

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SECOND DAY

February 11, 2014

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Taken By

Lucia Braaten & Alison Mahoney - Court Reporters

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*(*The following was taken and transcribed by
Lucia Braaten, Court Reporter*)*

*(*THE MEETING WAS CALLED TO ORDER AT 9:32 A.M. *)*

P.O. GREGORY:

Good morning, Mr. Clerk. Call the roll.

MR. LAUBE:

Good morning, Mr. Presiding Officer.

*(*Roll Called by Mr. Laube, Clerk of the Legislature*)*

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

(Not Present)

LEG. CALARCO:

Present.

LEG. LINDSAY:

Present.

LEG. MARTINEZ:

(Present)

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTTA:

Here.

LEG. MC CAFFREY:

Here.

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LEG. STERN:
(Not Present)

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. SCHNEIDERMAN:
Here.

P.O. GREGORY:
Here.

LEG. CILMI:
Tim, Monica is here.

LEG. MARTINEZ:
I'm here. Sorry.

P.O. GREGORY:
Here.

MR. LAUBE:
Sixteen.

LEG. ANKER:
Tim.

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. GREGORY:
Okay. For purposes of a salute to the flag, I'm going to have Legislator Martinez lead us in the salute.

(*Salutation*)

P.O. GREGORY:
This morning, leading -- our opening prayer will be given by Pastor Angel M. Falcon of Faith alive Ministries in Central Islip, guest of Legislator Monica Martinez.

LEG. MARTINEZ:
Good morning. It is my pleasure to have here today Pastor Falcon from Central Islip, who he has become such a monumental person in our district. And I went to his church and I was completely moved from the first time -- from the first time I set foot into that -- his congregation, his church, I felt the energy and the positive interactions that he has with his -- with his parishioners. And it was my pleasure to ask Pastor Falcon to please today be here with us for the invocation of our meeting. So, Pastor Falcon, thank you so much for being here.

(*Applause*)

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PASTOR FALCON:

Thank you so much. I'm deeply honored to be here. Many years ago, we just -- I just celebrated 22 years of ministry. And early on in my vocation, I remember how critically important it is to get involved with the lives of people, and so I had gotten -- I am honored firsthand to be around individuals who have felt somewhat the call of God to serve his people, and so I am deeply honored here today.

I do know that I found myself as a Minister of the Gospel getting involved and got so involved I became a campaign fundraiser, and to make sure that -- because I realized that you have -- you need good people in places of influence and leadership, so that they can best serve people.

There's a scripture that comes to mind in Proverbs 29:2. It says that when good people are in places of authority or influence, the people are blessed by it, but when the opposite is true, you can tell, and so I'm deeply honored.

This is my third time here in this Legislative office, and I've been keeping you in my prayers often. I make mention of you in my prayers.

So, Heavenly Father, we are honored here today to be beside these individuals that have responded passionately wholeheartedly to make a difference in the lives of this blessed County. I thank you, Father, for their labor of love, and I pray that you will continue to strengthen them and grant them the courage necessary to deal with the many different issues that we face, not only here as a County, but at State levels and national levels as well.

I pray, Father, God, for their unity. I pray that you will grant them wisdom and the courage to work together, to be open-minded, to cross sometimes even party lines just to do the right thing and get -- rise up the quality of the life here in our beloved County.

I pray, Lord, that your grace will keep them, and I pray that this Legislative body would have historic impact, and to move our County forward in a way that would be pleasing in your sight. We know that many are the challenges.

And I pray, Lord, that at the end of the day, when they go home and their work for the day is over, as they sit down in their homes and enjoy their family, that their family will be a constant reminder of why they do what they do in touching so many families across this beloved county.

And so, Lord, I pray blessings upon them. I pray, Lord God, that you would set your love upon them, that you would help them, guide them, that you would set them high above, Lord, the circumstances and the challenges of life, that they would resolve in their hearts to find solutions and ways to make -- to bring answers and to deal with those tough issues that so many often will shy away from.

I pray, oh, Lord, that you would keep them from discouragement and trouble, that you you would deliver them, honor them, and with long life would continue to satisfy them and show your salvation.

And, Lord, so I pray blessings upon this Legislative body in the name of the Father, and of the Son, and of the Holy Spirit. Amen. Amen.

P.O. GREGORY:

If you'll all remain standing for a moment of silence. Former Representative, Otis G. Pike, a maverick Riverhead Democrat who served nine terms in Congress, armed with a cutting wit, and led a 1970's House investigation into CIA activities, died recently in Vero Beach, Florida of natural causes.

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Our condolences to the family and staff at News 12 on the loss of News 12 Anchor, Judy Martin, last week. During her 25 years at News 12, she covered major stories, including the 9/11 terrorist attacks, Hurricane Andrew, the 1990 crash of Avianca Flight 52. She also spent many hours covering the Suffolk County Legislature. This Emmy Award winning Anchor was taken from us much too soon.

As always, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

(Moment of Silence)

P.O. GREGORY:

Okay. I have an announcement. License plate Echo-Uniform-Delta 8445, you have to move your car before it gets towed. Oh, sorry. All right.

Okay. For purposes of proclamations, we have Legislator Browning who will present a proclamation to Linda O'Donohoe in behalf of the Legislature in recognition of her retirement. Linda has had a long career with Suffolk County as a Legislative Aide, and also Assistant to the Commissioner of the Department of Social Services.

LEG. BROWNING:

We're going to have to take two seconds. We have a couple of Legislators who --

P.O. GREGORY:

Okay.

LEG. BROWNING:

Pass it.

P.O. GREGORY:

We're going to pass over that. We're going to come back to that later. Next up is Legislator Lindsay, who will present a proclamation to Army Specialist Joseph Haskin, who left for deployment last August as a Medic with the First Battalion 14th Field Artillery -- oh, one of my Red Legs -- and returned home to Sayville on Saturday, February 8th, 2014.

LEG. LINDSAY:

Good morning. It's my great honor to present this proclamation, and especially the fact that it's -- I can't think of a more deserving and honorable recipient for it to be my first General Meeting presentation in the County Legislature. So I'd like to recognize Joseph Haskin. He's a specialist in the U.S. Army. He just returned home on Saturday, February 8th, for a short stay. And before I go to thank him and for his service, I just want to thank the Community Ambulance Company, their President, Michael Kennedy, their First Assistant, Chief James MacDonell, and their Second Assistant, Chief Stephanie Golub, for greeting him at the airport on Saturday when he arrived.

The Community Ambulance Corps, for those of you who aren't from the Sayville community, they are an extremely active group. They're a group of very energetic and very dedicated individuals who are serving the community in so many different ways, and I just want to thank them for being there to welcome him.

As the Legislator of the Eighth District, I'm proud to stand here today and honor Army Specialist Joseph Haskin for his commitment in service to the United States Army. Joseph has returned home for a short visit only a few weeks after returning from his deployment, and I asked him to come here

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today to join with us and receive an official Suffolk County Legislature proclamation.

With us today is Joseph's mother, Lisa Mazzo, his stepfather, Marc Henig, Community Ambulance Company President, Michael Kennedy, First Assistant Chief, James MacDonell, and Second Assistant Chief, Stephanie Golub.

Joseph was born in 1990 in Melbourne, Florida as the youngest of four children. I also understand, Joseph, you became an uncle for the first time, congratulations, about 10 days or so before leaving for boot camp. Joseph moved to Maryland at the age of three, and then moved to Wantagh, New York at the age of eight. Joseph then moved to Maryland at the age of 12 to be closer to his father, and eventually took his GED and achieved excellence.

Even though Joseph struggled to meet the requirements in order to join the military, he worked extremely hard. He joined the Wantagh Fire Department to become a medic, like his mother, Lisa, and was sworn into the United States Army on January 2nd, 2012. In the Army, he entered the armed forces as a Private First Class, went to Fort Sill in Oklahoma for basic training. He is with the First Battalion 40th Field Artillery, and completed boot camp on March 16th, 2012. He became a combat medic at Fort Sam Houston in Texas, and graduated on July 6th, 2012.

Assigned to the First Battalion 14th Field Artillery, and he earned his nickname of "Doc". He was soon deployed to the United Arab Emirates from May 2013 to January 2014, and on September 1st, 2013, Joseph received a promotion as Specialist. Joseph was selected to travel to the United Arab Emirates with First Lieutenant Jason Stogner, the Battalion Medical Officer for the First Battalion 14th Field Artillery Regiment in advance of his unit due to Joseph's unyielding loyalty.

I was glad to hear that Joseph will be joining Lisa and Marc by riding the Community Ambulance during his stay in Sayville before leaving once again for Fort Sill.

And, Joseph, on behalf of myself, my colleagues on the Legislature, and the 1.5 million residents in Suffolk County, we want to thank you for serving our great country, and we wish you the very best. And I ask everyone here to keep Joseph in their prayers and his thoughts when he returns back for service. We're all very proud of you and we want to congratulate you. Thank you, Joseph.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

P.O. GREGORY:

Okay. I understand that Legislator Browning is now ready for -- to present her proclamation.

LEG. BROWNING:

Good morning. And I don't think that the lady dressed -- I know we got the memo, right? But if there's anybody here that does not know Linda O'Donohoe, I would be shocked. I am here to introduce Linda, and to say congratulations. She is retiring from the Department of Social Services.

Linda has worked for Suffolk County for 20 years as a Legislative Aide and as an Assistant to the Commissioner in the Department of Social Services. She's always been compassionate and shown patience and understanding when helping clients, as well as Legislators and their staff, through the Social Services process, and I think all of us can tell you how difficult that is. As an Assistant to the Commissioner, she served on multiple boards and commissions, and whose primary purpose is to help the people in need. She's provided valuable training to advocates and also to our staff to help

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improve their ability to serve the clients. She coordinated the planning and execution of services for the annual Stand Up Home -- Stand Up For The Homeless event, in connecting homeless residents with community groups to help homeless individuals maintain their dignity during stressful times.

And I have to say personally, when I came into office, and having to maneuver through the DSS process, and having clients and constituents come in for help, I can tell you that our calls were speed dial Linda O'Donohoe, because when we came in, it was, "Okay, who do we call, and who's going to help us with this?" And I believe Marge Acevedo was the one that said, "Call Linda." And ever since then, like I said, Linda was on speed dial. And I can't tell you how much help she's been to my office, and I know many of you can say the same.

So I have a proclamation to say a special thank you for the many years of service and for helping my office, and I can tell you, my office is really good now, and thanks to you and all of your help.

MS. O'DONOHUE:

Thank you. I was glad to do it.

*(*Applause*)*

LEG. BROWNING:

And supported very strongly by a great husband, Mike. Thank you, Mike.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

P.O. GREGORY:

Next, we have -- Legislator Muratore will present a proclamation to Coach David Falco and the entire Sachem North High School Football Team, who were the County champions this season.

*(*Applause*)*

LEG. MURATORE:

Coach Falco, if you can join me up here. You know, we're very fortunate in Suffolk County to have such great young men and women who thrive so well in sports. And, you know, we look at sports and we say, "Well, you know, do we really need sports?" And if you look at it, we do. It creates leadership, and we have such wonderful young men and women that are before us here today showing what they can do as a team. And being in government now, I understand what teamwork is all about as I try and work with my 17 other colleagues near here in the Leg., and it is most important.

So, when we think about cutting programs and we think about not doing -- you know, trying to save a few dollars, we should give more thought into sports and trying to keep them going, and allow our young people to enjoy the leadership that we have in Coach Falco.

You know, the team did real well. I believe Sachem North's record was 10 wins, two loses. They won Class I Long Island Championship, Division I, for the 2013 season. And, most of all, they have a great Coach. A great team, you know, we have that, but where does it come from? It comes from having a great Coach. And we were fortunate, also, in Sachem to enjoy that our Coach, Dave Falco, was the 2013 Coach of the Year.

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So, on behalf of the residents of Suffolk County, particularly the Sachem School District, I say God bless you, and thank you for all you do for this community and for this County. Thank you, Coach, and thank you, guys, so much. Thank you.

(*Applause*)

And, you know, I always like leadership, when I tell you about the Coach, so maybe he's got a couple of seconds here to impart some knowledge upon our 17 colleagues here, so we can have a little pep talk this morning. So thanks again, Coach. Okay?

COACH FALCO:

Thank you. I'm not sure about a pep talk, but I will try. First of all, it's an honor to be here today, and it's an honor to represent Suffolk County as the Class I Long Island Champion. We talk to our athletes all the time about teamwork, and sacrifice, and dedication. We talk about football being an extension of the classroom. And as Mr. Muratore said, in this tough economic times and the talk of removing sports, and removing those things from schools, I think that would be a big mistake.

And I think our kids that are here today are an example of, you know, our future. We have a lot of great leaders. I think the strong point of our team this year is that we were a team, and it starts at the top with our Superintendent, Jimmy Nolan, our Athletic Directors, or Principal, our parents, our kids. And this team was not about one superstar, but it was truly a team.

In regards to the Coach of the Year, that's really a program and a staff award. I have great Assistant Coaches, and they work together really well, and that's where our success comes from. So, again, thank you very much for having us here today.

(*Applause*)

P.O. GREGORY:

Next, we'll have Legislator Anker, who will present a proclamation to the Tesla Science Center for its work to protect Nikola Tesla's former laboratory in Shoreham.

LEG. ANKER:

We have a nice group here today. Come on up front. There you go. Okay. Tesla Science Center is recognized before Suffolk County Legislature for its efforts in commemorating the work of Nikola Tesla and preserving his Wardencllyffe Laboratory.

The Wardencllyffe Laboratory is the only remaining laboratory where Nikola Tesla, the inventor of wireless technology, and alternating current electricity, and neon lighting, conducted his research, also known as the *Father of the Electric Age*.

The laboratory was abandoned for many years and slated for demolition, until 2012, so that was less than two years ago, when the Tesla Science Center, and we have the folks here in front of me up here at the Legislature, they took the initiative to save that science museum. And with the help of cartoonist Matt Inman, from the *theotmeal.com* website, they collaborated and they raised 1.37 million dollars from internet crowd funding.

(*Applause*)

Through the generous worldwide support, the donations enabled the Tesla Science Museum to secure the 16 acre industrial property, including the original tower base and buildings and the grounds. In the true sense of community, hundreds of volunteers joined together to clean up the property and make it a jewel for the town of Shoreham, and actually just across Wading River, the

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entire area, and Rocky Point. It is going to be an amazing place for people to come and visit. In fact, in September of last year, 2013, the community gathered for the dedication of Nikola Tesla's statue, donated by the government of the Republic of Serbia, and that was exciting. I know I remember seeing all of you, you know, there, and there were Congressmen coming from our country, and it was a great way to collaborate between our countries and celebrating science.

It is my hope that the Tesla Science Center will attract tourists to our community and educate visitors about Tesla's contributions to modern science. In addition to inspiring visitors, the Tesla Science Center will encourage investment in our communities, local businesses, including restaurants and family-owned shops.

So today I am very proud to honor you with a proclamation to the Tesla Science Center for your efforts in saving a very important piece of our history. So congratulations.

(*Applause*)

Jane Alcorn is the President. Jane, I'd like to introduce you to our Legislature. And if you could just speak a few words about the Science Center, because it's one of the most exciting places to go in this country. And I can't wait until we can get people inside the building, but right now it looks beautiful from the outside. So, Jane, come on up and speak.

MS. ALCORN:

Thank you, Legislature, and Legislator Sarah Anker. Thank you to all of the Legislators here. We're really honored and pleased to be able to be here, and we're very grateful for the worldwide support to save this historic and important site.

As Sarah mentioned, Nikola Tesla made it possible for us to have the lights on today. He's the creator of the electric grid, actually the distribution of alternating current. He and George Westinghouse electrified Niagara Falls, and made it possible for electricity to be distributed over long distances. And so we can thank him for many, many things in our lives. He's also known as the *Father of Radio*.

And the site in Shoreham is a 16-acre site, with a beautiful brick building designed by Long Island Architect, Stanford White, who was world renowned at his time at the turn of the last century. And so what we're hoping to do is turn that beautiful old laboratory, designed by White, into a science learning center and museum that we hope all of you will visit some day when it's complete. And we also invite all of you to participate in its creation.

We do have volunteer days on Saturday mornings, when the weather improves, and you're welcome to sign up and help out. So thank you very much, and we hope we'll see all of you there some day.

(*Applause*)

(*Photograph Was Taken*)

(*Applause*)

P.O. GREGORY:

Next, Legislator Trotta will present a proclamation to Jill Glazer, a Kings Park High School student who won First Place in the Long Island Psychology Fair.

LEG. TROTTA:

I'd like to invite Jill, Dr. Susan Agruso, the Superintendent of the Kings Park School District, of

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course, Jill's family, the Principal Lino Bracco, Dr. Perlman, Michala Godstrey, Jennifer Alexander, her project mentors from Stony Brook University, up here for a minute, please.

I've known Jill since she was a little girl. She -- her brothers were on my soccer team when they were five or six years old. And you could tell early on that Jill was going to do things in life. All of a sudden, I looked on the field one day and Jill is the referee at the soccer -- at the soccer game. And there was one call that I didn't really agree with you, Jill, but we'll let that pass now.

I'm very proud to congratulate her. She won First Place in the Long Island Psychiatric Fair that was held last month. Her project had to do with care self-harm and personality traits. It's something pretty in-depth for a high school student to do. She traveled to Stony Brook University at nights and on weekends and took a lot of time out of her personal life. For someone in a high school position to do that and get into something that important is an outstanding thing.

She's an outstanding young lady. She excels in French, music, sports, and is the Editor in Chief of her newspaper, school newspaper. I just want to congratulate Jill. The Superintendent would like to say a few words about her also, who -- the Superintendent of it Kings Park School District, who's retiring this year also.

MS. AGRUSO:

I thank all of you and Legislator Trotta for this honor for one of our students.

Jill is a member of our Independent Science Research Group, and this is a group of students who dedicate their lives throughout high school to independent science research. And, as you've heard, they have opportunities to work at labs around Long Island to pursue what is typically postgraduate research. They work with top scientists on Long Island, and it is an amazing commitment and opportunity for her. We are incredibly proud of all she has accomplished in high school and wish her well in her future endeavors. And thank you for this honor for our school district and for Jill.

*(*Applause*)*

P.O. GREGORY:

Legislator Trotta will present a second proclamation to Ed Hope of Smithtown, who alerted residents that their building was on fire and helped save a two-year-old boy.

LEG. TROTТА:

Ed happens to live around the corner from my office and we read about this in the paper. He was coming home from a sporting event with his son and he noticed there was a fire or smoke coming out of a building. He works for the Uniondale Fire Department and is also a Captain of the Fire Department there.

Without any hesitation at all, even though he's not a volunteer fireman here, he knocked on the door, went into the house, it was full of smoke. He came out, found someone else, went back in and found a two-year-old boy upstairs in the apartment. So, without any disregard for his own safety, he had to be treated for smoke inhalation, but thankfully he's okay. And I want to congratulate him because this is the kind of person that stops and takes a special effort and goes above and beyond when a lot of people would just drive past that house.

So I want to thank you very much. And on behalf of the people of Suffolk County, I appreciate all the work you do. Thank you.

*(*Applause*)*

P.O. GREGORY:

Okay. Next, we have Legislator Spencer, who will present proclamations to Gaia D'Anna, Maggie Giles and Erica Vazquez. These three eighth grade students from J. Taylor Finley Middle School in Huntington spent the holiday season raising \$1400 for the Make-A-Wish Foundation of Suffolk County by selling holiday cards at school.

LEG. SPENCER:

Good morning. Gaia, and Maggie, and Erica, thank you for coming this morning. And, you know, these eighth grade girls are in the Huntington School District, and recently, while watching just a young person who had their wish come true with the Make-A-Wish Foundation, they were inspired themselves to get involved. Now, where a lot of eighth graders are focusing on a lot of different things relating to themselves, it's great to see these young people be inspired to help others. Here's a nice picture of them, and they made the news several times. And, you know, they're very photogenic, and as well as being conscientious.

Are your parents here with you also? I'm going to -- mom, dad, come up here. This is important. I want you all to come up and join me.

So this started about 18 months ago, and so, during the 2012 holiday season, using the original artwork of Maggie's father, they started selling holiday cards, and they raised \$350 and donated it to Make-A-Wish. And due to the popularity of their cause, they were inspired to move forward and they had a goal of doubling their efforts the following year. But it appears that they were more successful than they ever imagined, they actually quadrupled what they earned the first year and made \$1400 and donated it to Make-a-wish. So they've been dubbed as *Finley's Angels*. And they're here with their Principal, Mr. Amato. My kids also go to their school, so I hope that my daughter gets inspiration from you guys.

But congratulations. I am so proud of you. And as a result, the residents of Suffolk County, we'd like to award you with these proclamations. So Gaia, this is for you. Maggie, this is for you, and Erica. Fantastic. So let's give them a big round of applause. Thank you.

