SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
FIFTEENTH DAY
OCTOBER 8, 2002

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

TRANSCRIBED BY DONNA CATALANO, COURT REPORTER

(THE MEETING WAS CALLED TO ORDER AT 9:10 A.M.*)

{TRANSCRIBED BY DONNA CATALANO - COURT STENOGRAPHER}

P.O. TONNA:
Henry.

MR. BARTON:
Yes.

P.O. TONNA:
Roll call.

(THE ROLL WAS CALLED BY MR. BARTON)

LEG. CARACCIOLO:
Here.

LEG. GULDI:

Here.

LEG. TOWLE:

(Not present).

LEG. CARACAPPA:

Here.

LEG. FISHER:

(Not present).

LEG. HALEY:

(Not present).

LEG. FOLEY:

(Not present).

LEG. LINDSAY:

Here.

LEG. FIELDS:

(Not Present).

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. BINDER:

(Not Present).

LEG. COOPER:

Here

D.P.O. POSTAL:

Here.

P.O. TONNA:

Yes, here.

MR. BARTON:

11 present.

P.O. TONNA:

Thank you very much, Henry. All rise for the Pledge, led by Legislator Nowick.

SALUTATION

P.O. TONNA:

Please remain standing. Thank you. I'd like to, for the purposes of our clergy introduction and prayer, I'd like to introduce Legislator Andrew Crecca. Andrew.

LEG. CRECCA:

Thank you, Presiding Officer Tonna. I'm pleased to have with us today Pastor Cassara, Michael Cassara, from the Nesconset Christian Church. The Nesconset Christian Church, located just several miles from here, recently celebrated its 50th Anniversary serving the Nesconset-Ronkonkoma Community. The Nesconset Christian Church is known as the neighborhood church that helps neighbors. In speaking to Pastor Cassara this morning, one of the things I said to him

is I often drive by the church, and while I'm not a member of it, I can tell you they are very active in the community. There's always an event going on or a celebration at that church. Pastor Michael Cassara has served as a Minister of the Nesconset Christian Church since 1997, and he's recently led a youth program this year, which sent 20 young men and women to Costa Rica to help build classrooms. These are the types of things they do extending beyond the Nesconset-Ronkonkoma community. I thank you for being with us, Pastor, and ask you to please lead us in an opening prayer.

PASTOR CASSARA:

Let's pray. Our Father in heaven, you have said in your word that there is no authority except that which you have established. The authorities that exist have been established by you. I pray, God, that each Legislator here will recognize that they are in their position by divine appointment. You also remind us in your word that government authorities are your servants to do good for your people. Again, I pray for each Legislator here that they will understand their role to be one who serves, not one who is to be served. God, grant each of them wisdom and discernment in all they discuss and decide. May we each devote ourselves to doing what is good so that you, the Lord of peace, would give us peace at all times in every way. Amen.

P.O. TONNA:

Okay. I would like to for the purposes of proclamations, first to recognize Legislator Lynne Nowick. Legislator Nowick?

LEG. NOWICK:

Police Officer Frank Rooney. I know he's here. Frank Rooney. You have to just give us a moment.

LEG. CRECCA:

Legislator Tonna, if you would just call someone else, we're waiting for the officer to arrive.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Mine is here.

P.O. TONNA:

Oh, you want me to do something prior to you.

LEG. CRECCA:

Just a little pass over.

P.O. TONNA:

All right. I understand that. Legislator Angie Carpenter. I'd like to recognize the Legislator from the South Shore who has to travel a lot of times on the ferries to represent her constituents. Thank you.

LEG. CARPENTER:

Thank you very much, Legislator Tonna.

P.O. TONNA:

Legislator Carpenter.

LEG. CARPENTER:

Thank you very much, Presiding Officer, for giving everyone that bit of information that some people didn't seem to understand. I would like to ask Wally Wallis Pickard if he would come join me. In fact, also with us today we have the Mayor of the Village of Ocean Beach, Natalie Rogers, and Ian {Levine}, who's also a volunteer. I would ask them both to come join Wally. I am choosing this morning to recognize Wally Pickard, Wallis Pickard who is a charter member of the Ocean Beach Fire Department since 1938. He has been an active member for sixty-four years. And, you know, I guess as we get older, there is the temptation to say, well, you know, I've done my bit already, I, you know, let someone else do it, let someone younger do it. Well, that certainly hasn't been the case for Wally. And he hasn't let anything stop him from doing what he's believed in. He served in the military, he served at Pearl Harbor, he was on General Marshal's Staff. And even though he was injured and had to have 23 surgeries, he still didn't let that stop him. Wally certainly is an unsung hero. Wally is really a role model, and I'm hoping some of the young people out there who are deciding whether or not they want to volunteer will follow Wally's wonderful example and get that wonderful feeling that one gets when they give back to their community. So without further ado, I would like toe give this proclamation to Wally. On behalf of the 1.4 million residents we have in Suffolk County, certainly Wallace Packard is one of the most outstanding. Congratulations, Wally.

APPLAUSE

P.O. TONNA:

Okay. Since we have to go to the cards, not have to, we want to, we love to hear the public. Okay. Dr. Joseph Tamburrino. I'm sure I messed that up.

MR. TAMBURRINO:

You did a good job.

P.O. TONNA:

It's okay?

MR. TAMBURRINO:

Perfect.

P.O. TONNA:

All right. Thank you, Doctor.

MR. TAMBURRINO:

Well, good morning, everyone, committee members.

P.O. TONNA:

Good morning, sir.

MR. TAMBURRINO:

Am I on?

P.O. TONNA:

Yep, you're on.

MR. TAMBURRINO:

Okay. And thank you, my fellow citizens for coming out to speak your peace. I am here to -- my name is Dr. Joseph S. Tamburrino. I'm a podiatrist, and I've been in practice for 28 years, and I practiced 22 careers in Bay Shore, Long Island. I'm here to strongly oppose the ban of

ephedra, and I have some very good reasons why. First, though, I may not look it, I've been a fighter of being overweight my entire life. There are very few products that are out there that are safe and effective. I have lost over 18 pounds using this product. I believe in it so much that my family uses it, my daughters use it, my friends and my patients. Podiatry treats a lot of obesity, believe it or not, in the sense that a lot of weight related problems show themselves up on the feet. For example, heel spurs, planter fasciitis. As you all know, Type Two Diabetes is a result of obesity and so is hypertension and heart disease. There are very few products out there that are safe and effective, and ephedra is one of them. I ask the committee to strongly consider not banning ephedra. You would not -- you would not think that this is a minor thing if you looked at the level of obesity in the United States today. Sixty one percent of America are overweight. Eleven percent of our children are reaching obesity stages at this point in their life. You wouldn't stop a mother from going out to have an extra job to make money so she wouldn't be home to give her children a proper meal so they wouldn't go to get fast foods to eat. So I oppose the fact that you're banning ephedra. It has been proven safe and effective. And I thank you for the opportunity to state my peace. Thank you.

P.O. TONNA:

Hold it, sir. Thank you. Legislator Alden wants to ask you a question, sir. Thank you.

LEG. COOPER:

Paul.

MR. TAMBURRINO:

Be my pleasure.

LEG. ALDEN:

Good morning, Doctor.

P.O. TONNA:

And you want to ask a question. Jon, I just --

LEG. COOPER:

I know.

P.O. TONNA:

We have about 30 people speaking on this subject.

LEG. ALDEN:

I'm right over here.

MR. TAMBURRINO:

Yes.

LEG. ALDEN:

Thanks for coming down. Now, when you say it's safe, what types of levels are you talking about? Because I've gotten some e-mails that say there's a possibility of banning over, like, 100 milliliters or something like that might save some lives.

MR. TAMBURRINO:

To the best of my knowledge 90 milligrams is considered safe and effective on a daily basis, daily dosage.

LEG. ALDEN:

Okay.

MR. TAMBURRINO:

To the best of my knowledge.

LEG. ALDEN:

What are the circumstances just a quick synopsis that somebody might actually die from it or have some kind of reaction to it?

MR. TAMBURRINO:

That has never happened in anybody that I know of, die from it. Personally, if you overdose on anything, if your physician told you to take an aspirin at night before you went to bed because it was good for your heart and you took a whole bottle of aspirin at night, then you have a chance of overdosing causing a bleeding ulcer or hurting yourself. Any product that is abused has an opportunity to hurt somebody. I mean, we are adults, you're consenting adults, you're supposed to be able to use products in this country that are safe and effective. But no one can control someone's desire to overuse a product or to hurt themselves. It's not in anyone's

control.

LEG. ALDEN:
Over the counter drugs, are they primarily -- are they under that 100 milliliter dosage or --

MR. TAMBURRINO:
I am not aware of any over the counter drugs or their percentages, only the particular product that I use.

LEG. ALDEN:
Okay. Thank you.

P.O. TONNA:
Sir. Sir. Sir, just -- sir, just one -- we have Legislator Jonathan Cooper wants to ask a question.

LEG. COOPER:
Actually, I think I'll just take this opportunity to let the doctor know and anyone else who came to speak --

P.O. TONNA:
No. No. It's not to know. You have to ask a question.

LEG. COOPER:
Are you aware that I have tabled this resolution? I've made some corrections that we're too late for the deadline for a corrected copy, so the bill has been tabled. It will be taken up at the next meeting of the Legislature on November 9th.

P.O. TONNA:
Good. So we could get to have everyone speak again.

LEG. COOPER:
Well, perhaps some will decide not speak today.

P.O. TONNA:
Are you aware of that have, sir?

MR. TAMBURRINO:
No.

P.O. TONNA:
Okay. Thank you very much. I have a very quick question. I hear that the FDA, I think it was reported yesterday, that the FDA is looking at the whole idea of pulling, you know, that doing it on a federal basis, ephedrine, I guess, if that's pronounced correctly. No, that's not true?

LEG. COOPER:
No. Can I respond?

P.O. TONNA:
No. I just want to ask, have you heard anything about it?

MR. TAMBURRINO:
No, I never heard that.

P.O. TONNA:
Okay. We'll talk later. Okay. Thank you very much. Scott Rudolph. Scott, do you want to come on up here? There are requests pending with it. Good. Hi, how are you, Scott?

MR. RUDOLPH:
Good. How are you this morning?

P.O. TONNA:
You know, I'm a little hyper, but any way.

MR. RUDOLPH:
My name is Scott Rudolph, Chairman and CEO of a company called MBTY on Long Island, a company that supports much of the communities on Long Island. And I just wanted to say here, I'm here to voice my opposition to the ban of ephedra. The company of MBTY has always stood behind all the products that we sell, and we do sell some ephedra products. And the effect of -- there's two parts of this. One is a safety issue, and the other parts are the effect of how it affects the company and Long Island. It will -- if we go to the health side, we do have

nutritionist. We study all the products. We're very careful of all the products that we sell. We test them for safety before they're put onto the market, and because of that, we've taken issues such as making sure that we only sell the product to consumers over 18 years old, and we've done many procedures in place to be careful. And there are always safety issues with any kind of items, especially if someone takes larger quantities than they're supposed to take, and that could go for aspirin or any kind of a product at all.

The other part of it is that by banning a product like this, it would affect many people on Long Island for a product which is safe. We do employ over 1,600 people here just in Suffolk County. And we feel that banning this thing here would affect things not only here for the 1,600 people on Long Island, but also since we distribute our products nationwide, that it would affect quite a bit of people. So that's all I have to say.

LEG. LINDSAY:
Mr. Chairman, if I could be recognized.

P.O. TONNA:
Yeah.

LEG. LINDSAY:
Mr. Rudolph, just really a practical note. If this legislation was to be passed, how would your company handle that? Would you just manufacture two different products, one with ephedra that can be sold in other places outside of Suffolk County and -- or you just wouldn't distribute any ephedra products in Suffolk County?

MR. RUDOLPH:
Well, it depends how the bill is written. If the bill is written presently the way it is, we can't even sell ephedra or distribute it from Long Island at all, or Suffolk County. We have our telephone sales and distribution center, so we would have to discontinue the product, and most likely would have to layoff probably, you know, four to 500 people. Now, if it's written where we could still sell ephedra products --

LEG. LINDSAY:
So because your company is based in Suffolk County, the current legislation would ban your

manufacturing anything for sale anywhere's
else?

MR. RUDOLPH:
Well, we have telephone sales, we have internet sales, we have stores, some on Long Island, but we also distribute the products from here on Long Island. I was told by Counsel by the way the presented law -- the proposed law would be written, that we would have to discontinue and stop distributing these products.

LEG. LINDSAY:
Well, I understand that -- I believe that that's what the rewrite is about.

P.O. TONNA:
Okay.

MR. RUDOLPH:
You do have a safety issue. And, you know, we also put proper warnings on labels and all kinds of things there. And that's really the issue that's at hand, is not really selling the product, but by putting proper warnings on labels and companies be responsible, which we've always been doing.

P.O. TONNA:
Okay. Legislator Cooper then Legislator Fisher.

LEG. COOPER:
Excuse me, sir.

P.O. TONNA:
Speeding right along.

LEG. COOPER:
I really wanted to save this for another day, but first of all, the legislation has been amended, that's why it was tabled. I wanted to make it absolutely clear that you could continue to manufacture the product and ship it to distributors outside of Suffolk.

P.O. TONNA:

Are you aware?

LEG. COOPER:

Are you aware that that is the reason that I tabled the bill? So are you aware that the bill will prohibit the sale to people within Suffolk County and will prohibit sales from stores within Suffolk County, but will permit sales outside of Suffolk County? So the impact on your business should be negligible?

P.O. TONNA:

Okay. I'm sure he gives either a yes or no, then we go onto to the next question or the next speaker.

MR. RUDOLPH:

Now I'm aware of it.

P.O. TONNA:

Thank you.

LEG. CARACCIOLO:

Mr. Chairman.

LEG. COOPER:

No, excuse me.

P.O. TONNA:

No, there's -- wait. Legislator Fisher, then I'll recognize you Legislator Caracciolo.

LEG. COOPER:

You had mentioned that the product was safe. Are you aware that groups ranging from the American Medical Association to Consumers Union to many other groups, Public Citizen Health Interest Group and others have called for a total ban on ephedra products? Are you aware that it's been linked at least by the FDA to, I believe, it's now 81 deaths, many experts believe it's many times that. Because of the 1994 DSHEA legislation, the drug -- the Dietary Supplement Health Education Act basically ties the hands of the FDA, makes it much more difficult for them

to regulate sales of this product, unlike pharmaceuticals, where a drug manufacturer has to prove that the product is safe before it's allowed on the market? Because of DSHEA, they exempted dietary supplements. So it's really now up to the government to prove the product is unsafe, and it can be sold up until that point. And also another adverse side effect of DSHEA is that unlike a drug where a manufacturer has to report incidents of adverse side effects and deaths, dietary supplement manufacturers do not have to report these instances to the FDA. And are you aware just a few weeks ago there was a Wall Street Journal article, "Metabolife International," which is the largest manufacturer in the country of herbal dietary supplements who had told the FDA that they knew of no complaints about their products? Are you aware there's now a US Justice Department investigation of Metabolife, and it turns out they have over thirteen thousand complaints in their files?

P.O. TONNA:

Jon, we're going to have an opportunity. We have --

LEG. COOPER:

I'm almost done.

MR. RUDOLPH:

I can't answer yes or no.

LEG. COOPER:

Heart attack, stroke, seizure, psychosis and death, thirteen thousand incidents?

P.O. TONNA:

Okay. Okay. So now he has to respond.

LEG. COOPER:

Yes or no, sir?

P.O. TONNA:

Okay. There you go.

MR. RUDOLPH:

I'm saying no because they're no --

P.O. TONNA:
I would ask that Legislators understand we really ask questions, and we have time to debate the bills

LEG. COOPER:
It was a question.

P.O. TONNA:
I know it was a question. But we have 80 cards, okay, and there are a lot of people in this auditorium who would like to speak, and it's their turn to speak. Legislator Fisher, if you have a question.

LEG. FISHER:
Yes. Mine is a question, which is do you restrict the sale of the product, of products that contain ephedra? In other words, are their age restrictions? Do you sell them to people under 18? Or do you have restrict that?

MR. RUDOLPH:
I have an answer to that. We have many channels of distribution. In all our stores nationwide not, just in Suffolk County, we have -- under 18, we will not sell it to them. So the cash registers in our stores, any products that have ephedra, it will come up and ask for ID, then people have to register the ID into the computer and prove that the person is 18. It's not just even looking at it. Someone could buy a pack of cigarettes, run into a store, sometimes maybe people will look or not look. Here they have to actually -- the cash registers actually stop, ask for ID So we're very careful about those kinds of things.

LEG. FISHER:
Thank you, Mr. Rudolph.

P.O. TONNA:
Legislator Caracciolo, do you have a question?

LEG. CARACCIOLO:
Yes. With regard to the FDA question that was raised by Legislator Cooper, what can you share

with us as far as your experience as a manufacturer and the Federal Drug Administration looking into and reviewing the use of this product and product material?

MR. RUDOLPH:
I don't have all the information with me. And the person who really handles that is out of town today. But from what I know is that we do all the safety -- we've done not only for our company but also for the whole entire supplement industry there's been plenty of safety reports. I know there was a {CAN TOX} report that showed safety for these products. And there's very, very few issues. Now, I know there's issues if someone ate shellfish, there's always going to be some issues, but they're very few, and especially if the products are manufactured correctly. The problems that I think that we see in the industry are when people abuse alcohol and other substance abuse, and they start taking large quantities. And that's really what we've seen from things in the industry.

LEG. CARACCIOLO:
With respect to food supplements, it's been a longtime criticism of the industry that there is very little governmental oversight and quality control among the manufacturer of these types of supplements. You're local, do you manufacturer and distribute from Suffolk County?

MR. RUDOLPH:
We're one -- yes, we do. And we're one of the largest manufacturers in the world of supplements. And we're very carefully. I know most of the industry is careful. I know for our -- I can speak for our company, we, you know, test and we do all kinds of testing for quality, purity, safety and disintegration, dissolution and potency and every kind of test that's possible. And we're just very careful. That's the nature of the whole company.

LEG. CARACCIOLO:
Well, I think that's encouraging to hear. However, you're one of how many manufacturers that make this product?

MR. RUDOLPH:
Could be, you know, 100, let's say manufacturers of the product.

LEG. CARACCIOLO:
Okay. Are any of those overseas corporations and companies?

MR. RUDOLPH:
I'm just saying in the United States.

LEG. CARACCIOLO:
But this is a product that can be imported from other countries?

MR. RUDOLPH:
It probably is.

LEG. CARACCIOLO:
Okay. And they're --

MR. RUDOLPH:
I'm not fully aware.

LEG. CARACCIOLO:
-- therein perhaps might be the issue or the concern of we cannot regulate individual manufacturers at least not this governing body. That is under the jurisdiction of the FDA.

MR. RUDOLPH:
Any product that comes into the United States has to be require for potency --

LEG. CARACCIOLO:
But how frequent are those tests conducted?

MR. RUDOLPH:
I'm sure quite often, otherwise it would be picked up by the FDA after a while that it's potent. There are also testing agencies within the industry also. There's companies called {Schuster} Laboratories, which come out just for whole entire industry and they just test things and publish things, if things are not potent and things like that. So the industry also has some was of self regulating also.

LEG. CARACCIOLO:

In terms of your market share of the industry, using this product, what would that consist of in your business?

MR. RUDOLPH:
Presently, I don't have that information, but it could be 5%.

LEG. CARACCIOLO:
Five percent of your total business.

MR. RUDOLPH:
Not 5% of our total business. I don't have the figures in front of us.

LEG. CARACCIOLO:
I'm trying to get a sense of whether or not the banning of this product in Suffolk County would have any material effect on your business.

MR. RUDOLPH:
From our retail division of our stores, it would probably be somewhere around 12, 13% of our sales.

LEG. CARACCIOLO:
That would be nationally, internationally?

MR. RUDOLPH:
Nationally.

LEG. CARACCIOLO:
What percentage would be representative of Suffolk County sales and distribution?

MR. RUDOLPH:
I would say probably around 12, 13% also.

LEG. CARACCIOLO:
Twelve, 13% of the total 12, 13%?

MR. RUDOLPH:

No.

LEG. CARACCIOLO:

Okay.

MR. RUDOLPH:

Of the sales on Long Island. That I wouldn't know. I'd have to go back and look at it.

LEG. CARACCIOLO:

I'm trying to get a sense in your business, what effect this ban would have your business. Could you quantify that?

MR. RUDOLPH:

Right. But it's setting a precedent where I look at it and say, okay, if your going to pass this here just to say it's going to be done here, what's to stop Nassau County?

LEG. CARACCIOLO:

We know Westchester County has implemented the ban, correct?

MR. RUDOLPH:

Not that I know of. Not that I'm aware of.

LEG. CARACCIOLO:

They have not, Jonathan?

LEG. COOPER:

Westchester County has a ban on --

P.O. TONNA:

Wait. Wait. Wait. We can ask this later when we debate this bill. We don't even have a bill in front of us.

LEG. CARACCIOLO:

Fine.

P.O. TONNA:
Thank you, sir.

LEG. COOPER:
I'm sorry, just one question of the speaker. You mentioned the {Can Tox} report, which has been widely quoted by supporters of ephedra. Are you aware who funded the {Can Tox} report?

MR. RUDOLPH:
No, I'm not fully aware of it.

LEG. COOPER:
Would be surprised to learn that it was the ephedra industry?

P.O. TONNA:
Control your caucus. Okay. Guys, this is -- no. When you have a bill in front you -- you know, this is ridiculous. This is -- I got so many people --

LEG. COOPER:
But the speaker makes a statement that could be misleading. I feel that I have to correct --

P.O. TONNA:
Well, you're going to have an opportunity to correct that. He's speaking, not you. He's speaking. You can correct it when you debate the bill.

APPLAUSE

P.O. TONNA:
Thank you. Sorry about it, Jon. And with all due respect, I love you, you know that. But I've just -- we've got a lot of people with other issues. Thank you very much, sir.

MR. RUDOLPH:
You're welcome.

P.O. TONNA:

John Wehrenberger. John Wehrenberg, sorry. I'm sorry. Previous Presiding Officer, there's never an ex. John, I just want to say, any time you want to come over here and throw the gavel around or something like that, I'm with you.

MR. WEHRENBERG:

I've done that before.

P.O. TONNA:

It's a pleasure seeing you, sir. Thank you very much for coming.

MR. WEHRENBERG:

It's a pleasure to be here. And the reason I am here is because I have heard via the grapevine that County Executive's Budget Office has deleted the Community Service Program from the pending budget. And I'd like to bring some of you newer people up to speed on that. I'll be as brief as possible. In '81 with a vote of 18-0, the Legislature started the Community Service Program. Presiding Officer, myself at the time, and Sheriff at the time Jack Finnerty were sponsors, and received its mandate from the New York State Penal Law 65-10. The County through the criminal justice coordinating council developed the objectives, policy and designed and advisory board made up of the heads of the criminal justice departments. This was and is considered a model for this type of program throughout New York State. As I said, I'll try to be brief.

In '81, the adult program, we had 156 visitors, shall we say. This year, we have 702. In the juveniles, we had 61, and so far this year through June, we had 237. Now, the cost effectiveness. That's why I said someone with their pencil and easier going in the Budget Office are wanting. To date, 11,277 adults and 4,562 juveniles have been referred to this community service alternative. Now, the alternative is incarceration. Now, I saw in the newspaper the other day where County Executive decided to push back two years improvements to the size of the jail or building a new jail, whichever it was, until 2005. If your going to eliminate this type of a program, what are you going to do, each take 20 home? It doesn't work that way.

APPLAUSE

They have done -- this group has done numerous projects around the County. In fact, in the

area I live in Holbrook, they just completed three projects, I guess, in the last three or four months. They are a very effective group, and I think when you're deliberating the budget that you put the fact that saving a nickel is not going to help when you're going to spend thousands to save that nickel. Thank you very much.

APPLAUSE

P.O. TONNA:
Thank you, sir. Judy -- oh, the proclamation. Andrew and Lynne Nowick for the purposes of a proclamation.

LEG. NOWICK:
Before I present this proclamation this morning -- is this on?

LEG. CRECCA:
Yes.

LEG. NOWICK:
Let me just paint a little scenario. Two young parents, in this case Donna and Michael {Cappra}, holding their infant daughter, their infant daughter Julianna {Cappra} is gasping and choking for breath. This must be a parents -- this must be the nightmare that all young parents, any parent faces. They quickly take their baby, they go into their car, in an effort to rush to the hospital. This baby is in their arms, they're scared to death. As they pull out to the street, they see a Suffolk County Police car. They stop the police car in hopes that they can help their child. Officer Frank Rooney is in this car, and he immediately gets out, he takes this baby, he performs the Heimlich Maneuver, and he saves this child's life. I can't think of a better reason to present a proclamation. You have given life back to this child and to their parents. Thank you.

APPLAUSE

LEG. CRECCA:
I just wanted to add too, this proclamation goes to Officer Rooney for his act of bravery and for reacting so well in a situation where this baby's life was literally almost gone. But it's a tribute

also to all our police officers and the money that we spend training them in emergency -- as an EMT. And so to -- it's just -- it goes to show that those dollars are spent well since almost always our police officers are our first responders to emergencies, whether they're health situations or public safety situations. So to Officer Rooney and the entire Fourth Precinct and to all our police officers, we say thank you for your EMT expertise and for putting that to use in the field. Thank you.

APPLAUSE

LEG. NOWICK:
Officer Rooney, would you like to say something?

OFFICER ROONEY:
I'm very honored. I'd like to thank you for the proclamation. I'd also like to agree that it's definitely the training. I didn't have to think about what to do. The training that you give us, and no matter who had stop, any officer would have done the same thing. So thank you.

APPLAUSE

D.P.O. POSTAL:
The next speaker is Judy Pannullo from Suffolk Community Council.

MS. PANNULLO:
Good morning. It's a pleasure to be here this morning, and it's a pleasure to be amongst Suffolk County's Finest and to have them recognized. My name is Judy Pannullo, and I am the Executive Director of the Suffolk Community Council, an umbrella agency that represents the majority of the health and human service agencies in Suffolk County. And I am here to saying say yes to essential services that help those most in need. It is our responsibility as a County to help those people, who need our services the most. It is our responsibility as a caring County to restore and adequate fund these essential services, because the proposed 10% cut to social service agencies is not a typical cut. A 10% cut is a loss and a huge hit to agencies that have already been cut to the bone. These cuts are shortsighted and mean spirited. They cost too much to save too little.

Our agencies cannot share in the pain, as they've been in pain for over a decade. And yet these

agencies remarkably are expected to produce these same delivery and care for the same number of people with so much less money. Eventually, something has to give. And we will very shortly begin to see more homeless, more hungry, more sick, more substance abuse, more violence and so many more social ills, because agencies can no longer afford to do the same for so much with so little. And so we do not stand for a few, rather we stand for the whole. And so we say yes to Social Services, yes to adequate funding because caring is the character of our County. Our agencies that care for our most needy must be able to count on Suffolk County as a full and responsible partner. Thank you.

LEG. CARACAPPA:
I have a question.

D.P.O. POSTAL:
There's a yes. Legislator Caracappa.

LEG. CARACAPPA:
First, let me say your speech sounds as if it's our speech to the New York State Legislature.

MS. PANNULLO:
Thank you.

LEG. CARACAPPA:
Because it's exactly the position we're in. We can't take it anymore. My question to you, have you and the other contract agencies that you are aligning yourself with during this budget process, have you reached out to your state representatives to ask them for the sorely needed relief to local counties throughout the state with relation to the unfunded mandates of Medicaid and pension costs that are creating the situation here locally? Have you done that, or will you would that?

MS. PANNULLO:
We will, yes.

LEG. CARACAPPA:
As soon as we get relief from those unfunded mandates, we can get back on track with our budgeting and help those people you are doing such a good job helping yourself.

MS. PANNULLO:
Thank you. And that is on our agenda. We first have to tackle the County Legislature and work our way up. Thank you for that, and I'm looking for your support. Thank you.

D.P.O. POSTAL:
Florence Findley.

MS. FINDLEY:
Good morning. My name is Florence Findley, and I work for the Town of Babylon and I run the Town's Beautification Program. I am here on behalf of Babylon Town Supervisor Steve Bellone --

D.P.O. POSTAL:
Florence, can you just speak into the microphone, we can't hear you?

MS. FINDLEY:
-- to press for support of the American Red Cross Community Service Program. I am urging all of you to please restore the two line items for the Community Service Program. In the Town of Babylon, the American Red Cross has greatly helped the Beautification Program, as well as our troubled youth. The town's Beautification Program has been enhanced with the American Red Cross, professional quality landscaping and beautiful beautification efforts. The most dramatic examples are at our Wyandanch Youth Center, the Wyandanch Senior Center, the Wyandanch Library and the North Amityville Youth Center. These outstanding projects not only enhance these centers and facilities for all our residents to enjoy, but were performed by the adult offenders and the youth at risk.

Now, I want to speak to you about the youth at risk. The juveniles assigned to the Town of Babylon through the American Red Cross Community Service Program perform their hours every Saturday. And for over eight years, these projects have grown and expanded. In Babylon, we have formed a friendship with the Home Depot, who also support kids at risk. Together the American Red Cross, the juveniles, the Town of Babylon and the Home Depot have constructed and built wood fences, brick patios, wood benches, planters and have painted play equipment at various town facilities. These projects are outstanding as they are beautiful. The juveniles who are assigned to these projects usually are Town of Babylon residents. They have helped with the quality of life in the Town of Babylon and see and enjoy the fruits of their labor. Some of these

juveniles who have completed their hours have asked to come back and have asked to work on other projects. So, again, please restore these two line items for the American Red Cross Community Service Program.

And in summary, the American Red Cross Community Service Program has benefited the Town of Babylon community overall and our youth in particular through its Community Service Program. Young people get the satisfaction of a job well done, and the community benefits from beautiful landscaping and quality outdoor projects that they take such pride in completing. Thank you.

D.P.O. POSTAL:
Thank you, Florence. Florence, question from Legislator Bishop.

LEG. BISHOP:
Can you provide a list for Legislator Postal, Binder, Tonna, the Legislators who cover Babylon of the projects that the town has undertaking with the Community Service Program?

MS. FINDLEY:
Yes. Yes, I will.

LEG. BISHOP:
Do you know if this program goes into other towns as well? Do you work in other townships?

MS. FINDLEY:
I work with the American Red Cross in the Town of Babylon, but I
know --

LEG. BISHOP:
I know that. I mean, do you -- have you heard from a colleague in Brookhaven or Islip somebody who has a similar position to yours?

MS. FINDLEY:
Yes. I also see them as I travel the County.

LEG. BISHOP:

I assume they are also opposed to the cuts.

MS. FINDLEY:

Yes, very much so.

LEG. BISHOP:

You should urge them to contact their Legislators as you have done. Thank you.

D.P.O. POSTAL:

Next speaker is Janet Von Berg.

MS. VON BERG:

Hi. I'm Janet Von Berg. I'm the Director of Emergency Services for the Suffolk County Chapter of the American Red Cross. I work directly with the community service program personnel during many months of the year, basically. We have used their personnel prior to disaster, during disaster, in the response phase and then after a disaster is over with. The most recent occasion for using their personnel happened to be the World Trade Center. We had over 160 families in Suffolk County who lost loved ones during WTC. We provided services, both within New York City, as well as in Suffolk County, Nassau County, Westchester, etcetera. We used their personnel, some of their professional personnel, who are social workers and who have been trained in disaster mental health services. They were dealing directly with families who lost a loved one doing counseling. We also use their personnel to help with logistics, the storage of equipment, sending equipment and other resources into the city.

Indirectly, regular Suffolk County residents also were assisted, for example, we had literally truckloads of food that could not be sent into the City, but was sent to Long Island Cares for people who are suffering from a lack of food. We also helped the dog pounds in Suffolk County because we had approximately a ton of dog food that was supposed to be used for the search and rescue dogs. However, it was not allowed to go into the City. One of the reasons being that these dogs are on special diets, and you can't suddenly change their diets, because it will cause them to become ill. So it helped in terms of animals and saving their lives in Suffolk County.

They have been obviously consistently assisting in terms of disasters range from Avianca, Hurricane Bob, TWA Flight 800, the World Trade Center. They've helped out in terms of sheltering people. They have helped out in terms of mass care to people who have been

effected by disaster. They have done case work for family members. They have done, as I said, the logistical assistance and a wide variety of other things. So I'd really appreciate it if you didn't cut them out. Thank you.

D.P.O. POSTAL:
Thank you. You could -- there's a question from Legislator Foley.

LEG. FOLEY:
Thank you very much, thank you for your comments. Many of us realize how effective the Red Cross Program has been. Now, we're supposed to ask questions, we're not supposed to make statements from this, so I am going to have to ask this a rhetorical question, are you aware of the fact that you have every right to appear before us to amend the proposed budget, but are you aware under the County Charter, the County Executive himself can also amend his own proposed budget? So just as you're here today, and it's important that everyone is here today, I would say at least as one Legislator that you also have the ability to appeal directly to the -- to the person who proposed this budget, the County Executive, and request of him to amend the proposal. When you think of the fact that over $70 million of additional revenues are being -- at least 70 million of additional revenues are being proposed in this budget, you do that on the one hand, you have these reductions, particularly in the area of health care and out health centers, let alone other human health services, I think you have every right to come here, of course, but also you can go right to the source and ask him to amend his own budget. They do that in Albany, you can do it here in Suffolk County as well. That's one avenue that advocates in the past have not availed themselves to. But I think you really should given the gravity of the proposed cuts this year.

MS. VON BERG:
Thank you.

LEG. FOLEY:
Are you aware of that?

MS. VON BERG:
I was not aware of that.

D.P.O. POSTAL:

Thank you. Our next speaker is Judith McEvoy.

MS. MC EVOY:
Good morning, Deputy Presiding Officer Postal. I'm here on Introductory Resolution 2037. The County Executive has proposed my nomination as Commissioner of Economic Development for Suffolk County. I presume that you have copies of my resume. If not, I have copies here. And in addition, I would like to hand out the brochure of what I'm presently doing now. I am here that if you -- anyone has questions on my background or my ability to perform the Commissioner's job, basically you have background information on it. Does anyone have any questions?

I would like to say that under my leadership now as Director of The Small Business Development Center at SUNY Stony Brook, that probably each and every one of you have had constituents who have been helped by my office. My background is constituent service, the Small Business Development Center at Stony Brook went from three people to 16 people, to five offices under my leadership. And I am open to questions.

D.P.O. POSTAL:
Are there any questions?

LEG. FOLEY:
Will she be here later when the resolution comes up?

P.O. TONNA:
I don't know. Judy, will you be here when your resolution -- when the appointment is being considered?

MS. MC EVOY:
That's up to you. I was asked to come and be here this morning if anyone has any questions.

D.P.O. POSTAL:
This is going to be a lengthy day as you can see. I just anticipated that there may be some questions that come to people's minds later in the day, and I would hate to think an unanswered question could make anyone uneasy about making a decision.

LEG. FISHER:

Could she get a call?

D.P.O. POSTAL:

That's the issue. It's going to be a very long -- first of all, this resolution would have to be discharged from committee. It's not on the agenda.

MS. MC EVOY:

That's why I'm here, because it was not discharged from the committee.

LEG. COOPER:

That was only because we did not have a quorum at the committee meeting.

D.P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

I'd like -- over here. I'd probably would like to ask a couple of questions, but this is the public portion.

MS. MC EVOY:

Okay. I was requested to speak at this portion.

LEG. FIELDS:

If you could stay, you know, I think many of us might have questions, but I think we all would rather hear from the public at this point

MS. MC EVOY:

That's fine. Thank you.

D.P.O. POSTAL:

Judy, maybe what we could do is if there's a phone number that we could get from you, we'd like you to give that to a staff person, then we can call you when we get to the agenda so that --

MS. MC EVOY:

So that would not be a business number, that would more be more like a home number.

D.P.O. POSTAL:

Cell phone or any place we can get you during the day today.

MS. MC EVOY:

Okay. Okay.

D.P.O. POSTAL:

I think that would probably would be the best idea.

LEG. FISHER:

I agree with that Madam Chair. It's going to be a very long day, that way she doesn't have to sit here all day and wait for us.

MS. MC EVOY:

Okay. So let me give you my cell phone number.

D.P.O. POSTAL:

I'll ask that you give that number to the Clerk, and we'll call you in enough time for you to get here in advance of when we would be considering the resolution.

MS. MC EVOY:

Thank you.

D.P.O. POSTAL:

Next speaker is Steve Gittleman.

MR. GITTLEMAN:

Could Lance Mallamo please precede me, he should be next.

D.P.O. POSTAL:

Sure. He's the very next card. Lance Mallamo.

MR. MALLAMO:

Good morning, ladies and gentlemen of the Suffolk County Legislature. My name is J. Lance Mallamo, and I'm the Executive Director of the Suffolk County Vanderbilt Museum. I appear before you to enlist your support for an emergency resolution we hope will be submitted for your consideration today that would authorize the distribution of previously earned gains in the Vanderbilt Museum endowment to allow the museum to maintain programs and service to the people of Suffolk County for the remainder of 2002.

One year ago when the museum's operating budget for the current year was considered, we were concerned that due to the deteriorating condition of the stock market there may not be sufficient realized gains posted within this calendar year to provide full $1.2 million guarantee needed by the museum to meet its budget revenues. At that time we had requested that if necessary, the museum be authorized to access gains earned during previous years, a practice fully supported by the New York State Prudent Investment Laws to maintain the steady and reliable source of endowment revenue. Earlier this year, the Legislature passed Resolution Number 196 authorizing the $1.2 million guarantee through December 31st of this year, but with the provision that income was restricted to interest and realized gains earned in 2002 only.

During the past several months, the gyrations of the stock market have called into question whether or not sufficient gains would be realized during this calendar year. Still as recently as a month ago, the museum's investment counsel had indicated that issue of the $1.2 million guarantee would be very close, but appeared to be on target. For its part during this year, the museum has taken steps to increase other sources of revenue; fund raising efforts have been aggressively pursued, and we now have over 20 grant applications in the pipeline ranging from $1500 for $550,000. We've accelerated by several years the opening in July of a new dinosaur exhibit as a separate admission, which will be enhanced and enlarged when it moves into the seaplane hangar in the years ahead. We've expanded education of programs and added an extensive new evening adult education program which begins next week.

These steps have enable the museum to increase attendance of visitor service, and we know expect to end the year with significantly higher admission revenues than we had projected to you a year ago. Higher revenues coupled with other cost savings provisions such as deferring anticipated staff raises for this year demonstrate our commitment to resolving the cash flow crisis. However, if I could see the future and predict where the stock market is going to be on December 31st, believe me I wouldn't be a museum director. Who would have predicted that the market would drop to the level that it has or that the current prolonged period of decline and

recovery would be the longest in decades? Our investment counsel now is projecting a shortfall in 2002 realized gains that will leave the museum in a precarious position for the final two months of this year, an amount that could possibly equal our monthly payroll expenses.

If today's emergency resolution is not approved, the alternative is Draconian cuts leaving the museum incapable to sustain normal operations during this period or subsidy of county tax dollars for the first time in our history. Neither course is acceptable to the museum. It is important to note that the Vanderbilt endowment as well as the museum property itself were a gift to the people of Suffolk County over a half century ago. The maintenance fund as Mr. Vanderbilt called it was to be used specifically for the maintenance preservation and operation of the museum. During the past eight years through innovative management, the fund has groan significantly beyond the historic dollar value of the Vanderbilt request. In spite of the current market, remains $5 million above the original principle.

D.P.O. POSTAL:
Lance, I'm sorry, your time is up. Please just sum up with a phrase or two.

MR. MALLAMO:
I would appreciate any consideration you would give in this matter to get us through this year, and I look forward to discussing the 2003 budget issues in the weeks ahead.

LEG. CARACCIOLO:
Question.

D.P.O. POSTAL:
Question -- was that Legislator Caracciolo?

LEG. CARACCIOLO:
Yes. Lance, could you just summarize for the Legislature's benefit what the investment returns have been, what the experience has been at the Vanderbilt versus other museum related -- museums actually in the metropolitan area?

MR. MALLAMO:
Well, I can tell you I'm in a consortium of museums in our region, and we have fared significantly better than most others. We've seen other museums and educational institutions

since September 11th, 2001, seen their endowment principle decline by as much as 50%.

LEG. CARACCIOLO:
Principle.

MR. MALLAMO:
Principle. We're still about $5 million above the original Vanderbilt request. We've also happily seen our attendance increase, whereas other museums have seen a drop off of anywhere from ten to 25% of attendance.

LEG. CARACCIOLO:
The resolution you spoke to would provide what type of relief?

MR. MALLAMO:
It would guarantee that we would have access to gains earned before 2002, which are currently available -- in fact, the investment counsel has over one million dollars currently available in cash, not invested, that we can access, but it would authorize this access from prior years not just this year.

LEG. CARACCIOLO:
And the alternative to that measure would be -- what would be the alternatives?

MR. MALLAMO:
Well, right now we -- most of our costs are fixed. The frill costs as you call it or actually the revenue generating costs that would have to be eliminated first. Our commitment is to maintain and secure the property collections, so we would retain our security staff, our curatorial staff, etcetera, but other programs such as our education programs and tours would probably be temporarily eliminated.

LEG. CARACCIOLO:
Or the other alternative would be to request additional funding from the County, which given circumstances would not be prudent.

MR. MALLAMO:

Yes. That has been -- that is another option not one that we would want to pursue. We really prefer not to see tax dollars used to subsidize the museum. It's never happened, and we don't think it has to happen now.

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Thank you, Lance. Next speaker Steven Gittleman.

MR. GITTLEMAN:
Good morning. I'm Steven Gittleman, President of the Board of Trustees, Suffolk County Vanderbilt Museum. I am here to make a plea that this Legislature not put itself in a position where we come to you asking for tax dollars. It is the perennial responsibility of the President of the Board of Trustees to come to this Legislature to ensure that the museum's funding stream from the endowment continues in a -- in a fashion that keeps the institution moving along. It is a difficult and trying time each year. In the autumn of last year, Budget Review provided the museum and this Legislature with consistent and detailed warnings that under the existing legislation, one in which the museum could only avail itself of capital gains realized within the calendar year, investment counsel might have difficulty providing funds needed by the museum, especially in a falling market.

In crafting legislation last autumn that would apply to this year, the museum took great care in working with legislative sponsors to remove the clause that limited the museum's income to realize capital gains within the year. In a recent meeting with Legislative Counsel, it was made clear that our intent was not conveyed to this body and was instead looked upon as a deletion. In a memo to Legislator Cooper, Mr. Sabatino cited certain technical changes that have been made in the draft to bring it in line with the legislation of prior years. Mr. Sabatino made those changes in what we believe was a good faith effort to achieve consistency. Unfortunately, it was not our intent to be consistent. Deletion of the restriction limiting the museum to realized capital gains within the year was a required change given the possibility of a failing market. In fact, it is a change that appears logical in the future given the health of the institution should not -- given that the health of the institution should not be tied to the whim of volatile markets.

When the Legislature originally adopted the concept of a balanced portfolio, it reduced the

interest income that the museum was annually slated to receive and substituted a fixed annual installment. This was done to take advantage of the benefits that a balanced portfolio normally provides. Accordingly, it enures to the Legislature to work with the museum to provide fixed income to the endowment that it can reliably build its programs upon. One year ago in the Finance Committee meeting on the operating budget, we identified that the possibility of shortfall was possible for the Year 2002. At that time we strongly recommended that legislation be passed that eliminated the clause that haunts us today. Restricting the museum to gains realized during the year is the problem in question. Recently in the Parks Committee, we have brought expert testimony confirming that the Legislature is not restricted to the current capital gains concept.

D.P.O. POSTAL:
Steve, I'm sorry, your time is up.

MR. GITTLEMAN:
I'm almost done.

LEG. COOPER:
Steve, is there anything you'd like to add to that statement?

MR. GITTLEMAN:
Okay. There are no provisions within the New York State Prudent Investment Laws or IRS regulations that restrict the museum to realized capital gains within any calendar year. We are, however, unable to pierce the historic dollar value, an amount of $8.2 million that we are far from reaching. In a joint meeting between the museum, Legislative Counsel, Budget Review and County Law Department, it was agreed that investment counsel would be consulted via a series of written interrogatories. The response provided so far, indicates that there is a likely shortfall for this year of what may be greater than $100,000. This shortfall could cause the necessity of the museum coming to you for tax dollars. We are asking for you to eliminate the clause that limits us to realized capital gains in the future.

D.P.O. POSTAL:
Thank you.

MR. GITTLEMAN:

Questions?

D.P.O. POSTAL:

Thank you, Steve. Next speaker is Dr. Moshe Dekel.

DR. DEKEL:

Good morning. My name it is D. Moshe Dekel, and I've been an obstetrician/gynecologist in Suffolk County for last 22 years. I would like to thank you for allowing me to state my opinion regarding the ban on the ephedra products. I've been using a health product containing ephedra for the last six years with great results. I've lost 20 pounds of fat and kept it off since. I would like to point out the product I'm using contains 12 other herbs with the ephedra and also three amino acids. The amount of ma huang, this is the Chinese herb containing -- naturally containing ephedra, is about 37 and a half milligrams as a daily dose, which is about a third of the dose that was found safe by a Harvard-Columbia study and also by the FDA. Studies on products containing ephedra have been published by different researchers in a variety of studies like {Pentox} {Carch} and a Dr. Santos' study published recently in Endocrine Practice Magazine as late as December of last year just to name a few. The scientific data shows that products containing ma huang in doses that wall within the guidelines of these studies and a recommendation of the FDA are safe.

On the other hand, obesity is the number one problem in United States today, and it's a major contributor to Diabetes, heart disease, high blood pressure and stroke. A recent New England Journal of Medicine stated 60% of Americans are overweight. The prescription drugs available today are marginal at best and have potential serious side effects. I've recommended the products to my patients in addition to diet counseling and exercise with excellent results and no side effects for the last six years. I find patients do not do well with counseling alone. They need the help of save effective products that can increase their metabolic rate and help them see results and therefore, motivate them to change their life-style.

I strongly believe that banning ephedra containing products across the board regardless of the amount they contain, regardless of labeling and certificate of good manufacturing, and especially the products that are not targeting minors will take away an important tool in the fight against obesity and unnecessarily restricting citizens of this County to exercise freed of choice. I urge you to review the scientific data that was presented to you here and act upon it. Thank you very much.

D.P.O. POSTAL:

There's a question, Dr. Dekel. Legislator Fields.

LEG. FIELDS:

I asked you this in the Health Committee, and I guess for the education of the other Legislators who are not privy to those questions, do you drive any revenue from this product?

DR. DEKEL:

Yes, I do

LEG. FIELDS:

Do you sell the products to other offices?

DR. DEKEL:

Yes. Yes, I do.

LEG. FIELDS:

And you're an obstetrician-gynecologist?

DR. DEKEL:

That's correct.

LEG. FIELDS:

So in reality in that particular specialty, you're not really examining your patients the way that a general practitioner, family practitioner, internal medicine physician would?

DR. DEKEL:

I do physical examinations, I do blood pressure, I do urine, sure.

LEG. FIELDS:

Do you do blood, laboratory studies?

DR. DEKEL:

If there's any need for it.

LEG. FIELDS:
How would you know there would be a need for it unless you did it? You know, if there was a problem with a person's health?

DR. DEKEL:
Well, if all depends when the last time they had general examination was, when was the last time blood was drawn, if there's any medical indication, I do it. If there isn't, I just watch them on a regular basis.

LEG. FIELDS:
How much of your revenue is derived from selling this product?

DR. DEKEL:
I don't know the exact percentage, but a small amount.

LEG. FIELDS:
Do you think it's half.

DR. DEKEL:
Say again.

LEG. FIELDS:
Do you think it's half?

DR. DEKEL:
No.

LEG. FIELDS:
You think it's close to half?

DR. DEKEL:
I don't have the exact percentages.

LEG. FIELDS:

All right. Thank you.

D.P.O. POSTAL:

Thank you, Dr. Dekel. Our next speaker is Karen Boorshtein.

MS. BOORSHTEIN:

Hello. My name is Karen Boorshtein, and I'm the Associate Executive Director of Family Service League. It seems that every year I'm here testifying to solicit your help to restore funding to our program, which have been reduced in the County Executive's budget. And I thank you for the support you've shown us over the years. Unfortunately, this coming year proves to be no exception. Prior to the budget being presented by Mr. Gaffney, Family Service League was facing a shortfall of more than $300,000. This was the result of lost revenue from the County and the state last year. Following the release of Mr. Gaffney's budget, we're now facing an additional 10% cut on most of our county contracts. This has increased our projected deficit to more than $500,000. We cannot afford for this to happen. We cannot afford to let our clients and your constituents suffer.

However, we'll all suffer if these dollars are not restored. Mr. Gaffney said that contract agencies must also tighten our belts. We don't have anymore notches on our belt to tighten. Family Service League operates very cost effective programs. We have demonstrated outcomes on very lean contracts. We are fiscally response. We help people to become economically self sufficient and reduce their dependance on governmental assistance. We maintain program integrity, and many of our programs save taxpayers monies of thousands of dollars. One clear example of this are our programs that prevent institutionalization. We are 97% successful in averting residential or foster care placement for referred children. Our cost per child is $3,000. The cost to Suffolk County can range from 12,000 to $60,000 for foster care or residential institutionalization. Prevention does make sense.

If you funding is not restored we would have no choice but to close programs, be forced to let some valuable employees go, and client services would have to be reduced. We can and will prevent more costly problems for children and families, but we need your help. First, restore the 10% to our county contracts; second, sponsor a resolution to restore funding to our Program Home, which helps to keep families in homes and out of the streets and homeless, and 15 of our other programs of Family Service League. I implore you to find the fiscal flexibility in the budget to help protect your constituents. Help us to help restore the hope and rebuild the lives of

thousands of Suffolk County families. Thank you.

D.P.O. POSTAL:
Thank you.

LEG. CARACCIOLO:
Question.

D.P.O. POSTAL:
There are questions for you Karen. Legislator Carpenter, Legislator Fisher and Legislator Caracciolo, in that order.

LEG. CARPENTER:
Karen, I have a quick question. Has the agency filed the contract agency disclosure form with the County?

MS. BOORSHTEIN:
Yes, we have.

LEG. CARPENTER:
Thank you.

LEG. FISHER:
Karen, you partially answered the questions that I have which are it seems so obvious that if you spend $3,000, it's better than spending 12 to $60,000. And I'm sure that your aware that institutional care is one of the areas where we're looking at enormous budge increases. Can you tell us what kind of money the County would save if we were to support your Program Home as far as the amount of money we spend on homeless shelters putting people in motels?

MS. BOORSHTEIN:
I'll speak briefly on that. One of our -- and she's welcome to come up if you allow her to come up now, Legislator Postal -- Peggy Boyd is our program director that oversees that program. I can tell you
that --

D.P.O. POSTAL:

Did she fill out a card, Karen?

MS. BOORSHTEIN:

Yes, she did.

LEG. FISHER:

Okay. Karen, would you rather I hold that question until she's up?

MS. BOORSHTEIN:

Yes. I can tell you that we do each -- you know to house a family motel costs about $5000 a month, and an average family stays in a motel for 10.8 months per year, $54,000 dollars a year is spent on one family in a hotel -- in a motel. We can save with even this past year, this current year, we've already housed 99 homeless families.

LEG. FISHER:

And what was the cost of doing that?

MS. BOORSHTEIN:

It's $54,000 times 99 --

LEG. FISHER:

No. No. No. I mean, what did it cost Family Service League? What kind of expenditure is there? Do you see what I'm saying?

MS. BOORSHTEIN:

Yes. Yes.

LEG. FISHER:

I'm trying to compare costs. Should I wait for Peggy?

MS. BOORSHTEIN:

Yes. Peggy has all the statistics on Program Home.

LEG. FISHER:

Thank you very much.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. A follow-up on the Program Home issue. One of the dilemmas facing everyone in trying to deal with the placement of homeless is housing stock. How would your program be able to accomplish what has been lacking, and that is places to put family shelter -- home shelters for families, how would you --

MS. BOORSHTEIN:

Well, that's something that we're looking at down the road to look at the whole area of shelters for Family Service League, but our staff have been very creative in working with Realtors and finding housing with what's existing out there for our families.

LEG. CARACCIOLO:

It's been estimated there are over 50,000 rental and home shortages in the bi-county regions, so I just caution my colleagues to -- while this may be a very cost effective program that you run, that's one aspect of it, but if you don't have the housing stock to place families, we really can't accomplish the same goal.

MS. BOORSHTEIN:

No. There's another problem, right.

LEG. CARACCIOLO:

Legislator Carpenter made inquiry about the agency disclosure form. Could you just summarize that?

MS. BOORSHTEIN:

I don't have -- I don't have that form.

LEG. CARACCIOLO:

Would you see to it that I receive a copy?

MS. BOORSHTEIN:
Yes. Yes, I will.

LEG. CARACCIOLO:
And what is the agency's overall administrative expense?

MS. BOORSHTEIN:
Per contract?

LEG. CARACCIOLO:
No. I mean, overall. In other words, if you took your entire budget and broke it on a percentage basis --

MS. BOORSHTEIN:
It's 15%.

LEG. CARACCIOLO:
Fifteen? Okay. I'd like to make you aware, as well as every other contract agency that we'll be hearing from that the Presiding Officer has directed some his staff as well as a number of Legislators to look into the cost benefit analysis of each and every contract agency. Perhaps some of them that are very worthwhile, provide vital services and in a cost effective manner should not only be funded, perhaps we can provide funding increases as compared to those that are not very cost efficient. So this is something we are looking at very, very carefully. And I'm sure you would support that.

MS. BOORSHTEIN:
Yes, I do, because I will assure you if you look at our contracts and our review and see we operate very cost effective programs. Thank you.

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Thank you. Legislator Bishop.

LEG. BISHOP:
Yes. Thank you. Project Home was cut as part of the 10% cut or specifically cut?

MS. BOORSHTEIN:
I'll let Peggy Boyd address it. No, it wasn't in the County contract, it was state funded that funding that we lost that we're asking the Suffolk County Legislature to put in a $150,000.

LEG. BISHOP:
now, when you -- is there a time when the Social Service Commissioner or the Budget Director or somebody under their direction meets with your contract agency to go over which programs you're seeking funding for which they feel are effective which they feel are less than effective?

MS. BOORSHTEIN:
Yes, we have met with them.

LEG. BISHOP:
And you brought to their attention Project Home?

MS. BOORSHTEIN:
Uh-huh.

LEG. BISHOP:
It's remarkable to me that a program which addresses a growing homeless crisis, every day that I travel on Sunrise Highway in my district, I see homeless people pushing shopping carts up and down -- up and down the highway, multiple people, not the same person everyday. I've seen different face, and it concerns me gravely. So they're aware -- you can quantify the effectiveness. What concerns me is that a program that can demonstrate that it is effective and has -- it's not qualitatively effective, it's quantitatively effective. You can't convince the budget people in the County Executive's Office to include that in the budget?

MS. BOORSHTEIN:
We've tried. We've tried. And I think that's a good point, Legislator Bishop, that all of us who travel Suffolk County, I don't care what district you're in, you'll see homeless faces.

LEG. BISHOP:

the point I'm also making is that --

D.P.O. POSTAL:

And you're asking a question, aren't you?

LEG. BISHOP:

I'm saying as a social service professional, are you concerned that the way that the social service resources of the County are being managed?

LEG. CRECCA:

That's a loaded question.

LEG. BISHOP:

Sure it is.

MS. BOORSHTEIN:

We're concerned about the homeless situation, Legislator Bishop.

LEG. BISHOP:

All right. Thank you. I'm concerned about the management.

D.P.O. POSTAL:

Thank you. That was an answer worthy of an attorney. The next speaker is Janet Walerstein.

MS. WALERSTEIN:

Good morning. My name is Janet Walerstein, and I'm the Executive Director of the Child Care Council of Suffolk. And I'm happy to be here today to address you and thank you in person again for all your former support of the Child Care Council and some of our responsibilities. Our council is the central planning coordinating agency for all child care in Suffolk County. We have several contracts with the County that have varying funding streams. In the County Executive's budget that proposed an overall decrease of 10% to contract agencies, we have one that was zeroed out, one that is fully state funded left in tact, one reduced by 10%, and one reduced by 40%.

It is to this particular contract under the Suffolk Works Employment Program, SWEP, and its responsibilities that I wish to address my remarks today. This is probably one of the most significant jobs we do that has responsibilities far-reaching and mandate by federal TANF, Temporary Assistance to Needy Families, guidelines to help parents to locate child care so that they can go to work, fulfilling the requirements for their income subsidies. As requested by the Department of Social Services, we are on site working with parents who are the most needy of our County at the Department of Labor four days per week with the most meager of work settings. We help parents who are frightened, lacking skills, poor literacy, Spanish speaking, lacking transportation and in general, poorly equipped to make positive choices for their children. We give them not only the referrals, but also help them with the options that are available to them.

Having the child care knowledge and referral helps make more committed concerned employees as they embark on new jobs. Being on site and encouraging those who have not had work experience and are concerned with who will be caring for their children is part of welfare reform that has proven to be the most effective measure for self sufficiency. How the Department of Social Services has calculated the recommended allocation has absolutely no relationship to not only the work but what is requested by the Child Care Bureau. This recommendation was done in complete isolation of what is the reality of doing the work. The recommendation by the Department of Social Services has deducted the omnibus grant of $25,000, plus $12,000 that was added as the Department of Social Services requested added responsibilities. Reducing the $112,000 contract to 67,000 after the Executive deducted another 10%, this gives us a total of a 40% cut and brings us to an allocation that is below the 1985 budget.

LEG. FIELDS:

Janet. Janet.

LEG. FISHER:

I have a question, Madam Chair

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Janet, under that allocation, what would you be forced to do?

MS. WALERSTEIN:
We would be forced to pull back on our on site. We could not --

LEG. FISHER:
You could go ahead with your speech.

MS. WALERSTEIN:
Okay. We would be forced -- oh, yes, you're so clever. After I was discouraged and outraged, I'm leaving that one out. Okay. We would be forced to suspend our service to the Department of Labor if budget cuts are not reinstated and layoff staff that was specifically trained to work with this difficult population. During the past three years, we have served over 1,000 parents on the Department of Labor site and helped over 4,000 parents in Suffolk find appropriate available child care. This translates into close to 5,000 children of TANF recipients being served both at the Department of Labor and at the Child Care Council of Suffolk. Child Care Council of Suffolk wishes to do this most demanding work and continue to fulfill a job that has implication in meeting TANF requirements for the County. This must have been a hasty decision on the part of the Department of Social Services and the Executive as it was of the Department of Social Service's request that we're asked to start this initiative.

It is successful, important and significant in the whole scheme of keeping Long Island working. Child care does just that, particularly for the working poor. Don't abandon this urgent mission, restore $37,000 to the Child Care Council budget for the Suffolk Works Employment Program, SWEP. Thank you.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
I have another question, Janet. Does this program help to bring TANF money to the County and thus help bring federal and state money to the County?

MS. WALERSTEIN:
Yes. This is -- this is -- meeting the Department of Social Services requirements for TANF reimbursement. I don't know exactly how that works, but I have been told that that's what --

it's meeting those requirements.

LEG. FISHER:

So in cutting this, we are actually cutting revenues that might be coming to the County?

MS. WALERSTEIN:

I do believe that is what I was advised, yes.

LEG. FISHER:

Well, TANF money is --

MS. WALERSTEIN:

I just don't know how the -- how it works, you know, in conjunction with our -- it doesn't directly come back to our budget -- our contract, but it does meet the County's requirements. That's why we were asked to come on site.

LEG. FISHER:

Right, it comes to Social Services.

MS. WALERSTEIN:

Right. Right.

LEG. FISHER:

Okay. Thank you, Janet.

D.P.O. POSTAL:

Thank you. I know that we all feel very sympathetic to people who don't have the time to make their complete statement, but right now we have 86 cards filled out --

LEG. CARACAPPA:

Is that all?

D.P.O. POSTAL:

Yes. We have just completed card number eight. And it's really important that we try to be a little disciplined so that we can give the public an opportunity to speak, and at least give

everybody three minutes, rather than allowing some people to speak for ten and 12 minutes and not giving other people a chance to speak at all. Our next speaker is -- Legislator Caracciolo.

LEG. CARACCIOLO:
Well, just an inquiry. I think it would be beneficial, I know there are people here from the Budget Office, not the Budget Review Office, which works for the Legislature, but the Executive Branch Budget Office, if those individuals would be kind enough to take note of the complaints, if you will, of the speakers and the shortfalls they would be faced with. Mr. Chairman, what I would request is that the Budget Office not only take note, but be prepared at a later date when we have our budget hearing in Riverhead and in this building to address each and every one of these program cuts and what they're justification for those cuts were.

P.O. TONNA:
Great.

LEG. CARACCIOLO:
So we have point and counterpoint and we can make informed decisions thereafter.

P.O. TONNA:
Yeah.

LEG. FISHER:
I have --

P.O. TONNA:
Yeah.

LEG. FISHER:
If I could just follow up on that. In making those points, looking at what the cost in revenues to the County would be in cutting some of these contract agencies that are providing services that help us realize those revenues.

P.O. TONNA:
Right.

LEG. FISHER:

I think that's very pertinent to this issue.

P.O. TONNA:

We'll get back to the cards, but understand, you know, the reason is they just cut across the board. There was no -- you know, there was no programmatic thinking here. This was just cut. Anyway, they're going to have to make the argument I think -- each department is going to have to make the argument why they didn't go through program and program and rather just cut straight across the board. Because that's a policy decision that they made in presenting this.

LEG. CARACCIOLO:

Mr. Chairman, I know that while you were temporarily out of the room --

P.O. TONNA:

I was listening. I was listening.

LEG. CARACCIOLO:

You have directed staff to look into exactly that issue --

P.O. TONNA:

Absolutely.

LEG. CARACCIOLO:

-- so that before we take up the budget, we will have the benefit of that information. But I think it's incumbent upon the Budget Office to do the same. Maybe they are aware of information or experience that we are not.

P.O. TONNA:

Right.

LEG. CARACCIOLO:

And that information should be shared.

P.O. TONNA:

Okay. Thank you. And so noted to the administration, and we'll get back to the cards.

Legislator Caracappa.

LEG. CARACAPPA:

Yes. Mr. Chairman, if I could make at least a make a recommendation to --

P.O. TONNA:

Sure.

LEG. CARACAPPA:

-- the public. Not only do you have this opportunity to speak, but you also have a public hearing, which is this afternoon to speak on the 2003 Operating Budget. We also have one more public hearing, our following meeting, to speak on the Operating Budget problems. And you also have a full committee cycle of budget hearings to speak your opinion on the budget cuts or whatever reason you're here relating to the budget. So my recommendation to you would be if you have a large group representing one -- one agency, you may want to consolidate your speakers at this point in time so everyone gets a chance to be heard today before maybe midnight tonight. And you also have the three or four other opportunities to come and speak your peace on the budget as we move forward through the month of October. So if you could or if you would consolidate your group speakers, it would be very beneficial.

