

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRD DAY

March 4, 2014

Verbatim Transcript

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE
RIVERHEAD, NEW YORK**

Minutes Taken By

Alison Mahoney & Lucia Braaten - Court Reporters

Minutes Transcribed By

Alison Mahoney, Lucia Braaten & Kim Castiglione, Legislative Secretary

*(*The following testimony was taken & transcribed by
Alison Mahoney - Court Reporter*)*

P.O. GREGORY:

Okay. Good morning. Can I have all Legislators to the horseshoe, please? Okay. Mr. Clerk, would you do the roll call?

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

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:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present).

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present).

LEG. SPENCER:

(Not Present:

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Fourteen (Not Present: Legislators Hahn, Kennedy, D'Amaro & Spencer).

P.O. GREGORY:

Okay. Good morning. For purposes of saluting the flag, we will be led by Legislator Sarah Anker.

Salutation

LEG. ANKER:

Please remain standing. We have **Reverend Diane Samuels** here today. She is the **Pastor** of **Mount Sinai Congregational Church**. She has about a 600 plus member congregation and, of course, I am proud to attend many services, being close to my home. The location is absolutely beautiful, it's in a historical district.

But before we move forward with the invocation, I would like to introduce another very important member of my community. Her name is **Grace McMillan**. She's a 10-year old elementary school student from Wading River, and Grace is a wonderful -- she has a wonderful musical talent. I first heard her at the Shark's football brunch, and I was so impressed. I went up to her parents and I went up to Grace and I said, "*Grace, you have to come and visit me here at the Legislature.*"

I just want to mention also that she was recently in the Annie play at her school, and you'll see why. She has won a talent show recently, also singing *Somewhere Over the Rainbow*, which I would invite her to come to my Summer Concert Series and also come and sing. Oh, here she is. Come up here. She's also a member of NYSSMA and SCMEA, and she also has played Emma in the play Doctor Dolittle. So I will -- I am proud to have Grace here singing the *Star Spangled Banner*. So here is Grace.

National Anthem Performed by Grace McMillan

Applause

That was absolutely beautiful. So I am proud to present you with a certificate for your accomplishments and also for your -- and recognizing you for your amazing talent. So, thank you so much for coming out here to our Legislature.

MISS McMILLAN:

Thank you.

Applause

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Okay. As we continue on our agenda here, we will have Reverend Diane Samuels. Again, it's been a pleasure being part of your congregation, yet it's great because -- you know, lovely Grace here, we do a lot of singing in our Mount Sinai Congregational Church. It's located on a historic property. How old is the church?

REVEREND SAMUELS:

It's 250 years old.

LEG. ANKER:

Two hundred and fifty years old, so you have an amazing presence when you walk in there. I invite anyone to come and visit our church location and also come to our services.

So, again, Diane Samuels, Reverend Samuels has been very involved in, you know, with Hurricane Katrina, and I remember, you know, collecting all kinds of items for the folks in New Orleans. And by the way, I was born in New Orleans, Louisiana, and when there's people out there that need help, we need to respond and it's been great to be able to work with you. Also, you know, being part of the Shalom Interfaith Project, again, working with other churches and temples, other religions to help people, just to help people in general and that's what life is about.

So it is my pleasure -- oh, in addition, in 2011 Reverend Samuels was named Village Times Beacon Woman of the Year in Religion. So it's my pleasure to introduce Reverend Diane Samuels.

Applause

REVEREND SAMUELS:

The thing about the women and religion thing, there's about four religious individuals in the neighborhood in the community, so every four years you're going to get the award; it's really not a big deal.

(*Laughter*)

At my church, we say no matter who you are or where you are on life's journey, you are welcome here and we really mean it. And I'm proud to come from a faith community of great diversity and openness and I'm proud to be a lifelong Suffolk County resident, a place of welcome and diversity as well.

So I come to do an invocation which is to call God, however we call God; Allah, Yahweh, Shanti, Holy Spirit, my Higher Power -- but really that is already here. So when I try to invoke, what I really want to do is remind, and that is to remind you that the presence and power of God, however you call God, is already here and I am more and more just calling God joy.

Now, I wonder if I sat down with each of these Legislators, would I be able to find out from them that moment -- I bet you can remember this moment -- that you got it in your head that you wanted to make a difference, that you saw yourself as having a purpose and a calling. Maybe you were just a child, that visionary child, or maybe it was later, you were in college and were inspired and motivated, *I can make difference. I can make things better. I can build something out of this hope I have.* That kernel of joy is what I want to invoke in you this morning. Because I looked at this last night, this whole agenda, and I know that with each very important topic is probably history and politics and pros and cons and big dollars, and also probably opinions and things that are owed in terms of favors back and forth across the table. So I want to invite you to go back to that place that is about joy in working together, even across divided aisles. Working together in the joy that God put in you, because we are all here with a calling and your calling is right here. It might feel like a chore sometimes, I get that, but the joy is what brings us and the joy is what will build us in faith. So I want to invite you all to just be in a moment of silence with me and perhaps drill down in

your memory to that place where you began in joy. Let us be in a moment of silence.

Moment of Silence Observed

Amen. I bring you the blessings of my church and I leave you with one quote from Desmond Tutu; "Act as if God has only you." Amen.

"Amen" Said in Unison

LEG. ANKER:

Thank you, Reverend.

P.O. GREGORY:

My moment of silence was last night until my alarm went off this morning.

Okay. Would you please remain standing, we will have a moment of silence, as always, and let us remember all those men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

PROCLAMATIONS

Thank you. Okay, we have several proclamations this morning. **Legislator Anker** will present a proclamation to the **Rocky Point Varsity Cheerleading Team** to acknowledge their title as **National Cheerleading Champions**.

LEG. ANKER:

All right. Come on, girls. Today, or this morning we have the Rocky Point Cheerleaders. Congratulations.

"Thank You" said in unison by Cheerleaders

LEG. ANKER:

You're welcome. You're welcome. I am so proud to honor the Rocky Point Varsity Cheerleading Team with a proclamation for their victory at the UCA Cheerleading -- National High School Cheerleading Championship in Orlando, Florida, which took place on February 13th. For the third straight year, the Rocky Point Varsity Cheerleading Team has achieved Medium Varsity II National Championship Title. The squad is made up of 22 cheerleaders; is that right? Do I have that number right? I don't want to leave anybody out. Coach Anna {Spolani} -- am I pronouncing that right?

COACH SPOLINA:

Spolina.

LEG. ANKER:

Spolina; oh, sorry. Oh, come on. You're so petite. Actually, Anna, come on up front. And also we have Assistant Coach Amanda Lane. Where's Amanda?

COACH SPOLINA:

She's not here.

LEG. ANKER:

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Amanda's not here? Okay. But you would practice up to three to four hours each day and on many weekends to perfect your routine for your competition.

COACH SPOLINA:

Yes.

LEG. ANKER:

The squad has four seniors, and so you have a very young team. You have a couple of more years to go. So, again, without the commitment and the responsibility it's taken you to reach this point, I just want to give my heartfelt congratulations to earn their tenth consecutive?

COACH SPOLINA:

Yes.

LEG. ANKER:

Tenth consecutive UCA Empire Regional Championship. Their ninth 1st Place win at the Long Island Cheerleading Coaches Association at Cheer Competition. So again, congratulations and God bless you.

Applause

And as a former cheerleader myself for four years, I have to admit, though, it takes a lot of -- it takes a lot of time and a lot of commitment. And you'll be -- you know, and you really learn how to smile, and it actually helped me a lot in this job, just to keep on smiling. So, congratulations. And we're going to go up front -- right, Steve -- and take a picture, and welcome to the Legislature. Thank you so much.

Photograph Taken

Applause

P.O. GREGORY:

Next we will have Legislator Schneiderman to present a proclamation to an Eagle Scout from Sag Harbor, Dana Harvey.

D.P.O. SCHNEIDERMAN:

Good morning, everybody. Thank you, Mr. Presiding Officer. Last month at the Legislative meeting we had a presentation on Black History Month, and you'll recall there was discussion about the importance of preserving historic buildings, particularly those connected to some of the men and women who built our communities, black men and women.

One of the buildings that was mentioned was the AME Zion Church in Sag Harbor. This was a building built in 1839 that is believed to have been part of Harriet Tubman's Underground Railroad, and it had fallen into disrepair. The bell tower on that building, that bell hadn't rung in about 25 years. And Dana Harvey, working on his Eagle Scout project, decided to take on this giant project. He had to raise thousands of dollars to do -- to reconstruct this bell tower. He had to do -- he had to go in front of the Historic Preservation Board of the Village of Sag Harbor, he had to go in front of the Architecture Review Board of the Village, get all the permits in place, raise thousands of dollars, and for the first time in 25 years, that bell is now ringing again.

As you know, bells have always represented freedom and liberty, but in this case it's particularly

symbolic as being a church that was built by African-Americans who were freed slaves and part of -- or believed to be part of the Underground Railroad. So -- and it's also a reminder, too, of the importance of those hard-working men and women in terms of building our communities.

So this is really a double congratulation. I was not able to attend the Eagle Scout ceremony because it was on the day of one of the larger snow storms we had. So, I wanted to bring Dana here to congratulate him for restoring -- helping us in our community and restoring this important building, but also to congratulate him on earning his Eagle Scout. And he's in college now, he plans to be an engineer. His Dad and Mom are both in the architectural field, so he's off to a good start. Let's give him a really warm round of applause for both achievements.

Applause

I'm going to present Dana a proclamation on behalf of myself, as Deputy Presiding Officer, as well as the Suffolk County Legislature congratulating him. This is for you. Keep up the good work. We look forward to hearing of all your accomplishments in the future. Did you want to say a word, or say anything.

MR. HARVEY:

(Shook head no.)

(*Laughter*)

D.P.O. SCHNEIDERMAN:

That's okay. We appreciate it. Thanks for everything.

P.O. GREGORY:

Next we'll have Legislator Browning who will present proclamations to Probation Officers Jose Martorell, Caryn Branda, Jeffrey Nichols, and Daniel Buckley who were involved in an arrest in Lindenhurst where a 15-year old girl had been abducted and forced into prostitution, and another one was found who was a victim of domestic violence.

LEG. BROWNING:

Okay, good morning. I'm sure many of you read in the paper about an incident in Lindenhurst, and that's why Legislator McCaffrey is standing here next to me. As Chair of Public Safety, I want to honor some very special people here today, the Probation Officers for outstanding service to the people of Suffolk County during the arrest of Andy Gayot and {Ramel Allen} on February 25th.

This was a team effort that resulted in a missing child being freed and a victim of domestic violence being separated from her abuser.

PR Martorell was the moving force behind the search and arrest, but everyone present provided assistance and development of the case and participated in the search, along with the FBI. PR -- PO Martorell developed information through confidential informants, home visits and plain, good old probation work that led him to request a search of the residence in Lindenhurst. During the execution of the order, Senior Probation Officer Branda discovered her probationer, {Ramel Allen}, in the presence of his victim who holds a stay away order of protection against him. This man was swiftly placed under arrest without incident.

During the search of the home, a young woman was discovered in possession of a fake ID, and after some questioning it was dis -- sorry; I'm having a hard time with words this morning. Discovered that she was a local 15-year old runaway whose whereabouts have been unknown for the past five months. During further questioning, the child gave information about being forced into prostitution during the months that she was held at this home. Andy Gayot was arrested for rape, criminal sex acts, compelling prostitution and promoting prostitution and unlawful imprisonment. Senior POs

Buckley and Nichols were instrumental in safely effectuating the search and the processing of the arrests.

So need I say more? But I can't say enough thank-you's, because to think about a 15-year old and what she was subjected to, we are deeply indebted to you. And with that, I want to have Kevin say something.

LEG. McCAFFREY:

Thank you, Legislator Browning. I, too, want to express my gratitude to the Probation Officers. This location at this house has long been a source of problems in Lindenhurst. And it wasn't until the Probation Officers got inside there and did their diligence and their hard work to really find out what was going on in there to give the ability for everybody to bring this to fruition where we ended the torment of this young 15-year old girl, stopped the drug dealing that was going on within there and was infecting our community.

So, on behalf of the people who live in Lindenhurst and the 14th Legislative District and all of Suffolk County, we want to also thank you for your hard work and diligence. And it just underscores the work that the Probation Officers do day-in and day-out that sometimes goes unnoticed. In fact, we have before us today a Home Rule Message to give you the ability to receive some of the disability benefits, raise your disability benefits even more than it is now. You're going to get close to the Police Officers for -- we see that you're in dangerous situations, you deserve that, and I'm sure the -- hopefully the Legislature here will support that Home Rule Message and the Assembly and the Senate will also do the same to at least give you some assurances, when you're out there doing your work, that you are protected. So thank you again. We appreciate the hard work that you did. Congratulations.

Applause

LEG. BROWNING:

You want to tell the story about the guy showing up?

LEG. McCAFFREY:

Okay. I was told not to tell the story, but Kate said I should tell it.

LEG. BROWNING:

(Laughter).

LEG. McCAFFREY:

A couple of days before this all happened, I got a call from Andrew Gayot and he said, "*I'm being harassed by the Suffolk County Police Department,*" and he goes, "*I want to set up a meeting with you.*" So I called up the 1st Precinct and I said, "*Hey, I got this call from this guy,*" and he said, "*Listen, we don't want to start any problems. We have it under control. Probation was in there, they gave us some really good leads. Make the appointment for next week, he won't be able to keep it.*"

(*Laughter*)

And they were right about that. So thank you again for your hard work.

Applause

LEG. BROWNING:

Our Director, Patrice Dishopolsky, would you like to say anything?
And Don, what about you.

MS. DLHOPOLSKY:

Thank you. I would only like to say that I'm very proud of the work of these officers here today and, indeed, I'm very proud of the work that our officers do every day. Ninety-nine percent of what we do is something that will never come to your attention. What we do is try to prevent recidivism in this County, and we do a good job at that. Today we're here because some of our officers, in their diligence, managed to take some very bad people off the street. And I thank you for your recognition of them here today and, congratulations.

LEG. BROWNING:

Okay. Don, do you want to say anything?

MR. GRAUER:

Just on the same note, I want to congratulate these fine officers for the great work they do and all the members that do incidents like this each and every day when they go out into the field to protect the residents of Suffolk County. So congratulations, and thank you for the work you do.

Applause

LEG. BROWNING:

And I'll introduce you to each of them. Jose Martorell. Congratulations, thank you.

Applause

Jeff Nichols. Thank you.

Applause

Daniel Buckley.

Applause

And Caryn Branda.

Applause

And again, thank you. Thank you for all your work.

DuWayne, you want to join me? I don't think there's any introductions needed here, but my constituent is Judy Pascale, our Suffolk County Clerk, and we'd like to recognize Judy and her staff today. And I think sometimes Judy can -- Judy's been in office, I think, since 2006?

MS. PASCALE:

Yes.

LEG. BROWNING:

Right. And Judy, do you want to tell us about the great news with the office?

MS. PASCALE:

Sure.

LEG. BROWNING:

I think it's better from you than me.

MS. PASCALE:

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For the first time -- and I would be remiss if I did not also recognize the former Suffolk County Clerk and former Legislator, Ed Romaine, who's in the audience today on another matter.

Applause

But it's kind of nice that he's here. For the first time in the history of the County Clerk's Office, 2013 saw a revenue stream of \$20 million to the County General Fund, and that was a milestone and it was a historic event. And it really goes to -- I would really -- I have to thank my management team, obviously, who keep the wheels rolling. But I am very honored today to have some of the people, the Supervisor of the Recording Department who's going to kill me because I'm introducing her, but it's Carole Herch, Dawn Penny and Marion Caskie, and these three people keep things running in the Recording Department and keep the real estate industry as happy as we can make them, but they certainly are people that are committed to the constituents, they're committed to their work. And none of this would have been possible, this is a joint effort, so I just want them -- and again, they're going to kill me, but I want them to just stand up real quick. Oh, and Anna.

Applause

I have Diane, I have -- yeah, just come on up here.

UNKNOWN SPEAKER:

Including Nicole.

MS. PASCALE:

Nicole, Steve Kieley. Is Mike here? Come on, it's okay, it's okay.

(*Laughter*)

UNKNOWN SPEAKER:

what are you doing to them?

MS. PASCALE:

I don't know. She's saying, "*What am I doing to them?*" Telling the truth. I don't bite.

(*Laughter*)

But these are the people that made it happen. And obviously this is a really -- it's a joint effort. And I was very, very proud, particularly in this economic environment where I know that this body, as well as the County Exec's Office, is looking for revenue. And I was very proud to be -- I think we're the largest revenue producer to the General Fund and I'm very proud of that. And again, I would just like to thank my staff.

I'd also like to thank this Legislative body and the County Executive. I cannot remember a single time since I've been the County Clerk that I've come before you for anything and have not gotten your support.

I don't always get what I want, but I always get what I need, and that's testament to all of you. And I think everybody here understands what we do, even though a lot of people in this County don't understand what the Clerk's Office does, but we are the backbone of this County's real estate economy, and I owe a special thanks to all of you and some of your predecessors as well. And I would be remiss if I didn't mention former Legislator Bill Lindsay, your Dad, who would come and sit with us and say, "*Okay. How can we bring in more money?*" So, and very responsive. So again, I just want to thank all of you for the support you've given me.

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And I want to share this proclamation. There's a proclamation that this Legislature has signed to my staff, so we will be hanging that up where everybody can see it. And this is to all of you.

Applause

Thank you very much. Thank you, Kate.

LEG. BROWNING:

DuWayne, would you like to say something? Don't go anywhere.

P.O. GREGORY:

Just quickly. Congratulations, great job. You always do so well, and keep the money coming in. Thank you.

(*Laughter*)

LEG. BROWNING:

And again, I think, Judy, you said -- I believe Judy said that the \$20 million is actually \$2 million over?

MS. PASCALE:

Over our projections.

LEG. BROWNING:

What was projected, yes. So like DuWayne said, keep it coming. Thank you.

Applause

P.O. GREGORY:

Okay. Next, we have Legislator Krupski for the purposes of a proclamation.

LEG. KRUPSKI:

Thank you. I would like to call up Riverhead Chief David Hagermiller, Officer Dennis Cavanaugh, Officer Michael Lombardo and Officer John Morris, and the dog Rocky. And I'm going to defer to the Chief because, as you would expect, the Chief does have the facts.

CHIEF HAGERMILLER:

Thank you. I hope I have the facts. Last year -- I want to thank Legislator Krupski for honoring four of our officers, four of Riverhead's finest this morning.

Last year, last February, we had a drive-by shooting in Riverhead.

And it was through the prompt actions of Officer Cavanaugh and Officer Lombardo and their efforts that an immediate arrest was made in that case, which is outstanding when you think about it because usually with a drive-by shooting, you really don't catch the people, so. Congratulations to them for their fine work. Officer Cavanaugh also received -- well, actually they both received the *Kiwanis Award* last year for those actions. Officer Cavanaugh received the *President's Award* from the PBA, too, last year.

On that note, we have John Morris. John's been with us for a while and last year he received *Police Officer of the Year* for the Riverhead Police Department. And as of late, John is our K-9 Officer with his dog Rocky. He's done outstanding work his whole career and, as I say, was honored by the PBA last year for his efforts.

Our last *Officer* is Ed Cary who couldn't be here this morning. He received *Man of the Year for the Riverhead Police Department* last year. And it's sad to say, but last year we lost two officers that

died while in active service, and it was Officer Cary that actually held us together and got us through it and kept everything organized and everyone moving forward. So I appreciate Legislator Krupski for honoring these officers and I thank him.

Applause

LEG. KRUPSKI:

So, it's just fitting that -- I mean, we have proclamations, but they should be honored for their hard work that they do every day.

P.O. GREGORY:

Okay, that concludes all of the proclamations for this morning. We're going to enter into our Public Portion. First we're going to call up Town of Brookhaven Supervisor Ed Romaine.

Applause

LEG. ROMAINE:

Thank you. Kind of strange to be on this side of the aisle instead of sitting in my chair there, which I sat in many years in the 80's and then recently with a lot of the people around this circle.

First of all, my congratulations to the County Clerk. She's doing a great job. I know her staff. These people have worked a long time for the County, they were there when I was County Clerk. They do a phenomenal job.

But I'm here on another issue. One of my colleagues, Jay Schneiderman and Dr. Spencer, introduced a Suffolk -- what we will call puppy mill legislation, and I'm here to speak in favor of it. This Local Law would ban the retail sale of puppies in pet stores unless they were from an animal shelter or from a Suffolk County breeder. And why? Because we've seen breeders from outside the State that will breed dogs in a cage with several dogs that they can't even move, stretch or enjoy life, that the female is constantly bred in less than ideal conditions, that many of these puppies that are brought into Suffolk County are sold harboring disease, harboring other things. And you have someone buy a dog, oftentimes, from one of these puppy mills, a puppy, they come home and the puppy becomes sick and there's no -- there's very little recourse.

This legislation has been a long time in coming, and anyone that has read about these puppy mills know -- and Doctor, I'm speaking about your bill -- know that there are appalling situations. These people that run these puppy mills care more about profit than the well-being of the puppies or their mothers. In 2011, one of our former colleagues, John Cooper, introduced legislation, which I cosponsored, to try to get local government involved in this issue. At the time, after some hearings, we discovered that we were preempted by the State. This year we're not, because of legislation passed on the State level, one of the cosponsors of which was Ken LaValle, that allowed localities to address this issue.

This resolution that we're dealing with today will give Suffolk County much more power to fight animal cruelty and assure that new pet owners are bringing home a happy and healthy animal. It also outlines requirements that enclosures only house one animal at a time, and be large enough for that animal to lie, stretch, walk and engage in natural movements and contain a resting pad; some simple basic things that we should be giving to man's best friend. Any pet dealer or pet store that violates this provision could be assessed a civil fine of up to \$500.

It's something that's a long time in coming because we want to encourage happy and healthy animals. We want to encourage puppies that are bred in the right conditions. We want to

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encourage people, when they buy animals, that they're buying an animal that is going to be healthy and happy and raised in the right condition.

I would also encourage anyone that's looking for dogs, and I have to do my PSA now, that would come to the Brookhaven Animal Shelter. We have a lot of great dogs there that are suitable for adoption. Some of them may not be the fluffy dogs that we want, the Bichon Frise or the poodles or whatever. But you know what? These dogs are capable of great love. I have two little dogs that run around, they happen to be toy poodles, and my wife came home one day with a dog that was wandering the street that we took in, he's not a toy poodle, it's about 110, 115-lb Akita Shepherd mix, and that dog is just phenomenal. Many of the dogs in animal shelters, and we have a range of dogs, great for adoption.

So this is something that I think Dr. Spencer, carrying forth the work of Legislator Cooper and my good colleague Jay Schneiderman, are working hard on. They're concerned about the welfare of animals, as well we all should be, and I also want to mention and give a thanks to the SPCA that does a lot to prevent and investigate animal cruelty. Thank you again and have a good day, guys.

Applause

P.O. GREGORY:

I have been made aware that we also have another elected official. We try to get our elected officials in and out so that they can get back to the people's business. Village of Mastic Beach Trustee, Bob Morrow.

MR. MORROW:

Good morning, Presiding Officer Gregory, Ladies and Gentlemen of the Legislature. I'm rising today asking for your support in proposition 1038 which will come before you later today. It's to sell property at No. 62 Lynbrook Drive in Mastic Beach to the Village of Mastic Beach.

This home is better known in Mastic Beach as the tree house; literally a tree has grown from the crawl space right through the roof. If there was any one reason why we became a village three years ago, this is the reason. I've seen in the papers, the other towns -- Brookhaven, Huntington, Islip -- as late as yesterday in Newsday, blighted homes have become a scourge on our landscape and they have to be addressed.

So I'm asking you today to please give us this property so we can finally get it out of our neighborhood, clean up that lot and hopefully down the road give it to affordable housing for young men and women who are hopefully coming back from the military, or just those starting out their career, that they can move into our community and live in a nice home and help our property values. Thank you.

Applause

P.O. GREGORY:

Thank you. Next we have Charles Gardner.

MR. GARDNER:

Good morning, Presiding Officer and all members of the Legislature. My name is Charlie Gardner, I'm the Government Affairs Director for the Long Island Chapter of the National Electrical Contractors Association. And I'm also speaking on behalf of the Kings Park Chamber of Commerce as immediate past president and current member of the board. Several of the members of our chamber are electricians. The Long Island Chapter of NECA and the Kings Park Chamber of Commerce strongly support the passage of New York State Bills S.5132 and A.7298 which would have Suffolk County be the sole

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licensing authority for all electricians working in Suffolk County. The requirements of the Village of Mastic Beach and the Town of Southampton currently forcing electricians already licensed by Suffolk County to be registered or licensed separately by those jurisdictions are perfect examples of unnecessary governmental duplication for the sole purpose of raising revenue. Instead of using the Suffolk County law as a complement to their code and enforcement policies at no cost to the town or village, they have chosen to add a redundant layer of compliance on the backs of all contractors. We have no dispute with the town or village building codes or enforcement of those codes. Our concerns are the extra fees for the registration of contractors, the burden of extra administrative costs for contractors such as obtaining and paying for additional insurance or keeping up with expiration dates and licensing requirements in various jurisdictions.

It is about the illusion of more protection for consumers and the illusion that somehow these jurisdictions are better able to keep untrustworthy, incompetent contractors from working within their boundaries. With or without the extra license, the enforcement policies of the town or the village and the available sanctions against incompetent contractors are exactly the same. Licenses or registrations are only issued to contractors who already possess a County license. Why require these redundant licenses, especially when there is the implication that there will be more consumer protection or somehow better license contractors, when, in fact, there will be neither? We need to prevent the nightmare of regulations that currently exist in Nassau County where an electrician needs more than two dozen or so licenses to work within the bounds of that County. The first step is to pass Home Rule 1-2014. I thank you for your consideration.

Applause

P.O. GREGORY:

Thank you. Next we have Russell Calemno.

MR. CALEMMO:

My name is Russ Calemno and I'm here in support of HR-01. Before I begin, I would just like to send a Happy Mardi Gras to Sarah Anker.

New Orleans is the place where I went to college for many years and my first job working for the State of Louisiana was, in fact, a master electrician.

In regards to this bill, HR-01-2014, it's important that you consider this bill based -- or this Home Rule, rather. It so happens that, believe it or not, we have 2600 licensed master electricians in our County that serve 11 towns and 32 villages, and this HR-01 is really supported by quite a few people in our history, of which includes organized labor, master electricians, all the organizations, Suffolk County Electrical Contractors Association, NECA, National Electrical Contractors Association, and many of the residents, ironically. We put out a questionnaire to some of the people out there in regards to this bill as to what it does, and certainly it's in -- it's being championed by pretty much everyone in the industry.

Basically, I'm here to ask you to please support this Home Rule.

It's important. It's important to the industry and it's important to our consumers. Thank you very much.

Applause

P.O. GREGORY:

Thank you. Next, we have Susan DesGaines.

MS. DESGAINES:

Good morning. My name is Susanne DesGaines and I'm here to represent my fellow animal

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advocates. Joining me today is Kathy {Katcher} and Lillian Lennon on behalf of Resolution 1047 that Supervisor Edward Romaine was kind enough to join us today and explain how urgent the need is for this law. So I just basically wanted to thank Legislator Jay Schneiderman and William Spencer and Edward Romaine, and also Kenneth LaValle for this really incredible law that we need so desperately. Thank you.

Applause

P.O. GREGORY:

Thank you. Next we have Kevin Schrage.

MR. SCHRAGE:

Good morning, everybody. Like Charlie and Russ, I'm just here to ask for your support for that Home Rule Message that -- to maintain the sanity of electrical licensing in Suffolk County. The Southampton Town thing really basically is nothing more than making me buy the right to work, something that I've been licensed and I've shown my abilities to do many years ago, in 1985 when I was issued my Suffolk County license.

I just also want to let you know that in Mastic Beach, I had turned down some work post-Sandy because I didn't have that Mastic Beach thing; not sure how to get it or anything else. One license in the County is going to get it done. I'd like to thank Mr. Cilmi for introducing this and just, again, I urge your support. Thank you very much.

Applause

P.O. GREGORY:

Thank you.

That's all the cards that we have. Is there anyone else that would like to come to speak, please come forward now? Okay. I make a -- do I have a motion to close the public portion?

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion by Legislator Cilmi. Seconded by Legislator Barraga. All in favor? Opposed? Abstentions? Public portion is closed.

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Hahn).

Okay, let's go to the **Consent Calendar**. Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion by Legislator Barraga. Second by Legislator McCaffrey. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Hahn).

P.O. GREGORY:

Okay. We have been requested to take IR 1162, which will be on page 10 on your agenda, out of order; it's the SOA contract. I will make that motion.

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore. All in favor? Opposed?

LEG. TROTTA:

Question.

MR. NOLAN:

To take it out of order.

D.P.O. SCHNEIDERMAN:

It's to take it out of order.

P.O. GREGORY:

Abstentions?

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Hahn).

P.O. GREGORY:

Okay, the motion is before us.

1162-14 - Authorizing the County Executive to execute an agreement with the Suffolk County Superior Officers Association covering the terms and conditions of employment for the period January 1, 2011 through December 31, 2018 (County Executive).

All right. Legislator -- well, actually, we should make a motion, then we can discuss.

D.P.O. SCHNEIDERMAN:

Motion to approve.

P.O. GREGORY:

Motion to approve by Deputy Presiding Officer Schneiderman. I will second the motion. On the motion, Legislator Trotta.

LEG. TROTTA:

I just have a couple of questions for Mr. Lipp.

MR. NOLAN:

Speak into the mic.

LEG. TROTTA:

I just have a couple of questions for Mr. Lipp. On the -- in the contract, Employee Protection, Section 8, letter E. It has to do with -- I don't know if it's a new policy or if it's an existing policy -- about a disability retirement pension, where if someone is injured on the job and in their first or second year and they go out three-quarters or 50%, you know, that's going to be at a very low salary. Is that -- and then it says that the County is responsible to make up the difference between the lower salary, three-quarters, and then the highest top step. Is that something new to this contract?

MR. LIPP:

Okay. So, the way it works is State law determines whether or not you're -- if you're considered to go out on disability retirement, if you're a 50% person or a 75% person, that's determined by the State. And apparently what the proposed contract is doing is it's saying that, okay, currently if you're a member of SOA, like a Sergeant or a Lieutenant, you only have one step, you know, you're right there. These new people will have either eight or ten steps, depending upon when they're hired. So if you go out on disability as an SOA member and you're not at top step, they're saying you're going to get from the State, based upon your salary, either 50 or 75%, we're going to give you a kicker, and the kicker will be that 50 or 75% not of your current below top-step salary, but at the top-step salary. So just to give an example, not a real-world example, but let's say that difference is 10,000 a year, and if you're at 50%, then the County would kick in that extra 50% of the 10,000 or 5,000 per year, as long as you receive the benefits.

In terms of costing out the contract, it's highly unlikely that that provision would kick in between now and 2018 because, A, it's not too likely that these new members would become Sergeants -- the PBA members would become Sergeants by 2018; and even if some of them did, then they would also have to become disabled at the time. So this is going to be a future cost, it's not clear how many will --

LEG. TROTТА:

Is this the same for the PBA contract? So the guy who is making 42,000 gets injured, let's say a year or two in, is this a provision in that contract also? And then that would be certainly a more substantial --

MR. LIPP:

Right, I would -- yeah, I'd have to get back to you on that one. I'm not sure exactly what the provision of the PBA contract is, I'd have to look at that again. All three of the contracts are pretty detailed and hard to understand, admittedly, it took us hours and hours to figure out what was going on with the contracts.

LEG. TROTТА:

That actually leads to my next question. According to the County Executive, the contract was going to cost substantially more than you figured it out to be.

MR. LIPP:

Uh-huh.

LEG. TROTТА:

You know, I think there's like a \$25 million discrepancy. The County Executive said it was going to cost 72.3 million and you said it was going to be 54 million; I mean, \$16.9 million that's not accounted for.

MR. LIPP:

Right. So, in our memo we -- you know, full disclosure, we mentioned that, you know, we're not hiding anything. Unfortunately, I will say given the timing of getting the memo out, we didn't have the opportunity to vet out what the assumptions were with the County Executive's Office beforehand to see if we could -- if we wanted to come to an agreement or not in terms of a middle ground, if you will. Since then, I have had conversations with the Budget Director, Connie Corso, and have a better understanding of what some of the differences are and to make a long story short, we sort of agreed that it's probably somewhere in the middle. So we're both agreeing that it's halfway between the two.

LEG. TROTТА:

So you really don't know exactly what it costs.

MR. LIPP:

Well, very simply, you know, what you're doing is you're making projections about the future, and there are a lot of assumptions you need to make. And I could go into some detail, but just, you know, to try to give you the big picture, they're making some different assumptions than we are. It's not that we're right and they're wrong or vice versa, it is a projection.

LEG. TROTТА:

Okay. Section 14 has to do with an education pay increase?

MR. LIPP:

Uh-huh.

LEG. TROTТА:

I mean, I don't know if you're aware, the County, back in 1990, started a Tuition Reimbursement Program where if you went to college they would pay for you, basically whatever it was.

MR. LIPP:

Uh-huh.

LEG. TROTТА:

And now this education thing, if I'm reading it correctly, a Sergeant will get \$1700, \$1770 for education and the Chief of Department will get \$2,668 --

MR. LIPP:

Right.

LEG. TROTТА:

-- for 120 credits. And they're going to get this even though they don't have the college education?

MR. LIPP:

I believe there's a stipulation in there, without having the contract in front of me, that says that that will be held back until you do get it, so it will give you a strong incentive.

LEG. TROTТА:

That's not what it says here.

MR. LIPP:

Okay. I'd have to look at the wording of the contract.

LEG. TROTТА:

I have a copy if you want it.

MR. LIPP:

I'm going to call it up. But anyhow, the way we were calculating that is, very simply, we were looking at that as very simply an increase; you know, like if I say I'm going to give you a 10% increase, 5%, whatever. If you look at the second table in our memo, we list education increase as one of the six increases that are being provided to the SOA in 2014, that's one of them. And as you said, for instance, the lowest level for Sergeant, \$1770, the effective increase, depending upon the individual, is anywhere from a little over 1.1% to a little less than 1.4%. It depends upon -- because the numbers are different, it depends upon which level you're at, but effectively it's just a salary increase.

LEG. TROTТА:

But they're giving the salary increase for an education they don't have?

MR. LIPP:

That's apparently the case.

P.O. GREGORY:

Legislator Trotta, it's my understanding that the Director of Labor Relations McNamara is here, so if there are any questions that Director Lipp cannot answer, I'm sure she would have a better handle and be able to answer it for you.

LEG. TROTТА:

Okay. I have a couple more for him and then -- well, let her come up first, that's fine.

P.O. GREGORY:

Before you start up again, I just want to put on the record that Legislator Kennedy had to attend a funeral this morning, so he does have an excused absence.

MR. McNAMARA:

Good morning. Good morning, Presiding Officer and members of the Legislature. Thank you for having me here today. I would also like to thank SOA President Tim Morris who worked very cooperatively with the County in coming to the terms of this contract. I'm just going to give you some highlights and then I know that there are some questions, so I'll open it up to questions afterwards.

The contract term is eight years; it runs from 2011 through 2018. It is a negotiated contract which is not subject to arbitration; always something that we think is better. It fits within the recently negotiated and approved PBA and SDA contracts. This contract provides savings and the implementation of a new salary scale which, for the first time, includes steps and tiers for SOA members. It also provides savings in the implementation of the tier system, similar to that contained in the previously approved PBA and SDA contracts. It includes no retro payments for 2013, which provides for significant savings. And similar to the SDA, it provides for a senior status at 20 years. I'm sorry. Any questions?

P.O. GREGORY:

Yes, Legislator Trotta.

LEG. TROTТА:

Yeah. I mean, according to this contract, you're -- it appears you're paying people for an education they don't have.

MS. McNAMARA:

My understanding of the contract, if you read down on the bottom of it, that if they do not satisfy the college credit requirement, that amount of money will be held out of their holiday checks. So it will be held back from them, they will not get that money.

LEG. TROTТА:

Well, it also says that everyone else is grandfathered in. So the people currently in these positions will be receiving these pay increases for an education they don't have.

MS. McNAMARA:

That's correct.

LEG. TROTТА:

Mr. Lipp, can you tell me how much, in 2011, the County had to pay into the pension costs?

MR. LIPP:

In terms of pension costs, I believe our bill was in the neighborhood of, I want to say 150 million; I don't have the exact number on me. But we did amortize about 87 million, so it would be over \$230 million total, but the bill that we had to pay was in the neighborhood of 150 million.

LEG. TROTТА:

So the question is really -- I'm sorry. How much did you have to borrow for that?

MR. LIPP:

For this year?

LEG. TROTТА:

For 2011.

MR. LIPP:

Eleven, okay. So let's see, I need to go back in time, if you don't mind. So this year it's 87 million and change, 2013 it was 60 something million, 2012 it was 45 million and change, and 2011 it was 19 million and change, the first time that the State allowed us to borrow or amortize in the retirement system.

LEG. TROTТА:

Okay. So in 2011 we borrowed \$19 million.

MR. LIPP:

Correct.

LEG. TROTТА:

To the pension costs. In 2012, we borrowed \$45 million to our pension costs.

MR. LIPP:

Correct.

LEG. TROTТА:

In 2013, we borrowed \$64 million in the pension costs, and in 2014 we borrowed \$87 million.

MR. LIPP:

You've got it.

LEG. TROTТА:

To pension. So that means we owe that money, the pension; we didn't have the money to pay it, so we borrowed it.

MR. LIPP:

Right. So the way that works is -- with the exception of the current 2014 bill, it's a 10-year note, if you will, that will be implicit in our retirement bill each year. And for the 2014, they have an enhanced program where it will be a 12-year note.

LEG. TROTТА:

Okay. In 2013, last year, we sold the Dennison Building and the taxpayers are on the hook for \$108 million; is that correct?

MR. LIPP:

I guess with the debt service, that's approximately correct.

LEG. TROTТА:

Okay. We also went to the Sewer Stabilization Fund and took \$33 million out of that; is that correct?

MR. LIPP:

Thirty-two point eight.

LEG. TROTТА:

And -- so the two years that part, so 87 million and 64 million is 151 million we borrowed for the pension costs; is that correct?

MR. LIPP:

Yes.

LEG. TROTТА:

Okay. And a lot of these raises are deferred? I mean, they're actually not getting the raise, it is being withheld, some of the pay increases till the guys retire?

MR. LIPP:

Correct. And we even say in our memo that we're a little uncomfortable about the overall impact because of the deferrals and the education increase is a case in point.

LEG. TROTТА:

As a matter of fact, you've said that it will be a challenge to meet this. And you quote, actually, you say that if you were to raise the sales tax a quarter percent, you would have \$75 million.

MR. LIPP:

Right, in today's dollars. And, oh yeah, by the way, just to get back to you from your question before, the educational increase is in the PBA's contract as well.

LEG. TROTТА:

Okay. So \$75 million wouldn't even pay the pension money that you borrowed this year. Seventy-four million dollars is less --

MR. LIPP:

Yeah, \$75 million is less than 87 million, yes,

LEG. TROTТА:

Okay. So even if we raised the sales tax, we still wouldn't be able to pay that.

MR. LIPP:

That's one way to look at it, yes.

LEG. TROTТА:

You estimate the cost of all these contracts in 2018 is \$371 million dollars.

MR. LIPP:

Correct.