(*Applause*)

Mr. Amato, would you like to say a couple of words?

MR. AMATO:

Sure, yes.

LEG. SPENCER:

Certainly.

MR. AMATO:

Thank you for inviting us. I just want to say that these ladies are a Principal's dream. When they started this program, I met them in seventh grade. They came to my office. They were so nervous, they didn't even want to come in. I invited them in and they said, "Mr. Amato, we'd like to do a fundraiser for the Make-A-Wish Foundation," and I said, "That's a great cause, let's do it." And they started selling leaves on a giving tree that they made out of oak tag, and they sold leaves in the cafeteria. You remember that, right? Okay. That's how it all started. And in eighth grade, they walked right into the office, they didn't wait outside, and they said, "Mr. Amato, we have another idea," and I said, "Great, let's do it." And thanks to the families, the parents and the concerted effort of these three ladies, it really turned out great for the Make-A-Wish Foundation. We're proud to be here and thank you for recognizing them.

*(*Applause*)*

P.O. GREGORY:

Okay. Next, we have another presentation by Legislator Spencer, who will present a proclamation on behalf of the Suffolk County Legislature to the Long Island Harley Riders.

LEG. SPENCER:

Thank you, Mr. Presiding Officer, and I appreciate your indulging me for one more, a very special organization that I'd like to recognize. And representing them, we have their President, Fred. We have Rich and Dom who are here representing the Long Island Harley Riders. But I also would like to ask the Executive Director of Sagamore Children's Psychiatric Center, who's also here, Thomas McOlvin. And thank you, gentlemen, for being here. I really appreciate just everything you've done.

And so this is an all-18 proclamation, so all of my colleagues have joined together to really recognize something very special. And one of the things that we are concerned about is psychiatric care here on Long Island. And we know that we've seen Sagamore in the news recently where we are definitely concerned about its future, because they play such a vital role for a dwindling service.

But, when we look at Long Island Harley Riders, and they are an organization of about 200 members across Long Island, and they are a not-for-profit organization, and they are dedicated to helping those who have had less fortune in life. So they're kind of like Robin Hoods, so to speak. And so, for the past 12 years, they have delivered holiday gifts to children of Sagamore, New York State's only long-term pediatric mental health center on Long Island. And during the 2013 holiday season, they brought toys, clothes, athletic equipment, games and books to the in-patients, to about 30 patients that were there. And President, Fred Hartmann, dressed as Santa Clause and led the delegation, and it really had an astounding positive effect on the children. And their dedication to the patients of Sagamore and their deep affection for those who are in need, and heartwarming service, really is very special and something that we want to recognize in our community.

So it gives me great pleasure to honor, to applaud, and to issue this proclamation to the Long Island Harley Riders for their special work in our community. So let's give them a big hand.

*(*Applause*)*

LEG. SPENCER:

I'm going to ask if Tom would just say a brief word, if it's okay.

MR. MC OLVIN:

Brief will be good.

LEG. SPENCER:

It could be longer, if you so choose.

MR. MC OLVIN:

Okay. Well, I'd really like to thank Legislator Spencer and all of the members of the Legislature for recognizing this incredible group of people.

You know, for the last 12 years, the Long Island Harley Group every year has put together a ride on their Harleys to come to Sagamore and bring children -- bring toys to the children who are there. I'm not really sure whether it's the kids or the staff that get the most excited when they start hearing the motorcycles coming down Half Hollow Road, but it's really an incredible event for the facility.

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And, you know, when you work with kids who have special needs, and, you know, have been through rough times in their lives, it's always really important for them to have positive role models, and to be able to show them that people can live their lives and enjoy the things that mean a lot to them, and that people can come together and do good things. And Long Island Harley Group is the perfect example of that. You know, they actually bring these incredibly expensive motorcycles into our courtyard, and let the kids spend time sitting on them and talking about them. And, yes, I'm terrified every time, but we get through it and it's worked out well. So far, nobody's crashed through the gate on one of them, but it could get close. But I really feel that, you know, this group is just amazing. Fred, in his role as Santa, is a sight to behold.

And I would like to add just one final note. This year, you know, it's been a really difficult time for Sagamore because of the plan to close the facility. And the staff and the families are -- you know, have gone through a rough time with it. But this year, when the Harley Rides came, Fred, in his role as Santa, said that we would be back, and I said that if Santa said it, I would believe it. And I understand that we will back, at least for one more year, and, hopefully, Santa will keep making that message go forward. Thank you.

*(*Applause*)*

*(*Photograph Was Taken*)*

P.O. GREGORY:

At this time, I've been instructed by Legislative Counsel to read into the record I.R. 1164 of 2014, which is going to be introduced as a CN. It is a Local Law to lift the salary cap for Chief Deputy Medical Examiner. The Public Hearing has been posted in the lobby, and it will be held this afternoon at 2:30 p.m.

Also, we have other announcements. After our morning agenda today, in recognition of -- we will have a presentation in recognition of Black History Month. Georgette Grier-Key, Director and Chief Curator, and other members of the Eastville Community Historic Society will make a presentation of the efforts being made to make Long Islanders aware of the many achievements and contributions of local African-Americans.

And, also, a reminder to all of my colleagues, there will be a photo taken of all the Legislators promptly before lunch, at the lunch break at 12 30 p.m.

And we will go forward with the agenda, the public portion. Each speaker will have three minutes, the first speaker being Linda Klampfl.

MS. KLAMPFL:

Yup.

P.O. GREGORY:

And on deck, Kyra Dorn.

MS. KLAMPFL:

Thank you, everybody. My name is Linda Klampfl. I'm with Almost Home Animal Rescue. I'm here today to talk about dogs that are chained up outside in their backyards.

I have been doing animal rescue work for over 20 years, and doing outreach. These are just some pictures of dogs that have -- that are currently living chained up outside. She's going to -- Lillian's going to lift the chain. These are what are used to chain these dogs outside. That's a chain that

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was taken off a doing. We have more chains over here. All right. So I've been dog. We have more chains over here.

All right. So I've been doing animal rescue for over 20 years, and doing outreach for 12. I'm very well educated in the needs and behaviors of dogs. I'm here today to bring you awareness to the neglect that is going on to our companion animals.

The limited laws that we currently have under the New York State Ag and Markets Law Section 26 and the Suffolk County Law Section 299 does not provide for the minimal standards for outside dogs. These dogs live 24 hours a day, 365 days a year outside. Their chains get tangled and they can't reach their dog houses. Their water freezes, if they're lucky enough to have any. And their food is inadequate, and their living conditions causes them to live in their feces and urine.

They're often chained with heavy tow chains, such as the ones I have today. These chains were taken off two dogs brought into the Town of Babylon Animal Shelter. The sheer weight of them is overwhelming. This is how they live 24 hours a day, 365 days a year. They're not aggressive animals, they are loving, affection creatures that just want a family to be part of.

I've taken dogs off these chains and brought them into my home, and they become part of my family until a forever home is found. The acclimate to living with other dogs, cats and my kids. One of such dogs in these posters is currently fostered with us and sleeps in bed with us every single night.

Dogs are pack animals. Chaining them outside is pure torture for them. One of the most inhumane punishments is isolation. Isolation, in turn, causes extreme boredom, frustration and aggression. They get lick sores, chew their dog houses, and become aggression most often out of sheer frustration.

As well as new stricter laws, there must be an organization to enforce it. The Suffolk County SPCA has fallen incredibly short on their enforcement of what little laws we currently have. Our organization alone has multiple documented cases where they did not enforce such laws. The most recent example was in Wyandanch, 119 Irving Avenue, where dogs were living in wire crates, covered with a tarp, in a backyard. SPCA was called multiple times by multiple organizations over a period of several months. These dogs lived in their own excrement, were extremely underweight, with no shelter from the weather. We have pictures proving such living conditions. The dogs one day disappeared. Now no one knows where they live.

We desperately need stricter laws and a proper organization to enforce them. I ask that you to listen to your public, the people who are out there every day driving into dangerous areas, making sure these dogs stay alive. It isn't just one area, it's all over Long Island, thousands of dogs chained with no one, no one to -- no voice and we speak for them.

You're all invited to our "Tie Out Demonstration" this Friday, February 14th, at 11 a.m., at the H. Lee Dennison Building, to oversee the overwhelming need for things to change. Thank you.

P.O. GREGORY:
Thank you.

*(*Applause*)*

P.O. GREGORY:
Kyra Dorn, and then next on deck is Lillian Lennon.

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MS. DORN:

Hi. My name is Kyra Dorn. I want to thank you all for your service to the County. I have handouts. Should I give them to you?

MR. LAUBE:

Sure.

MS. DORN:

All right. I'm also here on behalf of the dogs. I am currently the cofounder of Unchain New York, which is a 501(c)(3) nonprofit volunteer-run group that services the chained outdoor dogs on Long Island. We operate a community outreach program that provides free supplies, dog food and free medical services, such as vaccinations, no-cost spay/neuter throughout low income communities in Suffolk County.

P.O. GREGORY:

I'm sorry. Can you speak closer into the mic? Some of us can't hear you.

MS. DORN:

Oh, sure. Sorry.

P.O. GREGORY:

Thank you.

MS. DORN:

As my fellow rescue colleagues have mentioned or will mention, chaining dogs -- chained dogs living outdoors in deplorable conditions are the norms in many Suffolk County communities. More often than not, these dogs lack proper shelter, don't have access to adequate water and food, and almost certainly have never been to the vet, never received vaccinations, and are not spayed or neutered. The depravity of the conditions we are faced with day in and day out through our community outreach program is truly wretched. The treatment and living conditions of these innocent animals is almost certainly an outdated, archaic and inhumane approach. These dogs are malnourished, living, eating and sleeping, if they are lucky enough to receive food, right in the same area that they urinate and defecate. Perhaps some examples would help shed light into the severity of the situation at hand and help lend a face to our cause.

We have encountered dogs with severely embedded collars, such as Blue, who's been pictured in the handout. She was brought to our vet and the SPCA called, but nothing done. In another instance, I recently removed a 43.6 pound chain from what is probably a 50-pound dog. In Bellport, the night before the first snowstorm of the season, we drove through looking for any dogs that might need help. We found dogs, many dogs living outside, one of which had a wire crate with a tarp as its shelter, and another was in an airline carrier, the one that have all the holes through it, and that was its house. The temperature, as you all know, in these past few months has dropped to record lows, including minus 11 degrees in some locations. These dogs are living outside around the clock, 24 hours a day, seven days a week, 365 days a year, and are unwillingly forced to endure the relentless, unforgiving elements. In the winter months, dogs freeze to death. We have literally seen that happen. In the summer months, it is very common for dogs to suffer from horrific fly bites, leaving skin bloody and raw, have heat stroke, and suffer from severe dehydration. It disgusts me that this is acceptable in today's society, especially in New York.

There are currently 14 states that outlaw chaining of dogs, and there are county-specific laws in other states that also ban chaining. We were the first county in the country to have an animal abuser registry, but our laws are so lax that no one is convicted. Please start by considering more stringent humane laws to protect the innocent and voiceless dogs of Long Island. Not only does

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legislation need to harden, but also there needs to exist transparency in who enforces what. Currently, there is the Suffolk County SPCA, the Town Animal Control and the Suffolk County Police Department who are all responsible for different things. If we can come together, strengthen the laws, delegate enforcement, unify, and fight this battle together, we can eliminate chaining dogs once and for all. Thank you very much.

*(*Applause*)*

P.O. GREGORY:

Thank you. Okay. Lillian --

MS. LENNON:

Lillian Lennon.

P.O. GREGORY:

Lennon. And then Ashleigh Zoller.

MS. LENNON:

Is there a time limit, because when I speak --

P.O. GREGORY:

Three minutes.

MS. LENNON:

Okay, then three minutes. Okay. I just want wanted to say that I would really appreciate everybody listening, because those of you that are listening to my colleagues before, we really appreciate that, because this is very important. We've worked very hard to present this to you, and it's a very important cause that we're trying to address here at the Suffolk County Legislature.

So, as I was introduced, my name is Lillian Lennon. I'm a retired school teacher from the William Floyd School District, and I am a volunteer for RSVP Animal Welfare and Rescue. I reside in East Moriches.

A dog named Sasha froze to death this winter. Why, do you ask, does that happen when the laws clearly state in particular that they are required to have shelter specific to their breed? A wooden doghouse with some straw is not adequate for a short-haired dog such as a pitbull or a Jack Russell terrier. In addition, there are numerous dogs tethered 24/7. Again, it appears it is illegal according to Suffolk County tethering law past in September of 2011, and yet the language of the law is ambiguous, to say the least. The SPCA and law enforcement needs to be armed with these laws to protect the most vulnerable among us. I would appreciate your intervention regarding the enforcement of these laws.

Too often it takes a tragic story such as Sasha's to get our attention. Many residents are discouraged to call for help, because they are told that they are in compliance with the law, when, clearly, they are not in compliance with the two laws that protect these animals in Suffolk County and in New York State.

On behalf of my rescue group and my fellow Suffolk County residents affected by the enforcement issue, I would request that Mr. Bellone and the Suffolk County Legislature take a leadership role in organizing the parties required to move this to the forefront of our conversation regarding animal welfare, so that the rescue part of this title can become archaic in Suffolk County. Suffolk County can pride itself in pioneering grassroots efforts of actually enforcing these laws that are passed, and tragic stories such as Sasha's do not have to be told again, and again, and again.

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Therefore, we implore your intercession with the SPCA, the animal control, law enforcement, and public safety to work closely with the animal welfare and rescue groups throughout Suffolk County communities. We believe it's your duty to support the following:

A free low-cost spay/neuter program outside the shelter walls; enforcement -- enforcement, that's the key word, everybody -- of the Suffolk County tethering law; enforcement of the New York State Agriculture Market Law for proper breed-specific shelter and sustenance. You are the lawmakers. We elect you to pass legislation to protect our beloved Long Island animals, who, unfortunately, are at the mercy of their own owners. But the laws mean nothing unless they are enforced.

We need the SPCA to work together with the law enforcement to make this happen before another winter comes and goes and our beloved animals perished, because there's nothing -- not enough man or woman power to reach these communities, or the direct result of these laws will overcrowd our shelters. Yes, it's a tall order and we do not expect our Legislators and the SPCA and the law enforcement to do this alone. We are behind you. Are you behind us?

A link to Sasha's tragic story will follow in the speech that I'll hand out to you all. May she not have died in vain. Thank you.

*(*Applause*)*

P.O. GREGORY:

Ashleigh Zoller. Zoller?

MS. ZOLLER:

Yes.

P.O. GREGORY:

Okay.

MS. ZOLLER:

Hi. My name is Ashleigh Zoller and I currently reside in Speonk, and I am a volunteer for Unchain New York. I am reading a statement from Brian Shapiro, New York State Director of the Humane Society of the United States.

"The HSUS is proud to join Suffolk County animal advocates in calling attention to the plight of dogs chained outside and forced to endure harsh conditions with no protection from the elements. Rarely does a chained or tethered dog receive sufficient care. Tethered dogs often suffer from sporadic feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. HSUS recommends that all dogs live indoors as part of the family, are taken on regular walks, and otherwise provided with adequate attention, food, water and veterinary care.

Almost Home and so many others have shown great commitment to improving the lives of dogs that are neglected or left chained outside. Our laws must change.

Many of New York's animal cruelty statutes have not been updated since the 1800s. This is unacceptable. Our elected representatives must listen to the constituents who insist that animals be treated humanely and with compassion.

The HSUS supports everyone who is here today, speaking up for the most defenseless among us. We urge that the State and local animal protection laws be enacted and strongly enforced. This is our goal and mission in New York. We stand ready to work with all of you. Together we will make

this happen. Thank you.

(*Applause*)

(The following was transcribed by Kim Castiglione, Legislative Secretary)

P.O. GREGORY:

Thank you. Nancy Hemendinger.

MS. HEMENDINGER:

Good morning. I would like to take this opportunity to thank the Legislature for putting forth a resolution declaring the week of February 23rd through March 1st as Eating Disorder Awareness Week in Suffolk County and thank you, Legislator Spencer, for introducing that. Eating disorders are a serious, potentially life threatening condition that affects both a person's emotional and physical health. In the United States alone, 30 million people will be impacted by an eating disorder at some point in their lifetime. These conditions affect all kinds of people and don't discriminate by race, age, sex or size.

This year's national eating disorder awareness theme is *I Had No Idea*. This theme provides me with an opportunity to share just a few facts about eating disorders. Eating disorders are caused by genetic, psychological and social factors. They are not a choice. Eating disorders are not about food. They are partially about unhealthy ways to cope with stress, stress that can be brought on by bullying, family trauma and sometimes transitions in life. Those with eating disorders tend to be highly motivated and well mannered. They're the students in the classroom that are getting straight A's, the best athlete, the best musician, star in a play and yet they're sitting in the classroom wasting away physically and emotionally. They're the employee that is your star employee, always ready to go beyond, even without pay. Family members also suffer when their loved ones are diagnosed with an eating disorder. They suffer with guilt, and they suffer with helplessness with trying to secure treatment for their loved one.

In my role as a Health Educator for the Suffolk County Department of Health Services, I've been asked to provide eating disorder awareness prevention presentation programs and in services for teachers, nurses counselors, athletic directors and students. These presentation requests are increasing every day.

The programs that have been implemented in Suffolk County have become known on a national level. I have been asked to speak at the National Eating Disorder Association's annual conference this past year in Washington D.C., again talking about the prevention work that we're doing here in Suffolk County.

I commend the Suffolk County Legislature for recognizing that we need to change the culture around eating disorders from that of *I had no idea*, to a desire to learn, discuss and also most importantly, provide hope for those suffering with the eating disorder and their family members. Thank you.

(*Applause*)

P.O. GREGORY:

Thank you, Nancy. That's all the cards that I have. If there is anyone else that would like to speak, please come forward. Okay. Please fill out a card. State your name for the record. And you have three minutes.

MS. SOSSIN:

Karen Sossin, nutrition educator. I've been around for over 25 years in the field of eating disorders

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and disordered eating, working with schools, much as Nancy has. And I just want to say that Suffolk County has a wonderful opportunity to create an understanding and awareness of the dangers of dieting and all the triggers that lead to the onset of these disordered eating behavior amongst our very vulnerable youth. We know that 81% of ten-year-old girls are afraid of becoming fat, and that fear creates dangerous eating behaviors and dangerous emotional and physical attitudes and behaviors. So we have an opportunity to take advantage of making Suffolk County have an eating disorder awareness and prevention week, and I think it's really important that we do so. Thank you for your time.

*(*Applause*)*

P.O. GREGORY:

Thank you.

MS. KIRSCHBAUM:

Good morning. My name is Karyn Kirschbaum. I'm a school health policy coordinator at Western Suffolk BOCES working with school districts across Suffolk County, trying to create an environment that promotes health and wellness with obesity being the disease that we're addressing. Obesity sends a lot of mixed messages and unfortunately triggers more problems with the focus on BMI and weight and size and diet.

I just want to thank you for acknowledging this week. By providing a public health awareness week you are giving opportunities for increased understanding of this disease, as Nancy so eloquently described. Understanding and knowledge, more opportunity to disseminate information and as the demand grows for presentations and trainings and conferences, we'll have a week to wrap ourselves around -- it gives people permission to talk about this illness that is so surrounded with shame and secrecy. And in our move to promote more health and wellness in our schools this certainly would be an added -- an added benefit to have this week. So thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you.

MR. STRAUSS:

Good morning. Alex Strauss, 184 Radio Avenue, Miller Place, New York. I just wanted to -- I wasn't here when you people were sworn in, and I'd just like to congratulate Presiding Officer DuWayne Gregory, assistant Presiding Officer Jay Schneiderman on your election to those positions, and to all the members that were reelected, congratulations. And to the new members, congratulations. Get ready for a lot of stuff.

*(*Laughter*)*

Also, I would like to say that I hope that you all back William Spencer's change in the age for buying cigarettes from 18 to 21. That is one of the worst things this -- we've ever had in our culture is smoking. It's killed so many people. It killed my mother and father. And I think it's a great, great piece of legislation, and I hope it's all backed. Thank you, and have a great day.

*(*Applause*)*

P.O. GREGORY:

Thank you, Al. Okay. We're going to get to the agenda. I'll take a motion to close the Public Portion.

LEG. CILMI:

Yes.

P.O. GREGORY:

Motion by Legislator Cilmi, seconded by --

LEG. MARTINEZ:

Second.

P.O. GREGORY:

Legislator Martinez. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legislators Browning and D'Amaro)

P.O. GREGORY:

Public Hearing is closed. We are going to get to the agenda. We have -- let's do our Consent Calendar. I make a motion to accept the -- to approve the Consent Calendar, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legislators Browning and D'Amaro)

P.O. GREGORY:

At this time I'll recognize Legislator Barraga for the purposes of taking a resolution out of order.