P.O. TONNA:

I think the problem is some of your message is being diluted considering that there are ample appropriate places to speak. You know, and so that committee members, for example, if it was in Social Services, committee members would have the opportunity to ask specific questions related to, you know, that committee. Thank you. Thank you, Legislators. And we'll go back to the cards. Sandy Rapp.

MS. RAPP:

I'm Sandy Rapp representing National Organization for Women East End Chapter. I'll dispense with this because of the size of your hearing and just urge you briefly and urge to please pass the domestic partners legislation as a vote of confidence for the gay community. Thank you.

D.P.O. POSTAL:

Thank you, Sandy. Next speaker is Beverly Budd.

MS. SPECTOR:

Legislator Postal, Beverly Budd and I are going to speak together if that's all right with you. We both signed cards.

D.P.O. POSTAL:

Okay. You're right next, so you can switch, that's fine. Go ahead, Marcia.

MS. SPECTOR:

I'm going to ask our board member, Ralph {Borzello}, to come up and just be with us. Good morning, ladies and gentlemen, I am Marcia Spector, I am the Executive Director of SNAP Long Island, also known as the Suffolk Network on Adolescent Pregnancy. In the Spring of 1984, when some of your parents were on the Legislature, a bill which would have allowed Suffolk County to accept grant funding from the State of New York for family planning for teenagers, which would have been a proforma acceptance erupted into a hoopla at the County Legislative Building right here as it became an ugly contentious referendum on teen sex and abortion. It made the front pages of Newsday for several days, it was embarrassing, it was nasty and several people even came to blows over the issue.

In the fall of 1984, this Legislature created the Suffolk Network on Adolescent Pregnancy with its first funding appropriation, and our charge was to remove the County from the hoopla that surrounded adolescent sexuality issues to manage the adolescent pregnancy problem, to coordinate services and to seek new sources of funding for Suffolk County. We've been in operation since 1985. I'm happy to report that pregnancies in Suffolk County have decreased 54%. In 1985, we had 4,100 pregnancies to teenagers; in 2000 we had 1900 pregnancies to teenagers. We've has a remarkable, remarkable reduction, and we have avoided the hoopla that has surrounded many other counties in this county around this very contentious issue.

All of you are very aware of some of the problems associated with adolescent pregnancy. My colleagues who have preceded me have talked about the homeless population, the criminal justice system. Adolescent pregnancy is credited with being the root of most of the social problems in this country. Teen pregnancy costs the United States $7 billion a year, 80 percent of teen moms end up on welfare, welfare cases are the result of teen pregnancy. Babies born to teens have low birth weight, they have poor school performance, they have high rates of abuse and neglect. I could go on and on and on, but I'm sure many of you have heard me before and you're very aware of the extent of this issue. The New York Times recently did an article and

they have found that more young people in high school are remaining virgins. More young people in schools are delaying sexual activity, many, many fewer are getting pregnant. Programs like our are credited with making a difference. Every teen pregnancy we prevent saves Suffolk County thousands upon thousands of dollars a year. Teens who have a baby as teenagers are likely to go on and have more babies. I think we've been enormously effective in stemming the tide, and I'm really proud of our record. We're at the point where we can't go on with our funding being eroded as much it is, and we ask whatever consideration you can give in restoring our funding. We think we're an effective program, we're happy that you're evaluating us. We look forward to talking to you about it.

D.P.O. POSTAL:
Thank you, Marcia. Beverly Budd is our next speaker.

MS. BUDD:
Thank you committee members for the opportunity to speak today. With the support of County funding, SNAP Long Island has continues to provide youth development and asset building skills to middle and high school students across Suffolk County. The 10% cut in funding will dramatically effect many of our current programs, primarily in the towns in Suffolk County that are most needy, of those Central Islip, Wyandanch, Bay Shore, Riverhead. The list could go on and on. Many -- many of these programs then would be cut and the youth they supported would be hurt. I would like to briefly highlight those areas. The SNAP players and intergenerational social improvisational troop of over 75 volunteers ranging in age from 12 to 70 provide schools across the County effective educational presentations on issues ranging from teen sexuality, bullying, drugs and alcohol use to general relationship issues.

Last year, the troop presented over 2800 student. The program would cease to exist with the 10% cut. Another program that we have in place is our teen parenting program, this program is actually put in place in school districts and also in homeless teen residential sites. This program actually the objective is to help young parents to actually become better parents. In addition, because we're looking in long-term, we're able to teach interpersonal skills ranging from anger management, decision making and also employment skills. This program would also cease to exist with the 10% cut. Programs that would be impacted severely include our women and men of the future programs, which are after school. The primary objective of this is it's an abstinence based program trying to delay sexual activity within the middle school and the high school. I could sit here and explain what the programs are about, but I do have a letter from

one of the members of a group from Bay Shore that I think actually speaks higher than what I could say.

Good morning. My name is Rachel Lukeman. I am a sophomore at Bay Shore. I am a member of the women of the future club and have been for three years since I was a middle school student. As a sixth grade student, I joined women of the future. It was one of the best decisions I made in my young lifetime. It not only teaches young women about the health and decision making, it also inspires confidence to go out in the world. As a sixth grader, I was shy and almost never expressed an opinion of my own. Now I have a very high level of self confidence, strong leadership qualities and the determination to do whatever I set my mind to. This is what I want other young women to come in contact with in high schools across the County. If not -- the important time to actually address the important times young people need to be able to stand on their own two feet. I cannot thank you enough for your generous contributions in years past. You are not only supporting a club, but inspiring young ladies to be the best they can. Thank you again for your continues support. Thank you.

D.P.O. POSTAL:
Your time is up. Thank you. Next speaker is sues Susan Risoli.

MS. RISOLI:
Hello. My name it is Susan Risoli, and I live in Port Jefferson Station. I'm a New York State licensed acupuncturist, I am board certified in Chinese herbology, and I'm a member of the Board of Directors of the Acupuncture Society of New York. Thank you for the opportunity to speak on the use and misuse of the herb ma huang also known as ephedra. The practice of acupuncture and oriental medicine includes safe appropriate and effective use of herbal medicinals such as ephedra. However, the Acupuncture Society of New York opposes the improper use of ephedra, and we ask the Suffolk County Legislature to ensure the appropriate use of this herb medicinal.

Ephedra has been used safely and effectively in balanced herb balance formulas for thousands of years to treat such conditions as asthma and the common cold. In Chines medicine, it is not used a nervous system stimulant as it has been used in a wide vary of over the counter products. This use is inappropriate. Banning ephedra completely would reduce its casual unguided use, but would also deny its safe and effective use by those working with licensed health care practitioners to improve their health in a responsible manner. Such a simplistic

broad stroke solution does nothing to address the underlying issue; the appropriate use of herb medicinals. The Acupuncture Society of New York calls upon the Suffolk County Legislature to serve the citizens of Suffolk County by distinguishing between the casual and unguided use of ephedra and its safe effective use of Suffolk residents who choose treatment with oriental medicine by fully trained licensed health care professionals to care for themselves and their families.

As interesting holistic health care continues to grow rapidly, its benefits will extend to many thousands who take a responsible approach to health care. Please ensure that their treatment choices and treatments that are safely and responsibly employed by practitioners will be preserved. Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is Michael McClain.

MR. MC CLAIN:
Good morning. My name is Michael Mc Clain. I'm an Associate Director for Community Fares at Stony Brook University Hospital. I'm here this morning on behalf of the hospital and our Chief Executive Officer, Bruce {Frillful}, to ask you to restore funding for the Elsie Owens Health Center in Coram to the level that we requested and to restore funding to all of the health centers, the community health centers throughout the County to the levels that they -- they need to operate.

The County Executive's budget will effect Stony Brook University Hospital in two ways. First of all, a 10% cut in our contract with the County for the Elsie Owens Health Center in Coram will force a significant reduction in the services that we can offer to the patients at that center. Secondly, the cuts in the budgets of all of the health centers will affect all of the hospitals in Suffolk County negatively and hinder our ability to provide life saving emergency services.

This year the expenses that the Elsie Owens Health Center are estimated to be $4.3 million. To keep peace with inflation we ask for a modest increase of 4% to fund inflationary increases in supplies and contractual personnel salary increases. The County Executives's budget includes the reduction of 10% below our current operating budget and 13.5% below our requested budget, a cut of $600,000. The health center cannot absorb cuts of this magnitude without cutting back on patient care. Evening and weakened hours will have to be eliminated or

severely curtailed. The number of patient visits will drop from its current level of about 27,000 to below 20,000. Professional staff positions will be cut back, we will not be able to immunize as many children as we do, our nutritional counseling, prenatal counseling, Diabetes education programs would all suffer.

As to the second point, the County Executive's proposal would reduce the budget to the County's eight family health centers by $4,270,000 and would provide 600 -- $6,400,000 less than the contract agencies requested. Budget cuts of this dimension will have a harmful effect on every hospital in the County, and especially at Stony Brook, which is the regional -- the County's regional trauma center. We ask that this $6.4 million be restored. The health centers are an essential integral part of the health care system in Suffolk County. A 10% reduction in the budgets of the health centers would likely translate into a reduction of more than 26,000 -- 26,000 patient visits. If local health services are inaccessible or unavailable, people would be forced to put off medical care until an emergency occurs or they'll visit our emergency rooms with routine problems. We ask that this -- that you prevent this from happening.

D.P.O. POSTAL:

Thank you, Mr. Mc Clain. Legislator Foley has a question and then Legislator Caracciolo.

LEG. FOLEY:

Thank you for your comments this morning. As the Chair of the Health Committee, I and my colleagues on the committee will be reviewing this later this month. But also to let you know that when you look at the cuts perhaps you're not aware of the fact that while the stated intention was a 10% cut, when you look at different health centers a number of them were cut even more than 10%, some by as much as 15, 14% or as low as 10 1/2%. And what the public needs to understand is these cuts were not based on what we had adopted last year. These cuts are based on what the County Executive had proposed last year. So those of us who were able to use the budget process to amend additional dollars to the health centers as I had done and others have done, in effect those health centers that have received additional dollars are now being further penalized because their cut is more than 10%. So there's going to be an ongoing discussion and conversation about those cuts and its relationship to the hospitals and increased costs overall over the next number of weeks. But I do want to thank you for your comments.

D.P.O. POSTAL:

Thank you. Next speaker is Rick Van Duke.

LEG. CARACCIOLO:

Excuse me.

D.P.O. POSTAL:

I'm sorry.

LEG. CARACCIOLO:

Maxine.

D.P.O. POSTAL:

I'm sorry, Mike, I forgot.

LEG. CARACCIOLO:

The question I have deals with the offset expense that's incurred. As you point out, if people don't receive routine preventive medical care, they ultimately wind up in the emergency room and then government, federal, state and county government pays for that care through Medicaid and other programs. That said, could you give us an idea of what the offset -- is there a ratio, is there a dollar amount you could put on that?

MR. MC CLAIN:

I don't know if I can quantify it in terms of dollar amount, but I can tell you that if there is a 10% cut in the primary care and preventive care that the clinics -- that the health centers provide, a substantial part of those visits will be absorbed by the hospital emergency rooms. Now, emergency room care in a hospital is much more costly than preventive and primary care in a health center. Some of those emergency room visits will result in in-patient admission. Those in-patient admissions again are much more costly than provided G care in the community. The County absorbs either half or a quarter of those costs for Medicaid recipients, which is the primary group that uses the health centers. So I think that, you know, while I don't have the exact dollar numbers, it's fairly evidence that unless you're going to keep people healthy or meet their needs immediately when they become sick, if you make it impossible for them to get care, they're going to -- people will seek medical care ultimately, and where they'll seek it is in the hospitals. And our hospital emergency rooms are already overtaxed, as I'm sure you're all aware.

LEG. CARACCIOLO:
Are there any studies, any empirical evidence or data that you can share with us along these very lines so that as we take up this issue, we'll have some hard facts to review?

MR. MC CLAIN:
Yeah. I'll go back to Stony Brook. We have quite a number of very well informed people there. I'll search that out for you, sir.

LEG. CARACCIOLO:
That would be appreciated. Because clearly it's like those old Fram Oil commercial, you pay now or pay later. And in the instance of paying later, we'll pay more. So it's not cost effective.

MR. MC CLAIN:
Thank you.

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
Actually, I think my question was preempted by Legislator Caracciolo, which is again, charting for us whether or not this is cost effective. Someone going to the health center as opposed to someone going to the emergency room, our Medicaid costs, what will they be to the emergency room as compared to our costs at the center. And you were saying you were preparing -- you would have someone prepare that for us?

MR. MC CLAIN:
Yes. I'll do my best to search that out and seek that out. One of the things --

LEG. FISHER:
I should say prepare it for the County Executive as well, because as Legislator Foley mentioned earlier, are you aware the County Executive can also amend his own budget?

MR. MC CLAIN:
Yeah. I would ask you too to please not be shortsighted with regard to this and look at only Suffolk County's share of Medicaid dollars. The use of -- inappropriate use of emergency room, inappropriate use of in-patient care will increase the total cost of health care.

LEG. FISHER:
Absolutely, yes.

MR. MC CLAIN:
It may be that a financial analysis will show that Suffolk County will save money, maybe, I don't know that, because they're only paying a share. If the taxpayers, the people, your constituents, will pay for it, whether they pay for it through the County budget or through the federal budget.

LEG. FISHER:
But because our concern right now is balancing the County budget, those are the dollars that we're looking at.

MR. MC CLAIN:
I will do my best to show that

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
In the Health Committee -- over here -- in the Health Committee we have addressed this problem for a number of years, but in your deliberations in the future for us, for the budget process, if you could possibly, you know, just tone it down a little bit to if we see a patient in a health care that has a cold and that person doesn't have the ability to come to the health center anymore and the cold ends up being pneumonia or something like that, what it would then costs, not only to have an ER or ED department visit, but what would happen at that point in the amounts of money for the medication, for the -- for admitting them and for the hospital stay,

just -- that would be a cost benefit analysis that would be extremely helpful for all of us.

MR. MC CLAIN:
Thank you.

LEG. FIELDS:
Even with Diabetes also.

D.P.O. POSTAL:
Mr. Mc Clain, has the University at anybody at University Hospital at stony Brook or any of the other hospitals which operate our County health centers expressed their feelings about these cuts and about what the impact would be on service delivery to the County Executive?

MR. MC CLAIN:
I believe that -- I know that we have through the Commissioner of Health.

LEG. FOLEY:
You have to do it directly.

D.P.O. POSTAL:
But not directly.

MR. MC CLAIN:
Not that I am aware of, although the hospitals may have.

D.P.O. POSTAL:
It really -- have you heard, but you don't know for sure whether they've have.

MR. MC CLAIN:
I don't know for sure.

LEG. FOLEY:
Can I follow-up on that?

D.P.O. POSTAL:

Well, I think that it's important for you to express those feelings directly. I think that it's important for you to make the County Executive aware that you know that the County Executive can amend the budget. And my question is are you aware that the County Executive's staff has been telling people who call from the various contract agencies and hospitals not to be concerned about the cuts, that the Legislature will restore the cuts? Have you heard that?

MR. MC CLAIN:
I have heard that, and I think that's based on the fact that we have seen this cycle before, and we have always looked to the Legislature as the champions of community health. And the Legislature has always come through for us. What you are suggesting, I think, is that maybe that's not the only way that we can approach the problem.

D.P.O. POSTAL:
It certainly is not. And I think that we'll all stand up and say that we are very proud of having been the champions of the health care system in the County and the human service delivery system in the County. But again, I am glad that you have heard the rumor that I have heard. Thank you.

MR. MC CLAIN:
Thank you.

D.P.O. POSTAL:
Excuse me. Legislator Foley.

LEG. FOLEY:
Maxine, very quickly. Just in addition to what Legislator Postal mentioned, it would be important not only for your hospital but for Nassau-Suffolk Hospital Association as well as the component hospitals to write also directly to the Executive about what these proposed cuts will mean to their services, to the overcrowding of the emergency rooms, all the things that you mentioned to us, which is important to mention to us, but also mention to him. And the reason why we have to look to both sides of the street is that this is a very difficult budget this year. It's the most difficult that I've had to deal with and others have had to deal with since we have been in here. That being the case, we need to let's say search or investigate every possible avenue of advocating for your position here as well as in the Executive Branch. So those letters -- those

direct letters will be of great help.

MR. MC CLAIN:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is Rick Van Dyke.

MR. VAN DYKE:
Good morning, Legislators, ladies and gentlemen. I hope you all know what's going on outside. There is a yes to human services, yes to adequate funding rally going on and press conference, several hundred people out there. As many of you know, my name is Rick Van Dyke, and I have been the Executive Director of Family Service League for almost 18 years. In my 35 years as a New York State Certified Licensed Social Worker, I have never ever seen the budget which proposed to eliminate 10% of the budgets of programs which serve our neediest population. And why take it out on the homeless, the children, lost youth, fragile families and lonely seniors? Instead, I say yes to human services and yes to adequate funding. For years, leaders of Suffolk County government, departments and leaders from the voluntary not-for-profit organizations worked to create a network of rescue and care. This partnership accomplished much to ensure that Suffolk's growing population would receive the supports it needs to create a quality of life from which all of us would benefit and prosper.

Twenty years ago, the first budget cuts came, then again and again cuts came down, inflation took its toll. During in-between years, small increases could not make up for the difference. The resort of this neglect is a very fragile infrastructure of care at this point. The not-for-profit contract agencies have patched and patched. We just can't do it anymore. We cannot try anymore to do more with less. What I say to you today is to vote yes for human services and vote yes for adequate funding. Now earlier this year you applauded Family Service League's achievement as the first Suffolk based organization to be accredited by the National Council on Accreditation for Children and Family Services. You called us here before this Legislature so that you could publicly recognize an organization which achieved more than 50 -- 550 best practice standards. Is it this organization that you want to shut down programs in your legislative district, such as a preschool program for at risk poor children who need to be prepared to enter our public schools, a family focused alcohol and drug treatment program which saves lives and rebuilds families?

D.P.O. POSTAL:
Rick, I'm sorry, your time is up.

MR. VAN DYKE:
That's okay. I'll summarize. If you want to save these programs and to ensure the quality of life for all of Suffolk's 1.4 million residents, then please find a way to say yes for human services and yes for adequate funding.

D.P.O. POSTAL:
Thank you.

MR. VAN DYKE:
And just a pitch on Program Home, the homeless situation is growing by leaps and bounds. We need to save this program, we need to make every possible effort to save Suffolk County millions of dollars as a result as well. Thank you.

D.P.O. POSTAL:
Thank you. I have a motion from Legislator Towle seconded by Legislator Carpenter to extend the public portion. All in favor? Opposed? Public portion is extended and our next speaker is Kathy Ayers Lanzillotta.

MS. LANZILLOTTA:
My name is Kathy Ayers Lazillotta. I am representing the 24 alcohol and substance abuse providers, not-for-profit treatment and prevention providers, the Quality Consortium. I have a prepared testimony that I'm not going to read. I'm just going to tell you that the drug and alcohol providers can't take this 10% cut. I was raised in Suffolk County, and I'm a child of two alcohol parents. In West Islip we had lots of money, we lived on the water, we had a cabin cruiser, there was a lot of stuff that we got as kids. Then we got poor, then I lived in Central Islip, and we survived on public assistance. And if it wasn't for public assistance, my family would have not gone through the recovery. And my mother would not have become a recovered alcoholic as a counselor who then raised me to be an administrator in this field.

I feel like this County Executive's budget cuts is another sense of a abandonment and rejection. I've lived it, I've felt it. Now I'm feeling it as an administrator of services. The 10% budget cut

to the drug and alcohol field is really a 70% cut to the drug and alcohol providers. You should set the budget up with the County share and the state share, see what is the percentage cut that this County Executive is really proposing. It's 70%, that's abandoning a whole field as far as I'm concerned. Furthermore, about 50% -- the alcohol programs, we're losing over $100,000 of state funds because of the 50% matching formula. It's ridiculous. We're giving away money, we're shooting ourself in the foot. The County Executive is also estimating over a $20 million increase cost in Medicaid from 2002 to 2003. Legislator Caracappa, you had made this comment before, and I think that it's very important. There's a lot of money that the state is expecting G the County to do, but an important thing for you to realize is that within the drug and alcohol field that Medicaid revenue is not going to the not-for-profit system, it's going to the private for-profit providers. That's a very, very important thing to remember.

Therefore, the County Executive's proposed budget cuts coupled with the potential loss the not-for-profit system will face as a result of new Medicaid rates is going to cripple an already existing stressed system, and the County will pay a lot more in criminal justice court and health care system costs. The agencies here in Suffolk are treating the uninsured and underinsured. The clients are without the ability to pay, and the for-profit providers move the people with no money to the not-for-profit providers. According to the Suffolk County Police statistics, my testimony has a copy of a letter dated October 3rd, with statistics from the Police Department. I really call your attention to look at those statistics. The drug related arrests have increased substantially from 2001 2002. But where do all these people go? Where do they go? They come to the not-for-profit system. These are not people coming out of jail with Medicaid cards in their hands. These are people that need our service system.

Talbot House, the Crisis Center have seen an increasing number of women seeking services. The majority of our service system is the criminal justice, close to 80% of the population. There's also a looming public health crisis with the increase and the prevalence of Hepatitis C among alcohol and drug dependant population. In light of recent reports of intravenous drug use among adolescents and women with children, this is the time for increased fiscal support, not a cut in the budget.

D.P.O. POSTAL:

Thank you. Next speaker is Robert Wagner.

MR. WAGNER:

Good morning. I'd like to thank the Legislative body for this opportunity to voice my opinion and share my thoughts on the proposed ban of ephedra in Suffolk County. I'm a lifelong resident of Suffolk County. I currently live in Medford. I've been running a business, a marketing and distribution company that markets nutritional products, some of which contain ephedra in Bohemia. And the way the bill, you know, has been proposed, I think, is very unfair, not only to the residents of Suffolk County, but also the businesses of Suffolk County. It kinds of reminds me of, you know, throwing the baby out with the bath water. It's just a bill that across the board doesn't make any sense.

I heard this morning Legislator Cooper said that he was planning on tabling the bill later today, but I'd like to bring up a few points in case I don't get a chance to say it at a later date. There is currently legislation being used in eight different states in the United States as we speak that deal with the real issues, and the real issues are responsible labeling, dosage requirements and not marketing the products to minors, okay? That is the real issue, and there is legislation in place in eight different states currently being used. Presiding Officer Tonna is not currently here, but the FDA has also listening in Congressional hearings today as we speak about suggestions on how to deal with this on a national level. And all I would ask of the Legislative body is to consider the alternative of acknowledging companies that are being responsible, that are doing things in a responsible manner, that are not marketing products to our minors, that are following recommended dosage requirements and are labeling their products properly, don't punish those people, don't punish those residents trying to treat their own health, their obesity problems with ephedra, and don't punish the businesses in Suffolk County that are behaving responsibly.

Like any other industry, your always going to have a couple of bad apples. And the nutritional industry is no exception to any other industry or profession. There are some bad apples. Let's deal with the bad apples and help clean it up together and not punish the companies that are behaving responsibly. Thank you for your time.

APPLAUSE

D.P.O. POSTAL:

Thank you. I just would like to point out that on days that the Legislature is in session, people often schedule private meetings or group meetings with the Presiding Officer, but that there is a speaker in his office, as well as throughout the rear of this building. Our next speaker is Cheryl Hecht. Is Cheryl here? Next speaker Marie O'Donnell. Marie here?

AUDIENCE MEMBER:

She's outside, I believe.

D.P.O. POSTAL:

Next speaker, Michael Slade.

MR. SLADE:

Good morning. My name is Michael Slade. I'm Senior Vice President of MBTY, a vitamin manufacturer here in Bohemia. We employ over 6,000 people worldwide and about 2,000 people here in Bohemia. I'm here to voice my opposition to the resolution to ban the sale of ephedra in Suffolk County. MBTY is a very responsible company. All products are carefully researched for safety before they are marketed. Ephedra is a safe and effective product that has been used by millions of people around the world without any negative effects. If you ban ephedra in Suffolk, you will force us to layoff numerous people, and you'll also be depriving consumers of a group of products that are safe and effective. I respectfully request that you vote against the resolution to ban the sale of ephedra in Suffolk.

APPLAUSE

D.P.O. POSTAL:

Mr. Slade. Mr. Slade, there's a question from Legislator Fields.

LEG. FIELDS:

Hi. What do you say about the companies that are manufacturing ephedra products that are geared to entice young people to take it, like Ripped Fuel and all the other products that -- Yellow Jackets, products that appeal to either sexuality or, you know, build -- body building, but then when the kids are taking it, they are abusing it and they are the ones that are having ill effects from it or having major problems? How do you feel about that portion of the ephedra product?

MR. SLADE:

I'm not really an expert in that part of the business. I know our products are marketed properly.

LEG. FIELDS:

I'll not asking you if you're an expert. I'm not either, but how do you feel about that ephedra product being manufactured to entice young people to use the product and abuse the product?

MR. SLADE:

Well, the products should not be abused, any product shouldn't be abused and should only be used by people that are adults.

LEG. FIELDS:

Thank you.

MR. SLADE:

You're welcome.

D.P.O. POSTAL:

Thank you very much, Mr. Slade. Next speaker is Laura Rampello.

MS. RAMPELLO:

Good morning. My name is Laura, and I'm a recovering addict. I'm here today to ask you to please reconsider the budget cut on drug and alcohol treatments. Basically without Catholic Charities, which is the day treatment I attend, I would probably be on the streets dead or in jail. There is no other way around it. Before I went to Catholic Charities, I was living out of my car, driving around the streets of Wyandanch at all hours of the night just going further and further into the grips of my addiction. And it was by a miracle that I went to a hospital, and from there went to Catholic Charities where everyday they're teaching me the proper tools I need in order to become a responsible productive member of the society once again.

With cutting the budget, you're just going to put other people, especially myself, out back on the streets, in jail, in institutions, where we're not going to get the proper help that we need. The tolls are being implanted into me as I go through the process. So I'm here today hopefully to make a difference. Thank you for your time.

APPLAUSE

D.P.O. POSTAL:

Thank you very much. Next speaker is Elliot Stevens.

MR. STEVENS:

Wow. You do let anybody talk here, huh? I want to thank you for your patients and tolerance, because in order for me to solve any problem before, it would be on a bar stool and that just doesn't work. It's an amazing accomplishment for me to everyone sit here. It's just an -- and a tribute to the fact that I really no longer in denial thanks to the services Suffolk County has rendered me as one of their citizens. What really comes to me is a raster saying, which is conscience, which I have today, the higher mind awoken me, shook me and questioned, think careless one, who are you? Who's are you? I ask you why are you here? Well, who am I? My name is Elliot. I'm a recovering alcoholic. Today I am a brother, a son, a friend, and I show up for life. Who's are you? I'm God's creation, and I am a citizen of Suffolk County. Why am I here is to represent the recovering addict and alcoholic in the community that has brought me back to my feet.

I'm not going to drown the institutions that taught me how to swim, nor kick down or advocate kicking down a ladder that taught me how to climb up again. It's a precious privilege for me to be alive today. And thanks to these institutions to allow me to think normally, to enjoy life drug fee, and first and foremost, to learn how to love myself again. So what as I? I can tell you what I was is a blemish on society's behind, a problem living outside the solution, a complication -- complicated selfish person who would stop at nothing just to get his next drink. Today I know the truth about my disease. Today I know about what it takes to recover. It's pretty simple to me, life, you do some stuff, most stuff fails, some works. You do more of what works. And as far as treatment that I have received due to the blessing of Suffolk County, it has worked for me, and I'd just like to thank you for your patience and tolerance.

APPLAUSE

D.P.O. POSTAL:

Thank you. Our next speaker is Erik Luh.

MR. LUH:

Good morning. How are you doing? Yeah, I am a recovering alcoholic. I've been in treatment for the last six -- six, seven months. Today is my seventh month marker of being clean and sober. Thanks to the efforts of Catholic Charities, I wouldn't be clean and sober today. I'd still

be out there drinking and drugging and ruining my life. Catholic Charities has instilled a lot of responsibility in me. I've become more honest with myself and able to humble myself and say that I am an alcoholic today. It would be insane to cut back on the treatment facilities on Long Island. I don't know where I would be today, you know? I'm grateful that you do have the treatment facilities. And that's pretty much all I have. Thanks.

APPLAUSE

D.P.O. POSTAL:
Thank you. Next speaker Joan Loughman. Is Joan Loughman here? Ernest Harris.

MR. HARRIS:
Good morning, ladies and gentlemen of the Suffolk County Legislature. My name is Ernest Harris, and I'm a recovering addict and alcoholic. My message is simple. I would like you to reconsider the budget cuts, because without Catholic Charities, which is where I happen to attend daily treatment, I don't know where I'd be either. You know, I decided to call and get back into treatment, because I was tired of being a drain on society, you know? Like they say, you know, I want to be a happy, productive, responsible member of society. And, you know, Catholic Charities has taught me that I'm not a bad person trying to be good, I'm a sick person trying to get better, and that I am worthy of self love and being loved by others, because drugs and alcohol tore me down to the point where I didn't even feel human anymore. But I am a human being. I have feelings and emotions. And while it hasn't been easy, I know that as long as I stay on the straight and narrow path and do the next right thing, I'm slowly day by day learning to become a human again. And that's all I have. Thank you.

APPLAUSE

D.P.O. POSTAL:
Thank you. There's a question, Mr. Harris. Mr. Harris, there's a question from Legislator Fields.

LEG. FIELDS:
Mr. Harris, you started your statement with asking the Legislature to reconsider the budget cuts. Are you aware that they are not our budget cuts, that we are considering the budget presented to us by the County Executive, these are not our cuts?

MR. HARRIS:

Oh, I'm sorry. I misspoke that.

LEG. FIELDS:

No, but did you know that?

MR. HARRIS:

I wasn't aware, but I misspoke.

LEG. FIELDS:

Okay. Thank you. I just wanted to clarify that. Thanks.

D.P.O. POSTAL:

Thank you. Next speaker is Roberta Monat.

MS. MONAT:

Hi. I'm Roberta Monat, and I'm Director of JASA on Long Island, Jewish Association for Services for the Aged. And I'm here to represent the frail elderly on Long Island. Even though we just serve a portion of that population. We have been providing services to seniors, counseling, case management since 1973. We have a program, a nutrition program for frail elderly and home delivered meals.

What a 10% budget cut would mean to the frail elderly of Long Island is that my parents and your parents and a lot of other parents here on Long Island would not be able to get home delivered meals. For the program at that we have, we have one and a half staff people and two-and-a-half drivers. We certainly don't have the fat to cut back on our program. So the only place we're going to be cutting back would probably be on our driver and the home delivered meals. The home delivered meals sustain the people that have made this country. And we're telling them in their 80s and 90s that if they have had Parkinson's Disease or a stroke or they have an amputation that we're sorry, that we have to cut back on our home delivered meals program.

About 80 or 90% of the money for the meals comes from the federal government. So 10% is going to have to come from the meals from the frail elderly. So I can't bring them here today, but on behalf of the people who are most frail, the people we should be protecting, that 10%

budget cuts really need to be restored. And I implore you to look at this issue. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Anthony Owens.

MR. OWENS:

Good morning, members of the committee. My name is Anthony Owens, I'm also a recovering alcoholic and addict. Not being well versed in the intricacies of the proposed budget cuts, having not had an opportunity to consult with Mr. Cooper, I can only speak from my personal experience, a person who's been homeless, a person who has a sibling who has been afflicted with the HIV virus. Any program that's available to people who are disadvantaged, economically, physically challenged or whatever the case may be, not having a service or an agency to turn to for help is not a good thing. Any cuts, any proposed cuts, to those agencies which help people with such afflictions would be devastating. And I can -- like I say, I can only speak from my own personal experience. Having not had an opportunity to turn to a place Catholic Charities for assistance, in my case, I don't know where I would have ended up. Perhaps maybe dead, in jail or something like that. And I just hope that you members of the committee will just help, just give all the help that you can. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you, Mr. Owens. Next speaker is Pegi Orsino. Is Pegi Orsino here?

MS. ORSINO:

Good morning. I'm Pegi Orsino, and I'm Program Manager of Federation Organizations Family Support Services. Two of the programs that are in the Family Support Services that are going to be sustaining cuts are the Suffolk County Respite Care Program and the Foster Grandparent Program. The Foster Grandparent Program, I represent those seniors that are right now in the classrooms of 68 different schools and day-care centers and Head Starts that are assisting the children in Suffolk County over 800 daily. And a 10% cut in that particular budget also means that the matching funds that the federal government gives us will also be diminished. So last year we gave 112 thousand hours of service to the children, and I wish that you would really look at that 10% cut, because that's going to hurt. The Suffolk County Respite Care Program,

its cost efficiency talks for itself in that we are funded at what it would cost one and a half people to be placed in a nursing home, and yet this year we served 70 frail elderly that are trying to stay in their homes. So I thank you very much.

APPLAUSE

D.P.O. POSTAL:
Thank you. Next speaker is Sonia Wagner.

MS. WAGNER:
Good morning. I'm the Executive Director of Response of Suffolk County. And I'm here to represent the 14 year old girl who runs away from home at two o'clock in the morning because she has been beaten up at home and is very frightened and doesn't know where to go. Response is the backup service to the runaway programs. I'm representing the elderly man who was recently widowed, and who's having his first meal alone and needs someone to talk to, needs a caring soul. I speak for the young man who's contracted AIDS and needs someone to talk to about his diagnosis and how he's going to get through the rest of his life. I speak for all of our families and all of our friends and our neighbors, because everyone in this room has a connection to someone who is called Response of Suffolk County.

They are anonymous people, so I need to stand before you to represent them. But we receive 20,000 calls a year, and we work to find ways to attract more callers. We can't have too many calls, but we do need to staff our lines. And I know the Legislature has historically been, very, very supportive of Response. I'm asking you to continue that support, because the cuts that are proposed would mean that we would have to cut down on our overnight coverage considerably. In sheer numbers, that would mean that we would receive approximately or be available to receive, I should say, 3700, 3700 fewer calls than we can receive now. Based on our prior statistics, that would mean between 110 and 180 of those calls would be suicide related. I can't overemphasize the importance of that. The numbers speak for themselves, but we're talking about between 110 and 180 people trying on call us because they're thinking of ending their lives and our phones will not be answered.

I urge you to please reinstate our funding and consider allowing us at least a cost of living increase. I know this is -- seems like not the place to talk about an increase, but social service agencies come to the floor every year and beg, please, let us stay where we are, don't cut, don't

cut, and we plead for that. I ask for that and then some so that we can continue to attract and retain qualified telephone counselors to be available for everyone in this room and all of your loved ones. And I would like to also invite up, I think the next two speakers are from my agency as well, member of the Board of Directors who's also a volunteer and another volunteer to speak briefly. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Donna Newman.

MS. NEWMAN:

Good morning. My name is Donna Newman. In addition to serving as Secretary on the Board of Directors of Response of Suffolk County, I have been a volunteer on the lines for the past five years. The services that Response provides to the people of Suffolk have never been more rewarding than it has been in the past year. When all of our lives changed forever on September 11th, it became even more valuable than ever before that a person could call Response and find an oasis in a perilous world.

Our counselors' voices at the end of a telephone wire provide those in need with a precious commodity, a reliable caring human being who will listen and who will help. Not only are we a steady safe place to call, we are a backup for a host of other agencies that shut down at the end of their business day. We never shut down. Twenty-four hours a day, seven days a week, holidays, natural disasters, terrorist attacks, we answer the phone. So while I understand that the County does not have unlimited funds, that budgets must indeed be balanced, I implore you not to place us in the position of being unable to answer the phone. Please crises happen at all hours of the day and night and people need us to be there, as they have come to expect us to be there when they need us. Please see to it that we can be. Thank you very much.

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker is Tom Livoti.

MR. LIVOTI:

Hi. It's Tom Livoti, it's an Italian name.

D.P.O. POSTAL:

Oh.

MR. LIVOTI:

Thank you.

D.P.O. POSTAL:

It's like a little hook on the top of the O.

MR. LIVOTI:

Mr. Tonna, who I know is listening, thanks, Ms, Postal and ladies and gentlemen of the Legislature, this is my first time here. I am an employee of KeySpan Energy, and if you look around you see a lot of these yellow stickers on a lot of people here. The reason I'm here is an employee for KeySpan energy, I am a certified social worker. We have a department called Consumer Advocacy, which has been working over 11 years with our customers helping payment trouble customers find the funding and the human and health resources to pay their bills and get their life back on track. A lot of people don't know about the work we do. It's a free service of KeySpan.

I work with -- there are two other colleagues of mine in Suffolk County, we cover the County. And we work with all the people you see here and many others, agencies and the like and also with some of your aides. Your offices have called us when somebody's electric was threatened to be cutoff and gas was cutoff, and we step in to see when we can to do to practically get their services on, connect them to federal money to local and state monies and to local services so that their problems don't get worse, but they get better. And we rely as a company on all these agencies to do their work. As you know, we have hundreds of employees at KeySpan living and working in Suffolk County. And we're happy to serve and we're happy to be aligned with such wonderful people who do wonderful work.

Outside here in your lobby, and I've never been here before, there's a wonderful dedication to Rose Caracappa, which says she reminded that there are faces and human beings behind the numbers. It's written right on that plaque. And from hearing from all of you who are here today about cost effectiveness and doing the right thing for people, I'm very encouraged, and I believe you will. And I think what we all need to do is take our message also to the County Executive, since it's his budget that your considering, and we can work together to do the best for the

County, everybody from the police and emergency services people to the human service people, the health centers, the hospitals, the drug and alcohol worker, all those who are working for the betterment of the aged and the young and the children, because this is our County, this is our home, these are our families. And you're here to serve us and we're here to help you to do that. Thanks very much.

D.P.O. POSTAL:

Thank you. Next speaker is the Reverend Noelle Damico. Reverend Noelle Damico. Next speaker Glenn Schneider. Glenn Schneider.

MR. SCHNEIDER:

I just want to thank you for letting me speak today. My name Glenn Schneider, and I grew up in Suffolk County. And I work for MBTY, which is a vitamin manufacturer, a marketer of vitamins in Suffolk County. And I'm here to voice my opinion on the opposition of the -- to oppose the sale of ephedra in Suffolk County. I worked in health food stores pretty much my whole life, my family did. And we sold ephedra products to a lot of people, and it helps a lot of people lose weight. It gives them better self-esteem. And this is one of the only safe and effective products for weight loss that really helped a lot of people.

And I know one of the issues that was brought up before was about selling ephedra to minors and things like that, and I believe one of the previous speakers, Mr. Wagner, brought up that there are states that do have legislation now with respect to selling ephedra to minors, certain labeling issues and warnings, and I think that's something that we need to look at rather than banning the sale of ephedra in Suffolk County. And I just would like to respectfully request -- I know that the bill's been tabled, and I guess they're going to revisit it, but I just think it's something we need to look at. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker, Tish McCrea. Tish.

MS. MC CREA:

Good morning. My name is Tish McCrea, and I'd like to speak in strong opposition of the ban of ephedra. I am a New York State licensed acupuncturist. I am board certified in both acupuncture and Chinese herbal medicine. I have a private practice in Huntington. I also teach Chinese herbology at the New York College in Syosset. I am speaking today for myself and for

my patients. I have several patients with asthma, for whom I do recommend this herb. It is a very important herb for asthma, it is a bronchodilator. They benefit highly from the use of this herb.

I feel like I am qualified to recommend this herb. I have used it successfully in my practice, and I will continue to use it, hopefully, without side effects. I am urging you to please consider my patients, consider those who benefit from ephedra in deciding this matter. Thank you.

APPLAUSE

D.P.O. POSTAL:
Next speaker Marnae Ergil.

MS. ERGIL:
Good morning. Thank you for giving me the opportunity to speak this morning. My name is Marnae Ergil, and I am here to voice my opposition to the ban on ephedra in Suffolk County. I am -- I am a resident of Huntington. I am a New York State licensed acupuncturist and nationally board certified in Chinese herbology and acupuncture. I run a private practice in Huntington. And I'm also on the faculty for Touro College's Graduate Program in Oriental Medicine. I have been trained in Chinese medicine in both the United States and in China. And I'm a translator of Chinese medical text.

In New York State, programs in oriental medicine include extensive training in the individual substances in the Chinese {Materia Medica}, which includes ephedra, the formulation of herbal formulas, understanding of contraindications and of toxicology. These programs are nationally accredited and many graduates of these programs take a national board certification exam in Chinese herbology. It is an extensive exam which also covers all of these areas. We primarily use ephedra to treat upper respiratory track infections and asthma. I see approximately 15 to 20 patients per week in Huntington, and I know that other herbalists in Suffolk County tend to see more practitioners than I do, more patients than I do. I feel the banning of ephedra would have a negative impact on the health the of my patients, and I would urge the Legislature to reconsider this bill. Thank you very much.

D.P.O. POSTAL:
Thank you. Next speaker is Kevin Ergil.

MR. ERGIL:

Good morning. Thank you for the opportunity to speak. My name is Kevin Ergil. I live in Huntington. I'm an associate professor
at Touro College, where I serve as Director of the Graduate Program in Oriental Medicine. I've been involved in the study and practice of traditional Asian medical systems for over 20 years, and as a medical anthropologist and as a clinician. I respectfully suggest that this well intentioned, but poorly thought out proposed legislation, 1954, be rejected. Ma huang, or ephedra cynica, is a useful herb that has a documented history of at least 2100 years of safe use. It's chemical composition is very well understood. It was understood as early as 1875. Because of its usefulness and safety, this herb came to be used in the West. You're aware of it, of course, as an ingredient or rather extracted active constituent as an ingredient in Sudafed and Actifed. One of my colleagues has already spoken to its routine clinical use, so I won't to address that again. I think the training standards for people in our field have been spoken to.

However, at this point, I would like to address some of the misconceptions that seem to inform this piece of legislation and that give me some concern. It's been asserted repeatedly that DSHEA ties FDA's hands. That's simply not true. FDA as a well documented history since 1996 of acting against supplements containing ephedra and doing so with alacrity and regulatory -- what to say -- proficiency. It's been suggested that adverse event reports should be given full weight as pieces of evidence or science when, in fact, the adverse event reporting system used by FDA and particularly the conclusions drawn by FDA on the basis of the adverse event reports for herb ephedra have been substantially critiqued by the General Accounting Office. And, in fact, FDA has not been allowed to use this data as the basis for supporting legislation.

Finally, just to put matters in perspective, and I certainly don't mean to diminish the very valid concerns that the author of this legislation has, but we should be aware that a very common, very safe pharmaceutical acetaminophen, which we all know is Tylenol routinely kills 100 people each year from severe liver damage. This is not an associated fatality, this is a fatality that is unequivocally and clinically linked to liver damage. And that this same very safe routinely available over the counter pharmaceutical hospitalizes another 2000 annually. So I would ask you please consider the evidence carefully, consider the needs of your constituents, clinicians, their patients and reject this legislation. Thank you very much.

D.P.O. POSTAL:

Thank you. Next speaker is Lou Cherry.

MR. CHERRY:
Good morning.

D.P.O. POSTAL:
Good morning.

MR. CHERRY:
As you may now, my name is Lou Cherry, and I'm the Executive Director of the Mental Health Association in Suffolk. I appreciate the opportunity to address you this morning. I suspect that you're going to have a long day, so I'll be brief. I'd like to speak to the proposed county budget on behalf of the mental health community. Those who suffer from emotional problems and mental illness, their family members, and the agencies who provide services, that provide the services they require. I'd first like to point out that the Mental Health Association will not be affected by the County Executive's proposed budget.

However, because of our central position in the mental health community, we are particularly aware of the impact the proposed budget will have on mental health services. One of our missions of the Mental Health Association is to provide information and referral to Suffolk residents who call asking for mental health services. We receive about 20 to 30 calls a day. It's possible to categorize the INR, Information Referral Calls, we receive into two groups, those who are severely mentally ill, having been hospitalized one or more times in their life, and those who are sometimes referred to as the walking wounded. The severely mentally ill, in most cases, are mandated to receive clinical services by virtue of the license the clinics receive from the New York State Office of Mental Health. A person discharged from a psychiatric hospital and referred to a clinic must be seen within five working days. That's a condition of the clinics license.

However, those who have not been hospitalized, no matter how severe their illness, are most often placed on waiting lists. And in many cases, told that they must wait two months for an appointment. Don't misunderstand me, this latter category of Suffolk residents, the quote walking wounded, are not what's popularly referred to as the neurotic folks, who just sit -- who just have a need to sit and talk with someone about their poor self-image. I am referring to -- I lost my place. I am referring to the mother, the mother of three who's agoraphobic and has trouble getting out of the house to do her shopping, unable to provide good care for her children

and in danger of having them removed by Child Protective Services. I'm talking about the dad whose so depressed he has difficulty getting up to go to work and is in danger of losing his job. The mechanic who has obsessive compulsive disorder, which so effects his work, that it takes him three times as long to replace the carburetor as it should.

D.P.O. POSTAL:
Mr. Cherry, I'm sorry, your time is up.

MR. CHERRY:
I'm finishing. His employer is not happy about that. Waiting two months for an appointment is too long. By then they will require even more services, perhaps hospitalization, public assistance, become homeless. The clinics are overwhelmed now.

D.P.O. POSTAL:
Mr. Cherry, I'm sorry.

MR. CHERRY:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is PJ Berry. PJ Berry here?

MS. BERRY:
Yes. Good morning. My name is PJ Berry, and I'm a Program Director at Mercy Center. I'm speaking with you today representing the clients, the staff and Board of Directors of Mercy Center Ministries to ask that the 20% budget cut to Mercy Center be restored. Our contract represents less and less of the actual cost to operate this program for homeless young women between the ages of 16 and 20. A budget cut of this size might very possibly and very unfortunately force us to close down this very needed program.

In the poor fiscal climate which we are experiencing, we are actively fund raising and seeking donation and grants. However, it will be virtually impossible to raise enough money to cover such a huge deficit resulting in a 20% loss to our budget. Where the approximately 16 young women who we serve each year go? The odds that they will be forced to drop out of school, live in unsafe situations with a possibility of high risk behaviors, such as the use and abuse of alcohol

and drugs, crime and pregnancy will be encouraged. Cutting the budgets of youth servicing programs such as Mercy Center will only result in the rise of those already placed in the overcrowded shelter system, drug rehabilitation facilities and add to the criminal justice system costing the County and taxpayers that much more.

More importantly, there will be a very strong message sent to our teens that once again the systems that are in place to provide for them have failed. I implore you to consider the many negative results that a budget cut would support and that you vote against it. I thank you for believing in our mission and the inherent worth of each life that Mercy touches. Thank you.

D.P.O. POSTAL:
Thank you. Next speaker Kate Valerio.

MS. VALERIO:
Good afternoon, ladies and gentlemen. I am here on behalf of Response of Suffolk County. My name is Kate Valerio, and I volunteer as a crisis intervention counselor and a community educator with Response. As was noted earlier, Response of Suffolk County maintains a support line and a 24 hour a day, seven day a week crisis intervention hotline. I'm here today to speak on behalf of the volunteers who offer their time and their professional services and also to speak on behalf of the people who find the courage to call Response. Those people who are willing to speak to a counselor anonymously about the difficulties that they are faced with or the problems that they need to solve.

On a personal note, I'm also here to ensure that I am not left to wonder what if. What if the next time I pick up the newspaper and I read about a suicide or a crisis situation that has gone wrong? I became a counselor with Response because I wished to become part of an organization that would offer training to would me to effectively reach out to someone in need. I now know after working on our hotline and support line that it takes courage for an elderly man grieving over the death of a wife of 56 years, it takes courage for him to pick up the phone and call and ask us for help in finding a reason just to get dressed and begin his day. I found that it takes courage for a thirteen year old girl to call and talk to us about how she cuts herself just to feel anything. I have come to know that it takes courage for a mother stressed to the breaking point by a lack of money, no spousal support and five children to feed, it takes her courage to pick up that phone and call us to find the help that she needs to feed and clothe her family.

I've also come to know that it is less complicated to offer this kind of support during the daytime hours. The portion of the support services that Response offers that is in jeopardy is the services that we provide during the nighttime hours. Any parent here will know that a fever, a child's fever is often worse in the middle of the night. The horrors are more intense for people in the dark. Response today needs a hero. You have been our hero in the past, and you have supported us. This is your opportunity to once again serve us and help us serve the community that we live in. We need you to continue to serve those in Suffolk county who need a voice, even if it is at three o'clock in the morning.

The volunteers give up their night sleep, precious family time, income and their own comfort to cover the overnight shifts. Suffolk County residents have come to know, because of our past work and your support, that we are there and we can be relied upon at three o'clock in the morning. It is impossible to predict how many will be saved if we continue, and it is equally impossible to know how many will be lost if Response is not there to answer the call.

D.P.O. POSTAL:
Thank you, Ms. Valerio. Next speaker, Sal Bush. Sal Bush. The next speaker Davis Allen. David.

MR. ALLEN:
First of all, I would like to thank you for this opportunity to stand before you, and I stand on behalf of the Intensive Case Management Program in Suffolk County. And we do services for the individuals of all of the agencies that serve drug and alcohol clients in Suffolk County. And the 10% budget cut that is proposed will do a grave damage to all the work that we've done over the years. As public servants, your job is to serve the public. And the is public is out crying for you today to hear our cry and let you know that we're really concerned about these budget cuts. It's in your hands and you have the power to turn back these budget cuts so we can continue to do the great work that we've been doing in this County. I thank you for your time, and I pray that you make the right decision.

D.P.O. POSTAL:
Thank you, Mr. Allen. Next speaker is Angel Torres. Angel Torres. Next speaker, Delores Thompson. Delores Thompson?

MS. THOMPSON:

Good morning, Presiding Officer Tonna, and I hope he's listening.

D.P.O. POSTAL:

He is.

MS. THOMPSON:

Okay. Legislator Postal and all the Legislators, hi. My name is Delores Thompson, and I am the Chairperson of the Advisory Board for the Dolan Family Health Center. I'm sure you heard all the reasons that health centers cannot survive under a 10% budget cut, but I would like to repeat just a few points that are disturbing to me. I don't understand why Mr. Gaffney feels that cuts should be made in the health care services, which primarily effect the underserved population, poor people, people that are already cut to the quick. We are asked to increase our hours, open on Saturdays, but cut the budget. Who is supposed to service the clients? We are already understaffed.

We lack nurses and doctors because we cannot afford to higher any additional ones, but we are also asked to cut. I ask the question, is it easier to hurt the wounded because they're already hurting? This body has helped all of us, and I'm grateful for it. But I do not understand how we can possibly survive if you take money away from people that need the service that we're rendering. I want to thank you all for listening. I'm not going to be long, but I pray that you will do your best to save us from this terrible dilemma. There has to be a better way. Look in another direction. You don't need us to tell you that having more people sick than we have already is going to be more costly in the end. Thank you very much.

D.P.O. POSTAL:

Thank you. Betty Ford.

MS. MC CRAY:

Good morning. I'm Monique Mc Cray, I'm representing Betty Ford and --

D.P.O. POSTAL:

I'm sorry. Did she leave a written statement?

MS. MC CRAY:

Oh, no, she didn't.

D.P.O. POSTAL:
I'm sorry, then you would have to wait until the end until everyone who has signed a card has had spoken.

MS. MC CRAY:
I signed a card too.

D.P.O. POSTAL:
Then I'll call you -- you're not next, but I'll call you as soon as your card comes up.

MS. MC CRAY:
Okay. Thank you.

D.P.O. POSTAL:
Next is Deborah Ficarola. Deborah. Okay.

MS. FICAROLA:
Good morning. Thank you for speaking -- allowing me to have this opportunity. I think it's great. You know, I woke up this morning and said we live in America and we have the choice. Forty-eight years old I am, and for 30 years I have been a resident and voter in Suffolk County. And I'm here because I am in opposition of the ban of ephedra. I have always suffered from a weight product since I was five years old, and the only thing that helped me not only to lose the weight of which I went from a 12 to a six and lost 18 pounds, but the product also helped me with an asthma problem I suffered from. I feel that it's my responsibility to check and make sure something is safe and effective of which I have and is very -- and is proven that it is, but also that I have the right to choose what products I take. And if I don't want to use a pharmaceutical, I should have the right to use an herb that is going to help my health. And so I stand here before you and urge you to vote against this. Thank you.

D.P.O. POSTAL:
Thank you. Carol Myers.

MS. MYERS:

Good morning. My mane is Carol Myers. And I'm urging everybody today to vote against Resolution 1954. I have used an ephedra product for almost seven years now. I've lost 30 pounds. My cholesterol has come down, and I have kept the weight off. Most of the companies follow industry guidelines to advice consumers who should take the product, who should speak with their physician before taking products, listing the ingredients, same as any over the counter product or a pharmaceutical, a prescription drug. There are studies that show that ephedra is safe and effective when taken correctly, and that is key, when people are responsible and take products correctly.

A number of years ago, many college students were taking ephedra products to become -- to get a legal high, which the have been known to do from time to time. But they were also exceeding the limits. They were taking eight to ten at a time, when the guidelines are no more than four per day. They were also drinking. And there were some very unfortunate outcomes with those college kids. However, none of that was ever really reported by the media, all those statistics about what those kids were doing, along with the consumption of the ephedra product. Fifteen million consumers almost every year benefit from ephedra products with minute adverse events reported. Almost every year, over 200,000 people die from FDA approved pharmaceutical drugs. Is Suffolk County going do ban those too? Consumers have the responsibility to read all labels, to speak with their physicians, to use their own brains before ingesting any product, whether it be an herbal product, an over the counter product, or a pharmaceutical drug.

I think there's just too much legislation going on all over this country to protect the stupid people of this world, and at taxpayer expense I might add. Most of us as Americans and residents of Suffolk County have responsibility and the right to choose products that we need once informed of all risks, benefits and proper usage, and finally, to makeup our own minds. And as a voter, with -- in Suffolk County, I have a very long memory, and I please urge you all to vote against Resolution 1954. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you. Jerry Samborsky. Jerry Samborsky.

MR. SAMBORSKY:

Hi. My name is Jerry Samborsky, and I'm a resident of Northport, and I've been a resident of Suffolk County for almost 30 years now. Like many Americans today, I suffered from an overweight problem. I used a dietary supplement with ephedra in it, and I was successful in losing 35 pounds, two inches off my waist and one whole jacket size. Now since I had suffered with high blood pressure, I went my physician when I read the label on the product that suggested that I go to my physician and get his advice. He strongly supported the effort and felt that the risk in my using the product far outweighed the risk of not using it and having blood pressure related and weight related problems in the future. After I had such good success with the product, I felt so good about myself that I have actually started and encouraged myself to exercise and to eat healthier foods and to control the consumption of the amount of food that I ate.

I continue to feel better. And I no longer and for the past three years have been required to take blood pressure medication, which believe me, caused me far more {ogata} than the ephedra product that I was taking. I now swear by the products. There is no doubt in my mind if I had not taken the ephedra product, I would still be on my blood pressure medication and probably be significantly overweight, and perhaps I'd have many other medical problems to go along with it. Instead, I feel better than when I was younger than 30, and I have all the energy that I'm required to maintain a healthy life-style from here on out. Thank you.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

D.P.O. POSTAL:
Thank you.

Applause

You have a question? Oh, excuse me, there's a question from Legislator Nowick, Mr. Samborsky.

LEG. NOWICK:
I'm just trying to get a feel for what this product is. Can you tell me something, when you initially took the product with Ephedrine, you took it for how long to lose the weight initially?

MR. SAMBORSKY:
My initial consumption of the product was for about five months.

LEG. NOWICK:

Five months.

MR. SAMBORSKY:

I lost 35 pounds in that time frame.

LEG. NOWICK:

And you lose the 35 pounds; and how long ago was that?

MR. SAMBORSKY:

A little over three years.

LEG. NOWICK:

Do you ever -- have you ever used it again after that five months or is that it?

MR. SAMBORSKY:

No, but other members of my family including my wife, my two daughters, my mother.

LEG. NOWICK:

So you just had to use it that one time and then that was it.

MR. SAMBORSKY:

That's correct, but I would have no qualms, should I gain a little weight, in using it again. But I do use other nutritional products as a result of having had the success with the Ephedra-based product.

LEG. NOWICK:

Nutritional products with Ephedra in it or --

MR. SAMBORSKY:

No, herbs in general, herbs and vitamins. And this is just the start of preventing people from having the opportunity to use alternative methods of maintaining good health. You have budget cuts here in the health field for agencies that are trying to help people and keep them out of hospitals, well, this is one more technique where people can help themselves and stay out of

hospitals and not have to tie up the 24-hour, seven day a week phone lines with these types of problems when they can control it themselves. And therefore, the agencies could help the people that really need the help.

LEG. NOWICK:
All right, thank you. I just wanted to get a feel for that.

MR. SAMBORSKY:
You're quite welcome.

Applause

LEG. POSTAL:
Peggy Boyd? Is Peggy Boyd here?

MS. BOYD:
Yes. Good afternoon, everyone. You know, it's often said it shouldn't have to hurt to be a child but in Suffolk County for far too many kids it is hurting. It hurts to be on a bus three hours. It hurts to not know where you're sleeping at night. It hurts to not know where your parents are going to be. Those things are part of reality for far too many kids in Suffolk County, about thirteen hundred children of which about 110 families are even in the worst dire straits, they're in motels, so their situations are just unbearable.

Family Service League, and I've heard questions, has come to this County and asked for your help. We're in dire straits as a County at this point; anything we can do to reduce homelessness is necessary. What we're asking for is $150,000 from this County Legislature. We have gone to the County Department of Social Services, both on the County level and on the state, and we have gone to the Commissioner of Social Services.

The 150, I'm going to just break it out to what we're going to do with that 150 and what we're going to do when we don't get the $150,000. If we don't get the $150,000, we're forced to shut down our program December 31st, this year. As such, we're going to lose as a County over $800,000 worth of HUD dollars that help to pay for rental subsidies. In addition to that, the 35 families that we were going to service are now going to become a County responsibility which they currently are. That County responsibility is going to cost $1.89 million to house them in

shelters.

With the $150,000, that's the core funding for our program. We're able to bring in the rental -- the HUD subsidy money, we're able to rehouse next year 75 families, of which 35 this County Legislature would be funding. Of those 35, we're going to rehouse them, we're going to stick with that family for up to a year, they're not going to recycle back into homelessness because we're going to be there to help build their supports.

There's not only a lack of affordable and available, but people are homeless for reasons. There's many concerns that are going on for these families. Right now the funding on a State and a Federal level isn't there to provide support services, and yet this County is absorbing the cost of the families that are really struggling. We're asking for your help in order to help not only be -- not only remove families from bad situations but put them into situations where they're not continuing to be dependent upon your Department of Social Services.

In addition to the program Home Request, Family Service League in terms of 10% cut, I oversee a number of other programs that are working on the cusp of homelessness with families; families that are doubled up and tripled up. When you cut 10%, you're cutting matching dollars in addition to that. We can't afford these cuts, no human service agency can afford these cuts. We're asking for your help. We've asked everywhere else and at this point, I don't want to be the person that looks in a child's eyes and says, "Well, it was somebody else's responsibility." Thank you for your ears and thank you for having me come and visit with many of you in your offices.

Applause

D.P.O. POSTAL:
Thank you. Next speaker is Maurice Alberts.

MR. ALBERTS:
Good afternoon. My name is Maurice Alberts. Can you hear me?

D.P.O. POSTAL:
Yes.

MR. ALBERTS:

I am a resident of Eastport, it's a town most people may not know where it is, it's pretty close to Westhampton. I'm here to ask you to vote no against Ephedra; let me tell you why. I have been taking this product for quite a while. Most people here may not know this, and some of my friends around here, I've had two quadruple bypasses and I have to take this product to keep my weight down, get my energy up because after the operation I was in a terrible state until I found this product. So I want this product to be kept on the market and not banned.

Another side of this and it may be that if this Suffolk County may want to become one of the most famous counties for overweight and obese and fat people, so -- and then we will have to take these people and treat them medically, put them into hospitals and how are we going to find that money? Go to the taxpayers and get more money for them to pay a little bit more taxes, and I don't think we want to go that way.

And I want to address a question, the lady that -- the pretty looking lady there, she had asked a question about Yellow Jacket and why is it on the market; very simple. It's up to all of you people to find these people who are making these products, prosecute them, throw them into jail, throw the key away, but don't go after the companies like the company I'm proud to be part of, Wellness International, because they're making responsible products, labeling it correctly. But everybody wants to get rid of Ephedra. Ephedra has been shown by the

FDA and by all the scientific studies, correctly used, even in Europe, it does more good than harm. Thank you.

D.P.O. POSTAL:

Thank you.

Applause

Next speaker is Hans Lindgren.

MR. LINDGREN:

Ladies and gentlemen, my name is Hans Lindgren and I have been a resident in Suffolk County for 12 years. I am here to voice my position to Resolution 1954 which would ban the sale of Ephedra in Suffolk County. I have worked at NTBY, the leading U.S. supplement manufacturer,

for ten years and I'm currently VP of Operations.

I'm proud to be associated with NBTY, the company is a good corporate citizen and 1,500 Suffolk families depend on the company for its weekly paycheck. NBTY has always stood behind its products and carefully researches the product before we market it. We're also continually scrutinizing and evaluating our source materials, our manufacturing processes as well as the final product we make. This we do to Ephedra as well as all other products. There's no basis for a ban on selling Ephedra in Suffolk County. Banning the product will deprive local customers of one of the very few products that help them to manage their weight. It would do serious harm to our company, NBTY, as well as other local businesses.

Legislator Cooper has stated publicly that his goal is to promote this resolution to cause a national ban on Ephedra, not just a local ban. This is only further an emphasis on the danger this poses to NBTY. I respectfully request that you vote against the resolution on a ban on Ephedra in Suffolk County. Thank you.

Applause

D.P.O. POSTAL:
Thank you. April Wagner.

MS. WAGNER:
Hi, good morning. My name is April Wagner and I live in Medford. I also own a business on Vets Highway in Bohemia and have done that for the past ten years which distributes an Ephedra product. I personally have used an Ephedra product for the last 12 years and I feel strongly about being able to continue to use that Ephedra product personally and also in our business.

I am definitely for proper labeling not allowing, you know, children, anybody under 18 to use the products. And I also play devil's advocate with myself. We have three boys, ages seven to 15, and of course they're getting to that time in life where they're going to seek out different things, whether it be alcohol, cigarettes, sex, whatever it might be. And I think a lot of it has to go back on the shoulders of the parents to educate our children to know what they're taking, to be careful what they're taking, take everything in moderation. And I believe Ephedra, taken in moderation, taken correctly, knowing the cautions an excellent product, very effective and very

safe. So thank you.