LEG. TROTТА:

I have no further questions.

P.O. GREGORY:

Okay. Anyone else have any questions? No? Madam Clerk, we have a motion and a second.

MS. ORTIZ:

Yes, Sir.

P.O. GREGORY:

Do we have all Legislators? Can we have all Legislators to the horseshoe? All right. Madam Clerk, let's do a roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

(Not Present).

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present).

LEG. TROTTA:

Abstain.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

MS. ORTIZ:

Fifteen.

*(*Legislator Kennedy entered the meeting at 10:38 A.M. *)*

MS. ORTIZ:

Sorry. Legislator Kennedy?

LEG. CILMI:

The SOA contract.

LEG. KENNEDY:

Yes, good morning. Please mark me in the affirmative.

MS. ORTIZ:

Seventeen. I'm sorry, *sixteen (Not Present: Legislator Hahn).*

P.O. GREGORY:

Okay, thank you. Resolution passes.

Another request to take -- congratulations, Mr. Morris.

MR. MORRIS:

Thank you very much. We appreciate it.

P.O. GREGORY:

HR 1 has been requested to take out of order. For the purpose of taking HR 1 out of order, we'll have Legislator Cilmi?

LEG. CILMI:

Yeah, if I could just make a motion to take HR 1 out of order. We have a couple of folks from the industry here, I'd like to get them out of here and back to work.

P.O. GREGORY:

Second by Legislator Barraga. All in favor? Opposed? Abstentions? The motion is before us.

HR No. 1-2014 - Requesting the State of New York to enact legislation authorizing the County of Suffolk to establish a County-wide Master Electrician Licensing Program (Senate Bill No. S.5132 and Assembly Bill No. A.7298)(Cilmi).

Do I have a motion?

MS. ORTIZ:

Seventeen (Not Present: Legislator Hahn).

LEG. CILMI:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Cilmi. Seconded by Legislator Muratore. Any discussion? Okay, all in --

LEG. D'AMARO:

Hold on.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

This is on a Home Rule Message?

P.O. GREGORY:

Yes.

LEG. D'AMARO:

I don't think I have a copy of this bill, is it in the packet?
What's the bill number?

P.O. GREGORY:

It's HR 1.

D.P.O. SCHNEIDERMAN:

No, the bill is 5132, Assembly bill, or 7298.

LEG. KRUPSKI:

DuWayne, I have a question.

P.O. GREGORY:

Legislator Krupski, you have a question?

LEG. D'AMARO:

All right. Go ahead, I'm good.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Thank you.

P.O. GREGORY:

Legislator Krupski?

LEG. KRUPSKI:

I just had a question on this. Are the mechanics set up in place, you know, to implement this license now and who's going to run it and what are the fees going to be?

D.P.O. SCHNEIDERMAN:

Could I maybe answer that? We -- this is a Home Rule Message, so it's -- it's a State bill. We already license electricians, this only takes away the municipal's -- municipality's ability to also

register them or license them. There's only two municipalities that are doing it, the Town of Southampton and I think the Village of Mastic/Shirley. So it doesn't give us any extra abilities, but it takes away an ability that the towns are taking advantage of.

LEG. KRUPSKI:

Thank you. I guess part of my question was there will be no change in fees.

LEG. BROWNING:

No.

LEG. KRUPSKI:

Okay.

D.P.O. SCHNEIDERMAN:

No, but, you know, you do raise a point about enforcement. And the town has been enforcing their own -- in Southampton, their own registration policy, though it does fall under the County's jurisdiction. So the County is telling me that they will enforce the requirements throughout the County, as they have in the past.

LEG. KRUPSKI:

Thank you.

LEG. BROWNING:

DuWayne?

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Yeah. I have to say, I know this is more electricians, but I happened to be speaking to a plumbing contractor in my district who has a license in the Village. And I said, *"Well, you know, you have a County license and now you have to -- you know, you had to get the Mastic Beach Village license,"* and he said, *"Yeah. But if I'm going to work in Mastic Beach, I'm going to offset that cost to me to my customer."* So the bottom line is the customers are going to wind up paying. And I can't imagine what it's like in Nassau County with so many licenses. I can guarantee you the prices are much higher for that contractor to come into your house than, you know, where you don't have the license.

So I think this is the right thing to do. I know I have it in Mastic Beach, but, you know, even post-Sandy, you know, I said we really should be waiving -- they should be waving the fees, you know, because it limits the amount of people who can work there and, again, it winds up costing our constituents more money.

P.O. GREGORY:

Okay, thank you. Legislator Cilmi?

LEG. CILMI:

Yeah. If I could, I just wanted to thank Charlie Gardner who is here with us as a representative of the trade, as well as Senator Lee Zeldin who worked together to craft the State legislation that enables -- that will enable us to do this.

This bill is incredibly important to the electricians trade here in Suffolk County and to consumers. It will prevent the proliferation of these unnecessary, bureaucratic layers that exist currently in Nassau County, as an example. And not only will it save money for our electricians and, in turn, save

money for our consumers through avoidance of costs associated with the additional licenses and registrations and such, but also there's additional insurance costs that are associated with those licenses and registrations in the different villages and towns and cities throughout Nassau County. And we shouldn't discount the administrative costs associated with keeping up with all of these different licenses and registrations and whatnot year after year for our electricians, many of whom are operating as sole, you know, business owners, they don't have administrative staffs at their disposal to keep track of this stuff, they're out trying to make a living.

So I think this bill passed in committee 5-0-1 with one abstention as a result of a concern about a possible conflict, and I think there's unanimity of support in the industry for this. So I would appreciate all of our colleagues' support.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I want to go on the record on this bill, too, since, you know, I represent the 2nd Legislative District which includes the Town of Southampton, that is the area that's most affected right now by this bill. The Town of Southampton sees approximately \$42,000 in fees that they collect from their registration of electrical contractors.

I'm going to support this, though, however, because I do believe, like Legislator Cilmi said, we have to look at the regulatory environment that these contractors are working in and do what we can to streamline the process so that the consumers benefit by lower rates and more competition, more availability of these contractors. So I think this is the right step in making a more business-friendly environment in Suffolk County, so I'm going to support it.

I do want to say, since Southampton has been -- has had their own process by which they inspect -- you know, it's been the Building Inspector's office, these contractors work, that we continue as a County to reach out to the various municipalities, since they are in the field. Through the building departments of the various towns and villages, they can be our eyes and ears. And we need, I believe, to work more closely with these individuals so that we can provide the consumers the absolute best protection. So I will just say that.

I've had this conversation with Consumer Affairs and they are aware of my concerns and I believe we will move forward in that direction as we move forward in streamlining the process and making it a better working environment for everybody.

P.O. GREGORY:

Okay. Madam Clerk, we have a motion and a second. Anyone else? What was that, Legislator Trotta? You like --

*(*Laughter*)*

LEG. TROTТА:

I was just waving.

LEG. KENNEDY:

He's all in.

P.O. GREGORY:

Okay, all right. All in favor? Opposed? Abstentions?

LEG. LINDSAY:

Renee, abstention.

MS. ORTIZ:

Seventeen (Abstention: Legislator Lindsay).

P.O. GREGORY:

Motion carries.

Several members have brought up IR 1170. I'm going to call Legislator Spencer for the purposes of calling -- taking 1170 out of order, it's on page nine of the agenda.

LEG. SPENCER:

I'd like to ask for a motion to take 1170 out of order.

LEG. KRUPSKI:

Second.

LEG. SPENCER:

Motion by Legislator Spencer, second by Legislator Krupski. All in favor? Opposed? Abstentions? It's on page nine.

1170-14 - Appointing member of the Suffolk County Water Authority (Mario R. Mattera) (Presiding Officer Gregory).

LEG. SPENCER:

I would like to make a motion to approve.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second -- motion by Legislator Spencer. Second by Legislator Kennedy. Any questions? All right. All in favor? Opposed? Abstentions? Okay.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Motion carries.

LEG. SPENCER:

Please, make me a cosponsor.

LEG. KRUPSKI:

Cosponsor, also, please.

P.O. GREGORY:

Congratulations, Mario.

MR. MATTERA:

Can I say a few words?

P.O. GREGORY:

Sure.

MR. MATTERA:

I just want to thank everybody around this horseshoe very, very much for all the support. And I will always be here, whatever we need.

And I'm going to tell you, any questions, anything we need, I'll make you very, very happy. And, you know, the Suffolk County Water Authority is very, very important, obviously, for our natural resources. Thank you so much. Okay? Thank you.

P.O. GREGORY:

Thank you, Mario.

Okay. If you turn to **TABLED RESOLUTIONS** in your agenda, we have ***IR 1028-14 - 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) (Browning)***. Legislator Browning?

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. Any questions?

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Through the Chair, to the sponsor. This is one of a number of resolutions that are connected, I believe, which were tabled at our last meeting. I just don't recall the reason for the tabling at the last meeting, and if you could just explain how that issue has been resolved.

LEG. BROWNING:

Okay. These are properties that are on the Master List, in the Mastic Beach community. And we were holding off the -- there's the NRCS funding that was coming from the Federal Government that we were hoping for. And I don't think we actually got -- have we heard anything from them, Sarah? But no matter what, these are properties that were designated by the County as environmentally sensitive property, they do rate high. And at this time, you know, I'm -- I would like to continue to move forward. We are going to continue to talk to the Feds, I believe. Sarah, if you want to jump in and tell me where we're at with NRCS.

MS. LANSDALE:

Sure. We have a meeting tomorrow with representatives from NRCS to discuss this further. All of these properties that are before you today that were tabled previously have a rating of 56 points out of 100.

LEG. BROWNING:

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Right. So, you know, obviously, if we can't get the Federal funding to do it, we still want to go ahead and do it. You know, it's going to take a little bit of time anyway to get to the appraisals, you know, for them to actually do the appraisals, so maybe tomorrow's meeting will be a bit more fruitful. There is the -- what do you call that? Money, the money that's designated for -- the Old Drinking Water money from Brookhaven that, you know, if the NRCS money doesn't come through, I'd like us to consider that.

LEG. CILMI:

Through the Chair to Ms. Lansdale. Does passing these resolutions today put us in any disadvantage from a bargaining point of view with the organization or whoever it is that you're meeting with tomorrow, in terms of receiving their funding?

MS. LANSDALE:

No, it doesn't. Specifically one of the questions that will be discussed tomorrow, and I hope that we receive greater clarity from NRCS, which is a Federal agency, is specifically if we conduct an appraisal, what is the methodology that they'd like us to undertake? Is it different than the appraisal methodology that we currently employ, so that we don't duplicate efforts in that we conduct an appraisal and they wanted to see some other factors considered that we haven't yet considered. So that's one of the questions that we're going to discuss tomorrow and hopefully receive greater insight from NRCS in terms of the appraisal methodology that the County employs and how it rates to NRCS' appraisal.

LEG. CILMI:

Is it conceivable that NRCS will actually look at the passage of these bills today in a favorable light in terms of a show of support in the County for the preservation of these properties and, therefore, that may actually work in our favor in terms of getting funding?

MS. LANSDALE:

I would imagine so, yes.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Sarah, is it safe for me to assume that all seven of these are vacant or raw land?

MS. LANSDALE:

Let me just double check. But the last time I reviewed these properties, most of them, if not all of them, were, in fact, vacant. Actually, there's one of them, 1029, the next one on the agenda, does have a residence on the site, but 1028 does not, as well as 1030 is vacant.

LEG. KENNEDY:

Well, as a matter of fact, let me make sure that I'm asking the question properly, because obviously sometimes terminology gets mixed. Are they unimproved properties? So only 1029 is an improved property? The balance of them are raw land and unimproved.

MS. LANSDALE:

That's right.

LEG. KENNEDY:

Yes?

MS. LANSDALE:

That's right.

LEG. KENNEDY:

Okay. All right. And so, for 1029, with the appraisal then it would be -- is it a livable structure? I mean, is it demolished, was there water damage?

LEG. BROWNING:

It's all in the -- excuse me. It's all the way south in Mastic Beach where everyone was flooded, so --

LEG. KENNEDY:

So even though it's an improved --

LEG. BROWNING:

-- the property was flooded.

LEG. KENNEDY:

-- it's probably not a habitable property and it wouldn't be.

LEG. BROWNING:

Probably --

LEG. KENNEDY:

As a matter of fact, if anything, it would go towards demo cost to go ahead and remove what the structure is.

LEG. BROWNING:

Yeah, demolition cost is always included in the price of the property. It's always deducted from the price.

LEG. KENNEDY:

Okay.

MS. LANSDALE:

Our records indicate that the residence in question on 1029 was, in fact, damaged by Hurricane Sandy.

LEG. KENNEDY:

Okay. All right, thank you.

LEG. BROWNING:

John, I just want to remind you that the property is actually smaller than the Bavarian Inn.

*(*Laughter*)*

LEG. KENNEDY:

But it won't take seven years to take this down.

LEG. BROWNING:

God, I hope not.

P.O. GREGORY:

Okay. Anyone else? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. I'm sorry, *eighteen*.

P.O. GREGORY:

Okay. ***IR 1029-14 - 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) (Browning).*** Same motion --

LEG. BROWNING:

Same motion.

P.O. GREGORY:

-- same second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1030-14 - 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) (Browning).

LEG. BROWNING:

Same motion.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1031-14 - 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) (Browning).

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1032-14 - 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) (Browning). Same motion, same second. All in favor? Opposed?

Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1033-14 - 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) (Browning). Same motion, same second.

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1035-14 - 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) (Browning). Same motion, same second. All in favor? Opposed?

Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay, **BUDGET & FINANCE:**

IR 1054-14 - Amending the 2014 Operating Budget to provide funding for Loaves and Fishes of the United Methodist Church of Lake Ronkonkoma. (Kennedy)

LEG. CALARCO:

John. Kennedy?

LEG. KENNEDY:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Kennedy.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Seconded by Legislator Cilmi. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1056-14 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for medical malpractice case against the County (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

I'm sorry, who was that?

MR. NOLAN:

D'Amaro.

P.O. GREGORY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern. Any questions? No questions. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1056A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance \$125,000 Bonds to finance the settlement of a medical malpractice case against the County), same motion, same second. Roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Present. Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay.

IR 1071-14 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. Second by Legislator Stern. All in favor? Excuse me. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1071A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$300,000 bonds to finance the settlement of a general liability case against the County).

Same motion, same second. Roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1143-14 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for an award of attorneys' fee in a Federal lawsuit against the County (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. Second by Legislator Stern.

LEG. CILMI:

On the motion?

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

If I could just ask Budget Review, it looks like today we'll bond, after this resolution is passed, roughly \$600,000 or so for legal related fees and charges. Would you be able to provide us with, at some point in the near future -- not today -- sort of a history of bonding as it relates to settlements and other legal fees over the past, say, five years?

MR. LIPP:

I can give that to you within a half an hour, if you want.

LEG. CILMI:

Terrific. If you could e-mail that to me, that would be great.

MR. LIPP:

Anybody else want it?

LEG. CILMI:

You may as well send it to everybody.

MR. LIPP:

Okay. You want ketchup with that, or no?

LEG. CILMI:

I'm speechless.

(*Laughter*)

P.O. GREGORY:

Okay. Anyone else? Any other questions?

LEG. KENNEDY:

Mr. Chair?

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Can we just get -- I am a member of Ways & Means and I do have a vague recollection regarding discussion of this matter in executive session, but I don't have the resolution in front of me. Can I just get from somebody, what's the amount on this one?

LEG. MURATORE:

One ninety-nine.

LEG. KENNEDY:

I'm sorry, say again? A hundred and ninety-nine thousand?

MR. NOLAN:

Three hundred and nine dollars, yeah.

LEG. KENNEDY:

Right. And this was associated with legal fees brought on as a result of a suit against, I think, one of our departments?

MR. NOLAN:

It's a Federal lawsuit, so I'm sure it took into account the attorneys' fees, you know, a total settlement.

LEG. KENNEDY:

Yes. Okay, thank you.

P.O. GREGORY:

Okay. Anyone else? Legislator Trotta.

LEG. TROTТА:

I want to know what it's about.

P.O. GREGORY:

Okay. We have a rep from the County Attorney's Office.

MS. LOLIS:

Good morning.

LEG. KENNEDY:

Gail, I paraphrased, but actually for the benefit of some of the other Legislators, how much of it did I hit and did I garble?

MS. LOLIS:

You did pretty good. One hundred and seventy-one thousand and change is actually an award of attorneys' fees issued by the Federal Court Judge, and \$27,000 was the settlement for the fees incurred in getting the award of attorneys' fees, and it arises out of an action against the Department of Social Services. We did not pay on the underlying action. The underlying action challenged termination of benefits notice form.

LEG. KENNEDY:

But, Gail, here's the other thing that's important to understand sometimes for us, that when there is an action brought in Federal Court, the prevailing parties then have the ability to actually seek reimbursement for the legal fees --

MS. LOLIS:

Yes.

LEG. KENNEDY:

-- that were responsible for them to bring the case.

MS. LOLIS:

Yes, in Federal Court. We don't deal with this in State Court, just in Federal Court.

LEG. KENNEDY:

Okay.

LEG. TROTТА:

So what you're saying is we won the case, but we have to pay for their lawyer?

MS. LOLIS:

No. They commenced an action, they obtained a preliminary injunction against the County basically requiring us to change the form that we sent to the recipients of Child Care Services. They -- the Court found that our form did not give them enough information to determine their own eligibility, so an injunction was granted. They then sought attorneys' fees, we litigated that because we felt what they were seeking was exorbitant, but the Court basically gave them everything they asked for.

LEG. TROTТА:

So we didn't have a proper form; the Federal Court said we have to change the form?

MS. LOLIS:

We had to add more information to it.

LEG. TROTТА:

And then it cost \$199,000 for the lawyers to fight that in Federal Court?

MS. LOLIS:

Yes.

LEG. TROTТА:

And now -- how long did this take that it was 199,000? And the Judge, the Federal Judge said we have to pay this?

MS. LOLIS:

Yes.

LEG. TROTТА:

So we have no choice but to pay this?

MR. NOLAN:

Yeah.

MS. LOLIS:

Well, you could -- your only option is to -- it's very difficult to get an award of attorneys fees set aside because it's in the discretion of the Court. And in Federal Court, they could award up to \$400 an hour, some Judges will award even higher.

LEG. TROTТА:

Are we allowed to appeal a Judge's decision?

MS. LOLIS:

You can always appeal, but the problem with that is it's not -- we did not recommend it in this particular case because if you lose on appeal, then you're paying that much more.

LEG. TROTTA:

Interest or something?

MS. LOLIS:

Well, you're going to now pay for the fees --

LEG. TROTTA:

It's all legal fees.

MS. LOLIS:

-- incurred in them defending against our appeal.

LEG. TROTTA:

All right.

P.O. GREGORY:

Welcome to Suffolk County.

*(*Laughter*)*

So we have a motion and a second. Any more questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. And the corresponding Bond Resolution, *(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$199,309 bonds to finance the cost of a court ordered award in a Federal action against the County)*, same motion, same second. Roll call.

*(*Roll Called by Ms. Ortiz - chief Deputy Clerk of the Legislature*)*

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay, **ECONOMIC DEVELOPMENT:**

IR 1046-14 - Reappointing Joanna Ferraro-Levy as a member of the Suffolk County Citizens Advisory Board for the Arts (Schneiderman). Legislator Schneiderman?

D.P.O. SCHNEIDERMAN:

Motion to approve.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1055-14 - To appoint Deborah Lohman as a member of the Suffolk County Citizens Advisory Board for the Arts (Anker).

LEG. ANKER:

Motion.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1090-14 - Authorizing the County Executive to enter into a Memorandum of Understanding with the Towns of Riverhead, Babylon, Huntington and Southampton for the Administration of the Suffolk County Empire Zone (County Executive).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. Second by Legislator Krupski. Any questions? Counsel, explanation? Is this an expansion of it?

D.P.O. SCHNEIDERMAN:

Carolyn Fahey can explain.

MR. NOLAN:

Carolyn Fahey's here from Economic Development, if you want an explanation of the agreement.

MS. FAHEY:

Good morning. The program sunset in 2010, so it's not an expansion, to answer your question. What it does is the County and the Town of Riverhead are responsible for administering those companies that are already in the program until their benefits run out. So what this agreement does, it sets out the administrative responsibilities at the end of the program. When it sunset in 2010, there was an \$89,000 balance left in the account from when the municipalities were sponsoring it; that money will be left with the Town of Riverhead to administer the program for the remaining businesses.

P.O. GREGORY:

Okay, thank you. Any other questions? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

EDUCATION & INFORMATION TECHNOLOGY:

IR 1093-14 - Amending Resolution No. 240-2013, establishing the JOBS Opportunity Board ("JOB") to centralize career advancement and educational opportunities in the County of Suffolk (Anker). Motion by Legislator Anker. Second by Legislator Calarco. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1121-14 - Authorizing transfer of surplus County flat panel monitors to RSVP (Kennedy). Motion by Legislator Kennedy, who is not paying attention.

(*Laughter*)

LEG. KENNEDY:

Absolutely.

P.O. GREGORY:

Second by Legislator Trotta.

LEG. KENNEDY:

Wait, let me throw my hand up. There you go.

P.O. GREGORY:

All right. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1122-14 - Authorizing transfer of surplus County flat panel monitors to Half Hollow Hills High School West Robotics Club (Stern).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern. Second by Legislator D'Amaro. Questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1123-14 - Authorizing transfer of surplus County flat panel monitors to South East Concerned Civic Association, Inc. ("S.E.C.C.A.") (D'Amaro).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1124-14 - Authorizing transfer of surplus County flat panel monitors to SeniorNet at Family Service League of Long Island (Stern). Motion by Legislator Stern. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1125-14 - Authorizing transfer of surplus County flat panel monitors to Our Lady of Good Success Academy (Muratore). Legislator -- motion by Legislator Muratore.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1126-14 - Authorizing transfer of surplus County flat panel monitors to Boys and Girls Club of the Bellport area (Browning).

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1135-14 - Authorizing transfer of surplus County computers to Town of Babylon, Wyandanch Resource Center (County Executive). I will make the motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman, Deputy Presiding Officer Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. **ENVIRONMENT, PLANNING & AGRICULTURE:**

IR 1127-14 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Gorman property - Town of Riverhead (SCTM No. 0600-007.00-03.00-043.000) (Krupski).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski. Second by Legislator Muratore. Any questions? All in favor?

Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1137-14 - Amending the 2014 Capital Budget and appropriating funds in connection with the Suffolk County 1/4% Drinking Water Protection Program for environmental protection for Farmland Development Rights Preservation (CP 8708.210)(County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. BROWNING:

I'll second.

P.O. GREGORY:

Second by Legislator Browning. Any questions? All in favor? No questions. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1138 --

LEG. BROWNING:

Can I ask? I just noticed that Don Grauer is here from Probation and I'd like to see if we could take HR 02 out of order.

P.O. GREGORY:

Sure. That's, what, page ten?

LEG. BROWNING:

That's on page ten.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Okay. Motion has been made to take HR 2 out of order.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

I have a motion and a second; motion by Legislator Browning, second by Legislator Krupski. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay, the motion is before us.

HR No. 2-2014 - Requesting the State of New York to amend the Retirement and Social Security Law, in relation to performance of duty disability retirement of Suffolk County Probation Officers (Senate Bill No. S.5153 and Assembly Bill No. A.8160)(Presiding Officer Gregory).

Motion by Legislator Browning, second by Legislator Krupski. Any questions? No questions. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

HR 2 is approved.

LEG. BROWNING:

Thank you.

P.O. GREGORY:

Okay. Back to page nine, **ENVIRONMENT, PLANNING & AGRICULTURE (Cont'd):**

IR 1138-14 - Amending the 2014 Capital Budget and appropriating funds in connection with the Suffolk County 1/4% Drinking Water Protection Program for environmental protection for land acquisitions for open space preservation (CP 8709.210)(County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1139-14 - Amending the 2014 Capital Budget and appropriating PAYGO funds in connection with the new Suffolk County 1/4% Drinking Water Protection Program for environmental protection for land acquisitions (CP 8714.211)(County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1140-14 - To reauthorize the Lake Ronkonkoma Advisory Board. (Kennedy)

LEG. KENNEDY:

Motion.

MR. NOLAN:

It has to be tabled.

LEG. KENNEDY:

Yes, that's right. Table one cycle, Mr. Chair. We're still tweaking the membership.

P.O. GREGORY:

Okay. Motion to table by Legislator Kennedy. Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1141-14 - To advance land acquisitions under the Old Drinking Water Protection Program (Krupski).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1154-14 - Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program, and appropriating funds in connection with the Northport Village Community Sustainable Fisheries Initiative (CP 7180). (County Executive).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Hahn, was it?

LEG. HAHN:

Yes.

P.O. GREGORY:

Okay. All in -- oh, Legislator Krupski, on the motion?

LEG. KRUPSKI:

No. I'm going to recuse myself --

P.O. GREGORY:

Oh, okay.

LEG. KRUPSKI:

-- for the record. Thank you.

P.O. GREGORY:

All in favor? Opposed? Abstentions? One recusal.

MS. ORTIZ:

Seventeen (Recused: Legislator Krupski).

P.O. GREGORY:

Okay, **GOVERNMENT OPERATIONS, PERSONNEL, HOUSING & CONSUMER PROTECTION:**

IR 1038-14 - Authorizing the sale of County-owned real property pursuant to Section 72-H of the General Municipal Law to the Village of Mastic Beach for Affordable Housing Purposes (SCTM Nos. 0209-032.00-05.00-013.000 and 0209-032.00-05.00-029.000) (Browning).

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

IR 1040-14 - Amending Resolution No. 894-2011 to expand the "Puppy and Dog Protection Rating Program" (Calarco). Motion by Legislator Calarco. Second by Legislator Anker.

LEG. KENNEDY:

On the motion, just for a second, please.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Either to the sponsor or to Counsel. What does this bill actually wind up doing?

LEG. CALARCO:

What this bill does is a few years back, under a resolution passed by Legislator Cooper when he was here, we created this board to do ratings of pet stores and pet dealers to make sure that they were acting humanely. It's a voluntary program. This just extends it to doing pet groomers, so those that -- whether they're mobile groomers or have a storefront, it allows that same board to go into those entities and give them ratings based on how well they perform their services. It's all voluntary, the board that serves is voluntary. It's voluntary on the groomers to participate. But the hope is that groomers will see this as a good way of increasing their business, it's a more competitive industry and so where if you can say that you've been rated and you practice good practices, then it will help you with your business.

LEG. KENNEDY:

Okey doke. Thank you.

*(The following testimony was taken by Lucia Braaten &
Transcribed by Kim Castiglione, Legislative Secretary)*

P.O. GREGORY:

Okay. Anyone else?

LEG. SPENCER:

Yes.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

The Pet Store Rating Board is up and it's working very well, and I think that with the recent State action that Supervisor Romaine alluded to and with what Legislator Calarco and Schneiderman are doing, I really think that we're going to make a major stride in protecting pets and improving their quality of life. I wholeheartedly support this bill and what my colleagues are doing.

P.O. GREGORY:

Okay. Great. Anyone else? No? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

List me as a cosponsor. *I.R. 1148 - Amending the hourly rate for certain titles in the Suffolk County Temporary Classification and Salary Plan (Co. Exec.)*. Do we have a motion?

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco; I will second it. Any questions? Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

1162 we've done. H.R. one and two we've done. Okay. On to Health.

HEALTH

J.R. 1091 - To extend the deadline for Tick and Vector-Borne Diseases Task Force (Schneiderman).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second by Legislator Spencer.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

I didn't get a chance to talk to Vector Control about this bill and I just had a question for the sponsor. If there is a timeline attached to it, and what your -- you know, what your hopes are for that.

D.P.O. SCHNEIDERMAN:

Yeah, there's two different bills. So one is extending the timeline for the Task Force that's already in place, which is dealing more with the medical side of Lyme's Disease, the diagnosis, etcetera. That's what this one is. The other bill, which is creating a committee to advise Vector Control on the development of a plan to reduce the incidents of Lyme Disease, that's a separate bill. This is just -- this committee, which has been led by Scott Campbell from the Health Department, they've done most of their work. They're just finishing their report. The old bill said December of 2013 is the deadline. We obviously are past that. They need just an extension to make it official, so this gives them, I think, until June to submit that report.

LEG. KRUPSKI:

Thank you.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Yes, Legislator Muratore.

LEG. MURATORE:

To the sponsor. Is this just going to cover the East End, or are there no ticks in Brookhaven or Smithtown?

D.P.O. SCHNEIDERMAN:

No. All these tick bills are Countywide. Lyme Disease is definitely a problem throughout the County. The highest incidence may be on the East End, but it's certainly not the only place that's affected.

Again, this is -- this particular bill is for a committee that's already been meeting for quite some time, has finished the bulk of its work and is just compiling its report. It deals mostly with diagnosis of Lyme Disease. There's a tremendous amount, we believe, of Lyme's disease that is undiagnosed or misdiagnosed as Lupus or, you know, all kinds of potential various syndromes that if the doctors had the right resources and medical practitioners had the right resources, we probably would have a more accurate picture of how Lyme's Disease and other tick-borne illnesses are affecting the entire Suffolk County. So that's all, it just gives them a little more time.

LEG. MURATORE:

Thank you.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1114 - Requesting legislative approval of a contract award for Oral Surgery Services for the Department of Health Services, Division of Patient Care Services (Co. Exec.).

Do I have a motion?

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Spencer.

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Through the Chair. I'm not sure who in the audience may be able to answer these questions, not only for 1114, but 1115. My questions apply to both resolutions. May I question Tom Vaughn?

P.O. GREGORY:

Sure.

LEG. CILMI:

Good morning, Mr. Vaughn.

MR. VAUGHN:

Good morning, Legislator Cilmi. We missed you last week.

LEG. CILMI:

How are you today?

MR. VAUGHN:

I'm very well. How are you?

LEG. CILMI:

Excellent. So we are contracting in this case for oral surgery services with a Sharon Pollick and in I.R. 1115 for optometry and optical goods services with Visiting Eye Care Services it looks like. Can you share with us what the total expected value of these contracts is and to whom are we providing these services?

MR. VAUGHN:

Yes, sir. The total -- let's take 1114 to begin with, sir, and that would be the oral surgery services. The value of the contract is between 110 and \$125,000, and it is to our inmates. To expand upon that further, in 2012, there was a total of 1,189 total services provided to the inmates. That includes the following: 186 uses of general anesthesia; anesthesia that went an additional 15 minutes was 62 incidences; TMJ dislocation reduction, there were 22; some type of fracture, which I'm going to spare you me butchering the word, was 42; some other types of fractures. But it breaks -- the Health Department has broken them down. It also includes the cost of X-rays and stuff. So if you take that 1,189 and you divide it into 125,000, what it breaks down to is approximately \$105 average cost per service if you were to evaluate them all the same, but as we know, some services are more expensive than others, but that was just quick and dirty math on it.

LEG. CILMI:

Do you know what our cost was in 2013?

MR. VAUGHN:

I do not have stats for 2013. 2012 was the last available statistics that I had.

LEG. CILMI:

Do you have any idea what is our inmate population, roughly, presently?

MR. VAUGHN:

I don't know what our inmate population is, sir.

LEG. CILMI:

Anyone know?

LEG. ANKER:

Seventeen hundred.

LEG. CILMI:

About 1700?

LEG. ANKER:

Seventeen hundred, yeah.

LEG. CILMI:

So -- and on 1115, what's the value of that contract?

MR. VAUGHN:

That value -- the value of that contract, sir, is between 40 to \$45,000 annually. And again, when you take into account eye examinations and it looks like some eyeglasses and stuff like that, it breaks down into 62 -- I'm sorry, 620 total services provided, for an average cost per service of \$75.28.

LEG. CILMI:

And if I'm not mistaken, we are mandated to provide these medical services to our inmates?

MR. VAUGHN:

Yes, sir, under Corrections Law.

LEG. CILMI:

Which is New York State Corrections Law?

MR. VAUGHN:

Yes, sir. New York State Corrections Law, Part -- pardon me, Part 710, I believe. Yes, part -- I'm sorry. New York State Corrections Law 7010.

LEG. CILMI:

I asked those questions because it occurs to me that many of our law-abiding citizens can't afford optical care or dental care and we're spending in excess of \$150,000, I suppose, on both for our inmates. Seems to me like something we should be addressing with the State Board of Corrections and, I guess, the State Legislature. Thank you.

P.O. GREGORY:

Anyone else? Any questions?

LEG. ANKER:

Can I?

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Again, you can say that, too, with the people that are homeless. They basically go to the emergency -- we end up spending, you know, five times the amount of money for, you know, to treat a common cold because they can't afford. So I agree with you, you know, there are some issues there. But again, you know, we've got people who are incarcerated -- and by the way, I was just there with my staff yesterday talking to some of the women inmates. A lot of them are there because of drug addiction. A lot of them have children. You know, it's really, you know, disheartening to see people that have kind of fallen into that situation. But again, I think I have to give Sheriff Vinny DeMarco credit for his efforts in rehabilitation and trying to get these folks out where they can get a job and get insurance pay for their medical treatment. But again, it's something that I think we have to do, you know, as a County supporting our residents.

P.O. GREGORY:

Okay. Anyone else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

I.R. 1115 - Requesting legislative approval of a contract award for Optometry and Optical Goods Services for the Department of Health Services, Division of Patient Care Services (Co. Exec.). Is it okay if I make same motion, same second? Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

Okay. ***I.R. 1120 - Reappointing member of the Suffolk County Board of Health (Christine M. Doucet, M.D.) (Spencer).***

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy).

PARKS & RECREATION

P.O. GREGORY:

Okay. Parks and Recreation: ***I.R. 1041 - Directing the Department of Parks, Recreation and Conservation to develop a plan for the care and use of the Hilda Lindley House in Montauk County Park (Schneiderman).***

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

I.R. 1044 - To make permanent discounted golf fees for veterans and active military personnel (Schneiderman). Motion by Legislator Schneiderman.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

LEG. CALARCO:

Renee, cosponsor.

P.O. HORSLEY:

Renee.

LEG. ANKER:

Renee.

LEG. LINDSAY:

Renee.

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

Just raise your hands if you want to cosponsor.

D.P.O. SCHNEIDERMAN:

Does anybody not want to cosponsor that? Hands up if you want to cosponsor.

P.O. GREGORY:

I.R. -- we have everyone? ***I.R. 1053 - Authorizing use of Makamah Preserve in Northport by Northport Running Club (Spencer).***

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. STERN:

Second.

P.O. GREGORY:

Second by -- who was that? Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

I.R. 1069 - Approving a License Agreement for Konrad Wojciechowski to reside at Coindre Hall, West Neck Farm, in Huntington (Co. Exec.).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer, second by Legislator Trotta. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

I.R. 1070 - Approving a License Agreement for Jason Ostrow to reside in Blydenburgh County Park, Smithtown (Co. Exec.). Legislator Kennedy, where are you?

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Cilmi. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

I.R. 1147 - Authorizing the use of Smith Point County Park property in 2014 by the Mastics-Moriches-Shirley Community Library's Family Literacy project (Browning).

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

I.R. 1158 - Authorizing the use of Smith Point Park property by Getco Company, between the Ports and Event Power, Long Island, for a triathlon (Browning).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy).

PUBLIC SAFETY

P.O. GREGORY:

Okay. Public Safety: ***I.R. 1102 - Accepting and appropriating a grant in the amount of \$143,200 from the New York State Division of Criminal Justice Services for the Suffolk***

County Police Department's Operation Hot Wheels X Program with 77.47% support(Co. Exec.).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Seventeen. (Not Present: Legislator Kennedy)

P.O. GREGORY:

Page 11, ***I.R. 1104 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 77.01% support(Co. Exec.).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Seventeen.

LEG. KENNEDY:

I'm in.

MS. ORTIZ:

Oh, 18.

PUBLIC WORKS, TRANSPORTATION & ENERGY

P.O. GREGORY:

Public Works, Transportation and Energy. ***I.R. 1041 -- excuse me, 1049 - Authorizing the illumination of the H. Lee Dennison Executive Office Building in recognition of Congenital Heart Defects Awareness Week (Cilmi).***

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion by Legislator Cilmi.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

LEG. CALARCO:

Mr. Presiding Officer, I see that we have Mr. O'Doherty here in the audience, your appointment to the Board of Ethics.

P.O. GREGORY:

Ah, yes.

LEG. CALARCO:

Perhaps you would like to take I.R. 1151 out of order.

P.O. GREGORY:

Sure. Motion by Legislator Calarco to take I.R. 1151 out of order. *(1151 - Appointing member of Suffolk County Board of Ethics (Dennis O'Doherty) (Pres. Off.).* I will second that. It's on page 12. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Welcome, Mr. O'Doherty.

MR. O'DOHERTY:

Hello.

P.O. GREGORY:

How are you?

MR. O'DOHERTY:

Good, thank you.

P.O. GREGORY:

Good. Actually, I'll make a motion.

LEG. CILMI:

Second.

LEG. BARRAGA:

Second.

P.O. GREGORY:

Second by Legislator Barraga. And before us, does anyone have any questions of Mr. O'Doherty? Say hello, you made him drive out to Riverhead. All right. Mr. D'Amaro.

MR. O'DOHERTY:

It's a good experience.

LEG. BARRAGA:

Good to see you, Assemblyman.

MR. O'DOHERTY:

That was a long time ago. That's ancient history. Good to see you, too, Tom. I'm just happy to be here. If anybody has any questions, I submitted a copy of my resume. If there's anything you'd like to know, I'll be happy to answer.

LEG. D'AMARO:

Yes, Mr. O'Doherty, right here.

MR. O'DOHERTY:

Yes, sir.

LEG. D'AMARO:

Thank you. First, I want to thank you for your service in the military. It's a very impressive overall resume that you presented.

I just wanted to know if you had an opportunity to take a quick look at the Ethics Code that Suffolk County presently has and what your overall impression of that code was.

MR. O'DOHERTY:

Actually, I haven't had a copy of that, I haven't seen that. I was hoping I would get it today.

LEG. D'AMARO:

The County has a requirement that certain individuals, including myself, take some ethics training periodically, which I completed along with, I think, all of my colleagues within the last several months, and we had an opportunity to look at the code at length and very closely to review it. And the code had been revised prior to that about a year or two, or maybe three years prior to this year. So what I would encourage you to do, if you're approved, and I expect that you will be today, and I want to thank you for agreeing to serve, is I would encourage you to take a closer look at that code, and perhaps, if you feel that there are any changes or modifications that need to go along to make it stronger and more enforceable, if you will, I would encourage you to look at the code and let us know if you feel any changes are needed.

MR. O'DOHERTY:

Thank you. I'll certainly look at it, I intend to.

LEG. D'AMARO:

Right. Okay. Thank you. Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Okay. Anyone else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions? Okay. Motion passes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Congratulations, Mr. O'Doherty.

MR. O'DOHERTY:

Thank you. Good to be here.

P.O. GREGORY:

All right. Have a great day. Okay. Back to Page 11, *I.R. 1051 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Judy's Run for Stroke Awareness (Kennedy)*. Legislator Kennedy?

LEG. KENNEDY:

Motion.

LEG. CILMI:

Second.

P.O. GREGORY:

Motion by Legislator Kennedy, second by Legislator Cilmi. All in favor? Opposed? Abstentions? I.R. 10 --

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I'm sorry. *I.R. 1074 - Authorizing execution of agreement by the Administrative Head of SCSD No. 11 – Selden with Selden Plaza Shopping Center (BR-0652.2) for additional capacity (9,390 GPD) (Co. Exec.)*.