LEG. BARRAGA:

Mr. Presiding Officer, I'd like to make the suggestion that resolution 1000 under Ways and Means be taken out of order. There are a number of people from the First Baptist Church sitting out here. Right now it's scheduled to be the last issue taken up this afternoon. I would appreciate it if it could be being taken up as the first issue.

P.O. GREGORY:

Okay. Legislator Barraga makes the motion.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Browning)

P.O. GREGORY:

Okay. Motion is taken out of order.

LEG. BARRAGA:

I make a motion to approve.

P.O. GREGORY:

Okay. Let me -- I'll read the motion. ***I.R. 1000 - Authorizing conveyance of real property to***

First Baptist Church of Bay Shore. Legislator Barraga makes a motion to approve.

LEG. KENNEDY:
Second.

P.O. GREGORY:
Seconded by Legislator Kennedy. Any questions?

LEG. D'AMARO:
On the motion.

P.O. GREGORY:
On the motion, Legislator D'Amaro.

LEG. D'AMARO:
Could I just ask for a brief explanation of the bill? I'm sorry, I was out of the room.

LEG. BARRAGA:
This particular parcel was currently owned by the County of Suffolk. The First Baptist Church is located in the same area. The parcel is adjacent to their property. This particular proposal has been going on now for almost three years, and it's gone through two Senators and one Assembly person. In fact, this body passed the first Home Rule Message to transfer this property, take it out of the park status and give it to the First Baptist Church back in 2011.

Unfortunately, when the Home Rule Resolution in 2011 went to the Assembly, that Home Rule Resolution and the bill that was put in didn't specifically detail the parcel that would be transferred to the County to make sure there was an equal amount of County land still available in that area, so it didn't pass. And then this past year, if I recall correctly, we again sent up another Home Rule Message specifically detailing a parcel currently owned by the First Baptist Church that would be transferred to the County in lieu of this piece to make it parkland, and of course it passed in the Assembly and the Senate.

The main reason it had a difficult time in the Assembly, there are certain Legislators in the Assembly who want to make sure that if we give up a piece of parkland that there's an alternate appropriate piece to take its place. And the first piece of legislation, like I indicated, did not really specify that piece of land that would be transferred to the County, which this one does, and it's currently owned by the First Baptist Church. There's no exchange of funds. It's passed the Assembly and the Senate, and now it's before us for finalization.

LEG. D'AMARO:
(Gave thumbs up).

P.O. GREGORY:
Okay. Legislator Stern.

LEG. STERN:
Thank you, Mr. Presiding Officer. In addition to Legislator Barraga's explanation, it was explained to us by Mr. Vaughn and others during committee that the land swap is actually advantageous. The land that we would be receiving is actually the more environmentally sensitive, and because of the positioning that we're going to end up with after this swap environmentally it's actually a better position to be in.

P.O. GREGORY:

Great. Thank you. Anyone else?

D.P.O. SCHNEIDERMAN:

Could somebody answer, of the two pieces, the pieces we're getting I understand it's more environmentally sensitive, but is it more area? Is it a higher valued piece of property or is it a lesser valued piece of property?

LEG. BARRAGA:

Yeah. I would venture to answer that. It's a piece that's larger. It's in the same approximate area as the church and this parcel that they're giving up, and it's a better piece of parkland. In fact, the piece that the church is going to receive is a rather poor piece of land. If I recall correctly, because I was down to take a look at it, 50% of that land is like a hill, so you really, really can't do anything with it. I don't know why it was ever parkland to begin with. I think at some time someone made the decision to make it parkland, but certainly the piece that they're getting, the church is giving up and the County is receiving, is much more valuable.

P.O. GREGORY:

Okay. Mr. Clerk, we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

Okay. We'll call the vote. All in favor? Opposed? Abstentions? Motion carries. Congratulations.

MR. LAUBE:

Seventeen. (Not Present: Legislator Browning)

(*Applause*)

LEG. STERN:

Tim, cosponsor.

P.O. GREGORY:

If everyone will turn to page six in the agenda, we have in ***Budget and Finance, I.R. 1008 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer.***

P.O. GREGORY:

Legislator D'Amaro? Motion by Legislator D'Amaro.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Browning)

P.O. GREGORY:

I.R. 1028 - Authorizing appraisal of land under the Suffolk County Drinking Water

Protection Program, as amended by Local Law No. 24-2007, Mowdy property - Town of Brookhaven (SCTM No. 0209-021.00-05.00-032.000). Legislator Browning?

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. Second by Legislator Muratore. Questions? Legislator Anker.

LEG. ANKER:

Yes. On the motion, what were you going to find out about what's happening with these properties pertaining to the Sandy funds? Were we able to get information on the Sandy?

LEG. BROWNING:

Let me change that motion. I don't know where Sarah is. Laretta? Yeah, I'm sorry. Yes, I was going to consider a tabling motion. I don't know where we are with the NRCS funding. Have we gotten anywhere with that?

MR. VAUGHN:

Good morning. Yes, we -- my understanding with NRCS is that we are still waiting to hear from them. It's been a particularly arduous process. I had spoken to Ms. Lansdale on Friday before the committee. We are satisfied with these -- with the Legislature going forward with approving them for appraisal steps since there is no other action that would be taken after that until the EPA Committee meets to decide what the next -- what the next action would be under the new Tripe A process. So we are okay with these going forward. We had wanted them, you are right, Legislator, we had wanted them to be -- to wait for NRCS and it was only because should NRCS want to take a look at these properties and buy these properties, they would end up having to do their own appraisal on them. They would not accept our appraisal.

LEG. BROWNING:

Right.

MR. VAUGHN:

So that's where we are at, but we will leave it to the will of this Legislature as to how you would like to proceed.

LEG. BROWNING:

Yeah. I mean, I know it's why would we spend the money on an appraisal if, you know, if the Federal Government is not going to accept our appraisal. I think it's what, somewhere around 2500 per piece, right? I mean, I'll make a -- I'll withdraw the motion and I'll make a motion to table for one cycle and hopefully next meeting it's not that far away.

MR. VAUGHN:

No, and I can promise you that we will continue to follow-up with NRCS to make sure that we are making progress if there is progress to be made.

LEG. BROWNING:

Sure. Thank you.

P.O. GREGORY:

Okay. Legislator Browning withdraws her motion and makes a motion to table. Seconded by Legislator Anker. Any further questions? Okay? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1029 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Bello property – Town of Brookhaven (SCTM No. 0209-036.00-03.00-042.000).

LEG. BROWNING:

Same motion, table.

P.O. GREGORY:

Same motion, same second okay? All in favor? Opposed?

LEG. BROWNING:

We have a couple, so if you want to just do same motion on all of them.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1030 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Bayview Drive, Mennuti property - Town of Brookhaven (SCTM No. 0209-037.00-01.00-021.000). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1031 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Riviera Drive, Mennuti property – Town of Brookhaven (SCTM No. 0209-025.00-07.00-004.000). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1032 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Pletenik property - Town of Brookhaven (SCTM Nos. 0209-033.00-07.00-025.000 and 0209-033.00-07.00-026.000).

LEG. BROWNING:

Same motion.

P.O. GREGORY:

Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1033 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Dittmer property – Town of Brookhaven (SCTM Nos. 0209-027.00-08.00-032.000, 0209-036.00-03.00-036.000 and 0209-027.00-05.00-025.000).

LEG. BROWNING:

Same motion.

P.O. GREGORY:

Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1035 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Rivela property – Town of Brookhaven (SCTM No. 0209-027.00-07.00-057.000 and 0209-027.00-07.00-058.000).

LEG. BROWNING:

Same motion.

P.O. GREGORY:

Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. ***Health. I.R. 1037 - Declaring the week of February 23, 2014 through March 1, 2014 as "Eating Disorders Awareness Week" in Suffolk County.***

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. CILMI:

Second.

P.O. GREGORY:

Second by Legislator Cilmi. Questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Parks and Recreation. I.R. 1001 - Repealing Resolution No. 726-2013 and authorizing the

use of Smith Point County Park by the Long Island 2 Day Walk to Fight Breast Cancer, Inc. For Breast Cancer Walk in 2014.

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. ANKER:

(Raised hand).

P.O. GREGORY:

Second by Legislator Anker. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Public Safety. I.R. 1007 - Accepting the donation of a tow truck from the Peninsula Insurance Company, a Donegal Insurance Group Company for use by the Suffolk County Police Department.

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Krupski. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Public Works, Transportation and Energy. I.R. 1004 - Appropriating funds in connection with County Share for the creation of the Shirley/Mastic Sewer District, Town of Brookhaven (CP 8134).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, seconded by Legislator Muratore. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1004A, bonding resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance a portion of the cost of the County's share of the planning for the proposed establishment of the Shirley/Mastic

Sewer District, Town of Brookhaven (CP 8134.110). Same motion, same second. Roll call.
(Roll Called by Mr. Laube, Clerk of the Legislature)

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1005 - Amending the 2014 Adopted Operating Budget and authorizing the payment of the County of Suffolk's proportionate share of the capital expenditures for improvements to the sewage treatment plant at Dorade (Suffolk County Sewer District No. 8 – Strathmore Ridge).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Second by Legislator Krupski. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. Manila folder. Okay. We have several Procedural Motions. ***Procedural Motion No. 1-2014 - Designating Veterans Organizations to receive funding for Memorial Day Observances for 2014.***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Procedural Motion No. 2-2014 - To set a public hearing regarding the authorization for approval to extend Cross Bay Ferry License for Fire Island Ferries, Inc. I make a motion. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Procedural Motion No. 3-2014 - To set a public hearing regarding the authorization for approval to extend Lateral Ferry License for Fire Island Ferries, Inc. I'll make a motion.

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Procedural Motion No. 4-2014 - To set a public hearing regarding the authorization for approval to extend Fire Island Water Taxi, LLC.

I'll make a motion. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. We're more efficient than we planned.

(*Laughter*)

Government is working well. We have finished our agenda for the morning. At this time I'm going to ask that the -- Ms. Georgette Grier-Key, if they're available to make their presentation, and then we'll break for lunch -- to take the picture after. You can speak a little closer.

MS. GRIER-KEY:

Good morning. I'm actually waiting for a few of the members to arrive. If I have your tech person, is he here? I spoke with Cary, I believe, or some tech person that could assist me with setting up the PowerPoint.

P.O. GREGORY:

Ms. Grier, we'll take a five minute recess.

MS. GRIER-KEY:

Okay. Thank you.

P.O. GREGORY:

All right. We'll be back in five.

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(Meeting was recessed at 10:52)

*(*The following was taken and transcribed by
Alison Mahoney, Court Reporter*)*

*(*The meeting was reconvened at 2:32 PM*)*

P.O. GREGORY:

Okay. Mr. Clerk, please call the roll.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. KRUPSKI:

(Not Present).

LEG. BROWNING:

(Not Present).

LEG. MURATORE:

Here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

(Not Present).

LEG. McCAFFREY:

Here.

LEG. STERN:

(Not Present).

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Thirteen *(Not Present: Legislators Krupski, Browning, Hahn, Trotta & Stern).*

P.O. GREGORY:

Okay, thank you.

We will start with our first ***Public Hearing, IR 1027-13, Adopting Local Law No. -2014, A Local Law to amend Section A13-10 of the Suffolk County Administrative Code to authorize donation of property held by the Police Property Bureau (County Executive).*** Do we have -- we don't have any cards. Is someone from the Administration here? Does anybody want to be heard on this public hearing?

LEG. CALARCO:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Calarco. I will second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen *(Not Present: Legislators Trotta & Stern).*

P.O. GREGORY:

Okay. ***(Public Hearing on) IR 1039-15, A Local Law to raise the legal age for the sale of tobacco products in Suffolk County (Spencer).***

We have several cards. Our first speaker, Claire Millman. Thank you, Ms. Millman. You have three minutes.

MS. MILLMAN:

Thank you. Let's start now. I am Claire Millman, President of the Alliance for Smoke-Free Air and have been actively involved in this vital public health issue for 40 plus years. I had a major role in the initial appeals for it and subsequent strengthening of all tobacco control legislation in Suffolk, Nassau, New York City and New York State.

The Surgeon General's latest report stressing that tobacco smoking remains our number one cause of premature death emphasizes the necessity to prevent our youth from starting. In fact, quote, *"The root cause of the tobacco epidemic is the tobacco industry's aggressive promotion and tactics."*

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Nothing says it better than their own documents. Quote; *"Smoking a cigarette for the beginner is a symbolic act -- I am tough, I'm an adventurer, I'm not square. As the psychological symbolism subsides, the pharmacological effects take over to sustain the habit."*

Quote; *"Our strategy becomes clear; direct advertising, appeal to the younger smokers."*

Quote; *"If younger adults turn away from smoking the industry must decline, just as the population which does not give birth will eventually dwindle."*

Quote; *"Younger adult smokers have been the critical factor in the growth and decline of every major brand over the last 50 years, will continue to be just as important in the future; no more than 5% of smokers start after age 24."*

Quote; *"Younger adult smokers are our only source of replacement smokers."*

Quote; *"Very few consumers are aware of the effects of nicotine; ie, its addictive nature and that nicotine is a poison."*

Quote; *"Smoking is a habit of addiction."*

Scientific knowledge is effective only in its application. Unlike most epidemics, we don't have to wait for a cure, we know what has to be done. Suffolk County's commendable leadership with positive action through the years has greatly contributed to the resulting decrease in smoking. From a tobacco internal document around 1984 expressing alarm over the negative impact on tobacco sales caused by 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,"* end quote.

The tobacco industry continues to fill coffins as it fills its coffers.

Fact; Tobacco smoking has killed ten times the number of Americans who died in all of our nation's wars combined.

Fact; it costs us \$289 billion annually in health care costs and lost productivity, monetary toll that is borne by all of us.

Fact; most smokers don't -- most smokers start before they turn 21.

And fact; every victim was once someone's child.

Please pass this bill to help save our youth from becoming sad statistics. Preserve their freedom from bondage, the powerful addiction to a killer. And by the way, death by smoking is not quick, it's horrifically, agonizingly painful and slow in most cases. It isn't often that Legislators have the opportunity to save lives; please maintain Suffolk's leadership position in doing just that. Thank you.

P.O. GREGORY:

Thank you, Ms. Millman. Next we have Jack Rugen. And on deck is Phillip Castaldo.

MR. RUGEN:

My name is Jack Rugen. On behalf of nearly 120 franchise owners operating over 150 7-Eleven convenience stores located in Suffolk County, the United Franchise Owners of Long Island, UFOLI, strongly urges you to oppose the proposed -- the proposal -- to oppose the proposal by Legislator

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Spencer to elevate the cigarette purchase age in the County to 21 years.

We share the goal of preventing minors from smoking and are dedicated to complying with current County, State and Federal laws. Actually, cigarette age compliance rates are at an all-time high, and Suffolk County enjoys one of the highest compliance rates in the County. In fact, 7-Eleven conducts compliance checks with a mystery shopper program which our members pay for. The compliance rate is nearly 97%.

If enacted into law, this proposal will have a debilitating effect on our businesses which have already been negatively impacted by the sluggish economy and rises in the Federal and State excise taxes. Furthermore, an impending Federal excise tax increase in President Obama's 2014 budget will intensify this negative effect, especially in the cigarette category. Our members are losing hundreds of thousands of dollars in sales every year for the past three years.

Despite the Office of Budget Review's assessment that the negative effect will be offset by non-tobacco purchases, if 19 year-olds know they cannot purchase cigarettes in our stores, they won't come in at all; therefore, there will be no incremental sales from non-tobacco products. Instead our customers will flock to black markets, and an increase in illegal trafficking from nearby states may well ensue. Criminals often use the I-95 corridor to transport cigarettes bought in Virginia and North Carolina to New York. A 2011 study of cigarette tax in New York City showed just 39% of the tax collected were the proper city tax stamp; almost three-fourths of the out-of-state tax were from Virginia. This is an acute problem in New York City. And this proposal, if enacted into law, will exacerbate the illegal activity in Suffolk County if 19 to 20 year-olds are forbidden to buy cigarettes from law-abiding Suffolk County tobacco retailers.

In addition, illegal cigarette trafficking is not limited to local and national organizations. It has been linked to international terrorist groups as cited from an investigation by the then-ranking member of the U.S. House Committee on Homeland Security, Peter King. As the black market proliferates, so too will criminal activity.

(Beeper Sounded)

As a 7-Eleven franchise owner for over 25 Year -- 24 years, and the person who has his pulse on his business, I believe this proposal --

P.O. GREGORY:
Mr. Rugen?

MR. RUGEN:
-- will entice 19 to 20 year-olds to frequent the tax-free cigarette shops --

P.O. GREGORY:
Mr. Rugen?

MR. RUGEN:
Yes?

P.O. GREGORY:
Your time -- hello?

MR. RUGEN:
-- at Native American stores in Mastic.

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P.O. GREGORY:

Your time's expired, you have to wrap up.

MR. RUGEN:

Okay, fine.

LEG. KENNEDY:

Mr. Presiding Officer? Can he suffer a question, can we question him?

P.O. GREGORY:

Sure.

LEG. KENNEDY:

Oh, okay. Good. All right, Mr. Rugen, you -- let me just make sure that I understand. You are an individual 7-Eleven franchisee holder, but you represent Southland Corporation as well?

MR. RUGEN:

No, no.

LEG. KENNEDY:

Are you here as one of several franchisee operators?

MR. RUGEN:

I am here representing the United Franchise Owners of Long Island which are franchisees of 7-Eleven stores.

LEG. KENNEDY:

How many members do you have; just approximately?

MR. RUGEN:

We have just under 200.

LEG. KENNEDY:

About 200, and they represent 7-Eleven franchises throughout both counties?

MR. RUGEN:

Yes.

LEG. KENNEDY:

Okay. You mentioned something about the internal compliance. I've heard stories about 7-Eleven that Southland is extremely stringent with the franchise agreement, particularly when it comes to regulated products. So Southland Corporation basically will then attempt to come in and see whether or not you're violating the terms for vending alcohol, tobacco or whatever?

MR. RUGEN:

They will conduct mystery shopper -- shoppers, okay? They'll come in and they'll try -- they'll send an underage person in, they'll try to purchase cigarettes and/or alcohol. If that person at the counter does not ID our purchaser, then they will be issued a red card. If they do ID that person they will be issued a green card, and that compliance rate is like 97%.

LEG. KENNEDY:

Okay. Just out of curiosity, what is your age requirement now?

MR. RUGEN:

Nineteen.

LEG. KENNEDY:

Nineteen in order to vend, but I've also -- I like 7-Eleven coffee, so I'm in there all the time. I mean, you card way up as far as --

MR. RUGEN:

Yes. We use between 27 and 30; some stores use 27, some stores use 30. It depends, because it's a subjective thing.

LEG. KENNEDY:

Okay.

MR. RUGEN:

It's not nothing -- it's not something that you can really put your finger on all the time.

LEG. KENNEDY:

You also spoke about something regarding increase in Federal excise taxes? I'm unfamiliar with that; what is that?

MR. RUGEN:

There have been substantive cigarette increases, cigarette excise tax increases over the years.

LEG. KENNEDY:

Okay. But more recently I think you mentioned something as a result of the Affordable Care Act.

MR. RUGEN:

No.

LEG. KENNEDY:

Oh, okay. All right. Thank you, sir.

MR. RUGEN:

You're welcome.

P.O. GREGORY:

Thank you. Phillip Castaldo. And next is -- after him, on deck is Patty Orzano.

MR. CASTALDO:

Good afternoon, Ladies and Gentlemen. My name is Phillip Castaldo, I am not only a retailer of cigarettes, but I am a resident of Suffolk County for the past 40 years.

I stand here today not as a retailer of cigarettes, but as a concerned citizen, concerned about the urgent needs of others in our community. We often hear too often that the County has no funds for needed programs; I just heard it out here in the hallway today. People that really do need our help have a hard time and a long time getting it. It comes down to dollars and cents. We all need to get our biggest bang for our buck. With our County suffering from the effects of Hurricane Sandy and this year's snow storms, we cannot afford to lose any more revenue or jobs.

While New York City's planning on changing the tobacco policy to 21, I ask you, will this change have an actual impact on minors smoking? Why not delay this policy to see if this would actually be a positive change? The gamble for anticipating game is one we really cannot afford.

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We have already seen the loss of revenue when New York State increased the excise tax, not because people were quitting smoking, but due to the increase cost, they chose to purchase tobacco from untaxed avenues such as the Internet, Indian reservations, out of state sources, and since 2002, the explosion of the black market. That illicit market costs New York State \$20 million a month in lost revenue.

The American Lung Association presently says that 3900 young people under the age of 18 every day pick up a cigarette for the first time, and 950 of them start smoking regularly. That number sounds pretty incredible, but excuse me -- bear with me with the math: 950 times 365 days equals 346,750 individuals; divide that by 50 states in the union, it equals 4935 per state; divide that by New York's 62 Counties, this comes out to 112 new under-19 year old smokers for Suffolk County, 112 kids. From the number of 346,000, 112.