Applause

D.P.O. POSTAL:
Jim Flaherty.

MR. FLAHERTY:
Good afternoon. Thank you for giving me this opportunity to speak today. My name is Jim Flaherty. I have been a resident of Suffolk County for over 40 years, most of my life. I live in Northport now. And I've worked for NBTY for over 23 years, so I've spent pretty much my entire career working for this company.

I just want to reiterate a mission that the company has that we speak about a lot in the company as associates of this company, and that is a mission to provide the finest quality nutritional supplements to our customers. I'm proud to be a member of such a responsible company that has a long history of showing great care for not only our customers, but our associates that work with us and our community. And I'm here today to voice my opposition to Resolution 1954 which would ban the sale of Ephedra in Suffolk County.

I just wanted to state, as some of my colleagues have stated before, that as a leader in our industry, NBTY has been at the forefront of setting standards in our industry. And we have worked very hard with government agencies, the FDA as well, in providing legislation that would ensure that our products and all of our products in this industry are high quality, safe and effective products.

I myself am personally involved with the development of new products in the company and I can tell you from my own personal experience that the products that we look at undergo incredible scrutiny. Every product is laboratory tested, every product gets a peer review of all of the medical information about the product before it's even considered to be introduced into the market place. I'm also involved personally with the labeling of these products which include Ephedra product labeling. My colleagues and I spent a very large amount of time examining what's out there and making sure that our customers have the benefit of the best labeling in the business and the best advice when it comes to using Ephedra-based products and the safety of

those products.

Ephedra is a safe product, there's no exception to any of the products that we sell, we sell over a thousand products. There is no basis for the ban of the sale of Ephedra in Suffolk County. Banning the products will deprive consumers of one of the only choices they have to fight obesity which is a serious condition in this country. Banning this product will also cause serious harm to NBTY and our vendors and our local associates and the associates that work for us as well.

I'm aware that this proposition has been tabled for the day or intends to be tabled, but I ask that the Legislature, if they're concerned about the use of Ephedra by minors or about the marketing of elicit street drugs that masquerade as legitimate food supplements, I think that they should address that problem and draft a bill that would replace the current legislation and draft that concern specifically. So I respectfully request that you vote against the resolution to ban Ephedra sales in this country. Thank you.

Applause

D.P.O. POSTAL:
Thank you. Next speaker is Michael Oliveri, and he will be followed by I believe it's Tony Comestengo; if I've mispronounced your name, I apologize.

MR. OLIVERI:
Good morning. My name is Michael Oliveri and I am here as a citizen to voice my opposition to Resolution 1954 which would ban the sale of Ephedra in Suffolk County.

My employer, NBTY Incorporated, provides thousands of jobs to citizens in Suffolk and has over the years given employment to displaced workers from companies who have failed in an environment of fiscal policy and restrictive legislation similar to the resolution being discussed here today. NBTY is proud of its standing in the community and has never had a layoff in its history. That unblemished record is in danger and jobs are at risk should legitimate products containing Ephedra be prohibited from sales to consumers.

The FDA and other scientific study groups to my knowledge has no pursued or supported legislation proposed in Resolution 1954 and states that Ephedra products, when used in accordance with label directions, should not be categorized as dangerous to consumers.
I respectfully request that you consider the negative economic consequences that Resolution 1954 will bring to Suffolk County and that you vote against its passage. Thank you.

Applause

D.P.O. POSTAL:
Thank you. Mr. Comestengo? And following this speaker, Mardythe DiPirro.

MR. CAMERLENGO:
My name is Tony Camerlengo. I --

D.P.O. POSTAL:
(Inaudible).

MR. CAMERLENGO:
Close. I too work for NBTY, I have been with them for ten years and obviously am opposed to the ban of Ephedra-based products. Just not to be redundant but, you know, a lot of things have been said. I think what we're hearing today from industry is that there is responsible industry producing a quality product that's helping a lot of people. I think we've heard that there's irresponsible industry, companies promoting to minors, and that's a problem. I think we're hearing from consumers that they're using the product safely with much benefit and they would have problems if it was removed from the market. We're hearing from our customers, as Scott Rudolph, our Chairman, had said earlier roughly 12% of our business in our stores on Long Island are Ephedra-based products. So people are using them, they're using them effectively, they're gaining from them. And I think what we're hearing today is the product can be used correctly, the product can be manufactured correctly and is and that the legislation, if it's needed, should be geared towards the abuse of those products and the people that are abusing those products. Thank you.

Applause

D.P.O. POSTAL:
One moment, please, there's a question from Legislator Lindsay.

LEG. LINDSAY:
How many manufacturing pharmaceuticals do we have on Long Island now?

MR. CAMERLENGO:
I couldn't answer that.

LEG. LINDSAY:
Do you know of another one besides --

MR. CAMERLENGO:
Oh, there's a lot of little companies, yes.

LEG. LINDSAY:
Thank you.

D.P.O. POSTAL:
Okay. Mardythe DePirro and then Joan Riley.

MS. DiPIRRO:
Good afternoon. Thank you for your patience in listening to us all. I'm Mardythe DiPirro and I'm here representing Peconic Community Council, a 501(C)3 Coalition of over 250 health and human service agencies that serve residents of the east end.

Suffolk County Executive Bob Gaffney was quoted in Newsday recently as saying that it's only fair that contract agencies tighten their belts while the County does the same. What this overlooks is the fact that they're serving the same people. The poorest, the most vulnerable, the oldest and the youngest citizens of Suffolk County are taking a double hit, or where those funds are matched by State and Federal funds a triple hit and it's too hard. The proposed budget cuts we were told would be 10% across the board which is hurtful enough, but in reality many of the cuts have been much more and have been targeted to specific programs. For instance, the South Fork Community Health Initiative faces a 90% cut that will eliminate the

salary of their Hispanic Outreach Social Worker who performs a very important service

in helping working families get to those preventive services that they need saving local hospitals and government a great deal of money.

You have already heard Janet tell you about the effective cuts to the Child Care Council of Suffolk. That 40% cut, again, targets those families who are seeking employment and therefore need child care for their children. And as she said, those cuts if they go through will effectively reduce her budget to the same level as 1985; think of how much more need we have now to face with that kind of a budget.

Cornell Cooperative Extension is proposed to take a 21% cut in matched funds which means it equals a 42% cut targeting, again, programs that serve working families. Family Service League you've heard from, but in addition their East End Mental Health Program faces two devastating cuts, elimination of two workers, one who serves 70 clients, most of them children at risk, the other staff position is a drug and alcohol program counselor for the Family Recovery Center and serves another 75 clients, this while there are already long waiting lists waiting for these services.

Family Counseling Services facing a cut that will eliminate one and a half staff counselors. And as they say, they are waiting for the impact of cuts for State funding and United Way to take effect in addition. Alternatives with offices in Riverhead and Southampton is facing cuts eliminating two counselors, each assisting another 50 clients in overcoming drug and alcohol dependency. We have already heard about Suffolk County's health clinics taking a hit and the biggest hit is being taken by the Riverhead Center because of its freeze on staff positions.

The long and short of it is this preventive services save money and so does planning.

D.P.O. POSTAL:
Mardythe, I have to ask you to please sum up, your time is up.

MS. DiPIRRO:
Okay, I'll drop to a close. We're asking in the short-term that you provide adequate funding for these health and human service agencies to provide those preventative services. In the long-term, we're asking that you invite us to the table to help you plan so that in the future we can

utilize taxpayer funds to adequately serve the needs of our people. Thank you very much.

Applause

D.P.O. POSTAL:
Thank you. Joan Riley followed by Barbara Allan.

MS. RILEY:
Good afternoon. I'll make this brief. My name is Joan Riley. I am the Internet person over at NBTY. I have been a resident of Suffolk County for 40 years. I have worked for NBTY for 16 years. I am here to voice my opposition to the resolution which would ban the sale of Ephedra in Suffolk County.

I am proud of NBTY and the tremendous support that NBTY has given the community. NBTY has always stood behind the products themselves, they research every product with respect to its safety and benefits. This ban will cause harm to NBTY, financial hardship to fellow NBTY associates and their families. I respectfully request that you vote against the resolution to ban Ephedra sale in Suffolk County. Thank you for your time.

Applause

MS. ALLAN:
I don't use Ephedrine, but I wonder if 10% of the product would go to pay our human services that are being cut.

Applause

My name is Barbara Allan. I'm a retired Deer Park school teacher, I taught in Deer Park for 33 years. I now work with families of people who are incarcerated and I am also Chairperson of the National Community Sentencing Association Conference that will be coming up in Hauppauge in 2003; and may I add, it could bring a lot of people from all over the country to our County who support community service.

Because of my work with people who are incarcerated, I see firsthand the impact of incarceration on families and the greater community. When people are sent to our prisons and

jails instead of being offered the option of alternatives such as community sentencing, the ripple effect is felt by every segment of our society. I have had many occasions to work closely with the Community Sentencing Program of the American Red Cross. Most recently I needed assistance in moving for furniture that was donated to us for needy Suffolk County families. The people in this program responded immediately, they got the job done in an effective and professional way. The people sentenced to community service are performing needed services and are being part of the solution, learning to give back to society. This is so much more productive than being part of an already overcrowded jail system saving the taxpayers $200 per inmate per day.

The American Red Cross Program has been in the community for 21 years and our community is comfortable and accepting of it. Why dismantle it, especially at a time when government agencies are losing so many valuable and experienced staff members through attrition and retirement? The goal of all of us to be to insure that community service is utilized is often and whenever possible; since we already have an effective program, we must maintain it. And I thank you for listening.

Applause

D.P.O. POSTAL:
Dr. Richard Timo? Dr. Timo? Bruce Giglio?

MR. GIGLIO:
Good morning. My name is Bruce Giglio, I reside in Huntington and I run a business out of Deer Park. I'm here today to oppose the ban on Ephedra. I started using Biolean, an Ephedra product, after showing my primary care doctor a copy of the ingredients in the Physician's Desk Reference Guide where all -- where Biolean and all wellness products were listed. I started taking it because his reaction in it was there was nothing in there that could hurt me, go ahead. In four months I lost 20 pounds, inches on my waist and my triglycerides went down a hundred points. What I don't understand here is why a company that is regulated by the FDA can only be obtained by a doctor or distributor, cannot be sold to anyone under 18, thousand of doctors take and prescribe it to their patients and has no derogatory claims against it beyond trial. If there's any evidence that proves otherwise, you have a responsibility to share it with us; I haven't been able to find any.

I'm here because I want to keep my right to choose what products I take. I recommend that this situation be examined more closely before making such drastic decisions and let the companies that are conducting business in a responsible manner go on with their business. Thank you.

Applause

D.P.O. POSTAL:
Kevin Lawlor.

MR. LAWLOR:
Good afternoon. My name is Kevin Lawlor and I'm the Executive Vice-President and Chief Financial Officer of Huntington Hospital which owns and operates the Dolan Family Health Center. I thank you giving me the opportunity today to voice my opposition to the proposed budget cuts at the health center which in the case of the Dolan Family Health Center is not 10%, it's 17%, $400,000 on existing funding and doesn't recognize the increase in cost associated with a work force shortage, the nursing crisis and other costs.

Budget cuts are really simple economics in my opinion. A reduction of funding will equal a reduction of services, the hours of operation and ultimately the viability of our health center and the other health centers across Suffolk County. And this comes at a time when we're faced, the hospital is faced with their budget cuts and we can no longer accept the burden. If adopted, the budget cuts will limit access to the people of Suffolk County who need it the most, the indigent, the working poor and the uninsured. It's just a balance of priorities, a budget. But if you want to continue to provide health services, then make the financial commitment to do that. And I thank you.

Applause

D.P.O. POSTAL:
I'm going to recognize Legislator Cooper for a motion. But before I do that, we will be adjourning for lunch, recessing for lunch and at 2:30 the meeting will resume with the public hearings. At the end of the public hearings, when all the public hearings have been concluded, we will return to the public portion and resume with the next person who has filled out a card to speak. So if you haven't had an opportunity to speak this morning because we didn't get to your

card, if you come back after the recess for lunch, as soon as the public hearings are concluded, and they will start at 2:20, we will go back to the cards for the public portion. Legislator Cooper, I know you have a motion.

LEG. COOPER:
I'd like to make a motion to discharge Resolution 2037 - Approving the appointment of Judith McEvoy as Commissioner of the Department of Economic Development.

LEG. CARPENTER:
Second.

D.P.O. POSTAL:
All in favor? Opposed?

LEG. TOWLE:
Opposed.

LEG. CARACCIOLO:
Abstain.

D.P.O. POSTAL:
An abstention from Legislator Caracciolo. The resolution is discharged.

I would also like to point out that this afternoon at 2:30 the first public hearing is a public hearing on the Proposed Operating Budget. So that I know that a great many of the people who have signed cards are speaking on the issue of the Operating Budget and you may choose to fill out a card to speak during the public hearing rather than waiting for the conclusion of the public hearings to come back to the public portion. It's a green card so that if you fill out a green card for the hearing on the Operating Budget, you may be able to speak earlier on exactly the same issue that you planned to speak on during the public portion. The meeting is recessed till 2:30.

[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:35 P.M.]

[RETURN OF COURT STENOGRAPHER - LUCIA BRAATEN]

[TRANSCRIBED BY DONNA CATALANO - COURT STENOGRAPHER]

P.O. TONNA:

Okay. All right. Roll call -- do we need a roll call?

D.P.O. POSTAL:

No, we don't need a roll call.

P.O. TONNA:

Clerk, you know, why don't you advice us of the affidavits.

MS. JULIUS:

Mr. Presiding Officer, the affidavits are in proper order and are duly filed.

P.O. TONNA:

Thank you very much.

MS. JULIUS:

You're welcome.

P.O. TONNA:

I appreciate that, Ilona.

MS. JULIUS:

You're welcome.

P.O. TONNA:

Okay. First public hearing regarding the Southwest Sewer District assessment role -- **regarding the 2003 Operating Budget**. Is that this?

MS. BURKHARDT:

That's it.

P.O. TONNA:

This is wonderful. This is just wonderful. Okay. So Thomas Williams. Tom? Tom.

LEG. ALDEN:
Let's do the math. No, Paul, I'm serious.

P.O. TONNA:
There's 35 of these cards and then there's another 40 of these cards, so just do the math. All right. I just want everybody just to do the math quickly; 35 times ten is 350 minutes, right. Oh, it's five, right. Okay, so it's 175 minutes. Fine. Without interruptions or questions, that's a good four hours. And then we have the public hearings with regard to the smoking ban, that's another 200 minutes. So we're talking about

LEG. LINDSAY:
Thursday.

P.O. TONNA:
By the time everybody speaks, we're talking about probably around 11 or 12 tonight, okay?

LEG. ALDEN:
Fifty yellows.

P.O. TONNA:
And then we have yellows. So my suggestion is just to try to be as brief as possible, understanding that especially those who have come to talk about the budget, that there are full committee hearings and joint meetings on each one of the budget issues with regard -- what, the next couple of weeks?

D.P.O. POSTAL:
Week after next.

P.O. TONNA:
Okay. That said, Tom, I haven't even pushed the button to start your time. And now, Tom Williams.

MR. WILLIAMS:
Thank you. Thank you for opportunity to speak with you. My name is Tom Williams, I'm the

Director of Cornell Cooperative Extension. And I would also like to thank you, the Legislature, for all your support over the past year for restoring our Marine Program and the Diabetes Program. This year we're faced with a $59,000 cut or 21% cut in funding, which is especially targeted again at this Marine Program and at our Family Consumer Science Program. And additionally, the Diabetes Education Program was eliminated from the budget, which was a contract we received from the Health Department. The County has funded our Marine Program for the last thirteen years and over that time, the program has had a significant impact on preserving, protecting and restoring our coastal and marine habitat.

County dollars enable Cooperative Extension to obtain almost ten times that amount in grants and other sources. We service the County marine environment from the Vanderbilt Museum in Huntington to the Babylon Sports Fishing Alliance, to the Marine Education in Southold. We provide marine education to over 15,000 children and youth throughout Suffolk. Our family Consumer Science Program had been an integral part of extension since we were founded in 1924. Through state and federal legislation, we have provided nutrition education and consumer education to the farm industry, and these programs have expanded to assist all Suffolk County residents. Our Parent Education Program is noted throughout the state as a model of researched based education to families and professionals throughout Suffolk and is available to all residents regardless of income.

There is no greater responsibility than raising a child, and our educators provide training for professionals who work with over 35,000 children in Suffolk. Just last week, the Center for Disease Control announced that the County was facing an epidemic of Diabetes. In Suffolk County, there are an estimated 51,000 individuals with Diabetes. Of great concern is the increasing numbers of children with Juvenile Diabetes. Extension educators have been able to provide education to these individuals so they effectively self manage their disease and in turn are less likely to use emergency room services. The loss of funding for this program jeopardizes $100,000 in state aid. And additionally, the program is close to receiving federal certification, which would help us to receive additional funding, therefore reducing the County responsibility. Our nutrition programs are integrated with Suffolk's agricultural industry which leads the state in agricultural production.

Our marine programs are connected and integrated with Suffolk's multi-million dollar commercial fishing industry. And while we know it's a difficult year for the County, and we understand there may be a necessity for budget cuts, we hope that you would not cut our budget more than other

contract agencies. The County budget calls for a 10% cut throughout, and this year we received a 21% cut, which does not include the Diabetes Program. We also -- is that a bell?

P.O. TONNA:
No. That's for people so I can hear you.

MR. WILLIAMS:
I'm sorry. Okay. We also lost the partial restoration of Diabetes and Marine, which adds up to far more than the 21%. And last year we lost the $400,000 for the Marine Program. So we feel we've been overly impacted by the proposed budget for 2001. Thank you very much for your consideration.

P.O. TONNA:
Just a quick question, Tom.

MR. WILLIAMS:
Yes.

P.O. TONNA:
All right. Since I've known your career, you know, you've worn a few hats in front of us, at least two that I know of.

MR. WILLIAMS:
Yes.

P.O. TONNA:
If there was another approach by the Legislature, which is to cut programs rather than across the board percentage cuts on all programs, why marine -- why does the County have to do marine science rather than housing the homeless? Or -- you know, that's the Draconian questions that we're going to be faced with. And I just, you know, when I look at the issue of public safety, public health, public assistance and roads, I don't see marine science. So I give you an opportunity to say something on behalf of that.

MR. WILLIAMS:
Okay. Well, as you know, marine science and -- our Marine Program serves all of our coastal

habitat. We work with the commercial industry and the sports and recreation industry. It's our feeling that what we do enables and enhances their ability to be commercially viable out here, and we feel that that provides a tremendous amount of revenue for this County in terms of sale tax -- sales tax. And it supports a viable industry throughout the County, so that we hope that that Marine Program is actually supporting the kinds of programs that you speak of. And I also think that one of the reasons that many of us live out here and work out here is because of the beauty of the marine environment, and if we let that become degradated, and we let that go, I feel that the County will not be able to support the kinds of programs again.

P.O. TONNA:
That's why -- isn't that why we have a federal government and a state government, to fund things like this?

MR. WILLIAMS:
I think the County government has a role to play in that as well.

P.O. TONNA:
All right. Thank you, Tom.

MR. WILLIAMS:
Thank you very much.

P.O. TONNA:
I guess you know how I feel. Okay. Loila Zogby.

LEG. GULDI:
Spell it.

P.O. TONNA:
Z-o-g-b-y.

P.O. TONNA:
Sorry about that. You could have said an o not an a, that's possibly, right? I see the shaking of the head of the school teacher. I'm within the range.

LEG. FISHER:

Zogby.

LEG. LINDSAY:

She didn't hear.

P.O. TONNA:

Next, Marilyn Shellabarger. Thank you, Marilyn.

MS. SHELLABARGER:

I had to lower it a little bit after Tom. My name it is Marilyn Shellabarger, and I am the Chairperson of the Liaison Committee, which is of the Advisory Boards of the Suffolk County Health Centers. And someone asked me out in the lobby out before how long have I been doing this, and I said, since the day after the first one opened, which interestingly enough was 34 years ago. So it's been a longtime, because the budgets seem to be cut constantly. This morning, I was -- I've been here all morning, and my morning card, you can throw that a way, since I signed a green card too.

P.O. TONNA:

Thank you.

MS. SHELLABARGER:

So I won't speak later on. I listened to everyone this morning and there were a few speakers from the health center. And one of the things that I do remember is the impact on the emergency rooms. But not only does it impact -- these health centers and the visits impact on the emergency rooms, the cutting of them causes an increase in emergency room visits. By having our health centers, we save admission to the hospital, which is very cost effective, because rather than having people who have diseases develop, they have absolutely not developed and they can be treated on an out-patient basis. In fact, I believe there are statistics available, and I can see if I can get them to you, because that's an important factor.

Last year there were -- we estimate that by the end of this year, I should say, for 2002, there'll be over 300,000 patient visits. That is a lot of patient visits. Individual health center spokespersons will be here, and they'll tell you what their individuals cuts are, but they do vary from about 17% down to 10%. And as Brian mentioned this morning, that's because 10% was

cutoff of the proposed 2002 budget last year, and so -- and we heard Huntington say that it was a 17% cut this year. I heard someone say this morning, and I reiterate it, the poorest, the most unable to cope are the ones that get the potshots taken after them. And I certainly hope the health centers, which -- which are supported by the people of Suffolk County, are an exemplar for the kind of health service and cooperation between the community hospitals, the County and the people of Suffolk. And I certainly hope that you will support it. And, yes, I have talked to my state representatives and, yes, a letter has been written to the County Executive, so that we are hopeful -- we want to make sure that we can attack every single avenue we have to keep funding our health centers. Thank you.

P.O. TONNA:
Marilyn, thank you very much, and thank you for your passion, and thank you very much for your work. Andrea Vecchio.

MS. VECCHIO:
Good afternoon. Can you hear me?

P.O. TONNA:
Yes.

MS. VECCHIO:
Okay. My name is Andrea Vecchio. I'm a longtime volunteer and taxpayer advocacy movement known as Tax PAC, Suffolk County Tax PAC. And I am here on behalf of Suffolk County taxpayers who believe we are already taxed to the max, that enough is enough. The message we want to convey to this Legislature is that the spending must be cut before any thought is given to raising taxes. We do not believe that the sales tax exemption on clothing should be repealed. The sales tax itself is a regressive tax, one that penalizes the poor more than the rich. The elimination on the tax on clothing under $110 benefits those who need it most, that would be working families struggling to make ends meet.

There are many places that can and should be looked at to save money, beginning with reports of overstaffing in Legislative offices and stories of County employees and administrators who have recently retired with incentive bonuses being put back on the County payroll as consultants. Consider Legislator members items too. The $200,000 every Legislator is given to dole out could be reduced or even some day eliminated. Throughout County government

agencies, across the board cuts all should be on the table. Perhaps a freeze on all non essential travel by County employees could be instituted. In order to balance last year's budget, County property taxes went up by 14%, overall sales taxes were raised a quarter percent, fees such as auto registration fees were increased, totaling $2 million in fees last year, and additional new taxes were levied on fuel and home heating oil.

Now, enough is enough. The budget proposal has got to be ratcheted down to account for the slow down in the economy. We have heard dire predictions of serious shortfalls in state, town and school budgets, while we realize mandated programs are still growing and are still without the corresponding state or federal funding, the County has been dealing with the same situation for many years. When things get tough, these costs always go up. To a great extent, the County Executive and the Legislature has brought their current fiscal dilemma on themselves by refusing to lead by example. The fact is that Suffolk County's largest single expenditure is for police salaries and benefits, yet in 1999, three days after re-election and with the police contract under negotiation, the Legislature was offered and agreed to accept a 30% increase in their salaries. As a result of this, and I'll quote the PBA president, Jeff Frayler, who said if there was no money, what are they doing giving themselves 30% raises? The police won a new contract that gave them a nearly 20% increase.
According to Newsday, the average Suffolk policeman now makes $105,000 a year. That's $34,000 more than the average taxpayer in my town.

While we may be locked into the present contract, the Police Department should be looked at closely to safe money. Reports of police dealing drugs or out campaigning for candidates while out on full disability pay does not inspire confidence in the system. The buck cannot continue to always stop with the taxpayer. In hard times taxing the people even more could be a recipe for disaster. The Legislature needs to get back on track, back to serving the interests of the people. There is a new standard evolving out there, I believe, in the wake of recent scandals. Those who have been so negatively affected financially by actions based on Wall Street greed and self interest will likely be much less tolerant of the ethical lapses of their elected officials in the future. Thank you.

APPLAUSE

P.O. TONNA:
Thank you.

P.O. TONNA:

We could use you in the Diocese of Rockville Centre also.

MS. VECCHIO:

Excuse me?

P.O. TONNA:

We could use you in the Diocese of Rockville Centre also. Anyway. Nancy --

MS. VECCHIO:

No questions?

P.O. TONNA:

No questions. No. Nancy Lustig. Okay. Not here.

AUDIENCE MEMBER:

May I speak for her if --

P.O. TONNA:

No. No. I'm sorry, but there is -- you fill out a card, you speak for yourself. Thelma Drew. Hi, Thelma, how are you today?

MS. DREW:

Very good, thanks. And good afternoon to you all. Thank you for this opportunity to address you regarding a concern that's dear to my heart. As many of you know, I live in the Town of Smithtown, and I serve on a number of nonprofit boards, some in Smithtown, some in the County and some nationally. At the same time, they are all valiant and do great work in their targeted areas, but only one, the Family Service League Incorporated, has the kind of comprehensive approach that not only addresses the entire family's very existence, but also the issues affecting the individuals quality of life and therein affecting the standard of life for all of us in our Suffolk society.

Family Service League is well received by the community and long recognized statewide for the breath of its services and the caliber of its services. The Family Service League is the only Suffolk County agency certified by the National Council on the Accreditation of Family Service Agencies to meet the highest standards of practice, of professional practice. We want to assure our ability to continue to provide these -- continue these practices and provide the services to all of Suffolk County. And we know that some painful decisions lie ahead in the budget process. We respect the fact that you have a crowded agenda, and that you're being pressured by a multitude of agencies and individuals. And rather than give you all the reasons that you should fully fund our programs, I'd like to reiterate a suggestion that was made earlier today that you focus on the outcomes of the programs. This may help you to assess the various programs and make the necessary choices in a year of harsh budget realities. By asking one reasonable question, what does the program accomplish, not the process, not what it changes, but rather the accomplish, the outcome, as well as the cost effectiveness of the program, does it save more than it costs?

One quick example of this would be the Program Home that we have heard about before. Today, there are more than 550 homeless families in Suffolk County. The average time a family spends in a shelter is now 10.8 months, almost a full year spent in the shelter. The 10.8 months costs the County $54,000 per family. The human cost, of course, are incalculable. We're all aware of the acute shortage of affordable housing in Suffolk County, but despite the acute shortage of such affordable housing and with the cooperation of a number of great individuals, in the first nine months of this year, Family Service League's Program Home moved 177 from shelters into permanent housing. If you do the math, this means we've saved the County almost a million dollars so far, this year with another three months to go.

To assure positive -- continued positive outcomes, Family Service League also provides follow-up case management, counseling, employment assistance, and other services to make sure that the family doesn't get into trouble again and show up at a shelter again, an example of the kind of comprehensive services approach that I mentioned before. The 10% cuts need to be restored, and in addition, $150,000 added so that Program Home would be funded. The first $149,766 that funded the Program Home for this year came from New York State. New York State was so impressed with our program this they took the money back and are going to spread it to other counties so they could implement or try to implement similar programs. Therefore, the burden falls back on the County to have on their shoulders that million dollars unless the investment of $150,000 is made to save that million dollars expenditure.

We believe that would be

P.O. TONNA:

Thelma, your time is up so -- do you have any last comment?

MS. DREW:

No. We understand that you have many difficult decisions. We have the youth programs, alcohol and mental abuse as well, and we certainly want to be able to continue providing the kind of services that we have in the past.

P.O. TONNA:

Thelma, I just wanted to ask you one question. The state loved your program so much they took your money away.

MS. DREW:

Yes. Rather than add money to other agencies --

P.O. TONNA:

Don't you feel the love? Don't you feel the love?

MS. DREW:

Oh, yes.

P.O. TONNA:

Don't you feel the love? So they could spread it around.

MS. DREW:

That's right. We showed them what could be done.

P.O. TONNA:

And they --

MS. DREW:

They said, yes, you're right, so let's try it someplace else.

P.O. TONNA:

Thank you very much. I hope you petitioned your state representative.

MS. DREW:

Definitely.

P.O. TONNA:

I'm sure they have such a great open ear to your pain.

MS. DREW:

We keep trying.

P.O. TONNA:

Audrey Van Deusen. How are you, Audrey?

MS. VAN DEUSEN:

Good. I thought it would be good morning, but good afternoon. My name is Audrey Van Deusen, and I'm serving on the Board of the Child Care Council of Suffolk. And I'm here today to urge you to reinstate the EARNS Program, which was completely wiped out from the County Executive's budget. Parents can't afford to pay, teachers can't afford to stay. And this may seem like a trite slogan, but it really sums up the current crisis in the field of child care. Staff turnover in child care is more than 40%, and staff who work with children in their formative years need to be skilled, educated in child development so the children who are in their care -- excuse me, many for more than 50 hours a week are not wasting their time, but are there with activities that stimulate their intellectual development during this critical period of brain development, time that helps them to become emotionally secure, which is practically impossible when four or five different teachers are passing through the classroom each year.

We in early education have an awesome responsibility and a wonderful opportunity, an opportunity to impact so many lives in their formative years, opportunities to teach cooperation, negotiation, respect for differences, non violence, an opportunity to set the stage for future learning. And statistics have shown absolutely that good early childhood programs do make a difference in childrens' future success. A program, however, is only as good as its staff. And because pay is so poor, the work challenging and demanding, hiring and retaining qualified staff

is challenging to say the least. A revolving door of staff does not produce quality. This Legislature addressed these critical issues and passed child care legislation, which initiated the EARNS Program. It hems to impact the quality issues which are now in such jeopardy. It rewards those working in the field for completing educational milestones and offers incentive to the good people to stay in this field.

Although it seems like just a stipend, it does help staff to more easily afford health insurance, pay for their own child care needs or just make ends meet and allow them to stay in the field. I retired three years ago as having worked as a director in a child care program here in Suffolk for 25 years. However, I just donated six weeks of my time to serve as an interim director as well as a classroom teacher in a child care facility that was left in September without a director and down one teacher. I did this to keep the facility open and going while the board searched for new staff. I felt that it was necessary so that the working parents who counted on their child care arrangement could keep their jobs. Two other teachers on staff told me that they had completed their degrees this summer and were all excited because they were now eligible for the state quality retention program and the EARNS stipend. The need for child care is a fact of life, it's an economic issue. A parent without needed child care is a parent who cannot work.

I thank you for your past supportive issues affecting children and families and urge you to consider reinstating the EARNS Program. Another issue that's upon us is the living wage. We certainly hope that child care staff will be able to get that living wage, yet it's like running a public school with parent fees. I have no idea how they're going to be able to institute it. I hope it doesn't mean the closing of a lot of needed child care places. Thank you.

APPLAUSE

D.P.O. POSTAL:
Next speaker is Erna Stanfield.

MS. STANFIELD:
Good afternoon. My name is Erna Stanfield, I live in Wyandanch. I've been a resident of Wyandanch for over 35 years, and I'm here today to try to impress upon the legislation board to please do everything that they can to make sure that the 10% cut, budget cuts that are supposedly to go in effect will not affect the health services. In Wyandanch, the Martin Luther

King Center was like a phoenix, it rose up from the ashes. I was there when it started in a little building down across the track. It is now one of the crown jewels of health services, and it is because of the devotion of the workers, the people that picket, the people that begged and the people that went out and said we know what we want and we're willing to sacrifice whatever we can to get it.

The 10% cut would be equal to $500,000 in this year's decrease of the budget. We have increase in HIV patients, we have increase in Diabetic patients. With educational programs that may be affected for people with Diabetes. We have an increase in teen pregnancy. We have an educational program for young teenagers that are pregnant that is outstanding and is one of the very best. There are parenting classes. We have the schools where the children have not had their physical examinations. Not only that, we have what is one of the most diverse community centers that there is.

We have approximately ten to 12 different cultures that come to the Wyandanch Martin Luther King Center. These people are people that would never know what it is to go to a hospital. It is because of the health center that they are brought into the fold and they are able to know what it is to get good health service. I myself have been on the advisory board since it started. Unfortunately, I had to get off because of other things. But I'm standing here before you as a 75 year old woman that adopted four children at the age of 70, and I don't know what I would have done without the Martin Luther King Medical Center. Thank you, Ms. Postal.

D.P.O. POSTAL:
Erna?

MS. STANFIELD:
Yes.

D.P.O. POSTAL:
Have you communicated with the County Executive with regard to this cut?

MS. STANFIELD:
Yes, we have. We have sent letters to him. We also have gone to Steve Israel and everyone else that we could to make sure. The people -- Ms. Postal, you know, that is your district and you know how hard the people work there. And the diversity alone, the cultural diversity that

you see there, I was sitting in the clinic the other day and someone was speaking Russian. I happened to look around, and I said why are they speaking Russian in Wyandanch. I mine, I never knew. You have a large Turkish population from North Babylon. All of this is something that 35 years ago we didn't know anything about. When I moved to Wyandanch 35 years ago, there was approximately ten families of Spanish decent living in Wyandanch. Now, the clinic sees four to 500 different people a day, plus the children. I beg you, as a Legislators, please do everything you can to make sure that that 10% cut does not affect the health centers. Tri-Community has been affected so that they have cut their Saturdays and evenings. All of those people are flowing into the Martin Luther King Clinic. I thank you very much.

D.P.O. POSTAL:

Erna, I have another question. You said you and some other people have communicated with the County Executive. Has anyone gotten a response?

MS. STANFIELD:

I think Mr. {Wong}, the Director, is going to be here, and he will explain that to you. But I do know that there were letters sent out and everything. And we have been doing everything we could to make sure, because, you know the population and you know that if anyplace don't need cutting, it's Wyandanch. We hear so many negative things about Wyandanch. Everybody says Wyandanch, they start cringing. I live in Wyandanch because I want to live there, not because I have to. I love Wyandanch and I would die there. But I need help and so does everyone else that live there. We're not asking -- I pay good taxes. I pay very good taxes. I own my own home. I pay good taxes. I was a psychiatric nurse for 17 years with the Department of Correction in Adolescents. So I'm not here as someone that don't know all the pros and cons of any program. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Nancy Lustig.

MS. LUSTIG:

Good afternoon. I am Nancy Lustig, a resident of the Port Jefferson community, past public policy liaison of Mothers Against Drunk Driving and current President of the coalition -- Suffolk Coalition to Prevent Alcohol and Drug Dependencies. The Suffolk Coalition is the leading alcohol and substance abuse prevention agency on Long Island. We serve the 1.5 plus residents of Suffolk County as the only universal prevention initiative. Universal prevention is defined as

addressing alcohol and drug dependency before it starts. We know prevention is working, we know that it's very cost effective. Here are the facts or some of the facts.

The number of incidents involving controlled substances in the county is down 15%. DWI is down approximately 10%. Gang related incidents are down 30%. Domestic violence incidents are down 5%. In the past thirteen years, this agency, the Suffolk Coalition, has developed a science based research community coalition, community coalition building program called Compass. Compass has been honored and recognized three times by the federal government with grants from its office of Juvenile Justice and Delinquency Prevention and block grants from New York State. Its presence is felt in communities throughout Suffolk County. And if anything, the Compass program should be replicated in every community on Long Island.

The research teaches that the best outcome approach is done when the entire school community plus government agencies, law enforcement social, civic and faith come together to ensure the health and future of our children. The Suffolk Coalition with its limited staff and funding has not received any significant increases in the County and state funding in the past nine years. Our County allocation is matched by state funding. Therefore, when you cut a dollar of our budget, you give the state back a dollar. A 10% cut in the bottom line of our budget represents two part-time prevention specialists who are providing community prevention services. Every dollar spent on prevention reduces the need significantly for present -- for intervention, treatment and criminal justice services.

I speak to you as the president of a dynamic board of directors and a membership of 600 plus Suffolk County clinicians and agencies involved in the alcohol and substance abuse and health related fields. The Suffolk Coalition has been responsible for bringing to Suffolk County $600,000 worth of federal grant monies and $240,000 in state monies. Our budget from the County is less than $200,000. We are able to increase our services through grant writing and independent business support. The County Budget Office, County Executive and this Legislative body has acknowledged us -- acknowledged us as leaders in the prevention field. If anything, we should be thanking for you a 10% increase in monies instead of facing what looms as a 20% cut because of the matching state monies.

We are cognizant of the budget difficulties the County faces. But there must be a vision, there must be a plan, there must be priorities and a value system placed upon how cuts are made. In trying to avoid the darkness and the pain of alcohol and substance abuse dependencies, all its

related suffering and its high cost to the County, the Suffolk Coalition stands as the only light focused on prevention. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is John Nicolellis.

MR. NICOLELLIS:

Good afternoon. Thank you for your patience in advance. I've never had an opportunity to speak the Legislature, and I don't come to this position as the head of a department. I'm a grunt. I work within the groups. I've been a volunteer with the Boy Scouts of America for almost 30 years as a leader. I've been a volunteer tear with the American Red Cross in doing different aspects of health and safety services and now community service projects for almost 30 years. In this capacity today, I work within that community service project again, as a grunt person. The group that I work with are at risk youth. At risk youth wind up in our community service program.

And as a taxpayer, I've lived in Suffolk County now since 1947, and as a taxpayer in the County, I feel that I have a right to describe that I think we are spending our money very, very well within the community services programs. We take youth that are in the program already established to be in trouble and already requiring support and services mandating expenses from within our structure. The expenses within our structure come out to about a $100 a day if we incarcerate these youth, and the community service program deals with those very same youth in a very community specific, very publicly visible, very community aware way at a very, very substantial saving.

We've seen a little bit about the program beautifications for the different villages and towns, and that's very important. And we probably have seen youth cleaning up areas as a part of their projects, but the projects I deal with puts youth in a camp environment, remember I said I was a Boy Scout person. I use my skills as a scout person to help develop a program by which youth, and I mention youth because there are both boys and girls in the program, girls get into trouble too. And we give them an opportunity to work together where they may never have had the opportunity to work together or a need to work together. We put them in an environment of having to accomplish chores that they may never have had to accomplish before on their own. We give them an opportunity to accomplish goals they may never have been exposed to. We put them in a position of dealing with the environment, of dealing with nature, of dealing with

their own personal needs and of interacting with one another in a way that by end -- by the end of their project becomes a successful project.

So they feel good about themselves, they feel positive about themselves, and those youth involved in this kind of a weekend activity, this camp project, they invest about 30 hours of their time to get only ten hours of accreditable service time marked off on their record. So the youth themselves make a considerable investment realizing that there may just be something that this piece of program that they feel is useful and value believe, and so do I. And I hope you do too, and I hope we can reestablish some of the loss of support that seems to be -- seems to be developing. If you have a question about my part of the program, I'd be glad. Then I thank you for your time.

D.P.O. POSTAL:
Thank you. Helen Meyer.

MS MEYER:
My name is Helen Meyer, and I run the juvenile division of the American Red Cross Community Service Program. And I want to thank John. As one of our leaders for the children, he does a wonderful, wonderful job with basically teaching the kids an alternative to hanging out and giving them some insight as to how to hike safely and camp safely. It's a wonderful alternative. I would like to mention -- I don't want to repeat a lot of the things that have already been said about community service, because they've already been addressed, but what I would like to say is that we do have money from the state that we have gotten for our vans. We have vans going out every Saturday morning, which has been said. We do beautification projects, which has been said. And this state money we receive is in place.

Our County money, however, is in jeopardy. And we have been told that our program can possibly be run by maybe the Probation Department itself. Well, that's possible, but is it going to be at the same cost as we run it? And is it going to be with the same dedication that we have? We have many, many people who are working on a volunteer basis, they're very dedicated to the program. And one of those programs that we do have for our kids, which is something very unique I believe, is a literacy program that our children can be referred to, and it is unlike any other in that it is a multi sensory program that is for learning disabled children.

The community service program during their interview methods can target these children, and

they do refer them to outside referrals, such is the Asteric Program. And the judges love it, the law guardians love it, our advisory board loves it, and if children were not given an opportunity to at least try this alternative method with some kind of a credit to be given to them in the program, they might not have even tried it. We've had great success with the program. I hope it continues. If community service were not here, a lot of these kids wouldn't be caught. We have 14 and 16 year old children that are still illiterate, and still cannot read, and some of them cannot write. And that's the truth. And it's a very sad truth. But they do come to us, they fall the criminal justice -- the cracks, and we take these kids, we not only mentor them, we supervise them, we monitor their hours, and this is all at no public safety risk. We have had no problems with these children, because they know we're here to help them.

So from another angle, I would like to just say I don't want to duplicate anything else, but we're following our objectives, we're following our hearts, and we're doing what needs to be done out there for the kids. They are the future of tomorrow. They are the next voters that are coming before you, and I ask you to please give them a chance to correct the things and to make right the things that they have in the past done wrong. Thank you.

D.P.O. POSTAL:
Helen, Legislator Foley has a question.

LEG. FOLEY:
Thank you, Madam Chair. And Helen, it's good to see you here today. This proposed transfer of the responsibilities of your agency to Probation, during the year, was there any indication given by those within the Executive Branch that oversees your contract that had any misgivings or they had some --

MS. MEYER:
No.

LEG. FOLEY:
-- constructive criticisms of things that you need to change, or if you don't change, then something might happen?

MS. MEYER:

No. Everything has always been positive. We give the Probation Department quarterly reports. We have met and exceeded all of our objectives in every quarterly report for years now. Our advisory board guides us. We do everything through our advisory board. And as you know, all of the criminal justice people, the law guardians, legal aid, District Attorneys Office, Sheriff's Department, Probation Department, they sit on our board.

LEG. FOLEY:
Let's ask the question this way.

MS. MEYER:
Okay.

LEG. FOLEY:
Since the proposed budget was released on September 20th, have you endeavored to find out whether by phone or by mail the reasons why the County Executive proposed this transfer?

MS. MEYER:
I really don't know. I really don't know. I just know that the --

LEG. FOLEY:
I know that a letter went out to all of us, but I think what would be helpful and something that was mentioned early today is under the County Charter, yes, we can amend the budget, but as can the County Executive amend his own proposed budget. So I think what needs to happen in your case and the case of other agencies is not only to ask him to amend his own budget, but also to ask for an explanation, what was the rationale, what was the programmatic rationale taken by the decision makers in the Executive Branch to make this transfer? You have a right to ask that question, and you should expect an answer as we should expect an answer from the management side of this government as to why things happen. It's fine to come before us, and you have every right to do that, be we can't also let off the hook those who made this decision. And what we need to find out is what rationale was given. And I think it would help your cause and your agency's cause if your board -- your board, yourself, others would ask those kinds of questions and expect the response prior to the time that we'll be voting on the budget in early November.

MS. MEYER:

Okay. I'd just like to add one thing. Our budget for the juvenile division is $296,000. When you think about the cost of one child going to a detention facility, it could be as much as $200,000 for a child, one child. That's -- that's almost our whole budget. I just wanted to mention that.

LEG. FOLEY:
That's all the more reason why you need to find out as we do why this decision was made.

MS. MEYER:
Yes. Thank you.

D.P.O. POSTAL:
Thank you, Helen. Next speaker, Kathleen Deerr.

MS. DEERR:
Hi. Good afternoon, and thank you for the opportunity. My name is Kathleen Deerr, and I'm the Assistant Director of the Mastic, Moriches, Shirley Community Library in charge of Children and Parent Services and also a founding member of Suffolk Coalition of Parents and Children. I am here to tell you about a very important and effective partnership that benefits our entire county. It's a partnership between the Family Consumer Sciences Division of Cornell Cooperative Extension and all the County agencies and the local agencies within our County that serve children and families. These agencies include school districts, Head Starts, youth agencies, health departments, even Starts in public libraries.

Within this partnership, Cornell provides direct parent education programs offered through local agencies. Families regardless of income level or location have access to practical research based parenting information. There are currently fifty-five public libraries in Suffolk County, and just about every single one of them utilizes the expertise of the Family Consumer Sciences Program. In fact, libraries account for 35 to 40% of various parenting programs offered by Cornell throughout the County reaching almost 3,000 parents annually. This is an extremely cost effective beneficial and natural collaboration. Family Consumer Sciences may not be the most visible aspect of Cornell cooperative Extension, but I think you realize it's one of the most vital.

By teaming up with libraries and other local agencies, Family Consumer Sciences has a conduit

to the entire community without having to pay for space and the added personnel it takes to staff and maintain such space. By teaming up with the Family and Consumer Sciences, libraries and other local agencies know the programs and informations they are providing emanate from a source that provides the most reliable practical objective and high quality educational programs. I have to tell you, I've had the liberty of being in the same library in 28 years and seen two generations of families grow up. I have seen the difference after they've been through Discipline is Not a Dirty Word at my library and been to nutrition programs and all the other programs that Cornell offers and all the programs we offer, and it makes a difference in these children and families. I've seen it for 28 years, it makes a vital, vital difference.

The partnership does not stop here, though. It's just the beginning. Family and Consumer Sciences works very closely with professional working with children and families. Through high quality professional trainings and dissemination of information, Cornell enables even the smallest agencies to keep abreast of the latest research and learns how best to incorporate this into their programs making them more effective. Within my home district alone, they work with the library, the school district, Colonial Youth and Family Services, even Start, Head Start and the health center, I can tell you all of our agencies are much better because of that working.

Perhaps most important is the support they give to professionals. They're always at the table with dedicated staff and a willingness to offer resources and expertise. For me and many other professionals they are the first resource for ideas and development in connections. Because they work County wide, they're able to share information amongst agencies. Their work provides an infrastructure for the professionals working with children families, and that's something that doesn't exist in this County. So it saves a lot of time, it makes our programs better. And they're like this web; there's Cornell and then they do their parenting programs all through the County, and then they train all the rest of the professionals in all different disciplines to do the exact same thing. So you're getting a major multiple effect of their benefits.

I know I would not have the skills and the expertise that I have today and my library would not be the family centered library it is today without two decades of information support and networking we received from Family and Consumer Sciences. I'm also true -- I'm sure this is true of many other agencies. And I also know without a doubt I'm a better parent because of everything I learned at Cornell. Access to good parent education builds a healthy -- builds healthy children, strong families and productive communities. In addition to increased quality of life for all involved, it also translates into enormous savings for our school districts, law

enforcement, social service, health and many other agencies. The programs and services offered by Cornell and many other local agencies whom they support, what they do is prevent child abuse and neglect, PINS petitions, poor health and safety behavior, lack of parental involvement in children's education.

When parents look for information, many of them turn to local libraries for support. We are now trying to offer that support, and the collaboration with Family and Consumer Sciences is vital to the development and the delivery of such programs. Libraries and other agencies cannot fill this need alone, and they cannot afford the much higher cost of private educators and consultants who are often not as up to date with practical and supportive parent education as those from Cornell. Parent education and support is not a luxury and not something to be left to chance. Suffolk County has already has en effective collaboration with Cornell Cooperative Extension and all the different local agencies they work with to bring this needed support to parents from Huntington to Shelter Island for a very nominal cost.

After reading over this factual information and listening to the testimony today, I hope you will ask yourselves the question that it's not whether or not the County can afford to fund this and the preventive network of education Cornell offers, but rather can it afford not to?

D.P.O. POSTAL:
Thank you, Ms. Deerr.

MS. DEERR:
Thank you.

D.P.O. POSTAL:
Next speaker is Linda Clark, and following Linda Clark, Richard Marguiles.

MS. CLARK:
Ladies and gentlemen, good afternoon. My name is Linda Clark. I'm head of Children Services at the Bay Shore-Brightwaters Public Library. And I also wear a double hat here today. I'm also the currently President of the Children's Librarian Association for Suffolk County. I'm not as quite as experienced or eloquent speaker as Kathleen Deerr is, but I hope that my message will get across to you. Good afternoon. As I had mentioned, I am currently head of Childrens Services at the Bay Shore-Brightwaters Public Library, which serves the residents of the Bay

Shore School District on the South Shore of Suffolk County. I am also currently President of the Childrens Librarian Association of Suffolk County, which membership is composed of over 100 childrens librarians who serve within the fifty-five public community and association libraries throughout Suffolk County.

I am here this afternoon to share with you how the County Executive's proposed 2003 budget cut of 21% to Cornell Cooperative Extension of Suffolk County would impact the Bay Shore-Brightwaters Public Library as well as other libraries across the County. And in the end, affect the well-being and health of the parents and children of this great County. As head of Children Services at my library, I strive to provide the most current and up to date programs and services for our district, parents, children and teens. The Family and Consumer Sciences programs throughout the Cooperative Extension have played a major role over the years in allowing us to provide the most up to date, and I stress that terribly, the most up to date information, services and programs on such topics as child development, parent-child workshops, nutrition education, teen education, consumer safety and parent education to all of our district's families.

A review of our library's quarterly brochure would show any one of you that we present at least one program and/or activity per month which utilizes the staff and the resources of the Cooperative Parent Education Program. The highly trained specialists who compose the Cooperative staff have enabled my library and my children's staff to take advantage of their expertise in a variety of specialty areas, and then make this information and service available to our community. They have served as an important bridge to the other family agencies, which go throughout our County as well. The Cooperative staff -- Cooperative staff has been a guiding light in enabling us to create new programs for our parents and children that had been presented at our library and that our residents have locally benefited from. The Cooperative has provided continuing education programs, they have provided training workshops, they have provided institutes. And the librarians at my library have also been fortunate enough to take advantage of these, thus increasing their skills in specialized areas and enabling us as librarians to provide critical and child rearing information to tour community.

As a result of the Cooperative's providing such expert staff and service to our library, we have been able to keep the programming component of our operating budget low even in these days of rising costs. The loss of the Cooperative staff, services and programs would likely -- would likely increase the costs in my childrens' department, and we would be forced to replace that loss with the more costly private agencies who really come at a high price to come to speak at

libraries for parents and children. Now, my library is just a small example of the impact that the elimination of the funding for the Cooperative would have on its community residents. As President of the Childrens' Librarians Association of Suffolk County, I can only stress that the impact on other childrens services departments in other libraries in this County would be a mirror image of my own.

Over the last few weeks, as I'm sure you might have received in your Legislative offices here and at home in your districts, I have taken telephone calls, I have received e-mails and I have met personally with other childrens' librarians from our organization. Many librarians have voiced the same concerns and the same scenarios for their childrens' departments and their programs and services as I have outlined for my own library as well. By drastically reducing the funding for the Cooperative Extension's Family and Consumer Program, there would be a loss of important information and services provided to many families and residents in the fifty-five library districts throughout this County. The arms of the Family and Consumer Science Program and its staff are far more reaching across the County than just their initial residents' address in Riverhead. I ask you to consider the information that I've presented today carefully, and I want to thank you for your time.

D.P.O. POSTAL:
Thank you. Next speaker is Richard Marguiles, and followed by Joseph -- Dr. Joseph harder. Is Richard Marguiles here? No? Is Dr. Joseph Harder here?

MR. HARDER:
Yes, I am.

D.P.O. POSTAL:
Followed by Jean Wilkins Dember, MHS.

MR. HARDER:
I am Dr. Joseph Harder, former Medical Director of the South Brookhaven Health Center East, now known as the Marilyn Shellabarger Health Center and Chairman of the South Brookhaven Advisory Council. I can't believe that I'm speaking here again on this issue. I've been here several times before, and I thank you always for your support in the past and even on your support last year. I ask you again for support, and I emphasize three elements mainly; prevention is one that our health centers deal with, and I think is so important; care of the

chronically ill is another, and of course, the economics of not taking care of these two aspects is the third aspect I want to talk to you.

Basically, we see more than -- in our health centers in Patchogue and Shirley, more than 21,000 community residents who would otherwise lack access to care. Coming from a private practice for 21 years in Bellport and then being in the health center as a medical director for 13, I can well tell you that it's absolutely clear that without the health centers, a large number of people would never be able to access proper care, and because of the health centers they are. And I think that it's important to realize that many of the chronically ill people with Diabetes, hypertension, heart disease, emphysema, chronic lung diseases receive care that keeps them away from having to be at the emergency room or be admitted and that you can't count the benefit to the patient, but also to the hospital of this fact. And also we provide immunizations at any session of the health center. With these cuts, we will not be able to continue to provide immunizations in quite that way at all sessions. We will have to just provide them at certain sessions, and that will result in a lack of access of children to immunization, which is so important.

And basically, just the other factor I wanted to mention besides the fact that we help in prevention, and we help in the care of the chronically so that they do not constantly frequent emergency rooms is the integration that we have at the health center, of all the services that can be provided, so that right there, they have access to x-ray, lab work, cardiograms and so many things that are need. And they don't have to again access the emergency room and go to expensive specialty care for these services. So, in essence, the 10% cut, which does amount to more than that, because, actually, it's from the proposed 2002 budget, but actually in terms of what we -- we're operating on thanks to you in 2002 it's almost like 15% cut will result in a loss of 6,000 patient visits, and at least one or two primary care providers.

And I don't think in this age where we having an ever expanding need for health care for the uninsured underinsured and also where we're going to be placed in jeopardy with possible need for mass immunizations in this age of terrorism that we can afford to cut our health centers. This is a very, very essential feature. And then if you consider that these patients will then end up not only in the emergency room, but taking up in-patient hospital beds and that this will cost a great deal more than their care in the health centers, this must be very, very strongly considered. As a member of our hospital's Bioethics Committee for many years as well as having been in the health centers, I see so often in these discussions of end of life cases, that

people come in critically ill, without previous care, without being maintained, and that the difference between coming in and getting treatment and getting out in a fairly short hospitalization is often the lack of previous care and the lack of knowledge as they enter the hospital of what the past record was. And I know how important continuity of care is. So my final plea is ensure continuity of care, keep up the health centers. Thank you so much for your patience.

D.P.O. POSTAL:
Thank you. Next speaker is Jean Wilkins Dember, MHS followed by Clarence R. Dember, Sr.

MS. DEMBER:
Good afternoon. I thank Almighty God, Mother and Father of the Universe, and all creation for life and health. I pray the ancestors so courageous and abused rest in glory. I have been a voluntary advocate for the poor for over 30 years. I have observed in all the efforts of community people fighting for health services, education and progress there has been a discordant and very harmful backdrop, that is police abuse, brutality and terrorism. In the context of the of this abuse, Compel men's resource and referral center, serves as the most -- serves the most marginalized neglected and abused. I applaud the effort of Compel to provide crisis intervention, technological development, food pantry and self development in the face of ongoing abuse by police.

I am here to ask the Legislature to intervene on behalf of Compel, to put Compel in the budget to prevent eviction tomorrow, but also to call a meeting with Commissioner Gallagher and his staff to address the other going racist abuse by police in Suffolk County that keeps all age groups agitated and aggravated. We need respectful honest police who live in our communities. With that kind of salary, they out to behave themselves. We need Compel for its services of tutorial computer and counseling when other agencies are closed or prejudiced against black people. Reverend Bacon is a disabled veteran. He has done what so many long to do, recover from addiction because of his pain and injuries. He now serves as an example and an advocate.

I want to submit to the Legislature copies of an article from 1990 called, Four Psychologist Replaced," amidst much controversy because of police abuse. Also attached is an advertisement by lawyers to serve those abused by police with some of their pictures. I have testified before the Legislative bodies in Suffolk County, Albany and Washington DC at our personal expense to save people from police brutality, discrimination and injustice. I have repeatedly asked

Commissioner Gallagher and Ms. Postal to hold meetings on police lawlessness. I have a tape of Ms. Postal's secretary Betty Lou first setting up a meeting with Gallagher and trainers and then breaking that meeting because I support Compel. This is irresponsible, vindictive and adolescent. I ask that the Legislature save Compel from Postal. That concludes my remarks. Thank you.

D.P.O. POSTAL:
Thank you. Clarence Dember, Sr.

MS. DEMBER:
My husband is going to yield his time to Reverend Bacon.

D.P.O. POSTAL:
On the Operating Budget.

MS. DEMBER:
Thank you. This is on the Operating Budget, all right, because our funds are misappropriated and given to the police.

D.P.O. POSTAL:
I'm sorry, Ms. Dember, there is no funding in the Operating Budget that your referring to.

MS. DEMBER:
I understand that all of our tax dollars that are supporting the police, and I object to the abusive police services, the in-service that we don't get.

D.P.O. POSTAL:
If someone would like to speak on another issue they can certainly do so during the public hearing -- public portion, but this public hearing is on the Operating Budget, and that means it's a commentary on what the County Executive has proposed in the Operating Budget. Clarence Dember, Sr., would you like to have the opportunity to speak at this time?

MR. DEMBER:
Not -- no, thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Amy Henry. Is Amy Henry here? Next speaker, Werner Nufer. Is Werner Nufer here? Next speaker, Nancy Olsen-Harbich.

MS. HARBICH:

Good afternoon. My name is Nancy Olsen-Harbich. And I'm representing Cornell Cooperative Extension, where I have worked as a human development specialist for the past 17 years. In this role, I provide educational programs for parents and training opportunities for other professionals who work with parents throughout the County using Cornell University research based information. Cornell Cooperative Extension and its educational programs for its parents helps them to increase their confidence and their competence in the very important and demanding job of being a good parent. Our programs are held throughout the County at schools, public libraries, churches and community centers and are evaluated highly by the parents that attend them each year.

We are committed to expanding parent education and support services that are available to parents in every Suffolk County community and therefore, provide training and technical assistance to many agencies and organizations on best practices for reaching out to educating and supporting parents in their communities. The training and technical assistance that we provide enables professionals from County departments and from community agencies to provide better higher quality services to families. Cornell Cooperative Extension believes that all parents need support, that the job of raising responsible caring and well adjusted children is getting harder as many traditional supports like extended families, cohesive neighborhoods and secure family incomes have disappeared or declined.

We can't escape the news media that reports constantly on the behaviors of stressed parents. From fighting with their children's sports coaches on the ball fields to beating their children in parking lots. Our headlines scream that parents aren't doing a good job, but we must look at the fact that support for parents, even the most well intentioned parents, are few and far between. Because all children need and deserve skillful loving parents, and because when parents cannot or will not meet the demands of the job, our communities pay an enormous price. Millions of dollars in County funds are spent each year in addressing the consequences of poor parenting. Foster care placements, juvenile crime, teen pregnancy, school failure, the list goes on and on. Children who do not get the love and consistent guidance they need at home

become our statistics before too long.

Strong and skillful families in addition to being what all children need and deserve are the most economical way to protect our communities. Drug abuse, violence and other self destructive behaviors are actions of children who have not been raised to develop self-respect and self discipline. These dangerous behaviors can lead to life long emotional scars on children that are damaging and extremely costly to remediate. Creating strong families where parents give children clear boundaries and loving guidance is wise investment in the future of Suffolk County. We are asking that the Suffolk County Legislature work to restore the funding that the County Executive has eliminated in his proposed budget for Cornell Cooperative Extension parent education programs in our Family and Consumer Sciences Department.

Our link with Cornell and the other land grant universities provides us with many educational programs and resources to support parents in understanding and responding appropriately to their children. Research over the past 20 years has provided us with an incredible amount of information on how to rise children well. Recent research on how the brain develops has focused on the essential role of parents in interacting with their children in ways that promote development. We now know more than we have ever known about how to ensure the health and emotional well-being of children. And we know that it starts with parents doing a good job. The skills of parenting need to be learned. We have more evidence than we will ever need that good parenting skills are not just instinctual responses that come from giving birth.

The workshops that Cornell Cooperative Extension provides teaches these essential skills and allows parents to practice them in a friendly non judgmental environment, enjoying the support of other parents in the group. Schools and mental health professionals can provide some intervention for problems, but the best place to ensure the well-being of kids is at home by providing them with knowledgeable parents that meet their needs. We hope that we can count on your support to fund Cornell Cooperative Extension staff to teach and support parents and the professionals who serve them. The dollars spent on helping parents meet their responsibility as parents now will in the long run mean less County funds spent to deal with the results of inadequate parenting later. All children deserve knowledgeable and skillful parents. I respectfully request that you continue to invest a relatively small amount of money to help Cornell Cooperative Extension build stronger families, to ensure better outcomes for children and for us all. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Dr. Robert Korn of Southside Hospital, and he'll be followed by Jay Zuckerman of Southside Hospital.

MR. KORN:

Good afternoon. My name is Robert Korn, and I'm the Chairman of Emergency Medicine at Southside Hospital. I've been an emergency physician for 20 years. I want to talk to you about a crisis, and I want to talk to you about life and death. There's a crisis in America; the emergency departments of America have been overload for about the past five years. Probably in the mid '80s you remember a bunch of highly paid consultants coming to you and telling you that emergency rooms weren't going to be needed anymore. They said the HMOs were going to push all the patients back in to the private doc's offices and you wouldn't need hospital beds anymore because everybody would get preventive care. Well, guess what? It didn't happen. And now those consultants are before you again telling you to cut your budgets for health care because you won't need that either. They were wrong then, and they're wrong now.

Emergency department visits will cross 100 million in the United States this year. In Suffolk County alone, we've had a 6% straight line growth, that's an increase every year of 6% of the number of patients that come our emergency department. Southside will hit 53,000 patients this year, and I'm doing that in thirteen acute care beds. It's a postage stamp, it's not bigger than most doctor's offices. And it's into this system that you are about to put 10% of the clinic patients. You're going to cut the clinic budgets in the County by 10%, and those patients will wind up in the emergency department right next to the patients having heart attacks, who have been stabbed, who have been traumatized in serious car accidents. The same patients who's lives are in jeopardy are going to be right next to the patients who couldn't get the preventive care at the health centers that would have enabled them to avoid emergency department visits.

That's the mission. The mission of the health care system is to keep people away from my department. My success would be to not have a job. I don't think I'm ever going to get there, but certainly the message that would be sent by cutting the health care budget for the County clinics is the wrong message. It's the wrong time, and it's just plain wrong. I urge you to overturn the County Executive's initiative.

D.P.O. POSTAL:

Thank you. There's a question from Legislator Fields.

LEG. FIELDS:
I think you answered it with your final statement. You are aware that this is the County Executive's budget, and he is the one who proposed the 10% slash.

MR. KORN:
I understand completely. And I certainly would ask you to turn around and ask for a 10% increase, would be the right thing to do.

LEG. FIELDS:
Could you do us a favor in the Health Committee and any of the budget deliberations, we asked it of someone from Stony Brook this morning, could you put together for us a cost an -- a cost benefit analysis of patients who might have gone to a health clinic for a cold that might end up with pneumonia, the amount of money it would cost to hospitalize and medicate those -- those patients and so forth so that we can at least present the facts as they should be?

