

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

March 18, 2014

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Minutes Taken By

Lucia Braaten & Alison Mahoney - Court Reporters

Verbatim Transcript Prepared By

***Lucia Braaten, Alison Mahoney,
Kim Castiglione - Legislative Secretary
& Denise Weaver - Legislative Aide***

*(*The meeting was called to order at 4:10 P.M. *)*

*(The following testimony was taken by Lucia Braaten - Court Reporter
& was transcribed by Kim Castiglione - Legislative Secretary)*

P.O. GREGORY:

Okay. Mr. Clerk, can we do the roll, roll call? Madam Clerk, sorry.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Here.

LEG. MC CAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. Thank you, Madam Clerk. Good evening. Those of you in the audience, thank you for coming tonight. You actually have a special treat. We're going to have a public service announcement taped in a few minutes and it's in relation to the Community Protection Act, which was voted on last February. It was a unanimous vote. So if I could have all my colleagues in their chairs. What we're going to do is simulate the unanimous vote, although some of you weren't here, but I know you're very supportive of the act. We're going to, at the direction of the Director-Producer, Kathy, we're going to raise our hands at her direction, and it will take all of three to five minutes. Okay. Kathy, it's all yours.

*(*Public Service Announcement Taping Done*)*

P.O. GREGORY:

All right. Thank you. Have a good day. To lead us in the salute to the flag will be led by Legislator Steve Stern.

Salutation

Legislator Steve Stern will introduce Julian Brown, a Senior at Sonderling Brentwood High School, who will sing the National Anthem.

LEG. STERN:

Hello, everyone. It is my great pleasure to introduce Julian Santiago-Brown Priceman, a high school student from Brentwood, who is here to lead us in our National Anthem.

National Anthem Performed by Julian Santiago-Brown Priceman

*(*Applause*)*

P.O. GREGORY:

The invocation will be given by Reverend Joe Garofalo of the Island Christian Church in East Northport, guest of Legislator Steve Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. Everybody, please join me in welcoming the Reverend Joseph Garofalo, who is the Outreach Pastor at Island Christian Church, a multi-campus church with worship centers in East Northport, Port Jeff and Holtsville. Reverend Garofalo joined the church in 2008 after a long career in publishing. He co-founded Island Metro Publications, a leading publisher of

economic development and tourism magazines and resources, primarily serving the Long Island region, in 1986.

In the role of Outreach Pastor, Joe is responsible for overall community outreach for the church, including marketing and new member development and discipleship. Because of his business background, he also oversees the church's workplace ministry, which is a resource to businesspeople and helping them achieve a stronger sense of purpose and balance in their work and lives overall, while encouraging the highest standard of excellence. Joe sees a strong connection with the work he does at the church and his involvement with the business community. Joe and his wife Karen will be celebrating their 25th wedding anniversary this year, and they live in Commack with their son, James, a Junior in high school. Please join me in welcoming Reverend Joseph Garofalo.

*(*Applause*)*

REVEREND GAROFALO:

Thank you. It's an honor to be here praying over this procession, these proceedings, and let us pray. Father God, your word says I urge that requests, prayers, intercession and thanks be offered on behalf of all people, even for kings and all who are in authority, that they may understand their role under authority, and may lead a peaceful and quiet life in all Godliness and dignity. Such prayer for all is good and welcomed before God our savior, since he wants all people to be saved and come to a knowledge of the truth.

Father, for the men and women that make up this assembly, I thank you for them. I pray that you would grant them humble hearts, that they may never leave and forsake the absolute privilege it is to lead and make decisions on behalf of your people. That they may walk before you in truth and righteousness and uprightness of heart, in the spirit of unity and in the bond of peace. That their view of those that you have put under their care be next to you and their own families preeminent. And that as it so pleased you with your servant Solomon, who prayed for wisdom and an understanding heart being able to discern between good and evil, so I pray for these here today.

Father, we ask that you bless all the discussion that goes forth for wisdom on decisions that need to be made, that it be in accordance with your will and desire. We know, Lord, that this is something that you desire for them, that they should be shown what is good and what it is you require of them. That is to do justly, to love mercy and to walk humbly with you. Father, keep them steadfast and movable when it comes to pursuing truth, always abounding in your work. Enduring challenging and difficult times may they say when my foot slips your mercy oh, Lord, will hold me up. In the multitude of my anxieties within me, your comforts delight my soul. And Lord bless this fellowship that takes place here and these proceedings. We pray in the name above all names, to the creator of the universe, in whose hands all things are held together to you, our sovereign God, be the glory. Amen.

(Amen said in unison)

LEG. STERN:

Thank you.

P.O. GREGORY:

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

Moment of Silence

This afternoon we have several Legislators who are going to make proclamations. We have Legislator Lindsay and Hahn, who will present a proclamation to Miss Neha Kinariwalla, a Sayville resident who attends Stony Brook University. She received the Gates Cambridge Scholarship from the Bill and Melinda Gates Foundation.

LEG. LINDSAY:

Good afternoon, Mr. Presiding Officer and members of the Suffolk County Legislature, my colleagues. I have a very special young lady who lives within my district, who we would like to honor here today. Neha is a graduate of Sayville High School and currently a student in the eight year combined Bachelor's MD Program at Stony Brook University. And that program consists of the Women in Science and Engineering and Scholars for Medicine programs. This May Neha will be graduating one year early with a Bachelor of Science Degree in Sociology and a minor in International Studies.

Neha is the first student from Stony Brook University to receive the Gates Cambridge Scholarship provided by the Bill and Melinda Gates Foundation. Neha will pursue a Master's in philosophy in modern society and global transformations at the University of Cambridge from October 2014 to June of 2015 before returning to Stony Brook University in August, 2015, for Medical School.

She has done extensive research both at John Radcliffe Hospital in the UK and at Stony Brook Medical Center, and she has conducted a literature review on the social stigma of epilepsy in the first world nations as compared to third world nations -- third world countries. Neha is also the founder of the Humanology Project, a non-profit organization that is dedicated to narrowing the treatment gap that exists in epilepsy and other stigmatized illnesses.

Neha, congratulations on being the recipient of the Gates Cambridge Scholarship and thank you for your commitment to changing the lives of others. We are extremely proud of you and confident that you will continue to shine. Best of luck to you in your future endeavors, and we look forward to seeing you when you return back to the community. Thank you.

*(*Applause*)*

LEG. HAHN:

I am thrilled to be able to recognize such a fabulous young woman. Stony Brook University is in my district so I'm always pleased to be able to recognize students that come to Stony Brook and are just so incredible. I'm a social worker and I'm here because I'm committed to making a difference in people's lives, and Neha has committed to giving back to needy communities and to improve the lives of others, and has distinguished herself, as Legislator Lindsay just so eloquently, you know, listed for us, as a future global leader. There is absolutely no question in my mind that she will make a tremendous difference. She already has and she will continue to do so and we will be reading about her for many, many, many years to come. And this is an extraordinarily prestigious Gates Cambridge Award, and that in and of itself is just a testament to her actions and her achievements. And the Stony Brook community is incredibly proud to have you in our midst. So thank you for all you have done and all you're going to do.

*(*Applause*)*

(Photograph was taken)

P.O. GREGORY:

Next we have Legislators Lindsay and Muratore will present proclamations to three Sachem East High School athletic teams for their achievements this past season.

LEG. MURATORE:

To all my Legislators, my colleagues, thank you. To everyone in the audience, welcome. You know, we're so very fortunate as Legislators here to represent such fine young men and women. And, you know, our task is to make sure that we provide them with everything they need to complete their educations, which are both our teachers in the classrooms and our teachers on the field are doing such a wonderful job of. And we as Legislators hopefully will provide what they need keep them here and grow up and live a long life here in Suffolk County. So on behalf of my colleagues, the 17 other Legislators, Legislator Lindsay and I would like to represent, first of all, I'd like to call up Mark Tracey. Mark, are you in the audience here? I know you were here before.

AUDIENCE MEMBER:

Mark. Mark.

LEG. MURATORE:

That's the way you get them, right?

*(*Laughter*)*

Okay, here comes Mark. While he comes up, let me give you a little bio on Mark. Mark Tracey is a Sachem East High School student. He won the Section XI 182-pound Championship against Deer Parks David Hamil. Mark's victory led the Sachem East Wrestling Team to win the Suffolk County Championship over John Glenn High School. Mark Tracey then won the New York State Championship at 182 in Albany's Time Union Center. Tracy beat John Jay's Brett Perry, 8-2, in the championship final. So a State Champion here in Suffolk County. Thank you, Mark, for everything you do for the County and God bless you. Thank you.

*(*Applause*)*

(Photograph was taken)

LEG. MURATORE:

Thank you.

LEG. LINDSAY:

This next proclamation is, again, for the Sachem East School District. It's actually for the Girls Varsity Basketball Team. Sachem, which is my alma mater, I'm very proud to give this award to them to honor the girls basketball team for a fantastic season. The girls finished the 2013-2014 season with a 10 and 2 record in League I and overall record 16 and 7, making their team the 2014 League I Champions. In the Class AA Championship game the Sachem East Girls Varsity Team was trailing to top seated North Babylon by as much as 10 points and rallied back on an 18-3 run in the second half due to a team effort and outstanding leadership from Seniors Katie Doherty and Kat Everson. Sorry, Mr. Presiding Officer, I know that's one of your schools there, but --

P.O. GREGORY:

Yes.

LEG. LINDSAY:

-- it's great to see Sachem East win. They ended up winning by a score of 55 to 46. And this is their fourth time in five years that the Sachem East Varsity Girls Basketball Team has beat North Babylon in the postseason. Sorry again, Mr. Presiding Officer.

*(*Applause*)*

LEG. LINDSAY:

So on behalf of myself, Legislator Muratore, and the 1.5 million residents of Suffolk County, we just want to present them with this proclamation. If we could ask their coach to come up and congratulate all the girls on this tremendous achievement, and wish them the most success as they continue on their high school careers.

*(*Applause*)*

LEG. MURATORE:

You know, we have such great coaches here in Suffolk County and on occasion they move on to bigger and better things or other things, and what's happening this year is the head coach of the Sachem East High School Girls Varsity Basketball Team is retiring. Coach Matt Brisson became coach of the girls varsity in 2002 and 2003, and he finished overall with 218 wins and 48 defeats for a wonderful record. He's taught health and physical education at Sachem East for over 30 years, so he's not only led in the field, but he's led in the classroom, which we talked about before. He's led Sachem East to two Long Island Championships, most recently in 2013, and a State title in 2010.

I hate to keep bringing this up, but, again, you know, North Babylon did lose. You heard that. I'm sorry about that, but, you know, we have to mention that. Like Legislator Lindsay said, the Sachem East record was 16 to 7. They captured a second straight Suffolk County Championship with a series of great comebacks, which Legislator Lindsay told you about. Again, my condolences to Legislator Gregory, but, you know, somebody's got to win.

*(*Laughter*)*

Okay. Thank you. Thank you,, Coach.

*(*Applause*)*

LEG. LINDSAY:

Just to give full disclosure, Coach was my health teacher back in junior high, so he did a good job.

*(*Laughter*)*

Again, we have another team from Sachem that we wanted to recognize, the Sachem East Varsity Boys Bowling Team. The Sachem East Varsity Boys Bowling Team finished the 2013-2014 season undefeated with a record of 13 and 0 in League II and are the 2014 Section 11 Suffolk County Champions. The Sachem East Varsity Boys Bowling Team won the six game Suffolk Boys Bowling Championship at Sayville Lanes with a collective score of 6,707 after a slow start to the competition. Sophomore Nick Caruana, who averaged a tournament high of 256.67, bowled a 300 in game two and a 299 in game three. Nick also broke the Suffolk County single season record with an average score of 236.3. Eric Rostern bowled a 298 in game four as Sachem East bowled a tournament high score of 1219 as a team. Bobby Ramsey added a 232.85 average score, which placed him fifth best in the tournament.

What an impressive group of young men with some really talented young individuals that I'm sure we'll see them continue on within their high school careers and also possibly within their collegiate careers. So at this time, on behalf of the 1.5 million residents of Suffolk County, we would just like to honor the Sachem East Varsity Boys Bowling Team.

*(*Applause*)*

LEG. MURATORE:

Coach. Just you, Coach. We already did the boys.

*(*Laughter*)*

I know they want to be on the forefront, but they had their time.

LEG. LINDSAY:

Okay. This is the last one. Again, I apologize, Sachem, they keep winning all these championships and there's nothing we can do to stop them. We already -- we already recognized one of the wrestlers from the Sachem East Varsity Wrestling Team, but we also wanted to acknowledge the entire team as this year the team is the 2014 League I Dual Meet Champions, the League I Tournament Champions and the Section 11 Suffolk County Champions. They finished the season with a 6 and 0 record in League I Dual Meets, and an overall record of 15 and 0, making this the third consecutive season that the varsity wrestling team has finished the Dual Season as undefeated league champions. The varsity wrestling program at Sachem East has a record of 52 and 1 over the last three seasons, and a record of 91 and 10 over the last five years.

Sachem East hosted a 2014 League I wrestling tournament and finished in first place with 258 1/2 points, also having four wrestlers win League Championships. Junior Jakob Restrepo; Senior Mark Tracey, who is now the first three time League Championship in school history; Senior Michael Pistone, and Junior Sean Dee.

The Sachem East Varsity Wrestling Team then went on and captured the Section 11 Team Championship for the second straight season when they beat John Glenn by a score of 141-and-a-half to 149 at Hofstra University, which was on February 14 and 16th. Four of the team's athletes joined Section 11 Century Club for earning 100 or more career victories: Senior Captain Anthony Messina, Senior Captain Mike Pistone, Senior Captain Mark Tracey and Junior Captain Jakob Restrepo.

Legislator Muratore and I congratulate the Sachem East Varsity Wrestling Team on behalf of the Suffolk County Legislature and the 1.5 million residents of Suffolk County. Congratulations, boys.

*(*Applause*)*

Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Thank you and congratulations. And we're going to work on North Babylon. We're going to get you guys next year.

All right. Next we have Legislator Stern, who will present a proclamation to the Suffolk County Championship Swim Team from Half Hollow Hills High School.

LEG. STERN:

Thank you, Mr. Presiding Officer, and hello again everyone. It really is a great pleasure to welcome and to congratulate the Suffolk County High School Champion Varsity Swim and Dive Team Champions from Half Hollow Hills. This is the Half Hollow Hills Varsity Swim and Dive Teams 9th consecutive Suffolk County Championship. They are a team and a program, under the leadership of Jason Wiedersum, that has brought great pride to our community year after year after year. A group of outstanding young men who will continue to do great things and we wish him and we wish them every success in the future. So congratulations and thank you.

MR. WIEDERSUM:

Thank you.

*(*Applause*)*

P.O. GREGORY:

Next we will recognize Legislator Martinez, who will present a proclamation to the Brentwood High School Basketball Team, who won the title of Long Island Champions and are now competing in the State finals.

LEG. MARTINEZ:

We did already.

P.O. GREGORY:

Oh, you did already. Okay. Update.

LEG. MARTINEZ:

Good afternoon. I am pleased to have here today the Brentwood Basketball Team. And not only the coaches are here, but the Principal is here, the Athletic Director are here and Assistant Athletic Director. On March 8th against Farmingdale over at Farmingdale College was it? Farmingdale, yes. They won -- I mean, the game was significant. It was loud, it was crazy, it was exciting, and the most part that was exciting is that these boys just gave it their all. They won with 61 to 41 making them the 2014 AA Class Champs, not only for Suffolk County, but the entire Long Island. And they did go to States last weekend and I was rooting for you boys and unfortunately we did not come home with the State, but I wish you all the best next year, because what you proved this year was more than anything that has been done in the past couple of years. So I congratulate you all. And we did take a picture already, but I do want to honor the coaches and the school, so if you can please come forward so I can give you your proclamations.

*(*Applause*)*

We have Varsity Coach Anthony Jimenez, Varsity Assistant Coach David Berger, Junior Varsity Coach John Bucaro. I don't know if he's here. Is he here? Athletic Trainer Jason Lantz, that without him -- Jason are you here?

*(*Applause*)*

The work that Jason does, too, on the courts, every day on the field, every day with our children is admirable and thank you. And I've even got pointers sometimes on how to keep my shoulder from not hurting any longer, so he's good. And I would also like to bring forward Athletic Director Kevin O'Reilly, Assistant Athletic Director, Mr. Dan Robison, and of course we have the Principal and Assistant Principal, Mr. Rich Loeschner and Jeanette Suarez.

*(*Applause*)*

So on behalf of the 9th Legislative District, excuse me, and my colleagues behind the horseshoe, thank you so much. I present to you a proclamation and I hope I see you here again next year. Thank you.

(Photograph Taken)

*(*Applause*)*

And also, gentlemen, you each have a certificate, not only for Long Island Champs but Suffolk County Champs as well. I can't give it all to you right now because you guys need to get out of here, so they're right here for you, okay?

*(*Applause*)*

P.O. GREGORY:

Next we will recognize Legislators Kennedy and Trotta. They will present a proclamation to Matthew Monahan of Commack in recognition of his heroic efforts in saving a young woman who was injured in a car accident and rescued her from the burning vehicle. Matthew Monahan is a Commack Volunteer firefighter and an Emergency Room Nursing Assistant at Stony Brook Hospital.

LEG. TROTТА:

Okay. On behalf of the Suffolk County Legislature, Matthew, I want to thank you. Matthew is a lifelong resident of Commack, which is where I grew up, and truly a good samaritan. He works at Stony Brook University ER and on the way home from work one night he sees a one car accident with the car up on its side. We're going to show you a video of it in a minute. He without regard for his own safety gets out of his car, jumps into the top of the car, which is up on its side, reaches down, grabs a girl out of the car as it's burning, flames are coming through the dashboard, lifts her out, pulls her out of the car while another gentleman comes over and gives him a hand, Joseph Moscato. So I'd like you to watch this here.

(Video Was Played)

That's the car burning on the left. It's a little hard to see. What are you doing now, you're trying to get up into the car, is that it?

MR. MONAHAN:

I am trying to communicate with her, tell her that everything is going to be okay. I'm already talking to the woman that was inside the vehicle. I had told her -- asked her what was wrong with her, she replied. I told her that we were going to get her out as safely as we could. I was in the meantime trying to kick in the front windshield. When Joseph Moscato pulled up he grabbed his fire extinguisher and as you'll see in a little bit, he's actually trying to kick in the windshield as well with the extinguisher. The flames are growing. Joe then pulls the pin on the extinguisher and tries to knock down the fire, excuse me, as you'll see in just a moment.

LEG. TROTТА:

She's still in there right now.

MR. MONAHAN:

She's still in there. Joe now knocks the fire down, which actually bought us about an extra minute, minute-and-a-half. I then proceeded to jump up and hang myself over, told Alyssa to grab my arms, stand up on her good leg, which she did. I repositioned underneath her arms. I said to her that we have to get you out quickly. As I said that, now the fire is rolling underneath the dash, which I believe you may see a little flames in a little bit. She jumped up, I was able to lift up and successfully pull her out with the help of Joe, and an unidentified male at the scene.

LEG. TROTТА:

Well, luckily for Alyssa, Matthew is a member of the Commack Fire Department and has dealt with this in the past. Take it from someone who has been on the other side, when I was a copy I pulled up to a scene and I couldn't get the person out of the car. So, you know, timing is everything. You should be very proud of yourself, and on behalf of the residents of Suffolk County and I'm sure Alyssa's family, we couldn't be more proud of you and we thank you very much for your service every day.

*(*Applause*)*

LEG. KENNEDY:

So this is what it's about for us here in Suffolk County, and as a matter of fact, I'm honored to go ahead and join and all of the training that you put into place comes by virtue of the knowledge and the skills that you acquired with the Commack Fire Department. And we have Commissioners here, Commissioner Fazio and Commissioner Fontana. But actually I guess you probably first learned it at your knee because I understand your father is a retired New York City Fire Department member as well, who served many decades taking care of and rescuing folks and I guess firefighting really is in your blood.

We also have Mr. Moscato here, who was one of the other key first responders, as a matter of fact, and the good samaritans. And I got a chance to talk with Joe at length today in the office and see the video firsthand and to hear from Joe about probably what, more than 30 years in the fire service and also now as a Long Island Railroad Engineer, the importance of safety, the importance of training, and the importance of like Boy Scouts always being prepared. I guess you were prepared with that fire extinguisher, huh?

You know, we get an opportunity to go ahead and do many good things and to work on and recognize all of the important things that are done in life, but I can think of no more important actions than we can take to recognize these two brave heroes. And, Joe, I'm going to ask you to say a few words. Come on up.

*(*Applause*)*

MR. MOSCATO:

Sure. Well, first of all, I could have never done it if Matt wasn't there. I'm not as young as he is. I was able to suppress the fire to buy us time and time was of the essence. By buying us time, it allowed Matt to assess the situation with the victim in the car, and we put our thoughts together on what we were going to do. And we knocked the fire down the last time with the extinguisher and I told Matt, "This is it, man. We don't get her out now, she's not coming out". And he threw himself into the car when there was still fire inside the car, pulled her up like he said. And then I came around the other side with the assistance of an unknown person that was actually holding the door, and I grabbed her pants and her lower torso, and we yanked her out of the top of the car and pulled her to safety with the help of some bystanders that were on the road.

After it was all over, you can't imagine with all the things that I've done over the years that I've been in the fire department and the rescue squad and as an EMT, nothing has ever measured up to what we actually accomplished together as a team. Another thing I want to say is that when I was there and Matt was there, I knew that I had the right person on the job because he was calm, he was professional, he was strong, and he was focused. And all I had to do, basically, was to just make that block so he could make the touchdown and that's what we did as a team effort. More than that, I can't say. It was a gift from heaven is what it was.

*(*Applause*)*

LEG. KENNEDY:

And we have Legislator Muratore here with us, we share an area in Centereach, but most importantly, we have the young lady's father here. Alyssa Fox is the young lady. We have Mr. Fox. Would you like to say something, Mr. Fox?

MR. FOX:

Well, all I can say is on that night, on March eighth, I can only thank God that these two gentlemen were there because otherwise it would be a different day for me. I'm sorry. I would have had to bury my daughter on Tuesday. There's not enough words I can give. There should be more people like these two guys out there. You know, God put two angels for my daughter there that night to

pull her out of that car, and I thank them with all of my heart and there is no way I can ever repay them. Thank you.

*(*Applause*)*

LEG. TROTTA:

Just as a side note, they're both single and in their twenties. So you never know.

*(*Laughter*)*

LEG. KENNEDY:

All right, Tom. Go ahead and say something.

LEG. MURATORE:

You know, Mr. Fox said that there are two angels, and you know, there's a lot more than two angels here in Suffolk County. And what better place to be on a Tuesday afternoon than here at the Legislature and see what's going on in this County. We bring our bright young men and women here. We're achieving in sports and in the academia, and we see people just stopping on the side of the road rescuing young girls. And who knows what she's going to bring to this world down the road. There's a reason that happened and God bless Suffolk County and God bless everybody in it. Thank you so very much.

*(*Applause*)*

LEG. KENNEDY:

Okay. Thank you, Mr. Chair.

P.O. GREGORY:

All right. Next we have a proclamation. Legislator Cilmi will present a proclamation and certificates to the New York State Champions East Islip Girls Bowling Team.

LEG. CILMI:

Thanks, Mr. Presiding Officer. If I could ask the ladies and the coach and we have -- we have with the team we have Superintendent Linda Rozzi here, the Athletic Director from East Islip, Steve Restivo is here and Coach Harold Cooley as well as the entire team. Come on up. As the folks in the room can see, we are all exceedingly proud of the residents of Suffolk County, not the least of which and certainly at times the most of which are our youth, who never cease to impress us, whether it be in academia or in athletics or in the arts. We have such a bright, bright future with the kids in our communities.

We have here with us the East Islip Varsity Girls Bowling Team, who finished this season, the 2014 season, with a record of 10 and 0. Average bowler bowled a 215 score I'm told. This is their 16th consecutive league championship. They have -- the team, obviously not these girls, but the team itself the bowling team, East Islip is sort of a hotbed for bowling it turns out. I'm not sure what we're feeding our kids in East Islip.

*(*Laughter*)*

But 10 County Championships over the 29 seasons that the team has been -- has competed. They have 348 wins and only 29 losses and three State Championships to their record.

The six -- five Seniors and one of the Sophomores that I'll present certificates to, the first bunch in -- the first group of starters in Suffolk County to all make All County. So I am extremely proud of all the students in the East Islip School District, and I'd like to present, though, today to this team, and I'll read their names, certificates for your accomplishments this season. I know we have members of the team who are Freshmen and Sophomores and who will continue on and hopefully continue to make East Islip School District proud. Before I present the certificates to the girls, let me present this proclamation to the coach on behalf of the team to say congratulations to you on your amazing efforts.

MR. COOLEY:

Thank you very much.

LEG. CILMI:

Where is Linda?

MS. ROZZI:

Right behind you.

LEG. CILMI:

Linda, did you want to say a few words before I?

MS. ROZZI:

Sure.

LEG. CILMI:

All right.

MS. ROZZI:

Good afternoon. I want to thank everybody for inviting these wonderful young ladies here today to celebrate their efforts. We are so proud of who they represent, both in competition as well as out of competition, regarding their character. I want to thank you and all of our elected officials today for this opportunity. Thank you.

LEG. CILMI:

Thank you, Linda. So with that, I'll do this quickly. From the top our Seniors. Nichole Baione. Congratulations, Nichole. Jordan Kruger, whose mom I just saw yesterday in the store. Megan Kuehne, not here. Veronica Milito, no relation to Tom Melito who works for the County I don't think. Amanda Schilling, not here. Olivia Lopera. Congratulations, Olivia. Lyndsay Mavrigh, Colleen Boyle. And we have four eighth graders on the team: Lauren Christie, Amanda Kreush, Melissa Mavrigh, Kathyne Stephens. And seventh graders on the team: Julia Bocamazo, Stephanie Milito, Jenny Murphy, and Julianna Spina.

A big round of applause. Congratulations, ladies. Great Job.

*(*Applause*)*

Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Next, in recognition of Women's History Month, in 2002 the Legislature passed Resolution No 786-2002, to select a woman of distinction in March of every year. Legislator Kennedy will present a proclamation on behalf of the Suffolk County Legislature at this moment in recognition of Women's History Month.

LEG. KENNEDY:

Thank you once again, Mr. Chair. And I'm going to ask Gina Coletti to please come to the podium and join me. I know we have several members of the Suffolk County Women's Advisory Commission that are here as well. Gina is a woman of distinction. I have a bio here, but I have worked with and known Gina from the Nesconset community for many, many years. She is an epitome for -- and really a mentor for many young people in the area. Besides being a mom of her own three children, she's got a distinguished career in banking that spans over 15 years. She has been our past president of the Nesconset Chamber of Commerce. She is involved in breast cancer prevention fundraising and efforts, and she has really, I guess, stepped forward and kind of blossomed or bloomed, if you will, in light of the flowers, to represent all of the great things that women do here for us in our community and in our County.

I want to stress that concept and notion of being a role model for women at all ages here in Suffolk County. Gina is the consummate multi-tasker. I have seen her juggling messages and chairing meetings and being able to line-up prospective showings of property all at the same time and marveled since I'm challenged to do any one in particular. Thank goodness we have women like Gina who are here to go ahead and lead us, to enrich our County and to help make it a better place.

And thank goodness to the Women's Advisory Commission, which actually leads us in many, many areas of importance throughout the County, including, I was just looking over the bio, you've raised awareness regarding domestic violence, postpartum issues. You are targeting a couple of other important initiatives in the area of women's access, women's health and women's empowerment. And to each and every one of you, I say and we say thank you for what you do for us in the advisory capacity and it is my honor to be able to go ahead and present this award to Gina today, but also to recognize each and every one of you. Thank you.

*(*Applause*)*

You want to talk?

MS. COLETTI:

Do I want to talk? First, I'd like to say thank you from the bottom of my heart to John and to Leslie for nominating me for this. This is an amazing honor. I am very humbled and I'm pleased to be a part of this organization and be involved with Suffolk County at the level that I am. I thank you all so much for giving me an opportunity to be a part of all these wonderful things that I have done. Thank you for all of the teamwork. It's not just me, it really isn't just me. John is incredible to work with, and there are a lot of people out there that need to be recognized as well. Many members of the Chamber of Commerce that have helped me tremendously, and many people, friends, that helped organize events to do fundraisers, that some of which are here today. Val Manzo is here, helped me with the lax for me and the gals. We did a beautiful lacrosse tournament that raised money for the Morro Foundation and they do a great job in educating the school districts and the students in the school district about breast health. And we did a lacrosse tournament to benefit them and the Smithtown Girls Athletic League. And on top of that, which I don't think I got to even tell John, that some of the students that we had volunteer to help get this off the ground from Smithtown High School East, they actually used this tournament as their DECA project and I'm so proud of them because they actually created a manual on how to do a lacrosse tournament and how to do a fundraiser, and they actually won the second place for New York State last week with that manual, which was wonderful. I was very proud of them.

LEG. KENNEDY:

Absolutely.

MS. COLETTI:

And they're going to the finals in a couple of weeks. So it's not just me. But I want to say thank you again for this beautiful honor. Thank you so much.

*(*Applause*)*

LEG. KENNEDY:

Thank you, Mr. Chair.

P.O. GREGORY:

Next we will have Legislator Spencer will recognize the following fire departments for their participation in the Huntington Village fire two weeks ago: Cold Spring Harbor, Halesite, Huntington, Huntington Manor, Centerport, Greenlawn, East Northport and Syosett. Also, Huntington's One Stop Market closed their store to the general public, made the parking lot available to the first responders and provided food and beverage for free to the volunteers all night long. Legislator Spencer.

LEG. SPENCER:

Thank you, Mr. Presiding Officer. I would like to invite Bob Berry, along with John Mohlenhoff, Charles {Ranit} from the Huntington Fire Department. Also, Assistant Chief from Greenlawn, Michael Bellis, if you would join me. And from the Huntington Community First Aid Squad, Tom Lemp, Chief, and Andrea Golinsky, a 40 year volunteer. And from the Huntington One Stop, I'd like to invite Philip and Keith Huntington to come forward.

Gentlemen, thank you very much. Suffolk County is proud to recognize our heroes and people who care enough about their neighbors and our community to place their lives on the line each and every day. One of these days was recently on March the first in Huntington Village. At seven p.m. the Huntington Fire Department received an emergency call informing them that there was a two story commercial fire in Huntington Village. Due to the severity of the fire, within a short period of time over 150 volunteer firefighters from eight departments were fighting the blaze.

This is a very congested area. The power lines in front of the store caught on fire, a vehicle in front of the store caught on fire. But what was really amazing is that next door, directly next door, was a gasoline station with over 1,000 gallons of diesel and gasoline, but hundreds of firefighters fought bravely for hours without regard for their life to make sure that this tragedy didn't become even worse. Sadly, eight businesses were lost. However, the potential could have been so much worse had that fire spread to the next door gasoline station.

So on behalf of the Suffolk County Legislature, I would like to thank Huntington, Halesite, Cold Spring Harbor, Huntington Manor, Centerport Greenlawn, East Northport and Syosett for the extraordinary effort that they put forth in this time of need. Additionally, I want to thank the Huntington First Aid Squad for being available throughout the night, as well as supporting Melville, Northport, Commack and Oyster Bay Fire Departments.

During this entire period of time the owners of the One Stop kept their store open, and they were adjacent to the fire on the other side, and provided relief, coffee, water for the firefighters throughout the night. So it gives me great honor to recognize this fantastic achievement and to, on behalf of the people of Suffolk County, to present you with this proclamation. Thank you.

*(*Applause*)*

LEG. SPENCER:

I would like if Legislators Stern and D'Amaro would join me, if they would, the other Huntington Legislators.

*(*Applause*)*

(Photograph was taken)

LEG. SPENCER:

I have one more proclamation, and I -- we've seen a lot of excellence throughout our County and really teams that have done well throughout the State, bowling, football, baseball, basketball. And athletic trainers have a long history of providing quality health care for athletes and those who are engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes. The National Athletic Trainers Association represents 39,000 member professionals who are employed at our high schools, our colleges, our industrial settings, professional for the sports and military. Leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of athletic training.

It gives me great pleasure to recognize -- I'd like to have with us, we have a lot of trainers today, Jason McKay, Jason Lantz, Hannah Kuemmel, Paul Lasinkski, Kathy Koshansky. We also have students with us, Dave Smith, Nicole Ramos, Yoko Koike and Katherine Ridice, who are here. And I'd like to present them with this proclamation recognizing National Athletic Trainers Month. Thank you very much for what you do.

*(*Applause*)*

Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Thank you. Congratulations. Legislator Browning will present proclamations to Robert Dooley and Erin Egan, who were recently recognized by the Irish Echo Newspaper as being one of their 40 professionals under the age of 40.

LEG. BROWNING:

Okay. And I think we all know yesterday was March 17th, St. Patrick's Day, and every year the Irish Echo recognizes 40 professionals under the age of 40. And the nominees are selected throughout the United States, and we have two Suffolk County residents who were selected this year, and this is something they always do in the month of March, recognizing the contributions of Irish Americans to America. And I'm actually wearing a pin here today, a couple of people have asked me what's the pin, and it is a pin that I received through the Ancient Order of Hibernians, and that's what it is, is to recognize March being the month of recognizing the Irish Americans and their contribution.

I have to my left Erin Egan, and to my -- my left Robert Dooley, and to my right, Erin Egan, who are both honorees and recognized. I'll start with Erin. Erin is a Detective with the NYPD and she has served in the Aviation Unit since 2007. She is the first female pilot to command the Bell 412 Rescue Helicopter. She does work with my husband. She is a graduate of the Embry-Riddle Aeronautical University, and I think, Erin, you were very young when you started flying, like 14?

MS. EGAN:

Sixteen.

LEG. BROWNING:

Sixteen when she started flying at Brookhaven Airport. Good start. She earned her Bachelor of Science and Aeronautical Science and all of her fixed wing pilot licenses. She was sworn into the NYPD Police Academy in 1998. In January of 2011, she took a six week sabbatical to work with

young women in the country of Ghana, and during that time she taught young women to fly ultralight aircraft and to help support them to build their country.

Another thing that's not written down that I think was something that I thought was always very impressive with Erin, she is a great pilot, my husband always tells me that, but there was a few years ago Erin was the pilot in command and there was a mechanical problem with the helicopter. And if anybody knows much about aviation, when helicopters are not working right and they come down, they don't come down very easily. And Erin safely landed that helicopter, a couple of injuries with some people, but as you see the pilot is still standing and in good health, but no fatalities. So that is a sign of her dedication and hardworking professionalism as a helicopter pilot.

I have Robert Dooley. He's an attorney currently working for McGiff Halverson. He is a graduate of Stony Brook University and received his Juris Doctorate from the Touro Law School. I know Steve Stern would like to hear that. Prior to joining the McGiff Halverson he was an associate at a firm specializing in civil litigation and environmental law. And Kara, you'll like this. He's widely published in issues from trial evidence to hydraulic fracturing. He has successfully litigated issues related to compelling clean ups of the environment and recovering costs of doing environmental clean ups incurred by clients. He is also a member of the Suffolk Brehons, and anyone who does not know who the Brehons are, it's an organization of judges, lawyers and law related personnel. The name was taken from an ancient Celtic law that defined and governed legal relationships in Ireland. The Brehon Law Society has strived to use their talents to protect and defend and extend human rights. And I have to say, the Brehon Law Society has been very vital, has played a very vital role in the peace process in Ireland.

So with that, I would like to say congratulations and give both of them their proclamations. And congratulations for being honored as the 40 young professionals, Irish Americans, who are making a great contribution to this country. Thank you.

*(*Applause*)*

P.O. GREGORY:

Next we will have -- recognize Legislator Anker will present a proclamation to the board members of the Girl Scouts of Suffolk County for Operation Cookie.

*(*Applause*)*

They've been waiting so patiently.

LEG. ANKER:

Hey, will the Girl Scouts please come forward? I think they're outside selling cookies.

AUDIENCE MEMBER:

Well, the adult Girl Scouts.

LEG. ANKER:

Would they like to come in? We have our girls -- it looks like our Brownies here today, right, Girl Scout Brownies? Yeah. Thanks for coming over. So I'm here today. I want to talk a little bit about the Girl Scouts very briefly. Serving 40,000 girls in Suffolk -- in Long Island; is that correct?

MS. GRANT:

Suffolk County.

LEG. ANKER:

Suffolk County, so with 9,000 adult volunteers, that's just amazing. So the Girl Scouts have -- are celebrating their tenth anniversary of Operation Cookie. We have President Yvonne Grant here today and her board members, and also we have some Brownies here with some cookies. If anybody is interested, I'm sure they're willing to sell you some cookies. Operation Cookie is a program that sends Girl Scout cookies to U.S. military overseas, giving them a sweet taste of home. Last year cookies reached Iraq, Afghanistan, the Red Sea Naval Hospital and Walter Reed Medical Center. Nearly half a million boxes have been sent to our military hospitals and troops overseas. The cookies that get shipped to the military come from members of the community who purchase the cookies for the troops.

So again, it is my honor to have the girls, and again just real quick, the mission. "Building girls of courage, competence and character who make the world a better place". Welcome today. Let's give them a round of applause.

*(*Applause*)*

Yvonne, can you come forward real quick? Just let us know what you're doing over in the Girl Scouts and how we might be able to help you.

MS. GRANT:

Good afternoon and thank you for having us. Most of you have supported our Operation Cookie Program for the last 10 years, so we're glad to thank you and glad to be recognized. Many of the communities support this event and the girls actually go out and do booth sales and ask people to support the event. So all of Suffolk County really made this possible. We appreciate your recognition today and the Board is here and the staff is here to be recognized as well. Thank you.

*(*Applause*)*

LEG. CILMI:

I've eaten two boxes of thin mints in the past two weeks. Just so you know.

MS. GRANT:

We have more if you need them.

*(*Laughter*)*

UNIDENTIFIED SPEAKER:

I just wanted to say I'm a Lieutenant Colonel in the Reserves. I returned from Afghanistan in 2012. And I will tell you, over mail call, when the Girl Scout cookies came in, it was the best time of the day. Soldiers just came running, literally, to get these Girl Scout cookies. So as insignificant as you might think it be or when you pass and think well, you know, who really cares, we really care because it's a piece of home and it makes us feel comfortable. So I want to thank the Girl Scouts personally for making sure that every American soldier overseas has their Girl Scout cookies during cookie time.

P.O. GREGORY:

Thank you, Lieutenant Colonel, for your service to our country.

MS. {BLANKENSHIP}:

I'd just like to introduce myself. My name is Lieutenant Christine {Rosenvinge Blankenship} of the United States Navy Reserves. I've also received Girl Scout cookies while on deployment, and they do mean a lot to everyone, civilians, government personnel, everyone. And I'm proud to be here

today as the co-leader of this Brownie troop. So thank you for having them and showing them this other side of government and thank you to Girl Scouts for having this wonderful program.

*(*Applause*)*

LEG. ANKER:

We're going to clear out the audience now.

P.O. GREGORY:

Thank you.

LEG. KENNEDY:

Thank you, girls.

P.O. GREGORY:

That is all that we have for proclamations and presentations. Before we go to the Public Portion, we wanted to recognize a special person, our Chief Deputy Clerk, Renee Ortiz, who will be moving on. Today is her last meeting after eight years. She has been a tremendous asset to this body. She's worked with every Legislator. She's extremely professional, efficient, proficient. Her and I have known each other since 16-years-old. I won't date her, but I'll date myself. I'm 45, so it's been a long time. She's going to be sorely missed. She's also going to become a mother; July fourth is her due date. So I wanted to take a moment just to recognize Renee and all of her dedication and hard work before she moves on, and just want to say thank you for everything that you do.

*(*Applause*)*

MS. ORTIZ:

I think it's the Presiding Officer's mission to see me cry because he knows I'm not a crier. But thank you so much.

*(*Laughter*)*

P.O. GREGORY:

Okay. We have several cards. Is Supervisor Walter still in the room?

LEG. KENNEDY:

He just had to -- about 10 minutes ago he had to go.

P.O. GREGORY:

Couldn't make it, couldn't last.

LEG. KENNEDY:

He had another commitment.

P.O. GREGORY:

Okay. Patricia Orzano.

MS. ORZANO:

Hi. Good afternoon, Patricia Orzano, West Babylon, New York. I'm here to speak on behalf of asking the Legislators to vote against 1039, the bill to raise tobacco for the ages of 19 to 20. I'm here as a Massapequa store owner of over 35 years. Obviously the stores in my County stand to benefit against this bill. But the important fact is that the little known revenues that the 7-Eleven, 133 7-Eleven's will lose approximately \$55,000 in sales of just cigarettes and tobacco per unit. That

means the other 1570 retailers will lose similar, less or more, depending on whether they're a Hess Station or a mom and pop. In these times of the bad economy and with Nassau County right now, they do have a bill, I understand, that is going to a committee, but at this point now they would not be passing the bill, so you would actually be hurting the small businessmen and women in a tough economy, in a tough climate. In addition to the fact that your own revenues, the figures that I have just from the 7-Eleven's, there's \$450,000 in sales tax that this County received last year just from the 133 7-Eleven's. Mind you, the tobacco sales of these young people, the Skoal and so on and so forth, result in 20% of tobacco sales.

We are not here -- we understand the reason that you feel that you must raise the age limit, that you think it's 20 years from now these people are going to suffer health problems. We all know that is to be true. However, these people vote, they serve in the military, they can have abortions, they can sign legal documents, they can get married, and obviously they are drinking before the age of 21, because as previous testimony of the young high school students in this County, 50 to 60% of the high school students do drink on weekends or drink somewhere along the way. So all the prohibition that we give to young people, obviously they have other means to obtain the tobacco products just as they do the alcohol.

You're also under the assumption in your GOA report that you're not going to lose over two million dollars in tax revenue. Well, if 133 7-Eleven's provided you with \$450,000 in sales tax, what do you think the other 1500 stores are going to provide you with? Your GOA reports a figure of 400 and something thousand, with the hypocritical premise that the student -- that the young people, 19 to 20, are still going to be able to purchase the tobacco by having family or friends. So you are defeating the purpose that you're stating here today that you're saving lives. When, in fact, unless the State does it as a whole, where no one could obtain the tobacco other than going to the Indian Reservations in the State of New York, unless they're in the city, obviously they're going to go over to Jersey or Pennsylvania, but at least on Long Island the only way you're going to actually have 19 and 20-year-olds not able to buy cigarettes is by making it a State bill.

D.P.O. SCHNEIDERMAN:

Ms. Orzano, you'll have to wrap up.

MS. ORZANO:

Okay. Thank you for your time.

D.P.O. SCHNEIDERMAN:

Okay. Thank you. If you wish to be heard by the Legislature you're going to have to fill out a yellow card. I have a number of speakers who have done so. The next one is Dorothy Castaldo. Each speaker is given a three minute time period to make their comments known. So if we could have Ms. Castaldo come forward. On deck is Claire Millman.

MS. CASTALDO:

I don't want to waste anyone's time again, but I just want to reiterate what I've been saying during all these hearings these past couple of weeks. My main objection to this bill is that we have our troops that are 19 and 20-years-old that are not going to be able to purchase cigarettes when they come home. I am a business owner in Suffolk County, but I have not been speaking as to what Patty Orzano has been talking about. I'm talking more on a personal level about the 18-year-olds in Suffolk County, that they recognized 18-year-olds as adults in the County, in the State and by the Federal Government.

If we should pass this vote and change that ruling just for cigarettes, what happens to all the other things that the kids at 18 can do? We've all have seen children who at 16 have a license, 17 have an accident. That's an adult decision to get -- to give them a driver's license. We have 18-year-olds

that can have an abortion. An 18-year-old that has an abortion, they're going to have to face those ramifications of an abortion 20 years from the time that have one also. But they're an adult, they've made an adult decision. They also can apply for school loans. When they go away to school they have their loans, they also apply for credit cards. A lot of freshman, I work with the D'Brickshaw Ferguson Foundation and we work with a lot of Freshman, college Freshman. One of the symposiums that we put on teaches the kids what -- how to get past that Freshman year. And in that Freshman year, a lot of those kids are running up credit card and debit card transactions that they can't afford on top of their student loans. But, again, they're making adult decisions.

Here we're talking about cigarette smoking, which I agree with everyone, cigarette smoking is definitely bad for you. But it's an adult decision and a 19 and 20-year-old, if in every other aspect of their lives they're considered an adult, they should be considered to make an adult decision in this case. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you. Our next speaker is Claire Millman, followed by Roger Scott Lewis.

MS. MILLMAN:

I am Clair Millman, President of the Alliance for Smoke-Free Air.

And having presented supportive material on February 11th and March 4th, we now again respectfully urge you to take this effective action to protect the health and very lives of Suffolk's most vulnerable citizens, it's youth. You have heard the evidence supporting this resolution's stated intent and that there is successful precedent in communities in Massachusetts with the action to raise the purchase age to 21 accelerating rapidly. You have been made aware of the Surgeon General's current report stressing the urgency for greatly intensifying our efforts to combat this devastating epidemic. I believe the quote from the U.S. Secretary of Health and Human Services, Kathleen Sebelius, which is included in the report, quite clearly brings home the message of that urgency. Quote, "And if we continue on our current trajectory, 5.6 children million alive under -- today who are under the age of 18 will die prematurely as a result of smoking", end quote. Another quote that warrants repeating, "It is one of our nation's most tragic battles, one that has killed 10 times the number of Americans who've died in all of our nation's wars combined".

During the 40 plus years since I participated in the initial appeals for and subsequent strengthening of smoking bans in public places and workplaces, the uphill battles were fought with opponents unsubstantiated arguments often generated and fueled by the tobacco industry's fierce efforts to prevent legislation. As a result, steps towards smoke-free air were taken incrementally. Each piece of legislation in this regard, while affording additional protection of the health of our citizens, raised awareness of the horrible consequences of active and passive smoking and resulted in smokers, most of whom wish to quit, flocking to withdrawal centers. We know that where stringent smoking bans are in place the smoking rate has decreased tremendously, and Suffolk County is recognized even by the tobacco industry in its internal papers as a leader in this field.

I will always wonder, however, had we progressed faster with those laws, how many thousands of lives would have been saved? How many heart attacks avoided? How many smoking related diseases with all the attendant suffering and pain would have been averted?

The tobacco industry continues its intense efforts to lure our young people to a life of addiction, disease and premature death. When regulating -- when regulating social behavior saves the lives of many, including future generations, because children of smokers suffer serious health problems as well, it is necessary to take these measures to protect the health of all. You have the distinct opportunity to take effective action to answer the call of our Surgeon General and pass this by a pro-health measure. Thank you.

I would just like to add here that what I witnessed today in honoring those who saved lives was very, very moving. You have the chance to do just that. Please do it with passage of this into law. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you. Our next speaker is Roger Scott Lewis, followed by Peter Quinn.

MR. LEWIS:

Good afternoon, Legislators. My name is -- I go by Scott, Scott Lewis. Hi, Jay, how are you?

D.P.O. SCHNEIDERMAN:

Good.

MR. LEWIS:

I consider myself the LIPA reformer. I live in Southampton, New York, and I'm representing LIPA, PSE&G, National Grid ratepayers, small energy conservation businesses like my own. And I've got great news. Our efforts have paid off. We got our electric company back from a foreign country, we got our telephone company back from a foreign country, now we need to get our national -- our gas company back. And for us to do that, I'm going to ask some favors of you so we can make further progress, of which was documented in a press release today.

We've -- you know, the Governor's actually taking heed to what we're doing. He's actually, you know, begun an investigation into the radioactive waste that we brought to his attention by way of this lawsuit. Steve Bellone's listening to us.

So with that said, I hope each of you got a copy of our press release. It's titled, "New York State Takeover and The Demise of LIPA Rebates Program". And with it, I gave you the last time I was here, a pledge to support the LIPA Trustee elections, and I'm coming back to you now to ask your favor in signing that pledge, and here's why: Do you know what the single most important invention ever devised to reform government is? I'm waiting. Elections. So if it hadn't been for you guys having put the legislation on the books, the public -- the election laws on the books for LIPA elections, that's why I'm able to speak to you now under this lawsuit, because the Board of Elections didn't put us on the ballot so you could vote for me. So thank God that our system works and keep it that way with open elections, and go forward with signing our pledge and getting it back to me. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Lewis. Peter Quinn, you are up next, followed by Matt Harris.

MR. QUINN:

Good afternoon. My name is Peter Quinn, West Islip. I have been coming to this Legislature for close to 50 years. And most of the time I've sung the praises of the Legislature, but because of the contract that you negotiated at the last meeting, well, actually you worked on it prior to that, but you approved of it by a 17 to 0-1, one abstention, that I must say I thought it was a rather shameful act.

The amount of money involved was \$372 million. And I would say that's a hierarchal disaster, because ultimately you still have to deal with all the other employees of Suffolk County. They have a need for contracts through their union, and we're going to see, if not at least freezes in their pay, we're going to see cuts in their pay, possible losses of employees, the potential for the County going bankrupt considering that you have so much debt already, and this will only add to it when you include the pensions that these three groups of unions will be getting. And so I would like to suggest that all of you participate in some way, even though you can't do anything about it because

you've got a 3% contract this year with the three different groups, 3 1/2% from '15 through '18 so you're kind of locked into an arrangement, that's unfortunate. And when you think of arbitration, maybe you should have bought it. It might, in the long run, if you had chosen the right arbitrator, been more propitious, more financially valuable.