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1095 - Creating a Tick Control Advisory Committee (Schneiderman).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Second by Legislator Krupski. On the motion, Legislator Krupski.

LEG. KRUPSKI:

On the motion. Thank you. So if -- you know, reading through the bill and being very familiar with the problem of tick distribution and tick-borne illnesses, it's very clear that the white-tailed deer are major vector for the different types of ticks that spread Babesiosis and Lyme's Disease. I think -- I would ask the sponsor to add a representative from New York State Parks, because New York State has been very proactive in deer control, which affects, of course which affects all the people in New York State who use the parks. So this is an area where they do have some experience and I think that kind of experience would be very helpful for Suffolk County. Is it possible to add that without tabling it? Could we add that on the run today?

D.P.O. SCHNEIDERMAN:

It would have to be done -- well, it could be done by tabling. I would ask that it not be tabled, though. You know, I could do an amendment later on in a separate bill that would add an additional member.

LEG. KRUPSKI:

I think that's somebody, you know, that's a group that could add a lot to the success of this committee.

D.P.O. SCHNEIDERMAN:

Meanwhile, as the committee meets, which I would imagine would be about once a month, we can certainly invite a person from State Parks to be present, so at least they could be attending a meeting before they're officially added.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

I also want to mention, if you -- if it's possible, could they look into, you know, type of non-chemical applications with ticks. Because, again, there's an issue with -- well, mainly with mosquitoes, is that they're putting Methoprene down in areas where it doesn't get the type of mosquitoes that carry the disease. I know we're talking different, you know, ticks, mosquitoes, but in general if we could have a reduction in the chemical use that would be a very good thing for the County.

D.P.O. SCHNEIDERMAN:

Let me respond to this. The Division of Vector Control has long been in the business of preventing West Nile and they have certain tools in their toolbox, and certainly insecticides are one of those tools. They also do trenching, they do a lot of monitoring. They haven't been in the business of reducing Lyme's Disease and tick-borne illnesses. And what tools they will have is yet to be determined. Now, there have been some insecticides used, Permethrins and the four-poster system that's been used on Shelter Island. It's very targeted, you know, it's not like an aerial spraying that you sometimes see Vector Control doing. It's very targeted. It goes directly on the deer. The mice, actually, are major vectors, too. There are some tubes that contain the same chemical that the mice use in creating their bedding. That can get the insecticides directly to the mice. But there are other things, clearing, controlled burns, public education.

We don't know what this plan is going to look like at all. And this committee really is just to help advise the vector control and development of that plan to get as much professional expertise at the table helping them to develop it. And, yeah, absolutely. I will certainly favor, you know, I don't want to see too much chemicals applied in our environment either. That's certainly a concern and that's the hope behind this committee, is that they'll look at all the different options.

LEG. ANKER:

Thank you.

LEG. KRUPSKI:

I think -- also on the motion.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. I think Legislator Anker brought up -- did bring up a very good point. And since it is Vector Control after all that's going to be really instrumental in this, you need to control the vector. Whether it's a rodent population, it'd be better to control the rodent population instead of trying to spray something into the environment that might have unintended consequences with some other species. And it's the same with the white-tailed deer, to control that population. Because once you put those chemicals in the environment, you don't -- you're not sure how they're going to be spread or they could even possibly be put into a food source. So that's a very good point.

D.P.O. SCHNEIDERMAN:

Well taken. And AI, as Chairman of Public Works, you have a seat on this committee as well.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Anyone else? No? No questions. We have a motion and a second? Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Motion passes. ***I.R. 1098 - Appropriating funds in connection with Civil Court Renovations and addition – Courtrooms, Riverhead (CP 1130)(Co. Exec.).***

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Krupski, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Corresponding bonding resolution, ***1098A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$1,300,000 bonds to finance a portion of the cost of construction of Civil Court renovations and additions - courtrooms, Riverhead (CP 1130.111 and .310).*** Roll call. Same -- I'm sorry. Same motion, same second.
Roll call.

(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1099 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with removal of toxic and hazardous materials and components at various County facilities (CP 1732)(Co. Exec.).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman, second by Legislator Muratore. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Corresponding bond resolution, 1099A (***Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$80,000 bonds to finance the cost of removal of toxic and hazardous materials and components at various County facilities (CP 1732.330).*** Same motion, same second. Roll call.

(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)

D.P.O. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1100 - Appropriating funds in connection with building safety improvements (CP 1603)(Co. Exec.).

D.P.O. SCHNEIDERMAN:

Motion.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Schneiderman, second by Legislator Muratore.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. GREGORY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yeah. Can I just get a brief description on this one? I see Commissioner Anderson is here, and if building safety -- everybody's in favor of safe buildings, but, you know, that's kind of like the reasonable man. What are we doing with this one, Gil?

COMMISSIONER ANDERSON:

Good morning. This is to look at, again, we've identified a concern with electrical facilities, specifically arc flash where someone working on panel, say, the flash will actually reach out and get struck by electricity and could harm or possibly kill them. That's what we're looking at at this point. We're looking to actually start doing some repairs. I don't have any specific locations at this time, but we have a contract -- a consultant on board. We've identified locations and we're going to start making the necessary repairs.

LEG. KENNEDY:

So how much is this resolution for?

COMMISSIONER ANDERSON:

One-hundred thousand for construction.

LEG. KENNEDY:

One-hundred grand, and the 100 grand is going to get us upgraded meter pans or this is a guy to tell us that old meter pans are unsafe?

COMMISSIONER ANDERSON:

No, this is the guy that's going identify where any meter pans that are unsafe, any facilities that are unsafe.

LEG. KENNEDY:

Well, we have one in Building 17 that I can show you.

COMMISSIONER ANDERSON:

Okay. Just don't want to get too close.

LEG. KENNEDY:

We don't have anybody in-house who has the capability to do this? We have to hire somebody? Don't -- we have some electricians, don't we?

COMMISSIONER ANDERSON:

We have -- I don't know that we specifically have electricians. We have maintenance mechanics. We might have one electrician, I can find out, but we certainly don't have the ability to, you know, make this type of change. You'll see later on we're doing this also on sanitation. It is a legitimate concern and it has occurred.

LEG. KENNEDY:

Listen, I don't mean to facetious. That building that I'm in was built in 1958 and the pan that's sitting there is probably the one that was put in by electricians at that time. You know, the only thing, I mean, you know, it's not a 60 amp service with screw in glass fuses, I'm a little surprised, but -- all right, so let me ask this then. Do we have a specific individual who's being retained to do this work or are we approving a bond so we can go through an RFQ?

COMMISSIONER ANDERSON:

At this time, this would be to -- we have an electrical contractor on call that we can bring in to do the work, and I would assume that's what we would do specific to these types of projects. So we would go to, and I believe it's All Service Electric, I could be wrong. We would call them once it's identified, identify what the repairs are we want made, and they would make the repairs.

LEG. KENNEDY:

All Service and Rowland is on contract with us as well.

COMMISSIONER ANDERSON:

That could be, yeah.

LEG. KENNEDY:

Both who work with Local 25 people?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Okay, fine.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Gil, some clarification. This \$100,000, you said -- I'm a little bit confused as to whether it's going to do the work or whether it's just going to identify the work that needs to be done. It sounds like it's actually going to do the work.

COMMISSIONER ANDERSON:

Correct.

P.O. SCHNEIDERMAN:

Okay. I think that's important. So we would then -- this would be used to pay that contractor once a box is identified --

COMMISSIONER ANDERSON:

Correct.

D.P.O. SCHNEIDERMAN:

-- as potentially a problem. They would do the upgrades.

COMMISSIONER ANDERSON:

Yes.

D.P.O. SCHNEIDERMAN:

Okay.

LEG. TROTТА:

How many locations is this?

COMMISSIONER ANDERSON:

I don't have that specific detail in my backup. Let me just check it. Every County facility is being reviewed for this. I don't -- I don't know which ones we're specifically looking at right now.

LEG. TROTТА:

So \$100,000, but we don't know for how many spots or what work's going to be done?

COMMISSIONER ANDERSON:

I don't at this time. I can get that information for you.

LEG. TROTТА:

So is this \$100,000 just to get it started type thing or --

COMMISSIONER ANDERSON:

Again, I don't know.

LEG. TROTТА:

All right.

P.O. GREGORY:

Okay. Any other questions? No? Okay. We have a motion and a second Madam Clerk?

MS. ORTIZ:

Yes.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Corresponding bond resolution, ***1100A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$100,000 bonds to finance a portion of the cost of construction in connection with building safety improvements (CP 1603.311).*** Same motion, same second. Roll call.

(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)

D.P.O. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. *I.R. 1101 - Appropriating funds in connection with modifications for compliance with Americans with Disabilities Act (ADA) (CP 1738) (Co. Exec.).*

LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion by Legislator Barraga.

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Hahn.

D.P.O. SCHNEIDERMAN:

On the motion.

P.O. GREGORY:

On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Gil, do you have the specifics of where we're not in compliance with the ADA and what we're fixing?

COMMISSIONER ANDERSON:

Again, this is an annual contract. As we go into buildings, as locations are identified that don't meet this, that's what we use these funds for. If a bathroom is out of compliance for whatever reason, as we upgrade it we will use these funds specific to it. There is no location identified at this time.

D.P.O. SCHNEIDERMAN:

In the past this was probably not a bonded item, but now it is. Is that the case?

COMMISSIONER ANDERSON:

No, that has been a capital --

D.P.O. SCHNEIDERMAN:

It's always been capital?

COMMISSIONER ANDERSON:

Yes.

D.P.O. SCHNEIDERMAN:

And that's pretty much the course, one-hundred thousand a year?

COMMISSIONER ANDERSON:

Yes, and we generally spend it without any problem.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay. Anyone else? Okay. We have a motion a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Corresponding bond resolution **1101A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of modifications for compliance with Americans with Disabilities Act (1738.314))**. Same motion same second.
Roll call.

*(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)*

LEG. BARRAGA:

Yes.

LEG. HAHN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1129 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and the Club at Melville (HU-1646) (Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1130 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for safety and security improvements for Sanitary Facilities in Suffolk County Sewer Districts (CP 8103)(Co. Exec.).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1131 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for Chemical Bulk Storage Facilities for Sanitary Facilities in Suffolk County Sewer Districts (CP 8178)(Co. Exec.).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1132 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2014 Operating Budget, amending the 2014 Capital Budget and Program, and appropriating funds for improvements to Suffolk County Sewer District No. 16 - Yaphank (CP 8158)(Co. Exec.).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1133 - Authorizing execution of an agreement by the Administrative Head of SCSD No. 3 - Southwest with Wyandanch Head Start and Youth Center (1477.1-006)(Co. Exec.).

I'll make a motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1134 - Appropriating funds in connection with decommissioning and demolition of County facilities (CP 1665)(Co. Exec.). Motion by Legislator Krupski, second by Legislator

Muratore. Questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Corresponding bond resolution, ***1134A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$75,000 bonds to finance a portion of the cost of***

decommissioning and demolition of County facilities (CP 1665.311). Same motion, same second. Roll call.

(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1136 - Appropriating funds in connection with Energy Conservation and Safety improvements to the H. Lee Dennison Building (CP 1659)(Co. Exec.). Motion by Legislator Krupski, second by Legislator Muratore.

LEG. KENNEDY:

Mr. Chair, on this motion, please.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

If I can speak with Commissioner Anderson and I may offer an alternative motion. Commissioner, you -- you obviously are aware of and have seen what's gone on most recently with carbon monoxide, and there are two bills that are going on the table today. One of them I've cosponsored with Dr. Spencer, or actually he's cosponsoring with me. So obviously there's going to be an effort, that we hope very shortly, that's going to undertake retrofitting with the carbon monoxide detection. This one is specific to Dennison. Is there any ability in what's contemplated under this to add the carbon monoxide component to it without, you know, completely undermining what the scope of the project is?

COMMISSIONER ANDERSON:

We can look at that. That's not an issue. This fund -- these funds are additional funds needed. This is for the emergency generator at the Dennison.

LEG. KENNEDY:

Outside or inside.

COMMISSIONER ANDERSON:

I believe it's outside.

LEG. KENNEDY:

That's the outside one. Okay. So then that may not be necessarily appropriate with this one. But we're going to have this conversation over this next cycle specifically with carbon monoxide.

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman?

D.P.O. SCHNEIDERMAN:

Gil, this is additional? Because we had done something for this generator, I think, last year.

COMMISSIONER ANDERSON:

Yeah. It was 1.9 --

D.P.O. SCHNEIDERMAN:

I was going to say it was almost \$2 million, right, and we need another 300,000?

COMMISSIONER ANDERSON:

Correct.

D.P.O. SCHNEIDERMAN:

So we actually -- the prices came in.

COMMISSIONER ANDERSON:

Yes.

D.P.O. SCHNEIDERMAN:

Can I ask why it's so high? It's because of the elevators and all the power?

COMMISSIONER ANDERSON:

The generator is to power the entire building so that during -- what we went through under Sandy we learned that impact of not -- of having that building down. The current generator, as you know, just gets the elevators to bring -- to go down, the elevator car down to land. It lights the emergency stairs, that's it. It's old. It's as old as the building is. What we want to do this time is to be able to operate the building during an emergency, because it is an emergency center. We did run into issues with Red Cross trying to set up a Red Cross facility in the building because, you know, the generator couldn't serve that. With this new generator they'll be plug-ins available to run facilities at the Dennison and that's what this --

D.P.O. SCHNEIDERMAN:

So this is going to be a full service facility.

COMMISSIONER ANDERSON:

Correct.

D.P.O. SCHNEIDERMAN:

The Dennison will be basically standing alone when it's running. And it's, I guess, a diesel powered generators.

COMMISSIONER ANDERSON:

I believe so, yes. I would imagine.

D.P.O. SCHNEIDERMAN:

Okay. That's too bad with all those solar panels there that we can't power the building that way. All right. So if there's an emergency the entire building will be operational.

COMMISSIONER ANDERSON:

Correct.

D.P.O. SCHNEIDERMAN:

Do we still have our communications equipment there or no?

COMMISSIONER ANDERSON:

No, I believe that was moved. Although we are looking at a possible secondary or third emergency service center.

D.P.O. SCHNEIDERMAN:

It might make sense to build some of those facilities, some those things back to Dennison if it's going to have that capability, because we don't have too many buildings with full service capability in a storm.

COMMISSIONER ANDERSON:

Right.

D.P.O. SCHNEIDERMAN:

Okay. Thanks.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Hi, Gil. I just wanted to check in and see how much money are we getting in Federal and State funding for energy conservation?

COMMISSIONER ANDERSON:

I don't have that information right now, but I can get it for you.

LEG. ANKER:

Okay. When I was the Energy Director of the town we got quite a bit. You know, there was a buy-in. You know, you had to pay part of it. But are there --

COMMISSIONER ANDERSON:

There is a big program going on that we are very involved with. We worked with Joe Schroeder from the Legislature and it's been an ongoing program. I'll get you that information.

LEG. ANKER:

All right. Thanks.

P.O. GREGORY:

Okay. Anyone else? Legislator Spencer.

LEG. SPENCER:

Do you know offhand, Gil, how many kilowatts is the generator?

COMMISSIONER ANDERSON:

No, but I can get that for you.

LEG. SPENCER:

All right. Thank you.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Corresponding bond resolution, ***1136A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$330,000 bonds to finance a portion of the cost of energy conservation and safety improvements to the H. Lee Dennison Building (CP 1659.319).*** Same motion, same second. Roll call.

(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1144 - Authorizing the County Executive to enter into a Memorandum of Understanding with the Town of Brookhaven for the construction of advertiser supported bus shelters (Co. Exec.).

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second by Legislator Kennedy.

LEG. HAHN:

On the motion.

P.O. GREGORY:

On the motion, Legislator Hahn.

LEG. HAHN:

So does this mean -- can you explain how many bus shelters this would affect and does it mean we're getting new ones in places and what they would look like?

COMMISSIONER ANDERSON:

Yeah. These are -- you've probably seen them on various local roads, especially within the Town of Brookhaven. Signal is a company that they'll construct a bus shelter and you'll see advertising behind it. And it tends to be a little bit smaller than our standards, but it's still a facility that somebody can get in out of the rain while they're waiting for the bus. It only -- my understanding of it, it's only for new bus shelters moving forward that they would place on County roads.

LEG. HAHN:

Okay. On County roads.

COMMISSIONER ANDERSON:

Correct. Town -- they have an agreement with the town right now. They can put them on any town roads within the Town of Brookhaven that they want, but this is strictly I believe for County roads.

LEG. HAHN:

So what if a community doesn't want one of the ones that have the advertising on it?

COMMISSIONER ANDERSON:

It's a good question. I would say at that point if we had something in writing we would advise the company not to place it in that location.

LEG. HAHN:

Okay. And you're adding new shelters with this --

COMMISSIONER ANDERSON:

Correct.

LEG. HAHN:

-- contract? New shelters, but they're the advertising kind.

COMMISSIONER ANDERSON:

Correct.

LEG. HAHN:

Okay. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Commissioner.

COMMISSIONER ANDERSON:

Good morning.

LEG. KRUPSKI:

We talked about at committee the maintenance agreements and to make sure that, in fact, the maintenance would include snow removal.

COMMISSIONER ANDERSON:

Correct.

LEG. KRUPSKI:

We're certain on that?

COMMISSIONER ANDERSON:

We're working on it. That's going to be part of the MOU that still has to be worked out.

LEG. KRUPSKI:

Okay. That's a top issue, of course --

COMMISSIONER ANDERSON:

Absolutely.

LEG. KRUPSKI:

-- for February. And also, is there -- and Legislator Hahn kind of alluded to it but as to how these would be -- the locations would be approved. Is there any mechanism to make sure, if possible, that there is a cutout for the buses to get out of the travel lane when these shelter locations are selected or considered?

COMMISSIONER ANDERSON:

That would be something we would want to enforce. These are not new bus stop locations, but rather, these are actually just the shelters at existing bus stop locations. So certainly the one we identified, 58, that had to be relocated, you know, it's something that we're very aware of and we will keep an eye on.

LEG. KRUPSKI:

But would you -- are you going to work with this company that puts the shelter up and maybe -- and work with the Town and maybe say maybe the shelter should be moved a quarter mile up the road or something because there's a shoulder there or it's a safer location. Is that going to be reviewed at the same time? You know, before -- I'm sorry. Before the shelter is actually going to get put in it's a bus stop, but not a shelter. So it seems like the appropriate time would be to review those locations before the shelter is put in.

COMMISSIONER ANDERSON:

We do -- yes, yes.

LEG. KRUPSKI:

Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Commissioner, how are you today?

COMMISSIONER ANDERSON:

Good. Thank you.

LEG. CILMI:

I'm going to take you on a bit of tangent for a moment only because you're here and it's an opportunity to ask a question. Legislator Krupski mentioned snow removal on these bus, whatever you call them, enclosures, bus station enclosures. The -- I'm wondering, as a result of this year's snowfall, have we seen any problems associated with the solar carports? Have there been any issues related to snow on top of the carports, maybe snow coming off of the carports, anything like that?

COMMISSIONER ANDERSON:

We did run into a number of issues where during the thaw some of the snow came down and landed on some cars and did some damage, things like that. When we received the calls and the complaints the owner of the vehicle was directed to contact the owner of the solar carports to resolve the matter and they said that they would take care of it.

LEG. CILMI:

Okay. So it's -- are we sure from a legal perspective that it's the owner of the carport's responsibility to deal with any of those claims?

COMMISSIONER ANDERSON:

Yes.

LEG. CILMI:

Would that include any liability claims that might come from somebody getting struck by falling ice or anything like that?

COMMISSIONER ANDERSON:

I would imagine so, yeah.

LEG. CILMI:

It occurred to me because as I was walking in I noticed some snow falling off of the awning that's just outside the building here. Are we still engaged in that lawsuit with that company with respect to the whole contract?

COMMISSIONER ANDERSON:

Yes.

LEG. CILMI:

We are. All right. Thank you.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

I'm sorry. I didn't hear before, but how many bus shelters will there be?

COMMISSIONER ANDERSON:

That number hasn't been determined yet. It would be all future bus shelters constructed under this contract. It wouldn't go retroactive back to other shelters.

LEG. ANKER:

Okay. I just -- I wanted to mention also, my district had a terrible issue with a bus shelter that was neglected and I actually had to go to the Town of Brookhaven to address it. It was in Leisure Village. The glass was broken. It took months upon months upon months to repair a bus shelter. And I didn't hear, I don't know if Legislator Krupski had asked, do we as a County get directly involved in repairing these bus shelters or will the Town or the advertising company repair them?

COMMISSIONER ANDERSON:

Generally if it's on a town road, it's a town responsibility. When it happens that it's on a County road, we will with go in and make the repairs. That's generally the rule of thumb. If it's a Signal -- if it's a -- if it's a shelter that was constructed under -- by this contractor under a previous contract, it would be the Town or the shelter company that would actually make the repairs.

LEG. ANKER:

Okay. And do we know approximately how much it cost to build a bus shelter?

COMMISSIONER ANDERSON:

I can't answer that accurately. Around 30,000, but I'll get you that information.

LEG. CILMI:

Thirty-thousand?

COMMISSIONER ANDERSON:

I think so. That sticks in my head. That's why I'm saying don't hold me to it.

D.P.O. SCHNEIDERMAN:

Depends on the shelter.

COMMISSIONER ANDERSON:

That's constructing the shelter, bringing it over, yeah.

LEG. KRUPSKI:

It's a single family shelter.

*(*Laughter*)*

COMMISSIONER ANDERSON:

It could be a lot less. That's what sticks in my head, is 30,000, which, yeah. That's ours, not necessarily Signal's, not this one. Ours are bigger, a lot sturdier, taking more area. Cost could include the land that's needed as well. So again, I'll get you all the information.

LEG. ANKER:

And so my question is can the County get some money from these advertisers or why are we going into agreement with the town, you know, and they're getting the money for these advertisements.

COMMISSIONER ANDERSON:

The contract is still under negotiation, but I believe the County is getting a portion of the revenue.

LEG. ANKER:

All right. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I mean, the benefit to the County is clear. If another company is building a shelter where we have no shelter and providing our bus riders a place to get out of the elements, I think that's a good County benefit, particularly if it would cost us 30,000 to construct that.

A lot has been asked about maintenance of these facilities, particularly snow removal. Gil, I wanted to ask you about garbage, because I get a lot of calls, too, about garbage accumulating in these shelters. There's often a waste receptacle nearby and nobody seems to know who's responsible for emptying that waste receptacle. So is that part of this contract too, the daily maintenance? Not just the physical maintenance of the shelter, but the, you know, removing litter or graffiti, those kinds of things.

COMMISSIONER ANDERSON:

I would imagine so. Again, this contract is essentially still in negotiation. I'll find out and get you that information.

P.O. GREGORY:

Okay. Anyone else? Oh, Legislator Hahn.

LEG. HAHN:

No.

P.O. GREGORY:

No, okay. All right. We have a motion and a second?

MS. ORTIZ:

(Nodded yes).

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. HAHN:

No, I'm abstaining.

MS. ORTIZ:

Oh, 17. I'm sorry.

P.O. GREGORY:

J.R. 1153 - Directing the Department of Public Works to study the feasibility of using beet-based brines for treating roadways during winter storms (Hahn).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn. You guys don't like beets?

LEG. MURATORE:

Yeah, I'm seconding.

P.O. GREGORY:

Second by Legislator Lindsay. Any questions?

LEG. CILMI:

Yeah.

P.O. GREGORY:

Legislator Cilmi. Don't beat her up too much.

*(*Laughter*)*

All right. All right. I'll stick to --

LEG. CILMI:

Through the Chair to the Commissioner, through the comedian to the --

*(*Laughter*)*

When the department is looking at methods of, you know, keeping our roads safe, whether it be through the use of products on our roads in advance of snowstorms, etcetera, etcetera, etcetera, I would imagine that the department looks at all of the technology and, you know, possibilities available. Is this something that you've looked at already? Is this something that's new on the market? What's -- why the need to pass a bill to direct you to do this?

COMMISSIONER ANDERSON:

We look at this -- we've looked at this in the past, and until recently it has not been locally available. There is a local company that has recently started up, I believe it's in Riverhead, and that's why we agreed to do it. You know, it is locally available. We'll look at, again, it's the cost feasibility of getting it. It's a lot more feasible now that it's being transported into this area from the Midwest. You know, it could potentially be a good product.

LEG. CILMI:

Okay. So to the sponsor, the -- what's the purpose of the resolution?

LEG. HAHN:

The purpose of the resolution is to get DPW to study and investigate the feasibility of using this product. It's -- the New York State Thruway Authority utilizes it. It's a more environmentally friendly product, supposedly cuts down on the ice forming in the first place. It keeps you from having to apply, you know, and reapply salt. It will cut down on our salt usage. So it's from an environmental perspective, from a cost saving perspective hopefully, that's what we'll look into, and from a safety perspective. It's kind of got a win-win-win.

LEG. CILMI:

Do you anticipate this replacing the whatever type of brine we use now or further, you know, somehow further utilizing brine throughout the County road system as a result of this.

LEG. HAHN:

So this would be a beet-based brine versus the current whatever brine we use, I believe.

LEG. CILMI:

So it would be instead of the current brine that we use.

LEG. HAHN:

Right.

LEG. CILMI:

And some of the answers that you'd be looking for in the study include what, exactly?

LEG. HAHN:

Cost, you know, just the feasibility of using it with our trucks and etcetera. Effectiveness. They might have to test that here. I don't know, you know.

LEG. CILMI:

Right. Okay.

LEG. HAHN:

All those things.

LEG. CILMI:

Thank you.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

I think anything we can do to reduce the chemicals, you know, that are placed on our roadways. Storm water runoff is a huge issue within Suffolk County and throughout the country. I think this is a -- it will be an interesting study. I think one of the big concerns is, you know, beet juice is a dark color. Will it turn the cars a color? So again, this is something you're going to be looking into, correct?

COMMISSIONER ANDERSON:

If I may. This is based on a sugar beet which is a clear liquid, so it would be transparent as it's put down.

P.O. GREGORY:

Okay. Anyone else? Okay. We have a motion and second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Motion passes.

WAYS & MEANS

Ways and Means: ***I.R. 1061 - Authorizing the transfer of certain properties to Suffolk County Department of Public Works (SCTM No. 0500-007.00-01.00-008.004 n/k/a Lots 008.099 and 008.100)(Co. Exec.)***.

LEG. CALARCO:

Motion.

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1062 - Authorizing the transfer of certain properties to Suffolk County Department of Public Works (SCTM No. 0100-053.00-01.00-062.000)(Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1066 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 JS 136 Sunrise Realty, LLC (SCTM No. 0500-414.00-01.00-114.000).(Co. Exec.).

LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion by Legislator Barraga.

LEG. CILMI:

Second.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1067 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Russell L. Palmer and Tammy L. Palmer, his wife (SCTM No. 0200-447.00-02.00-039.000) (Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern, second by -- I'll second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1068 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-637.00-03.00-012.000)(Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. MURATORE:

(Raised hand.)

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1075 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Asharoken) (SCTM No. 0401-004.00-01.00-081.000)(Co. Exec.).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. KENNEDY:

Second.

P.O. GREGORY:

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

LEG. SPENCER:

Cosponsor.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

I.R. 1086 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert Rosenblatt and Barbara Goodstein, husband and wife (SCTM No. 0900-375.00-02.00-026.007)(Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. BARRAGA:

Second.

P.O. GREGORY:

I'll second -- second by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

J.R. 1118 - Reappointing member to the Judicial Facilities Agency (Martin R. Cantor) (Pres. Off.). I'll make the motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. 1151 we've done. ***J.R. 1156 - To reappoint member of Suffolk County Board of Ethics (Richard F. Halverson) (Co. Exec.).*** We have to table.

LEG. STERN:

Motion.

P.O. GREGORY:

Motion to table by Legislator Stern.

D.P.O. SCHNEIDERMAN:

To approve.

P.O. GREGORY:

Table. We have to table. The bill was amended, we have to table.

So motion by -- motion to table by Legislator Stern, I will second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

1157 - To reappoint member of Suffolk County Board of Ethics (Robin L. Long) (Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Same, we have to table as well.

D.P.O. SCHNEIDERMAN:

No, no.

MR. NOLAN:

Yes, 1157 has to be tabled.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. If you go to your manila folders. ***Procedural Motion 5 - Apportioning Mortgage Tax by: County Treasurer (Pres. Off.).***

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. We're going to hold off on the other resolutions in the manila folder until after lunch, so at this point we don't have anything on the agenda. We will recess for lunch. Thank you.

(*The meeting was recessed at 12:14 p.m. *)

***(*The following testimony was taken & transcribed by
Alison Mahoney - Court Reporter*)***

(*The meeting was reconvened at 2:31 P.M. *)

P.O. GREGORY:

Okay. Good afternoon. Can I have all Legislators to the horseshoe? All right. Mr. Clerk, can you do the roll call?

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

LEG. KRUPSKI:

Here

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

(Not Present).

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yeah.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present).

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Sixteen. *Seventeen (Not Present: Legislator D'Amaro).*

PUBLIC HEARINGS

P.O. GREGORY:

Okay. Our first ***Public Hearing, Procedural Resolution No. 2-2014, To set a public hearing regarding the authorization for approval to extend Cross Bay Ferry License for Fire Island Ferries, Inc. (Presiding Officer Gregory)***. I don't have any cards. Is there anyone in the audience that would like to come forward?

LEG. CILMI:

DuWayne?

LEG. CALARCO:

Yeah, one person.

P.O. GREGORY:

Please state your name for the record.

MR. MOONEY:

My name is Tim Mooney, I'm President and owner of Fire Island Ferries and Fire Island Water Taxi. Before you today you have three resolutions, each of those is to extend our license agreement with Suffolk County to operate on the Great South Bay, and I'm here to answer any questions that may come up with regard to that. But every five years we get to come up and visit and chat a little bit about ferry operations and water taxi operations, and it is the five-year renewal and I'm here to help anybody out with any questions that they may have.

P.O. GREGORY:

Okay. Thank you.

MR. MOONEY:

You're welcome.

P.O. GREGORY:

Anyone else? No, okay. I will entertain a motion to close.

LEG. CILMI:

Motion to close.

LEG. BARRAGA:

Second.

P.O. GREGORY:

Motion to close by Legislator Cilmi, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay, (***Public Hearing on) Procedural Resolution No. 3-2014 - To set a public hearing regarding the authorization for approval to extend Lateral Ferry License for Fire Island Ferries, Inc. (Presiding Officer Gregory)***). I do have one card. Do you want to come up again, Mr. Mooney, or you just speak for --

MR. MOONEY:

I spoke for all of them.

P.O. GREGORY:

Okay. Anyone else that would like to come forward and speak on Resolution No. 3, Procedural Resolution No. 3? No? Okay. I have same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Closed.

Okay, ***(Public Hearing on) Procedural Resolution No. 4-2014 - To set a public hearing regarding the authorization for approval to extend Fire Island Water Taxi, LLC. (Presiding Officer Gregory).*** I don't have any cards. Is there anyone in the audience that would like to come forward to speak? I haven't seen none. Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay. ***(Public Hearing on) IR 1027-14 - 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).*** I don't have any cards. Mr. Vaughn?

MR. VAUGHN:

Good afternoon. We would ask that you consider recessing this public hearing, please.

LEG. CALARCO:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Calarco. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

(Public Hearing on) IR 1039-14 - Adopting Local Law No. -2014, A Local Law to raise the legal age for the sale of tobacco products in Suffolk County (Spencer). I have several cards, first being Mr. Matt Harris.

MR. HARRIS:

Good afternoon. My name is Matt Harris. I live in Huntington Station and I'm here to support this IR 1039-2014. I am a former smoker. I smoked for 20 years. I started smoking when I was in high school, as most did. I quit over 20 years ago. It was one of the hardest things I ever did. A year ago I was diagnosed with throat cancer. It was a shock, having not smoked for 20 years but I took it in stride. Last year I went through all the treatments and, fortunately, I can say I'm now cancer-free.

Suffolk County has always been at the forefront of legislation that finally makes its way through the rest of the country like phosphate ban, texting while driving. I'm urging this County Legislature to save some lives. There are a lot of high schoolers out there that still think that smoking is cool, just like I did many years ago. So I urge you, please, support this. If you have to be 21 to drink, smoking certainly should be 21 as well. Thank you.

P.O. GREGORY:

Thank you, Mr. Harris. You do have a question, so please remain at the mic. Legislator Cilmi has a question for you.

LEG. CILMI:

How are you, Sir? Thanks for coming and sharing your story. Hopefully you'll get through your challenge. When you -- you mentioned that you started smoking when you were in high school.

MR. HARRIS:

Yes.

LEG. CILMI:

If you don't mind me asking, how old were you?

MR. HARRIS:

Fifteen.

LEG. CILMI:

What was -- at that time, what was the legal age to purchase tobacco products?

MR. HARRIS:

Eighteen.

LEG. CILMI:

Eighteen. How did you -- how did you acquire your tobacco? Was it cigarettes that you started smoking?

MR. HARRIS:

Cigarettes. I can tell you that back in the 1970's, no one checked any type of ID for cigarettes or for alcohol.

LEG. CILMI:

So there was just no enforcement of the tobacco laws back then.

MR. HARRIS:

No; back in the 70's there was virtually none.

LEG. CILMI:

So you were able to go to a local deli or whatever and purchase cigarettes without any --

MR. HARRIS:

I'll be very honest with you. I remember as a child, maybe I could have been 10 or 12, getting cigarettes for my mother, that was not unusual. I would go to the corner store and get milk and buy cigarettes for my mother and they never certainly checked things like that. I said, "*I'm getting cigarettes for my mom.*" What are they going to say, no? I mean, it was a different time.

LEG. CILMI:

Sure.

MR. HARRIS:

But certainly today, kids today, I still see kids, teenagers that are taking up smoking and I really have to wonder why.

LEG. CILMI:

Yeah. I agree with you. Thank you very much.

P.O. GREGORY:

Anyone else, questions? No? Oh, Legislator Spencer.

LEG. SPENCER:

Hi, Mr. Harris. Thank you so much. And again, that was something I didn't know, something very personal that you shared in a very public forum and I wish you, you know, luck with your challenge.

Can you tell me, if you can remember back during that time, what was it that was attractive about smoking; what were your influences?

MR. HARRIS:

Oh, it's very simple; it made you look older, it made you look cool.

LEG. SPENCER:

And would you say that a lot of your friends at that time were smoking?

MR. HARRIS:

Well, again, I'm going to tell you it was a different time. The high school I attended in Franklin Square had a senior smoking lounge in the school.

LEG. SPENCER:

So you started at 15. Just from your own personal opinion, we're looking to, in this legislation, raise the purchasing age from 19 to 21. Just in your opinion and what you know about smoking today, do you feel that this would be partially effective, very effective, beneficial? What would be some of the reasons? Do you feel that 19-year-olds are old enough to vote and serve in the military? Shouldn't they be able to buy tobacco products?

MR. HARRIS:

I think a 21-year-old certainly has a bit more maturity to understand that taking up smoking is not terribly good for their health, whereas a 19-year-old might not have those feelings.

LEG. SPENCER:

Thank you so much. And again, good luck with everything.

P.O. GREGORY:

Okay. Thank you, Mr. Harris. Next we have Patricia Bishop Kelly.

MS. BISHOP-KELLY:

Good afternoon. I'm Patricia Bishop-Kelly, I'm with the Suffolk County Board of Health, but this afternoon I am speaking on behalf of Dr. Andrew Hyland, the Chair of the Department of Health Behavior, Roswell Park Cancer Institute up in Buffalo. And he says;

"I've published more than 200 papers in 20 years of research on tobacco control issues. I serve on numerous advisory committees for national and international agencies, including the Food & Drug Administration, the Centers for Disease Control, the National Cancer Institute and the International Agency for Research on Cancer. I am the Deputy Editor for the Scientific Journal Tobacco Control."

The World's Leading Tobacco Focus Journal."

"As the Chair of the Department of Health Behavior at Roswell Park Cancer Institute, I direct the Smokers Quit Lines for New York and New Jersey which helps tens of thousands of smokers with their quit attempts each year. My research program is focused on providing an evidence base to inform population-based tobacco policies to serve -- that serve to reduce the disease burden caused by tobacco. This testimony summarizes the rationale for raising the minimum age to buy tobacco products to 21-years of age and addresses key issues at this debate."

"Raising the minimum age will reduce access to tobacco products to kids under age 18. The most common source of cigarettes for kids under age 18 is social sources," as Mr. Harris just said, "such as fawns or other siblings. However, 90% of people who purchase cigarettes for kids are under 21 themselves. Therefore, raising the minimum age to sell tobacco to 21 will significantly reduce minors' access to cigarettes, thus serving a two-fold benefit for public health."

"Other municipalities have increased the minimum age to sell tobacco to 21 years with impressive results. In 2005, Needham, Massachusetts became the first town in the country to adopt such a law. Youth smoking rates decreased by 48% in the first five years after the policy took effect in Needham, but decreased by only 17% in the surrounding communities over the same time span."

"Regarding economic hardships that have already been stated. While there is no data on the precise percentage of all cigarette sales that are sold to 19 to 20-year-olds in Suffolk County, it is approximately one to 2% based on my calculations. Youth smoking rates in New York have declined by 56 and 70% for high school and middle school students respectively from 2000 to 2012. This trend reinforces the point that there are simply far fewer young adult smokers today than in the past. The direct impact on cigarette sales of increasing the minimum age of sale of cigarettes from 19 to 21-years of age will be modest. Potential revenue losses from the sale of a lethal product to young people should not be the primary argument. On the other hand, longer term health care savings will be significant because raising the minimum sale age is expected to reduce the number of young people becoming addicted to cigarettes."

"Another argument raised is that 19 and 20-year-olds will cross borders to buy tobacco legally. This argument has little evidence to support it. The only border to cross is that between Suffolk and Nassau Counties, and the cost and time associated with travel across this border raises significant barriers. The results from Needham, Massachusetts where the smoking rate declined much faster in Needham comparing to neighbor communities would not have been observed if" --

P.O. GREGORY:

Excuse me. You have to wrap up, your time has expired.

MS. BISHOP-KELLY:

Would you like to --

LEG. SPENCER:

May I have a question?

P.O. GREGORY:

Yes, Legislator Spencer.

LEG. SPENCER:

So actually you came out and testified before. Can you just tell me a little bit -- who's -- about the credentials of the person?

MS. BISHOP-KELLY:

Dr. Hyland?

LEG. SPENCER:

Dr. Hyland; who is Dr. Hyland?

MS. BISHOP-KELLY:

Okay. Dr. Hyland, as I said, is the Director and the Department Chair of Health Behavior at Roswell Park Institute. As I said, he's written over 200 articles in tobacco control, he's been at this for many, many years. I do believe that you will have a copy of his CV, his CV and his credentials have been passed around. He's also a biostatistician, so he has been at this for many, many years. He testifies -- he works closely with the Food & Drug Administration, the Centers for Disease Control and, as mentioned, he is the Deputy Editor of the Scientific Journal Tobacco Control which is the foremost journal in the world today on tobacco.

LEG. SPENCER:

Pat, you are reading his letter. Do you have the conclusion there?

MS. BISHOP-KELLY:

Yes, I do.

LEG. SPENCER:

Could you just share with me the conclusion, if you wouldn't mind?