MR. KORN:
I certainly will.

LEG. FOLEY:
Madam Chair, I have additional --

D.P.O. POSTAL:
Legislator Foley has a question.

LEG. FOLEY:
Along with that very good suggestion by Legislator Fields, could you also include what the impact or potential impact would be on your emergency room as well in Southside, all right?

MR. KORN:
Absolutely.

LEG. FOLEY:
That would be helpful as well for debate.

D.P.O. POSTAL:

Thank you. Next speaker is Jay Zuckerman, followed by Nancy Winkler.

MR. ZUCKERMAN:

Good afternoon. My name is Jay Zuckerman, and I am a Vice President at Southside Hospital, which manages the Brentwood and Central Islip Family Health Centers, known as the Islip health Centers. It is a pleasure to have this opportunity to discuss with you the impact of the County Executive's proposed 10% budget reduction will have on the operation of not only the health centers managed by Southside Hospital, but all of the family health centers operated in Suffolk County.

The question facing local government directly involved in the delivery of health care is profound. What is the proper role of government as it relates to the health care of the residents of Suffolk County? And how does the County best fulfill that mission during this period of change and uncertainty? There's been a longstanding belief going back to the 19th Century that some segments of the population need some form of public support and care provided by the government due to their inability to purchase adequate health care in the market place. This public support demonstrated in various forms is called the social safety net. The safety net recognizes the reality that for whatever reason, the private marketplace does not adequately reach all those in need of essential health care. We are presently in an era of great instability and uncertainty as it relates to health care. Most of the reforms now underway involve different ways of taking care of those populations who are fortunate enough to have health care coverage.

Providing access to uninsured populations is not being addressed by current wave of market driven reforms. The health centers are a major asset for the people of Suffolk County, and they enjoy overwhelming support from the people they serve. The health center staff provide a reliable caring sanctuary for individuals and families. For others, the health centers are an indispensable part of their overall support system. And for some, the health centers constitute the entire support system. The health centers are an indispensable part of the social and health care safety net in Suffolk County. The operation of the health center is a fundamental role of responsive compassionate good government. And now is not the time for drastic change or for relinquishing that responsibility.

In today's changing health care environment, a critical issue not being addressed is the matter

of how to provide access to care for the uninsured. It is ironic that in the midst of all the health care reform, the sheer numbers of uninsured is increasing. It is clear that the health centers provide an essential service for the uninsured and the underinsured. As a student, I was always told that you need to attribute authorship whenever you use the words of others. Therefore, I need to confess that my words are not mine, but rather the words found in the 1997 Blue Ribbon Report commissioned by the current County Executive to examine the County's public health system. While it is now more than five years later we need -- the need for the health centers and ongoing funding has not changed. The health centers are even more important now. We are in a time when the economy is facing a down turn, and more than 40% of the businesses of less than 200 employees do not provide health care benefits.

In the last two years, this is an increase of more than 5%. As a result, we are seeing more and more taxpayers who have no health benefits who turn to the health centers for ongoing primary care. We continue to see increasing numbers of patients with tuberculosis, HIV, sexually transmitted disease and women who can't get prenatal care in the private sector. The communities served by the Islip health centers have the largest numbers of individuals in the County who have asthma and diabetes and other conditions that if left untreated result in expensive in-patient hospitalizations and increased mortality. In the last year, the Islip health centers provided more than 85,000 visits and more than 1,200 newborns became Suffolk County citizens as a result of prenatal care provided by the Islip health centers. Twenty eight percent of the children enrolled in Child Health Plus are seen in the Islip health centers, and 27% of the enrollees in the Suffolk Health Plan receive care at one of the Islip health centers.

While we realize that Suffolk County is facing a deficit, you need to ask what is the actual savings to the County by reducing health center budgets by 10%? In the Islip health centers, that number is $1.7 million. But if one newborn does not receive prenatal care and is born with cerebral palsy or some other preventable condition, the County savings will go out the window in that child qualifies for Medicaid and the County is required to provide a lifetime of care for that child. In addition, the health centers will be forced -- will be required to reduce hours and see fewer patients, many of which are Medicaid enrollees. And with the completion of the process to enroll Medicaid recipients into mandatory managed care, you'll be merely pushing those patients to other Medicaid managed care providers, while at the same time paying for their care. Here that will be more expensive than that which can be provided to the health centers and the Suffolk Health Plan.

In closing, let me take the liberty of once again quoting from the 1997 Blue Ribbon Report on the health centers, which concluded that quote the decision to build health centers was the right one. In fact, it was a farsighted move given today's trend in health care toward prevention, coordinated care and local community services. The panel agreed that the health center are an important component of the overall social safety net which enjoy great support from those that they serve, your constituents.

D.P.O. POSTAL:
Thank you, Mr. Zuckerman. I'm sorry, but your time is up.

MR. ZUCKERMAN:
Okay. I'm more than pleased to answer any questions.

D.P.O. POSTAL:
Thank you. I'll ask you one, just one question. Before we -- somebody spoke from one of the other health centers, and I'm going ask the same question, have you contacted the County Executive with regard to the proposed cut and the impact of the cut?

MR. ZUCKERMAN:
Certainly. Yes.

D.P.O. POSTAL:
Have you had a response?

MR. ZUCKERMAN:
Not as of yet.

D.P.O. POSTAL:
How long ago did you contact the County Executive?

MR. ZUCKERMAN:
Over the last two weeks or so.

D.P.O. POSTAL:
Okay. Question from legislator Fields.

LEG. FIELDS:
In what way to you contact the County Executive?

MR. ZUCKERMAN:
By letter, by communication. I mean, we're basically reiterating what I said going back five years ago to a report which looked at the health centers and their future.

LEG. FIELDS:
I would urge that you reach out by telephone perhaps.

MR. ZUCKERMAN:
Certainly. Thank you.

D.P.O. POSTAL:
May I just suggest that when you get a response or if don't get a response after maybe another two weeks goes by, that you let Legislator Foley, Chair of the Health Committee, know that you either have received a response of whatever, or you have not received any response.

MR. ZUCKERMAN:
Certainly.

D.P.O. POSTAL:
Thank you.

LEG. FOLEY:
Madam Chair, just in addition to that, Jay, with the letter that you sent, did you request that the County Executive restore the monies to his proposed budget? Was that formally requested or directly requested? Or was it really just to make him aware of what his proposal -- what the impact of his proposal would do?

MR. ZUCKERMAN:
Basically we talked about the implications being proposed.

LEG. FOLEY:

The you heard what was said earlier. All the agencies should also make the request which he can do under that County Charter, he can -- he can amend his own proposed budget. So I think there needs to be forth with a follow-up letter sent making that kind of request from your agency as well as others.

MR. ZUCKERMAN:
That's a very good suggestion, and we'll do that.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:
Thank you. Legislator Caracciolo has a question. We're never finished with you.

MR. ZUCKERMAN:
That's okay. I'm here at your pleasure.

LEG. CARACCIOLO:
I overheard the previous speaker's testimony and a comment made by my colleague, Legislator Fields, echoed by Legislator Foley. This morning when we had a representative here from Stony Brook, I requested that they prepare for us, the Legislature, a cost benefit analysis of the dollars that allegedly would be saved by this 10% cut in the clinics. What -- what's the adverse effect of those costs in the emergency room? Because what's driving this budget up this year in part has been a significant increase to the state and county governments of Medicaid and Medicare expenses, and it will be those very same programs that we will be paying additional dollars. And it makes no sense to me unless it can be proven otherwise that we should be making these nominal cuts, because really when you add up all of the contract agency cuts, they're not significant in filling the $111,000,000 county budget deficit, they're really not.

So that said, I think what you can provide us will be very helpful in hopefully persuading a majority of my colleagues to reconsider that action. And I heard the requests for additional funding. I don't know if we'll be able to go that far, but certainly we'll want to take a hard look at this question. So the information you can provide us will be very instrumental I think in making that case.

MR. ZUCKERMAN:

And we will certainly do that. And whatever other information required, we'll provide you forth with. Thank you.

LEG. CARACCIOLO:

Thank you. The next speaker is Nancy Winkler followed Wallace Broege.

MS. WINKLER:

Good afternoon. Thank you for this opportunity to address you. My name is Nancy Winkler. I am a coordinator of Even Start Programs for Eastern Suffolk BOCES, and I am also the Long Island Regional Coordinator for Even Start programs. Even Start Programs are federally funded programs that are targeted to serve the most in need in terms of poverty and literacy in any community. Currently in Suffolk county, we serve families in Brentwood, Central Islip, William Floyd area, Bellport, Patchogue-Medford, Wyandanch and Huntington.

Even Start Programs are federally funded, but they must operate as partnerships with community based organizations. And the key to the success of any Even Start Program is the collaboration with other agencies in the community. I'm here today to speak on behalf of Cornell Cooperative Extension, the Family and Consumer Sciences Program, which has been a key collaborator and part of the foundation of the success of all Even Start Programs on Long Island. I think what we have with Even Start and the collaboration with Cornell is an exemplary model of the merging of local, county, state and federal resources to have a huge impact on the most in need families throughout this County. I was startled to here of the County Executive's recommendation to cut the Cornell budget and possibly eliminate the Family and Consumer Sciences Department having just experienced a phenomenal training program this summer that was run by that program.

We're operating in the educational world now in the federal framework of no child left behind where there's a much greater degree of accountability that we're responsible for, assessment and much greater focus on pre-reading skills and emerging literacy skills with a very young population. It was really through Cornell's efforts that we were able to do a staff training program to reach frontline staff members that work with this population, this most in need, poor, low literate population that we serve in Even Start to make a tremendous impact on the families we serve and most directly on the young children. I personally can't imagine what

resource educators like myself would turn to in Suffolk County if the Family and Consumer Sciences Program was eliminated at Cornell. They are the premier experts. They know what the best practices are. They're clearly linked to research. They have access to Cornell University and to the most up to date practices that are out there. And it just -- it's unimaginable to me where we would turn to if they were not funded.

I guess in closing, I would like to quote -- I was catching up on some reading and came across a quote from Margaret Meade, and I think really summarizes my thoughts on this subject, the solution of the adult problems tomorrow depends in large measure upon the way our children grow up today. There is no greater insight into the future then recognizing that when we save our children, we save ourselves. And I really do believe that in this County, the Cornell Cooperative Family and Consumer Sciences Program is hugely important to making sure that this happens. Thank you.

D.P.O. POSTAL:
Thank you. There's a question from Legislator Fisher.

LEG. FISHER:
Just a brief question. Anecdotally, I know of a number of schools that use these services in parenting, etcetera, and you mentioned BOCES, do you know how many of the school districts in Suffolk County use this service? Do you know the number?

MS. WINKLER:
I don't know, but I know that in Suffolk County there's six Even Start Programs, and I know that all of them access Cornell. But districts, I'm not sure.

LEG. FISHER:
And if the Cornell Program weren't there, what would you do for this type of training?

MS. WINKLER:
We would really have to flounder and do some research and try to find national experts on our own.

LEG. FISHER:

So there might be the cost to school districts of finding consultants who might come?

MS. WINKLER:

Definitely. We would have to pay large costs probably to bring experts in.

LEG. FISHER:

Do you think that will cost the school districts more money than what you are paying now to Cornell for the same service?

MS. WINKLER:

I don't think there's any doubt about it. I think the impact would be huge. In my own program, we pay Cornell a very small amount each year, and they bring such incredible resources with them that we're not responsible for those costs at all.

LEG. FISHER:

Is it possible to get numbers on that?

MS. WINKLER:

We could possibly do research on that.

LEG. FISHER:

Would you be able to forward those numbers to us in the Legislature? Because again, we're trying to see whether we're being penny wise and pound foolish in these cuts. And although it wouldn't be an impact on the County budget, I think that taxpayers who's property tax primarily goes to their school taxes would be greatly impacted by this enormous increase in fees.

MS. WINKLER:

I'll see what we could put together for you.

LEG. FISHER:

Would you agree with that?

MS. WINKLER:

Yes.

LEG. FISHER:

Thank you very much.

D.P.O. POSTAL:

Thank you. Next speaker followed by Linda Trotman.

MR. BROEGE:

Good afternoon. My name is Wallace Broege. I'm Director of Suffolk County Historical Society in Riverhead. For those of you who are not familiar with our program, we have a museum with permanent and changing exhibitions, we have a research facility in Riverhead, and we have a variety of educational programs for school groups and for adults. We've been an authorized agency of Suffolk County since 1969, which means that part of our program is funded through the terms of an annual contract. The County Executive's recommended budget for 2003 cuts County funding for the historical society by 22.5%, which will mean the loss of $47,637 from the adopted level of funding, which was $211,500 in 2002. This comes -- it's never a good time to have your budget cut. This comes at a particularly bad time for the historical society since we're facing a deficit already. And really what we need is an increase, not a decrease in funding.

There's a potential in 2003 for the elimination of five staff members of the historical society; one full-time position and four part-time people that will create a spiral that will -- may cause us to lose another $27,000 in income dragging us further and further down. In 2002, the Legislature added $29,430 to our budget so that we were able to retain our curator and a part-time receptionist at the historical society. At the same time, we took steps to cut discretionary funding in our budget, we eliminated a position, the librarian's position, froze salaries at 2001 and increased our fund raising efforts. I'm pleased to report that being able to keep that curator enabled us to get two grants from the New York State Council on the Arts that totaled $37,000. One was a $22,500 grant, the largest exhibition grant we've ever received for an exhibit called, "Shifting Sands, Long Island's Ocean Beaches." The other is a three year contract for general operating support, which is $15,000 a year.

If I can't maintain that curator's position, I'm going to lose those grants. I won't be able to continue that general operating support grant. I realize that the financial outlook to the County in 2003 is not a cheerful one, and that the Suffolk County Historical Society is not the only worthwhile program that's facing a cut. At the same time, a 22.5% cut is a large reduction for an agency our size. Forty seven thousand six hundred and thirty seven dollars is a lot of money

for a budget the size of ours. If it's not possible to restore -- I would respectfully request that you restore that $47,000 that's been cut from our budget by the County Executive. If your not able to do that, I would hope you'd attempt to at least restore part of it. I want to thank you for giving me the opportunity to present my budget and to come before the Legislature today, and also to thank you on your past support, it's made a big difference in our program. I've brought along kind of a summary on the impact on our budget, so I'm going to leave this. What's best? Is there someone I can leave these with so they can be distributed? Thank you. Do you have any questions? Okay. Thank you very much.

D.P.O. POSTAL:
Thank you. Linda Trotman followed by Ken Shelby.

MS. TROTMAN:
Hello. My name is Linda Trotman, and I'm a retired resident of Suffolk County. The reason I'm here is my brother has Type Two Diabetes. We've been at our wits end about it. He has become kind of hopeless about what his future is in terms of early death and also of health complications. This summer we saw the Diabetes Education series advertised in Newsday, so we tried it. I want to say that it's a very valuable and worthwhile program, and that I was contacted that the program is in jeopardy of being cut because of budget cuts. And you know, with the epidemic of diabetes -- and my family story is one story. My brother -- we attended in Wyandanch, we attended in Amityville, we now have -- go to monthly support groups in Riverhead and also in Huntington, and he loves if. He says each time I come out I have something to give me hope.

And you know, the health concerns, and this is one of them. I think it's important for you to know the impact that this program has had on us and the possibility of it having impact on many other people. I think the people who work there have a lot of heart, they care about what they're doing. And when they called me to come up, I said, I would be here because I would like you to know that it's worthwhile, that our family is now hopeful. I was educated. I have masters degrees. I was educated and impressed at what is involved in managing diabetes. And without this kind of program, I would be hard-pressed to tell somebody what to do. But they broke it down, what is it about, what kind of medications, what kind of food, what kind of exercise, what kind of stress. An ongoing type of thing is something that I think people with diabetes and their families need to have.

And if it's eliminated, you know, I think that that is going to be a sorry thing, because it is a health concern that is growing, and it's not going to go away without some help. And I thank that we got help, I hope other people get help with it also. Thank you.

D.P.O. POSTAL:
Thank you.

D.P.O. POSTAL:
Ken Shelby, followed by Dinah Foglia.

MR. SHELBY:
Good afternoon. My name is Ken Shelby. I'm part of Cornell Cooperative Extension master gardener program, who's here to speak regarding Cornell's cut of 21% for almost a total of $600,000. Pardon me, I'm not into public speaking too much, but this is my first time around, and I'm a little awed by all of this. We're talking about the marine part of the program. The marine leverages every dollar we get from you. For every dollar we get, we get ten dollars back in grant money, and we get back ten dollars in volunteer services. I'm a volunteer with the Master Gardner Program. The Cornell trains us. We get 50, 60 people every year that graduate from the program, and they proceed to go through the towns, county and villages and help with beautification projects. To -- we work Vanderbilt Museum, for instance, help pretty up the place flower wise, garden wise. And we're not paid, it's a volunteer situation. We do this with a lot of schools in the area. We do it at towns and villages. We ask to sometimes to do maybe a memorial site or plant some trees and so on, and all for free.

The marine program has educational programs that reach 17,000 children. It's the only -- and we're the only source of local environmental marine education program for teachers on a year-round basis. We pay -- played a major role in obtaining almost %5 million towards the lobster die-off program to help research and to find out what the problem is and try to bring the lobsters back. We also provided another $2 million in small business development to aide the fishing industry. Which all these things have been going down and they -- the workers pay taxes here to support the County. We also worked on the brown tide situation with the scallop die off, a lot of people in that industry left, died and had no work left, nothing for them to catch. We're trying to clean up that problem also.

On the FCS Program, Family and Consumer Sciences, maybe some of these numbers you were

asking for before may be what you're looking for; 2205 parenting workshops in 2001 reach more than 4000 parents in community sites from Huntington to Shelter Island. Cornell educators provide 180 hours of training more than 1,200 professionals who work with an estimated 35,000 children in youth and families throughout Suffolk County. They provide high quality, low cost training for staff from agencies across the County including Even Start, Head Start and Suffolk County Health Department. Cornell's nutrition education programs address childhood -- childhood obesity throughout Suffolk County schools, libraries and community organizations, and that's a big problem with adults too as we're finding out throughout the McDonald's era and so on and so. And these -- this obesity problem is one of the main causes of diabetes in this country.

Now, I take diabetes personally. I walked Sunday for six miles too and I got people to donate over $650, I have two sisters that died from the disease in their twenties and thirties. So it's really affecting me quite a bit. We are very lax in educating people about the evils in the disease of diabetes and its consequences. I have friends that are adults that are borderline diabetics, and they don't listen to me, they drink soda, they eat sugar, cake and everything. They don't know what they're doing to themselves. We need more education in this area, and Cornell helps provide some of this education. It's a devastating disease, and nobody realizes -- not many people realize the effect of it. Cornell's consumer education regularly addresses concerns critical to Suffolk residents including indoor air and water quality issues, safe alternatives to household chemicals, product safety, food preparation, food safety issues, etcetera.

Can we go back to diabetes? We promote diabetes awareness and educational intervention at Suffolk County health centers in sites throughout the country. The number of Medicaid recipients with diabetes in Suffolk County reached almost 3500 in the Year 2000, and the cost of treating diabetes is very high because of the long-term consequences and the serious disease -- the serious results of the disease.

D.P.O. POSTAL:

Mr. Shelby.

MR. SHELBY:

Yes.

D.P.O. POSTAL:

I'm sorry, your time is up. I have a question for you. Can you -- do you have information about the fact that the program, the diabetes program would qualify for Medicaid reimbursement during the course of 2003? Do you know anything about that?

MR. SHELBY:

I have no idea. I'm not into the -- the money raising and politics of all this. I'm speaking as a master gardener. Ask me about growing a tomato plant, I'll give you an answer, but --

D.P.O. POSTAL:

I wish I could. I hope that somebody else who's going to speak to us about Cornell might that information. But thank you, Mr. Shelby.

D.P.O. POSTAL:

Our next speaker is Dinah Foglia and she'll be followed by Michael Stoltz.

MS. FOGLIA:

I just want to tell you my -- in terms of the diabetes program, I'm a bottom line consumer. I am a Type Two Diabetic person, just was told this year that I have it, and doctor just said you need diet programming, you need loss of weight, you need -- and nothing else. If it weren't for the Cornell Program, I would be lost. I depend on it. I know how to monitor my diet. And I understand I am a growing -- part of a growing diabetic problem here in the County with my age -- typical of my age. As a matter of fact, I told somebody I look in the mirror and I see my mother. She was diabetic also at this age. And she didn't have the counseling, and I couldn't help her at the time, but I now rely on Cornell for maintenance, for possible consequences. I wouldn't be where I am today. I'm in exceptional health despite the diabetes. I know how to fight it, control it, etcetera. And I have -- pardon?

I have a grandson who became diabetic at about the age three due to Coxsackie Virus, which I understand devastated thousands of young people through early teens at the time it was epidemic in this state, and without this program he couldn't have managed himself. He's a freshman in college, totally independent, manages his diet, manages his needles. You know, now he has an implant. And I just want to say yes, it is helped by medical insurance. His medications come, paid for, through the medical insurance. Mine not yet. So I don't know what to tell you. But I -- please restore the funding, do not cut it. We absolutely need it. You know

the consequences of uncontrolled diabetes; blindness, kidney problems --

AUDIENCE MEMBER:
Amputation.

MS. FOGLIA:
Amputation. It's devastating. If we don't get the help, you're just dooming a tremendous segment of the population here to who knows what. Now, the other hat that I wear connected with Cornell is we have a farm in Huntington. We raise perennials on about 11 acres of ground. We depend upon Cornell for advice on insecticides, on disease of the plants, on fertilizing. We're in contact with them constantly. We get bulletins from them. We used to get some from Nassau County, but the guts were cut out of Nassau County. We don't get it anymore from them. I don't know where we would go if we didn't have Suffolk County Cornell Extension. Please, Long Island is a very rich agricultural community. I believe the statistics will show you it's the richest in the state. If you go and don't help the agricultural system in New York State, you're losing a tremendous income, you're losing a tremendous population. And it really would be pathetic. Thank you.

APPLAUSE

D.P.O. POSTAL:
Thank you. The next speaker is Michael Stoltz, and following Mr. Stoltz is Nancy Koleda.

MR. STOLTZ:
Hi. Name is Mike Stoltz. I'm the Executive Director of Clubhouse of Suffolk, a psychiatric rehabilitation and support agency in Ronkonkoma and Riverhead. I'm the current Chairperson of the County-wide Mental Health Service Area Council and a member of the Executive Committee of the Long Island Health and Welfare Council. I'm also an asthmatic, a diabetic and most of my life is involved with people with mental illnesses. So I come to you as a in triple threat today.

Thank you for the opportunity to address you on the fiscal Year 2003 budget as proposed by our County Executive. As a Smithtown taxpayer during this time of unparalleled national state wide and local challenges, I stand before you willing to pay my fair share and service of a greater good. Even when that means tax increases from all levels of government. High taxes in New York have been the butt of jokes among many of our relatives and friends in other states. Those

jokes fade quickly when we discuss how these taxes contribute to a standard and style of living about which we hold great pride; in education, culture, health care, recreation, safety, safety net assistance and services to people of all ages and disabilities in their time of need.

As an employer in the nonprofit mental health sector of nearly 60 people, more than half of whom themselves are recovering from serious mental illnesses, and as a service provider to about 1200 County residents with mental illness per year, I want to tell you that the high standard of service held firm in mental health for many years, but today its luster is fast fading. I no longer believe that your state and our County place holds as the torch bearers of quality dignified mental health care remains. Over the past five years, we've gradually been fighting the fight that mirrors the parody of everybody, somebody, anybody and nobody. Everybody thought somebody should do something and would do something. Anybody was willing to try and supposed to try, but in the end nobody did anything.

Here's an example of how the somebody was supposed to goes. Our Health Services Department has worked brilliantly with law enforcement departments in developing mental health interventions in our jails and precincts and with our police that are unparalleled. Unfortunately, we are still faced with suicides our jails. The County's own reports have note the high rate of persons with mental illness in our jails often for minor nonviolent crimes. What's somebody supposed to do? What is known as the following people don't have the onset of serious mental illness in jail. Instead, there's a trail of events and obviated inner personal problems that are evidenced before the person with mental illness goes any where near our criminal justice system. So the obvious supposed to is to ensure the presence of strong mental health services in our community, services that prevent debilitating and costly institutional time. And that who's supposed to do it question then starts the anybody somebody dance.

The state provides some out-patient mental health service, but they stopped taking new clients several years ago. The federal government can't seem pass mental health insurance parody legislation. For those people health insurance, increasingly -- they increasingly pay more out of their pocket or too often stay out of services because of the expense. The county has its own facilities with an excellent track record by history, but they can't hire enough professional staff because of cuts that this year include the non replacement of retiring professionals and inadequate pay incentives. The state funded private non clinic mental health agencies like Clubhouse have received one and a quarter percent increase in the past five years with a promise for 3% increases this December. We're not holding our breath for the post election

administration to uphold that deal.

As it is now, the entry level staff of our various agencies are paid so poorly that they tend to turn over between 50 and 100% each year. Our case managers and frontline staff are filled to the max and chase down people where they live to help them stay connected to critical elements of the recovery process and out of hospitals, jails and our emergency housing system. Without a sound network of human service and resources, my staff too often chase their own tails. And now the proposed budget cuts of all our county's major nonprofit health clinics of significant dollars that serve under and -- under and uninsured people is also cutting -- and also cutting a major hotline service, Response Hotline, that assesses and intervenes upon potential crises. There's nobody left in the chain of somebody, anybody to do the job until the person actually ends up in our jail, as if that's an acceptable option. There is in this budget an additional proposal to cut youth services which deters thousands of kids away from interacting with law enforcement and court and jail systems, these are the at risk kids. The state mental health system won't pick up the tab. The school systems are bearing their own heavy weight and can't even think about program expansion. And now the County is backing out between ten and 25% at a time -- per our County Executive. The Living Wage promised better wages for entry level semi-skilled employees working via county contracts. We were told everybody will benefit and somebody will pick up the tab; the County, the state, Medicaid. Somebody didn't and nobody has. There are proposals to cut other human services and a proposal to restore sales tax for sales under a $100. Another subtle move that disproportionately affects those with the skinniest wallets; the working poor and disabled.

One of the groups I represent today, the Health and Welfare Council of Long Island, is a coalition of agencies, many of whom have bi-county regional experience in develop -- in delivering human services. These council members experience the demise of Nassau County Safety Network of services. They were very fortunate that the state was in a position at that time to bailout the county. It is obvious that there will be no such bailout for any counties this year. We must as a County stand up and take responsibility for ourselves and our residents by doing the right things. Let's not pass the buck in unrealistic hopes that somebody else will step forward. Let this Legislature be the body that does the job of restoring and ensuring quality mental health and human services. Thank you.

D.P.O. POSTAL:

Thank you, Mr. Stoltz.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

our next speaker is Nancy Koleda followed by Elsie Owens representing the Elsie Owens Health Center.

MS. KOLEDA:
Good afternoon. My name is Nancy Koleda. I'm a Community Advisory Board Member at the Elsie Owens North Brookhaven Health Center as well as a former client back when it was called the Coram Health Center.

About 17 years ago my husband lost his business and it plunged us from a young, struggling family, middle class family, into a family in crisis. We lost our income stream immediately and we lost our health insurance, and it if wasn't for the Coram Health Center I frankly don't know where our family would be. I credit them for actually helping us keep our home because we had just bought a home a couple of years ago, meaning I didn't have to spend the few resources we did have on health care because the health center was there to provide excellent pediatric and maternity care, prenatal care because I did become pregnant with my second child during that time. And without their care I really don't know where we would have been. There's a lot of working poor that are in the shoes that I was once in. And I'm one of the lucky ones now, my husband has a good job, I have a job, we have great health insurance, but there are a lot of people who are struggling. And it can make the difference, maybe people losing their homes and creating another burden to town governments and so forth with now being homeless and that wasn't the case with us because of the health center.

One of the quick little stories I have is one day I went in to get care for my child, my son, and I went into the finance department to pay my bill and I had $8 in my pocket, we were that close that week, and I remember thinking, that's just enough to pay for diapers and for a container of milk. And when I went there and she presented the bill to me I told her my situation and the nice lady there said to me, "You know, Nancy, just hold on to your money, pay us when you can." And when you're in a situation like that you already feel so bad and when you have someone who has a caring attitude like that, it just made all the difference. With all the stresses of worrying about paying a mortgage and the bills and feeding my children, I didn't have to worry. The one thing, the one thing I did not have to worry about was where I was going to get quality health care. And if this 10% cut does effect the health centers, it can mean that we

would lose our Saturday hours and our evening hours which means families who are working who are trying to do the right thing, they could have a significant burden of trying to get the health care because you have to work and you can't -- it's hard for some people to take time off from work to bring their children in.

And lastly, I just want to say thank you for everybody here for giving your support to the health centers in the past. My sincere thanks as a private citizen as well as being on the board and I please ask you to continue supporting us in the future. Thank you very much.

Applause

D.P.O. POSTAL:
Thank you, Ms. Koleda. I think we all agree that your testimony was really very much to the point and very meaningful to us. Elsie Owens.

UNKNOWN AUDIENCE MEMBER:
She had to leave.

D.P.O. POSTAL:
Thank you. Reverend Henry Bacon followed by David Soloman.

REVEREND BACON:
Good evening. Not good evening, almost good evening. Good afternoon to everyone. This has been a very enlightening day, I've been here since almost about a little after 9 AM. And it's very important for everybody within the sound of my voice for the people of good will to work together. We may have a very difficult holiday season and it's important that we all work together, we'll become successful together.

I'm here to advocate for -- I'm a disabled veteran, I want to advocate for the health centers in Good Sam and Good Samaritan and for the human services organizations. And I get very emotional because a little over 20 years ago I was a disabled veteran and they said I wouldn't live to be 25 years old because of the monkey on my back and I made it, I'm still alive. And there are those that think I'm finished but I've just begun to fight and I want you to know that I love everybody. But we can only be successful together. So be careful who you call a bum, be careful who you give up on. I have 50 stitches in my back, bullet wounds in my body and I'm just glad to be here.

Save human services resources for our people, save Good Samaritan funding and Southside funding and the Wyandanch Health Center, save the funding that's going to make it appropriate for us to continue to work together and lead towards -- particularly to lead towards self-sufficiency and self reliance. Let's relook at our programs, it's not going to help us to feed somebody for two or three days if you're not going to also lead to self-reliance and self-sufficiency. And I just want to say that it's just a privilege for me to be here and we can only be successful together.

I have a speech for you which I'm not going to even read now, I'm going to give it to the Legislature because I'm a person of action and you may not like me but if you know me and you want to get something done, you'll call Reverend Bacon because me and my disabled body work 16 to 18 hours every day. I have a speech impediment and it works to my benefit because some individuals think I'm actually stupid because I have a speech impediment, but that's -- it benefits me because I realize the importance of putting time in those that are seemingly not as intelligent as the rest of us, may not have their Master's Degree. I saw two people in here earlier today and I don't want to -- I'm not going to say any names, but they were in the same boat that I was in, given up on and they wear their Master's Degrees very well. And I just want to say -- tell Mr. Cooper I love his attitude today. I don't even know him, I don't know whether he really cares, but from nine o'clock to -- I mean, from the time I got here it seemed like he was really concerned about everybody that came up here. And I just want to say if ever given an opportunity, I can save Suffolk County hundreds of thousands of dollars every year because I have six children that work just as hard as I do. Thank you. God bless you. I love you all.

Applause

D.P.O. POSTAL:
Thank you. Next speaker is David Soloman followed by Charles Bove. Is David Soloman here? I knows this is Mr. Bove. Go ahead, please.

MR. BOVE:
Honorable Members of the Suffolk County Legislature, my name is Charlie Bove. I'm the Vice-President of Administration at Good Samaritan Hospital Medical Center in West Islip and I'm here on behalf of Richard J. Murphy, our President and CEO.

At the risk of being strung up up here, I know you've all been sitting down for the last two hours, my remarks are brief, and you have heard them many times before so I welcome you members to stand, stretch your legs for a few seconds if you so wish to do so. We have all had the opportunity to get up and down for the last couple of hours.

I am truly pleased to be given this opportunity to outline the role played by Good Samaritan Hospital Medical Center in providing comprehensive family-oriented health care within the community of Wyandanch and it's surrounding areas. As a member of Catholic Health Services of Long Island, we at Good Samaritan believe that our mission is to provide quality health care in an environment that supports the needs of each patient and provides access to care at whatever level is necessary. As you know, Good Samaritan joined forces with the Suffolk County Department of Health and the Wyandanch community back in 1968, an historic and innovative partnership focused on primary care delivery in an area which, until then, had been underserved.

For almost 35 years now, Good Samaritan has operated in support for the Martin Luther King Health center, the County's first health center, committing time and resources toward the goal of making available and promoting primary care services in that community. I should point out that throughout these many years, the medical center has actively participated in the Health Centers Community Advisory Board, has worked with the leadership and staff of the health center on issue resolution and program development, and has provided access to the knowledge and talents of its department experts as well as subsidized the health center's cost of operation. In fact, during 2002 the hospitals once again provided significant funds to cover the shortfall of costs associated with the number of positions that have not been fully funded to include the addition of a fourth OB/GYN physician at the health center, its general liability, medical malpractice and workers compensation assurances as well as employee benefits.

While I can assure you that Good Samaritan Hospital Medical Center is committed to supporting the health center, we are facing our own reimbursement cutbacks which makes it difficult for us to continue, let alone be required to increase the subsidy. It is no secret that primary care services can significantly alter the course, prognosis and cost of a disease process. Taken together, these three elements are important to all of us, especially our patients, and that is why we are here today. In fact, we are concerned that the proposed cutbacks will negatively impact the health center's ability to meet the primary care needs of the community which in turn may affect the local hospital system's ability to keep up with ever increasing demand for emergency

medical services.

More specifically, once primary care services are curtailed to conform with budget cutbacks, patients who would otherwise have their non emergency medical needs provided at a health center will have to select essentially one of two options. Option one is to instead seek care at our local emergency departments which are already overcrowded and, I might add, ultimately at a higher cost to either the patient or the payer as may be the case. And option two is perhaps even worse yet, not seek care at all given the existence of a barrier; available, timely and quality oriented primary care in the local community.

It is with all the aforementioned in mind that we respectfully urge you to consider the proposed cutbacks that are planned for the health centers and restore the budget so that we may continue to meet the growing needs of the communities we serve. Thank you.

D.P.O. POSTAL:
Thank you. There's a question from Legislator Fisher.

LEG. FISHER:
I'm going to make the same request of you that we have of the other representatives from different hospitals which is a cost benefits analysis. In other words, you just said the cost of an emergency room is much higher and the Medicaid costs to us as a County would be a great deal higher. If you could delineate that in numbers for us, it would be very, very helpful.

MR. BOVE:
I would be happy to.

LEG. FISHER:
It would be helpful, I urge you to forward that to the County Executive's Office as well.

MR. BOVE:
Sure, I would be delighted to. I've been listening attentively over the last two hours and have picked that up. I also want to complement and recognize Commissioner Bradley. I know she's met with Rich Murphy on a number of occasions and has always been supportive and willing to do what needs to be done to save our health centers.

LEG. FISHER:

Thank you very much.

D.P.O. POSTAL:

Mr. Bove, I'm going to ask you the same question, and I think I know the answer, that I asked representatives of other hospitals about whether you've -- Good Samaritan, when I say you -- has communicated with the County Executive with regard to the proposed cut and asked him to restore the cut in light of the additional costs to the taxpayer and the reduction in services; have you communicated with him?

MR. BOVE:

I can't speak for Mr. Murphy's communication with Mr. Gaffney, whether that's happened or not, but as I said, I know he's had opportunity to speak with Commissioner Bradley as his duly appointed agent in the health care area.

D.P.O. POSTAL:

Well, I would be -- I would ask you if you would be so kind as to ask Mr. Murphy if he has communicated not with Commissioner Bradley but with the County Executive and if he has, whether he's gotten a response or whether he has not gotten a response; and if he hasn't, I would suggest that he do so immediately. And if you would communicate back again with Legislator Foley, Chair of the Health Committee or Mr. Murphy communicate back with Legislator Foley in answer to some of those questions, that would be very welcome and helpful.

MR. BOVE:

We'll certainly do so.

D.P.O. POSTAL:

Thank you. Legislator Fields and then Legislator Foley.

LEG. FIELDS:

I'm not sure if you're familiar enough with the process, but this is a budget that was put together by the County Executive Bob Gaffney and Clare Bradley is his appointment to the Health Department. And so this is his idea of what -- where the money should go or should not go and to tell Clare Bradley I think is -- you know, she's going to do whatever it is that she has to do, but I would urge, as would all of the Legislators, that you convey all the thoughts that you

have conveyed to us today to him in letter and by phone.

MR. BOVE:
Okay, thank you.

D.P.O. POSTAL:
Thank you very much. Next --

LEG. FOLEY:
Madam Chair, just --

D.P.O. POSTAL:
Oh, I'm sorry. I apologize, Legislator Foley.

LEG. FOLEY:
Thank you, Charlie. One of the concerns that we have is the impression that's been given by some within the Executive Branch that when some contract agencies have called over to the Executive's Office, they're saying in a very cavalier fashion that, "Oh, the Legislature is going to restore the funding," as if it's just -- you know, it's an automatic situation or a fait accompli. The fact of the matter is because of many of the difficult issues facing this budget, the most difficult one that I've seen come down the pike in many a year and the increase in Medicaid costs and other related costs, this is going to be a difficult budget. I think one of the things that -- I know one of the issues that concerns me is the misimpression that's being given by those on the Executive side of just simply, as I said, saying in a cavalier fashion that we're simply going to restore all the cuts so, therefore, you shouldn't be upset with the Executive because with a wink and a nod the Legislature is going to put the monies back.

The fact of the matter is this year is different from many other years and that's why you have Legislator Postal, Legislator Fields and others mention the fact that as much as you're challenging us -- which is fine, that's the way this process works -- but equally so, the Executive also needs to be challenged because he and his and his staff can also propose changes to their -- make amendments to their own proposed budget. Plus they should be called to the carpet to challenge them as to what methodology they have used to arrive at the cuts that they've proposed. Because those -- that methodology has not been articulated as far as we can see. So again, when you speak and reach out to us, that's fine, but also have people reach out to the

person who proposed this because he has the ability to amend his own proposals.

D.P.O. POSTAL:
Thank you.

MR. BOVE:
Thank you.

D.P.O. POSTAL:
Legislator Foley. Thank you, Mr. Bove.

LEG. CARPENTER:
Question.

D.P.O. POSTAL:
Oh, I'm sorry. Legislator Carpenter. I must be getting tired.

MR. BOVE:
I thought I was getting away easy.

LEG. CARPENTER:
You have every right to, it's been a long day. Charlie, I appreciate you coming down today to lobby and express the point of view on behalf of Good Samaritan. But I would ask, have you, the hospital, and I know there are still some representatives here from Southside, have you done that kind of lobbying to the State representatives? Because as I'm sure you're aware, our cost for Medicaid alone will exceed $220 million this year which represents an over $30 million increase from last year. And when you couple that with a $31 million increase in pension costs and all of the other cost increases that we have had to bear, it makes it very, very difficult. And we all would love to restore all the cuts, but you have pressure from people who don't want their property taxes increased, we had a woman up come up here today and say don't eliminate the exemption on the sales tax on clothing. But yet the State continues to pass along mandates, we provide more Medicaid services, I think we are two of 50 states that provide every benefit that can be provided, and they make the decision and we have to pay the bill. So it makes it that

much more difficult for local governments and I think some of your efforts really need to be addressed, especially since they're in an election year, our State representatives, the State delegation, the Assembly people, the Senators, they need to hear this. So I thank you.

MR. BOVE:
I will certainly carry the message back to Mr. Murphy.

LEG. CARPENTER:
Thank you.

D.P.O. POSTAL:
Thank you very much. Next speaker, Richard Murdock followed by Rosemarie {Lacary}.

MR. MURDOCK:
My name is Richard Murdock, I'm one of the people you talk about when you say fell through the cracks. I found out now just a few minutes ago technically I'm in the wrong place but in a way I'm in the right place. You people are talking about cutting health services to clinics? Well, trust me, it ain't going to work if you do it. I spent 21 years in a nuthouse, I spent many a times homeless and I ain't never found a place like your clinic. Like you said, I go to hospitals and I stayed there 14, 15 days, they never kicked me out. I go to the health center, they get me better and they turn me right back home again, they even helped me from being homeless. The help I get from your health centers is unbelievable compared to the help I got being in the nuthouses for 21 years. And if you close those health centers, you're taking people like me and just throwing them right back into the cracks again and I don't think that's fair.

Like I said, I just found out a few minutes ago, technically I'm in the wrong place but you people do have a say so of what I'm talking about, you can tell them no, don't close them. You close them, there's a lot of people like me that are going to be homeless again. I spent 40 something years on drugs, I have been clean now one year and eight days and thank God to that health center that I'm clean; if it wasn't for them, I would still be out there doing the crack cocaine, probably robbing your house, your house or anyone else's house. But thanks to the health center, I'm clean now for a year and eight days so technically I'm a man that has lived one year and eight days out of all my years. I'm thankful that I'm straight these days, but trust me no, it was no easy job but once I got in the health centers they helped me. Everyone else, like you said, mentally ill people, they look at me like I'm a joke, the police, they look at me like I'm a

joke; I'm just a joke to everybody but no longer anymore. Now that I'm off of them drugs and I can help think for myself, I'm not a joke and I'm going to find out why. No more of your time. Thank you.

Applause

D.P.O. POSTAL:
Thank you, Mr. Murdock. We're very grateful to you for being here. And if you were in the wrong place, we're grateful that you ended up coming here. Thank you.

MR. MURDOCK:
They told me just a few minutes ago.

D.P.O. POSTAL:
You're in the right place. Thank you. Rosemarie {Lacary}?

UNKNOWN AUDIENCE MEMBER:
She's in the lady's room.

D.P.O. POSTAL:
She couldn't wait?

UNKNOWN AUDIENCE MEMBER:
She's in the lady's room.

D.P.O. POSTAL:
Oh, I'll come back. Keith Johnson? Is Keith Johnson here? Is Keith Johnson here? John DiMucci? DiMucci; is John DiMucci here? Yes, I think so. And then we'll have Eunice Miller.

MR. DiMUCCI:
Good afternoon to one and all. My name is John DiMucci, I come from the Town of Patchogue and I'm here on behalf of the Patchogue Health Center which I desperately need. I have been going there roughly about 20 years, I'm a chronic asthmatic. And if anyone here has asthma or a family member with asthma, you know how debilitating it can be.

Now, I live about a mile away from Patchogue Health Center and I live about four miles away from Brookhaven Hospital. With all that money spent, all those rooms --

D.P.O. POSTAL:
Excuse me. Mr. DiMucci, can you just -- you don't look very comfortable. Maybe it would be better if -- I don't know if you could get that to a more comfortable level?

LEG. FIELDS:
Take the microphone out. There you go.

MR. DiMUCCI:
Oh, okay. Anyway, all the millions of dollars that were spent on renovating the ER room in Brookhaven Hospital will be for naught and bring it back to square one by everybody and his uncle going there for a headache, stomach ache or even a simple asthma attack which can be treated at the Patchogue Health center. I beg everyone there to reconsider any cutbacks so that I can keep going to the Patchogue Health Center without any problems. Thank you for hearing me and take care.

D.P.O. POSTAL:
Thank you very, very much. Next speaker will be Eunice Miller followed by Karen Kowalik.

MR. MILLER:
Hello. Good evening. My name is Eunice Miller and I'm a Family Development Worker, I work with Economic Opportunity Council of Suffolk. And I am here on behalf of Cornell Extension Project because I was a graduate through the Family Development Program and I was very upset by the fact when I received some information stating that they were going to put in a cut that would possibly eliminate this program from their agency. And I am asking to not by any means feel that this program is not important in the community and for the society of this state that we live in. I have been working with families for over a year and I have graduated more or less from the program with more skills and more knowledge than I have ever had in working with the community service and human service field over the last -- past eleven years.

I am asking, please, do what you can, see if we can keep this program going, see if they can

give the money to Cooperative Extension because this program is needed in the community. Family Development workers I have found are basically the only source that go into the homes, analyze and assess and work with the families as far as setting short and long-term goals. I have been working with these families and they call me and ask me, please come into my house, please come in and help me, please help me work out some goals where I can development and more so help my family to gain the strength, the knowledge and the empowerment that I need to continue to go on.

So what I am basically asking, please, if there's any way that they can reconsider or work out something where this Family Development Program will not be eliminated, I'm asking if possible can they look into this and see what can be done because it is definitely needed. And I have been working, as I said, with the families in Suffolk County from Greenport out to Hempstead for over the last two years and I know it is definitely, definitely needed, that someone work one on one with these families and try to show them direction upon where they can get the help that they needed. And this is the low income and working families, these are not families that are on the social service rolls. I worked with 74 families this year and I tell you, 54 of them are working, holding on to their jobs, I helped them find child care, I helped them find different programs that can help them throughout the winter to keep them going such as HEAP, Project Warmth. And a lot of these families do not have knowledge of any of these programs that are out there for the working poor. If we do not get out there and let them know that these programs exist, they will go under and they will lose their homes. A lot of them need mortgage counseling, they do not have any direction upon where to find these resources and that's what Family Development does. I go out, I find all the resources that I possibly can to help empower these families. I also do advocacy with them and go with them to several agencies to also acquire the resources that they need to keep them going.

So this is a very good credential program and I'm hoping that it will be able to continue because one thing I have learned by this program, it is with the old mentality of teaching them how to fish, not give them the fish. And a lot of parents have learned how to do a lot of fishing on their own and keeping them very strong. Thank you very much.

Applause

D.P.O. POSTAL:

Thank you. Next speaker is Karen Kowalik, and Karen will be followed by carol Gorycki.

MS. KOWALIK:

Good afternoon. Thank you in advance for your attention and your patience on what I'm sure was a very long and trying day. My name is Karen Kowalik, I am a Medical Social Worker at the Shirley Health Center. And earlier we had a couple of patients who were here who had spoken for so many of the patients who we see on a daily basis. I cannot thank you enough for giving them the opportunity for them to be heard. They are heard in our offices daily about the struggles that they have to face just to put food on their table at night to get some heat, to get some light and the health centers really have served as a real community center for these people.

I have been there about three years and honestly when I first started working there I was overwhelmed with the amount of poverty and obstacles and the faces of these people on a daily basis, where my job is to help people access health care in a system that is less than kind sometimes. Coming to the health center with a diagnosis of cancer, that's helpful, but if you don't have Medicaid and if you don't have money and you can't work because you are so sick from the cancer, what do we do; how do we keep you alive and how do we keep you out of the hospital? And what about your child, what about your granddaughter who lives with you who is pregnant, what happens to her? The myriad of services that are available at the health centers are astronomical. I really -- it really for me has been quite an eye opening experience and I really am blessed, I have to say, every day working with the patients who I do there because I don't know how they do it.

I know that you are not the final say on what the outcomes of budgets are, but I do believe you are very powerful. And I hope you remember the faces of the clients who you're seeing, not just the Executive Directors and administrations, but the people whose lives may seem marginal to most but are really very important. Thank you.

Applause

D.P.O. POSTAL:

Thank you. Carol Gorycki followed by Reverend Ronald Radford.

MS. GORYCKI:

Hi. I don't work for any of these agencies but I'm certainly as a taxpayer very proud to hear of all the wonderful services that they do accomplish. I have worked in the field of early childhood education for 26 years and my goal has been, like yours, to make an impact on and contribute to the lives of others. During that time, I have become aware of the increasing needs of parents with regard to raising their children. Why are these needs increasing? The time we have today wouldn't allow for speculation or documentation, but what is is.

Just a partial review of the events of the past few weeks. The Newsday article on the obesity in children, the examples of the woman on the video who was assaulting her child as well as the recent -- also the videos on the violence on school buses which is being perpetrated on children by children. These are all failures of knowledge, knowledge of parenting skills, violence prevention and nutritional solutions. We as a society, starting with the Suffolk County Legislature, cannot go tsk-tsk over these issues if we are not willing to give support and funding to make some changes. We can attempt to legislate parents behavior such as at sports events and perhaps legislating is not a bad idea because people might need to get consequences for negative behavior, but in conjunction we also need to educate. And why should we educate? How many parents know how to change the socially toxic environment described in Cornell University Professor James {Gabarino's} book? Very few. However, work shops given by Tim John of Cornell Cooperative Extension based on this book have developed an awareness in myself and others who connect with parents.

In my field, parents are always expressing frustration -- he won't, I can't, they don't -- with regard to their children. And how often does that inability to set rules and follow through manifest itself in violence against children such as shaken baby syndromes or, again, the woman on the video. The work shops given by Nancy {Olsen-Harvick} on Discipline is Not a Dirty Word have armed me and many others with info and skills to share with those parents.

Shortly after the occurrence and tragedy of 9/11, work shops were offered by Cornell to have those of us who work with children cope with our own feelings and thus extend some solace to parents and children. No one individual can singularly possess and dispense all knowledge and skills to make the world we live in a better place. Collectively, we have to rely on each other for specialized knowledge and experience. I'm here to express dismay at the budget cuts, particularly with regard to Cornell Parenting Education Program. It would be unconscionable to eliminate or reduce funding for one of the few support systems for families and for those of us

who look to this organization for guidance and knowledge in our very important work. Thank you.

D.P.O. POSTAL:
Legislator Fields has a question.

LEG. FIELDS:
I just wondered if you are aware that every time the budget comes down from the County Executive that it is the Legislators who put everything back in that has been cut by the County Exec?

MS. GORYCKI:
Well, I think sometimes am and I'm getting more aware of it as I listen today.

LEG. FIELDS:
Because I just wanted you to know, we don't just try to put legislation to do other things, we -- the budget process is a long and tedious and intricate, difficult process and inevitably we get a budget that has taken things out and it is up to the Legislators to try to put back as much as they possibly can without really hurting the general public with huge increases. So I wanted you to know that we have, as a body, continuously put things back in to a budget that comes down that has slashed the things out of it.

MS. GORYCKI:
Well, I'm experienced with school budgets, so I know how some of that goes. And I appreciate you putting this back in. Thank you.

D.P.O.. POSTAL:
Thank you very much. Reverend Ronald Radford will be followed by Leila Zogby.

REVEREND RADFORD:
Good afternoon, Ladies and Gentleman. My name is Reverend Ronald R. Radford, I'm the Chairman of the Martin Luther King Health Center.

The other day when I appeared before you I quoted some statistics. Last year at the Martin Luther King Health Center we serviced over 38,000 individuals. We provided them with quality care so that they would not become a part of the growing number of people that are going to the emergency wards. Please bear with me as I quote a few more statistics.

The average number of patients that we took in in the Martin Luther King Health Center who are HIV + for testing was between 90 and 100 per month. The average number of active HIV patients are 85 to 92 per year. The average number of patients sent to the emergency room directly from the Martin Luther King Health Center is between 15 and 20. The average newborns per year that we treat at the Martin Luther King Health Center are 350. These numbers that I quote are not just numbers, they're individuals, they're people who if you do not change the budget, if you do not restore the 10% that the County Executive has said should be cut from the health centers, will suffer greatly. I thank you for your patience in listening and if there are any questions --

D.P.O. POSTAL:
Yes, Legislator Caracciolo has a question, Reverend Bradford.

REVEREND RADFORD:
Yes.

LEG. CARACCIOLO:
I think we would like to know as a body, a Legislative body, whether or not you and others in the health care or the clinic were informed of this proposed reduction in funding prior to the introduction of the budget; was there any consultation with you, was there any attempt to ascertain what those cuts might mean in terms of patient or client services?

REVEREND RADFORD:
I could not answer that intelligently because I was not a part -- privy to that information.

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Thank you, Reverend Radford.

REVEREND RADFORD:
Thank you.

D.P.O. POSTAL:
Our next speaker is Leila Zogby followed by Philip Goldstein.

MS. ZOGBY:
I am Leila Zogby, a 20 year resident of East Northport and a ten year volunteer for Cornell Cooperative Extension of Suffolk County; at present, I serve as the Vice-President of the Board of Directors.

The New York Times of Sunday, September 24th, carried a front page article about a single mother of five and her children who at the end of their monthly food stamp allotment were reduced to eating one meal a day. On the day of the reporter's visit, that meal consisted of boiled spaghetti and chicken necks. What if that mother had participated in a nutrition education class for limited resource families offered by the Family and Consumer Sciences Program for County Extension? There is a very good chance that she would have a better idea of how to stretch her food allowance and serve more nutritious meals. What if she had been able to access free County Extension parent education classes to learn how to involve her children in maintaining a small vegetable garden. Not only would she be supplementing her limited resources, but she would be teaching her children life skills and the pleasure of sharing a joyful experience.

All of us are familiar with the philosophy that if you give a man a fish you feed him for a day, and if you teach him to fish you feed him for life. Cornell Cooperative Extension's Federally mandated mission is to bring the research-based knowledge of our Land Grant Institution Cornell University to the people of this state. We put into the hands of citizens, regardless of age, sex, race or economic strata, the power of knowledge. We feed them for life.

We are all mindful of the fact that the County's resources are limited, that times are tough. We all need to pitch in as organizations, as individuals. What we at Cornell Cooperative Extension of Suffolk County are asking is that we be treated equitably, that our financial sacrifice be the same as everyone else's, not twice as severe. And we also ask that we, the Board of Directors, be the ones to determine how our agency will operate with

reduced funding, hopefully with restored funding, and how our programs will be affected.

At least one of our agriculture, marine sciences, nutrition, parenting or youth development education programs reaches every school district and every public library in Suffolk County every year; I don't think many other agencies can make a similar statement. We provide a valuable service bringing knowledge to our citizens in a very cost effective manner and ignorance is very expensive.

As a citizens, as a parent, as a business owner and as a volunteer, I request that the Legislature reconsider the extent of the funding cuts being proposed for Cornell Cooperative Extension of Suffolk County. Thank you.

D.P.O. POSTAL:
Thank you.

LEG. CARACCIOLO:
Madam Chair, question.

D.P.O. POSTAL:
Legislator Caracciolo has a question.

LEG. CARACCIOLO:
As you are aware, the budget narrative indicates that these cuts were made consistent with the desire to bring Cornell back to its core structure and programming; would you like to respond to that?

MS. ZOGBY:
Yes. There has obviously been a misinterpretation of what our core mission is. The Extensive Offices across the country, every single county in the United States has an Extension office and that is part of the U.S. Department of Agriculture. And home economics, which is the old-fashioned name for Family and Consumer Science, from day one has been a core mission; agriculture and home economics go hand in hand. You know, you can say that times have changed, but we have kept up with the times and we've included now parenting education. Everything that we do on the agriculture side is matched evenly on the family and consumer

sciences side, it is part of our core mission. I know that very often people just think of Cooperative Extension because of gardening or whatever, but we are many, many other things. And it is really not accurate to say that Family and Consumer Sciences is not part of our core mission because it absolutely is one of our tenants.

LEG. CARACCIOLO:
Thank you very much.

MS. ZOGBY:
Someone asked a question about the diabetes --

D.P.O. POSTAL:
I asked a question about whether it was true that the diabetes program would be eligible for Medicaid reimbursement during 2003.

MS. ZOGBY:
It is true that initially when the program was funded we were slated to qualify for full Federal reimbursement in 2003. Because of the delay last year in restoring in our funding cuts, that schedule has been pushed back a little bit and we're going to have to make up some time. But the goal of the program has always been to bring it to the level where it can be certified by the American Diabetes Association and therefore qualified for full Federal funding, that has always been the plan, and would be going forward also.

D.P.O. POSTAL:
So that if I understand you correctly, because there was a delay in funding this year, it will not be eligible for full Medicaid, Federal Medicaid funding in January of 2003. However, whenever we've restored the funding, maybe July or whatever it was, if we continue to fund the Diabetes Program of Cornell Cooperative Extension, at some time, approximately in July of 2003, it would be eligible for full Medicaid reimbursement. So that am I right that we would be, in essence, paying for half a year and getting a full year and then in 2004 it would be completely funded?

MS. ZOGBY:
I think in essence you are correct. I cannot vouch for the actual dates, I'm not privy to that information.

D.P.O. POSTAL:

Yeah, I can't either.

MS. ZOGBY:

But that basically is the plan and always has been the plan from the conception of the program.

D.P.O. POSTAL:

Thank you.

MS. ZOGBY:

You're welcome.

D.P.O. POSTAL:

Philip Goldstein followed by Jerry {Reikenbach}.

MR. GOLDSTEIN:

Good afternoon, Ladies and Gentlemen. At the price of antagonizing the Legislature, I have to raise the point in the form of a question. To what extent is this deficit which originally I thought was 70 million, although I've heard a $111 million figure now mentioned, to what extent is that deficit a result of the arbitration which led to the salary increases for the Suffolk County Police Department? Does anybody know what proportion of that $111?

LEG. FIELDS:

I think I did ask that question but Budget Review has those figures, and if they are listening to us they could probably come in and give you that answer.

MR. GOLDSTEIN:

Okay. On previous occasions I have said that when our Fore Fathers were faced with a situation of taxation without representation, they rebelled. It grieves me that this Legislature just rolled over and allowed -- I know, I'm exaggerating when I say rolled over.

LEG. FOLEY:

That's not true.

MR. GOLDSTEIN:

I'm sure you sent all kinds of letters of remonstrance and so on to the State and you appealed to the State Legislature to do something about this process of arbitration. But it just -- it galls me that we haven't acted more strenuously, especially in light of listening to what we are hearing where the County Executive is proposing a budget in which he belabors the marginal members of our society, those least able to defend themselves who are struggling to hold their heads above water. We've heard not only from their advocates but we've heard from some of the people themselves and it just seems to me terrible. And I've mentioned this before, the idea of taking back the tax exemption, the $110 which often is, you know, beneficial to parents with children when they have to prepare to meet the school year and so on. I offered you an alternative and you just received the distribution, all right, which represents the unworthy. I said to you that there is a potential revenue source which is untapped and which would serve the interest of Suffolk County in filling this huge hole, and not only that, but it would be in the national interest. And that is my new pet project, as I've called it, a patriotic energy tax.

Now, I have been in contact with Nassau County because I realize that if you were to impose a patriotic energy tax on gasoline, that many people would be tempted to cross the border into Nassau and buy their gas and avoid the tax. Mr. Suozzi with whom I spoke personally was very enthusiastic in his reaction to this and said he would have his lawyers look into the matter because he was wondering as to whether or not the County had the power to impose such a tax.

P.O. TONNA:

Phil, was he really enthusiastic about the issue or about being with you? Okay, go ahead. I'm sorry.

MR. GOLDSTEIN:

I'm the kind of guy who everybody loves, what can I tell you. All right, but seriously, Judy Jacobs also responded in a favorable manner and invited me to appear before their budget hearings tomorrow. This is a worthy idea worthy of consideration because it does a number of positive things. The article that I gave you points out that the SUV has been sold to the American public on the basis of sizzle. We don't go often to the dessert and need four-wheel-drive, we don't go up into the mountains, we don't go off on to the tundra or into the jungles and so on; these vehicles are detrimental to the interest of Long Island because they are a major pollutant. Recent Newsday articles point out the fact that it is auto emissions, not the

smoke that's blowing from electric generating plants from states west of us, that is the major pollutant on Long Island. In addition to which these cars are gas guzzlers. They consume an inordinate amount of gas because they don't adhere to EPA standards, they have been allowed an exemption. And the Congress of the United States has failed to address this issue of pollution and gas consumption. They chickened out in the face of the big three automobile manufacturers who are more concerned about their bottom line than the national interest. Nine percent of the gasoline that we consume in the United States is bought from the very regime that we are contemplating going to war against in order to depose its ruler.

P.O. TONNA:

Phil, you've got five seconds.

MR. GOLDSTEIN:

Iraq directly sells us gasoline.

P.O. TONNA:

Four, three --

LEG. HALEY:

I have a question.

P.O. TONNA:

-- two, one.

LEG. HALEY:

I have a question.

MR. GOLDSTEIN:

I think that was a bit unkind to interrupt me.

P.O. TONNA:

No, it's not. I wasn't interrupting, you built it to a crescendo. All -- a crescendo.

LEG. HALEY:

I have a question.

P.O. TONNA:

I'll give you one more second, go ahead.

LEG. HALEY:

I have a question.

MR. GOLDSTEIN:

Your aides were at a meeting last night --

P.O. TONNA:

Yes.

MR. GOLDSTEIN:

-- where I presented this idea to an assemblage of politicians, all of whom applauded the idea and were in agreement that this is an idea worthy of consideration and I urge this Legislature to look into the matter. And if there is a legal aspect to it then I would suggest that you direct your attention to the State Legislature and say to them that this maverick Legislature which has set examples when it comes to smoking, when it has come to cell phones, when it has come to detergents in the water, etcetera and so on, that you are the kind of people who represent us and we want you to represent us in a positive manner and not to take money out of the pockets of those who are least able to meet --

P.O. TONNA:

Phil, Phil, three seconds, three seconds. This is already -- you're over, okay.

LEG. HALEY:

I have a question.

P.O. TONNA:

Next time you come and speak, you know you have five minutes, practice it in front of a mirror a few times and get it down to five minutes.

MR. GOLDSTEIN:

The people who buy these SUV's are the ones who can afford to pay the tax to avoid --

P.O. TONNA:

All right. Is there a question?

LEG. HALEY:

Yes.

MR. GOLDSTEIN:

-- taking money away fro these people.

P.O. TONNA:

Wait, wait, there's a question, you have a question.

LEG. HALEY:

Quit while you still have me, all right?

MR. GOLDSTEIN:

Okay, thank you.

P.O. TONNA:

Phil, take a deep breath.

LEG. HALEY:

Could you be specific --

P.O. TONNA:

Because nobody here is going to do mouth to mouth here. Take a deep breath. Thank you.

LEG. HALEY:

Could you be specific as to what kind of a tax you're talking about and what kind of revenues you think that might generate?

P.O. TONNA:

I'm sure Haley will put a bill in.

LEG. HALEY:
And can you do that within two minutes?

MR. GOLDSTEIN:
All right. I don't have --

P.O. TONNA:
Phil, come on.

MR. GOLDSTEIN:
I don't have the ability to respond to that question. I don't know how much gas is consumed in Suffolk County or in Nassau County, I leave that to people with a greater expertise. I have given you the idea, implementing it is your burden of responsibility. You get the big bucks for that, I just do the thinking; I'm the conscience of the Legislature.

P.O. TONNA:
Thank you.

LEG. FIELDS:
I want to ask him a question.

P.O. TONNA:
No, no, come on.

LEG. FIELDS:
I want to ask him --

P.O. TONNA:
Restrain yourselves. There's still a lot of people in the public that would like to speak. Okay, Mr. Conscience. Geri Reinenbach; did I say that right?