I have not found any data on how many 19 and 20 year-olds that start smoking at 19 and 20. But I was glad to see that the data of the 18 year-olds and under high school students smoking in 2007 was 45% less than those smoking in 1997.

I have to applaud the County for it educating everyone young and old about the harmful effects of tobacco. Smoking today is not cool anymore. Peer pressure seems to no longer be a driving force for our kids to start smoking; however, we do need to address that minors who continue to purchase age-restricted products, use and distribute them must be held accountable. Retailers have had this burden for policing them for years, and as well as the expense of training and purchasing of detecting equipment. If we implement --

P.O. GREGORY:

Mr. Castaldo?

MR. CASTALDO:

Yes?

P.O. GREGORY:

Your time is -- your time is up.

MR. CASTALDO:

I've got a couple of seconds and I'm done. If we implement a violation for intended purchases and to be in the position of age-restricted products, then the person doing and knowing who is doing wrong will be punished. This costs us nothing and gains will be paramount. Thank you for your consideration at this time. Thank you.

P.O. GREGORY:

Thank you, Mr. Castaldo. You have two Legislators that would like to ask questions.

MR. CASTALDO:

Sure.

P.O. GREGORY:

Legislator Spencer and then Legislator Krupski.

LEG. SPENCER:

Hi, Mr. Castaldo, and thank you so much for being a retailer here on Long Island. And I definitely, you know, really want to again do everything we can to work with our retailers. And so I apologize, I am not intending any disrespect by this, but I just wanted to point out something. You did some

quick math there --

MR. CASTALDO:

Yeah.

LEG. SPENCER:

-- and I think my concern, sir, is that you said 950 times 365 is 346,000, divided by 50 states. And I apologize, I'm so sorry for this, but, you know, we've got approximately 29 million people in New York State which is almost one-tenth of the population of the United States. You can't do something like -- I'm just wondering, how did you come to that and equate that? But on the one hand you're saying a very small number, so if that number is actually that small, if you were to say your assumption was true, then you're really -- what would be your concern? Either the number is really small and it's not going to effect you, or it's big and you're saying it's a big economic impact, so you're arguing both sides. But how do you divide it by 50 states when some states have actually 20 to 30 times the population of smaller states?

MR. CASTALDO:

Well, I did it as an average. I mean, if you look at anybody's numbers, everybody's pie chart looks good, you know. Coke says they're doing great and Pepsi says they're doing better, so, you know, it's always a challenge. But we're just trying to say the numbers of how they say 400,000 kids start smoking every day; you know, how many of those kids really live here on Long Island? And I was just trying to be fair in dividing it up to each state, you know. And like I said, we really would appreciate it if you take a look at that data that we're going to get from New York City, because Nassau County is sitting in the middle of the two counties, it has nothing to do but gain from both revenue from both areas, and we need the revenue today, we really do. I'm not here to advocate kids smoking, but I think really we have to look at the numbers and really pick an avenue that would help those numbers, not just raising an age and hoping for the best.

LEG. SPENCER:

And I appreciate where you're coming from, you're saying that you need the revenue. But by your own calculation, you're saying that the numbers seem to be over inflated in terms of the impact. So if you're over inflating the impact in terms of saying that this is a very -- this is going to have a big economic impact, but by your own calculations you're saying it's only a small, really, number of people. So we're talking --

MR. CASTALDO:

It's a double-edged sword, I know where you're coming from. But, you know, like I said, I really go back to the heart of the matter; really, what's the best -- you know, I remember back in the Vietnam days, President Nixon said, "*Give me 400 ways to stop the war.*"

LEG. SPENCER:

Right.

MR. CASTALDO:

And they started at 400, not at number one; I want to start at number one for a change.

LEG. SPENCER:

Well, I appreciate you taking the time to come down and speak. And I think this is a very important debate and I thank you, sir.

MR. CASTALDO:

Thank you very much.

LEG. SPENCER:

And, you know, I look forward to doing anything I can to work with you, even though we may disagree on some things.

MR. CASTALDO:

Absolutely.

P.O. GREGORY:

Legislator Krupski.

MR. CASTALDO:

I thought you said two questions.

LEG. KRUPSKI:

Thank you. Mr. Castaldo, again --

MR. CASTALDO:

Oh, I'm sorry.

LEG. KRUPSKI:

That's all right. Thank you for coming down and we appreciate your comments.

You mentioned \$20 million in lost revenue. What was the time frame?

MR. CASTALDO:

It was \$20 million a day.

LEG. KRUPSKI:

A day, okay. That's New York State.

LEG. McCAFFREY:

A month you said.

MR. CASTALDO:

A month, a month. I'm sorry, a month.

LEG. KRUPSKI:

All right. Then you said that the black market cigarettes are causing that loss of revenue.

MR. CASTALDO:

That's the information that I've said; I won't say quote, but that I read on-line.

LEG. KRUPSKI:

Where are they coming from?

MR. CASTALDO:

On-line. I read it on-line, it was a -- I think the gentleman's name was -- I don't have it with me. I can get that for you, I can get exactly where it came from.

LEG. KRUPSKI:

I mean the location where the cigarettes are produced, that's what I mean.

MR. CASTALDO:

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Well, they're saying that the black market is causing that loss in taxes. It comes from several years, it comes from, like I said, the Internet, it comes from -- Virginia is our biggest competitor for cigarettes, that come up from Virginia, because our tax structure is so low. And Massachusetts I think deals where New Hampshire, that's where they get their black cigarettes, black market cigarettes from.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you. I'm going to yield to Legislator Trotta first, if I can, Mr. Presiding Officer, because I think he has some information on this question from Legislator Krupski and for Mr. Castaldo.

LEG. TROTTA:

This is the one thing I know about, it's bootleg cigarettes. I did it for ten years with the FBI.

P.O. GREGORY:

We can't hear you.

LEG. TROTTA:

This is the one thing I know about, it's bootleg cigarettes, I did it for ten years with the FBI. I mean, at one point I'll vouch for the Poospatuck Indian Reservation was responsible for 14 million cartons of cigarettes sold in one year. It was between 1.4 and \$1.6 billion dollars in lost tax revenue; that's based upon statistics from the State. The wholesalers are allowed -- they are required to report to the State how many cigarettes are sold to the Indian reservations. You take that number and multiply it times 4,651, it came to 1.6 billion, then you add in the sales tax.

So the fact that we have those Indian reservations on here, it's not like it used to be, it's definitely down a little, but it's, you know, in excess of \$800 million. I mean, there were truck load after truck load after truck load bootleg back into New York City. And while I think the City is more the target, this might create some demand out here. But most of those cigarettes came from the Indian reservation. At one point, 11% of all new part cigarettes sold in New York were sold on the Poospatuck Indian Reservation, so it's billions of dollars in lost tax revenue.

LEG. KRUPSKI:

Thank you.

MR. CASTALDO:

Did you hear or find that 39% of the cigarettes sold in New York City are tax-free cigarettes?

P.O. GREGORY:

Okay.

LEG. TROTTA:

That was a survey a college did about picking up cigarettes off the ground. The City of New York paid for that.

MR. CASTALDO:

Okay.

LEG. TROTTA:

And a lot of them came from Virginia. But the ones you're seeing now, there's no stamps because now the Indians are making their own cigarettes. They're bypassing Federal law, Federal tax and State tax and they're producing -- their rolling machines are making thousands of cigarettes at \$12 a carton.

MR. CASTALDO:

Just one last thing. Eighth graders are getting cigarettes now. They're going to get them tomorrow, and unfortunately that's a fact. Changing the age from 19 to 21 is not really going to damper those resources. Thank you very much.

P.O. GREGORY:

We have several other people that want to ask you question -- no?

D.P.O. SCHNEIDERMAN:

Legislator Kennedy?

MR. CASTALDO:

About the better Boy Scouts, John?

P.O. GREGORY:

Was there someone else?

LEG. KENNEDY:

I'll yield. No, I was just going to ask about -- you know, you're right up the street here, so as I said, I love 7-Eleven coffee, we're in and out all the time. But you have a number of employees in there. What's your workforce at this point; five, eight, ten?

MR. CASTALDO:

Fourteen in each store. We have 14; part-timers and full-timers. But I can tell you, ten years ago, out of my 28 employees, probably 18 of them smoked; today maybe three do.

LEG. KENNEDY:

Good for you. So then I guess as a merchant, you kind of imposed that policy amongst the staff. If you see a downturn in overall revenue, what does that do to your workforce?

MR. CASTALDO:

Well, it lowers it, of course. It's just like anything else, you get -- you only have so much to work with. Same as you guys have, you only have so much to work with. You know, you put your resources in certain things and sometimes payroll is the one that suffers because a lot goes with the payroll; Workmen's Comp, unemployment insurance. So it's a tough fight.

LEG. KENNEDY:

Okay. Thank you. Thank you for being here, Phil.

P.O. GREGORY:

You have a question? Legislator -- excuse me, sir?

MR. CASTALDO:

Oh, I'm sorry.

P.O. GREGORY:

One more; or for now one more. Legislator Anker has a question for you.

LEG. ANKER:

And again, you know, we appreciate you coming here --

MR. CASTALDO:

Thank you.

LEG. ANKER:

-- and letting us know your thoughts. But we're talking about lost revenue, and of course that's a concern. But -- and I have to put this in a form of a question. What do you think the lost revenue is for the folks that have gotten cancer? You know, again, that's what this is about. It's not that we're after issues, creating issues of lost revenue for you as a business owner, but we need to do more with people that are losing their lives to cancer. And I know -- Legislator Spencer, do you have that number of lost revenues or what we're losing, in addition to lives which are absolutely priceless, to cancer?

MR. CASTALDO:

I get you a hundred percent, you're absolutely right. But a person that starts smoking cigarettes at 16 doesn't get cancer at 17. You know, we have time to help them, we really do. And today, like I said, the education is out there today. I'm a car guy, in my car club we have 65 guys; 15 years ago every one of those guys smoked, I think two, maybe two smoke today. So their education really did work, and there really is a cessation in smoking. Like I say, the stuff I heard in the hallway today I think is a much more dire problem than we have with smoking.

LEG. ANKER:

What stuff was that?

MR. CASTALDO:

The substance abuse, the heroin. Heroin addiction is rampant in our County, that's a major problem we have.

LEG. ANKER:

And again, this parallels. Again, you talk about nicotine and addiction and it's starting, and you had mentioned 17, but unfortunately it seems that, you know, addiction starts at, you know, a young age of 15, 16, 17, 18. And this is what, you know, again, the Legislator and the Legislature is trying to do is prevent people from becoming addicted. But then again, it isn't -- the last thing we're trying to do is create lost revenues, and we really appreciate your input, but our main focus is to save lives. But thank you for coming.

MR. CASTALDO:

Absolutely. We're all here for that same goal, but there's ways to get to that goal. Thank you.

P.O. GREGORY:

Thank you, sir. All right, Patty Orzano, and on deck is Kevin Beyer.

MS. ORZANO:

Hi. Good afternoon. I'm Patricia Orzano and I'm a West Babylon resident. I'm also a 7-Eleven franchisee. But unlike my fellow franchisees in the back, I -- my store is in Massapequa; it is three blocks from the Suffolk County border. I stand here today with my colleagues and tell you that what do I -- what am I doing here? I stand to gain all those revenues. I really sincerely believe, after being in the business 35 years, ten years ago we used to sell 35 cartons a day, I am down to 20. Our revenues have decreased all -- whether you're in the gas stations, the convenience business, or

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even the mom and pop stationeries. Our revenues, gross revenues are down ten to 15% in general across the board in this bad economy. This economy is not improving. We have cut jobs tremendously, hours of our people. I recently had to stop giving them health care because I could not afford it due to the increase in the Affordable Care Act premiums. But I stand here today and I tell you that I have a son and a stepson, they are both smokers. Where did they learn to smoke? They started because their father, a Vietnam Veteran, who still just recently stopped smoking because he had double pneumonia from COPD. Okay? I'm not going to be able to stop him, but I'm going to work diligently to stop my son and my stepson. They were never allowed to smoke in my home. When did they start smoking? When they were 19, 20, 21. My husband started at 15, and when he went into Vietnam the government actually said, *"Young man, young ladies, you need to relax, have a cigarette."* Okay? We're all past that.

And nowadays, in 7-Eleven stores and any of the convenience stores and the gas station retailers, we have on-the-job training. None of our employees are allowed to work after one week without doing their EBT training in the back room. In 7-Eleven, we have over 90% compliance rate. The 19 and 20 year-olds are just going to climb over the border into my County and purchase the cigarettes from me at a gross profit of 14%. I am not thrilled, okay. And we are the retailers and not responsible to stop them from smoking. We discourage them and we're mandated, our registers have a system that mandates the employee to check the ID or scan it. The problem is the parenting. If the parents put strict rules in the home when they're teen-agers, just like they do with education and so on, then the parents are the ones who should be taking care of those children and saying, *"Look, when you're 18 and 19, if you're going to go out and smoke that's fine, but you're not going to do it at home. I can't stop you."* The youth of Suffolk County are just going to march into my County and purchase cigarettes, or they're going to get them from their older friends, brothers or sisters, or even their parents.

You're asking, again, us to take another decrease in revenue like we did over the last ten years, you're asking us to still maintain our businesses. Do you know that cigarette sales in the convenience business used to be 35 to 40%? We are down to approximately 20% on average, okay? If you keep on --

P.O. GREGORY:

Ms. Orzano, your time is up. Can you please wrap up?

MS. ORZANO:

Okay, thank you. If you keep on reducing the sales, yes, the workforce in the convenience business, in the mom and pops and in the gas stations is going to greatly keep reducing again and again. There isn't anything else that's legal that we can sell that will make up for those -- for those lost sales. We do not stand here today and advocate smoking to teen-agers; however, most 19 year-olds and 20 year-olds started when they were 16.

P.O. GREGORY:

Ms. Orzano, your time has expired, please wrap up.

MS. ORZANO:

Thank you very much.

P.O. GREGORY:

Thank you. Kevin Beyer. On deck, Jim Calvin.

MR. BEYER:

Hello. I'm Kevin Beyer, President of Long Island Gas and Retailers Association. We have members in the City, in Queens, Nassau, Suffolk, and even though this is well-intentioned, this will effect us

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greatly. Our members -- we're -- just what was said, you're going to cross the border, that's a big thing, going right from Nassau to Suffolk, especially you have the 110 corridor. So now you're going to have -- they're going to get the boon over there in Nassau, basically, because you have the City crossing over and you have Suffolk crossing over. But on top of that, just like we were speaking about before, the bootleg and the black market of cigarettes is astronomical.

We've said this over and over, that the County is losing millions and millions of dollars a month over this, between that, and we spoke over and over about the bootleg of gasoline. Sales tax is usually the issue of this whole drive. So when we're talking about the Indian reservations, you're easily pushing it further to the Indian reservations. You're hurting the Suffolk County businesses. We understand -- you know, nobody likes all the smoking. I have children, I don't want my children smoking either. But by moving this up, first of all, you're moving the age way past -- they're voting, they're allowed to vote at 18 but now you're going to push this over to 21; it doesn't make sense. It doesn't make sense in any respect as far as the -- the issue with the taxes, what we're dealing with in Suffolk County, it doesn't make any sense. Our businesses alone being hurt once again in Suffolk County.

I feel one of the biggest things that we should be doing is the education, which we've been doing. The sales are down in my stores, in -- besides being the President, I own my own business which is a convenience store also and my sales are down, they've been down for years, with the implementation of going from the 18 to 19. And we understood that, I kind of understood originally when that law was being implemented why it was being implemented. You wanted to break that sale to the high school kids, so by raising it to 19-years old you brought it up to the college level and it kind of broke that barrier where the 18 year-olds were bringing it back to the freshman and sophomore in high school. But this legislation will not help in any way as far as Suffolk County, Suffolk County residents who need the tax, it's not going to help the businesses in any way and it's only going to increase the bootlegging, increase the sales over at the reservations. And if they would just implement the laws that are on the books for the reservations and things like that, that would hold down some of the age of people crossing over and getting the cigarettes.

P.O. GREGORY:

Thank you.

LEG. SPENCER:

I have a question.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

Hi, Kevin. How are you?

MR. BEYER:

Okay. How about yourself?

LEG. SPENCER:

Good, thanks. And again, I think that we've had a long working relationship and I think that, you know, I have a lot of respect for you and your organization on this particular issue. So one of the things I wanted to bring out, were you aware that Nassau County is laying the same legislation on the table?

MR. BEYER:

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I don't feel that Nassau County is going to pass any legislation when it comes to this, especially if they know that they're going to, you know, increase their revenue. And this should be a Statewide issue. If this went through the State, then we could kind of understand, it's a fair playing field, and we hear that the State is looking at this. So I think that we should take, you know, a back seat right now and see what the State does, to see if the State does pursue anything at this point.

LEG. SPENCER:

Sure. And the next question, and I hear you when you talk about the illegal operations at the casino -- I mean at the Indian reservations. *(Laughter)*. Casinos.

MR. BEYER:

That's another issue.

LEG. SPENCER:

But I think that -- you know, I know there's some enforcement concerns that you're saying that typically they're supposed to not sell tax-free except to members of their nation; is that true, as far as your understanding?

MR. BEYER:

They're only supposed to be selling to people on the sovereign land. They're not supposed to be selling to normal individuals coming. I can tell you day-in-and-day-out, on a Monday morning I could be at my own service station and people will come in to me to buy a pack of cigarettes and they'll complain saying, "I didn't make it to the reservation this weekend." It kills me when I hear that. Because here I am a taxpayer, live in Suffolk County, I pay, you know, my own personal taxes and business taxes here and try to, you know, do things legally, and here we have this going on. And when the increase just in the sales tax on cigarettes went astronomical, we said that in New York State that they were not going to fill their coffers when they raised the tax rate and that you were going to push further into the black market; it's exactly what happened. They made less revenue even though the taxes went up tremendously on a pack of cigarettes.

LEG. SPENCER:

We do have some experience and, you know, I -- what did you see -- because from research that I've done, and we're going to have further testimony, when we raised the smoking age from 18 to 19, in the subsequent two years, I mean, there was a downward trend, but that trajectory didn't change. I mean, it didn't seem to have a negative impact. What was your personal experience when we went from 18 to 19? Because we're talking about the smoking universe from 14 to 70 and we're talking about 19 and 20. So what is the -- when you talk about that age group. Because on the other hand, if it's such a key factor, it seems that you're almost making the argument for me, that you're saying that they're not going to buy anything else, they're going to turn around and walk out. But my concern is 90% of smoking less than 21, they get their cigarettes from people that are less than 21. So did you see a change when we went from 18 to 19?

MR. BEYER:

Well, each year we've seen a decrease. Is it because of the age change or the education? Because there was a lot of education that's been pushed out there, so I attribute a lot of it to the education that's been pushed out there. And I think that's really the role that should be played right now, not another implementation of an increase in age again.

LEG. SPENCER:

Kevin, again, I thank you. And we'll continue to work together, even where we disagree. Thank you so much.

MR. BEYER:

Thank you.

P.O. GREGORY:

Jim Calvin? And on deck is Lori Benincasa.

MR. CALVIN:

Good afternoon, Ladies and gentlemen. My name is Jim Calvin, I'm the President of the New York Association of Convenience Stores. We are a Statewide trade organization representing 8,000 convenience stores, most of which are licensed by the State of New York to responsibly sell legal tobacco products to adult customers who choose to use them, despite the known health risks. I don't reside in Suffolk County, but I was born in Greenport.

Section 792-1 of the Suffolk County Code sets forth a Legislative intent of the Tobacco 19 Law by this body back in 2005. For example, it says, *"This Legislature determines that the effects of smoking generated by the smoking of cigars, cigarettes, pipes and so forth pose a threat to the health, safety and well-being of youth within Suffolk County."* There's a whole list of bullet points and they're compelling, but they're incomplete, and we want to propose that IR 1039 be amended to update these Legislative findings as follows:

"This Legislature finds that through diligent enforcement and preventive actions by responsible retailers, the rate of under age tobacco sales violations at licensed stores in Suffolk County has dropped from 8.9% in 2004 to 4.3% in 2012 and remains below the Statewide average. This Legislature determines that the legal purchase age is not the same as the legal smoking age, and that, in fact, there is no legal smoking age in Suffolk County. This Legislature further determines that its policy on under age smoking is "smoke 'em if you got 'em". Inasmuch as it remains perfectly legal in Suffolk County for minors to possess and use cigarettes they obtain from sources other than duly licensed retail stores that enforce the tobacco purchase age. This Legislature also finds that indeed the Centers for Disease Control have documented repeatedly that the vast majority of underage smokers obtain their cigarettes not from licensed retail stores, but from adult relatives and friends. And this Legislature, therefore, concludes that elevating the purchase age at retail stores actually has negligible impact on youth access to tobacco. This Legislature further finds that the tobacco purchase age is blatantly ignored at retail stores on the Shinnecock and Poospatuck Reservations in Suffolk County, providing minors with unfettered direct and indirect access to abundant sources of cheap, untaxed cigarettes and undermine the intent of this section. This Legislature determines that New York State has the most pervasive, illegal cigarette trade in the country driven by tax evasion. The Legislature further finds that this flourishing black market, unencumbered by regulations like the legal tobacco age, now supplies more than half the cigarettes consumed by New Yorkers. This Legislature finds that the theory that elevating the tobacco purchase age reduces smoking is false, illustrated by the fact that two of the four states with a tobacco age higher than 18 have an adult smoking rate higher than New York's.

