISSIONER TOMARKEN:**

The emergency is lack of staff. Thank you.

**CHAIRMAN SPENCER:**

Legislator Browning, I apologize for cutting you off before. It is your bill.

**LEG. BROWNING:**

I think he stated it clear. I mean, an emergency, I think no matter what department you look at in the County right now, I mean -- well, I guess mostly it's the medical field where they use these agency people. You have somebody that calls in sick, you have a couple of hours before they have to show up for their shift, you're going to be scrambling to get somebody. You're going to asking somebody who's there, *Can you do some overtime*, and they say, *Sorry, I can't. I've got to get my kids home*, or whatever. You know, now you've exhausted all your avenues; you're in an emergency situation, you have to cover that shift. And you do have the ability to use agency employees to fill that position, it's an emergency. You know? If you don't have that person, you have intakes to do, whatever, that's an emergency. And you have nobody else to call but the

agency? Yeah, that's an emergency.

**MS. SEIDMAN:**

Good afternoon. Phyllis Seidman from the County Attorney's Office.

**CHAIRMAN SPENCER:**

Hi, Phyllis.

**MS. SEIDMAN:**

Hi. And I would agree that that is an emergency, Legislator Browning. But I think what we're trying to convey is that if somebody has a planned vacation, maybe their child is graduating in another state, you know it's coming, it's two weeks hence, and you've asked staff to fill in, overtime, whatever, and you can't. So the obligation of Dr. Tomarken is to fill the slots 365 days a year, 24-hours a day, seven days a week, and in order to do that you now may have an emergent situation which is, you know, in two weeks we have no one to cover this. So in this scenario, from what you've explained, the word *emergency* would not cover this. And although we might all agree maybe that turns into an emergency at this point, but this legislation is going to succeed this Legislature, and I think wordsmithing is very important at this point. So maybe in five years when this is being looked at, the people who -- you know, newer people who may be sitting in these seats can understand exactly what the intent of the law was.

And I just want to just add one note. You know, you talked about the timing of it. This would go into effect on January 1st, regardless of whether it went another cycle, it would still go into effect on the same date.

**CHAIRMAN SPENCER:**

Legislator Calarco, then Legislator Browning.

**LEG. CALARCO:**

Oh, okay. So this is, I guess, the hang up, right, what the word *emergency* means? According to our legal Counsel, he's saying the emergency is the fact of not having somebody to fill the spot. That constitutes the emergency, not the reason why the spot is vacant for the period of time that it's vacant. Legislator Browning is telling us that she agrees with that statement of Counsel. And if I heard correctly, it sounded like Commissioner Tomarken agrees that that's the situation; that the emergency is the fact that there is not somebody on staff capable of filling the vacant position and, therefore, he would then have the ability to go to agency staff for up to five days. And then the exemptions kick in in terms of, *okay, well, maybe this is somebody who has a broken leg that's not going to be able to come in for three weeks, I can use agency staff to fill that person's spot for the next three weeks.* If that's what I'm hearing from my Counsel, from the Commissioner and from the Legislator, it sounds to me that we don't have a hang up. It sounds to me like this is exactly what we're getting at, that the only time that -- if we have -- even if we have an expected vacancy of the spot for a period of time, that the inability to fill it with somebody on staff means we can go to an agency to fill it.

**MR. VAUGHN:**

Legislator Calarco, I think that what you're saying certainly sounds very reasonable. And I think that perhaps we would be less hung up on the word *temporary* vs *emergency* if that was what was contemplated in the resolution.

**LEG. CALARCO:**

Well, that's what I'm hearing from the Legislator who drafted the resolution. That's what I'm hearing from the Counsel who wrote it and is our counsel, that's what I'm hearing from your Commissioner.

**MR. VAUGHN:**

Sure. But I --

**LEG. CALARCO:**

So it sounds to me like three of the parties agree on what the title -- what constitutes an emergency, and it's not why the person is not on staff, it's the fact that we don't have anybody of our own staff capable of filling the slot.