LEG. CARPENTER:

Nope.

P.O. TONNA:

No? Geri, where are you? Geri, what is that?

MS. REICHENBACH:

Reichenbach.

P.O. TONNA:

Right?

MS. REICHENBACH:

Reichenbach.

P.O. TONNA:

Reichenbach, thank you. Sorry about that.

[RETURN OF STENOGRAPHER - LUCIA BRAATEN]

{TRANSCRIBED BY DONNA CATALANO - COURT STENOGRAPHER}

MR. REICHENBACH:

Good afternoon, members of Suffolk County Legislature. My name is Geri Reichenbach, and I'm Director of Community Relations for Brookhaven Memorial Hospital Medical Center. I come to you today with a statement regarding the proposed reduction in the Operating Budget of the South Brookhaven Family Health Centers. As I am sure you are aware, Brookhaven Memorial Hospital has had a unique community health partnership with the Suffolk County Department of Health for 30 years. We are pleased to be celebrating this very special anniversary this November 6th at the Marilyn Shellabarger South Brookhaven Family Health Service Center in Shirley.

I am here to express my concern about the proposed budget for the South Brookhaven Family Health Centers. The proposed budget represents a 10.48% reduction over 2002 without any consideration for increase in expenses, for medical supplies, materials, or staff. More than 20,000 residents of the South Brookhaven community receive superb quality primary health care

at the South Brookhaven Family Health Centers. For this population of patients, access to care directly impacts the patient's quality of life. Patients who utilize health center services in most cases are on Medicaid, enrolled in the Suffolk Health Plan, underinsured, meaning they are employed, but do not have health care as a benefit, or have no health insurance coverage. These patients are often in desperate need of primary health care. This is the primary care that the South Brookhaven Health Centers provide. Primary care that is coordinated and directed by a health center physician, care that is seamless, whether the patient is being seen in the health center or in the unlikely event that a patients needs to be admitted to Brookhaven Memorial Hospital.

Last year, less than 3% of the health center patients needed to be admitted to the hospital. This was accomplished in large part due to the extraordinary care these patients received in the health centers. The delivery system will be severely impacted by a budget reduction. There will be less hours and days available for patients for access care, and there may be less staffing, including trained and skilled physicians, and professional registered nurses available to provide this outstanding care to patients who are so much in need. The health center team sees patients from newborns to geriatrics. The health center last year delivered almost 600 babies and provided essential services, including immunizations, pre and post natal care, treatment of chronic illnesses, including diabetes, cardiac, HIV and patients suffering from cancer.

In addition patients also receive laboratory, radiology, and ultrasound studies as part of their treatment and diagnosis at the health center. This is but a small part of services available to health center patients. Access to quality primary care is critical and should be important to all of us here today. If the reductions are imposed, patients at the health centers will be subjected to longer waits for care. Patients who do not have access to care will stay at home and become sicker, thereby making them more difficult to treat. These patients ultimately will end up in our local emergency departments and may require additional more costly resources. Primary care is not provided in an emergency department. And this type of care is so extremely important. I believe it is the responsibility of this body to continue to support this excellent primary care system that is both cost effective and accessible to the residents of the South Brookhaven community. I thank you.

APPLAUSE

P.O. TONNA:

Thank you very much, ma'am. Thank you. Okay. Werner Nufer. Did I do that right?

MR. NUFER:
Yes.

P.O. TONNA:
Thank you, sir.

MR. NUFER:
A very good job on that. Thank you.

P.O. TONNA:
All right. I'm one for about 700.

MR. NUFER:
I'm here to speak on behalf of Cooperative Extension. I'm a retired Grumman Engineer, master gardener and I was a former Cooperative Extension Board Member. I'd like to just read a short letter that I want to submit to the Legislature.

P.O. TONNA:
Sure.

MR. NUFER:
It reads, "I wish to protest in the strongest possible terms the County's plan to forgo receipt of $4 million of non county CCE support funds in order to save a half a million dollars of county CCE support funds. How will the County perform the excellent and essential services that are presently performed by the CCE marine and family services personnel? What will the direct cost impact be on the county of lost income to the marine industry? What will the direct cost impact be on the County of our most fragile citizens lacking vital nutrition and health information. Wasting $4 million to save a half a million dollars is like shooting oneself in the foot. I'm sure that you will realize what the common sense solution will be restoration of the requested CCE funding for the Year 003. Thank you for your attention to this matter". I'd like to make a few informal comments also.

P.O. TONNA:

Sure.

MR. NUFER:

Particularly in the marine area you have a lot of people, okay, who are very proficient in writing proposals and going after grants and funding information. That's something you don't normally teach in school. It's also something that's very difficult to find in people. In Grumman, we have select people who did proposal writing and went after studies, I was one of them. If you don't fund the marine area and it collapses, okay, these marine fellows are going to end up going to Florida, to California, to other coastal centers, okay, and you can't get them back. If a year or two from now they decide, gee, this was a big mistake, we've got all this funding money that we don't get back from the state or from the feds, you can't get these people, you can't hire them out of school at this ability. I'd also like to go on and say that the fellow with the SUV probably has a very good idea. I've got a 1981 diesel Rabbit, it's got 200,000 miles on it, it gets 5 miles to the gallon on the highway, it gets 41 miles to the gallon around town. I car pooled all my life. I'm in favor of HOV lanes. And I think it's absolutely atrocious that we've got all these people riding SUVs. You can see them on Vets Highway, one person to a car, lemming going to the sea. And the only way you're going to stop it and fix the transportation problem is to put the economic crunch on them. And that means raising the price of gas. In Europe, they pay four and $5.00 a gallon. I mean, we've got a tremendous deal here. You're going to have to raise the price here. Maybe this fellows got the idea with the patriotic tax, maybe that's a place you folks should be looking to try and find some of the money to keep Cooperative Extension in business and these other useful family programs. Thank you. Any questions?

P.O. TONNA:

Thank you very much, sir. Thank you. RoseMarie Lacary. Going once, going twice. Okay. Susan Wilk. Hi, Susan, did I get that right?

MS. WILK:

You did great.

P.O. TONNA:

My children are learning phonics, and I'm learning it with them.

MS. WILK:

Practicing at home, good. I represent -- my name is Susan Wilk, and I represent Diabetes

Education Program of Cornell Cooperative Extension and ask for your continued support of our Diabetes Program, as well as the Family and Consumer Sciences Programs of Cornell. It is estimated that 51,482 people in Suffolk County have diabetes with an estimated increase of 10,000 per year for Suffolk County. Type Two Diabetes, as you heard earlier this morning, is at epidemic proportions. As recent as five years ago, the average diabetes educator and the average diabetes education program was teaching groups and individuals whose average age was over 50 years old, and there are about five people in the group to date. And we did here much about the Wyandanch, Amityville Health Center, and I am very pleased to say we do have a program there. And that program is seeing twice the average amount.

What we are seeing now is a different type of diabetes. And where the diabetes epidemic word comes from, it comes from obesity in this country, children, parents, grandparents, generations of obesity. Today and tomorrow's educators, programs and outreach efforts need to be ready for this new epidemic, which will include a much younger population of children and young adults in addition to the already older population that live their lives with diabetes. The prevalence and rising diabetes statistics are now including the fact that children are now being diagnosed with Type Two Diabetes. This was unheard of. We never worked with Type Two kids ten years ago. Type Two is diabetes of the older generation affecting our children because of obesity.

Education is about the only cure we have right now to meet this health hazard. The biggest health concern and very real problem facing us today is the long document of facts that undetected, undiagnosed or late diagnosis of Type Two Diabetes will continue to bring the serious complications of diabetes to us, including heart disease, blindness, kidney failure, amputations, pregnancy complications and deaths related to the flu and pneumonia. But in addition, this time around we're going to see it a little bit different. It's going to be people in their 30s and 40s heading for these complications. Nutrition and exercise are the ways to prevent Type Two Diabetes in this very new high risk population. The most recent conclusion of the CDC study in diabetes prevention concluded that life-style changes and diet and exercise made the most significant health impact, which decreased the risk by 58%.

Our weight management series of classes, as well as our food and nutrition programs are addressing that right now, this chronic health hazard. Younger and earlier diabetes detection equals more years with diabetes, more years with diabetes equals greater risk for complications. Earlier years of complications equals more dollars that needed to be spent on medical care. The number of Medicaid recipients in Suffolk County with diabetes, according to

the most recent New York State data was 3,409 people. Our programs in the health centers -- our programs at Cornell have already reached over half of these people. Four major CDC and NIH Diabetes Prevention Studies have given to the nation diabetes facts and figures. All have proven beyond any shadow of a doubt the role that diabetes education and awareness programs play in the quality of life for those who live there lives with diabetes. It is in support of these highly respected studies that our diabetes education programs need to continue towards outcomes that will continue to recognize the value of these landmark studies.

How can we make a difference in Suffolk County? We have the programs, we have the trained educators, we have the knowledge, we have the skills to battle not only a Suffolk County epidemic, a worldwide epidemic. We have begun the job here in Suffolk County, and we need your help to continue with the consequences to avoid the consequences of Type Two Diabetes and obesity. We will continue to make available the programs to meet the needs of the existing population with diabetes as well as this new generation of diabetes. And Maxine Postal had asked a question, and I think can kind of reiterate on that. And I'm going to slow down here. We need to continue --

P.O. TONNA:
Let me ask you a question so -- because you're out of time.

MS. WILK:
Go ahead.

P.O. TONNA:
Okay. Maxine Postal asked you a question before, would you like to respond to that, and maybe by announcing what was the question?

MS. WILK:
Yes, I would. Okay. About Medicaid.

P.O. TONNA:
There you go.

MS. WILK:
Okay. We need to continue the Diabetes Education Program to receive American Diabetes

Association accreditation. Accreditation means that we need to provide to the ADA data, and that data can only be gotten from a program. Data is charts of people who have come through the program, who we present "X" amount of charts, which patients have selected their goals, goals are selected in accordance to these studies, these national studies. And when patients are there and have met their goals, then these are the cases that we will present for accreditation.

P.O. TONNA:

Thank you.

MS. WILK:

Once we get at that accreditation, yes, we will be eligible for federal reimbursement.

P.O. TONNA:

Thank you so much.

LEG. LINDSAY:

Can I just --

P.O. TONNA:

Hold it a second, Susan. Legislator Lindsay has a question.

LEG. LINDSAY:

What Maxine's impression was is that if we fund you to July of 2003, then the funding will come from Medicaid; is that correct?

MS. WILK:

Okay. I think --

P.O. TONNA:

Half the year.

LEG. LINDSAY:

Half the year.

P.O. TONNA:

If we fund you have half the year.

MS. WILK:
I don't think I'm the one in the position to be able to answer that.

LEG. LINDSAY:
That was the question she asked.

P.O. TONNA:
Right.

MS. WILK:
Because I don't know where the data collections process is at this moment in time.

P.O. TONNA:
Susan, thank you very much.

MS. WILK:
Thank you

P.O. TONNA:
I appreciate it. Any other speakers? Okay. Great. On this issue? And remember, everybody has plenty of chances, another bite at the apple. We would like you to come down to each of the committee meeting hearings and give your impressions. Okay. Being that there isn't, we are going to recess, right? We can't close it. We have to recess it. So we're going to close the hearing. I make a motion to close seconded by Legislator Crecca. All in favor? Opposed? .

Now, the **public hearing regarding Southwest Sewer District Assessment Roll.**

No cards, no speakers, going once, going twice. Closed. I make a motion to close seconded by Legislator Carpenter. All in favor? Opposed?

Okay. **Public hearing regarding the banning -- banning the sale of ironite fertilizer in Suffolk County.**

No cards. Anybody want to speak on this issue? Great.

LEG. CRECCA:
Motion to close.

LEG. FOLEY:
Second.

P.O. TONNA:
Motion to close and seconded by myself. That was Crecca, Tonna. All in favor? Opposed?

Okay. Great. We're moving right along. Now, a **local law to strengthen smoking prohibition indoor places.**

Are there any cards? Of course.

LEG. CRECCA:
Motion to close.

P.O. TONNA:
Okay. Let me just -- okay. Okay. I guess 43. Right on the nose. All right. Our first speaker, Dr. Clare Bradley. Dr. Bradley, good to see you here.

LEG. FOLEY:
Mr. Chairman, as the good doctor approaches the podium --

P.O. TONNA:
Good doctor.

LEG. FOLEY:
-- could we have the staff round up the missing Legislators to come back to the horseshoe?

P.O. TONNA:
Well, of course, you know I can't ever enforce Legislators to come.

LEG. FIELDS:
Yes, you can. It's in the Charter.

P.O. TONNA:
It's in the Charter that I can? The sheriff? Okay and you know, Legislator Fields, I think that if you had that opportunity, you'd probably do that.

LEG. BISHOP:
I'm sure she won't.

P.O. TONNA:
I'm just saying.

LEG. FISHER:
Mr. Presiding Officer, I was standing out there, I didn't know you were calling all Legislators.

P.O. TONNA:
Okay. I'll do it again. On behest of Legislator Foley and Legislator Fields and myself as the Presiding Officer of the Suffolk County Legislature, with no further ado, I would ask in case I would have to call the sheriff, I request all Legislators please come to the horseshoe.

LEG. ALDEN:
There you go.

P.O. TONNA:
Clare, it's a pleasure to see you. I know it's tough times. I hope all is well. Please, you have five minutes.

COMMISSIONER BRADLEY:
Okay. I am delighted to be here speaking in favor of Local Law 2020 to strengthen smoking prohibitions in indoor places. Tobacco use is a major public health problem. More people will dye from tobacco than any other single factor, about half a million people die from tobacco use in this country alone. Being a major public health problem, when we look to address public

health problems, we don't just say, gee, I think we should do that or I think we should do this. We go to the experts. We usually go to the CDC, the Center for Disease Control, and we look and say, what do they recommend? There is a tobacco control bible, it's called "Best Practices in Comprehensive Tobacco Control Programs". The Legislators on the Health Committee often here us speak about that. If you look through this, it talks about clean indoor air restrictions and regulations as an effective way to control tobacco use in this country.

There is another bible, it's called "The Guide to Community Preventive Services". It's a report that is put together by a Task Force of 15 national professionals looking at different public health problems. It will look at lack of immunization, it looks at motor vehicle fatalities, it looks at tobacco control. And it puts together what we as public health agencies should do on a large scale basis to address these problems for tobacco control and all of the other issues. It will say whether something is strongly recommended, recommended or there is insufficient evidence. If you look at what it says about tobacco control and clean indoor air regulations, it says they are strongly recommended. And the difference between strongly recommended and recommended is the amount of evidence that's out there that shows that this is an effective way to control tobacco use in this country.

This resolution in my mind will work in three ways to address this major problem. The first way is in worker protection. Most people don't know that environmental tobacco smoke is a Class A carcinogen. That means that environmental tobacco smoke causes cancer in humans, not just for the person who's smoking, but for the people, the nonsmokers around smokers, it causes cancer. And clearly, environmental tobacco smokers are dose-response relationships, so the more you're exposed, the more you're adverse health effects will be. So clearly, the largest group who will be protected the most from this resolution are workers, workers who are chronically exposed to environmental tobacco smoke.

About 60,000 people a year will die in this country from exposure to environmental tobacco smoke. If you try to look at how many will die in Suffolk County a year, it's about 150 people die not from smoking, but from exposure environmental tobacco smoke. Clearly, that's not all in the workplace, that's also in the home, but the work place is a part of that. Did you want to ask me a question? Okay. I'm sorry. There are also people in public places that will be protected from environmental tobacco smoke, and those are usually the most vulnerable, the very young, the very old, those people with chronic medical conditions. It's also a place where young people will have their first job. They'll often work as bus boys, they'll work as waiters, they'll work as

waitresses for many hours. At they're at a very critical point of their body functioning and they're at risk.
We learned last week that teenage girls who smoke in those early teenage years have a 70% greater chance of developing premenopausal breast cancer. So it's not only lung cancer, it's also breast cancer.

The second way that this resolution will work is by deglamorizing tobacco use. The tobacco industry spends about a million dollars an hour trying to market there products by making it looking glamorous; you'll be sexy, you'll be thin, you'll have a lot of boyfriends, you'll have a lot of girlfriends. We see it in movies, and they're very effective. By taking smoking out of the public arena, the young people who are very impressionable will be less likely to pick up this habit, and that's another way that it will be effective. A third way is that about 80% of current smokers want to stop. They may not be actively trying to stop, but they want to stop. These type of resolutions cut down on the number of cigarettes people smoke, and it also pushes people into cessation.

In the late '90s, Newsday did a series on mortality statistics for a group of 12 comparable counties; Suffolk being one of them, Nassau being one of them. They looked at the City, they looked at Orange County, many give counties in Connecticut and New Jersey. And I'm sad to say that Suffolk County had the highest mortality statistics for lung cancer and heart disease. Ninety percent of lung cancer come from tobacco. Smoking is a major risk factor for heart disease. This law will go a long way in trying to reverse those statistics, which I'm very upset about, most people should be very upset about.

P.O. TONNA:
Dr. Bradley, could you -- it seems like there are some points that you would like to make, and I would ask you to make them, so I'm going to ask you a question. Could you, please, continue with your analysis? I got a few points, but could you tell me more about why we need to have clean indoor air? That gives you the reason to keep on going.

LEG. COOPER:
In other words, keep talking.

P.O. TONNA:
Now you can keep going. Your time was up.

COMMISSIONER BRADLEY:

Oh, I'm sorry. Tobacco use is a major public health problem in this country. It's the largest cause of preventable death and disability. From a public health perspective, there's a major reason to do it, but also from a financial perspective. If you -- we heard about the rise in Medicaid costs. If you look at who smokes in this country, it's mainly people in lower socioeconomic status, people often that are uninsured, people that are on Medicaid. And those are the people that we're paying their health care costs for tobacco related illness.
Now, I was also asked to talk about enforcement. So if you'd like to ask me --

P.O. TONNA:

I would like to ask you about enforcement. How are we doing with the world of enforcement?

COMMISSIONER BRADLEY:

Okay. Currently the way we do enforcement is we require places where smoking is prohibited to have a sign that says smoking is not allowed in this establishment. We prohibit people from putting out ashtrays. If you have ashtray out, you're encouraging people to smoke, so they're not allowed to put out ashtrays. We also ask the owners of establishments to advise people that you're not allowed to smoke.

P.O. TONNA:

Right.

COMMISSIONER BRADLEY:

Now, it stops there. If they continue to smoke, we don't expect the owner of the establishment to get handcuffs and take the person out. You might -- if you have a security guard, you might want to have the security guard advise them.

P.O. TONNA:

Right, but not many restaurants have security guards. Some have bad food. If you had bad food, maybe you need a security guard.

COMMISSIONER BRADLEY:

So with this law, the enforcement would be exactly the same, but in my mind it would be a lot easier. It is very difficult when you have a bar in trying to determine is that separately

enclosed. Okay, you have a doorway, is that separately enclosed? You have to have a door there. What happens when the door opens and all the smoke rushes in or rushes out? So once we go no smoking in all establishments, enforcement will be much easier. If you look at California, they banned smoking in all public establishments. And there was a couple of months of trial and error, but by about six months, it was self enforcing. People knew that you couldn't smoke in public places. Look at movie theatres, you used to be able to smoke in movie theatres. Does anyone ever sit in a movie theatre and have someone light up next to them? It doesn't happen. Airlines, the airlines stewards and stewardesses got into a class action lawsuit because of the adverse health affects they were experiencing in the work place. No one smokes in the airlines anymore. What were you going to say?

P.O. TONNA:
I have two questions.

COMMISSIONER BRADLEY:
Okay.

P.O. TONNA:
Thank you. In one is the health argument. We know that there's a health issue here.

COMMISSIONER BRADLEY:
Yes.

P.O. TONNA:
The argument that many people have made to me has said a few years ago we passed a law, and we created an exemption, and that exemption was for those restaurants who built separately ventilated, separately enclosed restaurant areas for smoking. There's a capital cost involved in that. What would your argument be with regard to, you know -- and I have a list, I think. It's not as large a list of restaurants who actually have gone through this, but -- and it doesn't equal the amount of capital costs that some have said, because when the restaurants came to me, they said they spent $200,000. And then I look at the list and find out they spent $15,000. You know. I just -- but what is -- what would your argument be to those restaurant owners who really complied with the law, who followed the law, who followed the direction of the County?

COMMISSIONER BRADLEY:

Right. And I think that law went a large way in protecting patrons but not totally, because there are many eating establishments that are exempt from that law because of the percent of the their business that's alcohol. I mean there's often times where I go into a restaurant and they're smoking actively, and I'll call my staff and say why are they smoking there. They're exempt. They're percent of alcohol consumption is so high. So there are places that people can't go in and eat without being exposed to secondhand smoke. But even more than that, we have learned tremendous amount over the last several years about harmful effects of environmental tobacco smoke. We always knew it was harmful. The surgeon general came out and said it was harmful. But the effect of that harm in terms of human health effects, our knowledge has increased significantly. So we know it's more harmful than we even thought. So I think it's -- we have people in harms way that work in these establishments. We now know how harmful it is.

P.O. TONNA:

So your saying it takes precedence, right?

COMMISSIONER BRADLEY:

In my mind. I'm the Health Commissioner.

P.O. TONNA:

I have a list, but I have one other question. Thank you. And that is that we know that your the Health Commissioner, and we would like to know where does the County Executive stand?

COMMISSIONER BRADLEY:

I have not spoken directly with the County Executive yet.

P.O. TONNA:

Has he mentioned -- you know, he hasn't spoken about it or whatever else. He hasn't said, good job, Dr. Bradley, the good doctor, you know, keep up the good work or anything? He has not basically weighed in yet?

COMMISSIONER BRADLEY:

Not that I know. He is in general very supportive of our tobacco control program. And I was

going to be waiting until it past the Legislature before I spoke to the County Executive.

P.O. TONNA:

Okay. Great. Legislator Fisher then Carpenter, then Fields, then Crecca, and then Alden.

LEG. FISHER:

I have a very short question, Commissioner. You can educate me on this. OSHA laws are there to protect workers, okay. Why is it that the danger that was posed to workers when they are exposed to having to breathe a carcinogenic material, you know, such as tobacco smoke didn't apply with regard to OSHA laws? I assume it didn't apply, because we wouldn't have to pass this law if they did.

COMMISSIONER BRADLEY:

Right. OSHA has not done the same protection for this Class A carcinogen as it has for others, and I think here for the same reasons that the tobacco industry markets to children, even though they're not supposed to, they do a lot of marketing to other groups on different issue. And I think OSHA should regulate environmental tobacco smoke and say it's not allowed in the workplace, but they haven't done that yet, and they have no immediate plans of doing that. It should happen, but it hasn't.

LEG. FISHER:

All right. Okay. Thank you very much.

LEG. CARPENTER:

Legislator Carpenter.

P.O. TONNA:

Yes.

LEG. CARPENTER:

Thank you. The data that we've been supplied with that shows that in some cases the economic benefit to restaurants that have gone smoke free in California has really been better. My only problem with that is that California went smoke free statewide, and what we're proposing is a very, you know, splintered kind of erratic, this county,
not that county, and I just feel that this is something that should be addressed on a statewide

basis. And I can appreciate the health concerns that you have. And as a health care professional, the associations that you belong to and the organizations that you work with, how aggressively are they pursuing this on a statewide basis?

COMMISSIONER BRADLEY:
I agree, it should be done on a statewide basis. Unfortunately, it hasn't happened. There was a law in Albany, but it was weaker than our current law. So it really fell short of protecting workers. Many organizations have weighed in on the importance of clean indoor air regulations, but unfortunately it hasn't had the impetus that we need in Albany. Now we have Nassau passed this law yesterday. The City is proposing the same law. So really the vast majority or over half of the residents in the state will be protected with very strong clean indoor air laws. And I think it's just a matter of time before the state does act and should act.

LEG. CARPENTER:
The other concern that I have is -- and I know the Presiding Officer referred to it -- and that is the businesses that have made the investments, and I know I have spoken to the sponsor about it, I would be more inclined to be supportive if we would allow a generous phase in period for the restaurants that have made that investment. And I would ask what your opinion is on that.

COMMISSIONER BRADLEY:
I know that the law went into effect several years ago. I know the establishments that have bars within restaurants that was a later phase in. My feeling is that public health comes first. We know the health effects of tobacco. I would like to have someone who's a financial person talk about the investment that a restaurant makes and how long it takes for them to realize that investment. I really can't answer that. In my mind, we have people in harm's way, and we need to act. You know, the federal government hasn't, the state hasn't.

LEG. CARPENTER:
I think the key -- the key really has to be education. And I know we as a county have committed a tremendous amount of resources to that he education, and I support it wholeheartedly. I really do believe that people have to understand what's involved and have to make the choice, because I don't care how many laws you pass to tell people that they can't smoke in a restaurant, in a bar, in a bowling alley, wherever you try to tell them they can't smoke, unless the have been educated and they make that decision themselves that they want to quit smoking, they're not going to do it.

P.O. TONNA:

Yes. Legislator Fields, then Crecca, then Alden, just so that you know. Is there anybody else that wants to be recognized? Okay. Because we do have 40 other cards.

LEG. FIELDS:

It's true that you say that a -- that secondhand smoke is a Class A carcinogen equal to?

COMMISSIONER BRADLEY:

Asbestos, benzene and --

LEG. FIELDS:

So for those establishments that have said, well, I just spent however much in a ventilation system, is it not true that that ventilation system does not filter out the carcinogen?

COMMISSIONER BRADLEY:

If it -- correct. There is no ventilation system that can filter out the effects of environmental tobacco smoke.

LEG. FIELDS:

So a phase in would have nothing to do with this. It's not -- the phase in, I guess, is just giving them more time to have smoking. I mean, but I mean it's not -- it's not of any benefit to those workers who are the establishment who are breathing in the cigarettes -- the secondhand smoke constantly.

COMMISSIONER BRADLEY:

Correct.

LEG. FIELDS:

And if a bartender, barmaid, busboy, waitress, waiter is working an eight hour -- an eight hour shift in a smoking establishment, what equivalent is that to smoking how many cigarettes?

COMMISSIONER BRADLEY:

I think estimates are about a half a pack a shift. But, again, if you're in a bar and there are 20 people smoking, it could even be more than that.

LEG. FIELDS:
There used to be an advertisement, I think, that said I'd walk a mile for a Camel. So if Nassau County has passed this, if New York City will pass it, if Westchester will pass it, and then if Suffolk County intelligently passes this, you'd have to walk how many miles for a Camel?

LEG. FOLEY:
More than one

COMMISSIONER BRADLEY:
Quite a while. Quite a while. And if you talk about what workers are exposed to, really it's the smoke that comes off at the end of a cigarette is even more dangerous, because it's not filtered. So the person who's smoking actually gets less harmful chemicals than the nonsmoker who stands next to them.

LEG. FIELDS:
This weekend I got a chance to speak to two bartenders, actually a barmaid and a bartender who were at the same event I was at, and whom I had met and spoken to several weeks ago when we first put the bill into the Legislature. The first comment the male said to me was that this is a crazy bill. And the female agreed with me. This weekend they both came up to me and said, you know what, this is a great bill because it's going to stop us from smoking as much, and it will start to help us get better as far as our health. And we agree that if smoking were to be stopped in all bars and make it even and fair --

P.O. TONNA:
Question. Question. Question.

LEG. FIELDS:
-- that it would benefit the public as a whole. Do you agree?

COMMISSIONER BRADLEY:
I agree.

LEG. FIELDS:

Thank you.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

I'm going to give up my time. It's more for a debate issue.

D.P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

You might not have the answers to this, but is tobacco classified as a dangerous drug federally?

COMMISSIONER BRADLEY:

Nicotine is classified as an addictive drug. So when you say -- I don't know what dangerous classifications is. It's an addictive drug.

LEG. ALDEN:

What I'm going to get at is the federal government, and I used to follow this more closely than I do now, I haven't had the time to read the most recent cases, but people who inhaled cigarette smoke had a big trouble proving a casual link between any cancers they have with the manufacturer of the product. Also the United States Government steps in and classified certain products as dangerous. So that I guess that would open up the door so to speak for either banning of the substance or some other types of controls. But it would most assuredly leave the consumer or the injured party a lot more paths to go to recover damages. In the case of cigarettes though it's an interesting thing, because while it's addictive and maybe a dangerous substance -- I'm not going to say drug, but a dangerous substance -- the federal government has chosen not to regulate or to ban it. And most of the cases that I've read the people that have been damaged or that have gotten cancers and things like that, they've had no grounds to prove a causal link between the consumption of the tobacco and their cancers.

COMMISSIONER BRADLEY:

No. I think we can make that link very firmly between smoking and bad health effects. I mean,

that's clear.

LEG. ALDEN:
New York State has no case law though where someone's recover damages from smoking a cigarette.

P.O. TONNA:
New York State aren't doctors.

COMMISSIONER BRADLEY:
There have been other cases, maybe not in New York that have been settled against the tobacco industry.

LEG. ALDEN:
There's only -- I think there's only two or three cases -- two or three states that have allowed plaintiffs that to recover from damages from smoking. New York is not one of them. Are we on solid ground if the federal government has chosen to allow in product to be manufactured, distributed and also has not really taken the steps necessary to keep it out of the hands of kids, are we on solid ground in prohibiting this?

COMMISSIONER BRADLEY:
We're not banning smoking, we're banning it in certain places. So people can still smoke in the streets, they can smoke in their home.

LEG. ALDEN:
What's our reason for banning it?

COMMISSIONER BRADLEY:
Because of the harmful effects on that habit or that practice on people around them, mainly workers, but others as well.

LEG. ALDEN:
But we're making a statement that it's a dangerous product.

COMMISSIONER BRADLEY:

Correct.

LEG. ALDEN:

And yet that product is licensed by the United States Government and taxed.

COMMISSIONER BRADLEY:

Correct.

LEG. FOLEY:

So is alcohol.

LEG. ALDEN:

No. But I'm saying cocaine isn't, marijuana is not, heroin is not.

COMMISSIONER BRADLEY:

It's illegal.

LEG. ALDEN:

Alcohol at some point in time in the United States -- all those items were legal, and then there's a process where they were banned -- morphine, things like that.

P.O. TONNA:

Even drinking water.

LEG. ALDEN:

It's not banned.

P.O. TONNA:

Not yet.

LEG. ALDEN:

All right.

P.O. TONNA:

Cameron, can I just ask you what's the -- I'm just trying to understand the questioning. What's

the thing that -- you're saying because there's no case law or because it's what? I'm just trying to understand what your point is.

LEG. ALDEN:
It's also like an enigma. You have a dangerous drug or a dangerous product, we're trying to ban a certain portion of consumption or trying to limit, yet federal government licenses it and allows its sale and actually taxes it, as does New York State.

P.O. TONNA:
Yeah, but --

LEG. ALDEN:
And if it is -- if it truly is a carcinogen, like, for instance, asbestos.

P.O. TONNA:
Right.

LEG. ALDEN:
You can't make any products with that in it anymore.

P.O. TONNA:
Right.

LEG. ALDEN:
Because it was found to cause certain lung cancers.

P.O. TONNA:
It was licensed and everything else at one point. But the point I think that Dr. Bradley -- maybe the point that you were trying to make, Dr. Bradley, is something about that the secondhand smoke issue, right?

COMMISSIONER BRADLEY:
Right. We're telling them that they --

LEG. BISHOP:

This isn't right.

P.O. TONNA:

I'm asking her a question. I'm just trying to understand what his point is or his line of questioning to the Commissioner. Commissioner, please answer the question.

LEG. BISHOP:

she can come to hearings. This is supposed to be for the public at this time.

P.O. TONNA:

It's okay. It's her time, people are asking questions.

LEG. BISHOP:

We have --

LEG. ALDEN:

She's here as a person of the public.

P.O. TONNA:

Anyway.

LEG. BISHOP:

Perhaps so --

P.O. TONNA:

Commissioner, could you, please, just answer the question.

COMMISSIONER BRADLEY:

Right. We're not banning smoking out right, we're restricting where people can smoke, because the practice where -- they are harming themselves, but they're also harming other people. You know, some people say this law is about rights. And I agree, it's about the rights of the 80% of the population that doesn't smoke and shouldn't be harmed from the effects of environmental

tobacco smoke.

LEG. ALDEN:
I'm trying to sort it out.

COMMISSIONER BRADLEY:
Right.

LEG. ALDEN:
Because if you do something and harm somebody else, you're usually subject to liability with a lawsuit and things like that, but those kinds of suits have not been recognized.

COMMISSIONER BRADLEY:
Right. And there was a suit. The airlines' stewards and stewardesses, they sued their employer because their employer was allowing smoking on airplanes. They were not suing the manufacturer, they were suing the employer. And it's a matter of time before employees in this country start suing their employees because of exposure to environmental tobacco smoke and their adverse health effects. I think it's better to act now, because we know it's harmful, than to wait for those suits.

LEG. FOLEY:
Amen.

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Legislator -- okay. Brian, could you just suffer one quick --

LEG. CARACAPPA:
I think what Legislator Alden was saying -- I don't mean to speak for you, Cameron -- is the fact that we're making such restrictions on something that isn't an illicit drug or an illegal drug at this point in time. Would that be a right characterization?

LEG. ALDEN:

Part of it, yeah.

LEG. CARACAPPA:

Also, Mr. Chairman, point of personal privilege. According to our agenda at six o'clock we are supposed to go to the agenda for voting purposes. I'm going to ask that we do just that seeing that it's a three page agenda and then come directly back to the cards.

P.O. TONNA:

Okay. Just -- our Legal Counsel is going to rule on that.

LEG. CARACAPPA:

I'm sure he's going to rule against me.

P.O. TONNA:

I was actually with you on this.

LEG. CARACAPPA:

I know you were.

MR. SABATINO:

Six o'clock rule deals with the public portion, but these are still the public hearings. The public hearings take precedence over the public portion. If we were in the public portion, you're absolutely right, we'd have to either extend the public portion or --

P.O. TONNA:

Vote to extend it or go to the agenda.

MR. SABATINO:

Or go to the agenda. But this is a public hearing. Public hearings take precedence over everything.

LEG. CARACAPPA:

Motion to go back to the public portion.

P.O. TONNA:

Okay. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Commissioner, two or three follow-up questions to your presentation. Number one, you mentioned about the danger of the smoke that comes off the end of a cigarette. What you didn't mention was the gravity of it or how dangerous it is. Is it not the case that the smoke off the end of a cigarette is 20 times more dangerous than what is inhaled by the smoker; is that not correct?

COMMISSIONER BRADLEY:

It is true. And it varies from cigarette to cigarette. Some are unfiltered, some have filters that may be more effective than others. But it is significantly more dangerous than what is inhaled by a smoker for a filtered cigarette.

LEG. FOLEY:

Just one -- through the Chair, another clarification, if you will, or amplification. You mentioned earlier about Medicaid costs. As you know, one of -- one of the main issues that we as a Legislature hear, it was mentioned yesterday in the Nassau Legislature, that we as Legislatures and City governments, one of the most onerous costs that we have -- that we're burdened with from the state are our Medicaid costs. Could you tell us how secondhand smoke and smoking in general causes -- is one of the prime factors in the -- in the rise of Medicaid costs? And is it not that if we could reduce smoking, we'll then can reducing that particular factor that's causing the rise of the Medicaid costs to the counties?

COMMISSIONER BRADLEY:

If you look at who smokes, it's usually people that are less educated. There's a higher percentage of smoking among those people who are less educated. There is a higher percentage of smokers among young people, especially young girls, but also boys, but mainly young women in the 15 to 25 age range. So if you look at populations in terms of their insurance status, the biggest burden of tobacco health care -- health outcomes is in those people that are on Medicaid and the uninsured. We -- in Suffolk County, we pay 25% of the local share for Medicaid costs. So whether you're being affected because you're an active smoker or because of environmental tobacco smoke, if you're on Medicaid and you have lung cancer, you have heart disease, you have asthma, you have upper respiratory infections, you're

pregnant and you have an adverse birth outcome because you've been exposed to environmental tobacco smoke or because you smoke, the government is going to bare a large percent of that cost at a local level, 25%. I mean, we know that people who smoke and women who are exposed to environmental tobacco smoke have worse birth outcomes than woman who don't smoke and who are not exposed to environmental tobacco smoke.

LEG. FOLEY:
So this resolution will, in fact, help to reduce Medicaid costs. Because you mentioned earlier that the resolution will also help persuade people to stop smoking.

COMMISSIONER BRADLEY:
Right.

LEG. FOLEY:
Right.

COMMISSIONER BRADLEY:
Right, because it will not only work on environmental tobacco smoke, but it also will decrease the population that smokes.

LEG. FOLEY:
Finally, you mentioned of how -- through the Chair -- of how this is a workplace safety issue. But is it not in a broader sense a public health imperative in keeping with our mission and your mission as office holders here in this County to protect the public's health?

COMMISSIONER BRADLEY:
Yes. I mean, I talked about tobacco being the largest preventable cause of death and disability. And we know how to address that. And clean indoor air restrictions are one of the ways to deal with it. California has been very effective in this. Delaware just past it, Nassau just past it.

LEG. FOLEY:
Thank you.

D.P.O. POSTAL:

Thank you, Dr. Bradley. The next speaker on this hearing is Felicia Schneberg.

MS. SCHNEBERG:

Good evening. I thank you in advance for listening to my testimony. My name is Felicia Schneberg, and I am in support of legislation to ban smoking in all workplaces not already covered by the law. My reasons are twofold. First, I am a cancer survivor. In fact, one year ago this week, I finished my radiation and chemotherapy treatments. However, I'd like to tell you more about my friend, Hanna {Durrsey}. Here we are together. This is me, this is my friend Hanna. On June 2nd 2002, at the Cancer Survivors Brunch, where I happened to be the key note speaker, I was asked to speak because I am defying the odds. By all rights I should be dead. My two types of stage three breast cancer had spread beyond its boundaries, thirty-three out of forty-five lymph nodes. And I wasn't given a great prognosis. Yet here I am before you, looking pretty good after a long day here, maybe on the outside, maybe. But you really can't see what's going on the inside, can we?

Hanna looks pretty good here too, but I can't say the same for her. See Hanna died one month ago on September 5th, 2002. Months after this picture was taken. Hanna died of lung cancer, and Hanna never smoked a day in her life. That's right, Hanna died because her work environment killed her. Why? Because before there was a ban on smoking in public workplaces, the employees and clientele in her place of business would smoke around her. And as luck would have it, the ventilation system was directly above her work station. Every day, day in and day out, secondhand smoke filled her lungs as it passed by her on the way up to the vent. Whether she wanted to or not, she inhaled that half a pack of cigarettes a day, just like the bartenders, waitresses, deejay and other restaurant and bar employees are doing today. Years later, Hanna became ill and eventually died, leaving a 12 year old son without a mother. I promised her and her mother that I would not let her death be in vain. I promised her that I would do everything I could to prevent others from dying a painful and senseless death like hers. Secondhand smoke kills about 65,000 nonsmokers a year. Secondhand smoke killed Hanna {Durrsey}. It is within your power now to enact legislation to strengthen our clean indoor air laws.

Now, I have to interject into my own testimony, if you don't mind. I've been sitting here listening intently to your prior public hearing on proposed health care cuts. And I need to say one more thing. The folks from Southside Hospital earlier said that emergency room visits will reach 53,000 a year. It was also mentioned that the Suffolk County Executive has set up a

social health net to help those who can't help themselves. In other words, those uninsured deejays, waitresses, waiters and bartenders will be picked up in the social safety net, in other words, Medicaid, at the cost of this county when they wind up in those emergency rooms. Maybe not today, maybe not tomorrow, but some day. Don't you want to say to your children and grandchildren that you saved thousands of lives by voting yes to this issue. As a cancer survivor who would like to stay in remission and see my two children grow up, I beg of you to think about all those out there like me that are fighting to stay alive, and all those out there who can be saved from the exposure of secondhand smoke on their delicate lungs. You can play God, you can make a difference, you can vote yes. Help us to all breathe freely. Thank you for listening.

APPLAUSE

P.O. TONNA:
Thank you very much. Andrew Hyland.

AUDIENCE MEMBER:
Hi. Andrew had to take a flight back to Buffalo, so my name is --

P.O. TONNA:
I can't -- I can't have you speak on his behalf. I'm sorry.

AUDIENCE MEMBER:
Okay. Then can I submit it?

P.O. TONNA:
No -- you can submit his statement, yes, but you are not allowed to speak on his behalf. You can fill out a card and speak, but you can't speak on his behalf.

LEG. ALDEN:
In other words, no substitutions.

P.O. TONNA:
Right. Thank you very much, and I'm sorry about this, but that's the rules. Paul McIntyre. Do I have it right? Paul, are you here.

MR. MC INTYRE:
Yep.

P.O. TONNA:
Okay. All Legislators, we would ask that you please come to the horseshoe. Hi, Paul, how are you today?

MR. MC INTYRE:
Thank you very much.

P.O. TONNA:
Please.

MR. MC INTYRE:
Paul McIntyre, and I'm from out of town, from California. But the reason I'm here today is because just as the restaurant and the bar business has always been at the cross hairs of the secondhand smoke debate, so too is California, having had the lost running smoking ban and the strictest in the nation, also held out as kind of the guinea pig in the secondhand smoke ban movement. Myself, I got involved with this quite by chance. I went to work for the California Restaurant Association in 1985 and worked there until 1999 and worked for many years trying to defeat smoking bans based on the fact on the argument of freedom of choice and the business people had more right and better ability than the government to decide whether restaurants should have some smoking sections or none at all.

But my view on that changed and so did that of my association in '92 when the EPA first and many organizations with strong health credential sense came out and declared secondhand smoke a Class A carcinogen. In California, we had many cities like you have here and smaller counties and so forth that passed smoking bans before we went smoke free as a state, and even though those were in diverse areas as diverse as Beverly Hills and Lodi, still we didn't have a problem with people walking across the border and going to neighboring towns to dine where they could smoke. In fact, as California has been brought up as an example in this debate, even today with Lake Tahoe being a heavy tourist area, an area where you can literally walk across the boarder to Nevada and smoke wherever you want, we have not had a defection from the

California bars and restaurants to patron going to the Nevada side.

It was also brought up earlier today by the opposition about California being a warmer climate. Well, it is most of the state, but again, Lake Tahoe, heavy tourist area. Mammoth, the same thing, people are there in cold winter conditions, 12 feet of snow around, and the restaurants and bars continue to thrive there, even though their patrons must go outside to smoke. So we looked at this issue as an association. We were told that sales would drop dramatically in places like Price Water House. And being involved with this first hand, I can tell you not only statistically, and we look at these statistics based on sales taxes in from every angle you can look at. I'm on a pre unit basis, I'm on an overall industry. And no matter how -- how we dissect it, both for full liquor or partial liquor licenses or no liquor sales in the restaurants, restaurants sales did not drop, it rose four to 11% annually since the ban was in place.

And if statistics don't convince you, then I would ask the people in the industry look at the good sense of their peers in the industry as well. Since the ban passed in California, restaurants from outside of California have continued to flood in the state in droves. Big restaurant operators, big chains from outside of the state that have good data on their ability to make money continue to open new restaurants in California in large, large numbers. In my little county, we have liquor licenses can be sold and traded from one operator to another. When this ban went in place, those liquor licenses traded on the open market for about $25,000 each. Over the last few years in my county because of the shortage of those licenses, they've been selling for $200,000 each. And why in the world would reasonable people in the restaurant business pay $200,000 for a full liquor license in my county if they didn't expect that they could still make a profit selling liquor in California.

I've heard that -- you know, the threats that we're going to turn out to be like communists if we pass a ban like this, we're taking away all our freedoms, I'm going go broke. We heard those same arguments in California. Those same people who stood up and protested most vehemently, who sued, who ranted and raved, are still in business today. It seems like a big step to take, but in the name of health, it's a very important state. Because after you pass this ban, then only those who choose to be subject to the high health consequences of secondhand smoke will be subjected to those risks. Thank you.

P.O. TONNA:

We have a few questions, sir. Just to get -- I have it on the card, you represent the California

Restaurant Association.

MR. MC INTYRE:

No. I worked there for 14 years, from '85 to '99. And I no -- I still consult restaurants, no longer for the association. If you're looking, like, okay, this is 2002, what's their stance today? You can certainly call the association today and they'll give you basically you the same story I gave you, that the ban has not been a problem.

P.O. TONNA:

Right. So I mean, because -- was the tobacco industry involved in trying to maybe lobby you in being able to have you be a front maybe for their argument of why you need to be able to smoke in restaurants, did you have any -- you know, in those years while you were, you know, debating this issue, what type of relationship did you have with the tobacco industry?

MR. MC INTYRE:

I debated on the same side of the tobacco industry for six years opposing bans. And actually at the time I broke with my association to favor a state-wide ban, they actually offered to hire me back then, and I didn't go to go to work, I stayed and worked for the California Restaurant Association and helped pass that ban in '94.

P.O. TONNA:

Thank you very much, sir. We have a couple of them. Legislator Carpenter and then Legislator Lindsay.

LEG. CARPENTER:

You may have said, but I didn't hear. Who do you work for now?

MR. MC INTYRE:

I'm a restaurant consultant, Mc Intyre Marketing Communications, continue to consult in the restaurant business.

LEG. CARPENTER:

So who hired you to be here today?

MR. MC INTYRE:

The advocates on the American Cancer Society side paid my expenses to come here today.

LEG. CARPENTER:

Thank you.

MR. MC INTYRE:

Yes. I'm not ashamed to be working on the health side. I'm proud to be working there.

P.O. TONNA:

I'm not either. I'm pretty proud that they would be so forth to bring people from the restaurant industry who could come and speak on behalf of health. Legislator Lindsay.

LEG. LINDSAY:

No. He answered it.

P.O. TONNA:

I'm sorry, Legislator Postal.

D.P.O. POSTAL:

Yeah. When I've discussed this issue with various people, and I point out that the experience in California has been that the ban has not hurt the restaurant and bar industry and, as a matter of fact, has even benefited the industry, people tell me, well, that's because it's California and people can go outside all year-round. Do you find that the statistics in northern California and eastern California, where you're inland and it does tend to get cold at a good part of the year, are those statistics -- do they support the same result that the ban has not hurt the industry and may have even helped the industry?

MR. MC INTYRE:

Yeah. I personally don't make claims that it helps the industry. It's kind of a trade-off, you lose a few smokers and gain a few nonsmokers. So to me, it's the revenue neutral thing. I believe it's the overall economy that drives the restaurant and bar sales, not smoking bans. But we have tried to take little bitty segments, and we thought Tahoe was a great segment because you had such a free smoking state in Nevada, and they completely banned California on the other side, we chopped those up as small as we can, and we can't find any evidence that small markets suffered. And again, we're trying to anecdotal evidence and go with every way we can

look at the sales, the actual sales of a restaurant, food and alcohol. And every way we look at it -- I'd be happy -- personally, if I thought you lost 5% of the sales because of this ban, I wouldn't be here advocating it. I think that's too much to lose.

LEG. POSTAL:
So what you're saying is that a decline in sales is not related to colder parts of California.

MR. MC INTYRE:
Again we've looked carefully there, and we've looked carefully in Mammoth too, two big tourists markets. I think Tahoe is about 8000 feet elevation, Mammoth about seven, but about the same. And in the winter time when all the skiers and out of state people, everybody else is coming there, no, we haven't been able segment and find out because it's miserable step outside. And San Francisco is at sea level, if you visited it, it's miserable to step outside in San Francisco and have a cigarette too. So that hasn't deterred sales.

LEG. POSTAL:
Thank you.

LEG. FOLEY:
Yes.

P.O. TONNA:
Legislator Fisher first, then Legislator Foley.

LEG. FISHER:
Excuse me, sir, more questions.

P.O. TONNA:
Come on right up. Just a few more questions.

LEG. FISHER:
Actually, Mr. Mc Intyre, here I am. You just made reference to the fact that you aren't looking -- you're trying to anecdotal evidence. In terms of myself, I love to dance, but I don't go do bars because of the smoke. Was there large evidence that there were -- there is a new clientele that existed in California that hadn't existed before the ban? Do you have statistics on that?

MR. MC INTYRE:
No.

LEG. FISHER:
Are there many people, such as myself who would now go to places.

MR. MC INTYRE:
Yeah, you do get new people who decide to stay away that are coming, then you also get people who were frequent customers before, who -- a few -- who stay home and not to go. But seems to be pretty much an even trade off. Some people claim that they've gained business, I've never been willing to make that claim. I'm just looking at the bottom line of sales figures and seeing that it appears to be revenue neutral and again based upon the economy. It is a trade off. There are some customers who cycle through. We know that they don't drink less based on liquor sales, because like I said, they're still drinking strong. And in my own county you have to pay $200,000 just to get a full service liquor license, because so many people want to sell alcohol in my county.

LEG. FOLEY:
Paul.

P.O. TONNA:
Yes, Legislator Foley.

LEG. FOLEY:
Paul, thank you for your testimony. I hate to ask this question, but I'm going to have to, because I'm already hearing rumblings that because certain groups paid for your expense here, that somehow you're a shill for any particular point of view. Could you, please, disabuse those who may have -- may have -- may be harboring that kind of thinking as to the fact that since you're looking at the bottom line figures, can you tell us why these bottom line figures result or give you the position that you have on these issues as opposed to being paid because of the expenses incurred in your traveling here?

MR. MC INTYRE:
Yeah. My expenses obviously don't change the statistics, which are taken off of California sales

tax figures. My personal passion comes from it, when I was arguing on both sides of this issue, I still didn't have a strong passion, my real passion came after it was passed and after the people in California began experiencing smoke free environments. And they were amazed at how well it worked. And therefore, having been involved with it firsthand, thought that was a great experience that I'd like to share with others, and that's what motivates me personally. And certainly I respect the agenda of health people who are -- who want to forward that message too. It's the easiest way to get a huge public health benefit. Unlike seatbelts and airbags that were great additions to public safety that cost a lot of money, this one does not cost anything and saves lives just as simply as seatbelts do.

P.O. TONNA:
Hold it one second, sir. Just a few more questions. They figure if you fly all the way from California, they want to get your dimes worth.

LEG. TOWLE:
I wasn't going to go here, but since Legislator Foley is insisting on attempting to continue to provide a credibility for this witness or this person that's testifying today --

P.O. TONNA:
Okay. Why don't you ask the question.

LEG. TOWLE:
I'm going to ask my question, Mr. Chairman. I notice you ranted and raved for a few minutes yourself.

P.O. TONNA:
That's my prerogative.

LEG. TOWLE:
That's my prerogative too actually. It's a great thing.

P.O. TONNA:
Not really.

LEG. TOWLE:

Actually, it is. Actually, it is. You said that somebody paid for your expenses to be here, who was that person or who was that group? What was the agency that -- you have to look back to fins out who paid you.

MR. MC INTYRE:

He was here. There he is, right there.

LEG. TOWLE:

And he is who, sir?

MR. MC INTYRE:

Tobacco Action Coalition of Long Island.

LEG. TOWLE:

Would you put that into the record sir, if you wouldn't mind?

MR. MC INTYRE:

Sure.

LEG. TOWLE:

You don't know who paid for your expenses.

MR. MC INTYRE:

I know George Gage did and that's the name of his coalition.

LEG. TOWLE:

You didn't know the coalition. Does that strike you as odd that you don't know who paid for you to be here?

MR. MC INTYRE:

There's so many coalitions and health groups in America, no, I haven't memorized them all yet.

LEG. TOWLE:

Okay. And do you personally have you contracts with any of those groups? Are you

representing them as a lobbyist or consultant to any of those organizations?

MR. MC INTYRE:

No, I don't have any coalition with that group.

LEG. TOWLE:

And nothing here in Suffolk County, you don't work for any groups in Suffolk County?

MR. MC INTYRE:

No, I don't.

LEG. TOWLE:

They just picked you out of the yellow pages and flew you out here from California?

MR. MC INTYRE:

Just as you are a government person, when you go to different government --

LEG. TOWLE:

No. I was elected by the taxpayers, sir. That's a little bit different than you.

MR. MC INTYRE:

You meet other people that have good ideas across the country that you sometimes try to learn from. Same thing, health people, when they meet in different meetings around the -- I met somebody who knew him who referred me. So it was just a networking thing. There's nothing sinister about it as you are implying.

LEG. TOWLE:

I'm not suggesting there's anything sinister. Obviously, there's other people here that are now trying to suggest that you are sales tax expert for the State of California and how you can, you know, specifically give us financial data for the State of California.

MR. MC INTYRE:

I will leave you all that data, and it comes straight from the State Board of Equalization so you can review it and dispute it if you want. But it's -- you know, there's all kinds of ways to look at those figures. And I appreciate that. And that's why I said if you want to get away from that

sales tax debate, go to the restaurant industry themselves and explain why they continue to flood into California in droves if it's a busted state because we have smoking bans. Do they have -- you know, do they have the good sense to know when to turn away from a loser and invest in a state when they can make money?

P.O. TONNA:

Any other questions? Oh, Legislator Fields.

LEG. FIELDS:

I've had a couple of tavern owners actually speak to me and tell me that -- and I just wondered if you would respond to that -- that the kind of business they have at present is where they on a Sunday afternoon might have a large screen TV and fellows come in and sit around and watch the game, and that they are allowed to smoke and drink. And if we were too pass this bill, these fellows would not come to their taverns anymore on a Sunday afternoon and watch a football game. What would you say to that and has that kind of problem occurred in California?

MR. MC INTYRE:

Yeah. When we passed the ban in California I personally was uneasy about the bar part, even though it made sense, because it was a health issue. And it was a health issue in a restaurant. I was uneasy about the bar part because I think those little mom and pop community bars are just an extension of people's family rooms. I mean, that's where they go do just has been described here. So I worried that the bar part would fail, but it passed in '98, we're four years later now, and 95% of the bars are compliant. So it seems like a real leap. I mean, in my mind you think this can't happen, but you go to California now and you go to big busy bars all over the state, nobody's smoking, but they're packed with people drinking, eating and having a good time. So it seems like it couldn't happen, that's illogical, but it has and it's worked out well.

LEG. FIELDS:

I guess also as you're saying that, then we're assuming that only smokers watch football games on Sunday afternoons.

MR. MC INTYRE:

No. But bar patrons do tend to smoke more heavily than the average population, so there is a concern there because they're a heavier smoking group.

LEG. FIELDS:

So then it's very possible that you said then that those people are replaced by the non smokers if they decide they don't want to go to that tavern anymore.

MR. MC INTYRE:

In some cases, they are replaced, but in most cases, they just go out front to have their cigarette. And when you see it, it's a little unusual as first. You see this pocket of people standing outside the bar, but you see the same thing outside your office building here. I mean, people do adapt. I don't know about here, but in California, you know, 20 years ago this hearing room would have been full of smoke. So people adapt.

LEG. FIELDS:

Thank you for coming.

P.O. TONNA:

Thank you, sir. Okay. Our next is Martin Cantor. Marty Cantor.

AUDIENCE MEMBER:

Martin Cantor had to leave and he asked me to read his testimony.

P.O. TONNA:

No.

AUDIENCE MEMBER:

I understand I can do it, so I'll just leave a copy.

P.O. TONNA:

Thank you, sir. Thank you very much. There'll be more. I'm sure Marty will be back. Marianne Zacharia. How are you doing?

MS. ZACHARIA:

Good. I am the real Marianne Zacharia.

P.O. TONNA:

There you go.

MS. ZACHARIA:

I'll be brief because it's been a long day for all of you, all of us, and it's about to get longer. My name is Marianne Zacharia, I'm the director of education and advocacy for the American Lung Association of Nassau-Suffolk. And on their behalf, I would like to thank Legislators Foley, Fields, Nowick, Postal and Presiding Officer Tonna for sponsoring this very important public health initiative that ensures all workers a smoke free workplace. More than a hundred scientific studies prove that secondhand smoke is the cause of serious disease and death, and it's responsible for the deaths of up to 65,000 nonsmoking Americans each year, including 3,000 from lung cancer. It also causes 26,000 new asthma cases and up to one million cases of aggravated asthma.

According to research published in the International Journal of Cancer, the level of nicotine in the air at bars is up to 15 times higher than that in the home of a smoker. And that's really something to think about right there. Bartenders are up to three times more likely to develop lung cancer than employees who work in nonsmoking environments. And in an eight hour shift, bartenders often inhale the same amount of cancer causing chemicals as that which is in a half a pack of cigarettes. All of this evidence leads us to one conclusion, and that is that smoking must be banned in all work places and not just office buildings.

This legislation proposed here today levels the playing field for all workers and protects their health in the workplace. We don't allow workers in chemical plants to work with toxic substances without proper precautions, and those who work in restaurants, bars and bingo halls should be afforded the same protection. Secondhand smoke is the only Group A carcinogen which is not regulated in the workplace, and it is time to do so here. Study after study proves that banning smoking is good for business. And in a poll commissioned by the Tobacco Action Coalition of Long Island in June of 2002, which I'm sure you've all seen, it's been -- it was conducted by {Blum and Webprin} from Manhattan; 1,001 Nassau and Suffolk residents were polled, and they showed that a ban on smoking would help and not hurt restaurants. Long Islanders would eat out more often and go to bars more often as a result of passing this law. There really are no arguments left. The only loser in this battle, of course, is the tobacco industry, because whenever public policy is past which restricts smoking as Dr. Bradley had said, people do quit smoking. Now, I think that's a side effect that we can all live with. I urge this entire Legislature to do the right thing today and to vote to ban smoking in Suffolk County. Join the leader in Nassau County and vote for this ban, too. Thank you.

P.O. TONNA:
Thank you very much. At this time, it's 6:30. We are going to call our dinner break from 6:30 to 8:30. Meeting is -- how do you say it? Recessed to 8:30. At 8:30 we will resume our public hearings.

LEG. ALDEN:
On this issue?

P.O. TONNA:
On this issue.

(THE MEETING WAS RECESSED AT 6:30 P.M. AND RESUMED AT 8:30 P.M.)

Okay. We're back to our public hearings. I have Nicholas DiLeo. Nicky, there's no one second, it's either now or never. Sorry. He filled out a card. I will have to probably talk to your mother about your bedtime, 9:30.

MS. DILEO:
Your kids are younger than him.

P.O. TONNA:
Nicholas, come right up to the podium right here young man. You can do it, Nicky, just to use a quote of a film that I saw.

MR. DILEO:
Good evening, Suffolk County Legislature. Thank you for listening to a kid's point of view. I'm a young boy, but I have a lot to say. My name is Nicholas Di Leo. I am ten years old, I'm in 5th grade at Birchwood Intermediate School in South Huntington. I am here to ask you to please vote yes to completely ban smoking in restaurants, bars and other work places. I am lucky, I know smoking is bad for my health, and I know that I won't smoke. That doesn't guarantee that I can't get sick from the effects of cigarette smoke.

Secondhand smoke stinks. Even sitting in a nonsmoking section of a restaurant -- restaurant, I

still smell the smoke from the separate smoking room. The disgusting smell seems to sneak out. We don't really go to restaurants that let people smoke anymore. The smell ruins my appetite, and gives my mom a headache. I heard that people used to smoke on airplanes and in movie theaters, I couldn't believe it. It's interesting that the ways times change. When I got -- when I get older, I think it will be funny to tell kids that people used to smoke in restaurants and bars just to see their reaction. I'll bet they'll be shocked. This law will help young people too. I think that when kids don't see people smoking, they won't either. Thank you for considering this law now so my friends and I can grow up smoke free no matter where we choose to eat, play or work. That means we'll live longer. Thank you for listening to me.

APPLAUSE

P.O. TONNA:

Thank you, Nicky. Nicole Placco. Nicole?

MS. PLACCO:

Hi. How are you?

P.O. TONNA:

Good. How are you today?

MS. PLACCO:

I used to be a waitress at a restaurant and bar. And I came here tonight to talk about the harmful effects smoking had on my health while I worked there. Often, I had to take the shift in the smoking section, and I found that I was holding my breath walking through the crowds serving the food, smoke being blown in my face. And if you can't breathe, you can't work. And I just really feel that smoking should be banned in the workplace.

P.O. TONNA:

Thank you.

LEG. FISHER:

Thank you.

P.O. TONNA:

Thank you very much. Marci Geller.

MS. GELLER:

Hi. My name is Marci Geller, and I am a professional singer-song writer. I have toured internationally. I have performed on national and international television. And I am here today to tell you how my ability to earn a living in my chosen profession has been greatly curtailed by the presence of cigarette smoke in the workplace, which in my case in some instances happens to be bars, nightclubs and restaurants.

When I sing in a venue that has cigarette smoke, my throat gets dry and inflexible, my vocal chords constrict, my glands get swollen, my eyes get dry and irritated. I've noticed on many occasions that my vocal range is greatly diminished and that my stamina is also greatly diminished, because of the difficulty to breathe. This residual effect can sometimes last up to two days. And not only has it affected my ability to work in that kind of environment, but a lot of my people who come to see me play have asked me repeatedly, you know, aren't there any venues that don't allow smoking that we can come hear you sing? All I'm asking of you today is that you take the needed steps to keep our work environment safer and healthier for people who earn their living in these places of employment.

I would like to use a brief example to explain my perspective. In the very same environment that I work in, an adult of the age 21 or over has the right and freedom to drink alcohol. However, once that person exceeds the legal limit and gets behind the wheel of a motor vehicle, the government then exercises their right to ensure the safety of that driver and other people whose safety might be affected by prohibiting the intoxicated person from driving. And I think that this is a reasonable course of action. When an adult chooses to smoke cigarettes, whether I agree with their choice or understand it, I respect their right to choose to inhale tobacco smoke. However, as soon as that same person exhales, they have now put a known carcinogen into the air that you and I breathe. And all I ask is that you exercise the same reasonable course of action to ensure our health and safety inside the workplace. Thank you.

P.O. TONNA:

Thank you very much. Stephen Carleton or Steven Carelton. No? Okay. Lauren Avenido. Hello, Lauren, how are you today?

MS. AVENIDO:

Good. Hello. My name is Lauren Avenido, and I'm a junior at Babylon High School. I'd like to apologize in advance if I seem nervous. I usually don't speak in front of groups of people. However, I feel this is an important cause. I'm here to -- I'm here as a concerned teenager, and I came here to say that I'm in favor of banning smoking in bars, restaurants and bingo halls. My -- many smokers would not like this law to be passed because they think it's their right to smoke in bars. This law has special advantage to the nonsmokers. They don't want to go into a bar and smell the smoke all night long. They're there to have fun, not breathe in toxic air into there lungs. They wouldn't want to be in a closed surrounded area breathing toxic air and getting sick from it.