MS. BISHOP-KELLY:

"A third argument raised is that this is taking government intrusion a step too far; on the contrary. An estimated 280,000 New York State youth who are alive today will eventually die because their tobacco use -- because of tobacco use. And it is necessary for the government to intervene to promote initiatives that will improve public health. There is widespread precedent for the government to control the sale of alcohol to those under age 21, and studies have shown this decreased -- this has decreased drunk driving and motor vehicle accidents among young people."

"In summary, raising the minimum age to sell tobacco to 21-years-of-age is expected to decrease smoking rates, not only among 19 and 20-year-olds, but also youth. The economic impact on business is expected to be negligible, because only a very small percentage of cigarette sales are to 19 and 20-year-olds. Such a policy is within the purview of a County government that is looking to improve the health and well-being of its residents."

LEG. SPENCER:

Thank you. Thank you very much.

P.O. GREGORY:

Okay. Thank you.

We have a lot of cards, everyone. We have 14 speakers left.
James Kelly.

MR. KELLY:

Good evening. Good afternoon. I am James Kelly from Huntington Station and I am here to enter into the testimony the written testimony of Kevin O'Flaherty who is the Director of Advocacy for the Campaign for Tobacco Free Kids located in Washington, D.C., and his statement is as follows;

"The Campaign for Tobacco-Free Kids is pleased to submit this written testimony in support of Suffolk County's efforts to reduce tobacco use, particularly among youth and young adults. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy agency solely devoted to reducing tobacco use and its deadly toll by advocating for public policy to prevent kids from smoking, help smokers quit and protect everyone else from second-hand smoke. Most adults -- 95% of adult smokers begin smoking before they turn 21, and 80% first try it before the age of 18. While about half the adult smokers become daily smokers by the age of 18, three-quarters do so by the age of 21. This means that the ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular daily use. According to one source, 18-to-20-year-olds are twice as likely as 16-to-17-year-olds to be current smokers."

Tobacco companies have been known for decades that if they don't capture the new users by the age of 21, it is unlikely that they ever will, so they aggressively target youth and young adults in their marketing efforts. As reported by the U.S. Surgeon General in 2014, tobacco industry advertising and promotion cause youth and young adults to start smoking, and nicotine addiction keeps people smoking far beyond those ages."

"In 2006, after reviewing the evidence against the tobacco companies in the civil racketeering case brought forth by the U.S. Department of Justice, the U.S. District Court Judge Gladys Kessler made this conclusion about the industry's marketing practices; From the 1950s to the present, different defendants at different times and using different methods have intentionally marketed to young people under the age of 21 in order to recruit replacement smokers to ensure the economic future of the industry. Or in the words of the industry themselves, if a man has never smoked by the age of 18, the odds are 3-to-1 he never will; by 21, the odds are 20-to-1. Raising the age for sale of tobacco products to 21 would increase the age gap between adolescents and those who can legally provide them with tobacco products by helping to keep tobacco out of schools."

"In conclusion, the Campaign for Tobacco-Free Kids supports Suffolk County's proposal to raise the legal age of sale of tobacco products to 21. As this testimony and the attachment lays out," and you all have a copy of it now, "raising the legal age for sale is likely to have a significant impact in reducing tobacco use among young people. Even if it means just a slight decline in smoking rates, it would be worthwhile. For every three young people who are prevented from smoking by raising the legal age for sale, there will be one less smoking-caused death in the future. This is about doing everything we can to prevent tobacco use among young people, reduce smoking and save lives. We urge you to vote yes on Legislative Resolution 1039 to raise the legal age for the sale of tobacco products to 21." Thank you.

P.O. GREGORY:

Thank you. Legislator Spencer.

LEG. SPENCER:

Last time -- I don't know if you are familiar with the transcripts, but I think there was a concern from this Legislature that where do we actually see marketing to young people today? I mean, I understand there's \$8 billion a year spent on smoking and \$24 million every day on recruiting young people. Where are we seeing these marketing efforts? I know that came from one of my colleagues.

MR. KELLY:

We're seeing it at the point of purchase, at the counter level in the retail stores. We're seeing it at street fairs where they're giving away the products without checking ID. And there is advertising out there on the Internet, on other sources, even though it's been banned from television. So the advertising is still as aggressive through different techniques than it was years ago.

LEG. SPENCER:

Okay. I think that you have some other -- well, we have some other facts that support that. But thank you, Jim.

MR. KELLY:

Thank you.

P.O. GREGORY:

Okay, thank you. Michael Seilbacc.

MR. SEILBACC:

Good afternoon. My name is Michael Seilbacc and I'm the Vice-President of Public Policy and Communications for the American Lung Association of the Northeast. I'm also a lifelong Suffolk County resident.

As you've heard, tobacco use remains the leading cause of preventable death in the United States, in New York, right here in Suffolk County. Almost 24,000 New Yorkers are going to die this year from tobacco-related disease. It's known to cause cancer, heart disease, diabetes, respiratory diseases, among other health disorders. It also costs New York \$10.4 billion in health care costs, that's with a B, of which over \$5 billion are directly tied to Medicaid dollars which has a direct impact right here on County government. We know that nearly 1,000 kids under the age of 18 become regular daily smokers every day, and almost one-third of these kids will die from this product.

As you've heard, and there's a lot of statistics here and I think the reason why there's a lot of statistics here is because the data shows we know this product not only gets people sick, but it kills them, it has an economic cost and there's very commonsense measures that we could take to reduce that death and disease. But as you've heard, most smokers start before they turn 21. Ninety-nine percent of smokers start before they turn 26. If we can reduce these smoking rates before they become addicted, we are not going to see another generation of kids fighting with tobacco use.

Recently the U.S. Surgeon declared that if we continue doing the status quo, everything that we've been doing right now, 5.6 million kids that are alive today are going to die prematurely due to tobacco use. That shows that the status quo is not working, that we need to do more. You've heard about Needham, Massachusetts; that town in Massachusetts showed a 50% reduction for youth smoking rates. But let's say, let's say that we can't get 50%. If you could save one life today, just one life, is it not worth it? I think it is.

You've heard about social sources. We know that under-age kids are more likely than not getting kids that are older than them to get them cigarettes? So if we could increase the purchase age, make it less likely that those kids are going to be handing it down the chain, we're going to see less kids starting to smoke.

You have heard a little bit. The human brain at that 18-to-21 age is more susceptible to the addictive nature of nicotine, which some people have said is as addictive as heroine. Again, this is a commonsense measure. It's going to help -- it also helps with enforcement, frankly. By making the age older, you're not going to see these younger kids in stores trying to buy tobacco, those 18-to-21 -- there's a big difference between someone who looks like they're 21 and someone who looks like they're 18 or 19. Tobacco use kills one out of three users when used as directed. It makes sense for the Legislature to pass this measure and reduce smoking rates in Suffolk County. Thank you.

P.O. GREGORY:

Thank you. You have a question. Legislator Cilmi.

LEG. CILMI:

Michael, thanks for your testimony. I could get into a protracted discussion with you, but I won't, I'm only going to ask you a couple of questions.

MR. SEILBACC:

That's Fine.

LEG. CILMI:

Where is New York State on this issue and where is the Federal government on this issue?

MR. SEILBACC:

So New York State, there's measures being considered in Albany right now. The Federal government has pass --

LEG. CILMI:

Being considered by whom?

MR. SEILBACC:

The State Legislature.

LEG. CILMI:

Are there actually bills on the table?

MR. SEILBACC:

Yes, there is.

LEG. CILMI:

What -- how -- for how long have they been on the table and who are the sponsors, what do they do?

MR. SEILBACC:

Sure. So the bills have been introduced, Tobacco 21 and Tobacco 19 bills have been considered in Albany for several years now. After New York City recently passed their bill, we've seen, frankly, an increase in interest, and I think that's, frankly, why you guys are considering it. I could get you the details on exact sponsors and where it is in the process.

LEG. CILMI:

And the Federal government?

MR. SEILBACC:

The Federal government, when they passed a law about five years ago, they set a law that the Federal government cannot increase the purchase age for tobacco but states can, and localities.

LEG. CILMI:

So the Federal government, then, is going to be silent on the issue.

MR. SEILBACC:

The Federal government has said that states and localities have the ability to do that.

LEG. CILMI:

Right.

MR. SEILBACC:

You know, I wouldn't suggest --

LEG. CILMI:

Has the Federal government tried to tie any funding to increasing the tobacco purchase age as they have with drinking, for example?

MR. SEILBACC:

Not at this point, no.

LEG. CILMI:

Okay. Thank you.

MR. SEILBACC:

You know, I would just say the lack of effort by one body shouldn't be reason for lack of effort by another.

LEG. CILMI:

I would agree with you with respect to that.

MR. SEILBACC:

Thank you.

LEG. CILMI:

That's enough. Thanks.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Michael, thank you for being here. I appreciate your comments. I just try to follow something that you said in the end of your statement about increased mortality when being used under industry recommended stan -- I'm mangling the statement. What is it that you said exactly?

MR. SEILBACC:

What I said was one out of three users --

LEG. KENNEDY:

Yes.

MR. SEILBACC:

-- when they use this product as directed, meaning smoking it, they're going to die.

LEG. KENNEDY:

That's the part I wasn't understanding. In other words, cigarettes are -- well, tobacco comes in many different forms. First of all, I mean, we're talking about, you know, cigarettes but also, let's face it, I mean, there's chew, there's cigars, there's many different things.

MR. SEILBACC:

Sure.

LEG. KENNEDY:

So what you're saying is is that if the consumer actually then lights a cigarette or a cigar or puts some chew in, then the mortality likelihood will increase; is that it?

MR. SEILBACC:

One cigarette -- when smokers use their product over a lifetime, one out of three of those users will die, yes.

LEG. CILMI:

(Inaudible).

LEG. KENNEDY:

Well, in the medical -- hold on. You know, that's a far cry, because I'm going to be honest with you. You know, we all drive cars, we all drive cars to get here, and unfortunately motorists die. You know, there are many -- you can make a statement about certain things, but there's a stretch as to a statement that's, you know, not dispositive or definitive.

MR. SEILBACC:

No, no. I actually disagree with you, because this product is one of the very few products on the marketplace that is linked directly, scientifically and medically, to kill users when used as directed. I don't think you could think of another one that directly does that.

LEG. KENNEDY:

You know, listen, Michael, we could disagree among many different things. I mean, I can walk into a liquor store and buy a fifth of Jack Daniels today and alcohol won't put you in a grave, but it's legal.

LEG. CILMI:

Right.

LEG. KENNEDY:

And as a matter of fact, the stores vend alcohol. So, you know, when you make a statement like that, I think the statement about use and then the consequence; death is a part of life, people are going to die. The gentleman who just got up here before who talked about having stopped smoking 20 years ago, now revealed to us that, in fact, he was diagnosed with lung cancer. So to make that kind of causal connection, I think -- look, there's abundant medical literature out there, but the statement as you posed it seems like it's a little bit more concise or dispositive than actually really what warrants, that's all. Thank you.

MR. SEILBACC:

Fair enough.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Just to follow-up what Legislator Kennedy --

P.O. GREGORY:

Oh, I'm sorry. I had Legislator Cilmi before you.

LEG. CILMI:

That's okay, I'll yield.

P.O. GREGORY:

Okay.

LEG. ANKER:

Again, you have to be 21 to buy liquor. So if you're associating, you know, something that affects people's health, this absolutely affects people's health, especially our children. And we've seen with the data that you provided and the research, that if we can stop young adults and kids from smoking we can save their lives and hopefully prevent addiction.

LEG. KENNEDY:

When it comes time to debate the bill, I'll be happy to go ahead and talk about that. As to the statements that he's made about whether or not, in fact, moving to 21 then in some way will minimize or diminish what goes on with purchase by a lesser age, part of that goes to some of -- I've stated already, it's no secret to anybody that at this point I'm opposed to it. We can't enforce. As a matter of fact, the enforcement tool is limited at age 18. So all the discussion we have right now about being able to succeed in being able to remove another age gradient, we can't do.

P.O. GREGORY:

All right, John.

LEG. KENNEDY:

But that we'll debate with the bill.

P.O. GREGORY:

Yes, we're debating the bill. All right. Anyone else? No? Okay. Thank you, Michael.

LEG. SPENCER:

No. I'm sorry --

P.O. GREGORY:

Lucille --

LEG. SPENCER:

-- I do have something. I have a question.

P.O. GREGORY:

You have a question?

LEG. SPENCER:

Yes.

P.O. GREGORY:

Oh, I thought you didn't.

LEG. SPENCER:

No, I did. I did. Thank you, Michael. There was something you said about Medicaid dollars. So what was the burden on society with regards to smoking?

MR. SEILBACC:

Over \$5 billion in health care costs in New York.

LEG. SPENCER:

In New York.

MR. SEILBACC:

Alone.

LEG. SPENCER:

Okay. And I think that -- do you have any idea of what that is in Suffolk County?

MR. SEILBACC:

I do not.

LEG. SPENCER:

Could -- well, I can't direct that to our Budget Review, right?

P.O. GREGORY:

I'm sorry, I --

LEG. SPENCER:

No, I can't? Okay, that's fine.

P.O. GREGORY:

I wasn't paying attention. What did you say?

LEG. SPENCER:

Well, he said it's \$5 billion in New York, in Medicaid dollars, and then my question was what's that in Suffolk County? Do we have a sense of how much -- what that is in Suffolk County?

P.O. GREGORY:

Do you have those numbers.

MR. SEILBACC:

No, I do not. He was asking, I think, if Budget office could look at it.

P.O. GREGORY:

Right, that's what I just asked.

LEG. SPENCER:

Do you have that number?

MR. LIPP:

I'm going to take a quick look.

P.O. GREGORY:

Okay.

LEG. SPENCER:

Okay. All right.

MR. LIPP:

If I can, I'll get back to you.

LEG. SPENCER:

I guess, Michael, my question to you when -- was your point that you are trying to say -- I mean, yes, you can walk across the street, obviously, and get hit by a car, you can drive a car and get into an accident. But with a car, there's a utility and there are safe recommendations that can decrease your risk. Is there a safer way to smoke? Your point was that there is no safe way or safer way to smoke.

MR. SEILBACC:

I mean, I think that's a fair point. And if I was flippant, I apologize, because I wasn't intending to be. The fact is this product kills people. The safer way to smoke cigarettes is to never start smoking, and this bill will help do that.

LEG. SPENCER:

Is there any beneficial utility to smoking now? Any medicinal, any reason to smoke at all?

MR. SEILBACC:

The American Lung Association is not aware of any benefits of smoking cigarettes.

LEG. SPENCER:

Thank you.

P.O. GREGORY:

Okay. Legislator Cilmi, you had a question.

LEG. CILMI:

Yes. Sorry to keep you there, Michael, a little while longer.

MR. SEILBACC:

No, that's fine.

LEG. CILMI:

Two questions. What's the footnote to that \$5 billion? Where do you get that from?

MR. SEILBACC:

The CDC; happy to provide that to you.

LEG. CILMI:

Center for Disease Control?

MR. SEILBACC:

Yes.

LEG. CILMI:

And if you could provide that to me, I'd appreciate it.

LEG. SPENCER:

I think you have it, in my little green folder there.

LEG. CILMI:

And secondly, how much does the American Lung Association spend on lobbying?

MR. SEILBACC:

Lobbying?

LEG. CILMI:

Yes.

MR. SEILBACC:

Where, in New York?

LEG. CILMI:

Yeah, let's say in New York.

MR. SEILBACC:

Thirty, \$40,000.

LEG. CILMI:

Thirty or \$40,000 in lobbying.

MR. SEILBACC:

That includes my salary.

LEG. CILMI:

And that's it? You're the extent of the lobbying costs for the American Lung Association in New York?

MR. SEILBACC:

Just about. We have a contract in Albany.

LEG. CILMI:

What about nationwide?

MR. SEILBACC:

Not sure.

LEG. CILMI:

What's American Lung Association's budget?

MR. SEILBACC:

Which organization?

LEG. CILMI:

The entire organization, the American Lung Association.

MR. SEILBACC:

I understand that. I work for the American Lung Association of the Northeast.

LEG. CILMI:

Okay.

MR. SEILBACC:

So we're from New York to Maine.

LEG. CILMI:

Okay, so what's that budget?

MR. SEILBACC:

It's about \$10 million.

LEG. CILMI:

Ten million?

MR. SEILBACC:

Uh-huh.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay. Question by Legislator Anker.

LEG. ANKER:

Following Legislator Cilmi, do you know what does the cigarette companies, how much money do they spend lobbying?

MR. SEILBACC:

Sure. Recent reports show that Phillip Morris spent more in the last six months -- well, in the six -- the final six months, I believe, of 2013 than they spent in the last two years. There's a NYPIRG Report, which I'd be happy to share with the Legislature. I don't have the number at the top of my head, but I can assure you, it's a lot more than probably all of us in this room are making in salaries.

P.O. GREGORY:

Okay. Anything else? No, okay. Oh, Legislator Browning.

LEG. BROWNING:

I wasn't planning to ask any questions, Michael, but thank you for all the work that you do. And as a nonsmoker, never been a smoker, never will be a smoker, you know, the one thing that I have concerns about is there's two Indian Reservations in Suffolk County. I can tell you that the Poospatuck Reservation, it's in my district, there are people that come as far from Queens, from the City, from Nassau County that come out to the Poospatuck Reservation to buy cigarettes. Now, we can't enforce that age at the reservation. So, you know, how do you think it's going to change anything? Because if some, you know, 19-year-old wants to buy his cigarettes, he's going to go to the reservation. So how are you going to stop it and how are you going to change it?

MR. SEILBACC:

I mean, we agree with you, that we need to do more on the evasion piece and we've been pushing the states to do that. We think they've been pretty -- they haven't done enough. There's certainly a lot more they can do. But we also know that increasing the age is still going to decrease smoking rates, even if some small number of people continue to go to the reservation, or even if some more people come to the reservation. Tobacco control measures have historically reduced smoking rates even as evasion has increased. So, you know, I understand those concerns and, you know, we're trying to work on them, but let's not be -- you know, let's not throw this away because of that specific problem.

LEG. BROWNING:

I really don't think it's going to resolve the issue. Like I said, what you do, education, education, we've got to get the kids at the early age and tell them. I could take a kid in my local high school when school ends, they're not old enough even at 19 to buy cigarettes, but they're all smoking, so. And like the gentleman before; he wasn't smoking legally at the age of 15, but he still got the cigarettes. So, you know -- and again, I have the other part of trying to legislate people's lives, by the time you turn 21. That's one thing that I have a hard time with, because being a military wife and mother, you know, I'm sorry, I think out of fairness, we can force somebody to go in the military, we had a draft, you know, during Vietnam, we made them go fight for the country and die but, you know, now we're saying -- if we had a draft tomorrow, an 18-year-old would be drafted but you can't buy a cigarette? You know, that's the part I have a hard time.

MR. SEILBACC:

And I understand that. I will say that the military, the Department of Defense is spending a lot of dollars to try to decrease smoking rates in their own ranks. So, you know, I don't know if we want

to be saying, well, because you can go to war at 18 that -- I just -- we'd like to reduce smoking rates across the board including in the military.

LEG. BROWNING:

Well, I have a really hard time with increasing the age. Like I said, we can't continue, government can't continue to control people's lives. At some time we're all, you know, free-willed, we have a right to think for ourselves and I think at some point in time government needs to stay out of people's business.

Applause

MR. SEILBACC:

Big tobacco is spending a lot of money trying to get you to make the choices that they want you to make. So, you know, there is another side to that.

LEG. BROWNING:

Thank you, Michael.

P.O. GREGORY:

Okay, Legislator Trotta.

LEG. TROTТА:

I just have a quick -- I mean, I actually stopped -- what Legislator Browning was saying, I stopped at my local high school and I asked some kids on the side of the road what I should do and what they thought, and their response was totally out of -- I never would have thought of this. They said, *"I'd want to smoke more if I couldn't have them. It would make me want to smoke more if it was something I couldn't have."*

P.O. GREGORY:

Do you have a question of the speaker?

LEG. TROTТА:

No, no question, but I understand, you know, with --

P.O. GREGORY:

All right. Let's move on.

LEG. HAHN:

I have a question.

P.O. GREGORY:

All right. Questions, please.

LEG. HAHN:

I have a question.

P.O. GREGORY:

We have 14 more speakers.

LEG. HAHN:

So when we raised the age to 19, how did that effect the smoking rates?

MR. SEILBACC:

You know, we -- the problem with that question is it's very hard to take one specific policy measure on its own. We know that smoking rates here in Suffolk County have decreased. We know that

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smoking rates here in Suffolk County over the years have decreased faster Downstate than they have Upstate, for example. So it's one more tool in the arsenal. And this isn't the silver bullet, by any stretch, we understand that, but it's one more thing that will help reduce smoking rates.

LEG. HAHN:

But when we -- when we raised the age to 19, did smoking rates go up because kids wanted them more?

MR. SEILBACC:

No, they did not.

LEG. HAHN:

No, they did not. Thank you.

P.O. GREGORY:

Okay, Legislator Anker, question.

LEG. ANKER:

And I'll ask this in the form of a question. So, I had asked you about how much does the tobacco company spend to promote. Do you think it could be close to the \$10.5 billion per year for advertising? Again, this is some information that I'm pulling up from TobaccoFreeKids.org. Does that sound about right?

MR. SEILBACC:

We know that the tobacco industry is spending hundreds of millions of dollars on promotion, on lobbying, on trying to make sure that their deadly product ends in the hands of our kids; no question.

P.O. GREGORY:

All right. Thank you, Mike. Go quickly, another question.
All right, Lucille Buergers?

MS. BUERGERS:

Yes.

P.O. GREGORY:

Buergers, did I say it right?

MS. BUERGERS:

You got it right.

P.O. GREGORY:

Ooh, I got it right.

MS. BUERGERS:

Good afternoon. My name is Lucille Buergers and I am the Program Administrator for the Eastern Suffolk BOCES Student Assistant Service. We're a substance abuse prevention, early intervention program funded by OASIS through Suffolk County and the school districts that we serve. Currently we have 22 students, assistants, counselors, all licensed professionals, placed in 13 school districts covering 23 individual schools. They provide universal, selective, indicated prevention programs. I want to thank you for this opportunity to address the members of the Legislature on this important issue.

In 2002, the Suffolk County Department of Health services awarded the Eastern Suffolk BOCES Student Assistant Service a contract to work as partners to conduct the school-based component of its County-wide tobacco control program entitled Learn-to-be-Tobacco-Free. The mandate was three-fold; to help Suffolk County school districts implement a comprehensive K through 12 health curriculum consistent with the Centers for Disease Control and Prevention's Guidelines for school health programs to prevent tobacco use and addiction; to assist secondary schools in implementing cessation programs for those students who use tobacco products; and to support the districts and strengthening their tobacco policies.

In addition, a youth empowerment component was added after the first year that provided annual middle and high school youth conferences and other activities aimed at increasing the self-efficacy of a middle aimed -- excuse me, aimed at increasing the self-efficacy of young people as a means of reducing the choice to use tobacco products. By the contract's end in July, 2012, 2,712 teachers from 54 school districts, eight BOCES sites and four private schools have been trained and provided with the Health Smart Curriculum at no cost to the school districts at all. And I'd like to think, since it's that time period between 2000 and 2012 where there was a decrease, that perhaps our work has something to do with that.

As a program, we certainly know firsthand the devastating effects of tobacco use and the harm that it can cause, not to mention the toll that it takes on our health care system. The adolescent brain is more sensitive to nicotine, shows greater reward and less negative effects, therefore, reinforcing addiction. Here are the facts; some of them have already been mentioned, but I'll just go over them again. Ninety percent of smokers began before the age of 21, most of those before the age of 18; 99% of smokers by the age of 26. Every day, almost 3900 adolescents under 18 years of age try their first cigarette; more than 950 of them will become daily smokers. About 30% of teen smokers will continue smoking and die early from a smoking related illness. According to the CDC, and this was mentioned earlier, if smoking persists at the current rate among youth, 5.6 million of today's youth under age 18 projected to die prematurely from a smoking related illness. Teen smokers are more likely to have panic attacks, anxiety disorders and depression. One-of-five teenagers who are addicted to cigarettes smokes 13 to 15 a day. Approximately 1.5 million packs of cigarettes are purchased from minors annually. Smoking can age skin faster, second only to the effects of --

P.O. GREGORY:

Ms. Buergers? Your time has expired.

MS. BUERGERS:

Okay.

P.O. GREGORY:

Please wrap up.

MS. BUERGERS:

The facts speak for themselves. If there's anything that can be done to prevent the early onset of use of tobacco products before the age of 21, we wholeheartedly are in support of these measures. We believe that raising the age to 21 in order to purchase such products can act as a deterrent and, therefore, we would like to see this legislation enacted in Suffolk County. Thank you.

P.O. GREGORY:

Thank you.

LEG. KENNEDY:

DuWayne?

P.O. GREGORY:

Excuse me, Ma'am. Legislator Kennedy has a question for you.

LEG. KENNEDY:

Thank you for being here, Ma'am. And so let me just make sure that I understand. Eastern-Suffolk BOCES has a contract with our Suffolk County Health Department --

MS. BUERGERS:

Not anymore.

LEG. KENNEDY:

Oh, not anymore.

MS. BUERGERS:

It ended in 2012. We received funds through the tobacco settlement monies and that ended.

LEG. KENNEDY:

And that contract was terminated.

MS. BUERGERS:

Yes.

LEG. KENNEDY:

Okay. Do you still continue to do that instructional type of work with the member school districts, or has that whole effort seized?

MS. BUERGERS:

Whatever was in place, because they received the curriculums and the training, the schools are continuing that. And the Health Department has also tried to maintain and continue where needed with the resources that were left. However, the budget was cut, some money was restored at some point to be able to purchase curriculum, that was done through the Health Department. Our counselors work with the school districts, they implement evidence-based programs, they work in classrooms, they do prevention work and tobacco is always part of our work.

LEG. KENNEDY:

So, but this initiative was like a train-the-trainer, or were your BOCES people working directly with children?

MS. BUERGERS:

Our initiative, there was a lot to it, there were many components, but the largest component was training teachers to teach the curriculum in the school. They were given the health curriculum, it was K through 12 and it was at no cost to the district.

LEG. KENNEDY:

Do you remember approximately how much the contract was? Give or take.

MS. BUERGERS:

Let's see, over -- the Health Department is here, they can help me, but it was something like, I want to say 175,000.

LEG. KENNEDY:

About 175 --

MS. BUERGERS:

Lori Benincasa is here, she could tell us better. It's been a few years.

LEG. KENNEDY:

Okay. When she comes to the -- we'll have a conversation then.
Thank you.

MS. BUERGERS:

Per year there was a certain amount.

LEG. KENNEDY:

Okay, Ma'am.

LEG. SPENCER:

That was the Health Smart Program --

MS. BUERGERS:

That was it.

LEG. SPENCER:

-- and we restored that last year, we restored it partially. And it continues despite --

MS. BUERGERS:

Partially, that was part of the curriculum that was restored, but the budget was much larger than that.

LEG. KENNEDY:

So I'll have to talk to BRO about that. Thank you, Ma'am. Thank you, Mr. Chair.

P.O. GREGORY:

All right. Thank you, Ma'am. Next we have Michael Watt, and on deck, Dorothy Castaldo.

MR. WATT:

Good afternoon. My name is Michael Watt, I'm here to speak on behalf of the Long Island Gasoline Realtors Assoc -- Retailers Association and its 600 plus members, many of whom conduct their business in Suffolk County regarding IR 1039. This law would raise the age which consumers can purchase tobacco from 19 to 21. And I'd like to point out, as Legislator Browning pointed out, that this is not a debate about tobacco use, it's a debate about whether 19 and 20-year olds are mature enough to make their own decisions. LIGRA members and appreciate and applaud measures to discourage young Long Islanders from smoking. We do not see this measure achieving this goal, however; rather, we see consequences that do not benefit the County.

By raising the legal age to buy tobacco products to 21, you will drive more residents to the black market and to the Indian reservations where such laws are virtually unenforceable. According to Forbes Magazine, 2011, more than 60% of all cigarettes sold in New York State were smuggled in from another state and sold illegally. Smuggling cigarettes is so prevalent that the ATF has singled out illegal cigarettes as the number one black market commodity in the world. Raising the smoking age to 21 in Suffolk County would only drive more smokers underground, costing the State and the County even more sorely taxed -- sorely needed tax revenues. Increasing the minimal age will also drive by as they cross County lines for Nassau County, leading to another loss of revenues to the County.

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We understand that New York State is -- has induced legislation at the Statewide level to raise the age to 21, it's Assembly Bill 7105 and Senate Bill 4863. And if this was implemented statewide, we certainly would -- the Suffolk County members would not have as a big problem with it. We don't want to lose business to Nassau County.

It should be noted that Maryland, Colorado and Utah are also considering similar legislation and research done by those State agencies has determined that the states stand to lose 12 million, 1.8 million and \$2.6 million in revenues, respectively. Locally, the estimated loss of revenues by Suffolk County is \$412,000, although LIGRA believes that that number is conservative at best. Because they're only looking at the loss of revenues directly tied to the purchase of cigarettes, but we can tell you from experience that very few people just go in and buy a pack of cigarettes, they also buy other things. And in the grand scheme of things, \$412,000 might not seem like much, but it will mean an awful lot to the department whose budget is slashed or to the County employees who lose their jobs because there's no funding for them.

And a recent Op Ed piece in Newsday highlights the folly of banning tobacco products to specific age groups. Based on shortened life expectancies, logic would dictate that, if anything, Suffolk County should be considering banning sales of tobacco products to older residents, not younger.

The point is men and women deemed old enough to represent their country in the field of battle should be allowed to smoke if they choose to.

(Beeper Sounded)

If you're old enough to be tried as an adult -- I'm wrapping up, and it's all brilliant, so let me get through it. If you're old enough to be tried as an adult at 19 or cast a vote in an election, you should be old enough to decide whether to smoke. However well-intentioned this resolution is, it does not warrant passage. Thank you very much for this opportunity to speak.

P.O. GREGORY:

Great. Legislator Spencer.

LEG. SPENCER:

Hi. Thank you. And I've seen you come to the Health Committee and we have a, you know, relationship. I appreciate it. You know, we respectfully disagree with each other, but we still have a working relationship and I appreciate what you do.

MR. WATT:

We appreciate your efforts, Dr. Spencer.

LEG. SPENCER:

Thank you very much. I guess -- we did do a budget analysis on this and you're saying there's loss of revenue from sales or tax loss? What's the loss, the revenue loss you're referencing?

MR. WATT:

Well, just to give you a for instance. When the State recently, a couple of years ago, upped the excise tax on cigarettes to \$4.35 a pack, one of my members who owns about six different kinds of stores -- 7-Elevens and gas stations and convenience stores -- saw a 20% decrease in his business, and they noticed particularly the drop in cigarette sales and they watched. I mean, these guys study every little nuance of the process. And like I said, very rarely does somebody just come in and buy a pack of cigarettes. They'll come in, they'll buy a newspaper, milk, whatever else they need, coffee. And if they're going to the reservation or if they're going into Nassau County to make their purchase of cigarettes, they're going to make those purchase -- they're going to also purchase those goods there, and it's only going to hurt the County and it's not going to achieve the goal of

having younger people not smoking.

LEG. SPENCER:

And I can appreciate what you're talking about as a businessman. You see this guy, this Dr. Spencer, he's hurting business. And I have a medical practice and I'm an airway physician, and I'm scratching my head the other day because, you know, I've got skin in the game here. You know whose business I'm going to hurt the most? My own (*laughter*). My whole business is pretty much dealing with people that are dealing with asthma, low birth weight, complications regarding throat cancer, things of that sort, and I understand that. But I'm looking at the revenue being as a result of dealing -- I guess not that the retailers are doing this, but peddling poison from my point of view. My question to you would be when you look at a convenience store revenue, what percentage is from the sale of tobacco products?

MR. WATT:

The sale of tobacco products directly is not as high as you would think, it's the ancillary products. And I would also argue if you're going to go that route, you're talking about a larger society ill; you're talking about tobacco smoking, which --

LEG. SPENCER:

Sure.

MR. WATT:

-- I don't see anyone really coming out for tobacco smoking, other than the tobacco companies.

LEG. SPENCER:

Uh-huh.

MR. WATT:

But the reality of the situation, you know, cupcakes will kill you, soda will kill you, you know.

LEG. SPENCER:

Sure.

MR. WATT:

There's a number of products that aren't good for you. And what you're doing is you're debating whether or not people are mature enough to make that decision on their own.

LEG. SPENCER:

And we'll present that evidence. But just to business, because the testimony is that it will devastate business, but --

MR. WATT:

I'm sorry, I don't want to correct you. No, I didn't say it's going to devastate business. It's going to hurt business in an already tough environment.

LEG. SPENCER:

Sure.

MR. WATT:

And it's one thing to lose business -- if it Statewide went up to 21, okay, you can live with that because you're not losing business to the guy across the street because he happens to be in Nassau County, or you're not losing business to the reservation that's about ten miles away because of unenforceable laws. As long as it's an even playing field, then it seems a bit fairer.

LEG. SPENCER:

And to my point, we do have legislation that's going to be introduced in Nassau, I'm working directly with their Legislature. But I'm from a small town, and in a small town the convenience store is actually kind of the center of the community. And so we're debating here, Michael, whether or not there's going to be -- I'm sorry, I called you the wrong name.

MR. WATT:

No, Michael, that works. Yeah.

LEG. SPENCER:

Michael, okay. If it's going to be effective, what impact it's going to have on business? Will it be a deterrent? But we have precedent. And so I just -- I look at -- you represent 600 stores. Needham, Massachusetts is a town of, what, forty, 35,000 people.

P.O. GREGORY:

Question.

LEG. SPENCER:

Yes. And, you know, we -- one of the things that when we -- here in Suffolk County there are about 1700 convenience stores, and when we did the analysis, there's about 6,000 smokers. So we're really talking about an average of about two to three smokers per convenience store. Up in Needham, Massachusetts, there are about 30 convenience stores and there's 35,000 people, and I'm getting to my question. So, you know, I didn't want to do this, and I think it's important to do that. So I called them, I got on the phone and called them, called convenience stores. And I spoke with some of the owners, some that had convenience stores in Needham and the surrounding town, and I was surprised. Are you aware that there was no loss of revenue and, in fact, sales increased in almost every store in Needham? So where are you getting that precedent to say that it's going to impact business when we have an actual example over the last six years? We can go up there and we can look, we can call 7-Elevens. Do you have any evidence that found any store that showed that there was a loss of revenue?

MR. WATT:

Going anecdotally or even just looking at any time there's a measure that passes to reduce smoking --

LEG. SPENCER:

Right.

MR. WATT:

-- it has a negative impact on the amount of sales in the stores that follow through.

LEG. SPENCER:

And I hear you. I appreciate what you're saying, that anecdotally. But we don't have to be anecdotal. We've got fact. We could call up -- we could call every convenience store in Needham, Massachusetts, that has -- you know, have we been able to do that? I mean, we personally made phone calls, so.

MR. WATT:

I personally talk to my members on a regular basis.

LEG. SPENCER:

And you do a great job. I'm not -- again -- and I apologize, I know that we're on the public record. And again, there's no loss of admiration and appreciation for what you do, both when we have conversations publicly and privately. But I do want to go to this point, that -- I'm just looking,

because I've seen direct evidence, from talking to a business owner who had a store there that said that people didn't stop coming in to buy their Doritos and their milk and they continued, even when the smoking age was raised. But that population was so small that none of the stores saw a loss of revenue. And when I hear that evidence, I don't know if you have any evidence to the contrary directly related to raising the smoking age from 19 to 21.

MR. WATT:

Well, Dr. Spencer, selling cigarettes is teetering -- you saw this with CVS, they got out of the business -- it's teetering on not being worth the effort. So if the money wasn't there, if they felt that by not selling cigarettes they would lose revenues and the County would lose revenues, they would get out of the tobacco business pretty quickly. So, you know, these men and women do not waste space. There's a demand there on the part of the public. We don't judge the public for their choices.

LEG. SPENCER:

Sure.

MR. WATT:

If we did, we'd all be out of business, because a lot of stuff that the public consumes is not good for them. We're not here to make judgement about the public, we're here to determine are 19 and 20-year-olds mature enough to make their own decisions.

LEG. SPENCER:

I appreciate that. And again, thank you for what you do. And I apologize in advance if there's anything that appeared overly confrontational.

MR. WATT:

No, absolutely not.

LEG. SPENCER:

Thank you.

MR. WATT:

This is what democracy is all about.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

Yeah, I had a question. A very long time ago we had a bottle bill that was first brought in by Suffolk County, it was passed. A great bill, it did a lot of good things for the environment, cleaned up our neighborhoods and things like that. But before it became a statewide bill, it was a County bill. Are you aware, and I don't know how far back you go, if there was any loss of business to the Suffolk County retailers on that border to people in Nassau County before it became a Statewide bill during the period of time it was only a Suffolk County bill?

MR. WATT:

I'm really not in a position -- I wouldn't have those numbers off the top of my head, no.

LEG. McCAFFREY:

If there was, could you expect a similar type of impact that we had in those -- in Suffolk County?

MR. WATT:

I think if I had a business in East Farmingdale and I sold cigarettes to 19 and 20-year-olds, I'd be concerned about them going over to Massapequa or Farmingdale and getting cigarettes there, and the newspapers and the lottery tickets and the other things that they buy in Suffolk but not in Needham.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Mr. Watt, good afternoon. Let me ask you a question. You made reference to -- you made a comment that maybe the marketing against cigarettes should be done with targets being the older population.

Now, are you referring to an article which appeared in Newsday maybe a week and a half ago where the author indicated that there was a study done whereby if an individual up to the age of 30, I believe, stops smoking, it would have no effect, based on this study, in terms of the longevity of that person. They didn't lose years in life.

MR. WATT:

Correct.

LEG. BARRAGA:

Is that what you're referring to?

MR. WATT:

I am referring to that article; yes, I am.

LEG. BARRAGA:

Okay. Because I've always been puzzled when I take a look at the current advertisements on television against smoking. Usually you see older people who indicated they've been -- in very dramatic ads where people have lost appendages. In one case you saw a young woman who's beautiful and as the years go by, based on cigarette smoking, you wouldn't even realize was the same person. And I've always wondered who those ads were really targeting.

Myself, from a marketing perspective, I don't see those ads really targeting younger people. Because when you see a 15 or a 16 or an 18-year-old and they see someone who's 60 or 65 or 55, they don't relate to that. They're 15 or 18 or 17; to them, 55 and 60-years of age is a millennium away. I mean, I would think that those ads probably or should be keying in on somebody who's 35 or 40 where they're sitting there and saying, "*You know, in a few short years I may be that person.*"

I mean, is that why you think the marketing is currently being -- because we've debated this before this came up. I think the culture at the high school level is a little bit different, I think smoking is out. It's not the *in* thing, they're not doing it. It's not looked upon in the favorable way it was 10 or 15 or 20 years ago. I think that message has gotten to younger people.

And the question is, you know, when you hear the debate on this, and this was brought up before, if you follow it logically, you should ban it for the State of New York. Ban it. For all the things, for all the negatives associated -- but we don't do that because it's a money -- it's a revenue maker, all right? It's tobacco securitization, it's the whole thing. And then we do like what I call the Oliver twist in the end, we just lock it into age; instead of 19, we go to 21, a couple of years we'll go to 23, 25, 27, 30. But all the arguments lead to a banning of that product, but it's just not going to happen in the State or in this nation because of the fiscal aspects associated with it. But certainly from a marketing perspective, I would agree with you, I think that the current ads seem to be keying in on the older population, and I think the younger population that sees an ad like that

cannot relate to that, cannot relate to that at all.