**MR. VAUGHN:**

Sure, and I certainly think that that's an excellent point. But I would say this; earlier today in Public Safety we debated the use of the form, which -- a use of a form, and the reason that I bring that up is that that form was put in place God knows how many years ago, I certainly don't. Legislator Trotta does (*laughter*). Legislator Trotta knows when that form was put into place. As a matter of fact, when it was brought to my attention, I had no idea why we would even need to bring that form back across the street to be modified. But there was an entire -- there's an entire Legislative history corrected to it that wasn't exactly spelled out in the legislation that codified the use of that form. The actions that we take today, and you all know this far better than I do, are going to outlive us and they're going to last far longer than the periods of time that any one of us is here. And our concern is the fact that it is ambiguous, that future people, future either Legislators, future administrations, future whoever could eventually interpret *emergency* in a much more narrow definition. So there wasn't a snow emergency, it's not an emergency. There wasn't a hurricane, it's not an emergency. There wasn't an immediate situation, and I think that that is the concern.

**MR. NOLAN:**

I would -- this bill is only going to be effective as long as there's people on the preferred list and then this resolution, basically the need for it goes away. So 30 years from now they're not going to be trying to figure out what did this resolution mean because it won't be effective at that point.

**LEG. BROWNING:**

Thank you, George.

**CHAIRMAN SPENCER:**

Legislator Browning.

**LEG. BROWNING:**

Rob said it clearly. You know, we initially started with rather than five consecutive days we did three, and I had a conversation with Dr. Tomarken, and I understand somebody might call in an emergency and be sick and be sick for -- you know, say, *Look, I'm not going to be in for the week*; like you said, a broken leg takes six weeks. So, you know, I'm not saying you're going to have to hire a full-time employee for six weeks. Clearly, if I didn't want you to ever be able to use outside contractors, which I think we probably should be looking at an alternative which I've already reached out to you about that, you know, we're saying you can use the contractors. Somebody's out for five days, calls back, *Guess what, my doctor says I can't come back next week*, you can continue to use the contractor. If you have to have use them for six weeks, you use the contractors for six weeks. But the concern is -- and I can tell you, I hate to bring up John J. Foley again. However, we had people --

**CHAIRMAN SPENCER:**

No, no (*laughter*).

**LEG. BROWNING:**

But it's a fact. It's a fact. There were people working at John J. Foley for years, and working there for a very long time, and we were using them as full-time employees. That's a problem; we shouldn't be using them in the jail like that. So that's kind of where I just want to -- I'm not saying

you can't use an outside contractor, but you're not going to be able use them as full-time employees. If it's a slot that's a position that's being filled and they're showing up every day for six months a year, longer, well, then maybe you should be looking at hiring County employees.

**CHAIRMAN SPENCER:**

I think we've had an extensive debate on this issue. Tom, we appreciate your points, they've been well taken. You have a great relationship with this Legislature. I think we have a motion to approve and a second. I do think that there is some time where we can make appropriate adjustments, but the other thing, Tom, is that you're the executive, you guys are administering the policy, so you can interpret it as you please.

**LEG. BROWNING:**

And they will.

*(\*Laughter\*)*

**CHAIRMAN SPENCER:**

But I do think we do have -- we do have the record to reflect the intent of this legislation that can be looked back at, but I can't see not supporting this at this time.

**MR. VAUGHN:**

Thank you.

**CHAIRMAN SPENCER:**

All right. Thanks, Tom. And we do appreciate the Administration's effort to work, too, I think this is important for our employees.

We have a motion from Legislator Browning, a second from Legislator Trotta. All those in favor? Opposed? Abstentions? Thank you, ***motion is carried (VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).***

Moving on to ***IR 1727-14 - Adopting Local Law No.-2014, A Local Law to prohibit the sale of powdered caffeine to minors in Suffolk County (Presiding Officer Gregory).*** Presiding Officer, what's your pleasure?

**P.O. GREGORY:**

If someone would entertain a motion to approve? Thank you.

**LEG. CALARCO:**

I'll make a motion to approve.

**LEG. BROWNING:**

Second.