But I have some suggestions. These -- I don't know what specific overtime they received, but I would suggest that maybe you ought to consider a day of volunteer work for them before they get a day of overtime. And if you -- if you -- all of you work together to find one day of volunteer time that these policemen could do, you would cut ultimately the amount of overtime in half. And when one considers that if these -- the Detectives receive their full salaries, not mentioned in Newsday on the front page, but if they took all of the perks that they're entitled to, they would receive \$326,330.68. Where did I find that in Newsday? As I said, not on the front page, but --

D.P.O. SCHNEIDERMAN:

Mr. Quinn, you're going to have to wrap up.

MR. QUINN:

-- back on paragraph 33. I would suggest it would be worth your while to submit that amount -- those times for volunteer work to Mr. Pearsall, who will collect them and distribute them to the two people in the County -- Bellone's office.

D.P.O. SCHNEIDERMAN:

Mr. Quinn, your three minutes are up.

MR. QUINN:

Okay, thank you. Schneider and Cohen who negotiated this awful deal. Thank you very much.

D.P.O. SCHNEIDERMAN:

Thank you, Sir. Okay, Matt Harris is our next speaker, followed by Nancy Hemendinger.

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

MR. HARRIS:

Good afternoon, legislation -- Legislators. Thank you for giving me the opportunity to speak again. My name is Matt Harris, I live in Huntington Station. I am an ex-smoker and I am a recent throat cancer survivor.

And I've been listening to a lot of the people who are in favor of keeping the smoking age to 19, which I find kind of silly. I'd like to comment that I live 40 miles from the reservations on Montauk Highway. I seriously doubt any 19 or 20-year-olds are going to get in their car in Huntington and drive 80 miles to buy a pack of cigarettes; that's my first comment.

You'll remember way back when this body passed a five cent bottle bill long before New York State did and at the time, I believe, the beverage industry made a lot of similar claims that they were going to go out of business, they weren't going to sell their product. That did not happen and ultimately Suffolk County had a bottle bill and then New York State passed their bottle bill. So Suffolk County has always been in the lead in a lot of these things. I think it always goes back to phosphates in detergents, the cell phone ban, a few years back. So Suffolk County has always taken the lead in these things like this. I'd like to see you make history tonight.

Another issue that I think is also a nonissue is the 7-Eleven's and the other stores that are claiming the loss of revenue. Once again, back in 1985 the drinking age was brought from, I believe, 20 -- 19 to 21 and I don't think too many 7-Eleven's went out of business then, so. As a matter of fact, I think there's probably a lot more 7-Eleven's today than there were in 1985. So, again, that's kind of a nonissue.

If you folks are willing to lose the tax revenue, which, I think, is a great thing to save lives just like not drinking at age 19 and getting in a car and crashing, smoking does the same thing. It just doesn't happen right away.

So, again, be brave. Take the lead like CVS has done to stop selling cigarettes that, I think, a lot of other places should do and pass this legislation. Let's -- let's put smoking out in Suffolk County. Thank you.

(Applause *)*

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Harris.

Our next speaker is Nancy Hemendinger followed by Nancy Marr.

MS. HEMENDINGER:

Good afternoon. I'm here today as a Suffolk County resident. I have listened to the testimony from the Health Committee and the Legislature about Tobacco 21 on my own time. The following is what I've garnered from those discussions and debates. Here is what science and medical professionals tell us. The Centers for Disease Control and Prevention, the leading public health authority in our country, provides local health departments with evidence based initiatives to address the leading causes for death and disease in Suffolk County. Since 2000, the Office of Health Education has been following the CDC's template to reduce tobacco use among all residents in Suffolk County. According to the CDC, an effective tobacco control program includes K through 12 comprehensive health education, tobacco cessation, enforcement and counter marketing.

In addition, we know young people are price sensitive and as taxes on tobacco products have increased, youth tobacco use has decreased. In order to keep momentum in reducing tobacco use among our young people we need to take the next step, which is to limit tobacco products to those young people under 21.

By passing 21 -- Tobacco 21 legislation, you will be reducing access of tobacco products to their younger cohorts. Science tells us the longer we keep tobacco products out of the hands of young people, the less likely their developing brains will become addicted. What I know is I have worked in the public health and prevention field for 30 years. I know in order to change human behavior and unhealthy cultural norms we need to address the public health concern with a multiprong approach, and the Health Department has done just that. I hope today this Legislature will do their part in passing Tobacco 21.

Every tobacco control measure has been challenged by the threat of an economic downfall, yet those fears have never come to fruition. What is going to be said about this -- those Legislators here today who do not support this initiative. That you put other interests over the health and safety of young people? That you have contributed to increased healthcare costs for Suffolk County residents? That you aren't interested in evidence based science and medical experts opinions. That you had an opportunity to vote your conscious -- conscience and make a difference and you chose not to. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you.

Our next speaker is Nancy Marr followed by Jack Rugen.

MS. MARR:

My name is Nancy Marr, I live in East Patchogue and I'm here today representing Compass Unity, which is a coalition that we have in the South Country School District that works to improve the quality of life for students and adults by confronting substance abuse.

We support resolution 1039 to raise the legal age for the sale of tobacco products in Suffolk County. Through education, activities and training we know hope to change the culture of our community and protect our youth from something that we know is dangerous and we hope that you will support it as well.

D.P.O. SCHNEIDERMAN:

Thank you.

Next up is Jack Rugen followed by John Turner.

MR. RUGEN:

Yes, my name is Jack Rugen, I'm the Vice-President of the United Franchise Owners of Long Island, UFOLI. I stand before you again in opposition to IR 1039. Our members oppose this proposal for a variety of reasons. This proposal will likely entice 19 to 20-year-olds to frequent Shinnecock and Poospatuck tax-free cigarette shops, which as sovereign nations are not bound by Federal, State or County laws and will diminish tax revenue.

And to answer Mr. Lewis's (*sic*) question, no, they won't travel 80 miles, but they'll pool their money together and all their friends and one person will go. I've already witnessed that in my store in Rocky Point.

This proposal has the predisposition to increase black market activity that will starve the County of gravely needed tax revenue. A university study concluded that 60% of littered cigarette packs in New York City did not bear the proper tax stamps. Most were from Virginia. Suffolk County stands a good chance of emulating New York City in this respect. Tax collecting stores already have to charge around \$6 a pack more than Native American outlets, which renders them incapable -- which renders them incapable of competing on price. The calculation by the County Budget Office does not include prepaid sales tax, which once factored in will have a more negative effect on revenue than projected. Instead of \$450,000 for the 1700 law abiding tobacco retailers in the County, you're looking at about a \$2 million reduction in sales tax revenues, prepaid and transactional, and another half-a-million in tax free loses. My calculations are based on my store, which has sales of about \$70 per day, \$26,000 per year, solely in this age group. That equates to over \$1200 per year in lost sales tax revenue to the County. Multiply that by the 1700 law abiding tobacco retailers in the County and that equals \$2,059,720 in total revenue loss per year.

This proposal fails to address the real problem; underage -- underage smoking. There is a legal purchase age but a legal smoking age does not exist. According to the CDC most teen smokers get cigarettes from adult relatives and friends, not from retail stores. These are young adults. This proposal legislates individual liberties. The County government needs to slow regarding freedoms by -- of adults by compelling or prohibiting their behavior.

The State law -- oh, I'm sorry, recently a Vermont house committee rejected legislation to raise the age for buying tobacco products from 18 to 21 citing the Health Commissioner's own words *that 18 to 20-year-olds are legal adults and should have the freedom to smoke*. According to the CDC, 25% of high school students smoked cigarettes in 2001, 12% in 2011.

D.P.O. SCHNEIDERMAN:

Mr. Rugen. Your three minutes is up.

MR. RUGEN:

The educational program --

D.P.O. SCHNEIDERMAN:

I know you have more to say. We all have your -- your letter. Do you want to wrap up in a sentence or so?

MR. RUGEN:

Yeah, sure. The only success that this proposal will have is starving the County of badly needed tax revenues while causing a whole plethora of new problems. Thank you for your consideration.

D.P.O. SCHNEIDERMAN:

Okay.

The next speaker is John Turner followed by Kathleen Valerio.

MR. TURNER:

Good evening, Presiding Officer Gregory, Deputy Presiding Officer Schneiderman and Members of the Legislature. My name is John Turner and I serve as a land management specialist for the Town of Brookhaven in the Department of Law and I'm here today on behalf of Town Supervisor Ed Romaine and the Brookhaven Town Board to express our strong support for a procedural resolution that's -- will be before you, I understand today, to authorize the acquisition of several key open space and farmland parcels throughout the County.

I'm handing out a packet of information to you relating to one of those and that is a 170 acre parcel or set of parcels actually, five parcels, that are situated on the west side of the Carmans River in the Carmans River watershed. And the Town of Brookhaven is strongly supportive of protecting those parcels, and as you'll see, one of the packets of information relates to a resolution that the town board approved committing half the money for the acquisition of that property, \$4 million.

And so we would like to make it clear to you our, again, very strong favor of movement of that resolution. You may ask why; that parcel is the number one highest rated property in the entire Carmans River watershed based on a land acquisition analysis that was undertaken by the town. You can see where it's positioned based on the aerial photograph in there. You can see the photos that give you some sense about the -- the kind of wild, rolling topography of the property, the wildlife habitat value of the property.

But perhaps most notable, particularly recognizing the growing concern about the extent of which our drinking water aquifer's being compromised by excess pollution and nitrogen as well as our coastal waters, properties like this recharge very large volumes of pure water to the underlying aquifers that we all depend upon and this particular case it's nearly 100 million gallons of water a year would recharge to the aquifers. Ultimately some of it would upwell into the river and have a positive influence on water quality in the -- in the Carmans River.

So, again, I'm not sure there's anything else I can say. I think that, quite frankly, the packet of information to you provides the information that you need but the town would love for the Legislature to approve this resolution so that we may move forward in hopefully acquiring this key -- keystone parcel in the watershed. Thank you for your time.

D.P.O. SCHNEIDERMAN:

Thank you. Mr. Turner.

Our next speaker is Kathleen Valerio followed by Peter Festa.

MS. VALERIO:

Good afternoon. My name is Kathleen Valerio, I'm a health educator but I'm here today to talk to you as a mother of a 17-year-old who currently attends school here in Suffolk County, who is, on a daily basis, exposed to tobacco products through E-cigarettes and the vapors that they emit. I want to ask all of you to recall the last time you had a grape soda. When? Or a bubble gum flavored beverage? Probably, maybe 20, 30 years? I'm an ex-smoker. I started smoking at the age of 14. I finally kicked habit after about ten tries when I was 30. I am here today to urge your consideration and support for Tobacco 21 for a range of reasons that include my son and his future. Think about a product that can impact someone, who after you are in the room using it, can change health outcomes for the individual who comes into contact with second or thirdhand smoke.

In 1986 Philip Morris noted raising the legal age for cigarette purchaser to 21 could cut or gut their key young adult market where we sell about 25 billion cigarettes and enjoy a 70% market share. Tobacco use remains the leading cause of preventable death in the United States, killing 480,000 people every year with an additional 30,000 no longer with us because of second and thirdhand smoke.

Most adults smokers start smoking before the age of 21. I was quite surprised to hear about the revenue and the shares of our revenue used to support Suffolk County that are directly linked to this measure. I am appalled that we haven't taken action any sooner to prevent the sale of tobacco to those under the age of 21.

While nearly half of adult smokers begin regular daily smoking before the age of 21, once they transition to the age of 21 they are 95% more likely to remain smokers. Tobacco companies have admitted in their own internal documents that if they don't capture new users by the age of 21 it is very unlikely they ever will.

In 1982, one R.J. Reynolds researcher stated *if a man has never smoked by age 18 the odds are three to one he never will. By the age of 21 the odds are 20 to one.*

I'm confident and certain there are parents here among those sitting on the Legislature who are in the, well, you have the power, you have the ability to change outcomes for today's youth.

I so enjoyed being here for your proclamations earlier today and -- and watching the thriving young people here on bowling teams and with varsity. Please support them as best possible. Demonstrate to our youth that you will no longer tolerate the threat of cancer through use of tobacco products. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you.

Our next speaker is Peter Festa, followed by Randy Dresner.

MR. FESTA:

I'll really not used to public speaking, but it'll make it really quick. I am opposed to IR 1047, the Local Law to regulate pet dealers and pet stores in the County of Suffolk.

I have before you the New York State dog laws and all the laws in regards to the application of sale of animals, livestock and everything and there's more than enough laws on the book right now to protect the dogs, the people, the buyers, the breeders, everything. I'm the President of the Long Island Bulldog Club and I am very, very active in the dog show world. I exhibit every year at Westminster Kennel Club show and I participate in several, several dog clubs on Long Island: Suffolk County Kennel Club, Ladies Kennel Club, Long Island Kennel, Westbury Kennel Association and multiple other dog clubs in the Long Island area.

According to what I'm looking at, I would be falling into a category, if I was to sell one of my dogs, under the age of say, 12 weeks of age, I would be considered a criminal in Suffolk County. And I am not a criminal. I don't even do dog sales for a living, I'm a hobby breeder. I'm a very small hobby breeder that loves dogs, that loves animals and I feel that the Legislature should leave New York State dog laws and all the animal laws the way they are, 85 pages long as I stand behind -- before you in my hand, and I strongly oppose IR 1047 and I thank you for your time. I'm sorry.

D.P.O. SCHNEIDERMAN:

Okay. Thank you, sir.

Next is Randi Dresner followed by Howard Jacobson.

MS. DRESNER:

Hello. Thank you all very much enough for the opportunity to speak to you today on behalf of proposal IR 1228. Island Harvest Food Bank has had the pleasure of working with most of you and certainly in all of your districts over the past 22 years. I know that you all understand the importance of our work at the food bank and I appreciate your interest in understanding the complexity of our -- one of our most important programs, our Food Collection and Distribution Program. The impact on this work touches many people right here in Suffolk County.

Island Harvest, as many of you may know, has become a lead agency in disaster preparedness and responds working closely with the Office of Emergency Management and other relief organizations all across Long Island and most recently in response to Hurricane Sandy, but also through our work with other disasters including the fires in the Pine Barrens years ago, major power failures in Glen Cove, apartment fires and, of course, the World Trade Center disaster.

Through this experience we have created an effective system of preparedness assessment and response that proved valuable this past fall and winter to the hundreds of thousands of citizens all across Long Island who were impacted by Sandy and touched by our work. Island Harvest is currently in the beginning stages of setting up an emergency supply depot of emergency food and supplies, which will be opened only in time of disaster or emergency need.

Back in the middle of the immediate Sandy response period, while working closely with Ed Schneyer, the Director of Emergency Preparedness and his staff, we realized that the County had a warehouse filled with product, and while acknowledging the department and the County is not in the business of warehousing and distribution and that we were, we made an open-ended offer at that time to take care of the County's disaster relief inventory. We were glad recently to get a phone call that the offer is actually being considered.

As you may know, Island Harvest has a broad network of non-profit organizations that we support right here in Suffolk County and, in fact, more than 250 agencies strong servicing about 150,000 people. They are comprised of soup kitchens and mental health organizations, safe houses, day-care programs for seniors and for children, all of them with food pantries and on-site feeding programs.

We also have immediate unique systems of constant inventory turns with respect to the product that is donated to us. We have the ability to store product for long periods of time and utilize our distribution network to get the product into the communities where it's needed the most when perhaps it becomes close to end date or it's appropriate time to distribute the product.

The material that Suffolk County has in storage is of great use to the citizens of this County and can be properly stored and distributed rather than disposed of. It can and should become a benefit to the people in need as was originally intended. We also understand that there was concern about the nutritional nature of the Meals Ready-to-Eat, the MRE's, that would be donated to Island Harvest. Our staff nutritionist has reviewed the nutrition fact labels of some of the product and, in fact, has shared with me that the product is actually low in saturated fat, has no transfat and is low in cholesterol.

D.P.O. SCHNEIDERMAN:

Randi, I'm sorry, your time is up. Can you just wrap up?

MS. DRESNER:

Absolutely. We just want to let the Legislature know that we are available to pick up this product and to store the product. It would be part of our emergency food and product supply for Suffolk County and we appreciate your consideration of donating the product over to Island Harvest. And I think that there were some questions or I understood that there was some questions about us taking the product.

D.P.O. SCHNEIDERMAN:

We can't ask questions in public portion.

MS. DRESNER:

Okay, okay.

D.P.O. SCHNEIDERMAN:

In committee, I think, those questions were asked and answered, I believe, so.

MS. DRESNER:

Terrific. Thank you.

D.P.O. SCHNEIDERMAN:

Okay, thank you.

Our next speaker is Howard Jacobson. He will be followed by Ruby Masson.

MR. JACOBSON:

Good evening. My name is Howard Jacobson and I am a Long Island pharmacist and pharmacy owner. I'm also the President-elect of the Long Island Pharmacist Society and a member of the Long Island Heroin Task Force.

Some colleagues of mine and I are here today to express our concerns about how Suffolk County officials can help our local economy and consumers by opening its prescription drug network to all local independent pharmacies. This will keep more dollars in Suffolk County and allow patients to continue to have access to the pharmacies of their choice. Independent neighborhood pharmacists are one of the most trusted and committed healthcare providers. The services provided by us are most valuable for both a patient's well-being, such as prescription filling, free consultations and medication adherence programs. And the local economy, as more dollars spent in our pharmacies, stay in our communities. A patient who is well managed by their neighborhood pharmacist will have fewer visits to physicians and hospitals thereby reducing healthcare cost to Suffolk County in the long run. The County's discussions regarding a new contract with a pharmacy benefit manager should not only take into consideration the bottom line costs but also the impact on patients, patients' access and choice being of utmost importance.

Previous pharmacy benefit managers have promised significant savings to plan sponsors such as Suffolk County that have not materialized, all while drastically cutting payments to local pharmacies and forcing mail-order onto patients. Pharmacy benefit managers routinely steer consumers away from local independent pharmacies into huge nonpersonal out-of-state mail-order facilities. This hurts us here in Suffolk County. Most importantly, it is costing the patients to lose contact with their trusted healthcare provider. Nothing is more valuable than a face-to-face interaction with your pharmacist.

We are asking that you make sure that all pharmacies are afforded the opportunity to serve their patients and continue to monitor the well-being -- their well-being through the new Suffolk County Prescription Drug Program. Thank you very much.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Jacobson.

Our next speaker -- our next speaker is Ruby Masson followed by Pamela Mizzi.

MS. MASSON:

Good afternoon. My name is Rudy Masson, I'm a pharmacist and owner of Belle Meade Pharmacy in East Setauket. I'm sorry. I'm also the Vice-President of the Long Island Pharmacist Society, I'm an active member of the Controlled Substance Workgroup held by the DEA.

Today I would like to share with you what transpired last year with the mail-order prescription benefit for Suffolk County employees as announced by our Deputy County Executive, Jon Schneider, in Newsday of last November. As per contract, Suffolk County was promised a savings of \$17 million in drug costs, however, it was found that while a number of employees had fallen, the number of prescriptions filled by the mail-order pharmacies increased from 10,000 to 19,000 -- 90,000 within a three month period. That is 80,000 more prescriptions were filled. This triggered an audit, the results of which are still pending. It's hard to understand how this was allowed to occur where Suffolk County, rather than saving on drug costs, ended up paying huge amounts of money for drugs from out-of-state pharmacy. Clearly, we must demand transparency from pharmacy benefit managers.

In hopes to prevent this from happening again, we urge you to look into the logistics before being enticed into false drug cost savings through any mail-order contracts. We are reaching out to you to include us, your independent pharmacists, in the negotiations with your next pharmacy benefit manager, WellDyneRx, in order to safeguard our community from these unfair business practices. The pharmacy benefit manager is only the middleman between the plan sponsor and the pharmacy, not a healthcare provider. We, the pharmacists, that provide you with our expertise on how savings can be realized by Suffolk County without sacrificing patient access, patient choice and patient

well-being. It has been well documented that there's more than a 50% increase in patient drug compliance when there's direct face-to-face interaction between the patient and their local pharmacist. The independent pharmacist plays a key role in patient education and drug monitoring. Our ongoing comprehensive healthcare services provided firsthand to our patients are unsurpassed by any mail-order pharmacy. Suffolk County can actually depend on independent pharmacists for saving on drug costs and for boosting the local economy through increased patient drug adherence, reduction in hospital admissions, reductions in drug, and at the same time offering employment to the local community.

We want to keep Suffolk dollars in Suffolk and Nassau for that matter. We can achieve this with your help by ensuring there is open access to all pharmacy networks by all willing providers. Let the patients choose their healthcare providers, the independent pharmacies. We, your local independent pharmacists, your constituents, thank you in advance for working with us.

On a little personal note, I understand CVS stopped selling tobacco.

I have been a pharmacist for 30 years and never in my life, as a pharmacist, have I sold tobacco to any age and I will continue to do that. Thank you.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

Our next speaker is Pamela Mizzi and she will be followed by Michael Watt.

MS. MIZZI:

Good evening, everyone. I'm here in front of you this afternoon as the Director of the Prevention Resource Center at South Oaks Hospital. I'm also here representing the Quality Consortium, a partnership among the 20 certified not-for-profit prevention and treatment agencies who serve 70,000 Suffolk County individuals and their families.

My intention today is to go on record in full support of Dr. Spencer's proposed resolution 1039; to raise the legal age for the sale of tobacco products in Suffolk County. We totally agree with each and every point made in section one, the Legislative intent of the proposed regulation, but I'd like to draw particular attention to paragraph four; that a young person's brain is far more susceptible to addiction than a more fully developed adult brain. This is true for nicotine addiction, but it's also true for other addictions as well.

We also know that smoking cigarettes typically precedes other substance abuse. The youth development survey's done Countywide in the school year 2010 to '11 show trends towards younger and younger use of substances. There's a three year difference in that one survey from age of first use of cigarettes, alcohol and marijuana.

Clearly, the big picture view shows us that tougher restrictions on youth access to tobacco products will have a significant effect on reducing youth smoking rates, which in turn will help them live longer and healthier lives.

Finally, in the long-term, overall cost savings from all those healthier individuals will have fewer -- who will have fewer medical needs will certainly offset the loss of revenue from tobacco sales to 19 and 20-year-olds.

Thank you for your time and attention. Please vote to approve resolution 1039.

D.P.O. SCHNEIDERMAN:

Thank you.

Next up is Michael Watt followed by Patricia Bishop-Kelly.

MR. WATT:

Good afternoon. My name is Michael Watt and I'm here to speak on behalf of the 600 plus members of the Long Island Gasoline Retailers Association, most of whom conduct their business in Suffolk County, speaking regarding resolution 1039, a Local Law which would raise the age at which consumers can purchase tobacco products from 19 to 21.

At issue is here is not the evils of tobacco use, but whether 19 and 20-year-old residents are old enough and mature enough to make decisions for themselves. The Federal government believes they are old enough to fight in the armed services and vote in elections. New York State believes 19 and 20-year-olds are old enough and mature enough to get married and raise a family. While I would not want my 19-year-old son to get married at this point in his life, I know the least effective method to deal with that situation, should it come up, would be for me to prohibit -- would be for me to forbid it from happening. The route I would take is to spell out the myriad of challenges getting married so young can present now and down the road and then hope he makes the right decision.

Anyone under the age of 50 has been raised knowing the downsides of using tobacco products. Whether a young man or woman decides to heed that education should be up to the individual. In fact, one of the first adult decisions a young person gets to make is whether or not he or she wants to smoke.

It should be noted that earlier this month the State of Vermont overwhelmingly rejected legislation to raise the age for buying tobacco products from 18 to 21 after a State Health Commissioner acknowledged that 18 to 20-year-olds are legally adults and that the government needs to be slow about the restricting the freedoms of adults by compelling or prohibiting behavior. Raising the legal age to buy tobacco products to 21 will drive more residents to the black market into the Indian reservations where such laws are virtually unenforceable. Increasing the minimum age will also drive buyers across County lines to Nassau leading to a loss in tax revenues for the County. It's been suggested that Suffolk County estimates its loss of revenue to be approximately \$400,000 should this law go into effect. While we believe this estimate is conservative at best, \$400,000 is still a lot of money and no doubt the budget cuts and/or staffing reductions that would have to be made to make up for the shortfall in revenue, will be painful to those directly impacted.

We urge Suffolk County Legislators to reject this proposal and instead focus these efforts on encouraging more education about tobacco use in the school systems throughout the County.

Thank you very much for allowing me to speak on this issue.

P.O. GREGORY:

Thank you. At this moment we have to make a motion to extend the public portion. I'll make that motion, seconded by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Thirteen.

MR. LAUBE:

Twelve.

MS. ORTIZ:

Thirteen. Legislator Spencer is here. *(Not Present: Legislators Browning, Muratore, Hahn, Kennedy and D'Amaro)*

D.P.O. SCHNEIDERMAN:

Our next speaker is Patricia Kelly, Bishop-Kelly, followed by Arno Herwerth.

MS. BISHOP-KELLY:

Good afternoon. Over the past few weeks you've heard from many all addressing the same critical issue before you; Legislative proposal 1039. I simply ask that you hold your opinions and reflect on a robust Tobacco Control Program that Suffolk had a few short years ago but which no longer can provide the educational and public information safety net implied in some comments about educational programs.

The Master Settlement Agreement repaid the states and municipalities for those outrageous amounts of money spent to treat people who became sick from smoking. The emphasis of that agreement was clear and should have served as a wake-up call to every municipality in this country; take this money as repayment and use it wisely so you never again have to go to the taxpayers to fund healthcare for smokers. The CDC and other State health entities, including New York, developed plans for what a comprehensive tobacco control -- would -- control program would look like and should cost. No one would cost more than 20% of the total dollars coming in. In other words, they were asking established programs that have been proven to be effective in reducing and preventing tobacco caused diseases, programs such as school health education for kids, cessation for those who wanted to quit, counter marketing and public information and education for the public at large and effective enforcement. Dedicate that money so in the future we still have a consistent stream of money totally provided by big tobacco; not the taxpayers. Comprehensive method. Each component would coordinate its activities with the others and provide an ongoing acceleration of education and public information with widespread reach long after the lessons of the classroom were over.

In 2000, then County Executive Gaffney and this Legislature decreed that 20% of the funding would be dedicated to a new Comprehensive Tobacco Control Program. The program was up and running with great success. In one instance, our public information campaign was so successful that we had to stop admitting people to the cessation program as we were oversubscribed. We heard from children about our ads and commercials and we had a popular interactive website for kids that provided realtime answers from a doctor's -- from a doctor to kids' questions about tobacco and their health.

College programs were started and Dowling College became the first college with NCAA teams to go totally tobacco free. A program for emergency room nurses was started and a study was conducted by Stony Brook among Suffolk residents. Vibrant programs were begun but when the settlement money was securitized, funding was slashed, programs were stopped, staff was excessed or not replaced and resources were lost.

Some say education is the appropriate response to the problem as well as reminding parents of their obligation to serve as role models. You are right, but only in part. We no longer have the robust counter marketing and public education programs reinforcing those lessons outside the classroom. At this point we need every weapon in our arsenal to protect kids, especially now with the onslaught of E-cigarettes. Tobacco marketing tops out at \$24 plus million every day. We have few resources to fight back.

I ask you please consider what we need to do to protect our kids. Since we no longer have robust support programs outside the classroom, the next best thing is a regulation that denies them access to these deadly products. So far I have not heard one single --

P.O. GREGORY:

Miss Bishop-Kelly.

MS. BISHOP-KELLY:

-- good argument as to why we should not do this.

P.O. GREGORY:

Your time's expired. Please, wrap up.

MS. BISHOP-KELLY:

Okay. A pack and-a-half a day in lost revenue will not compromise business but it can and will help to save a child's life. Thank you.

P.O. GREGORY:

Thank you.

Arno Herwerth and on deck Rick Ammirati.

MR. HERWERTH:

How are you? My name is Arno Herwerth from Hauppauge. I came today in regards to the -- the proposed Park Police merger with Suffolk County PD. But as I'm sitting here there's a couple of things that I listened to that I just can't keep my mouth shut about.

The smoking thing, oh my God, somebody's got to do something about that. I mean, 500,000 people a year dying, that's everybody that was killed in World War II. I don't know if that law is going to make the difference, but something's got to be done. I see these kids all the time, they're all smoking and everything.

The other thing was IR 1047. I've been heavily involved with these pet stores and so many of them are so seedy and so out of control and I don't even know what this -- what this would regulate but there's got to be something done in the future. You know, really just -- people should just adopt and not buy.

So getting to what I'm here about. I'm in favor of the -- the merger. I think the Park Police, you know, need to make a little more money, you need to be in a better pension system and I think Suffolk County PD needs more cops. No matter what they make and what people say, you know, our taxes are basically going to the schools and the kids and that's just the way it is. You get what you pay for and I think you should have two-man cars in these -- in these precincts in Suffolk. I see the sellers out there. Every night there's more and more prisoners. You can't put on News 12 and not see another DWI death, hit-and-run, you know, heroin overdose, you know, it's just out of control. I'm for the merger.

And the other reason why I'm here is I've been a Park Ranger in -- in Suffolk County, and from what I understand that is what may replace the Suffolk County Police. It's their old title I used to operate under. So I would be interested in applying for that job so I'm here today.

I have applied in some townships and I found that it's just basically when you're going in for a job you're going up a political hack. A guy with maybe no -- no law enforcement experience, doesn't belong where he is, you know, maybe his brother-in-law was put in there or whatever it is, and I'd just like to see some type of integrity instilled, if it's possible, if it gets to that point where you are

hiring part-time Park Ranger peace officers to patrol these parks, which a -- you know, there's tons of drugs, tons of drugs dealers, gang bangers, you name it. It's all going on. It's out there. It's here.

So if there could be some kind of, you know, when this comes back down from the State after the Home Rule Message, something to instill some type of integrity when they do the hiring process is that, you know, they're not just hiring a guy that they golf with or that they know has really no idea or no clue or no desire to go out there and make life better for us and get the drugs off the street and get the gang bangers out of the parks and the pedophiles, I mean, all these things are happening there.

And that's my time. Thank you very much.

P.O. GREGORY:

Thank you. Mr. Ammirati.

MR. AMMIRATI:

Good evening Members of the Legislature, Mr. Presiding Officer. Thank you for the opportunity to speak. My name is Rick Ammirati. I am here to represent Long Island Pharmaceutical Society. In addition to my pharmacy, Friendly Drugs, and most importantly to me, I have served -- I am in the process of serving my eighth consecutive term as the President of the Holbrook Chamber of Commerce. I'd like to give a shout out to Legislator Tom Muratore in the Fourth District, who's been a great supporter of Holbrook, as well as Legislator Lindsay over in the Eighth District, who I consider good friends of mine.

With that being said, I'd like to share a story for you that's very emotional. As most of you know, Legislator Lindsay, Presiding Officer Legislator Lindsay, is a dear friend of mine and as well as the Holbrook community, and I'd like to share a story about patient access for pharmacy.

As you -- as you all know, Bill had passed a few months ago over his battle of Mesothelioma, and what had happened was is Bill had called me when this mail-order plan was originally put into place with the Suffolk County Express Scripts, I got a phone call from Bill stating that, you know, he was sorry, the bill kind of slipped by him as he was, you know, very ill and could not do much about it. And I said, Bill, not to worry, I totally understand. But what he said to me was, you know, Rick, you think with all the medications that I'm taking and everything that I'm dealing with right now the last thing I want to do is worry about mailing my prescriptions out-of-state and not have Pat come in and do business with you, our local pharmacist. So, that's our good friend, Bill Lindsay.

Now, medication {not in here} and it says a 13 -- \$317 billion national cost per annum, up from 290 billion in 2009, in avoidable spending. Medication related issues are one of the key drivers of hospital readmissions. Patients suffering from chronic conditions account for a staggering 96% of all drug costs and 75% of all medical spending. The local pharmacies, inclusive of the big-box chains, are uniquely positioned under the current health care reform to improve medication safety and adherence, greatly impact the quality of patient care and generate better patient outcomes. Case example: A patient can walk into a pharmacy without an appointment and speak with a pharmacist. And when is the last time you walked into a doctor's office without an appointment and spoke to a doctor within a few minutes? It's a rhetorical question, yes, but factual, definitely.

In closing, I implore the Legislature to be more parochial with respect to the impact on sending business outside of our County and State. Just like campaigning for office, everyone must return to their roots, their local district, the very fabric of their success, their constituents, for support. The call to action is now to deploy those same practices when it comes to utilizing and not commoditizing. The most important conduit in a successful healthcare outcome, your Suffolk County

pharmacist. It's all about relationships and I know all of you know that very well because I'm sure each and every one of you 18 Legislators greatly appreciate your relationship with your Chamber of Commerce, and most importantly your -- the president of that chamber and you know what we do for you fellows as well, to get your mission out there and deploy your -- your thoughts.

That being said, with regard to relationships, please consider restoring your County employees relationships with their local pharmacist. Thank you for your time.

(* Applause *)

P.O. GREGORY:

Thank you. Now we will go to our public hearings. We have several cards.

PUBLIC HEARINGS

D.P.O. SCHNEIDERMAN:

We'll return to public portion.

P.O. GREGORY:

And we will return to the public portion after the -- after the close of the public hearings.

(Public Hearing on) IR 1027-14 - 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). We don't have any cards. Is there anyone in our audience that would like to speak in this matter? Okay. Seeing none --

LEG. CALARCO:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Calarco.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen. **(ACTUAL VOTE: Sixteen - Not Present: Legislators Browning and D'Amaro).**

P.O. GREGORY:

(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.

D.P.O. SCHNEIDERMAN:

Motion to recess.

P.O. GREGORY:

Is there is anyone in the audience that would like to speak on this matter? Seeing none, there's a motion to recess by Legislator Schneiderman.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

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. First of which is Jan Hill. Good evening, Miss Hill. You have three minutes.

MS. HILL:

Thank you for the opportunity to speak and good evening. My name is Jan Hill, I live in Suffolk County. I am not a dog breeder, I'm a responsible dog owner. I am very involved in training and conditioning puppies and dogs for the show ring and I exhibit dogs at AKC shows. I belong to five dog clubs both at the national and local level. I have shown all over the country. I have been involved in the dog fancy for nearly 50 years.

I am very concerned about this bill and I oppose its passage for the following reasons: The goal of most dog breeders is to produce quality, healthy puppies to be sold as show dogs, hunting dogs, working dogs and as pets. To this end, these breeders have dedicated many years of effort, hard work and research, not to mention personal treasure. They do not own large commercial enterprises such as pet shops, pet dealers or pet brokers. They usually breed dogs on their own premises. In addition, some individual breeders breed rare breeds, which would become extinct if it were not for their efforts.

In the proposed bill the definition of quote, pet dealer, exempts those who sell fewer than 25 dogs per year. Since large dogs, such as Golden Retrievers, can have more than 12 puppies in a litter, as few as two litters could reach that threshold in a year, thereby defining small breeders as pet dealers; an inaccurate description.

If enacted, this bill will prevent a puppy from being sold prior to 14 weeks of age. What is the basis of this arbitrary time? The best time to begin socialization by the new owner is about seven to eight weeks. This provision could harm puppies by interfering with proper socialization at a most critical time.

Another related factor is logistical. Imagine housing, say, a litter of ten Great Dane puppies until the minimum age of 14 weeks in your home. The bill also has unclear requirements for primary enclosures. Would a person's home or yard qualify as an enclosure?

Another extremely important component of this bill is requirement of mandatory sterilization services available, quote, at an age at which such procedures maybe performed safely, end quote. Breeders could not be expected to offer these services. Furthermore, the veterinary community has not come to a consensus about the optimal time to -- at which to spay or neuter. There are many studies verifying the deleterious effects of early sterilization.

The authors of this bill may be well intentioned, but if it's passed there will be many dire and unintended consequences; poorly socialized puppies, dogs with health issues caused by early neutering, unrealistic restraints on small breeders and ultimately dissatisfied puppy buyers who are unable to purchase the dogs that they want.

I respectfully ask that you vote no on this bill.

P.O. GREGORY:

Thank you.

Next we have Karl Holmes. Mr. Holmes? Okay, last call, Mr. Holmes. No Mr. Holmes. All right. Marcia Burke. Marcia Burke. Marcia Burke. Okay. Lise Platt -- Pratt, excuse me. Miss Pratt. P-R-A-T-T. One more time. Lise Pratt. Okay. Kit O'Donoghue. Okay. Are you Miss O'Donoghue? No? Miss O'Donoghue -- Donoghue, excuse me. All right. That is all the cards that we have. You spoke, sir. Right?

MR. NIERMAN:

I filled out a card.

P.O. GREGORY:

You want to speak on IR 1047?

MR. NIERMAN:

Yes.

P.O. GREGORY:

Sure, just state your name for the record.

MR. NIERMAN:

My name is Ira Nierman.

P.O. GREGORY:

Okay.

MR. NIERMAN:

And I own --

P.O. GREGORY:

Speak into the mic.

MR. NIERMAN:

My name is Ira Nierman, I own K9 Corral Kennels and I did fill out a card out there.

P.O. GREGORY:

That was for the public portion. This is for the public hearing on pet dealers. You can speak on this if you would like.

MR. NIERMAN:

Yeah, that's what I'm here for.

P.O. GREGORY:

Okay. Three minutes.

MR. NIERMAN:

I just want to say that I'm opposed to -- to the bill as it's written. I also want to say that I believe that a puppy should be involved in somebody's family at eight weeks-old. And the reasons that people might want to do it older, I just want to mention that puppies can be vaccinated at four weeks, six weeks and eight weeks giving them very good immunities against diseases, so that

wouldn't be a reason.

I also want to say that our kennel has been there for 52 years in Huntington and that our family loves to do what -- what we do. My father started it, I've continued it and now three of my children work at the kennel.

I also want to say that we all enjoy going to -- to the kennel. I mean, it's just a great place, you know, we have lots of people that come in and visit. We have a policy that anybody with an adult can go in and play with the puppies. We have these little puppy rooms that they can go and play with the puppies. The puppies; we have mothers with children that we allow to come in in the morning, like a mommy-and-me type of thing, where they can socialize with the puppies. We promote the socialization of puppies at -- at the young age and feel that that makes a very big difference.

We also have a dog training school and we do see the difference in dogs that have been gotten at a younger age and dogs that have gotten, you know, at an older age.

We enjoy every part about the business. We enjoy the feeding of the dogs. I love to feed the dogs. I love to go to work seven days a week and I love to take care of dogs, and my children love to do the same thing. We have -- we're on Route 110 in Huntington.

We get our dogs from the American Canine Association. They have a four-star breeder program which ensures us of a happy, healthy puppy that we're bringing into our situation. Before the dog comes into our kennel, it's checked out by a veterinarian. Before it leaves where its leaving, it is checked out by a veterinarian. Before it comes into our kennel, it's checked out by a veterinarian, and then it's sold on the peoples' veterinarian's approval with a money back, you know, guarantee to the client. And if anything was to come up with the dog, as the other man said, there's a list of -- a lot of coverage for getting a puppy and the people are -- we have more -- you know, anyway, we have a lot of coverage and thank you very much for your time.

P.O. GREGORY:

Thank you.

LEG. KRUPSKI:

Mr. Presiding Officer?

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

I have a question for this man here.

P.O. GREGORY:

Certainly.

LEG. KRUPSKI:

Is that possible?

MR. NIERMAN:

Question.

LEG. KRUPSKI:

Now, you said you've been in business for 53 years?

MR. NIERMAN:

Fifty-two years.

LEG. KRUPSKI:

So you have a good deal of experience at what you're doing.

MR. NIERMAN:

Yes.

LEG. KRUPSKI:

You said you objected to part of this legislation, but I think you only mentioned the one part where -- of the age restriction, 14 weeks.

What else? Anything else specifically that you objected to?

MR. NIERMAN:

Well, I don't believe that there's a shortage of dogs on Long Island. We import dogs to Long Island, both into the shelters and into the kennels. So the -- the reason for the spay and neuter, I'm assuming, is to keep down the amount of animals; I'm assuming that. That's in your -- your bill. So I don't see a reason for the spay and neuter part of it because I don't see the fact that there's too many dogs.

And, in fact, last year in our country, we brought in from other countries 400,000 dogs to be adopted through the system here, and that it doesn't look like we're -- you know, we're on the shortage of dogs.

And then you had another part which said, which I thought was good, which says that you should say where the dog's from. In other words, to make it known, if you have a dog, you got the dog from so and so breeder. Breeders get -- that we get, they're rated, they can be four-star breeders, three-star breeders, two-star breeders, one-star breeder. Also, if a breeder has violations, that would have to be put out there; I thought that was a very, very, good point.

I -- we have an amount of time to exercise each animal, that's been in -- within the last eight months. I think that's great, that people have to exercise the animals that they don't -- if you come into our kennel, we don't have cages, we have these long, you know, like dog run type of deals. But a lot of places have smaller ones and this means that the dogs have to come out and they have to get to exercise and they have to get to play. I think that Lisa {Wisey} is absolutely fantastic, she comes around from the State and she, you know, informs us of everything that we have to do. And I think that she does it in a very professional way, and I think that every year there have been more laws that have been added to this through New York State and the only one that I see that you guys put up there was that it should be represented where you're getting the dog from.

So I think that covers all of your points, unless there are more points on the bill that I don't know about.

LEG. KRUPSKI:

Not that I know.

LEG. D'AMARO:

DuWayne?

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay, Legislator Barraga.

LEG. BARRAGA:

A number of speakers on this particular bill have talked about the 14 week provision. What do you think is a reasonable amount of time; how many weeks?

MR. NIERMAN:

I really, really know that when my family went into this, there were puppies that were six weeks-old that had gotten -- you know, that people could get a six week-old puppy if it was ready to go. I think the ideal age is -- is definitely eight weeks-old.

LEG. BARRAGA:

So are you more amenable to the bill if that provision was amended to drop it from 14 weeks to eight weeks?

MR. NIERMAN:

Sure. I think -- I think this -- I think the bill is a great idea. It's just, I think that it should be some further education. These people that, you know, that have -- everybody has agreed that eight weeks-old is the ideal age for someone to get a puppy.

LEG. BARRAGA:

Could you find that most of the people that you know, if that provision was amended, could now support the bill?

MR. NIERMAN:

Well --

LEG. BARRAGA:

Either yes or no, I don't know, just give me an answer.

*(*Laughter*)*

MR. NIERMAN:

Yeah.

LEG. BARRAGA:

Yeah. Okay, thank you.

MR. NIERMAN:

I think that people want to have good regulations and I think that New York State has given us great regulations, and the ones that you have added I think are good, but the eight week-old one I don't think is so good.

LEG. BARRAGA:

Okay, thank you.

P.O. GREGORY:

Thank you. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Sir, thank you. I just had the same question that Legislator Barraga had, and thank you for answering that.

I also wanted to ask you about a section of the bill that requires that you, as the pet dealer, would give a copy of an inspection report conducted by the USDA concerning the breeder from whom you got the animal from. So do you have such a report for every animal in your store, or every breeder that you purchase from?

MR. NIERMAN:

Yes, it's -- I believe it's part of the law already.

LEG. D'AMARO:

Not just identifying who the breeder is, but also a USDA inspection report relating to the breeder that you purchased the animal from. Do you maintain those records and do you have that available to consumers? So if I came into your store and purchased a dog from you or you provided the dog to me, in connection with giving me that dog you would have to also give me this inspection report about the breeder from where you purchased the dog. Do you have that?

MR. NIERMAN:

So the answer to your question is that it's not in our booklet yet that we're supposed to do that.

LEG. D'AMARO:

All right. Have you ever seen such a report?

MR. NIERMAN:

Surely.

LEG. D'AMARO:

You have.

MR. NIERMAN:

I've traveled around the country. I've gone to -- I've given seminars to breeders all over the country. My father --

LEG. D'AMARO:

No, no. But -- I'm talking about this -- the USDA Inspection Report concerning the breeder you purchase from; have you seen that type of report?

MR. NIERMAN:

Yes, I have.

LEG. D'AMARO:

Okay. I was just. So they do exist --

MR. NIERMAN:

Yes.

LEG. D'AMARO:

-- and it's something you would have access to.

MR. NIERMAN:

Yes, and I think that's a good part of your bill.

LEG. D'AMARO:

Okay, good. Okay. And then the balance of the bill deals with enclosure requirements; have you taken a look at those as well?

MR. NIERMAN:

Yes.

LEG. D'AMARO:

Do you have any comments or suggestions?

MR. NIERMAN:

I think that it's -- my kennel really fits right into that, but I don't think it's fair to the guy who has invested, you know, hundreds of thousands of dollars in his crates, that he's now gonna not be able to use them, he's going to have to throw them out and get new ones.

LEG. D'AMARO:

Well, do you house more than -- do you house more than four animals from the same litter in any one enclosure?

MR. NIERMAN:

My enclosures are very big.

LEG. D'AMARO:

Right, so do you house more than four animals in them?

MR. NIERMAN:

No.

LEG. D'AMARO:

Okay.

MR. NIERMAN:

But my -- my runs are larger. A lot of these kennels have --

LEG. D'AMARO:

Smaller ones.

MR. NIERMAN:

-- smaller runs.

LEG. D'AMARO:

Yeah.

MR. NIERMAN:

So the fact that they have to exercise the dogs, I thought that was really doing the job of what they needed, nor do I -- but I would say that they shouldn't have four dogs in their -- in their cage, if that's what you're implying.

LEG. D'AMARO:

Well, that's what the bill seems to be saying; A maximum of four animals from the same litter.

MR. NIERMAN:

I'd say that's fine.

LEG. D'AMARO:

Okay. Okay. All right, thank you. Thank you.

P.O. GREGORY:

Thank you. Legislator Muratore.

MR. NIERMAN:

If anybody has any questions, I'm more than happy to give you my number.

P.O. GREGORY:

We have another person, sir.

LEG. MURATORE:

My question is to the sponsors, to Doc Spencer or Legislator Schneiderman. Why did we pick 14 weeks? Can you tell us why 14, Jay or Doc; why?

D.P.O. SCHNEIDERMAN:

I believe this question's about socialization. It depends on what you read. The folks in kind of the animal rights world want 24 weeks; I think that's excessive. Most research says somewhere between, you know, 12 to 14 weeks, 16 weeks, the animal, you know, is weaned from its mom, it's ready to go out. It's mature enough, emotionally mature enough to go to a family. Some people are saying that that's incorrect, that six weeks or eight weeks is fine. I'm willing to take a much closer look at that issue.

You know, I think some of push initially for this bill was looking at the concern over puppy mills. You know, a lot of people have issues with puppy mills and I don't know that we have the authority simply to ban a dog that comes from a puppy mill. So a lot of what's in this bill is just consumer information so at least the consumer is aware of the breeder, knows -- you know, can see that report, knows a little bit more information about the breeder.

Puppy mills tend to move these dogs at a very young age, so this, I think, solves it. But I might be willing to amend the bill to eight weeks, I just want to do a little more research on that. So I'll be asking to recess today.

LEG. MURATORE:

Okay, thanks, Jay. Thanks, Doc, I appreciate it.

MR. NIERMAN:

So the eight week -- the six weeks was considered too young by veterinarians. The eight week was considered the right age by veterinarians and the American Kennel Club who has a lot of research that you can go back into. And if the dog was 14 weeks-old, I think what they were trying to do by that was to get the dog more physical attention, maybe more shots, maybe more worming, maybe more something, but there really isn't any other benefit. And when the dog is eight weeks-old, it has enough vaccinations and worming to go home, it doesn't have enough vaccinations or worming to go outside. So the dog then bonds in the house from eight weeks to three months, and then after that it goes outside. Thank you.

P.O. GREGORY:

Okay, thank you. All right, we do have several more cards. Katherine Dattoma? Katherine Dattoma; D-A-T-T-O-M-A. All right. Susanne DesGaines. All right. Thank you.

MS. DESGAINES:

I am pleased to speak today before the Legislators and Presiding Officer. I represent Brookhaven Animal Shelter as a volunteer for the past seven years and I would like to ask everyone to please seriously consider number one four -- 1047 and please pass this very important law, this very long-awaited law.

And I would like to just mention to the speakers that were here, they have nothing to fear if they're doing honorable businesses. This law is for the ones that are not, so nothing to worry about.

This law can help the animals in Suffolk County that are suffering right now to live less tortured lives. The animals need protection from the abusive, commercial, dog-breeding industry by holding them accountable and not allow them to profit without punishment. So please approve this law. I'd really appreciate it and so would all the animals that can't be here today to ask for your help.

P.O. GREGORY:

Thank you. Legislator -- Deputy Presiding Officer Schneiderman has a question for you.

D.P.O. SCHNEIDERMAN:

So it seems one of the controversial aspects of this bill has to do with how long does a pet dealer or pet shop have to hold a puppy before it can be sold. A lot of people were -- had problems with the 14 week requirement that's in this bill, instead advocating for a shorter eight week requirement. Do you have any thoughts on that?