MR. WATT:

Well, again, the debate from our point of view is, is a 19-year-old and a 20-year-old capable of making their own decisions. I mean, when I was 15, I worked in the catering hall and I watched the older workers dealing with the ramifications of a lifetime of smoking, and that was enough for me to never smoke, but I was glad to have that decision.

LEG. BARRAGA:

Kate Browning makes the point. If you can serve in the military, if you can vote, you can make a decision, if you're 19 and 20, as to whether or not you want to smoke.

MR. WATT:

Absolutely. And that's what we would like this Legislature to consider; should an 18-year-old or can a 19-year-old make decisions for themselves? And just about everything else in society is predicated on those people, those ages being mature enough to make their own decisions.

LEG. BARRAGA:

Thank you.

MR. WATT:

Thank you.

P.O. GREGORY:

Okay, thank you. Thanks, Mike.

MR. WATT:

Thank you.

P.O. GREGORY:

Dorothy Castaldo; and on deck, Patricia Orzano.

MS. CASTALDO:

Hi. Good afternoon. Back in I believe it was 2004, there was a resolution, 1214, where under one of the Chapter 792, it talked about the Legislative Intent and it spoke about how the Legislator at that time found that 80% of adult smokers began smoking before the age of 18. Today we're still talking, basically we're all saying the same thing; we're really looking for -- to stop the underage smoking, not the over age, or some people have even referred to age 26.

My take on this legislation is that it's very one-sided. There's no consequences to these kids, and if we're going to make legislation, there's got to be consequences. Right now, the only consequences are on the retailers, not on the persons who's possessing it or smoking it, just like drugs, marijuana, heroin, whatever it is; if you possess it, you pay the consequence. If you're going to continue on this route, there's got to be consequences. So I just ask you to look into that. Maybe if there's more consequences for these kids that are underage smoking, we wouldn't see as many beginning smoking and they wouldn't have to stop smoking later on.

LEG. ANKER:

Can I ask a question?

P.O. GREGORY:

Thank you. Legislator Anker has a question for you.

LEG. ANKER:

And again, you're mentioning consequences; I think the obvious consequence would be addiction and illness, asthma. I mean --

P.O. GREGORY:

Question?

LEG. ANKER:

Legislator Spencer had mentioned, but do you think that's a consequence, a death perhaps?

MS. CASTALDO:

As a 57-year-old woman? Yes, I do. But as a 17 or a 16-year-old or as a 15-year-old, I don't think the gentleman before understood that's the consequence. So education is a key. Raising the age is not educating, you're just trying to enforce something that it's really not going to happen, because you're going to have the older kids still picking it up.

LEG. ANKER:

Do you think raising the age is a form of prevention?

MS. CASTALDO:

No. I do not. I do not believe that just telling the kids that, "Okay. You can't smoke now because you're not 21," is going to stop them from trying to go to the Indian Reservations to get it. I mean, I'm not an expert on any of these subjects, I'm not an expert in cancer research or any of that. All I know is from my experience as a retailer, and that the enforcement is on us and the education should be coming from the schools at a younger age, and maybe they'll understand the consequences. And if the marketing is that -- the negative marketing that's out there right now as far as the lung disease, start showing maybe a lot younger people, it may affect them a little bit.

LEG. ANKER:

If you had absolute scientific evidence showing that this is a health issue, you know, that could actually cause death, would you take these products off your shelves?

MS. CASTALDO:

We don't make -- we don't make a lot of money on cigarettes. We really don't. It's more of a draw for gum, for water, for whatever else they want. So if the State said to us, "You know what? We're going to ban them, there's only going to be a smoke shop," then we'll deal with that. But as of right now, you're asking us to police this legislation and that's not fair to us. You know, I had had an officer in my store about two weeks ago who didn't even realize that the age was 19 to buy cigarettes, he thought it was still 18.

LEG. ANKER:

But don't --

MS. CASTALDO:

This is our law enforcement who didn't understand that.

LEG. ANKER:

Do you do this for alcohol?

MS. CASTALDO:

We ID for everything.

LEG. ANKER:

But you ID for cigarettes and tobacco products?

MS. CASTALDO:

Yes, we do.

LEG. ANKER:

What makes that different than policing for alcohol versus tobacco products?

MS. CASTALDO:

Because if you have an open bottle of alcohol in your car and you get pulled over, there's a consequence for that. If you're driving drunk, there's a consequence for that. Right now, if you're smoking a cigarette on the street outside the school, there's no consequence.

LEG. ANKER:

Thank you.

P.O. GREGORY:

Okay. Legislator Spencer, question.

LEG. SPENCER:

Thank you. My question is that you indicated that raising the age does not appear to be effective because there's no consequence. Now, in '82, in New York State we raised the drinking age to 19, in '85 we raised it to 21; same thing, exactly the same thing. In '83, we saw -- were you aware that we saw that, you know, highway fatalities dropped from 61 out of 10,000 down to 51? And then once we raised it to 21, they dropped to 31. It almost cut the fatalities in half just from that one single action, and for years it was pretty solid at 61 out of 10,000 for a number of years. So when we raised it a little bit, and we saw the same thing, why is it different with smoking?

MS. CASTALDO:

Well, first of all, again, I don't know the stats that you're giving me, but I would say that you also have MADD and SADD involved, and SADD in the schools, MADD in the schools, they're the organizations. Again, it's education. There's a lot more education revolving around alcohol and driving and things of that nature, where I don't see; I mean, there could be but I don't see it. And someone just said recently that the program in Suffolk County has been taken out. So maybe that's the avenue we really need to go to, is to get back into the schools, back into education. Evidently MADD and SADD were able to do that with the alcohol.

LEG. SPENCER:

I agree with you on education. I appreciate what you're saying. And I think -- were you aware also that the educational program in Needham started in 1995 and continues until today, and they saw it decreasing, but once in 2006 they raised the smoking age to 21, compared to surrounding counties, there are numbers of cancer and smoking related incidents were cut in half just from raising -- and there is education, but when you put education and raising the smoking age, it seemed to have a dramatic impact. So I don't know how you will respond to that.

MS. CASTALDO:

Again, with Needham, I don't know enough about the statistics there, but I do know that it's a town, not a County, and that was the few -- the few articles I was able to read about, it was a town. You know, we're talking about one town. And again, the support of the town was there, not only the schools, the parents, everyone was supporting that bill. So you had people behind, you had more education, you had the parents that --

LEG. SPENCER:

You're right, I agree with you.

P.O. GREGORY:

Question.

LEG. SPENCER:

But we didn't see the drop until they raised the age.

MS. CASTALDO:

Right. I don't have any of that data, I can't even comment on that.

LEG. SPENCER:

I thank you. Thank you so much.

P.O. GREGORY:

Okay. Legislator Stern?

LEG. STERN:

Sorry. You were so close, you were so close to your seat.

MS. CASTALDO:

I was so close (*laughter*).

LEG. STERN:

Thank you for being here today. I was listening to your testimony when we were talking about some of the fiscal impact. If I heard it correctly, you seemed to indicate that perhaps revenue from tobacco sales and the convenience stores wasn't all that substantial. I just wanted to ask you about that. I have the --

MS. CASTALDO:

Revenue, not sales.

LEG. STERN:

The financial impact statement prepared by our Budget Review Office, the analysis indicates here that cigarette sales make up 42% of convenience store revenues and 17% of gross profit. I just wanted to know if you agreed with those numbers, disagreed with those numbers and why.

MS. CASTALDO:

Okay. As far as the gross profit number, that's probably a little high, as I see it. I can only tell you what I do in my store. Percentage of sales, it depends on what type of business it is. If it's a convenience store like the 7-Eleven, those percentages are less. If it's a -- I can't speak for LIGRA or the Gasoline Retailers, I don't know, but not for the business that I'm aware of.

LEG. STERN:

Okay. But these numbers may be accurate, depending on the type of store, perhaps?

MS. CASTALDO:

Yes.

LEG. STERN:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Hi. How are you? Thank you for being out again. Along with what Legislator Stern is talking about, and Legislator Anker even spoke about it before, you are a franchisee. Let's just say for whatever reason, you know, you woke up tomorrow and you said, "*You know what? I am sick and tired and fed up with having to go ahead and go through this nonsense associated with selling shoelaces or potato chips or cigarettes or anything else.*" Can you, as a franchisee, elect not to carry a particular component or product, or do you have to, you know, have a range of merchandise?

MS. CASTALDO:

We have to have a range of merchandise. We have a contract that tells us basically what is recommended for us to have in the stores.

LEG. KENNEDY:

So that covers a whole variety of items that are in there.

MS. CASTALDO:

Right, from cigarettes to water to potato chips to coffee to --

LEG. KENNEDY:

Okay.

MS. CASTALDO:

-- to condoms, whatever.

LEG. KENNEDY:

But I recall the last time you were with us, I think it was in Hauppauge, you or maybe one of your colleagues spoke about the fact that you have an internal, I don't know if I want to call it a quality control program, but there is actually a fairly consistent test process that the franchiser puts you folks under; what do they call it, mystery shopper or something?

MS. CASTALDO:

Yeah. It's actually -- it's supported by both the franchise community and our franchiser, so we split the cost of that. But what it is is we have underage, sometimes just borderline, sometimes even up to 26. Because the relationship we have with the State, we're required as a 7-Eleven to ID under 30, although the bill does say 27.

LEG. KENNEDY:

What does that mean? I'm sorry. What does that mean.

MS. CASTALDO:

It means that we have to ID anyone that comes in the store that appears to be under the age of 30, we have to ID them because we have a special program for training on our backroom computers that all our employees are required to do. What happens -- so therefore, when the under age -- when the shopper comes in, they'll ask for the cigarettes or they'll bring the beer up, whatever it may be, and it's a red card/green card situation.

LEG. KENNEDY:

Uh-huh.

MS. CASTALDO:

The rates are very high in the market that I'm in. Even though my store is in Suffolk County, I'm in the Nassau County market. It's at least 85% past just on the red card/green card issue.

LEG. KENNEDY:

So it's an industry standard or compliance that goes far in excess of what minimum age to purchase is.

MS. CASTALDO:

Yes.

LEG. KENNEDY:

That's being done by the business community.

MS. CASTALDO:

Yes.

LEG. KENNEDY:

Okay. Thank you.

MS. CASTALDO:

Can I leave now? (*Laughter*). Anyone else? No?

P.O. GREGORY:

Okay, that's it. Thank you. Okay, Patricia Orzano; and on deck, Jack Rugen.

MS. ORZANO:

Hi. Patricia Orzano, I'm a West Babylon resident; however, I was bred in Massapequa and my husband and I own the 7-Eleven that is three blocks from the Amityville border.

I stand to profit from all of these -- all of these sales. And yes, to answer the questions that were previously asked upon my 7-Eleven colleague, \$98 million is what is sold in cigarettes alone in the 133 7-Elevens in Suffolk County. Another \$2,500,000 is in tobacco products.

In the GOA Report that was in the bill, I dispute the findings based on the sales tax revenue that the County would lose just in the 7-Elevens would be approximately \$360,000 per year. And again, understand, my son smokes, my husband just had a battle with COPD in the hospital. Did they both start smoking as teenagers? Yes, they did. And we are all for the education. We monitor our employees, they are tested yearly. We certainly have to ID, as per our contract.

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

MS. ORZANO:

Hi. I'm Patricia Orzano. I'm a West Babylon resident. However, I was bred in Massapequa, and my husband and I own the 7-Eleven that is three blocks from the Amityville border. I stand to profit from all of this -- all of these sales. And, yes, to answer the questions that were previously asked upon my 7-Eleven colleague, 98 million dollars is what is sold in cigarettes alone in the 133 7-Elevens in Suffolk County. Another \$2,500,000 is in tobacco products.

In the GOA report that was in the bill, I dispute the findings. Based on the sales tax revenue that the County would lose just in the 7-Elevens would be approximately \$360,000 per year. And, again, understand, my son smokes, my husband just had a battle with COPD in the hospital. Did they both start smoking as teenagers? Yes, they did. And we are all for education. We monitor our employees. They are tested yearly. We certainly have to I.D. as per our contract. However, and the ramifications per store to Suffolk County would be \$2,500 less per 7-Eleven in sales tax revenue.

I find it very hypocritical of that report when it's stated, and I think that all of you should choke on that, when they said that we will still obtain these revenues because the 21-year-olds will then buy the product, will walk into the 7-Eleven and walk out the door and hand the product to a 19-year-old. When you go to college, you all know you can't drink in the dorm. How many of you in this room can ever say that they never drank in the dorm and because they were underage? So the GOA report is actually promoting the fact that the 19 and 20-year-olds will obtain cigarettes from their relatives or friends.

So I really think -- again, going back to prohibiting, what are you prohibiting? You're prohibiting the sale of the product, which is a legal product. If you ban the sale of cigarettes in Suffolk County, for instance, you will just cost over 100 million dollars in revenues just in 7-Elevens. The percentage of sale in 7-Eleven is 28 to 30% just for cigarettes. Tobacco is another 2 to 3%. And in our industry, as we found in New York, 7% of the sale of tobacco -- of cigarettes is the 19 and 20-year-olds. Twenty percent of the sale of tobacco products is the 19 to 20-year-olds. The rest of it is obviously the adults, and the biggest majority being over the age of 50.

And I also read Lane Filler's editorial and I sincerely believe that I wish you would ban smoking to my husband. I think people over 50 should be banned.

And then let's go back to candy and diabetes. I think it's one out of every eight adults now is being diagnosed with diabetes. Should we stop -- should we ban the sale of candy to children because some day they're going to become diabetic?

I have -- you know, if you need any more of the data on the sales, I can provide it. But I do -- I do state publicly that I disagree with that GOA report and the sales tax revenues that this County will lose and will actually go to my county in Nassau. Nassau County has not yet introduced a bill --

P.O. GREGORY:

Okay. Ma'am, please wrap up. Your time has expired.

MS. ORZANO:

Okay. And I know that Nassau County has not yet introduced a bill and they are actually leaning towards -- the majority there is leaning towards waiting for the State to go ahead and enact the bill and make it a level playing field for everyone. Thank you for your time.

P.O. GREGORY:

Okay. Do you have a question? Legislator Barraga has a question for you.

LEG. BARRAGA:

Thank you. The 98 million dollar loss you're talking about is in cigarette loss sales in 7-Elevens?

MS. ORZANO:

The 98 -- well, someone here asked if we could exist without the sale of cigarettes. No. No 7-Eleven or convenience store would exist without the sale of the tobacco. The 98.5 million dollars is divided by 133 stores just in cigarettes.

LEG. BARRAGA:

That's my question. What is the additional loss in revenue from people who come in and buy cigarettes, but buy other products as well?

MS. ORZANO:

First of all, a majority of the people come in and buy lottery, they buy drinks, they buy candy, milk. Very rare does someone just come in and buy a pack of cigarettes. It's probably -- out of every 10 tobacco sales, one out of 10 just buys a pack of cigarettes.

LEG. BARRAGA:

So would you say there's an additional loss to 7-Eleven stores of maybe another 60 or 70 million dollars over and above the 98 million?

MS. ORZANO:

Oh, absolutely. The related sales would probably be -- when people violate this New York State Law and they lose their cigarette license, I believe the minimum term is six months after three violations. Most of those store owners are franchised out, because they can't afford to operate the store at that loss of revenue.

LEG. BARRAGA:

All right. Thank you very much.

P.O. GREGORY:

Legislator Calarco has a question for you.

LEG. CALARCO:

Good afternoon. Thank you for coming out today. I just had one quick question. I wanted to clarify to make sure I heard you correctly. Did you state that the number -- that the percentage of sales for people between 19 and 21 is 7% of tobacco sales?

MS. ORZANO:

It's between 7 and 8% per store.

LEG. CALARCO:

Seven and 8% we're talking about.

MS. ORZANO:

Right.

LEG. CALARCO:

And we've already heard quite a bit of testimony from individuals that the tobacco products are really not generating that much of the revenue for your store. What's your profit margin on your pack of cigarettes?

MS. ORZANO:

No, no, no. I think -- I'm the figures lady. It is -- 28% of our sales is tobacco, just cigarettes.

LEG. CALARCO:

Twenty-eight percent. But what's your --

MS. ORZANO:

Another 3% is tobacco.

LEG. CALARCO:

What's your profit margin on a pack of cigarettes? What do you make on a pack cigarettes?

MS. ORZANO:

About 16%.

LEG. CALARCO:

About 16%.

MS. ORZANO:

But tobacco is roughly 40%.

LEG. CALARCO:

Tobacco is about -- tobacco, meaning chewing tobacco, other tobacco products.

MS. ORZANO:

Cigars. What teenager --

LEG. CALARCO:

Cigars.

MS. ORZANO:

What person between the age of 18 and 30 have you not seen with a dutchie in today's world, or the chewing tobacco?

LEG. CALARCO:

Okay. But you're talking about 7% of your revenues.

MS. ORZANO:

Total sales.

LEG. CALARCO:

But a lot of those -- a lot of those -- how much do you say comes from other tobacco products?

MS. ORZANO:

For which age, the entire --

LEG. CALARCO:

The 18 to 21.

MS. ORZANO:

About 20% of our tobacco sales is from the 18 -- I'm sorry, we don't sell 18. Nineteen to 20-year-olds.

LEG. CALARCO:

Oh, excuse me, 19 to 20-year-olds, it's 7 -- it's 7%. So part of what we've heard in the testimony here is the concern about lost revenue in other sales that are associated with -- if those individuals make up about 7% of your tobacco sales, what percentage or how much do you think you would be impacted in terms of your other products? How much of those people buy other products when they're in your store buying those dutchies?

MS. ORZANO:

Okay. In addition, the young -- the youth age group, from the ages of 17 to 25 are our largest customer base, okay? They buy anything and everything, things on the counter, the gadgets, the earphones, iPhones, the latest -- all the latest candy and drinks, all the latest teas and water and energy drinks. Those are our customer base. They grew up with us having Slurpees and Big Gulps.

LEG. CALARCO:

So the 50-year-old who comes in to buy a pack of cigarettes doesn't buy a lot of other stuff, it's the 19-year-old who does?

MS. ORZANO:

Well, it's 19 and up. The 50-year-old may buy lottery tickets, he might buy milk, he might buy beer, but he doesn't buy the array of assortment that the younger generation or the millennium

generation purchases.

LEG. CALARCO:

So wouldn't you say that 7% of your tobacco sales that represent the age group we're talking about with this particular bill make up a disproportionate amount of sales of other products?

MS. ORZANO:

Yes, they make up a very large proportion of sales of the products, correct.

LEG. CALARCO:

Okay. Thank you.

P.O. GREGORY:

Okay. Thank you. Jack Rugen, and on deck, Philip Castaldo.

MR. RUGEN:

My name is Jack Rugen. I'm the Vice President of the United Franchise Owners of Long Island. UFOLI is a local franchise owners association founded in 1980. I stand for you -- before you today to represent nearly 100 franchisees operating over 125 7-Eleven convenience stores located in Suffolk County.

As the 7-Eleven franchise owner for over 24 years, I believe this proposal will entice 19 and 20-year-olds to frequent Shinnecock and Poospatuck tax-free cigarette shops. Tax-collecting stores already have a charge -- have to charge around \$6 a pack more than these Native American outlets. Moreover, as sovereign nations, County, State and Federal laws do not bind them.

The proposed legislation will also compel our members to narrow their cigarette selections in such a way that is likely to shrink the prepaid sales taxes the County enjoys. We see this proposal as just another tax on law-abiding cigarette retailers.

In addition, Mr. Lipp's calculation failed to include this prepaid sales tax and State and Federal excise taxes that cumulatively will have a more negative effect on revenue. All told, the drop in tax revenue will leave a hole in Suffolk County's budget much higher than forecasted, probably three times those forecasted. Moreover, who will enforce this law at the tax-free stores? Who will foot the bill for increased state border control to thwart the criminal activity this proposal is likely to create? How will the proposed law treat 18 and 19-year-olds in the military?

While this proposal is well-intended, it fails to address the real problem, underage smoking. The legal purchase age is not the same as the legal smoking age. According to the CDC, most teen smokers get cigarettes from adult relatives and friends, not from retail stores. So instead of blustering about youth smoking, why not go to the root of the problem? Legislate individual liberties and morality and pass a law prohibiting tobacco use by minors. Excuse the sarcasm. My suggestion is not based in reality, but I think you get the point. These are young adults and, as such, you cannot legislate individual liberties and morality, nor should you even attempt it.

Mr. Kennedy is correct, this is a paper tiger. Because the State Law only imposes penalties for selling tobacco to those under 18, and the County cannot enforce penalties for violations involving 19 and 20-year-olds. Hence, this proposal is unenforceable. Thank you.

P.O. GREGORY:

Thank you. All right. Philip Castaldo.

MR. CASTALDO:

Good afternoon. I spoke in the meeting in Hauppauge. I gave you my written statement. But I'm here before you today to merely suggest to you that last time I talked to you, I suggested that we look at New York City and see what the impact actually has on raising the age. You know, we talked about a small town in Connecticut, it's a very small town, and we don't know what really went on there. We read, it's very eligible what we get online, about what really went on there. And the numbers, like I told before, a pie graph from Coca-Cola shows sales, and you see a paragraph from Pepsi-Cola, you say how can Coke sell that much when Pepsi sold that much? So it's all about the facts and figures and how you want to construe them. You know, true, we've changed. Smoking has changed a long time since I was a smoker. I smoked up to '73. I quit smoking in 1973; I started when I was 15. I remember when we was -- we'd buy cigarettes or beer in town, and I think Ms. Browning would appreciate this, the police officers would catch us with a beer and they'd make us pour it out, except for the Irish officers, they used to take it from us.

*(*Laughter*)*

Same with cigarettes. If they saw us smoking cigarettes, sometimes they would take them away from us, sometimes they wouldn't. But put the onus on the person that's going into a store that's 18 years old or 17 years old and no one sees you're illegal and he has nothing to lose. It's a catch 22, he has nothing to lose, because if he gets them, he gets them. If the clerk denies him, he denies him. So, you know -- so put the onus on the people that know that they're doing wrong, you know. And, you know, we look at tax dollars today and we need all the tax dollars we can get.

I hear -- I've been to these meetings and I hear all about you guys are short on money, short on funds, things have been cut. This is the reason. We need -- we don't need to give this money up. There's no reason for it. I don't think the end justifies the means, and I wish you all would think along those lines.

The retailers out there in 7-Eleven land, they do their due diligence of ID'ing people for cigarettes. They're law-abiding store owners, and you're putting -- like people said before, they're putting an onus on them. Put the onus on the people that really deserve the onus. I made it in time.

P.O. GREGORY:

Okay. Legislator Kennedy has a question for you.

LEG. KENNEDY:

You have an active franchise, many, many people in and out. On a typical week, how many -- how many packs of cigarettes, or how many cigars, how many items do you sell? If you were to ballpark it, what would you say it would be, you know, 1,000, 5,000, 10,000?

MR. CASTALDO:

Well, I can give you an example. When New York State decided to raise the tax on cigarettes --

LEG. KENNEDY:

Yes.

MR. CASTALDO:

-- I used to sell, the number sounds high, almost 500 cartons a week.

LEG. KENNEDY:

Five hundred cartons a week?

MR. CASTALDO:

Now, today, I sell about 90 a week.

LEG. KENNEDY:

About 90 cartons.

MR. CASTALDO:

Right. So a tremendous amount of sales decreased in our stores over the years on cigarettes, because, just like anything else, if you drive down the Jersey Turnpike coming to New York, you see the gasoline lines are a mile long for gasoline that's 45 cents, 50 cents cheaper a gallon.

LEG. KENNEDY:

Okay.

MR. CASTALDO:

Okay? And that's exactly what's going on here. Black market, as I told you last time, cost us 20 million dollars a month in lost revenue, lost tax revenue, 20 million a month. You know, between the black market and other avenues, I mean, Virginia is our biggest competitor in cigarettes. New York City is -- over 60% of the cigarettes sold in New York City are illegal cigarettes.

LEG. KENNEDY:

Okay. All right. Thank you.

P.O. GREGORY:

Okay. Thank you. Diana Cherry Holmes, and on deck, Andrea Nydegger.

MS. HOLMES:

Good afternoon. My name is Diana Cherry Holmes, I live in Northport, and I'm here to support I.R. 1039.

I was a smoker for about a half of my life. I started smoking in seventh grade. I would walk or ride my bike to the local gas station and purchase a pack of Eve's or Virginia Slims; you remember those? I was 12 when I had my first cigarette and addicted by the age of 15. Back then, cigarettes were inexpensive and very easy to obtain. According to the CDC more than 40% of today's high school students have tried smoking before they graduate. There now is solid evidence that smoking during early and mid-adolescence is far more likely to lead to addiction than is the same degree of smoking after the age of 21 for the first time.

There are many deterrent tactics now for young people, showing graphic photos, videos of people with amputations, voice boxes, black lungs, and so on, but these really aren't an effective prevention tool for today's youth. Today's teenagers are numb to these disturbing graphics, not just because some are avid gamers or zombie enthusiasts. Thanks to advances in technology, they were exposed to a lot more than we were when we were growing up. For me it was really simple when I had that choice to have that first signature. I wanted to be cool, I wanted to be seen as an adult, and I wanted to annoy my parents. I only accomplished one of my goals.

Thanks to the Suffolk County's Program, "Learn To Be Tobacco Free," I've been smoke-free for just over three years. I continue to be addicted to cigarettes, I just don't smoke them. I remain vigilant against smoking again, and to this day I continue to attend the support group meetings that are held by the Suffolk County Health Department.

I ask you to please pass 1039. It's another tool in your toolbox to prohibit smoking and prevent smoking by young people. Thank you.

P.O. GREGORY:

Thank you. We have a question by Legislator Cilmi.

LEG. CILMI:

Good afternoon, and thank you for your testimony. So you said you started when you were in seventh grade --

MS. HOLMES:

Yeah.

LEG. CILMI:

-- smoking.

MS. HOLMES:

Yeah, I had my first cigarette. I was really addicted by 15, but I forget the age, and how the age and the grades --

LEG. CILMI:

Yeah. I think my mom tells me that she started when she was 15 or 16 years old. She's 83 today and, quite obviously, suffering the effects of years, and years, and years of smoking, despite my brother and I's repeated efforts to get her to stop, including, but not limited to, poking holes through her cigarettes when she wasn't looking so that she couldn't inhale. But, be that as it may, you think that education has helped reduce smoking rates among children?

MS. HOLMES:

I'm not an expert in the field.

LEG. CILMI:

Anecdotally?

MS. HOLMES:

Anecdotally --

LEG. CILMI:

We've heard testimony -- I'm sorry to interrupt -- that smoking has decreased quite substantially in the past several years.

MS. HOLMES:

I think -- I think it needs to be a multi-pronged approach. I think that is the best manner, whatever it is that you're trying to make change in, in this case, not to smoke cigarettes.

LEG. CILMI:

Intuitively, do you think that education is more effective than raising the -- than raising the age would be or not?

MS. HOLMES:

I think both are needed.

LEG. CILMI:

But which do you think is more effective?

MS. HOLMES:

I can't say that, I'm not an expert in this field. All I can really truly speak from is the point of an addict and what it -- and how easy it was to obtain the cigarettes, and how easy I think it probably still is. I mean, with all due respect to the vendors here today, because I believe most vendors are truly honest and stay up with it, but kids have a way around all of that, get somebody else to buy it, or so on.

LEG. CILMI:

That's what I'm thinking. So we've heard testimony that in 7-Elevens alone, the revenue generated by sales of cigarettes is almost 100 million dollars annually. Robert, what would be the sales tax revenue to Suffolk County, if, in fact -- just from 7-Elevens, if, in fact, that was the case?

MR. LIPP:

I'm not sure how to answer that exactly. We did put in our bill, we stated it up front -- well, at the end, that convenience stores will suffer. It will be --

LEG. CILMI:

But that's not where I'm going. Just exactly, just sales tax revenue alone based on 100 million dollars of sales, what does that equate to? I'm going somewhere with the question for you.

MS. HOLMES:

Thank you.

LEG. CILMI:

So just bear with me for a minute.

MR. LIPP:

Okay. So that would be four-and-a-quarter million dollars.

LEG. CILMI:

Okay. So Suffolk County theoretically --

MR. LIPP:

And that's the County portion, the County's four-and-a-quarter.

LEG. CILMI:

Of course. So Suffolk County theoretically, then, receives four-and-a-quarter million dollars annually from sales tax revenue generated just from the sale of cigarettes, excluding tobacco products -- well, that includes tobacco products, let's say, but just from 7-Elevens.

So my question for you, ma'am, is this: Do you think that it might be better to somehow segregate the sales tax revenue that we receive from the sale of tobacco products and use that revenue to fund additional tobacco education programs in Suffolk County, as opposed to reducing the revenue that we receive from sales tax by increasing the legal age at which you can purchase tobacco products, which will then diminish our capacity to provide funding for educational programs?

MS. HOLMES:

That's a very complex question. I would --

LEG. CILMI:

I'm surprised that I got it out, to be honest with you.

*(*Laughter*)*

MS. HOLMES:

I would counter in terms of what the County pays and what the County's and the other nonprofit pay to deal with individuals like your mother, who is severely ill from this disease, this addiction? I mean, how much -- how much do you pay to help assist these people that are so ill?

LEG. CILMI:

Well, that's my point, though. My point is that if we had four-and-a-half million dollars, let's say, and, again, that's just from 7-Elevens, if we had four-and-a-half million dollars to spend on tobacco education, it seems to me that we would do a much better job of preventing youth from smoking than we would by simply raising the legal age to purchase products, not to smoke, but to purchase products from 19 to 21.

MS. HOLMES:

An effective -- in my opinion, I'm not a marketing expert, I'm not an addiction expert other than my own addiction, I think it's a multi-pronged approach --

LEG. CILMI:

Okay.

MS. HOLMES:

-- is the best.

LEG. CILMI:

Thank you very much. And good luck with the rest of your journey.

MS. HOLMES:

Thank you.

LEG. CILMI:

Sure.

D.P.O. SCHNEIDERMAN:

Any other questions? Thank you.

MS. HOLMES:

Thank you.

D.P.O. SCHNEIDERMAN:

Our next speaker is Andrea Nydegger. Forgive me if I'm saying the name wrong.

MS. NYDEGGER:

No, you did -- you did a very good job. It's Nydegger. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you.

MS. NYDEGGER:

Thank you. My name is Andrea Nydegger. I'm an Eastern Suffolk BOCES Student Assistance Counselor, but I'm in a -- I'm a social worker that is involved in working with students in a regular school. I've been working for BOCES. I've actually been working with adolescents for 24 years. I've been working for BOCES for the last 15 years. Five years I was in the Riverhead School District, placed in regular schools. Then I was in the H.B. Ward Career and Technical Program, and the last 10 years I've been on the North Fork in Mattituck.

I've had the fortunate opportunity to be part of a prevention club called SADD Club, which stands for Students Against Destructive Decisions. And I'm going to probably be brief, because some of my students who are actively involved in trying to educate students about making positive choices and avoiding things like addiction to drugs and alcohol and tobacco, and amongst other things, you know, making positive choices about mental health issues, and healthy social and emotional choices,

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they came -- they volunteered their time and they -- one girl has to go to lacrosse, and the other one runs an Alateen meeting. So I'm going to be brief, because we figured that in making this bill that affects young people, you might want the opportunity to actually speak to some young people, because I know some of the Legislators were saying they've asked some students on the street. But these are students that are, you know, in the school, they're involved in lots of different activities. And two of them are from my school, and one happens to be my son, who goes to school on the South Fork.

And so one of the things that I wanted to say was I'm in support of the bill just because, while I agree that education is very, very important, and I'm one of the people involved in education, I provide the smoking cessation program when students do get caught smoking in school, they come to me, but I feel like they are so exposed to tobacco and -- the product that I'm most passionate about now is the electronic cigarettes, which kids are using to vaporize liquid nicotine. And while, yes, in all these years I've seen a decrease in students smoking and it becoming maybe socially less acceptable, and it's harder for kids to smoke, and in our school they get -- you know, they can't be seen within the building smoke -- within, you know, 100 feet of the building smoking, the vaporizers are -- we're seeing our valedictorian getting caught using the vaporizer, our student athletes. I was asked to speak to a few athletes about it.

So I'm -- the bottom line is the vaporizers, kids believe they're not going to get addicted, and I'm worried that they're going to have a lifelong addiction to nicotine. That's what I'm talking about, more than just smoking, and we don't know what the long-term effects are on that. So, okay, I'm wrapping it up. Okay. I'll bring the students.

LEG. SPENCER:

You want to bring them up together?

MS. NYDEGGER:

Yes. Would you like --

D.P.O. SCHNEIDERMAN:

Thank you. Any other questions?

LEG. ANKER:

Jay.

D.P.O. SCHNEIDERMAN:

I'm sorry, one question. Legislator Anker.

LEG. ANKER:

Again, I want to thank you for coming here. And it would be interesting to hear what some of the kids think. And, again, what you're saying is that your concern, in addition to the tobacco smoke, you know, and the cancer-causing agents, but the addiction, the nicotine, it's a high concern for you?

MS. NYDEGGER:

Yes. And, you know, the students that I had to educate, and, you know, I have all the facts, I bring all the information, all the up-to-date latest research and try to -- you know, especially with the vaporizers, because that, we don't know a lot about it, and the medical field is just starting to learn about it. But it's interesting, their perception of, "Well, it's less addictive than cigarettes," and, "I'm not going to get addicted." And the problem is socially it's, you know, everywhere.

And the other point, you know, about raising the age, the kids aren't getting the cigarettes and the vaporizers from their parents and adults, they're getting them from 19-year-olds, and 20-year-olds and 21-year-olds who haven't gone off to college. They're kind of -- I mean, I hate to say it, they're kind of the lost loserish kind of kids who socialize with high school kids. So I believe that if the age is raised to 21, it would make it less -- less likely that students would be -- have access and see it, and see it when they go to the beach and the park and the parties. It's -- they use it because it's visible, it's there. They don't have the skills. And we're a Grade 7 through 12 school, so we have 12-year-olds riding the bus with -- and we do have 19-year-old students. Many of our Latino students are 19, because when they come to this country, they do not put them in a grade, or a grade according to their age, they put them in grade according to the last -- and students can attend regular high school up 'til age 21. So we do -- we actually sometimes have had 20 and 21-year-old students in a regular high school. So I just think it would make it less likely that they would -- it would be available.

D.P.O. SCHNEIDERMAN:

Thank you.

MS. NYDEGGER:

Any other questions?

D.P.O. SCHNEIDERMAN:

Legislator Krupski also has a question.

LEG. KRUPSKI:

Thank you for coming, and thank you for bringing the students. It's actually, I'm sure, a good experience for them to see how the process works.

MS. NYDEGGER:

Yes, they've been -- it's been interesting.

LEG. KRUPSKI:

What -- my question is what percentage do you think of high school students use tobacco? And I don't mean have, you know, tried it, but who use it on a regular basis, who smoke on a regular basis?

MS. NYDEGGER:

I would say it's probably not -- I don't have the numbers offhand, and I know we did do a -- we did do a survey. North Fork Alliance last year did do a Bach-Harrison survey, and I don't remember the numbers offhand, but it's not as high as it used to be. But I think, and the kids could tell you more, the amount of kids using electronic cigarettes is pretty rampant, very rampant. It's hard to -- and, again, we don't know what those numbers are yet. It's a fairly new trend, it kind of started about a year ago, I'd say.

LEG. KRUPSKI:

Thank you. Okay, Jay.

MS. NYDEGGER:

Our students don't go to the reservation either, because they don't -- you know, we're on the North Fork and they don't drive.

D.P.O. SCHNEIDERMAN:

Thank you.

MS. NYDEGGER:

All right. Thank you. Yeah. Would they --

LEG. SPENCER:

The students --

MR. NOLAN:

They have cards.

LEG. SPENCER:

They have cards.

D.P.O. SCHNEIDERMAN:

They have cards.

LEG. SPENCER:

Do you want to bring them? All right.

D.P.O. SCHNEIDERMAN:

Okay. Our next speaker is Brittney Langley -- Longley.

MS. NYDEGGER:

She's one of them, yes. Would she be able to speak with Nicole L'Hommedieu? Because their class -- you know, they're together.

D.P.O. SCHNEIDERMAN:

They can come up together.

MS. NYDEGGER:

Okay.

MS. LONGLEY.

I'm Brittney Longley, I'm from Mattituck, I'm a senior.

MS. L'HOMMEDIU:

And I'm Nicole L'Hommedieu and I'm also a senior.

MS. LONGLEY:

We're a part of SADD Club and HUGS. SADD Club we just talk a lot about -- oh, SADD Club is Students Against Destructive Decisions. We talk a lot about alcohol and smoking risks, and we go around schools. And we have -- I don't know how to describe it. We go around to like classes and we talk about the risk factors, and we have like little things that we do around. And, yeah, I don't know what else to say about it.

MS. L'HOMMEDIU:

Mainly why Ms. Nydegger wanted us to come here is really to express how much we see it in our schools, smoking regular cigarettes and electronic cigarettes, and it's actually it's a lot. It's not an excessive amount but it's there. And I know electronic cigarettes they're getting big and I know one person didn't have their electronic cigarette for "X" amount of time and they were able to buy cigarettes or get cigarettes easily, and now has started smoking. So it's beginning to be a problem in our school. And, like Mrs. Nydegger said, it has decreased, but I still think it's a problem.

MS. LONGLEY:

I know that even on the bus -- I go to BOCES and I have to take a bus from Mattituck to Riverhead, and they have the e-cigarettes on them all the time and they're doing it on the bus. And it's quite annoying, because they're right next to you and you see the smoke everywhere. Yes, there's cameras on the bus, but how they get away with it, I'm not really quite sure. It is quite addictive, where cigarettes itself, it's addictive. You see kids with them in their ears all the time around school. And we have a thing called "Smokers Corner," which is like right next to the school, and it's off school property, but it's pretty still close, and that's where everyone is. I know I'm 18 and it's all kids lower than 11th grade.

MS. L'HOMMEDIU:

And I believe that -- I think it was 90% of smokers, daily smokers started in high school. So I think like getting to the source of it would help at least decrease a lot of it.

D.P.O. SCHNEIDERMAN:

Okay. There's a couple of questions for you guys, so --

LEG. CILMI:

Jay.

D.P.O. SCHNEIDERMAN:

It's Brittney and Nicole. I think we're going to start here with Legislator Cilmi, and then Legislator Spencer, and then you, Legislator Muratore.

LEG. CILMI:

Good afternoon, Ladies. First of all, I just want to tell you how fantastic it is that you're here. I think, unfortunately, not enough young people are engaged in this process. And I'm sure it's a terrific learning experience for you and it's incredibly valuable for us, and even more valuable for society that we have young people like yourselves who have taken the time to come here and express your opinions and tell us about the things that you're doing to make your community and the lives of your peers better. So not only in taking your time to come here, but in what you do with your SADD Club.

I have a question with regard to drug use in your school. Now you're both in high school?

MS. L'HOMMEDIU:

(Nodded yes).

MS. LONGLEY:

(Nodded yes).

LEG. CILMI:

Yes. What high school was it again? I don't remember what --

MS. L'HOMMEDIU:

Mattituck.