It's also neither right nor safe to bring a child into a smoking section in a restaurant just because his or her parents wants to smoke. That child may very well become addicted to smoking when he or she grows up. They can get asthma, lung cancer and many other diseases from being exposed to secondhand smoke. Bartenders or waiters or waitresses work an eight hour shift in a smoky bar or restaurant. That's equal to smoking half a pack of cigarettes inside of a smoking bar or restaurant, measured to have more carbon monoxide than the Holland Tunnel during rush hour. Secondhand smoke is a cancer causing agent as the same class as asbestos and is responsible for the deaths of 65,000 non smoking Americans every year.

Is it fair to have bartenders or waiters or waitresses to be working in an environment that is dangerous? I work at McDonald's, that is a smoke free environment. And when I move up to a smoky restaurant, wouldn't that make my life in danger? Is it fair to me as a nonsmoker to put my life in jeopardy while I make a living? I plead, even beg you to pass this law. It will save many lives for future generations. If you pass this law, you will help to deter people from contracting cancer from the contaminants of secondhand smoke. I'm here to say this law is positive and beneficial to all Americans now and in the future. Thank you for your time.

P.O. TONNA:

Thank you very much. Allison Kushner. Is that right, Allison?

MS. KUSHNER:

That's right. The issue at hand today is whether or not the banning of smoking in restaurants and in bars is an adequate step in the direction of bettering our society. Many people present are representatives of the business community, which is built from the foundation of having

facilities where smoking is permissible. Good afternoon. My name -- good evening, I'm sorry. My name is Allison Kushner, and I'm currently a sophomore at Lindenhurst High School. Although I'm unable to speak on behalf of our business community, I can stand here today as a representative of the teenage community, which is very much impacted by the decision that is made regarding this topic.

Our country is identified by its roads paved with gold, the chance to pursue one's dreams without being penalized for their individuality. This among many other things is what makes our country renowned above all others. But more so the fact that we not only have the opportunity to do, but also to correct. In the past, our country has made various attempts to enhance society. Some failed miserably, while others set the tone for order. Our economy, especially in the southern United States thrives off of tobacco production. It is because of this that it cannot be entirely eliminated. For without it, most southern states would be without any source of income. It is well known now due to the advances in science the effect that cigarettes can have on the person using them as well as others around them.

Secondhand smoke is one of the biggest causes of lung cancer. Children whose parents smoke are increasing the possibility of their child becoming deathly ill due to their conscious actions. It is like handing your child a cigarette and saying, here, light up. How many of you here today would actually hand your child a cigarette? Well, secondhand smoke is just as deadly, so you might as well. The plead to lack of knowledge is no longer acceptable. Knowledge pertaining to this subject is everywhere. Turn on a television, and it's there. Commercials sole purpose is to infect knowledge, spread truth. You're probably questioning the relevancy of this. Well, imagine dining in a restaurant with your family trying to enjoy a nice meal and having the smell of cigarettes as an appetizer or having an asthmatic son or daughter have an attack from the high concentration of toxins in the air.

Although restaurants have designated smoking sections, for everyone here that has taken and passed high school science, you know that air is not stationary, but circulates no matter what systems are put in. Meaning that if even in the slightest you are still in some way affected. Nowhere on your check is it going to list toxins with a price, because it is your health and your family's health that pays the price. Years ago it was permissible for employees to smoke in office buildings. Today, due to a law that was passed, it is no longer tolerated. Instead, employees must go outside during their breaks to have a cigarette. If this law that has been in effect for some years is able to maintain order, then why can't passing a law to prevent smoking

in bars and restaurants do the same? Employees of restaurants and bars deserve the same treatment as those who work in office buildings. Just because their work environment is different, does not mean their health should be put in jeopardy.

People who work in such places just like many of you go home to families. Their paycheck helps put food on their tables. Many of those same people have children whom they tuck into bed at night and whose whole world revolves around their well being. Many of them don't know it, but their lungs are pitch black from the smoke they inhale on a daily basis. Of those same people who work in such conditions, some won't see their golden years, all because of their efforts for their families to live a comfortable life. What a crime.

I cannot speak as a business owner, a lawyer or a politician today. I can, however, address you as a teenage as well as a concerned citizen. The decision made regarding this affects future generations as well as you and me. As of today, the controversy is over cigarettes, but to the future of our country, it can be the deciding factor for whether or not the future holds prosperity or destitution. It is a known fact that one of the reasons America so eminent is because of the freedoms and opportunities that come along with being an American citizen, freedoms which are now considered by most to be their right, which in actuality is their privilege. The question is whether or not you appreciate and respect your freedom as Americans enough to do the just thing and vote in favor of the banning of smoking in bars, restaurants, and bingo halls. Thank you for your time.

P.O. TONNA:
Thank you. Hold it one second, Allison. I have just a quick question. Allison, how old are you?

MS. KUSHNER:
Fifteen.

P.O. TONNA:
Next year you can't vote in an election, you're not old enough. Because in the Lindenhurst area, you might be interested in seeing how your local Legislator votes, you know, on this issue.

LEG. BISHOP:
I'll be term-limited by the time she could get me.

P.O. TONNA:

Yes. I was going to suggest that maybe you should run for office.

LEG. BISHOP:

I'm sure she has.

P.O. TONNA:

Yes. Thank you very much, Allison.

LEG. BISHOP:

Very good.

P.O. TONNA:

Okay. Claire Millman.

MS. MILLMAN:

Good evening. I am Claire Millman, President of the Alliance for Smoke Free Air and no stranger to this Legislature. Throughout all these years, because I have been actively involved in this prominent health issue for 28 plus years, I have heard from the initial -- our initial appeal for and subsequent strengthening of tobacco legislation in Suffolk, Nassau, New York City and New York State. I have heard all the arguments from the opposition and watched them all proven invalid as smoke free has become justifiably the norm in many venues in our environment.

We find the Bill Number 2020 particularly significant since 2020 stands for perfect vision. And this legislation represents seeing clearly that this is a vital health issue. Newsday's model without vision the people perish, can be literally applied here. What has changed since the last strengthening of smoke free restrictions in Suffolk County? Substantially increased mountain of scientific evidence, especially within just this last year from studies worldwide rated disease and death caused by secondhand smoke including the variety of other cancers in addition to lung cancers, the much larger incidence of fatal and non fatal heart attacks than previously known, and the fact that even short term exposure to secondhand smoke adversely effects the heart; substantially increased reported costs to this nation of tobacco smoking, 157.4 billion every year in health care cost and lost productive, which costs are born by all of us; and the number of

deaths attributed to secondhand smoke, which is 65,000 per year; substantially increased evidence of benefits to business coming from additional studies of the many more localities where smoke free restaurants and bars have become a normal healthy way of life; substantially increased demand by the public for totally smoke free places to protect the health of every worker and patron.

Fact, this is a major or health issue. There is no safe level of exposure to secondhand smoke. And civilized society acts in accordance with increased knowledge, the necessity to protect the health of its people. Going smoke free saves lives, protects against disease and costs nothing. The only business adversely impacted by -- by smoke free is tobacco business, big tobaccos, intense battles and tremendous expenditure of money to defeat or weaken these laws are a testament to their effectiveness.

Throughout our country in localities where strong restrictions on smoking are the law, smoking has been reduced dramatically while protecting nonsmokers, the laws provide incentive for smokers to quit. A study published in the British Medical Journal this year reports that smoke free work places while protecting nonsmokers reduce prevalence as well as consumption. The combined effects of people stopping smoking and reducing consumption reduces total cigarette consumption by 29%. Opposition arguments, which we have heard yesterday and today, include the quote choice proposal, which is neither new nor local. It was created by Philip Morris in order to divert people away from effective smoke free public policies. It is called a red light-green light policy, because the original Philip Morris plan called for red or green signs.

We urge our elected officials to keep in mind the health issue of protecting all employees from secondhand smoke. And this should of particular interest to you. From a tobacco internal document around 1984 expressing alarm over the negative impact on tobacco sales caused by the smoking restrictions, quote, how much more will it cost us with far more restrictive laws such as those in Suffolk County and Fort Collins now being enacted? 1984 tobacco document. We are -- end quote. And we are proud of Suffolk County's leadership role in protecting public health, and we urge you to join Nassau County and the many other localities throughout the nation acting to effectively protect all our people from secondhand smoke, which is our number three cause of preventable death.

I am enclosing a supportive editorial from Cranes New York Business and a letter of support from the Hotel Employees and Restaurant Employee's Union of San Francisco. The tobacco

documents, by the way, I heard earlier statements today state that since they couldn't cope with the health issue --

P.O. TONNA:
Claire.

COMMISSIONER BRADLEY:
They should turn it to a business issue.

P.O. TONNA:
Claire. Thank you.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Oh, you have a question.

LEG. BINDER:
Yeah, just one question.

P.O. TONNA:
You could ask as many as you'd like.

LEG. BINDER:
One, I was curious. The number of people that are said to be connected to death from secondhand smoke, first off, I have to assume that those deaths are probably at some kind of a concentration, because it's not going to probably happen from incidental exposure, but if we extrapolate that number, how many people let's say in Suffolk County are we talking about if we use that number, the national figure that you used 40,000, what would be --

MS. MILLMAN:
I wouldn't care if it was just one. Death doesn't wait. And death -- and health is more important than anything. And we know that thousands and thousands -- and Legislator Binder,

you and I go back a long way.

LEG. BINDER:

Can I just ask you a question. No. No. I didn't ask you -- I only asked you a question.

MS. MILLMAN:

Because I myself --

P.O. TONNA:

Claire. Claire. Wait. Wait.

LEG. BINDER:

How many people --

P.O. TONNA:

The Legislator asks a question, just answer the question.

MS. MILLMAN:

I don't know the exact number in Suffolk County. I do know --

LEG. BINDER:

But could you -- see, I would think it's important, because you're asking us to pass a law that's supposed -- that could effect people in Suffolk County, so we would understand its effect, and then we can say that number versus other things, because people die in Suffolk County from a number of things that environmental, that are not environmental, from things they do, things we can pass laws about. So my question would be, and maybe you should check onto see, because what is the effect on how many people and then compare that to other things that might be affecting people in Suffolk County? That we sometimes --

MS. MILLMAN:

We do know that secondhand smoke is our third cause of preventable death in this country, and so I don't think Suffolk County stands alone in that respect.

LEG. BINDER:

I don't know that. I don't know that, and I'd like to know --

MS. MILLMAN:
We do know that. That is a fact.

LEG. BINDER:
Maybe you can find out, because my understanding, the way I extrapolate the numbers, we are talking about something in the order of 19 people. And I would say that there are things from things that go on in our roadways to things that people are eating, things that people are doing that are probably killing a lot more --

P.O. TONNA:
Just Allan, just for some testimony for you. The Commissioner of Health testified today, you weren't at that point, but she testified that there are a year about approximately 150 deaths due to secondhand smoke.

LEG. BINDER:
Well, here's the thing.

P.O. TONNA:
You can ask her.

LEG. BINDER:
Then we are --

P.O. TONNA:
I'm just repeating what she said. I'm not a public health official, nor am I physician.

LEG. BINDER:
The problem -- the problem with that, that would say we are then the smoking capital of the country, because if the numbers they're using nationally are 40,000 --

P.O. TONNA:
No, 65,000.

MS. MILLMAN:
No, 65,000.

LEG. BINDER:
I'm close.

P.O. TONNA:
Except for 15,000 people. I mean --

LEG. BINDER:
No. No. No. No, because when you you're talking about forty-five or 60 -- 40 or 65 out of 260 million, the difference in term of as a percentage -- as a percentage, which can be extrapolated to 1.3 million in Suffolk County, we bring it down -- so it's not 19, maybe it comes --

P.O. TONNA:
I'm not the expert, and I'm not going to debate you on it. I would say the Health Commissioner I'm sure will be here more often. The next time she's here, I'll make sure that I get you so you can ask her.

LEG. BINDER:
I'll ask her how she knows, because then that would say we are the smoking capital of the Unites States.

P.O. TONNA:
I have absolutely no idea.

MR. HALEY:
Mr. Chairman, we're in public hearings.

P.O. TONNA:
I know. I'm just trying to answer the question. She did not really have the answer, but it was mentioned before by the public. Okay. Thank you.

MS. MILLMAN:

Thank you.

P.O. TONNA:
James Strano. Oh, Gregory. I'm sorry, did I call that already? I'm right here. I moved. I have it right in front of me. Gregory Florentino.

MR. FLORENTINO:
Correct.

P.O. TONNA:
Hi, Gregory, how are you today?

MR. FLORENTINO:
Good evening.

P.O. TONNA:
Good evening, sir. You have five minutes.

MR. FLORENTINO:
It won't take that long. Ladies and Gentlemen of the Legislature, I would like to indicate one thing to start with, that is a disclaimer. When I was 14, around 1947, it was very easy to get cigarettes. I got cigarettes. One day I got so sick, I never smoked another cigarette. A lot of people around me have smoked them, but I never smoked again. I'm here to oppose this bill, and I'm here to oppose this bill, perhaps be the skunk at the lawn party as they say, partly on some of the grounds that I heard this afternoon and this evening.

This young lady Allison, I think she might be at the age 15 confusing rights and privileges, in terms of different rights that we had in this country and whether or not the secondhand smoke that's been talked about today, which is probably as bad as everybody says it is. There's no question about that. Smoking is a dirty evil lousy rotten habit. And I've had bartenders who have told me that, but then they say but I like it. There are people who like to smoke. And if it is as bad as Dr. Bradley said and as other witnesses have said, well, then why don't you ban it? But you won't ban it.

APPLAUSE

You won't ban it, you won't ban it because of the money that's involved, and because, as the other young lady mentioned about the southern states and things of that nature. Now, I do look at this in the nature of not a right in the sense that we have rights of freedom of assembly and freedom of speech and things of that nature, but it is a societal traditional thing, and reasonable men can find reasonable solutions to reasonable problems. Now, this Legislature a few years ago imposed upon the restaurant people in this country and this County stringent rules which they spent hundreds of thousands of dollars to comply with. Now, the rules are going to change. And what has changed in the meantime? Not the veracity of cancer, not the terrible effects of smoking, but only the monetary aspects that has come from the top with the so called trial lawyers and the $246 billion settlement that needs people to smoke otherwise that money does come back.

Now, secondhand smoke can be as bad as it is, and I've been driven out of many a restaurant or bar because I don't smoke. But if I don't like it, I don't go there. There is a certain amount of freedom. Ms. Geller, the national and international singer, unquestionably it's impossible to sing under certain circumstances where there's smoke around. But that doesn't means she has to take certain jobs, god forbid a rock concert in the park where you can hardly breathe from what I'm told. So what I'm getting at that this Legislature it's getting to be, not only here, but it's getting to be a nanny state kind of approach that we at every level of government will tell citizens and people how they are to conduct themselves in something we find offensive, and who's going to be next? You know perhaps about the suits against the fast food companies. They're going to try to stop Wendy's, McDonalds because they cause too much fat. And one of the major advocates of that position, they thought we'd never get smoking too, but we're going to get them the same as we got the smokers. And slowly but slowly, the nanny state at every level of government telling other people how they should use a legal product and where they can use a legal product.

Reasonable men can differ, and reasonable rules are what's in effect now in this county and should remain in effect. People do not have to work -- I don't know how many hundreds of complaints you've received from various organizations of restaurant and hotel employees, but unless you have a major number of those complaints, I do not believe it is this Legislature's obligation or right to end up saying we are going to tell the people of Suffolk County what we think the other people of this county should suffer or go through. If we think -- if you've got a

number of complaints, if you've got 150 deaths or the 19 deaths, what Dr. Bradley says versus Legislator Binder, that's one thing, whatever the amount is. And as the lady says, one is one too many in anything, in car accidents and whatever. But don't tell me that there are not secondhand effects from the alcohol, the gambling, which this state promotes in a most outrageous way, the gambling, in reference to the secondhand effect on homes which are destroyed by gambling and alcohol. Staying on point.

P.O. TONNA:
Sir, your time is up, so I'd ask you to summarize.

MR. FLORENTINE:
I am basically -- I have summarized, and I'm summing up to that extent, sir, that I do not think this legislature is in the best interest of the freedoms of people to make their own choices of how they conduct their life.

P.O. TONNA:
I'm sure -- there's a question, I think. Thank you, sir. Gregory?
Gregory.

LEG. FIELDS:
Mr. Florentino, are you aware that this bill is not about the right of people to go into a bar or tavern and smoke, but that the intent of this bill is to protect the employee that works there.

MR. FLORENTINO:
I'm exactly -- I'm very much aware of that Ms. Fields. That is exactly the point. That's what I just asked, whether or not you have hundreds of complaints from people working in these establishments who say, we can't work there. I've heard some of -- ad hoc and some of the anecdotal situations, but unless you've got a massive amount of people who say we cannot work in these environments, we want you to pass this law, you shouldn't be passing it on your own motion, on your own initiative, unless there is a ground swell from the public on this.

LEG. FIELDS:
Well, are you also aware that secondhand smoke is a Class A carcinogen?

MR. FLORENTINO:

Then ban it.

LEG. FIELDS:

Are you aware of if?

MR. FLORENTINO:

Yes, I am aware of it.

LEG. FIELDS:

So that OSHA feels or if anyone feels that there's asbestos in a building, they protect the health the of the employees and they make sure that the building is free of asbestos.

MR. FLORENTINO:

Well, with all due respect, I think this is about smoking, tobacco and not asbestos or any other carcinogen.

LEG. FIELDS:

It's about a Class A carcinogen.

MR. FLORENTINO:

I agree it is, and therefore, it should be banned. But you don't ban it. None of the Legislatures ban it at any level. And I don't know why. That I can support in terms of making some sense.

LEG. FIELDS:

I think people have two choices.

P.O. TONNA:

No. Ask the questions. Only questions. You can ask him questions, he can answer you, because there are more people who would like to speak.

LEG. FIELDS:

Thank you.

P.O. TONNA:

There you go.

MR. FLORENTINO:

One last item. I'm not a representative of any group whatsoever. I'm strictly on my own.

P.O. TONNA:

I'm glad you came down. Thank you very much. James Strano.

MR. STRANO:

Thank you. First, smoking, and now I hope the gentleman is not right, but fast food. What will I do then? My name is James Strano. I live in East Patchogue, I do not come from California, although I am kind of shocked that the gentleman from California had more people at the horseshoe than the Suffolk County tax paying businessman does.

In my opinion, this proposed smoking ban is an example of an overofficious government pushing legislation against the will of the people. You and your colleagues are a government out of control, not only with reality, but with the will of the people. This legislation is trampling on the constitution by preventing the rights of the people to freely assemble and participate in a legal act. To assemble and participate in a legal act. The small businessman pays the brunt of the taxes that keep this government running, yet we have no say in its issues. The people you claim you are protecting are already protected by OSHA. If secondhand smoke were truly an issue, where is OSHA on this subject? Strangely, nowhere to be found.

To Mr. Foley, I personally resent your association with this bill. I have attended Brookhaven Hospital's Men's Night with my brother-in-law, Dr. David Paul, and have seen you smoking cigars without a second thought, sir. Perhaps it is only other people's secondhand smoke that is dangerous.

APPLAUSE

Could it be that there is a Brian Foley amendment in the works so that you can enjoy your freedom and your pursuit of happiness in private that you are trying to deprive us of. Thank you very much.

P.O. TONNA:

All right. I feel like I'm in a barroom. Okay. Virginia Reichert. Virginia Reichert. Going once, going twice. Oh, Virginia, how are you?

AUDIENCE MEMBER:
I'm sorry. I just wanted to see --

P.O. TONNA:
You can give that, but you can't speak on her behalf. Thank you. Theresa Cassiack. Theresa, hi, how are you? Now, is this you.

MS. CASSIACK:
Yes, this is me.

P.O. TONNA:
Absolutely.

MS. CASSIACK:
Good evening, everyone. My name is Theresa Cassiack, and I'm the public health project coordinator for the New York Public Research Group, NYPIRG. And I'm testifying today on behalf of Blaire Horner, who is our Legislative Director. And I've just submitted his written testimony, and I'll summarize it now. And my comments are contained in the testimony. On behalf of NYPIRG, I'm here too strongly urge that you support this critically important public health initiative. This Legislation will not only will help protect the public from exposure to secondhand tobacco smoke, a known human carcinogen, but it will also ensure a much saver workplace.

Independent experts have long concluded that secondhand smoke from tobacco causes diseases in healthy non smokers. In 1986, the US Surgeon General concluded that secondhand smoke was the cause of disease, including lung cancer in healthy non smokers. In that same year, the National Research Council concluded that exposure to secondhand smoke increases the incidents of lung cancer in non smokers. In 1993, the US Environmental Protection Agency declared that secondhand smoke was a proven Group A carcinogen, a substance known to cause cancer in humans. According to the EPA, there's no safe level of exposure to Group A toxins. In 1994, the US Occupational Safety and Health Administration asserted that quote, employees working in indoor environments face a significant risk of material impairment of their health due to poor indoor air quality, end quote.

One critical factor cited by OSHA was exposure to secondhand smoke in the workplace. As a result OSHA proposed a rule to eliminate smoking in the workplace. As these studies mentioned above have shown, there's direct scientific evidence tying exposure to tobacco smoke to at adverse health outcomes in otherwise healthy adults. Workers in restaurants and bars have had their health put at risk due to continued exposure to secondhand smoke. An analysis of worker exposure found that bartenders had rates of lung cancer higher than workers regularly exposed to unhealthy air conditions; that being firefighters, miners, cooks, duct workers and dry cleaners.

In addition, waiters and waitresses have been found to have nearly twice the risk of lung cancer due to exposure to secondhand smoke. Why is exposure to secondhand smoke so dangerous? Because tobacco smoke contains over 4,000 chemicals including some chemicals that have been designated as hazardous waste by the federal government. To put this pollution level in some context, the New York City Department of Health has recently estimated that the pollutant level in a smoky bar is 50 times higher than the pollutant level in the Holland Tunnel. And in this written testimony, I have attached an appendix listing the poisonous chemicals found in tobacco smoke. And this comparison illustrates just how deadly a work environment can become when filled with tobacco smoke.

Clearly no worker nor should a member of the public be exposed to such toxins. The policy balance rests on the impact a smoking ban would have on an industry. The California law is a helpful guide. During the Legislative battle over that proposal some predicted that passage of such a banning would hurt bar business. And in 2000, the Institute for Health Policy studies at the University of California, San Francisco, released its analysis examining the effect of the ban. And the Institute obtained total revenues from eating and drinking establishments licensed to serve all forms of alcohol. The researchers found there was no significant effect of the restaurant provisions of the law on bar revenues, and there was a small, but significant positive change in bar revenues after the California law went into effect. The research concluded these laws appeared to be good for business.

Furthermore, a recent study found that after the California smoking ban in bars was implemented, bartenders' health improved. The study published in the Journal of American -- in the Journal of American Medical Association found that before the ban, 74% of bartenders reported respiratory problems including coughing, wheezing and shortness of breath; 77% of

bartenders also reported eye, nose and throat irritations. After the ban went into effect, those percentages dropped dramatically to 32% and 19% respectively. The Journal article concluded, quote, establishment of smoke free bars and taverns was associated with a rapid improvement of respiratory health, end quote. Workers who are smokers benefit in other ways as well. European researchers recently concluded that daily smoking prevalence among employees decreased considerably and employees with less education showed a proportionately larger decreased in smoking prevalence after smoking bans were implemented.

Can technology adequately protect the workers and the public from the hazards posed by secondhand smoke? Expert researchers have concluded the answer is no. Scientific research has found that ventilation technology does not serve as an alternative to eliminating exposure to secondhand smoke as the best strategy to protect public's health. Undoubtedly you will hear from those who are genuine concerns about this legislation --

P.O. TONNA:
Theresa?

MS. CASSIACK:
However, do not underestimate that -- my time is up -- and that you should not underestimate the power of the tobacco lobby and them using front groups such as the Empire Restaurant and Tavern Association. Thus, I will conclude

P.O. TONNA:
You already have concluded.

MS. CASSIACK:
Okay. Thank you.

P.O. TONNA:
Wait, Theresa. There's a question by Legislator Foley.

LEG. FOLEY:
Theresa, thanks very much for your commentary. You were about to mention the fact that --

P.O. TONNA:

Are you on ephedrine, by the way? You were moving very quickly.

MS. CASSIACK:

Well, no, I had a lot to say.

P.O. TONNA:

That was my question. I'm sorry to interrupt.

LEG. LINDSAY:

Ephedra.

LEG. FOLEY:

You mentioned that in your opinion that -- that there have been front groups for tobacco institute. Could you, please, explain to this committee why you feel there have been front groups for tobacco institute and how the tobacco institute has hidden monies to various organizations in order to hide the fact that they're behind a lot of the efforts to defeat bills such as this?

MS. CASSIACK:

Certainly. Well, you know, in recent years we've noticed that the tobacco industry has developed into a fine art of the use of manipulating public policy through the use of front groups, and those individuals who honestly rely on such groups for information. And I have consistently seen the tobacco industry rev up members of the public through the adroit combination of half truth and lies while obscuring the real source of the information. Making use of front groups has been a staple of the tobacco industry's political strategies. And according to internal Philip Morris documents, industry lobbyists have used third parties to quote unquote carry the baggage. And according to one Philip Morris document -- Philip Morris document quote, they said we try to keep Philip Morris out of the media on issues of taxation, smoking bans and marketing restrictions. Instead we try to provide the media with statements in support of our positions from third party sources which carry more credibility than our company and have no apparent vested interest. We create coalitions of third party sources to carry our baggage on issues. For example, on excise taxes, we work with state and local CARTS, the acronym for a Committee Against Regressive Taxation, restaurant owners on smoking bans and retailers on minimum age issues and influential groups like the Association of National Advertisers on

Marketing Restrictions. And that came from Philip Morris document number 2024023252, and you could get that off the web at www.pmdocs.com.

LEG. FOLEY:
Let me ask directly. That's more of a general --

P.O. TONNA:
Is that general? I thought that was pretty specific.

LEG. FOLEY:
No. General --

P.O. TONNA:
I have a website to go to.

LEG. FOLEY:
Paul, let me just finish. That's a general approach that the industry has taken. Let's take it specifically to New York. What organizations in New York has the tobacco institute used in the past to try to hide their influence and to carry their baggage so to speak?

MS. CASSIACK:
Well, in 1995 the tobacco industry's trade association, the Tobacco Institute, enlisted the Empire State Restaurant and Tavern Association to work on the tobacco industry's front group on a statewide and local governmental level, specifically the quote unquote new New York Preemption Plan to preempt all anti smoking laws in the state. And this group helped keep the tobacco lobbies actually shielded from public scrutiny. And in the testimony that I've handed out to all of you, there are some specific examples pertaining to certain documents that will illustrate that.

LEG. FOLEY:
Through the Chair again, is this the very same group that today is still opposing legislation to eliminate smoking?

MS. CASSIACK:
I believe so, yes.

LEG. FOLEY:

Okay. Now, is there a person in particular who that association has used as the mouth piece, if you will, for the tobacco institute?

MS. CASSIACK:

Well, yes, their executive director, Scott Wexler has been cited in specific internal documents, which I believe you have a copy of that I had given you before.

LEG. FOLEY:

And he's been cited as what now?

MS. CASSIACK:

As being a mouth piece, as writing a proposal to Philip Morris requesting funds to help fund their grass roots efforts to preempt all local laws in the state.

LEG. FOLEY:

So while he's the executive director of the Empire Restaurant and Tavern Association, are you telling us here today in the testimony that you have submitted as part of the record that he has also represented the tobacco institute in his position as the director of the Tavern Association?

MS. CASSIACK:

Indirectly, I would say, yes.

LEG. FOLEY:

Indirectly. In effect wearing two different hats.

MS. CASSIACK:

Precisely.

LEG. FOLEY:

I think it all should be interesting Mr. Chair -- well, we can discuss that later. I thank you very much for your testimony.

P.O. TONNA:

Thank you very much. Thank you. George Gaige. Is that a "G", George?

MR. GAIGE:
Yes.

P.O. TONNA:
All right. Because your first "G" looks a little different than the second "G."

MR. GAIGE:
It's been a long day.

P.O. TONNA:
Yeah, no kidding. Thank you, George. Have five minutes.

MR. GAIGE:
Thank you for patience. Name is George Gaige. I'm the coordinator of the Tobacco Action Coalition of Long Island. We wish to thank the Suffolk County Legislature for the opportunity to comment on the Legislature's proposal to ban smoking at all work sites in Suffolk County. Our coalition includes 30 member agencies, among them are the American Lung Association, American Cancer Society, the American Heart Association, Good Samaritan Hospital, several youth agencies, both county health departments and many other agencies concerned with the devastating effects of tobacco on Long Island.

Our members believe that all employees deserve to be protected from hazards of secondhand smoke, a Class A carcinogen, which is responsible for deaths of up to 65,000 non smoking Americans annually. It's estimated that secondhand smoke kills almost 200 Suffolk County residents each year. Protection of employees in the food service industry is especially important, because this industry provides the first employment opportunity for a large percentage of our youth and many of our ethnic minorities. I don't know if that point's been made before. I had been asked to read a statement from Mr. James DeVito, a Long Island resident who works as a bartender. He cannot be here today because he just got married, but I have submitted the statement for your consideration.

The complete ban of smoking at all work sites in Suffolk County makes sense. Our recent poll shows 80% of all Long Island residents do not smoke and over 90% believe secondhand smoke is harmful. There's overwhelming evidence from the experiences of other municipalities that

smoking bans do not hurt businesses. Workplace smoking bans encourage smoking employees and smoking patrons to quit. Requiring work sites to be smoke free involves virtually no capital expense on the parts of employers. That concludes my statement. Thank you for your attention. Any questions?

P.O. TONNA:
Nope. Thank you very much, sir.

P.O. TONNA:
William Stoner.

MR. STONER:
Good evening, everyone. Will Stoner, American Cancer Society. I'm going to keep my comments surprisingly brief. A great deal of the speakers that came up here and have told personal stories, I think they covered the personal side of the issue. And a great deal of speakers covered the health side of the issue. And you've all heard me speak before on behalf of the cancer -- on behalf of the American Cancer Society and tobacco. You've heard the statistics.

So I would like to say, though, I encourage the Legislators today to base their final decision on factual health data, on factual economic data, and not, I repeat, not anecdotal evidence. Some -- some business owners are saying that they're going to lose 30% of their business, that's anecdotal. You must insist as a County Legislature and as a lawmaker when you make this decision to see the evidence. They claim this evidence exists, that their businesses are going to be hurt. Insist on seeing that evidence. I haven't -- I've yet to see a report that shows anywhere where smoking regulations were passed where it hurt business. So I know personally. I've delivered a truckload of scientific evidence on the health impacts of secondhand smoke and tobacco to you personally. And as this process continues over the next month or so, the evidence keeps coming in.

Just recently, there was a report that women that smoke in their early menstruation years, I don't know the exact terms, I'm not a doctor, excuse me -- had a 70% chance, greater chance, of getting breast cancer. This is not good news. And what will these regulations do? It will help youth to not pick it up in the first place. And there is a high incidence of young women who are smoking these days.

So I encourage you to make sure when you look at all of the evidence that's available, that it is evidence and not, I'm going to lose business, I'm going to lose business, the sky is falling, and I spent a quarter of a million dollars to renovate my business, even though I was exempt. So you have the ability as Legislators of this wonderful County to extend the current smoking restrictions to all workplaces. Use your power to save lives. Just recently -- I'm almost done, you used your vote to improve smoking restrictions in bowling centers. Just two months ago, you made that decision. I've heard comments that the current law is working fine. If that's the case, why was the vote 17 to one? Because the mounting evidence shows that secondhand smoke is a killer. It's not just harmful, it kills. So when you vote on this issue, weigh the factual data, and do what's right for this county, the health of the county, the future health of the county and the future economy of this county. Thank you.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Thank you. I think Legislator Binder.

LEG. BINDER:
Yeah. I was asking before about secondhand smoke and the number extrapolated to Suffolk County, but let me ask maybe a more basic question and you can answer. You talk about a truckload of evidence, look at the evidence. How is it that we can throw out the number -- I Mayor Bloomberg on all the ads that they're doing in New York say it's 40,000 annually, I hear it's 65,000, so I'm hearing all different numbers. Whatever the number is, how is it that we could know with any certainty how many people died from secondhand smoke as to -- as opposed to smoking or as opposed to diesel particulate matter that's in the air, which is -- EPA just came out with a report, it's a carcinogen, and I can give other factors that are in the air, how -- what makes that connection and what makes us so sure that that number is accurate?

MR. STONER:
That's a wonderful question, crafted quite well. Unfortunately --

LEG. BINDER:
I didn't craft the question.

MR. STONER:
I thought you did. I thought you crafted it well. Unfortunately, I was a physics engineering and a political science major, not a science chemistry and a health major, so I wouldn't be able to answer that question as to how they can determine that.

LEG. BINDER:
I'll tell you why that concerns me. That concerns me because you're here, you want us to look at the evidence, you've obviously looked at the evidence, you're convinced. And one of the reasons we're doing -- even talking about this is because of the number of people who died from secondhand smoke. So the argument hinges on the people who die from secondhand smoke. So you're here convinced that a number is correct, and you're not sure why you're convinced the number was correct. Maybe you can tell me --

MR. STONER:
That's not what I'm saying.

LEG. BINDER:
Okay. You can explain more.

MR. STONER:
The studies have been published in Peer Review Journal, that's why I'm convinced this number is correct. And when you extrapolate it to the County, it's between 150 and 180 County residents that are dying from secondhand smoke that have never smoked a cigarette.

LEG. BINDER:
Actually, when you extrapolate it to Suffolk County, which I did here tonight with the numbers, the 65 -- if you use the 65,000 number, and I pulled up the US population at almost 290 million people, you extrapolate that to the 1.4 million people in Suffolk County, that comes out to 30 people. So I don't know where Clare Bradley is coming up with 150,000 people. The extrapolation is 30. If you use the 40,000 number, then the extrapolation is 20, but so --

MR. STONER:

We'll clarify those numbers.

LEG. BINDER:

But I'm getting a lot of different numbers, and I'm concerned that you say it's peer review so I accept it. Because some people you don't know if they had a reason to accept it, you don't know if they had motive. Do you -- do you know, just for yourself, did you question -- because everything hinges on this one question, did you spend the time and effort to make sure that you're convinced that this number is not only accurate, but something that you can rely on so you can come to a Legislature and say, you should effect legislation, in effect the monetary outcome in businesses, maybe effect employment possibly. I mean --

MR. STONER:

I feel absolutely --

P.O. TONNA:

Give him an opportunity to answer.

MR. STONER:

I feel absolutely comfortable with those numbers. And I've said them before and I'll say them again, and I'm comfortable with it. And, you know, honestly the questions should be asked are these -- are these businesses really honestly comfortable, and should they be comfortable saying they're going to be losing 30% of their business and the sky is falling?

LEG. BINDER:

Don't you think the real crux of the question is -- is that -- why is that number and -- why is that number what it is? And don't you think that we should make sure that we're comfortable -- if you think about it logically, it's got to be very hard to make an exact correlation between secondhand smoke, not even just primary smoking, between secondhand smoking and the number of deaths? And I'm really concerned with the ability to be so accurate, and everyone uses that number over and over again.

P.O. TONNA:

Which number is that, the 65,000?

LEG. BINDER:

It could be 65,000 or 40,000 if you use Mayor Bloomberg's number that he uses on all the ads that we're getting out of New York City. So that's where I got the 40,000 number. That number, I don't know how you can tell that it wasn't --

P.O. TONNA:
Well, what do you think it is, Allan?

LEG. BINDER:
It could be diesel particulate matter, it could be -- we have acid rain coming from the west --

P.O. TONNA:
Are you suggesting that it's not really --

LEG. BINDER:
I'm suggesting that it would be very hard science to be that specific as a number to correlate secondhand smoke not knowing if your talking about people who aren't smoking, how much they've smoked, to know it's secondhand smoke. It seems to be almost impossible to be able to get a science that would give that accurate a number.

P.O. TONNA:
All I can say is that I'm sure he's already said it. The number of 65,000 is from the CDC. Now, you know, take it up with President Bush. But, you know, that's --

LEG. BINDER:
And if I use that number, I extrapolate to Suffolk County 32. And if we have the Health Commissioner who comes and says 150. Again, everyone's throwing out numbers that we're supposed to -- we're supposed to be believe because someone says they peer reviewed them or because she is the Commissioner.

MR. FOLEY:
Mr. Chairman.

P.O. TONNA:
I would say write a letter and ask her. I'm sure -- you know, she's the one with a degree in

public health, not me. Any other questions?

LEG. FOLEY:

Yes.

P.O. TONNA:

There's question, sir. Thank you. Hold it one second. Legislator Foley has a question for you.

LEG. FOLEY:

Notwithstanding this disagreement about how many are killed each year by secondhand smoke, I think the bottom line is we all would agree that some die by smoke. Let me ask this question to you. If it was 32 who die a year as opposed to 100, would then the American Cancer Society oppose this legislation? Would you oppose it?

MR. STONER:

Absolutely not, if one person was dying.

LEG. FOLEY:

Okay. Thank you. Number two.

MR. STONER:

Our mission is to save lives.

LEG. FOLEY:

Very good. Number two, is it not a fact that part of the strategy of the tobacco industry in this country is to try to sell their products not only to teenagers and to a growing trend among college students, but also to use bar and taverns as a conduit to try and sell their products? Is that not --

MR. STONER:

I can't give you an answer to that, I apologize.

LEG. FOLEY:

It's my understanding that the -- all right. We'll talking about that in the future and at some other meetings.

MR. STONER:
The tobacco industry has a very vested interest in this issue, because if this were to pass in Suffolk County as it did in Nassau, we know from workplace studies that when you ban smoking in the workplace, 10% of the population will quit. So an easy estimate is about 26,000 people will quit smoking in Nassau County because of those workplace restrictions. Twenty-six thousand people will live a lot longer -- twenty-six thousand people will live a lot longer. If that makes me a bad person for standing up here and makes our organization an evil organization because we're concerned about the 26,000 people that are also dying because of their habit, then so be it. Then we have a hidden agenda, and our hidden agenda is we are going to do everything we can to stop people from dying from cancer and also heart disease.

LEG. FOLEY:
Now, is that 26,000 per year, Will, or?

MR. STONER:
Yes.

LEG. FOLEY:
Twenty-six thousand per --

MR. STONER:
That's saying 10%. The numbers are probably going to be greater than that, because we're talking about an all out ban, bars and restaurants. The number of 10% is coming from just office workplaces.
That 10% is a big number. What if it's 20%? Now, let's extrapolate that into a number, 25,000 let's say quit smoking in Nassau County, 25,000 packs a day. That's a lot of money they're going to lose every month. Do they have a vested interest? You bet your ass they do.

LEG. FOLEY:
Let me ask another question. Mr. Chairman.

P.O. TONNA:
That's another bill we're banning. No, I'm joking.

LEG. FOLEY:
Mr. Chairman, if I may?

P.O. TONNA:
Yes.

LEG. FOLEY:
Thank you. What has been the experience in California with the rate of smoking cessation since smoking cessation is also a goal that we're trying to achieve here in Suffolk County as well?

MR. STONER:
Their current smoking rate is about 16 to 17%. Here on Nassau and Suffolk County on Long Island, we enjoy a 20% smoking rate, which is lower than the state average. The state average is about 23.5, which is still encouraging. But 20% of Suffolk County is still 280,000 people. That's a lot of people smoking.

LEG. FOLEY:
How many people in California -- have they -- is there a figure as to how many on a per annum basis, how many smokers have quit smoking in California since the enactment of the comprehensive legislation?

MR. STONER:
I was asked that earlier. I'm actually in the process of getting that. I'm going to write it down again though.

P.O. TONNA:
Thank you.

LEG. COOPER:
Excuse me, Paul.

P.O. TONNA:
You have a question.

LEG. COOPER:

Will, are you aware that Allan and I just redid the calculations.

LEG. BINDER:

We have different numbers.

LEG. COOPER:

We have -- I came up with 313 deaths in Suffolk County.

P.O. TONNA:

Are you a little more comfortable with the numbers now, Allan?

LEG. BINDER:

I have thirty-one, so we have two different numbers.

P.O. TONNA:

Let me say, Jonathan, how big is the company that you run?

LEG. COOPER:

186 employees.

P.O. TONNA:

Okay. Great. I'm with you. All right. Let's go.

MR. STONER:

Thank you.

P.O. TONNA:

Thank you, sir. Kathleen Zadrozny.

LEG. LINDSAY:

Either you botched the name or she ain't here.

P.O. TONNA:

Sorry about that. Kathleen, you had to admit I was struggling there, you have to know it was you, no?

MS. ZADROZNY:
I'm Jocelyn, not Kathleen.

P.O. TONNA:
This says Kathleen. K-A-T-H-LE-E-N. I mean, are you her? Can I proof you? Just to use a bar term, can I proof you here? She left? Okay. Is she here? That's who the card is for. Thank you. We're going to get to you sooner or later. Okay. Bill Leudemann. Bill?

MR. LEUDEMANN:
Good evening. You're one of the few that pronounced my name correct.

P.O. TONNA:
Yes, that's because I'm familiar with the name.

MR. LEUDEMANN:
Yeah, I know.

P.O. TONNA:
Good to see you again.

MR. LEUDEMANN:
Thank you. For those of you who don't know, Bill Leudemann, Suffolk County Restaurant and Tavern Association. In reference to something that was mentioned prior by a speaker saying that when the door opened up, the smoke rushed in. And she made it sound like the building was on fire. Going back to when we started this smoking business, it started out with smoke eaters, partitions, separations from dining room to bars, all the way to ceiling to floor partitions to completely separate ventilated rooms with state-of-the-art ventilation.

I don't think there's any bar or restaurant in Suffolk County that hasn't got some type of ventilation system that draws the smoke and the sweat smell and whatever else you want to call it out of the building. Many restaurants have spent a lot of money in compliance with the wishes of the Legislature here, and those people haven't gotten a chance to recoup the money. If this

bill goes through, they'll never get the chance to recoup the money. I have here an actual bill from a small diner in Bohemia, The Airport Diner, which I will give to you people in a few minutes. I have 18 copies here. They spent over $20,000 in renovations for a smoking room, and that's a lot of eggs to sell to recoup that money.

P.O. TONNA:
What's the name of the diner?

MR. LEUDEMANN:
The Airport Diner in Bohemia.

LEG. CRECCA:
Actually for the record, it's a good diner.

MR. LEUDEMANN:
The other issue in this -- I mean, we don't advocate smoking, okay? We know that smoking is bad for you, and we don't advocate smoking. Another issue that we're concerned with is our rights being taken away to be able to run our business or any business for that matter in a way that we see fit that we could make a living from that particular business. We've mentioned this a longtime ago. If you want us to place signs on our front door that this is a smoking establishment or this is a non smoking or we can -- we can accommodate both, please do that. I think that everybody would be willing to put this sign on their front door or wherever you want us to put it. But taking away the rights and telling us how to run our business that we chose to go into, now I've been in my place for 32 years, and now I have people telling me how to run my business, and I don't think that's the American way of doing things. People have their right to a smoke free environment, and if I allow smoking my establishment, that's their prerogative not to come in.

The second thing would be employees that smoke. I would say I don't know any percentages or anything like that, but I know there are smoking employees in this industry. Are we going to have to give them time to go outside and smoke a cigarette? How often do we have to do this? Who watches the cash register while they're outside? Do we have to put on two employees instead of one to operate our business now because we got to let somebody go outside and smoke? On top of that, the employees that don't smoke, they should have the same right to the same break as a smoker. So now you have employees that don't smoke taking a break, maybe

not from a cash register, maybe from are, but from a dinner table, if they're going on take a 15 minute smoke break or non smoke break, they're away from that dinner table for 15 minutes. And I don't think there's anybody here that would like to go out to dinner and looking for a glass of water or something and wait 15 minutes for it. So we have a problem there with the employees.

P.O. TONNA:

Bill, I'd ask that you summarize. Bill I'd ask that you summarize, your time is up.

MR. LEUDEMANN:

Okay. We also have a problem with the enforcement and the penalties. It's always the penalties are going to be put down onto the employer, the establishment, and the person that violates the law is scott free. Nothing happens to them. We're the ones that get punished. We supposedly -- I don't know what we're supposed to do. We're supposed to throw these people out when they light a cigarette after we tell them to put it out and they don't? What are we supposed to do with them?

P.O. TONNA:

Bill, let me ask you a question so you can finish your thought, okay? It seems like you have maybe one or two other things, what are they?

MR. LEUDEMANN:

Well, I have here --

P.O. TONNA:

As long as it's one or two.

MR. LEUDEMANN:

It's just one really. I have here 18 copies of a lot of talk that's been going on here today in reference to the statistics and how they -- how they come about. I believe that this explains a lot of -- a lot of that. There's also an article in there from a Detroit newspaper. I just wish that everybody would have the opportunity to read this through, and also to that is the bill that I mentioned from The Airport Diner.

P.O. TONNA:

Bill.

MR. LEUDEMANN:

If everybody would --

P.O. TONNA:

Sure. I have just have a couple of questions to ask you, if you don't mind. First of all, believe it or not, it is good to see you. And I appreciate, I know we're on opposite sides of this issue, but I find that you are always respectful and, you know, spoke from your heart and what you firmly believe in, so I really appreciate that.

MR. LEUDEMANN:

Thank you.

P.O. TONNA:

The -- I've been -- in anticipation of the public hearings and then the debate, I've been going over the minutes of previous -- you know, a number of years ago of some of the testimony, especially from restaurant owners. One of the things that I found interesting and maybe you can comment, there were a number of restaurant owners, and I can't remember if you were one of them, I don't think you were, but there were a number of restaurant owners who testified the last time that they said, look, if your going to ban smoking, no more, you know, smoking section, then be even handed about it, ban it in bars too. So that we're not being hurt, those of us who are restaurants. Just ban it everywhere from bars and restaurants, restaurant-bars, and bars itself, so that for those of us who have, you know, bar areas in restaurants, we're not adversely hurt, where people now will all go to the bars instead of the bar areas of the restaurants. Is -- I mean that's -- and that was a clear -- you know, and I'm sure you remember some of that testimony. That was a clear theme that was running through a lot of people in the restaurant business at the time. Do you feel that anymore? I guess not.

MR. LEUDEMANN:

Well --

P.O. TONNA:

Or your representatives of it.

MR. LEUDEMANN:

It's quite obvious you did your homework. But anyway, when we -- when we were doing that particular issue, okay, it was kind of like attacks on restaurants, okay? All of the restaurants were involved in that particular issue and they all wanted a level playing field.

P.O. TONNA:

Right.

MR. LEUDEMANN:

Okay? This particular issue now I believe is more on bars now than restaurants, because the restaurants might feel that, well, if none of the restaurants can have any smoking, then I'm on a level playing field with everybody in the restaurant business, and I might get some of my customers back. But, you know, like I say, you know, somebody mentioned before at a previous thing, to sit at a sports bar and watch a game or whatever, and not be able to smoke a cigarette, because drinking and smoking go together, I don't care what statistics you have or anything like that, they do go together, and you know, this is not Florida, you know. In the wintertime, your going to case them outside or maybe they'll light up a joint, maybe they'll do whatever and then come back in. You know, it's like you don't have anymore control.

P.O. TONNA:

Right.

MR. LEUDEMANN:

Like I say, the majority of places have very good ventilation systems.

P.O. TONNA:

Bill, the other testimony that I heard -- and in fairness, there are other factors, a good economy and everything else that has taken place over the years, now we're in a bit of a recession -- but there was a lot of fear among restaurant owners that this would severely impact their business. Now, we've heard testimony over and over again in the last few years that had not impacted business in a negative way. You think this will impact your business, I mean, in a negative way?

MR. LEUDEMANN:

Who told you that it didn't impact the business?

P.O. TONNA:

A negative way? We have almost every single industry that you measure economic growth by in the restaurant business, demonstrates that the smoking bans in Suffolk County, specifically has not been negatively impacted, the restaurants have not been negatively impacted. Now, I'm not saying it's because of smoking. I'm sure the larger issue has been really, you know, for many years the economy has been very good, people were going out and dining and different things like that, I'm sure that was some of the reasons why. But I guess what I'm asking is just to stay with the same theme, which is we heard that it's going to be bad for business prior to, we've had a number of years now that says it has not been bad for business. We now are saying let's do what some of the people in the restaurant industry advocated for very, very clearly the last time, a few years ago, which is a total ban. Make it fair for everybody. Make sure that the bars are included and everything else. And we're hearing now again that it's definitely going to impact on business. And if you say it, I believe that you believe it, and I have to take it very seriously, because I think that you're an honest and very, very decent man. So I just want to get a sense.

MR. LEUDEMANN:

I can name you two places right now off the top of my head that have lost a tremendous amount of business because of the smoking ban in restaurants, okay, because they have bars in their restaurants. Now, after the food is finished at ten, 11:00, whatever they serve to and they stay open until four o'clock, they don't have those people at the bar anymore. Now, you lose three or four hours of the bar customers every day, seven days a week, that's a lot of money. So you can't tell me that everybody made out on the last deal. And I don't think everybody's going to make out on this deal. You know, if this deal goes through, you know, I would -- I would guarantee that there's got to be loss in income, especially in sports bars and bar bars, you know?

P.O. TONNA:

Thank you, sir.

MR. LEUDEMANN:

I mean --

P.O. TONNA:

I hear you. Thank you.

MR. LEUDEMANN:

I'd appreciate if you'd read that information.

P.O. TONNA:

I will. Is there any other questions?

LEG. FIELDS:

Yes.

P.O. TONNA:

Yes, Legislator Fields.

LEG. FIELDS:

Hi.

MR. LEUDEMANN:

Hi.

LEG. FIELDS:

Thank you. You made a statement before that you didn't want the Legislature telling business owners what to do, but how many years ago was it that there was a new ruling that you could no longer serve once you knew someone was beyond the limit of sobriety if they were getting drunk? Did they -- were you not told you could no longer serve those customers?

MR. LEUDEMANN:

That's been a law for a long time.

LEG. FIELDS:

How long ago?

MR. LEUDEMANN:

I don't know. That's an SLA Law.

LEG. FIELDS:
Did that impact bars?

MR. LEUDEMANN:
If they comply with it, yeah, it would. I'm being honest.

LEG. FIELDS:
Yes and I appreciate that. But it is another example of telling a business owner what to do, and you are, you know, you are supposed to comply with it, because the deal is that if you serve them until they're drunk, they're going to go out and either kill themselves or kill someone else, much like secondhand smoke.

MR. LEUDEMANN:
Excuse me. Most bars or restaurant-bars or whatever, if they see some -- a customer and usually it's a regular customer, they now take care of that person. They make sure somebody's taken care of them or driving them home or they drive them home or they call a cab. They're very conscious of this at this particular time, because there's been a lot of instances, and we don't like to send drunks out on the road. I mean, that's not our goal.

LEG. FIELDS:
I think that's what we're trying to do. We're trying to take care of people, the ones that are being impacted by secondhand smoke. The other question that I had was you mentioned who's going do take care of -- or what are you going to do about employees taking a break, do you have to hire two people? What do you do now if an employee has to go to the bathroom?

MR. LEUDEMANN:
Well, I guess they can leave the bar to go to the bathroom. I mean, how long does that take? You know, a lot less time than smoking a cigarette.

LEG. FIELDS:
Probably about as long as it takes to take a few drags on a cigarette.

MR. LEUDEMANN:

Yeah, but who takes a few drags on a cigarette. You either smoke a cigarette of not. I mean, they're seven, eight, ten dollars a pack now. They're not to throw half a cigarette away.

LEG. FIELDS:
Well, I think if they're really addicted to a cigarette, they're going to have a couple of drags, then run back in or they may lose their job.

MR. LEUDEMANN:
They have to go outside to do that. That's -- you know, I don't know.

LEG. FIELDS:
They have to go in a bathroom, same analogy, I think. And then you asked who would enforce this law? Who enforces the fact that you have underage people that might come into your bar and want to drink?

MR. LEUDEMANN:
Police Department.

LEG. FIELDS:
The police are in your bar everyday, every night?

MR. LEUDEMANN:
Not everyday, no.

LEG. FIELDS:
But they're there every night?

MR. LEUDEMANN:
No. But they do raids on different places that are known places that, you know, kids hang out.

LEG. FIELDS:
You don't proof them?

MR. LEUDEMANN:

Well, yeah, you're supposed to, sure.

LEG. FIELDS:

So then you're enforcing it.

MR. LEUDEMANN:

I'm what?

LEG. FIELDS:

You're enforcing underage drinkers.

MR. LEUDEMANN:

Well, yeah, to protect your own license, you know?

LEG. FIELDS:

Okay. Well.

MR. LEUDEMANN:

So a, I supposed to protect smokers or nonsmokers?

LEG. FIELDS:

Yeah.

MR. LEUDEMANN:

Yeah? I'm supposed to throw them out? I can throw an 18 year old out of my place, but I can't throw a smoker out that's 26, 28 years old. I'm old, man, I don't fight no more.

LEG. FIELDS:

Nobody's telling you to throw them out. You can --

P.O. TONNA:

I got a feeling there's a little fancy foot work going on there. I don't know.

LEG. FIELDS:

I think the point that -- that is being made is that you would be enforcing methods laws and saying to people, you can't smoke here, if you're going to smoke, step outside, have your cigarette, come back in. The other thing I wanted to ask you, you mentioned about the ventilation system. Are you aware that a ventilation system does not take the carcinogens out of the air?

MR. LEUDEMANN:
Well, if it doesn't, how does it separate the smoke from the carcinogens?

LEG. FIELDS:
It takes smoke out, but it doesn't take carcinogens out. They're still left there.

MR. LEUDEMANN:
How do you know that? Do you know that for a fact?

LEG. FIELDS:
It's scientific fact.

MR. LEUDEMANN:
Oh, I'd like to see that research.

P.O. TONNA:
Thank you. Any other questions -- you want to say --

MR. LEUDEMANN:
I would like to add one thing, okay?

P.O. TONNA:
Sure, Bill.

MR. LEUDEMANN:
I would like to see one death certificate signed by a doctor that says that that person died from secondhand smoke.

P.O. TONNA:

Bill, can I ask you something? Do you really believe that secondhand smoke is not -- what you're saying is that you don't believe that secondhand smoke is deleterious to your body?

MR. LEUDEMANN:
Secondhand smoke is very bad for you, so is smoking. But I don't think that people die only from secondhand smoke.

P.O. TONNA:
Okay. All right.

MR. LEUDEMANN:
Okay?

P.O. TONNA:
Thank you very much, sir. Thank you for your testimony. Scott Wexler. Scott?

AUDIENCE MEMBER:
He had to leave.

P.O. TONNA:
That's too bad, because I was waiting for him. Boy, was I waiting -- tell him please, we would love -- we'll fly him in. I would love to fly that boy in.

LEG. FOLEY:
Mr. Chairman, why don't we send an invitation to him for November 19th, he can come back then.

P.O. TONNA:
I'll take a collection to get that guy back here. Okay. Bill. Bill, my sense is it's F-h-o-u-e or maybe it's T-h-o-u-s-e from Magics Pub. Anybody from Magics Pub, Westhampton Beach?

LEG. GULDI:
Bill Thorne is the name.

P.O. TONNA:

Thorne? Bill Thorne, are you around?

AUDIENCE MEMBER:

No.

P.O. TONNA:

Not here. Frank DeBenedetto? Frank? Not here. Steven Nelson. Hi, Steven, how are you?

MR. NELSON:

Good. How are you doing?

P.O. TONNA:

Very good. Thank you for coming this evening.

LEG. FOLEY:

Mr. Chairman, before Mr. Nelson speaks, I had Budget Review calculate the number of 65,000 to 290 million Americans and one --

P.O. TONNA:

Wait. Wait. Wait. Let's have a pool. I just want to find out. Is Binder right? Because I will -- I'll die if he is.

LEG. FOLEY:

Binder is so far from being right, it's actually 289.

P.O. TONNA:

Okay. So this is actually -- 289, Legislator Binder. There we go. But I know that Legislator Bishop put you up to that, okay? So I just want you to know, next time you collaborate, I just said corroborate, or whatever you do, I just want you to know to check his numbers.

LEG. BINDER:

I'd still like to know --

LEG. FOLEY:

By increasing the number, does that change your position on the bill, since it went from 330 to 289?

LEG. BINDER:
No, because it doesn't make the 40 or 65,000 real numbers just because people say it.

P.O. TONNA:
All right. We'll take that up with the CDC. Thank you. Steven Nelson, I'm sorry about that. It's just, you know, it's late, and we kind of like tit and tat with everybody here. Please, make yourself at home, you got five minutes.

MR. NELSON:
Thank you. Good evening. I'm here representing the American Cancer Society. I'm a longtime member of the American Cancer Society here on Long Island, and currently serve on the Board of Advisors here in Suffolk County. I also happen to be a longtime cancer survivor and an ex-smoker. As a college student at 21 years of age, I was diagnosed with terminal cancer and was told I was going to die. Miraculously, I won the lottery and was given chemotherapy on a clinical trial basis that is still used toyed. When I asked the doctor should I quit smoking, he said, you're going to die anyway, so if you enjoy it, there's really no reason to stop. That was in 1970.

At that time I was smoking two packs per day. With fear and my anxiety of my current -- of my situation at that time, sometimes got me to smoke up to three packs a day. At age 25, I decided to quit, and the fact I was still alive, I substituted skiing for smoking. The monies I saved in 1974 and 1975 paid for my lessons, equipment and some wonderful ski vacations. Cigarettes were 55 cents a pack back then. Almost 30 years later, I still love to ski, and I still don't smoke. Could you imagine all the wonderful things you could have, all the wonderful restaurants you could eat at and all the great trips you could take if you didn't smoke at the prices you pay for cigarettes today? Sometimes when I go into a restaurant or bar I get a whiff of cigarette or cigar smoke, and believe or not, I still think about smoking, but just for a few seconds.

Secondhand smoke, it has been reported here and many other times, can be more harmful than primary smoke. I remember when I gave it up how badly my clothing, pillow and house smelled. I can't imagine what my breath and hair must have smelled like. My kids have never

lit up a cigarette thanks to wonderful school programs that we have today that explain the dangers of smoking and secondhand smoke. Today, I'm still cancer free, don't smoke, my breathing at 54 has been better than when I was 24. I don't wake up coughing every morning and taking a smoke. My lungs once again are pink, and I'm thankful that my second life has been much longer than my first one. And I'm one of the fortunate people. I ask you to support this initiative to ban smoking in restaurants, bars and other places. Thank you.

{SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY}

P.O. TONNA:
Thank you very much, sir. Okay, Jerry Cusack. Jerry, are you related to the actor? I always wanted to know that.

MR. CUSACK:
No.

P.O. TONNA:
No? Okay.

MR. CUSACK:
I've been called a lot but not an actor.

P.O. TONNA:
Jerry, it's great to see you again, I just want you to know. It's good to see you. How you doing?

MR. CUSACK:
Okay, Paul.

P.O. TONNA:
Great.

MR. CUSACK:
First out, thank you, Presiding Officer, thank you, Legislators, for allowing us to be in front of

you.

Let me just tell you some of the issues that we're faced with. We fought this and debated this bill for roughly about a year-and-a-half to two years. And at the time of the bill the sponsors met with us, we discussed it, we argued it, but at least we had a say in it. We sold our members and we compromised the bill that you passed, the Legislators that sat there four or five years ago, we sold it to our group. I have to tell you, they didn't want it. We knew it was a compromise, we knew we had to get on just like, you know, we started off with a hundred people and we sent people back to their businesses, but this is a law that this Legislator and these Legislators that were there five years ago passed and we followed suit with it. And I agree one thing you said, Paul, I don't know anyone that spent 200,000, but we do know people that spent anywhere from 10,000 to over 50,000.

I think what's getting mixed up here is cigarettes are legal. We go to 7-Eleven, a customer comes in and they want to smoke, it is a legal product. Perhaps we would not be fighting this if you outlawed cigarettes altogether from Suffolk County. But let me backtrack, I want to touch on some things that I guess Paul who was brought in by the Cancer Society paid for. I would just like to touch on a few things --

P.O. TONNA:
Just -- he wasn't paid by the Cancer Society, he was brought in by the Cancer Society; he didn't receive any remuneration.

MR. CUSACK:
Okay, fair enough; that's fine, Paul. But I also went out to California five years ago, my wife and I made a trip to see how wonderful this bill was working. Because at the time, I think the only one missing was Nora Bredes, Legislator Bredes kept telling our association that this is great, so at our next meeting we decided and they picked myself and we flew out there. I just want to tell you some thing that it's kind of a little bit fuzzy math. You have a restaurant that's doing a million dollars a year and it's doing a half million dollars in liquor and a half of million dollars in food. They passed a law out there, and we had statements at the time that we did submit, that some of the restaurants, Paul was right, it increased, it increased to a million one, a million two, but just like Suffolk County, what we're finding, it was more food and less liquor. And you can say, well, why does that make a difference? Well, it makes a difference because the profit and the margin in food is different than the margin in drinks.

And please, I'm not here to lecture you. You know what, you guys were voted in. I'm sure the only thing that I do have a little issues with is that I've been in business 25 years, when I started I owned places in Nassau County and Suffolk County, and I love Suffolk County. And I put my money where my mouth is because I reinvest it in the Suffolk County and I believe, like I think most of you believe, that small business is the back bone of Suffolk County. Yet I don't know if anyone picked up, but when Paul was up here, he was saying big business is going to California, they're opening up places, why would they do that? You know what, we welcome the TGI Fridays. I take my kids to Bennegan's, we don't mind it, but can we as a small business owner compete with them? Absolutely not.

I submitted last time from three different banks that we were on the bottom to lend to restaurants. So now what happens is -- and why do I bring that up? Restaurants -- a small business, man or woman in Suffolk County, Nassau County, banks do not open up and say, "Hey, you know what? Sure, you want to do a renovation, we will spend" -- you know, "We'll lend you X amount of dollars." We have members that remortgaged their house, that had money and borrowed money for it. We also had members that opened up other places based on the law that Suffolk County passed. But now here we are five years later and the law is getting changed again. I can tell you that the business is getting tougher because big business is coming to Suffolk County, as you see, you see all these chains coming. And you know what? Whether we like it or not, we have to compete with it. I do have -- I'm sorry, Paul, if you just give me -- I'll wrap it up.

P.O. TONNA:
I'll ask you a question. My question is I'm sure you have one more important point to make and I would love to hear that.

MR. CUSACK:
Right.

P.O. TONNA:
Do have one more important point?

MR. CUSACK:
Yeah, the point -- thank you. The point that -- one of the points that I'd like to make, and I

direct this to the sponsors of the bill, if you are so confident and people are flying in from all over the place to testify, but this is Suffolk County, but if you are so confident that this is going to help our business -- and I can tell you the majority of our members are not confident, we don't feel that. And let's just say you're wrong and the business does go down 20, 30%, are you going to put in your bill, "We will compensate these restaurants and bars that are affected by it?" I mean, certainly if you are confident enough not to meet with the small business men and women, unlike the other sponsors five or six years ago, certainly we have had our disagreements and it didn't make me right and them wrong or vice versa, but at least they met with the business men and women. And if you are that confident that it's not going to effect the small business man or women in Suffolk County, I ask you Legislators, are you going to put in the bill that the people that either made the investment or the people two years from now that business has decreased, are they going to be compensated?