MS. DESGAINES:

I do believe that 14 weeks would be better. From my experience in animal shelters, and the fact that there is absolutely no shortage of dogs, believe me; go to any animal shelter, Mr. Nierman, if I'm saying that correctly, I apologize if I'm not. We have an overabundance of animals and it's -- it's unbelievable. Just visit a shelter.

I'm not an animal expert, I wish I was. I just in my heart feel that they need our protection and, you know, they go through so much that 14 weeks, you know, to give them any chance at all would be really beneficial in the long run to any family that adopts or, sorry, purchases a dog from a dog store at 14 weeks as opposed to eight weeks. I'm sure there's a huge psychological difference. Just think of a baby. You know, how old is a baby before it's adopted? You know, and -- you know, and they -- I'm sure they don't adopt out, you know -- if it can be with the mother as long as possible, that's certainly a benefit in many ways. So that's my feeling, but I'm not an expert, I can't say scientifically.

P.O. GREGORY:

Okay, thank you.

MS. DESGAINES:

Thank you for offering this bill, I really appreciate it.

P.O. GREGORY:

Okay. Mary Leister.

MS. LEISTER:

Good afternoon. My name is Mary Leister, I'm a veterinarian here in Suffolk. I'm also a small business owner, I own a veterinary hospital. And looking at this legislation from a medical standpoint, I have a couple of concerns that I -- it doesn't seem to me have been looked at from the medical aspect.

Number one would be the before 14 week-old age. Puppies go through different times of socialization. And a big part of their socialization is before eight weeks with their littermates. Between eight weeks and 12 weeks, from studies that have been done by behaviorists, seems to be the best time to rehome puppies. It's when their socialization is enough that they can take on a new environment, get settled with a new family. There was a study by Appleby in '93 on guide dog puppies and puppies that were placed after 11 weeks had a 30% success rate in the guide dog

training, while puppies placed before 11 weeks had a 90% success rate. It just goes to show that the socialization is important and fitting into their new home is important, and I think 14 weeks is way too late for a puppy to readjust and have the right socialization and experiences to be an ideal friend and pet for a family.

I'm also a little concerned, if this 14-week age issue is a big cutoff, that these puppies are going to be sitting somewhere in a cage until they're 14 weeks-old, then they'll be able to come and be homed, and by that time they've missed critical play and interaction and socialization and it's going to wind up being problems for the families, it's going to be temperament issues down the road that are going to make them wind up more likely to be in a shelter than to stay in the home for long-term. Which also the provision in for, you know, not offering the puppies for sale before a specific age. As a veterinarian, I counsel owners all the time about their choices; what breed they want, what size they want, what kind of temperament they want in their puppies, and I always refer them to reputable breeders to talk to breeder, find out exactly what they're in for. Certain breeds; they look great, they seem like a great breed, but they're not going to be a great fit for the family and that would -- that's horrible that I see dogs getting rehomed, or worse, in the shelter because the family didn't choose correctly. And I think that dialogue between the puppy owner, the family and the breeder, which from my standpoint, the hobby breeders, the local breeders, they do the best job. This legislation appears to cover both the puppy mills, which everyone agrees is not a good way to generate puppies and get them into a nice environment, but I think it's kind of wiping across the board and really causing a problem with the families in general.

Some of the other things, like the enclosures, it's very difficult if -- you know, from my standpoint, if you say you can only have four dogs per enclosure and a mother dog has eight puppies, then you're breaking up the socialization of those puppies during a very critical period and not allowing the mother to take proper care of them.

P.O. GREGORY:

Thank you. Your time has expired.

MS. LEISTER:

Thank you.

P.O. GREGORY:

Thank you very much.

LEG. KRUPSKI:

Mr. Presiding Officer, I have a question.

*(*Applause*)*

P.O. GREGORY:

Ma'am? Ma'am? Doctor?

MS. LEISTER:

I'm sorry.

P.O. GREGORY:

There is a question for you.

MR. NOLAN:

Come back.

LEG. KRUPSKI:

Thank you. There's a lot of talk about dogs being at the right age to adopt, and you've laid it out very well and a lot of people have laid that out very well. I appreciate that.

What about cats? I mean, cause I'm sure that's the next bill that we're going to have in front of us, about different ages to adopt cats out.

MS. LEISTER:

Absolutely.

LEG. KRUPSKI:

What is the -- in your opinion, what's the optimum age?

MS. LEISTER:

I think, you know, for cats, because they're a totally different species than dogs, you have to look at them a little bit differently. You know, dogs are pack animals and they are looking for socialization and interaction. Cats, by nature, tend to be a little solitary, they're not looking for friends. So I think when they get the proper initial care from the mother cat, probably till about eight weeks-old, that shows them the discipline and the way to behave, that seems to me a great age to place them. I see some of these orphaned kittens that get bottle fed and taken care of and they don't have the discipline that the luckier kittens had and they have a lot more behavioral problems and wind up, you know, coming in for either behavioral problems or getting rehomed because, you know, of temperament issues.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Thank you. Again, that's all the cards that we have. Is there anyone in the audience -- oh boy, okay. Okay, you first, sir. Please state your name for the record. You have three minutes.

MR. MEHANNA:

Good evening. My name is Paul Mehanna, I live in Hauppauge. I have one dog. I'm not a breeder, I'm not a kennel owner. I did want to say something that's a little bit toward what you were saying about the 14 days and it's a quote from William J. Kay, he's a veterinarian, Chief of Staff at the Animal Medical Center. There's just a couple of lines here:

"The dog is a highly social animal that has evolved to show intense and curious social -- and continuous social attachment. The attachment can be directed to other dogs or to humans. Generally when a puppy is brought home -- brought into the home at about two months of age, it has been weaned from its mother, it is beginning to learn independence and to accept absences from its mother. It starts to attach strongly to humans." So I think that kind of tells a story there.

There are a couple of other things that I wanted to mention about the -- about the bill. One, you say that less than 25 animals makes you a breeder, but over 25 hours (*sic*) and you're in business. You can have two litters a year and be over 25 animals. It's a little bit too low.

I spoke about the 14; 14 weeks, way too high.

Additionally, it says, "Any primary enclosure used to house an animal for trade, sale trade, should be given away -- given a maximum four animals in the same litter." In a whelping box, you put all your -- your litter, and that's an enclosure. The mother has to take care of these animals, there's no way of doing that unless you're popping animals in and out it. It doesn't make any sense.

And that pretty much covers what I wanted to say. Any questions?

D.P.O. SCHNEIDERMAN:

Just a clarification. You know, during that litter period when the mother is nursing, the animal is not for sale, so that would not apply. So when they're being offered for sale, then the limitation of four per enclosure kicks in. But let me ask you one quick question.

MR. MEHANNA:

Sure.

D.P.O. SCHNEIDERMAN:

Sir, you said 25 animals, that should be raised because that could be two litters? What would you think would be the ideal number?

MR. MEHANNA:

I don't know, something in the 30's. If you have -- you could have three litters a year if you have three dogs that are -- that all have puppies at the same year. And --

D.P.O. SCHNEIDERMAN:

So if I made that number, let's say, 50?

MR. MEHANNA:

Fifty would certainly do it, I think.

D.P.O. SCHNEIDERMAN:

Okay.

MR. MEHANNA:

You'd really have to speak to some breeders about that; as I say, I'm not one.

P.O. GREGORY:

All right. Thank you.

MR. MEHANNA:

You're welcome.

P.O. GREGORY:

I saw several hands. Okay, ma'am? I feel like I'm on *Wheel of Fortune* or something. Please state your name for the record.

MS. BURKE:

Hi. My name is Marcy Burke. We met at the last hearing out in Riverhead and I, once again, thank you for the opportunity to express my opposition to Resolution 1047.

I have with me today a position paper from the American Veterinary Society of Animal Behavior about early socialization; a copy for each of you and I'll leave it with the Clerk or court reporter, if I may.

Having attended and spoken briefly at the last hearing against Resolution 1047, I wanted to ask you to please reconsider requiring that puppies not be permitted to go into their new homes by placement or sale until they are 14 weeks of age. If you read this position paper, you will see that the AVSAB has taken the position that socialization is so important in the lives of young puppies that they recommend pups be socialized outside their homes, knowing that doing so possibly exposes

them to diseases that could kill them.

In addition, the damage done to puppies by keeping them out of their new homes until they're 14 weeks-old is not recoverable. We struggled for years to educate people about the advantages of getting their puppies out into the world once they've had their first vaccination. Many veterinarians advise their clients to keep their puppies indoors until they're fully vaccinated, which in most cases keep them isolated until they are 16 weeks-old.

Professionally, I spend a lot of time working with puppies. I can tell you firsthand that the difference between a well socialized puppy and one that has been isolated is massive. It truly breaks my heart to see an unsocialized puppy afraid of everything when, with very little effort, that puppy could be a confident, stable dog.

One thing that's not been addressed is fear biting. By eliminating the fear, which is developed when they don't see things, we greatly reduce the number of dog bites.

While I commend your efforts to eliminate puppy mills and do what you can to see that puppies sold in Suffolk County are protected from living in undesirable conditions, this resolution will do the opposite, requiring that puppies stay in those conditions for a longer period of time.

In addition, it will cause real problems for breeders who cannot control the numbers of puppies that their bitches have. In Golden Retrievers it's not uncommon for a bitch to have ten to 12 pups in a litter. If a breeder breeds three litters in their home and ends up with 25 or more pups, they'll break the law if they don't abide by the regulations in this resolution.

In my case, doing what your resolution requires would make it extremely difficult for me to raise my puppies the way that science has proven they need to be raised in order to become healthy, confident, stable puppies. When my pups go to their new homes at eight and-a-half weeks of age, they're almost completely potty trained and they're well on their way to being crate trained. People often wait two years to get one of my puppies. There are people out there doing great jobs raising puppies, please don't tie their hands with a resolution that goes against everything the scientific studies have shown is necessary to raise healthy stable puppies.

I, again, ask you, please read this position paper and consider what Resolution 1047 would effectively do to all the puppies in Suffolk County. Before you vote on this resolution, I would suggest that the Legislature or its designees read the American Veterinary Society of Animal Behavior's position paper and arrange to meet with well-respected dog people in the world to see if a resolution can be crafted that would meet the needs of the people in the dog industry in Suffolk County.

P.O. GREGORY:

Okay, thank you. Thank you.

MS. BURKE:

Thank you so much.

P.O. GREGORY:

Your time's expired. There is a question for you.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

So it sounds like your main issue with the bill is the 14-week period; is that correct?

MS. BURKE:

That is my main issue, yeah.

D.P.O. SCHNEIDERMAN:

And you're selling your animals at eight and-a-half weeks, you said?

MS. BURKE:

Correct.

D.P.O. SCHNEIDERMAN:

So if that were amended to eight weeks, the rest of the bill you're okay with? That's the main provision, right?

MS. BURKE:

The 25 puppies, I can't control how many -- I had three litters last year, I had 24.

D.P.O. SCHNEIDERMAN:

Okay. So those -- those two issues. Any other issues?

MS. BURKE:

I think the others are okay.

D.P.O. SCHNEIDERMAN:

Okay. Thank you.

MS. BURKE:

Thank you.

P.O. GREGORY:

Thank you. I saw several other hands. Okay, please come forward, sir. Right there with the glasses, you, yeah.

MR. GORDON:

Good evening. My name is Elliot Gordon and I own a puppy store in Suffolk County and I'd like to address the bill. The way it stands now would probably put out business of most of the puppy stores in Suffolk County and take away the rights of individuals to be able to choose the type of breed that they want, the size that they want, shedding/nonshedding, and not be shamed or forced to go to a shelter to pick a -- an older dog or a dog that had issues and just not have the right to -- to choose what they want for their family. Most of the puppies that -- that we sell, we sell to young families. And we do a really good job of trying to help them pick out the appropriate dog for their life-style.

As far as the age of when a puppy should be sold, eight weeks, by the AKC and most veterinarians and organizations, is way sufficient for a puppy to start bonding with its new family.

The -- the bill, the way it stands now, is really designed just to eliminate puppy stores, because at 14 weeks, 15 weeks, the amount of puppies that you can have as a selection would almost make it impossible to -- to do business, putting a lot of people in an industry and eliminating it. I know that in -- in our store, we certainly don't support puppy mills. All our puppies do come from licensed USDA breeders. We check every USDA licensed breeder's report history, we look for direct violations, indirect violations, and we're extremely careful and sensitive to the puppies that we bring in.

We also offer free veterinarian services when the consumer purchases a puppy from us. I also require that when we do purchase a puppy from a breeder that I get a copy of a veterinarian certificate from that breeder's own vet, and then I have our own vets, consulting vets also check the puppy before it's offered for sale.

You know, beyond the animal activist whose sole agenda is to eliminate puppy stores and, you know, other issues with respect to animals, its -- it's just wrong. I mean, you know, the great song "*How much is that puppy in the window*," which is a great American song, would be eliminated. I mean, families come into our store all the time looking for puppies or just playing, and it's a wonderful experience and we try very hard to, you know, offer, you know, the best quality that we can.

P.O. GREGORY:

Thank you, sir. Your time's expired. Thank you.

MR. GORDON:

Is there any questions?

D.P.O. SCHNEIDERMAN:

If I may. You know, as the author of the bill, certainly my intention was not to put any pet stores out of business. This is for consumer awareness, animal protection, etcetera. I'm happy to hear that you're not selling puppy mill dogs.

You said that this bill, though, would put you out of business. Is there a specific provision? Is it that eight week -- that 14 week provision or is it something else in the bill?

MR. GORDON:

The 14 weeks. It's definitely, I feel, too old to -- for a puppy when -- to be sold.

D.P.O. SCHNEIDERMAN:

If that were made eight weeks?

MR. GORDON:

Eight weeks. Eight weeks in New York --

D.P.O. SCHNEIDERMAN:

Could you live with the rest of the bill or are there other things that you will feel are not that competitive?

MR. GORDON:

Well, eight weeks is -- eight weeks is fine and that is New York State law. I'm concerned about the enclosure that we keep our puppies in, that they're realistic as far as the size that's needed. How many -- how many puppies we could put in a particular enclosure, because you could legislate it where the enclosure is so large that you couldn't have the square footage to adequately care for the puppies.

The other part, I think, is the spay and neutering. Spay and neutering, although we recommend it and so do our vets, that it should be spayed -- the puppy should be spayed and neutered prior to its whelping date, a year from its whelping date. That should be left up to the individual.

D.P.O. SCHNEIDERMAN:

The bill does not require spay or neutering. It just requires that you have the service available. So if somebody wanted to purchase a puppy, you would say, "*Would you like it spayed and neutered?*"

You would then send it to a vet and pass that fee along when you sold the animal.

MR. GORDON:

Right, the consumer --

D.P.O. SCHNEIDERMAN:

But they could say, "No, I don't want it spayed," and then -- there's no requirement to it.

MR. GORDON:

Okay.

D.P.O. SCHNEIDERMAN:

Other than that you would have an arrangement with a vet to perform that service if your client wanted that.

MR. GORDON:

Well, we provide a free veterinarian package with every puppy that we sell.

D.P.O. SCHNEIDERMAN:

Okay.

MR. GORDON:

To cover, you know, if a puppy comes down with a cold or whatever -- whatever happens. And they offer discounts on spay and neuter.

D.P.O. SCHNEIDERMAN:

You know, I'm going to be asking this bill to be recessed anyway.

I just ask to have a conversation with you outside of the Legislature, maybe we can work on this bill a little bit and make it work a little bit better for the pet stores.

MR. GORDON:

Look forward to it. Thank you.

P.O. GREGORY:

Thank you. I did see another...yes, sir.

MR. HOLMES:

Good evening. My name is Karl Holmes, I run human resources for McDonald's. I've lived in Suffolk County for 35 years, I also breed and show dogs in conformation and agility, and the top priority when I breed puppies is health and temperament.

I urge that this resolution, the way it's written, not be passed. I think the wording is very vague, very ambiguous, not specific enough and, therefore, will be interpreted that might help the ethical breeding of dogs by responsible breeders.

Obviously, everyone already brought up the 14 weeks, so I'm not going to bring that up again. Other than the section that says it would criminalize, quote/unquote, "*The offering for sale a puppy prior to a specific age.*" Responsible breeders often screen and communicate with potential buyers well in advance of the actual date the puppy is to be released. I also have a list of two years to anyone who wants one of my puppies and I've said no to people because I want to make sure my puppies go to a home that they're going to be brought up, they're going to be safe, they're getting veterinarian care. So not speaking to someone before I sell it, I think, is a mistake.

I also have a problem with the primary enclosure. To me, it is unclear how this would impact those whose "primary enclosure", unquote/quote, is their home. I also -- the requirement the enclosure provide a room enough for natural play; quote/unquote; I'm not sure what the definition of natural play means. And again, something that's left up to interpretation could hurt someone who is a breeder and has dogs inside their home.

Unannounced inspections. The young woman that was here before talked about breeding and how different breeds have different size puppies. And correct, a small breed could have four or five puppies, a large breed could have ten to 12 puppies. I'm not sure putting an amount on what makes a pet dealer makes any sense because of that reason.

The economic impact of the law on Suffolk County. Who's paying for these unannounced inspections? And I didn't know we had additional programs or employees for this. I used to teach a Suffolk County Department of Health course for Suffolk County, and you all know what the budget did to the Suffolk County Department of Health during 2013 and 2014. If you do not know, the clubs in Suffolk County; the Suffolk County Kennel Club, Riverhead Kennel Club, Suffolk Obedience Club, Greater Herding Club, Ladies Kennel Club, Long Island Kennel Club, Agility Kennel Club, at a minimum 16 events held in Suffolk County the AKC estimates that exhibitor spends \$512 during the weekend to put into the County revenues. At a minimum -- 512 is not Long Island, that's the country, so it's probably more in Long Island. At a minimum, when legislation has been passed like this in other counties, these events have left. And let me tell you, a lot of them have already left Long Island and go to the Big E up in Massachusetts rather than do there -- rather than stay inside here. As a matter of fact, if you were to look at it, Louisville Kentucky passed a resolution like this and they had to repeal it a year later due to what occurred inside theirs -- their district.

In closing, if the purpose of this bill is to protect pet people from pet stores and puppy mills, I agree with it. It's way too vague, the wording is not specific enough. The 14 weeks we already talked about, agree with totally as far as socialization of animals.

Please don't be swayed by the politics of scaring people when it comes to dogs and PETA and some of the other political organizations in the United States. Thank you very, very much.

*(*Applause*)*

P.O. GREGORY:

Thank you. Okay. Yes, Ma'am.

MS. O'DONOGHUE:

I am opposed to this resolution. I recognize the spirit of the law is to protect these animals --

P.O. GREGORY:

Ma'am, please state your name for the record.

MS O'DONOGHUE:

My name is Kit O'Donoghue. However, it will cause great harm for you to require puppies to remain with the dealer or a pet store beyond the age of eight weeks unnecessarily. Eight weeks is a critical time in a puppy's development. They need to bond with their new family. They also need to be exposed to new places, sites and sounds as soon as possible.

I am the proud owner of two Golden Retrievers. We compete in agility and obedience. My older dog is a certified therapy dog. Training started from the day I brought them home at eight weeks-old. They were introduced to other dogs and taken to many different places. We travel and stay in hotels. They are well adjusted and treasured companions.

I also have taken into my home a Jack Russell Terrier. Her previous owner gave her up because she was too much to handle. This Jack Russell lacked the proper socialization early on. I've worked hard and she has made great progress, but we still have much to work on.

I am also a board member of Suffolk Obedience Training Club. Suffolk Obedience Training Club was founded in 1948 and is a not-for-profit club dedicated to helping people, people, train their companion dogs and competition dogs. There are currently 175 members. As a board member, I have seen firsthand the result of dogs that have not been socialized properly. Our trainers work hard to help these families and the companions gain control and overcome fears. It takes time and effort. Sadly, there are many people who do not have the time and these dogs end up in shelters.

Please ensure that the law you pass is fair, just and truly does protect the puppies. Remove the requirement that the puppies cannot be sold until after four weeks, or, in the very least, adjust the age to eight weeks, where it should be. There are many trainers, clubs, training facilities, and reputable breeders right here in Suffolk County. They have many years of experienced training and taking care of dogs. Avail yourself of their knowledge to craft a just law that ensures the well-being of these precious animals. Thank you.

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

P.O. GREGORY:

Thank you. Okay. All right. Again -- ma'am you already spoke.

MR. NOLAN:

No, that's her sister.

AUDIENCE MEMBER:

No, she didn't.

P.O. GREGORY:

Wait a minute. Oh, the twins. Okay. Geez.

*(*Laughter*)*

AUDIENCE MEMBER:

It might be triplets.

*(*Laughter*)*

P.O. GREGORY:

That's not fair, you're not allowed to do that.

MS. PRATT:

Sorry. It happens a lot. My name is Lisa Pratt. I am Marcy Burke's twin sister. I just wanted to explain a little bit my issue with the bill; has to do with the 14 weeks. I have other issues that are nowhere near as critical. I just would just like to address the 14 weeks at this point.

So you understand, puppies at a certain period in their life before 16 weeks of age have a natural attraction to things in their lives and they are not concerned about them. They will approach a lion and die if they were in the wild. They would have no reason to be afraid of it. That's who puppies are when they're young. As they get older, fear comes in. The job of the breeder is to expose them

to as many things as possible, and then, when the breeder is done, to get them out and have the families expose them to as many things as possible before that period closes. So keeping the puppies until 14 weeks is going to create an irreparable damage to each and every puppy. You can make it better, but you will never create the puppy that could have been if you could get the puppy out into the right environment.

And what I'd like to do, there are many people here who are in -- against the bill for the same reason, and rather than asking, I've asked them not to speak, but instead of having them come up to speak, I'd like them to just stand and be noted so that you can see the number of people that are here that are against the bill. So I ask you to, please -- there are many people around who are experts in the field. I run a company that's training people how to raise their puppies. If there's any way, please contact me. I can get you in touch with other experts. But find out what it's going to do to the puppies before you pass this bill. Thank you very much.

*(*Applause*)*

P.O. GREGORY:

Thank you. Okay. Again, that is all the cards that we have. Sponsor? Jay?

D.P.O. SCHNEIDERMAN:

Recess.

P.O. GREGORY:

Motion to recess by Legislator Schneiderman.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Fifteen.

P.O. GREGORY:

Okay. Public Hearing is recessed.

J.R. 1096 - A Local Law to establish Healthy Food Standards at Suffolk County facilities (Hahn). Legislator Hahn? Oh, I'm sorry. We don't have any cards. Is there anyone in the audience that would like to speak in this matter? Please come forward. Seeing none, Legislator Hahn?

LEG. HAHN:

Motion to recess.

P.O. GREGORY:

Motion to recess.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Calarco and Kennedy)

P.O. GREGORY:

J.R. 1117 - A Local Law prohibiting the sale and use of hydraulic fracturing byproducts.

We do have several cards. Mr. Douglas Wood. Okay, sir, you have three minutes.

MR. WOOD:

Thank you. My name is Doug Wood and I'm from Grassroots Environmental Education. We're a nonprofit organization. Thank you for this opportunity to speak tonight, and congratulate you on your consideration of this critical legislation, which would protect the public health of the citizens of Suffolk County by prohibiting the processing, sale or treatment of toxic radioactive waste products from hydrofracking operations.

The legislation itself seems like a no-brainer. I think many people like me feel that the cost of disposing of this toxic radioactive waste should be the responsibility of the companies and individuals who are profiting from the extraction of natural gas. It's certainly not the responsibility of the citizens of Suffolk County to assume that potential catastrophic cost of dealing with a spill of toxic chemicals on the Long Island Expressway or some County road. It's not the responsibility of our EMTs or police to deal with accidents involving unmarked trucks carrying hazardous cargo, or the responsibility of our water departments to deal with a possible leak of radioactive waste into our drinking water aquifers.

I remind you that radioactive material cannot be rendered harmless by any process currently known. You can't take radioactivity out of water. You can't make radioactive drilling muds, or sludge, or wastewater filters safe. Radium 226, which is the kind of radiation that comes along with this kind of fracking waste, remains radioactive for 1600 years, or about 800 generations of Suffolk County residents.

I do have one concern to share with you and that is the incredibly amazingly low penalty which you are considering for someone bringing a truck into a solid waste facility in Suffolk County and dumping tons of radioactive waste. Remember, the people who are profiting from fracking are the world's largest corporations. Exxon, for instance, makes 104 million dollars in profit every day. That's \$4,333,333 every hour, or \$72,000 a minute. So it would take Exxon, for example, a little less than five seconds to make enough profit to pay your penalty.

I urge you to follow the lead of every other county in New York State that has passed legislation prohibiting fracking waste and set the statutory fine at not less than \$25,000. We need a fine that really means something. Five thousand dollars doesn't mean anything to the people who would bring toxic radioactive fracking waste into our County. Thank you very much.

P.O. GREGORY:

Thank you. Patricia Wood. I'm sure no relation.

*(*Laughter*)*

MRS. WOOD:

He's my assistant.

*(*Laughter*)*

P.O. GREGORY:

At least you're not twins. You didn't fool me that time.

MRS. WOOD:

We're not twins. Thank you very much for giving me the opportunity to speak on this briefly again. I would just like to review a few points for those who are not as familiar with the complexities of this issue.

Hydrofracking operations for both oil and gas utilize highly toxic chemicals in their fracking fluid. Up to 20,000 pounds of chemicals per well can be used. This mixture of chemicals returns to the surface as flowback water immediately after fracking a well, and then again and again and again as produced water as the well begins to produce gas. The produced water is highly carcinogenic. Contamination of a public water supply such as our aquifers here on Long Island would render it unusable for generations to come, as Doug just mentioned. Contamination is well documented in states where both fracking operation and disposal is permitted.

High levels of bromide and chloride in the fracking wastewater, when combined with disinfection products, actually causes it to produce trihalomethanes, which many of you may be familiar with if you're familiar with disinfection processes in our public water supplies. Trihalomethanes are highly carcinogenic to humans.

Illegal dumping accidents and spills are common with the industry's practice of using independent haulers and independent contractors to dispose of these fracking waste materials.

I just wanted to show you that over the past few years, we have been preparing and providing this digest on the independent science on hydrofracking to Governor Cuomo, the New York State DEC, the New York State Department of Health, and Federal agencies such as the EPA and the National Institutes of Health. We have recently updated the digest with additional science on fracking waste problems and here they are. We are reviewing them this week. And just so that I just quickly say them before my time is over, a couple of examples would be a review of environmental impacts of salts from produced waters on aquatic resources, the assessment of effluent contaminants from three facilities discharging Marcellus shale wastewater to surface waters, geochemical evaluation of flowback brine from Marcellus gas wells in Pennsylvania, and the last one is effect of biogas generation on radon emissions from landfills receiving radium-bearing waste from shale gas development.

We, as an organization, have done a tremendous amount of work on both the hydrofracking process itself, where the well pads are in Pennsylvania, Wyoming, West Virginia and Ohio, as well as the fracking waste issue. The fracking waste issue is probably the biggest issue we have. And I am truly appreciative of all of you here tonight that you are considering passing what I would consider model legislation for the rest of the state, even though we already have 13 counties that already adopted very good bans on fracking waste, but you have actually done it very well so far. We just want to make sure that that penalty of \$5,000 is actually raised to \$25,000 or more to be in line with the other counties, or to actually show the other counties that even \$25,000 as a penalty is actually not sufficient to keep the industry from looking at it. Actually, if they're looking at \$5,000, they would say, "Okay, let's target Suffolk County."

P.O. GREGORY:

Ms. Wood, your time has expired. Thank you very much.

MRS. WOOD:

Thank you.

P.O. GREGORY:

Jane Fasullo.

LEG. KRUPSKI:
Presiding Officer.

P.O. GREGORY:
Oh, yes.

LEG. KRUPSKI:
Question.

P.O. GREGORY:
Yes. Legislator Krupski has a question for you.

LEG. KRUPSKI:
Thank you. So, I've got a couple of questions. One is what kind of chemicals, and how do they -- how do they contain the wastewater, and then store it and then move it?

MRS. WOOD:
How do they contain the wastewater? Some of the water is actually -- in Pennsylvania, for instance, they allow fracking waste ponds. So they actually have these lined pits that are basically lined with plastic liners, and the wastewater is actually dumped into these pits, and then eventually filled, you know, from those pits into trucks, which are unmarked. They just say "residual waste" on them, when, in fact, they are -- they contain highly hazardous chemicals and radioactive materials. That's the most common way of moving the wastewater from the well pad to a disposal location.

LEG. KRUPSKI:
What chemicals, though, besides the radioactivity are in the water?

MRS. WOOD:
Well, the radioactivity is actually naturally occurring, that actually comes out of the shale. But the chemicals that they use for fracking include -- are BTEX chemicals, which are benzene and xylene, and so on, lots of other petroleum solvents. They have chemicals that they use for -- for surfactants. They have chemicals that they use to disperse the sand in that fracking fluid so that it doesn't just sink to the bottom, so that it remains suspended. They use probably about four or 500 chemicals in each fracking operation. Most of these chemicals are actually purchased from other industries, and they are usually the hazardous waste products from those other industries.

LEG. KRUPSKI:
And the last question is, besides increasing the penalty, is there any other way to improve the legislation to protect Suffolk County?

MRS. WOOD:
There is one thing that some of the other counties have done, and that is to require an affidavit with -- that should come with any materials that are used for road spreading, or are being reused or repurposed. And that is something that may be considered, because the industry is really, really looking for ways to repurpose and sell or get rid of this waste in any way they can. They actually dehydrate and, you know, they evaporate the water, and they sell some of the salt as solid, as well as brine.

LEG. KRUPSKI:
Okay. Thank you.

MRS. WOOD:
You're welcome.

P.O. GREGORY:

Thank you. Okay. Jane Fasullo.

MS. FASULLO:

Thank you for your time. I guess I've had a little of the wind taken out of my sails, but I still have a few points I'd like to add to what has been already said.

I'm totally in support of this resolution. I'm convinced that we have to go as far as we can to prevent fracking byproducts from coming to Long Island. The hydraulic fracturing byproducts include the fluids which contain the chemical that was just described. Those chemicals were designed to dissolve shale. I want to say that again. It's designed to dissolve shale. The reason that has to be the case is because the gas is not free in open pockets just lying about, it's trapped within the shale, and after the hydraulic fracturing process of literally fracturing rock by setting off the equivalent of bombs below ground to create fractures throughout the areas. There are fluids that come in with sand and other components that actually hold those fissures open, allowing the dissolved gas to come into the flow lines and be pumped up through the drills.

Not to get into too much detail, however, the chemicals and their salts, if they're brought here and spread on our roads and our other grounds, will leach into our drinking water, and they will leach into our groundwater, eventually finding their ways into the bays. And while there is data on what this has done in freshwater, there is not a lot of data as to how it will affect our bays here on Long Island. What will it do to our marine life? Should we be playing an experiment of this type? It surely can't be a good outcome.

Frack-fluid chemicals particle -- and particles, if brought to the wastewater treatment plants, will against cause unknown damage. Our water treatment plants are not equipped to filter out, process or reduce most of the contaminants contained within those waters. They will be also discharged into our groundwater or released out into our bays through the pipes that we have from our wastewater treatment plants. Neither of these will have a good outcome. I'm sorry.

Fracking byproducts also include, as was commented upon, the drill cuttings. These contain lubricants, which are used to prevent the drills from overheating, and they aid in the cutting process. They also contain metal fragments from the drills themselves and pieces of rock that was pulverized by the drill. Some of the rock coming from those drillings contain various from -- sorry, from Marcellus shale, contain radioactive elements. Traditionally, applying these to roads in the winter or simply landfilling them is the way that they are handled. Either of these can present major problems for us here in Suffolk.

Finally, by allowing fracking byproducts, you're in essence making it easier for the process to take place. And although fracking is not happening here in Long Island, large volumes of methane gas escape during the fracking process and continue to escape as the gas is being released from the dissolved rock. I'm sorry. This gas also has to be put through a drying process, where more of the methane is released. In case you're unaware of it, methane is about 10 times more powerful greenhouse gas than carbon monoxide, and this now increases the melting of our sea ice about 10 times faster.

P.O. GREGORY:

Ms. Fasullo, your time has expired. Please wrap up.

MS. FASULLO:

Okay. I'll do it very quickly, summarizing a number of sentences. We are low-lying. Any increase in water level in the oceans is drastic to us at a 10 times faster rate. Any prediction that was made for flooding of our low-lying lands will now happen not 10 years from now, but a year from now.

This will make our normal high tides look like storm surges. I think we need to do everything we can to prevent this from happening. Thank you.

P.O. GREGORY:

Thank you. That is all the cards that we have. Is there anyone else that would like to speak on I.R. 1117? Okay. All right. Legislator Spencer?

LEG. SPENCER:

Motion to close.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Motion to close by Legislator Spencer, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Barraga)

P.O. GREGORY:

Okay. Public Hearing is closed.

I.R. 1236 - A Local law to require the use of biodegradable products by chain restaurants (Hahn). We do have one card, Annie McClelland.

MS. MC CLELLAND:

Hi. My name is Annie McClelland. I represent Citizens Campaign for the Environment. And I'd like to thank you for the opportunity to comment tonight.

Expanded polystyrene, commonly referred to as Styrofoam, poses a significant threat to the environment and to the public health. Polystyrene is manufactured from petroleum and requires intensive energy using greenhouse gas emissions to produce and to ship. This material is not biodegradable, and, after being used for food service, is not recyclable. It remains in the environment, littering open spaces, polluting waterways and harming wildlife. Requiring the use of biodegradable products by chain restaurants is a good step forward for Suffolk County. CC would like to see this proposed legislation passed, and then we would like to see it expanded.

Single-use polystyrene foam food containers like coffee cups and takeout containers have a useful life of 10 to 20 minutes, but persist in the environment for hundreds of years. They are nonrecyclable due to food debris, and are expensive and inconvenient to recycle even in perfect condition. As such, the vast majority of single-use polystyrene food containers end up in landfills, incinerators, or as litter. I've been to the Covanta incinerator, so I've seen firsthand the amount of waste that goes into our, you know, solid waste stream that could be recycled but isn't. This legislation is a great first step toward reducing our waste stream, especially as we run out of landfill space on Long Island.

In the environment, polystyrene foam breaks down into small pieces that pollute our parks, our streets, beaches, and our waterways, and they pose significant threat to aquatic wildlife. Preventing the manufacturing and the use of polystyrene containers is the only way to reduce these polystyrene -- the polystyrene pollution on Long Island and in our surrounding waterways.

In response to these environmental and health impacts, New York City and Albany County recently joined San Francisco, Seattle and dozens of other municipalities that have already adopted this type of legislation, and as have hundreds of cities throughout the world. Individual retailers, including McDonald's, have begun to phase out the use of polystyrene products voluntarily. On average, nonpolystyrene products cost less than a penny more than polystyrene, and that price gap is quickly closing as more establishments, both locally and globally, move away from these products.

I'd like to thank Legislator Hahn for her leadership on this issue and for the opportunity to comment today. This legislation is important because it will cut back on litter, it will protect our marine life and wildlife, and will reduce our waste stream. When passed, it will set an example for other -- it will set the bar for other eateries and establishments on Long Island. Styrofoam is the toxic packaging of the '80s. Biodegradable materials are the packaging of the millennium. It's time we replace our throw-away culture of the past with a greener vision for our future. So legislation like this that moves us into the millennium and requires us to use safer products is exactly what Long Island needs to be sustainable. Thank you.

P.O. GREGORY:

Thank you. There is a question for you. Legislator Cilmi has a question.

LEG. CILMI:

Hi.

MS. MC CLELLAND:

Hi.

LEG. CILMI:

Just quickly, could you provide our offices with some information as to what the alternatives to this type of product would be, say if a store wants to give, you know, a patron a take-home package, or whatever, what they would put the food in?

MS. MC CLELLAND:

Yeah, sure.

LEG. CILMI:

Could you email that to us?

MS. MC CLELLAND:

Of course.

LEG. CILMI:

All right.

MS. MC CLELLAND:

And I also would be happy to provide copies of my testimony to you.

LEG. CILMI:

Thank you.

P.O. GREGORY:

Legislator Krupski would like to ask you a question.

LEG. KRUPSKI:

Thank you. You said earlier you would like to see this bill expanded. Expanded to what?

MS. MC CLELLAND:

Well, right now, it only includes chains, so that's stores that have, you know, 10, 10 or more locations nationally. And, you know, I think that places like McDonald's are already kind of moving in this direction. And there are a lot of small businesses, you know, Chinese food takeout things that -- on Long Island we like our small businesses, that's part of what makes it great, and, you know, we'd like to see it extended to include other places as well.

LEG. KRUPSKI:

Would you mean a complete ban?

MS. MC CLELLAND:

Not -- I mean, I have read about, you know, on like meat products and things like that I think is written in the legislation, but, you know, for takeout foods and things like that.

LEG. KRUPSKI:

Thank you. I have a question for the sponsor also.

P.O. GREGORY:

Okay. Well, normally, we save questions for sponsors for the -- when we debate the bill.

LEG. KRUPSKI:

(Indicated thumbs up).

P.O. GREGORY:

Okay. Thank you. Is there anyone else? No. Not seeing anyone, Legislator Hahn?

LEG. HAHN:

Motion to close.

P.O. GREGORY:

Motion by Legislator Hahn.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Okay. I.R. 1252 --

MR. LAUBE:

Seventeen -- eighteen.

P.O. GREGORY:

I.R. 1252 - A Charter Law to update, clarify and improve the process for budget deficit mitigation (D'Amaro). I don't have any cards. Is there anyone in the audience that would like to speak on this matter? Please come forward. Not seeing any, Legislator D'Amaro?

LEG. D'AMARO:

Motion to close, please.

P.O. GREGORY:

Motion to close by Legislator D'Amaro, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1270 - A Local Law to authorize Tobacco-Free Policy for Suffolk County Community College (Spencer). I don't have any cards on this matter. Is there anyone in the audience that would like to speak on this matter? Please come forward. Not seeing any, Legislator Spencer?

LEG. SPENCER:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Spencer. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Eighteen, okay. Setting the date for the following public hearings: April 29th, 2014, 2:30 P.M., at the Maxine Postal Auditorium in Riverhead: I.R. 1043, I.R. 1276, I.R. 1300. I make a motion.

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. At this point, we will go back to the Public Portion where we left off. To remind all speakers, we -- you have three minutes. Mr. Neal Lewis. Neal Lewis, are you in the audience still? Okay. Elliot Gordon. Mr. Gordon? Okay. Ira Nierman.

D.P.O. SCHNEIDERMAN:

He spoke in the Public Hearing, I believe.

P.O. GREGORY:

Okay. Jane Fasullo, would you like to speak again for Public -- you did fill out a card. Okay. Paul Mehanna. Mehanna. Okay. Lou Tutone.

MR. TUTONE:

Good evening. My name is Lou Tutone. I'm the First Vice President of Suffolk County PBA. I just want to thank Presiding Officer Gregory and the rest of the Legislature for this opportunity to speak in front of you today. I also want to thank our Park Police Officers that have showed up here tonight for us to support HR 4.

I'm here to express the PBA's support for HR 4. I believe the County and the Police Department are going to make a presentation later on, so I'm going to stay out of the details of it. I'll let them proceed with that. I just wanted to convey our feelings that the merger would bring Police Officers into the County Police Department. That would be an asset to Suffolk County PBA, the Suffolk County Police Department, and also, more importantly, the residents of Suffolk County.

I urge you to pass HR 4 so that our State representatives can act on it accordingly. Thank you.

P.O. GREGORY:

All right. Thank you. Okay. Gregory Sandbichler. And on deck, Christine Epifania.

MR. SANDBICHLER:

My name is Gregory Sandbichler. I'm the Chairperson for the Suffolk County Park Police. We currently are represented by the Suffolk County PBA. I'm here to talk about 2014 Home Rule Message Number 4, and to express the Park Police support.

This proposal was presented by the County Executive in October and forwarded to the Suffolk County Park Police Union. The members of the Park Police have discussed this proposal at our monthly meetings and support this proposal. We feel through ongoing negotiations a deal can be reached that is fair to our members, and will save the County millions of dollars on a recurring basis.

A few of the points that I'd like to hit before the County makes its presentation, that the Park Police have identical job requirements as far as the Suffolk County Police Department. We have Civil Service approved background testing that is the same as all of our Suffolk County Police agencies. Our investigation process is identical to all other Police agencies. Once we're hired, we attend the same academy and have the same field training as every other police agency. Our paperwork is currently used at the Suffolk County Police Department and provided by the Suffolk County Police Department. Our arrest procedures are identical, including our computer programs, our MDC for data, our MPS for data and dispatching, the same ticket-writing system. We use the profile system. Our communications are currently done out of Suffolk County Police Department Command Band using their radio codes and dispatching. Our firearms and all yearly requalifications are done through the Suffolk County Police Department and are currently identical.

Another thing I'd like to bring up is our training that our officers have. We currently have 35 academy-trained police officers. We have 15 field training officers. Twenty-five of our officers are radar LIDAR trained for speed detection; 11 bike patrol, law enforcement bike patrol trained; five advanced roadside impaired driving enforcement trained; 13 breath techs. All 35 officers are trained on ATVs. All 35 officers are trained on military Humvees. We have five officers that currently are trained and carry five personal radiation devices and detections. We have 17 officers that are currently trained on the new Narcan for EMTs. All 35 of our officers are currently trained on the Tracks ticket-writing system. Two of our officers have also been trained on instructor development. All 35 officers are currently taser trained. Two of them are basic criminal investigation trained. We have three current HAZMAT techs. This is training that is offered to the Suffolk County Police Department that our officer are coming over with, and in the long run would save the County hundreds of thousands of dollars.

The most important thing that I'd like to bring up is if you choose to maintain the Suffolk County Park Police, in the long run it could cost the County millions of more dollars in the fact that we are currently so low staffed, we're running at 60% of the requirement of the Suffolk County Legislature Resolution 1361-2006, which states we're supposed to have 55 officers and are currently running with 35. At this point, if you were to hire 25 more -- 20 full-time officers, it could cost the County in excess of four million dollars over the length of that contract.

Like I said, the Park Police are currently in support. No officer on the Park Police or member of the Park Police Union has expressed any concern or objection to this. Thank you for your time.

P.O. GREGORY:

Thank you. Christine. Okay. And on deck, Jan Hill.

MS. EPIFANIA:

My name is Christine Epifania. I'm the Executive Director of Alternatives Counseling Services in Riverhead and Southampton, and I'm here to support the raising of the age to buy tobacco to 21.

One of the things that we see in treatment is that we have many young people coming in, in our case particularly young men between the ages of 18 and 27. There's been an uptick of those young men coming in to treatment. And one of the things that we look at is what are the things that bring them into treatment. And this is what we know from the science and you've been hearing it all through, that the brain doesn't develop fully until 21. So there are those things which are leading to people and young people ultimately going on to other drugs and to alcohol. And we know something else. We know that if people who are in treatment stop using tobacco, they do better in recovery. So the evidence is shifting towards tobacco as really being a culprit in both leading people to addiction and also compromising their recovery. So I ask you to really consider this.

We do go into the schools because we're a prevention agency, and we do do the K through 12, but we really need the policy and the laws to be consistent. And it's very important to have the message out there in the larger community of good health and what would work. So I ask you to support that bill. And for those who say, "Well, they're going to get it anyway," but what about the ones who don't get it and wind up not having to be in our treatment program? And think of the cost to those lives. Thank you very much for the opportunity to speak.

P.O. GREGORY:

Thank you. Jan Hill. Okay. James Kelly. And on deck, Michael Russo.

MR. KELLY:

Good evening. I'm here to read into the record a letter from Joanna Fowler, PhD, from Brookhaven Labs with regard to IR 1039.

"Dear Legislator Spencer: I am writing to strongly support your proposal to raise the legal age of sale of tobacco products in Suffolk County. I am a scientist who has done much research in brain imaging for many years. For most of that time I have been engaged in studies of drug addiction and in particular the effects of cigarette smoke on the human brain. My work has been recognized by receipt of many awards, including the National Medal of Science in 2009.

One of the most consistent and important findings from our brain imaging studies is that addicted individuals have significantly lower metabolism in the orbital frontal cortex, OFC, a brain region which lies right over the eyes, relative to nonaddicted individuals. Metabolism of the OFC is consistently lower irrespective of the abused substance.

The OFC is often referred to as the brain's executive center. This is part of the brain which allows a person to anticipate consequences of behaviors. A highly functioning OFC is important in judgement and impulse control. For many brain imaging studies, we now know that the orbital frontal cortex matures very slowly so that full development of the OFC does not occur until the early twenties. We also know that addiction is a developmental disorder most commonly starting in early adolescence, when capacity to make decisions is not fully developed.

Raising the legal age of sale of tobacco products is particularly important, not only because the decision-making process of the adolescent brain is not fully recognized -- is not fully developed, but also because of mounting evidence that the process of getting addicted to cigarettes occurs very rapidly in teenagers. It is known to occur with exposure to very few cigarettes. It is also maintained on very few cigarettes.

Another important factor in the development and maintenance of addiction is the availability of drugs. Cigarettes and alcohol are widely available and they also cause most health and economic problems.

In summary, a compelling neuroscience case can be made for raising the legal age for the sale of tobacco products and strictly enforcing it. There is evidence to that effect.

Sincerely, Joanna S. Fowler."

Now, if I can also comment on another issue that's been raised several times with regard to the sale of tobacco-free products from the Indian reservations. The two reservations on Long Island are not Sovereign Indian Nations recognized by the Federal Bureau of Investigation. They are subject to State Law, New York State Law. New York is probably the only state that has not generated an agreement with their Indian nations, federally reserved or locally recognized. That creates a ratio whereby they sell tobacco -- tax free cigarettes to their own and cigarettes to off-reservation sales at a lower tax rate. New York is the only state that has not come to terms with that. So, if you want to collect tax money, as Mayor Bloomberg did at one time when he litigated, you can go to the State and ask them to enforce their own rules. New York State is hesitant to do so, because when they tried to do so 30 years ago, it resulted in violence and death in shooting matches Upstate New York. So the laws are there. Maybe it's time to go back to Albany and ask them to enforce them.

P.O. GREGORY:

Thank you, Mr. Kelly. Mr. -- Mike Russo, and on deck, Doug King.

MR. RUSSO:

Good evening, everybody. I'm Michael Russo. I'm the Board member of Tesla Science Center at Wardenclyffe, located in Shoreham. It's at the former site of Nikola Tesla, a lab built in the early 1900s. On behalf of the entire Board, we're in favor of Suffolk County designating his birthday July 10th, as Nikola Tesla Day, Item 1207.

As you may know, Nikola Tesla immigrated to the United States in the pursuit of the advancement of science and engineering. His contributions to modern day include our modern electrical system of alternating current, wireless technologies that formed the basis of cellular, radio, infrared and Xray. No other inventor or engineer has more to do with our current modern day than Tesla. Yet, with all of his foresight and success, his greatest personal achievement was becoming a United States citizen. Tesla had labs for a short time in New York City and Colorado Springs, but decided to make Shoreham, New York the home for his dream, Wardenclyffe. Designed by luminary architect, Stanford White, it was the hub of his electric city, designed to transmit electric -- transmit electric and energy and communications around the world from the tower that once stood 187 feet over the Long Island landscape.

We greatly appreciate all the support in recognizing such an important Long Islander, and honoring his birthday and his legacy. Thank you very much.

P.O. GREGORY:

Thank you. Okay. Doug King, and on deck, Phil Castaldo.

MR. KING:

Good evening. My name is Douglas King and I am a member of the Suffolk County Disability Advisory Board. The reason why I'm here tonight is to talk to you about IR 1039.

Most people would not think that smoking would not be a part of the Disability Advisory Board, but I disagree, because as they get older, they're going to get lung problems and other disabilities that may affect them down the road.

I am totally for this bill to raise the age to 21. My only concern is, again, like the other gentleman said, is talking about the Indian Reservation. We have a young man that lives in our building, he's years old, okay, lives in Amityville, okay, but is going out to the Indian Reservations and getting cigarettes. Okay? And I know other kids that are doing this as well. Again, I've tried to have numerous conversations with the kids about this problem, but nothing is being done from the Indian Reservation side for them being checked with their identification of how old they are.

Again, I'm totally for this bill. I just think it needs to be tweaked a little bit, and we need to work with the Indian Reservations to -- so they work in conjunction with what you guys are trying to do. Thank you.

P.O. GREGORY:

Thank you, Doug. Okay. Phil Castaldo. Phil? Okay.

MR. CASTALDO:

Good evening. Thank you for letting me speak tonight. For those that don't know me, my name is Philip Castaldo, I live here in Smithtown. We beat this around pretty much pretty hard. I'd just ask as a common-sense approach when you're changing the smoking age from 19 years to 21 years.

In schools we find that the kids, 12% of them to 17% of the kids smoke today, which has decreased since in 2002, yet we find the same kids in high school drink; the average is 60 to 76%. So changing the smoking age is not going to keep the hands -- cigarettes out of hands of children when you see they have no problem getting alcohol.

Now I hear it all too much what goes on up here. Common sense. A young lady 18 years of age can have an abortion, but she can't buy a pack of cigarettes. A young man can go into the service and be a soldier and fight for our country, be a fireman, could be a police officer, but he can't buy a pack of cigarettes; he can vote. I just wish you guys would put this to a common sense approach and do something about it. I agree with the goal, but I don't agree with the means.