LEG. CILMI:

Okay. Mattituck. What sort of -- if you could list maybe the top three, what sort of -- other than cigarettes and alcohol, what sort of drugs do you see being used in your high school?

MS. LONGLEY:

I know the top one is marijuana, and I know pills, they pop pills.

LEG. CILMI:

Marijuana and pills?

MS. LONGLEY:

Yeah.

LEG. CILMI:

Do you see the same thing?

MS. L'HOMMEDIU:

More marijuana, but yeah.

LEG. CILMI:

More marijuana. And have you heard that kids are actually putting marijuana in those electronic cigarettes?

MS. L'HOMMEDIU:

Yes.

LEG. CILMI:

Is that a big problem, do you think?

MS. LONGLEY:

I know in the beginning, when the e-cigarettes came out and it was all around the school, I know that's what they did. I don't know if they're still doing it. I know on the bus, I would smell it, so I don't think it's that. But I know it's definitely around in our school.

LEG. CILMI:

Do you think the number of young people who are smoking marijuana, in your school particularly, is it quantifiable enough to put a percentage on it? Could you say 10% of the seniors in our school smoke marijuana, or 5%, or 1%, or 20%, or just anecdotally? I know you don't have -- you haven't done a scientific study, but --

MS. L'HOMMEDIU:

Yeah. I think 10%.

LEG. CILMI:

Ten percent.

MS. L'HOMMEDIU:

Yeah.

LEG. CILMI:

And what percentage do you think are drinking on a regular basis?

MS. L'HOMMEDIU:

Much higher.

LEG. CILMI:

Pick a number, if you had to guess.

MS. LONGLEY:

Like 60%.

LEG. CILMI:

Sixty percent.

MS. LONGLEY:

Maybe more.

LEG. CILMI:

Why do you think that is, that so many kids are drinking?

MS. LONGLEY:

Well, Mattituck's a very small town.

LEG. CILMI:

Wait. Say that again, I couldn't hear you.

MS. LONGLEY:

Mattituck is a very small town. There's nothing really to do. I mean, we only have a movie theater, so that's all you do. I don't know. There's a lot of parties. It's just --

LEG. CILMI:

So boredom you think is the answer?

MS. LONGLEY:

Definitely.

LEG. CILMI:

Interesting. All right. Thanks again very much for taking the time to come and speak to us. I appreciate it.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

Girls, just hold on one second. We have two other Legislators who wanted to speak with you. Legislator Spencer.

LEG. SPENCER:

I really feel the same way. It's awesome that you guys are here. Thank you so much. Are you here because you support raising the age to 21? Do you think that's a good idea?

MS. L'HOMMEDIU:

Yeah, because I think that, like Ms. Nydegger said, a lot -- there's a lot of like 19 -- not a lot, but there are 20, 19-year-olds still in town, and I think that helps like high schoolers get the resources for cigarettes and e-cigarettes. And I think by raising the age, it would help decrease that number.

LEG. SPENCER:

Now, the smoking age -- I mean, the drinking age is already 21, and a lot more kids drink. But, still, you think that even though people can only buy alcohol when they're 21, most of the people who are smoking that you know of are getting their cigarettes and tobacco products from other kids that are under 21? You're seeing that?

MS. L'HOMMEDIU:

Yeah, because I feel like that with the ages that people start smoking is like their reasoning is that they make themselves look older or cool, but -- so once that age of 21 hits, where it's less of like conformity for -- like for cigarettes, I feel that it won't be as appealing at 21 as it would be at 19,

18.

LEG. SPENCER:

Wow, you're really fantastic. Thank you. Thank you very much.

D.P.O. SCHNEIDERMAN:

Legislator Muratore.

LEG. MURATORE:

Thank you. Ladies, a question for you right over here. Over here, ladies. I know I have to ask questions here, so I don't want to make a statement. But both of you, do you feel that you are products of parents that care and carry out the responsibility of being a parent? Do you think you're products of that?

MS. L'HOMMEDIU:

Yeah.

LEG. MURATORE:

I think so, too. Now, you have a uniform on. What does that uniform represent?

MS. L'HOMMEDIU:

This is my school's NJROTC Unit, and we had Uniform Day, so I came here right after school.

LEG. MURATORE:

That's wonderful. Are you thinking about a military career?

MS. L'HOMMEDIU:

Possibly.

LEG. MURATORE:

Are you thinking about after high school going off and serving and protecting our rights in this world?

MS. L'HOMMEDIU:

Possibly, it's going to college and doing ROTC there.

LEG. MURATORE:

And then doing it. But there is military thought there. So at some time you're going to go protect all the rights that we look here, and all these laws that we make. And, yeah, we're going to take some choices away from you between the ages of 18 and 21 while you might be serving. Do you think that's fair?

MS. L'HOMMEDIU:

Well, I think that --

LEG. MURATORE:

Choice now, choice. Choices. Do you think it's right for us to take choices away from you?

MS. L'HOMMEDIU:

Well, I think when it's a health risk, that it's like -- it's looking out for my health.

LEG. MURATORE:

Well, do you smoke?

MS. L'HOMMEDIU:

No.

LEG. MURATORE:

The other lady, do you smoke?

MS. LONGLEY:

No.

LEG. MURATORE:

Do you drink?

MS. LONGLEY:

No.

LEG. MURATORE:

Do you put your seatbelt on when you go in the car?

MS. LONGLEY:

Yes.

LEG. MURATORE:

And why is that?

MS. LONGLEY:

Because it's for my safety.

LEG. MURATORE:

Correct. And you've been taught that, right? Education.

MS. LONGLEY:

Yes.

LEG. MURATORE:

That's the key. You know, I was a police officer for 35 years and I was in the training portion. I wanted to make better cops. You train them. To make better doctors, you train them. To make better citizens, we educate them. And like one of my colleagues said, "Why don't we take the money that" -- you know, "some of the money and use it for education?" I don't see any education on smoking coming from this body, from this Legislative body. It may come from other areas, but what are we doing? What are we doing about education? I ask my colleagues, are we doing anything? I ask them questions. I ask my colleagues, what are we doing for education to stop smoking, our children? Yet we want to take these rights away from, you know, the citizens of this country and this County. This young lady wants to go and defend us when she's 18, 19, and she can't go buy a pack of cigarettes, if that's what she chooses.

So I think we need to think, you know, more about education. And to my colleague, Dr. Spencer, I know you think it's a great law, but I think we're taking away too many rights from people, too many choices, and I think we need to stop that.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

Legislator Anker.

LEG. ANKER:

Well, I --

LEG. MURATORE:

Ladies, before I get into a debate with my colleagues, I want to thank you. I want to thank you for what you're doing, for having the courage to come here, for being educated. I want to thank your parents, too, for doing the job they signed up to. I don't have any children, but some of my other colleagues do, and that's the way to get our children to grow up, be strong, be good citizens, and not smoke and not drink until they're ready to. So, again, thank you, ladies.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

Legislator Anker.

LEG. ANKER:

And I also want to thank -- right over here, girls, right here. Right here. Right over here. I also want to thank you for coming up here and really advocating for what you feel is the most important thing. And, you know, Legislator Muratore had mentioned, you know, possibly you're going into the military. I'm from a military family, you know, my dad was in the Navy, but you possibly will be defending, you know, our rights of freedom, but also protecting us, protecting our health, protecting our lives, and that's what you're doing today. You're helping protect the lives of the people that you love and even the people that you don't know. So I have to give you a lot of credit for that. And, again, thank you so much for coming here.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

Okay. Thank you. The next card I have is Christian Nydegger.

MR. NYDEGGER:

Hello. My name is Christian Nydegger. I'm a 16-year-old and I attend Hampton Bays High School.

I know that, in my personal experience, I have seen a lot of use of tobacco in my own high school, and I live -- I live in Hampton Bays and I live a five-minute drive from the Shinnecock Indian Reservation, and I know kids in my school who do smoke, they do use the electronic cigarettes, and they can all hop in a car with someone older, or even someone who's 16 or 17-years-old with their juniors -- with their junior license and they can go through the drive-through and they can go purchase cigarettes, they can purchase cigars, they can purchase electronic cigarettes, and it's become a problem.

I've been on school buses before going to sporting events, going -- coming home from school where kids have been in the back of the bus with electronic cigarettes smoking. I've been in the locker room where kids smoke their electronic cigarettes. I've seen it done in classrooms before, which I know sounds ridiculous because there's a teacher there, but I've seen it done in classrooms before. And while I don't particularly have a stance on whether the age should be raised, I do want to provide my personal experiences and what I have seen with people my age. And I do -- I do think that it's too much. What people are doing with tobacco is too much. I mean, you could go around, you could see kids with a lip patch with chewing tobacco or with an electronic cigarette in their pocket and there's -- really, no one's doing anything to stop it.

D.P.O. SCHNEIDERMAN:

Christian, there's a question for you, if your presentation is done.

MR. NYDEGGER:

Yes.

D.P.O. SCHNEIDERMAN:

Legislator Cilmi.

LEG. CILMI:

Hi, Christian. Same accolades to you as we gave to the young ladies before you. I wanted to ask you the same question that I asked them in terms of the drug use in your school and the alcohol abuse in your school. What three drugs are you finding most common in your school?

MR. NYDEGGER:

Personally, I don't see much, rather than marijuana.

LEG. CILMI:

Would you agree with their assessment, that 10 -- maybe 10% of the kids in your school? Do you think it's not that high or higher?

MR. NYDEGGER:

I think it could possibly be higher in my school. I know kids get busted regularly for selling marijuana in school and it's -- I actually think it could be closer to 20%, one out of five, that do it probably more than -- more than one or two times.

LEG. CILMI:

Interesting. And would you agree with their conclusion, that maybe 60% of students in your high school drink, or you think it's more or less?

MR. NYDEGGER:

It hovers around that number. I think that's a good assessment.

LEG. CILMI:

Okay. Thanks very much.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

You had indicated that you don't have one way of feeling raising the age to 21. But you're here to support it, is that why you're here?

MR. NYDEGGER:

No. I'm here to provide the insight that I have had being in a high school with students who's -- I'm not here to promote either decision.

LEG. SPENCER:

Okay. You know, I definitely -- I'm sure you heard the question from my colleague that indicated -- who I have tremendous respect for, that there's no education coming out of Suffolk County. And I respectfully think that when we look at our Health Education Department where we have -- have you heard of -- do you have Health Smart in your school, I mean, you might have heard of that?

MR. NYDEGGER:

No, I don't know.

LEG. SPENCER:

Okay. Well, I'm not sure if it's in your school, but we do have coming out of this body one of the most comprehensive programs in the nation, starting from kindergarten up, as far as education. We have one of the strongest smoking education departments in the country, too. So I think that it minimizes what they do to say that we don't have a rigorous educational program for smoking. But students such as yourself, I really appreciate what you're doing and the hard work. But education is not enough. We need education, we also need a multi-pronged approach and making it more difficult to obtain it. Thank you. Appreciate it.

*(*Applause*)*

P.O. GREGORY:

Thank you, sir. Okay. Next person, Lori Benincasa, and on deck, Kym Laube.

MS. BENINCASA:

Good afternoon. I just wanted to make one observation, and then maybe clear up some misinformation.

At the last Public Hearing in Hauppauge, several of the people that got up to speak against raising the age admitted that they don't smoke, their children don't smoke, smoking is very bad for you, but they still want to be able to sell it to everybody else's 19 and 20-year-olds.

Now, the Budget Review Office, in their report, said that there's just over about 5,000 smokers in that -- that's what their estimate is, about 5200 smokers in the age group of 19 and 20 in Suffolk County. We have 1700 vendors that sell tobacco. So that comes down to about three smokers per vendor, if you average it out. Some will have more, some will have less. And on average, every 19 and 20-year-old that smokes about a half a pack of cigarettes. So you're talking about a pack-and-a-half per vendor per day. You are not talking about a resolution that is going to bring businesses down, probably not even impact them.

The other thing I wanted to talk a little bit about was our enforcement program. The Office of Health Education runs all of the tobacco enforcement for the County. We enforce all local and State laws. We strictly enforce age restrictions for tobacco, for buying tobacco. We have about a 96% compliance rate in this County. I don't know why people are saying that it can't be enforced, why we're not enforcing it. We certainly are. We are out there every single day enforcing this law.

I would be happy to answer any questions about enforcement, if anybody has any specific questions that I might answer.

P.O. GREGORY:

Legislator Kennedy has a question for you.

LEG. KENNEDY:

Lori, hi. How are you? The enforcement question, we've had that conversation already, and that works off of the correspondence that we got from the Health Department. But I do specifically want to talk about -- previously, one of the speakers was from Eastern Suffolk BOCES and she talked about the tobacco education or cessation program that the Health Department had with BOCES that ran through 2012. And I'm tap-dancing around whatever the name was.

LEG. SPENCER:

Health Smart.

LEG. KENNEDY:

Health Smart, that's it. Thank you very much. So what is the status of that program today?

MS. BENINCASA:

The Health Smart -- through the Health Smart Program, it's actually -- what it is, it's a curriculum, and it's age appropriate.

LEG. KENNEDY:

No, I don't mean contents of it. As a matter of fact, from everything that I've heard, sounds like it's excellent instruction. I'm still a little unsure --

MS. BENINCASA:

Okay.

LEG. KENNEDY:

-- if we're training teachers, or if we're interacting directly with students. My question goes on the fiscal side. I heard reference to possibly about 175,000 that Suffolk County Health Department funded Eastern Suffolk BOCES with in prior years. In 2014, do we have anything that we're in contract with Eastern Suffolk BOCES?

MS. BENINCASA:

No, we do not.

LEG. KENNEDY:

Nothing.

MS. BENINCASA:

No. Over the years, we trained approximately 3,000 teachers, K through 12 --

LEG. KENNEDY:

Okay.

MS. BENINCASA:

-- to use the curriculum.

LEG. KENNEDY:

Good.

MS. BENINCASA:

The teachers that were trained still have the curriculum, still could use it.

LEG. KENNEDY:

Good.

MS. BENINCASA:

We were in over 50 of Suffolk County school districts.

LEG. KENNEDY:

Yes.

MS. BENINCASA:

We had trained teachers in over 50 districts.

LEG. KENNEDY:

Okay.

MS. BENINCASA:

But as teachers retire, move, leave, obviously, the number has come down, because -- well, last year we did -- this Legislature appropriated money for us to buy additional curriculum, and the staff in the Office of the Health Education trained teachers that were waiting to be trained, school districts that had already asked to be trained before the contract was cut.

LEG. KENNEDY:

Yes. Dr. Spencer was instrumental in assisting in that effort, I recall that.

MS. BENINCASA:

Yes, he was.

LEG. KENNEDY:

What my broader question really goes to, so curriculums have been put out there with participatory districts. Eastern Suffolk BOCES covers maybe like half of the County geographically. You have an Eastern and a Western. Have we done any kind of similar type of an effort with Western Suffolk or no?

MS. BENINCASA:

Eastern Suffolk BOCES trained teachers throughout.

LEG. KENNEDY:

Oh, they did.

MS. BENINCASA:

They did.

LEG. KENNEDY:

So, in other words, it didn't matter whether or not the individual school district was in Eastern Suffolk BOCES or not, they would work with any of the 71 school districts geographically in the County of Suffolk?

MS. BENINCASA:

That is correct.

LEG. KENNEDY:

Okay. But, as to today, do we have any Health Department funding that's going to them? The answer is no.

MS. BENINCASA:

No.

LEG. KENNEDY:

Okay. And was that County money or was that pass-through money?

MS. BENINCASA:

What happened was when the master settlement agreement was reached with the tobacco industry, Suffolk County was getting about 25 to 30 million dollars per year. Of that money, then County Executive Gaffney gave 20% to the Health Department.

LEG. KENNEDY:

Whoa, whoa. Wait a minute. Wait a minute. Wait a minute. Go back to that number again. How much?

MS. BENINCASA:

We were getting -- the first year we got 30 million, Suffolk County, the second year, I think we got 25 million, and after that, it decreased a little bit, but we were still getting --

LEG. KENNEDY:

That master settlement was, if we're talking about County Executive Gaffney, back in 90 --

MS. BENINCASA:

2000.

LEG. KENNEDY:

2000.

MS. BENINCASA:

We got the first settlement money in the Year 2000.

LEG. KENNEDY:

Okay.

MS. BENINCASA:

And that is -- CDC had recommended that 20% of the revenue coming in be allocated for tobacco education, so we were getting between five and six million dollars a year, the Health Department was, to do tobacco education.

LEG. KENNEDY:

Where was the rest of the money going?

MS. BENINCASA:

General Fund.

LEG. KENNEDY:

Uffa. Okay.

MS. BENINCASA:

I don't believe there's money left, because I believe that almost all of it, if not entirely, was securitized, which means the County sold it for pennies on the dollar, instead of getting the money each year in perpetuity. They sold it for a small amount of money to get a quick influx of cash.

LEG. KENNEDY:

I recall securitizing tobacco, yes. So the upshot of all of this is, is today we made great efforts to go ahead and work with teachers, we made great efforts to help empower them, but we are not funding any educational effort at all in 2014?

MS. BENINCASA:

No, not at all.

LEG. KENNEDY:

Okay, thank you.

MS. BENINCASA:

We have a very active Office of Health Education. There are 13 people in it. Five of them are designated to tobacco enforcement, and the other health educators work on a wide variety of topics, including tobacco and preventing other chronic diseases.

LEG. KENNEDY:

Okay. All right. Thank you, Lori, I appreciate it. Thank you.

P.O. GREGORY:

Okay. We have a question. Legislator Anker has a question.

LEG. ANKER:

Again, thank you for coming out here. I just want to clarify, you're with the Health Department. You've worked for a number of years on health programs. Thank you for all your work that you've done in helping our residents stay healthy.

So, as far as, you know, the education component, absolutely, it's very important, but we don't have that money anymore. We can't have those programs at this point. So do you feel this is the next best thing that we can do in the prevention of disease and cancer for our kids?

MS. BENINCASA:

No problem exists in a vacuum. You need to look at every possible solution to every problem. This will -- raising the age to 21 will not eliminate tobacco use in Suffolk County, but it certainly is -- as a couple of people said, it's one more tool in the toolbox. There are kids that won't smoke because they can't buy tobacco products. They won't drive to a reservation, they won't drive to Nassau County. Some laws are self-enforcing and I think this is one of them. Most people don't like to break laws and they won't. They won't buy tobacco products because they're not old enough.

LEG. ANKER:

You know, I'm looking at -- you know, early on I had asked about statistics, and I found the CDC, the Center for Disease Control, comparing alcohol with tobacco. And, again, I'm looking under death statistics, and alcohol, you've got 88,000 people die per year, according to our government, from alcohol, where you got tobacco, 480,000 deaths per year from tobacco use, you know. And, you know, if we're comparing the age 19 to 21, one product to another, alcohol to tobacco, it seems that tobacco actually creates a higher level of concern when it comes to health. What is your thought? What are your thoughts on that?

MS. BENINCASA:

Well, smoking kills more than six times the amount of people each year than alcohol does. It's just that many of the effects of alcohol are immediate. There are car crashes because of drunk driving, kids can die from alcohol poisoning. Because tobacco use takes longer to kill people, I think some people mistake that it's not as important or as an immediate problem, but that is not true.

LEG. ANKER:

I had worked actually for Eastern Suffolk BOCES and I had attended one of the Health Smart Programs, and the students actually were part of this. And so, basically, the County taught the teachers, the teachers taught the students, the students influenced the other students. It was a wonderful program and I believe it's still continuing in both Eastern Suffolk BOCES, and also at the schools throughout Suffolk County -- throughout the County. What are your thoughts as far as the County being able to do more with the educational component?

MS. BENINCASA:

Well, I've heard quite a few people say that we need more education. We had a lot more education. Most of our programs have been cut. All we really have now in the Office of Health Education is staff, and we do the best we can with what we have. But, for instance, in terms of tobacco education, one of the things that's been proven to have the most dramatic effect in preventing initiation in children starting to smoke is a multi-media campaign showing the bad effects of tobacco, and we did have a very active campaign, but the funding was cut from that program as well.

LEG. ANKER:

And, again, it's a shame, because even, you know, whether cigarettes or -- you know, now we're dealing with the heroin epidemic. And, you know, these kids, and I have three, I have a 13, almost 18, and almost 22. But, in general, you know, kids these days feel they're invincible, and they get so much influence from media and from, you know, their environment. You know, we're trying to do what we can, and I think the most important thing that we can do is prevent a death or prevent illness. And it seems like, from what you're saying, that this legislation will help prevent death and prevent illness related to our constituents living here. Is there anything more that we can do?

MS. BENINCASA:

We can always do more. There was a study in California that actually showed that most kids under 18 that were getting cigarettes were getting them from 19 and 20-year-olds. So, if you take away their suppliers, then you've taken away the cigarettes, their ability to get them. But we can always do more, and the fact that we can't counter the effects of the advertising from the tobacco industry any longer was really a devastating impact.

LEG. ANKER:

You know, and again, some of the statistics that I'm looking at right now, 8.5 billion dollars marketing tobacco products in this country. That's a lot of money; do you agree?

MS. BENINCASA:

It is. It's almost \$600,000 a day in New York State.

LEG. ANKER:

All right. Lori, thank you very much.

MS. BENINCASA:

You're welcome.

P.O. GREGORY:

Okay. Thank you. Legislator Barraga.

LEG. BARRAGA:

Ms. Benincasa, thank you very much for coming. Let me just go over a few things that I want to make sure I fully understood what you were talking about.

In the beginning of your presentation, you talked about 5200. What does that symbolize, 5200 smokers between 19 and 20 years of age?

MS. BENINCASA:

That was the BRO estimate --

LEG. BARRAGA:

Okay.

MS. BENINCASA:

-- based on the percentage of people that smoke.

LEG. BARRAGA:

Right. And then I think you indicated there were 1700 vendors in Suffolk County that are selling cigarettes.

MS. BENINCASA:

That's correct.

LEG. BARRAGA:

Okay. The only reason I bring that up, the lady who represented 7-Eleven, she indicated that the 7-Eleven stores alone would lose 98 million dollars in tobacco sales.

MS. BENINCASA:

I think she was talking about tobacco sales across the Board. I think she was talking about tobacco sales to 60, 70 and 80-year-old people. She wasn't just talking about 19 and 20-year-olds.

LEG. BARRAGA:

Was she talking about -- I thought she was talking about the group that was involved here, the 19 and 20-year-olds.

MS. BENINCASA:

I think she was talking about total tobacco sales.

LEG. BARRAGA:

Total sales.

MS. BENINCASA:

But I really can't speak for her. I don't know.

LEG. BARRAGA:

All right. Because if that was 19 and 20, then there would be a disconnect, a big disconnect between what she says and what you're saying. All right?

MS. BENINCASA:

Right.

LEG. BARRAGA:

The other element, too, is that the mom-and-pop stores, we don't really have a figure in terms of their losses, because a lot of these very small stationery stores, they depend upon cigarette sales, lottery, greeting cards, newspapers. So cigarette sales are an important element, but a declining element. I --

MS. BENINCASA:

They don't -- sorry.

LEG. BARRAGA:

Yeah. I've spoken to several mom-and-pop stores where in one case, seven or eight years ago, he was selling 250 cartons a week, now he's down to about 25 for a lot of different reasons. But it's still an element, an intricate element of his gross revenue in his business. All right?

MS. BENINCASA:

When we started the Comprehensive Tobacco Control Program, the State licenses tobacco vendors, and then they give us the list so we can do the compliance checks. There were about 25 or 2600 tobacco vendors then, now we're down to 1700. Many of them have voluntarily given up their registration because they're not making a lot of money. As the rates of tobacco use go down, it becomes more of a burden for them to sell tobacco products, especially if they get caught selling to a minor because the fines are very hefty.

LEG. BARRAGA:

And the small mom-and-pop, and I've been told by several of them, the cigarettes are usually accompanied by additional sales, I mean whether people are getting a newspaper in the morning,

whether they're getting lottery tickets, usually it's just not a sale of a pack of cigarettes. So even though there is a decline in the total volume going out the door on a daily basis of cigarettes, it's still important to them because other products are being sold and their market is very limited, it's not like a 7-Eleven where's there's a great variety. It's just mainly three or four or five different items. But I have no idea, nor has anyone presented any information indicating what the small mom-and-pop stores may incur in terms of losses if we raise the age to 21.

MS. BENINCASA:

May I address that?

LEG. BARRAGA:

Sure.

MS. BENINCASA:

You're only talking about two years, 19 and 20-year-olds, that are coming in that won't come in to buy their cigarettes and buy the other products. Everybody 21 and above will still be able to come in, buy cigarettes, buy their milk, Doritos, or whatever they said that they buy.

LEG. BARRAGA:

The only reason I bring it up is that, again --

MS. BENINCASA:

I still have teenagers. I still have young children -- not young children, but they're in their twenties. They do not go into any store and not buy anything. That is not an age group of people that save money. Whatever money they have they're spending. So if they're not spending it on cigarettes, they're buying something else. Maybe when they get older they'll save money, but they -- every dollar they get they spend in that age group.

LEG. BARRAGA:

The lady from 7-Eleven, and unless I misread what she was saying, I think she was saying between 17 and 25, a very large proportion of her business is in that age group, because they come in and they're buying a variety of different goods.

MS. BENINCASA:

And what you're looking at now, though, is the percentage of high school students that smoke is down to about 12%.

LEG. BARRAGA:

Yeah.

MS. BENINCASA:

So what about all of the other kids that don't smoke that go into the store? They're still buying the same products, they're not going in there to buy cigarettes to begin with. So that the fact that they can't anymore is not keeping them out of the stores.

LEG. BARRAGA:

The other element, too, is that, again, you know, if it's down to 12% in terms of young people, does that really -- is that really where the problem lies, or does the problem really lie with people who are a little older, 30, 35, 40 years of age who haven't gotten the message of how dangerous smoking is, especially in that particular age group as they get into their 40s and 50s?

MS. BENINCASA:

Well, when you talk to people that smoke, and we run tobacco cessation programs, we've had over 17,000 people go through our programs, I have never found one person that said that -- that didn't

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say they wish they never started to smoke. If we can do the prevention, it is so hard to quit smoking once you're addicted to nicotine. If we could do the prevention, if we could bring that 12% down to 10% or 8%, we'd definitely be saving lives.

LEG. BARRAGA:

Okay. Thank you.

*(*Applause*)*

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thanks for being here, Ms. Benincasa. A couple of questions for you. You just said that the percentage of, I guess, school age children who are smoking is roughly down to 12%?

MS. BENINCASA:

High school students.

LEG. CILMI:

High school students. And do you think that that is largely due to our education on the issue?

MS. BENINCASA:

I think that is definitely one component. One of the major factors in preventing initiation of children smoking is high price, and New York has the highest tax of any state. So it's a combination of the education, the tax, the strict enforcement.

LEG. CILMI:

So we have 12% of high school students smoking, and, yet, with the smoking -- with the age at which somebody can purchase tobacco products of 19, and, yet, we have 60% of high school students drinking at an age that they can purchase alcohol legally of 21. How do you reconcile those two things?

MS. BENINCASA:

First of all, I don't know the percentage of kids that -- I don't know off the top of my head.

LEG. CILMI:

Do you question that as 60%?

MS. BENINCASA:

I don't question it because I don't know if it's higher, lower. Right now, I'm just talking about tobacco. I'm not sure how the kids get the alcohol. I know how kids get tobacco, and I know that they get them from their older peers, sometimes from their parents, and that's what we're trying to cut, is their supply.

LEG. CILMI:

So let's talk about -- here's what I would assert to you. If we have 12% -- and 10 years ago what was that number, high school -- high school students who were smoking?

MS. BENINCASA:

Ten years ago, it was probably close to 20%.

LEG. CILMI:

Twenty percent. So I would suggest to you that that number is declining because fewer and fewer parents are smoking. Children are a product of what they live; I think we would all agree to that to some extent. So as fewer of us adults smoke, and if there are fewer children today, high school students smoking, as they grow up and, hopefully, evolve past their teens and have children at some point in their lives past their teens, hopefully, their children will learn that not only, you know, smoking is a bad thing, but that some of these other vices are bad things as well. And I think that's where our emphasis really needs to be; do you agree with that?

MS. BENINCASA:

I certainly agree that parents role model for their children, and when parents don't smoke, children are less likely to, I certainly do agree with that.

LEG. CILMI:

So do you see the percentage of high school students continuing to decrease -- who are smoking, continuing to decrease purely as a result of they learn what they see, and because fewer high school students today are smoking, naturally, that means that fewer people as adults will be smoking, and, therefore, fewer parents will be smoking, and, therefore, fewer children will be exposed to smoking and will, you know, learn to smoke from that exposure.

MS. BENINCASA:

Actually, over the last decade, we've seen a steady progression of fewer children starting to smoke until last year, it started going up. I think some of the problem might be the electronic cigarettes, which some people have said. But, no, I think we're stalled now. I think we really need something to jump-start our efforts and to reduce the rate of initiation. No, I don't see --

LEG. CILMI:

Do you think we're at a floor at this 12%?

MS. BENINCASA:

I do, I do.

LEG. CILMI:

Okay.

MS. BENINCASA:

I think we need stronger, newer, more innovative measures that will get -- that will prevent initiation.

LEG. CILMI:

I don't disagree with that, but I don't know that raising the age at which somebody can purchase tobacco products to 21 is innovative. We saw it with alcohol, and I can tell you, you may say that you don't know what the percentages are, and, certainly, I haven't done any scientific studies to know what the percentages are, but I can tell you that I speak to a lot of high school students from many different high schools, and I can tell you that I haven't heard the number less than 60%. It's always been more than 60% that are drinking.

MS. BENINCASA:

Can I just tell you what I got from CDC?

LEG. CILMI:

And I think that's a direct result, by the way, of more and more adults are drinking. And, you know, adults think nothing of cracking open a six-pack with their teenage kids around. And, you know, Lord knows, and we all know, that some of those parents are actually giving beer to their

16-year-olds as they're watching a football game, or whatever, so -- and then, of course, we have a President who says that marijuana smoking is no more dangerous than drinking alcohol, which is a whole other problem in and of itself, but I digress. In any event, thank you very much for your testimony, I appreciate it.

MS. BENINCASA:

May I just address what you said about alcohol?

LEG. CILMI:

Absolutely, sure.

MS. BENINCASA:

At the last Public Hearing, Legislator Anker asked me did we see a decrease in drinking when the age was raised, and this is from the CDC website. Current drinking during the previous month among persons 18 to 21 years declined significantly from 59% in 1985 to 40% in 1991, coinciding with the State's adopting the legal age of 21. We did see a bump, it went back to 47% in 1999, but it decreased 20 -- 19% after the age was raised.

LEG. CILMI:

You'll forgive me if I don't put credence to the CDC's statistical numbers.

MS. BENINCASA:

They're the number one leading public health --

LEG. CILMI:

That may be.

P.O. GREGORY:

Okay. Thank you. Kym Laube, and on deck, Laura Jens Smith.

MS. LAUBE:

Good afternoon, and thanks for the opportunity to discuss all the benefits and consequences of this proposed legislation. It was a great education for my HUGS kids, who are here. And, certainly, I know it is not easy to stand up here and always talk to you guys, sometimes it is a little intimidating. So I give young people special credit when they have the courage to stand up and do it, because standing up for things we believe in isn't necessarily always an easy thing.

My name is Kym Laube and I represent the Quality Consortium of Suffolk County, which is the prevention, treatment and recovery not-for-profits in your County, and we represent over 70,000 constituents in this area.

I also am the Executive Director of the HUGS Program, which is solely based on doing drug and alcohol prevention. So I always love the opportunity to talk about legislation and stuff that helps keep our young people safe.

There's no need for me to go over the stats, you guys have them all. This body has had a positive track record of creating laws that help protect our youth, despite what our neighbors to the west do. This is smart legislation, and we know that through the science of adolescent brain development. The brain is not fully hard-wired until an average age of 25. When we put a substance into that, any substance into that developing brain, we create a perfect storm for future addiction and health risks. Good education combined with sound environmental strategies, including limiting access to a substance, are two necessary protective factors that directly impact young people's behavior. As we battle Suffolk -- as we battle substance abuse in Suffolk County, we must see this law as an essential piece to this puzzle. Although I appreciate we need to focus on prevention education, as that is exactly what I do for a living, there are simply just not enough of us out there, and

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prevention education alone is not enough to battle this.

As stated earlier, this needs to be a multi-level process for population level change. Healthy young people in Suffolk must be a vision we must all have and this law helps get us there.

*(*Applause*)*

P.O. GREGORY:

Okay. Thank you. Laura Jens Smith, and on deck, Susan Kennedy.

MS. SMITH:

Hi. Good evening, I guess, at this point. My name is Laura Jens Smith. I'm with the North Fork Alliance. We're a drug-free community coalition in the Township of Southold. And I just wanted to make a few points.

Everyone has been talking about statistics, so, you know, not too far in the distant past, it was nothing to see, when you walked into a hospital, to see doctors and nurses at the nurse's station having a cigarette. It was nothing to go onto an airplane and half of the plane had a big smoking section in the back that you had to walk through to go to the bathroom. Up until 1984, you could sit here and all of you, if you chose to, could be having a cigarette. And now, when we think about it, we really think that's kind of barbaric, that we'd allow this to go on, you know. And just having the -- not having so many places to smoke has been a deterrent, not only to smoking exposure for people, but also to decrease the amount of smoking.

So I urge you to pass this, to change the age from 19 to 21 for all of the other benefits that people have said, but also as a deterrent. It's to not have the access to the cigarettes. To not have easy access to the cigarettes does become a deterrent and it does help reduce the smoking deaths later on in life.

I'm a former smoker who started in my teens, I'm also a parent, and I can say that there was no benefits to smoking in my lifetime, you know. And I'm hoping whatever -- whatever damage that I did do from the smoking, that I'm able to reverse at this point in my life. To not have had the access to have cigarettes until I was 21 I think would have been a benefit. So I think that we should provide that benefit to the young adults in our community. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you. Susan Kennedy, and on deck, Frank -- Dr. Frank Dowling.

MS. KENNEDY:

Hello. My name is Susan Kennedy. I am a resident of Suffolk County, but I'm also the Director of the Tobacco Action Coalition of Long Island, also known as TAC. TAC is a tobacco control grant that's funded by the New York State Department of Health Tobacco Control Program. I'm also a licensed social worker and a certified alcohol and substance abuse counselor, so I am very familiar with the ways of addiction and the marketing tactics of the tobacco industry. I was also part of the group that initiated Tobacco 19 in both Nassau and Suffolk Counties many years ago.

For the last 15 years I've worked on local and State projects to reduce smoking rates and to reduce tobacco marketing to youth. Over the years, public health advocates, TAC and my colleagues have fought back, trying to protect our children from becoming the next generation of smokers.

As mentioned earlier, there was a group of Attorney Generals that sued the industry for its deception and created the Master Settlement Agreement. Along with funding, it also included some protections against tobacco marketing practices, but, unfortunately, it hasn't been enough. Other policies have been enacted since then, such as not allowing advertising in magazines that have a significant teen readership, and other measures that have been put in place basically on many levels of both the Federal, State and local government, the tobacco industry was put on notice to stop marketing our children. Unfortunately, the industry continues to find ways to market our kids. They spend over \$500,000 a day in New York on marketing practices, and the primary bulk of that is spent in tobacco retail stores.

Tobacco companies pay tobacco retailers, like 7-Eleven, gas stations and CVS, to prominently display tobacco products behind the cash register, also known as the point of sale. Premium prices are paid to these vendors to have products placed at the eye level of children. I could talk about this for 20, 30 minutes more, because this is the primary concern of the Tobacco Control Program and the focus of my work under the State grant. But a lot of people have made these points today, so I just want to highlight the three that I think are most important.

One is we know tobacco market targeting young people exists and we know that it works. We know 19 to 20-year-olds could be more easily addicted, because they're still neurologically developing. And we know by making it harder for 19 and 20-year-olds to access tobacco products that we will impact the number of high school and college kids to become addicted smokers.

As the mother of a 19-year-old smoker, and, yes, you can imagine how that breaks my heart, I can personally attest to how the age difference works. At age 16 and 17, my daughter could find 19-year-olds to buy her cigarettes. They have previously been upper classmen in her school and they still socialize. She did not have the same access to 21-year-olds. So enacting Tobacco 21 is another tool in fighting back against the manipulation to the industry and protecting our children from a life of addiction and disease.

I'd like to address some of the other points that I heard come up while I was sitting in the gallery here. The revenue lost by excise taxes when the State did that, I agree that the black market is a problem and I would have predicted that some of that would happen. But, also, another thing that needs to be understood is that smoking rates have dropped, and as they drop, which is my job and the State's job are trying to get them to drop, sales are going to drop and revenue is going to drop. So everybody needs to start making allowances for the fact that budgets need to prepare, if we're doing our jobs right, for less cigarette sales and less tobacco revenues.

P.O. GREGORY:

Thank you, Ms. Kennedy.

LEG. SPENCER:

Just briefly, then we'll move it along here. Did you have any other observation that --

MS. KENNEDY:

The one thing I wanted to address was the age. As Lori Benincasa mentioned, we started to see a little uptick across the state in the high school age, but more a concern is in the college age. We did such a great job, seriously, as a county and as a state to really work. The rates have dropped, but we can't get complacent that the rates will stay low just because they've dropped. We have to work very hard to keep those rates low, and there are many approaches that do that. And the CDC just released a brand new media campaign, I don't know if you've seen it, specifically targeting young people, because someone was asking about that education and media before. It's a multimillion dollar national campaign. I've seen some of the commercials on TV myself. And, again, if we don't keep working to keep the rates down in the lower ages, then we have a lifelong problem later. So I do think it's important that we keep trying many multiple approaches.

LEG. SPENCER:

Thank you.

LEG. CILMI:

I have a question.

P.O. GREGORY:

Question, Legislator Cilmi.

LEG. CILMI:

Thank you for being here. You just mentioned something that's piqued my interest. So while high school smoking rates have dropped in the past few years, you said there's -- you're concerned about an increase in smoking among college students.

MS. KENNEDY:

Yes. And one of the reasons is because that is the legal age that the tobacco industry can market, and it's still an age that's influenced by the idea that smoking is -- the messages they give out, that it's rebellious, it's independent, it's, you know, cool, whatever it is that they're working on. So my feeling is, as we work across the street and maybe further to raise tobacco to 21, then the marketing will have to legally raise as well. Like they're not allowed to target kids directly right now under the age, you know, of 18, and so they have the ability. They can go to college events and hand out sample tobacco products, and they can go in and they play these big video games and set up wheels, and they do all these kind of promotions, and they pay the colleges. Of course, like a student club will say, "Great." They could pay for the DJ, they do all of that.

LEG. CILMI:

But you're -- so you're jumping to a conclusion that if we pass this -- that if we increase the age to 21, that will somehow impact the number of college students who are smoking?

MS. KENNEDY:

Yes.

LEG. CILMI:

How?

MS. KENNEDY:

Because what happens is the tobacco -- again, it's multipronged, but one of the things we would hopefully work towards, we'd be able to reduce the tobacco marketing promotions that are being done at colleges --

LEG. CILMI:

How are you going to do that at colleges? How are you going to reduce the promotions at colleges?

MS. KENNEDY:

Because, if they legally -- if you legally can't purchase tobacco, they can't legally --

LEG. CILMI:

But they can if you're a college student. Well, I guess --

MS. KENNEDY:

Up to 21.

LEG. CILMI:

Yeah, as you're 19, you can go to college, right.