**CHAIRMAN SPENCER:**

You can make it. You serve on everything.

**P.O. GREGORY:**

I know, I know, but --

**LEG. BROWNING:**

I'll second.

**P.O. GREGORY:**

I know you're the other cosponsor and I appreciate --

**CHAIRMAN SPENCER:**

I'm the other cosponsor, so I'll second it. Thank you.

**P.O. GREGORY:**

I appreciate you working with me on this. This is an issue that came to my attention a couple of months ago watching CBS News, and they had talked about how teen-agers are ingesting powder caffeine and there was a death and that there is an increased concern about young people using powdered caffeine and where they're being marketed, so we reached out to Counsel to see how we can address this issue. A lot of it's done on-line, but there are instances where it's being sold in retailers and we want to send a message, you know, that caffeine is a substance to be of concern. You know, that we should be aware of for its obvious chemical concerns and the way it's being used is something that we should certainly address, particularly for our young people. So I ask for everyone's support.

**CHAIRMAN SPENCER:**

Absolutely. And looking at this as a physician, there's just really -- when you look at this product, it's just a ticking time bomb. You're talking about caffeine that comes in a form that is just concentrated, that you can see as much as a hundred thousand units in a container, and just as much as a teaspoonful can be fatal to a child. There's just no place for this. There's no redeeming value. Again, it naturally appears as a poison in nature. There is no benefit to the body. So you can argue that, you know, there's a stimulant property, but I applaud the Presiding Officer and I'm glad to join with you. This is the right thing to do. It's the right thing to do, Legislator Browning. Yes, you had a -- do you have a comment, or you're okay?

**LEG. BROWNING:**

No, me? I'm okay.

**CHAIRMAN SPENCER:**

No? Okay, I thought you had a comment.

We have a motion and a second. All those in favor? Opposed? Abstentions? Motion is carried **(Approved-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).**

***IR 1736-14 - Adopting Local Law No. -2014, A Local Law to ban the sale of personal care products containing microbeads in Suffolk County (Hahn).*** Motion to table for public hearing. Seconded by Legislator Calarco. All those in favor? Opposed? Abstentions? Motion is carried **(Tabled-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).**

**Introductory Resolutions**

***IR 1757-14 - Establishing a policy that supports nursing mothers in the County workplace (Browning).*** Motion to approve by Legislator Browning. Seconded by Legislator Calarco. All those in favor? Opposed? Abstentions? **(Approved-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).** I'm cosponsor on this, I think, an original cosponsor. Please list me if I'm not. And Legislator Calarco, you're a cosponsor also, right?

**LEG. CALARCO:**

Yes.

**CHAIRMAN SPENCER:**

***IR 1767-14 - Amending the 2014 Adopted Operating Budget to accept and appropriate additional 100% State Aid from the New York State Office of Mental Health for Transformed Business Model Programs in Suffolk County (County Executive).*** I'll make a motion to approve and place on the Consent Calendar. Seconded by Legislator Trotta. All those in favor? Opposed? Abstentions? Motion is carried. ***(Approved & placed on the Consent Calendar-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).***

***IR 1768-14 - Amending the 2014 Adopted Operating Budget to reassign funding from the New York State Office of Mental Health for Single Point of Access Services (County Executive).*** I'll make a motion to approve. Is this 100%?

**MR. NOLAN:**

Yeah, put it on Consent.

**CHAIRMAN SPENCER:**

Same motion, same second. All those in favor? Opposed? Abstentions? Motion is carried ***(Approved & placed on the Consent Calendar-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).***

***IR 1778-14 - Authorizing the purchase of one (1) replacement vehicle in accordance with Section (B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard Law (County Executive).*** Motion to approve by Legislator Gregory. Seconded by Legislator Browning. All those in favor? Opposed? Abstentions? Motion is approved ***(Approved-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).***

***IR 1797-14 - Amending the 2014 Adopted Operating Budget to accept and appropriate additional 100% State Aid from the New York State Office of Alcoholism and Substance Abuse Services to Hope for Youth, Inc. (County Executive).*** I'll make a motion to approve and place on the Consent Calendar. Seconded by Legislator Calarco. All those in favor? Opposed? Abstention? Motion is carried ***(Approved & Placed on the Consent Calendar-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote).***

***IR 1832-14 - To appoint member to the Food Policy Council of Suffolk County (Joel Panagakos).*** Did I get it?

**MR. PANAGAKOS:**

You got it.