Nothing happens to those kids that walk into a store that know they're doing something wrong with phony identification, selling it to some of their peers and nothing happens to them. Put the onus on the person that's doing the wrongdoing, not the 1700 retailers in this County that pay a ton of money in taxes, payroll and services. We employ a lot of people and a lot of people work for us that do landscaping, electrical work, plumbing work. We're a snowball effect. We don't need any more losses in our business today, and you only need less taxes. As it said on the radio today, you guys are behind budget, but you'll make it up by taxing something else.

Like I said, I agree with the goal here, but I don't agree with the method. And, please, I don't want to be condescending or rude, but use a little common sense. Every high school in this County is called a "pharmacy". It's not called a smoke shop, it's called a pharmacy. Long Island Expressway is called the "heroin highway". Seventy-nine percent increase in heroin use on Long Island. What are we doing about that? What are we doing about the gang problems? So you guys are just rubber-stamping this feel-good bill to move it from 19 to 21, that will do absolutely nothing getting these kids from getting cigarettes.

And I know -- like I said, I can't beat this horse hard enough, but I don't know what else I can say to open your eyes up to be, you know, a little more reactive to this. Everybody wants to help kids, everybody wants to help puppies, but, you know, do it in a way that's really going to do something,

not just have another bill that we don't enforce. The Indian Reservations, they sell to kids, absolutely. We don't enforce any of the laws there. We have laws already you don't enforce. Who's going to enforce this law, 19 to 21?

So, please, as a retailer of 1700 people in this County, let's come up with a better solution than this one.

P.O. GREGORY:

Thank you, sir. Your time's up.

MR. CASTALDO:

Thank you.

P.O. GREGORY:

Thank you. That is all the cards that we have. Is there anyone else that would like to speak? Okay.

D.P.O. SCHNEIDERMAN:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Schneiderman.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ORTIZ:

Seventeen. (Not Present: Legislator Hahn)

P.O. GREGORY:

Okay. I'd like to get a motion on the Consent Calendar.

LEG. BARRAGA:

Motion.

D.P.O. SCHNEIDERMAN:

So moved.

P.O. GREGORY:

Motion by Legislator Barraga, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Hahn)

P.O. GREGORY:

Okay. I have several requests. All right. I had a request to take Procedural Motion 7 out of order. It's in your manila folder. Okay. I'll make the motion.

LEG. MURATORE:

Second.

P.O. GREGORY:

Second by Legislator Muratore. Everyone find it in your packets, the AAA?

LEG. KRUPSKI:

Second.

P.O. GREGORY:

All right. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Legislator Hahn)

P.O. GREGORY:

All right. I have a motion before me? Where is Legislator Hahn?

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:

Yes, Legislator D'Amaro.

MS. ORTIZ:

Here she is.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Is this bill now before the Legislature?

P.O. GREGORY:

I'm waiting for a motion. I was waiting for the sponsor, who just walked in.

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. D'AMARO:

Is this -- this is to take it out of order?

P.O. GREGORY:

We took it out of order.

LEG. D'AMARO:

Oh. So we're voting on the bill? I had a question.

P.O. GREGORY:

I'm just getting a motion so we can discuss it.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I wanted to first ask, just to clarify that this is now the new procedure where the properties over the last six months were vetted in Executive Session by the Environment Committee to determine what properties would then go to the next step in the acquisition program as we revised it; is that accurate? Maybe to Counsel, if you don't mind.

MR. NOLAN:

That's the new process, the so-called AAA process under Chapter 270 of the Code.

LEG. D'AMARO:

Now I understand that these are in this -- in this bill, Procedural Resolution Number 7. There were several -- there were five parcels listed that we're now being asked to approve to move forward. But my question was, first of all, I seem to recall that during the debate when we changed the procedure, I thought that we were going to vote on these properties individually, so that Legislators would have an opportunity to not have to take an all-or-nothing vote. I think that was specifically a requirement of the procedure that we spoke about. And I'd like to ask through the Chair maybe to Kara, because I know that you were very involved. I was not opposed to the procedure, but I thought we had committed to do this on a case-by-case basis after they came from the committee so we didn't have an all-or-nothing vote.

LEG. HAHN:

Okay. George, I'm going to -- I'm going to be honest, I remember that was part of the discussion. I don't remember what we decided. So, George, if you could look up the AAA bill that we passed and let us know.

MR. NOLAN:

I think, actually, the AAA process, the way the statute is written, is that after the EPA Committee met and agreed on parcels, that they would actually be -- the way it's drafted, actually they would be presented at this point as a group to the full Legislature. If later an agreement is reached with the prospective sellers to the County, then those acquisition resolutions where we actually approve the monies for the acquisition, the final acquisition, those will come here individually. But this stage, it's actually drafted in a manner that they should come to us as a group.

LEG. D'AMARO:

So, down the road, after these properties go through the process and offers are made and accepted, we would still have an opportunity to vote individual -- on each individual acquisition.

MR. NOLAN:

And the language of the statute is -- makes it clear that they -- at that point, they must come to us individually.

LEG. D'AMARO:

Okay. So that's where the requirement was put in, not at this stage.

MR. NOLAN:

Correct.

LEG. D'AMARO:

All right. Now my second question was we're approving or being asked to approve five parcels to move forward and --

LEG. HAHN:

It's not -- it's really four separate, but one of them has multiple parcels. The Avalon Bay has multiple parcels.

LEG. D'AMARO:

Okay.

LEG. HAHN:

But they're four separate properties.

MR. NOLAN:

Unfortunately, I have to just say that it's drafted a little confusing where it looks like it's -- it does say Parcel 5. But the individual parcels that are listed are correct, but I believe it was four collections of properties.

LEG. HAHN:

Right, the Brush Farm, Joseph Brush Farm, the Volmut, Robert Volmut property, Avalon Bay, which is five separate parcels. But the Avalon Bay Properties and then the Nicholson Foundation, the fourth one.

LEG. D'AMARO:

Okay. Well, that's okay. So I understand that. Now the question I have is what parcels were rejected?

LEG. HAHN:

Well, we didn't --

LEG. D'AMARO:

And why were they rejected? Because it's my understanding that this was discussed in Executive Session; is that correct?

LEG. HAHN:

Yeah.

LEG. D'AMARO:

And that's what the statute requires?

LEG. HAHN:

Right, because we're talking about appraised values. So the appraised value was not -- yeah. The appraised value before the offer is made, and so the appraised value needs to be kept in Executive Session.

LEG. D'AMARO:

Right. So I'll ask to Counsel, does the County have the authority to vary from the appraised value?

MR. NOLAN:

My understanding is that once a value is agreed on, that that is -- by the ETRB, that's the number, so they really don't negotiate.

LEG. D'AMARO:

So the -- when it got to the point of Executive Session of the Environment Committee, withholding the appraised value, I don't -- I don't really see the purpose of doing that at that point in the process, because the County must make an offer at that number and can only accept that number,

and has no negotiating authority to raise or lower that number, or at least lower that number.

LEG. KRUPSKI:

On the motion.

LEG. D'AMARO:

So -- well, I'd like to finish.

LEG. KRUPSKI:

Sorry.

LEG. D'AMARO:

Okay. Thank you. So -- and I'll ask to Counsel again, is that correct or not correct? I'm just trying to understand the process here.

MR. NOLAN:

My understanding is the number that's finally agreed on by the County and it goes to the ETRB and they approve a number, that's the number that is -- that is offered. That's the way it works, to my understanding.

LEG. D'AMARO:

So we may want to think about revising that portion of the procedure to hold that review in a public forum, as opposed to a private forum, if the appraisal number or the number approved by the ETRB is not going to vary anyway. I don't see the risk, or the danger, or the downside of putting that number out.

And let me tell you my concern. My concern is that although the Environment Committee met in Executive Session -- and I voted for this bill and I approved that, but I'm just thinking it through now. I wasn't invited to the Executive Session. I wasn't privy to the discussion. I don't know what other properties were accepted or rejected, and I don't know why, and I don't know where they were. So I think that's a part of the process that we should revisit down the road, because I think there are 18 people here that might have been, or the people --

LEG. HAHN:

See if we can mention -- I mean, we've held the properties --

LEG. D'AMARO:

If I could just finish. If I could just finish. Thank you. If there were other people here who are not on the committee and not in the Executive Session, but maybe had a parcel considered and rejected that's in their district, how would you know at this point? So that's a concern that I have. So thank you.

P.O. GREGORY:

Thank you. Legislator Krupski.

LEG. KRUPSKI:

Just to clarify a little bit Legislator D'Amaro's concerns. First of all, they will be voted on all separately, because all the offers have to be made, they have to be accepted, and then you have to go through the whole process. Each -- land preservation starts and ends with the individual landowner, so all these -- while these five applications might be reviewed tonight by us, they will not all be voted at the same time, because they will all go through the real estate process. Some might need subdivision, some might for cutouts, some are estates, some might have other issues, some are coordinating with other towns, cost-sharing with monies, so they all come through with different

rates.

As far as your other point, any Legislator is welcome to come to the EPA Committee and sit in and participate, as the Presiding Officer did, at the -- to review these applications on these individual parcels. So anybody -- and to comment, of course, at ETRB. Thank you. And the parcels that did not get consideration for tonight were not rejected, they are still in the land preservation process, but it's a process. It's not -- it's not instant anymore, because there's a limited amount of money. There's a lot of review that takes place. I think the committee did a good job of discussing the merits of each, not only of each parcel, but I think they did a good job of evaluating, you know, the whole scenario of land preservation in Suffolk County, whether it's for open space or for farmland preservation.

P.O. GREGORY:

Okay. Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I want to follow a little with what Legislator D'Amaro was talking about, just so that I understand procedure. Having gone to many, many ETRB meetings and not having any recollection of any of these parcels, perhaps maybe I just missed that particular meeting, but -- so the presentations that we get in ETRB are actually confidential in nature. As a matter of fact, the agendas that are put out are collected back. Dialogue is not something that's actually recorded dialogue. And it is a -- typically a summary of the multiple appraisals that get obtained on each property that's approved by us in the first instance for consideration.

But to one of the things that Legislator D'Amaro mentioned, and I want to confirm this with Counsel, there is an appeal process that a property owner has based on an appraisal that's obtained, if, in fact, the property owner then elects to go out and obtain their own procured appraisal and present, because there have been parcels that have been considered on multiple occasions in front of ETRB. So there's a little bit of a difference from what you articulated, Lou, as far as obtaining an appraisal, have it presented, have it considered by the owner and either accepted or rejected, and that's finality to the process. Unless we've completely upended that, that's not necessarily the end of the process, because there have been some properties we've gone on to actually acquire that there have been owner-procured appraisals that have subsequently been reviewed by Division of Real Estate.

But my question to Counsel is, so what is this that we're at here now, George? If we did that all in ETRB, then what's going on in EPA? Or, Sarah, what's happening? Kara, what's happening. Yeah, I know, I know. What can I tell you. I've got to eat something.

LEG. HAHN:

So, if you remember, we passed the AAA process --

LEG. KENNEDY:

Yes.

LEG. HAHN:

-- which created the third step. So now we have an appraisal step, which allows the Department to go out and secure an appraisal, so that we have an idea of the cost of the property.

LEG. KENNEDY:

What we've always called planning steps, a planning steps reso.

LEG. HAHN:

Okay, yes. Excuse me. But in the past we always complained. Everybody says it's only planning steps, but then they come back to us when they have a signed contract demanding that we approve the appropriating resolution without us ever knowing the cost. So this put the step in the middle between the two, whereby the Legislature can sit back and say we've -- you know, first step, let's go out and see. We know we want it. Let's go out and see how much it costs before we make them an offer. Okay? So that we get to have another vote in the process, that we prioritize now, also knowing dollars, because we have such limited money left, and we've heard time and time again how that's dwindling. And our pay-go money will be almost nothing as we move forward after this year, that now we have a say, once we know the price on the property, before they go to contract with a landowner, before the integrity of our process could be hindered if we -- as we've been told, if we step back after a contract has been signed.

So this is -- this is that step in the middle whereby we look at multiple properties against each other and we decide. Of the six that were before us, and the other two that got tabled, we didn't reject, we had an option to reject, to table, or to move -- approve. The other two were the Vitti Farm -- Vitti Property Farm or the Gustave and Carol Wade Farm. So there were two that are tabled and will be reviewed again the next time the AAA process comes before the EPA Committee. And that we also knew the ratings of the properties, as well as the ratings of the properties that were still in the pipeline, so that -- that haven't gone through ETRB yet, but have already passed through the appraisal step.

LEG. KENNEDY:

But my recollection also is we used to meet every month with ETRB, and then didn't the Administration drop that down to it's only twice a year?

LEG. HAHN:

Correct, yes, because now we want to review multiple properties against each other. And we had six that we were reviewing against each other in the committee, also knowing the appraised value, which is why we had to do it in Executive Session.

LEG. KENNEDY:

When you say -- you mean the EPA Committee?

LEG. HAHN:

Yes, because we were taking into account the appraised value before the offer was made to the landowner.

LEG. KENNEDY:

And so you referenced eight properties in total?

LEG. HAHN:

Six.

LEG. KENNEDY:

Those eight properties in total --

LEG. HAHN:

Six properties.

LEG. KENNEDY:

Well --

LEG. HAHN:

Four that we're approving today, we hope to approve today, because Avalon Bay is -- you know, when I say four properties, I mean Avalon Bay as one, all of those five parcels as one.

LEG. KENNEDY:

Sure. And then the others that are listed on there?

LEG. HAHN:

Correct.

LEG. KENNEDY:

Okay. So those six properties came to the committee as a result of the last ETRB meeting, which was a couple of months ago, maybe last year.

LEG. HAHN:

I'm sorry. Yeah, I don't remember the date. I don't remember the date of that ETRB meeting. I'm sorry.

LEG. KRUPSKI:

Probably September. Probably September.

LEG. HAHN:

Is it that long?

LEG. KENNEDY:

September of last year.

LEG. KRUPSKI:

(Nodded yes).

LEG. HAHN:

And the next ETRB date has been set.

LEG. KENNEDY:

Yeah. That's supposed to be in another week or two, I think?

LEG. HAHN:

Sometime in April.

LEG. KENNEDY:

The individual properties, so I'm to assume that they all achieved relatively high ratings? Why is the Avalon -- who's familiar with Avalon Bay? You guys must be.

LEG. HAHN:

I can give you the ratings now, if you'd like, of the ones that are on the list here, or any of them. Okay. So --

LEG. KENNEDY:

What did Avalon Bay rate?

LEG. HAHN:

Avalon Bay rated 69 out of 100.

LEG. KENNEDY:
On Pinelawn Road?

LEG. TROTTA:
No, no, no.

LEG. CALARCO:
No.

LEG. HAHN:
No. Granny Road, south to Mill Road.

LEG. BROWNING:
That's all Carmans River Watershed.

LEG. HAHN:
Yeah, it's the Carmans River Watershed.

LEG. KENNEDY:
Oh, I'm sorry.

LEG. HAHN:
It's a hundred and seventy --

LEG. KENNEDY:
I'm looking at Pinelawn. That's the corporate office, that's not the physical location of the property.

LEG. HAHN:
A hundred and seventy-one acres. Avalon Bay is a 171 acres.

LEG. KENNEDY:
On the Forge?

LEG. HAHN:
Right on --

LEG. KENNEDY:
On the Carmans.

LEG. HAHN:
On the Carmans River. Not -- it doesn't sit on it. But, yeah, 69, correct.

LEG. KENNEDY:
And that's a joint acquisition with Brookhaven?

LEG. HAHN:
Yes, yes, and we debated that as well.

LEG. KENNEDY:
Okey-doke. Okay, I'll yield. Thanks.

LEG. HAHN:
Thank you.

P.O. GREGORY:

Yes. Legislator Hahn, you had wanted to get on the list.

LEG. HAHN:

I think I covered what I was going say here, but I reserve my right to speak again if I need to.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

I just wanted to clarify again what we did. We met, we discussed these parcels, and because there was the price, and that's something we just can't put in -- you know, put out there in public, we had to go into Executive Session to do this. And we really analyzed these parcels. I mean, we were there for a couple of hours going back and forth and really getting familiar with these parcels, making sure that we got the best buy for the buck, and we really analyzed these as well as we could.

So just like, you know, with Ways and Means, when we look at, you know, issues of being -- you know, the County's being sued, that has to go into Executive Session, you know, because there is confidential information. But I feel confident with these parcels and, you know, I think it will be assets to the County.

P.O. GREGORY:

You're done? I have a question for the sponsor. So you -- well, Legislator Hahn.

LEG. HAHN:

Okay.

P.O. GREGORY:

All right. So the -- your comment is not what my understanding of those resolutions -- those properties that were tabled, so I wanted to get clarification. So you said that those that are tabled would have to wait 'til the next AAA Executive Session? Because my understanding was -- because the property that I had, that there was a minor change that could be reviewed once that funding is approved, the other funding mechanism, the 12(e) Fund, I think it is, which could happen in a month.

LEG. HAHN:

I mean, there's always a way -- there was always a back door around that any Legislator could try to go around this process. And we certainly don't encourage that, because we've established a process for a reason. But the next AAA will happen after -- either in the April meeting or the May meeting, depending on when the ETRB -- I can't remember the date of the ETRB, the next ETRB meeting.

P.O. GREGORY:

But isn't it twice a year?

LEG. HAHN:

Yeah. It meets soon. ETRB meets -- I just got the date.

P.O. GREGORY:

No. I'm talking about the Executive Session portion of this; that's twice a year?

LEG. HAHN:

Yes. And the only reason it would happen again would be because ETRB met. So once we have that, that's what it's based on. This first ETRB, this time between the ETRB meeting and our AAA meeting just had to do with the dollars being moved around and all being in one pot so that they could access it.

P.O. GREGORY:

George.

MR. NOLAN:

I would just say that the properties that were tabled in committee, I think, if the committee wanted to, could take up at any point. They don't have to wait for the next batch of appraisals --

LEG. KRUPSKI:

Thank you.

MR. NOLAN:

-- to do that.

LEG. KRUPSKI:

Thank you. We could take them up at any EPA Committee meeting, yes, absolutely, as long --

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thanks. I don't question how hard you guys work in committee, I support the process, but I'm rethinking the whole Executive Session aspect of it. You're here reporting we did a really great job, we considered everything, we considered the properties, we took our time, it took three hours, but what is the benefit of excluding the public from that debate? I appreciate that I was just invited to the Executive Session, but it's a little late to do that. I think there should be a formal -- if you're going to keep Executive Session, it should be -- it should be in the bill, that the Legislators should be notified of the Executive Session before it happens and given an opportunity to attend, because this is the danger when you bring a process behind closed doors, it opens up more questions than it answers.

Again, I'm not saying these properties aren't worthy of being considered or purchased, but I'm saying what about the other properties? Who -- where are they? Who were they? Why were they rejected? This is the type of discussion that I think should only happen in public.

And as far as releasing the appraisal amount, I don't think that matters. I truly don't think it matters. I think that's the amount the County, if we decide to go ahead and purchase the property, that is the amount that the County's going to offer. The appraisal is going to become public once you send it to the owner of the property. So I really don't see how the fact that the appraisal is available to the committee, which is a good thing, we should know the amount and I supported that, I don't see how releasing the appraisal at that point, when we're going to then pass a bill to make an offer and the appraisal is becoming public anyway, I don't see how that is a downside.

So I think we need to rethink bringing -- either bringing this process back into a public forum, or, at a minimum, requiring a notification of every Legislator that this Executive Session is going to occur and give us all an opportunity to attend. So, you know, I don't -- I don't doubt what the committee did, and I don't think that -- I'm sure you did a very conscientious job, but I'm left with missing information in deciding whether or not to support this bill as opposed to another bill that may have

been presented today. Had me or some of my colleagues attended that Executive Session or had a public hearing, this might have been a different bill. And I don't see there's any reason to do it behind closed doors.

So, with that said, because of that, I support the process, I'm going to abstain on this bill today, and I think we should revisit the procedure.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

I think we're fully prepared to discuss the properties. Director Lansdale is here. She, I believe, had brought maps on each of the properties, rating sheets on each of the properties. She can answer any question on the ratings of other -- of the properties that didn't get approved that were tabled. So we can -- we will have -- we could have a full discussion right now about each of these four properties and why we want to approve them, and I think we are prepared to do that.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

I think it would be -- I was under the impression that every Legislator got a list of all the properties up for consideration.

LEG. KENNEDY:

No.

LEG. HAHN:

Yes. Renee, Renee Ortiz sent out the maps the day of the meeting to all Legislators. It was on the EPA agenda that we would be discussing it in Executive Session and it was on the agenda. And then we are prepared to discuss the properties here now. So what questions -- you know, go ahead. We have rating numbers, we have total acreage of the lots. You know, we have whether or not they're partnerships. So, if you have any questions on the properties, we're here to answer them.

LEG. KRUPSKI:

And as far as the process being in -- conducted in Executive Session, I think that's the -- in my experience, that's the appropriate place, because these are individually-owned parcels and you should not be discussing the value of them, especially before an offer is made. You know, once the offer is made and accepted, I think that's a different time then, but you don't know if the offer is going to be accepted. And as far as the appraisals go, you know, you don't know -- and I don't believe this in this case, but there have been the case in land preservation where you do get the tire-kickers. People come in, they want an appraisal. Hmm, it's not what they wanted, maybe they want another one. So this process prevents the tire-kickers from coming in and getting an appraisal on the County's dime and getting another appraisal. This kind of -- this kind of prevents that from happening. This is a -- this is for more of a set procedure.

LEG. KENNEDY:

Hold it.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. So, again, I don't doubt that -- I have no problem relying on what the committee did with respect to these properties, I truly don't. But what I do have a problem with is that there's no information here as to the properties that were considered and rejected or tabled for another six months. And I have another -- and I don't think Executive Session is the appropriate method to consider properties. I think this should be done in a public forum and I think people should be asked to comment.

Again, giving out the appraised value, which is just one of the factors we use in ranking properties now, is a positive step, but so what if it becomes public? So what? We're not going to offer anything different than the appraisal, is my understanding of the process now, unless I'm wrong about that.

MR. NOLAN:

I was just going to say, Legislator D'Amaro, I understand the point you're making, but the way the statute is drafted right now, it says the committee meeting will be in Executive Session and the values will be kept confidential.

LEG. D'AMARO:

Right, I understand that.

MR. NOLAN:

So this statute would have to be --

LEG. D'AMARO:

Amended.

MR. NOLAN:

-- amended.

LEG. D'AMARO:

Well, that's what I'm talking about. I'm talking about revisiting that part of the process. I kind of get this eerie feeling when I think about, you know, going into a back room, closing doors, laying all the properties on the table, and four people making a decision and not knowing why, and then given an up or down vote on all of them and finding out about it the day of the meeting. I think we just need to revisit that. I'm not trying to waylay the process. I'm not saying -- I supported the process, but, again, I think it's in our best interest and the public's best interest to do this in public where everyone can participate, and then we'll come up with a bill that everyone can be asked to vote on up or down.

P.O. GREGORY:

Okay. Waiting patiently, Legislator Hahn.

LEG. HAHN:

That was sarcastic. I was jumping in my seat. No. I think Legislator Krupski brought up a very good point about the public discussion of private landowner -- Legislator D'Amaro, I really wanted to address your point.

LEG. D'AMARO:

Go right ahead.

LEG. HAHN:

Legislator Krupski I think brought up an excellent point about the public discussion of private landowners' appraised values before. You know, obviously, once the landowner has accepted the offer and is about to sell it to us, that must be discussed publicly, the value that we're going to vote on when it comes back to us in the third A of the step. But that could be used -- you know, if a landowner decides, "I don't want to accept that," that could potentially -- the public release of the -- of, you know, our appraised value could potentially harm him in future negotiated -- in future negotiations to sell it to someone else. So there's a reason not to discuss those values until there's a time by which we, you know, have an accepted offer and we're going to have to approve the sale. I hope I articulated that properly.

LEG. KRUPSKI:

Mr. Chair, if I may.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

The parcel -- if the value becomes public and the parcel is, for either environmental reasons or because of its strategically-placed farmland, is really valuable to the long-range goals of the County, then that price, once it's public, could be undercut by anyone. So you really want to keep it as a private negotiation between the County and the landowner until an offer is made.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

You know, I -- the more we talk about this, the worse I'm feeling about it. As a matter of fact, I -- Al, I have to disagree with you as far as the way that the acquisition process has gone on for the last 10 years. You know, you go back a ways before '04 and there were problems with County land purchases. I worked for the guy who was tagged to the Chandler Estate, and subsequent to that we put in the whole process that put ETRB in place. And, actually, from there forward, it is a very methodical structured process with no deviation.

I mean, appraisal is not like, you know, magic, it is a very specific process. You know it. I mean, you know, when farm acreage is put out, you look at what the value is as a going commercial entity and what the back-price is in order to build it out as homes. You subtract the two and that's what the owner gets so he'll continue to farm it. Similarly, you know, if we're looking at Avalon Bay, somebody's got a development map from the Town of Brookhaven showing a gazillion houses, and you look at what the value is and that's what they get offered. So I -- I'm a little concerned that we've got this piece in between here now where there's some kind of continued discussion about what the presentation was at ETRB. You know, it's either that offer goes to the owner and they accept it or they reject it. Now they can reject it and say, "You people didn't do a decent job appraisal, you hired a bunch of quacks. I'm going to go get my own reputable appraiser and bring that appraisal forward and present it. But absent that, there's no other in between.

LEG. HAHN:

Right, right, and that's exactly why. So if -- like let's use dollar value "X". If the County's offering dollar value "X", it's out in the paper, out there that we're offering dollar value "X" before they actually sign on the line, then developer A, B and C can come in and say, "I'm going to" -- "I'll" -- "Before you sign with the County, I'm willing to give you "X" plus 100, you know, "And so come with me." It's out there before there's any agreement for written --

LEG. KENNEDY:

But, Kara, the developers out there, as a matter of fact, know the prospective value of their property far better than we ever do. They're looking at property all the time and what the actual yield is offered, and we would be deceiving ourselves to somehow think that we had some better opportunity to look at what the entrepreneurial benefit of a particular parcel was.

We have a decent -- what do we have? We have about 20 appraisers, right, Sarah? Somewhere around there. They're on a list. We put them out and they do their job, and then they come back to us, we make the offer, and that's the option. Either the buyer says -- seller says, "Have a nice life," or they say, "You know what, it looks like it's close, but I'm going to have somebody who's a licensed appraiser go out and produce a" -- not a challenge document, but an alternative. And we'll submit it to Division of Real Estate, and either our internal people say, "There may be something to true up and look at here and come back to us," or they say, "No, we hold to what the original was." And then, you know, the seller says, "Gee, thanks, County, I'm going to try my" -- you know, "my options out there," or they say, "Okay, we'll accept it." I don't know where the balance of the process goes.

Towards your points about, you know, shrinking, you know, ability to actually purchase, yeah, you're right. But then I would think that that would go right against looking at approving 220 acres at this step right now that we'll get further down the pike.

LEG. HAHN:

Well, and so the County -- you know, so we weighed that. And so I think what would be extraordinarily valuable is if we could, you know, discuss the merits of each of these properties so that you can fully understand why 171 acres that's rated 69 points is a parcel that we don't want to miss getting. When the Nature Conservancy, I think it was, comes and says, you know, "This is on our top 10 list as the most properties to purchase," when the Town of Brookhaven is willing to put up half of it, we're like doubling our money here to get these 171 acres, and that are so highly rated that we don't really see numbers like these, and that's in the Carmans River Watershed. You know, these are -- this is a really incredible piece of property. And, you know, we weighed all of that, and we didn't spend all the money, because we know there are other important pieces that are coming down the pike, and we had to do that. Those are tough decisions.

LEG. KENNEDY:

Well -- but, see, there's other pieces of information that you're holding there.

LEG. HAHN:

No, no, no, I can tell you. What do you want -- what do you want to know?

LEG. KENNEDY:

Wait. Listen, I'm not suggesting that there's cloak and dagger to it, but -- and I'm the one that made the statement about the Carmans River, absolutely. I'm not going to go ahead and, you know, challenge it or disagree with it. And as I said to you, I hypothesized, but I'm sure if we talked to Sarah, there's probably some, you know, development map for high end condos or, I don't know, boating retirement, or who knows what. But I don't know how much it is we have in total to spend, or what's the contemplated contribution --

LEG. HAHN:

So Sarah's here. Sarah has that information. Do you want to come forward and tell us how much money we have to spend?

LEG. KENNEDY:

Yeah. You know, here's the other thing, too. Perhaps, maybe, this is not the appropriate time to go through this whole --

MR. NOLAN:

I would just -- this is the process we set up like just a few months ago. And the Legislature empowered the EPA Committee to weigh these parcels and recommend to this Legislature the parcels that an offer should be made on. So, I mean, this --

LEG. HAHN:

It's up to us to defend them, but you have to question us. No one has posed a specific question about why -- you know, anything specific about these parcels to contradict them.

LEG. KENNEDY:

Well, I don't know that I'm necessarily looking to challenge these or to contradict them. I mean, I -- but for Legislator D'Amaro, I wouldn't have known that there were two other ones. Now maybe the whole list was there on that committee thing. I'm not on EPA. Yeah, I suppose I could have looked at that and seen it, but I didn't.

LEG. D'AMARO:

Well, maybe -- John.

LEG. KENNEDY:

I think we have one or two choices. Either we're going to spend about another 45 minutes wrestling over this, or maybe we just table it over to the next General Meeting.

P.O. GREGORY:

All right.

LEG. KENNEDY:

I'll yield for a bit.

P.O. GREGORY:

Legislator Calarco.

LEG. CALARCO:

Thank you. I just had a couple of questions, and I think it might help clarify some of this process. And we did just set this new procedure up recently. And I don't know if this is either for Counsel or for Sarah, but if I remember correctly, when we changed the process, did we not take away any ability of Real Estate to consider an appraisal done by the outside -- by the proposed seller that there's really no wiggle room? Once ETRB sets the price, that's the price we're willing to offer.

MR. NOLAN:

It wasn't addressed in the AAA resolution we recently enacted. I would have to defer what they do with the appraisals and so forth to Real Estate. I'm sure they could tell you what the practice is in terms of adhering to what ETRB gives them.

LEG. CALARCO:

Okay. Because that was my understanding of what we're doing now, is ETRB is going to set a price and that is the price, there's no negotiation process. And so I think this gets to the point that Legislator Krupski was making about the need for this to go to Executive Session. If I was an enterprising developer that was looking for good properties to buy and I saw that there was a parcel

that I really had an eye on, and I knew exactly what the County was going to sell that -- you know, willing to offer, I would just go to the proposed seller and say, you know, "I'll give you 5% better." I'll one-up the County and get a hold of the property and it would undercut our ability to be able to acquire those properties and have a negotiation. Nobody negotiates in the public, you do that behind -- you know, behind closed doors and that's the process.

So I think we wouldn't want to necessarily disclose what we're willing to offer on a property until we actually, you know, close the deal with the -- with the potential seller. We don't want to necessarily just say, "Here's what we" -- "Here's what we're willing to pay for it," to have somebody else come in and say, "Well, I'll give you 5% better," and, you know, undercut our hand there.

So I think that's an important issue to bring things into Executive Session when we're looking at prices, which is the reason why ETRB meets in private in the first place. To that, if this body so chooses and we're so concerned about what the properties are, and what the prices are, and how the process works, we have the ability to go to Executive Session right now. We can just go into Executive Session and we can allow, you know, Sarah to present the issue to us. I mean, if that's what we feel we need to do in order to have full information, that's within our power to do at the present point in time. So I think we have a resolution to this, if that's what we're looking to do.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
Good, thank you.

P.O. GREGORY:
Okay.

MR. NOLAN:
D'Amaro.

P.O. GREGORY:
D'Amaro, and let's try to wrap this up. We have a lot more to do tonight.

LEG. D'AMARO:
Okay. Once we -- let's say we approve this bill and now the offer is made to the owner of each parcel at an appraised number that's nonnegotiable. The first thing that owner is going to do is go out and see if they can get more money for the parcel. So, you know, whether we released it a week ago and the committee considered it, or whether it got released today, no owner of property is going to sell their property for less than what they believe they can get for it at any point in the process. Okay?

The second thing, ETRB maybe needs to be in Executive Session, because they're setting the price that we are going to use. That's a different process. And as far as going into Executive Session now, that's fine with me, because I, frankly, want to know a little bit more about the properties that were tabled and why. I'm willing to do it in public, but I don't really see the need for Executive Session.

And I'm just curious if now let's say we approve this bill, the offers are made, so now the price is becoming public information. I don't see how this process would have been hindered if that was made public a week ago, I just don't see it. An owner's going to make their independent decision whether to sell or not whether we talk about the appraisal or don't talk about the appraisal, which leads me back to my original point, that I support the process. I want the County to succeed in this

program, but I do not believe that this should be discussed in Executive Session. Or at least, at a minimum, the entire population of the County should be represented by the individuals who represent them here in the Legislature to be part of that discussion and that should be required.

So I'm willing to go into Executive Session now and talk about these bills, or I'm willing to do it now in a public forum, but I would like more information about the properties that were rejected.

P.O. GREGORY:

Well, I mean, we have -- I want to make a recommendation that we pass over this for now, and maybe Sarah Lansdale and others can visit with those that have questions. We have appointees and some others that have been waiting here. I'd rather get to them and get that out of the way so they're not waiting unnecessarily.

D.P.O. SCHNEIDERMAN:

I agree.

LEG. BROWNING:

Okay. Can I make the motion?

P.O. GREGORY:

Is everyone okay with passing over this for now?

LEG. BROWNING:

Yes.

LEG. MURATORE:

Make a motion.

P.O. GREGORY:

All right? All right. I will recognize Legislator Browning for purposes of taking a motion out of order.

LEG. BROWNING:

Yeah. Actually, there was two, but I believe the one gentleman left. I don't blame him if he never wants to come back.

*(*Laughter*)*

But resolution **1210, an appointment of Richard Rizzuti to the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec.)**. I'd like to make that motion to take it out of order.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Okay. There's a motion. There's a motion by Legislator Browning, second by Legislator Krupski. The motion is on Page 9 in your agenda. You said 1270?

MR. NOLAN:

1210.

P.O. GREGORY:

1210?

LEG. BROWNING:
1210.

P.O. GREGORY:
Okay.

LEG. BROWNING:
Well, I was going to do 1215, but he left.

P.O. GREGORY:
We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. GREGORY:
The motion is before us. Same motion, same second to approve.

LEG. BROWNING:
Yes.

P.O. GREGORY:
The motion is before us. And Mr. Rizzuti?

LEG. BROWNING:
Mr. Rizzuti is here. He -- we discharged this out of committee because he was unable to attend, and able to come tonight. So I don't know if Mr. Rizzuti just wants to come up and introduce himself, and now we'll let him get out of here really quick.

P.O. GREGORY:
I don't think, right? Do we --

D.P.O. SCHNEIDERMAN:
Not necessary.

P.O. GREGORY:
Not necessary.

LEG. BROWNING:
Lots of good seats.

P.O. GREGORY:
I'm sure you've gotten your fill on tobacco, and dogs, and AAA Program.

*(*Laughter*)*

You've paid your admittance to the voluntary board.

LEG. BROWNING:
Okay. So a motion to approve. And there was a second, right?

LEG. KRUPSKI:
Second.

LEG. HAHN:

Second.

LEG. BROWNING:

Okay.

MR. RIZZUTI:

Have a good night.

*(*Laughter*)*

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Congratulations and sorry.

P.O. GREGORY:

Now I'm jealous, you get to go home. All right. The next request is for I.R. 1171. I'll recognize Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Yeah. I'd like to make a motion to take 1171 out of the order. This is for the agreement with the Wildlife Rescue Center. And we have two representatives of that organization, the Director and a vet who works there. I'd like to ask them to come forward as well. But I'll make a motion to take it out of order, please.

(1171 - Amending Resolution No. 1013-1999 to clarify License Agreement with Wildlife Rescue Center(Schneiderman)).

P.O. GREGORY:

We have a motion; second by Legislator Cilmi. All in favor? Opposed? Abstentions? The motion is -- the resolution is before us.

MR. LAUBE:

Eighteen.

D.P.O. SCHNEIDERMAN:

Again, I'll make a motion to approve. Bethany Rottner, if you will come forward, as well as Virginia Frati.

P.O. GREGORY:

Motion by Legislator Schneiderman, second by --

LEG. MURATORE:

Second.

P.O. GREGORY:

Legislator Muratore. The motion is before us.

LEG. KRUPSKI:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Krupski.

D.P.O. SCHNEIDERMAN:

Motion to approve.

P.O. GREGORY:

You already did a motion. You can't double motion on it.

*(*Laughter*)*

LEG. BROWNING:

I'll second the table.

LEG. HAHN:

Second the motion to approve.

LEG. BROWNING:

DuWayne, I'll second the table.

P.O. GREGORY:

All right. Legislator Browning seconds the tabling motion. On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

There was a second on the motion to approve by Legislator Hahn, too.

So we're very fortunate to have this organization within our County park. They have been rehabilitating wildlife for quite a number of years. There's been kind of a technical glitch in terms of their license agreement, which says small mammals. They have been rehabilitating all wildlife, including deer, which seems to be the controversial piece.

Most of the deer that they rehabilitate comes from the Southampton Town Police Department. Of those roughly 80 deer per year, all but about 10 of them are euthanized. So you're looking at 10 to 15 deer that do get returned to the spot where they were injured. They follow very strict procedures, they're regulated by the DEC, and they do really a wonderful job.

They have built a medical clinic for wildlife on our County park, and we're fortunate to have them. I'd like to see them continue this practice. I don't think they should be in the business of choosing which wildlife is worthy and which is not worthy of rehabilitating. And I needed them here to answer your questions, because a lot of them may be technical. And let's turn it over to the Legislature for questions.

LEG. KRUPSKI:

On the motion.

D.P.O. SCHNEIDERMAN:

Legislator Krupski.

LEG. KRUPSKI:

I did speak to one of the young ladies here. Which one?

MS. FRATI:

Yes.

LEG. KRUPSKI:

Thank you. And I was very impressed. She gave me a rundown of their operation, I was very impressed with her professionalism --

MS. FRATI:

Thank you.

LEG. KRUPSKI:

-- and her willingness to serve the community, so -- but I did ask her, you know, why would you want to do this? And we have such a problem and it's really -- it's a health problem on the East End with the deer, white tail deer population being out of control. I've had Lyme's disease twice. Most people I know have had it or worse, the babesiosis, another tickborne disease. Most people have hit a deer or have been hit by deer when they're driving. People have lost their lives on Long Island on the road when they hit deer. And I just think that there's even a deer cull in place on the North Fork. I'm not part of that, but as a resident, I support any measure that controls the white tail deer population on Long Island.

I grew up in Peconic on the farm. You never saw a deer. That was not something that -- and nobody had a gun to shoot them because there were no deer. And so this is such a recent phenomenon. This is a species that has become so used to humans that -- and it's like it really is a health crisis. I mean, we've got Legislator Schneiderman forming a Tick Task Force because we don't know what to do. Obviously, you're not going to start spraying the natural environment for ticks, but the way to control the tick population is control their vector, which is the white tail deer.

So I think coming from where I live and to see how the people in my district are impacted by the overpopulation of white tail deer, it's really offensive that somebody would try to rehabilitate and then release more deer. That could be the deer that goes through somebody's windshield tonight on the way home.

D.P.O. SCHNEIDERMAN:

Would you respond to Legislator Krupski's concerns?

MS. ROTTNER:

I would argue that part of our activities as rehabilitators is also providing for humane euthanasia and we are --

LEG. D'AMARO:

Could you speak up?

MS. ROTTNER:

Sure. We are effectively removing more deer from the population than we are returning to the population. If we look at the numbers from the DEC, estimate of deer population in Suffolk County, it's anywhere between 25,000 and 36,000 deer. So, if we are releasing at most 20 deer back into the wild, that is .05 to .08 of 1% of the population, which is fairly insignificant. We're removing possibly 80 deer a year from the population. The deer that we return have been treated. Their ticks are removed with a drug that's approved for use in livestock, so it doesn't pose any meat residues or hazards for people who may hunt or consume these animals. So we are doing our best to be stewards not just to the animals that we're dealing with, but to the public as well.

LEG. KRUPSKI:

So how are you sure that what you're putting into the animal isn't getting into the food supply?

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

MS. ROTTNER:

What we do -- when we give a drug to wildlife it's considered extra label, which we are permitted to do under my veterinary license. What I have to do is look at deer, or anything with hunting season, as live stock, so I don't give it any drug that is prohibited for use in food animals. I also look at what's called a withdrawal period. So any food that you buy in the grocery store, if it's received a medication, there has been a waiting period after that medication has been given before it can go to slaughter. This is for meat, this is for milk. So what I do with wildlife is I take the recommended withdrawal period that we know in domestic animals and I extend that significantly. So if a drug is given that has a withdrawal period of a week in a beef cow, I may extend that to months in a deer; so far beyond what you would pick up at the grocery store

LEG. KRUPSKI:

So after keeping the deer, which is a wild animal, in confinement for that long and human contact, don't you think it's going to be that much more sociable to people and more inclined to spread Lyme's Disease or other tick-borne illnesses, or certainly end up on the road?

MS. ROTTNER:

Typically they are not suited for domestication. Most of the deer that we get in and release are yearlings, so they're deer that are probably, you know, nine months, two-year-old, and by that time they are wild. They are terrified of people. If they see you or I, we're a predator. We -- they think that we want to eat them, so we very, very carefully manage them. Any extended human contact will cause excessive stress in the animal and will actually cause death in them from something called capture myopathy or exertional myopathy.

LEG. KRUPSKI:

Thank you. Just to the sponsor, I just -- you know, you and I had this conversation when you introduced this bill and I just -- you know, I asked you on behalf of everyone who's had a tick-borne illness, everyone who's had someone -- a loved one lost their lives to a deer accident on the road. Anyone who's interested in the environment.

And if you look, the deer are making a dessert out of our natural lands because they're destroying the understory and they're not allowing any of the native vegetation to grow. Our people in Audobon who are upset because the under story is gone, you know, they destroy their habitat for ground-nesting birds. I mean, this is a wide range of problems with -- and this -- you know, if this happened on private property, I'd be pretty unhappy about it, but I really urge everyone not to support this on County-owned land. This is -- you know, you're really working against the population, and everyone's going to realize that once their lives have been affected, unfortunately.

D.P.O. SCHNEIDERMAN:

If I can respond?

P.O. GREGORY:

Thank you. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Legislator Krupski, first of all, I supported the thinning of the deer population, the culling of the herd, and I understand all the impacts of Lyme's Disease and the traffic incidents and have worked with this body to develop a plan to reduce Lyme's Disease and to -- you know, a committee on, you

know, Lyme's Disease and tick-borne illnesses; I get that.

This group is a Wildlife Rehabilitation Center. There's lots of wildlife, and there's too many rabbits, there's too many squirrels and too many raccoons, too. And what is a nuisance animal, what is not a nuisance animal, really, they're not in a position, nor a doctor is, to say which patients I should treat and which ones I should not treat. They're in the business of rehabilitating wildlife, and actually they're providing a very important service. The Police Department in Southampton Town is bringing them most of the deer, because they don't want to shoot them right in the street where people may see them being shot. These deer -- primarily, 90% of those deers are being euthanized by the Wildlife Rehabilitation Center. I mean, thank God they're there doing what they're doing.

So I don't want to start telling them which animals they should turn away, and I don't know what would happen to those animals if they did. There's something about the ethical treatment of animals that may be -- you know, whether it's the puppy law we're debating or this, what do you do when you have injured wildlife? Luckily we have people who care about this issue and are experts in this field, and I don't think they should be punished because of the problems that the North Fork or the South Fork is having with the deer population. So I would urge my colleagues to support this and, again, I'm thankful to have them there. I hope this bill goes through.

LEG. KRUPSKI:

No, I'm not in any way doubting their work ethic or their ability to help the community. I don't think rehab -- not rehabilitating deer would be punishment to anyone; that's not the point. The point is you've got an overpopulation issue. When you release those 10 or 12 deer back into the breeding stock every year, you're going to just keep increasing the population.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Just a quick question. The deer that you're euthanizing --

MS. ROTTNER:

Yes.

LEG. CILMI:

What's -- what criteria do you use to decide whether or not to do that?

MS. ROTTNER:

A lot of the deer that we receive have broken limbs, head trauma, spinal trauma. Many deer are caught up in wrought iron fences and will essentially tear their legs off. If they have more than one limb fracture, we typically euthanize; spinal trauma as well, they typically do not recover from. Any other severe wounds, lacerations, organs exposed, we do euthanize.

LEG. CILMI:

So I know this is sort of -- you'd really have to look at this on a case-by-case basis, but what would the life expectancy be, then, for the deer that you're euthanizing? In other words, would they -- would most of them -- could you say that most of them will continue living, albeit in a painful, debilitated state, eventually go hungry or whatever, or would they -- you know, would they die anyway, you know shortly?

MS. ROTTNER:

It really -- it's a case-by-case thing.

LEG. CILMI:

What I'm trying to get to is I found your -- I understand what Legislator Krupski is concerned about, but I found your argument compelling to the extent that you're actually removing more deer from the population --

MS. ROTTNER:

Yes.

LEG. CILMI:

-- than you're returning to the population.

MS. ROTTNER:

Yes.

LEG. CILMI:

But that argument falls apart if those deer would have been -- would have died anyway and, therefore, you know, removed themselves from the population, basically.

MS. ROTTNER:

Well, part of what we do, we want to act in a compassionate manner for animals --

LEG. CILMI:

Of course.

MS. ROTTNER:

-- that are in pain and suffering, and potentially a hazard. Deer that are on fences, we don't want homeowners trying to get them down. Deer are dangerous, they can hurt you. If you've been kicked by a five-day old fawn, it hurts and it will leave a mark. So they are potentially dangerous, whether they're on a fence or in a roadway. We don't want the public to be handling them themselves. You know, we've been trained, I've gone through extra workshops, conferences for specialized training on how to handle and safely capture and immobilize free-ranging wildlife.

LEG. CILMI:

Are you compelled by some code in your profession to treat or to deal with the deer that you come across in your work?

MS. ROTTNER:

Well, as of that, I took an oath, as doctors do, to basically provide care, and that's what I feel is what we do there.

LEG. CILMI:

Because what I'm thinking is if the deer issue is the sticking point here, and it looks like you do a lot of good with other animals --

MS. ROTTNER:

Yes.

LEG. CILMI:

-- as well, why not sort of remove the deer from this equation for the moment, continue to discuss it and let you get on with your business, just not dealing with the deer but helping the other animals, and we'll address the deer as a separate issue?

D.P.O. SCHNEIDERMAN:

That is the only issue here.

MS. ROTTNER:

Yeah. And I think the concern is we rely on public support, a huge amount. We get a ton, a ton of calls as we're moving into baby season for, *"I found a fawn. What do I do? I found this, what do I do?"* And if people start to hear that, *"Well, we can't handle them. We can't help you,"* that deer is suffering, it's caught on a fence, it's stuck between a fence, it's hit by a car and, *"We can't assist you,"* we're going to lose a lot of our public support. And we see probably 1500 animals a year and that has effects on them as well, if we lose that support.

LEG. CILMI:

Okay. Thank you.

MS. FRATI:

Can I say something?

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

Doctor, I just have a quick question for you.

MS. FRATI:

Oh.

P.O. GREGORY:

Go ahead.

MS. FRATI:

I just wanted to explain that it's not a matter about overpopulations or anything. We're licensed by New York State DEC. The very agency that issues hunting licenses also issues wildlife rehabilitation licenses, and also licenses for deer and also sends a tip sheet with our license every year of how to -- tips on rehabilitating whitetail fawns, because they recognize that by giving us a license to handle this, that we're trained to do this and it takes it out of the hands of the untrained public.

When fawns start to be born and children and people come out and see the fawns, they will try and help them themselves, then you have a worse problem. Then you have deer wearing collars, deer wearing jackets, deer having leashes on because people tried to raise them themselves, and then they are habituated to humans and then can be very dangerous to humans, too. So that is the reason why the DEC does this; licenses us in one hand and issues hunting licenses on the other, to keep the animals out of the hands of the untrained public.

LEG. CILMI:

Just one last question. The treatment that you provide to the deer that removes the ticks from the deer before you release them.

MS. ROTTNER:

Yes.

LEG. CILMI:

Does that last for any length of time, or are they sort of immune to getting ticks after that, or not?

MS. ROTTNER:

Yes, it typically lasts possibly like a month or so. So from the apply date, it extends into the future, that keeps them tick-free.

P.O. GREGORY:

All right. Legislator Lindsay.

LEG. LINDSAY:

I just had a quick question for you, Doctor. Do you currently euthanize the deer when you're called and they're injured beyond being able to be healed and repaired?

MS. ROTTNER:

We do euthanize them, yes.

LEG. LINDSAY:

So if this legislation doesn't pass, would you continue to do that?

MS. ROTTNER:

If I'm not allowed to handle deer, I'm not allowed to handle deer.