MS. KENNEDY:

Right, and it's 21. So then -- and they actually have to wear wrist bands, just like alcohol, at these tobacco promotions on college campuses and other clubs nearby, so they don't give out free samples to people that are under 19, because they would be breaking the law. There's like kind of a crossover.

LEG. CILMI:

So you mentioned one of the reasons that tobacco use among college students has increased is because of the marketing efforts.

MS. KENNEDY:

Right.

LEG. CILMI:

What would be other reasons?

MS. KENNEDY:

Well, you know, it's hard to say. Sometimes also the idea of anything that happens when students leave home --

LEG. CILMI:

Freedom, right.

MS. KENNEDY:

Freedom, things like that. And that's part of what I'm saying, that's part of the message they're playing on. And we did -- like I said, we've had such constant education. Even though I know it's been cut, it has been addressed a lot by SADD and other groups in the schools, and now you're away from that, and that, you know, more consistent, you know, messaging and education is not there.

LEG. CILMI:

Do you think it should be, more education? We need to --

MS. KENNEDY:

Yes, because we've seen throughout --

LEG. CILMI:

Do you think that's what -- do you think, as the speaker before you said, that 12%, right now we're at a floor and --

MS. KENNEDY:

Yeah. The State rate is 14.7% and that has been stuck for two years. Suffolk County has traditionally always been a little bit better than the State rate --

LEG. CILMI:

Do you think that additional education could break that floor?

MS. KENNEDY:

That's what we're working for, even on the State level. We're trying to readjust some of the programs and things, because, again, it has -- we were stuck. For two years we've been stuck, and the problem with being stuck is that it always has the potential to start going back up if you haven't

figured out how to break the wall.

LEG. CILMI:

Okay. Thank you very much.

P.O. GREGORY:

Okay. Thank you.

MS. KENNEDY:

Thanks.

P.O. GREGORY:

Dr. Dowling, and on deck, Charles Clampel.

DR. DOWLING:

Thank you very much. I'm Frank Dowling. I'm a resident of Oakdale, have lived on Long Island since I was nine -- turned nine years old. My office, I have a private practice in Islandia, and I'm on the faculty at Stony Brook. I'm involved in teaching part-time as a voluntary faculty and some clinical research, and I'm very involved in my practice in treating emergency responders, that's police officers, firefighters, EMTs and health care professionals. And I'm here representing the views of the Suffolk County Medical Society and the Medical Society of the State of New York, which is the State branch of the American Medical Association. And both the County Society and the State Society have policy in support, 100%, of raising the tobacco purchase age, sale age, allowed-to-smoke age to 21.

Now, there are a lot of things I can say, but I want to highlight, I think, some key points. One thing is the peer effect. The other is the developing brain, and vulnerability to addiction, and even to future mental illness because of vulnerability to addiction. The other is cohort effect. Now, we all know that whatever the law is, 18, 19, 21, some people aren't going to follow it. However, if you look at the peer effect, the fact is, when the drinking age went from 18 to 19 to 21, drinking did go down some, and has stayed down some in people under 21. Also, people under 21 are less likely to drive. Even though there's a high risk they will drive when they drink, they're less likely to drive because the drinking age is 21. So, you see certain effects there.

Where we really saw a great reduction in alcohol is in the younger, even more vulnerable, children and brains of 15 to 18 years old because of that peer effect. A peer group socially is typically about three years for adolescents and young adults, not exactly perfectly, but three years. So when you push the drinking age to 21, you see a lot less drinking 15 to 18 years old. And for people who start drinking even so-called socially at that age, the rate of addiction problems later on in life is much, much higher. That's one of the main reasons for raising the purchase or sale age of tobacco to 21, is you will see a reduction in purchase and smoking in people 19 to 21, some at this time, but more of a reduction in people under 19, because they won't have as much access, and over time you'll see a difference.

Now the cohort effect. When we changed the law on seatbelts, and Suffolk County, kudos, was I think the first county in the state to add a seatbelt law for driving cars, and it led to a State Law and then Federal law. Okay? So what happened is, initially, many drivers, adults, still would drive. However, people grow up not driving -- rather, driving and using seatbelts at the get go, and the rate increases over time and you see a great reduction in injuries and car accidents and deaths.

I'm glad to take questions at this point.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Doctor, thank you for being here. We've heard some today about the developing brain and how that relates to dependency and the propensity for young people to smoke. Can you talk to us about that specifically, if you have expertise in that area, and relate it, if you would, to what parallels you could draw? I guess the question would be, what parallels can you draw? If the brain is not developed enough to understand the perils of smoking at 18, 19, 20 years old, what else is the brain not developed enough to comprehend at those ages?

DR. DOWLING:

That's a great question about the developing brain and tendency towards addiction. I think there's two key factors here. One is the brain developing itself, and a child or adolescent psychiatrist or psychologist would tell you that the brain is developing at least through 22, and probably through 25.

LEG. CILMI:

And if I could just interrupt for a second, could you define for us "developing"? What does that mean, exactly?

DR. DOWLING:

Meaning that the brain is still, and I'm not a basic scientist, so I'll explain this in the way I think about it, that the brain is still developing and maturing, various parts of the brain, as well our frontal lobes are still developing and putting more inhibitions on us to lower impulsivity and so on. But, also, as the brain is still developing, it turns out the adolescent, and this does go through to our early twenties, often makes choices impulsively, black and white choices, and makes choices without looking at all the reasons for or against. They make choices impulsively.

LEG. CILMI:

Would you say choices in general.

DR. DOWLING:

Choices in general in life, and that can relate to smoking, drinking, driving, a lot of the risky behaviors we see in adolescents and young adults. If you wanted to legislate drinking, driving, smoking, other areas where adolescents and young adults are vulnerable based on brain development, you would choose 25 or 26 years old. I'm not advocating for that today. I don't think that's realistic and I don't know that I think that that's necessarily fair, 25. But if you wanted to legislate based on that, it would be 25.

LEG. CILMI:

Do you think we could save a life if we did that? And I'm sorry if that sounds flip, but I mean it in sincerity.

DR. DOWLING:

Yes. Yes, you would save lives.

LEG. CILMI:

Okay.

DR. DOWLING:

Would everyone follow the law? No.

LEG. CILMI:

Right.

DR. DOWLING:

But more would follow the law. And, again, especially what we see is with that peer effect, that the further the age is, there's a group of peers that are three to six years younger who will smoke less, drink less, do other less risky behaviors. And then the cohort effect of young children, who are still grade school age now, who would go to middle school and high school, under a law where the smoking age is 21, and they'll be much less likely to smoke. And to look ahead, when people looked at, well, look at the 50 and 60-year-olds smoking a lot more, by then, someone's addicted for decades. They know the data. They know clearly they shouldn't smoke, but they're hooked. Another concern there with the developing brain, which is, I think, a very important question.

LEG. CILMI:

So just -- I'll finish up by asking this, then: If the brain is not developed enough at the age of 19 and 20 to make, you know, a wise decision about what to ingest into their body, into one's body, do you think it's smart to allow those individuals to enroll in the military, to allow them to get married, to -- the age of consent is, I think, 17 here in New York State, to enter into valid contracts, which, obviously, are impactful?

DR. DOWLING:

If they make those decisions --

LEG. CILMI:

To drive?

DR. DOWLING:

In answer to those questions, if you -- as I said before, if you based it on the data, on the developing brain and risk-taking behaviors, you'd make it -- you would make it 25. However --

LEG. CILMI:

For all of those things.

DR. DOWLING:

Yes. I'm not -- and, again, I'm not saying I support that.

LEG. CILMI:

I understand.

DR. DOWLING:

The two issues with the developing brain, part of it is the impulsive decision-making, black and white decision-making, the other is the vulnerability to that drug. And the bottom line is tobacco has no positive health benefits whatsoever and it has a lot of negative. And it turns out tobacco, particularly the nicotine in tobacco, is a stimulant of dopamine. The dopamine systems in the brain are very much involved in addiction and cravings for addiction. So early exposure to a dopamine stimulating drug is -- tobacco is what really increases the risk, and why you see that 80% of people who are addicted to tobacco started smoking before 18, and 99% before 26. So that also increases the risk of other addictions, particularly another dopamine-stimulating drug called cocaine. And the data over time is becoming more clear on that, particularly with cocaine.

LEG. CILMI:

All right. I think this is my last question for you. I apologize to my colleagues, I've asked a lot of questions this afternoon.

With respect, Doctor, to e-cigarettes in particular, some folks would say e-cigarettes are a transitional product away from traditional cigarette, tobacco products. Others would say, and many more these days are saying, that it's a transitional product to those products. What's your -- what's your feeling?

DR. DOWLING:

Well, as far as my understanding of the data and what I've seen with my patients, e-cigarettes are sometimes a transitional product away from tobacco for some adults who want to quit and may use these cigarettes and reduce exposure to tobacco. But the data is that most people who use e-cigarettes use other cigarettes and other forms of tobacco, and that's especially true with teens and young adults. So it does seem that the e-cigarettes more likely increase the risk, or at least go along with using tobacco and smoking in other forms.

LEG. CILMI:

Interesting.

DR. DOWLING:

The issue there is, well, with e-cigarettes is nicotine and stimulating dopamine. It's much more detail than I think we can get into today, but with the e-cigarettes not being properly regulated, in my view, by the FDA, and we don't have good understanding or controls on how much nicotine dosing people are getting, it turns out that it's very difficult to get the best data, but the preliminary data we have so far does suggest that they are addicting, and that that's also why there's so much cross-use of tobacco-related cigarettes as well.

LEG. CILMI:

I see. Thank you very much for answering my questions.

DR. DOWLING:

You're welcome.

P.O. GREGORY:

Okay. Legislator Spencer.

LEG. SPENCER:

Just I realize there are still questions, but just in full disclosure, I am an officer in the Suffolk County Medical Society. I'm the Vice-President and the upcoming President-elect. So Dr. Dowling is one of -- the Counselor for the New York State and he counsels within the Medical Society. But I think my colleagues should know my relationship. And I have -- actually, part of the decision-making was actually getting information and counsel from Dr. Dowling.

So, with that, Dr. Dowling, just a couple of brief questions. When we -- you know, there was some comparison with smoking and drinking. And we say that the -- drinking is 21, but a lot more kids drink. But when we look at drinking versus smoking, from your opinion, are there some medicinal effects to limited amounts of alcohol that is not always toxic, and is smoking always toxic?

DR. DOWLING:

That's a great question. So the question of could there be some medicinal levels of alcohol, and I would add to that, or at least not toxic or not dangerous levels of alcohol, and the answer is yes, there are. There is social drinking, a drink or two here and there, so many drinks in a day or a week, and it's generally much smaller numbers than others may think it is for what's a safe amount of drinking, but there is. There's no such thing as any safe amount of tobacco in any form, and there are no health benefits to any amount of tobacco. There are health benefits to certain amounts of alcohol, particularly red wines that may lower cholesterol. Although, I will tell you, in my practice, I rarely advise people to drink to lower their cholesterol, there's better ways to do that.

LEG. SPENCER:

And when we look at the problem of smoking, and there's been a lot that have said that we should focus more on education, if given the choice between leaving the smoking age as it is and just putting a lot of educational support into smoking, would there still be benefit to raising the smoking age, from your professional opinion?

DR. DOWLING:

If we -- if I understand the question, it's if we were to put much more effort into education and leave the tobacco purchase age alone versus raise the tobacco age, first of all, I will say both are very important. This is a -- there's a term that comes from business, and I did not coin the term, some Harvard professor did years ago, called "wicked problem", and that actually happens a lot in health care, "wicked" not meaning evil, meaning very complex, multifaceted, and you have to address many variables from multiple angles to address the problem, and it's going to be a long haul to make a change. That's what a wicked problem is. That's what smoking is. That's also what alcohol is in teens and young adults and -- but if you're going to tell me we're only doing one or the other, we will legislate and raise the tobacco age, or we will educate, raising the tobacco age will make more of a difference. But I believe it would not be responsible to just raise the age and not seek to do more education. And if and when there's more funding available to the County, the State, schools, and so on and so on, to do at that, we would definitely support that, and there are many physicians like myself and the Medical Society who are often involved in such educational initiatives.

LEG. SPENCER:

Dr. Dowling, I could really ask a lot of important questions, but I really appreciate my colleagues and their indulgence in this three-hour hearing, so I will yield. Thank you.

P.O. GREGORY:

All right. Legislator Anker.

LEG. ANKER:

I just wanted to -- over here. Now you're focusing on the time between, you know, a child -- the child development of their brain and how important it is, I guess, related to this issue. There was a study that was done in Hiroshima regarding the people that were exposed to radiation, both the adults and the children. And the adults didn't seem to come down with cancer as much as the children, and the reasoning behind that was because their DNA, the children's DNA, was still changing and it was affected by, you know, the exposure to radiation. Is this similar? Is this, I guess, similar to the exposure of this type of chemical during this -- you know, this time of development?

*(*The following testimony was taken & transcribed by
Alison Mahoney - Court Reporter*)*

DR. DOWLING:

That's a great question. I can't say for sure that I know the entire answer. I think another factor with children is as they're growing and developing, their metabolism is much higher. So whatever exposure to radiation they took up in Hiroshima, they could take it up and do more with it, so to speak, as well as then -- you know, the average lifespan if you're younger is much longer, so there's much more time to develop a cancer. So I think those are certainly factors with tobacco.

The bottom line is if someone does not start smoking by 18, they have a much lower rate of developing a long-term tobacco-dependence problem, and all of the health issues associated with it. The other issues with vulnerability with teens and young adults, it has to do with risk across our society with opportunities, with problem solving, with addressing stress, with addressing trauma and loss. Children are all vulnerable to these things and their developing minds and brains are as well.

And there's only so many of these things we can control to some degree, and one of them is tobacco, another one is alcohol and other substances, and not across the board a hundred percent. But the other thing -- and I'm sure this body has heard the term before -- you talk about bending the cost curve or bending the risk curve? I don't believe -- I don't have a fantasy that the 15% of high school students who smoke every day or the 30 plus percent who've smoked a cigarette in the last year are all going to stop. But if we lower that number to 8% and 15%, the billions and billions of dollars in health care costs and lost work and illness and disease that we'll be preventing as the cohort ages through life, and as well as the reduced addiction even to other substances. And for those who will develop, which is one-in-six, will develop a psychiatric illness like depression, anxiety, bipolar disorder, schizophrenia and post-traumatic stress which really does relate to the responders and military who I see, and that's the majority of who I see at that group, they are most vulnerable to tobacco dependence. Anxiety disorders and PTSD is high as with schizophrenia, chronic psychotic illness. And this group of people with chronic psychiatric illnesses, they live an average of 20 to 25 years shorter than the rest of us do, and one of the biggest factors we can control there is tobacco, since we can't do much to prevent these serious psychiatric illnesses, at least yet.

LEG. ANKER:

Yeah. And again, I want to thank you for coming out here and giving us this research, scientific research. You know, certain people here in the Legislature may not appreciate the research that you have, but that's what's going to help us make this decision. You know, I lost my grandfather from emphysema and, you know, he could have been around another 20 years, like you're saying, but he died because of cigarette smoking. And again, I just want to thank you for coming out here and, you know, hopefully we can make the right choice today, or next Legislative session. Thank you.

DR. DOWLING:

You're welcome.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Doc, thank you for being here. And I've listened to what you've talked about and obviously you're very well versed in this area, being a practitioner. But I want to go back to, if I can, again, just some of what you told us about the physiology, I guess, the developing brain, neuroanatomy or whatever it is. What are you by trade, Doctor?

DR. DOWLING:

I'm a psychiatrist, so I specialize in -- I'm a physician who specializes in the care of psychiatric illnesses, and that includes addiction.

LEG. KENNEDY:

Well, then you're well suited here, Doctor. Thank you.

*(*Laughter*)*

Absolutely. So your -- your position -- well, actually, let me make sure that I understand it. Is it your personal position or is it the Medical Society's position that individuals below the age of 25 are physically compromised when it comes to decision making?

DR. DOWLING:

I don't know that I would put the statement that way.

LEG. KENNEDY:

Okay.

DR. DOWLING:

But I would say that the Medical Society and psychiatric societies agree with me that the brain is still developing through 25, and that when we look at a lot of risk-taking behaviors, the developing brain, including black and white thinking, impulsiveness and sometimes poor decision making are factors.

I never answered that other question about the military and things like that. If people make those decisions impulsively, then yes, I'm opposed to it. If they make it thoughtfully and plan fully, then I support those decisions. The problem with addictions, with driving a car fast, with using alcohol and street drugs is a lot of those are impulsive, quick decisions without a lot of thought. And people under 25, particularly under 21 and 22, are much more vulnerable to making poor decisions. But also with the tobacco, again, nicotine and being a dopaminergic stimulant, that developing brain is more vulnerable to long-term mental health effects from smoking that tobacco.

And yes, absolutely, the Medical Society and psychiatric societies at the County, State and national level would agree with that a hundred percent.

LEG. KENNEDY:

But you understand the implications of what you're suggesting here.

My colleagues have spoken to you. I mean, the State of New York is full of provisions that indicate that individuals at the age of 18, by and large, can take on, and do in many cases, engage in the full range of basically adult decision making and adult behavior. And yet here you are telling us, you know, by and large, individuals across the board have to go seven years more before they could -- Doctor, listen, there are people at age 57 that make impulsive decisions; you know, kids don't have the market cornered on that.

DR. DOWLING:

I agree with that.

LEG. TROTTA:

(Inaudible).

LEG. KENNEDY:

(Laughter) you're in the wrong place, Doctor.

P.O. GREGORY:

Excuse me. Legislator --

DR. DOWLING:

Whether it's alcohol, driving, athletics, even other high-risk activities that someone might get involved in, there may be some benefit from those activities as well as risk. If driving was only a risk activity and kids didn't need to drive for work or school, or even to go see their own doctor or some other reason, there'd be no reason for them to drive. There are no good reasons for smoking. There are no positive reasons for smoking, and that's the difference.

LEG. KENNEDY:

Doctor, let me ask you this. I'm hearing you articulate --

P.O. GREGORY:

John. John, hold on. I've just been advised that we're at the three-hour mark, so we're going to have to make a motion to extend this public hearing. So if I have a motion?

LEG. CILMI:

I'll make that motion.

P.O. GREGORY:

Motion by Legislator Cilmi. Second by Legislator McCaffrey. All in favor? Opposed? Abstentions?
We are over three hours now.

LEG. KENNEDY:

Okay. Last question.

MS. ORTIZ:

Thirteen.

LEG. KENNEDY:

Has a patient ever come to you and said that they derive any kind of enjoyment from smoking?

DR. DOWLING:

That's a fair question.

MS. ORTIZ:

Fourteen (Not Present: Legislators Krupski, Calarco, D'Amaro & Schneiderman).

DR. DOWLING:

Those who are already smoking, some of them will tell me they feel some relief or pleasure from smoking. None of them, and I've asked extensively, I do treat a lot of addictions. I spent 12 years on a detox unit.

LEG. KENNEDY:

Uh-huh.

DR. DOWLING:

And I still treat substance abuse in my office as well as other psychiatric conditions. None of them have ever said to me they started to smoke to feel pleasure or to feel relief. Once they are addicted to the tobacco, then especially with stress and turmoil that's normal in adolescence, or stress or anxiety and symptoms that go along with psychiatric illnesses, that person is even more vulnerable to not smoking and trying to quit and has a harder time quitting.

LEG. KENNEDY:

I'm not disputing the addiction aspect of it, Doctor.

DR. DOWLING:

And among the patients I see, that's part of the reason why quit rates, as much as they're not great outside of those with psychiatric illnesses, with psychiatric illnesses the quit rates are terrible. And that --

LEG. KENNEDY:

But again, Doctor, now we're getting into an area where, quite frankly, I mean, we're talking about other underlying disease process --

DR. DOWLING:

Well, but --

LEG. KENNEDY:

-- absent smoking.

DR. DOWLING:

We talk about -- we're talking about addiction, though, on all tobacco use as an adult on a regular basis is addiction, whether that adult chooses to see it that way or not. When someone puts a needle in their arm and injects heroin or snorts heroin or does another drug of abuse, crushes some Opiate pills and snorts them and so on, and kids do this. They feel good. Just because you may say you feel good or get something positive out of that cigarette now that you're addicted doesn't mean it's a good idea --

LEG. KENNEDY:

I understand that, Doctor.

DR. DOWLING:

-- Legislator Kennedy, at a young age.

LEG. KENNEDY:

Right. All I wanted to do is basically see what your experience was with the patient population you treat. I'll yield.

P.O. GREGORY:

Legislator Muratore.

LEG. MURATORE:

Yes, thank you. Doctor, I'm a little confused here. You did say, if I was correct, that by -- we would achieve more people stopping smoking by raising the age than through education; did you say that?

DR. DOWLING:

If we were going to do only one thing --

LEG. MURATORE:

Correct.

DR. DOWLING:

Then -- and I don't like the question because I don't believe it's the right way to go. I think it's a multi-pronged approach and education at various levels, including physicians offices, schools and other community groups and so on and so on, should all be a part of it. But if you were only going to do one thing and either educate or change the law, I would change the law. You'll see more of an impact from that single act if you're only going to do one, but we should do both.

LEG. MURATORE:

So you're still confusing with your answer. What's the answer; is it education or raise the age? You only got one choice here. You can't pick them both. You've got one choice; education or raise the age?

DR. DOWLING:

You're only going to do one thing.

LEG. MURATORE:

Correct; what should we do?

DR. DOWLING:

Then you should raise the age.

LEG. MURATORE:

Okay. So then we can do away with all the money we spend for smoking cessation --

DR. DOWLING:

No, no. See, that's --

LEG. MURATORE:

-- and we can raise the age.

DR. DOWLING:

In all due respect, I believe that's a distortion of my answer, and I do mean that in all due respect.

LEG. MURATORE:

That's what you said, raise the age.

DR. DOWLING:

I said to you if you can only do one thing.

LEG. MURATORE:

Right.

DR. DOWLING:

If you want to only do one thing, I advise you not to do only one thing.

LEG. MURATORE:

Okay. So being that we're broke and hurting for money, we could save a lot of that money that we do for smoke education and just raise the age to 25. What would we do then; how many lives would we save?

DR. DOWLING:

I can't tell you how many lives you're going to save.

LEG. MURATORE:

Oh. Well, if we do it to 21, imagine what 25 will do, and all the money we could save through education. I don't know, I might put in that resolution.

LEG. HAHN:

Propose it.

DR. DOWLING:

The Medical Societies are education, the State Department of Health is educating, the Federal Government is educating.

LEG. MURATORE:

Raise the age.

DR. DOWLING:

Schools are educating. So, I believe the County should be a part of that, and this County in particular. And I'm proud when I tell people from around the State and country, as I advocate for health care reforms and I train in certain areas around the State and the country to say I'm from Suffolk where there's a long tradition --

LEG. MURATORE:

Thanks, Doc. I appreciate it. Thank you very much.

DR. DOWLING:

-- of education; I think you should still educate.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

Okay. Now that you've scared the little girls away, Legislator Muratore. I think -- you know, I appreciate you coming here today and, you know, with due respect, answering very difficult questions and, you know, it's not easy. So I appreciate you standing your ground firmly. You know, you're older than the little girls that were here before, and I appreciate it. Thank you.

DR. DOWLING:

You're welcome.

P.O. GREGORY:

Okay. All right, thank you, Sir. Charles Clampel? I like the hat, that's cool.

MR. CLAMPEL:

I was not going to speak, but I'm doing this because I lost my Mom to smoking. She said that when she was 12-years-old in the Bronx back in 1940, she was smoking and wished that she would have stopped and she wished that somebody would have educated her. She died eight years ago at 69 years old.

Today, tobacco has more chemicals in it. Look inside -- look inside Monsanto Corporation. The Monsanto Corporation is doing a lot of damage to us, not just by smoking, by the foods that we eat as well. Secondhand smoke; Family Court has placed a no smoking order in child support custody. They told them, "*You cannot smoke.*" A Judge is telling them you cannot smoke in the car with your child. Why is it that we are talking about this? We shouldn't be smoking period. The whole State of New York should stop smoking period. Too many lives are being lost.

Businesses in New York and Suffolk County. County Police can give summonses, they can't give summonses. It says here, "*754-6, Penalties for Offenses.*" The only one that can give a ticket is the Department of Health Services, that's all that can give a ticket. I talked to the Sheriff's Department, I talked to the Suffolk County Police Department, they cannot give out a summons. You have people that are smoking outside this building right here, and I said to the Sheriff, I said, "*Look, they're smoking close to the door.*" He goes, "*There's nothing I can do. The Department of Health can do it.*" Why is that law like that? That law should be changed.

Diners in the diner industry, in the restaurant business. They used to have cigarette machines in their restaurants. They lost revenue because people don't smoke in their businesses anymore. So why are we talking about 7-Eleven not making money? 7-Eleven will always make money. We have to stop the smoking. That's all I have to say. And I thank you for your time.

P.O. GREGORY:

Thank you, Sir.

MR. CLAMPEL:

The law -- Like I said before, the law has to change as far as who can give out a ticket; the Sheriff's Department, Suffolk County Police, it's just -- it's really sad. Drug paraphernalia, blunts, cigarettes, the cigars are being sold in 7-Eleven so that kids can make pot and smoke blunts. You know about that, too? I'm sure you all know. Thank you for your time.

P.O. GREGORY:

Thank you. All right, that is all the cards that we have. Is there anyone else that would like to speak? Please come forward. Okay, Al. If you can't make it in the next two seconds, you forfeit your right. Oh, sorry.

(*Laughter*)

MR. STRAUSS:

Thank you. Alex Strauss, 184 Radio Avenue, Miller Place.

P.O. GREGORY:

You turned the mic off, Al.

MR. STRAUSS:

Just a few things. We say that -- some of the people here tonight said that they don't want to take liberties away from our society. Well, we always take liberties away for the good of the society. The reason why you have a seat belt law is to stop people from going through the windshield. The reason you raised the age to 21 to drink is the same thing, to stop people that can't drink properly at that age. And as far as these people -- you know, everybody's going to go to the reservation to get their cigarettes. Well, geez, they can do that now.

I don't see big lines out there out to the street and none of 7-Elevens are closed because, "*To go to the reservation*"; that's unbelievable. You know, you've got to start thinking about the whole thing.

Raising the age to 21, the people in 7-Eleven are still going to make their money, people are still going to go in there for a cup of coffee, when they're there they're going to buy their paper. This thing about the cigarettes from 19 to 21 is going to break everybody, everybody's going to break. We're going to take the -- we should take the money that we get from taxes and do it for education. Are you kidding me? You don't have any money to do education. Even if you got the money from the taxes, you're definitely going into the General Fund with it. Nobody raises taxes out here, we're all afraid because you'll be voted out the next time you go. But to say that you can use that money that you get from the taxes to do the education? Come on, let's be real.

I mean, you know, sometimes some of the questions, you really start to shake your head. What does one thing got to do with the other? Here we are raising the age to buy tobacco products from 19 to 21. It's not a big deal. Nobody is going to die from that. But you know what? Some people will die getting addicted to cigarettes at that age, they will die. My mother and father both died from it, and I'm sure you have a lot of people out there that you all know that are sick because of that, because of cigarettes. It just seems to be something, I don't know why you're fighting this. It's like, you know, nobody is going to go broke, none of these businesses are going to cry. The Mom and Pops are not going to close their store because they can't sell a cigarette. I mean, come on, 19 to 21? It's not a big deal.

And as far as -- you know, you're asking the children. Well, I have a granddaughter that's in high school in Rocky Point. She has ten friends that she hangs out with; one of them smoked but doesn't smoke anymore and one drank because she went to a party. So that's the case, it's only 10%. Thank you for your time. I don't want to belabor the situation, but it's not a big deal, people. Please, you've got more important things to worry about.

P.O. GREGORY:

Thank you, Al.

MR. STRAUSS:

Thank you.

Applause

P.O. GREGORY:

Okay. Anyone else? No, Sir, you spoke earlier. I'm sorry, you can only speak once. Thank you.

Okay, that is all. Mr. Spencer?

LEG. SPENCER:

Motion to close.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Motion to close by Mr. Spencer. Seconded by everyone in the room.

*(*Laughter*)*

Led by Legislator Krupski. All in favor? Opposed? Abstentions? The public hearing is closed.

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

(Public Hearing on) IR 1043-14 - A Local Law to Strengthen Policy Against Dual Public Salaries (Cilmi). I don't have any cards. Is there anyone that wishes to be heard? None.
Mr. Cilmi.

LEG. CILMI:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Cilmi.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay. *(Public Hearing on) IR 1045-14 - A Charter Law to Provide for Fair and Equitable Distribution of Public Safety Sales and Compensating Use Tax Revenues (Schneiderman).*
I don't have any cards. Is there anyone in the audience that would like to speak? Seeing none --

D.P.O. SCHNEIDERMAN:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

(Public Hearing on) IR 1047-14 - A Local Law to Regulate Pet Dealers and Pet Stores in the County of Suffolk (Schneiderman). I have several cards, the first being Carol Ryder. On deck is Carlee Ogeka? Thank you for your patience, I know you're sitting there for more than three hours.

MS. RYDER:

Thank you. My name is Carol Ryder, I'm an attorney from Fort Salonga. I have a general practice, part of that includes animal law. I'm head of New Yorkers Protecting Animal Welfare. I'm also on the Board of People Advocating for Change which is a grassroots animal rescue group. I'm actually new to the law, fairly new to the wall. I was a Wall Streeter and an animal rescuer for many years, and after all of the horrible things I saw in both fields, I rushed to law school. So, actually, my background and all my degrees before law school are -- all my licenses and everything else are all in finance and business management. I think that between that and the fact that I hear from a lot of people all the time, I can tell you that that gives me a lot of insight into this particular issue.

I'd also like to add that my background in falling in love with animals comes from my father who was a former Marine Police Officer, died at 59 from smoking, five packs a day. Never got to -- always wanted me to be a lawyer, a prosecutor, of course, and he never lived to see me be able to do that, and it gets me a little verklempt. But anyway, I know that the -- I spoke with Legislator Schneiderman who's been wonderful, and also Dr. Spencer, and also Lori and Jon Cooper on this issue. I know this is a very broad framework, but I think that the problem that I have in general with any of the new laws is it's great that we have them and everything, but we have in Suffolk right now virtually no enforcement of animal laws as it is. Of course we need to get this going, but we need to kind of come up with some money to try and get this particular legislation up and running. I had a few ideas. I guess we won't go into details at this point, but part of it involves having the pet stores put up so that their fines can be taken out in case they change names, which they do all the time. A big part of this legislation I think also should be education, so that people know that they can get any type of pet that they want through rescue. I don't care if you want a six-week old bulldog puppy, you can get it. It's going to take a lot longer than just walking into a store and putting down your Amex card, but it's available. And part of that involves doing something like the New York City Department of Health does which is to put ratings -- you know, they have to put their ratings and information right on their window, but also it would link to the Department of Consumer Affairs website, put one of those little, you know, smart phone applications. And also on the Department of Consumer Affairs website, have links to animal rescue so that people have an idea, they're educated before they walk into the pet store, of what they're going into in terms of the pet store and also the options that are available to them. I think that's an important part of this legislation. And I'm just about out of time, I know everybody is tired, so I'll close with that. Thank you.

P.O. GREGORY:

Okay, thank you. Okay, Carlee Oh --

MS. OGEKA:

Ogeka.

P.O. GREGORY:

Ogeka, okay. And on deck, Marianne Mineo.

MS. OGEKA:

Hello. I'm Carlee Ogeka, I'm a small business owner here in Southampton and I own a couple of puppies that I bought at the age of eight weeks. I wouldn't have wanted to buy them any older, that's the prime time for socializing those dogs and training them. You ask any behavioralist or trainer and they would support that. It's been documented through many, many authors. I also have rescued and I would much prefer, at this point in my life, to have a clean slate. So I would not support this measure. Thank you.

P.O. GREGORY:

Thank you. Marianne Mineo; and on deck, Marcy Burke.

MS. MINEO:

Hello. I'm Marianne Mineo, I'm from Hampton Bays and I'm here to let you know that I'm opposed to this bill that would prohibit the sale of puppies until the age of 14 weeks, and possibly 24 weeks of age. I'm not a professional dog trainer, but I've raised and trained five --

P.O. GREGORY:

I'm sorry, can you speak closer to the mic so we can hear you?

MS. MINEO:

Sorry. Okay.

P.O. GREGORY:

Thank you.

MS. MINEO:

I'm not a professional dog trainer, but I've raised and trained five labrador retrievers. Four of these five dogs have been part of our family since eight weeks of age. I consider myself a responsible pet owner. My responsibility is twofold; to my puppies, to train them to be good K-9 citizens so they can have a good line in our family and society. In four cases, this began from the moment I took these -- each puppy from his litter.

My equally important responsibility is to the human communities and canines my dogs come into contact with. The earlier this much needed socialization and training begins the better, and this is a known fact. I mentioned that four of my five labs were taken into my family at eight weeks of age. My fifth and youngest labrador lived in a kennel by himself for 22 hours out of 24-hours a day from the age of eight weeks until 21 weeks of age when it became part of our family. I can tell you that though he's a lovely dog, it was a much bigger project to properly socialize him to both humans and canines outside of our family than the other four labs who started their training at eight weeks. It took many months for him to be comfortable with strangers when he walked down the street and to respond appropriately to social cues given by other canines. I was, thankfully, relatively successful in this endeavor, but I can see a clear difference in his socialization maturity between him and the other dogs I have raised since eight weeks of age. Thank you for letting me speak about my own experience as a responsible and concerned dog owner.

Applause

P.O. GREGORY:

Thank you. Marcy Burke; and then on deck, Susan Carpenter.

MS. BURKE:

Good evening. My name's Marcy Burke, I'm from Huntington Station. And just to let you know, Susan Carpenter had to go back to work, so she's not here. As I said, my name is Marcy Burke, I'm Vice-President of Avidog International and I'm here on behalf of both Avidog and myself as a golden

retriever breeder.

I'd like to start out by saying that I applaud the Legislature's efforts to improve the lives of puppies and kittens that are sold in Suffolk County, but my remarks will be directed specifically to puppies as I have no scientific information or experience with kittens.

Avidog was started because we wanted, my partners and I, wanted to teach people the science behind breeding and raising healthy, stable dogs so that they will thrive and stay out of shelters. Science has shown that raising healthy, stable dogs starts with providing appropriate socialization and developmental opportunities during what is known as the *sensitive period*, which is when a puppy is six -- three to 16 weeks of age. Doing so is important so that they can learn to bond to humans, interact appropriately with other dogs and function in the world as a stable member of society. We have been unable to find any scientific study that supports puppies not being placed in their homes until -- being placed in their homes after 16 weeks of age.

I would not be overstating things by saying that every dog behaviorist and every scientific paper we can find says that puppies need to be in their homes well prior to 14 weeks of age. There are many studies that show how important it is for them to be offered those socialization and developmental opportunities between the ages of three and 16 weeks; as I said, that's known as the sensitive period. Not providing these opportunities damages these puppies for life. That damage is unrecoverable for the entire life of the dog. You can't train it out of them, you cannot socialize it out of them. Many of you, I'm sure, have heard of the Romanian babies who lived in cribs for three years without being touched; those children were damaged for life, these puppies will be damaged for life.

I fear that if this Local Law is passed as it stands now, that one of the long-term effects will be that shelters will be filling up with dysfunctional dogs that will be difficult, if not impossible, to place. I would encourage the Legislature to meet with scientific experts to educate themselves about what age is best for the placement of puppies into their new homes before enacting this Local Law. Thank you.

Applause

P.O. GREGORY:

Okay. Ma'am, Legislator Muratore has a question for you.

LEG. MURATORE:

Yes, I do. Thank you for coming. It's a short question.

MS. BURKE:

Sure.

LEG. MURATORE:

So, do you think by educating the public we'll do better than raising the age of the puppies taken out of the puppy stores? So instead of going from eight weeks to 14 weeks, we educate the people and leave the eight weeks in place.

MS. BURKE:

Educate them with respect to?

LEG. MURATORE:

What you do, with taking care, with socializing, with, you know --

MS. BURKE:

Clearly I do. I started a business trying to teach people how to do this.

LEG. MURATORE:

So education you feel is better than --

MS. BURKE:

Education is absolutely --

LEG. MURATORE:

Raising the age. Okay.

MS. BURKE:

-- better than raising the age.

*(*Laughter*)*

LEG. CALARCO:

Differing experts.

MS. BURKE:

And I will say that I'm not addicted to alcohol or cigarettes, but I am addicted to puppies.

*(*Laughter*)*

P.O. GREGORY:

Thank you. You said Susan Carpenter had to go back? Okay. Lise, Lisa Pratt? Wait a minute; are you guys twins?

MS. PRATT:

We are.

P.O. GREGORY:

Oh. I'm a twin.

MS. PRATT:

Are you?

P.O. GREGORY:

I'm identical; yes, I am.

MS. PRATT:

Really? My name is Lisa Pratt and I am Marcy Burke's twin sister and also partner in Avidog International. I just wanted to reiterate that what Marcy stated earlier about the damage to the puppies being left in a situation where they are not raised and placed in homes where they can have the experiences that will let them learn how to be good canine citizens is irreparable. There is nothing you can do after the fact, so it's really, really important that these puppies get placed in their homes, whether it's out of a shelter, through a good breeder. I would be a bad golden retriever breeder if I followed your laws, because I'm doing the wrong thing by the puppy. So I don't want to elaborate and I've got much more to say. It's been a really long day, but I did want to give you that piece. Thank you.

P.O. GREGORY:

Thank you. That's all the cards that I have. Is there anyone else that would like to come forward

and speak? Please -- yes, Sir?

MR. FORNUTO:

I'll get there as quick as I can.

P.O. GREGORY:

That's all right, take your time. Thought you wanted to hit me with your stick. Just state your name for the record.

MR. FORNUTO:

My name is Guy Fornuto, I live in Smithtown. I've been -- I guess I want to ask you guys a question first, if I can. Okay? What do you consider a dealer in the form that you've put out? What is a dealer?

P.O. GREGORY:

Sir, we're here to take your statements, not answer questions. Thank you, Sir.

MR. FORNUTO:

Well, okay. All right. But the reason I'm doing that, I'm trying to go around the line. For years I've been breeding dogs, and we're known as hobby breeders, okay, and we do sell puppies on occasion. I don't consider myself a dealer or falling into any of these categories, that's why I asked the question.

The big thing with this is -- and the two women before me kind of stated all the facts that are there. As far as a puppy is concerned, you need to get a puppy between the eighth and tenth week so it can bond. At that point, you're taking the puppies away from their litter and they become socialized with human beings. And that -- you can read any book in the world and they'll tell you, that's the puppy you want to buy. Now, I don't know how many people here have dogs or have puppies, but if you get a puppy much later than that, you have all kinds of social problems with the dog. And everything they said, all I can do is back it up, and I won't keep any more of your time. I just have a problem with what's a dealer. I'm a hobby breeder, as far as I'm concerned. The AKC calls me a hobby breeder. So if you can put that in your book and discuss it. Okay?

LEG. KRUPSKI:

I have a question, DuWayne.

P.O. GREGORY:

Thank you, Sir. Legislator Krupski has a question for you.

LEG. KRUPSKI:

I have a question. It's a question in relation to what this gentleman asked. If I could ask the sponsor in his bill what he considers to be a pet dealer.

D.P.O. SCHNEIDERMAN:

I'm sorry?