**CHAIRMAN SPENCER:**

All right. So I'll make a motion to approve.

**LEG. CALARCO:**

Second.

**CHAIRMAN SPENCER:**

Second by Legislator Calarco. Joel, I didn't realize you were here, I would have taken you out of order. I apologize we usually you, we try to be considerate of your time. You listened to oil tank installations and the difference between temporary and emergency --

**MR. PANAGAKOS:**

Interesting conversation.

**CHAIRMAN SPENCER:**

-- and, you know, an hour-and-a-half later. Come up, please. Thank you for being here.

**MR. PANAGAKOS:**

Should I stand here?

**CHAIRMAN SPENCER:**

No, you get to have a seat at the table. Welcome to the Health Committee. First of all, we really appreciate your willingness to serve; and secondly, taking time out of your schedule to come before this body. If you wouldn't mind, we have your credentials, if you would just tell us briefly who you are, where you live and why would you serve on this Food Council?

**MR. PANAGAKOS:**

I live in Calverton, Long Island. I've been out in Suffolk County for 25 years, I'm 72-years old. I've been in the produce business since I'm nine, that's a long time. And I work for a food service company and help them develop a retail -- a produce department within the company, and we're a large company currently. We supply a 150 mile radius with Long Island grown products. We deal with 22 Long Island farmers, we have been for as long as Kings has been in business, I'm employed by J. Kings Food Service. The bottom line is we try our best to initiate policy so that we can connect the schools to the farm products, supermarkets, we're delivering products grown on Long Island to Stop & Shop, to Whole Foods, Shop-Rite, and it's an important part of our business and it's been an important part and we have been helping the farmers for years trying to put all the ducks in order that they have to be responsible for. So, that's why I feel it's important.

**CHAIRMAN SPENCER:**

Well, I appreciate your background, your credentials and what you've done. I couldn't think of a better person to have serve on this. You have my full support. Any questions from my colleagues? We have a motion and a second to approve. All those in favor? Opposed? Abstentions? Motion is carried (**Approved-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote**). Congratulations. Now, it doesn't -- it's not final until it goes before the full Legislature on Tuesday, but you do not have to appear. I have no doubt that it will go without any issues. Thank you.

**MR. PANAGAKOS:**

Thank you.

**CHAIRMAN SPENCER:**

Thanks for your time.

**1833-14 - To appoint member to the Food Policy Council of Suffolk County (Meghan Ashford-Grooms) (Hahn).** Is Meghan here? Another one that I had waiting around for an hour and 45 minutes. I'm sorry, Meghan. I'll make a motion to approve, that's to appoint Meghan Ashford-Grooms to the Food Policy Council in Suffolk County. Seconded by Legislator Calarco.

Meghan, welcome. We appreciate your time. Can you just tell us hello and also just tell us a little bit about yourself and why food.

**MS. ASHFORD-GROOMS:**

Totally. So I just want to say thank you to all the Legislatures for this opportunity to participate officially on the Food Policy Council. My name is Meghan Ashford-Grooms and I'm the Policy Analyst at the Health & Welfare Council of Long Island, which as most of you probably know is the umbrella organization for non-profit health and human service agencies on Long Island focusing on the most vulnerable and at-risk in our communities, and I've been there about two years right now.

The seat that I'm taking on the Council will actually be replacing our President and CEO, Gwen O'Shea, who her -- I believe her time had expired and that slot is reserved for a community-based organization like ours. Health & Welfare Council works on a number of different issues. I'm sure you've heard, you know, we've worked a lot on Sandy recovery, since that happened recently, and health care access and health insurance for the vulnerable. One of our -- another of our focuses is systems advocacy and policy work as it pertains to nutritional supports, and what that means in this context for the Suffolk County Food Policy Council is that we advocate for expanded access to healthy foods for those groups on Long Island who are most in need and we work on policy solutions that will break down barriers to that access to healthier food. Yeah, and that's basically it.