(Beeper Sounded)

"Because of these sad realities, this Legislature finds that raising the tobacco purchase age to 21, while well intended, would only amount to nibbling around the edges of the youth smoking problem."

Dr. Spencer and other proponents of this legislation, your cause is noble, but we don't believe that this would work. Thank you.

P.O. GREGORY:

Thank you, Mr. Calvin. Any questions? Okay.

Applause

Lori Benincasa. And on deck, we have Patricia Bishop-Kelly.

MS. BENINCASA:

Good afternoon. It will come as no surprise to many of you that I'm here to speak in favor of Introductory Resolution 1039 which raises the legal age to purchase tobacco to 29 (*sic*). When the Master Settlement Agreement was reached between the states and the Attorney General in the late 1990's, the tobacco industry agreed to start marketing their deadly product to children. Though they never really fully complied with the intent of the Master Settlement Agreement, what they did is they ratcheted up their marketing to older children, to 18 to 21 year-olds, to college-age students. Before the Master Settlement Agreement, we saw that nearly 95% of smokers started their addiction to nicotine before age 18. Now we've seen a slow but steady shift and an increase in the age of initiation into the early 20's.

In New York State, the rate of high school students who use tobacco decreased steadily between 2000 and 2010 from 32.5% to 20.8%. Progress has stalled since the year 2010, and in 2012 we saw 21.8% of high school students reporting that they used tobacco. The introduction of new and insidious products such as e-cigarettes, hookahs and used smokeless products have only added to the problem. We need to jump start progress again. I believe that raising the minimum age to purchase tobacco products will do just that, along with other initiatives. And I will take this time to commend CVS for making the monumental decision to stop selling tobacco. Because of their civic-minded policy, 57 fewer outlets will sell tobacco in Suffolk County. I hope the other leading pharmacy chains will make the same change.

My office enforces all the State and local tobacco control laws in the County. Last week I had a hearing with a convenience store owner whose employee had sold tobacco to an under age student. He was fined \$1,250 and got points that will go to possibly losing his registration to sell tobacco and lottery. He and his attorney both told me it would be much easier for them if the age was 21 because it would be easier for their employees, all of their products, alcohol and tobacco, would have the same age restrictions.

Last month marked the 50th anniversary of the landmark Surgeon General's report that forever linked smoking to lung cancer. Since then, tobacco has been linked to cancers of nearly every organ and acknowledged as the major cause of heart disease, stroke and respiratory diseases. The recurring theme in the Surgeon General's press conference was enough is enough. Tobacco use steals lives, takes parents from children much too young, costs the nation, the State and the County billions of dollars to treat illnesses caused by smoking, exposure to environmental tobacco smoke, lost productivity and fires. My question is when have we had enough? Thank you.

P.O. GREGORY:

Thank you.

LEG. SPENCER:

I have questions.

P.O. GREGORY:

There's a question. Legislator Anker has a question for you.

LEG. ANKER:

Thank you, Lori, for coming here and giving us your testimony. I'm just curious; do you happen to have data on the drinking age when it was increased, what, from 18 to 21? Could you get us, you know, down the road if you don't have that today, but this information so we can kind of see where

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things actually are going, you know, the effect that that law has had on drinking and maybe compare it smoking.

The other question I have for you is the death rate. Do we have absolute fact that cigarettes causes death?

MS. BENINCASA:

Cigarettes cause nearly half a million deaths a year, about 440,000 in people that smoke and about another 60,000 a year from people that were exposed to environmental tobacco smoke.

LEG. ANKER:

Okay. And I just want --

MS. BENINCASA:

That's just this country.

LEG. ANKER:

-- to clarify; you said 29, it's 21. You made a mistake when you first started speaking, you said the age was 29.

MS. BENINCASA:

Oh, I'm sorry.

LEG. ANKER:

That's okay, that's all right. But then again, I think it's --

MS. BENINCASA:

Twenty-nine would be better.

LEG. ANKER:

(Laughter). Well, you know, that's subliminal thinking. So the idea that there's a substance, whether it's nicotine -- and let me ask you, what is the exact substance that creates disease within a cigarette?

MS. BENINCASA:

There are many chemicals in a cigarette that are known human carcinogens, there's not just one.

LEG. ANKER:

So again, it's sort of like taking a radioactive substance that we know is a carcinogen and allowing it to be bought and sold and used, that eventually creates disease. I mean, in my mind that seems to be what cigarettes are doing to our society.

MS. BENINCASA:

It's all preventable. If people didn't smoke, they wouldn't die from tobacco-caused diseases, and neither would their family members.

LEG. ANKER:

Thank you.

LEG. SPENCER:

Hi. Thank you. So I wanted to ask as far as with the tobacco education and our enforcement division, right now you are able to actively go out and, with regards to vendors, enforce, again, the vending ages, what products they're dispensing at this time? Can you just tell me a little bit about

that program and how it's done?

MS. BENINCASA:

We receive a grant from the State under ATUPA, Adolescent Tobacco-Use Prevention Act, which pays for all of the salaries for the staff that do the enforcement; we enforce all local and State tobacco control regulations. Sanitarians go out with 16 and 17-year old volunteers, they do get paid but they volunteer for the job, and we do compliance checks at every registered tobacco vendor in the County at least once a year.

LEG. SPENCER:

Lori, what is the recommended daily amount of smoking? What's a safe amount that you can smoke?

MS. BENINCASA:

There's -- I think every leading health organization will agree, there is no safe amount to smoke and there's no safe exposure to environmental tobacco smoke.

LEG. SPENCER:

So there is no benefit to smoking, in your opinion, at any time ever or anyone, any age?

MS. BENINCASA:

It's not just my opinion. I think the Surgeon General and the American Heart Association, Lung Association, Cancer Society would all agree that what you just said is true.

LEG. SPENCER:

Now, I guess with alcohol, is there some argument that there could be some medicinal effects of drinking as far as prevention of coronary artery disease and things of that sort?

MS. BENINCASA:

There is. And also, alcohol, many times people can smoke -- can drink alcohol in moderation. Nicotine is so extremely addictive that most smokers are addicted to nicotine in smoking their first pack of cigarettes.

LEG. SPENCER:

And I've heard numbers, I don't know if you have anything to substantiate, but that for every smoker the impact on society per year is about \$12,000 per smoker; have you heard any number similar to that?

MS. BENINCASA:

I know that people talk about the high taxes on a pack of cigarettes, which in New York State is \$4.35. But each pack of cigarettes that's smoked causes someone, the Federal government or taxpayers, insurance companies -- the estimates go when you put in fires that are related to tobacco and environmental tobacco smoke -- anywhere from between \$7 a pack up to \$30 a pack. So the money that's collected in taxes no way pays for the damage that cigarettes do.

LEG. SPENCER:

And in your experience when you're doing research, I think that there was testimony previous talking about looking at prior legislation, I think from 2005, that I guess the conclusion was the sad realities, this Legislature finds that raising the tobacco age to 21, while well intended, would be nibbling around the edges. Do you agree with that? What are your thoughts? I mean, do you feel that Legislatures can evolve? I think there was some point legislation talking about other things throughout history that we've become wiser on; what's your opinion about that?

MS. BENINCASA:

I'll tell you what the Campaign for Tobacco-Free Kids says which is a national organization and rated among the top in terms of tobacco control regulations. They say that many smokers transition to regular daily use between the ages of 18 and 21; that means they may experiment younger than that, but most of them become solidly entrenched smokers between 18 and 21. If we can keep cigarettes out of the hands of young people until they reach 21-years old, first of all, they're older and they're able to make better decisions, but it's much less likely that they will become addicted to nicotine and spend the rest of their lives as tobacco users.

LEG. SPENCER:

And now from also your experience that we're not now basing this evidence in terms of what we deem politically or socially to be a good idea. Have you heard of any evidence relating to the maturing brain and addiction centers, that an immature brain that's maturing well into its 20's, that there's increased susceptibility to smoking that can cause a lifetime addiction?

MS. BENINCASA:

That is correct. Under approximately 25 years of age, people are much more likely to become addicted.

LEG. SPENCER:

And is it true that they're not -- they're also-- it's also more difficult for them to quit if they're addicted earlier?

MS. BENINCASA:

The younger someone starts to smoke, the more likely that they will be a heavy smoker; and if they're a heavy smoker, it will definitely be more difficult for them to quit.

My office also runs the Tobacco Cessation Program for the County. We've had over 17,000 people go through that program and quitting smoking is not an easy thing and not something someone would want to do. If we could prevent kids from experimenting, from becoming addicted to nicotine, everybody wins.

LEG. SPENCER:

Is there any evidence that --

UNKNOWN AUDIENCE MEMBER:

Not everybody.

LEG. SPENCER:

-- shows that addiction to cigarettes is a gateway to other drugs such as heroin? As far as is there any scientific evidence from your experience as an educator?

MS. BENINCASA:

There's a lot of evidence that engaging in risky behavior such as smoking and drinking at an early age is a gateway to other substance abuse.

LEG. SPENCER:

Well, I'm glad because I think my colleagues are also taking up that task force, so I'm looking forward to their helping me and their support on this also.

Thank you so much. I appreciate it. And I have a lot more questions, but I respect my colleagues and I appreciate your indulgence, Mr. Presiding Officer. Thank you.

P.O. GREGORY:

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Okay. Ma'am? We have one more. Legislator Kennedy would like to ask you a question.

MS. BENINCASA:

Yes.

LEG. KENNEDY:

Hello, Lori. How are you?

MS. BENINCASA:

Wonderful.

LEG. KENNEDY:

Good to see. Thank you for being here. I sent a query over to Dr. Tomarken, which I'm sure you probably had some involvement in putting together the response. So I think, you know, I admire the doctor and I admire his efforts and goals here. I think it's always important for us to be frank and to be honest with what it is that we can do, and I guess I'll reserve for the committee some of the thoughts about what a 25-year old can do or whether or not we should be talking about just banning tobacco outright. I almost get the impression that were you able to introduce legislation, you'd just ban it outright, because probably what you've seen and the efforts you talk about are a real challenge.

MS. BENINCASA:

Do you want me to answer that? That's not what I'm going for, but I would like to prevent initiation by one more child --

LEG. KENNEDY:

Of course.

MS. BENINCASA:

-- starting to smoke.

LEG. KENNEDY:

Of course. I want to go specifically to the letter and I'll share it with my colleagues, and it goes to the enforcement aspect. You talked about 16 and 17 year-olds. And where merchants violate, there is some stringent degree of enforcement that can be brought to bear, up to and including forfeiture of the license, I believe, right?

MS. BENINCASA:

Their licence gets suspended, yes.

LEG. KENNEDY:

Okay. How many enforcement actions have we had for individuals between the ages of 18 and 19?

MS. BENINCASA:

We have not done any stings in probably a couple of years using 18 and 19 year-olds. We use 16 and 17 year-olds for one reason, and that is because that's the State regulation.

LEG. KENNEDY:

Right.

MS. BENINCASA:

So we can enforce Local Law for 18 and 19, but the penalties aren't as strict, the fines aren't as hi

and we can't suspend a registration as the State can.

LEG. KENNEDY:

I understand, I get that. And as a matter of fact, that's why I asked you.

Again, I'll share this memo with all of my colleagues. But I also wanted to go back to ask, there are three or four of you in Tobacco Enforcement, I guess, a couple of Sanitarians and a clerk or something like that?

MS. BENINCASA:

There's a Senior Public Health Sanitarian, three Public Health Sanitarians and one Clerk Typist who's reimbursed at about 93 or 94%.

LEG. KENNEDY:

And I understand, it's all a State grant. But you said that you make a visit to every establishment that vends tobacco products in Suffolk County throughout a calendar year?

MS. BENINCASA:

At least once. Many of them -- not many. Several of them more than once, because if they have an active violation, which means if they have sold a tobacco product to a minor in the last three years, they have to be visited at least twice.

LEG. KENNEDY:

Well, that sounds like a unit where we're getting a good bang for our buck with our employees.

MS. BENINCASA:

We enforce all the Clean Indoor Air Act.

LEG. KENNEDY:

How many licensed entities do we have? How many licensed merchants or vendors?

MS. BENINCASA:

It goes up and down, as you might imagine, because there's delis.

LEG. KENNEDY:

Sure.

MS. BENINCASA:

It's about 1700 right now.

LEG. KENNEDY:

About 1700? Okay. And just out of curiosity, you don't go on to the reservations at all, do you?

MS. BENINCASA:

We're not permitted to. They're not licensed under the State.

LEG. KENNEDY:

Okay. So whatever sales activity, vending or anything like that is completely outside of any kind of control or regulation we can do here in Suffolk.

MS. BENINCASA:

That's correct.

LEG. KENNEDY:

Okay. All right. Thank you, Lori. Thank you for being here.

MS. BENINCASA:

You're welcome.

P.O. GREGORY:

Patricia Bishop Kelly.

MS. BISHOP-KELLY:

Good afternoon. I'm Patricia Bishop-Kelly, I'm a member of the Suffolk County Board of Health and I come before you today in support of Legislative Resolution 1039 and I strongly encourage you to do the same.

Fifty years ago this month, former Surgeon General Luther Terry did what everyone thought was the unthinkable; he issued a document that clearly defied the loud, deceptive and provocative statements by big tobacco and laid the harsh reality square before us; tobacco use is an addiction, it causes cancer and other chronic respiratory diseases. Since that date in 1964, so much has transpired in the field of tobacco control. We have reduced the percentage of adult smokers from 42% to about 19%. We have raised public awareness about the dangers of tobacco use and made quitting a real achievable goal for millions who struggle with addiction. However, we still have far too many of our young people today seduced into trying tobacco for the first time, based on the promises of slick, targeted advertisements and the perception of the glamour it brings with it.

Not one of these glamorous ads ever admits to these young, impressionable adolescents that they are the chosen ones, they are the select group, ripe for the picking by the tobacco industry to become lifelong addicts to one of the most highly addictive substances known to medicine. None of the ads tells them that because their brains are still forming that they are nicotine-naive and that they can become addicted to nicotine with as few as 20 cigarettes, that's one pack.

Tobacco marketing has one prime target market, the adolescent population who, according to tobacco company documents, will become replacement smokers for those who either die from tobacco-caused diseases or quit because of chronic illnesses. Each year we spend on the average about \$96 billion on health care to treat tobacco-caused diseases, about 31 billion in Medicaid dollars and about 27.4 billion in Medicare dollars. Every household in New York State pays on the average \$883 for their share of publicly-funded health care for a preventable addiction.

Within the past few weeks, we are, once again, reminded of the horrific human carnage and destruction caused from the heroine epidemic in our midst. We beat our chest and say "*Mercy, what are we to do? How can we stop this hemorrhage of young, vibrant lives? How can we deal with this horrible addiction and who's next?*" All very good and necessary questions, and with appropriate commitment for prevention, treatment and enforcement we can get ahead of the curve and change these sobering statistics.

One thing, however, strikes me as an unanswered question; why do we think only of addiction when it relates to a tragic overdose and not when it relates to an adolescent trying tobacco for the first time and becoming a lifelong addict to nicotine? Why do we only count the bodies of those who leave us without warning in their prime and not those condemned to a life of nicotine cravings, declining health and fortune and a painfully lingering death? Addiction is addiction, regardless of whether it is to heroin which will end a young life with one overdose, or to nicotine that will begin the slow, predictable, destructive, deadly process in a young body. Today we know so much more

than we did in 1964 when Dr. Terry issued his powerful statements. By supporting this simple, preventive --

P.O. GREGORY:

Ms. Bishop-Kelly, please, your time has expired, please wrap up.

MS. BISHOP-KELLY:

By supporting this simple preventive Legislative measure, you will help us move forward. For years we have been force-fed the lie by the tobacco industry that this is a matter of choice, freedom of choice. I'm here to tell you that there is absolutely no freedom when it comes to addiction. This is not about freedom of choice, it is about preventing addiction, period.

P.O. GREGORY:

Okay. Legislator Spencer has a question for you.

LEG. SPENCER:

Hi, Pat. What's your experience when it comes to, again, those in the military suffering from Post Traumatic Stress Disorders? Are they an area where that cigarettes become frequently a part of their lives, they become addicted as a result? I guess my question is with regards to mental health and addiction, what is the impact? What's your personal experience, what do you know from your vast background?

MS. BISHOP-KELLY:

Well, I can tell you from my own personal experience, some gentleman mentioned the phrase "*smoke 'em if you got 'em*" which was a common phrase during World War II. My father was a smoker and he became addicted when he was in the service, and one of the most precious pictures that I had of him when I was growing up was him standing there with a pipe near a pond when he was in Guam, never realizing that that very precious picture would have the (*inaudible word*) that would soon kill him. My father died of lung cancer and he died a very horrible death, but he used to tell us how wonderful it was that he used to get the free smokes when he was in the military and all of the guys in his outfit were so happy to get these free smokes. And as it would be, he became addicted and he died at an age that was much too soon. We were robbed of our father and my son of his grandfather.

LEG. SPENCER:

I'm very sorry to hear that. Unfortunately we share that terrible burden. My mother started smoking at 19 and died at 58 and spent a lifetime trying to stop smoking. And I guess that really -- it's not necessarily what -- well, it is motivating me, I'm a specialist of the upper airway. But when we look at -- again, I guess the question is someone that starts smoking at 25 versus someone that starts smoking at 19, I'll ask you the same question, do they have a more difficult time stopping as far as what evidence that you've been able to see?

MS. BISHOP-KELLY:

Well, I think you're talking about somebody who may have more years of the addictive process. And you brought up a very interesting question before and I wanted to go back to one of your questions. You asked if there was a safe age, a safe level of smoking, and that's referred to in tobacco control as a threshold. Today medical science has no known threshold where there is a safe level of smoking. If you look at a bottle of Tylenol or any over-the-counter medication that we use, there's always a disclaimer or a warning that you should not exceed 4,000 milligrams or four pills a day because of that very reason that we do know that at a certain point that will become toxic in your body. Unfortunately, with tobacco smoke, because of the carcinogens involved and the impact it has on your cellular genetics, we won't know at what point that becomes carcinogenic, where those cells begin to turn. Could it be with the first cigarette? Maybe; probably not, but we don't know. Is it

the 20th cigarette, is it 250th? We still don't know.

When I was working for the American Cancer Society, we used to have posters that had a revolver, a gun, and saying that starting to smoke was like playing Russian Roulette, because you really never knew which cigarette, which inhalation would start the diseases growing in your body.

LEG. SPENCER:

I have a lot more, but again, I appreciate your testimony and I'll yield. Thank you.

P.O. GREGORY:

Yes, Legislator Barraga has a question for you.

LEG. BARRAGA:

Thank you very much for testifying. And I recognize your expertise in this particular area and I don't have that expertise. But, you know, you cite the Surgeon General in 1964 coming out and very courageously making those statements with reference to smoking and its effects, its negatives effects on the nation at that time. But from that moment on there has been a tremendously successful marketing program in this country which lays out the dangers associated with smoking, and it's been very, very effective. People know that it's extremely dangerous, whether you're 90 years-old or you're nine years-old.

Not too many years ago it would have been possible to think if you could walk into a restaurant that there wasn't going to be smoking going on, or a railroad car or a hospital setting or a nursing home. The marketing programs have been successful and they continue to work. The percentage of Americans smoking is less now, much less, almost know on a year-to-year basis.

So the question is when I take a look at this bill, and I understand where Dr. Spencer is coming from and it has a lot of merit, are we really keying in on what is a central issue as far as young people are concerned? A few weeks ago I had a startling revelation and I was really taken back. I had a group of young people, high schoolers, and it's always kind of -- you've got to be leery when you go into high schoolers and you're speaking to them because they can bring up any topic anywhere. So we were talking about politics and everything else and all of a sudden somebody got onto smoking and it's out, socially -- and I knew this, it's totally unacceptable in that arena, in the middle school and the high school, if you're a smoker. It isn't what it was 10, 15 years ago, it's something you just don't do. And then one kid turned around later on and said, you know -- I said, "*What do you pay for a pack of cigarettes,*" and somebody said, "\$10." And the kid over on the left said, "*Well, why am I going to spend \$10 on cigarettes? I can get two \$5 bags of heroine.*" And then I pick up the paper and I see 250 deaths between Nassau and Suffolk County in the last year.