LEG. KRUPSKI:

So to the sponsor, what do you consider to be a pet dealer?

D.P.O. SCHNEIDERMAN:

George, you have the law in front of you?

MR. NOLAN:

Yeah. I would say that this gentleman who, I guess, breeds some puppies at home would not be included in the law because the law accepts a person who sells or offers to sell directly to consumers fewer than 25 animals per year that are born and raised on the breeder's residential premises. So he would not be considered a pet dealer, it sounds like to me.

MR. FORNUTO:

I would just appreciate, when the bill finally gets written up the way it's going to be, that it be stated that way. It would take a lot of pressure off all the breeders out on Long Island.

MR. NOLAN:

It's in the bill. It's in the bill already.

MR. FORNUTO:

Okay. I haven't gotten -- unfortunately, I haven't read the whole bill, so -- or I haven't had one, put it that way. Okay, thank you, guys. I appreciate it.

P.O. GREGORY:

Legislator Krupski?

LEG. KRUPSKI:

One more question, because I don't understand how it's written.

D.P.O. SCHNEIDERMAN:

We're going to get you a copy of the bill, so.

MR. FORNUTO:

I'd appreciate that.

D.P.O. SCHNEIDERMAN:

Somebody will find you in your seat and bring the bill over.

MR. FORNUTO:

Thank you very much.

LEG. KRUPSKI:

It says, "*Pet dealer shall mean any person who engages in the sale or offering for sale of more than nine animals per year.*"

MR. NOLAN:

Then it goes on to say, "*Except a breeder who sells or offers to sell directly to consumers fewer than 25 animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer.*" So I was just saying that this gentlemen, I believe he said he does it as a hobby from his home and therefore -- and only a few animals a year, so he would not be considered a pet dealer and wouldn't be covered by the law.

LEG. KRUPSKI:

So in other words, if you're selling -- if you sell or offer to sell more than nine animals per year, between nine and 25, but you're doing it at -- not from your residence, then you are a pet dealer and if you're doing it from your residency you're not a pet dealer; is that it?

MR. NOLAN:

That's correct.

MR. FORNUTO:

Okay, thank you very much. Well, I'd just like to make another -- one other statement. A lot of the dogs that we breed and these hobby breeders breed are donated to the Second Sight and Guiding Dog. So, you know, it's all part what is for real. Okay? Thank you, guys.

P.O. GREGORY:

Thank you, Sir. Anyone else in the audience that would like to --

MR. GRIVAS:

I would like to speak.

P.O. GREGORY:

Okay. You didn't speak before, did you? I don't recall.

MR. GRIVAS:

No.

P.O. GREGORY:

Okay. Just state your name for the record.

MR. GRIVAS:

My name is George Grivas, retired New York City school teacher. Okay? I really can't add a whole lot to what was said about the socialization period, except that I think it wasn't made that clear as to what happens to dogs that are not well socialized. Okay? They become biters. They don't all become biters, but many of them do, they become fear biters. I have had dogs for over 30 years, I've trained my own dogs, I've trained friends dogs, across different breeds. The three dogs that gave me difficulty were all obtained at a little bit older age, not at the optimum eight weeks. Okay? I presently have a springer spaniel that was not socialized at all. He was the most difficult dog for me to work with, and I'm not inexperienced with this. Okay? The dog was a biter. So to restrict the transfer of puppies to an older age I think is going to increase -- well, it's been couched in terms of problems, but I think you'll get more biters; that's my opinion. Okay? And I think that several of the dog trainers would support that. That's all I have to say.

P.O. GREGORY:

Okay. Thank you, Sir. Okay. Anyone else? No, okay. Legislator Schneiderman?

D.P.O. SCHNEIDERMAN:

I'd like some time to think about some of the comments that were made today, so I'd like to recess the public hearing.

LEG. SPENCER:

Motion to recess.

P.O. GREGORY:

Okay. Motion to recess.

LEG. STERN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay. ***(Public Hearing on) IR 1096-14 - A Local Law to Establish Healthy Food Standards at Suffolk County Facilities (Hahn).*** I don't have any cards, but are there any speakers in the audience? No. Okay, Legislator Hahn?

LEG. HAHN:

Motion to recess.

LEG. STERN:

Second.

P.O. GREGORY:

Motion to recess, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

(Public Hearing on) IR 1117-14 - A Local Law Prohibiting the Sale and Use of Hydraulic Fracturing Byproducts (Spencer). I have several cards, first of which is Dr. Heidi Hutner, to be followed by Lauren Hughes.

UNKNOWN AUDIENCE MEMBER:

Dr. Hutner had to leave earlier. She will be here at the next hearing in Hauppauge.

P.O. GREGORY:

Okay. Dr. Hutner is not here, so Lauren Hughes; and then on deck, Patricia Wood.

MS. HUGHES:

Hi. Thank you, Presiding Officer Gregory and members of the Legislature. Thank you for your time and for sticking around. My name is Lauren Hughes, I'm the Policy Director at Grassroots Environmental Education; we're a non-profit environmental health organization based here on Long Island. I will be offering comments in support of IR 1117 which would prohibit the sale and use of hydraulic fracturing byproducts.

I'd like to start by thanking the Legislature for its early recognition of this critical public health issue and for your leadership in passing laws to protect the public and our water supply from this highly toxic, radioactive, natural gas waste. Since the passage of Suffolk's initial laws, many other New York counties have now enacted their own prohibitions. Nassau County has prohibited this waste in all sewage treatment facilities located in, owned and/or operated in or by the County. Westchester, Rockland and several others have done the same, and also have gone so far as to prohibit the application of fracking waste on all real property and roads within their jurisdictions, not just County-owned.

This resolution would strengthen Suffolk's existing law based on these precedents and bring Suffolk in line with these other counties by extending their prohibition to all roads and real property and all waste water treatment plants. Expanding the law to include all real property is key because of Suffolk's active landfills. Since 2011, more than 300,000 tons of fracking waste have been transported to New York landfills from Pennsylvania. To date, this has occurred in Upstate counties, but we do not want this waste coming to our local waste water management facilities. I would ask that this is explicitly mentioned in the law by adding the term *landfills*. This would leave nothing left

up to -- this would have nothing left up to interpretation.

Another important issue is the penalty amount for violations of this law. Many other counties have set the monetary fine at up to \$25,000 per violation. In this current version, Suffolk puts the amount at \$5,000. We believe this is not prohibitive enough for this industry. We would ask that the maximum penalty amount be raised to 25,000. We would be happy to work with the Legislature and its Counsel to address any concerns there may be over this amount and can certainly be put -- put you in touch with counterparts in other counties who have encountered similar concerns.

I'd like to wrap up by thanking again Legislator Spencer, Legislator Hann, Legislator Calarco for introducing this measure and we encourage the Legislature to act quickly to pass this law in the best form possible.

P.O. GREGORY:

Thank you. Legislator Krupski has a question for you.

LEG. KRUPSKI:

Thank you. How familiar are you with the laws that the other counties passed, the Westchester and the Rockland laws?

MS. HUGHES:

Fairly familiar, but I can provide you with any information after the fact for anything I can't answer.

LEG. KRUPSKI:

How similar is this proposal to their laws? Except you --

MS. HUGHES:

Nearly identical.

LEG. KRUPSKI:

Nearly identical. Except for the -- you mentioned one difference that you suggested?

MS. HUGHES:

The amount of the fine?

LEG. KRUPSKI:

Oh, I'm sorry.

MS. HUGHES:

Or explicitly putting in landfills?

LEG. KRUPSKI:

The land filling.

MS. HUGHES:

Some of the Counties don't have active landfills within their borders, so they didn't feel the need to include it. But because Suffolk does, we would encourage it to be laid out directly.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay, thank you. Okay, Patricia Wood.

MS. WOOD:

Thank you very much. It's been a long day for all of you. I'm just going to actually abbreviate my comments so that I can just add a little bit more detail. I'm the Executive Director of Grassroots Environmental Education, and I'm also a visiting scholar at Adelphi University. And our organization has been the only organization that has met in the Governor's Office three times over the past two years, bringing in scientists and medical doctors to talk about this particular issue which is the waste products that are -- that are produced by hydrofracking operations as well as the health impacts.

So I would like to share with you some of the particulars about this waste that's actually coming from hydrofracking operations in Marcellus Shale that are taking place right now in Pennsylvania, West Virginia and Ohio. You realize, I'm sure, that there is a large piece of shale that underlies New York State, but we currently have a moratorium that was put in place by Governor Patterson.

The Marcellus is a particularly rich shale, once an ancient inland ocean that was alive with sea lillies and squid and plankton and now one mile below the surface of the Earth filled with bubbles of methane that were formed millions of years ago as these living creatures died and decayed. In order to access the gas, the fracking process involves drilling deep, vertical and horizontal wells one mile down and several miles across, shattering the shale and forcing, under extreme pressure, a mixture of toxic chemicals, high volumes of water and crystalline silica. As the methane is freed, so, too, are decay products of highly radioactive uranium, which is particularly prevalent in the Marcellus. These radioactive materials -- typically Radium 226, Radium 228 and Radon -- are highly carcinogenic. Radium 226 actually has a half-life of 1600 years. Along with the highly toxic chemicals, corrosive brine, which is eight times saltier than sea water, and bacterior funguses and viruses with these radioactive materials make up the waste products of fracking.

Just wanted to mention very quickly that one of our scientists in the Governor's Office -- actually, his name was Dr. Yuri Gorby from Rensselaer Polytechnic Institute, he's working on DNA projects also, but he's actually taking samples from tissue in people in West Virginia who are living near fracking operations, and they're actually finding that some of the bacteria is more than a million years old. So, actually, these living things are actually still alive and well, where they should be, you know, several miles underground.

But anyway, where does the industry go with the millions of gallons and tons of hazardous fracking waste? It is stored in open blind evaporation pits which have inherent breaches and often overflow to contaminate ground and surface waters, or they force it back into the Earth into deep injection wells where seismic activity has been recorded in places where it has never occurred before. They dumped the solids, the drilling muds and cuttings into landfills and then bring unmarked tanker trucks filled with wastewater to water treatment plants they offer to sale to unsuspecting municipalities, both liquid and dehydrated waste for road deicing and dust control. And you might ask why this is legal.

P.O. GREGORY:

Okay.

MS. WOOD:

And I'll stop there since that's my time, but I would love to take some questions.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

Why is this legal?

MS. WOOD:

This is legal because all of our fracking and all of its component activities have been exempted from all Federal laws that protect human health and the environment, both from the hazardous waste exemption to immunity from the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, among many others. And the gas industry just looks the other way, and it's widely known as the Halliburton Loophole.

LEG. SPENCER:

Thank you.

MS. WOOD:

(Laughter) Thanks for that.

LEG. SPENCER:

You're welcome.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Now that we know why it's legal.

*(*Laughter*)*

Is there any move in New York State to ban -- a Statewide ban on taking the byproduct?

MS. WOOD:

Yes, there is. Right now about 13 Counties Upstate have actually been receiving some of these -- these waste products from Pennsylvania, and there have been, as you can imagine, some very serious discussions about it. There is -- actually, there are two bills, I believe, for a Statewide ban for accepting fracking waste from neighbor states that are active in that process.

LEG. KRUPSKI:

And are they -- the counties that are taking it, they're taking it purely because they're getting paid to take it?

MS. WOOD:

That's correct.

LEG. KRUPSKI:

And are they conducting any environmental review of the consequences of their actions, or not?

MS. WOOD:

No. They are actually taking it into landfills where, you know, they get paid, you know, to accept it, and they're offering it for very, very inexpensive prices for road spreading, for deicing and for dust control.

LEG. KRUPSKI:

Thank you.

MS. WOOD:

I have two studies that if anyone is interested, we have a report that we commissioned by Dr. Owen White. It's a report on the pathways of exposure to humans through the environment, through our food supply, drinking water and air. If you're interested, we have copies of them here.

LEG. KRUPSKI:

Sure.

MS. WOOD:

And also, why Long Island is particularly vulnerable and why we should be terribly interested in our sole source aquifer and these hazardous waste products.

P.O. GREGORY:

Okay.

LEG. KRUPSKI:

And to --

P.O. GREGORY:

Oh, I'm sorry. Go ahead.

LEG. KRUPSKI:

And to stay with that, what about our neighbors to the west? What about Nassau or what about the City; are they interested in anything like this also? Because obviously it's the same aquifer in Nassau.

MS. WOOD:

Very much so. New York City is actively engaged right now in passing a law very similar to this one. The laws that are being passed now are all inclusive, all roads, all water treatment plants, all landfills. And in many cases, they're actually asking for an affidavit, you know, to see where the source is of products that might be -- you know, might be using fracking waste, you know, as a component of their product. They want to know what the source is before they allow it into the County.

LEG. KRUPSKI:

What about the states that -- where the fracking is taking place; how are they handling the waste product? Do they allow for disposal or are they just happy to have it shipped off?

MS. WOOD:

Well, we think that if you are a State that is allowing hydrofracking and you are benefitting economically from this, both as a State and as a -- you know, and the industries that are participating in it, that you should actually be also dealing with the waste products in that state. But they are in Pennsylvania, they have -- they are both dumping it legally and illegally, they are allowing open evaporation pits and so on.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

Thank you so much. And I'm glad that you mentioned our sole source aquifer, because we are very different from other areas in the State. And our sewage treatment plants, and I'm going to turn this into a question; do they treat all of those components and ingredients and radioactive waste that you mentioned, does our sewage treatment treat for those things?

MS. WOOD:

There's only, I believe, one sewage treatment plant in the State, up near Buffalo, that is able to treat some of the chemical components. But in fact, the industry does not disclose what chemicals they are using and they are different in each one of their hydro-fracking operations. Radioactivity is really not treated well in any wastewater treatment plant, and it is a fact that we have a lot of radioactive materials in both the solid waste and the water.

LEG. HAHN:

Right, and our sewage treatment is a biological process itself.

MS. WOOD:

That's correct. And even just the brine, because the brine is so salty, that would actually destroy the biological, you know, treatments that you are using currently.

LEG. HAHN:

We spend a lot of money on our sewage treatment process to be able to treat nitrogen, primarily.

MS. WOOD:

Uh-huh.

LEG. HAHN:

And we don't want to bring these chemicals and brine salts that could destroy the process, the biological process that we have. But also, and I'll phrase this as a question, you know, what's left over after the waste goes through the sewage treatment plant, either it goes into, you know, one of three places.

MS. WOOD:

Uh-huh.

LEG. HAHN:

The bays, the ocean --

MS. WOOD:

Long Island Sound.

LEG. HAHN:

-- Long Island Sound, or if it leaches to groundwater, to our aquifer.

MS. WOOD:

Uh-huh.

LEG. HAHN:

So it's not treated, it can damage our treatment plant and it winds up either in our precious bays or our drinking water. So there are many reasons not to accept this here.

MS. WOOD:

That's correct. And I believe Connecticut is -- I know Connecticut is currently looking at a ban on accepting fracking waste, and also looking at closing the hazardous waste loophole. Because the industry was actually able to have it classified as industrial waste, when, in fact, it actually meets, you know, all of the -- you know, the standard for hazardous waste. But yes, Connecticut is concerned and concerned about what Long Island might do, because we do share the Sound with them. And we're also an attractive place for the industry because we do have the surrounding bodies of water where we could actually dump this waste.

LEG. HAHN:

Thank you very much for coming here.

MS. WOOD:

You're welcome.

P.O. GREGORY:

Thank you. Legislator Anker.

LEG. ANKER:

Hi, Patty. It's great to have you here. I think my question was pretty much related to Legislator Hahn's question, what exactly is in, you know, this -- you know, the hydrofracking material that pushes the gas out, and you're saying we don't know.

MS. WOOD:

We don't know. The gas industry actually purchases industrial waste or hazardous waste from other industries to use. I mean, they're basically using petroleum solvents, which are necessary. They're using emulsifiers, many of which are endocrine disrupting chemicals, petroleum products are mostly the BTEX chemicals, Toluene, Benzene and so on, and these are chemicals that we do not treat for in our waste water treatment plants.

LEG. ANKER:

Is there an issue -- when you're disrupting this type of pressure within the Earth and taking these -- you know, this gas and liquid out of sinkholes or, you know, will it create issues for local municipalities.

MS. WOOD:

Well, it creates a tremendous problem for people living in the vicinity. There are ongoing, you know, organizations and data collection processes in Pennsylvania in particular, but also in Colorado where they are just looking at the health impacts or the acute health impacts which are mostly skin lesions, which are actually chemical burns from bathing in the water; lots of bloody noses in children, so there are some -- there are neurological problems also, headaches and dizziness and so on. It's just -- it's a little bit of a nightmare to not really know what your children are being exposed to every single day, and it's coming in both the form of air pollution as well as water contamination.

LEG. ANKER:

Oh, okay. I also wanted to -- I wanted to thank you for your expertise. When I was starting a not-for-profit Community Health Environment Coalition over ten years ago and you were one of my top people that I would go to to find out information about health and environment, because, Patty, you know your stuff. You know, you've been around working on this for decades. And, you know, between you and Karen Miller and Neal Lewis and Adrienne Esposito, you know more than most people, and you have the scientific research to back up your claim. So thank you, Patty, for coming out here, I really appreciate it.

MS. WOOD:

Thank you.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

No.

P.O. GREGORY:

Oh, I thought you said you had a question.

LEG. BROWNING:

Oh, no, no, I'm done. I want to go home.

LEG. MURATORE:

No questions.

P.O. GREGORY:

Okay, thank you. Anyone else want to speak? Okay, that's it.
Dr. Spencer, Legislator Spencer.

LEG. SPENCER:

We had another expert from Stony Brook who, because of some other hearing that went over, had to go back who really wants to give testimony on this issue, so I want to make a motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Spencer.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

(Public Hearing on) IR 1119-14 - A Local Law Restoring Financial Disclosure Requirements for Farmland Committee Members (Krupski). Legislator Krupski, what's your pleasure?

MR. NOLAN:

Cards?

P.O. GREGORY:

Oh, I'm sorry. We don't have any cards. Is there anyone in the audience that would like to speak?
Not having any, Legislator Krupski?

LEG. KRUPSKI:

Motion to close.

LEG. CALARCO:

Second.

P.O. GREGORY:

Motion to close. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

(Public Hearing on) IR 1150-14 - A Local Law Amending Chapter 818 of the Suffolk County Code to Modify the Fees Which May be Applied by the Suffolk County Traffic and Parking Violations Agency (County Executive). I don't have any cards. Is there anyone in the audience that would like to speak? Okay. Mr. Vaughn?

LEG. BROWNING:

Question.

P.O. GREGORY:

Who you are asking a question?

LEG. BROWNING:

I believe I made a request to have Mr. Margiotta come here. I didn't see -- are we closing this or recessing? Because if we're --

P.O. GREGORY:

Were you asking me? I'm sorry.

LEG. BROWNING:

Well, you know, I think there's a number of issues in that bill that I'm not prepared to support it, so.

P.O. GREGORY:

We had spoken, we had decided to have -- since we had done it in the past and it would be more in the lines of debating the bill, to have Mr. Margiotta come to the committee.

LEG. KENNEDY:

What committee is it in front of?

LEG. CALARCO:

Motion to close.

P.O. GREGORY:

Ways & Means.

LEG. BROWNING:

Okay. I'll make a motion to recess.

P.O. GREGORY:

Motion to close by Legislator Calarco. Motion to recess by Legislator Browning. Do I have a second?

LEG. MURATORE:

Second on the recess.

P.O. GREGORY:

Second on the recess, Legislator Muratore. I will second the closing.

LEG. CALARCO:

On the motion.

P.O. GREGORY:

On the motion, Legislator Calarco.

LEG. CALARCO:

I believe it's the request of the County Executive that we close this public hearing at this point in time. It has been basic policy around this horseshoe, for the most part, that we try to close public hearings at the request of the sponsors. If we get into committee and we make a decision that we don't like the aspects of this bill and that we want the County Executive to make changes, well, then it's going to be his onus to reopen the public hearing.

P.O. GREGORY:

Okay. Anyone else? Legislator Kennedy.

LEG. KENNEDY:

On the recess, I would just say I recall being at that last meeting where we did talk about it, Tom, and a number of us did ask -- you brought up to us that this would be before us, we talked about wanting to see some of the statutory basis, some of the policy, what some of the experience had been to date regarding collection efforts. This is a broad ranging function that really does affect all of us. And you know, without minimizing the importance of the Ways & Means Committee, which does do, you know, solid work and excellent work under our Chairman, I think this issue is probably something very relevant to all 18 of us. So notwithstanding what might have been past policy with public hearings, I'd say this matter in public hearing is something a little bit broader than what we normally encounter. So I would encourage that we get the opportunity to have Mr. Margiotta here to lay it out for all 18 of us before it actually jumps into committee.

P.O. GREGORY:

Legislator Browning, then Legislator Cilmi.

LEG. BROWNING:

Yeah. Also, we have our next meeting, March 18th, which is only, what, two weeks away. It's an evening meeting. And it kind of surprises me there's not a lot of people here to speak on this. So I think out of fairness, maybe an evening meeting might encourage more people to come, because I can't imagine people being very supportive of this, or at least if they knew about it. You know, this covers the entire county. So we've had it here in Riverhead, let's have it in Nassau at an evening meeting and give the opportunity to come and close it at the next one.

LEG. CALARCO:

Hauppauge.

P.O. GREGORY:

Nassau?

LEG. BROWNING:

What did I say? Did I say Nassau? Okay, let's go there, too.

*(*Laughter*)*

MR. VAUGHN:

We may hire people from Nassau, but I don't think we're going to do a public hearing there.

P.O. GREGORY:

I'm sorry, what did you say?

MR. VAUGHN:

I said we may hire people from Nassau, I don't think we're going to do a public hearing there.

*(*Laughter*)*

P.O. GREGORY:

Are you sure you want to say that on the record?

LEG. KENNEDY:

Not the City, pal, not New York City.

(*Laughter*)

P.O. GREGORY:

All right, all right. It's getting late. Legislator Cilmi.

LEG. CILMI:

I would just echo what Legislator Browning said. I think it's --

P.O. GREGORY:

Have a public hearing in Nassau?

LEG. CILMI:

No (*laughter*). We're raising fees, or adding to the fees that we charge, and I think it's worthy of holding the public hearing open and continuing the discussion in Hauppauge, at least for one cycle so that we can get a sense of -- a better sense of what -- how the public feels about this.

P.O. GREGORY:

Yes, Mr. Vaughn.

MR. VAUGHN:

I'll defer.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

Tom, if we kept it open and get another public hearing, is there any time constraints to this for the Administration.

MR. VAUGHN:

There is not, but it is our desire to see the hearing closed tonight. We would like to have this on the books sooner rather than later. The issue here is that the laws and the fees -- the fees and fines that we're looking to impose here are really on people who are failing to pay, so it gives -- it puts an enforcement mechanism and makes the -- essentially gives some more teeth and that's where we're looking to put in place here.

LEG. SPENCER:

I don't think Mr. Margiotta being here -- because I don't think really that's appropriate necessarily for the public hearing. If he were here and he could testify, but we could deal with that in committee. But I do think Legislator Browning's point with regards to having an evening meeting and having testimony on the western side of Long Island, that has some merit. So it's a tough decision.

MR. VAUGHN:

Legislator, the one thing that I would just add is if this were to make it out of committee, we do have a four o'clock public portion in which members of the public could certainly be heard at that point in time before the bill is debated on the 18th, if it were to make it out of committee.

LEG. SPENCER:
(Nodded head yes).

P.O. GREGORY:
Okay.

LEG. CALARCO:
Call the vote.

P.O. GREGORY:
The recess motion takes precedence. We'll take a roll call.

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

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. KRUPSKI:
Yes.

LEG. HAHN:
No.

LEG. ANKER:
No.

LEG. CALARCO:
No.

LEG. LINDSAY:
No.

LEG. MARTINEZ:
No.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
Yes.

LEG. McCAFFREY:
Yes.

LEG. STERN:

No.

LEG. D'AMARO:

(Not present).

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

MR. LAUBE:

Eight.

P.O. GREGORY:

Okay. Motion to close; roll call.

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

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

(Not Present).

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Ten (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay, the Public Hearing is closed.

(Public Hearing on) IR 1159-14 - A Charter Law to Implement One-Year Rolling Debt Policy Under 5-25-5 Law to Mitigate Budgetary Shortfall (County Executive).

LEG. KENNEDY:

Mr. Chair, could I just go back to that vote to close again? Are there 17 or 18 of us in the room? How did we get to ten?

LEG. BROWNING:

AI said yes.

LEG. KENNEDY:

No, no, but is Legislator D'Amaro still with us, or no?

MR. NOLAN:

No.

LEG. KENNEDY:

Okay.

MR. LAUBE:

No, he's not. Would you like for me to read them off?

LEG. KENNEDY:

Oh, I'm sorry, Legislator Krupski did vote to close? Okay, fine. Thank you. Sorry.

P.O. GREGORY:

Okay. So 1159, I'll make a motion to close. Do I have second?

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay. I would like to make a motion to set the date for the following Public Hearings of March 18th, 2014, 6:30 P.M. at the Rose Caracappa Auditorium in Hauppauge. Do I have a second?

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore:

IR 1236-14 - A Local Law to require the use of biodegradable products by chain restaurants (Hahn).

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Back to the *manila folder*.

IR 1244-14 - Amending Resolution No. 1172-2013, implementing budget, staff and taxes for the Fiscal Year 2014 (Discretionary) (Presiding Officer Gregory). I make a motion to approve.

LEG. CALARCO:

Second.

P.o. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

IR 1245-14 - Amending Resolution No. 1173-2013, implementing budget, staff and taxes for the Fiscal Year 2014 (Mandated) (Presiding Officer Gregory). Same motion, same second. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

IR 1246-14 - Authorizing amended Tax Warrant for Resolution No. 1174-2013 (for the Town of Southampton and East Hampton) to be signed by the Presiding Officer and the Clerk of the County Legislature (Presiding Officer Gregory). Motion by Legislator Schneiderman. I'll second. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay. There was a grant resolution just handed out, ***IR 20*** -- excuse me -- ***1269-14 - Accepting grant funds in connection with the transfer of Development Rights Study (County Executive).***

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay. We have a **CN**, go to your red folder.

IR 1206-14 - Authorizing the County Treasurer to borrow cash funds from other County funds for 2014 (Presiding Officer Gregory).

LEG. CALARCO:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Calarco. I'll second.

LEG. CILMI:

On the motion, just very quickly.

P.O. GREGORY:

On the motion.

LEG. CILMI:

Maybe could I ask Mr. Vaughn to --

P.O. GREGORY:

Actually, probably BRO would probably be better.

LEG. CILMI:

Well, what I wanted to know is why the CN, first of all.

MR. VAUGHN:

This is the time of year we typically do this. We've done this the last three out of the four years.

LEG. CILMI:

That's the answer you're going with (*laughter*)?

MR. VAUGHN:

That's the answer I'm going with. It's necessary for cash flow movements.

LEG. CILMI:

Why not through the regular committee process, though? If this is the time of year that we usually do this, then one would think that it would have appropriately gone through the committee process.

MR. VAUGHN:

We think that it's best to do this by CN to give the -- to not delay anymore, give the Treasurer the ability to transfer these funds, as we do every year at this time.

LEG. CILMI:

Not delay anymore; what does that mean, exactly? Have you been delaying up until now?

MR. VAUGHN:

I haven't delayed anything.

LEG. CILMI:

I don't mean you, Tom. I know you're not delaying.

MR. VAUGHN:

I don't think the County's Executive Office has. There's been no delay on our part, but this bill is now before us and it's March 5th. Ideally, we believe that this would be a piece of legislation that should be adopted earlier in the year, even than March 5th. When we became aware of the bill, we thought it was best to issue a CN. The bill did not come through the Executive's Office, Sir.

LEG. CILMI:

Okay. Where did it come from?

MR. VAUGHN:

It was submitted by the Treasurer directly to the Presiding Officer's Office.

LEG. CILMI:

Ah hah. And when was it submitted by the Treasurer?

MR. VAUGHN:

I have no idea.

MR. NOLAN:

I can tell you that when we got it, it was filed immediately.

There was no delay in filing it once we got the resolution from the Treasurer. But this is a resolution we do each and every year.

I don't know exactly when we do it typically, but this is almost pro forma.

MR. VAUGHN:

We literally did it March 5th last year with a CN. Actually, we used the exact same verbiage on the CN.

LEG. KENNEDY:

Okay. And just either George or Tom or Robert; could you just briefly explain exactly what this does?

MR. LIPP:

Okay. So in a perfect world, it should have been done through the committee process, but conversations between the Treasurer and Audit and Control and the Budget Office and myself, we -- it looks like, you know, we didn't want to make any -- create any problems that there is a cash flow problem, clearly, and there may not be enough cash to pay all our bills before we do the next short-term borrowing; we do RANS and TANS. This is superior or better than doing those. It doesn't speak well to our cash needs, but it's the sensible thing to do. And if you look at the Fiscal Impact Statement that we did, you can see that we borrowed a total for various numbers of days of a little over 250 million last year. Interfund borrowing; what we do is we borrow from Tax Stabilization Reserve Fund, the Sewer Assessment Stabilization Reserve Fund, the Water Quality Protection Fund, whatever monies are available from different funds we borrow. And then we have to pay it back legally by the end of the year.

LEG. CILMI:

Right. But did you just say that we -- you didn't say that we avoided the committee process because we were frightened of potential impacts from letting --

MR. LIPP:

No, I didn't say that. I believe what I said or implied was that in a perfect world, it should have gone through the committee process, but I believe the conversations between the different financial offices, in realizing that we probably could have -- we might have a problem, that it's best to get it done now. If that conversation happened earlier --

LEG. CILMI:

As opposed to going through the committee process beginning now, in other words.

MR. LIPP:

Right.

LEG. CILMI:

I understand. Okay. And again, this is something that we do year after year after year?

MR. LIPP:

Well, yeah. As you can see in the fiscal, we've done it for several years.

LEG. CILMI:

Right, right. Okay. Thank you.

P.O. GREGORY:

Okay, Legislator Muratore.

LEG. MURATORE:

My question was answered. Thank you.

P.O. GREGORY:

Okay, Legislator Trotta.

LEG. TROTTA:

Yeah, I'm reading this, and I don't know if you wrote this, but it says, "*This reflects a structural budget problem that needs to be addressed.*" Can you tell me how that could be addressed so we don't have to do this?

MR. LIPP:

Well, you know, we've spoken in different forums, shall we say, about different ways of addressing budget problems, that would be too complex an issue to talk about right now, I believe, and also there isn't any simple answer. So I prefer not to go into a whole listing. If you want, we could talk about, you know, how to address those issues, but it's a huge challenge.

LEG. TROTТА:

Well --

MR. LIPP:

The point to be made here is that, you know, there are basically -- from the budget point of view, there are two things to look at; the budget itself and the cash, this being the cash part. And it shows that, you know, we are spending quite a bit relative to what we're taking in. There is always some cash flow borrowings needed because of the timing sequencing, but it's just sort of like, you know, to say that there are problems we really need to address.

LEG. TROTТА:

How much money is it this year?

MR. LIPP:

Oh. Well, there's no way to know that. This just gives the Treasurer authority, so, you know, you could make -- just by looking at the table in the fiscal impact statement, you could speculate that it would be in the same ball park, maybe a little less if we're fortunate, but that remains to be seen. Right now we haven't borrowed anything, though, obviously.

LEG. TROTТА:

So the number of -- average number of days, that's how much it takes you to pay it off? Does that mean like -- I mean, like last year was 242 days. It has to be paid off by the end of the year?

MR. LIPP:

Correct. So we could -- you know, we would prefer to just -- if we needed the money only for the week, let's say, that's how long we would borrow it for, but apparently we've needed it for more than a week, on average.

LEG. TROTТА:

It seems to be increasing. Okay.

P.O. GREGORY:

Okay. Legislator Spencer.

LEG. SPENCER:

Rob, there seems to be some relationship when you look at the amount of money that we're borrowing, the principal, and there seems to be like a time factor in terms of the interest rate. And I just see some disproportionate numbers and I just need your help. And I think to Legislator Cilmi's point, my understanding in terms of why this always comes as a C of N, because I asked that question kind of off line, was that they try to borrow the money and every day has a dollar amount associated with it. So once they know that they need to borrow, once they get the authorization, they try to borrow it at the very last minute and they try not to limit the amount of time, because every day costs us thousands of dollars. But I think that's one of the reasons. I don't know if that helps, but I had a similar question.

And I know -- I'm just looking at the -- it looks like as the time course goes out the money becomes cheaper, but there's a couple of blips there. So in 2010 where we had the money for 150 days, we pay a point seven percent interest, and what I'm noticing, about a quarter of a million dollars and

paid back almost three-quarters of a million. But then, you know, we're seeing much lower interest rates than, you know, in 2006 when it was 5%. Does our bond rating reflect the interest that we pay on this? And because of the way we've managed the money in the past and how we borrow, does that -- what determines the interest rate? There is a time factor that effects it.

MR. LIPP:

The interest is determined by the market. If you put your own personal money in a passbook savings account you'd get next to nothing and this reflects that. So the only really good news about this is that the money is very cheap, so even though we're paying it back, it's at very, very low interest rates.

LEG. SPENCER:

But --

MR. LIPP:

By the way, that was three-quarters of a billion, not three-quarters of a million. I'm sorry, one-quarter of a billion, not one quarter of a million.

LEG. SPENCER:

I'm sorry, I misspoke.

MR. LIPP:

It's okay.

LEG. SPENCER:

So when we look at those -- I know there's market rates, but there's also like if I've got a great credit rating I'm able -- I may be able to get a loan for this much. Are we getting the best -- getting the money as cheap as possible? I know last year we borrowed at .15%, we're getting it pretty much almost one-to-one, I mean, almost for free there.

MR. LIPP:

Right. So these are -- these are set by State law, so it's internal borrowing, it's not -- you know, we're not actually doing like a passbook rate. We were actually going out to market to borrow for cash flow purposes, that's Tax Anticipation Notes and Revenue Anticipation Notes, and the net on those have been in the neighborhood of 1%, actually, also over the last few years. So that's the other piece of good news; even though we're borrowing at historically high amounts for Tax Anticipation Notes or Revenue Anticipation Notes, the rates on them are very, very reasonable.

LEG. SPENCER:

And our credit status has no bearing in terms of how --

MR. LIPP:

That's a difficult question to answer. I think that the credit rating agencies do look at the amount that we're borrowing. I don't think they have much concern about the interest expense, because it's just a small number in a very large budget. They would be more interested if they thought that we had an imbalance in the budget and this -- the interest here, you know, itself is what we budget for, just that last column, and that's a small number, that's not a big concern.

LEG. SPENCER:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I'll try and be quick, Robert. You know, this Interfund borrowing is typical in municipalities. It's usually from a cash flow problem and funds haven't come in in certain areas, they have come in in other areas and the money is always returned by the end of the year. Suffolk County is kind of a little bit different because we have now multiple years of RANS. I'm suspecting in this that we wouldn't have the cash available to pay back all these transfers unless we do another RAN. So is another RAN in the works? We did one last year, probably around April, I think?

MR. LIPP:

Yes. So yes, there's another RAN in the works, but the question about paying it back isn't related to the RAN, it's related to the Tax Anticipation Note.

D.P.O. SCHNEIDERMAN:

Okay.

MR. LIPP:

And in past years we've always borrowed at the very beginning of the year, and the last few years we've had to borrow, which we can legally. In December simply to be able to pay back these interfunds.

D.P.O. SCHNEIDERMAN:

Okay. On the RAN question, do you know what --

MR. LIPP:

Quick is not a word.

D.P.O. SCHNEIDERMAN:

Do we know yet what the RAN is going to look like, how much it's going to be?

MR. LIPP:

Hold on a second.

LEG. CALARCO:

A hundred million.

MR. LIPP:

So the RAN is -- I believe that we're talking about projected -- I think we have like the authorization to do 120 million, but I believe they're looking at doing 85 million; but I'm not a hundred percent sure on that, that's what I'm seeing in my notes.

D.P.O. SCHNEIDERMAN:

Okay. So it looks like it's shrinking.

MR. LIPP:

And that's -- it's due in April sometime, so I'll be able to get back to you with more specific news on that.

D.P.O. SCHNEIDERMAN:

Okay. Thanks.

LEG. TROTТА:

I have a question.

P.O. GREGORY:

Okay, Legislator Trotta.

LEG. TROTTA:

Did you just say that you had to borrow money at the end of the year to pay this back?

MR. LIPP:

Well, not me personally, ha ha (*laughter*).

LEG. TROTTA:

We had to borrow money -- how much -- last year we had to borrow money to pay back the 269 -- no, the \$250 million?

MR. LIPP:

Yeah. No -- well -- okay. So we borrowed in terms of authorizations to borrow, we borrowed 400 and -- \$400 million -- 410 million, I'm sorry. No, 400 -- yes, 410 million we borrowed, which was made up, I believe, of two parts; 300 million in December and another 110 million in January. We needed the money in December for various bills including paying back the interfund transfers, which you have to at the end of -- before the end of the year.

LEG. TROTTA:

So we borrowed 251 million and then we borrowed 300 million to pay it back in December. So you get the lower rate for the whole year, then when you borrow the money you're paying it.

MR. LIPP:

These are -- the 251 is not necessarily what we were paying back, because these are like how much we borrowed at various points of the year, okay, for different amounts of days. So some of the days, I think there was one that was like one day we borrowed for, but the average is a very long period, over 200 days. At the end of the year, whatever we had left, I'd have to look at cash flow reports, we have to pay that back which was not the 250, it was a different number. I'm not sure what that number is, whatever at the end of the year we had outstanding that we had to pay back.

LEG. TROTTA:

So then in December we borrowed \$300 million.

MR. LIPP:

Correct.

LEG. TROTTA:

And that's above and beyond the sale of the Dennison Building?

MR. LIPP:

That's off budget, that's cash flow. So in other words, it doesn't -- even though I'm paying your bills, I don't have the cash for it, so as a bridge I need to -- well, not me -- once again, the County needs to borrow to have the cash. So there is a -- yes, there's a reconciliation, but there's a difference between the budget itself that we look at here and the cash.

P.O. GREGORY:

Okay. Where are we?

MR. NOLAN:

Voting on that CN.

P.O. GREGORY:

We have a motion and a second. Any more questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay.

All right, I'd like to make a motion to waive the rules and lay on the following **Late Starters**.

LEG. STERN:

Second.

P.O. GREGORY:

Procedural Resolution No. 6 to Parks; IR 1237, EPA; IR 1238, EPA; IR 1239, EPA; IR 1240, EPA; IR 1242, Health; IR 1243, Health; IR -- oh, I'm sorry. IR 1241, EPA; IR 1243, Health. Did I repeat myself? IR 1247, Public Works; IR 1248, Budget & Finance; IR 1249, Ways & Means; IR 1251, Public Safety; IR 1252, Budget & Finance, set the Public Hearing for March 18th, 6:30 PM in Hauppauge; IR 1253, Budget & Finance; IRs 1254 through 1268, Budget & Finance; IR 1270, Education & IT, set Public Hearing on March 18th, 6:30 PM in Hauppauge; Home Rule Message No. 4, Government Ops; IR 1271, Public Safety; IRs 1272 through 1274, Budget & Finance.

I have a motion and second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

That's our agenda. We stand adjourned. Thank you. Good night.

*(*The meeting was adjourned at 6:55 P.M. *)*

{ } - Denotes Spelled Phonetically