Just one last thing. I just -- please? And I'll just wrap it up.

LEG. GULDI:
I have a question anyway, Jerry.

P.O. TONNA:
Yeah, I have one also.

MR. CUSACK:
Okay. How many -- and I don't want to pole the Legislators but I know I have talked to several of them. How many complaints are you getting on the present bill? I mean, I don't know, I'm just asking a question. Are you being flooded that this is --

LEG. BINDER:
Zero.

MR. CUSACK:
Zero. This is what we're hearing; we're not hearing a lot of complaints on it. So even though the intent may be right, we're just saying, you know what, give us a break. We're abiding by the law.

LEG. FOLEY:

Put me on the list.

LEG. GULDI:
Mr. Chairman?

P.O. TONNA:
Legislator Guldi first, myself second and then Legislator Foley.

LEG. GULDI:
Yeah, you touched on an issue that I hoped someone would address and that is the investment made in reliance on the law passed five years ago after more than a little dialogue and compromise -- eight years ago, five years ago. But you know, people were relying on that law making alterations in their restaurant even this year, weren't they?

MR. CUSACK:
Yes, that's correct.

LEG. GULDI:
What do you consider to be a reasonable time period to recapture the type of investments made in altering premises and installing ventilation systems to be; five years, 10 years, 15?

MR. CUSACK:
Well, I think, you know, it depends -- we feel that the law right now is working.

LEG. GULDI:
That's not the question I asked. The question I asked is what's the period of time that you need in your business to recapture the investment made in these kinds of improvements?

MR. CUSACK:
I would say a minimum of ten years.

LEG. GULDI:
Thank you.

MR. CUSACK:
Thank you.

P.O. TONNA:
Ten years. No accountant depreciates ten years of $20,000 or whatever but, I mean, that's the good ol' USA and how they depreciate things and I know I spent enough on my own business buildings.

One of the questions that I have, Jerry, is I have gone over your testimony in the last few years and you did make a very cogent, clear argument about needing parody with bars years ago. And I just wanted to ask you, like I asked Mr. Leudemann, I couldn't remember if he testified to that but I know you did, that if we're going to ban, ban everything so that there's parody. What's changed from five years, four years ago, six years ago and today?

MR. CUSACK:
Okay, certainly, in all due respect, I had -- years ago I had a major nightclub, so I would not be sponsoring at that present time a ban on bars or nightclubs with it.

P.O. TONNA:
No, but you were saying, you were saying that it's not fair to the restaurants because bars -- you know, either ban everywhere -- and I mean, I can go back and get the testimony, I've read it -- but you said ban everything and at least it's all -- you know, it's all fair. By just banning it in restaurants and in the bar areas of restaurants, because that was really the focus, you know, that's not fair. So I'm just trying to get what would you think has changed. And if it wasn't you, let's say somehow the transcriptionist was mistaken --

MR. CUSACK:
Yeah. In all due respect, I don't think I made that argument but I think I can answer it.

P.O. TONNA:
Yeah, that's what I'm -- I'm looking for more for the concept of ideas.

MR. CUSACK:

Right now, you mentioned before correctly, the economy and everything has changed.

P.O. TONNA:
Right.

MR. CUSACK:
Right now when we sit back there, Paul, in all due respect, and certainly respectable people disagree.

P.O. TONNA:
Right.

MR. CUSACK:
But we're hearing from a lot of people on the outside that come before you Legislators and tell you how great -- we're not here to -- I'm a father first, I don't want my kids to smoke like you don't want your kids to smoke. And I'm telling you I could sell on the members in our association if you wanted to be the County to say no more selling cigarettes, I think that's a sellable thing to our association. But what has changed is right now the bill is working, Legislators have told me that they're not getting complaints from it, that the bill is working. We do have members -- you know, when we compromised last time, it wasn't really what we wanted but we compromised to get back to our business, we compromised -- there's people, like Legislator Guldi said, who did invest in their business, whether it was a year or two years ago, thinking Suffolk County is a place to do business. I'm telling you as someone who has done business in Suffolk County, it's getting tougher and tougher and we feel that this would be a major input.

See, when we kept hearing how great it was in California, I brought -- you know, I don't know if you remember or not, but I brought back statistics from California, I went out there.

P.O. TONNA:
Right.

MR. CUSACK:
So in all due respect to Paul who came up here and testified about it, we didn't find that, and we can show you documents where the restaurants decreased in California. And I guess a lot of

people put a different spin on it. It's very difficult when you hear a young child coming up here, hey, we're all for that, I mean, you know, we're business men and women, we don't serve kids. For God's sake, I mean, I think we have to get back to the basics and back to the basics is

small business, whether it's in Suffolk, Nassau or New York City, but especially Suffolk County. I think we all lost a little site of that.

I think -- are we resentful that Legislators propose this bill and they don't contact anyone in the association? Yeah. And we also hear, you know, the outrage about protecting the employees. I have to tell you, we polled our members, we're not finding that. I'm not here to tell you secondhand smoke is good, bad, indifferent, you know, we're not disputing these findings, but if it's so bad for the employees, wouldn't there be lines to step into the mike saying, "Hey, this is killing us, this is doing this"? They know the work force.

We complied with the law you guys passed, I would hope you would rethink it. And I would really hope, maybe more importantly, is in the future if there's bills to be passed, whether it's for us, against us or questionable, we're not the enemy; bring us to the table. Thank you.

P.O. TONNA:
Just another question and maybe just to get at this. A little while ago, maybe a year or two after our initial debates and the bill's passing and, you know, we had a Finlay Amendment and a Carpenter Amendment and different things, there was a study done by News 12, an investigation that demonstrated that the Tobacco Institute actually funded the Restaurant Association, I think it was two to $400,000 to pay for the buttons that they were wearing or the stickers, for the phone chains that they were doing, for the donations that they made I know specifically to one Legislator at the time who had a fund-raiser. And I thought it was interesting that they also provided I think a local restaurateur, Paul Greenberg, he was -- he wrote an article in Newsday citing similar -- what you just cited about the industry claim about Beverly Hills and other places suffering a 30% decline in business. I thought it was interesting that this study showed that it was actually Philip Morris, the public relations firm of Philip Morris that actually provided those statistics.

And I just would ask you right now because I think it has a little more to do -- I don't think it has to do with you or your association directly as opposed to Scott Wexler's associated, the

United Restaurant Hotel and Tavern Association. But are you receiving any money right now from the Tobacco Institute?

MR. CUSACK:
Not a dime, not today, not yesterday, not five years ago, not six years ago.

P.O. TONNA:
Are you aware that the United Restaurant Hotel and Tavern Association and Scott Wexler received over $200,000 for ads for the last time?

MR. CUSACK:
I know Scott Wexler --

P.O. TONNA:
And that they were provided this tactical support from McCrann Associates and everything else?
MR. CUSACK:
The only thing I can tell you about, Paul, is our association never took a dime from the cigarette companies, never.

P.O. TONNA:
Who funded all of the -- that came from your members, all of the badges, the phone calls and everything?

MR. CUSACK:
We funded a great deal of it.

P.O. TONNA:
Because News 12, I'll show you, I'll show you the study that says -- you know, you've seen it I'm sure, the expose; it said that all of that was funded by the Tobacco Institute.

MR. CUSACK:
I don't know anything about it. And I can tell you -- I don't normally speak for anyone, but I can tell you I can get Bill Leudemann up here and he would agree with it a hundred percent. So if he don't know anything about it and I don't know anything about it, it did not exist in Suffolk

County from our association.

P.O. TONNA:

I don't -- your word is good enough for me from the two of you; I don't feel the same way about Scott Wexler, but obviously I feel that about you and Bill. Thank you.

MR. CUSACK:

You know, just one thing about Scott Wexler. The law that you brought up, Brian, before, that was dissolved four years ago. Scott Wexler, to my knowledge, is paid by the Restaurant and Tavern Association, so he was hired by the Restaurant and Tavern Association.

P.O. TONNA:

Right, funded by the Tobacco Institute over $400,000, but --

MR. CUSACK:

Yeah, I forgot about that.

P.O. TONNA:

Okay. Thank you, sir.

MR. CUSACK:

Okay, thank you.

LEG. FOLEY:

I have a question for Mr. Cusack. Mr. Cusack, you mentioned earlier about the sponsors whether we're willing or not to meet with your industry, or just let the record reflect that some weeks ago Wayne Prospect had called me, I know he works for Todd Shapiro and what I was led to believe by Wayne was the fact that he was going to set up a meeting with your organization; in fact, I gave three dates to him for -- three weeks ago, three dates for last week to meet.

MR. CUSACK:

But you know what, Brian? That sounds great.

LEG. FOLEY:

Let me just --

MR. CUSACK:
But the bill is -- you've proposed a bill already.

LEG. FOLEY:
Let me just finish.

MR. CUSACK:
Sure.

LEG. FOLEY:
Let me just finish. And the fact remains that that is still an open invitation. Yes, the bill is in, it was submitted some time ago, that does not mean that we won't listen to what people have to say, it doesn't mean that we may not have room for amendments. The bill would have been put in one way or the other, but at the same time, if the public wants to be heard on it or a specific industry then that's fine, I would be more than happy to meet with you.

You see, part of the problem this time, and it's repeating itself from nine years ago and not five years ago, was some half-truths are being told. And one of the half-truths or I would even say outright lies that are being perpetrated once again is that some from your organization are telling other Legislators that I and other sponsors are refusing to meet with you. And what I have told the other Legislators is, once again, for whatever reason there's a repetition of that pattern of lies. The fact remains I was willing and I am willing now to meet with you and meet with other representatives of the industry to go over your concerns with the bill. But whether I meet with you next week or if I met with you two weeks ago, the fact of the matter is the bill still would have been sponsored by this Legislator and by others. But it still is an open invitation, Mr. Cusack, so you have every opportunity to come by my office, I'd be happy to do it.

MR. CUSACK:
Okay. In all due --

LEG. FOLEY:
The only caveat, though --

MR. CUSACK:

Excuse me, but --

LEG. FOLEY:

No, I'm not finished yet.

MR. CUSACK:

Go ahead.

LEG. FOLEY:

the only caveat I have and it's something that we learned from nine years ago, that instead of meeting with 20 or 25 at a given time, if you have four or five representatives from the industry that want to meet with me to talk about this bill, I'd be more than happy to do it.

MR. CUSACK:

You know, in all due respect, Legislator Foley, I'm a prisoner of commonsense; it has to make sense to do what you're proposing. My question to you as a Legislator, now, you could say, "Hey, you're off base, I'm going to write this bill no matter what. I don't care or my information tells me it's not going to effect you guys." But you know what, you're up there and you're like, "Hey, I'll meet with you guys." You wrote the bill into effect and you're proposing it, why didn't you give us the courtesy to meet with you or the sponsors of the bill before the bill was even proposed? Because just maybe, Brian, maybe we would enlighten you to something that maybe you're not aware of; is that a possibility?

LEG. FOLEY:

You can still, if you think you have information that will enlighten me or others, you still have the opportunity; up until the time that we actually approve a resolution you have that opportunity to influence what's being debated or what's being proposed. So you still have that opportunity whether it's prior to a submission of a resolution or during the course of a resolution going through the committee process. That's why we have this open process. You don't have to just speak with a Legislator prior to a submission of legislation, you can do it while it's working its way through the committee structure so you still have that opportunity to enlighten us, as you say, about your position on the bill.

The bill is not going to be reported out tonight, it's in committee, we're not going to vote on it until mid November so we have plenty of time to talk about these things. But one thing -- I'll just leave it at that.

D.P.O. POSTAL:
Brian and Mr. Cusack, I think you're engaging in a conversation. Legislator Foley has indicated his willingness to meet with you, nothing is final until a bill is approved by this Legislature, you have that opportunity, he's invited you to do so. Thank you.

MR. CUSACK:
Thank you. I just want to finish just one last thing. Mr. Foley, maybe check with your peers, we have met with other Legislators that we felt was open-minded and business friendly and who really saw the need of small business in Suffolk County.

LEG. FOLEY:
Right.

MR. CUSACK:
Now, I have to tell you, just like we started off with a hundred people --

D.P.O. POSTAL:
That was the one thing -- Mr. Cusack?

MR. CUSACK:
-- and they left. Thank you.

LEG. POSTAL:
I'm sorry, there are a lot of people who are waiting to speak.

MR. CUSACK:
I understand. Thank you.

D.P.O. POSTAL:
But Legislator Carpenter does have a question, Mr. Cusack.

LEG. CARPENTER:

There's been much discussion about the employees and part of the motivation for this bill seems to be to protect the health of these employees, and there seems to be the sense or the desire to say that these people are in these jobs. Is it hard to find someone who wants to be a waiter or a waitress or a bartender; do you have a hard time filling the positions?

MR. CUSACK:

You know, yes and no. I can tell you, I don't want to stand up here like an old man and say work habits have changed and our industry is no different than say fast food, McDonald's, Burger King and the work ethics have changed with it, but to find the right people --

LEG. CARPENTER:

I think that's in almost any business now.

MR. CUSACK:

Any industry. It's a different world today than it was say ten or 15 years ago.

LEG. CARPENTER:

All right.

MR. CUSACK:

But I have to tell you, we have sponsored -- you know how many people do you know that started off in the restaurant business and worked their way through college and, you know, used it for a stepping stone.

LEG. CARPENTER:

Okay, thank you.

D.P.O. POSTAL:

Thank you.

MR. CUSACK:

Thank you.

D.P.O. POSTAL:

Next speaker is Jack McCarthy.

MR. McCARTHY:
Good evening, Ladies and Gentlemen. My name is Jack McCarthy, I'm on the Board of Directors of the Restaurant Association. Thank you for staying up so late and listening to us; I've been standing outside 13 hours.

I hear the lady from the Health Department stated 150 people will die in Suffolk County this year of smoking or secondhand smoke, yet she didn't bring in the County Coroner who works for the County who testified that he signed documents saying people died of secondhand smoke. She didn't bring anybody from the State University Hospital, qualified doctors to stand up and give testimony, qualified doctors that make testimony in court to this fact, they will not sign a death certificate for secondhand smoke.

A few facts and figures that have been distorted here today, I feel. One, they passed this bill in California, that's fine. This is Suffolk County. What they fail to tell you is that the sales of cigarettes in California, although they're not smoking them in the bars and restaurants, the sale of cigarettes in California have gone up. The Cancer Society will not sit here and tell you that there are less deaths in California today because of this because they cannot prove that. Sales of cigarettes are coming in from out of state via mail and every other way into California and they are smoking just as much. They have -- they also didn't stand here and tell you how do they explain people who never smoke or never drank are still dying of lung diseases and how do these people get cancer? If 150 people are to die of smoking Suffolk County this year, according to the Health Department, why hasn't OSHA stepped in? That's number one, that's a Federal agency.

Number two, more people will die of Melanoma and have cancer from Melanoma; why isn't the Legislature shutting down the beaches, closing up the pools? I mean, if we're talking about the people's safety here, I think they're going in the wrong direction.

If you're really trying to ban or trying to protect the workers in this business, then I think it behooves you to ban the sale of tobacco products completely in Suffolk County and not just take it out on one industry. Mr. Stoner stands up here and tells us about young women coming into their menstrual cycle and if they smoke they develop breast cancer. Well, that's fine, they're not buying these cigarettes and they're not sitting in my bar smoking them. He's talking about a girl

that's the age of 12, 13 and 14; you don't find this going on in any bar or restaurant in Suffolk County. So he should direct his comments about that where these people buy their cigarettes which is the 7-Eleven, the supermarkets, the Dairy Barns and everywhere else; they're not buying them in bars and restaurants.

And I was a little upset at the fact that everybody that came in this room today and testified for Mr. Foley's bill had to be flown in from California, the young lady came here from Albany, we've got another woman who's constantly here from Nassau County, she's got what she wants in Nassau County, why is she trying to beat up everybody in Suffolk County? She has no life.

LEG. FOLEY:
Oh, come on. She's been coming here for years.

MR. McCARTHY:
I would like to bring a fact up here about something. The New York State Lottery, the sales that are generated out of bars and restaurants, I couldn't give you the exact total figures of the thousands of dollars that pass through the bars and restaurants and go directly to the school districts, but I do have a fact and I would like one of the Legislators to please call this city. Helena, Montana passed a no smoking law, they have out there Joker Poker machines and a state lottery. Within the first month of passing this bill their sales were down 70%; this money is supposed to go directly to the school districts.

And in closing I would like to say I have never taken any money from Philip Morris. I own a small pub and I've had a business here in Suffolk County since 1959.

D.P.O. POSTAL:
Mr. McCarthy, there's a question from Legislator Fields.

MR. McCARTHY:
One more question, please, before I go. I have been at all these meetings for a lot of years and I can't really put my hand on the piece of paper but when I talk to Legislator Postal, she is on record as saying that the Legislature won't be back and yet we're back five years later.

LEG. FOLEY:
Eight years.

MR. McCARTHY:

Ms. Fields?

LEG. BISHOP:

When we passed the last one.

D.P.O. POSTAL:

I know, but I don't understand the question. Go ahead.

LEG. FIELDS:

Are you aware that this bill, the intent of this bill is toward employees health?

MR. McCARTHY:

Yes.

LEG. FIELDS:

And it's not the intent to limit someone from smoking but to limit an employee from the effects of the secondhand smoke.

MR. McCARTHY:

Fine. My answer to you on that is stop the sale of tobacco in Suffolk County.

LEG. FIELDS:

But --

MR. McCARTHY:

Why go after the bar and restaurant owners?

LEG. FIELDS:

I was just asking you if you were aware of the intention of bill.

MR. McCARTHY:

Yes.

LEG. FIELDS:

Okay. So then your analogy about the sun impacting the sunbather,what does that have to do with --

MR. McCARTHY:

Well, if Suffolk County is trying to save people, 150 people from dying --

LEG. FIELDS:

Secondhand smoke.

MR. McCARTHY:

-- more people are going to die of Melanoma next year from going to the beach.

LEG. FIELDS:

But they're choosing to go to the beach, they're not choosing to sit next to someone in a closed room and get the secondhand --

MR. McCARTHY:

We're talking about lives here, aren't we?

LEG. FIELDS:

Excuse me? Yes.

MR. McCARTHY:

Whether in a closed room or an open beach, a life is a life.

LEG. FIELDS:

This is secondhand smoke, they don't have a choice, okay.

MR. McCARTHY:

And I did address that question.

LEG. FIELDS:

The second question that I have is are you aware of a group called the Suffolk County Medical Society; did you ever hear of them?

MR. McCARTHY:
I haven't heard of them.

LEG. FIELDS:
Well, they have been around at least 30, 40, 50 years I think and it's a group of doctors that get together and, same as your groups that get together, tavern/bar owners and so forth, and they wrote a letter and I just wondered if you were aware of this; "As physicians, we have seen firsthand the detrimental health effects of tobacco in our patients and feel strongly that our patients, your constituents, should not have to suffer the long-range effects of secondhand smoke." You've mentioned --

MR. McCARTHY:
I'm not here defending the smoking.

LEG. FIELDS:
No, you did mention that you wanted to hear --

MR. McCARTHY:
I'm defending the right to run my business the way I would like.

LEG. FIELDS:
You asked if any doctors had any facts to give and I wanted to --

MR. McCARTHY:
I know all the facts.

LEG. FIELDS:
Oh, well, then I guess you didn't want to know.

MR. McCARTHY:
I do know the facts, I took it right off the computer.

LEG. FIELDS:
Thank you.

D.P.O. POSTAL:
Could we not engage in a debate? Legislator Caracappa and then Legislator Binder. Did you -- I'm sorry. Joe, if you don't mind, Angie, Legislator Carpenter, then Legislator Caracappa and then Legislator Binder.

LEG. CARPENTER:
Mr. McCarthy, I just wanted to get a clarification. When you referred to Helena, Montana passing a ban and the sales were down 70%; the sales of what, the restaurant sales or --

MR. McCARTHY:
No, the sales of the lottery. The lottery sales went down 70%.

LEG. CARPENTER:
Oh, okay. Thank you.

MR. McCARTHY:
Which in effect affects what is given to the school districts.

LEG. CARPENTER:
Uh-huh.

D.P.O. POSTAL:
Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Madam Chair. Jack, thanks for sticking around all day. It was just stated to you if you knew the intent of the bill with relation to worker safety and the protection of workers in the establishments where smoking is going on. I'm not sure myself but, I don't know, maybe you know how many workers came up today to testify in favor of this bill.

MR. McCARTHY:

None of the workers came to testify in favor of the bill, they're all against it.

LEG. CARACAPPA:
But it's designed for them, I figured there would be a line out the door if that was the case, wouldn't you?

MR. McCARTHY:
If that was the case there would be hundreds of people here and there are none. I haven't heard a complaint. I came around to a lot of you Legislators right to your office and I asked yous point blank, do you have any complaints in your district, and my answer was no.

LEG. CARACAPPA:
Jack, do you think this bill, that it's being designed or -- I don't want to say excuse or the intent of some Legislators who say it's for worker's safety is just a guise just basically to target your industry once again?

MR. McCARTHY:
Yes, I do.

LEG. CARACAPPA:
Yes, I do.

MR. McCARTHY:
I feel we're unfairly targeted.

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
I just want to get back to the free choice question. Apparently it's free choice at the beach but it's not free choice when they're in your restaurant. Have you ever forced anybody to come to your restaurant and breathe in the smoke or do you kind of let them stay outside if they want to, or not come in at all?

MR. McCARTHY:

I don't encourage people to go into the parking lot because what goes on in the parking lot I can't control.

LEG. BINDER:
What I'm saying is do you force anybody to be in your restaurant or do you know of any restaurant owner that forces someone to be in their restaurant if they happen to have a smoking section, forces them to breath in the smoke?

MR. McCARTHY:
No.

LEG. BINDER:
So I would guess that you would agree that the people have free choice who are sitting in one of the thousands of restaurants in Suffolk County that they can choose between; isn't that true?

MR. McCARTHY:
Yes.

LEG. BINDER:
So the free choice there would equal the free choice of going to the beach and maybe risking getting cancer from the sun.

MR. McCARTHY:
Definitely.

LEG. BINDER:
Okay, thank you.

D.P.O. POSTAL:
I just have one question. In those restaurants which chose to construct a smoking room when the previous bill was passed, how -- do the restaurant managers or owners select which waiters and waitresses would work in those rooms based on whether a waiter or a waitress says, "Yes, I will," and what happens if a waiter or a waitress says, "No, I don't want to work in the smoking room"?

MR. McCARTHY:

I know of no owner that would make anybody work in the smoking room that didn't -- that had an objection to working there, they would surely give another shift somewhere else.

D.P.O. POSTAL:

Is that a question that a waiter or a waitress is asked when they're hired and given whatever their assignment is for whatever their tables are?

MR. McCARTHY:

They're free to ask that question, they're free to --

D.P.O. POSTAL:

No, no, I wanted to know if the restaurant owner or manager asks the employee whether they have any objection to working in the smoking room, for example.

MR. McCARTHY:

I'm sorry, I really can't be definite about that, I don't own a restaurant, I own a pub. But anybody that would complain to me about it, I would take care of it for them.

D.P.O. POSTAL:

Okay, thank you. Next speaker is Ann Hoffman. Is Ann Hoffman here? Next speaker, Helena Beehan. Helena? This is a little hard to read,

is it George {Pfosufos}? I guess he's not here. Dr. Thomas -- I'm sorry, I mispronounced it, it's Rosales.

MR. ROSALES:

The other doctor wasn't a volunteer like the other gentleman, we were all here unfortunately the doctor couldn't be here. I would like to submit his testimony for the record.

D.P.O. POSTAL:

Thank you.

MR. ROSALES:

Before I begin, my name is George Rosales, good evening, from the American Heart Association.

It started off good morning, it started off as good afternoon, now it's good evening and in a few minutes it's probably going to be good morning again.

Just to answer a few points. Mr. Stoner brought up the point of the health effects on young women; I think he brought up that point just to cite how large and the various health effects that tobacco smoke has on the human body. So I think that was -- I think what he said was well within the range of our conversation. Tobacco effects people in many, many ways and I think his point was just to illustrate that a little further.

And also to Legislator Caracappa, there were some people who did -- waiters and bartenders who did come to testify but, as you know, they do work long shifts and they were unable to wait. You know, I'm here, I'm a paid staffer so I'm here, I'm here to try and represent our volunteers within the Heart Association. So there were people here from the restaurant industry who were willing to testify, but unfortunately it is a late hour and I'm sure they are working now.

LEG. CARACAPPA:
They all have Legislator's phone numbers and I have not received one phone call, e-mail, correspondence at all.

D.P.O. POSTAL:
Joe, let him continue his testimony and then if you have a question -- please go ahead.

MR. ROSALES:
Sure. I'll just begin to read my testimony. As one of the leading voluntary and entirely volunteer-funded organizations fighting to protect the cardiovascular health of all citizens, the American Heart Association as an organization would be embarrassingly negligent if we did not support proposition 2020. The informed public understands the detrimental health effects of tobacco smoke that it inflicts on people. The informed public knows that tobacco use causes heart attacks and stroke. The informed public knows that tobacco smoke is a class A carcinogen and the informed public knows that tobacco use kills. This proposal will have an enormous positive impact on our health and will go a long way to helping the American Heart Association achieve our mission.

Smoking is not a normal activity. Unfortunately millions of people have fallen victim to the well-

funded media campaign by the tobacco industry to perpetuate this myth. Tobacco companies successfully pedal and market their products to our youth, hook them young and keep them that way; not only is that wrong, it is immoral. How many people do you know who smoke started as an adult?

The effort to protect all people from the grips of addictions to tobacco and to limit the exposure of secondhand smoke is not only noble, it is sound public health policy, and the word is spreading. California, Delaware, countless counties in Texas and Nassau just yesterday have led the way. Now Suffolk, New York City, Boston, Westchester, New Jersey, have all decided to propose similar legislation; can all these municipalities be wrong? Across the United States more than 70 counties have enacted smoke-free ordinances and of that, not one have overturned their policies. Why? Because clean indoor air -- clearing the air of toxic cardiovascular disease, inducing class A carcinogenic air makes sense and is good for business.

So in closing, I know this is late, obviously you know my position. I am a paid staffer and I'm representing the more than 22.5 million volunteers across the country. Maybe as Legislators you haven't heard directly from your constituency, but internally I handle legislative affairs for the Heart Association. Our volunteers have come to me and said, "George, include this in your legislative agenda. Go out there and spread the word." So I'm here to ask you to please support proposal 2020.

D.P.O. POSTAL:
Thank you very much. Legislator -- did you have a question, Legislator Caracappa?

LEG. CARACAPPA:
No.

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Yeah --

D.P.O. LEG. POSTAL:
Oh, I'm sorry. Legislator Bishop. This is a problem that we have with Legislator Bishop.

Legislator Bishop and then Legislator Binder.

LEG. BISHOP:
There's a mental block. Actually, I wanted to ask Legislator Foley if he could tell me now if he intends to close this today or are we recessing it?

LEG. FOLEY:
Given the fact that the next General Meeting is November 19th, I would to close it tonight so then we can then move on the resolution one way or the other on the 19th. And between now and then, the committee week -- the committee meeting is the week prior, so we're going to have plenty of time between now and committee week to meet with various representatives and to speak to the Legislators about the proposal. So the intention is to close the hearing tonight.

LEG. BISHOP:
Very good. But however, I know there will be many speakers for the three minute public portion on the 19th who will want to speak on this issue. I would ask that if advocates for this proposal could try to help me understand what has changed since we did the law the last time. I'm hearing -- I'm getting fidgety because I'm hearing a lot of the same -- you know, the very lines that I heard five years ago added -- and we went -- how long did we do that for? It seemed like forever.

LEG. CARPENTER:
Forever.

D.P.O. POSTAL:
Well, we did it for a long time. Is that your question, that you're asking advocates to present reasons --

LEG. BISHOP:
I'd like to have -- instead of rehashing what we did five years ago --

D.P.O. POSTAL:
Supporting the necessity for this.

LEG. BISHOP:

-- and the same -- you know, I know the tobacco companies are bid and I know hooking kids is bad, we've heard it all. Can we move now to what has changed from then to now? It's my bed time, I'm not even coherent, but that's what I want.

D.P.O. POSTAL:
But we get the point. Thank you.

LEG. BISHOP:
Thank you.

D.P.O. POSTAL:
Legislator Binder.

LEG. FOLEY:
It can be provided tonight to a degree, but we can also get it to you during the next -- the following weeks.

D.P.O. POSTAL:
Yeah. You know, let's just continue with our speakers and questions to the speakers. Legislator Binder?

LEG. BINDER:
Do you have or not only lung cancer, any of you guys have a nice size petition with waiters and waitresses and bartenders and such? Because it seems to me that this is really what this whole thing is about now because since we have an area where people have no smoke in the restaurant, they're able to in all of our restaurants have an area where they don't have to have any smoke, that's their choice. Then this whole thing we're doing and all the time we're spending is because of waiters and waitresses who may or may not be choosing to be in the situation they're in, it would seem they have a choice. They can choose not to and if they're forced to be in that kind of a restaurant where they won't be forced into it, bartenders who maybe like the tips they're making because they think it's good and maybe they smoke, whatever. But it would seem if we're doing it for the waiters and waitresses of Suffolk County, and that's what we're here for it seems, do we have a nice size petition? Usually the people we're doing something for, other than everybody here for them -- and that was I think Legislator Caracappa's point -- do we have a nice big petition somewhere, a couple of thousand names?

Because we have thousands of restaurants, we have thousands of waiters and bartenders and waitresses; do we have?

MR. ROSALES:
Mr. Binder, if that would assist --

LEG. BINDER:
Sure.

MR. ROSALES:
I think that we can certainly provide you with that, without a doubt.

LEG. BINDER:
You know, I'd like to see a substantial percentage of the waiters and waitresses sign a petition in Suffolk County saying that they want to see this legislation; I'd be very interested to see that.

MR. ROSALES:
I would like to say one more thing. A lot of the wait staff are -- can be illegal immigrants. They are apprehensive -- hold on. They are apprehensive to the legislative process. They are apprehensive to enter this chamber; right or wrong. It's easy to overlook the waiter over your shoulder, you know. And I'm not trying to be combative, but it is a fact, it is a fact.

LEG. FOLEY:
It's a good point.

D.P.O. POSTAL:
Let's see, Legislator Fisher.

LEG. BINDER:
They choose to be in this country illegally.

D.P.O. POSTAL:
Allan. Allan, no discussion.

LEG. BINDER:

He's answering me, he's answering my question.

D.P.O. POSTAL:

I know but, you know, this is not a dialogue. So let's go to Legislator Fisher.

LEG. FISHER:

Hello. You had submitted for Dr. Biancinello a statement.

MR. ROSALES:

Uh-huh.

LEG. FISHER:

And Dr. Biancinello happened to have been my son's cardiologist, he's a fine pediatric cardiologist. Are you aware -- I'm going to read a paragraph and just ask you if you are familiar with it because I think it's an answer to Legislator Bishop's question, where he says, "Additionally both the U.S. Surgeon General and the National Institute of Occupational Safety and Health have both found in recent years that the simple separation of smokers and non-smokers in the workplace or in public places does not provide adequate protection for non-smokers." I think that's a difference now and nine years ago. There is more empirical evidence now then there was then that you can't screen out the carcinogens; is this your understanding as well, that it might be different now from what it had been at that time?

MR. ROSALES:

Yeah. Again, I don't want to answer for Dr. Biancinello but --

LEG. FISHER:

Well, I'm reading a quote from him.

MR. ROSALES:

If it's in his statement, I guess he would say yes to you.

LEG. FISHER:

Okay. Well, what is your opinion on that? Have there been -- is there more scientific data now that filtering the air doesn't protect the non-smoker from secondhand smoke that --

MR. ROSALES:

In the documents I've read, yes, I believe that there is no -- there is no -- filtering of the air or the ventilation systems do not work and I can certainly look in my --

LEG. FISHER:

Well, what he says here is the -- "Let me use an analogy, the air we breathe in a restaurant can best be compared to water in a swimming pool; just as there is no way to have chlorinated and non-chlorinated sections of a pool. We all end up having to inhale deadly secondhand smoke while dining in or working in a restaurant."

MR. ROSALES:

Okay.

LEG. FISHER:

Okay. So what I'm saying here is that the statement here is that you can't filter it out. And I don't believe that that case had been as strongly made nine or ten years ago as it is currently.

D.P.O. POSTAL:

Question?

LEG. FISHER:

I think that there's more evidence. I was just asking if he was aware of that evidence.

MR. ROSALES:

Okay.

D.P.O. POSTAL:

I think he says he's not; you know, he doesn't have information.

MR. ROSALES:

No, not on me, that's something I could provide you with. Thank you.

LEG. FOLEY:

Madam Chair, if I may.

LEG. POSTAL:

Yes, you're on the list, you're both on the list. Legislator Foley?

LEG. FOLEY:
Thank you, Madam Chair. Mr. Rosales, thank you for your commentary. We have to ask a question so I'd like to put this in the guise of a question.

MR. ROSALES:
Sure.

LEG. FOLEY:
Earlier -- there's been a lot of discussion about part of the intent of the legislation is to protect workers, but if you turn to page two of Dr. Biancinello's statement, would you not agree with his statement that, "In addition to workers, that the intent of the legislation is to protect all County residents from the toxic fumes of secondhand smoke"; would you not agree with that?

MR. ROSALES:
Yes, which is why Nassau did it, which is why we're proposing it today, which is why hopefully New York City --

LEG. FOLEY:
And that a subset of County residents are workers, obviously, are workers in that industry.

MR. ROSALES:
Correct.

LEG. FOLEY:
But that's not the sole intent of the legislation, that's a subsidiary intent because the overall intent is to protect all County residents, wherever they may work or wherever they may patronize a particular restaurant/bar/tavern or if they work in an office. So that's not the only intention --

D.P.O. POSTAL:
There is a question.

LEG. FOLEY:

So you are aware of the fact that there's an intent larger than simply waiters and waitress and bartenders, but that the overall intent is the public health intent of protecting the public's health as it relates to those various industries; you're aware of that overall intent?

MR. ROSALES:
Yes and I would agree.

LEG. FOLEY:
Okay. Thank you.

D.P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
The volunteers that you talked about today that came in, in what way are they volunteers?

MR. ROSALES:
Well, through a variety of ways. Whether they're concerned with cardiovascular diseases or they've been directly impacted as a survivor or as someone's afflicted.

LEG. FIELDS:
Did you have any that were waiters, waitresses, barmaids, bartenders, bus boys?

MR. ROSALES:
Well, we had -- I believe the coalition was able to produce a bartender, we did have -- I believe we had a young lady who was a waitress.

LEG. FISHER:
A singer.

MR. ROSALES:
A singer, thank you. But this was a long process and, again, I am a staffer, I'm paid to be here.

LEG. FIELDS:

Well, I'm only asking because I had a barmaid tell me that she would love to come and testify, but that if she testified she knew she would be fired from that bar. And if Legislator Binder or any other Legislator here would want to take testimony unsigned from these people, but I know they won't, so.

D.P.O. POSTAL:
I had just -- I have a question. I don't know how far back your background goes, but with regard to this issue of employees or impacted people complaining to elected officials and motivating legislation such as this legislation, in your experience, when there were -- has been legislation to limit or prohibit smoking in a variety of places such as office buildings, day-care centers, schools, has that legislation been the result of complaints which came from workers, from children in daycare or children in schools, or was there another motivation?

MR. ROSALES:
Well, annually, at least within the Heart Association, we construct a legislative agenda. And like I said in my testimony, we are completely volunteer driven, so whatever we put in our legislative agenda comes from our volunteers. So we address the issues of acute care, physical activity, obesity and of course tobacco control. So yes, it would be as a result from our volunteers.

LEG. POSTAL:
But it would -- for example, the legislation that would prohibit smoking in day-care centers, if I understood what you just said, it would come from a concern for protecting the people who were exposed to smoke within that setting rather than the people who were impacted like the children, for example; am I correct?

MR. ROSALES:
Well, tobacco control comprises, as you know, comprises many facets, you know, you have legislation, taxation, media advocacy, it comprises a lot of enforcement, education. So to try and answer your question, when we talk to our volunteers about what we need to have on our legislative agenda it's always tobacco control. But generally we have fantastic champions of legislation who usually lead the way.

But getting back to -- again, try and answer your question, tobacco control is generally included because it's such a risk factor cardiovascularly.

D.P.O. POSTAL:

That's my question. That the volunteers who make these recommendations often prompting legislation are motivated by medical and scientific evidence about the impact of tobacco smoke rather than direct complaints from people who are working in office buildings or children in schools. So it's based on scientific evidence about the negative health consequences of exposure to smoke.

MR. ROSALES:

Yes, this is coming from medical professionals and those who are afflicted.

D.P.O. POSTAL:

Thank you.

LEG. FOLEY:

Question.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Thank you. How many volunteers do you have from Suffolk County would you say as part of the association; is there a number?

MR. ROSALES:

Several hundred, and that's just a guess; I'm being very honest.

LEG. FOLEY:

Right. Now, as far as your board of directors, a number of whom obviously live in Suffolk County.

MR. ROSALES:

Yeah. We have -- our board consists of members who work and reside in Suffolk and Nassau County.

LEG. FOLEY:

Okay. Now, a number of those board members, and I saw some earlier, are highly successful businessmen and business women as well as other professionals; is that not correct?

MR. ROSALES:

Yes, that's true. They cover a variety of backgrounds, not only the medical profession but they are accountants or just, you know, concerned individuals.

LEG. FOLEY:

And these business folks are also in accord with this resolution.

MR. ROSALES:

Yes, wholeheartedly.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Thank you very much. Our next speaker is finally Jocelyn Zadrozny who's been very patient.

{RETURN OF STENOGRAPHER - LUCIA BRAATEN}

{TRANSCRIBED BY DONNA CATALANO - COURT STENOGRAPHER}

MS. ZADROZNY:

Okay. Hi. My name is Jocelyn Zadrozny, and I'm a waitress, and I'm a student at St. Joseph's College, and I represent myself. All right. If drinking and driving is illegal to prevent injury or death, then shouldn't smoking in public places be banned? Both hurt the individuals and others. Both kill innocent people. There is no possible reason to try and justify that, not even money, the economy, tourism, nothing. And if these are reasons, then what is wrong with our committing to put them before one's health? Sorry, I'm a little nervous. I'm a student who works in a restaurant which happens to have smoking. Yes, I have a choice to work there, but at the same time, I don't. I am paying for my own college education, and is it fair to me that my health should be endangered? I went to many local nonsmoking, and none of them were hiring. I had no choice but to take this job as my only option. I need to make money to pay

back these student loans, and yet I am in the predicament where my health is ultimately in jeopardy.

I understand that bar and restaurant owners may be irate. Possibly they could lose money through the ventilation systems or just losing customers. Regardless of cost of health care and death, it would exceed the amount of money by far. If any restaurant or bar has good food or atmosphere, reputation, etcetera, then why wouldn't people stop from coming back? In conclusion I just leave you with this. Why not help the situation before it becomes worse? Take control, see positive results, which every single one of us deserves; smokers, nonsmokers, kids, employees who are putting themselves through college. And I have one quick thing that -- I'm really nervous --

D.P.O. POSTAL:
You're doing fine.

LEG. FOLEY:
You're doing fine.

MS. ZADROZNY:
I came here, like, all by myself. I heard -- i heard what's going on, and I stood around a lot and what am I going to go but eavesdrop, I had no one to talk to. I heard a lot of stuff. And I just think I'm appalled where, like, the reasons, like, one guy says -- well, this is all stuff that was brought in here, but one guy was bringing up the point, you know, would you rather wait 15 minutes for water if you go out dining or -- I'd rather wait 15 minutes or have 15 minutes added to my life than have to sit there and wait for 15 minutes for water. I don't see that as a big deal. Also, everyone is bringing all these different things that are not the focus of why we are all here today, like numbers. When the Legislator that brought up numbers concluded by saying, what are real numbers? So it's not numbers, it's names, it's deaths, it's why we're here and why it has to be stopped.

D.P.O. POSTAL:
Thank you. Jocelyn, I have a question -- a couple questions for you and then Legislator Foley has a question, and you did fine. When you started working in the restaurant in which you're working, you work in the smoking room?

MS. ZADROZNY:

It's smoking room and there's nonsmoking room, but you go back and forth because the bar is in there where you have to get the drinks.

D.P.O. POSTAL:

Were you ever asked whether you had a preference about working in the smoking room or nonsmoking area? You were never given that choice.

MS. ZADROZNY:

No.

D.P.O. POSTAL:

You know -- is it a separately enclosed smoking room?

MS. ZADROZNY:

It's enclosed, but there's an open door on one side, there's a sliding door, but still smoke goes in.

D.P.O. POSTAL:

I'm really curious whether in the restaurant in which you work, you've experienced what I've seen in going into restaurants and diners which have separate smoking rooms. I've seen that generally the smoking rooms are virtually empty. And the nonsmoking area is very crowded, as a matter of fact, there are often people waiting who will wait on line rather than take a seat in the smoking area even if there are empty tables. Do you find that where you work the same is true, that there is space available in the smoking area, and that, in fact, the nonsmoking area is more crowded and more people want to sit in the nonsmoking area than in the smoking area?

MS. ZADROZNY:

Definitely. There's a lot more people sitting in the nonsmoking area. There might be two tables in the smoking area, but generally, it's the nonsmoking that people go for first.

D.P.O. POSTAL:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. And that's certainly an excellent question that gets to the heart of the -- at least the economic part of the issue. But let me ask the young lady this question. Are there other waiters and waitresses that you know who feel the same way you do about your reluctance to work in that environment, but you find that that's where you have to work because you have bills, you have your tuition you have to pay and other school costs?

MS. ZADROZNY:
Well, not necessarily people I work with. I really haven't gotten into deep conversation about it. I just know from myself and friends that are waitresses in other places. I guarantee I could get a petition and give it to the Legislature.

LEG. FOLEY:
That would be very helpful. And I'm glad you're at St. Joseph's. What's your major at St. Joseph's?

MS. ZADROZNY:
Political science.

LEG. FOLEY:
Very good. Okay. You could do this as a term paper. You did very good. Thank you

D.P.O. POSTAL:
Thank you. The next speaker is Keri Shore Hanes. Is Keri Shore Hanes here?

AUDIENCE MEMBER:
She left. She had to leave.

D.P.O. POSTAL:
Well, actually, she's a parents, so I assume she has young children she has to be home with at this time. John R. Ryerson.

MR. RYERSON:
Thank you, Legislators. John Ryerson, Chairman, Board of Directors, Suffolk County Restaurant and Tavern Association. I also own McGuires Restaurant and Comedy Club. First of all, I'd like to address some of the economic situations and specifically something that Brian had brought up

to me, which I never got to answer, Brian,when we were at the interview and also which was brought up by Will Stoner a little earlier, somewhat flippantly I thought, but I'll ignore that.

I did spend $250,000 to do a renovation. I did not say that I was required to spend $250,000. When I checked what it was going to cost to do the renovation, I knew it was 50,000. We had a compact with the County, we had a compact with the Legislature and the County People through the Legislature that it was worth it in my interest to go ahead and make that investment and add the $200,000 on so that I could have patrons who did not want to be subjected to smoke and also patrons who wanted to smoke. They were in separate areas. And I made that investment three years ago. I had a $30,000 mortgage with three years left to pay. Right now, I have a $225,000 worth of mortgages, three of them, which are going to be expiring in thirteen years.

As far as economic hardship is concerned, I have a daughter that lives upstairs with her son, and I also take care of a two year old and a four year old because their parents aren't doing a real good job. So for me, this is a hardship if you take away the smokers that are aloud to come in my restaurant. I know it has been made a point that I had a real choice, that I did not have to go and do this work, I could have gone smoke free, but that's not really a choice that I had. I have 50% of my clientele who smokes. So my choice was not to not do the work and lose 50% of my clientele, because then I'm out of business. So I really didn't have a choice. That was the compact, and that's the way I wanted to do it. Let me just go through a couple of other things here. As far as write-offs are concerned, I'm sorry Paul isn't here, because he seemed to have some understanding of --

D.P.O. POSTAL:
He can hear you.

MR. RYERSON:
He can hear me? Okay. Paul, as far as write-offs are concerned and depreciation, for argument sake, if I spent $100,000 and I can depreciate it over five years and I'm an "S" corporation, and I'm a 20% tax bracket, what I'm depreciating is $20,000 a year, which means I don't pay the tax on the $20,000. So at the end of five years, I've recovered $20,000 of my $100,000 investment, not $100,000. It's very important that that distinction be made, because I understand that there was a CPA at the Nassau meeting yesterday who said the entire thing

could be written off and you could recoup all your money. I certainly hope he's working for the County of Nassau and not the County of Suffolk.

I do have a couple of other things that I'd like to say just to clarify some points. When the health Commissioner earlier mentioned that the CDC had a study, the CDC study, and she said this, you could check the records, did not say $65,000 people die a year from secondhand smoke. The CDC study said that cleaner environment is better than a smokier environment. At the same time, she referred to the 65,000 figure, which was given to them by the advocacy groups that are behind me right now. Now, we have an agenda, and our agenda is economic, and we feel that we're being put upon by this kind of legislation. They have an agenda, and it's only right to expect that the lung Association, the Heart Association, the Cancer Society are going to provide all of you with figures that move their other agenda forward. It's also pretty fair to expect that they're not going to give you all the statistics. And some of those statistics do show that bars and restaurants in California, although they had an 8% overall increase, bars and taverns taken aside had a significant decrease. And 81% of them had some decrease, 65% of them had a 20% decrease or more. These figures are provided to me by the research arm of my organization. And hopefully some of that is in what Bill Leudemann left you a little bit earlier. Again, the gentleman from California, I just want to clarify some of these anecdotal things that are made, because I used to live in California. I have a son and granddaughter in California, I have a stepson and another granddaughter
in California, and one of my best friends lives there. When you talk about Lake Tahoe and the fact that people go out of their bars there to smoke, and if they really wanted to, all they have to do is walk across the state line and smoke in an establishment in Nevada. That's really not the case, because people that live in the California side of Lake Tahoe do not go into the bars on the Nevada side because their against gambling. As a matter of fact, I'll tell you what they Reno and Las Vegas. They call it Draino and lost wages. These are Californians.

D.P.O. POSTAL:

Mr. Ryerson, your time is up. Can you sum up?

MR. RYERSON:

Yes, I really can do that, yes. I really have said everything that I have to say. As far as the economic considerations are concerned, I did make this investment. It is going to cost me considerably because I'm going to lose a certain percentage of my smoking customers. I am providing both for my smoking customers and my nonsmoking customers. And I think it should

be recognized that the cost of any kind of legislation should be taken into account. There's no paucity of jobs in nonsmoking restaurants, and there's no paucity of jobs in nonsmoking bars despite what the young lady just said. Thank you very much. Again, John Ryerson.

D.P.O. POSTAL:
There's a question from Legislator Fields, Mr. Ryerson.

LEG. FIELDS:
Hi. How did you change the -- your place so that it was an area for smokers? And what does it look like that differentiates?

MR. RYERSON:
First -- the first thing that I had to do was redesign it, because it wasn't -- it didn't lend itself to an easy construction. But once we did finally decide on the final design, it's french doors and french windows, which again cost me more than the $50,000, but it does solve the problem. Then we had to recarpet on the one side, tile on the other, and I had to put in separate air conditioning and heating units in the bar area and a number of ceiling mounted smoke eaters, smoke filtration systems.

LEG. FIELDS:
This is in a comedy club?

MR. RYERSON:
Yes. See we are not only a comedy club, we are also a bar and restaurant.

LEG. FIELDS:
Is the comedy club smoke free?

MR. RYERSON:
Yes, it is. They have to go outside of that room to smoke.

LEG. FIELDS:
So if they want to see the comedy show and they're, they have to leave.

MR. RYERSON:

They get up in between acts.

LEG. FIELDS:

But they still come back to watch the comedy show.

MR. RYERSON:

Yes. But that doesn't affect -- I also have a clientele who's not there for comedy and has never been there for comedy. I'm at my location for 25 years also.

LEG. FIELDS:

So do you think though, because a few people have mentioned this to me and I just want to here your opinion, do you think that on the bar side, the smoking side, that there are patrons that might want to come and socialize with their friends, but don't like the smoke at all and so it stops them from going there because they either are allergic to it or it just bothers them so much?

MR. RYERSON:

No, I don't. People will come for the comedy, watch the comedy, and those patrons that are with them and do smoke get up and go into the other room. There's something else I'd like to point out about that. When you bring up the ten cigarettes a day, or actually I've seen estimates four to ten cigarettes a day on an eight hour shift. Everybody seems to forget that your talking about a smoke filled room, and that's not we have. We have smoke filled rooms which are exiting the smoke out through ventilation systems. So they're not filled with smoke. The ventilation systems are removing the smoke. So maybe you're not talking about four cigarettes or ten cigarettes, maybe you're talking about a half a cigarette or a quarter of a cigarette.

LEG. FIELDS:

But they're not removing the carcinogens.

MR. RYERSON:

Well, how can they not be removing the carcinogens if they're removing the smoke? We also have precipitators, which ionize the carbon monoxide in the air and drop them onto the carpet. Those are state-of-the-art equipment.

LEG. FIELDS:
I know. And they're sold by salesmen. There are science -- there's good science that proves you can't take that out.

MR. RYERSON:
Ginny, my only question -- my only answer to that would be is if the smoke is coming out and it's leaving behind the carcinogen? I don't think that's the case. I think it's taking out a relatively large amount of the smoke and the carcinogens and it's leaving some, of course.

LEG. FIELDS:
That's for science and technology people to figure out. Thank you.

D.P.O. POSTAL:
Thank you. The next card is a card filled out by Susan Wilk, and apparently it's for testifying -- is she here, Susan Wilk here? She's not, because I think she was confused about this public hearing. John E. Nicolini, Jr.

MR. NICOLINI:
Good evening, Ladies and Gentlemen.

D.P.O. POSTAL:
Please speak into the mike, we can't hear you.

MR. NICOLINI:
Good evening, Ladies and Gentlemen. My name is John E. Nicolini, Jr. I'm from Brentwood, New York. And I have talked to many seniors and veterans and newspaper and mailing deliverers union employees, which I happen to be a retired official of. I'm a retired citizen, a veteran, and I'm in excellent health. I don't smoke, but I did for 44 years, three packs a day. I stopped ten years ago, and I was not addicted to nicotine. I made up my mind, and I stopped, and I did it.

Now, according to your junk science and junk holocaust reports, I should have been dead ten years ago from lung cancer and emphysema. You are looking at living proof of the other side of the issue. Bartenders, waitresses, waiters, and a lot of them smoke, have a choice to work in

whatever atmosphere they wish to. There should be a choice of bar and restaurant owners if they want their establishments to be smoking or nonsmoking. I'm sure you're thinking of stopping -- personal thinking of stopping everybody anywhere from smoking is your personal thinking. My personal thinking is that I went to war and fought every foreign regime that tried to take mine and your freedoms and choices away.

Why would you think I would let you, my current elected representatives take my choice and freedoms away when all our veterans fought gallantly to preserve all our freedoms and our choices? What makes you feel that you must be my protector in this debate by taking my liberties and freedoms away from all of us? You are going overboard or overkill on this matter. And if you don't come to your senses, that we the citizens that have to -- will have to vote you out of office and make you realize how wrong-headed your actions are and what other consequences they will have.

The Suffolk citizens, seniors and veterans, say to you, do not ban smoking in bars and restaurants as that is an infringement on the citizens' rights and choices. Can you tell me that the County Executive Gaffney, who was looking for additional revenues to makeup for a sour economy going to come from? I'll tell you where. As you then will have to come to the citizen for a 20 to 30% increase in their already heavy tax burden to balance Suffolk County's books for the next few years to come. Better stop and think long and hard on what you are tempting to do in the name of an alleged health holocaust cost, and that's a healthy senior citizen and veteran's feelings are. Those are my feelings. In closing, the last remark I will make is that -- was where is this all going to end? Next, drinking alcohol, eating red meat and eggs. Please don't protect me, as we are quite capable of protecting and thinking for ourselves by not legislating our rights away and trampling on the Suffolk citizens. Thank you.

Applause

D.P.O. POSTAL:
Thank you, Mr. Nicolini. Next speaker is Josephine -- Dr. Josephine Connelly {Shure}? I don't know if I'm pronouncing the last name right. Frank Barnes.

MR. BARNES:
Good evening. My name is Frank Barnes. I'd like to talk a little bit about the workplace outside of the bar and restaurant, if I may. But I'd like to preface my comments with one or two thing

that have been bothering me for the past day or so. I'm concerned that we have some serious and probably some very honest misunderstandings. Figures are being thrown around that don't really make really any sense no matter which way you look at them. Definitions are being used by people who I think may simply have heard them so many times that they think they're right. Legislator Fields, I've heard you say a couple of times this evening that secondhand smoke was a Class A carcinogen, I've heard other people say that. I'm really not sure where you get that from. I'm not sure that that's accurate. It may be, but I've also heard so much to the contrary that I'm just not sure.

And I've also heard people say that there's no way that air filtration can eliminate the contaminants in environmental tobacco smoke. Well, about six years ago, I decided to design a system that would eliminate secondhand smoke. I worked with scientists, worked with filtration companies, I worked with air flow experts all around the country and Canada and some in Europe. And I came to the conclusion that if you really wanted to eliminate all of the contaminants that mattered that you probably had to design something that was to be used by one person smoking one cigarette, otherwise no matter how good the system is and there are some systems out there that are excellent, the people will be exposed to a certain amount of secondhand smoke before the smoke gets filtered.

So we built units, three of them, that were nothing more than prototypes made by hand, and we found out that the people at the Richmond Airport, in Richmond, Virginia were having a problem in looking for a way to solve the problems related to environmental tobacco smoke and secondhand smoke. I went to the Richmond Airport, and I made a presentation, I told them what I had. And after looking at a number of other systems, they concluded they were going to test mine. And they put three of my units in the airport, one at each of their gates. After be six months, they voluntarily gave a statement to me, this is David {Blacksheer}, the Executive Director of the airport who said quote, we are very pleased with the systems initial results. For some time we've been looking for a first class way to service both smoking and nonsmoking passengers. We were surprised that such a simple system could be so effective in solving such a complex problem. He went onto say, not only are we pleased, but there hasn't been a single smoking related complaint since the three systems were installed last November. That was after six months of use.

We opted to leave the systems in there for an additional two-and-a-half years. After which we were -- by the way, we got the same comments. We were then approached by Philip Morris who

said to us, obviously you've a system that works, we'd like to do some testing and establish some protocols for determining what filtration can do and can't do. Can we use your system as part of the test? And I agreed to let them do that. They paid me nothing, I asked for nothing, but I wanted to find out what the scientists were going to say. After about two years of protocol writing, preliminary testing and finally testing, I received word verbally about four or five months ago from the University that was selected by the filter company to do this, that in fact, when the system was used as designed, and one person smoked one cigarette, between the combination of dilution and filtration, there was not even trace evidence of secondhand smoke. In fact, in order to satisfy the contractual agreement they have with the filter company, they had to dramatically alter the testing protocol to get any numbers whatsoever. I'm sure you can imagine that after all those years, and after all that money, time and effort, I was pretty elated. Not only did we have the real world test at the airport, but we now had scientific data from prominent people who had no ax to grind, who I didn't know, saying to me, this thing really works and works well.

Living in Suffolk County, I contacted the Board of Health and I spoke with Dr. Bradley. I explained to Dr. Bradley what we had and how excited we were. I'll have to paraphrase because it's been a while, and I don't want to misquote her, but what I was told was that in no uncertain terms, Mr. Barnes, we're sure you put a lot of time and money and effort into it, and we don't doubt for a second that your system is that good, but we have no interest in learning anything about a system that helps people smoke. So I guess I'm a little concerned when I stand here before you people and say, we actually can eliminate secondhand smoke in certain work environments and that the County Health Department is saying, we have no interest in learning about it.

D.P.O. POSTAL:

Thank you, Mr. Barnes. Legislator Fields has a question.

LEG. FIELDS:

Am I allowed to answer his question?

D.P.O. POSTAL:

Yeah, go ahead.

LEG. FIELDS:

You asked me a question before about carcinogens from the CDC --

LEG. CRECCA:

This isn't a debate.

LEG. FIELDS:

He asked me a question. I'm not debating, I'm answering his question. It says health consequences of exposure. The detrimental health effects of exposure to ETS are well established, National Research Council, 1986. It goes on and on. The most comprehensive review of respiratory effects of ETS to date is the 1982 report of the EPA, which states that ETS is a human lung carcinogen. And it goes on, and it goes through the years, then it says considerable information appeared after the EPA's 1992 report that supported its general conclusions. It goes through quite a few other names. I can give you copies of these if you wish. And it says the ninth EPA report on carcinogens was released in the Year 2000 and lists ETS as a known carcinogen for the first time.

MR. BARNES:

Okay. I think the reason I take issue, Legislator Fields, is the 1992 report, I believe to be accurate, and again, I'm not an expert on this. I'm just making statements that have been made to me. I know for a fact that they were challenged in court. I also known that after five years of testimony from experts on both sides, the federal courts have struck down that definition and refused to allow the EPA to call the secondhand smoke a Class A carcinogen. Now, if something has happened since then, I'm not aware of it. I think it points out the important point you have someone like EPA saying it and then when they're challenged, the federal courts after hearing all the witnesses on both sides say, no, you're wrong. So I'm not sure if we know that ETS is, in fact, a Class A carcinogen. Having said that, I wouldn't have spend the time, money and effort in building the system to eliminate secondhand smoke if I didn't think it was harmful. I certainly think it's harmful. But there's a difference.

D.P.O. POSTAL:

Thank you Mr. Barns. Next speaker -- the next speaker is Jeff Blydenburgh. Is Jeff Blydenburgh here? Nope. Next speaker Glenn {Montesse}. Glenn here? Next speaker Tom {Biancanello}.

LEG. FISHER:

No, he left.

D.P.O. POSTAL:

Linda Jasper. Jeff Egan. Linda Box. Linda Box.

MS. BOX:

Yes, I'm Linda Box. Bear with me. I have never been in this situation before in my entire life.

LEG. NOWICK:

We're really nice.

MS. BOX:

Okay. I am not a public speaker, and I don't own a restaurant, don't own a bar. I am an American citizen, a Suffolk County resident and a registered voter. I am here because I am against a total ban on smoking. My husband, a union carpenter, who probably worked on this very building is a smoker by his own choice. You are telling him that after putting in a hard eight hour day in the heat of summer and the cold of winter he cannot come home and take his wife, who happens to be the designated driver, out to Friday's for a steak dinner, a few beers with friends and have a cigarette. There already is a ban on smoking that you yourselves passed a few short years ago that is working very well. We live with that and sought out the very few, very few restaurants that spent their own money to comply with your laws and allowed smoking. These restaurants are where we choose to spend our hard earned money.

If you pass this total ban, we along with our friends, will no longer go out for dinner. Instead, we will simply entertain in our own homes. As for your argument for going outside for a cigarette, there will only be a matter time before that is banned also. As it is now, you can't stand in doorways and have a cigarette. So you're going to order a drink and your dinner and have walk half a block down to have a cigarette. This is the very first public meeting I ever attended. And I found it very interesting. Why did I come to this one? Because I have sat in the comfort in my home and watched as bit by bit my freedoms have slowly been infringed upon all in the name of health and safety. While I understand secondhand smoke is a terrible thing, and I know you are honestly trying to do something right for the people who are working there, who I don't see here, but when you turn around and tell me that I can no longer go out, have a cigarette, you are infringing on some of my own rights.

And I know that my few words up here have nothing to do, you will not -- it's not going to change your decision one way or the other, most of you have already made up your minds. But I do appreciate the fact that I was allowed to speak. And I do have one thing, but it's kind of personal. There's a gentleman back here who was a veteran of a war who happened to make a very eloquent speech. Some of you, and you know who you are, snared and snide and made little giggling remarks. You should be ashamed of yourself. That's it. Thank you.

D.P.O. POSTAL:
Thank you.

APPLAUSE

P.O. TONNA:
All right. Gwendyl Winscell. {Marvelle}? Diane {Choworska}? How about Diane, is there a Diane? That is Diane, right? Crystal. Is there a Crystal here? Okay. Darius? Darius Aaron Harris? Marris? Kristina Rudiger?

LEG. FISHER:
Yes. My former student.

P.O. TONNA:
Kristine, do you still speak Spanish?

MS. RUDIGER:
Hablas Espanol.

P.O. TONNA:
There we go.

MS. RUDIGER:
Good evening. My name is Kristina Rudiger, and if you allow me time at the end, I would like to explain in one minute or less why secondhand smoke is not listed on the coroner report; secondly, the causal link between secondhand smoke, cancer, heart disease, pulmonary infections, ear infections and dental cavities; and thirdly, the weaknesses of the analogy

between the beach and the danger of the sun and secondhand in bars. But I will get back to my testimony as planned.

My name Kristina Rudiger, and it's a pleasure to speak with you this evening on behalf of my students in the Three Village Central School District. I can't believe I'm nervous. I'm a health teacher for 780 elementary school students, all of whom learn about the dangers of smoking and more pertinent to today's discussion, environmental tobacco smoke as early as first grade. At six years old, first graders compare the smell of a vanilla scented candle to an empty coffee can filled with the ashes and butts of smoked cigarettes. Gross and ew, who would put that in there body are common responses to this early inoculation to this high risk health behavior.

Before serving as a teacher, I received a Master of Public Health Degree from Boston University, where I focused on epidemiology, child health and tobacco prevention. I was intricately involved in initiatives to use mass media to influence public opinion on proposed -- both smoking bans in California. But public opinion didn't need as much coercion. In 1998, when the law was passed to ban smoking in California, polls reported that 68% of the population supported the law. Two years later, a repeat of the same pole illustrated that the ban climbed -- the support of the ban climbed to 80%. Having worked for three years as a school health consultant for the Centers for Disease Control and Prevention Division of Adolescent and School Health, I could devote the rest of my time here to rehashing statistics for which I'm sure that you already have become familiar tonight, but I won't. Because I think there's something much more powerful than these statistics that we see in the news everyday.

For the past three days, I have presented both sides of the resolution 2020 to my -- 612 of my fourth to sixth grade students. And students were given a chance to write a letter in support of either side of the issue. Six hundred and eight students wrote in support of the issue, two choose to decline or opposed the issue, and two said, I don't care. Without further ado, I would like to read short excerpts from ten or so of those letters.

P.O. TONNA:

You have two minutes, so maybe a few less excerpts.