So even though this bill has merit, I'm beginning to wonder if we're really keying in on what is really the major issue as it applies to young people today.

Applause

And where I'm dealing with a socially unacceptable element, cigarettes, I'm not really dealing with, and maybe we will at some point in time, with the whole question of heroin and its effect on our young people.

MS. BISHOP-KELLY:

And, you know, it's very interesting, but we're talking about a drug, a substance that is a gateway to other addictions. It's a risk. And we're talking about kids who -- you know, the tobacco industry -- and you cite some very interesting things, but the tobacco industry has always been one step ahead of us. Why? Because they have the money. We don't have that kind of money for our public education programs. We do a very good job. We don't have those kind of funds. The tobacco

industry spends billions of dollars -- millions of dollars on a daily basis, and we can't just compete with that and that's why they were very successful recruiting the replacement smokers. And in their own documents we have found that they refer to all children as replacement smokers, and we've spent a lot of time uncovering these formerly secret documents. But this is a gateway drug and youngsters at this age -- you know, we used to call kids juvenile delinquents, the adolescents when they would act up. That's because they were taking risks, they were taking unfettered risks. Now we know that because of the adolescent brain and the fact that kids mature at a very different way than we thought they did years ago, we understand that children at a certain age are still taking risks and that's what the tobacco companies were counting on. And so when you start to take risks with one substance, it's a very natural progression to take a risk with another substance.

LEG. BARRAGA:

Your line of thought and Legislator Spencer's line of thought in terms of all the dangers associated with cigarette smoking, the fact, as was pointed out earlier, 20 million Americans since 1964 have succumbed to different types of cancers associated with smoking, that's ten times the number of Americans lost in all of our American wars, all of the associated severe, chronic and acute cancerous indications, besides lung cancer and heart cancer, associated with cigarettes, leads one to only one conclusion; ban smoking in Suffolk County and in the State, in the nation, but you're not going to do that. So this bill leads us down that path and then does the ole Henry twist and locks it into age, and tries to justify it on that basis because we will not ban it. Economically we cannot ban it.

MS. BISHOP-KELLY:

I think we tried that years ago, it was called prohibition and it never worked. So what we're trying -- what tobacco control movements have been doing for years is trying incremental steps to, number one, put Legislative policies in place, and also then, concurrently with that, put educational programs in place. Cessation opportunities so that they all coalesce, so that we can find, you know, some movement in preventing death. We're talking about preventable death.

LEG. BARRAGA:

My problem is I don't think age-related bills like this really work. If I was sitting here in 2005, I would have heard the same arguments, going to 19. Now I'm hearing an argument on 21. If I stayed long enough, I'd be hearing arguing on 23, 25, 29, it keeps on going in that direction. I don't think it really solves the problem you're talking about.

MS. BISHOP-KELLY:

You know, I've been around for a number of years in tobacco control and I started 20 years ago when we first started the Clean Indoor Air legislation in Nassau County, and I've heard many of these arguments, too and, you know, respectfully. We're doing it incrementally. We have to -- we pay 90 -- \$97 billion a year in publicly-funded health care, that's through Medicaid and Medicare, for tobacco-caused diseases; that's to pay for people's health care. What could we do with all that money if we didn't have to pay for health care, if we were preventing this addiction?

LEG. BARRAGA:

I guess where I'm troubled is that I think when you're dealing with a finite dollar and you're trying to key in this particular piece of legislation to deal with younger people, where as you speak to those younger people this is not something that they're embracing at all at this point. I'm just wondering if the marketing programs should really be keyed into 35 year-olds and 40 year-olds and 45 year-olds, where at those ages then you develop the cancers, they know they're on a very, very slippery slope.

MS. BISHOP-KELLY:

You know, I'm not a physician, but I do know, again, and I can defer this to Dr. Spencer, that cancers take about 20 -- when I worked for the American Cancer Society, I did develop a certain

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expertise, but not being a physician I can defer to Doc spencer. But I do know that cancers take 20, 25 years to ripen. They do not blossom all of a sudden, and it's a slow, progressive, genetic process. And when I referred to the gun with the spinning barrel as being a loaded -- You know, a Russian Roulette, that's really basically what it is because it doesn't happen overnight. And again --

LEG. BARRAGA:

I guess what I'm saying is that the marketing programs are keyed to that age group, 35, 40, 45, all right, and you can get them to stop smoking, I might understand. You know better than I that at a certain point, a short period of time, the lung begin to clear; maybe you can prevent a lot more cancers by keying in on that age group as opposed to someone who's 13, 14, 15 years of age who -- that age group now, it isn't 20 years ago, smoking is unacceptable in that age group. Drugs are in, I mean, heroin is in, but not cigarette smoking.

MS. BISHOP-KELLY:

Well, we have to continue to -- I firmly believe that we must continue to stop, to prevent, to encourage them not to start, because once they do start it's very difficult.

LEG. BARRAGA:

I certainly understand where you're coming from. Thank you very much.

P.O. GREGORY:

Okay. Next we have Legislator Cilmi.

LEG. CILMI:

Hello. Over here.

MS. BISHOP-KELLY:

Okay (*laughter*).

LEG. CILMI:

Just a question, and this is not asked with any sort of -- I don't have any preconceived answer here. But you talked about the hundreds of millions, or millions of dollars being spent on marketing to our young people. Where? Where is the -- I mean, I have a 23 year-old and a 20 year-old, I watch TV a little bit, I read some magazines. Where are they spending this money? I'm just curious.

LEG. CILMI:

Have you seen the Internet? The advertisements --

LEG. CILMI:

Right, but we can't --

MS. BISHOP-KELLY:

The advertising has changed tremendously. Lori referred to the Master Settlement Agreement, which the tobacco industry has very vigorously violated the components, their agreement to that. But they then -- you know, again, social media has picked up tremendously where the magazines and the newspapers and the TV has left off. They have not been able to advertise on TV for many, many years, we know that.

LEG. CILMI:

I'm sorry to interrupt, but there are social media ads, or proliferation of social media ads to young -- targeted towards young people for smoking?

MS. BISHOP-KELLY:

Yes.

LEG. CILMI:

From the cigarette -- from the tobacco companies?

UNKNOWN AUDIENCE MEMBER:

No.

MS. BISHOP-KELLY:

There is an encouragement to use --

LEG. CILMI:

Who?

MS. BISHOP-KELLY:

There's encouragement --

LEG. CILMI:

I mean, I'm on Facebook a lot, I'm on Twitter a lot, I just -- I'm not seeing it.

MS. BISHOP-KELLY:

E-cigarettes. Yeah, the e-cigarettes.

LEG. CILMI:

But that's -- but the e-cigarettes is different than --

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

MS. BISHOP-KELLY:

Nicotine --

P.O. GREGORY:

All right. In the audience, please keep it down.

MS. BISHOP-KELLY:

An E-cigarette is a nicotine delivery device, so it's delivering an addictive drug.

LEG. CILMI:

I appreciate that.

MS. BISHOP-KELLY:

There is a crossover from using one delivery device to the other. We found that young -- the young college students especially who start to use hookahs, because they use that socially, do not understand that that is tobacco and, ergo, it's nicotine and they just think it's something really sweet and cool to do, and before they know it they're addicted. So what do they do when they don't have their hookah? You know, they're not going to schlep their hookah around in the car. So when they start to have that nicotine craving, they go to other forms of nicotine.

LEG. CILMI:

Well, I don't know that I agree with that. I am -- let me ask you this question. I don't think there's a connection between the hookah and the cigarettes, per se. And I think when you talk about e-cigarettes, I think that's a wholly different issue. Yes, there is a capability to -- or there is the

same sensation, I suppose, in smoking an e-cigarette than you would -- that you would get from smoking a regular cigarette.

MS. BISHOP-KELLY:

It's a nicotine delivery device.

LEG. CILMI:

Right. So -- and I understand that a lot of kids these days are taking e-cigarettes or facsimiles thereof and using them to smoke marijuana. Do you see that in your --

MS. BISHOP-KELLY:

We've heard. We've had reports that that's happened.

LEG. CILMI:

What's been your experience lately in terms of the incidence of marijuana use?

MS. BISHOP-KELLY:

I have no documentation on that. I've heard anecdotal reports, but I don't have any clearcut documentation of that. But I have heard that it's been done.

LEG. CILMI:

Marijuana and you don't any knowledge of marijuana use in general?

MS. BISHOP-KELLY:

I have anecdotal information, but I don't have documentation. I mean, if you want, you know, clear cut statistics, I don't have those.

LEG. CILMI:

Do you see -- and I struggle with this. Do you see e-cigarettes as a transition to or a transition from regular cigarettes or neither of the above?

MS. BISHOP-KELLY:

There could -- there is a crossover. I mean, when somebody is using a nicotine delivery device, they inhale nicotine and they get the effects of nicotine. Now, if they do not have -- if they become addicted to using the nicotine and they do not have their nicotine delivery device, then we'll use other forms of nicotine delivery, whether it's a cigarette or another piece, type of smokeless tobacco. But they are going to feel the effects of withdrawal, so they will naturally go to some other form of nicotine delivery system. Nicotine is one of the most addictive substances.

LEG. CILMI:

I can appreciate where you're coming from. Thank you very much for your testimony.

P.O. GREGORY:

Thank you. That is all the cards that we have. Is there anyone in the audience --

MR. NOLAN:

Lou.

LEG. D'AMARO:

DuWayne?

P.O. GREGORY:

Oh, I'm sorry. Ms. Bishop-Kelly, Legislator D'Amato has a question for you.

LEG. ANKER:

DuWayne?

P.O. GREGORY:

Oh, right. I'm sorry. You are on the list.

LEG. D'AMARO:

Just when you thought you were off the hot seat; sorry.

P.O. GREGORY:

Lou, if I may?

LEG. D'AMARO:

Yeah.

P.O. GREGORY:

I did have Rob, he was on the short list.

LEG. D'AMARO:

Oh, sure. Yeah, no, go right ahead.

LEG. CALARCO:

No, I'll defer.

P.O. GREGORY:

Okay. He'll defer to you.

LEG. D'AMARO:

All right, fine. I've been listening to your testimony and I find it very interesting and I think that we all would agree about the ills of smoking. And it's hard not to get into a debate about how unhealthy smoking actually is for people and I think we've come a long way in educating the public with respect to how dangerous it really is to smoke cigarettes, so, but we're talking about something a little less in scope here today. What we're talking about is making and distinguishing between an age where you can purchase cigarettes and when you cannot, and that's a lot different than the education component or about how harmful it really is. It's a lot different than a lot of the other issues that we're discussing here today. Which are all important issues, but yet I don't think they're exactly hitting the issues, at least that I see, in this bill.

So I want to start off by asking you if we pass this bill, in your opinion, what are we accomplishing?

MS. BISHOP-KELLY:

Prevention.

LEG. D'AMARO:

Explain that to me, please.

MS. BISHOP-KELLY:

Well, you know, look, if somebody -- most of these laws become self-enforcing. We found that that in Suffolk County we have a tremendously high compliance rate among our vendors. They're educated, we have some violations but by and large we have a high compliance rate. Once young people know that they are not permitted to purchase, I do believe that there is an understanding that there is a reason behind that. You know, and again, we continue to educate our students. It's

another move forward with the continuation of all of our public health policies and programs. The continuing education in the schools, the establishment of good public health policies of which this would be one. Again, it's another step in the direction of preventing a preventable addiction.

LEG. D'AMARO:

Well, let's explore that. Because I agree with you that educating, especially at an early age, is very effective. I know my two kids are young and they are so anti-smoking, it's wonderful to see, and it's really effective. But by raising the age from, what is it, 19 now -- which, by the way, it doesn't say you can't smoke, it just says you can't buy cigarettes. So what you're really trying to do is limit access.

MS. BISHOP-KELLY:

Uh-huh.

LEG. D'AMARO:

Right? As a means to attack the ills of smoking, you want to limit access now by individuals that are 19 and 20 years-old.

MS. BISHOP-KELLY:

Don't forget, we're not only talking about the ills of smoking, we're talking about a preventable disease that costs us almost a hundred billion dollars a year to treat. So that's you and me and all of us here who pay through publicly-funded health care. And if we can start to prevent some of those illnesses, some of those deaths, those costs will then be transferred to us.

LEG. D'AMARO:

Right. Excuse me, I agree with you. But again, that is the risk of this type of discussion. Because I don't disagree with the impact on health care and all the other ills of smoking, but that's not what we're debating here. That's not what we're talking about in this public hearing. What we're talking about, what do we accomplish if we pass this bill, and to me the issue becomes we know we're impacting the retail industry in a negative way, and whether that's right or wrong is something we have to consider. But are we really limiting access to cigarettes by adults? I mean, these are -- we're now talking about individuals that get married, can serve in the military, can do -- you know, drive an automobile, have their own free will, they're not -- they're much more savvy than, say, 9 and 10 year-old kids, right? So are we accomplishing, by raising that age 19 and 20, denying access? Are we accomplishing anything? Because do you really believe that by denying 19 and 20 year-olds access to retail purchase of cigarettes you're going to prevent them from smoking; do you really believe that?

MS. BISHOP-KELLY:

I believe that we're going to prevent addiction, and that's the key to this.

LEG. D'AMARO:

But how?

MS. BISHOP-KELLY:

As we said, kids today can become addicted to --

LEG. D'AMARO:

These are not children we're talking about.

MS. BISHOP-KELLY:

We're talking about the brain. We're talking about a youth brain, a youthful brain, which is not really mature until about the age of 25 or 26.

LEG. D'AMARO:

Well, it's mature enough to go serve in a foreign country and defend our country. Yeah.

MS. BISHOP-KELLY:

Again, I'm not a physician, I'm not a physiologist, but I do know some of the basic biology about the brain and tobacco.

LEG. D'AMARO:

Right.

MS. BISHOP-KELLY:

And what I do know is that the adolescent brain, up to the age of about 25 or 26, is more susceptible to becoming addicted than an adult, somebody your age or even my age. So youngsters are more susceptible to becoming addicted. And if we can prevent -- you know, again, no law is perfect.

LEG. D'AMARO:

But you're speaking -- forgive me for interrupting, but this is again what I'm talking about. Your -- I don't disagree with that. I mean, I'm not a doctor or a physician, I don't have access to that medical science, but I'm sure that younger adults are more susceptible to addictions than older adults. I'm not sure, but that's what the testimony is.

MS. BISHOP-KELLY:

The tobacco industry knows that as well, and they knew it for years and they hid it from us.

LEG. D'AMARO:

But that's not the issue here. I can agree with that. What I'm asking, given all those ills and given the fact that younger adults are more susceptible to addiction, will passing this bill accomplish anything to prevent that? And it's almost a rhetorical question because let me tell you what I'm thinking, and you can react to that.

What I'm thinking is that we're not talking about minors, we're talking about adults. If an adult makes a decision that they want to smoke, do you really believe the fact that we're going to pass this law is going to prevent them from smoking? They can go to an Indian reservation, they can go to Nassau County, they can give money to friends to go into the store that are 21 and over to buy. I mean, we're not talking about kids like, you know, when you hold their hand and say, "No, that's bad," and slap them on the hand and tell them, "No, you can't do this." These are adults. So what we're really trying to do is change their mind, but this isn't how you change somebody's mind. If they want to smoke, they're going to smoke. So what would -- how would you react to that?

MS. BISHOP-KELLY:

You know, as you were speaking I had so many things going through my head but, you know, no law is perfect. No piece of legislation is perfect. And again, what I truly believe that this particular piece of legislation is, again, a step in the direction of prevention; prevention of a preventable addiction.

*(*The following was taken and transcribed by
Lucia Braaten, Court Reporter*)*

MS. BISHOP-KELLY:

Yeah, you know, kids may purchase cigarettes from somewhere else. We have violations in our vendors, I mean, because we have people who slip up. That's going to happen, I'm sure. But, you

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know, years ago, when we were just starting with the Clean Indoor Air Acts, and there was a community in Brookline, Massachusetts that was passing Clean Indoor Air laws, that had passed Clean Indoor Air laws, and the City of Boston was concerned that there would be a crossover, and that they would have problems with people crossing the borders when there was -- when there would be no smoking allowed, and what they found was that people were coming in droves to Brookline just to eat, and smokers as well preferred smoke-free environments.

So what we're talking about, and I understand where you're coming from, is a speculation. And years ago, everybody was screaming that the sky was going to fall, that businesses were going to fall apart, restaurants were going to close and people were going to go out of business and fold up their tents and go home, and it didn't happen. It didn't happen.

(Outburst From Audience)

P.O. GREGORY:

Keep it down, please.

LEG. D'AMARO:

Well, I just want to leave you with, you know, again, I'm not really debating the impact on the retail industry here. Okay? What I'm really questioning, because I haven't made up my mind on this bill, is, again, we can agree with the wrong, but is this the proper remedy? Is it an effective remedy? And if it is a remedy of some sort, what's the price of that remedy? And I haven't really heard any testimony yet that says to me, if we pass a bill that raises the legal age to purchase cigarettes for adults from 19 to 21, that somehow you're going to deter adults from gaining access to cigarettes. I just would like to understand how anyone believes that that will actually happen.

*(*Applause*)*

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Thank you.

P.O. GREGORY:

Legislator Calarco, next on the list.

LEG. CALARCO:

Thank you. I'll be very brief, Ms. Kelly. We're going to keep you up there a little longer, but I'll be brief.

I just have one question, and a couple of my colleagues have brought up the issue regarding some of our other addiction problems that we have going on in the County in terms of opiates and heroin, and some of the other things that we're dealing with, and that tobacco is not really an important issue in that picture. And I guess my question is do you have statistics or do you have information that tells -- that would clue us in to the number of people that we know of, these young people who are getting addicted to these more problematic drugs, you know, like heroin and some of these really devastating drugs? How many of them started by smoking? How many of them actually smoke cigarettes now? Just is there any correlation there that we know of that's been documented, because, you know, it's -- the implication I think that we're hearing is that tobacco is not really an important issue here, but I think what I've heard from people in the field is that that's quite the opposite. And a lot of times kids start with tobacco, and, you know, I think it's a misperception maybe that's out there that young people don't want to smoke cigarettes. So could -- do you have

any of that information? Could you maybe provide that to us?

MS. BISHOP-KELLY:

I don't have statistics, but I certainly -- I'm sure that -- also, I believe that you had testimony last week from the Head of the Long Island Council on Drug and Alcohol Addiction. I think Mr. Reynolds was here before one of the committees. But I do know, from my own experience, that tobacco is a gateway drug. You know, nicotine is an addictive drug, and again, the progress from one substance to the other, especially by somebody willing -- you know, willing to take those kinds of risks, is a natural progression. But I'm sure that, you know, we can find statistics.

LEG. CALARCO:

Sure. If you or anybody else could give us some information, that would be great. I'm not necessarily saying that this proposed law is the end all solution or even in the right direction, and I think it's something we're going to be debating here, but I think the more information we have as we try to do -- go through that process would be beneficial.

P.O. GREGORY:

Okay. Legislator Browning.

LEG. BROWNING:

I think I can make this quick. There was something Legislator Barraga said about prohibition. You had mentioned, you know, why don't we just ban it completely throughout the whole country. And, Pat, you said, you know, yeah that was called prohibition and it didn't work. So don't you take that --

LEG. BARRAGA:

I want you to know, I did not necessarily live through prohibition. I might be a little old.

LEG. BROWNING:

Oh, come on.

*(*Laughter*)*

So he was bootlegging. But, again, no matter what it is, whether you ban it completely or you ban it by age. You know, I could take you to my local high school and I can show you 20 kids sitting outside -- standing outside the high school, none of them are 19 and they're smoking. They're prohibited to smoke because they're not 19, so the prohibition at the age of 19 is not working. So, you know, that's -- when you say prohibition doesn't work, I think you've just told us all that if we raise the age to 21, the prohibition of selling cigarettes to a 21-year-old, it's not going to work, and I think that's what I've heard you say.

MS. BISHOP-KELLY:

No, that's not prohibition, that's delayed sales.

LEG. BROWNING:

No, I think it's prohibition.

MS. BISHOP-KELLY:

You're talking a delay of sale.

LEG. BROWNING:

And the sign, when it says "prohibited," if I'm not mistaken, and I think everyone here in this room, especially the convenience store owners, it says on the sign "prohibited," so it's a prohibition.

MS. BISHOP-KELLY:

But, again, we're talking a delay of sale. They're not -- they're not preventing or prohibiting the sale, it's just to a certain age. You know, we don't allow kids under 10 years old to purchase those products, we're just increasing the age, that's all.

LEG. BROWNING:

And I can guarantee you that there's a kid at 10 years of age that's probably trying to smoke --

MS. BISHOP-KELLY:

Unfortunately.

LEG. BROWNING:

-- but they're prohibited. So, no matter what the age is, or whether you do it, you know, throughout the nation, it is still a prohibition and you said it doesn't work.

MS. BISHOP-KELLY:

I think what -- no. It's not -- it's not a total prohibition, because prohibition in the '20s didn't work. We're talking about something now which is delay of sale. But I think, personally, that every -- having been in tobacco control for many years and seeing the carnage that it creates, every increment, positive increment that we can move forward with, whether it's policy, health care policy, education, enforcement, public information and education, all of these things combined move us forward to a healthier society, reduces our health care costs, and makes us a much healthier nation.

LEG. BROWNING:

And I agree. I am not a smoker, I've never smoked ever in my life, and none of my children do. But, again, to say you're prohibited, I just think it's -- you know, it's -- I don't see it as a delay. And I appreciate your -- you know, how you feel about it, but, again, I think the only way to get people to stop is through an education.

We're seeing -- kids are prohibited from using heroin. I mean, it's illegal to sell heroin, it's illegal to sell pot, it's illegal to sell alcohol, but they still get it. So I don't think prohibiting anybody from being able to access it is -- it's not working. We need to work more on the education end and that starts from the day they're born. And, you know, maybe if their parents do smoke, maybe it's time to try and educate the parents.

I grew up in Ireland, and even now, when you go to England and Ireland, look at the cigarettes packets, and the messages and the pictures that you see on them, you know, maybe that's something that should be done. I don't think changing an age is really going to make it --

MS. BISHOP-KELLY:

When you're referring to the package -- the pictures on the package of cigarettes, that law was passed a number of years ago and it was challenged in the courts, and, unfortunately, that ruling is still holding. Canada has that and has been doing that for years and has been very successful.

You know, when the Master Settlement Agreement came down to Suffolk County, we had a very robust six million dollar program that was a four-pronged program that was based on CDC recommendations of education, cessation, enforcement and public information, education. And during the beginning of that -- the years of that program, I was part of that office, and we had the most incredible success. Our cessation program was at one point oversubscribed. We couldn't take anymore patients in because everybody wanted to stop smoking, but that's when we had this four-pronged program. If we had the money that we had then to do what we did now, I think we might be talking a little differently, but we don't. We don't have the money for -- our school

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education programs are bare bones. We totally lost our public information and education program. We had a very vibrant commercial -- commercials and education documents that were -- documentations that were going out. We don't have that anymore.

So it's a very difficult thing when you're challenging an industry that spends millions of dollars every day on their own marketing. We are -- you know, we have to do the very best we can with what we have. And I agree, parental input is very important, parental education, but I think, as public health officials, we have an obligation to do whatever it is that we can to prevent a preventable disease, and I see firmly that this is one step in that direction. It's not perfect. No law is perfect, but it is a step in the right direction.

LEG. BROWNING:

We can both agree cigarettes are not good for you, but, you know, prohibition is prohibition. Thank you.

P.O. GREGORY:

Okay. Legislator Spencer has a question.

LEG. SPENCER:

I do have a question and it's brief. I see my colleagues have brought up the issue. My question to you is that we look at science and everyone's saying, "Well, why don't we wait and see what happens in the City," and why don't we -- is it going to work? Does prohibit -- you know, there's no debate.

In Needham, Massachusetts, when -- 2006, when we introduced this, our legislation to go to 19, they went to 21. The rest of the country saw our smoking rates decline. Their rates declined 50% faster. Not only did they decline 50% faster in that county, but compared to the surrounding counties right there in Massachusetts. So we use precedent, and precedent shows that raising these point of sale does work. Needham, Massachusetts did it in 2006. Would you agree with that? That's my question.

MS. BISHOP-KELLY:

Yes.

LEG. SPENCER:

Thank you.

MS. BISHOP-KELLY:

Wholeheartedly. Thank you very much.

LEG. SPENCER:

Thank you very much.

P.O. GREGORY:

Very good. All right. Legislator Hahn.

LEG. HAHN:

Wait, wait. Oh, oh, oh, I'm sorry. I'm sorry. There's so many of us that want to get a few questions in. We're not allowed to debate the bill here on the floor, but we're allowed to question you. So, the decrease in smoking rates from -- you said 46% to 19%; is that what it was, or 48?

MS. BISHOP-KELLY:

About 42%, yes, yes. That's the adult population.

LEG. HAHN:

Right. So that didn't happen immediately after the Surgeon General's report, that drop. It didn't go from, you know, 42% to 19% overnight. There were -- there wasn't one thing that did that. I think, you know, getting to your point of another step, there were actually numerous steps that occurred. You know, we added an age. At some point we said a ten-year-old can't go in and buy cigarettes, it was -- you know, maybe some time it was 13, then it was 16, and, you know, all over the country it's a different raise, but we kept raising that. We -- you know, we started requiring taxes to decentivize or to deter its use, and then they kept going up. We disallowed smoking in restaurants. I think that was a huge deal, restaurants and bars, and, you know, we heard all the fear surrounding what could happen with that.

But, you know, you go -- you leave New York State and you go somewhere where they're allowed to smoke in a bar and you leave like, coughing, and you, yourself, smelling like smoke and it's just an amazing thing.

Each of these small steps played a somewhat critical role in moving that percentage down, you know, whether it went from 42% down to 39%, then down to 20%, and as we kept going down. And I believe that this would be -- do you believe this would bring us a step further below that 19% eventually if we were to enact this and it was to happen even more so around the country?

MS. BISHOP-KELLY:

Absolutely, absolutely. Every step is an increment in the right direction. Again, nothing is perfect, but it's an increment.

LEG. HAHN:

And I don't want this taken the wrong way by the retailers, but, really, I believe it's our intent and the intent Board of Health, when they say they're selling -- their sales of cartons of cigarettes go from 35 to 20, that's a good thing in your mind, that they were not selling cigarettes to people to consume. I know, I understand the ramifications of the sales, but these are poisonous products, and any time that there's a cut in that number from a health perspective of the country, and I'm not going to debate the economic perspective for the sellers at the moment, but from the health perspective, and that's -- I believe that's the intent of this legislation, that's a good thing. Do you believe that there would be any impact on the amount of sales from this, not total wiping out the end result of getting the number of packs in the hand of the child, but do you believe there could be a sales impact? Or you don't. Maybe you're not qualified to answer that.

MS. BISHOP-KELLY:

And, you know, I really don't have those kinds of statistics. What I do know is that there will be an impact in the level of addiction, you know, anecdotally. The more difficult -- we know that there are things that decrease adolescent use, one is price point. The higher the price, the fewer kids have the disposable income to purchase. The other thing is accessibility. When you reduce access, you reduce use.

LEG. HAHN:

So the older the child -- the child. The older the individual is that they're allowed to purchase, do you see it less likely, or there's a deterrence in the amount they're willing to buy it for the younger kids?

MS. BISHOP-KELLY:

I have no --

LEG. HAHN:

Do you know anything about that?

MS. BISHOP-KELLY:

I have no expertise in that area.

LEG. HAHN:

But, overall, you see this as a deterrence, an ability to deter --

MS. BISHOP-KELLY:

I think it's a personal deterrent. It's a personal deterrent. And the thing is, too, that my whole focus is on deterring and preventing addiction.

LEG. HAHN:

And we also take other measures to deter other types of products being used from a health perspective, things like banning trans fats in restaurants and food establishments, we've done that. Not to say that no one is ever going to access it, but as a way to deter the use, and a way to deter a substance that is seen as unhealthy. And so I don't think anyone thinks that this step will ultimately completely eliminate access to cigarettes, because, as we all know, that's just not possible. But I believe that you, as an expert from the Board of Health, and others believe that this ultimately will somehow deter younger individuals from accessing it.

MS. BISHOP-KELLY:

Absolutely. We had an incredibly high percentage of high schoolers years ago. Lori can probably speak better to those statistics. I believe our current statistics are about 18% when there was about 50% of high schoolers years ago who used to use tobacco, so we've made tremendous strides. It didn't happen overnight, as you've said, but it was in slow, small increments.

LEG. HAHN:

And small actions such as this can lead to a total package that has an impact that does make a difference in people's lives.

MS. BISHOP-KELLY:

Absolutely.

LEG. HAHN:

So thank you for being here today and for putting up with all of our questioning, even if we repeat each other's questions and make you repeat some of the things you've said before. Thank you.

P.O. GREGORY:

Thank you. Legislator Anker is our last questioner.

LEG. ANKER:

Okay. So, again, I just wanted to follow up with Legislator Cilmi's question regarding, you know, how are the cigarette companies marketing to our young people, not just youth, but 18 to 21? And I think the Joe Cool -- Camel, and also they're making cherry and fruit-flavored tobacco, which most adults don't like really sweet candy tasting types of tobacco. They're also advertising in Entertainment Weekly, Rolling Stone, People, Glamour Magazine, you know, magazines that kids read, and then also internet. I think that was -- is that what you're finding also?

MS. BISHOP-KELLY:

Well, you mentioned Joe Camel. Joe Camel has been out for years. He's been banned, because they're not allowed to have any cartoon characters. But there are -- there's a number of marketing ploys, and the -- if you look at any of the magazines, especially geared toward young adolescent -- young women, there's a lot of, you know, the tobacco advertisements in there.

LEG. ANKER:

Okay. And, again, I understand, as far as, you know, this legislation is not really meant to stop addiction in its tracks, because it's something -- I wish we all could do this, but we can't, but it's more of a slowing down the issue with our young adults. And, again, we're talking about, you know, almost adult, or, you know, 17 through -- no, 19 to 21, but -- and I give you a lot of credit. And we have the scientific research, and then, again, that's what we need to focus on. There's research, there's evidence showing that the brain has not fully developed.

P.O. GREGORY:

Legislator Anker, do we have a question. I'm sorry.

LEG. ANKER:

And -- okay. So the question would be, is do we have enough scientific information to prove that even though we're past the 18 adult age, is it still going to have an effect on the brain between the 19 and 21?

MS. BISHOP-KELLY:

Well, nicotine is a psychoactive drug, so it has an effect on everybody's brain. That's why people are addicted for life.

LEG. ANKER:

Right.

MS. BISHOP-KELLY:

So, yes. The answer to your question, it does have an effect on everybody's brain.

LEG. ANKER:

Okay. And then with that, you know, say you're an 18-year-old, 19-year-old and you want to stop, you know, smoking cigarettes. What do people do? Do they buy other products? What other products do they buy, I guess, is the question.

MS. BISHOP-KELLY:

To stop smoking? That's a very -- that's a very big area.

LEG. ANKER:

Would it be something like candy, and coffee, and donuts, and munchies and things like that?

MS. BISHOP-KELLY:

They could substitute. They could certainly substitute by that, and they could certainly buy other products. They could buy, you know, the nicotine replacement products. Those are very popular and very successful. They could join a cessation program. But, certainly, there are other things. You know, some of the people in our cessation programs have been encouraged to use carrot sticks, other things that substitute for -- you know, it's an oral habit, so you substitute something else in your mouth.

LEG. ANKER:

I guess the point I'm trying to raise is would those people that would normally buy cigarettes that have stopped smoking buy other products that could be found at the convenience stores?

MS. BISHOP-KELLY:

Oh, absolutely. If somebody is buying just one particular product, there's quite often -- I know myself, if I go into a supermarket for one particular item, I usually wind up buying \$50 worth of some other stuff, it's just the way it is. And they do have point-of-purchase advertisements just to

encourage people to purchase other things.

LEG. ANKER:

Thank you.

P.O. GREGORY:

Okay. Thank you. That is the last card that we have. If there's anyone else that would like to speak, please come forward.

LEG. D'AMARO:

DuWayne, could I just have one more question?

P.O. GREGORY:

Legislator D'Amaro has a question.

LEG. D'AMARO:

I'm back. The -- I wanted to ask you, are you familiar with the study that was -- let me just find it here -- that was done, the Needham, Massachusetts study at all?

MS. BISHOP-KELLY:

Briefly. I haven't had a chance to read it completely through.

LEG. D'AMARO:

I'm sorry. What did you -- I'm sorry, I wasn't listening.

MS. BISHOP-KELLY:

Briefly.

LEG. D'AMARO:

You haven't had a chance to read it through?

MS. BISHOP-KELLY:

Not totally through, yes.

LEG. D'AMARO:

All right. Well, some of the literature I'm looking at says that it's -- it lacks depth and breadth necessary to really use as an accurate analysis of the impact, but I wanted to ask you if this is true.

One of the justifications I could see for passing this bill would be that I'm not sure you're going to prevent 19 and 20-year-olds from smoking, or having access to cigarettes, rather, by passing this bill, but what you may do -- strike that. I'm not sure you're going to stop 19 and 20-year-olds from smoking, okay, I think they would still have access. But the issue becomes whether or not those 19 and 20-year-olds, what are they doing with cigarettes if they're not smoking them? And I think that's where you get into whether or not a 19 and 20-year-old is more likely to purchase cigarettes on behalf of, say, a 17 or an 18-year-old. See, now you're starting -- so, now, if you can justify not selling cigarettes to someone who's 20, because they're more likely to pass those down to younger adults or teenagers, as opposed to a 21, 22 and 23-year-old, that begins to make a little more sense to me. Have you heard arguments to that effect?

MS. BISHOP-KELLY:

Absolutely.

LEG. D'AMARO:

Yeah?

MS. BISHOP-KELLY:

Absolutely. And again, it's all part of the package. There is no one -- legislation always has many facets, many pieces of it and it has different effects, and that certainly could be one very positive effect, where it would prevent older youth from purchasing cigarettes and passing it on to younger -- younger children, who, again, would become addicted if they started to use the product.

LEG. D'AMARO:

Right. My only point is that I think that a 19 or a 20 -- a 19 or a 20-year-old may be more likely to pass cigarettes on to minors, as opposed to, say, a 21, 22 -- you know, the older you get, I think it's less likely, just by the fact that individuals are not your peers. Does that seem to make sense?

MS. BISHOP-KELLY:

And there's also, you know, a little bit of a more maturity there and the less risk-taking, perhaps.

LEG. D'AMARO:

Right.

MS. BISHOP-KELLY:

Perhaps.

LEG. D'AMARO:

Right. So, if we pass this bill and we now say 19 and 20-year-olds don't have access, cannot buy cigarettes from a retailer, you can believe that that may not limit their ability to smoke. If they want to get cigarettes, they still can somehow, because they're adults, but it may have an effect on them purchasing those cigarettes and then passing them down to minors.

MS. BISHOP-KELLY:

It could happen, sure, that could be one of the effects.

LEG. D'AMARO:

Right. Okay. All right. Thank you.

P.O. GREGORY:

Okay. Thank you. That is the last card that we have. Is there anyone else that would like to speak? Come forward. State your name on the record.

MR. STRAUSS:

Alex Strauss, 184 Radio Avenue, Miller Place, New York. A couple of things when I was listening. I'd like to know, the retailers, what they -- how many people they lost when it went from 18 to 19. It's the same thing going from 19 to 21. I don't think they're going to lose any people working with them, because nobody, nobody in business has more people than they need, period. So if you don't sell cigarettes and you're selling other stuff, the store is still going to be manned 24 hours a day, seven days a week, so that there is a fallacy.

The whole idea of passing laws is to be able to help somebody. If you stop one person from starting to smoke cigarettes at the age of 19, 20, you're doing something good. That's the whole idea of putting laws in, is to help the good of the whole community, not to just pick out and say, "Well, maybe it won't stop this guy, it won't stop that guy; this guy will run over here, this guy will go out to the Indian reservation." That's a lot of bunk, because the harder you make it for somebody to do something, the less of a chance they're going to do it. That's the whole idea of it, to make it harder for somebody to get addicted to this crap. It's unbelievable.

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You know, people complain about the red light cameras, "Oh, the red light cameras are costing me a fortune." You know, they don't cost you a penny if you don't go through a red light. The whole idea of that is because somebody who was on this Board, his wife almost got killed twice from a T-crash, some idiot going through a red light. But they're complaining about, "You know, I've got to pay \$75." Gees, you don't have to pay anything. The same thing with this law. If you stop one person from getting addicted to cigarettes, you're helping out the whole community. That's all I have to say.

P.O. GREGORY:

Thank you. Is there anyone else?

MS. CASTALDO:

Dorothy Castaldo. I'm a resident of Smithtown, as well as a retailer here in Smithtown also. I had no intention of speaking today, but I've been listening to both sides. I'm a retailer, so I understand where we're -- where my cohorts have come from, but what I'm hearing is that we're not really talking about what the law is really meant to be. It's to eliminate the kids from -- that are underage starting to smoke. The 19 to 21-year-old kids, there's not enough data right now to say that these kids wouldn't -- that didn't start smoking earlier. They started smoking in high school. My opinion, and this is all I have to give you, is that they started in high school. We need to address that. We don't need to change the age from 18 to 21.

I have Marine recruiters, as well as Army recruiters, coming in my store every day. Two of them smoke. I'm going to have a big problem having to tell those Marines and those Army recruiters that they can no longer buy cigarettes in my county. That is where I have the problem. You know, if you want to make a law that says that those Marines cannot buy my -- the cigarettes in my store, then make a law that they -- the Suffolk County residents and the 18-year-old kids can't go to war for us.

The second thing is on Needham, Massachusetts. Needham was not a county, it was a small town. I'm not an expert on Needham, but I do know a little bit about it. The whole town was behind it. You also had the parents behind that. When you have parents parenting their children, instead of the Legislature trying to legislate morality, you're going to see that there's a big difference.

I had a niece who had cancer. Thank God she's fine. My sister, my brother-in-law, no one in that household smoked but, she still had cancer, she survived. I have a nephew who's a drug addict. He doesn't smoke, but he's a drug addict. He's never smoked. I have a friend who lost her grandson, heroin addict. He didn't smoke, he did heroin.

You know, I understand where everybody's coming from, that we want to reach out to these kids and stop smoking, but changing the age from 19 to 21 is not the answer. The answer is still through education. We've seen through education that we have brought down the sales of cigarettes in this County. Educating the kids, we've lost from 40 cartons of cigarettes to 25 cartons of cigarettes, but that's through education. Eighteen to 19 years was a different story. Yes, 18-year-olds could buy cigarettes and be on the school grounds. Nineteen-year-olds, with hope, they're not giving it to the kids that are in the high school, but we know that with the alcohol. They're 21 years old to drink. The younger kids are still drinking, because the 21, 22, I even have 30-year-olds that are saying, "Well, what's the big deal if I buy them the beer?" It is a big deal, but you have 30-year-olds, you have 40-year-olds who are still doing it.

You cannot legislate morality, you have to start with education, and education starts at the house, in the home with the parenting.

(*Applause*)

You know, I was a smoker. I was a smoker for many years. I have three kids. One out of my three kids decided to smoke. She smoked while -- in high school. By the time she got to college, she didn't -- first of all, I wasn't supporting her cigarette habit, so she stopped smoking, because she had no means to buy those cigarettes. But she started in high school, she didn't start when she was in college.

P.O. GREGORY:

Excuse me. Ma'am, your -- please wrap up, your time has expired.

MS. CASTALDO:

Like I said, it was just my opinion. I'm just listening to this and we're getting away from what the bill is supposed to be. Focus on the bill. We all want to see the cancer stop, we all want to see healthy kids, we all want to see healthy adults, but let's take a look at the actual bill that's in front of you. Thank you.

P.O. GREGORY:

Thank you. Okay. Doc Spencer, what say you?

LEG. SPENCER:

I hate to do this to you guys, but motion to recess.

P.O. GREGORY:

Okay.

LEG. CILMI:

I agree with that. Second.

P.O. GREGORY:

Second. Motion to recess by Legislator Spencer, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

P.O. GREGORY:

Next we have, if you look in your red packets, the CN packets from earlier today, there was a CN with a Public Hearing, ***I.R. 1164 -***

Adopting Local Law No. -2014, A Local Law to lift salary cap for Chief Deputy Medical Examiner. Are there any speakers? Okay. Mr. Vaughn.

MR. VAUGHN:

We don't have anything to say on the bill at this time. We'd like to debate the bill when it comes up, but we would like to see this Public Hearing closed.

P.O. GREGORY:

Okay. All right. Anyone?

LEG. CALARCO:

Motion to close. Motion to close -- who was that?

P.O. GREGORY:

Motion to close by Legislator Calarco, seconded by Legislator Hahn.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

The hearing is closed.

I would like to set the date for the following public hearings on March 4, 2014 at 2:30 P.M., at the Maxine Postal Auditorium in Riverhead.

I.R. 1043, A Local Law to strengthen policy against dual public salaries; I.R. 1045, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues; I.R. 1047, A Local Law to regulate pet dealers and pet stores in the County of Suffolk; I.R. 1096, A Local Law to establish healthy food standards at Suffolk County facilities; I.R. 1117, A Local Law prohibiting sale and use of hydraulic fracturing byproducts; I.R. 1119, A Local Law restoring financial disclosure requirements for Farmland Committee members.

I'll make a motion to approve.