P.O. GREGORY:

Okay. All right, so we have a tabling motion and a motion to approve. The tabling motion goes first; roll call.

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

LEG. BROWNING:

He made the motion.

MS. ORTIZ:

Oh, I'm sorry. Tim reversed it. Legislator Krupski?

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

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

MS. ORTIZ:

Eight.

P.O. GREGORY:

All right. Approval motion; roll call.

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

D.P.O. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MS. ORTIZ:

Thirteen.

P.O. GREGORY:

Okay.

D.P.O. SCHNEIDERMAN:

Approved.

MS. ROTTNER:

Thank you.

P.O. GREGORY:

Motion is approved.

All right, Doc Spencer.

LEG. SPENCER:

I make a motion to take 1039 out of order.

P.O. GREGORY:

Motion to take 1039 out of order. Is there a second?

LEG. CILMI:

Second.

P.O. GREGORY:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions?
1039 is before us.

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Do we have a motion?

LEG. CILMI:

What page?

P.O. GREGORY:

Page eight, it's -- 1039 is page eight in your agenda.

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). Legislator Spencer.

LEG. SPENCER:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Spencer. Do I have a second?

LEG. ANKER:

Second.

P.O. GREGORY:

Second by Legislator Anker. Okay, anyone on the motion? You're all tapped out? You're about to approve tobacco.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

Okay, Legislator Kennedy.

LEG. D'AMARO:

I'm next.

P.O. GREGORY:

And Legislator D'Amaro.

LEG. KENNEDY:

Okay. At the outset, let me say that the testimony has been very compelling, many of us have all received multiple e-mails on it. I don't think any right-thinking adult necessarily wants to see their child -- or any child, quite frankly -- go ahead and take up the addiction of tobacco. Because it is a drug, just like alcohol is and many other things, but it's one that the State of New York and the country has deemed is legal at age 18.

And a conversation that I've come back to over and over again with the sponsor -- and as a matter of fact, we had testimony here by our own County Department folks -- is that there is no enforcement that goes on regarding the sale of tobacco products to individuals over age 18 now. And so I continue to come back to, with the sponsor, that we have an obligation and a responsibility to go ahead and to be transparent and to be truthful and to be honest with the public. And if we're honest with the public, the only vote to take on this resolution is a no vote. But I'll also offer to the sponsor that we will call on New York State Senate, President Dean Skelos and Sheldon Silver to introduce legislation to go ahead and make the age 21 Statewide.

The allegations or the analogy to alcohol, for those of you who don't remember when drinking in New York State was legal at age 18, it changed not because of the action of any particular County or, for that matter, not even the State, it changed because the United States Government made the receipt of Federal highway construction funds predicated on the fact that states joined and increased the age. And it was in response to what was at that time an outcry, not about the long-term effects of alcohol, not the disease of the liver, not the disease of the other organs, but the fact that young people were unfortunately wrapping themselves around telephone poles and things of that nature. And so there was a nationwide move to raise the age.

This issue, while somewhat laudable on the part of the sponsor, is an issue that's destined to fail, just like Tobacco 19 has failed, because there is no enforcement. We send our young people off to go ahead and fight for us all over the world, we encourage our young people to be able to enter contract, we have our young people go ahead and be able to vote, and yet this is an effort to tell them, *"You're good enough for some things, but not for this. You don't have the ability to go ahead and make a free choice."*

So we will have a letter drafted and we'll send it, I will ask all my colleagues to go ahead and join with us, but at that this point I have to vote no.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I'm also going to vote no on this bill. And I agree with my colleague, Legislator Kennedy, that -- and with the sponsor, that we do not want 19 and 20-year-olds smoking. We all despise cigarettes, we know they're dangerous, but there are many, many issues hidden within this bill, and I just want to go over some of the thoughts that I have when deciding whether or not to support it.

First of all, I think that the best way to prevent teen smoking or underage smoking is through education, and we're accomplishing that and that's where our energy should be put. I have two kids, they're nine and 12 years old, they are so anti-smoking, you can't even -- they can't even look at a cigarette and not get turned off about it, and I think that's a positive thing. So the education that we're providing, which is the best way to prevent young adults or even underage teenagers from taking up the bad habit of smoking is through education and we should continue to do that.

This bill, however, doesn't make it a prohibited act for a 19 or 20-year-old to smoke. They can still smoke. It only says they can't directly purchase cigarettes. So it's not illegal to possess tobacco or cigarettes, it's not illegal to smoke them. This bill simply falls squarely onto retailers and tells them, *"You have to police it and you have to not sell them, but once you get them it's okay to go ahead and smoke them."* So I question the effectiveness or the message that this bill is really sending. It is not -- I don't think it's going to be effective in prohibiting or stopping 19 and 20-year-old adults from obtaining cigarettes if that's what they choose to do.

And let's talk about the fact of the age. This is not -- we're not talking about minors. We're not talking about regulating the conduct of minors; we're talking about mature individuals; this point's been made over and over again. They're old enough to marry, have children, take out a mortgage, pay taxes, go to war, they can get behind the wheel of an automobile which is a very hazardous or dangerous activity if it's not done correctly. They make decisions as adults, and what we have to do with adults is we have to count on them to make the right decision and that's where education dovetails into the argument, once again. Adults make their bad decisions all the time. So how many other types of conduct are we going to now prohibit for adults, for the 20-year-old? What other decisions could they make that could be harmful to themselves and have a societal cost that government should step in and make for them? So I see this as a very unwarranted and a very intrusive and ineffective means or an intrusion of government into an adult's life, and I think it's unwarranted.

When you look at government exercising its power to regulate or prohibit, it's really about a balancing test. It's really about should we regulate conduct by an adult? Is there a justification for doing so, as opposed to the infringement on a person's individual liberty and a right to choose how they govern their own lives. Now, let's take drinking, for example, because we've heard that throughout the debate, underage drinking. That's something, certainly, that we want to prohibit, and I think you can there justify a 21-year-old being prohibited or a 20 or a 19-year-old being prohibited from purchasing alcohol, because when they drink the alcohol and get behind the wheel of a vehicle, they are putting everyone else at risk, not just themselves. So there you have more of a justification, in my mind, for regulating adult conduct, as opposed to buying a pack of cigarettes. You know, if you smoke that pack of cigarettes and get behind the wheel of a car, it's certainly not going to pose the same risk that it would pose if you drinking and getting behind the wheel of a car. So I don't see any overwhelming factor to convince me that government should now step into the lives of an adult and prohibit legal conduct and make that decision for them.

And that leads me to my next point. Twenty-one, you can buy cigarettes when you're 21, it's an arbitrary number. Why not 22, why not 23, why not 25? And I made the point earlier that maybe we should be -- as long as we have the power to regulate or prohibit an age group from purchasing cigarettes, well, what about the 50-year olds that are addicted to the habit, have been smoking for 20 years? Let's talk about the risk that they're posing to the health care system and let's talk about the risk that they're posing to themselves. Why are we forgetting about all the other smokers? Why 19 and 20? I've heard the argument made that a 19 and 20-year old's brain is not developed sufficiently. Well, I don't know if that's true or not, but what I can tell you is that 19 or 20-year-old is being made -- is making decisions when they go over across -- over the seas -- overseas to Afghanistan and deciding whether to pull the trigger against an enemy. Well, if they can make that decision, then they can make a decision as to whether or not they're going to buy a pack of

cigarettes.

So the question becomes will this bill -- if the passage of this bill, will this actually cut back on underage smoking? Not underage smoking, smoking by adults who are 19 or 20 years old, that's the real issue here. Underage, 19, 20, if someone decides that they want to smoke -- this is not a blanket prohibition. There are other ways for these individuals to get cigarettes.

We talked about Indian reservations. A gentleman talked earlier about the fact that no one is going to drive 80 miles to go to a reservation; I agree with that. But you know what? Not to buy a pack of cigarettes, but they'll go there to buy ten cartons of cigarettes in one shot. You're not going to prohibit the possession of cigarettes by 19 and 20-year old kids that, by the way, can get behind a wheel of a car and drive to that reservation or drive to Nassau County or drive to Westchester County. It's just -- it's ineffective. This bill would be extreme -- send out a false message that somehow, by cutting off an adult's access to cigarettes is somehow going to have the same impact as perhaps educating our kids from when they're four and five years old about the ills of smoking; it's just not true.

Now, I would support banning smoking altogether. And as I've said, I don't want people to smoke, I don't encourage it, I don't think anyone should do it, but you can't arbitrarily pick an age group and say,

"We're going to protect you from yourselves because you cannot make this decision on your own and we the government know better than you." You can do that for 19 and 20-year-olds, but you're not doing it to the 50-year-old person that's been smoking for 20 years. How is that person making a better decision than the 19 or 20-year-old? I don't see any kind of logical thought process to that at all. Government just simply cannot regulate personal responsibility, that's what we're talking about here. Again, we're talking about adults.

And the last point I want to make is that this bill is unenforceable. It is simply unenforceable. You're going to count on retailers to police this bill. It's not going to be effective, it's simply not going to be effective. If -- we're not talking about kids. We're not talking about a 16 or a 17-year-old that walks into a 7-Eleven, it's pretty apparent that they're underage, you're talking about a 19 and a 20-year-old individual. You're just simply not going to have the effect that you want this bill to have because it's not enforceable.

So overall, I would encourage the County and the organizations that I've heard from to continue with your anti-smoking education. I think you do have to get the children at a very early age. I wouldn't want my children smoking, I'm sure you don't want yours smoking, but this is something very, very different. This is where we are entrusted with the power of government to regulate people's conduct and their lives, and I think this just simply crosses the line and it overregulates and tells a mature adult who is now being asked to make every other mature adult decision possible when they hit their 19th or 20th birthday, but yet they can't make this simple decision of whether or not to smoke or not. I just think it's inappropriate. It's not banning smoking, it's simply picking out an arbitrary age group and prohibiting them from doing something that everyone else not prohibited from doing who's of age. So I'm not going to support this bill for those reasons.

P.O. GREGORY:

All right, thank you. Legislator Browning.

LEG. BROWNING:

Okay, I also will not vote for this bill. Very simple, because it's not going to prevent the 21-year-old or anyone under 21. I think, Lou, you've said it all. And the other thing is is the enforcement. If my 19-year-old goes to buy cigarettes in the 7-Eleven, nothing's going to happen to him for buying the cigarettes, but the 7-Eleven owner is the one who's going to face the punishment.

And I've heard many conversations about concern for people's health and making sure that we do the right thing by our public and by our citizens. And I know you're not going to like to hear this, but I think we dropped the ball on that, not too long ago when we decided not to be concerned about individuals who lived in a nursing home, who had no family, had nobody to care for them, who are the most vulnerable population here in Suffolk County, and the decision was made to back away from them, knowing of things like transfer trauma. And since then, 18 people have died. So why don't we worry about our vulnerable populations and not worry about the 19 to 21-year-olds who can join the military, who can vote, who are quite capable of going out to work every day, earn a living, pay taxes, and government stay out of their business but let's worry about our vulnerable --

P.O. GREGORY:

Okay, thank you. Legislator Krupski.

LEG. KRUPSKI:

Well, I've heard a lot of -- two public hearings, hours and hours worth of testimony on this, and I think one woman today summed it up in the paper that she handed out to us, what she said; *"When regulating social behavior saves the lives of many, including future generations, it is necessary to take these measures to protect the health of all."* And if you look at the whole picture, I have three children, the youngest just turned 21 yesterday, so I'm just past that period. All that testimony, people looked at 18 and 19 and 20-year-olds, so I understand what people are going through at that age. And so just because of that, I would support this.

P.O. GREGORY:

Thank you. Legislator Hahn is not here. Legislator Anker.

LEG. ANKER:

We listened to so much testimony. I mean, you know, we've had the hearings going on for a while. And, you know, we're here to protect the people in Suffolk County, and just because those people aren't considered children doesn't make it -- it doesn't make any difference. We're here to protect people.

Did you know, and I'll put this in a question form, that nearly 500,000 Americans die each year due to smoking and smoking -- and smoking costs us \$289 billion annually. Every day, more than 3,200 youth under age 18 in the United States try their first cigarette, and more than 700 kids under the age of 18 become daily smokers. We have to reverse this course. Five point six million American children alive today will die prematurely due to smoking, and one of the reasons they get a hold of cigarettes are the 19 to 21-year-olds. So if we can stop that, create hurdles, create barriers for those kids to get those cigarettes, then we're doing our job.

P.O. GREGORY:

Thank you.

UNKNOWN AUDIENCE MEMBER:

Then get alcohol.

P.O. GREGORY:

All right. No, please, no comments from the audience. All right, Legislator Trotta.

LEG. TROTТА:

I'm going to vote no for the exact almost opposite reasons; I don't think the law goes far enough. I mean, I know firsthand that cars line up at the reservation, and they're 18, 19, 20-year olds. I know that they're going to go into Nassau County and buy cigarettes. I mean, I want the State to come down and start regulating -- the State and the Federal government to start regulating.

They're manufacturing their own cigarettes on the reservation, selling them tax-free. I mean, it's a big problem. I don't think -- my gut feeling is no one should ever smoke, and unfortunately this is unenforceable. Because we heard testimony that the 18 and 19-year-olds have never received -- no store has ever received any violations between 18 and 19, so who's going to say it's going to go from 18 to 21? So if the State has the regulation, then they can lose their license, then there's some enforceability; we don't have that. I mean, I don't think they should be smoking, but I think there's other things that should be done. I think the State should be doing it. We shouldn't be going to Nassau County and we shouldn't be sending our kids out to the reservation to buy them at \$12 a carton. So I think we should go further.

P.O. GREGORY:

Thank you. Legislator Cilmi.

LEG. CILMI:

Thank you. I will, likewise, be voting no. And I wanted to underscore some of the things that were talked about by our colleagues here today, and start with the drinking age being 21 and the point that was made that, well, we regulate drinking, we prohibit the sale of alcohol to those under 21 and, therefore, why shouldn't we do that for smokers. But the fact is, is that more kids are drinking today than ever drank before.

I've spoken with children from many different high schools throughout Suffolk County, and almost without exception they will tell me that at least 60% of high school students are drinking on a regular basis, despite the fact that you must be 21 years of age or older to purchase alcohol. So to me, that argument doesn't -- doesn't hold water. The drinking problem is worse than it's ever been.

Number two, we talk about, or we suggest that prohibiting the sale to 19 and 20-year-olds will, therefore, reduce the ability of the 18-year olds and under to get their hands on cigarettes. There are two problems with that argument. The first problem with that argument is that it's been said by folks who are advocating for this bill that an extremely large number of smokers begin before the age of 18, which is lower than the current age that somebody's allowed to purchase cigarettes. The second argument to that point is that if the 19 and 20-year olds are giving cigarettes to those younger than 19 and 20, then why not address that issue? Why are we prohibiting the 19 and 20-year-olds from purchasing tobacco, because the 18 and 17 and 16 and 15-year-olds are getting their hands on those cigarettes? That to me just doesn't sound right.

Legislator Krupski said when -- or quoted one of our speakers. And by the way, all of the speakers on both sides of the issue were very eloquent. And I -- as a nonsmoker myself, somebody who grew up with a mother who smoked, I couldn't be more repulsed by smoking. But somebody said when regulating saves the lives of many, then it's worth regulating, but I question whether or not this is going to save anybody's life. I don't think it will. I think those who want to smoke will continue to get their hands on cigarettes. Certainly those who want to drink have continued to get their hands on alcohol. Those who want to take pills and heroin and smoke pot have continued to get their hands on pills and heroin and pot.

And lastly, I want to underscore what Legislator Kennedy said and what Legislator D'Amaro said about allowing those of certain ages to do a variety of different things, such as vote, such as get married, enter into contracts, go to war for our country. It's not just a matter of allowing them to do that, we trust them to do that. We trust them to pick up a gun and fight for our country and to do the right thing. We trust them to have sexual relationships. We trust them to do all of these things. So if we say to them, "*We don't trust you to make a decision as an adult as to whether or not to smoke before the age of 21,*" well, that then calls into question everything else we trust them to do. How can we possibly trust someone to drive if we can't trust them to make an educated

decision on whether or not to smoke? How can we possibly trust them to have sexual relations, which have long-term societal impacts as well as health impacts, if we don't trust them to make an educated decision as to whether or not to smoke?

So for those reasons and others, I will be voting against this bill today, while firmly believing that we should do more to educate our children and our entire population as to the dangers of tobacco. Thank you.

P.O. GREGORY:

Okay, thank you. I think at this point I'll take a shot at making some comments. You know, I certainly -- you know, being I've sat here just as well as guys have and listened to a lot of the testimony, and when Legislator Spencer first mentioned this legislation to me, my reaction in some ways was similar to many of you. As a veteran, I think probably the only veteran on the committee, my first reaction was, well, I'm very hesitant to restrict freedoms of people who can enlist in our military and fight for our country. But I thought about it. You know, there are some decisions that have to be made, I think for the greater good, for the public health of our community. There's a lot that has been said about the soldier that can enlist in our country and go overseas and pull the trigger and, you know, kill the enemy. But that very same person has restrictions in their lives. You know, in my former life in the military, I saw a lot of those restrictions. You know, that same soldier that can go out and shoot someone and kill someone, if he gets a sunburn, could be -- get an Article 15. I mean, there are restrictions on that person that you may not necessarily understand. You would think that's kind of ridiculous that somebody who could kill someone in defense of our country can't go out and get a sunburn and will get administrative action, punitive action against them. There are curfews, there are many restrictions that are put on our soldiers. They can't drink alcohol. You know, I had to give one of my Sergeants an Article 15 because we were under restricted duty and he went out and violated curfew and got drunk, and I had to give him an Article 15 and we demoted him. I mean, there are a lot of restrictions that happen. In listening to -- there was a show that I was watching recently where our -- I'm sorry, I forgot the General is here. I'm sorry.

*(*Laughter*)*

No, I made reference that I think I'm the only one -- only veteran here and I forgot, the General is here. I apologize, I knew that, of course.

-- where there's the military themselves have a grave concern about the condition of our soldiers with the obesity factor, and even in some of our posts they're restricting the access of tobacco products. So there's a concern -- you know, there's a lot of talk about the military, but there's a lot of concerns within the military community about access to tobacco products. So within themselves, they're looking to bring about restrictions.

So, you know, I will be supporting this bill. I think the argument that a 19 or 20-year-old will not be punished because simply with the possession of a cigarette. You know, it's similar to our alcohol laws; they can't go and purchase alcohol, but if they have it we couldn't punish them as well.

I don't -- you know, the one thing I don't hear -- I hear a lot -- I hear about loss of revenue, I hear, you know, a lot of things, but the one thing I don't hear is that smoking cigarettes is good for you, it's healthy. And because of that, I think there should be -- that should be the focus. You know, no one is saying that you inhaling a product that has various chemicals into your body is a good thing. To me, if it's not a good thing, we should be doing whatever we can to limit access to it. Will we get everyone? No. But I think we should do our best, from a public health perspective, to limit those that are more highly likely to get addicted to it from preventing them in future years from causing health issues, not only that they will have to suffer but that we as taxpayers will have to pay for.

Okay, Legislator Spencer.

LEG. SPENCER:

Thank you, Legislator Gregory. I appreciate everyone's remarks and I apologize for the late hour. First I'd like to ask if Commissioner Tomarken, I see that he's been here for several hours, and if you could come forward, please, for just a moment.

And Commissioner, you've heard some of the arguments. And you're in a unique position as our Health Commissioner, and I know that this is a pretty contentious discussion, but you are our Chief Officer with regards to public health. And I was wondering if you could address the issue in terms of just what we do with regards to enforcement, and then also just from your knowledge and what you do in administering our Health Department, if you could offer anything to this conversation.

COMMISSIONER TOMARKEN:

Well, I just would try to make a few points. One is please don't confuse financial and legal policy with public health policy, and that's what this is all about.

Ninety percent of adult smokers had their first cigarette before they were of age 18. Ninety percent of cigarettes purchased for them were done so by those who were in the age group 18 to 20 years of age. We now know that youth smoking is driven not by illegal tobacco sales, though those remain problematic, but by legal sales. Legal purchases, purchases ages 18 to 20, are currently the most significant source of cigarettes and other tobacco products for the 12 to 17-year-olds. So these are the people who are providing the cigarettes to those who are under age. The higher minimum age of 21 would put legal purchases outside the social circle of most high school students and thereby reduce the social supply available to adolescents.

Raising the minimum age sale for tobacco will save lives, while failure to do so endangers our youth. Indeed, it appears that tobacco companies agree, as noted in a confidential memo by a Phillip Morris strategist who once wrote, and I quote; *"Raising the legal minimum age for cigarette purchases to 21 could gut our key adult market, 17 to 20-year-olds."* Perhaps this is one instance when we can take tobacco executives at their word.

From the financial perspective, BRO has estimated there are approximately 5300 potential smokers in the ages of 19 and 20. In Suffolk County, there are approximately 1700 vendors who sell tobacco products; therefore, if all 5300 were smokers, on average, each vendor would lose three customers.

From the health perspective, tobacco is the leading cause of preventable, premature death. We know, too, that exposure to nicotine earlier in life results in stronger levels of addiction and more difficulty in quitting. Since the first Surgeon General's report on smoking and health in 1964, there have been more than 20 million premature deaths attributable to smoking and exposure to secondhand smoke. Four hundred and forty thousand Americans die each year from smoking, and another 8.6 million suffer chronic illness because of tobacco. And there are many other illnesses associated with tobacco, such as emphysema, chronic bronchitis, strokes, heart attacks, ulcers, and lack of blood flow to arms and legs, sometimes resulting in amputation. Despite this, every day 3,000 American children will smoke their first cigarette and each year half a million will become addicted to nicotine.

Annual smoking attributable economic cost to the United States estimated for the years 2009 and '12 were more than \$289 billion, including at least 133 billion for direct medical care for adults and more than \$156 billion lost in productivity. Five point six billion dollars was lost due to exposure to secondhand smoke.

This is a public health policy. Rarely do you get the chance, as Legislators, to pass legislation that could literally save lives. I urge you to do so and not miss this opportunity. Thank you.

LEG. SPENCER:

Thank you, Commissioner.

Next I'd like to just briefly go to our Budget Review Office. Can you just give me a quick overview? There's been some challenges in terms of with regards to revenue gained or lost and just some conclusions. Would you just take us through that in a couple of minutes?

MR. LIPP:

Sure. So the fiscal impact that we did is an estimate. You can't have any real hard numbers on this, so we used logically what data was available. So for instance, we used the American Community survey to look at the population, most recent, in that age cohort. We used the behavioral risk factor surveillance system to look at the adult population that would smoke, so we found there were 59,000 population in the broader age cohort, 18 to 21, an 18% probability of smoking from the survey I just spoke about. Then we made an assumption about what portion of those people, 50% of that age -- of the four-year age cohort was 19 and 20 and we came up with the 5300 and change population in Suffolk County that this would apply to. Could it be a little higher or lower? Of course. But based upon available data, that was the number we came up with that seemed reasonable.

From there, we had some data from another source. We looked at some research papers and we found that a typical smoker would do about a half a pack a day, so that was part of our assumption there. And then we used that analysis, plus at the time surveys for \$10 a pack we used and we came up what the sales tax loss would be; that would be \$412,000, I believe. From there we said, well, there are offsets to that, that is we looked at other studies and we found that there would be some substitution if you didn't smoke, so that there would be offsets to the loss of the sales tax revenue. People that would have smoked now are buying other things and there is some data to substantiate that; clearly, it's uncertain as to what percentage that is. Then we took into account cheating and all of that and we said, at the end of the day, when you make those calculations, it's unclear if there would be an impact. And clearly there would be some impact on the convenience stores, but there would be some offsetting increases in other stores.

LEG. SPENCER:

And a bottom line was potentially 2.4 or \$2.7 billion over a 50-year period?

MR. LIPP:

Yes. The health impacts, as we stated, were more long-term as opposed to short-term for the budget.

LEG. SPENCER:

Even if you take 50 years and average that out, that could be. And if you're saying we're not going to see that, but an average of \$54 million a year, if you divide 50 into the number. Okay.

So first of all, I'd like to thank my colleagues really for just an arduous, long discussion, and also the members of the public for enduring a very long debate on this resolution. I'd also like to thank my friends at Long Island Gasoline Retailers, and also United Franchise Owners of Long Island for their commitment. And I understand, I take it very seriously.

Believe it or not, when I introduced this resolution, it was not an easy task for me. As a physician and a Legislator, I have to look at issues and balance my responsibilities and knowledge as a doctor with those I have as an elected representative. I must decide which course of action I should take

as a representative to protect the public health and clearly understand the impact on those actions while ensuring there is minimal impact on business or revenue. This issue is complicated, I grant you that. But one thing that we all can agree on and that is the negative impact of smoking.

There is no question that 50 years since the Surgeon General issued the first warning about tobacco, we have scientifically learned that there are no redeeming benefits to smoking ever. The chemicals in these products are highly addictive and deadly, and that was reaffirmed recently. No doubt about it, it is based on sound and repetitive science. Smoking places a burden on society. It's a hefty burden which costs the County millions of dollars in taxpayers' monies, lost productivity and a burden on the health care system. This fact is indisputable.

So if we look at the entire debate, I have fought long and hard about this and I have spoken with every one of you about this, and I think I know where we -- most of you stand. This debate comes down to three basic questions; will there be a devastating impact on business, or a significant negative impact? Is government going too far in terms of limiting personal liberties? And will the law be effective and can it be enforced?

First, I would like to address the economic impact. I look at our retailers as they struggle every day. People come into my office and ask me to ban plastic bags, require retailers put up additional signs, install generators in gas stations, and I realized these requests could add burdens on our already overburdened small-business owners. But I have been a friend; I have met with them and I have worked with them on the issues. That has been the hardest thing to look at with this particular piece of legislation; I do not want to add to your burden.

I went into this thinking there would be a huge negative, economic impact in terms of County tax revenues, but I was surprised when I read the analysis that came out of our very own Budget Review Office. They actually studied the potential economic impact, and since there are 1700 convenience stores, they further calculate that there are approximately 6,000 smokers, and we heard -- in that 19-to-20 age group; that works out to roughly three smokers per store. The average teen-age smoker smokes a half a pack a day, so it's about 1.5 packs per day. Even if those numbers are off, we're not talking about a great deal of revenue. Each smoker per year costs the taxpayers \$12,000 every year. Tax revenue from smoking does not mitigate the cost to society.

You know who's going to lose the most from this? And I said this in committee. What business owner is going to take the business hit on this? Me. I've got skin in the game, myself. I'm an airway doctor, I'm a pediatric and adult airway doctor, I've taken out larynxes, I've pronounced people dead, I've seen low-birth-weight babies, I've seen kids suffering with asthma. I'm a small business owner that employs 15 people, and 100% of my business depends on what happens with airway issues and smoking. I welcome the loss in revenue. Medical professionals like myself are likely to endure the biggest economic impact.

To address the second point of contention, we ask what about government interfering? We all serve in government, and we make decisions every day that impact our constituents. I believe that people should enjoy personal liberties and adults should have ability to make decisions for themselves, even if I disagree with them as a doctor. That's not at issue here. What is at issue here that I'm asking my colleagues to consider is what is our role as government? I believe we have a role when it comes to a protective function. We are all stewards of public health. We protect infrastructure, we protect our highways, we have oversight over our Police and public safety.

One argument against this resolution is that our role as our -- for individuals who serve and die for this country, shouldn't they be able to choose? Ironically, the United States military disagrees. There have been prevalent reduction and restrictions of tobacco products in our military since the 1990s. According to the Secretary of the Navy, a user of tobacco is not the vision of a fit war

fighter. Consequently, the military is actively doing its best to reduce tobacco, and it is restricted in the military.

I agree that young adults should make decisions for themselves, and I realize that when -- you know, we've heard this several times, when someone hasn't smoked by 18, they're three times less likely to smoke over their lifetime. When someone hasn't smoked by 21, they are 20 times less likely. This isn't an arbitrary number, there's something to it. We've had neuroscientists, you've seen letters, you've seen doctors who have testified that there is something going on in the brain when you see that much of a statistical difference.

The tobacco industry is targeting young adults for replacement smokers. We see that this industry devotes \$9 billion, more than \$24 million a day towards directing advertisements to those that are under 21. Tobacco representatives have been quoted as saying, "*Today's teen-agers is tomorrow's potential regular customer.*" We need to do more to counter those efforts.

To address the effectiveness of this bill is another source of contention. I personally know this will be effective, but I also realize that not one law is going to address the entire issue. Yes, people will go to reservations, people will go to Nassau. In fact, in Nassau, former Presiding Officer Judy Jacobs has laid this very bill on the law, along with other legislation.

Some argue that if we educate people they will be less likely to smoke. I agree, education is important, and I commend our Health Department for educating for a number of years. Our programs have been vibrant, but it isn't enough. These valiant efforts should be coupled with an effective policy to keep tobacco out of the hands of the most vulnerable.

We say that we can't enforce it. Do you realize that when I get in my car I put my seatbelt on every time? Adults, we regulate their behavior when it comes to putting on a seatbelt. They're not going to harm anyone but themselves, but we as a society have decided that there is a burden when somebody gets in a car accident and they go to the hospital and there's thousands of dollars that is spent. And we regulate seatbelts. It's almost completely unenforceable, there's a checkpoint here or there, but 21% of the people typically comply with the law because they respect authority. Some people will comply with the law.

I believe this law will be effective, but the effectiveness is always up to debate, so then I turn to precedent. Yes, we talk about the difference between drinking and smoking, but when we lowered -- when we raised the drinking age, the amount of accidents and the amount of people becoming intoxicated went down when we raised it to 19; it went down further when we raised it to 21. And the difference between drinking and smoking, we talk about, well, 60% of people drink; but there is at least some arguable, medicinal or tolerable level of drinking. Even with marijuana, you can argue that there is some relief or pain or some medicinal effect, but when we look at smoking, smoking is toxic all the time.

So if you don't want to look at the science, then let's look at precedent. We saw that the drinking age, when it went up, we saw that rates dropped of accidents. In Needham, Massachusetts, yeah, people argue it's a small town, but they did education from '95 to 2005 and the smoking rates went down, as they did in Suffolk County. But when they passed the law after 2005, we saw that the rates went down further, and they've stayed down. The rates of cancer have gone down. And when they compared the same rates of cancer and those that are smoking to surrounding counties, those rates are down further.

Yes, Needham is not Suffolk County, 35,000 people, but every day we make decisions based off of clinical trials. I would love to have a clinical trial of 35,000 people, so we have precedent. But this Legislator has been bold -- Legislature has been bold. We've stepped out without precedent. We

have a track record here to look at. I understand the fears, but if you look at precedent, it does work.

I'll wrap up. I have a lot to say, but I think it's important that I -- when I look at my colleagues who are arguing against this, there is a preponderance of evidence. We see the Surgeon General reports, we see CVS has walked away from billions of dollars, we see the Attorney General just yesterday is calling on other pharmacies to not sell tobacco products. Let's be frank. You know, I find it ironic that some of my colleagues have rightly chosen to form subcommittees to address some of the issues we are facing in Suffolk County. One of these is the Task Force on Mental Health and Substance abuse. Eighty-five percent of heroin users start out smoking; the vast majority of them. It's important. I'm wondering -- we say that politics doesn't play into this, but we see the derailing against the fact that these are adults, but in 2010 my colleagues laid on the table a law to prohibit minors from buying drinking games. We say we trust them. Well, my colleagues laid it on the table and they defined the minor in their legislation as those under 21. Isn't that sort of ironic? So here's my suggestion to the Task Force on Mental Health and Substance Abuse. If you want to address the heroin addict, raise the smoking age. Yeah, I'm not waiting on the State to take action. The State has looked to us in the past, we've been able to take action and we've been able to set precedent in the past.

In my heart I believe as a physician, as a Legislator, we are going to protect our budget, we are going to save lives. This is not an arbitrary number. When we look at that brain under 21, it's not developed. When it's not completely developed, it is prone to impulsivity. Those impulsive decisions cause them to become addicted faster, they share it with other minors, it's harder for them to quit, and they are the 50-year-olds of tomorrow that can't get off of this substance. So I respect our right to disagree, but this bill will save lives. Please don't muddy politics with public health; it's a fight that only big tobacco would win.

The last thing I want to -- you have to indulge me for 15 seconds while I want to just show you one thing that will just make my final point.

*(*Played Video*)*

Again, thank you. Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Thank you. Legislator Hahn, who has a full set of teeth.

*(*Laughter*)*

LEG. HAHN:

I do (*laughter*). And I'm sorry, I know it's late and I was on the list and I had to walk out and I missed my opportunity before, but this is important to me. So I know -- you know, I was 10 years old when I lost my grandma, Jenna Stevensen, and she suffered an absolutely horrible, horrible death because of cancer from smoking. She had to have a tracheotomy and it was just devastating to our family to watch her in horrible pain and suffering. I could go -- I mean, there's been so much said here and I'm not going to repeat it all, I think Doctor -- to me, this is about access, and Dr. Tomarken made -- really outlined all the salient and most important points associated with how this law will decrease access. I know that this will make a difference. This will make a difference, this will save lives and this will save money. And I am voting yes in memory of my grandmother, and that's really all that I wanted to add. Thank you.

P.O. GREGORY:

Thank you. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Presiding Officer. We know that in Suffolk County we enjoy a proud history of protecting our residents when it comes to dangers of certain types of substances, chemicals and toxins, and we all should be very proud of that legacy. But I've always believed that with appropriate and aggressive education and public information, that we should all be able to make an informed decision, especially as an adult. Some initiatives that we've seen, both locally and throughout the nation, I would not support. And there are some that I believe are true examples of clear overreach by different, various levels of government. But tobacco use, I think, unfortunately, goes beyond just mere conscious choice. When there are chemicals or substances that are odorless, that you cannot see, that you cannot touch, that you cannot taste, we certainly have, I think, a very important role to play as government protecting our public health and our public safety. But the highly addictive nature of tobacco and nicotine and all of the other substances and chemicals by design to me makes this different. To me, that's the factor.

And, you know, when we talk about limiting exposure or access to all of the other dangerous substances and chemicals that are out there, I have not much interest in regulating everything that might be dangerous to myself or to others. But to me, this is not about regulating behavior; rather, it's about expanding our efforts to protect our citizens from the danger of addiction, and that's why I'll be supporting the bill.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

You know, I'm listening to the testimony here and the opinions and, you know, what's frustrating is trying to understand that, you know, the Legislators, some of my colleagues here are mentioning that this legislation has to do with choice. For me, this is not about choice, this is about preventing addiction. And, you know, there was so much information about, you know, the numbers and I mentioned it earlier. But, you know, like Legislator Hahn, I also lost a family member, my grandfather, from emphysema. You know, there's nothing like going to visit your grandfather on a beautiful, sunny day in Florida, going down the beach, and he's hacking, and you know he's going to die soon because he's been smoking all of his life.

If we have the ability to stop that -- and you know, I'm looking under emphysema, and basically you don't get it until you're in your 40s or 50s, but if we can prevent that, then we have to do it. You know? I mean, again, this is not about choice. You can make a choice about going into the military, about getting married, about doing all those things, this is about prevention. So I just wanted to make that clear. Thank you.

P.O. GREGORY:

Okay, thank you. That is all that we have and --

D.P.O. SCHNEIDERMAN:

I'm on the list.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Well, you know, Doc, maybe you played that video to show us that getting the votes here has been like pulling teeth.

*(*Laughter*)*

I know you've worked very hard. And you know, I've said in the past how beneficial it is to have a physician on this body, so we can get real, accurate data-driven information about these really critical issues. I was here for Tobacco 19. It went through, we had a similar debate, 18-to-19. I hadn't heard any attempts to roll it back to 18 since then, it hasn't, you know, destroyed the economy, but maybe it saved some lives, and there were some really good arguments made. I actually wondered then why we weren't going to 21, like alcohol is 21.

When I turned 18, I was allowed to drink at 18, back in the day. I don't see anybody now going -- now that the alcohol age is 21, saying, "*Roll it back to 18 again.*" This is destiny. This is what's happening all over this country. The tobacco age is going to be 21 everywhere, it's going to happen. Doc's a little bit ahead of the curve here, but there's no doubt in my mind that within a few years, nationally it's going to be 21. And I have no doubt that this will save lives, a lot of lives.

And I'm also the parent of two kids; I have an 11 and just turned 15. And, you know, I think about these things all the time, about, you know, how to protect kids. When you first proposed this, you know, I went through that whole question about at what age are they really prepared to make this decision? And then you came in with all the physiological studies and all the information about the brain differences between 18 and 21 and you really kind of convinced me that there really is a difference in terms of susceptibility to addiction. I believe there is a difference, and that if they can wait a couple of more years it can change their whole life in terms of not getting hooked. And I've seen too many people hooked on nicotine, on tobacco, it is one of the most addictive, if not these most addictive substances known to man. And I applaud you. This has been a tough battle. And I don't know what the vote will be, but you will have my vote. It's the right thing to do.

P.O. GREGORY:

Okay, thank you. Mr. Clerk, we have a motion to approve; correct?

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

Okay, roll call.

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

LEG. SPENCER:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. CALARCO:

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:

No.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Ten.

D.P.O. SCHNEIDERMAN:

The magic number.

Applause

LEG. SPENCER:

Thank you very much. I appreciate it. Thank you.

P.O. GREGORY:

Now that we don't have any teeth and the time is late, there have been many people waiting for Home Rule No. 4. I'm going to make a motion to take it out of order.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

LEG. D'AMARO:

Time out.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

This is Home Rule No. 4, the Park Police, Legislator D'Amaro.

Okay. If you look on page eight in your agenda, Government Ops, you will see ***Home Rule No. 4-2014 - Requesting the State of New York to amend the Civil Service Law to permit the transfer of the positions of Suffolk County Parks Police Officers to the positions of Suffolk County Police Officers (County Executive)***. I'll make a motion to approve.

Do I have a second?

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On the motion, Legislator Browning.

LEG. BROWNING:

Okay. If we could get BRO's comments, and if Alan Schneider is here. Can he start with BRO?

P.O. GREGORY:

Okay. Robert?

MR. LIPP:

Okay. So we did a memo at the request of Legislator Cilmi and we released it late yesterday, and basically the comparison was do an apples-to-apples comparison which would be the alternative to not doing the transfer of positions from Park Police to Police Officers in the Police Department; would we presume that at the same date we would hire the same number of new recruits. So we did a comparison there so that way there would be no -- we'd hold constant any service level provision.

So at the risk of stating the obvious, it's cheaper to give the raises to the Park Policemen by transferring them than it would be to hire over 30 new Police recruits. And we found, based upon the assumptions we made, approximately \$2 million in savings in 2014. And then we went all the way out through 2018, at the request of Legislator Kennedy, and we found over that entire period, from 2014 to 2018, \$13.4 million in savings.

Now, that presupposed a few things that we included in the last section in our memo called "*Other Factors*", and those things have to do with -- we didn't make any presumptions about the potential for lawsuits; the potential for having to hire more seasonal temporary Park Rangers than was implicit in the budget; the possibility that there may be additional costs to the town Police Departments that would have to patrol County parks on the East End; and lastly, whether or not some of the Park Police would not be accepted by the Police Department and then the savings would be less. That's it.

P.O. GREGORY:

Okay. Thank you. Legislator Browning?

LEG. BROWNING:

Okay. And I guess Alan's not here, but I guess the Commissioner's here.

LEG. TROTTA:

He's here.

UNKNOWN AUDIENCE MEMBER:

Alan is here.

LEG. BROWNING:

Is he? Where is he?

LEG. TROTTA:

He's hiding.

LEG. BROWNING:

Oh, there you are. Okay.

A couple of things. And actually, I see, you know, the Commissioner is here. Although Smith Point's not in my district, you know, I'm curious to see how things are going to be handled. Maybe the Parks Commissioner, too, can answer these questions.

P.O. GREGORY:

Okay. So can we have Mr. Schneider and Mr. Dawson come up? Did you want Mr. Schneider?

LEG. BROWNING:

Yes, bring them all up. I'm sure everybody's got questions; no?

P.O. GREGORY:

All right.

LEG. BROWNING:

There's three chairs.

P.O. GREGORY:

Thank you. I just want to say thank you, guys, for being here. I know the hour is late, and hopefully we can resolve this quickly. I know my colleagues appreciate your sticking around at this hour. Legislator Browning.

LEG. BROWNING:

(Laughter) Was that a gentle nudge? No.

P.O. GREGORY:

No, I'm just saying.

LEG. BROWNING:

But anyway, a couple of questions. Public safety issues. I know some of these guys, I recognize them from working at Smith Point, and I don't think there's any one of them who could tell you when there's a concert going on, when the Beach Hut is having an event at the beach, that it's not important for law enforcement to be there.

And I know that when I've been down there, I've seen four, five Parks Police Officers at the beach when the concerts are going on, but not even just the concerts. How many thousands of people go to Smith Point and, you know, what kind of activities go on? I've heard about the activity that goes on, I've heard about the sex offenders that have been seen down there, about the drug activity that goes on down there. And I want to know what the difference is going to be between what our Parks Police Officers do today and what is a Parks Ranger going to be able to do? Will he have the authority to arrest like the current ones do? And, you know, I'm concerned about the public safety down there when there is a concert. And, you know, are we going to now have the 7th Precinct have to respond when there's incidents.

So I guess between the Parks Commissioner and our Police Commissioner, how are you going to handle public safety at parks like this? And not just this one, Southaven, Cathedral Pines, you know, to name a few.

COMMISSIONER DAWSON:

Well, I think you touched on it. I mean, the general plan is to hire Park Rangers and Park Rangers are certified New York State Peace Officers, they have all the powers of arrest, all the -- I mean, the same powers that Police Officers have while they're pursuant to their duties and they're working in their areas of employment. So I don't really see that we're going to have any less security in the parks than we have now. I think we're actually going to have more security in that we'll be able to hire additional people.

LEG. BROWNING:

Okay. So then what's the difference between a Park Ranger and a Parks Police Officer? It sounds to me that it's exactly the same duties, so I don't get what the difference is then. So they're just now a newer level of Parks Police.

COMMISSIONER DAWSON:

Well, I mean, I think I'll defer to the Police Commissioner, but generally, the difference between a Police Officer and a Peace Officer is what they can do when they're not in a park as opposed to what they can do while they're at a park. Am I correct in that, Commissioner?

COMMISSIONER WEBBER:

Yes, he's correct.

LEG. BROWNING:

You lost me there.

COMMISSIONER WEBBER:

Actually, they have all the powers, as Mr. Dawson said, of a Police Officer when they're in their geographical area of employ, which in this case would be the parks. Actually, we're looking to enhance patrol because what we're going to do, since the Park Rangers would be less expensive, we can hire more of them in the summertime, they'll be having more officers at these various parks. Where we didn't have fixed posts before, we intend to have fixed posts in the future, during the summer, should this go forward.

LEG. BROWNING:

So you're saying in addition to the Park Rangers, you will have officers from the Suffolk County Police Department. And I guess I can only speak for the ten West End towns, but -- so we're going to be able to have Suffolk County Police Officers patrol down there, also.

COMMISSIONER WEBBER:

No, what I said was that the Park Rangers would have Police authority while acting in their

geographic area of employ, which means while assigned to the parks, they would have all the Police powers, virtually all the Police powers that a Police Officer has when at the park.

LEG. BROWNING:

Okay. But that's what the Parks Police Officers do right now. I'm trying -- I don't understand, because when they're at the park that's what they do.

COMMISSIONER WEBBER:

The difference is that we can increase -- because the Parks Rangers will be less expensive, we can increase the number in the summertime and not have the same number of officers on in the winter time when the calls for service are dramatically reduced.

LEG. BROWNING:

Okay, so they're going to be seasonal. Okay.

My question could be for the Commissioner, or whoever wants to answer this. We budgeted for 60 -- a class of 60. Is -- our budget for the class of 60, is that going to continue, or are these 32 officers going to be part of that 60?

COMMISSIONER WEBBER:

It is my understanding that they're in addition to, but I don't know that number 60 to be a fixed number, that would be better answered by budget.

LEG. BROWNING:

Well, I guess the County Executive's Office can respond to that?

MR. VAUGHN:

So Legislator Browning, it does preserve the option, and that's what it is at this point in time. I would not -- I would not make a guarantee of what the class size will be in October, it would be silly for me to make a guarantee of that at this moment in time. Jokingly today I said that the only person who makes guarantees is Joe Namath, and he's not here tonight. But that being said, it was also discussed as part of the budget debate in November, and during the budget debate in November when we said that we were putting forward a class of 40, we cited these 30 officers that we planned on transferring in as part of the reason for the class size then.

LEG. BROWNING:

Okay. But in that budget, we budgeted, I believe, was it 60 or 75, Robert? Sixty? Okay. We budgeted for 2013 --

MR. LIPP:

In 2013 we budgeted for 75. But to be internally consistent with what Mr. Vaughn is talking about, we put money in that we thought there were sufficient funds in the budget for 75 when it was adopted. Of course that's a planning document and it's up to the County Executive to monitor the budget and make a determination about the priorities of whether or not he wanted to do that, and I believe it was 40 we actually hired.

COMMISSIONER WEBBER:

Yes, we hired 40.

MR. LIPP:

Right. So the decision at the time in the Fall of 2013 was to hire 40 and part of the argument made, I believe by the County Executive, is that the plan was to transfer the Park Police Officers earlier in the year into the Police Department.

LEG. BROWNING:

Right. We budgeted for 60, we got 40 and I think -- is there 38 graduating?

COMMISSIONER WEBBER:

Yes, there's 38 in the class as we speak.

LEG. BROWNING:

And we raised the Police District Tax, I can tell you how many times, because we're always being asked to increase the Police District Tax because we're going to get 60 Police Officers, and then we got, no, well we're only getting 40 and with 38 graduating. And then this year's budget, we said, okay, the district increase again for 60 Police Officers. And I don't want to see a smoke and mirrors game going on here and shifting the Parks Police Officers; granted, we need them on top of the 60. We still don't have enough, because I know we have lost more retirees than we have new Police Officers coming in. We had a bunch of promotions, and so when you're promoting up, now you have less POs. So we have less Detectives, we have less of everything. So as it's moving along, we're having less Police Officers; not to even talk about the fact that we don't even have enough cars for them all. But the fact of the matter is is that we budget, we raise these taxes, yet we don't get what we need.

And I can tell you right now, when I talk to the residents in my community, because of all of the bank robberies, the 20% decrease in crime, but every day -- in fact, I just got an e-mail about a TD Bank in Lake Ronkonkoma. There's bank robberies like you wouldn't believe, there's home break-ins, I've had nine just in my own neighborhood within six weeks. So, you know, we need the cops on the street and we don't have enough. And I want to know for sure because I'm not getting a guarantee that the County Executive is going to sign 60 SCINS on top of transferring these guys over.

And I'm glad to see that there is a savings, that's a good thing. But, Alan, I would like to ask, I know that this -- if somebody can explain the State bills, how many people took the test that are in this test list, as it stands right now? Alan, do you know that number?

MR. SCHNEIDER:

I don't really understand the question, Legislator Browning.

LEG. BROWNING:

Okay. They're --

MR. SCHNEIDER:

These people took what test?

LEG. BROWNING:

There's a Suffolk County Police test list and it expires, I think, next year?

MR. SCHNEIDER:

It expires December 24th of 2015.

LEG. BROWNING:

Right. And how many people took that test?

MR. SCHNEIDER:

Thirty-one thousand and twenty-six.

LEG. BROWNING:

So -- 31,026 at a hundred bucks a pop; okay. So, I know not all of our Parks Police Officers took the Suffolk County PD test, so one of the things that I've had a concern about is the possibility of a class action lawsuit. So how many of those officers could possibly enjoin, whether they win or not, they may not win, I understand that. But how much would that cost us if even 50% of them was to sue the County and possibly win at a hundred bucks a head?

MR. SCHNEIDER:

Well, number one, nobody on that list has any kind of direct property right to --

LEG. BROWNING:

Right.

MR. SCHNEIDER:

-- any position.

LEG. BROWNING:

I get that.

MR. SCHNEIDER:

Anybody has a right to bring a lawsuit.

LEG. BROWNING:

Right.

MR. SCHNEIDER:

They would have to show that the legislation that is being proposed in Albany, if it does pass, is unconstitutional to be successful in a lawsuit. And I have the County Attorney sitting next to me on my right, so that's really a legal question and I will turn it over to him to elaborate on what I've just said.

LEG. BROWNING:

Okay.

MR. BROWN:

To answer your question with respect to in terms of cost, there were -- I don't really believe that there would be an additional cost to the County at all as far as legal defense is concerned because it would be handled in-house by our lawyers, and, of course, the work that they do is in the salary lines of the Law Department budget.

In terms of the chances of success, like Alan said, it would have to -- the plaintiffs would have to establish that the State law was unconstitutional. And as you know, that in order for the plaintiffs to succeed in establishing that the law is unconstitutional, they have a heavy burden of proof. They have to prove beyond a reasonable doubt that the law is unconstitutional; I don't really see that happening. The people that are on the list, they do not have any vested interest with respect to a job offer or a job title or anything of that nature. Being on the list is just a matter of being a position on the list and with some expectation that there might be an offer of employment in the future, but there's no guarantees of anything.

LEG. BROWNING:

Well, you know, the one thing that I felt would have been best to do is to do the merger. Let this class list expire, and when that list is no longer in existence, I felt it would be easier to move the Parks Police Officers over because there's no test list, which relieves you of any possibility of a

lawsuit.

MR. SCHNEIDER:

If I can respond to that, Legislator Browning. There is never a period where we would not have a valid list for Suffolk County Police Officer. There has always been a list for Police Officer, because we have to not only service the County Police Department, but we also service the 21 additional Police Departments in Suffolk County. We do not allow provisional appointments as Police Officer, and we would be giving a new exam in June of 2015 and the list that is going to expire on December 24th of 2015 will be replaced by the list from that exam on December 25th of 2015. So there will be a concurrent list of Police Officers as there always has been; one data list expires, the next day the list new goes into effect.

LEG. BROWNING:

But this is a different circumstance. And I'm just saying, to avoid a possible lawsuit, I think it's something that should have been considered.

MR. SCHNEIDER:

I mean, that may be -- that may be the case, but this is still not something that could interrupt the flow of the exam process from a standpoint of Civil Service. Because if we don't give the exam in June of 2015, the earliest we could give the exam would be June of 2016. Because with the number of people taking this exam, the only time that we can get the 50 or so buildings that we need, the schools that we need, is in that first two-week period of June; it's the only time the schools are available to us.

LEG. BROWNING:

Okay.

MR. SCHNEIDER:

Earlier, there's always activities in the school, they will not make the schools available to us, and after that two-week period they have graduation and then they close for the summer. So we are limited as to where we could hold an exam of this size.

LEG. BROWNING:

Right, I get that. Not that we're really rushing to hire too many Police Officers anyway.

So, also, I'd like to know as far as -- I know this legislation is to -- the Home Rule Message is to move Parks Police Officers over to Suffolk PD. What could prevent a Deputy Sheriff or anybody from saying, "*Well, you know what? If they can do a lateral transfer, why can't I sue and get to do a lateral transfer too?*" What would prohibit them from doing that? Maybe Mr. Brown can answer that.

MR. BROWN:

I'm not really sure if I understand your question, but the bill, as you know, is meant to address a specific situation. And because it addresses a specific situation, it certainly doesn't confer any right on a Deputy Sheriff or any other law enforcement officer whereby he or she would have some expectation that they could move to the Suffolk County Police Department.

LEG. BROWNING:

Okay. So last and very simple yes or no answer, and I'm sure talking to a lawyer, I'm not going to get that.

(*Laughter*)

I would like to know, in your legal opinion, is can this move withstand a lawsuit -- hold on -- that you would be confident that if we were to be sued, you would win.

MR. BROWN:

Yes.

*(*Laughter*)*

LEG. BROWNING:

Wow! That was one answer. I'm impressed. That's the first time ever. Thank you.

P.O. GREGORY:

Thank you. Legislator Lindsay.

LEG. LINDSAY:

My question would be for Mr. Vaughn, if you could let me know. The Governor has his proposal where he's offering additional State aid to municipalities that merge and consolidate government functions. Have we looked at any part of that legislation or any part of that proposal, whether this would qualify for us for that second step that's in the Governor's proposal?

MR. VAUGHN:

We have looked at it and our initial findings are that we don't believe that it would, but it is something that we can continue to research. I know that the Governor's proposal is kind of in its nascent form right now, so we would be happy to continue to look at it. And just because we came up with a no answer the first time doesn't mean that we wouldn't be willing to go back and take another look. But at this moment in time, we don't think that it does qualify under that program.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Okay, thank you, Mr. Chair. Let's see, where to begin. I read through the Home Rule Message rationale. You know, the WHEREAS' help sometimes when you try to get a look at what's the -- why are we doing this, what's the premise and the proposal. But I guess I wanted to just try to look at it in a little bit more of a global perspective and maybe understand.

You know, I think sometimes I understand the full gamut of what a Police Officer does, what a Parks Police Officer does, what a Parks Ranger does, but I don't. I'm a layman. I've never been in law enforcement, so actually when it comes to the differences about the range of the powers, what a Peace Officer can do, what a Police Officer can do, you know, maybe 20 years ago for a bar exam I could do it, but I can't do it now.

And by the way, to the gentlemen who are here from the Parks Police contingent, and women that are a part of that contingent, thank you very much for what you do. I appreciate it. We have a 300-acre park right next door to us, I know that you folks are in there all the time going ahead and taking care of it. Thank you.

But, so, Commissioner, I'll begin you with you. Where do our Suffolk County Police Officers patrol? Generally, what part of Suffolk County do they operate in?

COMMISSIONER WEBBER:

The five West End towns.

LEG. KENNEDY:

Okay. And they operate in those five West End towns based on what?

COMMISSIONER WEBBER:

The Charter.

LEG. KENNEDY:

Based on the what?

COMMISSIONER WEBBER:

The Suffolk County Charter.

LEG. KENNEDY:

The Suffolk County Charter; that's right, I think. So when Suffolk County first went into effect as a Charter County back in 1958 and 1960, there was a referendum at that time amongst the ten towns and the five West End towns voted in the affirmative to come together to form a Police District; pretty much that's about it, right? And since that time, our Suffolk County Police Officers have patrolled, we have seven precincts, 2500 officers, fairly large, probably the largest suburban Police Department. Now tell me about the Suffolk County Park Police Officer, and so I guess I would go to Commissioner Dawson. Where do they patrol?

COMMISSIONER DAWSON:

They patrol all the Suffolk County Parks, from Montauk to Massapequa.

LEG. KENNEDY:

Forty-six thousand acres, approximately, right?

COMMISSIONER DAWSON:

Correct.

LEG. KENNEDY:

Okay. And how many of them do we have now?

COMMISSIONER DAWSON:

Currently there's 30 park -- 36 in all, including Lieutenant and Sergeants.

LEG. KENNEDY:

Okay. So under this proposal, then -- and I was looking on the website and I see we have parks all over the North and the South Fork. Right now they go in there and they do patrol in there.

COMMISSIONER DAWSON:

Correct.

LEG. KENNEDY:

Okay. After this proposal, after this merger, what would happen with park patrol in the five East End towns?

COMMISSIONER DAWSON:

The exact same thing that's happening now, although they will be Park Rangers. With the addition of -- in some of those -- actually, in some of the parks where we have campsites and fixed posts, we'd be able to hire additional personnel to be fixed posts in those locations.

The fact that we'll -- the amount of savings that we'll have will allow us the opportunity to hire more people at our busiest times during the year. So we will have --

LEG. KENNEDY:

Okay.

COMMISSIONER DAWSON:

-- increased coverage.

LEG. KENNEDY:

Okay. But let me make sure that I understand, because I had a chance to speak with Mr. Schneider in Civil Service, and when I was trying to understand Park Ranger, I think we had the conversation about that being a seasonal position; is that correct?

COMMISSIONER DAWSON:

That's correct.

LEG. KENNEDY:

Okay. So what does that mean, then, Commissioner? How long does the seasonal person work for the County of Suffolk?

COMMISSIONER DAWSON:

Well, it depends on -- it depends on the season. We'll have people who work throughout the year and we'll increase those numbers from --

LEG. KENNEDY:

Well, we have four seasons in a year.

COMMISSIONER DAWSON:

Well, we have -- we have the -- *(laughter)*. We have the busy season and non-busy season.

LEG. KENNEDY:

Okay.

COMMISSIONER DAWSON:

You know, prior to Memorial Day and after Memorial Day.

LEG. KENNEDY:

Okay. Well, how about if I direct this question to Mr. Schneider, then. Alan, what does Civil Service say about a Park Ranger? What's the season?

MR. SCHNEIDER:

The season.

LEG. KENNEDY:

Yes.

MR. SCHNEIDER:

The season is for any employee, not necessarily a Park Ranger.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

A seasonal employee under Civil Service Law is defined as an employee who works full-time between two weeks prior to Memorial Day --

LEG. KENNEDY:

Uh-huh.

MR. SCHNEIDER:

-- and two weeks after Labor Day.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

That is the season, which is the peak season on Long Island --

LEG. KENNEDY:

Sure.

MR. SCHNEIDER:

-- when there are tourists, people in the parks --

LEG. KENNEDY:

Right.

MR. SCHNEIDER:

-- people in the beaches, people in the East End --

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

-- etcetera. So that is the season that is defined when people who are not on Civil Service lists are allowed to work full-time without being on Civil Service lists. During the rest of the year, those people who would be hired as Park Rangers would be considered part-time employees and they can work up to and a maximum of half the work week.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

Fifty percent of the work week.

LEG. KENNEDY:

So what is that; that's 17 hours, 20 hours?

MR. SCHNEIDER:

Depending on the contract that they fall under. If it's the blue collar contract, 20 hours or less; if it's the White Collar contract, 17-and-a-half hours or less.

LEG. KENNEDY:

Okay. I'm going to come back to that in a second, if I can. So then let me go back to you again, if I can, Commissioner Dawson, please.

So what's our camping season here, like right over here in Blydenburgh? How long throughout the year can folks bring in their RVs and set up at the campsites and things?

COMMISSIONER DAWSON:

They can camp from mid-April till, I guess, mid-October, but the peak season being Memorial Day through -- oh, I'd say Columbus Day.

LEG. KENNEDY:

Yes, I understand that. So yeah, sure. Listen, March doesn't look too good, I have no reason to expect April's going to be much better. Folks don't want to come out, you know, and camp in 30 degree weather, I get that.

COMMISSIONER DAWSON:

Correct.

LEG. KENNEDY:

But -- so, if I can understand, then, Alan, we would have these rangers full-time from May 15, but prior to that and after September 15, we could only have them part-time.

MR. SCHNEIDER:

That is correct.

LEG. KENNEDY:

Okay. All right. So, now, let me see if I can understand with these Park Rangers, then. A Suffolk County Police Officer and a Suffolk County Park Police Officer -- and we'll talk about the Parks Police Officers in a second. My understanding is some of them have gone through our academy, some of the folks that might have come on way back when, when I got to see that list, may not have necessarily gone through an academy. You're shaking your head no.

COMMISSIONER DAWSON:

No, but they've all been through the Police Academy.

LEG. KENNEDY:

All 36 of our people have gone through the full Police Academy that our Police cadets go through now?

COMMISSIONER DAWSON:

Yes, that's my understanding.

LEG. KENNEDY:

I don't know if that's necessarily something that's accurate. We have some folks that have been on since back in the '90s and I see one gentleman who goes all the way back to '71. At that time, they were Park Rangers, I believe, right?

COMMISSIONER DAWSON:

Yes, and I believe they went through the Police Academy, at some point. I mean, I could call up the --

LEG. KENNEDY:

Well, a Peace Officer doesn't go through a Police Academy. A Peace Officer by statute has a reduced amount of training.

COMMISSIONER DAWSON:

Right, but when they became Police Officers, it's my understanding that they went -- those employees that were hired prior to that date went through the academy.

LEG. KENNEDY:

So it's your statement here tonight, then, that all of these folks -- look, ultimately that's up to the Commissioner, I guess, if this merger goes through, if, you know, the Home Rule Message passes and the State looks at it. Is there any element of -- I don't know if I necessarily want to say a discretion, but do you have some ability, then, Commissioner, to take a look at each one of the folks that are involved in this, or are the bills self-executing? I don't know, somebody's grabbing for the microphone.

MR. BROWN:

I'll -- I mean, the Commissioner's looking to me, but I'm sure he can certainly answer the question as well. I don't know if you've seen the actual proposed State legislation, Legislator Kennedy.

LEG. KENNEDY:

I have, thanks.

MR. BROWN:

But it does refer to that the agreement -- that the transfer would be through a negotiating process. So, yes, the Commissioner does have discretion.

LEG. KENNEDY:

It would be negotiated between the collective bargaining unit, which would be the PBA, and our Personnel and Labor Relations Director; is that it?

MR. BROWN:

It would be negotiated between the County, it would be negotiated between the bargaining unit, and I -- I would have serious doubt that nobody would talk to the Commissioner about what the department's needs were and what the County's needs were during that process.

LEG. KENNEDY:

Well, but you didn't answer as to who would be the negotiating entity on our County side. Is it you or would it be Ms. McNamara?

MR. BROWN:

No, not me. And certainly the Director of Labor Relations would play, you know, a high role, that's for sure.

LEG. KENNEDY:

Okay. All right. Well, that's one of the questions that I had there. But you brought up the bill, so let's talk a little bit about the bills, Dennis. Are the bills self-executing?

MR. BROWN:

I'm not sure what you mean by self-executing.

LEG. KENNEDY:

In other words, when the State -- assuming that the Home Rule Message passes and it goes to Albany, and if the Senate and the Assembly pass the bills, which are mirror versions, and the Governor signs it, is the merger then legally complete?

MR. BROWN:

No.

LEG. KENNEDY:

It is not.

MR. BROWN:

No, because it's subject to negotiation. It says that the transfer can take place in a negotiated way. It doesn't -- the bill doesn't say that 36 people are going to automatically be transferred on 12:01 of the day the bill goes into effect. All it does is grant authority to the County to negotiate with the employees -- with the employees -- with the employees' representatives, and that that can be -- and that the transfer can be accomplished through a negotiated process.

LEG. KENNEDY:

Through a negotiated process. So earlier Mr. Vaughn had told us that if it passed the State Legislature, it would come back to us in the form of a resolution. But what you're saying the bill does is grant authority for the two named entities to negotiate, to effectuate it.

MR. BROWN:

I'm sorry. Is that -- I don't mean to be disrespectful, but --

LEG. KENNEDY:

Not at all. No, what I'm saying is is --

MR. BROWN:

Because I don't see -- I don't see a disconnect between what you're saying and what Mr. Vaughn had said.

LEG. KENNEDY:

Well, the one disconnect I see there is is us, we're not mentioned in that. There's -- we talked about Personnel and Labor Relations, we talked about the PBA, but there's nothing here that says whatever's negotiated would then be subject to ratification by us.

MR. BROWN:

But I don't think that what I said or what -- or even what you're describing Senator -- I'm sorry (*laughter*).

LEG. KENNEDY:

You know, you guys really are trying to promote me out, aren't you? You know? Teddy was a good guy.

MR. BROWN:

I didn't call you Ted. Bobby? (*Laughter*).

LEG. KENNEDY:

Could be.

MR. BROWN:

But in any event, you certainly know the negotiation process as well as anybody else and you know that it's between the employees' unions and the County Executive's Office.

LEG. KENNEDY:

I do.

MR. BROWN:

And within certain parameters it comes back to the Legislature.

LEG. KENNEDY:

Well, that's the piece that I was asking to hear. So, in other words, it's your representation here that whatever the agreement is that's negotiated between the parties would be subject to our final approval?

MR. BROWN:

I can't say that, because you know what the parameters are with respect to the Legislative role in approving a collective bargaining agreement. But if Mr. Vaughn -- I cannot speak for Mr. Vaughn.

LEG. KENNEDY:

No, I'm not asking you to.

MR. BROWN:

But if Mister --

LEG. KENNEDY:

But I am pointing out that there was a disparity between what the two of you said. Yes, we cannot negotiate the internal terms and conditions of a negotiated labor agreement, but we have just seen three of the law enforcement agreements before us that we voted yes or no on. This is different than that, isn't it?

MR. BROWN:

Oh, yes it is, yes.

LEG. KENNEDY:

Very much different than that.

MR. BROWN:

Yes.

LEG. KENNEDY:

So it sounds to me like while there's a good faith representation on the part of Mr. Vaughn, I believe what he steps to the podium and says sounds to me like there might not even be a place for that in this legislation.

MR. BROWN:

I don't know if I would jump to that same conclusion, Legislator Kennedy.

LEG. KENNEDY:

Well, you know what, Dennis? I think that's one of the issues that I find is kind of problematic at this point, because I've tried for the last couple of days to get an answer to that, including contacting Senator LaValle's Office and Senator Flanagan's Office; as of yet, I got no answer. But you know what, we'll leave that aside. Let me try Mr. Schneider for one second and then I'll yield.

Alan, why are we looking at this in the form of two State pieces of legislation? Why didn't we just do this locally?

MR. SCHNEIDER:

Well, let me preface that by saying that the Park Police Officers, and I'm sure you all share this opinion, do an excellent job --

LEG. KENNEDY:

No doubt.

MR. SCHNEIDER:

-- in the parks and the beaches and are very responsible, and I'm sure you all share the same respect for them that I and my office have for them.

LEG. KENNEDY:

Absolutely.

MR. SCHNEIDER:

However, as the Director of Civil Service, when the County Executive came to me originally and asked me to do this locally by means of the reclassification process, which is the change of an individual's title -- in this case from Park Police Officer to Police Officer -- that required them being on the current Police Officer list.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

As it does with all reclassifications that we do in the Civil Service Department, whether it be from Clerk Typist to Senior Clerk Typist or Senior Accountant to Principal Accountant. We go in, we see what they're doing, we verify the duties and we make a determination that a reclassification is going to take place. However, before that can happen, the people who are going to get reclassified must be on the current list and reachable on the current list.

In the case of the 35 or 36 Park Police Officers, there was no legal way for us to accomplish this. There are currently three of the Park Police Officers who are sitting at the top of the Police Officer list with scores of 97.5 who are eligible to be appointed as Police Officers in the next class, whenever that will be. There are another four Park Police Officers with a score of 95 who, if we have a class this year and another class, could very well also be reachable --

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

-- on that Police Officer list, but that leaves the remaining 27 or 28 people who are not reachable. So when I explained to County Executive Bellone the reasons why we could not do this, that I did not have any legal methodology to reclassify the Park Police Officers to Police Officer positions, we talked about that at some length and he basically said to me, *"Okay, I understand that. I respect that. But I want to give you a heads up that if you cannot do this locally, then what I am going to try to do is seek State legislation to get this law changed in a way that I can do it through State legislation."* My response to him was, *"You're the County Exec, that's your prerogative."*

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

And that basically ended the conversation and basically ended my involvement in this process.

LEG. KENNEDY:

Okay. Have you looked at the bills, Alan?

MR. SCHNEIDER:

Yes, I have.

LEG. KENNEDY:

Okay. You just explained to me in great detail and with a lot of knowledge -- I mean, you're basically preeminent in the State and Civil Service -- about something that discusses reclassification. But when I look at these bills, I don't see that word. I see one action word that's called *transfer*. Now, I looked in the Civil Service Rules and Regs and I looked at *transfer* and it talked about comparable function. Am I just not understanding?

MR. SCHNEIDER:

Well, you wouldn't see the word *reclassification* in the bill either.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

Because reclassification does not belong in the bill.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

And the word *transfer* would imply, to me, locally --

LEG. KENNEDY:

Uh-huh.

MR. SCHNEIDER:

-- the implication that movement from one title in one department to the same title in another department.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

Which, in this case, it is something different.

LEG. KENNEDY:

It's not the case; these are two different titles.

MR. SCHNEIDER:

It is.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

However, if the State legislation -- the bottom line, Legislator Kennedy, the bottom line is if this State legislation passes, it will then make it legal.

LEG. KENNEDY:

Who am I to question the State Senator or Assemblyman? Here we go.

Look, I've kept the mic for a long time, let me yield and put off. But thank you, Alan. I appreciate it.

P.O. GREGORY:
Legislator Barraga.

LEG. BARRAGA:
Good evening, gentlemen. My questions will be directed to Dennis Brown. This morning a little after nine o'clock I received an e-mail, a two-page e-mail from you detailing certain elements of this particular transfer, and I sat down and I read it right away, which, among other things, is an indication of how boring my life really is.

(*Laughter*)

MR. BROWN:
I sent it (*laughter*).

LEG. BARRAGA:
But I'd like you -- going back to Legislator Browning, she was talking about the vested or lack of vested rights. You discussed that in your memo.

MR. BROWN:
Yes.

LEG. BARRAGA:
I'd like you to go into detail on that, as well as the other two issues which had to deal with the types of transfers contemplated and the pension rights. Because especially with the vested or lack of vested rights, you seem very secure in your comments in terms of previous case precedence that if there was a challenge there you would be successful.

MR. BROWN:
That's correct. So as you know, that a Civil Service employee, for example, has a vested right, has a property right in his or her position, and in order for the person to lose that position, the person is entitled to due process. That means if the person is going to be -- before the person can be removed from his position or her position, he or she is entitled to have charges brought against him or her, they're entitled to the opportunity to be heard, and they're entitled to a fair adjudication; that deals with procedural due process. Substantive due process deals more with a right that a person has in the law. So not only do they have -- not only does the person have a right to procedural due process, but the person also has a guaranteed right to the position. That same type of status is not conferred on the person who has just taken a test. That type of status -- that type of status is -- you know, is afforded to somebody that has been appointed and somebody who has gone through the probation period and somebody who has earned that right.

On the pension issue, that's a procedure --

LEG. BARRAGA:
Before you go to the pension issue, there was a statement you made which I thought was very strong, it says; *"Moreover, there exists a strong State policy underlying the broad hiring discretion vested in the appointing authorities under the statute, and an applicant has merely a 'hope of appointment' from having passed the Civil Service exam not a legally, cognizable or protectable interest in the appointment."*

MR. BROWN:

That's correct, they still have to go through the process, eventually leading to the appointment, and different positions have different levels of scrutiny.

LEG. BARRAGA:

All right. Now, let's go under pension rights.

MR. BROWN:

That's an easy one because that's set forth in the Statute, so. And I didn't go into too much explanation on that because it's a procedure that's commonly utilized. People move from the retirement system to the Police system or from the teacher system to the police system, so that's statutorily laid out.

LEG. BARRAGA:

Okay. And the types of transfer contemplated that you indicated it's a transfer of position?

MR. BROWN:

Yes. Now, this is -- and this sort of does relate to what Legislator Kennedy raised as well. This is an amendment. It adds a Subdivision 7 to Section 70 of the Civil Service Law, and Section 70 of the Civil Service Law deals with transfers. And there are several different Subdivisions of the Civil Service Law and it basically -- the Civil Service Law basically says that you can't have a transfer unless there is that -- the exact language is -- it says that -- it says that no -- *"No employee shall be transferred to a position for which there is required by this chapter,"* that's the Civil Service Law, or the rules, those are Civil Service rules, *"established here under where there's an examination involving essential test or qualifications different from or higher than those required for the position held by such employee."* So that's the -- that lays out the essential rule relating -- relating to transfer.

But there's also an exception to that rule and the exception is found in section -- Subdivision D -- 6 of Section 70. And so when we crafted this, we crafted this after what New York City did in 1993, and that allows for transfer via a negotiated agreement. And this isn't something that we did lightly either. One of the things that we did was we pulled a Legislative Memorandum that was adopted that was used to help adopt a bill in 1993. And in that -- and in that Legislative Memorandum, it talks about -- it talks about really the need for the City and its employees to be able to effectively, efficiently streamline the filling -- the filling of positions. And if you were only guided by Section 70 -- 70 Subdivision 1, it would have been difficult for the City to do that. So they asked for this type of relief, and the Legislative Memorandum had indicated how this -- how this subdivision would actually allow the City to more readily deploy its employees and help deliver County services. So when we -- when we drafted this bill, we modeled that after Subdivision 6.

LEG. BARRAGA:

Okay, very good.

The final comment I'll make, and maybe even a question, when these Home Rules go up to the State Legislature and there's a bill in the Assembly and the Senate, they're usually uni-bills. The attitude of the Legislator usually is that, *"Well, I'm putting the bill in, but it's the locals who want it. That's why we're putting the bill in."* They never want to take any responsibility, especially if there's a negative associated with the bill, so they'll blame it on the locals.

In conjunction with what Mr. Kennedy was asking you before, if the bills pass in the Assembly and the Senate and there's negotiation between the parties, can someone assure the Legislature that at some point in time, like with the PBA contract or with the SOA contract, that we'll be able to sign off on this?

MR. VAUGHN:

Absolutely, Legislator Barraga.

LEG. BARRAGA:

Okay. Thank you.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. And actually, Legislator Barraga asked the question that -- that was my last question but he answered it, that at what point -- and I guess at what point would we -- would it come back before this elected body?

MR. VAUGHN:

Legislator Krupski, I think it's important to remember this is a Home Rule Message that we have before us and it's a step in the process. And there will be a final step in the process and we have pledged to bring back -- whether it be -- whether we talk to Dennis Brown and it's a Local Law, whether it's a resolution, whatever it is, we have promised to provide this Legislature with a second bite at the apple, or a third or fourth depending on how you want to count it. Because as I said, this has already been discussed as part of the budget last year when we went through the budgetary process. This is a Home Rule Message and you had another step in the -- rung in a ladder, pardon me.

LEG. KRUPSKI:

Thank you. So then the question, I think, would be to -- well, I don't know, whoever would want to answer it. Because in the East End, of course, a lot of the burden for patrolling the parks falls under the local municipalities, currently.

Now, when this structure is set up mechanically as to who's going to patrol this park, you know, we name the parks, you need coverage here, it's going to be -- it was clearly defined what seasonal is and clearly defined what part-time is. And how flexible is the structure going to be, especially if we find that certain parks on the East End do need more coverage.

COMMISSIONER DAWSON:

I mean, that's the beauty of hiring part-time employees, you can kind of hire them at will and you can deploy them at will. So if we find that we need to hire additional -- additional staffing to say cover Cedar Point Park, we can do that and not necessarily have to wait for a class to go in or anything, we could hire them when we need to, relatively quickly.

LEG. KRUPSKI:

You say even within the season, let alone, you know, going forward to next season.

COMMISSIONER DAWSON:

Absolutely. And we routinely hire seasonal employees all the time. I mean, a good portion of the Parks Department's budget is seasonal employees and we gear up towards the season. So, I mean, we're set up to do that anyway.

LEG. KRUPSKI:

I have reached out to my local departments and -- can I get some assurance that their input will be considered when you set up the structure, you know, of safety on the County parks?

COMMISSIONER DAWSON:

I'm sorry, I'm not understanding your question.

LEG. KRUPSKI:

Well, I mean, some of the burden of policing falls on the local departments, so their input, I think, would be valuable when you set up the structure of how many people are going to be working at each park. Or if they're not -- if they're not parks that are developed, how many people would be -- you know, go through a routine patrol, at least drive by parks that have no trails or anything? So that the County would be providing some coverage.

MR. VAUGHN:

I would like to quote Jon Schneider and say, "*Our door is always open,*" so we'd be happy to have those conversations with the local Police.

LEG. KRUPSKI:

Thank you.

MR. VAUGHN:

I would also point out that one of the things that Commissioner Dawson -- and I hate talking when I think that I've answered a question, but I think that one of the things the Commissioner Dawson could point is what the current number of Police that we typically have patrolling both forks are right now. And it is my understanding that a lot of the local police departments do respond to the majority of calls in those parks on the East End at this point in time currently.

LEG. KRUPSKI:

I'm glad you said that. That was -- that leads me into my last point, and it's the impact on the revenue sharing agreement that the County has where the taxes are collected by the whole County and that there's a revenue sharing agreement that's very loose with the East End towns for public safety. And I know Legislator Schneiderman has been working on this for quite a while to try to get something that's set in place, so every year we don't have to have the same sort of negotiations at budget time. So that was a very good point. I really appreciate you bringing it up. And as we continue with this body, I think it was important to note that the revenue sharing should be something that's kind of codified by us going forward. Thank you.

P.O. GREGORY:

Thank you. Legislator Trotta.

LEG. TROTТА:

A couple of quick questions for Mr. Schneider. There's two tests, there's the Parks Police test and the Police test; is that correct?

MR. SCHNEIDER:

Yes.

LEG. TROTТА:

Okay, so these guys come off the Parks Police test. The current Parks Police Officers came off the Parks Police test.

MR. SCHNEIDER:

Most of them, yes.

LEG. TROTTA:

You're confident that if the State Senate and the Assembly agree that this is okay and they can merge in, it's fine?

MR. SCHNEIDER:

Am I confident?

LEG. TROTTA:

Have you ever heard of this in the past?

MR. SCHNEIDER:

I really do not follow State legislation other than legislation that pertains to Suffolk County, so I really don't know about any precedent for that, Legislator Trotta.

LEG. TROTTA:

Okay, just another -- one quick pension question. Is the County going to be liable for any kind of pension payments if let's say someone with 18 years in the Parks Police goes three more years, retires and we owe more money because they're in a different system? I don't really understand how that works. Are they going to get a Police and Fire pension, are they going to get, you know, another pension? Because -- do they have to do 20 years in Police and Fire to get their pension?

MR. SCHNEIDER:

Well, once they go into the Police Department, they would be covered by the Police Pension System. As far as back time as Park Police Officers, I do not know the answer to that question. That really would have to be directed to either the Budget Office or Audit and Control. That's not really a function of our department.

LEG. TROTTA:

I just wanted to -- you know, when you look at the numbers, you know, this year, or next year for 2015, it will cost 4,000 -- excuse me, \$4,551,000 if they're here and they're going to be replaced with someone that costs, you know -- for the Park Rangers, for 436,000, 10% of the cost. I mean, the question is almost how come we didn't do this years ago? You know, if they're going to do the job, you know, the Park Rangers can do it for 10% of what we've been paying the Police for. I just want to make sure there's not, you know, a million dollars per person if they retire in three years, that we have to pay into the pension fund. I mean, if that's not the case, but no one can tell me if that's the case or not.

MS. CORSO:

I have the answer. They become day one PFRS employees. So if someone has three years of PFRS, they wouldn't be vested. What they can do is they can buy back their ERS time, but you cannot buy your PFRS time.

LEG. TROTTA:

Is it going to cost the County any money if someone --

MS. CORSO:

No.

LEG. TROTTA:

-- retires in three years with --

MS. CORSO:

No. It would cost them what the ERS pension is, just like any other employee.

LEG. TROTTA:

Can you give me an example of, let's say if someone with 25 years on works three years as a Police Officer then retires, what would their pension be?

MS. CORSO:

They would retire under a civilian pension.

LEG. TROTTA:

So until they reach 20 years, they don't get -- there's no cost to the County for their pension?

MS. CORSO:

Not in the PFRS, unless they're vested. They will start day one PFRS employee.

LEG. TROTTA:

What I'm trying to get at is there's no responsibility for the County to pay back any --

MS. CORSO:

There won't be any retro, no.

LEG. TROTTA:

Okay. And something that someone might think about is vacation picks and test seniority; will they come into -- is that something that's been thought about? Like if they're going to get put into squad, are they going to bump people who have been in the Police Department for many years in terms of vacation picks? And if their test seniority for a Civil Service test, what does that start from?

MR. SCHNEIDER:

As far as seniority, all the Park Police Officers will come in with their seniority from their first date of permanent service in the classified system. So anybody that came in in, let's say, 1995 as a Park Ranger, or somebody who came in in 1975 in the Parks Department in a permanent title and subsequently became a Park Ranger, and subsequently to that became a Park Police Officer, and then became a Police Officer, would have their original date of seniority back to 1975. That's Civil Service Law; from the date of their original service. That is for seniority purposes, that would pertain to such things as promotional credits on a Civil Service exam, that would pertain to bump-and-retreat analysis on a layoff. Whether it would pertain to lay off -- to vacation pick, that's up to the union contract. I have no idea as to the answer to that.

LEG. TROTTA:

Okay.

P.O. GREGORY:

All right, thank you. Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Chairman. I really just wanted to extend some thanks, first of all, to our Budget Review Office to -- for preparing that detailed report so quickly for us once we asked. And to all of the members of the Administration, from Budget Director Corso, to Tom Vaughn, to Dennis and Alan and Commissioner Webber, Commissioner Dawson; all of you have been very forthright and accessible when it came to answering questions that, you know, were very technical in nature and involved.

Coming out of Government Operations Committee last week, I had some real reservations about this bill. But as a result of the process of discussion and discourse here, I'm convinced that it's -- that it's the right decision for the County. So I just wanted to say thanks to all of you for your work on

this.

MR. BROWN:

Thank you.

P.O. GREGORY:

Okay. Let's vote. Madam Clerk, we have a motion?

MS. ORTIZ:

(Nodded in the affirmative).

P.O. GREGORY:

Motion to approve with a second.

MS. ORTIZ:

Yes.

P.O. GREGORY:

You guys want to do a roll call? No?

LEG. HAHN:

No.

P.O. GREGORY:

Okay. All right, no roll call. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. KENNEDY:

No roll call? I'm sorry, I thought we were going to do roll call. I was going to make a comment, but that's all right.

P.O. GREGORY:

All right. Thank you, gentlemen.

All right, it is 11:13, let's see if we can get through the agenda. Oh, we have some people that have been waiting for several hours from Alternatives, I apologize. If you look in your red folders, we have IR 1319. I'll entertain a motion from Legislator Schneiderman to take it out of order.

D.P.O. SCHNEIDERMAN:

Motion to take 1319 out of order.

P.O. GREGORY:

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

1319-14 - Approving County funding for Southampton Alternatives for the provision of Substance Abuse Services (County Executive).

D.P.O. SCHNEIDERMAN:

They've been here for the last seven hours.

P.O. GREGORY:

Let him call it.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. All right.

D.P.O. SCHNEIDERMAN:

So it's a CN, these individuals have been here for the last seven hours. Maybe they could come up. There is an issue with their funding, and the Administration brought the CN, so maybe, Mr. Vaughn, if you could explain it. I think this needs -- as a CN, but even otherwise would need a 12-vote to pass it.

P.O. GREGORY:

Let's get a motion first. So we'll do same -- we have a motion by Legislator Schneiderman. Second by Legislator Cilmi.

LEG. HAHN:

I'll second it.

P.O. GREGORY:

Or second by Legislator Hahn, sorry. Mr. Vaughn?

MR. VAUGHN:

I'm -- with all due respect, Mr. Presiding Officer, I'm going to defer to Dr. Tomarken on this. The bill came -- originated in the Health Department. I think that I would rather leave it to the experts to explain it.

P.O. GREGORY:

Okay. Fifty words or less.

*(*Laughter*)*

DR. TOMARKEN:

Thank you for your time. I'm going to ask Art Flescher, our Division Director of Community Mental Hygiene, to explain the need for a CN on this issue.

MR. FLESCHER:

Good evening. I know I have everybody's undivided attention on this (*laughter*). Basically, this is an issue that there's a County law dating back to 2007 that requires that administrative costs for County funded agencies not exceed 20%, and we were informed recently that one of our agencies, Alternatives, was, in fact, over 20% at 22%. What that would mean is that they could not get their County contract executed, which would mean there would be absolute stoppage of cash flow. Chris Epifania, who's the Director of the agency, would be happy to share the reasons behind it, but the bottom line is even in their 2014 budget, it is below 20%. And even with that, they only receive 15% County funding and 85% of it is Federal and State pass-thru. So really it doesn't necessarily apply to them to begin with. But the reason we obviously did the Certificate of Necessity request is to keep the money flowing. There is no addition to their budget, it's simply a procedural issue. We've been assured that they're now below that percentage regardless, but that's why we present it today, because otherwise they would have -- basically we would have to go through the entire process and their contract would not be executed probably well into June, I would manage, by the

time it was done.

D.P.O. SCHNEIDERMAN:

So not passing this would ultimately result in them closing their doors for a few weeks, if not months, so.

MR. FLESCHER:

Certainly, I'm sure Chris would attest to the fact she'd be coming to us and saying, "What am I going to do?" Because she would either have to take out a loan, which they're already in the midst of anyway in the process of conducting business, but we wouldn't have any recourse as to how to reimburse them for expenses until a contract was executed.

D.P.O. SCHNEIDERMAN:

Okay. And this is a contract, we've had this contract for a number of years now. It's all substance abuse counseling, what Alternatives is doing.

MR. FLESCHER:

Yes, this is for chemical dependency, prevention and treatment. Again, it's this contract, we're in the midst of a three-year contract, in fact, so this would be just a continuation of that contract. There's no additional funding involved in this, this is just to waive the issue surrounding the 20% administrative cap.

D.P.O. SCHNEIDERMAN:

No, right. And the amount we're talking, it's an \$883,292 that the County provides to Alternatives?

MR. FLESCHER:

Eighty-five percent of which is Federal and State pass-thru.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

All right. Any more questions? Okay, we have a motion and a second, right?

MR. LAUBE:

(Nodded in the affirmative)

P.O. GREGORY:

All right. All in favor?

LEG. D'AMARO:

DuWayne?

P.O. GREGORY:

Oh, Legislator D'Amaro.

LEG. D'AMARO:

I just -- I'm sorry, I was distracted, I apologize. But you said that the organization is now within the 20% threshold?

MR. FLESCHER:

Yes. Their 2014 budget that's been approved by the Department of Health is at 19%, a little bit over 19.

LEG. D'AMARO:

You were originally placed on the list by the Comptroller, is that right?

MR. FLESCHER:

That's correct.

LEG. D'AMARO:

Okay. Has the Comptroller certified that you're within the 20%?

MR. FLESCHER:

No, but I believe the department has certainly certified that. The Comptroller can't certify that until the actual final course report for 2013 comes in, and that is not going to be in until well into the -- later in the spring.

LEG. D'AMARO:

Oh. So what you're saying is that the Comptroller's report was accurate --

MR. FLESCHER:

Based on 2012 figures, yes.

LEG. D'AMARO:

Right. So you were on the list because the Comptroller's report was accurate--

MR. FLESCHER:

Yes.

LEG. D'AMARO:

-- for 2012.

MR. FLESCHER:

Right. But Chris can speak to the fact that there may have been some miscalculations that she's working with her auditing firm on, so in her view, it was always lower than it appeared even in that report. But that being said, yes, I'm not suggesting the Comptroller made a mistake. There may have been some auditing issues, some accounting issues at the agency. But certainly for 2013, that information is not available yet. In 2014, the budget that we've approved is at 19.4, I believe.

LEG. D'AMARO:

No, but the point is that if you're on the 2012 list, that means in 2012 that your administrative costs exceeded the 20% threshold.

MR. FLESCHER:

Yes.

LEG. D'AMARO:

Right.

D.P.O. SCHNEIDERMAN:

Two percent.

LEG. D'AMARO:

And as a result of that, your funding that was provided in the 2014 budget was withheld.

MR. FLESCHER:

It would be at this point, unless we can pass this resolution, yes.

LEG. D'AMARO:

Right. So if the Comptroller put you on the list, to me, the way you come off the list is by working with the Comptroller's Office, as every other organization similarly situated to you has been doing. You can't just say, "*Well, we're off the list now.*" The Comptroller needs to tell us that you're off the list.

MR. FLESCHER:

In discussions with the Comptroller, this was the suggestion as to the way to resolve this. This has been done with other agencies, apparently.

LEG. D'AMARO:

Like which one?

MR. FLESCHER:

Sure.

MS. CORSO:

Lou, with the Local Law that pertains to this 20% administrative cost, this is their recourse to come in and get a waiver. So what they are seeking today is a waiver of the 20% administrative costs.

LEG. D'AMARO:

Right.

D.P.O. SCHNEIDERMAN:

It was at 22?

LEG. D'AMARO:

Right, but --

MS. CORSO:

It's like 23%, and I think they have an explanation.

LEG. D'AMARO:

Well, their explanation is that we were over and now we're not.

MS. CORSO:

Yeah, I think they had some kind -- I mean, I don't want to speak for them, but I think it was like a special circumstance where they had a Comptroller who was leaving so they had some overlap of --

LEG. D'AMARO:

Right. So your position is not that you didn't belong on the list in the first place. You're the position is that we were on the list, we were slightly over the 20% threshold, but now we're no longer above the 20% threshold.

MS. EPIFANIA:

Our history has been to be under that 20% threshold. In that one year, it seems that we were over it. We are relooking into it to make sure that that is accurate. At this point in our operating, we've incurred two-and-a-half months worth of expenses, because we've been operating the program and have a \$250,000 loan that has been totally used in order to cover those expenses.

LEG. D'AMARO:

Okay. I understand. But who is certifying now that your present operation is now meeting the requirement?

MS. EPIFANIA:

We're line-itemed on our budget and we have not spent over the lines on our budget. Everything that we spend has to be approved --

LEG. D'AMARO:

Your budget for 2014 --

MS. EPIFANIA:

'14, that's right, and also 2013.

LEG. D'AMARO:

Who's reviewed those budgets?

MS. EPIFANIA:

Audit and Control reviews them. In other words, before we --

LEG. D'AMARO:

So the Comptroller's Office.

MS. EPIFANIA:

No.

MR. FLESCHER:

The 2014 budget has been reviewed by the Health Department --

LEG. D'AMARO:

Right.

MR. FLESCHER:

-- as part of the role with the division --

LEG. D'AMARO:

So has the Health Department represented that you're within the threshold?

MR. FLESCHER:

Yes.

LEG. D'AMARO:

Where?

MR. FLESCHER:

I'm part of the Health Department, I work for the Division --

LEG. D'AMARO:

You're asserting that now?

MR. FLESCHER:

No. I am saying that the information we received from fiscal and the Health Department was that the budget of record that's been approved, which they're going to hold to --

LEG. D'AMARO:

Right.

MR. FLESCHER:

-- is at 19%.

LEG. D'AMARO:

Okay. All right, so then being on the list compelled them to revisit their budget and get within the threshold that's been presented to the Department of Health and it's now within the parameters that we set.

MR. FLESCHER:

Yes.

LEG. D'AMARO:

Okay. That's good news. Thank you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thank you. Art, has Southampton Alternatives received all of their funding for 2013?

MR. FLESCHER:

I believe, yes.

MS. EPIFANIA:

As of today, we received our last check for December, 2013.

LEG. CILMI:

Was that check being held as a result of the Comptroller's questions as it related to the percentage of your administrative expenses?

MS. EPIFANIA:

No.

LEG. CILMI:

Okay. Because I'm aware of other agencies where the Comptroller may be holding payments that were due in 2013, as a result of 2013 contracts, because it was -- they came to the conclusion that the administrative expenses exceeded that 20% threshold. But that wasn't the case with your agency.

MR. FLESCHER:

No, no. Our situation was that we were just informed -- last week, in fact -- that it was to be held at this point, which is why we approached this body with this urgency. But we -- all payments were made in 2013. And again, they're within compliance now, and --

LEG. CILMI:

So you were -- the Health Department was just told last week. Were you -- Ma'am, were you just told last week, then, as well that you were not in compliance --

MS. EPIFANIA:

Yes.

LEG. CILMI:

-- in your 2012 expenses?

MR. FLESCHER:

Well, we had been working with them overall. Because keep in mind, there's a larger issue which is there's a State Executive Order 38 which requires programs to get down to 20%, they're actually going to have to get down to 15% in a year.

LEG. CILMI:

Yeah, but that's not my question.

MR. FLESCHER:

Okay.

LEG. CILMI:

That's a whole other issue.

MR. FLESCHER:

Right.

LEG. CILMI:

My question is you only found out a week or so ago from the Comptroller's Office that you were not in compliance in your 2012 accounting of your expenses?

MR. FLESCHER:

We were notified, reminded of it. It may have been presented to us, but I only became aware of it last week.

LEG. CILMI:

And I don't know that there's any requirement that they let the Health Department know. Certainly there's a requirement that they -- you know what? I'm not even sure that there's a requirement that they let the agency know.

MR. FLESCHER:

No, and we've had discussions with them about that. I think in the future -- we're now aware that we would be responsible for notifying the agency. We did not notify them when that list first came out. We've had discussions with the agencies overall. We weren't alarmed by it because we knew that historically this agency was below that, we saw it as an anomaly. But if we had known it would reach this point, we certainly would have.

LEG. CILMI:

Did the Comptroller's Office undertake any audit of your organization?

MS. EPIFANIA:

The Comptroller's Office audited us for 2011.

LEG. CILMI:

Okay. But subsequent to coming to the conclusion that you didn't meet within the requirements of that 20% law, they have not audited you?

MR. FLESCHER:

No, the audit they had was prior to that.

LEG. CILMI:

Okay. Okay, thank you.

P.O. GREGORY:

All right, let's vote. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. HAHN:

I'm here.

MR. LAUBE:

Seventeen (*AMENDED VOTE: Sixteen (Not Present: Legislators Lindsay & Krupski)*).

P.O. GREGORY:

Okay, motion passes.

MR. FLESCHER:

Thank you.

MS. EPIFANIA:

Thank you.

P.O. GREGORY:

Let's get back to -- where is Legislator Hahn?

LEG. HAHN:

Right here.

P.O. GREGORY:

Oh. You guys want to do Procedural Motion No. 7?

LEG. CALARCO:

We're back to that?

D.P.O. SCHNEIDERMAN:

No, let's not go back there. Let's get the Commissioner home.

P.O. GREGORY:

Are you guys ready to vote, or do you want to --

LEG. CALARCO:

I make a motion to take 1150 out of order.

P.O. GREGORY:

Okay, we've got a motion from Legislator Calarco to take IR 1150 out of order. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

1150 is in front of us, page eleven, ***Adopting Local Law No. -2014, 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)***. Do we have a motion?

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. Seconded by Legislator Browning --

LEG. BROWNING:

No.

P.O. GREGORY:

I mean Muratore.

*(*Laughter*)*

I thought we flipped you. It's almost midnight.

LEG. D'AMARO:

Can we get an explanation on this, please?

P.O. GREGORY:

Yes. Mr. Margiotta?

MR. MARGIOTTA:

A brief one?

P.O. GREGORY:

Yes, please.

MR. MARGIOTTA:

A brief one, or do you want me to go --

P.O. GREGORY:

A minute or less.

MR. MARGIOTTA:

The brief is we have -- we have no ability right now to enforce, especially parking tickets for people to actually pay them. Sixty-seven percent go unpaid. And if you get a parking -- if you had a parking ticket from 15 years ago in Suffolk County, it's the same cost, there's no penalty. People, I guess, have learned this and they don't pay.

We have about \$1.9 million outstanding in moving violations, 1.9 million in parking that are late or not paid, and it's going to take a lot of work and a lot of energy to try to get them paid and we're going to spend a lot more money as well, especially filing judgments with the County and getting court orders. So this is to address the people who basically outright refuse to pay.

D.P.O. SCHNEIDERMAN:

Anyone else? Any additional questions? Legislator Cilmi?

LEG. CILMI:

Paul, thanks. The -- I just wanted to go over the schedule of fees with you, if I could.

MR. MARGIOTTA:

Sure.

LEG. CILMI:

So in terms of the late fee, basically whatever the initial fine was is doubled after 30 days of being late; correct? Or is it 30 days of notification of being late? In other words, you said we have a number of these people who haven't paid us for a long period of time. Are all of a sudden all of these people are going to get notices that their fines have been tripled?

MR. MARGIOTTA:

No. Anything that was done prior to the law, we would have to notify them to come in and they'd get -- they would be reborn, they'd get a chance to answer it from the beginning.

LEG. CILMI:

Is that in the law?

MR. MARGIOTTA:

No, but -- well, that's in the law to default anybody or to force anybody to pay a ticket that they haven't paid, you have to notify them first. We haven't done it because we have nothing --

LEG. CILMI:

Okay. So --

MR. MARGIOTTA:

-- to tell them to do.

LEG. CILMI:

So the outstanding violators, then, the folks who have these outstanding tickets, will be notified that their tickets are outstanding and, therefore, have 30 days with which to pay those tickets, otherwise they'll be notified that their fine will be doubled. And if they still fail to pay after 60 days, their fine will be tripled, correct?

MR. MARGIOTTA:

Yes.

LEG. CILMI:

But in addition to that, they will also be assessed a -- an additional \$50 fee; a fee for failure to timely pay a fine?

MR. MARGIOTTA:

No, that's if you've come in, you made a plea bargain or you've plead guilty and you say, "*I can't pay,*" and we say, "*All right, we're going to give you six weeks to pay your fine,*" and you just don't pay it. Then we notify you, "*You failed to pay your fine on the day you agreed to pay and now you owe \$50 more, please pay your fine.*"

LEG. CILMI:

So that additional fee only kicks in when somebody renegs on their agreement to pay after a certain period of time?

MR. MARGIOTTA:

Yes, that's when you've agreed to pay the fine by a date and you failed to do it.

LEG. CILMI:

Okay. How does that differ, then, for -- from the administrative fee for defaults?

MR. MARGIOTTA:

Default is someone who -- it actually gets much more complicated. They fail to answer their ticket, we have to -- we have to go before a judge, the judge says, *"By law, if you fail to answer, it's deemed you pled guilty. I'm fining you \$300."* Now we have to send a certified letter to the motorist saying, *"You have failed to respond. You've been defaulted for \$300."* You have 30 days to come in and say, *"That was not my intention,"* and if you do that the case opens up again; if you don't, it becomes a default judgment and now we've got to go to a judgment and have the judge sign it and file it with the Clerk.

LEG. CILMI:

Okay. So here again they have a second chance.

MR. MARGIOTTA:

Yes, required by law.

LEG. CILMI:

Administrative fee for judgements; that's \$100?

MR. MARGIOTTA:

This is at the end when everything has been exhausted and we have to go to the judge, they have to sign an order saying this person owes this money, file this with the Clerk, then we have to electronically file it with the Suffolk County Clerk and then that's it, it's on file; if it ever gets paid, it gets paid.

LEG. CILMI:

The resolution also talks about a fee for booting of \$250 and a fee for towing of \$350. Is that -- do we do either of those things now?

MR. MARGIOTTA:

We do not. In our future, this could become something that is wrapped into a parking program, and if it happens, that would be paid to an outside company to actually do that. And it's going to be very rare in egregious situations that we would ever get to that point. I don't know that we have anybody now that would ever fall into that, but we're only open a year, so in 10 years or five years, people probably could wrack up the money.

LEG. CILMI:

By approving this resolution, are we authorizing the County to go out and start booting or towing?

MR. MARGIOTTA:

No, they'll have to be -- there'll have to be an RFP and there'll have to be a resolution from us giving us the power to do that, and the RFP will have to hire a company to be able to do that. We don't have the power to boot or tow now.

LEG. CILMI:

So there are budgetary implications to this resolution?

MR. MARGIOTTA:

Yes.

LEG. CILMI:

In the positive for the County, obviously. Do you have any clue as to how much you expect?

MR. MARGIOTTA:

I believe it's \$3 million.

LEG. CILMI:

Three million? Would you concur with that, Tom or Connie; \$3 million? Dollars?

MR. VAUGHN:

My Budget Director is saying that she agrees with that, so I'll say yes.

LEG. CILMI:

Best always to agree with your Budget Director, Tom.

MR. VAUGHN:

I agree with that, too.

LEG. CILMI:

Okay. I think that's all the questions I had. Thank you very much, Paul.

MR. MARGIOTTA:

Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Browning?

LEG. BROWNING:

I didn't think it was going to come around so quick. I'm basically just going to say, you know, the reason why I'm not voting for this is I did want to see it recessed so that we could have further discussion, maybe change some of those fees that I would consider. In my opinion, this is a regressive tax, and the only people that are going to be most affected by this are the lower income and working families, and what's going to happen when they continue not to pay is they wind up in our jail. And I think this will definitely hit a lot of our minorities and for that reason, again, it was not recessed, there's been no effort to consider making any changes. I looked at the fees, the parking fee fines for -- in New York City is -- it's a \$10 fine after 30 days, it's I think -- did I say 30? After 60 days and 60 after 90 days. Our fees are much higher. I don't have everything that I had in front of me. The towing fees were more expensive, the storage fees were more expensive here in Suffolk County. And I heard, you know, *"Well, this is what's being done everywhere else,"* and that doesn't necessarily mean that's the right thing to do.

I understand that you have to find a way to get people to pay, and I appreciate, Tom, that we had our conversation. But, again, understanding when people have to make a choice between the milk and the bread and paying those fines, they're going to choose the children and paying those -- overpaying the fines. And it's easy for all of us who have a nice paycheck to be able to say, *"Well, let's vote for it,"* and *"Well, if you broke the law, you've got to pay."* I don't think it's fair. Again, I think the people who are going to be hit most are the lower income, working families, and I can't support a regressive tax. Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Barraga.

LEG. BARRAGA:

Legislator Browning makes some very valid points. You have heard from the progressive left, now you'll hear from the conservative right. We want the money.

(*Laughter*)

You had mentioned 67%. When I was reading the article it was something like 16,470 outstanding tickets, and that was 67% of the total number of tickets issued?

MR. MARGIOTTA:

Of the total since we -- since we took it over from the District Court last year.

LEG. BARRAGA:

And how long ago was that?

MR. MARGIOTTA:

They stopped kind of processing tickets. In 2012, none of the tickets were entered, so I sent people over in '13 and entered them. So I took those tickets that they didn't do, about 12,000 --

LEG. BARRAGA:

It's an amazing percentage, you know, two out of three not paying.

How does that break out, if you have the numbers, with reference to the Vehicle and Parking Violations Bureau? Since you've been in operation there, what's the default rate on the tickets?

MR. MARGIOTTA:

On the regular tickets?

LEG. BARRAGA:

Yeah, on the regular tickets.

MR. MARGIOTTA:

Moving tickets? About 20%.

LEG. BARRAGA:

About 20? Is that normal compared to, say, Nassau County?

MR. MARGIOTTA:

Yes, because they all wait -- people who do this repeatedly know, if you don't answer the ticket it's 60 days, then you get a letter from Motor Vehicle, then you have another 30 days, then you come in and you get a date. So they kind of buy their time.

LEG. BARRAGA:

How optimistic are you that, you know, with these additional fees, it will generate some of these delinquencies, get these people to pay? I mean, is there any history with other municipalities when they've raised fees, the reaction that they've gotten with reference to these people who owe and now they start paying?

MR. MARGIOTTA:

In Babylon I ran the Traffic Violations Bureau -- I mean the Parking Violations Bureau, and we had the exact same penalties, it doubled and then it tripled. We had an outside company handling it and we were in the 96% pay. So, because it's on the ticket, it tells you right on the ticket, so when you get the ticket you see, it's \$50, then it's \$100, then it's \$150. So the incentive is not so much for the older tickets as it is when they're looking at the ticket, the new ticket to see if I paid immediately, I'd pay less.

LEG. BARRAGA:

All right. Thank you very much.

MR. MARGIOTTA:

Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Calarco.

LEG. CALARCO:

Thank you. Mr. Margiotta, could you just tell us, what's the dollar amount that we are -- have not collected between the parking tickets and the moving violations?

MR. MARGIOTTA:

It's \$1,929,871 in moving violations that we haven't collected, it's \$1,931,945 in parking tickets. I'll give you the red light, which I explained is probably beyond our reach, but that's 13,459,877, because they're before -- about a year ago there was no late fee, there was no judgments, there was no collection in the red light tickets, and I believe the time has passed for us to collect that as far as statute of limitations.

LEG. CALARCO:

So basically, if people know that we're not going to do anything to get them to pay, they figured out pretty quickly and they kind of throw their tickets out and continue on and what life is.

MR. MARGIOTTA:

Exactly.

LEG. CALARCO:

Okay. Thank you.

MR. MARGIOTTA:

Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Hahn.

LEG. HAHN:

I'm sorry if I'm asking you to repeat something you've already said. Can you explain if someone, you know, claims that they don't have the ability to pay, what options are given to them? You know, one lump sum, what options are offered?

MR. MARGIOTTA:

Well, what happens is if you get a ticket now, if you got a ticket tonight, that ticket would be returnable in 60 days. When you come in in 60 days, you talk to a prosecutor, they give you an idea of what your options are. Usually the case is adjourned, they come back, they say, "*All right, I think I want to do it but I don't have the money. I need to adjourn it for another month.*" We adjourn it for another month, they come back and say, "*All right, I'm willing to take the plea now, but can I have four weeks or five weeks to pay?*" We say, "*Yes, you could have four or five weeks to pay.*" Then one more time they can come in after that four or five weeks and get an automatic two-week extension.

LEG. HAHN:

Is it possible to create a monthly payment plan on-line?

MR. MARGIOTTA:

I have to say, we probably couldn't do very much on-line right now. The program that we bought was very, very, very inexpensive, and although it's gotten us up and running and we're running, we haven't been able to do anything with it, hooking into, even where -- my anticipation was people could go on-line and find out when their next court date was and we haven't even been able to get that going.

LEG. HAHN:

Okay. Because a person who doesn't have the ability to pay more than likely doesn't have the ability to take time off to come in for a court date. And so I am -- would like to, you know, maybe draft legislation that would require us to create some kind of on-line payment so that people can say, "*I know I got this ticket. I'm signing up on-line to pay \$10 a month,*" whatever it is, "*I just don't have the ability in the lump sum.*" And I don't think they should have to come, take a day off of work to come in, wait on line, I don't think we want them to have to do that. If they're willing to pay and they just need to stretch it over time, I think that that's something -- we're making a lot of money off of this. And we have to make sure that it is fair to the poorest individuals and this does not wind up being a regressive tax on individuals who just don't have the ability to pay.

MR. MARGIOTTA:

The only issue is we are -- we're an arm of the District Court. We have judges. In order to get time to pay or to pay any way or to plead guilty, the judge has to do that, and we can't direct the judge to give people time to pay or not give them time to pay or set up a plan. The judges are pretty autonomous, they can either do it or they can't. If they want to do it, they'll do it even if we say no. If we say yes and they don't want to do it, they won't do it. It's really up to them. They have to come in and actually see a judge.

LEG. HAHN:

Can we work with the -- I know other things -- other judges have worked with governments, you know, whether it's work out different kinds of courts for different kinds of people or, you know, can we work with these court -- what are they called, District Judges?

MR. MARGIOTTA:

They're Judicial Hearing Officers.

LEG. HAHN:

Judicial Hearing Officers.

MR. MARGIOTTA:

They're retired judges.

LEG. HAHN:

Right. Can we work with them on this issue?

MR. MARGIOTTA:

We do.

LEG. HAHN:

It's very important to me -- no. I'm a social worker, it's very -- I'm Jack Eddington now (*laughter*). This is -- you know, this is a very important piece to this. And I think that if we work together and if we bring them into whatever we create, whether they review the request that comes in on-line, if some people do that, whatever it is, I think that we -- I think that we need -- we need to investigate that further.

MR. MARGIOTTA:

I believe we have actually a meeting set up to talk about this, with the County Exec.

LEG. HAHN:

Good, I'd like to be part of that.

D.P.O. SCHNEIDERMAN:

Legislator Cilmi?

LEG. CILMI:

Thanks. Just a couple of follow-up questions. So this is \$17 million that's outstanding.

MR. MARGIOTTA:

Yes.

LEG. CILMI:

That's a lot of money.

MR. MARGIOTTA:

Yeah. And unfortunately, the --

LEG. CILMI:

Why are we just hearing about it now?

MR. MARGIOTTA:

Well, the 13 million is really from before us being created. This was back, you know, since the red light program started.

LEG. CILMI:

So -- I mean, maybe you're not the one to answer the question, but why are we just hearing about this now, or are we? It's not like 10 or \$20,000; it's \$17 million.

MR. VAUGHN:

Robert Lipp is advising me that he believes that some of the backlogs on the red light camera issues were mentioned in the previous BRO Report. I know that when Mr. Margiotta came to the Administration and said that -- was specifically speaking about the \$3 million, our plan at that point in time was to get these fines in place as soon as possible. We've submitted the bill, we've asked that the bill go through the normal process, we asked that the Public Hearing be closed out in Riverhead about a month ago to make sure that we continue to move this along expeditiously. And we are -- we're looking to address this. We don't want this problem to get any larger than it is right now. That's one of the reasons for --

LEG. CILMI:

I certainly appreciate that, but I'm not talking about weeks of not -- this is \$417 million. I mean, we've known -- as Paul said, we knew about this for years. But be that as it may, we are where we are right now.

I think there's a high degree of probability that just on those initial notices that you send out to people, that we'll get a substantial amount coming in. And I say that based on the experience that Presiding Officer Gregory and I have had with the land bank, where we have delinquent taxpayers, we sent out notices to basically say, "*This is it, we're taking your property,*" and lo and behold, millions came in in commitments to pay taxes. So I think this will work.

I'm a little concerned about the size of the -- of the fines, but, I mean, I think I'm -- as long as we're providing ample notice to folks. And how will that notice be provided? So if I'm delinquent, let's say, which I'm not, as far as I know, but if I am, I get a letter that's dated, you know, whenever; is the 30 days started at the date that the letter is dated, or does it start at the date that I receive the letter or exactly what?

MR. MARGIOTTA:

In this situation, what I would do is I would date the date, the due date 35 days from the day of the letter --

LEG. CILMI:

Okay.

MR. MARGIOTTA:

-- and follow to District Court that if you mail something by First Class mail you get five extra days. So the letter would be dated five days and then they'd have 30 days.

LEG. CILMI:

Okay. All right, thanks, Paul.

MR. MARGIOTTA:

You're welcome.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTTA:

The new tickets are going to have this fine schedule, like if you don't pay in 30 days it's going to double, so they're going to --

MR. MARGIOTTA:

The parking tickets will. As soon as we print new parking tickets, yes.

LEG. TROTTA:

Okay. And these -- these fines are for parking tickets.

MR. MARGIOTTA:

That's with the ones that double and then triple.

LEG. TROTTA:

Okay. And the other ones are just -- okay.

P.O. GREGORY:

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

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Wait, I had a question.

P.O. GREGORY:

All right. Legislator D'Amaro.

LEG. D'AMARO:

If we don't enact this law and I don't pay my parking ticket, what happens?

MR. MARGIOTTA:

That's a great question. There are no penalties for not paying the parking ticket. And Motor Vehicle has taken a very, how should I say, inactive stance in parking tickets. They have a criteria. If you get -- if you have 10 outstanding I think you get a notice, if you have 25 they threaten to suspend you, if you have 50 they suspend your registration. So they're used to Manhattan and they're used to the boroughs, so they have a very high threshold before they'll do anything to someone for parking tickets. So --

LEG. D'AMARO:

There's no -- there's no other legal recourse. There's no judgment entered or default or anything.

MR. MARGIOTTA:

We could do --

LEG. D'AMARO:

I mean, you have a return date on the ticket.

MR. MARGIOTTA:

We could do that. What we'd have to do is go through that process, what I was saying before. We'd have to bring it before a judge, the judge would have to impose the fine, we'd have to send them a certified letter, they'd have 30 days to respond to the letter. Then if they come in, they open it up, we started over again and we've just expended a ton of hours and some money, too, and we're right back to where we started from.

LEG. D'AMARO:

But isn't that the same thing as imposing the fine after 30 days? I mean, if I don't show up and I default, it's not difficult to put a batch of these before the judge and say, "*Here are the defaults.*" You get an order and the judge could fine them even more than double or triple, and then it gets sent to --

MR. MARGIOTTA:

On the parking tickets?

LEG. D'AMARO:

Yeah.

MR. MARGIOTTA:

Actually, there's a minimum and a maximum.

LEG. D'AMARO:

Oh, there is?

MR. MARGIOTTA:

You can't go out of that.

LEG. D'AMARO:

Minimum and maximum for?

MR. MARGIOTTA:

For parking.

LEG. D'AMARO:

For defaulting?

MR. MARGIOTTA:

For period, whether you're in or you're not. The most they could do and which they usually do, if you default they'll fine you the maximum, which may be \$150 instead of \$50 if you came in. So that's the worse they could do, and then that starts the process of us notifying you. And if you come back in, we have to start all over.

LEG. D'AMARO:

So in all likelihood, without the automatic late fee, in all likelihood a judge would ultimately impose a late fee anyway, but it would take longer to get there.

MR. MARGIOTTA:

Yes, and then we'd have to spend more money to get there, too.

LEG. D'AMARO:

Well, because you'd have to mail out the notice.

MR. MARGIOTTA:

It's about \$6 each one. Right now I spend thousands in mail.

LEG. D'AMARO:

Right. But you don't think that would be more effective in collecting, just in doubling the fine? If I didn't show up the first time, why am I showing up the second time?

MR. MARGIOTTA:

Because what could happen is if you don't show up, the fine is going to double and then triple on the maximum fine.

LEG. D'AMARO:

Right.

MR. MARGIOTTA:

So right now the maximum the judge could fine you would be 150.

LEG. D'AMARO:

Right.

MR. MARGIOTTA:

You could go up to 450 if you fail to pay it in 60 days.

LEG. D'AMARO:

Oh. So this exceeds the amount the judge can impose?

MR. MARGIOTTA:

Yes, this doubles it and then triples it.

LEG. D'AMARO:

But if you didn't do that, the judge can only go to 150?

MR. MARGIOTTA:

Yes.

LEG. D'AMARO:

All right. So -- I lost my notes. The 13 million in red light camera arrears or defaults; is that what it is, default, 13?

MR. MARGIOTTA:

Yeah, people who failed to pay.

LEG. D'AMARO:

What's the enforcement mechanism for that, currently?

MR. MARGIOTTA:

Well, one thing is the Legislature added a \$25 late fee, so that's another incentive.

LEG. D'AMARO:

You know what? Before you get to that, just with doubling and tripling the fines, is that on the original parking ticket?

MR. MARGIOTTA:

It will be. We're allowed to print our own parking tickets, so.

LEG. D'AMARO:

So there's notice of that when you first read your ticket.

MR. MARGIOTTA:

Exactly.

LEG. D'AMARO:

Okay. So go ahead, go back to the 13 million.

MR. MARGIOTTA:

The Legislature passed a \$25 late fee which had an effect on making people pay on time because they didn't want to pay the late fee. Believe it or not, the \$25 was a big difference for them.

LEG. D'AMARO:

Okay.

MR. MARGIOTTA:

And the second thing is the County Attorney came up with a process to actually default people which was not done prior, so now you get several notices, I believe you get five notices, and after the fifth one they tell you they're going to default you, and then they actually do a default and they file the judgment. So then you have two other people coming in on the judgments now, too.

LEG. D'AMARO:

Okay. So there -- you did increase the late fee, but also you can -- you can enter a default eventually?

MR. MARGIOTTA:

Yes.

LEG. D'AMARO:

So why don't we double and triple those fines?

MR. MARGIOTTA:

I don't believe we could if we -- if we passed a law, because if you read the law that created the red light camera --

LEG. D'AMARO:

Okay.

MR. MARGIOTTA:

It says the maximum fine or the maximum penalty can be the \$50. And it doesn't say anything about the \$25 late fee, but I don't think you could triple those, I think you'd have problems.

LEG. D'AMARO:

So we really have to get into the process of getting the default judgment on record --

MR. MARGIOTTA:

Yes.

LEG. D'AMARO:

So someday somehow that will be paid.

MR. MARGIOTTA:

So we'll get it eventually.

LEG. D'AMARO:

Yeah. My last question, if you get a ticket for parking, can you mail it in with a check?

MR. MARGIOTTA:

Yes.

LEG. D'AMARO:

Okay. So you don't have to take a day off from work, you can just plead guilty and mail it in.

MR. MARGIOTTA:

Yeah, for parking you can mail it in. You could actually mail it in for anything if you want to plead guilty.

LEG. D'AMARO:

That's what I mean.

MR. MARGIOTTA:

Yes, anything you could mail in guilty.

LEG. D'AMARO:

It's only if you're going to contest the ticket that you need to appear.

MR. MARGIOTTA:

That's right.

LEG. HAHN:

Or if you want to pay by check.

LEG. D'AMARO:

Right. And what would you do if I was fined \$100 and I sent you 50?

MR. MARGIOTTA:

We would take the 50 and send you a notice that you owe \$50.

LEG. D'AMARO:

So you'd invent your own payment plan.

MR. MARGIOTTA:

Yes. But what would happen was you would -- if it was a moving violation?

LEG. D'AMARO:

No, I'm talking about parking tickets.

MR. MARGIOTTA:

Yeah, you've created your own payment plan. The only thing I could do, if you don't pay that, is file a judgment for \$50.

LEG. D'AMARO:

Or you could double and triple it.

MR. MARGIOTTA:

Yes, yes.

LEG. D'AMARO:

Right.

MR. MARGIOTTA:

After this, yes.

LEG. D'AMARO:

Okay. All right, thanks, Paul.

P.O. GREGORY:

Okay, folks, we've got to get going, it's almost midnight. All right.

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

LEG. KENNEDY:

Mr. Presiding Officer, can I just ask one quick question?

P.O. GREGORY:

Come on, John. I mean, it's almost midnight.

LEG. KENNEDY:

Yeah, I'll make it real fast. Handicapped parking. Handicapped parking; do we enforce that at a County level, or is that at the Town and Villages?

MR. MARGIOTTA:

Both.

LEG. KENNEDY:

It is.

MR. MARGIOTTA:

Yes.

LEG. KENNEDY:

So we have handicapped parking tickets. And similar to regular conventional parking tickets, the handicapped parking ticket violations will escalate likewise?

MR. MARGIOTTA:

Yes.

LEG. KENNEDY:

Okay. Thank you.

P.O. GREGORY:

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

LEG. BROWNING:

Opposed.

MR. LAUBE:

Sixteen (*ACTUAL VOTE: Seventeen - Opposed: Legislator Browning*).

RESOLUTIONS TABLED TO MARCH 18, 2014

P.O. GREGORY:

Thank you.

Okay. We'll go to Tabled Resolutions on the agenda, ***IR 1140-14 - To reauthorize the Lake Ronkonkoma Advisory Board (Kennedy)***. Legislator Kennedy? Motion, come on.

LEG. KENNEDY:

Motion to approve.

P.O. GREGORY:

Motion to approve. Do I have a second?

LEG. CILMI:

Second.

P.O. GREGORY:

Second, Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1156-14 - To reappoint member of Suffolk County Board of Ethics (Richard F. Halverson) (County Executive).

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?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1157-14 - To reappoint member of Suffolk County Board of Ethics (Robin L. Long) (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

INTRODUCTORY RESOLUTIONS FOR MARCH 18, 2014

P.O. GREGORY:

Budget & Finance:

IR 1159-14 - Adopting Local Law No. -2014, A Charter Law to implement one-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion -- is that Legislator D'Amaro?

LEG. D'AMARO:

Yep.

P.O. GREGORY:

Legislator D'Amaro. Second by Legislator Muratore.

LEG. MURATORE:

No, no, no.

P.O. GREGORY:

Oh, I'm sorry (*laughter*). I'll second. All in favor? Opposed? Abstentions?

"*Opposed*" Said in Unison

MR. LAUBE:

Thirteen (Opposed: Legislators Kennedy, Cilmi, Trotta, McCaffrey & Muratore).

P.O. GREGORY:

IR 1175-14 - Authorizing the County Treasurer to execute an amendment to the Cooperative Liquid Asset Securities System Municipal Cooperation Agreement (Presiding Officer Gregory).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 20 -- 1220-14 - Resolution delegating to the County Comptroller the power to authorize the issuance of not to exceed \$100,000,000 Revenue Anticipation Notes of the County of Suffolk, New York, in anticipation of the receipt of certain revenues for the Fiscal Year Ending December 31, 2014, to prescribe the terms, form and contents of such notes, and to provide for the sale and credit enhancement thereof (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. KRUPSKI:

Motion to take Public Works out of order because there is a department head here, Commissioner of Public Works here.

P.O. GREGORY:

That's a whole page. We'll get to it. We're going to get to it. Because there's a lot of --

LEG. CALARCO:

Do them one at a time.

P.O. GREGORY:

We're moving fast.

D.P.O. SCHNEIDERMAN:

No, I'll take -- I'll second that motion.

LEG. BROWNING:

We still have Janet here.

P.O. GREGORY:

No. Let's just move forward, we're moving. Actually, I'll entertain a motion to extend the meeting.

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion by Legislator Cilmi.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

LEG. SPENCER:

Opposed.

(*Laughter*)

No, I'm in favor (*laughter*).

P.O. GREGORY:

Education.

MR. NOLAN:

Economic Development.

P.O. GREGORY:

No, we did that. Oh, I'm sorry. **Economic Development:**

IR 1166-14 - To appoint member of the Suffolk County Citizens Advisory Board for the Arts (Shadrack Boakye)(Martinez). Motion by Legislator Martinez. Seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Education & Information Technology:

IR 1189-14 - Accepting and appropriating a grant award from the State University of New York, for a Community College Workforce Development Training Program for College Resources for Employer-Supported Training (CREST), 84% reimbursed by State funds at Suffolk County Community College (County Executive). Motion by Legislator Schneiderman. Second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1190-14 - Accepting and appropriating a grant award from the State University of New York, for a Community College Workforce Development Training Program for Sea Tow

Services, International, 88% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. MURATORE:

Motion.

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1198-14 - Directing the Department of Information Technology, in conjunction with the Department of Health Services and the Suffolk County Police Department, to develop and publish a website dedicated to bullying prevention and awareness (Anker). Motion by Legislator Anker.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Environment, Planning & Agriculture:

IR 1119-14 - Adopting Local Law No. -2014, A Local Law restoring financial disclosure requirements for Farmland Committee members (Krupski). Motion by Legislator Krupski.
Second by Legislator Muratore. All in --

LEG. D'AMARO:

Hold it.

P.O. GREGORY:

Yep. Question, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I would like an explanation on this as well. This is 1119, are we on?

MR. NOLAN:

Yeah. What this is doing, Legislator D'Amaro, is you may recall several years ago Legislator Romaine put in a Local Law that for the Farmland Committee members, they would fill out a shorter financial disclosure form than the long form that most -- that Legislators fill out and most County employees fill out that are subject to financial disclosure requirements.

When we amended Chapter 8 last year, inadvertently there was language that reverted to having the Farmland Committee members go back to the long form, and it was an oversight and a mistake, not mine. But in any event, this is just correcting that and going back to having the Farmland Committee members fill out the short form.

LEG. D'AMARO:

Right. And I remember when Legislator Romaine had done that, we had some debate at the time. So when Chapter 8 was recently amended, it now required, again, the long form.

MR. NOLAN:

Yeah, but I am sure that it was unintentional. It was a cut and paste error by the sponsor. I don't think there was an intention to have the Farmland Committee members fill out the more extensive form. So this, again, is really a correction.

LEG. D'AMARO:

Why -- I mean, is there anyone here that knows why the Farmland Committee would object to signing off on the longer form?

MR. NOLAN:

Legislator D'Amaro, you really were the one who was against them having to do the shorter form. And I think you remember them coming in and making the argument that it was too intrusive, they're volunteers. I probably do recall the argument, I think that's why they don't want to do the long form.

LEG. D'AMARO:

Well, I think the main point made by the sponsor at the time was that the Farmland Committee was not compensated, if I recall. I have the minutes, actually, when Legislator Romaine relaxed the financial disclosure specifically for the Farmland Committee. Unfortunately, I forgot my glasses, but -- and, you know, at the time I didn't really find convincing any argument that anyone who is doing work on behalf of the County and is required to file a disclosure -- file a disclosure should have any less a filing requirement than anyone else. Because the aim of the disclosure is to give a confidential review of assets, liabilities and your financial situation to determine whether or not you're subjected to undue influence and all the reasons that we as Legislators fill them out as well.

Well, how is a Farmland Committee member any less susceptible to impropriety than anyone else filing a disclosure. So I never understood the reason for saying for this particular group of individuals that they and they alone should not have to disclose sufficient information to determine whether or not there's an impropriety occurring. And if you take a look at the form, the same point that I made back then holds true today, that there's no disclosure of assets and liabilities on this form. So year to year, if you're sitting on a board reviewing this form and you're trying to make a determination whether or not there's something inappropriate happening, you don't have the information anyway. So it's really not worth the paper that it's written on.

I think -- I don't know if it's inadvertent that it went into Chapter 8, that the Farmland Committee members must file the disclosure that everyone else files. And I don't understand why they would object to doing that, and I'm sure they have nothing to hide, so I don't understand why they would object to it. And I would not -- I would support leaving it just the way it is and not passing this bill

and letting them file a disclosure like everybody else. Why are we lessening the threshold and the standards for this committee?

LEG. KRUPSKI:

On the motion?

D.P.O. SCHNEIDERMAN:

Legislator Krupski.

LEG. KENNEDY:

On the motion?

P.O. GREGORY:

Go ahead.

LEG. KRUPSKI:

This is something that was brought to our attention by Samantha Segal from the Board of Ethics. And this is a financial disclosure statement that was currently -- had currently been in place that Legislator Romaine, now Supervisor Romaine, had changed years ago. It seemed to have served the County well, to make sure that, in fact, there was no impropriety and that people -- that there was transparency and people who served on the committee, on the Farmland Committee, that everyone knew about their -- they disclosed fully their business transactions and whatnot so that it was clear if there was any conflict. So whereas this is not a change -- this is sort of a tried and true financial disclosure statement, it has served the County in the past few years. The other -- this is a committee of volunteers, and if you -- the feeling, I guess, at the time -- and I wasn't here -- was that it was a little too onerous for a volunteer committee.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

I don't see how it's onerous for someone to fill out their financial information; either you know it or you don't. And if you're sophisticated enough to serve on a Farmland Committee, you can certainly fill out a form.

And I don't agree with you at all that it served the County well. I don't know what the basis of that statement is, but what I can tell you is that we have less transparency, we have less disclosure from Farmland Committee members. We do not have sufficient information to determine whether or not these committee members are in any way involved in any impropriety or undo influence, and if we hold everyone else to the higher standard, the proper standard, there is no rationale justification for lessening the standards for Farmland Committee members. I don't think this has served the County at all, in fact.

So I don't -- again, it's not -- I'm not singling out these individuals as trying to impose something on them that no one else does. I'm not saying that they're doing anything but properly serving the County. But I don't know because I don't have their proper financial disclosure, or not that I don't have it, but the proper authority does not have it and I am not going to support this.

P.O. GREGORY:

Okay.

LEG. KRUPSKI:

Legislator D'Amaro, how many Farmland Committees have you attended?

LEG. D'AMARO:

What's the point of that question?

LEG. KRUPSKI:

Well, you wanted -- you said that it hasn't served the County well.

If you attended the committee, you might see how they conduct themselves and be reassured.

LEG. D'AMARO:

I -- frankly, I think that's completely irrelevant. The fact is we're talking about financial disclosure. I'm talking about enforcing the Ethics Law of Suffolk County. If you don't give the proper information to enforce the law, how can you do it? And why is a Farmland Committee member exempt from the same disclosure that we have to make? It has nothing to do with attending a committee meeting.

P.O. GREGORY:

Okay. All right, let's vote. We have a motion and a second. Okay?

All in favor? Opposed? Abstentions?

"Opposed" Said in Unison

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga, Trotta & D'Amaro).

P.O. GREGORY:

IR 1178-14 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Luce property – MKZ Farm - Town of Riverhead (SCTM No. 0600-008.00-02.00-013.004 p/o) (County Executive). Legislator Krupski.

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski. Second?

LEG. ANKER:

(Raised hand).

P.O. GREGORY:

By Legislator Anker.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

I would just like to -- this parcel, this particular parcel is bordered on both sides by preserved farmland, and that block of preserved farmland borders -- that's the easterly border of the North Fork Preserve. This adds to -- this is a key component in a large block of preserved land, both open space and farmland. So it's a very important piece, it is actively farmed right now.

P.O. GREGORY:

Okay. We have a motion and a second. All in --

LEG. D'AMARO:

Just on the motion? This is on 1178. I just wanted to know if there are any cutouts on this property.

P.O. GREGORY:

Mr. Vaughn, you can answer that question?

MR. VAUGHN:

Yes, Mr. Presiding Officer, I can. The information provided to me by the Department of Planning says that there are two cutouts totaling eight acres -- I'm sorry, two cutouts totaling eight acres are proposed. One cutout is located on the northern portion of the property and it's six acres in size; the other cutout is located on the southern portion of the property and is two acres in size. There are currently no structures on these cutouts. Both cutouts are rezoned Residence A, 80 -- A-80 which has a minimum lot size of 8,000 square feet.

LEG. D'AMARO:

All right. So there are two cutouts on this parcel?

MR. VAUGHN:

Yes, Sir.

LEG. D'AMARO:

Okay. All right, thank you.

P.O. GREGORY:

Okay. No further questions? I'll call the vote. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. ***1194-14 - Accepting and appropriating 50% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality for the Peconic Estuary Program (County Executive).***

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion -- who was that?

D.P.O. SCHNEIDERMAN:

Al and I.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1237-14 - Making a SEORA determination in connection with the proposed improvements to County Road 73, Roanoke Avenue, from State Road 25, Main Street, to the vicinity of County Road 58, Old Country Road, Town of Riverhead (CP 5562) (Presiding Officer Gregory).

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1238-14 - Making a SEORA determination in connection with the proposed rehabilitation of County Road 13, Crooked Hill Road, from County Road 7, Wicks Road, to County Road 106, Campus Road, Brentwood, Town of Islip (Presiding Officer Gregory).

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1239-14 - Making a SEORA determination in connection with the proposed construction of check-in station at Cedar Point County Park, Town of East Hampton (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1240-14 - Making a SEORA determination in connection with the proposed construction of check-in station at Indian Island County Park, Town of Riverhead (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1241-14 - Making a SEORA determination in connection with the proposed construction of check-in station at Montauk County Park, Town of East Hampton (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay, **Government Operations, Personnel, Housing & Consumer Protection:**

1229-14 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the County Clerk's Office (Senior Official Examiner of Title)(County Executive). Motion by Legislator Hahn.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1233-14 - Amending the Suffolk County Classification and Salary Plan in connection with a New Position Title in the County Legislature (Web and Social Media Administrator)(County Executive). Motion by Legislator Hahn. Second by Legislator Anker. Any questions?

LEG. D'AMARO:

Yeah.

P.O. GREGORY:

All in favor?

LEG. D'AMARO:

Hold on. Hold on.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes. Is this creating a new position?

P.O. GREGORY:

A new title.

LEG. D'AMARO:

What's the old title?

P.O. GREGORY:

This is Laura Provenzano. This is a new title she has. What's the title, Tim?

MR. LAUBE:

The old title is Office Systems Analyst.

LEG. D'AMARO:

And it's going to this new title?

MR. LAUBE:

Correct.

LEG. D'AMARO:

So it's not a new funded position?

MR. LAUBE:

No, not at all.

LEG. D'AMARO:

It's just changing the title?

MR. LAUBE:

Exactly.

LEG. D'AMARO:

What's the purpose?

MR. LAUBE:

Expanding the duties so we can use web and social media to extend the ability of our website.

D.P.O. SCHNEIDERMAN:

It's a higher grade.

MR. LAUBE:

Yes.

LEG. D'AMARO:

Right. Do we have any rules or regulations governing the use of social media, or how we're going to use it; we the Legislature? How is that going to be determined?

MR. LAUBE:

There is an SOP on it for the County, but -- and we've operated under that. For now we're using it as promoting the agenda --

LEG. D'AMARO:

All right, so we have guidelines.

MR. LAUBE:

-- putting links to what we're doing here.

LEG. D'AMARO:

Right.

MR. LAUBE:

When our agenda is posted, marked agendas and whatnot.

LEG. D'AMARO:

Okay, very good. Thank you.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Home Rule 4 we did. 1039.

Okay, **Parks & Recreation:**

IR 1173-14 - Authorizing use of Blydenburgh County Park by New York Blood Center (Kennedy). Legislator Kennedy?

LEG. KENNEDY:

I'll make a motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1174-14 - Authorizing use of Smith Point County Park for Mercy Center Ministries 5k Race (Browning). Motion by Legislator Browning.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1203-14 - Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc. For Public Safety Services fund drive (Browning). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1204-14 - Authorizing use of Southaven County Park for the Kara's Hope 5K Run/Walk (Browning). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

All right, ***IR 1205-14 - Reappointing Richard F. White, Jr., as a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Presiding Officer Gregory).***

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. I will second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1209-14 - Authorizing use of Blydenburgh County Park by the Care Center for its Annual Walkathon Fundraiser (County Executive).

LEG. KENNEDY:

I'll make that motion.

P.O. GREGORY:

Motion by Legislator Kennedy, second by Legislator Cilmi.

MR. LAUBE:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1223-14 - Authorizing use of Blydenburgh County Park and show mobile by the Cystic Fibrosis Foundation for its Great Strides Walkathon (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Procedural Motion No. 6-2014 - To renew agreement with PFM Asset Management LLC (County Executive). I will make the motion.

LEG. LINDSAY:

Second.

P.O. GREGORY:

Second by Legislator Lindsay. Any questions?

LEG. D'AMARO:

Yes, just on the motion.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

This is the Vanderbilt investment advisor, I believe? Yeah, we talked about this in committee. I support the motion. I just want to point out that during that hearing in the committee, we talked about the investment strategy used by the investment advisor and how the market had been -- there were reasons for a more conservative strategy, but they are recommending, and supported in that committee meeting, a less conservative strategy, slightly less. So I'm going to be filing a bill to accomplish that, and that will be coming the next round. I just wanted to make that point.

P.O. GREGORY:

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

LEG. BARRAGA:

Opposed.

P.O. GREGORY:

Okay, one opposition.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

Public Safety:

IR 1210-14 - Approving the -- no, I'm sorry, we did that.

IR 1211-14 - Approving the reappointment of Anthony Sullo as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. CALARCO:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Calarco. Second -- I will second.

LEG. CALARCO:

He wasn't here.

MR. NOLAN:

It's a reappointment, so --

LEG. CALARCO:

I'm sorry. I recall that. Motion to approve.

P.O. GREGORY:

Okay, motion to approve by Legislator Calarco. I will second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1212-14 - Approving the reappointment of Ryan J. Murphy as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by -- who was that?

MR. NOLAN:

Browning.

P.O. GREGORY:

Legislator Browning. Second by Legislator Krupski.

LEG. BROWNING:

Okay, give it -- I'm giving it back, it's his district. Go ahead, give it to him.

P.O. GREGORY:

Okay, Legislator Calarco. Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1213-14 - Approving the reappointment of Jay Egan as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1214-14 - Approving the reappointment of Bryan Prosek as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1218-14 - Approving the appointment of Kyle Markott as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. BROWNING:

I'd like to make the motion to approve. I know he hasn't appeared. We discharged it so he could be here, but the guy stood around here for hours. So I'd like to go ahead and just approve it.

LEG. LINDSAY:

I'll second it.

P.O. GREGORY:

Okay. Second by -- who was the second? Legislator Lindsay, okay. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay, ***IR 1216-14 - Approving the reappointment of David Carrigan as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1219-14 - Appropriating funds in connection with the purchase of communications equipment for Sheriff's Office (CP 3060) (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1219A, Bonding Resolution (Bond Resolution of County Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance a portion of the cost of acquisition of communications equipment for the Sheriff's Office (CP 3060.513), roll call. Same motion, same second; roll call.

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

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

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. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1225-14 - Accepting and appropriating a grant in the amount of \$21,235 in Federal pass-through funding from the State of New York Governor's Traffic Safety Committee --

LEG. BROWNING:

Motion.

P.O. GREGORY:

-- for the Suffolk County Police Department's Motorcycle Safety Education and Enforcement Program with 78% support (County Executive). Motion by Legislator Browning. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1226-14 - Accepting and appropriating a grant in the amount of \$218,925 in Federal pass-through funding from the New York State Division of Homeland Security and Emergency Services for the 2013 Bomb Squad Initiative Program with 96.41% support (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1227-14 - Accepting and appropriating a grant in the amount of \$132,020 in Federal pass-through funding from the State of New York Governor's Traffic Safety Committee to enforce motor vehicle passenger restraint and aggressive driving regulations with 77.45% support (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1228-14 - Donating surplus Meals Ready-To-Eat and bottled water to municipalities and recognized not-for-profit entities providing relief to Suffolk County residents in need (County Executive).

LEG. LINDSAY:

Motion.

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay. Second by Legislator Calarco. All in favor?

LEG. BROWNING:

On the motion. I did speak with Randy and they are putting, I guess, the nutritional information on the packages and they're aware that, you know, if anyone has concerns -- yeah. And they're not MREs, they're not actually the military MREs. I think they're the humanitarian relief MREs.

MR. VAUGHN:

They are called HeaterMeals EX.

LEG. BROWNING:

Right.

MR. VAUGHN:

One of the ones that I'm looking at is a nice vegetarian pasta fagioli. I've got vegetarian pasta fagioli; if you'd like it, it's all yours.

P.O. GREGORY:

All right, all right. So we're --

LEG. BROWNING:

No, I think we're good to go. They're properly labeled and they're not the military gross MR -- MREs.

P.O. GREGORY:

I liked the MREs. All right, so we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KRUPSKI:

Mr. Presiding Officer, we still have County employees here who are waiting who otherwise could have gone home.

P.O. GREGORY:

We're almost there.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

All right, ***IR 1234-14 - Appropriating funds in connection with safety improvements at the Police Firearms Shooting Range in Westhampton. (CP 3111) (County Executive)***. Motion by Legislator Muratore. Second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1234A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$350,000 Bonds to finance the cost of safety improvements at Police Firearms Range in Westhampton (CP 3111.311), same motion, same second; roll call.

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

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

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. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator D'Amaro).

P.O. GREGORY:

IR 1235-14 - Appropriating funds in connection with the purchase of Marine Bureau Diesel Engines (CP 3198) (County Executive).

LEG. MURATORE:

Motion.

LEG. CALARCO:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1235A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$138,574 in Suffolk County serial bonds to finance the cost of the purchase of Marine Bureau diesel engines (CP 3198.519), same motion, same second. Roll call.

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

LEG. CALARCO:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

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. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

LEG. D'AMARO:

No.

MR. LAUBE:

Seventeen (Opposed: Legislator D'Amaro).

P.O. GREGORY:

IR 1251-14 - Taking common sense measures to protect front line employees from carbon monoxide (Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco.

LEG. HAHN:

On the motion.

LEG. CALARCO:

Renee, cosponsor.

P.O. GREGORY:

On the motion, Legislator Hahn.

LEG. HAHN:

Yeah, of course I'm supporting this, I'm a cosponsor. But I just -- I had also hoped -- in the third RESOLVED, you'll see that it says that, "*The Police Department's reported recommendations may be used to consider the expansion of any resulting program to include Probation Officers and Public Health Nurses*", that was at my request, and I thank you for that. But I also had mentioned restaurant inspectors. And so I hope that even though it's not there, that we can consider expanding to them as well. And if the, you know, Health Department will just note that, when we consider expansion of this, to include those workers as well. Thank you.

P.O. GREGORY:

Okay. We have a motion and a second.

LEG. D'AMARO:

Just on the motion.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, through the Chair and to the sponsor, Dr. Spencer. I'm just -- wouldn't the Police Department do this on their own, protect their personnel from carbon monoxide? I'm not quite sure why we need a committee to do this. I would think that's part of the training of a Police Officer.

LEG. SPENCER:

After the tragic events that occurred, it wasn't just the Police, but once we found out that a lot of our First Responders who were there were also involved, and it wasn't until someone from the fire department came in and their carbon monoxide detector started to go off. So if it was just the Police they could probably do it internally, but since we're looking at including other frontline employees like the Public Health Nurses and just looking at the overall cost feasibility, we did speak to the Commissioner and they were amenable to this legislation.

LEG. D'AMARO:

Okay. So it's looking beyond just the Police Department.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Okay. Thank you.

P.O. GREGORY:

Okay. Anyone else? No? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1271-14 - Establishing a Commercial Building Carbon Monoxide Task Force (Kennedy).

Motion by Legislator Kennedy. Second by --

LEG. MURATORE:

Second.

P.O. GREGORY:

Oh, Legislator Muratore. Any questions?

LEG. D'AMARO:

I have a question.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Okay, just a real quick question. Now, this is a task force that will give information to the State? Since, again, we're -- this isn't -- you know, we can't really do anything because this pertains to a State type of legislation. But again, what's your --

LEG. KENNEDY:

It convenes a range of parties that will give advice. As a matter of fact, we have Town Public Safety Directors, Town Building Directors, our Department of Public Works, and I believe we have the PD involved as well. With a 45-day timeframe to give specific recommendations to the State Codes Committee. They are the one that actually modifies and implements what requirements are for commercial buildings and, quite frankly, any kind of building across the board. They're the ones that are empowered.

LEG. ANKER:

Okay. Thank you.

LEG. KENNEDY:

You're welcome.

P.O. GREGORY:

Okay. Any else?

LEG. D'AMARO:

So John, just one second.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

So through the Chair, so you're convening this committee to make recommendations to change the building code?

LEG. KENNEDY:

Yes. As a matter of fact, that is the way that we could actually put in place the requirement that there would be carbon monoxide monitoring systems in the commercial dwellings to avoid what had happened at Legal Seafood -- and actually, ironically, since then there have been some other incidents of carbon monoxide scares -- is through promulgation or amendment of unified State Building and Fire Code that actually all municipalities have to operate under. Right now it is silent, other than in the City of New York where school buildings, all the school buildings are covered, typically hotels, nursing homes and things of that nature. Absent that, the only requirement in the State of New York is for residences; residences and nursing home properties.

LEG. D'AMARO:

Okay. Thank you.

LEG. KENNEDY:

You're welcome.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. **Public Works:**

IR 1160-14 - Approving Cross Bay Ferry License for the Fire Island Ferries, Incorporated (Presiding Officer Lindsay).

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Krupski. I will second -- second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1161-14 - Approving Lateral Ferry License for Fire Island Ferries Incorporated (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1163-14 - Approving Ferry License for Fire Island Water Taxi, LLC (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1177-14 - Appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164)(County Executive). Motion by Legislator Krupski, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1181-14 - Appropriating funds in connection with reconstruction of drainage systems on various County roads (CP 5024)(County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1181A, Bonding Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$275,000 bonds to finance a portion of the cost of reconstruction of drainage systems on various County Roads (CP 5024.310), roll call.

Same motion, same second; roll call.

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

LEG. KRUPSKI:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1182-14 - Appropriating funds in connection with equipment for Public Works Material Testing Laboratory (CP 5141)(County Executive). Motion by Legislator Krupski.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1182A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$80,000 Bonds to finance the cost of acquisition of equipment for public works material testing laboratory (CP 5141.511), same motion, same second; roll call.

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

LEG. KRUPSKI:

Yes.

LEG. CALARCO:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

1183-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with Suffolk County Intelligent Transportation System (CP 3308).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. Second by Legislator Krupski.

LEG. HAHN:

On the motion?

P.O. GREGORY:

On the motion, Legislator Hahn.

LEG. HAHN:

Just define the Intelligent Transportation System for me, because I wasn't in the committee, so I can't remember at the moment what this is.

LEG. CILMI:

See, Gil, it wasn't all for naught.

COMMISSIONER ANDERSON:

(Laughter). This is a Federally-funded program that will allow us to basically set up a system that is similar to the IMIS System along the Expressway and Northern State. It will identify traffic problems on the main roads, on County roads. So we would set these signs up that would identify, okay, there's a problem on the Expressway, you know, ahead, just to give everybody warning.

LEG. HAHN:

So I noticed on County Route 97, Nicholls Road -- is that 97?

COMMISSIONER ANDERSON:

Correct.

LEG. HAHN:

That there's signs that say, you know, "*20 minutes to Suffolk County Community College*," although hopefully we'd never see that because that would be a long time. But it's different than that?

COMMISSIONER ANDERSON:

Those are set up through the -- that's a variable messaging sign, that's a program that we are working with the State right now. It will be different. It will be similar to what you see on -- I mean, it won't be the same system, but the same idea. It will identify that it will take -- you know, that there's an accident on the Expressway at Exit 61, you know, and it could also give you the time as well. But the main idea is to advise travelers of pending issues ahead so they can address their traffic -- travel.

LEG. HAHN:

You also connect to -- because I know that there are various probably proprietary, although it's free to me, like systems, on-line apps, like ways and other GPS traffic or routing systems that helps to direct you around traffic problems. Do we connect to those and send different kind -- or can -- I don't know exactly how to ask the question, but are we -- is it just about the signage, or is there a way to help even the broader -- you know, those who are linked in to those kind of apps?

COMMISSIONER ANDERSON:

I really couldn't answer that one right now. I just know that we would link in towards the State system which is probably the most reliable -- maybe not as -- and certainly would not require anybody to take their eyes off the road and look at, you know, a hand-held, so.

LEG. HAHN:

No, no, they speak to you (*laughter*).

COMMISSIONER ANDERSON:

Do they? Okay. I'm not that advanced.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. ***1183A, Bonding Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$112,500 bonds to finance a part of the cost of planning an intelligent transportation system (CP 3308.110), same motion, same second; roll call.***

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

D.P.O. SCHNEIDERMAN:

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:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1184-14 - Authorizing planning steps for the Voluntary Acquisition of Land and if necessary public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the replacement of a bridge on CR 16, Horseblock Road over the L.I.R.R. and Long Island Avenue, Town of Brookhaven, Suffolk County, New York (CP 5855)(County Executive).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. BROWNING:

I'll second.

P.O. GREGORY:

Second by Legislator Browning.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yeah, this is one for Gil. This was one of the bridges that was identified as a comprised bridge or one that was in need of some repair. Is this similar to most of our bridge projects, something where we're dragging down some State and Federal money, or is this one that's we're picking up the tab on

our own? And this is the railroad bridge, right?

COMMISSIONER ANDERSON:

This is the bridge over the railroad, yeah.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

Yeah, this allows us to --

LEG. KENNEDY:

That's kind of a steep-pitched --

COMMISSIONER ANDERSON:

Yeah, what's happening is part of the project will involve expansion of the footings --

LEG. KENNEDY:

Uh-huh.

COMMISSIONER ANDERSON:

-- of the structure and we're going to be expanding that and we will need easements and we will need small portions of land.

LEG. KENNEDY:

Are we getting any money on it, Gil?

COMMISSIONER ANDERSON:

That's what I'm trying to find out.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

There's nothing in here stating anything about any type of aid on this one. I don't know if Bob, Robert might know. Dr. Lipp?

LEG. KENNEDY:

You know what? Listen, let it go at this point. It's only the planning steps part. You're just doing the appraisals, we haven't even approached it.

COMMISSIONER ANDERSON:

Yeah, this does allow us to -- you're right.

LEG. KENNEDY:

We'll figure it out down the road. Okay.

P.O. GREGORY:

Legislator Cilmi. Remember, quickly.

LEG. CILMI:

Just quickly; what's the eminent domain component here, Gil?

COMMISSIONER ANDERSON:

This, again, is just part of the process. It allows us to begin negotiations. If the entity does not like the appraised prices, it then becomes we have to proceed into eminent domain which means we go to court and we settle out, so.

LEG. CILMI:

And the entity in this case being?

COMMISSIONER ANDERSON:

It could either be the railroad or the town, depending on which property we're going after. So I don't anticipate that it will go to that point because both are public prop -- both are public entities, but it's part of the process.

LEG. CILMI:

Okay.

P.O. GREGORY:

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

LEG. CILMI:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Cilmi)

P.O. GREGORY:

IR 1193-14 - Authorizing the purchase of up to 10 paratransit vans for Suffolk Transit and accepting and appropriating Federal and State Aid and County funds (CP 5658).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by -- who was that? Legislator Browning?

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Second by Legislator Muratore.

LEG. KENNEDY:

Mr. Chair, just a quick question again. This is Federal funds for the vehicles, right?

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

A hundred percent? Or pretty close.

COMMISSIONER ANDERSON:

Eighty percent Federal, 10 State, 10 County.

LEG. KENNEDY:

Okay. Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1193A, Bonding Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$550,000 Bonds to finance a part of the cost of acquisition of 10 paratransit vans for Suffolk County Transit (CP 5658.551), same motion, same second; roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

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. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. ***IR 1197-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with dredging of County Waters (CP 5200)(Lindsay).*** Motion by Legislator Lindsay.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. All in favor? Opposed?

LEG. ANKER:

On the motion? Real quick.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Gil, now this doesn't touch the Mount Sinai dredging funds, does it?

COMMISSIONER ANDERSON:

No, it doesn't.

LEG. ANKER:

Thank you.

LEG. HAHN:

Where does it take the money from?

COMMISSIONER ANDERSON:

Capital Project 1755.

LEG. HAHN:

Which is what?

COMMISSIONER ANDERSON:

That's the infrastructure improvements for traffic and public safety and public health. It's the Legislature's Capital Program.

LEG. D'AMARO:

This is for dredging?

LEG. HAHN:

How much will remain in that?

MR. LIPP:

We're looking it up now.

COMMISSIONER ANDERSON:

Capital Project 5220 is our dredging project. 1755 was the project -- originally funded Legislator Lindsay Sr.'s project to review the Grand Canal to study if -- you know, if dredging would improve the environmental health of the canal. And we went out, or the Health Department went out and they put out an RFP, the proposals came in, the selected proposal was more than we had available funding and that's what is being requested here is the amount to make -- the 1200 -- I'm sorry, \$120,000 is needed additionally to be able to award the contract.

MR. LIPP:

So point of reference. The offset project, the question asked by Legislator Hahn, the offset project we adopted at a million dollars seventeen fifty-five, this would be the first use of the money, so it would go down to 880 -- 880,000 if this was adopted.

LEG. HAHN:

Thank you.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1197A, Bonding Resolution (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$120,000 bonds to finance the cost of planning in connection with the dredging of County waters -Grand Canal, Oakdale (CP 5200.118), same motion, same second; roll call.

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

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1207-14 - Designating July 10th as Nikola Tesla Day in Suffolk County (Anker). Motion by
Legislator Anker. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 12 --

LEG. MURATORE:

Mr. Clerk, put me down as a cosponsor on that, please. Muratore.

P.O. GREGORY:

IR 1208-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with energy conservation at various County facilities (CP 1664)(County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski. Second by Legislator Schneiderman.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

Could we get a brief description? I think this is a pretty impressive line-up, Commissioner.

LEG. HAHN:

We're really putting him to work here after midnight.

LEG. KRUPSKI:

I don't want to make his time here wasted.

LEG. HAHN:

(Laughter).

COMMISSIONER ANDERSON:

God forbid *(laughter)*. I apologize, what resolution are we on, IR are we on?

MR. LIPP:

1208.

P.O. GREGORY:

1208.

COMMISSIONER ANDERSON:

1208, thank you. Sorry about this, folks. I'll get you out of here eventually.

D.P.O. SCHNEIDERMAN:

It's after 1208, it's 1245.

COMMISSIONER ANDERSON:

Sorry. It's so late, my fingers have stopped working. Okay, thank you.

The projects for this year include utility analysis to complement Space Management and Performance Management initiatives; replace window gaskets at various County buildings; continuation of energy dashboard control and monitoring installation for largest County-owned energy users; fluorescent lighting replacement; DEC to DC solar lighting demonstration project at DPW headquarters; additional Riverhead Jail heating system modifications; {Machilla} replacement at the H. Lee Dennison and at the Legislative Building; and a complete 100 kilowatt photovoltaic system at the Board of Elections.

LEG. KRUPSKI:

What is the projected savings?

COMMISSIONER ANDERSON:

We anticipate an annual savings of over \$700,000 per year. Thank you.

P.O. GREGORY:

Excellent.

LEG. D'AMARO:

How much does it cost?

COMMISSIONER ANDERSON:

That I can get you. I don't know off the top of my head.

P.O. GREGORY:

Okay. We have a motion and a second. Any questions?

LEG. KENNEDY:

Yeah, on the motion.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Gil, one of the things we had just spoken about, when you're looking at doing the installations, if you're in any of the utility rooms where this work is going to be done, you're going to consider the fit out for the CE detection?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Okay. Thanks.

P.O. GREGORY:

Okay. Anyone else? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay, *1208A Bonding Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$3,011,000 Bonds to finance the cost of energy conservation improvements at various county facilities (CP 1664.119 and 321)*, same motion, same second; roll call.

*(*Roll Called by Mr. Laube - 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. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay ***IR 1253-14 - Calling a public hearing for the purpose of modifying the plan of service for Suffolk County Sewer District No. 4 - Smithtown Galleria and repealing the terms of inconsistent Resolution Nos. 749-2013 and 1200-2013 (County Executive).***

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

All right, thank you, Commissioner. Sorry to keep you so late.

COMMISSIONER ANDERSON:

No, that's okay.

P.O. GREGORY:

All right, **Ways & Means**:

We did 1150.

IR 1176-14 - Approving payment to General Code Publishers for Administrative Code pages (Presiding Officer Gregory).

LEG. STERN:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1200-14 - Appropriating funds in connection with the Optical Disk Imaging System (CP 1751) (Presiding Officer Gregory).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1200A, Bonding Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$75,000 bonds to finance the cost of planning of the Optical Imaging System used by the County Clerk's office (CP1751.111), same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1201-14 - Appropriating funds in connection with upgrading of the Court Minutes Application (CP 1681).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

1201A, Bonding Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$75,000 bonds to finance the cost of planning for upgrading of the Court Minutes Application used by the County Clerk's Office (CP 1681.111), same motion, same second; roll call.

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

LEG. STERN:

Yes.

LEG. D'AMARO:

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:

No.

LEG. McCAFFREY:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1202-14 - Authorizing the County Clerk to file an application for additional State mortgage tax reimbursement (Presiding Officer Gregory).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. STERN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1218-14 - Authorizing the lease of premises to the United States Department of Agriculture (County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1232-14 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Islandia, Town of Islip) (SCTM No. 0504-014.00-02.00-002.000 formerly known as 0500-059.00-02.00-020.004) (County Executive).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1249-14 - Directing the County Attorney to examine the feasibility of commencing a legal action against major cigarette manufacturers (Trotta). Motion by Legislator Trotta. Second by Legislator Cilmi. All in -- any questions?

LEG. D'AMARO:

On the motion? Yeah, I had a few questions about that.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

I -- I'm trying to understand. This is authorizing the County of Suffolk County to bring a legal proceeding against cigarette manufacturers; why? I guess to the spon -- who's the sponsor? Are you the sponsor? Through the Chair, Legislator Trotta. It's one thing -- I mean, anyone can sue. The question is what are you suing for and what's your likelihood of succeeding?

LEG. TROTТА:

Well, the City of New York is about to commence the same action. It's in reference to bootleg cigarettes, in particular the major manufacturers knew they were being sold on the Indian reservation to the tune of 14 million cartons a year.

LEG. D'AMARO:

Right.

LEG. TROTТА:

And they bypassed the Master Smoker Settlement. When cigarettes are sold to Indian reservations, they're not counted in the Master Smoker Settlement. So 14 million times -- it was around \$4 a carton at that point, over certain years, that's a couple of hundred million dollars. The City of New York is about to commence an action also, and I've asked the County Attorney to look into the possibility of us doing it.

LEG. D'AMARO:

So just before I go to the County Attorney, again, thank you for explaining, but what -- so what exactly have the cigarette manufacturers done making them liable to Suffolk County?

LEG. TROTТА:

They -- there's 252 Indians on the Poospatuck Indian Reservation. Our New York State law says that cigarettes are to be sold for consumption by Indians on the reservation.

LEG. D'AMARO:

Right.

LEG. TROTТА:

There's no possible way they could be selling 14 million cartons of cigarettes a year.

LEG. D'AMARO:

Well, I agree with you, except that they are claiming that they can sell those cigarettes beyond the borders of their reservation, and that's a dispute with respect to sales tax where we're already in litigation. But how is the manufacturer responsible for what the Poospatuck Indians are doing on their reservation?

LEG. TROTТА:

During the course of the years that went by when they were selling it, they put limitations in as to how many cartons could be sold to each smoke shop. So what they did was they had trees, essentially, become a smoke shop. So a smoke shop could get 5,000 cartons a week, so they had a tree next to it and nailed a sign to a smoke shop and they delivered the cigarettes there. And the State requires the wholesalers to keep track of all taxed and untaxed cigarettes and who they're sold to, which goes back to Phillip Morris and Lorillard and they know where they're being sold. Based upon the factory situation or a wholesale situation, they knew whether they raised the sales tax, the City of New York raised the sales tax. If let's say this whole auditorium was the warehouse, it used to be a little teeny corner went to the Indian reservation, and then once the sales tax was increased, half the building went to the Indian reservation and half went to the 7-Elevens. So Phillip Morris has -- and Lorillard has salespeople that come down, they see this, they witness it. There was litigation, Federal litigation with contraband cigarette sales that they had someone in the courtroom every single day monitoring what was going on, so they were well aware that these cigarettes were being bootlegged.

LEG. D'AMARO:

Well, is -- so I understand, the cigarette manufacturer has an awareness that the Indian reservations are circumventing, or depending on who you listen to, disobeying the law, they're aware of that. But are they responsible for that?

LEG. TROTТА:

Well, that's what we're going to find out. You know, my argument is it is because they have a vested interest to get their product on the street at the lowest possible price. They don't care if it's sold out of a place in the City at \$5 a carton or it's sold in a 7-Eleven in Manhattan, as long as they're still getting their profit. So as long as -- you know, once the market share, once the price gets very high they lose market share. So they have a vested interest to keep the price as low as they possibly can.

LEG. D'AMARO:

Yeah, I don't know that you can impute the wrongdoing of the seller of the cigarettes to the manufacturer, but I'll -- I appreciate what you're trying to do. And, you know, several years ago we commenced litigation pursuant to a bill that I had brought seeking the sales tax, which is, of course, never being collected on reservations, and we can maybe get an update of that, but not now, it's kind of late. So thank you for answering my questions. If you don't mind, can I ask the County Attorney.

MR. BROWN:

Yeah, absolutely.

LEG. D'AMARO:

I mean, taking on Big Tobacco; are we ready to do this? You have the resources to do it? Do we have standing to do it?

MR. BROWN:

Standing is the issue.

LEG. D'AMARO:

Do we have likelihood of succeeding?

MR. BROWN:

Standing is the issue. It is late, I won't get into -- I'll try not to get into too many details. But the resolution asks us to take a look at whether or not you commence an action under terms and conditions of the Master Settlement Agreement. The Master Settlement Agreement, as you probably know, it relates to the tobacco securitization that we did twice, so we securitized our tobacco settlement revenue. That tobacco --

LEG. D'AMARO:

Didn't that -- but didn't that settlement, in effect, liquidate the damage and cut off liability to manufacturers? How is that a basis of a lawsuit for --

MR. BROWN:

The amount of money that's paid by the settling manufacturers and they're only domestic manufacturers, and the settlement amount that's paid on an annual basis is based on domestic consumption. And that was a settlement that was agreed to between the 46 Attorney Generals --

LEG. D'AMARO:

Right.

MR. BROWN:

-- and several territories, like Guam, I think maybe Puerto Rico as well.

LEG. D'AMARO:

Okay.

MR. BROWN:

And the amount of the settlement is based on domestic consumption. And I think that what Legislator Trotta is getting at is that the domestic consumption is actually -- is kept artificially low because the domestic consumption doesn't count the cigarettes that are being sold on Indian reservations.

LEG. D'AMARO:

Right. But didn't the County sign off on the settlement?

MR. BROWN:

Actually, the States did. So that comes to your issue of standing, so the County may very well, and I don't think that we do. We've done research on the topic already, but we're looking into a little bit more details. The County does not have standing to bring an action to enforce the Master Settlement Agreement, that's reserved to the Attorney General. And also, disputes are relegated to arbitration.

But there's another issue that we're looking at which I'm not prepared to talk about right now because I haven't fully vetted what's been reported to me, but it relates to whether or not they're -- even the question that's posed or presupposed in the resolution is proper. Because our -- my initial review is that even the cigarettes which are sold on indiv -- on Indian reservations are counted as part of domestic consumption. So it may very well be that the premise is flawed, and we have talked to the City, but again, we haven't reached any conclusions yet. But it may very well be that the premise is flawed that cigarettes are not counted as part of domestic consumption. Right now we believe that they are and that there is not a bad faith approach by the manufacturers to artificially suppress domestic consumption and, hence, the amount of money that should be paid out

pursuant to the Master Settlement Agreement.

D.P.O. SCHNEIDERMAN:

Motion to table.

MR. BROWN:

The analysis isn't final.

D.P.O. SCHNEIDERMAN:

Motion to table, in light of that testimony.

LEG. D'AMARO:

Just before we get to that, this would only, though, direct you to conduct a feasibility study, which is what you're doing.

MR. BROWN:

That's correct.

LEG. D'AMARO:

Right. So --

MR. BROWN:

Which I would, you know, label as 80% complete at this point.

LEG. D'AMARO:

Okay.

LEG. KENNEDY:

So what's the hold up?

LEG. D'AMARO:

I don't see the harm in passing it.

MR. BROWN:

I don't certainly have an objection. You know, we tried to talk -- we talked about it with the Legislator at committee. Legislator Trotta said -- you know, wouldn't consent to tabling at that time. We don't really have any objection.

LEG. KENNEDY:

Okay. So let's move the bill.

P.O. GREGORY:

All right. We have a motion and a second. We do have --

D.P.O. SCHNEIDERMAN:

On the motion. I just have some issues with the language in the bill that makes certain statements that, you know, things are wrongful or elicit, that are particularly pertaining to actions on the Indian Reservations, or Native American reservations, so.

LEG. D'AMARO:

Right.

D.P.O. SCHNEIDERMAN:

It says basically they have sold massive quantities, where is that? (*Quietly read the resolution*) I've got to find the language, but it specifically says that, you know, all these cigarettes are on the black market because of the Indians, cigarettes sold on the Indian reservations. As a result of these -- here it is; "*As a result of these illicit sales,*" I'm not sure that they're illegal sales, that's something that's a disputable point. But this resolution calls them illegal. So I'm not going to support this; maybe I'll abstain from it.

P.O. GREGORY:

Okay. All right. So we have a motion and a second. We have a tabling motion but no second, so.

LEG. LINDSAY:

I'll second the tabling motion.

P.O. GREGORY:

Second the tabling motion. Okay, tabling motion goes first. Roll call.

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

D.P.O. SCHNEIDERMAN:

Yes to table.

LEG. LINDSAY:

Yes to table.

LEG. KRUPSKI:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

(Not Present).

LEG. CALARCO:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

P.O. GREGORY:

No.

MR. LAUBE:

Two.

P.O. GREGORY:

Okay, approval motion. All in favor? Opposed? Abstentions?

D.P.O. SCHNEIDERMAN:

Abstention.

MR. LAUBE:

Seventeen (Abstention: Legislator Schneiderman).

P.O. GREGORY:

Okay, if you go to your manilla folders.

LEG. KRUPSKI:

Procedural Motions.

P.O. GREGORY:

Right, ***Procedural Motion No. 7*** is before us again (***Setting land acquisition priorities in accordance with "AAA Program" requirements***)(Hahn). I'm sorry, Ms. Longo. Do we have a motion? We had a motion.

MR. LAUBE:

Which bill is it? Sorry.

P.O. GREGORY:

Procedural Motion No. 7.

MR. LAUBE:

Yes, you have a motion and a second. Motion and a second.

P.O. GREGORY:

All right. Are there any questions? Everyone had their questions answered? Legislator D'Amaro, anybody?

LEG. D'AMARO:

What are we doing?

P.O. GREGORY:

Procedural Motion 7, the AAA.

LEG. D'AMARO:

Yeah, I'll offer a motion to go into Executive Session.

P.O. GREGORY:

Okay. I will offer a motion to table.

D.P.O. SCHNEIDERMAN:

I'll second the tabling motion.

LEG. HAHN:

I'll second the motion to go into Executive Session.

LEG. CILMI:

I'll see your motion.

*(*Laughter*)*

D.P.O. SCHNEIDERMAN:

On the motion. It's one o'clock now. It's one o'clock now, I have to drive to Montauk when this meeting is over, so I -- if this can wait til a subsequent meeting --

LEG. KRUPSKI:

No, it can't.

D.P.O. SCHNEIDERMAN:

-- I would appreciate it. Why?

LEG. KRUPSKI:

Let's finish the job here, come on.

D.P.O. SCHNEIDERMAN:

Why does it have to happen tonight?

LEG. KRUPSKI:

We're here to work, let's finish.

D.P.O. SCHNEIDERMAN:

It's one o'clock in the morning.

P.O. GREGORY:

All right. Well, let's pass over the other resolutions and then we'll get -- come back to it.

LEG. BROWNING:

DuWayne, we have -- Janet's been sitting here all night now, and now to table it? I mean, that's not fair.

P.O. GREGORY:

I thought the purpose of passing it over before was to have people's questions answered, and obviously they haven't been answered.

LEG. BROWNING:

So --

LEG. HAHN:

No one asked any.

P.O. GREGORY:

Well, I didn't know that no one asked. I mean, that was the whole point, purpose of passing over it earlier. You know? I don't know if our questions are being able to be answered tonight. You know, we can do these next two resolutions and we can go into Executive Session, but, you know, it's one o'clock.

LEG. D'AMARO:

Right.

P.O. GREGORY:

I don't see the urgency.

LEG. BROWNING:

I'll stay here all night if I have to. No one's asked a question.

LEG. D'AMARO:

Presiding Officer?

P.O. GREGORY:

All right. So we'll pass over it, let's do Procedural Motion 8 and 9 and then we'll come back to it.

LEG. D'AMARO:

Okay.

P.O. GREGORY:

All right?

Procedural Motion No. 8-2014 - To set a public hearing regarding the alteration of rates license for Davis Park Ferry Co., Inc. (Presiding Officer Gregory). I'll make a motion.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator -- was that D'Amaro?

MR. NOLAN:

Yes.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Procedural Motion No. 9-2014 - Setting public hearings for proposed transition of Tri-Community Health Center to FQHC status and operated by Hudson River Healthcare, Inc. (Presiding Officer Gregory). I'll make a motion.

LEG. SPENCER:

Second.

P.O. GREGORY:

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

LEG. BROWNING:

How -- okay, tell me what -- tell me what we're doing here.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

We're doing Procedural Motions.

LEG. BROWNING:

Okay, hold on. This is Tri-Community transitioning to --

P.O. GREGORY:

This is for Public Hearings, setting the Public Hearings.

LEG. BROWNING:

Oh, it's setting the Public Hearing.

P.O. GREGORY:

Yeah.

LEG. BROWNING:

Okay.

P.O. GREGORY:

Actually, let's just go to the red folder as well, let's do that one before we go back to Procedural Motion No. 7.

LEG. D'AMARO:

Did we vote on this yet?

LEG. BROWNING:

I don't think we voted on this yet. I didn't think there was a vote.

LEG. D'AMARO:

Number nine?

MR. NOLAN:

No, we got a vote.

P.O. GREGORY:

Yeah, we voted.

MR. LAUBE:

You did, I called it.

LEG. D'AMARO:

I would like to make -- I need a motion to reconsider because I need to recuse on that.

P.O. GREGORY:

Oh, okay. I'll make a motion to reconsider Procedural Motion No. 9.

LEG. CILMI:

Second.

P.O. GREGORY:

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

LEG. BROWNING:

I'm opposed.

P.O. GREGORY:

You're opposed to reconsidering?

LEG. BROWNING:

Oh, sorry (*laughter*). I'm rushing. I'm glad we're reconsidering it because I have --

MR. LAUBE:

Eighteen on the reconsidering.

P.O. GREGORY:

All right, the motion is before us.

Procedural Motion No. 9-2014 - Setting public hearings for proposed transition of Tri-Community Health Center to FQHC status and operated by Hudson River Healthcare, Inc. (Presiding Officer Gregory). I'll make a motion to approve. Second by Legislator Schneiderman.

LEG. D'AMARO:

Mr. Presiding Officer, please note my recusal for the record.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Thank you.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

LEG. BROWNING:

Opposed.

MR. LAUBE:

*Sixteen (ACTUAL VOTE: Opposed: Legislators Browning & Hahn
- Recused: Legislator D'Amaro).*

Okay, **Red Folder (CN's):**

1315-15 - Declaring April 8th "Equal Pay Day" in Suffolk County for Women (Martinez).
Motion by Legislator Martinez.

LEG. BROWNING:

Second.

P.O. GREGORY:

Second -- who was that?

MR. NOLAN:

Browning.

P.O. GREGORY:

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

LEG. SPENCER:

Cosponsor.

LEG. BROWNING:

Well, all you men need to cosponsor this (*laughter*).

LEG. HAHN:

I'll cosponsor.

LEG. MURATORE:

Cosponsor.

LEG. CALARCO:

Cosponsor.

P.O. GREGORY:

Okay. Back to ***Procedural Motion No. 7-2014 - Setting land acquisition priorities in accordance with "AAA Program" requirements (Hahn)***. We have a --

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Come on. Come on.

LEG. HAHN:

There's a motion to approve.

LEG. LINDSAY:

DuWayne, do we have a motion to approve on this yet?

P.O. GREGORY:

On the Procedural Motion?

LEG. LINDSAY:

Yes.

P.O. GREGORY:

Yeah.

MR. NOLAN:

A motion to table and a motion to approve.

P.O. GREGORY:

We have a motion to -- we have a motion to approve, we have a motion to table, we have a motion to go into Executive Session; we have every motion except to go home. So what do you guys want to do?

MR. NOLAN:

Deal with Executive Session first.

P.O. GREGORY:

We'll do -- you want to do a roll call on Executive Session?

LEG. HAHN:

Sure. Which takes precedence?

D.P.O. SCHNEIDERMAN:

Shouldn't we do tabling first?

P.O. GREGORY:

Executive Session goes first.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, the reason why I'm requesting it is because maybe in the future we'll have a better procedure for -- if we're going to continue with Executive Session, which I don't think we should, but if we do, at least we'll all have an opportunity to attend and be notified. But for this particular bill, I think we need an opportunity to talk about not only the bills that are -- the properties before us, but also the properties that were turned down. So my preference is not to do Executive Session, but I don't see any other way.

P.O. GREGORY:

Robert, do we have -- is IT here? Is Cary or anyone here?

MR. LIPP:

I'm not sure if he's still here.

P.O. GREGORY:

I just want to make sure we could turn off the mics if we have to go in the back.

Okay, so the Executive Session has precedence. So do we want to do a roll call? Okay. All right, roll call.

LEG. CILMI:

Mr. Vaughn wants to be heard.

P.O. GREGORY:

Mr. Vaughn.

MR. VAUGHN:

I understand that this is a Procedural Motion and that technically the Executive's Office does not have standing here, and I'm certainly not looking to prolong this debate any longer. But I would just add this; I think that the concerns about what was not -- what was not put forward I think are certainly valid. The Executive's Office needs to every year, at the end of the year, put forward a resolution that talks about why certain Capital Projects have not gone forward. And if it was the will of the EPA Committee or the will of the Legislature, we would certainly be happy to try and prepare some type of briefing in the future, have Planning work with the EPA Committee to prepare some type of briefing in the future as to why certain things did not go forward.

LEG. D'AMARO:

Well, I don't want a briefing. I want to be able to advocate if I believe a property should be included. You know, the whole idea is that it's participatory and we all need an opportunity to participate in the process of deciding which properties ultimately get into this all-or-nothing vote. And I also think it should be done in a full committee, not in Executive Session, but that's a whole nother issue. But thank you for that suggestion.

P.O. GREGORY:

Okay. All right, so we have the Executive Session.

MR. LAUBE:

Roll call?

P.O. GREGORY:

We're going to do a roll call.

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

LEG. D'AMARO:

Yes.

LEG. HAHN:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. ANKER:

(Not present).

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

No.

MR. LAUBE:

Nine.

P.O. GREGORY:

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

MR. LAUBE:

Yes, you do.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

You know, we spent more than a few hours here, we spent more than a few hours in committee making these decisions, and to table this now is really just -- why did we bother going through the exercise of changing the procedure to the AAA? I mean, let's make a decision and move on. To table it, to prolong it for what end? To what end?

D.P.O. SCHNEIDERMAN:

If I may, because I made the tabling motion. A couple of things. One, it's a late hour. And maybe some of us are getting a little bit tired and maybe this would be a good argument when we're dealing potentially with what may lead to large expenditures of money for, you know, arguably important pieces of land, that we make it with clearer heads than as something in the discussion at one o'clock in the morning.

Two is I don't see why this couldn't wait a couple of weeks. We have a lot of questions that have come up by Legislator D'Amaro. I have some questions. I would actually -- I voted for the Executive Session so I could see a little bit more information about these properties. I was not on that committee and I would like to take a closer look in light of some of the testimony today. So I think we should table it. If the tabling motion fails, we'll stay here maybe for another hour arguing or debating the point. That's the prerogative of the Legislature, I'll stay here. I still have a two-hour drive when this meeting is over. But if you feel it has to happen tonight, a lot of other things have waited multiple sessions. I'm asking for a tabling motion, it's up to the will of the Legislature.

LEG. KRUPSKI:

And don't forget, we do have a -- there seems to be an agreement with the town to partner on one of these. I'm sure they would like to move it also.

D.P.O. SCHNEIDERMAN:

I'm sure a month from now it will still be there.

P.O. GREGORY:

Tim, who's -- we have a motion. Who's the second on that?

MR. LAUBE:

I have the motion by you and the second by Legislator Schneiderman.

P.O. GREGORY:

All right, I will withdraw my motion.

D.P.O. SCHNEIDERMAN:

To table?

P.O. GREGORY:

Yep.

LEG. D'AMARO:

All right. I'll offer a motion to table.

P.O. GREGORY:

Okay.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

All right.

LEG. D'AMARO:

And just on the motion, I think we should table because if not, if you make a motion to approve, then I'm going to ask all my questions now. So if you want to stay and do it now, that's fine. I think it's just inappropriate to ask 18 of us to vote all or nothing on properties when others were excluded and we don't know the first thing about why. I just don't think we should do that. This is the first time we're doing it, the system -- this procedure needs to be tweaked. I don't see the harm in waiting a couple of weeks or three weeks, whatever it's going to be, to approve these, so that everyone has a full and fair opportunity to consider it and be heard on it and react to it.

P.O. GREGORY:

I hear what you're saying. I disagree. You know, I don't think anyone was excluded. If they weren't in the room, it's for whatever reason they decided not to be in the room, but they certainly were allowed to be in the room, as I was allowed to be in the room. I'm not a member of the committee, but I was in Executive Session. If you have questions, I understand that, but everyone, you know, received the posted agenda for the committee. They certainly could have made themselves available. I don't think it was any secret.

LEG. D'AMARO:

Well, I chose not to participate in that because I don't think it should be in Executive Session.

P.O. GREGORY:

Well, that's different. So, I mean --

LEG. D'AMARO:

I mean, I would choose not to participate in that.

P.O. GREGORY:

Right. That's different than being excluded.

LEG. D'AMARO:

I never said I was excluded.

P.O. GREGORY:

I thought you said that members were excluded from the process.

I agree that maybe it should be open, maybe we should look at that. But as the rule -- as the Charter is written now, those discussions are to be held in private, and everyone's available to participate in that.

So, anyone else? We have a tabling motion. Okay? All right, roll call on tabling.

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

LEG. D'AMARO:

I vote no because I didn't have the opportunity to participate at all in this discussion.

P.O. GREGORY:

No, this is your -- this is your motion.

LEG. D'AMARO:

I mean yes. I mean yes to table. I'm sorry. You know what I meant.

*(*Laughter*)*

D.P.O. SCHNEIDERMAN:

It is late.

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

D.P.O. SCHNEIDERMAN:

Yes to table.

LEG. KRUPSKI:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

(Not Present).

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

No.

P.O. GREGORY:

No.

MR. LAUBE:

Seven.

P.O. GREGORY:

Okay. I have a motion to approve. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yeah. As a matter of fact, I want to offer a motion to commit it back to committee.

LEG. CALARCO:

It never went to committee.

LEG. KENNEDY:

Back to the EPA.

MR. NOLAN:

(Inaudible).

LEG. KENNEDY:

What?

P.O. GREGORY:

It doesn't make sense. The committee voted to --

LEG. KENNEDY:

Yeah, but we have -- I mean, a number of us are trying to go ahead and avoid, and I guess we're going to have to really get to the point where we just start talking about the prices and the whole rest of it, the whole nine. Maybe that's what we have to do.

LEG. D'AMARO:

That's what they want to do.

P.O. GREGORY:

Is that a 1:15 AM threat?

LEG. KENNEDY:

No, no, no! No, not at all.

*(*Laughter*)*

No threat whatsoever. You know, the member has some valid questions and we've been tap dancing around it now for the better part of eight or nine hours, so maybe we ought to just start talking about it.

P.O. GREGORY:

Yeah. No, I -- let's start talking.

LEG. KENNEDY:

Okay. What were the two parcels that didn't make it on the list?

P.O. GREGORY:

One is mine, Gus Wade Colonial Springs Farm in Wheatley Heights, 15.1 acres, I believe it is. The reason it was rejected was that they're -- I believe I could say this -- they were looking -- there's another stream of funds that may be available, so instead of using just the Quarter Cent for the farmland, it will actually preserve more funds in that part of the money stream because we can -- there's Babylon monies that can be used, there's --

LEG. BROWNING:

The old money.

P.O. GREGORY:

Yeah, yeah, the old -- you know, old Babylon Drinking Water to be used.

LEG. KENNEDY:

12(5)E, 12(5)E money.

P.O. GREGORY:

Right.

LEG. KENNEDY:

Okay.

P.O. GREGORY:

So, to offset. So that's --

LEG. KENNEDY:

So when you say it was rejected, though --

P.O. GREGORY:

It was tabled.

LEG. KENNEDY:

By the committee.

P.O. GREGORY:

Yeah, they didn't like my cologne that day, so they gave me a hard time.

LEG. KENNEDY:

Well, you know (*laughter*).

LEG. KRUPSKI:

There is an opportunity -- oh, I'm sorry. Through the Presiding Officer. There's an opportunity, you could either table these, like we did, or the other one is a farm in Southold, or you can table them and then have them for future consideration, or you could reject them outright and say, "*These are not really appropriate. We have limited funds. They're not*" -- if it's farmland, you could say, "*Well, it's not contiguous. It's not good soils, therefore it's not going to rate very high,*" and we're going to tell you, "*No, thank you. We're not interested at this time.*" If it's open space, maybe it doesn't have any groundwater recharge value, maybe it doesn't have any wildlife connectivity, and then we'll say the same thing, "*No, thank you. You should make other plans for your property.*" So there's different options within the process. We didn't choose to tell these people, "*No, thank you. Make other plans.*" We're still interested in preservation of those two parcels, it's just not -- it didn't come out of committee that day.

LEG. KENNEDY:

Okay. All right. You know, I guess that is what it is and that's why the rest of them are where they're at.

P.O. GREGORY:

I'm actually -- it should be in the packet as a Late Starter, I'm introducing a resolution to address the issue with the 12(5)E funds for my resolution so that we can move forward with that preservation.

LEG. KENNEDY:

Just so that I am crystal clear with this. If this resolution gets approved now with these four parcels, what will then happen?

LEG. CILMI:

We'll go home.

LEG. HAHN:

Is that to me?

LEG. KENNEDY:

Anybody who can answer it.

LEG. HAHN:

So then the department is allowed to go ahead with environmental assessments and then with making the offer and then -- you know, and negotiating and going to contract with the seller.

LEG. KRUPSKI:

Could I please call up Janet Longo to answer -- to make sure we fill in all the details for the record.

MS. LONGO:

I will do my best.

LEG. KENNEDY:

Hi, Janet. How are you?

MS. LONGO:

My brain shut down. Okay, what can I --

LEG. KENNEDY:

Janet, here's the question that I'll ask you. So if this resolution gets approved today with these four parcels, then what is the Division of Real Estate going to do?

MS. LONGO:

We will send offer letters.

LEG. KENNEDY:

You'll send an offer letter?

MS. LONGO:

Uh-huh.

LEG. KENNEDY:

Will you do a Phase I environmental if, in fact, the offer letter comes back positive? You're going to go through a series of steps, right?

MS. LONGO:

If they accept the offer --

LEG. KENNEDY:

Yes.

MS. LONGO:

-- we will go into contract.

LEG. KENNEDY:

Okay.

MS. LONGO:

Then we will do the Phase I and Phase II and then we will come back to you for an authorizing resolution.

LEG. KENNEDY:

Okay.

MS. LONGO:

This was the added step in the AAA process.

LEG. KENNEDY:

Yes, I recall.

MS. LONGO:

We have the appraisal step which allowed us to get an appraisal, then it goes through that whole committee after ETRB.

LEG. KENNEDY:

All four of these have been appraised.

MS. LONGO:

Everything's been appraised, everything's gone through ETRB, then it went to EPA in Executive Session to create a Procedural Motion.

LEG. KENNEDY:

How long ago did these go through ETRB?

MS. LONGO:

Some of them went through back in October and some went through in December.

LEG. KENNEDY:

Okay. All right.

MS. LONGO:

This has been a long process.

LEG. KENNEDY:

Okay. All right, I'll yield.

P.O. GREGORY:

Okay. Anybody else? Legislator D'Amaro.

LEG. KRUPSKI:

I have one question for Janet. How long is the offer good for?

MS. LONGO:

The offer is good for 30 days.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thanks. Hi, Janet. Just as an aside; you do a Phase II automatically, do you wait for the Phase I?

MS. LONGO:

No, Phase I.

LEG. D'AMARO:

You do a Phase I and then only if it's required to move forward.

MS. LONGO:

Right.

LEG. D'AMARO:

Okay, I just wanted to clarify that.

All right. There are four parcels in the resolution, two that were tabled by the committee in Executive Session. Can you give me the appraised value of each one?

MS. LONGO:

I could. I don't know if I should in public. That was the whole purpose of the Executive Session.

LEG. D'AMARO:

Well, I need the same information that the committee had in order to decide whether to support the bill.

MR. VAUGHN:

Janet, it's fine.

MS. LONGO:

Yeah? Okay. What would you like? I was told to give it to you. Do you want the appraised value of the parcels on the Procedural Motion?

LEG. D'AMARO:

Yeah, and then the two that were excluded.

MS. LONGO:

Okay. I need my glasses.

LEG. HAHN:

And -- wait. Can Counsel tell us if we should do this?

MR. NOLAN:

Are we talking about, Legislator D'Amaro, you looking at it, or do you want her to tell you it on the record?

LEG. D'AMARO:

On the record.

MR. NOLAN:

I mean, the law says we -- the committee was supposed to keep it confidential. If the Division of Real Estate wants to provide it, you know, then I guess it's okay.

LEG. D'AMARO:

Well, I don't want to do anything that would prejudice the County, but I don't see any prejudice to the County by disclosing this on the record.

MR. NOLAN:

I would just be curious -- I would be curious to know why they think it should be confidential.

LEG. D'AMARO:

So would I.

MR. NOLAN:

So maybe they can explain why they would like to keep it confidential.

MS. LONGO:

Your bill, the AAA process, makes it --

P.O. GREGORY:

Use the mic.

MR. VAUGHN:

I'm going to be completely honest right now. I remember that when we debated this and we talked about setting up AAA that there were reasons for why we thought that it would be best to discuss it

in Executive Session. At this exact moment in time, I have no idea what those reasons were. I'm not an expert on real estate and I can't -- I honestly can't remember why we thought it was --

MR. NOLAN:

Well, I think the Department of Planning, Division of Real Estate would be in a position to explain why. There must be a rationale that they have.

MR. VAUGHN:

I'm sure that there is, but I don't think that either Janet or I could answer that question.

LEG. KRUPSKI:

The reason is because when you discussed the price before an offer is made, you can affect the value of the parcel; that's the only reason.

MR. VAUGHN:

That's sounds completely --

LEG. D'AMARO:

I don't -- I don't agree with that.

LEG. KRUPSKI:

But that's the reason.

LEG. D'AMARO:

Okay. Well, it's wrong. I mean, the fact of the matter is if you tell me parcel A is worth a million dollars, that's the offer going out and that's what we have to accept. I don't see what prejudice there is to the County position.

MR. NOLAN:

Legislator D'Amato, I would suggest perhaps it would be best if she shared it with the committee, maybe not testify on the record, but show it to you and show it to any other member who's interested in the appraised value of the parcels, and that might suffice.

LEG. D'AMARO:

I appreciate that. However, that is then withholding a piece of important information from public view upon which we're basing a decision. The whole idea of getting the appraisal upfront is so we can rank these parcels not only according to their number, their ranking, but also the value and how much money we have. I mean, this is public funds we're dealing with here.

MR. NOLAN:

This is the type of discussion that under Open Meetings does not have to be done in the open. It's not subject to Open Meetings. I mean, I just --

LEG. D'AMARO:

Yeah, I appreciate that. You know, again --

LEG. MURATORE:

(Raised hand).

LEG. D'AMARO:

Two individuals that have properties were being tabled, but they're never going to know the value of the other properties. You know, how do you evaluate all of this without having all the information

and having a discussion about it? Again, I just don't see any reason why you can't disclose the numbers, I just don't. But, you know, it's up to the -- whatever you guys want to do. I mean, I want the information, I think it should be public.

P.O. GREGORY:

Okay. Are you yielding, Legislator D'Amaro?

LEG. D'AMARO:

Well, I had other questions.

P.O. GREGORY:

Oh, okay.

LEG. D'AMARO:

First I want to know if you're going to answer my question with respect to the appraised value.

LEG. MURATORE:

My question -- can I just -- shouldn't the County Attorney be here?
I mean, giving us some guidance?

LEG. D'AMARO:

I would welcome that, sure.

LEG. MURATORE:

Is he around still, or is he on his way home?

LEG. CALARCO:

Call him back.

LEG. MURATORE:

Can we get him?

MR. VAUGHN:

I believe Mr. Brown is on his way home. I would be happy to make a phone call, though.

LEG. CALARCO:

Let him know.

MR. VAUGHN:

I mean, we do have Mr. Nolan, with all due respect to Mr. Nolan.

MR. NOLAN:

Well, the Statute says the values shall be confidential. You know --

MR. VAUGHN:

And I think that with all do respect, we're going to follow the current statutes. And if we want to have a debate on amending the law, I think that we're more than amenable to having a debate on amending the law.

LEG. D'AMARO:

Well, with all due respect to that, though, the Statute says it shall be kept confidential by whom?

MR. NOLAN:

What the -- I'll read it to you. It talks about the EPA meeting, it says, "*Such meeting shall be conducted in Executive Session and the values shall be confidential.*" So, I mean, definitely for the committee, it has to be confidential. It doesn't expressly extend out to Ms. Longo, but --

LEG. D'AMARO:

Okay.

MR. NOLAN:

You know, under those circumstances, I don't know that she should be stating on the open record what the values are.

LEG. D'AMARO:

Fair enough. I will err on the side of compliance with the law and not ask for those numbers tonight publicly, based on the reading, you know, what you just read in the Statute. But certainly I don't think there was any prejudice to disclosing them, but if that's what the law requires, that's what the law requires here and now at this moment.

I don't have sufficient information, then, to make a decision whether or not to support the bill, so I'm going to vote no. So I'm done with my questions.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Janet, the process is somewhat new. We've been doing these appraisal steps, but anything on the Master List that had been on the Master List did not require any additional appraisal steps. So I'm a little bit confused as to why this group only had these six pieces to look at when there are potentially hundreds of other properties that had already been authorized for appraisals. What happened?

MS. LONGO:

The new process started, the AAA process with the appraisal steps.

D.P.O. SCHNEIDERMAN:

But that was not supposed to stop the old process. I would have -- I haven't been putting in appraisal steps resolutions because I've been told that those properties are already in the system and can't be moved forward.

LEG. HAHN:

You need willing sellers.

D.P.O. SCHNEIDERMAN:

You know, I think that Legislator Hahn actually was going to send a letter out to those properties.

LEG. HAHN:

You need willing sellers. You need willing sellers to get an appraisal.

MS. LONGO:

Right. And we hadn't reached out to people because this process had just been passed, appraisals steps were passed.

D.P.O. SCHNEIDERMAN:

So, but we basically jumped now these pieces with these recent appraisal steps well ahead of other properties that were on the Master List for a long time. I don't understand why we do that.

MS. LONGO:

We reached out to everybody on the Master List.

D.P.O. SCHNEIDERMAN:

So these may not be the very best properties. These are the more recent properties.

MS. LONGO:

Well --

LEG. HAHN:

DuWayne? DuWayne?

MS. LONGO:

Babylon Bay is rated a 69, that's one of the highest even on the Master List.

D.P.O. SCHNEIDERMAN:

Okay. And that was a Master List property, too, right?

MS. LONGO:

That was a Master List property.

D.P.O. SCHNEIDERMAN:

Okay. And is that Pine Barrens property?

MS. LONGO:

No, it's Carmans River Corridor.

D.P.O. SCHNEIDERMAN:

Carmans Rivers, okay, Corridor. Okay. And those other pieces --

MS. LONGO:

And actually, another one is on the Master List also, the piece in Babylon.

D.P.O. SCHNEIDERMAN:

Okay. But there were many, many properties on that Master List.

MS. LONGO:

But these were willing sellers right now.

D.P.O. SCHNEIDERMAN:

So they came to us? How did we know they were willing sellers?

MS. LONGO:

Because appraisal steps were passed so we could reach out to them. We have limited money, so the purpose of passing the legislation that you all passed, the AAA, was to reach out and prioritize. And these were appraisal steps that were passed --

D.P.O. SCHNEIDERMAN:

Okay. But I was told we didn't have to do appraisal steps if it was on the Master List.

MS. LONGO:

You don't.

D.P.O. SCHNEIDERMAN:

It wasn't necessary. It was already preauthorized.

MS. LONGO:

That's correct, you don't. And the --

D.P.O. SCHNEIDERMAN:

But apparently I did, because now if I had, some of those properties may have been in the mix. So there's an inconsistency there. Now I'll start doing appraisal steps for --

MS. LONGO:

If somebody comes to me and says, "*I have property on the Master List and you reached out to me before and I'm interested now,*" we would do appraisals.

D.P.O. SCHNEIDERMAN:

I think I did --

MS. LONGO:

And they would get --

D.P.O. SCHNEIDERMAN:

-- come to you with at least one property that was on the Master List, the one around the airport. The one by Gabreski; Tuccio, maybe, is the owner.

MS. LONGO:

As I recall, he needed to get an LOI and there was litigation, so we couldn't do appraisals on his property. And the planning steps, the appraisal steps that you were trying to get passed I don't think ever passed, I think they got tabled.

D.P.O. SCHNEIDERMAN:

No, I did that because it didn't need to be done.

MS. LONGO:

Right.

D.P.O. SCHNEIDERMAN:

I was told, "*You don't need to do this.*"

MS. LONGO:

Because it's Core Pine Barrens, but he never got us an LOI that we need in order to do an appraisal. And there was also litigation with the Pine Barrens Commission, I believe.

D.P.O. SCHNEIDERMAN:

On that property?

MS. LONGO:

On that property, yeah.

D.P.O. SCHNEIDERMAN:

Well, I'd like to find out more about the hold up on that, but I thought there was -- that that property was moving through.

MS. LONGO:

No.

D.P.O. SCHNEIDERMAN:

And so now the procedure -- so I have to go back now and look and introduce appraisal steps.

MS. LONGO:

His property -- he's got -- he's Core Pine Barrens. He doesn't need appraisal steps or anything, he's Core Pine Barrens. We actually have an authorizing resolution --

D.P.O. SCHNEIDERMAN:

You've authorized everything that was on the Master List, you had authorizing resolutions.

MS. LONGO:

No, we had planning steps resolutions on the Master List. Core Pine Barrens is a little bit different than the Master List in that we have authorizing resolutions -- authorizing resolutions to purchase everything in the core Pine Barrens.

D.P.O. SCHNEIDERMAN:

Okay. But the old Master List properties, you had authorization to go and appraise those properties.

MS. LONGO:

And appraise them, yes.

D.P.O. SCHNEIDERMAN:

Right?

MS. LONGO:

Right.

D.P.O. SCHNEIDERMAN:

So I didn't need to do appraisal steps when you already had that.

MS. LONGO:

No, but I needed -- he's core Pine Barrens, he's not on the Master List, he's core.

D.P.O. SCHNEIDERMAN:

Well, he's in that --

MS. LONGO:

And I needed --

D.P.O. SCHNEIDERMAN:

-- whole Pine Barrens list, right?

MS. LONGO:

That's right, but that's not a Master List, that's core. And I needed an LOI from the Pine Barrens Commission telling us how many credits his property is eligible for. He was in litigation with the Pine Barrens Commission about how many credits he could get on his property, and I don't know that --

D.P.O. SCHNEIDERMAN:

Okay. But my point is there were a lot of properties in my district that were on those Master Lists. Now, if I'm being told, which it sounds like this is different, you know, different direction here, I have to go through those now and figure out which ones I think are important and do appraisal steps, even though it's not necessary, I will. Because that seems that's the only way to get to the table here is through appraisal step resolutions.

MS. LONGO:

Or if somebody who's on the Master List writes to us and says they're interested, then we could order an appraisal.

D.P.O. SCHNEIDERMAN:

Well, we were going to do the list. Wasn't Sarah Lansdale going to reach out to a certain number of them and see if they were active? Those could be brought forward at the same time. Some of those may be more important. I don't know, these are good -- sound like good properties, but unless I know all the properties we're looking at, I can't make that judgment call.

LEG. HAHN:

I think I'm on the list, right?

P.O. GREGORY:

Yes. Mr. Vaughn?

MR. VAUGHN:

I would just say that I do believe that Ms. Lansdale has begun the process of reconvening that list as directed by a piece of legislation that was adopted and sponsored by Legislator Hahn. And that at the next -- the next time that we go through this procedure, the properties that responded to that would be eligible to be discussed further.

P.O. GREGORY:

All right. Legislator Muratore.

LEG. MURATORE:

You already recognized me; I asked about having the County Attorney here.

P.O. GREGORY:

Oh, okay. All right, Legislator Hahn.

LEG. HAHN:

So just to clarify. The new AAA process weighs several factors; the price, the rating, what could be coming down the pike immediately. But there's always a balance. We have to -- we have to balance. We can't wait forever for the property that's rated 89. There might be a property rated 89 out there, but if the owner is dead set against selling it to the County, we shouldn't hold up the purchase on the rest of the properties just because there's not a willing seller. So this process has to balance the fact that what -- we basically are looking at what is available to us now against each other, instead of the old first-come-first-serve deli-style -- deli-counter style, we're weighing against each other what -- and Jay, I'm trying to answer your question. What is available to us now. And some of these properties, the Master List properties had been canvassed when the Master Lists were created and there were -- land owners who either did not respond or responded that they weren't interested, and so that's why I put in the bill to reconven the Master List. But, you know, we have to -- we can't wait forever for the highest level. We can't just hold up the whole process in, you know, chasing the 89s, the 90s, the 100 pointers that might not sell to us for 10, 15 years until their

estate takes over. We have to balance what's available to us at this moment, what are they rated, what do they cost, and weigh those factors. And so that's my response to, you know, your question.

P.O. GREGORY:

All right, anybody else? Okay -- we don't have a Clerk now?

MR. LAUBE:

Right here. I can hear it all. Start it up.

P.O. GREGORY:

All right. We have a motion to approve. Roll call.

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

LEG. HAHN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

(Not Present).

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTТА:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Abstain.

P.O. GREGORY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislator D'Amaro - Abstention: D.P.O. Schneiderman - Not Present: Legislator Anker).

P.O. GREGORY:

Okay. I would like to waive the rules and lay the following resolutions on the table:

IR 1305, Budget & Finance; IR 1306, Education & Information Technology; IR 1307, Public Safety; IR 1308, Public Safety; IR 1309, Public Safety; IR 1310, Public Works, Transportation & Energy; IR 1311, EPA; IR 1312, EPA; IR 1313, Public Works; IR 1314, Government Ops, set the public hearing for April 29th, 2:30 at Riverhead; IR 1316, Public Safety; IR 1317, Public Safety; IR 1318, Health; IR 1320, Health; IR 1321, Economic Development.

Do I have a second?

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Anker).

P.O. GREGORY:

Okay, we stand adjourned. Thank you.

LEG. SPENCER:

Nice job, Mr. Presiding Officer.

(*The meeting was adjourned at 1:38 A.M. *)

{ } - Denotes Spelled Phonetically