**CHAIRMAN SPENCER:**

Well, I appreciate your service, again, over a number of years and taking an interest and just making a substantial difference to all of our residents. I think it's a great fit. I appreciate you being here and you have, again, my full support.

**MS. ASHFORD-GROOMS:**

Thank you.

**CHAIRMAN SPENCER:**

Any questions from anyone? We have a motion and we have a second. All those in favor? Opposed? Abstentions? Motion is carried, you are passed out of committee **(Approved-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote)**. And again, on Tuesday it will be final once it goes through the Legislature, but I don't anticipate any issues. Thank you.

**MS. ASHFORD-GROOMS:**

Great. Thank you so much.

**CHAIRMAN SPENCER:**

Thank you for your time.

***IR 1834-14 - To appoint member to the Food Policy Council of Suffolk County (Michael Haynes)(Hahn).*** I'm assuming the gentleman that's standing up and walking forward is probably Michael Haynes. Hi, Michael. How are you?

**MR. HAYNES:**

I'm good.

**CHAIRMAN SPENCER:**

Good. I'll give you the same apology; thanks for giving us an hour and 45 minutes of your time. So Michael, can you -- well, first the resolution, IR 1834 to appoint to the food Policy Council of Suffolk County, Michael Haynes. I'll ask for -- I'll make a motion to approve. Seconded by Legislator Trotta. On the motion, Michael Haynes, welcome. Can you give us a few words?

**MR. HAYNES:**

Hello. I'm the Manager of Government Affairs and Veteran Services for Long Island Cares. We're the regional food bank for Long Island, we're entrusted to administer TFAP for the USDA on Long Island, and also the HPNAP, Hunger Prevention and Nutrition Assistance Program on behalf of the State for the Long Island region.

Through our 600 community partners, and also through our, give or take, 24 or 25 direct service programs, we supply over 316,000 Long Islanders in need with over 8.3 million pounds of emergency support last year, which includes emergency food, household supplies, personal care items. And in the past it was repair items from Hurricane Sandy and Irene and, you know, if it's

gloves, mops, paper towels, whatever we can do. The model of Long Island Cares is it takes more than just food to feed the hungry. But in helping people that were food insecure, which is one of the main aims of the Suffolk Food Policy Council, it takes a multi-faceted, multi-systems, system-wide approach, and Long Island Cares is proud to work with any organization, any entity aimed at irradiating food and justice, you know, just fighting for food equity. It would be a privilege to be part of the Council.

**CHAIRMAN SPENCER:**

Excellent. Wow, we really have three fantastic candidates. I, again, thank you for what you do, those numbers are staggering to see that there is such a need out there. You know, I just had a couple of food drives for my district to help fill the pantries. And we take it for granted. We see that, you know, a lot of times we think of these things during the holidays, but it's a year-round issue. People have to eat every day and you do it every day and you do it well. So again, thank you for your willingness to help us here in Suffolk County, we appreciate it.

Any other questions? No, all right. With that, we have a motion and a second. All those in favor? Opposed? Abstentions? The motion is carried **(Approved-VOTE: 5-0-0-1 Not Present: Legislator Martinez -- Presiding Officer Gregory included in vote)**. Thank you very much, Michael. Congratulations, and Thursday we'll have the final result.

**MR. HAYNES:**

Thank you. And thank everyone who is a member of this committee.

**CHAIRMAN SPENCER:**

Thank you.

With that, I've reached the end of our agenda. Is there any other business that we need to address?

**LEG. CALARCO:**

Motion to adjourn.

**CHAIRMAN SPENCER:**

Seeing none, motion to adjourn by Legislator Calarco. We are adjourned.

**(\*The meeting was adjourned at 3:48 P.M. \*)**