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. If we all go to our CN, the red folders. We have ***I.R. 1155 - Establishing an Imprest Fund, 001-1190-4770, for the Suffolk County District Attorney, Intellectual Property Grant, Special Services Account.*** I make a motion to approve. Do we have a second?

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore. Any questions? Can we get an explanation?

MR. VAUGHN:

Thank you very much, Mr. Presiding Officer. Yes. Last year we passed a grant resolution for the District Attorney's Office that approved a grant from the United States Attorney General, I'm sorry, the New York State Attorney General, of \$59,000. What this resolution does is set \$25,000 of that \$59,000 aside for the District Attorney's Office to conduct buy operations in the purchasing of counterfeit materials.

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We also spoke with the District Attorney's Office earlier today at the request of Legislator Trotta. Yes, there is some private funds available from time to time to do operations like this. However, we still need to have the money set aside in the first instance. This sets aside \$25,000 to conduct these types of operations.

P.O. GREGORY:

Okay. All right? We have a motion and a second, right, Mr. Clerk?

MR. LAUBE:

That is correct.

P.O. GREGORY:

Okay. Any questions? No questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Motion passes. Okay. *I.R. 1164, Adopting a Local Law to lift salary cap for Chief Deputy Medical Examiner.* I will make a motion to approve. Do I have a second?

LEG. SPENCER:

Second the motion.

P.O. GREGORY:

Second by Legislator Spencer. On the bill, Legislator Cilmi.

LEG. CILMI:

Mr. Chair, I thought our Civil Service Commissioner was here to speak.

LEG. CALARCO:

He's here.

P.O. GREGORY:

Mr. Schneider, please come forward. Alan?

MR. SCHNEIDER:

Alan Schneider, County Personnel Director. Actually, I'm here to answer any questions that any of the Legislators have on this bill.

LEG. CILMI:

Well, I'll yield at the moment.

P.O. GREGORY:

Okay. Does anyone have any questions?

LEG. CILMI:

This is on the -- I'm sorry. This is on the Chief Deputy?

P.O. GREGORY:

Yes.

LEG. CILMI:

Okay. So it's 1169.

MR. NOLAN:

64.

LEG. CILMI:

1164.

MR. NOLAN:

CN.

P.O. GREGORY:

Does anyone have any questions?

LEG. KENNEDY:

Yes, I do.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Good afternoon, Alan. How are you? Thank you for being here. I don't know if the question is appropriate or pertinent to you, but I guess I'll pose it. We're on 1164 on the Public Hearing portion, right?

P.O. GREGORY:

Past the Public Hearing.

LEG. KENNEDY:

So we're on -- but it's the bill associated with what the Public Hearing is. Okay. Is there a Civil Service title for Chief Deputy Medical Examiner?

MR. SCHNEIDER:

Yes, there is.

LEG. KENNEDY:

Okay. And so it's a specific description of what the range of duties and everything are that he or she would take, and the majority of it I would assume would be to act in the stead of the M.E. if the M.E. is unavailable.

MR. SCHNEIDER:

Well, that's one of the things, Legislator Kennedy, for and in place of the Medical Examiner when the Medical Examiner is out of the office.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

As is any Deputy in the County.

LEG. KENNEDY:

Okay. I must confess I didn't get a chance to look at it. Are you familiar with the description? What else is in the description, Alan?

MR. SCHNEIDER:

Totally familiar with it.

LEG. KENNEDY:

Okay. What else is in the description?

MR. SCHNEIDER:

The Deputy Chief Medical Examiner's job spec is virtually a duplication of the Chief Medical Examiner. In addition, the Deputy Chief Medical Examiner is responsible for the everyday assistance in running the office of the Medical Examiner. This is a position that has been in the County salary plan for much longer than I've been in the County, was filled by the same person for well over 30 years, and when that person left the County, became vacant and --

LEG. KENNEDY:

When did that happen, Alan?

MR. SCHNEIDER:

That happened shortly after the hiring of Yvonne Milewski.

LEG. KENNEDY:

And my recollection is Dr. Milewski was with us for about three or four years?

MR. SCHNEIDER:

Six.

LEG. KENNEDY:

Six years.

MR. SCHNEIDERMAN:

Term office, six year appointment.

LEG. KENNEDY:

Okay. And my recollection is she left us last June or July?

MR. SCHNEIDER:

September.

LEG. KENNEDY:

September. Okay. So that means this position hasn't been filled in seven years.

MR. SCHNEIDER:

This position hasn't been filled for approximately six-and-a-half years, correct.

LEG. KENNEDY:

Okay. There are questions that span both these positions, but the fact that this hasn't been filled for six-and-a-half years I think kind of answers pretty much everything I need to know as far as why it's here today under a CN. That's fine. Thank you, Alan.

P.O. GREGORY:

Okay. Anyone else have questions for Mr. Schneider? Okay. Thank you, Alan. Mr. Vaughn, Legislator Cilmi has some questions for you.

LEG. CILMI:

Hi, Tom.

MR. VAUGHN:

Good afternoon, Legislator.

LEG. CILMI:

Good afternoon to you. So I know we are desperately seeking a Medical Examiner, and it looks like we are -- we are also desperately seeking a Chief Medical -- a Chief Deputy Medical Examiner. Could you talk to us a little bit about what the search has been like for the past six months or so?

MR. VAUGHN:

I think Mr. Cohen would like to explain the search.

MR. COHEN:

Thanks, Legislator Cilmi. Actually, I'm going to call up Alan Schneider because it's Civil Service who has done the most legwork in trying to find a Chief Medical Examiner. We actually just had a meeting with Civil Service. They are certainly well versed on the steps that they've attempted to take over these four to five months.

LEG. CILMI:

Fair enough.

MR. COHEN:

Would you like to step back up?

MR. SCHNEIDER:

Yeah, thank you. I'm going to start out by saying that in the 31 years that I've been in this job, that this has been the most frustrating experience that I have had in trying to fill any position in this County, and I've done job searches for many department heads, nationwide searches, but this one has completely frustrated myself, my staff. We started out last September when we first heard about Yvonne's departure, and we began to advertise in the Medical Examiner/Pathologist Journals and --

LEG. CILMI:

Forgive me for interrupting, but could you talk to us about the nature of that advertisement? What exactly does it say? How much detail does it give?

MR. SCHNEIDERMAN:

It gave detail about our -- the fact that we are the largest county in the state, that we have a state-of-the-art Medical Examiner's Office with our own Crime Lab, Toxicology Lab.

LEG. CILMI:

Okay. So you started in September.

MR. SCHNEIDER:

Yeah. We gave a brief description of what the Medical Examiner's Office does, six year term appointment. We did not include salary in that initial ad, and we got a total of -- from the initial ad, we got zero responses, nothing. And we were kind of surprised at that, and we explored a little bit further and found a couple of additional forensic journals and societies that Medical Examiners would belong to, and we advertised in those journals, and we started to get a couple of responses, people inquiring about what the salaries were, and we were blatantly told that our salary was way too low. We did have a couple of people that did apply and we did interview some of the people, but they were not up to the quality of what we were looking for in a Chief Medical Examiner. Some of them

came from smaller jurisdictions. They just did not have the experience.

Our search panel consisted of people from the DA's Office, from the Police Department, Detectives Division, and we just did not get the impression that these were individuals that could lead the Medical Examiner's Office and run the Crime Lab, run the Toxicology Lab and oversee all the autopsies that were done in the Medical Examiner's Office.

LEG. CILMI:

And I'm sorry, Alan. You said -- when did we last go out and have to advertise for this type -- for this position?

MR. SCHNEIDER:

We've been advertising all along.

LEG. CILMI:

No, no, prior to -- when Dr. Milewski came aboard, did she come aboard as a result of an advertisement, or was there some other --

MR. SCHNEIDER:

When Dr. Milewski was hired, we did a search, and that search went on for about three months, and --

LEG. CILMI:

The parameters of the search were similar to the parameters that you've discussed that we've --

MR. SCHNEIDER:

Similar.

LEG. CILMI:

Okay.

MR. SCHNEIDER:

Similar. The salary was not much -- was not much lower at that time, because the salaries in the County have not really increased over the six year period. But the way we found Dr. Milewski was a call that I made to Dr. Hirsch, who was the former Medical Examiner in Suffolk County, who subsequently became the Chief Medical Examiner for New York City, and he knew of Yvonne Milewski from having -- she had worked at one time in New York City and knew that she had been working in Houston and was interested in returning to the New York area and was interested in leaving Houston. And she -- he put her in touch with me and she came in and accepted the salary and the position at that time.

LEG. CILMI:

So suffice to say that you -- it sounds like what we've gone through for the past however many months it's been now, is similar to what we had to go through in the past. And just in terms of the sort of outreach that we've done, the advertising, the personal outreach to potentially other folks, and it sounds like you've come to the conclusion that one of the biggest stumbling blocks, if not the biggest stumbling block, is the salary.

MR. SCHNEIDER:

I've come to the conclusion that to hire a Chief Medical Examiner it's going to take a significant salary boost to find the right candidate to represent Suffolk County and our Medical Examiner's Office. What that salary is, I can't tell you, which is why we are putting a range on this from 200 to

250,000. And we just need to be able to advertise it at that range to be able to bring in people, and we believe we will be able to do that with that number out there, because if we leave it the way it is, we're not going to be able to find these people. Same thing with the Deputy Chief.

LEG. CILMI:

On both of those, are you able to speak to the question of why a CN as opposed to letting them both go through the committee process, which our next committee cycle I think is two -- you know, a week-and-a-half, a couple of weeks away?

MR. SCHNEIDER:

Yeah, I think I can. I mean, I wasn't involved with the decision to do a CN, but Yvonne left in September. We're in February. We are -- as I said, I'm totally frustrated with this. I have gone to the County Exec and said I need help here. And it's foolish for me to continue to advertise at this salary and sit here and not get responses. My staff put out, I would say at this time, 700 letters, 700 to -- 700 names that we have gotten and we have gotten 12 responses. Out of those 12, I would say maybe eight or nine of the people were qualified, and when they heard what the salaries were, we managed to, I believe, interview four people from that group, and two of them are out in California, and they are -- none of them are interested in the salary that we are offering. So if -- when I go to the County Exec and say this is an approximate salary range that we need, because if we continue to wait, we're just strapping the Medical Examiner's Office for another -- for another month and we've waited long enough and --

LEG. CILMI:

Is this a position that we -- that we confirm?

MR. SCHNEIDER:

Yes, it is. Not the Deputy, not the Deputy Chief, but the Chief Medical Examiner, absolutely.

LEG. CILMI:

And, yet, you're looking for a similar flexibility in terms of the Chief Deputy or Deputy Chief or whatever?

MR. SCHNEIDER:

Yes, because both positions are necessary to run this operation. That's one of the biggest complaints that Dr. Milewski had during her tenure in the County, that she did not have a Deputy.

LEG. CILMI:

Yes, I recall. All right. Thank you very much.

MR. SCHNEIDER:

You're welcome.

P.O. GREGORY:

Yes, Legislator Barraga.

LEG. BARRAGA:

Alan, if we go along with the range of 200 to 250, do you feel pretty comfortable that you could do the deed for the Deputy and the Chief in that range?

MR. SCHNEIDER:

We're asking for a range up to 250 for the Chief Medical Examiner, and up to 240 for the Deputy Chief. And I do believe that we will be able to obtain quality people for both of these positions --

LEG. BARRAGA:

Thank you.

MR. SCHNEIDER:

-- with this salary range, yes.

LEG. KENNEDY:

Can I?

P.O. GREGORY:

Legislator Kennedy, I'm sorry.

LEG. KENNEDY:

Yes, thank you. Alan, you know, I respect your time and your years of service to the County, and I do recall Dr. Milewski with her complaints, and she was an excellent M.E. It does seem to me, though, that what we're doing is, is we're voluntarily embracing, you know, if we go up to 230, 240, whatever it's going to be, and the other position had been vacant, well, we're doubling the salary expense then into that department, you know, at a time when we're all cringing. But nevertheless, I know it's an important function. Does the M.E. oversee the Crime Lab?

MR. SCHNEIDER:

Yes.

LEG. KENNEDY:

Okay. And so who's been doing the oversight on the Crime Lab at this time? Who's running the ship?

MR. SCHNEIDER:

The Director of the Crime Lab.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

There is a Director of the Crime Lab, that's his function.

LEG. KENNEDY:

But in the change of command it falls under the M.E.

MR. SCHNEIDER:

That is correct.

LEG. KENNEDY:

Okie-doke.

MR. SCHNEIDER:

It's not like the Crime Lab is floating out there by itself unmanned. There is a Director of the Crime Lab, but there is no --

LEG. KENNEDY:

Right.

MR. SCHNEIDER:

-- top person in charge. We need that top person.

LEG. KENNEDY:

Listen, you and I are of the same mind there. And as a matter of fact, as I said, I respect when you come to the podium and I don't think you would be asking lightly. I was unconvinced about the Chief Deputy going on a CN. So let me ask about this, then. Will you be advertising both positions, you know, like in a combined offering. Is that it?

MR. SCHNEIDER:

That is correct.

LEG. KENNEDY:

Ah. So if you get the CN for the M.E., but not for the Chief Deputy, you'd still have to hold off on the offering. If both go today then you can publish an offering that basically addresses both positions?

MR. SCHNEIDER:

That is the intent of doing this today, that is the intent. And what we also hope is to generate enough candidates here so that if we get a real good candidate for the Chief Medical Examiner and another real good candidate for the Chief Medical Examiner, that we can entice one of those candidates to become the Deputy Chief Medical Examiner during the interview process.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

You know, I also want to add to this is that the current salary, which has not really increased during the six year term of Dr. Milewski, if Dr. Milewski hadn't left, we wouldn't be here talking about this today. If Dr. Milewski had stayed on --

LEG. KENNEDY:

Sure, sure.

MR. SCHNEIDER:

It wouldn't be a problem.

LEG. KENNEDY:

No, I know. She went to New York City. She's making 300 grand.

MR. SCHNEIDER:

That is exactly right.

LEG. KENNEDY:

She's got loans to pay. It's not cheap to be a doctor.

MR. SCHNEIDER:

That's exactly right, and a lot of people in this field are making upwards of --

LEG. KENNEDY:

I know.

MR. SCHNEIDER:

That kind of money.

LEG. KENNEDY:

I understand.

MR. SCHNEIDER:

But I notice that in the transcript from the last time this was brought up, the question came up about Nassau's salary being the equivalent of Suffolk's current salary, and the answer to that is Nassau's position is filled. And the person there is in the middle of a term.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

So, if the person chooses not to leave and is making in the 180's, and isn't going anywhere, then Nassau doesn't have a problem. But if that person leaves, Nassau is going to have a problem, just like Westchester has a problem now because their Medical Examiner has just left, and they are not going to be able to recruit a Chief Medical Examiner at what their former Medical Examiner was earning. So they are now going into competition with us and they are raising their salary.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

So another reason why we can't sit around and wait.

LEG. KENNEDY:

Right. That's three of the big five. What about Erie and Monroe?

MR. SCHNEIDER:

Erie and Monroe don't count.

LEG. KENNEDY:

They don't. Okay.

MR. SCHNEIDER:

They don't count because they're not in a metropolitan area and their standard of living and the cost of living and the cost of housing out there can't compare to us.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

So it's a completely different ball game there.

LEG. KENNEDY:

All right, Alan. Thank you. Mr. Presiding Officer, if I can just then go to BRO? Robert, are we in a position, at least in this line with the Medical Examiner? It is a separate budget, a separate entity, a separate department. What are we going to do with that?

MR. LIPP:

I have to check our review, but I believe that there's money appropriated in the adopted budget, but I'll check the review and get back to you.

LEG. KENNEDY:

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All right. Do you guys know? Dennis, is the funding there or are you prepared to address the funding?

MR. COHEN:

I believe it is there.

LEG. KENNEDY:

You believe it is there.

MR. COHEN:

Yes.

LEG. KENNEDY:

Yeah, we all want to believe that. All right. Thank you. He's made the case. Thank you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

So Ed Mangano is going to thank us a couple of years from now for increasing his budget a little bit. The -- how many Directors do we have currently in the ME's Office?

MR. SCHNEIDER:

I don't know what your --

LEG. CILMI:

Well, you have upper management would be the, you know, the Chief Examiner and if we get one, the Deputy Chief Medical Examiner. What comes underneath those? What next level of supervisory staff do you have?

MR. SCHNEIDER:

Well, you have the Director of the Crime Lab, you have the Director of the Toxicology Lab, you have the doctors that are Pathologists that are doing autopsies. You have doctors that come in on call. You have all the Forensic Investigators.

LEG. CILMI:

I ask that question, Alan, and I'm not sure that you would have the answer to this, but obviously we need to have a Chief Medical Examiner. I'm wondering, and if somebody could speak to this, I would appreciate it, I'm wondering if the 200 plus thousand dollars that we would spend on a Chief Deputy Medical Examiner wouldn't be better spent on some lower level staff that could do some of the work that comes in on a daily basis as opposed to a supervisory position.

MR. SCHNEIDER:

Well, I think I can answer that question by saying that we have a pretty good nucleus of lower level staff there, and we have the recruitment tools to hire through Civil Service exams.

LEG. CILMI:

Well, maybe we have the tools, but budgetarily I'm talking about.

MR. COHEN:

Legislator Cilmi, my answer would be, you know, as part of the interview process we would expect if we were to hire a Chief Deputy, that they do do work, I mean, they do autopsies and whatever they're capable of doing. You know, so it's not merely going to be a supervisory position. That's not what I envision as we go through this interview process. But the one thing that's important with

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respect to having a Chief Deputy Medical Examiner is if this happens again where the Chief Medical Examiner walks away, there is someone who's qualified on staff to take the position. You know, it's probably not the best practice to not have someone there for this type of position as we see how hard it is to replace that position.

LEG. CILMI:

And there's nobody that we have who's presently working for us in that office that has the qualifications to rise to that level?

MR. COHEN:

No.

LEG. CILMI:

Presently?

MR. LIPP:

Point of information, point of information.

LEG. CILMI:

Yes.

MR. LIPP:

Okay. Checked the review, there appears to be sufficient appropriations to fill the positions.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay. Anyone else? Okay. If I could have all the Legislators in the horseshoe? We're going to call the vote. We have a motion and a second, right?

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

Mr. Clerk, will you do a roll call?

(Roll Called by Mr. Laube, Clerk of the Legislature)

P.O. GREGORY:

Yes.

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

(Not Present)

LEG. STERN:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

(Not Present)

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

MR. LAUBE:

And Anker? One last pass? Seventeen. (Not Present: Legislator Anker)

P.O. GREGORY:

Okay. Motion passes. *I.R. 1165, Accepting the donation of a 2008 Toyota Tundra from the National Insurance Crime Bureau for use by the Suffolk County District Attorney's Office.*

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. BROWNING:

Second.

P.O. GREGORY:

Second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Anker)

P.O. GREGORY:

I.R. 1167, Accepting the donation of a 2002 Mercedes Benz from the National Insurance Crime Bureau for use by the Suffolk County District Attorney's Office. Do I have a motion?

LEG. BROWNING:

Sure.

P.O. GREGORY:

Motion by Legislator Browning. Second by Legislator Schneiderman. On the motion?

LEG. BROWNING:

Somebody had asked about, because I know we always talk about is it an increase to the fleet, but it is not. If you read it says that they're actually short 12 vehicles, so it's not an increase.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Anker)

P.O. GREGORY:

Okay. Motion passes. ***I.R. 1168, Changing the grade and setting salary caps for the Chief Medical Examiner.*** I'll make a motion.

LEG. BARRAGA:

Second.

P.O. GREGORY:

Seconded by Legislator Barraga. Any questions? No questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Anker)

P.O. GREGORY:

I.R. 1169, Changing the grade and setting salary caps for the Chief Deputy Medical Examiner. Same motion, same second. Oh, I'm sorry.

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LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Doc Spencer, seconded by Legislator Barraga. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Anker)

P.O. GREGORY:

Okay. I'll make a motion to waive the rules and lay on the table the following resolutions: I.R. 1147, Parks; I.R. 1148 to Government Ops; I.R. 1149 to Health; I.R. 1150 to Ways and Means and set the Public Hearing March 4, 2:30, in Riverhead. I.R. 1151 to Ways and Means; I.R. 1152 to Economic Development; I.R. 1153, Public Works; I.R. 1154, EPA; I.R. 1156, Ways and Means; I.R. 1157, Ways and Means; I.R. 1158, Parks; I.R. 1159, Budget and Finance and set the Public Hearing March 4, 2:30 P.M. in Riverhead. I.R. 1160, Public Works; I.R. 1161, Public Works; I.R. 1162, Government Ops; I.R. 1163, Public Works; I.R. 1166, Economic Development; I.R. 1170, EPA; I.R. 1171, Parks. Do I have a second?

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Having no more business, we stand adjourned. Thank you.

(The meeting was adjourned at 5:08 p.m.)