MS. RUDIGER:

They're short. Hello, my name is Tom. I'm writing to you today because I have just watched movie on secondhand smoke, and I want to tell you how I feel about the law banning smoking

from public places. I do not like the prospect of breathing in secondhand smoke because it ruins the health of smoke free people. Secondhand smoke is 20 times more toxic than being a smoker yourself. The cost of ventilation system is negligible compared to the health and lives of innocent people. Might I remind you, this is an 11 year old writing this. I believe that any -- this is another letter. I believe that any price to pay is not enough for the public's health or possible dying. Please, Mr. Foley, put the law for the Suffolk and everywhere else.

Next letter, I would rather people be mad and not smoke in public places and maybe live longer than people smoke and go to places and die younger. That is my opinion, but I think there are other people that may agree with me too. Next letter. I know that banning smoking forever is almost impossible -- and I could give you information on that too -- but I can't stand hearing millions and billions of people are dying from smoking and secondhand smoke, it makes me sick to my stomach. I really don't think it's fair -- the next letter -- I don't think it's fair that babies, little kids and grown ups that choose not to smoke are being put at risk because of people who do choose to smoke. The law is effective in California and should be effective in New York too. Okay. Young people work in restaurants, they're not protected. Think about people who work and -- think about people who work around people who smoke in bars and inhale smoke for eight hours. I think that working isn't worth doing if it's going to cost your life.

I will close with a very poignant letter. I'm skipping through a lot of them here. Hope it's worth the fight. Imagine living in a smoke free environment. Wouldn't that be nice? Going to a clean fresh air restaurant is better than a cloudy dirty place to eat on a Friday night with your family. You might be thinking well, I don't smoke, and I don't have to go in public. Yes, you do. At some point, you will breath in smoke. Your life is in danger too. Pass this law, you will save lives. Thank you very much. I would just like that while you were feeding your stomachs, I was trying to help feed your minds. I ran over to the medical library at Stony Brook and printed just some causal link data from Med-Line making the association between secondhand smoke. And as I said before, heart disease, ear infections, pulmonary disease, asthma in children and dental cavities is also a possible link. Thank you.

P.O. TONNA:

Thank you. Thank you very much.

APPLAUSE

P.O. TONNA:

Thank you. And I hope my kids have a health teacher err like you when they grow up.

LEG. FOLEY:

Mr. Chairman. Ms. Rudiger mentioned that she has petitions as well and letters. Ms. Rudiger.

P.O. TONNA:

Could you give those to the Clerk?

LEG. FOLEY:

Those aren't the 600 letters.

MS. RUDIGER:

Well, I actually would prefer to photocopy them,

LEG. FOLEY:

That would be great.

P.O. TONNA:

Thank you. Okay. John {DeMauro}. John {DeMauro}. Okay. Bob Wentzel.

AUDIENCE MEMBER:

He's home.

P.O. TONNA:

He's home? Josephine Wentzel. Richard Collins. Josephine? Hey, Josephine.

MS. WENTZEL:

That's me. Bob's home taking care of the kids.

P.O. TONNA:

Is Thomas {Haggerty} here? No. How about Richard Collins? Yeah, okay.

MS. WENTZEL:

The first thing I want to on do is I would like to applaud the veteran that's sitting behind me, because they've done a lot for us to stand up for our country. I'm sorry to say that my dad was a veteran, and he can't be here tonight. I'm here -- excuse me. I'm here not only as an asthmatic, but as a daughter, a daughter of a veteran, a daughter of a man who loved me very much. But he can't be here tonight. He can't be here because he died of a terrible death. He died of emphysema. My dad was one of those veterans that smoked Camels. He didn't know then what it would do to him, he didn't know it would kill him. How could he ever know that it could cause me to have asthma? He loved me very much.

I'm also here because I like to dine out, and I would like to be able to dine anywhere I want. I would like to be able to go to a restaurant and be with my husband on a special evening without the children, a conversation of which one evening a local place we went to try this new restaurant everybody's talking about. Well, we get there, we walk in, and said let's have a drink. We sit at the bar, and my husband -- we finally have an opportunity to look at each other without somebody pulling on our clothes and interrupting us, and my husband says, what's the matter with you? And I said, I can't breathe. Well, our evening was cut short, and we never went back to that restaurant, and we never will unless it becomes smoke free. And I believe that many people feel the way that I do. I believe that restaurants who are worried about their business will find at that people will actually come back. If they turn smoke free, they will have new people coming.

I also happen to be -- remember 20 years ago, when I wasn't able to have protection where I worked. I worked in offices before we had smoke-free offices, and I had to leave jobs, because I wasn't -- there was no protection or laws in place. Then legislation came through, and the right decisions were made. And now I can go to work and not worry about my job making me sick. But other people, waitresses that I know, that aren't here this evening, because they're either with their families or working, don't have that, they don't have the same protection that I have, and that's not fair. I feel that waitresses and bartenders, these are people who are trying to earn a living.

P.O. TONNA:

Sorry, I'm just trying to make sure that they're listening.

MS. WENTZEL:

I appreciate it, because my air is kind of short. These people deserve to go to work and not

work in a place that's going to make them sick. And it is hard to make that choice when you're trying to bring in some money for your family and earn a living. I want to thank you for this opportunity to speak, and I ask you tonight to make the best of your position and this opportunity to make a difference, to save lives. If you do this, and pass this legislation, you will save lives. And I want to thank you again.

APPLAUSE

P.O. TONNA:
Thank you very much. Okay. I'd ask all Legislators please come to the horseshoe. Richard Collins. There's one more speaker. Richard Collins. Thomas Haggerty, are you here? Okay.

MR. HAGGERTY:
Mr. Chairman.

P.O. TONNA:
Hi. How are you, sir?

MR. HAGGERTY:
Before I address the Legislators, could I ask one thing?

P.O. TONNA:
Sure.

MR. HAGGERTY:
Would it be possible for you to keep this public meeting open?

P.O. TONNA:
No.

MR. HAGGERTY:
Until the next meeting? We had a lot of members --

P.O. TONNA:

Right.

MR. HAGGERTY:

Due to the nature of the way this particular session was run, that did not get a chance to get before you.

P.O. TONNA:

Sir, I would -- you know, every Legislator has a vote on that. I would vote not to do that.

MR. HAGGERTY:

You would vote. Would the entire Legislature vote on that issue?

P.O. TONNA:

Yes. The sponsor of the legislation, but to tell you quite honestly, I'd vote against it, because to tell you quite honestly, we have an agenda. We've been here since 9:00 in the morning, and we still have a lot of County business. You can speak at public portions, so there'll be ample time to speak. But, please, you have your time now. You've been --

MR. HAGGERTY:

Thank you for your consideration on that matter. Mr. Chairman, at least the Legislators that decided to stay in the room and give us the respect that we deserve by you being here certainly at the lateness of this hour, there isn't anything more important than what's going on in this chamber right now. I certainly feel that we're looking back at a former prohibition, if you will. Next phrase I might give you would be a freedom of choice. That right to choose. And so eloquently put by a previous veteran.

Ladies and Gentlemen, you're going beyond the bounds. Simply by a bill being put before, you going through a process, you're taking it to the ninth. You've won one round, you will go to the second, Mr. Foley, I'm sure, and possibly win that, but there is a word somewhere in the Legislature, and I think it's repeal. So I hope this bill does not get passed. I own three businesses, one in your area. And I'm really sorry for the things you're going to be doing to me personally. Thank you so much.

P.O. TONNA:

Okay. Thank you very much, sir. Okay. All Legislators are in the horseshoe. I would -- I make

a motion to close, seconded by Legislator Foley. All in favor? Opposed? Closed.

LEG. ALDEN:

Opposed.

P.O. TONNA:

You're opposed to closing this public hearing?

LEG. ALDEN:

This is on smoking.

P.O. TONNA:

Smoking. You want this to continue?

LEG. ALDEN:

It should be recessed

P.O. TONNA:

Fine. How many people --

LEG. ALDEN:

I think it should be recessed.

P.O. TONNA:

So you're opposed.

LEG. FOLEY:

They can still speak at the public portion.

P.O. TONNA:

No. We don't need to, there's one opposed.

MR. BARTON:

15-1-2 not present.

P.O. TONNA:
Next public hearing, Number 2038, **(Adopting Local Law No. -2002, a charter law to modify designation of Director of Consumer Affairs as Director of Weights and Measures.) (County Exec.)** No cards. Anybody wish to speak? No? I'll make a motion to close, seconded by Legislator Postal. All in favor? Opposed?

Public hearing Number 2039, (**Adopting Local Law Number -2002, a Local Law defining income for senior citizens real property tax exemption.) (COUNTY EXEC)**. With no cards, anybody want to speak? Great. I make a motion to close, seconded by Legislator Postal.

2040, **(Adopting Local Law No. -2002, A Local Law defining income for disabled persons real property tax exemption) (COUNTY EXEC)**. No cards. Make a motion to close public hearing, seconded by Legislator Postal.

Okay. Setting the date of the October 15th, 2002 at ten o'clock in Riverhead, public hearing regarding the 2003 Operating Budget and public hearing regarding Southwest Sewer District assessment roll. Right? That's all I have to say? All in favor? Opposed?

LEG. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Okay. Motion and second by Legislator Postal.

LEG. CARACCIOLO:
Mr. Chairman, with respect to that hearing in Riverhead.

P.O. TONNA:
Yeah.

LEG. CARACCIOLO:
Is that going to be changed?

P.O. TONNA:
On the 15th? It was already set at the meeting, we're just putting it on now.

LEG. CARACCIOLO:
No.

MS. BURKHARDT:
It was set at the last meeting.

LEG. CARACCIOLO:
I know, but I thought I had some communication from your office.

P.O. TONNA:
We set another meeting with regard to Social Services Committee that I changed, because that I could change.

LEG. CARACCIOLO:
Got you.

P.O. TONNA:
I think that was your request with regard to what I could do or something else. Okay. Setting the date of November 19th, 2:30 in the William Ro9gers Building for the following public hearings; public hearing 2031, 2049, 2057, 2077, 2081, 103, 2104, 2105. Motion by myself, seconded by Legislator Postal. All in favor? Opposed? Approved. Okay. Now, we are going to page four, the consent calendar. Motion by myself, seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Approved. Okay I would ask that we move through these tabled resolutions pretty quickly, if you don't mind. **1957** motion by Legislator Bishop to table.

LEG. BISHOP:

No. Motion to approve.

LEG. BINDER:

Second.

P.O. TONNA:

Okay. What is the nature of this bill?

LEG. BISHOP:

Mr. Chairman, this has been tabled at my request for many months, because I've been working with the Department of Law and Counsel Sabatino on a final version. We now have a final version, everything's in place. What this resolution does is three distinct actions. The first is it dedicates approximately 25 acres of land on the east side of Bergen Avenue in West Babylon to the Nature Preserve. That land was previously dedicated or designated parkland, which under the terms of the first contract with Global Golf, which operates the Bergen Point County Park was going to be made into either an executive golf course or nine additional holes of golf. So that -- this would foreclose that option. It would also foreclose the option of having any other active recreation on that property. It will be Nature Preserve property.

P.O. TONNA:

So it's not going to be a golf course.

LEG. BISHOP:

It's not going to be a golf course.

P.O. TONNA:

Great.

LEG. BISHOP:

That's one. Two, it renews the contract of Global Golf for an additional term of five years with the same conditions, terms and conditions that they currently operate on. And finally, it carves out of that Nature Preserve that I described earlier, a greenskeeper's house, a house on the property right on Bergen Avenue, modest house, and it would be transferred or actually leased to the -- at nominal value to the Long Island Junior Soccer League as a headquarters.

LEG. ALDEN:
On the motion.

P.O. TONNA:
Yeah. Legislator Alden.

LEG. ALDEN:
This question goes to the sponsor. The renewal that Global Golf got was for an additional amount of years?

LEG. BISHOP:
Right.

LEG. ALDEN:
Were you aware of the fact that Global Golf up until the time that Legislator Caracciolo and I went down there and did an inspection and some other investigations were woefully behind on almost every term of their contract?

LEG. BISHOP:
Well, I don't -- I didn't see it that way. What -- and I'm told by then commissioner -- you know, then Commissioner Scully, now Deputy County Executive Scully, that an audit was conducted of Global Golf by the Comptroller's Office, and it revealed that the County owed them some nominal amount of money, a few thousand dollars.

LEG. ALDEN:
Well, actually the truth was that they were hundreds of thousands of dollars behind on their payments to Suffolk County. Plus, and this is my contention, but it was also others contention that the amount of work they were supposed to do on the golf course, still they're behind on that. The amount of money they were originally going to put in into the golf course, they still haven't lived up to that contract.

LEG. BISHOP:
I don't think that's true, Legislator Alden. I think what happened was when they first got the contract, they did a lot of work in the beginning, which made a significant change for the better

to the golf course, then the pace of work slowed down after that because they did everything upfront. So there was a perception that they weren't doing as much as before, and it's true, but they weren't required to do as much as they did before.

LEG. ALDEN:
I'm not going by perception, I'm going by just numbers that were presented to me on different audit basis that these guys were behind, and they remained behind until very -- not a long time ago either. And it was after prompting by Legislators and other people that brought this to their attention that these guys came up to really par on their -- to reward them for an extra, I guess, it's a five year term you're giving them?

LEG. BISHOP:
The County -- I didn't negotiate it, it's not at my request.

LEG. ALDEN:
I didn't say you're request, but they're being rewarded with an additional five year term.

LEG. CARACCIOLO:
Mr. Chairman. Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARACCIOLO:
Could we request Deputy County Executive Scully --

P.O. TONNA:
Wait one second. Wait. Wait. Legislator Alden still has the floor.

LEG. CARACCIOLO:
Cameron, would you just yield? I'd like to request --

LEG. ALDEN:
I'll yield.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. I think we can bring some clarity to the issue if we could have Deputy County Executive Scully address this issue. Legislator Cameron is right. Two years ago, two and a half years ago, we went down there as a result of numerous complaints that we received about the way this particular contract vendee was operating the facility. In fact, there were assertions that the contract vendee was not reporting all their income to the County. It's interesting to note that last year I made a suggestion, which the department took up -- Parks Department -- to require at our beach facilities that beach parking, we issue a claim check or a receipt, and surprise, this year, our receipts are way up. And when we -- what we were told --

P.O. TONNA:

Where was this? Where was this? All the parks or --

LEG. CARACCIOLO:

County beach parks, the parking facilities.

P.O. TONNA:

We have two of them, right?

LEG. CARACCIOLO:

Right. Legislator Cameron and I were there, and what we observed is that --

LEG. TOWLE:

It's Legislator Alden.

LEG. CARACCIOLO:

I'm sorry, what did I say?

LEG. TOWLE:

Legislator Cameron, three times.

LEG. CARACCIOLO:

Oh, man, it's late. Okay. Cameron, my apologies.

P.O. TONNA:

Legislator Cameron to you.

LEG. BISHOP:

Legislator Mike.

LEG. CARACCIOLO:

Clearly at that time -- and I'm waiting for Peter Scully to come into the room.

LEG. LINDSAY:

Here he comes.

LEG. GULDI:

Peter, please, please, save us.

P.O. TONNA:

By the way, just before Mr. Caracciolo begins his questioning of the new Deputy county Executive and yadda, yadda, yadda --

LEG. TOWLE:

Interrogation did you say?

P.O. TONNA:

-- I would say this, just to my furry friend colleagues, we are at the point of 20 minutes. I am not coming back tomorrow. Okay? We are not. We are not coming back tomorrow. You want to come back tomorrow, Dave, you can come back.

LEG. BISHOP:

No. I don't want to come back, but I have an obligation to the voters who elected me to come back, especially since you said at the beginning of the year that we were to set aside the day

after the meetings to come back.

P.O. TONNA:

We are not coming back tomorrow.

LEG. BISHOP:

I'm not tabling this until November because you don't want to come back.

P.O. TONNA:

We are either going to extend the meeting for a half an hour and get through with the agenda. That's good, Dave.

LEG. BISHOP:

My bald friend.

P.O. TONNA:

Or -- my bald friend, or --

LEG. TOWLE:

That's Legislator Bald.

P.O. TONNA:

We're going to do this agenda at the next meeting, okay? You make that decision, all right?

LEG. BISHOP:

I'm not one of your children.

P.O. TONNA:

I would like to make a motion to extend this meeting to 12:30, and that's the last extension that we'll do, and we'll get through all of this.

LEG. LINDSAY:

No. I'll second the motion to extend.

P.O. TONNA:

No. Wait. I'll make a motion. Is there a second? Second by Legislator Postal to extend to 12:30, period.

LEG. TOWLE:

Roll call.

P.O. TONNA:

Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

To extend to 12:30, yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Nope.

LEG. CRECCA:

Yeah.

P.O. TONNA:

It's now or never.

LEG. CRECCA:

I said yes.

LEG. GULDI:

No.

MR. BARTON:

Ten.

P.O. TONNA:

All right. Now it failed, you needed 12. Okay. So it failed. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Deputy Commissioner -- Deputy Executive.

LEG. CARACCIOLO:

It used to be Janet, it will be Peter. Thank you. Peter.

P.O. TONNA:

Could be Deputy Peter.

LEG. CARACCIOLO:

You're familiar with the concerns that both Legislator Cameron and I shared with you -- did I say it again, Legislator Cameron? Legislator Alden and I discussed with you regarding Bergen Point with respect to revenues perhaps not being properly reported, receipted and so forth. The County Comptroller at our request conducted an audit of that operation. According to the Comptroller, he said everything appeared to be fine. My colleague for the Tenth District and I don't see it that way, but that's the Comptroller's determination, so be it.

In any event, the issue before us tonight regarding this resolution and the concern that I think I share with Legislator Alden is that the current vendor there has not in the past lived up to its obligations until such time as we brought to your attention and to your credit, you stepped in to make certain that terms and conditions were then followed, implemented and completed in a timely fashion. So it's my understanding based on our most recent conversations with respect to this resolution, that I'm trying -- {Travish} -- Mr. {Travish} has lived up to all the terms and conditions of his first five year lease agreement?

DEP. COUNTY EXECUTIVE SCULLY:
I'll try to recall the details. The general comments that you make are accurate. I think that Global Golf is at the end of the first ten year -- first ten years of a what was originally a ten plus five plus five, and has notified the Department of Parks it would like to exercise its option for the next five year agreement. The -- in terms of their having met their obligations in terms of capital improvements, the answer to that question is, yes, that was confirmed by the Comptroller's audit and after being confirmed by some internally. In terms of them being timely with payments at this point, the answer to that is yes.

LEG. CARACCIOLO:
Okay. But before you go further, I think the question or the concern that we raised or brought to your attention at that time and this -- my recollection is right, it was either '99 -- when did you become Commissioner?

DEP. COUNTY EXECUTIVE SCULLY:
April 2000.

LEG. CARACCIOLO:
So it had to be the Year 2000 that he was not at that point living up to the obligations in his first ten year lease agreement, am I not correct?

DEP. COUNTY EXECUTIVE SCULLY:
At that point the company was behind in certain payments to the department.

LEG. CARACCIOLO:
Do you recall what the amount of money was?

DEP. COUNTY EXECUTIVE SCULLY:
I don't recall precisely, but my recollection is at the end of 1999 or early 2000, just before I became Commissioner was, you know, was a significant amount.

LEG. CARACCIOLO:
It was very significant. I don't remember if it was -- you know, 100,000 or 90,000 or something in that range, but it was a lot of money. So from then until now, regarding the current lease agreement, he has fulfilled all of his obligations as far as capital improvements, as far as collections and so forth?

DEP. COUNTY EXECUTIVE SCULLY:
The answer to those questions is yes.

LEG. CARACCIOLO:
Okay. Is there anything we need to know about this vendor and the relationship he's had with the County over the first ten years that would give me or others pause to consider giving favorable consideration to this resolution?

DEP. COUNTY EXECUTIVE SCULLY:
No, other than the issues you already mentioned, the answer to the question is no. Like any other licensed vendor in the Parks Department facility, we have an obligation to monitor their performance in administering the license and make sure that they maintain the facilities in an appropriate manner. And that's something we need to do for all licensees, including Global Golf.

LEG. CARACCIOLO:
Who within the department has that responsibility?

DEP. COUNTY EXECUTIVE SCULLY:
Well, the contract section has responsibility for implementation and administration of both the license agreements between the department and various vendors and the number of contracts that come to us in the form of contract agency grants.

LEG. CARACCIOLO:
As far as the other component, there are three that Legislator Bishop pointed out, the one

dealing with the lease of the small greenskeeper or superintendents former residence on the property to the Long Island Junior Soccer League, is that something that you in your former capacity embrace?

DEP. COUNTY EXECUTIVE SCULLY:
Yes. We were working with Legislator Bishop on an overall package to address the three needs that he outlined that are addressed through the resolution.

LEG. CARACCIOLO:
Okay. Now will there be property set aside at Bergen Point for the Little League to actually have ball fields? Is that -- is that something in the works or this is just for their administrative office?

LEG. BISHOP:
They got evicted.

LEG. CARACCIOLO:
Okay. Thank you.

P.O. TONNA:
Okay. All right. Roll call. Oh, Legislator Alden.

LEG. ALDEN:
All just to sum up, I think that we're making a mistake if we extend a contract for somebody that has been --

P.O. TONNA:
Oh, we are extending the contract by him giving this?

LEG. ALDEN:
Right. This extends the contract by five years to someone that's been in substantial noncompliance with the contract until pressure was brought on him to bring it up to compliance. I think it's a huge mistake to do that.

P.O. TONNA:

Okay. Legislator Binder.

LEG. BINDER:
I think it's important to note that the auditor looked at not just one vendor, I saw the audit report, it was a number of golf courses. And, in fact, as Legislator Bishop noted, that the County owed this vendor $3,000. So we were off on the payments that we took. And I think we can probably go to almost any vendor in the County and find problems with payments or anything else, but if they're overall doing the job that we want them to do at the time that we're looking to extend the contract, they've done everything -- they're at a point they do everything they're supposed to do. The golf course is in great shape. It's --

P.O. TONNA:
Wait a minute. Wait. Wait.

LEG. BINDER:
Oh, comparatively.

P.O. TONNA:
It's not in great shape.

LEG. BINDER:
Comparatively.

LEG. BISHOP:
Better shape.

P.O. TONNA:
To what Shinnecock?

LEG. BINDER:
No. Comparatively to what it was before they started doing any work there. They -- as the Commissioner says, they've lived up to their obligations on a capital expenditure basis. And they're doing what they have to do at the golf course, and we have an opportunity for Long Island Junior Soccer League who's looking for a home as part of this package, we should probably go forward with it and take care of that.

LEG. CARACCIOLO:
Mr. Chairman, I have one more question, one more question.

LEG. CARPENTER:
I have a question.

P.O. TONNA:
Legislator Carpenter and then Legislator Caracciolo. Or Legislator Angie then Legislator Mike.

LEG. CARPENTER:
It was my understanding when I came into the Legislature just after this deal was agreed to, but it was my understanding that there was going to be an executive golf course built, that a driving range was going to be improved and that there was going to be lighting done and that there was going to be an improved putting green or like a small 18 hole putting green course, and the last time I passed and saw that, I didn't see any of that done. So it just doesn't seem to me that he has lived up to the agreement that it was my understanding that -- and I didn't realize when I saw this on the agenda here tonight, because it's been tabled so many times, that this was all wrapped around this package.

LEG. BISHOP:
I was very wary of that line of argument, because I sent out a memo to all Legislators saying that it's at the Clerk's Office, that you could check it out, that I had the intention of moving it, and that was two meetings ago. And then I had further delays, nothing of substance since then, but I did send out a memo to every Legislator saying that it was tabled on the floor, and I was intending to move it and all the documents were on file with the Clerk.

Now, as for the points you make, though, they are -- they need to be addressed. The first is regarding the additional nine holes, the executive -- what happened in the interim is that Babylon Village built their course and the Town of Babylon -- and the Town of Babylon has improved their course at Cedar Beach, and there was really no market for an additional nine holes. There was also no support in the community for an additional nine holes. So it was in the -- both the probably the pecuniary interest of the vendor and certainly the interest of the community that surrounds it not to move forward with the additional nine. So it works for both

sides.

LEG. CARPENTER:
Can I respond? Can I respond to that.

P.O. TONNA:
Yeah. But I just want you to know. We've four bills here. We have a payroll bill that people are not going to paid if we don't finish by 12. We have a lease premises that if we close this out, we lose a methadone clinic.

LEG. BISHOP:
Are you suggesting there was some sort of breach there?

P.O. TONNA:
And I have a --

LEG. CARPENTER:
You talk about there wasn't a market for a nine hole executive course because Babylon Village course was built, the Babylon Village course was built two years ago. They made this agreement ten years ago.

LEG. BISHOP:
This was an option, not a demand.

LEG. POSTAL:
Mr. Chairman, I'd like to make a motion.

LEG. BISHOP:
We were in the middle of a roll call.

P.O. TONNA:
There's a roll call.

LEG. CARPENTER:
No, motion to table.

P.O. TONNA:

Oh, motion to table.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Motion to table by Legislator Carpenter.

LEG. CARACCIOLO:

Mr. Chairman, point of record. You recognized Legislator Carpenter.

P.O. TONNA:

Then I had to recognize Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Legislator Mike.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

It's like a double thing, Mike, mike. You take the mike.

LEG. CARACCIOLO:

If we could have Deputy County Executive Peter Scully come back up.

P.O. TONNA:

Could I try this one more time to extend the meeting so that we can do this. It's every occasion that you come up and speak. I would say to the Legislators, we need 12. There are at least

four bills that we -- that are important. It effects real people, real money, paying mortgages, things like that. And all I can say, we have people who need there methadone, we have people who need other things, and I'm asking you please to extend this meeting. And I'm going to make a motion to extend the meeting to 12:35. And Legislator Postal is seconding the motion. I would ask for those who voted no, all I need is two of you to change your minds. Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

P.O. TONNA:

Yes.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes to extend.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

P.O. TONNA:

There we go Brian. Thank you.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Nope.

LEG. BINDER:

No.

LEG. ALDEN:

(Shook head no.)

P.O. TONNA:
No?

LEG. GULDI:
No.

P.O. TONNA:
No? Well, thanks. To the Vanderbilt, I don't know how you're going to get your money.

LEG. ALDEN:
Change my vote to a yes.

MR. BARTON:
12-6.

P.O. TONNA:
Thank you very much. It wasn't called. Thank you.

LEG. CARACCIOLO:
Okay. Mr. Chairman.

P.O. TONNA:
Yes. Go ahead. I would say, please, let's end this and go a roll call with this after your questioning, please.

LEG. CARACCIOLO:
Okay. Could you just quickly address the improvements that Legislator Carpenter raised that were part of the first lease agreement and the extension?

DEP. COUNTY EXECUTIVE SCULLY:
To the extent that I can, but I have to profess that I don't have a real detailed grasp of the -- some of the minutiae in the initial agreement. But there was initially a proposal for a nine hole

executive course on I believe the parcel on the east side of Bergen Avenue prior to my arrival at the Department of Parks. I think the conclusion had been that the market was no longer there because another course had been constructed in the Babylon area. I'm not familiar with that -- I am not as familiar with that as Legislator Bishop is I think. There were already talks underway about the possibility of using that parcel for soccer fields, and that is a subject that we had worked on with Long Island Junior Soccer and had notified Global that if there's a possibility, we'd be attempting to take control of that parcel back. A community meeting was held at Bergen Point, which that proposal was not well received, and it was at that meeting that members of the community suggested to Legislator Bishop that the parcel should be placed in the Nature Preserve and hence the move in that direction. So I am aware that during the course of the term of this agreement and after the idea of an executive course or golf use had been proposed, there had been some discussion of I think tennis use even. None of those uses were well received by the community. And what we ended up doing finally was trying to get an agreement from Global Golf to do capital improvements, additional capital improvements, at the golf course as part of this overall approach to solving all these issues, and we were successful in doing that. So we developed a five year capital improvement plan that they're currently preparing to undertake or undertake at Bergen Point.

LEG. CARACCIOLO:

Peter, under the original agreement, what were the actual improvements? There were a number of fairways, keys and greens that were flooded oftentimes as a result of heavy rains, poor drainage and so forth. Were all these improvements made?

DEP. COUNTY EXECUTIVE SCULLY:

The capital improvements envisioned under the initial agreement were all made, and the investment exceeded what was requires in the agreement in whole dollars, confirmed both internally by our contract section and then again by the auditor. But as time goes on, you notice other improvements that might enhance the golf experience, and those were some of the things that were contained in the five year capital improvement plan that we developed -- or had Global develop for us over the past year.

LEG. CARACCIOLO:

Now, in term of this agreement that's before us tonight, what are the terms and conditions and obligations of the vendor?

LEG. GULDI:

It's not that course.

LEG. CARACCIOLO:

Yes, it is. It's wrapped into this resolution

DEP. COUNTY EXECUTIVE SCULLY:

I wish I had the documents in front of me, and I'm sorry that I don't. So I apologize for that. The original agreement was amended in 1995, I believe, and contemplated a five year extension and return for certain improvements. And I believe the improvements contemplated on this agreement include the executive course. I stand corrected if I'm wrong about that.

LEG. CARACCIOLO:

Does Legislative Counsel have a summary of the bill provisions?

MR. SABATINO:

I don't have a summary, but I have a copy of the agreement that was negotiated in terms of a license agreement. It's -- I guess the first thing is it's -- it's providing for three additional five year terms for the option to renew. It's providing the requirement for capital improvements up to an amount of $750,000 and some detail describing that.

LEG. CARACCIOLO:

Is there a timetable to the completion of that capital improvements?

MR. SABATINO:

No later than December 31st, 2007.

LEG. CARACCIOLO:

So the vendor has five years to invest three-quarters of a million dollars.

LEG. BISHOP:

most of it's already done.

LEG. CARACCIOLO:

Is it, Dave?

LEG. BISHOP:

A lot of it's already been undertaken this year as this season already, you know, without the adoption by the Legislature of the renewal.

LEG. CARACCIOLO:

Okay. Well, one of the -- one of the areas that golf courses tend to generate a lot of revenue for both the operator, and in this case, the County would be the driving range, and there has been a very precipitous drop in revenue received from this operation with respect to the driving range.

LEG. BISHOP:

yes. I'll give you the Babylon perspective, I don't know if the Commissioner would know. We had -- what happened was the Jack Nicolas range on 110 opened up, and that's where everybody goes, the double-decker range with the lighting, and that's where people tend to do their driving.

LEG. CARACCIOLO:

Yeah, but as you know, Dave, a lot of golfers have reserved tee times, we have a reservation system, they get to the course a little bit early, they hit a bucket of balls.

LEG. BISHOP:

Yeah, on Saturday and Sunday morning you'll see people at the driving range. What I'm saying is that at no other time is it crowded.

P.O. TONNA:

What are you doing? Wait. What are you doing away with the driving range?

LEG. CARACCIOLO:

No. What I'm saying is that what Legislator Alden and I observed was that there was a very significant drop of revenues.

P.O. TONNA:

Everybody knows that when you go to a golf course, you get there early and you warm up, you

use a driving range. That is -- that is absolute motherhood and apple pie, and you could pretty much count on the amount of revenue that comes in from that. And the amount of rounds go up, the amount of driving range goes up. The amount of rounds go down, the amount of use of the driving range goes down. That's basically how it works.

LEG. CARACCIOLO:
Mr. Chairman, the point I'm trying to make is that, you know, we're now faced for the first time in a decade with some very difficult financial times. And all I'm saying, and I think Legislator Alden agrees, when we brought this to the department's attention, to the County Comptroller's attention two years ago, it is our sense that there has been underreporting of revenue to County coffers. That is nothing -- that is not something that should be taken lightly. And I have a concern about continuing a relationship with a vendor who I think may have been taking advantage of county taxpayers.

P.O. TONNA:
Is anybody aware and you as the Parks Commissioner, was there any study done? Was there any investigation?

LEG. BISHOP:
It was investigated and it was found that we owed them money. I understand -- I appreciate the concern. It's -- I won't say it's a valid concern, but it's a reasonable -- it's a reasonable thing to pursue. It was pursued and investigated, audited and found that it didn't exist. There was no theft, so I don't know -- you're going to punish this person because you have a theory.

P.O. TONNA:
Okay. Legislator Bishop. Okay. Legislator Alden.

LEG. ALDEN:
Let's just clear the record a little bit. He was found to owe us a great deal of money. All of a sudden, then payments came in and maybe he made a few over payments and pennies basically was overpaid to the County. But before that time, it was hundreds of thousands of dollars that he hadn't paid to the County. Also, and the County Comptroller's Office will agree with this, they have no clue what goes on in the golf course as far as cash controls ask things like that. They made no report of that at all, they didn't even look at it, they have no clue about how that goes on; the driving range, the golf carts go out, where are the double proofs, where are the anything

that was submitted to the Parks Department?

LEG. BISHOP:
The Parks Department I assume does know what goes on at a golf course. And they didn't find --

LEG. ALDEN:
They found him to be hundred of thousands of dollars in arrears to us until pressure was brought by Legislators here. Otherwise, that condition probably would continue until today. So pressure was put on them, then they came up to speed. As a matter of fact, on the improvements to the golf course, they were woefully behind on that also. And that golf course, as far as I'm concerned, whoever certified those improvements, there's a little bit of a problem there. This smells like bad fish.

LEG. BISHOP:
It smells, but you don't have any evidence.

P.O. TONNA:
Wait. Wait. Wait, Cameron, are you done yet?

LEG. ALDEN:
I'm all done.

P.O. TONNA:
You got the fish thing in. I just wanted to know --

LEG. BISHOP:
Peter, don't go away so fast.

P.O. TONNA:
Peter. Peter. All right. Legislator Binder was, as they say, chomping at the bit. Do you want to say something, Legislator Binder?

LEG. BINDER:
I think it's unfortunate for Legislators to get on the record in accusation that money wasn't coming to the County, that it was owed in terms of fees, green fees. I think you have to be

careful with accusations like that, particularly in light of a Comptroller's report, which was pretty clear. They actually went onto the courses, they checked who was on, they did the kind of check that was in this report, not only at Bergen, but at the other golf courses, and they were able to see if there were problems, where there were problems, how there were problems. They're already looking at this. And I think you have to be careful with accusing someone of trying to take money and not pay the County for people that are going out. My understanding is that Bergen actually has a camera on the first tee so you could actually match up the number of people who are teeing off with the amount of money that comes into the till, and so you can actually see that. There's some kind of a system there. So I would be very careful with accusations.

P.O. TONNA:
Is that at the range also?

LEG. BINDER:
I don't know. I know about -- I don't know. I know about the first tee.

LEG. ALDEN:
Put it on the cash register -- Mr. Presiding Officer.

P.O. TONNA:
Yes, Mr. Cameron.

LEG. ALDEN:
Thank you. I'm going to go Mr. P. You stated before that when you came on as Commissioner, there was a substantial shortage in money that was paid to the County from Bergen Point operations; is that not correct?

DEP. COUNTY EXECUTIVE SCULLY:
There was a delinquency in scheduled payments of license fees.

LEG. ALDEN:
Good. Thank you.

P.O. TONNA:

All right. Let's roll call. Roll call.

MR. BARTON:

On which now?

P.O. TONNA:

This is on the tabling motion,

MR. BARTON:

I have a motion by Legislator Carpenter to table.

LEG. ALDEN:

Second.

P.O. TONNA:

And who's the second? Legislator Alden.

MR. BARTON:

Legislator Alden. On the motion to table.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

(Not present).

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. FISHER:

No.

LEG. CARACAPPA:

No.

LEG. TOWLE:

No.

LEG. GULDI:

(Not present).

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

No.

P.O. TONNA:

Abstain.

MR. BARTON:

Legislator Crecca. Legislator Guldi.

LEG. CRECCA:

On the motion to table? No. No to table.

MR. BARTON:

Okay. Four.

P.O. TONNA:

There's a motion to approve by Legislator Bishop, seconded by?

LEG. BINDER:

Second.

LEG. CARACCIOLO:

Roll call.

MR. BARTON:

Legislator Binder.

P.O. TONNA:

Legislator Binder. Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

(Not present).

LEG. CARACCIOLO:

Nope.

LEG. POSTAL:

Yes.

P.O. TONNA:

Abstain.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. GULDI:

What is it?

P.O. TONNA:

It's a motion to approve, George.

LEG. GULDI:

Yes to approve.

MR. BARTON:

14.

P.O. TONNA:

Okay. We'll move to -- Legislator Cooper has a motion to take out of order and approve --

LEG. COOPER:

Resolution **2037.**

P.O. TONNA:

2037, that is the approval of Judith McAvoy, and I would ask -- I'm going to second that motion, and I would just say from the standpoint of motions to be discharged and get approved, she's been here -- she's been here for two meetings now to the wee hours of the morning. We didn't get to it last time. So I would make -- there's a motion and a second. All in favor? Opposed? On the motion.

LEG. POSTAL:

I'll keep it real brief. If we had more time, I could probably speak volumes about Judy McAvoy. I would just say she's a remarkable asset to the County.

P.O. TONNA:

Where is she?

LEG. POSTAL:

She's right -- when she headed up the Small Business Development Corporation in Stony Brook, I would refer constituents from Amityville all the way to Stony Brook rather than having them to go to SUNY Farmingdale, because she did an outstanding job. She was a tremendous asset to the LIA, particularly focused on the issue of child care, and she knows this Legislature very well having been a Legislative Aide. I can't think of a person who's more qualified.

P.O. TONNA:

It's just great to have a constituent of mine actually achieve something. Congratulations.

LEG. CARPENTER:
May I just make one comment?

P.O. TONNA:
Yes.

LEG. CARPENTER:
I know that Judy's worked so hard with small businesses, and they say that 80% of the businesses in the County or on Long Island are small businesses. And I hope that she will bring that focus to this position. Good luck to you.

P.O. TONNA:
Thank you. All in favor? Opposed?

LEG. TOWLE:
Abstain.

LEG. HALEY:
Abstain.

P.O. TONNA:
Okay. Abstain, Legislator Haley, Legislator Caracappa and Legislator Towle.

MR. BARTON:
15, three abstentions.

P.O. TONNA:
It's not because she's my constituent, is it?

LEG. TOWLE:
Yeah, that pretty much killed it.

LEG. POSTAL:
Mr. Chairman.

P.O. TONNA:

Yes, Legislator Postal.

LEG. POSTAL:

Yes. I'd like to make a motion to take **2013** out of order on page seven, it's a **Local Law 16.**

P.O. TONNA:

I'll second that. And it meets all the criteria, Paul?

LEG. CARPENTER:

Second.

LEG. GULDI:

Mr. Presiding Officer, I'd like to make a motion to take --

P.O. TONNA:

Just wait. Let's vote this one out please. There's a motion and a second. Does it meet the criteria, Paul?

MR. SABATINO:

Yes.

P.O. TONNA:

Yes, it does. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Great. I have -- next, I just want to ask a quick question to Fred. Fred, I have a CN in front of me about the Vanderbilt Museum. Oh, wait a second. There's a motion, a CN, to approve the Vanderbilt Museum Number **2110**.

LEG. CARPENTER:
Second.

P.O. TONNA:
Motion by Legislator Fields --

LEG. LINDSAY:
Explanation.

P.O. TONNA:
Seconded by Legislator Carpenter. On the motion, can we just have an explanation, please? This is to modify the deadline for the new investment policy --

MR. SABATINO:
The short answer is it will authorize the use of up to but not in excess of $200,000 of cash reserves. They're attributable to realize capital gains that occurred prior to March 19th, 2002 notwithstanding a prior restriction. The $200,000 should cover the projected $100,000 shortfall in the guaranteed revenue of 1.2 million.

P.O. TONNA:
Okay.

LEG. ALDEN:
On the motion.

P.O. TONNA:
Yes. Legislator Alden.

LEG. ALDEN:
Paul Sabatino. This is only a one year -- this changes the policy for one year, and it expires at the end of --

MR. SABATINO:
This is only going to allow -- allow the $200,000 to be accessed between now and the end of the

year, December 31st, when the program will expire automatically.

LEG. ALDEN:
Okay. Thanks.

P.O. TONNA:
Okay. Thank you very much. There's a motion and a second. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Now, there's a memorializing -- nope. I've got -- oh, Legislator Guldi.

LEG. GULDI:
Thank you.

P.O. TONNA:
And then --

LEG. GULDI:
Motion to approve **2033**. We're going to lose the lease if we don't approve it at this meeting.

LEG. FOLEY:
Second.

P.O. TONNA:
2033. That is in my district. It's a methadone clinic, and it's very, very important. I'm going to make a motion to approve, seconded by Legislator Guldi.

LEG. HALEY:
What? Approve what?

P.O. TONNA:

It's a lease of a methadone clinic.

LEG. CRECCA:

2033, page seven.

LEG. CARPENTER:

Page seven at the bottom.

LEG. GULDI:

Page seven at the bottom, 2033.

P.O. TONNA:

2033, there's a motion and a second. Okay? All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

2036, there's a motion to approve by Legislator Lindsay.

LEG. GULDI:

Motion to table.

LEG. TOWLE:

Yeah, we're going to -- Mr. Chairman.

P.O. TONNA:

Seconded by myself.

LEG. FISHER:

Can you say the number again?

P.O. TONNA:
2036.

LEG. FISHER:
What page is that?

P.O. TONNA:
Page seven. Motion and a second to approve -- just wait, I'll recognize you, Fred. Okay. This is to approve -- just on motion. What are we doing here?

LEG. FISHER:
This is the methadone clinic.

LEG. CRECCA:
No, this is the Social Services Department in my district.

P.O. TONNA:
Oh, so it's Legislator --

LEG. CRECCA:
It doesn't matter, I'm just saying.

P.O. TONNA:
On the motion, Legislator Towle.

LEG. TOWLE:
Yeah. There were -- Legislator Guldi was not able to make the last meeting. I Chaired the meeting for him. There was enormous number of questions regarding this lease by all three of the committee members that were there. Obviously, I didn't see the discharge petition or I would have advised Legislators before they signed that that there were some questions and information that the committee members are looking for. We can get into that debate tonight, I have no problem with that. But I think to do that at this hour at this point is clearly --

P.O. TONNA:

Is this time sensitive?

LEG. TOWLE:
Well, they say yes, you know. I say they've had plenty of time to put this together from my perspective. That's clearly up to you. I just want to advise you that if your going to move this, I have a lot of questions that will take more that 20 minutes, I'm sure. I'm only one of the three committee members that were there.

P.O. TONNA:
Right. Paul.

MR. SABATINO:
For the record, at the Social Services Committee, instructions were given to the pertinent parties to bring back answers, and that this would be tabled pending that. In worst case scenario, it would be dealt with during the budget cycle. There were specific instructions from the Social Services Committee.

P.O. TONNA:
So I'm going to make a motion to table, seconded by Legislator Fields. All in favor? Opposed. Tabled.

MR. BARTON:
18.

LEG. CARPENTER:
Could we make a motion to table that until the Budget Committee on the 7th?

LEG. BINDER:
I'm opposed to it.

LEG. CARPENTER:
So that you're addressing it a couple of weeks sooner.

P.O. TONNA:
Sure. That would be fine.

MR. BARTON:
That's a special meeting notice. So it's got to go on the notice.

P.O. TONNA:
Okay. Did we put -- can you please put it on the notice. We're going right now to **2022**. 2022, Budget. I'll make a motion to approve, seconded by Legislator Postal. All in favor? Opposed?

It is -- guys, stay focused. 2022, you flip the page, flip the page. It's right there. There's a motion and a second. All in favor? Opposed? Approved.

LEG. CARACCIOLO:
Mr. Chairman.

MR. BARTON:
18.

P.O. TONNA:
Now we're moving. I have yours. I have yours next.

LEG. CARACCIOLO:
Okay.

P.O. TONNA:
Now we're moving to **1827.** There's a motion -- same page.

LEG. GULDI:
Second.

P.O. TONNA:
Next resolution. By Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:

Okay. The next one --

LEG. ALDEN:

Do the next one. 20o5.

P.O. TONNA:

2005. Motion by Legislator Alden, seconded by myself. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Please tell Pete McGowan how supportive I am of the town.

LEG. CARACAPPA:

Can we?

P.O. TONNA:

Let's go --

LEG. CARACCIOLO:

Mr. Chairman, before you leave Environment, just take up **2041**?

P.O. TONNA:

Michael --

LEG. CARACCIOLO:

That's it.

P.O. TONNA:

All right. I make a motion.

LEG. BISHOP:
Let's go in order.

P.O. TONNA:
It's the last one. Considering you got your time sensitive thing on the whatever. 2041, motion by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. Now we go back to tabled resolutions.

LEG. CARPENTER:
Can we just do -- lay on the table **Sense 68** and approve.

P.O. TONNA:
Yeah. There is a motion by Legislator Carpenter, seconded by myself to -- or Legislator Fields, I'm sorry, for Sense 68. It's in front of you. It's a memorializing resolution.

LEG. FOLEY:
Title. Title, please.

P.O. TONNA:
Memorializing resolution requesting State of New York to grant flexibility in connection with sales and compensating use tax exemption for clothing and footwear. Okay. It gives us an option during our budget process, it doesn't mean anything.

LEG. BISHOP:
doesn't mean anything.

P.O. TONNA:
Wait. Let me finish this one first. All right. There's a motion and a second. All in favor? Opposed? Okay. Opposed, Legislator Binder, who else is opposed to granting flexibility?

Legislator Haley is against it.

MR. BARTON:

Leave your hands up.

P.O. TONNA:

Guldi, Carraciolo, Binder. Thank you. Okay.

MR. BARTON:

13, five opposed.

P.O. TONNA:

Okay. Is it in front of us? Is it I don't see it. I got it now. Motion -- **memorializing resolution requesting New York State to convene am emergency state session to avoid budgetary melt down on Long Island.**

LEG. POSTAL:

Make a motion.

MR. BARTON:

The number on the sense, please.

P.O. TONNA:

Guys, I haven't even -- no, I'm not -- this is a caucus bill. Let's get through the resolution.

LEG. CRECCA:

Can we go back to the agenda?

P.O. TONNA:

I'm not going to do each one of these. All right. Here we go.

LEG. BISHOP:

Budgetary meltdown.

P.O. TONNA:

All would bode well for us. Resolution **Number 1000.**

LEG. HALEY:

Mr. Chairman. Mr. Chairman, by the way, in case anybody doesn't know that the Gowan decision was reversed on appeal. So everybody realize that. And the only thing we have is whether or not Mr. Gowan and parties want too attempt to go to the Court of Appeals. But it was reversed just the other day.

LEG. ALDEN:

With that being said, a motion to table is in order.

LEG. POSTAL:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

LEG. CRECCA:

Opposed.

MR. BARTON:

18.

P.O. TONNA:

1050. Motion to by Legislator Cooper to table? Table? I want to hear tables quickly so we can move. Seconded by myself. All if favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1275.

LEG. POSTAL:

Motion to table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? TABLED.

MR. BARTON:

18.

P.O. TONNA:

1395. Legislator Fields?

LEG. FIELDS:

Table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1421.

LEG. POSTAL:

Motion to table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1585. Foley, it's your turn. Table. Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1734. Stay with me, guys. 1734

LEG. CARACAPPA:

Table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1748 is withdrawn. 1784.

LEG. TOWLE:

Table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed?

LEG. GULDI:

Abstention.

MR. BARTON:

17, one abstention.

P.O. TONNA:

1786.

LEG. TOWLE:

Table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

LEG. GULDI:

Abstention on both of those.

MR. BARTON:

17, one.

P.O. TONNA:

1799, Legislator Nowick.

LEG. NOWICK:

Table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed. Tabled.

1856.

LEG. POSTAL:

Motion to table until the first meeting in December.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1859, Legislator Foley, come on.

LEG. FOLEY:

Motion to table.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1903.

LEG. POSTAL:

Seconded by myself. All in favor? Opposed? Tabled. Okay.

Human Resources **2000**. Legislator Caracappa.

LEG. CARACAPPA:

Motion.

P.O. TONNA:

Motion to approve, seconded by myself. All in favor? Opposed? Tabled -- I mean approved. Sorry about that.

MR. BARTON:

18 approved. Okay. Ways and Means. **Bond 1950.**

LEG. TOWLE:

Motion.

P.O. TONNA:

Motion, seconded by myself. All in favor? Opposed? Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. TOWLE:

Yes, cosponsor.

P.O. TONNA:

Yeah.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Great. Same motion, same second, same vote.

203, motion by Legislator -- **2003**.

LEG. CARACCIOLO:

Seconded.

LEG. ALDEN:

What is it?

P.O. TONNA:

Does this meat all the criteria?

LEG. CARACCIOLO:

It does.

MR. SABATINO:

Yes.

P.O. TONNA:

Okay. All in favor? Opposed? Approved. Okay.

MR. BARTON:

18.

P.O. TONNA:

2006. Motion by myself. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

Okay. **2007**. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2008. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2009. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2010. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2011. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2012. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

2014. Same motion, same second, same vote.

MR. BARTON:

18.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FOLEY:

I'd like to make a motion to reconsider 1859.

P.O. TONNA:

1859.

LEG. BINDER:

Later. Later. Later.

LEG. FOLEY:

Page six. We tabled it. Motion to reconsider to approve, Mr. Chairman.

LEG. GULDI:

Second.

LEG. FOLEY:

It's on page six.

P.O. TONNA:

All in favor? Opposed? Fine.

LEG. FOLEY:

Transportation Advisory Board. I had made the changes that particularly Legislator Crecca and Legislator --

LEG. POSTAL:

Cameron.

LEG. FOLEY:

-- Carpenter had asked of. So the bill is ready to be approved.

P.O. TONNA:

Which one is this?

LEG. FOLEY:

1869.

P.O. TONNA:

Okay. Seconded by myself. All if favor? Opposed? Approved.

MR. BARTON:

17, 1. It's before us.

P.O. TONNA:

All right. That was approved.

MR. BARTON:

17, one. Approved.

P.O. TONNA:

2021. Okay. **2027**, I'm going to make a motion to table, seconded by Legislator Crecca. All in favor? Opposed. Tabled.

MR. BARTON:

18.

P.O. TONNA:

2021. Motion by myself, seconded by Legislator Towle. All in favor? Opposed? Okay.

MR. BARTON:

18.

P.O. TONNA:

Okay. **1961.**

LEG. HALEY:

Mr. Chairman.

LEG. FISHER:

Motion to table.

LEG. HALEY:

Motion to table, please.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Tabled.

LEG. CRECCA:

On the motion.

LEG. HALEY:

I'll explain why I want to table it. It's in my district, and someone in the sewer agency made a comment that I was aware of it and had no problems with it. That's not the case. I want to take a look at it, if you don't mind. It's in my district, and I don't mind doing, but I want to look at it before I add anything onto Sewer District 11.

P.O. TONNA:

All right. Seconded by --

LEG. CARPENTER:

On the motion. This was -- at the last meeting it was sent back to the sewer agency.

LEG. CRECCA:

For a second resolution.

LEG. CARPENTER:

For a second resolution.

LEG. CARACAPPA:

Yes, but, Mr. Chairman.

P.O. TONNA:

I'll let the Commission of Public Works -- I mean, Chairperson.

LEG. CARACAPPA:

Thanks for the raise.

P.O. TONNA:

We're going to cut that 10% somewhere.

LEG. CARACAPPA:

Unfortunately, it was misrepresented to all of us on Public Works that Legislator Haley was on board with this when he hasn't everyone viewed what was going on with relation to this hook up. This hook up, there isn't even the capacity at 11 for this hook up at this time. And Pine Wood and the consortium for which Fairfield is a part of still has to come in and do upgrades to Sewer District 11 just for this basic hook up that they want to for this multi-family project.

P.O. TONNA:

Let's table this.

LEG. CARACAPPA:

It's Legislator Haley's district. He wants time to look at it, and I think that's something we should do.

P.O. TONNA:

Okay. Let's table it. Marty, I want a full report, okay? You tell me about that capacity out there. All in favor? Opposed?

MR. BARTON:

18. Tabled.

LEG. BINDER:

Opposed.

MR. BARTON:

17.

P.O. TONNA:

You know, skunk on the lawn, whatever that thing was. Okay. Skunk at a lawn party.

LEG. CRECCA:

Opposed.

MR. BARTON:

15-3.

P.O. TONNA:

1990. Motion by myself, seconded by Legislator Foley. Roll call.

LEG. CARPENTER:

On the motion. I thought we were getting a corrected copy.

LEG. BISHOP:

Motion to table.

LEG. FOLEY:

We didn't get a corrected copy.

P.O. TONNA:

Okay. Motion to table by Legislator Carpenter, seconded by Legislator Bishop. All in favor? Opposed? Tabled.

2031.

LEG. CRECCA:

Motion.

P.O. TONNA:

Motion by Legislator Crecca, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

2034, motion by?

LEG. CARPENTER:

Motion.

P.O. TONNA:

Motion by Legislator Caracappa, seconded by Legislator Foley. Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Where are we? Same motion, same second, same vote. Okay.

MR. BARTON:

18.

P.O. TONNA:

1857.

LEG. POSTAL:

Motion.

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Establish policy -- yeah. Wait. Wait.

MR. BARTON:

Let's get a second.

P.O. TONNA:

Are you seconding it?

LEG. CARACCIOLO:

No.

P.O. TONNA:

Okay. Is there a second?

LEG. CARPENTER:

Second.

P.O. TONNA:

Okay. On the motion.

LEG. CARACCIOLO:

Could we just have a brief explanation what this changes?

LEG. POSTAL:

All this does by the way, is to institutionalize what the police are already doing. In Nassau County, police were paying minors $20 to stand in lineups without the approval of their parents. Suffolk County police already get parental approval, and this just institutionalizes it.

LEG. HALEY:

Cosponsor.

P.O. TONNA:

Great. All in favor? Opposed?

LEG. GULDI:

I'll take an abstention on that.

P.O. TONNA:

You are. You've been in a line-up?

LEG. BISHOP:

He's been making 20 bucks a line-up.

P.O. TONNA:

His son has been. I'll tell you, my son could be. I need the 20 bucks.

LEG. GULDI:

Seriously. In all seriousness, I think the constitutional protections are adequate. The Police Department should be able to formulate its own policy on an as-needs basis.

LEG. CRECCA:

I agree too. I'm abstaining also.

MR. BARTON:

Right now, I've got 15, three abstention. .

LEG. BINDER:

Abstention.

MR. BARTON:

Four abstentions.

P.O. TONNA:

We already had the vote.

MR. BARTON:

14, four abstentions.

P.O. TONNA:

1946.

LEG. CARPENTER:

Motion.

P.O. TONNA:

That was a good year. Okay. Legislator Carpenter, seconded by myself. All in favor? Opposed? Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

MR. BARTON:

Legislator Carpenter.

LEG. BISHOP:

Motorized scooters.

P.O. TONNA:

Who are on Ephedra.

LEG. CARPENTER:

Yes.

P.O. TONNA:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

No.

LEG. BISHOP:

I promised the middle school kids at Robert Moses I'd vote against it. No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Pass.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

MR. BARTON:

Going back around.

LEG. COOPER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. TOWLE:

Yes.

LEG. BISHOP:

This is one of the major pieces of the big mother caucus.

MR. BARTON:

13-5.

LEG. BISHOP:

The mama caucus came up with this.

P.O. TONNA:

Okay.

LEG. CARPENTER:

We care about kids.

P.O. TONNA:

2025, motion by myself, seconded by Legislator Carpenter. Roll call.

MR. BARTON:

On the bond.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Thank you very much. Same motion, same second, same vote.

1945. Motion by Legislator Cooper.

LEG. BINDER:

Wait, what is this thing?

LEG. POSTAL:

Second.

P.O. TONNA:

Seconded by Legislator Postal. All in favor? Opposed?

LEG. BINDER:

What are these things?

LEG. LINDSAY:

Opposed.

LEG. GULDI:

On the motion.

P.O. TONNA:

Blunt wrapper to minors. Blunt wrappers?

LEG. BINDER:

What makes them blunt?

P.O. TONNA:

Well, they're not sharp. All right. There we go.

LEG. GULDI:

On the motion.

P.O. TONNA:

Yes, Legislator Guldi.

LEG. GULDI:

Yeah. I'm going to not be supporting this resolution, because I believe that the sale of blunt wrappers is already prohibited as narcotics paraphernalia under the state law. I don't think we should be legislating underneath that.

P.O. TONNA:

Okay. Legislator Cooper just gave the dismissive, no. Can we put that on the record?

LEG. COOPER:

Paul, do you want to back me up on this?

MR. SABATINO:

I'm not familiar with -- I'm not familiar with the citations Legislator Guldi cited.

LEG. HALEY:

Motion to table.

MR. SABATINO:

I know of no prohibition that we're superceding.

LEG. HALEY:

Motion to table.

LEG. COOPER:

If you want, I'll support a motion to table.

P.O. TONNA:

You will?

LEG. CARPENTER:

No.

LEG. COOPER:

This was done at the request --

P.O. TONNA:

Of the sharp wrapper coalition?

LEG. BISHOP:

The good kids. The good kids requested this.

LEG. CARACAPPA:

Mr. Chairman on the motion

P.O. TONNA:

On the motion, Legislator Caracappa.

LEG. CARACAPPA:

Wouldn't this fall under Legislator Carpenters' law that prohibited sale of rolling papers to minors? Because this is essentially that.

LEG. BISHOP:

No, it's not a rolling paper. It could be used as such, but it's not --

LEG. CARPENTER:

I think Legislator Cooper needs to explain.

LEG. CARACAPPA:

Isn't it a rolling paper?

LEG. COOPER:
It's rolled --

LEG. CARPENTER:
Let Legislator Cooper explain.

P.O. TONNA:
Well, Legislator Cooper, it seems like Legislator Bishop has some familiarity with this. It's like kind of an on-hands kind of situation.

LEG. CARACAPPA:
Those were the good old days.

P.O. TONNA:
Joe asked. Legislator Bishop could you tell us, what is blunt wrappers?

LEG. BISHOP:
It's a cigar, isn't it?

P.O. TONNA:
All right. All right. So there's a motion to table by the sponsor, seconded by myself. All in favor? Opposed? Tabled.

MR. BARTON:
18, it's tabled.

P.O. TONNA:
1954. We have four more minutes.

LEG. FISHER:
Wait a minute. Wait a minute. Wait a minute. Weren't they those tubey things he passed around last time?

P.O. TONNA:

Legislator Vivian, talk to Legislator Jon later about this.

LEG. COOPER:

Well, if I can't get that, I want my ephedra bill passed.

P.O. TONNA:

We tabled it. Okay. 1954.

LEG. COOPER:

Is that in a deal? You'll give me ephedra instead? No, I'm just joking.

LEG. CRECCA:

Paul, can I make a motion to waive the rules and lay on table -- it's time sensitive -- 2112?

LEG. CARPENTER:

Second.

P.O. TONNA:

2112. Seconded.

LEG. BISHOP:

Mr. Chairman, get some order, because I don't know what's going on.

P.O. TONNA:

Okay. Hold it one second.

LEG. COOPER:

Motion to table.

P.O. TONNA:

There's 2112. There is a time sensitive bill. There's a motion by --

LEG. CARPENTER:

Just to lay on the table.

P.O. TONNA:

It's just to lay on the table.

LEG. CRECCA:

It's just a motion to waive the rules and lay on the table 2112. Everyone is a cosponsor on it with the exception of one Legislator.

LEG. ALDEN:

Henry, cosponsor.

LEG. CRECCA:

Every Legislator is a cosponsor.

P.O. TONNA:

All in favor? Opposed? We lay it on the table, assigned to Finance.

MR. BARTON:

Who's the second?

LEG. ALDEN:

I am.

P.O. TONNA:

Guys, I am now going to 1954. There's a motion to table, seconded by myself pending a corrected copy. 2024.

LEG. CARACCIOLO:

You've got to have vote.

P.O. TONNA:

We already said 1954 was a motion to table.

LEG. CARACCIOLO:

1954 is tabled?

MR. BARTON:
18.

P.O. TONNA:
2024. Guys, please, I can hear. 2024, there's a motion to approve by Legislator Postal, seconded by Legislator Foley.

MR. CARACCIOLO:
Mr. Chairman.

P.O. TONNA:
Roll call.

LEG. CARACCIOLO:
We are making an addition to a health center that we're cutting funding by 10%?

LEG. GULDI:
That would be right.

LEG. POSTAL:
Can I comment on that? First of all, action hasn't been taken on the Operating Budget, however, I will tell you the Tri-Community space is inadequate even with a 10% cut. So it's really important that we take action on this.

LEG. POSTAL:
Roll call on the bond.

P.O. TONNA:
Roll call. Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. POSTAL:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Wait a minute. Wait a minute. On 2024? Okay. Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote. I'm recognizing Legislator Caracappa.

LEG. CARPENTER:

Motion to waive the rules and lay on the table Resolution 2113.

LEG. LINDSAY:

Mr. Chairman, I make a motion we stay another ten minutes and finish our agenda. We're almost through it. Come on.

P.O. TONNA:

Just wait. I'm recognizing Legislator Caracappa.

LEG. CARACAPPA:

Motion to waive the rules and lay on the table 2113.

P.O. TONNA:

All right. **2113**.

LEG. CARPENTER:

Second.

P.O. TONNA:

Seconded by myself for the purposes -- you know, that doesn't mean I'm supporting this.

LEG. CARACAPPA:

Okay. You might.

P.O. TONNA:

You never know.

LEG. FISHER:

I'll second it.

P.O. TONNA:

Not for an extra meeting. It's assigned to Human Resources. Set the public hearing for November 19th at 2:30. Second. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay. Now let's go to CN's. All right. I got -- I have -- just wait. I have CN --

LEG. FOLEY:

Motion to extend the meeting by five minutes.

P.O. TONNA:

Okay. There's a motion to extend the meeting by five minutes, seconded. Roll call. But I want you to know this roll call is it.

(THE ROLL WAS CALLED BY HENRY BARTON, CLERK)

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. COOPER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

(Not present).

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

Ten.

LEG. CRECCA:

Motion to waive the rules and lay 2107 on the table.

P.O. TONNA:

No, I have --

LEG. CRECCA:

Motion to waive the rules and lay 2107 --

P.O. TONNA:

No. I have motion, 2108. There's a motion for a CN. I'll make a motion, seconded by myself. Then I've got another CN that I want to do. All in favor? Opposed?

LEG. FOLEY:

No. What's the title?

P.O. TONNA:

2108, grant preservation. All right. Could I make a motion? Can I make a motion on **2109**, for Robert Garfinkle.

LEG. ALDEN:

Yes. Second.

MR. BARTON:

On the grant, it's 17, one not present.

P.O. TONNA:

Meeting's over. We are going to -- I can put on other -- the tabled resolutions and everything else, the CN's, for our next meeting.

(*THE MEETING WAS ADJOURNED AT 12:35 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY