

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**SIXTH DAY**

**April 29, 2014**

***Verbatim Transcript***

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING  
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM**

**300 CENTER DRIVE**

**RIVERHEAD, NEW YORK**

**Minutes Taken By**

***Alison Mahoney & Lucia Braaten - Court Reporters***

**Minutes Transcribed By**

***Alison Mahoney, Lucia Braaten & Kim Castiglione, Legislative Secretary***

General Meeting - April 29, 2014

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

*(\*The meeting was called to order at 9:39 A.M. \*)*

**P.O. GREGORY:**

Okay. Good morning. Mr. Clerk, can you do the roll, roll call?

**MR. LAUBE:**

I will.

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

**LEG. KRUPSKI:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. TROTTA:**

Here.

**LEG. McCAFFREY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

*(Not Present).*

**D.P.O. SCHNEIDERMAN:**

Here.

**P.O. GREGORY:**

Here.

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Spencer).*

**P.O. GREGORY:**

Okay, thank you. If you would all please rise, we'll have the Pledge of Allegiance led by Legislator Kate Browning.

***Salutation***

If you would please remain standing. Today we're also going to have with us the clergy. The invocation will be given by Father Sean Gann, Pastor of St. Joseph's Church in Kings Park, guest of Legislator Kate Browning who will introduce him.

**LEG. BROWNING:**

Thank you. And no, I don't represent Kings Park (*laughter*), in case anybody wonders. But Father Sean has been a very good friend of mine and that's why I've asked him to come.

Father Sean is a graduate of Centereach High School, in 1983. He went to Johnson and Wales University in Providence, Rhode Island, with a Degree in Business Administration and a Minor in Management. During his freshman year, he felt God's calling and applied for admission to the Seminary. He graduated from the college Seminary in Douglaston, Queens in June of 1989, and ordained a priest on May 28th, 1994, St. Agnes' Cathedral in Rockville Center by Bishop John McGann. He was first signed to St. Lawrence The Martyr Parish of Sayville in Sayville, and currently the Pastor at St. Joseph's in Kings Park. He serves as the Chaplain to the Suffolk County Police Emerald Society, and we joke about how in 2012 I was the *Irish Woman of the Year* and I had to relinquish my tiara to Father Sean.

***(\*Laughter\*)***

So Father Sean, in 2013, was *Irish Man of the Year* by the Suffolk County Police Officers Emerald Society. Again, a good friend and someone I love to spend a lot of time with. So I introduce Father Sean to do our invocation.

**REVEREND SEAN:**

Thank you, Kate. You made me sound very good. I wish you'd do that in front of the Bishop.

***(\*Laughter\*)***

And let us pray. Eternal Father, we ask that you watch over the citizens of this good County, and most especially that you would inspire, guide and sustain all those who are elected to a position of public trust and who act on behalf of all the citizens who dwell here. That in all their deliberations, they might seek the common good for all people so that everyone who lives within the boundaries of this County may enjoy all the good gifts with which you have endowed us. That you watch over all

General Meeting - April 29, 2014

those who cry out for justice, who look for peace. And most specially, as the County this week marks all those workers who have passed from this life to the next, that you would welcome them to the joy of eternal life and that you would console and sustain their families. And we ask this, as all things, through Christ, Our Lord, amen.

*"Amen" Said in Unison*

**P.O. GREGORY:**

Okay. Thank you, Father.

At this time, I'm going to ask people -- to remind people to please turn off your phones or put them on silent. As we go into our Moment of Silence, I want to remember Supreme Court Judge Thomas M Stark. Also, in recognition of Workers Memorial Day, let us remember the workers who lost their lives due to workplace injury or illness. We mourn their passing, honor their memory and commit ourselves to the struggle to ensure a safe and healthy workplace for all. Also, please keep in your thoughts and prayers all those men and women in the military who put themselves in harm's way every day to protect our country.

***Moment of Silence Observed***

Thank you. Please be seated.

This morning we have several presentations, Legislators presenting proclamations, the first of which would be Deputy Presiding Officer, Legislator Jay Schneiderman will present proclamations to the following three basketball teams: The Pearson/Bridgehampton Lady Whalers, the Southampton Mariners and the Hampton Bays Lady Baymen

**D.P.O. SCHNEIDERMAN:**

Thank you, Mr. Presiding Officer. Student athletes in my district tend to give me a lot of bragging rights lately, and today I actually have three teams, two of which are Suffolk County -- actually, all three are Suffolk County Championships, champion teams, and also one that's a Long Island Championship team, and a couple of really just extraordinary athletes. So you're looking at one very proud Legislator.

We're going to start out with the Southampton High School Basketball, Boys Basketball Team. You guys can come forward.

***Applause***

On February 19th, Southampton came out on top at Northport High School outlasting the top seed Babylon Panthers to win the Suffolk County Class B Championship. It's the first County title for the Mariners since 2004. With the score tied at 58-58 and less than a minute left, senior guard Shaundell Fishburne grabbed a rebound off of Babylon's missed free-throw and was fouled, sending him to the line with a chance to put his team up by two with 35 seconds left. Fishburne calmly sank both shots giving the Mariners the lead that they would not relinquish. I'd like to congratulate Coach Laminson and the Southampton High School Basketball Team for a great season and a Class B Championship.

***Applause***

We're also -- and I'm going to present them with a proclamation in a second, too. I just want to highlight one particular athlete, Shaundell Fishburne. Put your hand up, Shaundell. On December 17th, history was made in Southampton. Shaundell Fishburne, a senior at Southampton High School, scored his 1,000th career point for the Mariners. Shaundell was the first male student to do

General Meeting - April 29, 2014

so in the history of the school. His basketball career spanned over five years. During his time in the Mariner program, Shaundell has won several awards, including Rookie of the Year, the Most Improved Player Award as well. He is a three-time All Conference Player, a two-time Romo Award Winner, and was selected for the All-County Team in 2012 and 2013. He averaged over 20 points, six rebounds and six assists per game this season. He also excels in football as well, he's an All-County running back for Southampton Football. He's a winner on and off the court as well, becoming a member of the High Honor Roll and the Honor Roll throughout high school. So it's my pleasure to honor Shaundell, single him out for his achievements here today as well with a First Career 1,000 Point Scorer in Southampton history.

***Applause***

So, if I could -- is Coach Lamison here? You're way in the back. Why don't you come forward. You've got a lot to be proud of, we all have a lot to be proud of, really a group of fine young men in Southampton.

I want to give you an opportunity to say a couple of words. I know how proud you are.

**COACH LAMISON:**

Good morning. Indeed, I am very proud of these young men that stand before you. First, I would like to thank Councilman --

**D.P.O. SCHNEIDERMAN:**

Legislator.

**COACH LAMISON:**

Legislator Schneiderman for this opportunity to come before you and to represent Southampton as well. These kids persevered through a tremendous season where we finished 18 and 6, and also winning the Long Island Championship. And I'm happy to say that my five seniors are all going off to college next year and will be playing sports in college.

***Applause***

**D.P.O. SCHNEIDERMAN:**

I know you guys are all in a hurry to get right back to school, right?

***(\*Laughter\*)***

And Shaundell, you're going to college next year, right? You're going to Pennsylvania? Congratulations on that. Again, you know, to the whole team, you really made all of us very proud. Congratulations. Big round of applause.

***Applause***

**D.P.O. SCHNEIDERMAN:**

All right. Moving on, we have the Lady Whalers. This is actually a combined team of Sag Harbor's Peterson High School and the Bridgehampton High School. Let me see if I can -- they're here in the audience, too. If we can get through the crowd. Can I bring the Lady Whalers up?

The Lady Whalers, under the coaching and tutelage of head coach Kevin Burn, are Suffolk County Champions. The Lady Whalers Varsity Basketball team returned to prominence with a 54-49 victory over Southold and the Suffolk County Class E Championship at Northport High School. It is their first County title in basketball since 2000. This is after the program's first League 8 title in 22 years. Trailing for most of the game, the Lady Whalers bounced back from a slow start. Kasey Gilbride --

## General Meeting - April 29, 2014

you may recognize that name, Gilbride, she's the granddaughter of Mayor Gilbride from Sag Harbor who is also here -- she scored six of her 13 points in the 4th quarter. Erika Selyukova scored 12 points, grabbed 17 rebounds and blocked five shots for the Whalers. This was a hard-fought victory for the Lady Whalers. The Lady Whalers came together at the right time and ceased the moment. It is my honor to acknowledge the hard work and team spirit it takes to become County Champions. Congratulations, you guys.

### *Applause*

Coach Barron, do you want to say a word?

#### **COACH BARRON:**

These girls are outstanding girls. They worked extremely hard all season. We finished 13 and 8. We also are graduating seven seniors, they're all going to college. I'll just recognize each one right now; Senior Ellis Sheil, Junior {Zoey Biskin}, Senior Ashley Nill, Freshman Isabelle Peters, Sophomore Arlena Burns, Senior Casey Gilbride, Senior Bridget Canavan, Freshman {Alysa Neiland}, Sophomore Erika Selyukova, Senior May Evjen, Senior Sidney Mitchel and Senior {Sovarillo}.

#### **D.P.O. SCHNEIDERMAN:**

Now, I had -- Coach, I had at least one of you guys here before, not too long ago. Who was on the field hockey team for Pearson? A couple of you, right? Because you guys were Long Island Champions? Almost, like you were second in the State, right?

#### **COACH BARRON:**

New York State Champions.

#### **D.P.O. SCHNEIDERMAN:**

Oh, New York State Champions. New York State, first in the state. Thank you. So that was really amazing. It's hard to keep track of all these amazing, amazing athletes. New York State Champion in field hockey, too. So, some great athletes. And I think some of you are playing on other teams as well, right? Baseball or softball. Yeah, that's great. So, keep up the great work. Congratulations on an incredible season and hopefully we'll see you again.

### *Applause*

Jason is going -- we have proclamations for each of the team members, so make sure you don't leave without them.

Okay. I have one more team, and another exemplary athlete to highlight; the **Hampton Bays Girls Basketball**. The Hampton Bays Girls Basketball Team defeated Oyster Bay 61-56 on March 4th to win the first Class B Long Island Championship since 2008. Winning the Long Island title and reaching the Regional Final matches the best season in the Hampton Bays Program in its history. Senior Co-Captain {Trish Liotta} came up big in the second half despite being injured. Alexis Fotopoulos, a sophomore, already in her fourth varsity season in Hampton Bays, is a prolific scorer. She shot 50% from the field, grabbed five rebounds and five steals on route to the win.

On behalf of the Suffolk County Legislature, I'd like to recognize the Hampton Bays Girls Varsity Basketball Team as Suffolk's Class B Champions and Long Island State Champ -- Long Island Champions as well.

And then Alexis, who is also here; Alexis, put your hand up. Alexis is not only just an extraordinary

## General Meeting - April 29, 2014

athlete, she's only a sophomore, she scored a thousand career points already in such a short time. She's a hundred -- a thousand-points scorer. Did I say a hundred? A thousand career points. A thousand-point scored by her sophomore year is just simply incredible. Alexis Fotopoulos is a member of the Lady Baymen since 7th grade. She scored her thousandth career point in a win over Mercy last season, she finished with a game high, 33 points, scoring 14 of them in the 4th quarter. She's known as being a threat from the outside, hitting more than 35 three-pointers in the past season. I don't think I could hit a single one. Thirty-five; can you imagine?

On behalf of the Suffolk County Legislature, I extend our congratulations and best wishes to Alexis and the rest of the Lady Baymen. Wow, what an incredible group.

### *Applause*

We have proclamations for all of you as well. I don't know, does anybody want to say anything? Do we have a brave student? Coach? All right. This is Coach {Ragotigal}.

### **COACH -- CALL SCHOOL**

Having been born in Hicksville and raised in Hicksville, and having worked at -- in Oyster Bay for ten years and having lived in Oyster Bay for ten years, I take with special pleasure being Nassau County, for Suffolk County. And the girls had a great season, they were 20 and 2, and the last five games were really, really good basketball games. I wish you were there to see it. They played their hearts out and they wound up as Long Island Champions. We lost in the Regional Final, which is the best Hampton Bays has ever done. Thank you.

### *Applause*

### **P.O. GREGORY:**

Thank you. I have several proclamations myself. I'm going to ask the Deputy Presiding Officer to take over. If I can have James Marks and Michael Crawford come forward, as well as their guests. I know {Alisha Marks} is here as well.

Okay. It's my pleasure to have these individuals next to me this morning. First I'm going to talk about Mike -- excuse me, James. James A. Marks, II, and I have Michael Crawford here as well. And today we're recognizing them for their swift and heroic actions that helped save the life of Alexis Fox when she was involved in a car accident.

Being the first to arrive on the scene of an accident, James Marks immediately took action, called Emergency Services and helping the driver of the vehicle escape safely. Mr. Marks' leadership and quick response in these events is truly worthy of a recognition. After witnessing the accident and observing a woman trapped inside her vehicle, Michael immediately began kicking the windshield, attempting to free Ms. Fox before her vehicle was engulfed by flames. Mr. Crawford's leadership and quick response in these events as well are truly worthy of recognition.

As you can see, we have two fine young men who, like so many, when they see someone in need, didn't just drive by, didn't write it off as someone's else's business or someone else will come to their rescue. They stood up and they did what was needed to be done and they saved a young woman's life and I think it's truly worthy of our applause and recognition. So I ask all of you to give them a round of applause.

### *Applause*

Now, I know James' mom and this is not James' first time. I believe, if I recall the story, when you were in college, Buffalo?

### **MR. MARKS:**

Yes.

**P.O. GREGORY:**

Buffalo, there was a person whose car, whose vehicle went into a lake, if I recall. I'm going off the cuff here, so excuse me if I miss some of the details. You went out and you saved this person. I mean, you know, how old are you?

**MR. MARKS:**

Twenty-two, I'll be 23 soon.

**P.O. GREGORY:**

Twenty-three in a few days and you saved two people's lives, I think you're doing pretty well for yourself, so thank you.

***Applause***

So just as a small token of our appreciation and recognition of your efforts, I wanted to give you these proclamations. And I wanted to give Alisha an opportunity, or any of the parents an opportunity to say a few words at this moment.

**MS. MARKS:**

I just want to say thank you, most of all, to Presiding Officer DuWayne Gregory and the Suffolk County Legislature. These two young men are extremely valiant souls. And I just want to thank you for giving them the recognition that they deserve for being so valiant, for being just humanitarians in their own right. There's nothing more humbling than to know that your son comes home and says, "*Mom, I've got to talk to you, this is what happened.*" I said, "*Do you realize you helped save somebody's life?*" And these were the true first responders on the scene. And it wasn't for recognition, it was from the heart that these two young men stopped their vehicle and did not just become passerbys. They stopped first, they called the Police first. And I just can't tell you how much that means to me, that you gave them their due respect and their recognition today. I am so, so thankful.

Thank you so much.

***Applause***

**P.O. GREGORY:**

Thank you again.

**D.P.O. SCHNEIDERMAN:**

Mr. Presiding Officer, you have a second proclamation for us.

**P.O. GREGORY:**

Yes, yes.

**D.P.O. SCHNEIDERMAN:**

Okay.

**P.O. GREGORY:**

If I can have *Atheena Rumph-Mims*, please?

Now, my office, in recognition of Woman's History Month, we sponsored an essay contest for high school students, and the subject was "A Shero". And Atheena, who is a North Babylon High School student in Mr. Fengler's Social Studies class, she is my winner of the 2014 Women's History Month High School Student Essay Competition, *Who is your Shero?*

General Meeting - April 29, 2014

Mrs. Christina Henderson was the subject of Atheena Rumph-Mims' essay recognizing a '*shero*' in her community whose inspirational actions and character touch her daily life. In her essay, Atheena described Mrs. Henderson as a kind-hearted person who creates a positive, safe, loving atmosphere for all kids. Christina's passion and commitment to her students is a valuable asset to our community and she is truly worthy of recognition, and that is exactly what we expect and desire for our children. When we send them off to school, we -- you know, they're in the guiding hands of the teachers and the school district for most of their day. And it's such a wonderful thing to hear that a teacher has such an impact on one of our students, and we know that they do all the time and it's important to recognize that. So I want to thank both of them for all that they do and Mrs. Henderson for touching so many lives, because these are our jewels that are going to go forward and make our community the great community that it is. And it's not without, certainly, the diligent efforts of our teachers and the staff of our schools that play a major part in that. So thank you so much. Thank you for being a '*shero*'.

*Applause*

**D.P.O. SCHNEIDERMAN:**

At this point, I would like to invite Legislator Browning who will present proclamations. Oh, I'm sorry.

**P.O. GREGORY:**

We're not finished yet.

**D.P.O. SCHNEIDERMAN:**

Oh, I'm sorry.

**MS. HENDERSON:**

Sorry. Well, this was completely off-guard, but I -- I don't even know what to say. I'm very touched that Atheena would even think of me as that kind of a person and I just hope that I create that environment for all of my students throughout my career. And Atheena is a wonderful student and I'm very, very honored and lucky to have her in class with me. So thank you.

*Applause*

**D.P.O. SCHNEIDERMAN:**

Okay. Now, (laughter), now let's invite Legislator Browning to present proclamations to Marine Bureau Officers Charles Abbene, Keith Walters and Christian Schooner, as well as Park Police Officer Patrick Noak. These Police Officers executed a rescue at the Smithpoint bridge on Saturday, March 22nd.

**LEG. BROWNING:**

Okay, good morning. And also, I know we have our Parks Police Commissioner is here, I believe, somewhere in the room. And we are also joined by -- I'm trying to think -- Michael Shepherd, he is the Lieutenant for the Parks Police Officers and Deputy Inspector Edward Vitale. I'm not sure where -- you want to join us?

Okay. On Saturday, March 22nd of this year, Police Officer Patrick Noak responded to a call of a disturbance where a man was yelling "*Help*" in the vicinity of the Smith Point bridge at about 12:05 A.M. believing someone was in the water, Suffolk Police Unit, Marine Mike manned by officers Charlie Abbene, who actually couldn't be here, he's actually away on training -- Keith Walters and Christian Schooner responded. Steven Perez, a constituent of mine in Shirley, was discovered clinging to a bridge pillar underneath the center span of the bridge. Perez was sitting on the railing of the bridge when he lost his balance and fell into the water. Officers from Marine Mike helped

General Meeting - April 29, 2014

Perez off the pillar and transported him to an awaiting Mastic Beach ambulance who transported him to the Brookhaven Memorial Hospital Medical Center where he was treated for non-line-threatening injuries. Steven Perez and his family said they could not be here today, but again, wanted to extend their appreciation and gratitude, because it could have been a worse situation for the family. And I know we talked about Steven was concerned about what his parents were going to say. Only, you know, probably I'm going to be in trouble for this. However, I'm sure the parents are thinking, *Thank God you were there*, because if you weren't there and the quick response, they may have been attending a funeral. So I'd like to say a special thank you to our Police Officers and our Parks Police Officers for their quick response in saving Steven Perez. Thank you.

***Applause***

Commissioner, would you like to say anything? Anyone? No, okay. So again, I have proclamations for each of you. Thank you always for all that you do.

***Applause***

**D.P.O. SCHNEIDERMAN:**

Congratulations to all of you.

Next I'd like to bring up Legislator Al Krupski. He'll be presenting proclamations to members of the Riverhead Volunteer Ambulance, also a member of the East Marion Fire Department and a member of the Air National Guard for participating in a CPR save. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. Good morning. Thanks for coming. Last March there was a school spirit event at the Phillips Avenue School here in Riverhead and there was a tug-of-war contest, and one of the participants, {Aloni Hughes} collapsed on the floor. And he was really fortunate, because there were a few people in attendance who were trained to handle such medical emergencies, and their quick actions -- you know, they called the Riverhead Ambulance and the Riverhead Ambulance responded and they were able to save this person's life. And it's really -- it's really amazing. You know, you have that training and then people like you respond and really make a difference and save someone like that, and that's why you're being recognized by the Suffolk County Legislature here, because of your quick action and your training. All those years of going to classes and doing all the work to be prepared for a moment like that, that's really impressive and I just want to thank you for that. So I've got proclamations here for you. I'm going to try to -- I've got -- not everybody could make it. I'm going to read all the names of everyone here before I give the proclamations out. Jennifer Kelly is here. Thank you. Susan's not here. Greg Wallace. Thank you. Thank you very much. Thank you for your fast action and all that you do.

***Applause***

**D.P.O. SCHNEIDERMAN:**

Thank you. Legislator Krupski, I understand you also have a World War II Veteran here with us today that you'd like to honor.

**LEG. KRUPSKI:**

Yes.

***Applause & Standing Ovation***

In 1943, Bob Mallgraf, five days before his 18th birthday, joined the Navy. And, you know, you

General Meeting - April 29, 2014

put that into -- it's hard for me to put that into perspective, because in 1943 we're fighting two wars, and it was a world war, and I can't imagine what it was like living in those days when there was so much uncertainty. So here's someone that's 17 who joins the Navy, and a couple of years later the ship was attacked, the U.S.S Franklin was attacked by a Japanese plane and it was shot, two bombs went off, the ship was on fire, and these people really who were on the ship deserve -- you know, they received very little recognition.

Bob is a long-time fireman from Southold, and all these years later, we just want to give him a proclamation from the County and thank him for his service to the country and to recognize how important that was.  
So thank you very much.

***Applause & Standing Ovation***

**MR. MALLGRAF:**

Thank you. I was one of the lucky ones that made it back and I dedicate this to the rest of our crew members who didn't make it.

Also to the Southold Fire Department for rescuing me a couple of times, saving my life. Thank you, guys. I appreciate it.

***Applause***

**D.P.O. SCHNEIDERMAN:**

Next we'll have Legislator Hahn who will present proclamations to Suffolk County Emergency Dispatcher Christine Springer and members of the Stony Brook Fire Department who assisted in the healthy delivery of twins during the 27th week of gestation.

**LEG. HAHN:**

We've got Stony Brook Fire Department in the house. Come on up.  
I hope everyone will indulge me for a moment.

***Applause***

I hope everyone will indulge me for a moment. Because before I begin the story about why these men and women are here today, about the very specific incident, I would like to thank these, and all volunteer firefighters for all of their service to our community.

As the daughter of a volunteer fireman in Stony Brook Fire Department, the mere words '*service to our community*' doesn't quite seem to cut it. These men and women are heroes, performing heroic acts and saving lives every single day. And, you know, I'm only fortunate enough to recognize them on a few limited occasions, but really I've spent my whole life trying to give back to my community, probably somehow subconsciously trying to match the level of giving back that my Dad and all of these volunteers give. And I think I've only realized now as an adult that your level of commitment and dedication is really very, very rare, and we all owe you a huge round of applause just for answering the call, day in and day out, first of all.

***Applause***

Now to get on to exactly why we're here. On Tuesday, March 11th, an expected Stony Brook mother of twins went into labor. While it would normally be both a nervous and joyous time for a soon-to-be mother's life, this was only the 27th week of her pregnancy and the babies were quickly pushing their way into the world. The mother dialed 911 and reached Emergency Service Dispatcher Christine Springer, who's here, right? She's up here. While arranging for medical services, it

## General Meeting - April 29, 2014

became clear to Christine that delivery was imminent and she began coaching the woman on how to safely deliver the babies while also relaying critical information to the First Responders from the Stony Brook Fire Department. And soon, the first of the new mother's sons were born, however he was not breathing. The First Responders from the Stony Brook Fire Department gave life-saving procedures that were used to restore the child's breathing, and they were telling me that we're talking about a little, 2-lb baby who was blue.

Shortly after, the second of the woman's two sons began to present, and he was in a life-threatening breach position which required responders to physically manipulate the baby's position. Once delivered, he was also not breathing and required the assistance of Stony Brook Fire Department responders who were able to restore his breathing. The new mother and her two sons were rushed to Stony Brook University Medical Center and all three are expected to make a full recovery and will forever have an amazing story about this birthday.

I have here proclamations for you all. I want to list your names because they're -- these are really just a small token of our appreciation for all you do, but the work together between our call -- our 911 Operator/Dispatcher and our service members on the scene and saving the lives of these two little tiny, precious babies who will now grow and bring joy and wonder and some stress to their parents throughout the years, I am sure. But thank you so much for all that you do every day and for the saving here for this event.

I'd like to thank *Eric Weissbard, Krista Marzano, Vinny Franco, Rich Scriven, Kevin O'Leary, Rich D'Agostino, Ron Gilone, Mike Gallagher, Chris Schwenker* and *Christine Springer*. Thank you so much for all that you did that day.

### *Applause*

#### **P.O. GREGORY:**

Okay, thank you. That is all the presentations that we have. We have a couple of announcements. Before lunch break, at 12:30, the Long Island Blood Services will make a presentation to the Legislature. We would appreciate the Legislators staying for this presentation. Thank you. Also, Legislator Krupski has an announcement.

#### **LEG. KRUPSKI:**

There is a group called Seatuck that's having an event across the street here. There's a Woodhull Dam, a Branch of the Peconic River comes up to it. This is the time of the year where the Alewives run up into the fresh water to spawn. They're very important fish because they provide a lot of bait -- first of all, they filter feeders, they filter the algae out of the water. Second of all, they provide bait for the larger predator fish, the bluefish and the striped bass. So they're an extremely important species.

Riverhead did a lot of good work here at Grangbel Park putting in a fish ladder which allows the fish to come up. Over a hundred years ago the river was damned, preventing the fish to come up into their traditional breeding grounds. So as we go forward and Suffolk County looks at building more fish ladders on County land, on the Peconic River, this is just something that after the break, if everybody wants to walk over across the street with me just to take a look at all the fish; there's tens of thousands of fish there. You Legislators on that side of the horseshoe have the advantage, you can sit here this morning and watch the ospreys in and out of the water eating the fish. So you can walk over there with me after lunch. Thank you.

#### **P.O. GREGORY:**

Okay, thank you.

Now we will go to the *public portion*. First I'm going to call up Councilman Kevin LaValle.

## General Meeting - April 29, 2014

We have a lot of speakers this morning. On deck is Kevin McDonald.

### **MR. LAVALLE:**

Good morning, everybody. It's good to be back. I spent five years of my career here, so it's good to be back before you on a little bit of a different role now.

Today I'm here to voice the Town of Brookhaven's continued support of Resolution 1294, it's the Boyle Road Property acquisition. This acquisition is very crucial to the Middle Country area. This property is 15 acres in size, and when joined together with two other surrounding parks, it will create about a 24-acre park site. The Town's future goal for development with this is we're going to develop it into two Little League baseball fields, two full-size baseball fields, two multi-purpose fields, playground, walking trail, two basketball courts, three tennis courts. So this is something that everybody in the community can use. It's something that -- right now we have 13 letters of support from community organizations, not limited to Centereach Civic, Selden Civic, the Greater Middle Country Chamber of Commerce, amongst other groups. This is a project that is very crucial for this community. This is something that we don't have much open space left in the middle of Long Island. This is something that certainly we don't have and something that the community really has been pushing for for years.

There have been some concerns that were brought up about the use of the fields. The use of the fields will not -- anybody in the County will have the ability to use these fields. Basically how the Town of Brookhaven constructs our -- uses our parks is somebody submits an application, our Parks Commissioner either approves it or denies it, so it will be open for all County residents to use. And if you have any questions, I'm certainly here to answer any of the questions that you may have. So thank you very much, again.

### **P.O. GREGORY:**

Thank you, Councilman. Kevin McDonald. And on deck, Bill Groser.

### **MR. McDONALD:**

Good morning, Mr. Presiding Officer and Members of the Legislature. I'm Kevin McDonald, I serve as Director of Policy & Public finance for The Nature Conservancy and I'm here to urge your support of the IBM Smart Cities Grant that was awarded that I have every reasonable expectation you would accept. And it's a terrific opportunity to get a series of different talent available to the County at no cost and in a highly compressed period of time, gather data, innovation and a series of other opportunities to examine better ways in which we can manage for nitrogen reduction strategies in Suffolk County with an emphasis on some innovative resolutions to some of the infrastructure challenges that the region has. Nitrogen pollution is a serious problem in Suffolk County, it has to be addressed. The IBM Smart Grant -- Smart Cities Proposal is a very good start. We support it fully and look forward to working with you and the Administration in going forward. Thank you very much.

### **P.O. GREGORY:**

Thank you, Kevin. Bill Groser. And on deck -- I can't read the handwriting -- Carlos Omer? Go ahead, sir. Good morning.

### **MR. GROSER:**

Good morning. My name is Bill Groser, I'm here representing Hudson River Health who is looking to help your community, provide health care for the people here. I am a patient of Hudson River Health and I am also Co-Chair of the Consumer Advisory Committee. Our main goal with the committee is to give feedback to Hudson River as to what services we need to feel improve and what services need to be changed.

I can't speak highly enough about the health care with Hudson River. I've been there for three

General Meeting - April 29, 2014

years now and it's made a huge difference in my life. Hudson River is a community-based organization serving everyone; no one's turned away. And like I said, I cannot speak highly enough about HRH. And if you have any questions, feel free to ask.

**P.O. GREGORY:**

Thank you.

**MR. GROSER:**

Have a good day.

**P.O. GREGORY:**

You, too. Okay, Carlos. And then on deck, Kathy Brieger?

**MR. ORTIZ:**

Hi. My name is Carlos Ortiz, I'm the Regional Practice Manager for Hudson River HealthCare and I will be reading a letter from one of our advisory boards.

*"My Name is Angela Earl and I'm the Chairperson of the Elsie Owens Health Center Advisory Board and have been recently elected to HR's Care, Board of Directors. As a long-standing member of the Advisory Board, I have been a witness to the change from County operation to HR's Care and I'm happy to say that it has been a good change. I continue to speak with fellow community members at all their visits, at the health centers and the comments are very positive. Our Advisory Committee continues to meet regularly and get feedback about how the health centers are operating and they give -- and the feedback from the community of the members are really great. I am most excited that we have been able to add dental services to the health -- to the Elsie Owens Health Center since the change. The addition to this service, it's been a goal -- a goal to one of the Elsie Owens Health Center advocate for it. Being able to add this service is so important to our community. I would like to invite all of you to the health center to see the change and to meet our staff. Thank you."*

**P.O. GREGORY:**

Thank you, Carlos. Kathy Brieger. And on deck, Wilfredo Morel?

**MS. BRIEGER:**

Good morning, everybody. My name is Kathy Brieger and I -- my title is Executive Director of Planetree Training Institute for Hudson River HealthCare. I have worked for Hudson River Health Care for about 28 years, and during that time a lot of the time I've been embedded in the clinical services. And so today I'm going to talk to you a little bit about the clinical services and the excellent quality we strive for and attain.

One of the things that we had done early on, we were one of the first health centers to become Joint Commission Accredited. Many of you are familiar with the Joint Commission Accreditation Process for hospitals. We were one of the first and few health centers that have achieved that accreditation. In fact, Elsie Owen in Coram, New York, received in the past year their accreditation under Hudson River Health Care for the Joint Commission.

We're also one of the first health centers in the country to become accredited at the Level III/Patient-Centered Medical Home, and that as that was through the National Council on Quality Assurance. That process is really a combination of making sure that patients achieve not only receiving procedures that they need, blood tests and other examinations, but it also looks at outcome measures, about whether or not a patient is really getting all the care they need. This process really took several years to accomplish, but we were very proud that we are one of the first health centers to undergo this and we've just actually met our achievement again this year. It's a team-based focus that requires everyone to work together for the patient's benefit.

## General Meeting - April 29, 2014

One of the things that it also helped us to do is receive diabetes recognition. There are not too many health centers or even facilities that have this diabetes recognition, but we were able to attain that through the National Center for Quality Assurance as well. Those diabetes programs require that we have individual care by our clinical providers, our doctors lead the team. We have nurses, some Certified Diabetes Educators, Registered Dietician, Nurses, and what we call Patient Care Partners who help patients navigate referrals and other things. And so we have -- we're very proud of that achievement, being diabetes recognition.

Our clinical services are also mission-driven. We always have our mission that is to serve the underserved with comprehensive and preventive health care services. And when we look at this, we also include this approach into our health outreach and our community education programs. And so all of these together really reflect a striving, ongoing movement towards always providing great, clinical, quality care.

The other thing I would just like to mention before I end is that Hudson River HealthCare was one of the first community health centers to adopt electronic health records. Electronic health records allow us to have a safer provision of care. The doctors are able to see if someone has allergies, or they also were able to see what test they need. Because we've been --

*(Beeper Sounded)*

Okay. Because we've been using these for a long time, they've really helped our quality of care. Thank you.

**P.O. GREGORY:**

Thank you. Wilfredo Morel. And on deck, Jeannette Phillips.

**MR. MOREL:**

Good morning. And thank you, once again, for allowing us to share information about our community and -- my community's in Westchester, Director of Hispanic Health for Hudson River HealthCare, and also working with Community of Color in the area of HIV and AIDS.

And the story is very simple. We are in the business of providing community health services. But also, it is also very true that it's important for us to include and definitely listen to what our patients in the community have to say. When it comes to serving the public, delivering the services is extremely imperative that recommendation from our patient is giving to us about we can provide a better care. Just listening and reading this morning reference to the situation in Long Island, finding out that when it comes to HIV and AIDS, we have approximately 69% of new HIV cases in Long Island are among people between the ages of 20 and 45 years of age. Again, quite concerning when it comes to the prevention model, when it comes to doing intervention, and especially looking at our young population. And then those that are basically in our age. HIV and AIDS is not over yet, it's continuing. But they continue, basically, in creating a quality of care, but the quality of care definitely we present the population that we serve; it goes from African-Americans, it goes from LGTBQY, it goes from Latinos, immigrant, farm workers, on and on and on and on. But it's extremely important that providing the resources is important to health care in which we all need it. We be also conscious in that whatever service we provide, we have to listen to our community. We are about building community, we are about providing quality of health care with the partnership with our community and those individuals, organizations that are around us.

So I really, really commend you that you give us your support, because it's not just supporting an organization to come to this community, but it's really bringin true and quality resources to our community. Thank you so much. Thank you.

***Applause***

**P.O. GREGORY:**

Thank you. Jeannette Phillips. And then on deck, Dori Scofield.

**MS. PHILLIPS:**

Well, my name is Jeannette Phillips and I live in Peakskill, New York, and I'm standing --

**D.P.O. SCHNEIDERMAN:**

Pull the mic down a little.

**MS. PHILLIPS:**

I'm standing here pleased to be able to share our story with you this morning. And much like the firemen who preceded us in terms of the delivery of the babies, I stand here as one of the founding mothers who delivered all of that that you were just hearing about from Hudson River HealthCare.

As one of the founding members of our community, three other African-American women and myself, much like Suffolk County health centers, we were founded in 1975 helping to meet the unmet need of our families in our communities. And the founding mothers, again, much like sister Elsie Owens, whom I most recently have spoken with Rosemary Darling, have traveled the same road that we did in terms of making this unmet need successful. When we talk about access to health care, we're talking about going beyond our borders of a community. We're talking about meeting family needs. So whether it's Westchester or Suffolk County or Nassau County or Dutchess County, health care needs are health care needs, and we applaud you for allowing us to come and to share that.

Our health center is a not-for-profit Federally Qualified Community Health Center that is committed to providing comprehensive care to all members of the community. And as a Federally Qualified Health Center, the majority of our board is made up of our patients. That is a mandate from our Federal government, because who knows better how services are rendered than people who use the services?

In addition, that Federal seal means that we must provide comprehensive care in areas that are in most need to all who seek it and offer those services on a sliding fee scale as well. If I was in church, I would say you could give that a hand right now.

*(\*Laughter\*)*

Because having a sliding fee scale to meet the needs of those who still have not been able to get into an insurance program.

Hudson River HealthCare --

**LEG. SPENCER:**

Amen.

**MS. PHILLIPS:**

There you go. Hudson River HealthCare -- there you go. I can sit back and get ready now (*laughter*). Hudson River HealthCare also has two people who you heard of, Sister Angela Earl and Sister Margaret Smythe; these are people from the community that we serve in on our board. Thank you so very much.

*Applause*

**P.O. GREGORY:**

General Meeting - April 29, 2014

Thank you, Ms. Phillips. Dori Scofield. And on deck, Barbara Dennihy.

**MS. SCOFIELD:**

I would like to thank Legislator Schneiderman and his staff and Legislator Spencer for cosponsoring --

***Applause***

-- a bill that is long overdue, IR 1047, to protect the voiceless victims of the puppy mill industry.

For decades, Suffolk County pet dealers have been purchasing their stock puppies from USDA Breeders with horrific violations, both direct and indirect. Whether untreated tumors, rotted jaws, matted fur, illnesses, filthy water bowls, malnutrition, you name it, the animals have suffered for it. Dogs as young as five weeks old are transported from across the country to pet dealers in Suffolk County; far too young for any animal to be taken away from its mother. They arrive in crowded cages, soaked with urine and feces, many suffer from hypoglycemia, and if not treated quickly and efficiently, can easily suffer and do die. Either once they are in the store, puppies again are cramped into cages far too small for their well-being, competing for food, water and survival. Dead parvovirus and distemper puppies are transported back to the mills, in the same transport vehicles that will transport more puppies to and from from the pet stores to Suffolk County and across the country.

Consumers are often led to believe that they are purchasing a puppy from a local breeder when, indeed, it is the furthest thing from the truth. As everyone knows, reputable breeders do not sell their puppies to pet stores, Only puppy mills do. And they do not breed dogs to keep the standard of the breed, they breed them to flip them for profit. They farm them, hundreds of them, and keep them in rabbit hutch-type housing, literally hundreds of dogs at any given time on property scarcely inspected by the USDA, admittedly so.

As an animal welfare advocate and rescuer on Long Island for over 30 years, Founder/President of Save-a-Pet Animal Rescue, Vice-President of Guardians of Rescue, I have spent my life being their voice. The voice of the parent dogs in such states as Missouri who suffer lives of isolation, over-breeding, in-breeding, mixed-breeding and live in the elements 24/7, 365-days a year. When they are deemed useless, they can be auctioned off for pennies to other breeders or laboratories. A cruel, harsh existence for man's best friend. And for what? So the consumer can conveniently and spontaneously get the cute, little puppy from the window. It may be the pet dealers' way of making money and supporting their families, but it is at the expense of innocent lives. Let's face it, if being in the puppy store business was humane or unethical, we wouldn't be here today and the country wouldn't be in such a furious uproar over the pet store industry. Over 40 cities in the country, such as LA, Chicago, Albuquerque, El Paso, Hoboken and San Diego have bravely banned the retail sale of dogs and cats. It is in my opinion the only way to stop commercial breeding cruelty dead in its tracks.

*(Beeper Sounded)*

But now let's get this law going. So I hope that you will all support the legislation that Legislator Schneiderman has presented.

***Applause***

**P.O. GREGORY:**

Thank you.

***Cheers & Applause***

**P.O. GREGORY:**

Thank you. It's not my birthday. Thank you.

*(\*Laughter\*)*

Barbara Dennihy. And on deck, Laurie Rudek?

**MS. DENNIHY:**

Good morning, Legislators. I would like to thank you all for your consideration of bill IR 1047, to regulate our pet dealers; responsible regulation, strong consumer protection and humane care for all animals involved. This past year, many cities and counties across the United States have enacted ordinances specific to the sale of commercially-bred dogs and cats. It is done as an -- sorry (*laughter*).

It is done to address the issue of over population, the euthanization of thousands of healthy, adoptable companion animals each year, and a way to combat abuse and neglect at commercial breeding facilities. State lawmakers have seen a need for local oversight of pet dealers and have now granted the ability to local municipalities to regulate these pet dealers. My research shows local Suffolk County pet stores source the majority of the puppies they've offered for sale from commercial breeding facilities, most of these facilities are located in Missouri. Many of the facilities are licensed by the USDA, and this is to ensure that breeders meet the minimal standard of care required by the Federal Animal Welfare Act. Documented violations and photographs are now available on-line. Violations include sick and injured dogs, non-existent veterinary care, no socialization, lack of space. One all-too-common indirect violation is untreated advanced dental disease causing pain and infection, sometimes causing the loss of teeth and jaw of these poor-suffering animals. Some breeders have been given violations for practicing veterinarian medicine without a license. USDA inspection does not mean quality or humanly-raised. When consumers buy puppies from pet stores, there's a strong likelihood they are unknowingly supporting the puppy mill industry. Consumers are unaware due to both the fact of education on the issue and, in some cases, misleading tactics by retailers. This ordinance will not affect a consumer's ability to obtain a dog or cat that best fits their family or life-style.

Purchasing a new pet directly from a hobby breeder, a breed-specific rescue, or rescue or a shelter or other options. The intent of this local legislation is not to put pet dealers out of business, but to hold them to a higher standard than is required by Federal or State law. All pet dealers should support better standards for companion animals in their care and the source of these. Thank you for your time.

*Applause*

**P.O. GREGORY:**

Thank you. Laurie Rudek. And on deck, Allison Dubois.

**MS. RUDEK:**

Good morning. My name is Laurie Rudek and I have been involved in domestic and wildlife rescue and rehabilitation my entire life. Many of us are here today because we have seen or been made aware of the atrocious conditions present in puppy mills. Most people would be haunted for all eternity if given the opportunity to view at firsthand or to see the crate of puppies after travel, the bottom layer dead; their only crime, getting put in first. We've all seen the public outrage and picketing outside many pet stores on Long Island. Previous owners of pups who have lived very short, undeserving lives.

As of February, Chicago now has an ordinance requiring pet stores to only sell dogs and cats

## General Meeting - April 29, 2014

obtained from shelters and rescue organizations. Anyone wanting a pure breed can simply go to a reputable breeder or the rescue foundation for that breed. They now join 40 other cities in the United States and Canada with similar ordinances.

Legislators have a great responsibility. They will understandably want to know what are the repercussions of a bill, who may be hurt. This bill is a no-brainer. Immediately upon passing a bill such as this, something incredible happens; we stop the growth of this horrific practice of handling dogs. Word gets around that it is just not a lucrative business anymore. With the pet stores unable to purchase from the mills, the supply decreases, dogs are not replaced. The tiny, filthy stores they lived their lives in are emptied one by one. Long Islanders have a ton of money and the effect will be immediate. Other states will follow suit.

Mahatma Ghandi once said, "*The greatness of a nation and its moral progress can be judged by the way its animals are treated.*" Let us here today help move our nation from one that legally commits atrocities against dogs to one that doesn't. Let me be clear about this bill, we are late. This is overdue and this is only about decency. Thank you.

### ***Applause***

#### **P.O. GREGORY:**

Thank you. Okay, Allison Dubois. And then on deck, Reverend Robert Alexander.

#### **MS. DUBOIS:**

Good morning. My name is Allison Dubois and I'm the Chief Operating Officer for Hudson River HealthCare. I'm pleased to be here this morning to talk in support of the bill to transition the Amityville Health Center in partnership with Hudson River HealthCare.

As many of you know, Hudson River HealthCare, HRHCare, has been in Suffolk County since 2003 with the operation of our voucher program and our Greenport Health Center, and we will celebrate our two-year anniversary on Thursday of this week at the Elsie Owens Health Center in Coram with that transition. And then most recently, the Kraus Family Health Center has joined the Hudson River HealthCare family on March 15th of this year. Each of these projects have the stated goals of enhancing services, increasing access and reducing the cost to the County, and we have accomplished each of those goals with each of the previous transitions.

Some of the key accomplishments at Elsie Owens in our first year included the implementation of an Electronic Health Record. All visits there are supported by an Electronic Health records system. We have renovated the health center to add a state-of-the-art dental suite; there is now a three-dental operatory practice in full operation at the health center. We've added additional bilingual staff and we've introduced key outcome measures and changes in protocols to achieve the NCOA Primary Care Medical Home Initiative. And all of these accomplishments were made while achieving the exact same patient count prior to the transition.

In particular, HRHCare serves 7,438 unique patients in 2013, which is 99% of the patients seen prior to the transition. Of the patients accessing care and providing income information, 76% are below a hundred percent of poverty, and 98% of the patients seen at the health center are below 200% of poverty. The insurance status of those at the health center is about 39% uninsured, 49% recipients of Medicaid or Medicaid/Managed Care, and 6% for private insurance, Medicare and 3% for Child Health Plus.

In addition, we still and continue to maintain high quality clinical indicators; 77% of pregnant women who've accessed care in their first trimester of their pregnancy. Less than 2% of the babies delivered out of the health center were less than -- were classified as very low birth weight, and 61% of the individuals who have been diagnosed with hypertension have their blood pressure

General Meeting - April 29, 2014

controlled below 140 over 90.

Our efforts at the Kraus Family Health Center have, as I mentioned, been in place since March 17th. We plan to -- with our Phase I of operations, we plan to open Phase II on May 15th, and that Phase II will include WIC, dental and a preceptor space to begin our Family Practice Residency Training Program. In that very first month of operation, we've seen 523 patients, for a total of 640 visits, 60% of those patients are uninsured at that Kraus Family Health Center, 35% of are recipients of Medicaid.

*(Beeper Sounded)*

So I see that my time is up. I just want to, again, thank you for your support for the previous transitions and looking forward to the opportunity for Amityville. Thank you.

***Applause***

**P.O. GREGORY:**

Thank you, Ms. Dubois. Reverend Alexander. And on deck, Kristie Makasian? Malkasian?

**REVEREND ALEXANDER:**

Good morning. My name is Reverend Robert Alexander and I'm here speaking on behalf of Sondra Cochrane as to her confirmation, becoming a member of the Suffolk County Industrial Agency. I am Sondra's Pastor. I first met her about 17 years ago when I came to assist the Pastor of a church in which she belonged at that time, and during the intervening years I have watched over her grow spiritually while, at the same time, acquiring an acute business acumen.

Let me say at the outset that this young lady is especially deserving of the consideration being given her. She has many years of civic involvement while working with Steve Bellone when he was Babylon Town Supervisor and that relationship continued since he became Suffolk County Executive. She also has a working relationship with the current Babylon Town Supervisor, Rich Schaffer, and of course also the Presiding Officer, DuWayne Gregory. As Executive Director of the Wyandanch Community Development Corporation, she has, among other things, been deeply involved in building affordable housing in her community, and also in identifying Brownfields. She is active in Wyandanch Rising, she is actively involved in the New York State Farmers Market Initiative to bring farm fresh vegetables and fruit to lower income neighborhoods, and for the past two summers she has been, in tandem with Sustainable Long Island, successful in securing grants to provide summer employment opportunities and experiences to neighborhood youths.

Lastly, she is an astute, no-nonsense businesswoman, and when she commits herself to any project, she won't quit until that project is brought to fruition. Therefore, I have no reservations in recommending her for a position with the Suffolk County IDA. Thank you.

***Applause***

**P.O. GREGORY:**

Thank you, Reverend. Kristie Malkasian; I hope I didn't mess up your name too much. And then Sarah Davison is on deck.

**MS. MALKASIAN:**

Good morning. I'm here to voice my support for IR 1047, the pet dealer regulations. Suffolk County's pet dealers have all been in business for at least ten years, many boast 20 to nearly 50 years in the business of selling puppies from USDA licensed commercial operations. Before animal advocates could point consumers to the truths, which are these actual USDA reports, until 2009, the USDA reports were not on-line. We just had to go by word of mouth and undercover investigations.

## General Meeting - April 29, 2014

What I'd like to do is you've all heard the ills of puppy mills secondhand summarized from reports, but I'd like to read just a few sentences from an actual USDA report with three indirect violations. There was a male Maltese which had several areas of reddened skin on or near the left leg. Also, the scrotum had two reddened lesions, one of the scrotal lesions was approximately two centers in diameter, reddened and opened. The skin surrounding the lesion appeared to be gray to black and thickened. There were also various size red-to-pink skin lesions on the dog's left hip, on the back of the left leg near the tail and on the side of the left leg near the knee. The dog's left rear foot was missing from a healed injury that occurred in the past, according to the owner. The dog had been included on reports from inspections conducted on 13, March, 2013, and 7, November, 2012. This report is dated October 23rd, 2013, that means this dog had opened wounds, oozing and dying skin for over a year. Jeff and Judy Gray, who own this breeding facility, said they were not aware of the current condition. At that time, they had 83 dogs and 20 puppies. They never treated this animal.

In another facility, the expanded metal flooring and wire doors, metal, wire grades in the small dog sheltered building are showing signs of excessive rust. Paint is missing or flaking and swelling in many areas. In some areas, the bare metal is pitted. The rust hinders the ability to clean and sanitize properly.

Those are just two violations. In another one, two {Morky} puppies born on September 6th to {Yappi}, the licensee states that they clamp a hemostat on the tail and then tie a household rubber band around the tail to cut off circulation to the tail. The end of the tail typically falls off in one to one-and-a-half weeks; however, the manager stated that sometimes she has to twist the end of the tail off. This is not a standard veterinary medical technique for docking the tails of puppies and could result in pain, infection and other complications. This is 189 dogs and 61 puppies at this facility; in 2013, they had 185 dogs and 95 puppies.

So while we may not be able to buy from -- for example, the previous report was a dog with a missing leg and open wounds. The people who are selling Suffolk County residents these dogs are still going to be in business. We need this law to protect consumers from this predatory behavior. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you. Sara Davison. On deck, Ben Zwirn.

**MS. DAVISON:**

Hello. My name is Sara Davison and I'm the Executive Director of the Animal Rescue Fund of the Hamptons. We are a not-for-profit --

*Applause*

Thank you. We are a not-for-profit animal shelter serving Suffolk County. Last year we rescued and adopted over a thousand cats and dogs. Thank you for the opportunity to comment on IR 1047-2014. Our organization is strongly in favor of this bill.

I also serve as the Chair of the Suffolk County Pet Store Rating Board formed by Legislator William Spencer. In October of 2013, we sent 25 letters to the retail pet shops in Suffolk County asking them to voluntarily participate in our Pet Store Rating Program. Not one store was willing to have our committee inspect them. I think this response speaks volumes about the pet shop business that this great bill addresses. Voluntary inspections clearly do not work. Mandatory inspections of our County pet stores, through this bill, are what are required. The County already requires not-for-profit animal shelters to be inspected annually by the Health Department. Pet stores should

be no different.

So in conclusion, I urge you to please pass this bill. You will be fostering good business practices in the County, you will set a great example for other counties to emulate, and you will be doing it for the animals. Thank you.

***Applause***

**P.O. GREGORY:**

Thank you. Ben Zwirn; and on deck, Laurette Richin.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. I'm Ben Zwirn and I am the Director of Legislative Affairs for Suffolk County Community College. And following Sara Davison is always a pleasure. She's a fellow resident of the Town of East Hampton; if she says to support IR 1047, you better do it.

***Applause & Cheers***

But I'm here to speak today and ask for your support for IR 1270, which is the Local Law which will permit Suffolk Community College to ban smoking on its three campuses. This Legislature has a long history of anti-smoking legislation and being ahead of the curve. Now, this year the State University of New York's Board of Trustees tried to get legislation passed to cover all of the SUNY campuses across New York State to prohibit smoking, and it has gotten jammed up in the State Legislature, as things often do. But this Legislature has the opportunity to send a message, not just to SUNY and to the State. Suffolk Community College is the largest community college in the State of New York with over 26,000 students on three campuses. A survey was conducted among the students, 70% said they wanted stricter smoking regulations on the campuses. The Faculty Association, which recently supported their contract which will be coming before you to be laid on the table today for your consideration at the next General Meeting, supports it as well.

I thank Legislator Doc Spencer for supporting this. I know there were a number of Legislators who said they would offer to be cosponsors. We ask for your support. This is only a good bill that will bring good things to the community college. Thank you very much.

***Applause***

**P.O. GREGORY:**

Great. Thank you, Ben. Laurette Richin; and on deck, Margaret Kurek.

**MS. RICHIN:**

Hello. Laurette Richin, Long Island Bull Dog Rescue, rescuing bull dogs in Stony Brook since 1999. Dori's done a great job of telling you all about the puppy mills, but what I want to talk about is after that puppy comes home. Our dogs have -- are very popular, they've been increasing in popularity every year. When I started in 1999, they were number 46 by AKC registrations, now they're number five. In New York City they're number four, and I will tell you that less than 3% of our dogs are actually registered, so it's a really huge problem.

Our dogs cost in a puppy store approximately \$3,000 and they are coming in with such nightmare health issues that I've listen to people cry all day long. I listen to families that are broken both emotionally and financially because they made an impulse buy at a puppy store and they were encouraged to understand by the store owner that this dog came from a reputable breeder; we all know that's not true. But regulating what goes into the puppy stores I think is enormously important, because this -- our organization spends about \$300,000 a year fixing up these broken dogs, and I'll tell you that is only about -- like last year we had 347 dogs. So this really is a huge

General Meeting - April 29, 2014

drain on our municipalities, on our families. I get letters from children, heartbroken because their puppy has a narrow trachea and there's no way in the world that that particular thing can be fixed. So thank you very much for this opportunity and thank you for presenting this bill.

*Applause*

**P.O. GREGORY:**

Thank you. Margaret Kurek. And on deck, Bob DiBenedetto.

**MS. KUREK:**

Good morning.

**P.O. GREGORY:**

Good morning.

**MS. KUREK:**

My name is Margaret Kurek and my husband and I and our two sons own the Golden Earth Worm Organic Farm. We are an approximately 85-acre organic farm on Peconic Bay Boulevard here in Riverhead. We serve more than 2,000 CSA communities, members in the local communities of Long Island. CSA stands for Community Support agriculture. We participate in the local Produce Link Program through the United Way supplying produce to underserved populations on Long Island.

Successful farming is not easy work. It takes knowledge of the science, perseverance and dedication, it takes sunlight, good soil and a reliable source of clean water, and that's why I'm here today. The importance of highly -- excuse me. The importation of highly contaminated and radioactive fracking waste in Suffolk County is not compatible with successful farming and has a potential to disrupt and perhaps even destroy what we hope will once again become a thriving agricultural community on Long Island, employing thousands of people and providing a solid, economic base and fresh food for millions. We are joined supplies economic base and fresh food for millions.

We are joined in this hope by many other farmers and owners of wineries that have found homes on the East End of Suffolk County. The presence of highly radioactive materials and other contaminants on farmland and in food products can cause irreparable damage and serious financial impacts to farming communities. Food producer success is dependent on consumer confidence. Such confidence could not -- could be undermined whether or not contamination actually takes place. When consumers learn that the food they're eating is produced in a region where hydraulic fracturing waste products are disposed at wastewater treatment facilities and landfills or applied on roads as deicing agents or for dust control. The public is beginning to understand that radioactivity cannot be removed from wastewater, that landfills eventually leak, that spills occur and that accidents happen, and that fracking waste used for road spreading will inevitably and irreversibly result in runoff and airborne pollution that could contaminate not only front yards and playgrounds, but the fields of crops of farmers all across this County.

Whether or not New York State permits high volume, hydraulic fracturing, contaminated and radioactive fracking waste and its constituents pose an immediately public health threat for all New Yorkers due to ongoing fracking operations in Pennsylvania and Ohio, as well as the more than 6,000 active, low volume gas wells in New York State. Many counties already have taken steps to ban those toxic wastes, such as Westchester, Rockland, Albany, Putnam, Alster, Erie Counties. The protection of the quality and safety of food production in Suffolk County is critical to public health and the economy of Long Island. And on behalf of all Long Island farmers and people who depend on these farms for their food, I urge you to pass this legislation that will keep toxic and radioactive fracking waste materials out of our environment. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you, Margaret. Bob DiBenedetto. And on deck, Karen Miller.

**MR. DiBENEDETTO:**

Thank you. My name is Bob DiBenedetto, I am the Co-Chair of the Prevention & Education Committee for the Suffolk County Cancer Prevention & Health Promotion Coalition. And I am the President and Executive Director of Healthy Planet, a non-profit organization, as well as the creator of their healthy school lunch program. I'm speaking here on behalf of Healthy Planet.

I'm here to support the resolution prohibiting the sale and use of hydraulic fracturing byproducts. While the only reason to possibly oppose this law is financial concern for the few who might profit, the reasons to pass this law are based on common sense, health, science, wisdom and concern for the common good. There are many tales of woe from regions that have accepted industrial waste, or the sighting of dangerous industry or energy within their boundaries. After suffering health, economic and social consequences of their profit-motivated decisions, many have wondered how and why they could possibly have risked their health and homes for short-term gain.

Hydro-fracking is itself an endeavor that is dangerous on both a micro and a macro level. Locally, it pollutes air, rivers and level while sickening inhabitants. Globally, the process releases so much methane gas, that some estimates place it on a par with Carlin in terms of global warming gases emitted from production to end user.

In addition, in terms of water, at a time when droughts in America are more severe than they've seen in a hundred years or more, and where water scarcity is affecting about one-fifth of the world's population, just one hydro-fracking well can use millions of gallons of water. In Pennsylvania, with 10,000 such wells or so, and many times that likely to follow, doing the math, that's ten or perhaps hundreds of billions of gallons of water. This is truly unconscionable, especially when we have alternatives. We're not in favor of subsidizing hydro-fracking by taking the dangerous waste products that the industry can neither dispose of nor store.

In terms of assessing the amounts of radiation contained in these byproducts, recent studies have shown that in the environmental science and technology letters, that one test that State agencies use may underestimate radium levels in wastewater by as much as 99%.

In closing, while some might suggest that allowing more toxins into Suffolk County where there are existing water problems and a fragile aquifer could create jobs, I would suggest that a way of creating energy jobs that can also take the accounts the public -- take into account the well-being of the public is available to us. According to Marc Breslow, PhD, Director of Transportation and Building Policy in the Executive Office of Energy, Environmental Affairs of Massachusetts, there is a way of fulfilling our energy requirements and creating nine to ten jobs per every one job currently created to import fossil fuels. That solution is the institution of energy efficiency measures in homes, offices and industry.

Thank you for taking -- proactively taking the lead in prohibiting these dangerous byproducts from entering Suffolk County. And on Resolution 1096, it's about time that we get healthy food in County places. And on IR 1047, it's way long overdue to treat these animals the way they deserve to be treated, that means like loved and beautiful parts of our society. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you. At the moment, I will entertain a motion to extend the public portion.

**D.P.O. SCHNEIDERMAN:**

So moved.

**LEG. TROTTA:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Sixteen.

**P.O. GREGORY:**

Next, Karen Miller. And on deck, Charlie Reed.

**MS. MILLER:**

My name is Karen Miller and I'm the President of Huntington Breast Cancer Action Coalition and the founding member of the New York State Breast Cancer Network.

Having addressed all of you for the past quarter of a century, I feel really privileged to be able to do it again in support of bill 1117, to prohibit the use and sale of hydro-fracking byproducts in our County. I'm going to specifically speak about some citations that we've put together that address breast cancer and the chemicals that are used in hydraulic fracturing. Exposure to environmental contaminants and endocrine disrupting chemicals, or EDCs, during vulnerable periods of human development, and that would be in utero, in early childhood, in puberty, those of us with compromising immune systems -- I was diagnosed a quarter of a century ago with breast cancer -- and contribute -- all of this contributes to breast cancer later on in life. Twenty-five percent of the 700+ chemicals used in high volume hydro-fracking are linked to cancer. Thirty-seven percent are endocrine disrupters that interfere with our hormone systems and have been implicated in cancers of the breast, prostate, pituitary, testicle ovary. A 2013 study of estrogenic chemicals used in hydro-fracking showed that natural gas drilling operations may result in elevated endocrine disrupting compound activity. The Marcellus Shale Region where hydro-fracking operations are currently taking place contain high levels of naturally occurring, radioactive elements that will inevitably be contained in hydro-fracking waste, and they include Radium, Barium, Uranium, Chromium and Arsenic, all of which have been contaminating our ground water in other states.

Radiation is a known breast cancer risk and contamination of our water supply or our landfills with radioactive material from fracking waste is absolutely unacceptable. Therefore, on behalf of the New York State Breast Cancer Network which represents 23 organizations and hundreds of thousands of women, many of them are on Long Island, I fully endorse and support the language in bill No. 1117 and ask that all of you support and prohibit the procurement, acquisition, storage, handling, treatment, processing and application and disposal of waste from gas drilling operations.

I'm also here in support of bill No. 1047. We must strictly regulate our pet dealers and pet stores and protect our wonderful dogs.  
Thank you very much.

*Applause*

**P.O. GREGORY:**

Thank you. Mr. Charlie Reed. And on deck, Kerri Glynn.

**MR. REED:**

Good morning. To the Presiding Officer and all of our distinguished Legislators, I'm here -- my name

## General Meeting - April 29, 2014

is Charlie Reed. I'm here to speak on Resolution 1321, the appointing of Sondra Cochrane as a member of the Suffolk County Industrial Development Agency. I stand here just to say I'm here to reiterate what other people have said, even your committee have recommended Mrs. Cochrane to be appointed. So I'm here to support Sondra and that committee, that you follow the Resolution of 1321 and support it, that we appoint Mrs. Cochrane as a member of that agency. I truly appreciate being here. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you, Mr. Reed. Kerri Glynn. And on deck, Patricia Wood.

**MS. GLYNN:**

Good morning. I'm here also to support bill 1047, to regulate pet stores. My name is Kerri Glynn and I have been a resident of Suffolk County for 64 years. I'm sure that many of you grew up with dogs, and I'm sure that many of you now have dogs as members of your family. And yet we kill 12 million dogs every year simply because we don't have the homes for them. The factory farming of dogs simply does not make sense. The retail sale of puppies is a borderline business plan based on sociopathic exploitation of the puppies that it markets. It is also the inevitable exploitation of the people who buy them and suffer with them, as you've heard, as these animals sicken and die, which so many of them do.

Since New York State will not yet allow us to ban the retail sale of dogs and cats, the least we can do is let people know where they come from and prohibit pet stores from buying them from breeders that have violations against them. As was said before, it simply is a no-brainer. Thank you for hearing me and thank you for your support.

*Applause*

**P.O. GREGORY:**

Thank you. Patricia Wood. And on deck, Julie {Capiello}.

**MS. WOOD:**

Thank you very much. Good morning. I appreciate this opportunity to present you with some additional facts for your consideration on the issue of waste disposal from hydraulic fracturing.

Our research has been used extensively across the country and continues to be requested as a reliable source of peer reviewed science on -- independent science on both the human health and environmental impacts of the fracking process and disposal of fracking waste. In May of 2012, or twenty-twelve, NRDC released a report -- that's the National Resource Defense Council -- released a report that concluded that none of the most common ways of handling fracking waste are safe. And a loophole in Federal and State laws exempts the toxic radioactive fracking waste from being treated as hazardous waste. As I speak to you today, some Counties in New York State are accepting hazardous fracking waste from Pennsylvania. Because of this loophole, fracking waste can be released into drinking water sources without removing the harmful chemicals, the highly corrosive brine or, more importantly, the radioactive materials. It can also be sold to municipalities that apply it to melt road, ice and controlled dust. Long Island's aquifers are arguably the most vulnerable public water supply in the State, perhaps in the nation.

We have to recognize and have an enormous responsibility as Legislators and citizens, okay, to recognize the tremendous -- the tremendous risk and vulnerability. Allowing the acceptance of any fracking waste in any form is taking a chance in unacceptable risk.

Okay. There is one certain to be -- certainty about this toxic radioactive drilling waste. Its environmental and health impacts are extensive to handle and extremely difficult, if not impossible,

to mitigate. And who pays for this? The gas industry exemptions have the effect of shifting liability onto property owners and taxpayers whose water becomes contaminated from fracking waste. Gas Industry SEC, Security Exchange Commission, filings reveal that its operations can involve extensive pollution, and that the industry is not fully insured for its operations or the impacts. If pollution were to occur to our aquifers or surface waters as a result of fracking waste brought here for landfilling treatment or road spreading, the County would expose Suffolk County residents to the clean up as a taxpayer expense.

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

**MS. WOOD:**

Very quickly, according to the Pennsylvania Department of Environmental Protection, they have shown 3,331 violations since January of 2009 on active wells, as well as the storage and transport and disposal of residual waste. Failure to properly store, transport, process, or dispose of residual waste, 316 violations. Failure to adopt pollution prevention measures required or prescribed by DEP by handling materials that create a danger of pollution, 1,000 violations. Failure to properly control or dispose of industrial residual waste to prevent pollution of the waters of the Commonwealth, 161 violations.

I commend the Suffolk County Board of Legislators for this responsible law, and urge all County Legislators to protect the health, environment, property value of and tax burden on Suffolk residents by passing Legislation 1117. Thank you very much.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Julie Cappiello, and on deck, John DiLeonardo.

**MS. CAPPIELLO:**

Good morning. My name is Julie Cappiello and I am Vice President of Long Island Orchestrating for Nature, also known as LION, a grassroots organization helping people and the animals we coexist with.

I would like to thank Legislator Schneiderman for his work on I.R. 1047 --

*(\*Applause\*)*

-- a bill that would strengthen the law to help consumers and the puppies and kittens they are looking to share their home with. Puppy and kitten mills put animal welfare and consumers on the back burner with their goal of profits before everything else. Animals in these breeding mills suffer horrendous -- suffer in horrendous conditions, often on wire cages -- in wire cages stacked on top of other animals. These cages, often caked in excrement, provide no solid ground, allowing food debris and excrement to fall onto the animals below. These living situations can lead to debilitating diseases and conditions passed on to unsuspecting consumers who spend thousands in vet bills.

This bill would help ensure that breeding facilities with poor records be prohibited from use by dealers in Suffolk County. As pet dealers in Suffolk County, I've spoken out about wanting to ensure animals come from reputable breeders that have better animal welfare standards than the rest. They should have no qualms about passing I.R. 1047 as it stands, or even in the stricter version. Thank you very much for your time.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. John DiLeonardo, and on deck, Lillian Lennon.

**MR. DILEONARDO:**

Good morning. My name is John DiLeonardo. I am a degreed Anthrozoologist, President of Long Island Orchestrating for Nature, also known as LION, Chair of the League of Humane Voters of Long Island, and the District Leader of the Humane Society of the United States.

Puppy and kitten mills are absolute monsters. They take the world's favorite companion animals, keep them in wire cages, and turn them into factories to make a quick buck. Puppy mill mothers are not required proper socialization, and often live in cages no bigger than six inches larger than their entire bodies for their entire lives. This is currently allowed by law.

While most of these puppy mills are located in Missouri and similar states, these mills are currently utilized by every retail pet dealer in Suffolk County. This is not hunch, but fact proved by USDA documentation. Unfortunately, it seems most pet dealers are currently outsourcing animals to cut down on costs and put profit above animal welfare, but this does not have to be the case. The USDA standards are already exceedingly low, again allowing dogs to be kept in painful wire cages no larger than six inches larger than their entire bodies for their entire lives without proper socialization. If these minimal standards are violated, what does that say about the facility these dogs are being housed in.

In meetings as of late, I have heard many pet dealers speak out about wanting to ensure animals come from reputable breeders as well. If this is true, they should have no problem with I.R. 1047 as it currently exists, or even in a more stringent form. All we are asking is that facilities with poor USDA records are prohibited from use by Suffolk County dealers. This is good for the dogs, good for Suffolk County consumers, good for Suffolk County shelters, and honestly good for Suffolk County dealers as well.

As President of Long Island Orchestrating for Nature, Chair of the League of Humane Voters of Long Island, and Suffolk County Leader of the Humane Society of the United States, I would like to thank Legislator Schneiderman and Legislator Spencer, and urge you to pass, all of you, to pass I.R. 1047 and make no concessions regarding the safety of these animals and our consumers. Suffolk County residents deserve no less.

Similarly, I would like to thank Legislators D'Amaro and Hahn for their efforts to strengthen Suffolk County's tethering law, and hope you support 1047 as well. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. If you guys stand up for every speaker, their egos are going to get inflated.

*(\*Laughter\*)*

Appreciate your support. Lillian Lennon, and Cathie McGrath on deck.

**MS. LENNON:**

Good morning. My name is Lillian Lennon. I am a volunteer for RSVP Inc. Animal Welfare and Rescue. I would like to begin by thanking Legislator Schneiderman and Brookhaven Town Supervisor Romaine for their support --

*(\*Applause\*)*

General Meeting - April 29, 2014

-- regarding the most recent legislation passed by Governor Cuomo giving town municipalities more regulatory control over the pet store industry in Suffolk County.

As we already know, it is indefensible to support any operation that allows any living thing to suffer at the hands of those who place profit above humane treatment. The puppy mill industry is notorious for its neglect, abuse and overwhelming disregard for its treatment of animals in its care. Any pet dealer who patronizes a puppy mill is not welcome in Suffolk County. As residents, taxpayers, voters and animal activists, we expect our Legislators to support this long overdue legislation.

I would also like to extend my appreciation to Legislator D'Amaro and Legislator Hahn for their tireless effort to revise the current tethering law introduced by Brookhaven Town Supervisor Romaine and passed into law in September of 2011. This legislation is instrumental in creating the change necessary to eliminate the inhumane practice of tethering animals, specifically dogs, for long periods of times through harsh weather conditions, with less than adequate shelter, among very unsanitary, undesirable surroundings, often fastened with heavy chains attached to collars that often embed themselves in the neck of its contents. That content is a living, breathing, sentient being that requires connection with other living things to thrive.

Therefore, I share with you a law recently passed on April 1st in a small town called Weldon, North Carolina. They have enacted a "no tethering" law, which may be a bit radical, but much easier to enforce, as long as proper assistance is provided to the residents in their transition from tethering to semi-indoor living or more humane outdoor living. PETA, People for the Ethical Treatment of Animals, has partnered with the Town of Weldon to ease this transition with a proactive, palatable, nonjudgmental approach. It is a learning curve for them, and we will be watching this closely as they assist their residents to comply with the law.

Could this be done in Suffolk County? Maybe not tomorrow, but it's something we could aspire to over the next few years through educationally creating a climate for our fellow living beings, in this case, ironically, man's best friend. We believe that with your support, a paradigm shift in consciousness will be on the horizon, so this inhumane practice of tethering these innocent souls will eventually be obsolete.

We believe that Weldon, North Carolina -- each Suffolk County town can set a higher standard for how we treat our beloved animals. This should not be legal in Suffolk County, plain and simple. Are Weldon's animals the only ones deserving of this law? I think not. Let's make Suffolk County the most humane county in the state, in the country. We can do better, and thank you.

*(\*Applause\*)*

And I share with you to pass out to the Legislators some more information about the puppy mills, and also the information about Weldon, North Carolina regarding their new tethering law that was passed in April 1st for your perusal.

**P.O. GREGORY:**

Thank you.

**MS. LENNON:**

Thank you.

**P.O. GREGORY:**

Thank you.

*(\*Applause\*)*

General Meeting - April 29, 2014

Cathie McGrath, and on deck Susan DesGaines.

**MS. MC GRATH:**

Good morning. My name is Cathie McGrath and I am the Vice President of Long Island Golden Retriever Rescue. I have been doing rescue for approximately 14 years. I am here to ask your support for Bill 1047.

Over the years, Long Island Golden Retriever Rescue has taken a number of puppy-mill-released breeding dogs. These dogs are heartbreaking. They are completely unsocialized and afraid of people. They don't know how to drink from a bowl, only from water bottles hung in their cages. They don't know what grass is, and they have never played with toys. They are terrified of everyday life because they are completely lacking in experience; 24 hours day, seven days a week kept in a filthy cage and used for breeding, exposed to the bitter cold of winter and blistering heat of the summer; no vet care, no decent food, no love. This is their existence for their entire lives. And when they can no longer provide the mill owner with puppies to sell to the puppy stores, either because of poor health or age, they are killed.

When the lucky few leave the mills, it takes months, years or sometimes never for them to be able to lead the lives of normal dogs. They are the canine equivalent of post-traumatic stress disorder, and these are dogs historically bred to be companion animals to man, members of our families. If the puppy stores did not exist, it would cut down immediately on the demand for mill puppies. And if we can regulate the puppy stores, it is a step in the right direction.

No dog doing deserves to spend its entire life in misery. Puppy stores make it possible for the puppy mills to exist. We need to make puppy stores cease to exist. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Susanne DesGaines, and on deck, Dr. Sarah Alward.

**MS. DESGAINES:**

Good morning. My name is Susanne DesGaines and I've been a volunteer at the Brookhaven Animal Shelter for the past seven years. I hope everyone will approve Resolution 1047.

The intention of this law is to protect both the consumers and the animals offered for sale where there is not currently any protection. Please keep the focus on that intention only and not on whether these pet store dealers and pet store owners make a huge profit.

Addressing the issue of budgeting for extra enforcement and inspections for this law should absolutely not hinder your decision. I personally am willing to volunteer free of charge to inspect all Suffolk County pet stores and pet dealers annually.

*(\*Applause\*)*

Puppy mills are not the only ones that use wire mesh as flooring. I personally know of one Suffolk County pet dealer that uses this for their dogs to live in, walk on, and live on all day long every day.

And I would like to thank each and every Legislator for all of your hard work, especially Legislators Schneiderman and Spencer. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Dr. Sarah Alward, and on deck, Jane Fasullo.

**DR. ALWARD:**

Good morning, everybody. My name is Sarah Alward. I'm the veterinarian for the Animal Rescue Fund of the Hamptons, located in Wainscott, New York. I appreciate the opportunity to speak in favor of the proposed bill, I.R. 1047-2014.

Over the past four years, I have worked at ARF. I have treated hundreds of dogs released from puppy mills in Missouri and other Midwestern states after their usefulness was over. The poor physical condition in which puppy mill breeder dogs arrive at ARF is often characterized by, but not limited to, genetic abnormalities such as patella luxation, which is where the kneecaps do not sit in their proper position, but slide in and out, dry eye, cataracts, blindness, glaucoma, leading to intense pain, umbilical hernias, hydrocephalus, which is water on the brain. That dog was actually pregnant at the time of her spay. Severe hip dysplasia in young dogs and cancer in young dogs. They also suffer from chronic untreated conditions such as severe dry eye, resulting in black pigmentation of the cornea and significantly decreased vision. Old untreated fractures or broken bones, chronic skin infections, chronic ear infections, and severe dental disease and rotting of jaws, as you've also heard from some of the other speakers. They suffer from substandard care, which is long nails that impede their ability to walk normally. Paws packed with fecal matter. On more than one occasion, I have had to shave fecal mats from the underside of these dogs' paws so they could walk normally. Overgrown coats that are matted to the skin and discolored with feces and urine. Interdigital cysts, which are abscesses or basically large pimples that form in between the toes, and blackheads that form between the toes, because of the unsanitary conditions in which these dogs are kept. Thin body conditions, starvation, emaciation, and intestinal parasites.

There are also conditions related to the frequent litters of poor quality or no veterinary such as inguinal hernias which result from pushing out multiple litters, mammary tumors. I even had a few English bulldogs that came in with infected c-section incisions, where the incision site was never even shaved. So there was hair all within the sutures, and that was inside the abdominal cavity when I spayed the dog.

Adhesions of the organs basically to other organs within the abdomen because of poor surgical techniques. And borderline uterine rupture from poor quality c-sections where I have gone in and the uterus is actually almost ruptured open into the abdomen. These are not minor health issues, but can be life-threatening if not treated. Lack of socialization during their incarceration in puppy mills results in symptoms which are perhaps the most difficult to treat.

I believe it is imperative that consumers in Suffolk County be made aware that puppies sold in stores in our County originate from Midwestern puppy mills. I.R. 1047-2014 goes a long way in educating the consumer, limiting the purchase of puppies to mills with fewer USDA regulations, and improves the condition in which puppies are displayed in stores.

Thank you so much for the opportunity to comment.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Doctor. Jane Fasullo, and on deck, Joe Perciballi.

**MR. PERCIBALLI:**

Perciballi.

**P.O. GREGORY:**

Sorry, Perciballi. Okay.

**MS. FASULLO:**

Hi. Jane Fasullo. I'm here to speak about 1117. My name is Jane Fasullo and I'm representing both myself and Suffolk County residents since my birth, and the Long Island Sierra Club Division, with over 2500-plus members living in Suffolk County. I'm also a member of the Gas Task Drilling Force for the New York State Chapter of the Sierra Club.

I'm here to thank you for what you have done in the past, namely for passing the two resolutions, 244 and 1006 of the laws of 2012. Your having passed those resolutions indicate you recognize the dangers of fracking, so I don't want to bore you with repeating them again. You're quite well aware of the dangers of fracking and of the byproducts that are produced. I want to thank you for passing those laws to protect the County of Suffolk residents, as well as the land.

I also want to thank you for recognizing the need to extend what you've done in the past by creating this new law, 1117. It not only treats the applications of byproducts to County roads, which we are looking to ban the product applications to all roadways. You're barring the not only -- excuse me. You're barring byproducts from entering not just County wastewater treatment facilities, but all wastewater treatment facilities, and for stopping the sale of any such products within the County. These are critically important steps toward protecting us and our land, and I hope you will pass this new legislation.

I'll also know more can be done. We need to guarantee that these dangerous and polluting byproducts do not pose a threat to us. I look forward to you taking additional steps to protect us, such as prohibiting the transportation of these products both into and within the County, and increasing the fines for the violations. And I appreciate if they could be applied more broadly to privately-owned lands, as well as open waterways.

For those of you who are on the fence about fracking byproducts and think that possibly the amount of money you can get in would outweigh the damages done, and that possibly it would increase the number of jobs by allowing the byproducts here, I want you just to consider a few questions.

Why are the drilling companies transporting waste as far as from Pennsylvania to Long Island? Why aren't they dropping it more locally? Why are the companies paying us to take the byproducts? If they were not harmful, and if they were a good thing, why wouldn't they expect us to pay them for this material?

The other question is if things do go wrong, such as we find we have increasing heavy metals in our waterways and our drinking water, or we find that yet another underground plume is created at the base of one of our receptors, such as our landfills, or if we find there's damage to our offshore ecosystems because the water treatment plants were not properly adjusted to treat these waters, who pays the bill? And, finally, the last question, can the pollutants in these byproducts actually be removed by our existing treatment plants, and if not, who's going to pay the bill to upgrade our treatment plants? Thank you.

**P.O. GREGORY:**

Thank you.

*(\*Applause\*)*

Joe, I messed up your last name. You're next, and Eileen Byrnes.

**MR. PERCIBALLI:**

Hi. My name is Joseph Perciballi. I'm an ordinary man with no expertise in animal care. However, I

General Meeting - April 29, 2014

am a man that seeks compassion for all animals. As an outsider, I must say the government agencies are truly turning their backs on all these mistreated puppies in the mills. I know the government sees the same things that I see, and yet they still will not act on all the cruelty by shutting down these mills. I must truly say there must be ice in their hearts and veins to just turn their backs on the war against God-created animals, yet we will fight wars that are now ours, and send money to help rebuild other countries, and yet turn our backs on this ongoing battle of the puppy mills.

Here are two things I'd like to leave you with: Puppy mills force shelters to kill, while bleeding paws won't change laws. Government overlooks and neglects, while puppy mills overbook and inject. Now let's do what's right to protect the animal rights.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Eileen Byrnes, and on deck Peter Vasilas.

**MS. BYRNES:**

Good morning, I was not prepared to speak, but I, as a puppy mill rescue owner, know firsthand what goes on. I adopted a wonderful puppy from a great organization, ARF, in November of 2010. By the time he was two years old -- he was six months when I got him -- he had both hips, both knees, both ligaments operated on, and a left torn meniscus. As we speak, he is now in East End Veterinary Specialty Emergency doing rehab. He has to have physical therapy two days a week. I live in Montauk.

This is just a small idea, or whatever, of what's going on. I support Bill 1047, Legislator Schneiderman and everybody else that has helped. And I agree with what everybody said; it's true. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. Peter Vasilas, and on deck Carol Ryder.

**MR. VASILAS:**

Well, you got the pronunciation right the first time. Anyway, I have a small farm in Orient, New York, and I'm here supporting the passage of 1117.

Last night I found out about this meeting regarding this legislation about fracking. And it was hard to sleep when you're thinking of what to say to make the point to our leaders about a potential disaster in the making. We should not even be having this debate. It should pass because it's a matter of course. It should not be that -- it should be that safeguarding the health and safety of us all would be an automatic and unanimous response.

I would expect nothing but the strongest possible measures are invoked and enforced to prevent what would be equal to illegal dumping of toxic waste. Other counties have already passed measures that have done this. And, of course, no one wants this waste, so why should we take it? Anything less is putting people and pets at risk for no apparent reason. I can't think of one.

If there's a problem, and my estimate will be it will cost exponentially more in terms of lost business to farms and all that they are associated with, because who's going to want to eat from the farm that has contaminated water in their water supply, or toxic waste, possibly radioactive? It's hard to believe that we are even having this discussion and not putting the strongest prohibitions regarding these toxic wastes from fracking and natural gas. All the cheap gas we get will eventually cost us more than we ever thought. A contaminated aquifer means the end -- could mean the end of

General Meeting - April 29, 2014

farming. This is a serious problem. I hope our legislation will have the vision to prevent this potential disaster.

Remember, we're living on a sandbar, and whatever we put on the ground is going to end up in the water. So that's it. Pass it.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Carol Ryder, and on deck, Dr. Heidi Hutner.

**MS. RYDER:**

Hi. My name is Carol Ryder. I'm speaking on behalf of New Yorkers Protecting Animal Welfare, and a number -- sort of representing a number of groups that have come together. We are all forming a very powerful voting block, and, in fact, a politician running for office has contacted us for our support, kind of like Mayor DeBlasio did.

I can't add anything to what the other people have said. I had some of their speeches in advance; it's perfect. But I have to say that I have a case called Lucky's Law, and we'll use the kid's name. Perfect case -- and here's the certified letter going out. I'm going to Federal Court if they don't respond. I have good-faith reasons. This is going in. This is the last warning.

*(\*Applause\*)*

And I've admitted it to Federal Court. Since -- and I was admitted to Federal Court at the same time we passed the first animal abuser registry in the country, and we still don't have a perp on it. And I have a Channel 4 reporter willing to come out here and film the segment. He called me. He has now graduated to Dateline, but he was still willing to do it. Congressman Israel said he'll come, Jon Cooper said he'll come. Touro will host it, or we could do it at the Legislature. But this is just an example of how all of us getting together really are starting to get changes. He's already sent people out here to film some of my stories.

But in Lucky's Law, what happened is he walked into -- I'm authorized to speak on this -- walked -- and I have pictures that will be good. You'll love them. They're nasty, but they tell the story. He -- an autistic son walked by a pet store, they saw him, they brought him in. He decided to buy a puppy as a surprise for mommy. This is Peebles Pet Shop, and this is the veterinarian that they send cases to. And then, of course, the veterinarian says the animals are fine and dandy, and then, you know, if you have the heebie-jeebies, like this lady did, took it to her other vet. Two hours later, he was in the ICU. The \$9,000 in bills is now up to \$47,000, and this is the vet that does this. So that's what happened.

And they just keep changing names. So I'm going to -- I'm piercing the corporate veil and going after -- it's Peebles Pet Shop, Route 112, Medford, and whoever's there now, they're the same people.

So, as I said, she -- the vet said he was fine. And we got the Unfit for Sale within the 14 days, as New York State Law calls for, Animal Lemon Law. We need one locally, by the way. And they won't even give us the \$1200 back on the puppy. And then they just changed names and said, "No can do." But now, like I said, this poor lady spent \$8,000 in the vet. She put it on her credit card. She's of very modest means, she's a cashier, and now it's up to \$47,000 with 27 -- with 20% interest. She's authorized me. We can name it Lucky's Law. Bad name for what happened. But we can name it after her autistic son, I have permission, so it could be Matthew's Law. And thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Dr. Heidi Hutner, and on deck, Margaret Davis.

**DR. HUTNER:**

Good morning, Honorable Legislators of Suffolk County. I speak to you today as a mother, cancer survivor, cancer orphan, Professor, and Director of Sustainability Studies at Stony Brook University. I've come here to ask you to pass the Resolution 117 to -- 1117, to ban all importation, storage and use of fracking waste in Suffolk County. Many counties throughout New York have already done so.

The risk to the safety to our water supply, and soil, and food, and air is too great. We know that fracking waste contains carcinogenic toxins and radioactive materials, including radon, a proven carcinogen, and it is the leading cause of lung cancer among nonsmokers, and high levels of Radium-226 and Radium-228, both known carcinogens. Radium-226 emits gamma radiation, which can travel fairly long distances through air, raising risks for cancer in distant communities. It has a half-life of 1600 years, and is linked to anemia and cataracts, as well as bone, liver and breast cancers.

My concern today is that fracking waste will contaminate our landfills with radioactive materials that could last thousands of years; risk human exposure to radioactive material from road-spreading, truck accidents, leaks and spills; risk the safety of our drinking water aquifers from runoff, inadequate processing and containment of tank corrosion, leaks and ruptures; risks the viability of wastewater treatment plants due to processing of hazardous chemicals and brine; risks contamination of food supply from runoff, a contaminated water supply, airborne radioactive particles, and disposable -- and disposal on farmland.

This past Friday -- I could read you a long list of problems with fracking waste. I think one of the considerations we want to think about is if we have not lifted the moratorium on fracking in New York State, why would we import fracking waste from states that are fracking? There's tons of information about how dangerous this waste is, how carcinogenic it is, how potentially threatening it is to our children's health. It's beyond me. Why would we -- why would we bring it here?

This past Friday, Dr. Robert Howarth, a leading scientist on fracking, fracking waste, pollution, health concerns, from Cornell University spoke as the keynote at our Earthstock event at Stony Brook for Earth Day. I spoke with him privately and I asked him what he thought about importing fracking waste to our County. He said, "I wouldn't want it in mine." I think that says it all.

**P.O. GREGORY:**

Dr. Hutner, please --

**DR. HUTNER:**

I have to conclude? So, on behalf of the children of this County, present and future, I implore you to ban the importation, and storage, and application of all fracking waste to and in Suffolk County. Water and our children are our most precious commodities. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Margaret Davis, and then Charles O'Brian. Just a quick note. We have approximately about 40 minutes left, but we have about an hour of cards for speakers. So, if you're speaking on a subject that's been spoken before, I'm not discouraging you not to speak, but maybe you'll make your remarks a little more brief so we can get everyone in before the lunch break. Thank you.

**MS. DAVIS:**

## General Meeting - April 29, 2014

Good morning. I have copies of my statement going to each of you. Please excuse the typos. You know what happens when you proof your own material.

My name is Margaret "Peg" Davis. I'm President of the National Coalition of 100 Black Women, Suffolk County's Chapter. Today I stand to voice the concerns of the officers and members of my organization concerning the recent events that have resulted in the deaths of two black boys, Trayvon Martin and Jordan Davis, and the reprehensible incarceration of a black woman, Ms. Marissa Alexander, for trying to save her own life.

The two men responsible for the deaths of these two 17-year-olds were not convicted of murder. Ms. Alexander was sentenced to 20 years in prison for discharging her firearm, her firearm to warn off an abusive partner. No one was injured. While these events took place in Florida, they have echoed across the country and have impacted the residents of Suffolk County, both black and white, who want to see justice delivered equally. Two years ago, on March 25th, 2012, after the shooting of Trayvon Martin, New York's United States Senator Charles Schumer wrote to the U.S. Attorney, Eric Holder, to ask for an investigation as to whether or not these laws are creating more violence and death than they are preventing. You've heard this stated that in the six years since the law's approval, the average number of justifiable homicides in Florida rose from 12 to 33.

As mothers and grandmothers, as aunts, daughters, sisters, we are concerned that our young are being -- are still being stereotyped, convicted for being black, and that their lives, along with their dreams are being cut down. It is our understanding that the same "Stand Your Ground" law was enacted, among other reasons, to protect women in cases of domestic violence from further abuse.

On March 10th, 2014, down in Tallahassee, Florida, civil rights leaders from all over the country joined forces to demonstrate the need for action. Among those were leaders from NAACP, from the Urban League, from Clergy alliances, and our own Mrs. Michelle McNeil Emery, President of our national organization.

Today, I know that the members of this Legislative body stand firm in the belief that justice ought to be meted out fairly and that laws that are disparately implemented are to be stricken from the record.

Therefore, NCBW asks that this body, the Suffolk County Legislature, join others and call for a fair and comprehensive judicial review in the case of Marissa Alexander, and I pray that you, too, consider the charges levied by the Florida prosecutor to be disproportionately biased to realize conviction and severe penalty.

We further ask that the Suffolk County Legislature work with Mr. Schumer to ensure a review of the laws in all 23 states that are -- that have similar laws to the Florida "Stand Your Ground" laws. We cannot continue to stand by and witness the slaughter of our black children, and the continuing dehumanization of people of color. Thank you so much.

*(\*Applause\*)*

### **P.O. GREGORY:**

Thank you, Ms. Davis. Charles O'Brian, and on deck, Dawn Bennett.

### **MS. BENNETT:**

He left. Good morning. My name is Dawn Bennett. I'm the President of the North Fork Animal Welfare League. We run the Southold and Riverhead shelters, I'm also co-owner and trainer of North Fork School for Dogs. We would like to thank you, and like to ask for support of I.R. 1047.

The information given to you today is not the opinion of some, it's the cold hard facts.

General Meeting - April 29, 2014

*(\*Applause\*)*

The only people who do not support this deal are the puppy dealers, millers and brokers. They are the minority. We, the public, are the majority, and we ask you to you pass this bill. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Charles O'Brian? Okay. And that was Dawn?

**MS. BENNETT:**

Yeah. Charles isn't here.

**P.O. GREGORY:**

All right. Wendy Chamberlin.

**MR. CHAMBERLAIN:**

No relation.

**P.O. GREGORY:**

No relation to Brendan.

**AUDIENCE MEMBER:**

She left.

**P.O. GREGORY:**

Okay. All right. Moving along. Natalie Fitterman. Hi, Natalie. And on deck, Ralph Fasano.

**MS. FITTERMAN:**

Hello, Mr. Schneiderman, and others. I'm Natalie Fitterman, and recently your office has received hundreds of thank you letters from my students regarding your support of the bill, the anti-puppy-mill bill. So why am I here? I'm here to thank you, too.

I wish I could have my students here with me. I am trying to teach them that you can make a difference. In a society where the impact of one person with integrity, making a difference is quickly becoming a rare commodity. It is nice to have someone like you who will stand up for the right thing.

I want to thank everyone else who is here, too. I want to go back and tell my students, we have not only you, but other Legislators' support. I'm here, because there are few places which our children can turn to for hope in heroes. Will all of you be heroes like I know you can be?

I ask all the members of the panel, please join us. I do not want to be a messenger of doom regarding the outlook of puppies and kittens. I want to be the profit of hope and freedom through knowledge. That's one of the reasons I became a teacher.

*(\*Applause\*)*

Will you join us? Without us prompting, will you just join us, do the right thing?

I do not need to reiterate the horrors of what takes place at these mills, we all know them, my students know them. I am here because we don't have many heroes like the World War II Veteran we met earlier today.

General Meeting - April 29, 2014

*(\*Applause\*)*

We need more heroes like you, Mr. Schneiderman. My kids make obvious the need and the desire they have for involvement with life inside and outside of the classroom, their community. They care about the world around them. Let me go back and tell them you heard their pleas for justice and support them, that they can indeed make a difference.

We live in a society that is finally starting to recognize the importance of animals in our society and our lives. We no longer call them our property, we call them our companions. I ask everyone here -- Yeah, our family. I ask everyone here, will you stand up and do the right thing? Join us, stand up for the voiceless.

And also, I am the parent of a rescued Bijon, who's a puppy mill dog, and I can firsthand tell you that it's cost me a fortune. She's very cute, but she has very rare diseases. Frankly, in less than five years, she's cost me \$20,000. Okay? So I'm lucky enough that I get through it, but there are so many of my students who are coming up and giving me horror stories. Okay? Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Ralph Fasano, and on deck, Pamela Green.

**MR. FASANO:**

Is it still morning? Good morning, good afternoon. Thank you, Presiding Officer, and thank you, Honorable Legislators, for hearing me. I'm Ralph Fasano. I'm the Director of Concern for Independent Living.

A little over a year ago, you passed a resolution to fund a project in Presiding Officer Gregory's district called Liberty Village, and I'm happy to announce that we will be opening Liberty Village sometime towards the end of next month; 60 units of beautiful housing for homeless veterans and their families. And we're starting to get applications in, and we've got everything from veterans returning from the current conflict, conflicts with disabilities, to a 92-year-old World War II veteran, and we're really happy to provide this housing. In Ronkonkoma, we're doing housing, which will be 59 units, 30 for homeless veterans, 29 with a preference for veterans returning from the conflicts, who are working, but need affordable housing.

This is really important work, along with the other work that's been talked about today. We're on the verge of ending veteran homelessness here on Long Island. There's a national plan to do this.

*(\*Applause\*)*

Thank you. There's a national plan to do this, and Suffolk County and Long Island are leading the nation. And this is not just rhetoric, we have the numbers. We know that if we house more veterans than become homeless in any one month, we can end veteran homelessness by 2016. The project you funded last year, the project that I hope that you fund this year will enable us to do that.

I just want to thank Tom Ronayne, Jill Rosen-Nikoloff Thompson for being the County representatives that help push this along. They are gems when it comes to public service, and they are the reason why nonprofits like us can be successful in leveraging 23 million dollars. We're asking for \$750,000 from the County. Along with that, we can leverage 23 million dollars from other sources. It's important. These funding sources look to see that the County is invested in what we're asking them to do. So I thank you and I hope you pass the resolution. Thank you.

General Meeting - April 29, 2014

(\*Applause\*)

**P.O. GREGORY:**

Thank you, Ralph. Pamela Green, and on deck, Caitlan Monte.

**MS. GREEN:**

Hi. Good morning. I'm Pamela Green, Director of the Kent Animal Shelter in Calverton. I would like to thank Legislator Schneiderman and the rest of the members of the Legislature for entertaining I.R. 1047.

You've heard the horrors of puppy mills, and I won't reiterate all of that information, because you've heard it over and over again. I can tell you from the Kent Animal Shelter, that has been on the receiving end of many of the puppy mill castaways, we have seen many of these medical problems, congenital heart defects, heart murmurs, grade 5, missing limbs, missing eyes. I myself have a puppy mill dog that had huge social issues and weighed about half the amount that it should have weighed when it arrived at the shelter.

There are 176,000 dogs across the United States that are in puppy mills, producing about one million puppies every year. Every pet shop and dealer in Suffolk County is buying puppies from puppy mills, make no mistake about it. The USDA licenses -- sorry. The USDA licenses these puppy mills, 176,000 in the U.S. And it's not perfect because they oversee basically livestock, not companion animals. However, it's the best we have at this point in time.

For years, a puppy mill in Iowa was cited over and over again by the USDA for violations. They continue to operate. In 2013, they were closed down. There were dogs frozen to the sides of wire cages, sticking up from the ground. Some were dead, covered in feces, covered in urine. You've heard it all. But the offspring of these dogs are being sold to the public in Suffolk County. I believe that's what we have to be concerned about here today, because what it is is consumer fraud at its finest.

(\*Applause\*)

These dogs are going to the pet shops and the pet dealers, passing on their congenital defects, abnormalities to the puppy that people are buying. They think they're getting a cute little dog in a pet shop, when, as you have heard here this morning, they are getting sometimes a financial nightmare. They become so attached to it that they will continue to spend money on this animal, but is that fair? Is that fair to the consumer? Is it fair to the animals that suffer 24/7 in these mills throughout the United States?

I think it's the job, and I believe everyone here will agree, it's the job of this Legislature to protect the consumer, and it's the job of us, ethically and morally, to protect animals. They can't speak for themselves, but we can speak for them.

(\*Applause\*)

So I urge the Legislature to, please, consider this bill and pass I.R. 1047. We've been trying for years. This is -- all eyes are on Suffolk County today.

(\*Applause\*)

**P.O. GREGORY:**

Thank you. Caitlin Monte, and on deck, Megan Petter.

**MS. MONTE:**

Good morning, Legislators. My name is Caitlan Monte and I'm from Commack, Suffolk County. I wish to speak to each of you today about I.R. 1047, pet store ordinance.

General Meeting - April 29, 2014

I currently hold the position as a main caregiver in a Suffolk County puppy store. I take great pride in what I do. It's my job to make sure all puppies are taken care of while at our store, and that all their physical and emotional needs are met on a daily basis. Our store follows strict guidelines regarding feeding, physical care and socialization. Our puppies are given ample space at all times and are checked constantly throughout the day and night to ensure their safety and well-being. All staff members are trained to notice sickness immediately, are instructed to bring any puppy to our on-call veterinarian, if needed. It is of our utmost importance that our puppies are in the best physical and emotional health while in our care, and even when they go home to their purchased owners.

New York consumers receive unique protections only if purchased from New York State licensed and inspected pet stores and breeders. Consumers receive protections if their pet becomes ill, or later on develops any congenital defects which adversely affect the health of the pet. If the consumer buys a pet over the internet from a backyard breeder, or pays a mandatory minimum donation fee at a shelter or rescue and the pet becomes ill or develops any congenital defect, the consumer is on their own, and in many cases being left with hundreds of dollars in vet fees, which in some cases can lead to the abandonment of the pet due to lack of funds.

I ask that you pass the version of the I.R. 1047 that was negotiated about by all stakeholders with Legislator Schneiderman, amended and filed yesterday. Thank you for your time and consideration.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Megan Petter, and on deck, Karen Vessella.

**MS. PETTER:**

Hello. My name is Megan Petter and I live in Suffolk County, Huntington Station. Thank you for allowing me to share my thoughts on I.R. 1047.

I agree, that humane societies and rescues provide a great service to our community. They provide many families with great pets that fit their specific needs. I do, however, believe that many families are unable or unwilling to take on the challenges of a dog that has been turned into a humane society or a rescue. Many of these dogs can have behavioral and/or health issues. Also, certain families desire specific breeds to fit their own personal needs and/or wants, for example, families who have allergies and families that have housing size requirements. I believe all families should have the options to choose the pet they want for their own family. I also believe that there are extremes in every situation in life. You will always have your good and you will always have your bad. And, yes, of course I have seen the pictures and stories relating to puppy mills, and I agree they are horrible. However, there are plenty of breeders that are being unfairly lumped into these extremes. We should not punish the many for the actions of a few.

I ask that you pass the version of I.R. 1047 that was negotiated by all stakeholders with Legislator Schneiderman yesterday and filed. I again thank you for your time and your consideration.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Karen Vessella, and on deck, Andrea Burrows. Karen, are you here? Andrea? Is it Andrea or Andraya (phonetic)?

**MS. BURROWS:**

Andrea.

**P.O. GREGORY:**

Andrea, okay. And on deck, Mary Wilson.

**MS. BURROWS:**

Good morning. My name is Andrea Burrows and I'm a student at Stony Brook University. I'm standing here to strongly support the passing of Bill 1117, to ban the importation of hydraulic fracturing wastewater into Suffolk County.

Over the years, extraction of natural gas has proven itself dangerous, resulting in the banning of country -- the banning of the entire process in countries such as Germany and France. These millions of gallons of water that would be brought into this County would contain hundreds of known carcinogens and radioactive materials, including Radium 226 and 228. Radium 226 is linked to liver, bone and breast cancer, and emits gamma radiation, which travels not only through the water, but also through the air. New York State does not allow the process of hydraulic fracturing to take place in the state itself. Why would they accept the consequences of other states' poor decisions?

We need to protect this ecosystem in this community. Please support 1117. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. It's always good to see our students out. Thank you. Mary Wilson, and on deck, Dr. Kristen Iversen.

**MS. WILSON:**

This makes me really nervous. All right, I got three minutes. I had something prepared, but I'm just going to speak from the heart, because I think everyone has covered it very well today.

I have two rescue dogs. I'm new to the area. Never in my life have I seen, and I've traveled all over the country with my job, the number of puppy stores we have in this area. It's incomprehensible. These dogs are being tortured daily. You have a moral obligation to stop this. You're the only ones that can stop it. We're doing all we can on the back end.

*(\*Applause\*)*

We're working our tails off to empty the shelters. Any dog you want, go on [petfinder.com](http://petfinder.com), any breed you want. I typed in "Shih Tzu" the other day on [petfinder.com](http://petfinder.com), which links all the shelters. Fifteen hundred in the shelters in this area. Why are we continuing to breed dogs?

*(\*Applause\*)*

First and foremost, why do we need pet stores? Second of all, why are we tolerating the abuse? Why are we allowing this? I mean, it's just -- in what world is this even right? Why are we even having this conversation? I just get so pissed off, I can't believe it.

*(\*Laughter\*)*

I can't believe it. I mean, really, honestly, right, that we have to have a discussion over the humane treatment of these animals, when you know they're stacked four and five crates high. Their feet never touch the ground their entire life. They're tortured. They're fed, when they remember to feed them. Okay? They're matted. They live in their own feces. The dogs that are stacked on top of them are urinating and defecating all over them. This is their life.

General Meeting - April 29, 2014

You have an opportunity to stop it. This is where it starts, right here on the ground level. Pass this bill. And thank you very much.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Ms. Wilson.

**MS. WILSON:**

I think I have a little time. Carol wanted me to let you know that Lucky died just a couple of days ago.

**P.O. GREGORY:**

All right. Sorry to hear that. Dr. Kristen Iversen, and on deck, Cherlyn Joyce.

**DR. IVERSEN:**

Good morning. My name is Kristen Iversen. I speak to you today as an author, a professor, a mother, a citizen, and a person who has experienced radioactive contamination firsthand. I am speaking at Stony Brook University today, and I had the fortunate opportunity to come here and speak to you about this issue.

I am deeply concerned about the potential public health risk of bringing fracking waste into Suffolk County. I want to tell you very briefly what happens when you introduce radioactive material and carcinogens into a community like mine.

I grew up in Arvada, Colorado, not far from Denver, right between Denver and Boulder. What we didn't know when I was a kid was that our house was just three miles from Rocky Flats, a secret nuclear weapons facility. There was extensive radioactive and toxic contamination in my community. We experienced decades of low level radioactive contamination in the air, in the water and in the soil. In my family, in my neighborhood, and in my community, for decades we have had higher levels of leukemia, lymphoma, brain tumors, birth defects and other problems, and we've also seen all sorts of effects in animals. Veterinarians report a higher rate of cancer in dogs. Various contaminants have been detected in the bodies of horses, rabbits, turkeys. There's a turkey farm right next to my house and turkeys for decades have been -- this is where everyone bought their turkeys for holiday meals, and the turkeys were so deformed that they had no beaks on the -- lower beaks, and they had to sew the beaks together and feed them with tubes. We did not know that those turkeys were contaminated. I grew up eating those turkeys.

There are so many stories that I could tell you. I've written a book on this issue. I strongly support the resolution to ban the importation, storage and use of fracking waste in Suffolk County. The health risk to citizens and to pets and animals with respect to introducing radioactive material into the environment is simply too great. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Doctor. Cherlyn Joyce, and on deck, Mike Pascal. Cherlyn? Cherlyn? Miss Joyce? Okay. Mike Pascal. Mike, are you in the audience? Commander of the New York State VFW and Ronkonkoma resident. No. Okay. Cory Tiger, and on deck, Margery Schab.

**MS. TIGER:**

Good afternoon. My name is Cory Tiger. I'm also a SUNY -- a student from Stony Brook University. I am an Environmental Humanities major, as well as an Anthropology major.

General Meeting - April 29, 2014

I am speaking out against the proposal for -- of shipment of wastewater to Suffolk County. I am speaking out today because I am tired of living in silence. Long Island is my new home. I have a great value for safety -- for the safety of drinking water and the growth of a healthy -- healthy farmlands. Accepting this waste will be a step backwards for the Long Island community. I've witnessed the beauty Long Island holds, and I wish for it to remain uncompromised by the toxins and fracking wastewater. I wish to breathe the air without the fear of my well-being.

The extraction of Marcellus Shale is banned in New York State, so I ask why would we allow the disposal of wastewater in our backyards? I'm an advocate of clean air, soil and water. I ask the support from the -- of the protection of our home and resources from the Legislature. Let us not succumb to ignorance, but rise to the changes that this world needs to see.

I shared or I borrowed some words from Barry Commoner. Environmental pollution is an incurable disease and it can only be prevented. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Cory. Ms. Schab, and on deck, Susan Hansen.

**MS. SCHAB:**

I'm Marge Schab, Remsenberg, New York, and I'm a member of the League of Women Voters, and I ask today that the Legislature pass Bill 1117, which is sponsored by Legislator Bill Spencer. Thank you very much.

No one -- I remember a few years ago about Broadwater Energy, and one of the most important things for us here on Long Island is the health and well-being of Long Island Sound. And we do not want any frack waste to reach our County, and probably the way that it would, and we must not permit it, would be through the Sound. And many people have said, "We don't want this radioactivity. We don't want these toxins." We really live on a sandbar. We need to keep our water, we need to keep our recreation, we need to keep our summer people coming, we need to keep our farms, our vineyards going, and with this means we cannot have any frack waste. It was mentioned today living beings are not a commodity for profit. This is the theme, whether it's a pet, whether it is us. So, please, pass this bill. The problem of frack waste should not become the problem of us who live in Suffolk County. It is the industry problem, not our problem. Don't make it our problem. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Susan Hansen. Is that you, Susan, in the pink? No. Susan Hansen.

Okay. That is all the cards that we have. If there is -- someone would like to speak who hasn't filled out a card and hasn't spoken, please come forward; your name, address, social security, bank routing number.

*(\*Laughter\*)*

**MR. STRAUSS:**

Alex Straus, 184 Radio Avenue, Miller Place, New York; 0713835.

I'd just like to -- first of all, I'd like to thank you very much for passing raising the age that you could purchase tobacco from 19 to 21. Thank you very much. If this saves one life, it will be a law that is very good. I also would like to see you pass that Suffolk County Community College does not

allow smoking on its premises.

I saw in the paper about speed cameras. I think it would be a good idea to have speed cameras, not for the money, but also to save lives. And also, I'm very happy that Suffolk County puts a sign 300 feet from every intersection that does have a speed camera or a speed -- or a red light camera to let people know that there is a detected device there. In Nassau County they don't do that. So they are going out there trying to get money. We're trying to cause a safe environment. And the reason why we have the red light cameras is because our former Presiding Officer's wife was hit twice in a T-bone crash and almost killed; not to make money, but to save lives.

That's it. Thank you very much. Appreciate your help.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you.

**MR. BLASSINGAME:**

Good afternoon to the Legislators. I'm Mr. Blassingame, also known sometimes as the Sixteenth Unofficial Mayor of Wyandanch.

I think I had mentioned this again to my Legislator, DuWayne Gregory. As we see work on the Pilgrim site, that we know that's up in C.I., but that's how we're training young people in Wyandanch that work in construction.

I spoke to Supervisor Croci's Office. I said, as we train our young people on the Island that is in Suffolk County, we need them working on all sites to put all young people at work. As we train our folks who want a strong workforce on this Island, we want them working in Suffolk, we want them working at the Pilgrim site, sites out here, not only for Wyandanch, for Babylon, Deer Park and other surrounding hamlets. We need our young people back to work on this Island, because we've got too many of them that are not working. And the Pilgrim site have been long sitting, that's how -- that have been not worked on. It is -- again, that's our concern of Suffolk, but it is a concern of all of us, that that site need to be worked on and worked on now.

They crossed the main barrier. That's how they get -- they said that C.I. crossed that to finally build their city. But I look forward to them marching forward as we are over at the Hamlet of Wyandanch, that that's how -- that it be put upon the Department of Labor that that's how our young folks be actually given a chance to work on that site, as well as ours, and all other sites that have a strong, vibrant workforce on this Island.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Bobby. Anybody -- okay. Come forward, ma'am. I'm sorry. Did you speak before? I don't recall. So many people.

**MS. CLARA:**

Yes.

**P.O. GREGORY:**

Is this your first time speaking?

**MS. CLARA:**

Yes.

General Meeting - April 29, 2014

**P.O. GREGORY:**

Okay. Just state your name.

**MS. CLARA:**

Good morning. Maria Clara, and I'm from Westchester County. I'm a little bit nervous, but I'm just a grandma. I'm a grandma, I'm a really proud grandma, and I just want to leave my grandkids love for animals.

I've never been so far from my house, 83 miles, and this morning when I came here, I got lost. And it's beautiful, the town is beautiful, Riverhead is beautiful. And I'm so happy that I can tell you that my friend says that all eyes are on Suffolk County. I'd like to add that I have friends in South America, and what happens here, they copy over there, good and bad. But the good thing they are copying over there now is laws and help for the animals. People over there is poor, they don't have money for food, and they put in their houses cats, goats, dogs to protect them from being raped, burned, eaten and abused. They are copying laws here, what we're doing here. I'm a citizen, I've been here for 30 years, and people copy it. So what you do here will be good there.

Please, teach compassion to your kids, to the community, and to the world out there. It's not only here. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Great. Thank you for -- thank you for being part of the process. Is there anyone else? Yes, ma'am, in the gray on the left. Yeah, you. Oh, Michele. I didn't recognize you. I'm sorry.

**MS. LYNCH:**

Michele Lynch. Any other information that you need, or is that good?

**P.O. GREGORY:**

Routing number, and how much we could take out on a daily basis.

*(\*Laughter\*)*

**MS. LYNCH:**

I'm just here to say I understand that it's coming up today about the health centers. And, you know, just going forward on anything you do that affects County employees, I would hope that you would do some kind of a contract to ensure that those workers are protected. I know that, you know, they're going to find other jobs for them in other areas, but for those that maybe wish to stay in the positions they're in, if their union is not able to represent them because they are not public employees anymore, that you put in the contract card check recognition. So that means they don't have to go through a fight. So whatever union they decide they want to go with, that they can simply be recognized by card check recognition. So that's something you really -- when Bill Lindsay was here, he always made sure that that was put in place, you know, when he had the first thing with Levy, that they thought the Foley Center was going to be sold, and, you know, that was something that Bill realized was really important. So thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Michele. Okay. A motion by Legislator Spencer to close the Public Portion.

**LEG. MURATORE:**

Second.

General Meeting - April 29, 2014

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. BROWNING:**

Mr. Presiding Officer.

**P.O. GREGORY:**

Yes.

**LEG. BROWNING:**

We have some representatives from the VFW with regards to Bill 1298. I would just like to know if we -- I'd like to make a motion to take it out of order.

**P.O. GREGORY:**

I wanted to do -- we have a personnel matter. I wanted to do that first, do an appointment before the lunch break.

So, if I may, I'll make a motion to take -- well, Doc, go ahead, procedural Motion 10. I'll make the motion to take --

**LEG. BROWNING:**

I did make a motion to -- okay. I'll withdraw the motion at this time, but --

**P.O. GREGORY:**

Okay. This will be quick. I'll make a motion to take Procedural Resolution Number 10, to appoint Chief Deputy Clerk of the County Legislator out of order. I have a second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. SPENCER:**

Mr. Presiding Officer, I'd like to make a motion to approve.

**P.O. GREGORY:**

Okay.

**LEG. ANKER:**

(Raised hand).

**LEG. BROWNING:**

Second.

**P.O. GREGORY:**

Second by Legislator Anker.

**LEG. SPENCER:**

On the motion.

**P.O. GREGORY:**

For purposes of discussion, Legislator Spencer.

**LEG. SPENCER:**

On this Procedural Motion, we are taking Lora Gellerstein for the position of Deputy Clerk. And Lora has been my Chief Legislative Aide since I was elected, and there's just -- this is very difficult for me, because the relationship that I have developed with Lora is just phenomenal. She's probably one of the smartest, most organized people, and she has made my life as a Legislator just a lot better. I think the Legislator is only as good as their Chief Aide.

And the relationship goes well beyond the job, to where we have to communicate that -- a lot of times during nonbusiness hours. There's a lot of things that she handles that really allow me to have a better quality of life and to sleep better. So it's a great loss for my office, but it's really a great gain for this body, for the Clerk's Office.

I have complete confidence in this woman. She extends herself to a lot of different leadership opportunities throughout the community. She's taken steps to become a graduate of leadership for Huntington. She's very active in her party and committee. She works for the -- just really a lot of different charitable things throughout our community, and my life is enriched because of her. And it's a painful loss, but I give her my full wholehearted support in her in this position. And I really congratulate you on this gain. So that's why I'm making the motion.

**P.O. GREGORY:**

Thank you, Doc. Anyone else? Okay. We're going to call the vote. We do have a motion, we have a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Congratulations, Lora.

*(\*Applause\*)*

**LEG. BROWNING:**

Okay, Lora, get to work.

*(\*Laughter\*)*

**P.O. GREGORY:**

Okay. While Lora does her duties, we're going to -- we do have several requests for motions. I know we have three minutes. I want to try to get Councilman LaValle out. Legislator Hahn asked earlier. So we're going to -- I'll recognize Legislator Hahn for the purposes of taking Motion 1294 out of order.

**LEG. HAHN:**

So moved.

**P.O. GREGORY:**

Okay.

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. I have a motion?

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

Motion by Legislator Muratore.

**LEG. HAHN:**

(Raised hand).

**P.O. GREGORY:**

Second by Legislator Hahn to approve. We have I.R. 1294 ahead of -- in front of us, and Legislator D'Amaro has a question. It's on -- I'm sorry, it's on Page 6 in your agendas. It's in Environment and Planning.

**LEG. ANKER:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Anker.

**LEG. ANKER:**

This is going to go on.

**P.O. GREGORY:**

Yeah.

**LEG. ANKER:**

This will go on. We're not going to get out of here in time.

**MR. NOLAN:**

Do you have a lot of questions?

**P.O. GREGORY:**

Do you have a lot questions? I thought it would -- okay. All right.

**LEG. ANKER:**

This could go on.

**P.O. GREGORY:**

Sorry, Kevin.

**COUNCILMAN LAVALLE:**

That's fine.

**P.O. GREGORY:**

We'll do it after lunch. All right. Let's skip to I.R. 1298. Legislator Browning.

**LEG. BROWNING:**

I'd like to make a motion to take 1298 out of the order.

**LEG. KENNEDY:**

Second.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. BROWNING:**

I'd like to make a motion to take 1298 -- to make a motion to approve 1298.

**P.O. GREGORY:**

Page -- it should be Page 6 in your agenda, Government Ops.

**LEG. HAHN:**

Second.

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

A motion; second by --

**LEG. HAHN:**

It's his District.

**P.O. GREGORY:**

Legislator Muratore. Okay. The motion is before us. We have a motion, -- we have a second. Anybody have any questions?

**D.P.O. SCHNEIDERMAN:**

Disabled veterans, homeless veterans, yes.

**P.O. GREGORY:**

I'm going to read the title. *(I.R. 1298) It's authorizing funding of infrastructure improvements and oversight of real property under the Suffolk County Affordable Housing Opportunities Program and execution of agreements (Co. Exec.)*. This is what Mr. Fasano spoke about a few minutes ago. Anyone have any questions? It's for veterans. No questions? Call the vote. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay.

**LEG. LINDSAY:**

Tim, cosponsor.

**LEG. SPENCER:**

Mr. Presiding Officer.

**D.P.O. SCHNEIDERMAN:**

Raise your hand if you want to cosponsor.

**LEG. KENNEDY:**

Cosponsor.

**LEG. SPENCER:**

Cosponsor.

**P.O. GREGORY:**

Okay. It is the witching hour, but we do have a presentation. I ask that all of our colleagues stick around. We have a presentation by Blood Services.

**MR. NOLAN:**

Legislator Muratore wants to be recognized.

**P.O. GREGORY:**

Legislator Muratore.

**LEG. MURATORE:**

I just have a question. Commissioner Morris can't come back, and he might be vital to answering some questions that my colleagues may have with reference to this property. So can we like move the lunch period back a little bit and take a couple of minutes? Can we delay lunch?

**P.O. GREGORY:**

That's up to you guys.

**LEG. MURATORE:**

Okay. Can I make a motion to delay lunch?

*(\*Laughter\*)*

**LEG. KRUPSKI:**

It's never been done before.

**LEG. CALARCO:**

I don't think it has.

**LEG. MURATORE:**

Can I ask Counsel? Can we do it, Counsel.

**P.O. GREGORY:**

I'm sorry, I missed the question. You wanted to -- you made a motion to delay lunch? Is that inevitably or what time frame?

**MR. NOLAN:**

Under our rules, the Presiding Officer has the authority to declare the recess for lunch.

**P.O. GREGORY:**

I have some power.

**MR. NOLAN:**

Generally, you know, at this point of the meeting, if we can dispose of a question quickly, you know, we try to squeeze it in before the lunch break. This particular resolution doesn't look like it's going to work out that way.

**LEG. MURATORE:**

Okay. So I guess we have to do what we have to do. Maybe the Commissioner can rearrange his schedule. All right. I'll withdraw my motion to delay lunch.

**P.O. GREGORY:**

Okay.

**D.P.O. SCHNEIDERMAN:**

We can give him five minutes.

**MR. NOLAN:**

Let's proceed. Let's proceed.

**P.O. GREGORY:**

Mr. O'Donohoe, thank you for being here. Please, we give you the floor.

**COMMISSIONER O'DONOHUE:**

Thank you. Thank you, Presiding Officer. We appreciate it very much. I'm here today with a different hat on. I'm representing the -- I'm the Government Chair of the Long Island Blood Services, and we want to personally thank you for everything you've done as far as the Legislators that sponsor blood drives. It's a lifesaving thing that you do, but the only way we can get blood is out of somebody. So what you do is tremendous. We just want to encourage some more of that.

I have Karen Muscolino with me now. She has some handouts. Do we have someone, a Clerk? Could we give to the Clerk? Yeah, there you go.

I want to thank you all, with an opportunity -- just a quick opportunity. I want to thank the Legislators, all the Legislators that sent condolences with the passing of my mother. Thank you so much. That's very, very thoughtful of all of you, so thank you so much.

With that said -- and, by the way, whoever can raise enough blood, they'll be exempt from jury duty? How does that sound?

*(\*Laughter\*)*

All right. I have Karen Muscolino here. I'll take some blood now.

**P.O. GREGORY:**

Thank you.

**COMMISSIONER O'DONOHUE:**

Karen Muscolino.

**MS. MUSCOLINO:**

Thank you very much. First of all, I want to thank Legislator DuWayne Gregory for inviting us here. And also, I'm letting you know that he has just joined our volunteer Leadership Team, which

General Meeting - April 29, 2014

Commissioner O'Donohoe was on as well, and it's spearheaded by Ed Travaglianti from TD Bank. So thank you very much for having us here today.

I know many of you actually are running blood drives and we really appreciate that. Long Island Blood Services provides about 85% of the blood that's distributed at the Long Island hospitals. We've had a very tough couple of years between hurricanes, and snowstorms, and the flu, and who else knows what else is coming. But we also know this coming summer is going to be very difficult. And we would like you all to consider within your districts to consider running a blood drive. Basically, we do mostly everything. All we need is your sponsorship and somebody in your office that we can work with.

I must say that among you, Legislator Kennedy has been working with us now for I don't even know how many years, and he has been doing at least six or seven blood drives within his own region. I see other names, Legislator Cilmi over here, and a couple of others that I know that you've actually run some blood drives, but this year is going to be a real tough one. I don't want to sound like the weather girl, but I heard it's going to be very hot, and we know that people aren't going to be coming out as quickly. So we'd ask that on -- perhaps starting next week, we can start giving you phone calls to start looking to schedule a blood drive within your districts. We, hopefully, will hear a big yes from all of you. And if you need any other information, my card is in the folder that we gave out, and any other information about actually donating blood is there as well.

So thank you very much. And thank you, Legislator Gregory.

**P.O. GREGORY:**

Thank you, Karen, and thank you for all that you do at Long Island Blood Services. It's such an important service for all of our constituents. Thank you.

**MS. MUSCOLINO:**

Okay. Thank you very much.

**P.O. GREGORY:**

All right. Have a good day. All right. We are recessed for lunch. See you at 2:30.

*(\*The lunch recess commenced at 12:33 p.m. \*)*

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

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

**P.O. GREGORY:**

Good afternoon. Mr. Clerk, please do the roll call.

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

**LEG. KRUPSKI:**

*(Not Present).*

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. HAHN:**  
*(Not Present).*

**LEG. ANKER:**  
*(Not Present).*

**LEG. HAHN:**  
Present.

**LEG. CALARCO:**  
Present.

**LEG. LINDSAY:**  
*(Not Present).*

**LEG. MARTINEZ:**  
*(Not Present).*

**LEG. CILMI:**  
Yep.

**LEG. BARRAGA:**  
Yes.

**LEG. KENNEDY:**  
*(Not Present).*

**LEG. TROTTA:**  
Here.

**LEG. McCAFFREY:**  
Here.

**LEG. STERN:**  
*(Not Present).*

**LEG. D'AMARO:**  
Here.

**LEG. SPENCER:**  
Here.

**D.P.O. SCHNEIDERMAN:**  
Here.

**P.O. GREGORY:**  
Here.

**MR. LAUBE:**  
*Thirteen (Not Present: Legislators Krupski, Lindsay, Martinez, Kennedy & Stern).*

**P.O. GREGORY:**  
Okay. All right, we will go to the **Public Hearings**.

We have for **2015-2017 Capital Budget & Program**, we have a **Public Hearing**.

**MR. NOLAN:**

No cards.

**P.O. GREGORY:**

We do not have any cards. Is there anyone in the audience that would like to speak, please come forward. Okay. Not seeing anyone come forward, I will make a motion to recess.

**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Thirteen (Not Present: Legislators Krupski, Lindsay, Martinez, Kennedy & Stern).*

**P.O. GREGORY:**

Thirteen, okay.

Next **Public Hearing** is for **Procedural Motion No. 8, Alteration of rates, license for Davis Park Ferry Company, Inc. (Presiding Officer Gregory)**. We have one card. Mr. Donald Rettaliata. Welcome.

**MR. RETTALIATA:**

Thank you. Donald A. Rettaliata, 4250 Veterans Memorial Highway, Holbrook, Attorney for Davis Park Ferry Co. The company has been serving the public from Patchogue to Davis Park and for -- since 1948, and then later years to Watch Hill also.

As you're aware, the rates for service are established by this body. The last increase applied for and approved by the Legislature was in 2008. At that time, the adult one-way fair went to \$8.50, which was a 22% increase over its prior and that was approved in August of 2008. Because of the whims of the then County Executive, he didn't sign the measure, so it didn't take effect until after Labor Day, one of the two major weekends of the year. It's now six years later, we're seeking an increase from \$8.50 to \$9 for an adult one-way fair; that's a 5.9% increase, which is less than 1% per year. The round trip ticket would go from \$16 to 17, \$1 increase, 6.2%.

The financials have been furnished to the Budget Review Office, they indicate that every year we've been operating at a loss. That's what basically the money is needed for. Repairs are a big part of the budget and they always keep the equipment in operating condition.

Additionally, there are additional expenses that are on the way, specifically an increase in the minimum wage. Which we have no problem with that as a principle, but what that does, it raises basically everybody's wage, because they're all set in steps and that's part of being in business and we realize that, but that's what we need some of the money for.

Fire Island Ferries out of Bay Shore serves seven communities, many more restaurants, carry much more freight, special activities. They have the same rates, and have for a couple of years, that we're now seeking. Davis Park is unfortunately a shrinking community, they lost seven homes directly to Sandy and the Fire Island National Seashore Plan, whoever's plan it is, shows it probably will lose another 12 to 13, maybe even 14 homes. The whole community right now is 280 homes would go down to 260. Also, the ferry company does not have parking income as other ferry companies do.

**D.P.O. SCHNEIDERMAN:**

Sir, you're going to have to finish your remarks.

**MR. RETTALIATA:**

I'm done.

**D.P.O. SCHNEIDERMAN:**

Okay. Thank you, sir. Any questions? Thank you, Sir.

**MR. RETTALIATA:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

Okay, that is the only card that we have for the rates, for Procedural Motion No. 8. Is there another card? Anyone else that would like to speak, rather? No, okay. I will make a motion to recess. Do I have a second?

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Sixteen (Not Present: Legislators Lindsay & Kennedy).*

**P.O. GREGORY:**

Okay, ***(Public Hearing on) IR 1027-14 - Adopting Local Law No. -2014, A Local Law to amend Section A13-10 of the Suffolk County Administrative Code to authorize donation of property held by the Police Property Bureau (County Executive).*** I do not have any cards. Is there anyone in the audience that would like to speak on this matter, please come forward now. Seeing no one --

**D.P.O. SCHNEIDERMAN:**

Can we close this?

**MR. NOLAN:**

You can close this. I don't know what the County Executive wants to do.

**P.O. GREGORY:**

Is there a representative from the County Executive's Office?

**D.P.O. SCHNEIDERMAN:**

Motion to close.

**LEG. CALARCO:**

Motion to recess.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Sixteen. Seventeen (Not Present: Legislator Kennedy).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1043-14 - Adopting Local Law No. -2014, A Local Law to strengthen policy against dual public salaries (Cilmi).*** I do not have any cards. Is there anyone in the audience that would like to come forward and speak on this matter, please come forward. I don't see anyone. Legislator Lindsay?

**MR. NOLAN:**

Cilmi.

**P.O. GREGORY:**

Cilmi, I'm sorry.

**LEG. CILMI:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Cilmi.

**LEG. BARRAGA:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Lindsay).*

**P.O. GREGORY:**

The public hearing is closed.

***(Public Hearing on) IR 1045-14 - Adopting Local Law No. -2014, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).*** I do not have any cards. Is there anyone in the audience that would like to speak on this matter, please come forward. Not seeing anyone, Legislator Schneiderman?

**D.P.O. SCHNEIDERMAN:**

All right, let's close it. Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Schneiderman. I will second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Kennedy).*

**P.O. GREGORY:**

Motion is -- the public hearing is closed.

***(Public Hearing on) IR 1047-14 - Adopting Local Law No. -2014, A Local Law to regulate pet dealers and pet stores in the County of Suffolk (Schneiderman).*** I have several cards. I will have Deputy Presiding Officer take over. First speaking is Lillian Lennon.

**MS. LENNON:**

Good afternoon. I'm back again because I feel this puppy mill law is so important, so I'm going to just reread to you what I read to you this morning.

## General Meeting - April 29, 2014

My name is Lillian Lennon. I'm a retired school teacher from the William Floyd School District and I am a volunteer for RSVP, Inc., Animal Welfare & Rescue. I reside in East Moriches. I would like again to begin thanking Legislator Schneiderman and Brookhaven Town Supervisor Romaine for their support regarding the most recent legislation passed by Governor Cuomo giving Town municipalities more regulatory control over the pet store industry in Suffolk County. As we already know, it is indefensible to support any operation that allows any living thing to suffer at the hands of those who place profit above humane treatment.

The puppy mill industry is notorious for its neglect, abuse and overwhelming disregard for its treatment of animals in its care. Any pet dealer in Suffolk County who patronizes a puppy mill is not welcome in this County. As residents, taxpayers, voters and animal advocates, we expect our Legislators to support this long overdue legislation.

I thank you again.

### **D.P.O. SCHNEIDERMAN:**

Okay. Thank you, Ms. Lennon. Our next speaker is Donna Marie Casey.

### **MS. CASEY:**

Good afternoon, Legislators. My name is Donna Marie Casey. I have been a dog trainer for over 28 years in Huntington Station serving Suffolk County. I wish to speak to you today about the pet store ordinance law.

As I mentioned, I've been a trainer of dogs for over 28 years in both Nassau and Suffolk. I teach dogs, I coach people. Approximately 35 to 40% of my business and my current trainings is with rescues. I have a special place in my heart for those rescues. And since I work closely with many different veterinarians, breeders, puppy stores and rescues, I am frequently exposed to the families that so desperately wanted to rescue a puppy, however, they simply did not realize the work that goes along with it. I believe that anyone choosing to bring a new family member into their lives should have a choice. Over the years it has become increasingly clear to me that it requires a very different, balanced and special energy to work with those rescue cases. Due to the emotional and sometimes even physical traumas that the rescue cases have seem to have gone through, it is my opinion that every family is not suited to work with those cases.

I work with puppies from all venues and it is clear to me that families wanting to enjoy a healthy, happy, balanced pet should have the option. It appears that it is an easier journey when they choose to deal with a breeder or puppy store with high standards for emotional and physically healthy puppies. In most cases, I have found that families who do not realize the work and commitment involved in working with a rescue case would have fared better if they had chosen to work with an honorable breeder or puppy store. Physically and emotionally balanced puppies seem to be easier, housebroken and obedience trained and a much easier journey for the families. Hence, that's why I believe that all people should be given a choice. Thank you.

*Applause*

### **D.P.O. SCHNEIDERMAN:**

Okay, the next speaker is Dr. Alexis Baffa. On deck is Barbara Maple.

### **DR. BAFFA:**

Hi. Good afternoon. My name is Alexis Baffa and I am a licensed veterinary practitioner who works with small animals and exotics practicing here in Huntington Station, Suffolk County, New York.

In my six years as a veterinarian, I have examined and cared for thousands of animals. These family pets are acquired from all sources: Hobby breeders, license professionals and inspected

## General Meeting - April 29, 2014

breeders, pet stores, shelters and rescues. In -- sorry. The most common puppy things we come across are colds and parasites. Colds coming from the stress-induced lowering of the immune system, and this comes from puppies from all over, whether it's a private person's home, a rescue, a shelter or a pet store. Parasites being another common thing. In the third trimester of an adult female dog's or cat's pregnancy, her body releases a hormone causing her mammary glands to begin the lactation process; the production of milk. This hormone also triggers the roundworms and hookworms that lay dormant deep within her muscles to become active. Three weeks later, when the puppies or kittens are born, these parasites have already reached their adult stage and have produced tens of thousands of eggs, just in time for the newborn puppies and kittens to take their first mouthful of the mother's milk. This natural process has been occurring for thousands of years. As hap -- it happens to all female dogs and cats around the world, regardless of whose care they are in, and even in the adult mothers who are routinely dewormed.

Also in the first few days of the mother's milk is colostrum. That gives the newborn puppies and kittens essential antibodies. These antibodies give the newborns a temporary immunity to many diseases. However, the temporary immunity does wear off within just a few short weeks, leaving each puppy or kitten fully exposed to the deadly diseases such as distemper and Parvo. It is essential for any puppy or kitten to sustain good health that an early veterinarian approved and supervised inoculation and deworming program be implemented by suppliers of dogs and cats to the public, which is not so true with the shelters and rescues. It is already mandated by both Federal law through the USDA and by New York State Law through the New York Department of Agriculture that all professional licensed and inspected breeders have proper veterinary inoculation and deworming protocols in place and routine veterinary examinations of all their dogs, puppies -- and adult dogs, sorry.

The level of veterinary care that I routinely see in my practice is the highest when the customers have acquired the puppy or kitten through a professional breeder or a pet store versus the rescue or shelters. I wish to thank all of the Legislators for giving me this opportunity to speak before you today. Thank you.

### ***Applause***

#### **D.P.O. SCHNEIDERMAN:**

Okay, thank you. Next up Barbara Maple, followed by John Kowal.

#### **MS. MAPLE:**

Hi. My name is Barbara Maple, I'm from Petite Pets, I have a puppy store. My puppy store happened because back in the 70's I bred my first Yorkie, and I was so in love and had so much joy in placing these puppies with people that a couple of years later I said, "*What could I do to make a living, to do the best possible thing by these puppies and to find the right homes for them and to bring this happiness to other people that I feel,*" because they're my children. So I designed Petite Pets, back in 1983 I opened up. Through the years I've learned a lot. I've always set high standards and I've tried to make the place as comfortable for the puppies as possible, better than most children are treated, and this trend has carried on to many, many other places. As I was told by the Department of Agriculture that, you know, through the years everybody is really upgrading everything for the puppies, you know, as well as I have from the beginning. And I'm tired of being treated like I'm some lower form of life, because nobody loves their puppies more than I do. They are my life, okay? And every time I place a puppy with one of my customers, okay, I leave my phone number, the customers can call us if there's any problems. We screen the people, we won't sell to people that -- and this is in all of the places. Won't sell to people that do not have the proper facilities for the puppies or their children are too young or they have larger, more aggressive dogs, so. And also, there's a comfort zone that they can walk in and know that we're licensed, okay, that we've been there a long time, and when they come in to bring this little precious thing home to their families, they feel that there's a place to go and know about their backgrounds and it's just -- it's a

General Meeting - April 29, 2014

comfort zone, because they know that we're responsible for these puppies and they're not just getting it from someone's house that can close the front door, or getting it through the Internet where they don't know anything about the backgrounds or what type of environment the puppy is in.

And when I did breeding, it's a full-time job, okay. There's no way you can have a puppy store and do the breeding, because that takes all your energy, to have healthy puppies. And I just hope that you realize how important this is to the consumer to have that freedom of choice, to be able to go in and pick out a puppy and hold it and have their children hold it before they bring a puppy home. Thank you.

*Applause*

**D.P.O. SCHNEIDERMAN:**

Hold on one second. I'm sorry, Barbara, there's a question from Legislator Barraga.

**LEG. BARRAGA:**

Now, you're a store owner.

**MS. MAPLE:**

Yes.

**LEG. BARRAGA:**

How is this bill going to affect you?

**MS. MAPLE:**

Well, because the paperwork is becoming incon -- you know, unbearable. And, you know, I have a very small staff, I only have two girls working for me, and myself. And right now, like having the Department of Agriculture, the amount of paperwork we have covers everything that you need. It's starting to become redundant, the same paperwork over and over, and I don't understand what, you know, these other inspections are supposed to accomplish.

**LEG. BARRAGA:**

Thank you.

**MS. MAPLE:**

You know, it takes away time from taking care of the puppies, bathing them, doing their nails, working with the customers.

**LEG. BARRAGA:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

Okay. Next speaker is John Kowal, followed by Russ -- I'm having a little trouble reading the last name, I want to say Stardome?

**MR. KOWAL:**

Hi. I'm John Kowal, 58 River Road. I'm the owner of Blue Ribbon Puppies and I've been breeding and selling puppies since 2004.

I was hurt in 2002, I was laid up for 24 months, approximately -- a little over two years. And I saw many therapists in that time and they wanted me to do something I love, and I've been working with dogs since then, breeding dogs since 2004. I applied for my business license for the town of -- by the Town of Riverhead. I investigated how to breed and sell the dogs legitimately with licensing

## General Meeting - April 29, 2014

and was found that the Department of Agriculture & Markets is how you do that. I applied for my license and there was a protocol that was set out, 12 steps, approximately 12 steps that you go through when you sell a puppy, disclosing all the facts of the animals, where they come from, health records, all the medicines that are administered to the animals. The clients that come to me, they come to me because they want a puppy, they want a pedigree puppy.

I don't know what else to say. I pay my sales tax every quarter like any other business. And that's pretty much all I have to say. I really love what I do. It takes a lot of work to breed animals. I don't know if anyone every -- anyone could tell you, but it's an all-day job. It's not eight hours. You're in there with the dogs from when the sun rises til one, two o'clock in the morning. It's a lot of work.

The laws are becoming -- just like the woman said before me, they're becoming a little ridiculous. I go over the protocol how it is now from the New York State and it's clear that I must be in signed receipt of where all the animals come from, I provide all my customers with information about neutering and spaying, I provide them with the medical record that clearly shows all the shots that have been given, that the dog has been seen by a licensed veterinarian and given a perfect bill of health. I mention to every single buyer that the dog needs its rabies shot, that it has to be licensed by the town that they live in. And of course all the puppies are sold with a guarantee.

So yeah, that's pretty much how I started in the business. I started with one puppy, one puppy ten years ago. I was able to build, to buy my first home in 2007, and I purchased that home with the revenue from the puppies that I sell. I would never have been able to buy my first home without that. And I want to thank everyone for your time.

*Applause*

**LEG. BARRAGA:**

Just a quick question.

**D.P.O. SCHNEIDERMAN:**

Legislator Barraga.

**LEG. BARRAGA:**

Just one quick question. Again, like the previous speaker, I think you're indicating that you're concerned about the administrative aspect associated with this bill, all the paperwork that has to be filled out. Let me ask you a question: Does this bill, if it's passed, have any effect on your business from a fiscal perspective? Will you do less in the way of sales, or does it have a negative effect on you?

**MR. KOWAL:**

Yes. I'm glad you brought that up, because I think -- I don't know the bill as clear as some other people, but it was brought to my attention that -- I'm going to say it in layman's terms, I really have to state to the customer where the puppy came from and if that source has any violations. It would be very -- it would be very hard for me to buy from a breeder that doesn't have some sort of mild violation. Even me, myself, when the inspectors come every year, they always find something. It's something that always could be corrected. It could be something as simple as having ten puppies or ten dogs and having one rabies shot expired, or one license for the town expired. So it would be very hard for me to find a source that has absolutely no violations. If I did find -- if I did find a source like that, their puppies would be so expensive, I wouldn't be able to mark them up. Everybody would want that source's dogs. But to answer your question; yeah, I would have to present to every single buyer of my dogs that this customer -- that the source that this dog came from had these violations. They may not choose to buy from me.

**LEG. BARRAGA:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

If I could just, while you're there, just correct the record. So one, the bill does not require you to disclose where you got it from. There's a tag on the side that says the USDA license --

**MR. KOWAL:**

How it is now.

**D.P.O. SCHNEIDERMAN:**

-- and it does require you to post in the store some language that says that those reports are available upon request.

**MR. KOWAL:**

Well, what I was talking about --

**D.P.O. SCHNEIDERMAN:**

Let me just finish. It also does not say that you can't buy from a breeder that has a violation. It has different thresholds that put that breeder into a category where we don't feel in this bill that it meets a certain amount of ethical standards. If they have a direct violation within the last two years on their report, the USDA report for their inspection, that's one of those criteria. But if they have one indirect violation, that does not -- or two. Once they hit three on the last report, yes, they would have to wait 'til they have a cleaner report.

**MR. KOWAL:**

Right. But how it is now, you know that right now, without the changing of any --

**D.P.O. SCHNEIDERMAN:**

Right now you can buy from any breeder you want.

**MR. KOWAL:**

Well, no, my point is right now we disclose where the dogs come from. We have to be in signed receipt that every single buyer knows the name of the breeder we buy from and their address; that's how it is now. Every pet store, any breeder that is buying from another breeder, we are always in signed receipt disclosing the source of where that animal came from.

**D.P.O. SCHNEIDERMAN:**

Right. Well, this bill goes a step further and says that you can't buy from certain breeders that don't meet minimum standards for the ethical treatment of these animals.

**MR. KOWAL:**

Okay.

**D.P.O. SCHNEIDERMAN:**

Okay?

**MR. KOWAL:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

All right, Russ Star followed by Michael Glass.

**MR. STAR:**

## General Meeting - April 29, 2014

Hello. My name is Russ Star, I'm a veterinarian practicing here on Long Island. I've been practicing here for approximately 14 years. I see patients from a wide variety of different areas, both pet stores, shelters, private breeders, as well as other locations.

Part of my responsibilities are that I oversee the medical care and treatment of a lot of the puppies for pet stores that I work with. I'm responsible for providing rabies vaccines, overseeing their medical care, overseeing the care of any ill puppies as well as hospitalizing them at my facility. I would say that I think that the quality of the medical care of these puppies is above and beyond what is found in your average typical backyard breeder, and I'm personally responsible for a portion of that as well as caring for other animals from other walks of life. Thank you.

**LEG. KENNEDY:**

Jay?

**D.P.O. SCHNEIDERMAN:**

Russ, before you sit down, there's a question from Legislator Kennedy.

**MR. STAR:**

Yes.

**LEG. KENNEDY:**

Doctor, I've heard a lot of testimony, there have been other veterinarians who have gotten up, and you mentioned something that I'm just a little curious about. When you say that there are pet stores you work with; what does that mean? Do they -- do you have some kind of a referral relationship? Are you on a retainer with them? Is there -- what is that term? Work with me.

**MR. STAR:**

I'm not on a retainer. I help them to maintain the health of their puppies. They request my expertise and services the way that many people with animals request my expertise and services.

**LEG. KENNEDY:**

So there's no particular relationship you have with let's say Acme Pets beyond any other veterinarian, it just happens that you may have some relationship with them.

**MR. STAR:**

I do have a relationship with a great many of the pet stores, just like I have a relationship with a great many other pet owners. In some situations, I do go out to the pet store in order to oversee that medical care. In some situations, I do -- I do offer an incentive for people to bring their pets to me as the doctor who has overseen their care since they were arriving at the pet store.

**LEG. KENNEDY:**

Okay. Do you find on occasion that a purchaser will come into a pet store and they'll inquire as to what the health of the pet is and the store owner will say, *"Contact Dr. Star to hear about what the care has been"*?

**MR. STAR:**

I couldn't really speak on that because I'm not really involved in any of the sales or customer interactions at these pet stores, I'm only involved in their medical care.

**LEG. KENNEDY:**

No, that I understand. I'm not saying that you've got a proprietary interest, but I'm saying so if I'm a customer and I walk into Acme Pets and I'm going to buy a beagle, and I ask the owner, I say, *"Well, what's the medical status of this dog? How is he; is he healthy?"* Do they say, *"Well,*

General Meeting - April 29, 2014

*absolutely he's healthy. Call Dr. Star and talk to him because he's treated him"?*

**MR. STAR:**

I think you would have to speak to Acme Pets or whatever pet store you're interested in getting that information from. I don't have that information for you as far as the interactions between the pet store employees and the customers there.

**LEG. KENNEDY:**

So you're unaware if a particular proprietor will say to customer to contact you as the treating vet.

**MR. STAR:**

I have absolutely no idea of the interactions that go on beyond the medical care.

**LEG. KENNEDY:**

Okay. Thank you.

**MR. STAR:**

Thank you.

*Applause*

**D.P.O. SCHNEIDERMAN:**

Okay. I guess next is Michael Glass, followed by Mitchell Landress.

**MR. GLASS:**

If I may, I have copies. Thank you. Legislators, Suffolk County Legislators. I'm Michael Glass, I work for America's Pet Registry. We're a nationally-known and recognized canine registration service and we are recognized as a pure bred registry by the New York Department of Ag & Markets.

We recognize that a lot of time has gone into this bill, we appreciate the time, and we certainly appreciate the Legislative Intent that I read. I must say, I've read a lot of Legislative Intents and it's with hopes that an amicable end comes to the writing of this ordinance. There are two quick points I'd like to share with you. One of them is with regards to the maximum number of animals per enclosure; we would request that you consider an exemption for littermates. It can be very common that someone may purchase a litter of puppies that may exceed four, a litter of anything from Cocker Spaniels, a five litter of Cocker Spaniels. The ordinance already addresses the issue of cage space, so this is not in the interest of cramming multiple animals into one cage, it's just in the interest of littermates being housed together.

Secondly, please excuse my informal amendment, you'll notice that I had X'd some of the things out in this bill, this was through last minute discussions. As written, one direct violation is essentially one strike and you're out, and we would appreciate if the Legislators would either consider raising that barometer one or two violations, direct and indirect respectively, or considering some type of a remedy through proper authorities. That if an expedited remedy of the direct violation takes place, that there will be some consideration as far as the timeline that that breeder may be able to sell puppies to the pet store. That's it. Thank you.

**D.P.O. SCHNEIDERMAN:**

Thank you. Okay, so next speaker is Mitchell Landress, followed by Michael Kaplaw. Kaplaw. Again, Mitchell Landress? Okay. So we'll move on. I'm sorry, I see somebody --

**MR. LAUBE:**

Nope.

**D.P.O. SCHNEIDERMAN:**

## General Meeting - April 29, 2014

Is that a no? Okay. So let's go to Michael Kaplow. And Michael will be followed by Barry Forrest.

### **MR. KAPLOW:**

Good afternoon, Ladies and Gentlemen. If I were grading this 1047, as I graded so many papers as a teacher before in my 36 years as a teacher, I would probably give it no more than a B -- sorry about that -- and for a whole bunch of reasons which I'm not going to go into at this point. I'm concerned about only one particular issue and that's the one I'm going to address very briefly.

We all know that if we -- when we train our dogs -- and to a certain extent our kittens, too -- we use positive reinforcement. But this particular proposed legislation is using negative reinforcement when it comes to violations. Currently it reads, more or less, no pet dealer shall obtain animals from a breeder who has received a series of specified violations over a period of time; and that's as it was revised yesterday and it still takes a negative approach. In my personal opinion it should read this; *"Pet dealers and pet stores shall obtain animals only from breeders or other wholesalers who have received no violations of any type on their most recent USDA inspection report."*

### ***Applause***

This uses a reward rather than a punishment philosophy to eliminate substandard breeders from supplying animals to Suffolk County pet dealers and stores. A clean record on the most recent report is just that, and demonstrates that the breeder has corrected any faulty conditions as may have been found previously. It eliminates any controversy over the tolerance level and judgement calls of inspectors, and the types of violations per USDA and AWA. It ends the issue of repeat violations. It simplifies the information presented to consumers. Consumers will understand a clean record far sooner than the terms *no access, direct or indirect violation*.

It seems to me that any truly reputable pet store or dealer would want to obtain animals from a supplier with a clean record. Disreputable pet stores, dealers and so on would be forced to change their ways or close, which is the intent of 1047.

I hope, too, that there's pending legislation in the New York State Legislature to reduce from 25 to 15 the number of animals needed to be classed as a commercial breeder. My view remains that the older system of counting litters rather than individual puppies or kittens should be reinstated at the State level and, if possible, instituted at the County level under the authority to make the County rule more strict rather than less. No matter what the counting system, accommodations must be made to documented show and competition breeders, but not the so-called backyard breeders. I am the President of the Siberian Husky Club of Greater New York, I reside in Huntington, and I thank you for your time.

### **D.P.O. SCHNEIDERMAN:**

Thank you. Our next speaker is Barry Forrest, followed by Brian Cohen.

### **MR. FORREST:**

Good afternoon. My name is Barry Forrest and I thank you for the opportunity of addressing you. I am the managing owner of the American Dog Club in Smithaven Mall, and I arrived at that position in a very circuitous way. I was retired and I was looking for something to do with my life and I decided my lifelong love of animals would make me interested in opening up a pet store. So with the help of people that knew more about the business, I was able to do so.

I found out there's a lot more to owning and operating a pet store than meets the eye. One of the major things that I discovered is the biggest job in running a pet store is concerning yourself with the health and welfare of the puppies. That is what -- next to rent, that's what probably takes up most of your expenses, your biggest expense. It's a 24-hour a day job that we perform and we

General Meeting - April 29, 2014

perform it lovingly. I'm lucky enough to be able to hire people who love animals, and are not interested in whether or not we -- the store's making money, they're interested in the health and welfare of the animals, and that's the way I want it to be and that's the way it is.

In the time that we have operated the store, there have been many times that New York State Department of Agriculture Inspectors or ASPCA Inspectors have come into the store because they were advised that there were -- animals were not being treated properly, kept properly, whatever. And every single time that we have been inspected, these inspectors have found absolutely nothing wrong with our operation, how we keep animals and how we care for animals.

I also would like to say that though I understand that there is a concern for how animals are sold and kept by a vocal minority, well, also be aware of the majority as expressed by the multitudes of people that come into my store on a daily/weekly/monthly basis expressing their delight in seeing how well-kept these animals are, how healthy they seem to be, how well adjusted they are. I think these people who you don't hear of are also expressing their views to you by their continued presence in my store. Thank you for the opportunity of addressing you.

**LEG. KENNEDY:**

Jay?

**D.P.O. SCHNEIDERMAN:**

Sir, if you'll stay there for one moment, Legislator Kennedy has a question.

**LEG. KENNEDY:**

Thank you for coming out, sir. And as a matter of fact, in the Smithaven Mall, you're in my Legislative District, in the 12th Legislative District. Tell me a little bit about the particulars that you see in this bill.

**MR. FORREST:**

I'm going to be very honest with you, I am not familiar with the bill itself. I know approx -- about what it's about, but I cannot -- if you want to ask me a specific question about part of it, I'll try to answer it.

**LEG. KENNEDY:**

Well, there are requirements, I guess, for a USDA notification. Is that something you're familiar with? Would you be able to comply with that, or would it work a hardship on you?

**MR. FORREST:**

Anything that increases the overhead of the store. As I said before, the biggest expense we have right now is the health and welfare of the store, which includes complying with all the regulations. To further burden us with more unnecessarily, I feel, because I know from the inside that we are doing everything that we possibly can for the health and welfare of the puppies, to provide a proper environment for them, to make sure that they are kept in a clean and safe way.

**LEG. KENNEDY:**

Okay. What age do you get your puppies at?

**MR. FORREST:**

I'm sorry?

**LEG. KENNEDY:**

The age. Hold old are the puppies when you get them?

**MR. FORREST:**

General Meeting - April 29, 2014

The puppies come -- usually come in between eight and ten weeks.

**LEG. KENNEDY:**

Okay. Some folks have told me that you get them as young as five weeks.

**UNKNOWN AUDIENCE MEMBER:**

No, never.

**MR. FORREST:**

I don't know where they're getting such erroneous information. Whenever we sell a puppy, the records of the date of birth is right there.

**LEG. KENNEDY:**

Okay.

**MR. FORREST:**

The New York State Department of Agriculture Inspector, when they come in, they examine our books. They could definitely see if we were getting puppies at five weeks of age.

**LEG. KENNEDY:**

So you feel you're operating in a pretty transparent manner and that all of the business and the transactions that are going on there are pretty open.

**MR. FORREST:**

Yes.

**LEG. KENNEDY:**

Okay. How many puppies do you typically keep in a kennel? You know, I dealt with animal hospitals many, many years ago. But more recently, I'll be honest with you, I'm not all that familiar.

**MR. FORREST:**

Well, we have different size containments. We have containments where you keep two puppies, you have containments where you can keep three puppies. You have containments where you can keep four, depending upon the size of the puppy and the size of the container. I mean, obviously we would never ever, ever put more puppies into an area than should be. You know, just from a greed point of view, why would you want to have unhealthy puppies?

**LEG. KENNEDY:**

Okay.

**MR. FORREST:**

If we have unhealthy puppies, who loses? I do.

**LEG. KENNEDY:**

Sure. What about veterinarians; do you work with a veterinarian? Do you refer the veterinarians? What happens if one of your puppies needs care, or if a prospective purchaser wants to know has the animal been cared for, what do you do?

**MR. FORREST:**

Okay. We have veterinarians that visit our store on a regular basis --

**LEG. KENNEDY:**

Uh-huh.

**MR. FORREST:**

General Meeting - April 29, 2014

-- taking care of the puppies. We do not offer puppies for sale until the vet approves them for sale, okay. We also, when the dog is sold, we recommend the vet that has already seen the dogs, plus there are other choices that people have to go to.

**LEG. KENNEDY:**

But so is there a record there? Let's say I came and I saw some of your animals, examined them and in my medical opinion, I found that they were healthy? Let's say something -- you know, Dr. Joe saw puppy H on such and such a date?

**MR. FORREST:**

Yes, that's provided with the sale of the dog, a record of the veterinarian care that that dog has already had.

**LEG. KENNEDY:**

Okay. All right. Thank you very much, sir.

**MR. FORREST:**

You're welcome. Thank you.

**D.P.O. SCHNEIDERMAN:**

Thank you, Sir.

*Applause*

Okay. Our next speaker is Brian --

**LEG. KENNEDY:**

Tommy's got a question.

**D.P.O. SCHNEIDERMAN:**

Oh, there's a question? I'm sorry, Tom, I didn't see you. Legislator Muratore has a question for you, Sir.

**LEG. MURATORE:**

Yes, can I have you back? Yes, standing at the podium right now, you; I didn't get your first name. Look this way, over here, to your left.

**MR. FORREST:**

Barry.

**LEG. MURATORE:**

Okay. I've been reading -- I've been reading the bill, and it seems you live up to every part of the bill. So what's your problem? I don't understand, you're doing a great job. And according to the bill you're doing a great job. So what brought you here? Who brought you here? How did you find out about this?

**MR. FORREST:**

I have --

**LEG. KENNEDY:**

One at a time, Tom.

**MR. FORREST:**

General Meeting - April 29, 2014

Which question do you want answered first?

**LEG. MURATORE:**

Oh, whichever one you want.

*(\*Laughter\*)*

Who brought you here?

**MR. FORREST:**

My associates in the pet store business.

**LEG. MURATORE:**

Okay, then you didn't read the bill.

**MR. FORREST:**

No, I haven't.

**LEG. MURATORE:**

Because if you read the bill, you'll see you live up to every part of it. You're doing a great job.

**MR. FORREST:**

Thank you.

**LEG. MURATORE:**

So I think this bill is not directed at you.

**MR. FORREST:**

Okay.

**LEG. MURATORE:**

And I'm sure, like in any business, there are people that are corrupt, that don't do it the right way. So this is to ensure that everyone runs their shop the way you run your shop.

**MR. FORREST:**

Thank you very much.

**LEG. MURATORE:**

And maybe the lady before you. You know, there are people out there, they need rules and that's what we're here for. We're here to protect the public and to protect the public, you know, for their critters, to make sure that they get a good dog or a good cat from a pet store. So I don't think you -- you should go home and read this bill, and I think you would support this bill. You would come here and say, "*You know what? You guys and girls did a great job and continue to do it.*" So do me a favor and read the bill, okay? Thank you.

*Applause*

**D.P.O. SCHNEIDERMAN:**

Okay. So the next speaker is Brian Cohen, followed by Jamie Laton.

**MR. COHEN:**

Hi. My name is Brian Cohen. I'm here today as an individual dog owner. I do not represent any puppy store or any group of people. I do currently own a Boxer, which I bought from a puppy store in perfect health. I've owned several other dogs which I've all had since they were puppies, never

had a problem with any one of them. So I think at this stage of the game that I'm perfectly capable of walking into a puppy store and determining whether that store is going to sell me a dog that's healthy or not. And after talking to the owners of the store, determine whether I'm going to get a healthy dog. And if I am wrong, I do believe that I am protected by the New York State puppy laws, that if there is a problem that occurs within six months, I'm protected by those laws; and as a dog owner, if you do your due diligence and you purchase a dog and bring him to a veterinarian within the first six weeks, you should know any problems that exist in that dog.

**D.P.O. SCHNEIDERMAN:**

Legislator Muratore. If you'll stay one moment?

**LEG. MURATORE:**

My question is who brought you here, or what brought you here today?

*(\*Laughter\*)*

**MR. COHEN:**

The store that I walk into, the puppy store that I bought my dog from told me about what was going on. I'm not here to represent them at all, I'm just stating my opinion.

**LEG. MURATORE:**

So again, you bought a dog and your dog is healthy and it's fine.

**MR. COHEN:**

That's correct.

**LEG. MURATORE:**

Do you know the difference between a dog that's six weeks old and eight weeks old by just looking at it?

**MR. COHEN:**

I would not. But I'm sure that when I purchased the dog, if there was a problem --

**LEG. MURATORE:**

No, that's not the question. I just want to -- you know, you said you know about dogs and --

**MR. COHEN:**

I didn't say I know about dogs.

**LEG. MURATORE:**

Oh, what'd you say?

**MR. COHEN:**

I said I'm capable of making a decision --

**LEG. MURATORE:**

Okay.

**MR. COHEN:**

-- of whether that dog is going to be suitable. And if not, I believe I'm protected by the State lemon laws.

**LEG. MURATORE:**

Okay. So, again, you probably -- where'd you buy your dog? I mean, you probably bought it from a real good store who, again, I say that person probably lives up to this bill. So again, we have to go back and look at the bill and see, did that person or that store live up to the bill? And then you're probably going to come here and say, "*You know, guys and girls? You did a great job, continue to do it.*"

So again, you know, I think we're off the issue here. People are coming here complaining and people that are here are good dog store owners, they're good puppy sellers, if that's what you want to call them. It's the people out there that don't do it the right way. And I'm sure the people that are running the good stores want those people out of business. Now, are the dog owners in the audience here -- I mean pet store owners? Okay. Do you want people that don't do the job the right way in your business? Absolutely not; correct? You want them out of business. Okay, so that's what this is about.

**UNKNOWN AUDIENCE MEMBER:**

I don't think we would have any bad --

**D.P.O. SCHNEIDERMAN:**

Sir, we can't have this kind of dialogue.

**LEG. MURATORE:**

Okay. Sorry about that.

**D.P.O. SCHNEIDERMAN:**

I'm sorry, Tom.

**LEG. MURATORE:**

I like to get everybody involved. Okay.

**D.P.O. SCHNEIDERMAN:**

You know, let me just say one thing. You know, there are municipalities all over the County that are actually prohibiting the sale of puppies at pet stores, and they're --

***Applause***

-- literally all putting the pet stores out of business. This bill doesn't do that. This bill actually was worked on with considerable input from pet dealers, and there were multiple changes made to this bill to accommodate the pet stores. So I think some of the concerns that I'm hearing are things maybe from earlier versions of the bill. You know, there was a tremendous amount of input and cooperation from pet dealers to get to the point we're at today, as well as the animal advocates. Not that the pet stores aren't animal advocates as well. We've had a lot of input from a lot of groups to get us to what I hope is a good bill. Legislator Cilmi?

**LEG. CILMI:**

Legislator Schneiderman, how many more cards do we have on this, roughly?

**LEG. CALARCO:**

A lot.

**LEG. CILMI:**

Several?

**D.P.O. SCHNEIDERMAN:**

Nine.

**LEG. CILMI:**

Nine more cards. Does it make sense for you to quickly review the current, you know, bullet points in the bill so that folks know exactly what they're addressing? Because this bill, as you noted, has been changed many, many, many times, as late as just yesterday, if I'm not mistaken. It might be a good idea to share with the folks who are in the audience to speak about the bill exactly what the bill does.

**D.P.O. SCHNEIDERMAN:**

Without going over the entire bill, but I will go over the main provisions of this bill. So, the bill effectively prohibits the sale of puppy mill dogs in Suffolk County by making it so that pet dealers cannot purchase from certain breeders that don't meet basic ethical standards. And the way that's determined, there are certain criteria all relating to the USDA reports.

The USDA inspects all the breeders and there are different types of violations. *Direct Violations* are the most egregious, these are the ones that deal directly with the health and safety of the animals. And under this bill, if they had a direct violation, the breeder, in the last two years, they're on the no purchase list.

Then there's smaller violations that are known as *Indirect Violations*. Indirect violations sometimes have to do with the health and safety, but it could be many other things. If they -- on the most recent USDA report, and this is all available on line, readily accessible to pet stores. If on the most recent inspection report there are three or more indirect violations, then that breeder you could not purchase from. Or if there is a repeating indirect, even a single one, basically a violation that hasn't been corrected, a repeating indirect violation.

And then there's a fourth category, *No Access*. If the USDA has not been able to get into the facility on the last two inspections, then we don't have enough information to make a decision of whether the breeder meets those standards, so you also could not purchase from that breeder.

Other than that, a lot of the things are contained in New York State Law. There are some requirements as to the size of the cages, the number of animals per cage, how many cages tall you can stack the animals. The law provides for no more than two high, but there's a grandfather provision that allows for three high cages if they were purchased before the law goes into effect for a period of five years. And there's a requirement that the store post some language that says that the USDA inspection reports are available upon request, that is in there, and any other provisions -- where's Sarah who helped from the legal perspective draft this?

**MR. NOLAN:**

We're in a public hearing.

**D.P.O. SCHNEIDERMAN:**

That's the basic law, so. And it is available on-line for all to see. There is a penalty provision. If you're -- and there's a due process provision as well. A penalty of up to \$500 for violations, and that would have to be determined by the hearing officer who's assigned to it.

Okay. So if I could then continue, the next speaker I have is Jamie Laton, followed by Bob Yarnall.

**MS. LATON:**

Hello. My name is Jamie Laton. I actually several months ago had gotten a puppy from one of our --

**D.P.O. SCHNEIDERMAN:**

If you could just raise the mic up just a little bit.

**MS. LATON:**

Is that better? From one of the local puppy stores. My purpose for being here is very similar to the gentleman before me. I've done research on-line, I've looked into breeders and, you know, you can't believe everything you read on the Internet, we hear that all the time. By me being able to go into the puppy store that I had the option to go into, I was guaranteed a puppy with health, they told me what vet had seen her, how old she was, the name of her parents, where she had come from, what shots she had had, when she was due to have her next shots, and she's been the biggest joy in my life. She's my child. And I -- you know, again, there's been some revisions to the bill and I understand that, but she really has been a joy and I intend to go back to that same store to get a little boy later on this year.

**D.P.O. SCHNEIDERMAN:**

That's great. That's what we want you to do. Thank you. Actually, you reminded me, one provision I did leave out that was, I think, objectionable to many in the original bill which was the pet dealers couldn't sell the animals until initially 14 weeks, that's been modified in the current version to eight weeks and that's probably around the age of the puppy that you got.

**MS. LATON:**

She was actually -- she's a French Bulldog, so she's smaller. And being the daughter of a former breeder, smaller breeds are supposed to be held longer and I understand that. She was borderline eleven, around eleven weeks when I got her.

**D.P.O. SCHNEIDERMAN:**

Yeah, that's fine. So at eight weeks, and as long as the animal's been weaned from its mother, it's eligible to be sold.

**MS. LATON:**

Yeah.

**D.P.O. SCHNEIDERMAN:**

Okay? Thank you. Bob Yarnall followed by John DiLeonardo.

**MR. YARNALL:**

Hello. My name is Bob Yarnall, I'm President of the American Canine Association. And we do want to congratulate Legislator -- all the Legislators for the work and the time and their Aides for putting this together, and in the task force that they put together in bringing the stakeholders from -- I know it was definitely a challenge for Legislator Schneiderman to do this, and he is a true -- I don't know if I should say negotiator or politician.

**D.P.O. SCHNEIDERMAN:**

*(Laughter).*

**MR. YARNALL:**

To put us together in the same room. But we actually have very common grounds, and that's the health and welfare of the animals and that's what we want to see. And although there are provisions of this bill that we would like to see modified, we do endorse this bill and we do encourage its passage, because we look at this as a step procedure.

We do have grave concerns about a new trend that we see nationwide where we're seeing rescues popping up inside of big malls, like the Mall of America, one of the largest malls in Minnesota, right

General Meeting - April 29, 2014

between Sears and Macy's. And there's no provision -- for a person to file as a non-profit is just as easy as a for-profit. And the non-profits can purchase their dogs from brokers and from USDA breeders and they do that. The breeders supply us with who they're selling their dogs to and now the rescues across the nation are some of the biggest and most steady buyers of the breeders, USDA breeders puppies. So it should be known that it's a business, and this has to be addressed, it really should be. It's not ethical what's happening, and it's a trend that will continue and become stronger. Thank you very much.

*Applause*

**D.P.O. SCHNEIDERMAN:**

Thank you, Mr. Yarnall. And thank you as well for attending all those meetings and working with me and the other Legislators involved. Okay, John DiLeonardo is next, followed by Diane Madden.

**MR. DiLEONARDO:**

Good afternoon. As I spoke this morning, I will keep this brief. My name is John DiLeonardo, I am a degreed Anthrozoologist, President of Long Island Orchestrating For Nature, the league of -- Chair of the League of Humane Voters of Long Island, and the District Leader of the Humane Society of the United States.

In meetings as of late, I have heard many pet dealers speak about wanting to ensure their animals come from reputable breeders as well as animal advocates. If this is true, they should have no problem with IR 1047, and in fact be in support of it themselves. This bill is good for dogs, good for Suffolk County consumers, good for Suffolk County shelters and, in fact, good for those dealers who do, in fact, want to ensure their animals come from ethical suppliers. Thank you.

*Applause*

**D.P.O. SCHNEIDERMAN:**

Thank you, Mr. DiLeonardo. Our next speaker is Diane Madden, followed by Julie Cappiello.

**MS. MADDEN:**

Hello. Good afternoon. Let me start by thanking the Legislators, you know, for working on this. Typically I always questioned, you know, why the government allows it to be so easy for animals to be so vulnerable and abused while advocates have to work so hard to protect them. So, again, thank you for taking these steps.

I've been a rescuer and an advocate for 15 years and I think we can all agree on one thing, on Long Island, Nassau, Suffolk, we have a grotesque overpopulation of animals. And in my experience, you can really tell the whole story on Long Island by standing at any intake section of a municipal animal shelter facility. Many of those dogs that come in on intake are previously from pet dealers, either they're medically ill or the unknown buyer had no idea of the medical expenses that they would have to incur to medically treat these animals that came from puppy mills. And no one is disputing, or at least what I'm hearing, the condition of these stores. The argument here is what sources these puppy dealers are tapping into and where they're coming from, and the inhumanity, the cruelty and the suffering of these animals, that's the issue here, not how clean the floor is in a pet store.

Regarding what I feel is a public integrity issue -- and again, 15 years experience in the rescue community -- animal shelters, or rather taxpayers are paying exorbitant amounts of taxpayer dollars on crematory costs, and a lot of those animals being carted away due to this puppy mill issue are puppy mill dogs coming from pet dealers.

So again, you know, I do thank you for taking these initial steps, and I stress that. You know, really how this should read is that animals should not be -- you know, pet dealers should not be able to

## General Meeting - April 29, 2014

access animals from puppy mills, it's just inhumane. You know, I hope that this is an initial step, but you will look at this again in the future to remedy this and the kind of cruelty that is taking place. Thank you so much.

***Applause***

### **D.P.O. SCHNEIDERMAN:**

Okay. Our next speaker is Julie Cappiello, followed by Carol Ryder.

### **MS. CAPPIELLO:**

Good afternoon. I spoke this morning, so I'm going to keep this very brief. When we're talking about pet dealers in Suffolk County, again, it's not whether they love their animals, that's not the dispute. It's the dispute of where they're coming from and where those animals are coming from. And what about their moms? You have all these puppies that you take care of in these pet stores, which is fine, I don't doubt the love of these pet dealers with their animals. But what about the breeders? If we don't -- if we don't make our pet dealers have a higher standard of where they get their animals, the breeders won't do it, and these animals deserve better. Thank you.

***Applause***

### **D.P.O. SCHNEIDERMAN:**

No questions? Okay, thank you. Carol Ryder, you are up next, followed by Ira Nierman.

### **MS. RYDER:**

Hi. I spoke this morning, but I wanted to discuss -- oh. I was here this morning, but I want to discuss a few things. Way back when I was working with Jon Cooper, when I first graduated law school I did animal law seminars at Touro. Congressman Israel came and Jon Cooper and ADH Jed Painter headed the first Animal Abuse Unit in the DA's Office. We have nothing out here. We don't have any enforcement, practically. We all know what's going on with the SPCA and them saying we're not doing anything, not even the registry. So -- and the USDA can't do their job. It's just a moot point. And if you refer to the first time that we tried regulating pet stores, and Jon was on the phone with me a long time telling me things, and so was Jed Painter. They doctor the records, plain and simple. They doctor the records. Secondly, even if they are legit records, they -- I'm sorry. The problem is the dealers might have gotten through the USDA, but they're still -- there's no enforcement. There's virtually no enforcement with the USDA, it's really spotty and everything.

Now, the Department of Agriculture for the New York State Law, they might once in a while do some inspections, but they assess fines and no one pays it and no one does anything about it. So, I mean, I'm willing to go and do inspections. And as an officer of the Court, sworn officer, go and look myself, I think that should be included. I went into a pet -- I'll give you an example. I went -- in Smithtown I went into -- I was asked by a bunch of people, they found out I'm an underdog lawyer, they asked me to go inside this place. And I started asking him questions, because there were a lot of people there, Smithtown day, and he just -- I said, "*Oh, so you don't get these from -- they're all from locals?*" And he said -- well, no, he said, "*Yes.*" I said, "*So none of them are from puppy stores?*" And then he said, "*Who are you?*" And I said, "*I'm a friend of Jon Cooper,*" and he threw me out. (*Laughter*) Only time I've ever been thrown out of a place. And then I told the ladies, "*Where there's smoke there's fire.*" And guess what? That's the pet store that went on fire a few weeks later on Main Street in Smithtown.

So I know all the tricks. Jon Cooper knows all the tricks; we may want to refer to some of the things that he did. And I believe this law should be based on the New York City Department of Health Inspections of restaurants. Put the grade on the wall, get a little bar code, they can scan it. A certain number of violations -- and \$500 for each one. They should have to post the bond, because

General Meeting - April 29, 2014

that's what they do, they just change names and then I have to pierce the {corpo vera} and go take them to court.

So it's just not -- I just can't see it working. I know it will help with the bad dealers, but the USDA doesn't do enough. And they're not even doing anything on the Federal law with animal fighting, they admit. They sent out a release to me a couple of days ago. We don't have guidance, we need local help. So thank you.

**D.P.O. SCHNEIDERMAN:**

Okay. Our next speaker is Ira Nierman, and he'll be followed by Seema Cristal -- or, I'm sorry, Cristallo.

**MR. NIERMAN:**

Hi. My name is Ira Nierman and I own Canine Corral Kennels in Huntington. I've been there for 42 years, my family's been there for 51 years. We have a local pet store, we sell puppies, we also groom dogs, we do some doggy day-care, do some supplies. We've been, you know, serving the public since 1963.

I've had several talks with Legislator Schneiderman. I have to say that at the beginning of starting this talking situation, I didn't think there was any way that anything could really come to pass because I believe that when you hear one side of the whole story, you have to hear the other side of the whole story. And once he did hear the other side to the whole story, then it was like I was talking to a different man with more education. The more educated he became, the more he was able to do what I consider the impossible, put a group of people who want to just put pet stores out of business and another group who are the pet dealers who have been there -- nobody's there for less than 12, 15 years doing business, never been treated nicely by the people on the -- who want to put you out of business. You put all these people together and in a matter of three sessions, put together a proposed bill. I think this -- you know, if I was writing it, I think I could write a better one --

**D.P.O. SCHNEIDERMAN:**

*(Laughter).*

**MR. NIERMAN:**

-- with 42 years of experience, but he doesn't have 42 years in experience. But he has, in three times, put together the first bill that would not put pet stores out of business. Each one of the things that we'd have to do would be more stuff for us to do, but it's not -- as he said to us, this bill is not designed to put pet stores out of business, and this is something that he said from the first meeting on, and it's not designed to put pet stores out of business.

The thing about the direct and the indirect violations is a way of making it so that you can't get dogs from the bad breeders, so everybody sat and talked about that. But in Suffolk County, you only have like seven dealers who have USDA licenses, and these people are doing what they're supposed to do now with the 29 pages of stuff that, you know, we do have to follow.

**D.P.O. SCHNEIDERMAN:**

Let me say this, because your time is up, Ira, but I can ask you a question. First let me say thank you, because you've been at all these meetings and you've been very cooperative and I understood you were passionate about this issue because this is how you make your livelihood. So at this point, the current version of the bill, you are supporting the bill, correct?

**MR. NIERMAN:**

I am supporting the bill.

**D.P.O. SCHNEIDERMAN:**

General Meeting - April 29, 2014

Okay, thank you. Any other questions? Yeah, I'm sorry. Ira, if you can come back to the podium for one second, Legislator Trotta has a question as well.

**LEG. TROTTA:**

You're on 110, is that your pet store?

**MR. NIERMAN:**

Yeah, Route 110 in Huntington.

**LEG. TROTTA:**

The dog on the car?

**MR. NIERMAN:**

Two dogs on the car.

**LEG. BARRAGA:**

Okay.

**MR. NIERMAN:**

We even had the picture in the Times, they thought we were such good advertisers.

**D.P.O. SCHNEIDERMAN:**

Ira, don't go anywhere, Legislator Cilmi also has a question.

**LEG. CILMI:**

It's good to see you again. Thanks for your testimony and thanks for working on the bill with Legislator Schneiderman. You're one of how many pet stores within -- that sell puppies and kittens in Suffolk County, that you know of?

**MR. NIERMAN:**

Okay. So it started off as eleven and it's down to seven.

**LEG. CILMI:**

So there are seven stores or seven owners?

**MR. NIERMAN:**

Seven stores.

**LEG. CILMI:**

Seven stores remain in Suffolk County that are engaged in the retail sale of puppies and kittens.

**MR. NIERMAN:**

Yeah, the public put the rest of the ones out of business.

*Applause*

**LEG. CILMI:**

That's the free market, I guess. So what sort of relationship, if any, do you have with those other owners?

**MR. NIERMAN:**

In the last 42 years I have relationships with everybody.

**LEG. CILMI:**

General Meeting - April 29, 2014

Okay. Have you discussed the bill in its final form, or in the form that it's in today, with any of those other owners?

**MR. NIERMAN:**

Well, it just came out yesterday, so I don't -- I have not with -- as this final one.

**LEG. CILMI:**

So.

**D.P.O. SCHNEIDERMAN:**

If I may, there are other owners in the group yesterday, like Elliot who's in the audience today, who owns I think several stores.

**MR. NIERMAN:**

Yeah, it hasn't -- in other words, it isn't unanimous among everybody. I happen to feel that he's done the impossible, have two groups say that -- the people who were at the meetings, to say that they could go forward as the betterment of animals with this as it reads.

**LEG. CILMI:**

So would you say, then, to try and find problems with the bill as it presently is written would be grasping at straws; would you say that's a fair characterization?

**MR. NIERMAN:**

No. I would say something more like it would be -- it would be something that this has been a compromise to a compromise to a compromise to a compromise. If I didn't see the man do it with my own eyes, I would say I was in Las Vegas and I saw like a show. No. I mean, he did something that was impossible. I saw him; he walked from here to here to here to here, here to here, and the people thanked him afterwards.

*(\*Laughter\*)*

**LEG. CILMI:**

Okay. Thank you very much, Ira.

**MR. NIERMAN:**

I also want to take this moment to -- Tom Cilmi has also been a great help to me during the process, Cilmi, and has reached out, him and his staff, to, you know, help me understand more of this and get me to communicate among the other Legislators. And without his input, I would have just felt like it was the Schneidermans against us.

Thank you.

**LEG. CILMI:**

Well, you know, it's -- I've always found that when you can work together with folks, you can actually accomplish what you want to accomplish, usually; usually accomplish what you want to accomplish in a way that is not so onerous that it actually puts people out of business.

So again, I appreciate the fact that you stepped up to the table to work with Legislator Schneiderman on this and I'm pleased that you feel, as an owner, as a business owner, that the result is a better product and one that you can live with. So thank you.

**MR. NIERMAN:**

You're welcome.

**D.P.O. SCHNEIDERMAN:**

## General Meeting - April 29, 2014

Yeah. Ira, also thank you for educating me and for your willingness to compromise and help me find that common ground that we seem to have arrived at, at least for many.

Okay. So Seema Cristallo is next, and Seema will be followed by -- it looks like Annmarie Mancuso.

### **MS. CRISTALLO:**

Hi. My name is Seema Cristallo, I'm here with PAC and RSVP. I'm retired, I'm a senior citizen and I'm a dog walker/pet sitter. I am currently the owner of several puppy mill dogs. They have been in cages the first six or seven years of their life and now they're rejects and nobody wanted them. I adopt the rejects, I take them. I have a contact with a vet and I have a very close friend that's been working there for 20 years and I used to work there for 20 years, and I would love to see every single puppy mill closed in my lifetime. I'm in contact with pet owners. I never -- and I apologize to the store owners because they're not all, you know, puppy mill recipients. But in my heart, I cannot recommend to any of my clients seeking another dog to go to a store. There are so many out there to be rescued, so many -- so many dogs that have lived in cages the first six and seven years of their life. Every one of my dogs is infirmed. I mean, they're rejects, but they're not rejects to me, they're my babies. I don't want to -- I just don't want to see any more dogs ending up like this and the only way I could see that, puppy mills, if they're stopped, and the only way they can be stopped is to take the law and make it stronger, like this law is, and make it more difficult for store owners to deal with these puppy mills. They're horrendous, they're torture chambers and they should not exist. Thank you for listening to me.

*Applause*

### **D.P.O. SCHNEIDERMAN:**

Thank you. Next speaker is Annmarie Mancuso, and she will be followed by Mindy Netkin. Annmarie Mancuso, are you present? All right, we're going to skip over Annmarie. We will go to Mindy Netkin, followed by Dale Bartlett. Is Mindy Netkin present?

### **UNKNOWN AUDIENCE MEMBER:**

She left.

### **D.P.O. SCHNEIDERMAN:**

Oh, she left. Okay. So Dale, you're up next, from the Humane Society. Dale will be followed by Al Selmer.

### **MR. BARTLETT:**

I'm Dale Bartlett, I'm with the Humane Society of the United States. I thank the Legislature, particularly Legislator Schneiderman for his leadership here. The Humane Society of the U.S. opposes the sale of puppy mill dogs wherever they're sold, including in pet stores. I personally have removed dogs from some of the worst breeding facilities and the conditions were atrocious. Dogs matted with their legs stuck to their chest, they can't walk. I mean, the level of care is despicable.

As a result, A 2011 study in applied animal behavior science looked at the behaviors of eleven hundred dogs that came from commercial breeding facilities and looked at them after they had been in homes for two years, so they've had time to sort out the stuff that fades away quickly. They found that the dogs from the commercial facilities represented a significant risk factor for elevated fears, phobias, compulsive and repetitive behaviors. A 2013 study in the Journal of the American Veterinarian Medical Association concluded that acquiring dogs from pet stores versus non-commercial breeders represented a risk factor for a wide range of undesirable behavioral characteristics, especially aggressive behavior including biting. The authors of that study, JAVMA, now state that they cannot recommend that dogs be obtained from pet stores.

Under Legislator Schneiderman's leadership, the humane community and the pet stores owners have

General Meeting - April 29, 2014

met and, as Ira said -- Ira's gone, but as Ira said, come to -- come to some agreement. I think this legislation is imperfect, it's not what we would have written. It says that pet dealers can't acquire dogs and breeders who have certain violations under USDA reports. And as we've heard, those reports are imperfect. The USDA Zone Office of Inspector General says their inspectors look the other way, they under cite, they don't cite at all, and they don't -- they call themselves ineffective. So it's problematic. But the USDA really is the best thing we've got right now, so it's what has to be used.

This says a pet store can't acquire from breeders that have direct violations or three or more indirect violations on the most recent report. And the things that can count as indirect violations include dogs exposed to below freezing temperatures without adequate shelter, the hot sun with no shade, inadequate space to sit, turn around, lie down in natural positions. Ammonia fumes so high from urine that the USDA Inspectors report that their eyes and noses are burning, puppies with their feet falling through rusted wire cage floors. So that's indirect violations and we're letting them have three of those on an inspection report, so it's imperfect.

I understand that the pet stores have their own concerns, of course, and it's their livelihood we're talking about. But I encourage the Legislature to pass it and see if it works. We mentioned before that there are cities across the country that are passing ordinances that just ban the sale of dogs unless they come from shelters and rescues; in some ways this is better because it doesn't say pet stores. Right? Those are restricted to pet stores; this says pet dealers. So if you've got someone on the Internet who's ordering dogs from the Midwest and just reselling them through advertising, this applies to them, too. Thanks very much.

**D.P.O. SCHNEIDERMAN:**

Any questions? Dale, I just wanted to thank you, too, for participating. And really, it was your input that formed the foundation of probably the most important piece of this bill which allowed us to figure out how we could actually effectively prohibit those puppy mill dogs from getting to Suffolk County in the first place. So thank you for your input.

**MR. BARTLETT:**

Well, thank you. I just said, I thought it was imperfect and you said it's my fault, right? If you don't like it.

*(\*Laughter\*)*

**D.P.O. SCHNEIDERMAN:**

It may be imperfect, but it's a lot better than what we have now which is no regulations.

**MR. BARTLETT:**

Agreed.

**D.P.O. SCHNEIDERMAN:**

Okay. Al Selmer, Al Selmer? Al will be followed by Jackie Selmer.

**MR. SELMER:**

Good afternoon. My name is Al Selmer, I have a retail pet store in Huntington.

**D.P.O. SCHNEIDERMAN:**

Al, would you just lift that mic up a little bit?

**MR. SELMER:**

Yeah.

**D.P.O. SCHNEIDERMAN:**

We'll be able to hear you a little more.

**MR. SELMER:**

A pet store in Huntington, New York. My family's owned it since 1939, I've operated it for over 50 years myself. I've seen a lot of bad things in this business. Just as other businesses, there are people that are not legitimate, and I think that the dealers that remain on Long Island, pet dealers are legitimate, and I think we all kind of support this bill. Again, not a perfect bill, but truly a bill in the right direction.

It has a lot of compromises. It depends -- a lot of the findings depend on the overworked USDA, as we all know. But I kind of -- one of the things that bothers me is that we are stretching our arms out to Suffolk County to the Midwest when we have so many issues on Long Island itself. The bill does not treat the abuses of animals by people and owners and others. It doesn't even touch upon the selling, breeding, boarding, reselling, and the alleged rescue puppies from -- that people run rescues out of their homes; none of this is addressed here. And those are really -- a lot of them are horrendous.

This is in our own County, in the State of New York, not Missouri and not Pennsylvania or not Texas. It's my thinking that we should clean up our County before we take on the whole country, but I do support this bill.

And Legislator Schneiderman, again, I must congratulate you. I know you're getting all accolades in a lot of areas I don't necessarily agree, it is all a compromise. States are now taking responsibility in monitoring their own kennels. Like the State of Missouri, they have a Blue Ribbon Breeding Program that these animals breeders that are good are assigned to and welcomed by. Pennsylvania also has a five star breeding program which is enforced for people that do breeding well, we attempt to buy from those? There is, unfortunately -- and puppies are a commodity, as we see them as they are, but not that we actually see them that way as a product. But people want them and they will go any place to buy them, inclusive of the Internet, without any protection. That's all I got.

**D.P.O. SCHNEIDERMAN:**

Thank you. Any questions? Again, Al, thank you for participating in those many conversations and for your willingness. You know, I said at the outset that I didn't know if we could come up with a bill that both sides could live with. And to be here today with the animal advocates, largely this morning's, you know, speaking on behalf of the bill and to hear some of the pet shop owners, the pet dealers also supporting the bill I think is a great accomplishment that couldn't have happened without your cooperation. So, thank you.

**MR. SELMER:**

Thank you for that. I think there's always been that --

**D.P.O. SCHNEIDERMAN:**

I'm sorry, Al. If you would step to the microphone.

**MR. SELMER:**

There's always been a hate relationship between show breeders and pet stores and animal rights and advocates with pet stores. I've done this -- this is my life, I've done this. I have so many families that are happy with what we do. We've always passed the USDA inspections. I'm not patting myself, all I'm saying is that there is a good side of this. There is really a good side of this, and I really would like this group of Legislators to deal more with what's going on in Suffolk County.

General Meeting - April 29, 2014

I see and hear so many stories from customers of mine that are just horrendous. People that supposedly are breeders that are bringing dogs in from these puppy mills and selling them out of their homes and no one, no one is even looking into this.

**D.P.O. SCHNEIDERMAN:**

You know, I have to believe that both sides here are here because they love animals.

**MR. SELMER:**

I agree.

**D.P.O. SCHNEIDERMAN:**

And I think one of the best things that has come out of having both sides in one room is the pet shops and the rescue centers are talking to each other and talking about ways to help each other with their mission, whether it's bringing some of these rescue dogs into the pet stores, etcetera, etcetera. So I think that dialogue is very productive.

**MR. SELMER:**

I hope it continues.

**D.P.O. SCHNEIDERMAN:**

Thank you. Okay, Jackie Selmer, followed by Michael Monte. Jackie had to leave?

**MR. SELMER:**

My wife Jackie decided not to speak.

**D.P.O. SCHNEIDERMAN:**

Okay.

**MR. SELMER:**

I think you've heard -- everyone has heard from her in some way.

**D.P.O. SCHNEIDERMAN:**

Okay, I appreciate that. Okay, Michael Monte; is Michael present? Michael Monte, going once, twice, three times. Okay, we're going to move on to Pamela Green. Is Pamela present? Yes. And Pamela will be followed by our last card, which is Alanna Becker. If you wish to speak on this issue, you do need to fill out one of these cards, so please do so.

*(\*The following was taken & transcribed by  
Lucia Braaten - Court Reporter\*)*

**MS. GREEN:**

I am back. Some of you recognize me from this morning. Pam Green, Director of Kent Animal Shelter in Calverton.

I just had one thought from a comment from Mr. Selmer. If there are five-star breeding programs, for instance, in the State of Missouri, then why don't the pet dealers and pet shops buy from the five-star breeders? I mean, that would be helpful. I don't know who does the inspections and so forth, not something we can control from here.

In any case, this morning, when I closed, I did say that all eyes are on Suffolk County today. And the reason I said that was because this -- over 40 cities in the United States have passed some type of ordinance or legislation, mostly stopping pet shops from selling puppies. And, yes, this legislation is great. It's not perfect. In a perfect world, we would stop these pet shops from selling puppies.

General Meeting - April 29, 2014

*(\*Applause\*)*

There are so many animals that need homes. And being from Kent Animal Shelter, I can tell that if you go on -- if you go to our shelter, Save-A-Pet Animal Rescue from The Hamptons, any of these shelters on Long Island, you will find many pets, many purebreds that come from pet shops, because they were purchased and there -- you know, they -- it just didn't work out, or whatever. The animals have problems, medical problems, they end up at shelters. So there are a lot of great animals for adoption, someone mentioned this morning on Pet Finder, and that's, you know, a great source.

But, in any case, getting back to other cities and municipalities passing ordinances. In Chicago in 2016, all pet shops will have to stop selling puppies. If they don't, they can be fined up to a thousand dollars a day.

*(\*Applause\*)*

Okay. So here in Suffolk County, it would be great if we could emanate -- emulate some of these other things going on around the country. And being that the SPCA came to this meeting and the Humane Society of the United States was here, you can see how important it is, and how everyone is watching. And I was on a subcommittee formed by Legislator Schneiderman, and on that subcommittee were members of these national organizations and animal advocates from Suffolk County. So people are stepping up to the plate. You know, we've had enough of this. These people that are selling puppies have all made their money. They've made tons of money, and isn't that what this is all about? And shame on us.

*(\*Applause\*)*

Shame on us that profit comes before suffering. And, you know, look at your -- examine your consciences. This is too important to think about, "Oh, my God, we're going to put these guys out of business." Guess what, you're not going to put them out of business. Petco, Petsmart, they adopted other models. They don't sell puppies, Petland still does. They're the largest retail seller of commercially bred dogs in the United States. But there are other models humane models, and they're trying them in different places in this country and they're working, they're working. So this bill needs to be passed, and it's a good step in the right direction, so that these animals stop suffering, and so that consumers stop being defrauded by these pet shops.

Thank you. Thank you very much.

**LEG. KRUPSKI:**

Jay.

**D.P.O. SCHNEIDERMAN:**

Oh. Sorry, Pam, Pamela. If you'll stay there, we have a question from Legislator Krupski. Before we actually go to questions, I wanted to thank you as well, because you're one of the individuals who came to many of meetings. And just like the pet shops, you also showed some willingness to compromise and work together to come up with a solution that everybody could live with, so I appreciate that.

**MS. GREEN:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

And you provided some great input. Legislator Krupski.

**LEG. KRUPSKI:**

General Meeting - April 29, 2014

Thank you. You said that Chicago is going to ban the -- stop people from selling puppies in the future.

**MS. GREEN:**

Yes. The pet shops, yes.

**LEG. KRUPSKI:**

So you said the pet shops. Will they ban anybody from selling puppies?

**MS. GREEN:**

Well, who else would -- who are you referring to?

**LEG. KRUPSKI:**

I don't know, pet breeders, if you did a backyard breeding program or something.

**MS. GREEN:**

Well, yeah. We're not talking about backyard breeders. There are reputable breeders, but these breeders do not sell puppies to pet shops. They don't sell to third parties. They want to know where their dogs are going, they want to make sure they're going to be in a good environment. You know, this is not a shirt that you bought in Macy's, this is a living creature.

**LEG. KRUPSKI:**

So is there -- so there -- okay. So you can still breed and sell puppies, you can't sell them to -- or someone can't buy them and resell them.

**MS. GREEN:**

Yeah. This particular legislation in Chicago is for pet shops, and prevents the sale of puppies, commercially bred, in pet shops.

**LEG. KRUPSKI:**

And is there any movement to do that with any other animals besides puppies?

**MS. GREEN:**

Well, you can -- there are also kittens, and so forth, from -- that are commercially bred. This deals with puppies, to my knowledge.

**LEG. KRUPSKI:**

No. But is there a movement to include kittens, or turtles, or snakes, or whatever.

**MS. GREEN:**

There's a movement in this country to stop puppy mills in their tracks. I mean, I think -- I'm sorry. I guess I'm not answering your question.

**LEG. KRUPSKI:**

I mean other animals besides dogs.

**MS. GREEN:**

No. We're talking about dogs and cats, but today we're talking about dogs. I'm saying that kittens are commercially bred as well, cats.

**LEG. KRUPSKI:**

But is there interest in prohibiting the sale or resale of those animals also? You said in Chicago they're banning the resale of puppies, basically.

**MS. GREEN:**

Right.

**LEG. KRUPSKI:**

So is there interest in banning the resale of other animals?

**MS. GREEN:**

No, not to my knowledge.

**D.P.O. SCHNEIDERMAN:**

Okay. Thank you, Pamela. Any other questions? You may be seated.

Our last card is Alanna Becker. Is Alanna present? Okay. I don't see her. Going once, twice. Alanna Becker? Three times. Okay. Is there anyone else who wishes to be heard on this Public Hearing who has not spoken? Okay. You'll have to step forward, identify yourself for our record, and you'll be given the same three minutes as the other speakers.

**MR. WILLIAMS:**

Yes. Good afternoon, Presiding Officer Gregory and members of the Legislature. My name is Bob Williams and I have come to you to speak here this afternoon in support of the carbon monoxide legislation.

**D.P.O. SCHNEIDERMAN:**

I'm sorry. We're in a particular Public Hearing on a different bill, on 1047, which has to do with pet dealers, so you'll have to wait. We don't actually have a bill on that. That's more suitable for Public Portion, which is in the morning.

**LEG. KENNEDY:**

But we do have the bill. We do have the bill.

**MR. NOLAN:**

But it's not a Public Hearing.

**LEG. KENNEDY:**

No, no.

**D.P.O. SCHNEIDERMAN:**

This isn't -- Public Portion is over.

**LEG. KENNEDY:**

Right.

**D.P.O. SCHNEIDERMAN:**

Were you here this morning?

**MR. WILLIAMS:**

I wasn't here this morning, Legislator.

**D.P.O. SCHNEIDERMAN:**

I'll defer to our Presiding Officer, but we're in the middle of a hearing --

**MR. WILLIAMS:**

Okay.

**D.P.O. SCHNEIDERMAN:**

-- a Public Hearing on a particular bill. So your comments are not germane to that Public Hearing.

**MR. WILLIAMS:**

I apologize.

**D.P.O. SCHNEIDERMAN:**

So I'm going to have to ask you to step away from the podium for a moment so we can make a decision whether there is -- based on if there's any other testimony, what -- actually, we're going to have to recess this, I'll explain, anyway.

Is there anyone else who hasn't spoken on the Public Hearing for 1047? Okay. So, now because this bill was modified only yesterday, I can't close this Public Hearing, which is probably -- doesn't sit well with some of the other Legislators, which means we're going to have to continue the Public Hearing at the next session. But there needs to be 48 hours from those changes to when I close the hearing. So I'm going to make a motion to recess to the next general session of the Legislature. Is there a second?

**LEG. MC CAFFREY:**

Second.

**D.P.O. SCHNEIDERMAN:**

I'm sorry. Seconded by Legislator McCaffrey. Okay. All in favor? Opposed? Okay. So 1047 is recessed.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Trotta and Stern)

**LEG. KRUPSKI:**

Let him speak, yeah.

**P.O. GREGORY:**

Okay, sir. Where did you go?

**D.P.O. SCHNEIDERMAN:**

Where is the gentleman who was just --

**P.O. GREGORY:**

Sir, we'll let you speak. I mean, this is highly unusual that we allow you the opportunity to speak, because --

**MR. WILLIAMS:**

I do appreciate it, Presiding Officer. Thank you, members of the Legislature. I am a longtime Suffolk County resident and a former Smithtown firefighter who have responded to many CO alarms. For the past 35 years I have also been an owner and founder of Briscoe Protective Systems, which is a New York State licensed security and fire alarm company located in Centereach, New York.

I, first of all, want to commend the Legislature on taking such proactive action in advance of any State initiatives and crafting this CO legislation that I feel protects the general public and County workers against the danger of carbon monoxide poisoning in County buildings.

Carbon monoxide is often called the "silent killer" because the effects of the poisoning are not

General Meeting - April 29, 2014

immediately noticeable like heat or smoke from a fire condition. There are many times that I responded to a CO call and the occupants were hesitant to leave because they didn't understand the symptoms or the effects of CO poisoning.

Steve Nelson, a Suffolk County resident, husband and father of two sons, went to work on that cold day in February at Legal Seafood in Huntington with every intention of going home to his family that night. As fate would have it, he succumbed to chronic exposure to carbon monoxide. This is not an isolated incident, however. The Centers for Disease Control report that over 500 people in the United States die from CO poisoning each year, which is five times as many as West Nile Virus. At least 15,000 Americans suffer from unintentional non-fire-related CO exposure, according to the Centers for Disease Control estimates. And the leading cause of these poisonings is problems with the heating system that happened at Legal Seafood as well.

I think voting for this bill will help ensure that this tragedy will not be repeated in any building owned or leased by Suffolk County. We can't bring Nelson back to his family, but we can honor his memory by passing this legislation that bears his name. Thank you very much, and thank you for allowing me to speak out of turn.

(\*Applause\*)

**P.O. GREGORY:**

Okay. Next on the agenda is ***I.R. 1096 - A Local Law to establish Healthy Food Standards at Suffolk County facilities (Hahn)***. I do have one card, Iman Margosh (*phonetic*).

**LEG. HAHN:**

Iman Marghoob.

**P.O. GREGORY:**

I'm sorry?

**P.O. HORSLEY:**

Iman Marghoob.

**P.O. GREGORY:**

Iman Martin? No, it's not Martin.

**LEG. HAHN:**

Marghoob.

**P.O. GREGORY:**

Marghoob. Oh, okay, Marghoob.

**MS. MARGHOOB:**

Hi. I'm Iman Marghoob. I am a Registered Dietician, and I just want to read out this statement.

This resolution, the Healthy Food Standards of Suffolk County, does not take away, but rather gives back choices to the people. As an RD working to help establish community gardens in Suffolk County, I have seen firsthand the limitless choices of poor food choices surrounding our gardens and our communities here in Suffolk, and look forward to the day when the public is given the opportunity to choose between french fries or a kale salad.

We are fortunate to have forward-thinking vendors who support this proposal. We are also -- we also look forward to more local organic and locally grown produce that would also be included in menus at these facilities. So the facilities we're talking about are Suffolk County recreational sites

General Meeting - April 29, 2014

such as beaches and parks, as well as Suffolk County buildings. So the resolution would impact concession stands, as well as vending machines. Thank you.

(\*Applause\*)

**P.O. GREGORY:**

Thank you. That is all the cards that I have for I.R. 1096. Is there anyone in the audience that would like to speak on this matter, please come forward. Okay. That is all. What say you, Legislator Hahn?

**LEG. HAHN:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Hahn.

**LEG. MURATORE:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Fifteen. (Vote amended to 16/Not Present: Legislators Trotta and Stern)

**P.O. GREGORY:**

Public Hearing is closed.

***I.R. 1253 - 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 (Co. Exec.).*** I do not have any cards. Is anyone from the Administration here? No. Legislator -- oh, okay. Mr. Vaughn.

**MR. VAUGHN:**

Thank you. We'd like the Public Hearing to be closed, please.

**P.O. GREGORY:**

You say you'd like it to be closed?

**MR. VAUGHN:**

Please.

**P.O. GREGORY:**

Okay.

**LEG. CALARCO:**

Motion to close.

**P.O. GREGORY:**

A motion to close by Legislator Calarco.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

General Meeting - April 29, 2014

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

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Stern)

**P.O. GREGORY:**

Public Hearing is closed.

***I.R. 1276 - A Local Law to further strengthen the County's regulation on the outdoor restraint of pets (D'Amaro).*** I have several cards. Lillian Lennon. If I hear your name one more time, I'm going to call you my cousin.

(\*Laughter\*)

**MS. LENNON:**

Because I love the Long Island animals and I'm trying to help them, so you're going to see a lot more of me, sir.

**P.O. GREGORY:**

All right, Cousin Lennon.

**MS. LENNON:**

Okay. Here we go again. Good afternoon. My name is Lillian Lennon. I guess you already know me by now. I just wanted to -- I did not actually finish what I wanted to say about the tethering law this morning. I cut some of that out so I could fit that in with the puppy mill law, so I will read it in completion.

I would -- I would like to extend again my appreciation to Legislator D'Amaro and Legislator Hahn for their tireless effort to revise the current tethering law introduced by Brookhaven Town Supervisor Romaine and passed into law in September of 2011. This legislation is instrumental in creating the change necessary to eliminate the inhumane practice of tethering animals, specifically dogs, for long periods of time through harsh weather conditions with less than adequate shelter, among very unsanitary, undesirable surroundings, often fastened with heavy chains attached to their collars that often embed themselves in the neck of its contents. That contents is a living, breathing, sentient being that requires connection with other living things to thrive.

This revised amended version of the original law clarifies the acceptable time allowed by law to tether a dog, as well as provide a more clear definition of tethering devices that are considerably more humane. We realize this amendment permits animals to be tethered for no more than two hours in a 12-hour period. And although this is a vast improvement over unlimited tethering that we currently have, we also know that this is a tall order to enforce. Therefore, as I said this morning, I shared with you a law passed on April 1st in Weldon, North Carolina that have enacted a "no tethering" law. That might seem a bit radical, and it might seem that maybe Suffolk County might not be able to do that, because, again, we are not a small town, but I do feel that over time this could be done, maybe not tomorrow, but it's something we could aspire to over the next few years through educating our public.

And I have several people here from different organizations, one of them, if you'd stand, from PAC, People Advocating for Change. These are one of the groups. I'm from RSVP Rescue, with my friend, Gina, over here. We have several people in the back that are also on board with the anti-tethering law.

And I would end with saying this: Today's legislation begins that change. We realize it takes time. Our animals cannot endure another winter chained to an inadequate shelter. This should not be

General Meeting - April 29, 2014

legal in Suffolk County, as I said this morning, plain and simple. We implore the intercession of our Suffolk County Legislators to support this revision for the tethering law while continuing to work towards a no-tether County over time.

Are Weldon's animals the only ones deserving of this law? As I said before, I don't think so. I think Suffolk County animals deserve that same courtesy. And I really appreciate all that you've done to strengthen the current law, but we would like eventually to have a no-tethering Suffolk County. And the rescue groups are here to help you transition. We're all on board to help you, we don't expect you to do it on your own. And whatever we can do to help that process, we're here. Thank you very much.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. See you at Thanksgiving.

*(\*Laughter\*)*

All right. Seema Cristallo, another cousin.

**MS. CRISTALLO:**

When it comes to animals --

**P.O. GREGORY:**

I know, I know, I'm teasing.

**MS. CRISTALLO:**

I don't like kids, I love animals.

*(\*Laughter\*)*

Hi, I'm Seema. I hate kids. You wouldn't tether your kids outside, you shouldn't tether your other family members outside. If you cannot take care of your dog the way you would take care of your child, then you should not own one, just like if you can't take care of your child, you shouldn't have one. And that's all I have to say. Tethering is inhumane, all right, and they do not deserve to be owned by people, period. Yeah.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Carol Ryder.

**MS. RYDER:**

Hi. I'm Cousin Carol Ryder.

**P.O. GREGORY:**

Hi, Cousin. The lawyer of the family.

**MS. RYDER:**

I'm here to speak about the tethering law. We -- other peopler are going to cover an experience we had this winter that proves the case, but I'm here to discuss something from the heart also.

When I was in law school, I fostered dogs a lot, because I didn't have time to go to the shelter. I'm thinking about Lucy's Law. My dog was tethered outside. Her -- no. The mom was tethered outside. She had a litter. They were out in the sun, no food, no water. We called the SPCA

General Meeting - April 29, 2014

repeatedly, never came. By the time they came, one of the rescuers -- one of the rescuers I work with -- and I didn't tell her to do this, I promise -- she went and just took them, but the problem was two of them, only two of them were alive, barely alive. The other ones were like cuddled, a mess, dehydration, the whole thing. I ended up breaking my rule on keeping a foster, otherwise I'd end up on one of those hoarding shows. But I kept Lucy and I adopted out her sister Abby, and it was touch and go. She was kicked. She had so many medical problems. I thank Dr. Wen. He's the one that saved her life and Abby's life.

So I -- we had a bad experience this winter, all of us. I'm also on the board of PAC, and another rescue organization, plus the founder of New York PAW, New Yorkers Protecting Animal Welfare. We had so many dogs with the horrible winter, the snow, making multiple phone calls. And the SPCA, and I know this because I vet these things, said, "We don't have the manpower and we can't do anything. Go in there and take the dogs yourself," I kid you not. And if we had a threshold, an anti-tethering law, there would be no argument about at least getting somebody, some group with some teeth, like the real police, to do something about it. Because I know it's probably over with the SPCA, unless they get everything they want.

So we -- some of the rescuers were going into the yards and trying to do it the nice way and asking people if they can help. So what they were doing was putting straw in the dog houses, when they had them, bringing dog houses, replacing the straw, food, water, heated water bowls. The water bowls were frozen. And, you know, the dogs are standing there in like two feet of snow and we couldn't get anybody to help, so that's what we had to do. And we just ran out of dog houses, and it was just a horror show.

People here, we can give you -- I've received -- you know, I hear everything, so I've received a ton, a ton of calls, and now Roy Gross doesn't take my calls. I have his cell phone number through -- his smart phone number through e-mail and he doesn't -- he just doesn't even bother anymore. So I -- Marie's going to come up, and her husband's going to come up, so she's the person I work with the most. I ditto whatever they say, and Lillian Lennon, ditto.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. John DiLeonardo, and on deck, Julie Cappiello.

**MR. DILEONARDO:**

Hello again. I would simply like to thank Legislators D'Amaro and Hahn for their efforts to strengthen Suffolk County's tethering law as an important step in the right direction for dogs in Suffolk County. Of interest today, it is interesting to note that Phoenix has recently both simultaneously banned the retail sale of dogs and tethering as well in a similar law, but that was interesting to mention. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Julie, and then on deck, Gina Torella.

**MS. CAPPIELLO:**

Good afternoon again. My name is Julie Cappiello. I'm Vice President of Long Island Orchestrating for Nature, and we're a grassroots organization that works with people and animals on Long Island.

This winter we've had the polar vortex; nine degrees, three degrees, wind chills in the negative teens, and I've had multiple people call me, email me in desperate need for these dogs that are outside and they're freezing. They have no adequate shelter and no adequate water bowls.

General Meeting - April 29, 2014

Everything was frozen using metal water bowls.

So I wanted to thank the Legislators for amending this bill, as it is a step in the right direction. And I hope one day it will be a no tethering law instead of a two-hour one for every 12 hours. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Gina Torella, and on deck, Paul Llobell.

**MR. NOLAN:**

It's Llobell.

**P.O. GREGORY:**

Llobell, sorry.

**MS. TORELLA:**

Hi. My name is Gina Torella and I'm a volunteer for RSVP Animal Welfare. I'm an outreach volunteer who helps animals specifically on chains in the most impoverished area right here in Riverhead. I have firsthand experience of these dogs that are living on chains. I just came today visiting 12 properties to dogs that have empty bowls, no food, no water. Sometimes they're caught outside their dog houses, so they cannot get into their adequate shelter. They're suffering from illnesses like heartworm, tapeworm, ear infections. They're bearing the extreme cold of this winter, that without our support, putting hay in their dog houses, you know, blankets, whatever they need, most of these dogs would have froze to death, and it's right here, right in our backyard here in Riverhead. They receive no interaction from their owners. They're outside 24 hours a day, seven days a week, and the only time when our volunteers come to visit, that's the only time they're getting any kind of love, affection, whatnot. They're becoming hopeless and sad, and sometimes they will become aggressive. This is not a way for any kind of animal to be a lawn ornament on anybody's property.

I implore your intercession to strengthen the current tethering law, proposed by Legislator D'Amaro with Legislator Hahn, in hopes of further enhancing this law so Suffolk County can become a non-tethering county. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Paul, and on deck, Kyra Dorn.

**MR. LLOBELL:**

Ladies and Gentlemen, thank you very much. My name is Paul Llobell. You probably know me from the SPCA, all those good debates we've had over the years.

First of all, I want to say, back on your HR 1047, great job. I think it's a -- I think it's a good bill. I think we're really heading in the right direction, and the SPCA supports it 100%. As far as HR 1276, I want to thank Lou D'Amaro, Kara Hahn. I think it's a great bill. SPCA supports it 100%. We do have a bit of an issue with the time frame of two hours. It's going to be difficult. We think it's going to be difficult to enforce, whether it be the Police Department or any peace officer within the County, to give up the resources and time to sit somewhere and physically watch a dog being tethered for two hours, because without that, you don't really have too much you can do in court or to the hearing officer. So we might want to tighten that up a little bit.

General Meeting - April 29, 2014

You know, we've had people say, "Well, we'll take videos," we'll do this or that. Unfortunate, somebody's else's video we really can't enter into evidence half the time.

But, in whole, we support the initiative, we support the bill, and we thank Lou D'Amaro and Kara Hahn. Thank you very much.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you.

**LEG. KRUPSKI:**

DuWayne.

**P.O. GREGORY:**

Oh, we have a question. Paul, a question from Legislator Krupski. Sorry.

**LEG. KRUPSKI:**

You mentioned that there was a -- that there was a -- you had a concern about the enforcement possibilities of a two-hour time frame, something like this. And I know enforcement always becomes an issue with things like that, with time frames. Is there -- do you see a loophole in someone saying two hours are up, untie the dog, let it run around the house, tie it up again, and then you're complying and then the dog's tied up for four hours now?

**MR. LLOBELL:**

Well, the fallacy that I see in it, or the out that I see is if we send an investigator over and we notice at 10 a.m. the dog is tethered, and we send him out -- him or her out on a couple of different other cases, and comes back, and at 12 o'clock the dog is still tethered and we want to go in and write a summons, or an F.A.T., or a Notice to Comply, or some sort of enforcement document, all the owner has to do is say, "Oh, I brought the dog in three or four times since then. And, you know, we're not there to prove it, so we have to be -- we have to be a little diplomatic on how we do that.

I know the Town of Islip has a no-tethering law. You know, if the dog's tethered, we could go in and we could enforce it. Two hours, if we can sit there and watch it, it's great. And believe me, it's a thousand percent better than what we have. It's probably the best law we've had on the books yet. If we could tighten it up, it would be great. If not, we'll take the two hours for now and can always tighten it up as we go along.

**LEG. KRUPSKI:**

Thank you.

**MR. LLOBELL:**

My pleasure. Thanks again.

**P.O. GREGORY:**

Thank you. Kyra Dorn, and next, Ashleigh Zoller.

**MS. DORN:**

Hi. My name is Kyra Dorn. I'm the President and cofounder of Unchained NY. We are a 501(c)(3) nonprofit animal rescue based in Suffolk County. I want to thank Legislator Lou D'Amaro and his wonderful staff, including Justin Littell and Legislator Hahn for their humane work towards helping the voiceless, chained dogs on Long Island.

I spoke back in February here, actually Hauppauge, in order to urge you to consider implementing

General Meeting - April 29, 2014

more stringent legislation. I don't know if you remember, but I brought in a chain that weighed 42.6 pounds, which was used in Wyandanch to tether a dog about 60 bounds, to a tree.

You frequently see dogs in many, many communities throughout Long Island that are outdoors day in, day out. They're tethered 24 hours a day, seven days a week. And the chains, it's not a light-weight tie-out, it's not a small chain, it's a tow chain used to tow a boat, used to tow a car. The chains are often too short. The dogs can't reach their dog house, they can't reach their food, they can't reach their water. They defecate and urinate where they eat, where they sleep. It's really egregious the living conditions that occur on Long Island.

My dog, my second dog is a rescue dog who was rescued from a community outreach program in Wyandanch. He has been certified as a therapy dog. He goes every Tuesday morning, including this morning, into the Bellhaven Nursing Home. He visits the residents there. These dogs are very much living beings with personalities, with souls, with purposes, and throughout Long Island they're treated probably worse than the garbage. I mean, my garbage is taken out twice a week. Most of these dogs are probably not even fed twice a week. Maybe cared for most often, more often than not, by volunteers like myself, like my organization, like RSVP, PAC, PUP, Save-A-Pet, Guardians of Rescue, Break the Chain. All these rescues care for the people's dogs more than the owners do.

The revisions to the initial resolution back in 2011 are crucial to be passed in order for a more humane Long Island to come about. The blatant disregard for the living lives of these dogs is offensive, it's horrible. There's no need for it in today's society, and this is the first step in making it better. So I urge you to vote in favor of Resolution 1276. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Kyra, you have a question from Legislator D'Amaro.

**MS. DORN:**

Yes.

**LEG. D'AMARO:**

Thank you, Kyra, for coming down today and offering your testimony. I wanted to ask you about a potential loophole in the law.

**MS. DORN:**

Okay.

**LEG. D'AMARO:**

I read the law that says, "No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than two hours in any 12-hour period."

**MS. DORN:**

Correct.

**LEG. D'AMARO:**

So what's the purpose of the 12-hour period?

**MS. DORN:**

There, I think it's just arbitrary, the 12-hour period.

**LEG. D'AMARO:**

Right.

**MS. DORN:**

We're trying to just shorten the length of time.

**LEG. D'AMARO:**

Okay. So, if I own a dog and I tie that dog up for two hours, and then I let the dog off the tether for one hour, and then bring the dog back out and tie them up for two or three more hours, is that a violation of this law?

**MS. DORN:**

Yeah, I think it --

**LEG. D'AMARO:**

Oh, it is?

**MS. DORN:**

I would believe --

**LEG. D'AMARO:**

Are you sure about that?

**MS. DORN:**

No.

**LEG. D'AMARO:**

I am. Go ahead.

**MS. DORN:**

I would believe so. I would believe it to be two hours out of a 12-hour period.

**LEG. D'AMARO:**

Well, let me ask this question. If I tied a dog up for two hours --

**MS. DORN:**

Yup.

**LEG. D'AMARO:**

-- and then I let it loose for another hour, and tie it up for three hours, and let it loose for another hour-and-a-half, and then tie it up for four hours, is that a violation of the law?

**MS. DORN:**

Yes.

**LEG. D'AMARO:**

Right. It is, right?

**MS. DORN:**

Correct.

**LEG. D'AMARO:**

So, in other words, once you tie the dog up for two hours --

**MS. DORN:**

Put your dog inside.

**LEG. D'AMARO:**

You have to have the dog inside for the next 12 hours.

**MS. DORN:**

Or 10 hours, if you're --

**LEG. D'AMARO:**

Right, however you interpret that.

**MS. DORN:**

Right.

**LEG. D'AMARO:**

Right. Okay, thanks. I appreciate that.

**MS. DORN:**

Yeah, you're welcome.

**LEG. D'AMARO:**

I just wanted to get the proper information into the record. Thank you.

**P.O. GREGORY:**

Thank you, Kyra.

**MS. DORN:**

Anyone else? No?

**P.O. GREGORY:**

No.

*(\*Applause\*)*

Okay. Ashleigh Zoller, and then Alanna Becker.

**MS. ZOLLER:**

Hi. My name is Ashleigh Zoller and I am on the Board of Directors for Unchained NY. One of our main programs is humane education. Effectively, not only do we have a community outreach program in the communities with chained outdoor dogs, but we also bring humane education into the schools and libraries in the communities we serve. Some of the communities where we bring humane education are Wyandanch, Centereach and Brentwood.

We recently were in Brentwood this past Friday at the Freshman Center giving our junior animal advocates and future voters. The students have compiled a petition with over 805 signatures in favor of more strict legislation to protect dogs that are left chained outside. In this community where these kids live, it is more common to see dogs chained outdoors than living indoors. Not only do we want to see change, but these children in these communities want to see the change, too. We urge you to consider this petition when making your decision. Thank you for your time.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Thank you, Ashleigh. Alanna Becker.

**MS. BECKER:**

Hello. I actually was not planning on speaking today.

**P.O. GREGORY:**

Can you speak into the mic a little closer?

**DIRECTOR LANSDALE:**

Is that better?

**P.O. GREGORY:**

A little bit.

**MS. BECKER:**

How about now?

**P.O. GREGORY:**

A little bit closer. Don't be afraid, it's not going to bite you.

*(\*Laughter\*)*

**MS. BECKER:**

All right. I really -- I don't have anything planned. I wasn't expecting to speak today. But I am a volunteer with the outreach program of Unchained NY, and I am very much in favor of -- I'm sorry, I don't have anything planned. I just want to say what I see every time I go out with them. It's these living, breathing animals who are left outside by their owners, getting no care, nothing until we come and see them. They are left with no food in their bowls, no water, and with maybe a five-foot area of space, if they're lucky.

Dogs are meant to be dogs, they're meant to be walked. That's what they do. That's all they know how to do, they just walk. And these dogs are left to stay in their urine and their feces, and not just that, but to get chewed up by mosquitoes, and ticks, and fleas, with no proper care. All of these dogs have illnesses, and heartworm, and they'll eventually just die on the chain. And it's just heartbreaking to see that every time I go out with them, but I do it because it's wrong, and I would like everyone else to see that, and to, hopefully, at one point bring it to an end, because it's not right. You know, I wouldn't want to be left on a chain. Would you want to be left on a chain?

That's all I want to say. Thank you for your time.

*(\*Applause\*)*

**P.O. GREGORY:**

Great job, Alanna. Hold on just a second. You have a question.

**LEG. BARRAGA:**

Alanna, I just want to ask you a question, because -- based on your own experience in terms of what you were just talking about. How easy is it to get on the property? And when you see these dogs and they're chained up, and, obviously, cruelty is going on, do you just walk on the property? It's private property. It's somebody -- what sort of reaction do you get?

**MS. BECKER:**

If it's a new home, we don't just let ourselves in. We speak with the owner, and gain their trust, and see if they're acceptable to our help. You know, we go with education first, because in a lot of the areas that we are in, they don't know the difference. They have no idea, they've never been

taught.

**LEG. BARRAGA:**

You mean the humans have never been taught how to treat an animal.

**MS. BECKER:**

Yeah, they have no clue. And there are a lot of cases where with the education, you know, we can get the dog inside, and then the people realize, oh, you know, this is wrong, and they try to do the right thing by them. And if not, then another option is for them to surrender the dog to us, because they do realize that it's wrong, but they don't have the proper means to take care of them. But, if it is a home that we already have an established relationship with, then, yes, they give us their permission to go on the property and help them with their dog.

**LEG. BARRAGA:**

The only reason I bring it up is that a number of years ago I found myself in Taiwan and the one thing I noticed right away were these hundreds and thousands of dogs all over the place, and they were in terrible, terrible shape, just roaming the streets. They had mange and everything else. And when I asked about, you know, what's being done with these animals, they said nothing, they just let them roam. It was the way the humans looked at these animals; there was no love, there was no relationship, there was nothing. It isn't like the average person like yourself, you know, you have empathy, you feel terrible for those dogs. It was just a cultural thing, that they just looked at them completely different. And, you know, I was just wondering if you were running into some of that when you're dealing with these owners. I mean, when you go back and if you go back, if you speak to someone and you point out all the negatives, the dog shouldn't be chained up, the dog should get water, should get food, and then you go back and the same thing is happening over and over again, it's -- you kind of wonder if you're dealing with a cultural situation.

**MS. BECKER:**

You know, I kind of -- I do get that sense, because that is true, some people, they don't see it that way.

**LEG. BARRAGA:**

I mean, like dogfighting and cockfighting, and that type of thing, it's a terrible thing when I take a look at it, and so it should, but there are certain groups that seem to be into this. It's just the way they treat the animals, there's nothing there.

**MS. BECKER:**

In certain conversations that I've had with people who I know are in that dogfighting society, they have said, "Oh, the dogs like it." My dog doesn't like it. It really blows my mind, it does.

**LEG. BARRAGA:**

But, in a way, it's how that particular group --

**MS. BECKER:**

Yeah.

**LEG. BARRAGA:**

-- looks at that animal, which is completely different than the way you and I might look at that animal.

**MS. BECKER:**

Yeah.

**LEG. BARRAGA:**

All right. Thank you very much.

**MS. BECKER:**

Thank you.

**P.O. GREGORY:**

Thank you. You did a great job, Allana.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. That is all the cards that I have for I.R. 1276. If there is anyone else in the audience that would like to speak, please come forward, if you have not spoken before.

**MS. MADDEN:**

On this issue?

**P.O. GREGORY:**

On this issue. Another cousin. What's your name, cousin? I forgot.

**MS. MADDEN:**

Diane Madden.

**P.O. GREGORY:**

Diane Madden? Okay, thank you. I just wanted to say, again, thank you for all of the work that's being done on behalf of the animals. Suffolk County is really sending a message, not only to the community, but for advocates, you know, for us as well, because we do spend a lot of time fighting hard for these animals so that they -- they are protected. And it's kind of a trickle effect, because when you can help these animals, it trickles down to the animal shelters, where my personal heart is, in reducing those numbers. And again, you know, we domesticated these animals. I thank you for feeling responsible for them, because we are.

Many times as a rescuer, when you go on scene, and I've been in the field for 15 years, it's very discouraging to come upon a dog that's been on a chain that you find dead. And you have a choice whether to just give up or fight harder. And again, I'm glad that this Legislature, you're listening and you're responding, and that does give us a light of hope, so thank you. And I encourage you to pass that bill. Hopefully, many bills will be passed and amended over, you know, the years. Thank you so much.

**P.O. GREGORY:**

Thank you.

*(\*Applause\*)*

Is there anyone else who would like to speak? Okay. Legislator D'Amaro, what's your pleasure?

**LEG. D'AMARO:**

Motion to close, please.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: D.P.O. Schneiderman)

**P.O. GREGORY:**

You got it?

**MR. LAUBE:**

Yeah.

**P.O. GREGORY:**

Okay. All right. Public Hearing is closed.

***I.R. 1300 - A Local Law to eliminate automatic pay increases for County Elected Officials (Lindsay).*** I do not have any cards. But Legislator Lindsay has volunteered to stand in the middle while we throw oranges at him.

(\*Laughter\*)

No, I'm only kidding. So what's your pleasure there, Legislator?

**LEG. LINDSAY:**

I'd like to make a motion to recess.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: D.P.O. Schneiderman)

**P.O. GREGORY:**

***I.R. 1314 - A Local Law to require consumer notification for disparate gasoline pricing (Schneiderman).*** I do have one card, Michael Watt. Hey, Mike.

**MR. WATT:**

Good afternoon. My name is Michael Watt. I'm the Executive Director of the Long Island Gasoline Retailers Association. I'm here today to discuss I.R. 1314, a proposal to require more notice and consent on the part of the consumer to pay extra for a credit card. I have a little show-and-tell this afternoon. I'd like to hand out these pictures that the Legislators can look at while I'm speaking.

I.R. 1314 would require consumers to be made aware of a differential between cash and credit/debit prices being charged, as well as the consumer's consent, before the transaction can be completed. Several measures are already in place to make sure the consumers are aware of any price differential. We have pictures of the different ways that a consumer would see that there is a price differential, and we were able to use the now obsolete tobacco signs saying that you have to be 19 to buy -- as a support of the photo. So don't let it be said that we don't recycle at LIGRA.

(\*Laughter\*)

This is -- these various signs that you see as you pull into a gas station are currently law in New York State. Under Agriculture and Market Law, Section 192, Paragraph 5a, retailers must display their highest and lowest prices for each grade in nine-inch-tall white numerals on black placards atop each fuel dispenser. This law also requires station owners to manually change every placard, every grade, cash and credit price on every pump, whenever the price changes.

A customer not paying attention to the task at hand, perhaps focusing on a cell phone conversation, for

instance, is the only scenario where someone would not notice at least one of these clear indications. It is in everyone's best interest, however, to encourage motorists to pay attention when dispensing gasoline. Any other explanation for not noticing the already-in-place signage requirements suggests that Suffolk County residents are incapable of deciphering for themselves the price difference between using cash and credit. LIGRA members do not believe this to be the case, and would be hard-pressed to believe that the Suffolk County Legislature believes this as well.

We would be remiss if we did not elaborate on the need for differential pricing. The reason so many retail outlets now offer cash discounts for gas is the exorbitant fees they charge by Visa and Master Card to electronically process credit and debit card transactions at the pump. These fees have skyrocketed over the past eight years, rapidly becoming the second largest operating expense for the typical convenience store, behind only payroll.

At two to three percent of the dollar value of the transaction, these fees devour much of the retailer's gross profit margin on fuel. The competitive nature of the industry is such that gas station operators cannot raise their prices enough to absorb these extra costs by changing the same price for cash or credit. Some do, but what they're doing is they're asking the cash customer to subsidize the credit card customer.

It should also be pointed out that no gas pump, automated or otherwise, is currently capable of generating or displaying a request for consent along the lines of what you see at an ATM machine. Implementing this law would require Suffolk-based gas stations to incur more substantial expenses just weeks after passing legislation that will reduce most gas stations' revenue streams. I'm almost done.

It should also be pointed out that Suffolk County assesses a 2.6 percent service fee for residents who pay their County property taxes by credit card.

For the foregoing reasons -- and I have a letter from a company that specializes in maintaining gas stations, explaining why it's -- to implement the consent would require the replacement of all the pumps. For the foregoing reasons, we urge the Legislature to disapprove this legislation. And, as always, I thank you for the opportunity to comment.

**P.O. GREGORY:**

All right, Mike. Thank you. We have several Legislators who want to ask you questions. Legislator Lindsay.

**LEG. LINDSAY:**

Thank you. You said your average fee is -- you pay the credit card processing companies between two and three percent; is that correct?

**MR. WATT:**

Correct. It's upwards of nine to ten cents a gallon on a bank card. If it's a gas card, if you go into a Mobile station and you have a Mobile card, you should pay the same as cash.

**LEG. LINDSAY:**

Okay. But you understand the legislation that's proposed would only apply if it's -- if the charge is 5% or more, or more than 5%, I believe. I'll defer to the Deputy Presiding Officer, as it's his bill.

**MR. WATT:**

Well, I understand that, but it opens up the slippery slope, and what happens if the credit card companies start charging more? The bottom line is to do what this legislation requires would require replacing all the pumps, or at least a significant investment in new computer equipment.

**LEG. LINDSAY:**

I understand that, and I sympathize with, you know, any small business owner that's being placed in

a position where they have to invest more just to run their business as they do, but we've had constituent complaints. I've witnessed it firsthand myself where I've seen charges of up to 30% more to use a credit card, which to me is extremely exorbitant.

**MR. WATT:**

Oh, the charges that really have instigated all of this are out of line, and it's one station owner. He happens to own a couple of dozen stations and they happen to have very prominent locations on Long Island, mostly off the L.I.E. And I, myself, and I'm a little more savvy than your average consumer, I went into one because my car was on fumes, with a Mobile Station and Mobile card, and I was about \$5 into it and I realized he was charging me, even though I was using a Mobile card, he was charging me the credit card price. Well, I stopped pumping I went away and never went back.

So, you know, you got to understand that this -- the only reason why they have a differential is just to cover the extra costs that the banks impose on the businesses. The vast, vast majority of the men and women who operate service stations in Suffolk County do not practice what this man practices. So to punish an entire industry just because one man is, for whatever reason, and I wouldn't even begin to try to explain it for him, just because one person does that, we're going to punish an entire industry of people who try to have long-term business plans that encourage repeat business, to us is really egregious.

**LEG. LINDSAY:**

I agree with you wholeheartedly there. And this legislation, as it's currently proposed, would not affect any of those retailers today, you know, if -- and the credit card processing industry is a very competitive business, it's a free market. There's a thousand different companies you can go to to process your credit card charges, so it's an open competition, if that -- you know, if you were dealing with a vendor that increased your fees, you could always shop around for another vendor to handle --

**MR. WATT:**

No, but you still have to pay the credit card companies a certain amount of money. There's a processing fee, and then there's what the credit card companies get.

**LEG. LINDSAY:**

Right, I understand. I just haven't seen any evidence of them going -- you know, doubling their fees, which is what they would have to do in order to put this beyond the 5% range that -- as the current legislation proposed.

**MR. WATT:**

I'm sorry, I'm not following you.

**LEG. LINDSAY:**

Well, your argument is that if -- right now, it wouldn't affect them, because the bill would apply to only 5%. So, right now, as you stated, the good businesses, the good gas stations out there are only charging 2 to 3%, so that's below the 5% threshold of the law. So, in essence, the credit card processing companies would have to double what their fee would be to 6% before you would be picked up by and have to comply with this legislation.

**MR. WATT:**

Well, there's two different fees. You're talking about the processing fee and then what the banks charge when they use a credit card. The banks are now charging 8 to 9 to 10 cents per gallon when the customer uses a credit card.

**LEG. LINDSAY:**

Right, I understand.

**MR. WATT:**

The processing fee is separate from that.

**LEG. LINDSAY:**

I understand that. But when you roll it all together, your total, as you would say, was between 2 and 3%?

**MR. WATT:**

Off the top of my head, yeah, so that sounds about right. But, listen, the bottom line is -- to implement this would be -- across the Board would be very problematic for most of our members, except --

**LEG. LINDSAY:**

I just -- I don't see where -- what implementation would have to go in place for the stations that are under the 5% threshold. I don't --

**MR. WATT:**

Well, if down the line they have to go over the 5%, then they would have to implement this new system.

**LEG. LINDSAY:**

Okay. I'll defer back to the Chair.

**P.O. GREGORY:**

Okay. Thank you. Legislator Hahn.

**LEG. HAHN:**

How is the typical transaction now completed? I mean, on average, is it the cash or the credit?

**MR. WATT:**

An increasing number of people are using a credit card, because the price is so high that they don't really want to carry 60, \$70 around in cash with them.

**LEG. HAHN:**

Do you have a -- I mean, you represent the retailers. Do you know what percentage of transactions are cash versus credit?

**MR. WATT:**

The last time I researched it within the past year, I think it was total -- going towards 60% of the transactions are credit card.

**LEG. HAHN:**

What is the size of the font used on the road signs, the big signs out on the road that attracts folks to get to the gas station?

**MR. WATT:**

I know there are very specific regulations, but I couldn't quote you chapter and verse on the size of the numbers.

**LEG. HAHN:**

Because I think there's like -- in my mind, I think there's a simple solution. I think on the road signs, you should have to post the higher of the two prices, and then that would serve to, you know,

force to decrease as much as possible the difference between the two and -- because that's the competitive. That's what gets people off the road into your station. If you have the cash price up there on that sign and people don't know it until they get out of their car, they take out their credit card, and there's a, you know -- or there's a little sign somewhere that says the -- you know, you pay this much more for credit, that's a problem. If the big signs are required, more transactions occur by credit card. That's the higher of the two prices. Make that -- and then I think that would drive down the difference between the two.

**MR. WATT:**

Well, you know, when you're in business, you're trying to entice customers. I mean, if you go to 7-Eleven, you can see -- you can buy two bottles, two liters of water, Poland Spring water for \$2. You shouldn't have to be legally required to mention that, you know, if you're buying another brand, it's going to cost you \$4. I mean, you want to put your best foot forward.

**LEG. HAHN:**

All right. And I think it has to be honesty for the consumer there and what they're going to wind up paying, and so that's my feeling on this.

**MR. WATT:**

I don't see who's being dishonest here. I don't understand that comment.

**P.O. GREGORY:**

Okay. Legislator Spencer.

**LEG. SPENCER:**

Hi.

**MR. WATT:**

Hi, Dr. Spencer. How are you?

**LEG. SPENCER:**

Great, great. I want to do everything we can to work with you. I just had a couple of questions to that end.

You indicated that if we make it a 10% differential, or 5%, that the credit card companies could raise their prices in the future, and then the law would not protect you. What if we were able to make it the differential of between what the credit card company charges, plus 5%, and that would give you some -- I guess what we're trying to do is there must be a way to deal with the -- those that take advantage. And when I see someone as sophisticated and smart as you that works with the industry, that you gave us all the information, showing that anyone should be able to pick this up. You're running on fumes and \$5 into it, you realize that, "Oh, my gosh, I'm paying," so -- and you're probably as sophisticated as it's going to be with regards to this particular topic.

So, I guess -- I know Legislator Schneiderman came up with a great solution on the pet thing. I'm just wondering if there's a potential that he could work -- and the other issue I wanted to bring up was that there's also sometimes a difference between self-serve and full-serve, although I think around here, mostly it's required that it's full service, where you'll see sometimes a 25, 30% differential, if you have a full service place there. So I wonder, if we tie something in that doesn't necessarily require you to have to change what you're currently doing, but protects from those really extreme outliers, and protects you from the future, so if we tie it into the credit differential, plus a certain percentage, would that be something that you could consider to be a little more palatable?

**MR. WATT:**

Honestly, again, I think you're placing limitations on an industry based on the actions of one, one

member of that industry, and again, I think that's patently unfair.

**LEG. SPENCER:**

I could -- I could respect that, but what I think we want to do -- I don't know why I'm getting feedback. I'm getting a lot of feedback on my mic.

**D.P.O. SCHNEIDERMAN:**

Grab Lou's mic.

**LEG. SPENCER:**

That's a little better. So I guess that what I'm hoping we could do, if there's one predatory individual that has a lot of stations, what's a way that -- because a lot of times it really only takes one person to impact the entire industry. So I agree, that everyone, a good industry shouldn't be punished or impacted because of the actions of one bad individual.

So is there some way that the industry has, or any ideas that you guys have to be able to address this without Legislative action for that particular -- because what we want to do, if there is someone that's a bad apple, we want to be able to have something in place where we can address the issue. So you're saying, "All right, don't do it legislatively." So either you guys have to do something internally to kind of keep it in check, but if we have the public's trust and we see that there's someone that's taking predatory action on the public and just say, well, there's only this one or that person, they own 10 or 15 gas stations in prominent places, do you have any proposed solutions how we can protect against the outlier? And I think that's what most laws are intended to do.

**MR. WATT:**

I understand that, and I certainly respect that contention. It's our understanding, again, I'm not here to speak on that owner's behalf, that -- and as I mentioned earlier, that's charging almost a dollar extra for the use of a credit card. It may be an initial bonanza, but you're not going to do a lot of repeat business. And Long Island is the world's largest small town, people will not go back there. So there's not going to be -- he cannot maintain that for a long period of time if everybody finds it as outrageous as they seem to find it. So you have to trust the market somewhat.

Trust me, if my guys thought they could get away with charging a dollar extra for credit cards, they'd be charging a dollar extra for credit cards. You know, there are very few saints in my industry. But the reality of it is the guy across the street from you is trying to put you out of business, so you have to be as competitive as possible. The reason this guy gets away with it is because his locations are somewhat prominent. And, you know, again, I'm not here to defend him, but when he has a prominent location, he's also paying more for that location, but that's his battle. Okay?

The idea, the open market, the competitive nature of the business is such that most -- most gas station operators will keep the credit card prices as low as possible just to cover their costs that they're incurring, because they just don't want to have this kind of aggravation, and you need the repeat business. I guarantee -- I'd love to see this fellow's numbers in terms of how much repeat business he gets, because once you get that bill, you're never going back there.

**LEG. SPENCER:**

I'm pretty much done. Has the industry, the members of LIGRA reached out to this individual ever from a -- just saying, "Hey, what are you doing? You know, you're hurting us all."

**MR. WATT:**

Yeah. I represent a very eccentric group of men and women. I have not had much luck reaching out to him and getting him to back off.

**LEG. SPENCER:**

I'm glad to see that we're still talking. Thank you.

**MR. WATT:**

Oh, no, absolutely. I'm a lover, not a fighter.

**P.O. GREGORY:**

All right. We have Legislator Schneiderman next.

**D.P.O. SCHNEIDERMAN:**

Thank you, Mr. Watt. And it's interesting to hear that a similar situation happened to you. I tend to be fairly savvy myself, but, you know, sometimes you're in a hurry. And there's this assumption that most vendors are going to be reasonable in terms of that difference. And nobody's complaining about -- well, some people might, but the gasoline stations, the gas stations recouping some of the costs of processing those credit cards, which tend to be, you're right, 2%, roughly, and, you know, in that 9 to 10 cent range.

I was really surprised. You know, I don't mind paying 10, 15 cents more. I was surprised to pay 98 cents more. So that when I filled up, it was easily \$20 more than I expected it to be. And, yes, I could have seen it.

What the original bill was, basically, it was just a prompt on that terminal that would tell me what the difference was, similar to what like an ATM did, and then I could consent in -- you know, I could see the difference. But I listened to what the gas stations had to say and others had to say, and I modified the bill, because I didn't want to punish the entire industry because we have one bad actor here, one business that is engaging in what I would say is an unscrupulous practice. And it's actually more than one. There's one guy who apparently owns like 20 stations. Hold on. And there's also -- and those stations are typically 98 cents more for their credit card or debit card transaction. And then there's another station that was, I think, 1.20 more owned by a different vendor.

So, to respond to that, I changed the bill and I changed the prompt so it wouldn't have to be continuously changed by the gas stations. What it now says is that if it's more than a 5% difference, the prompt just says there's more than a 5% difference, "Do you want to continue?" And that's it. They can then look at those numbers that are on top of the pump and they can make that decision whether to continue or not.

So I wanted to make sure that you were aware of the changes in the bill, and to understand that it's only going to affect financially those gas stations. They will have to decide, either we're going to continue to charge that extra amount and put this prompt in place, which may be some cost, as you said, or we're going to lower our credit card price to be a reasonable amount different than the cash price.

So have you seen the most recent version of the bill?

**MR. WATT:**

I understand the ramifications and the parameters of which you're discussing. The fact is these are yet more regulations, more changes, they're going to cost more money for our members. And, you know, we're trying very hard to work with Suffolk County on the sales tax issue, get that collected up front, so we can help Suffolk County generate millions of dollars. And, instead, we have to spend time dealing with an issue that really unfairly penalizes the vast majority of the people in our industry.

**D.P.O. SCHNEIDERMAN:**

You know, Suffolk County, the cost of living is fairly high, and gasoline is certainly one of it, and you may not be able to control that, but one of our roles is to protect the consumer. And when they're paying an inordinate amount additional for credit card prices, I think we have a role to play here. And I wish all the businesses were as responsible as most of them, but there are some that are not. And I am trying to find a way -- and I appreciate Doc Spencer's comments, that maybe there's another way to do this, but I'm trying to find a way that in those more egregious differentials, that we can alert the consumer at the point of sale, and that's what this bill does. This is about protecting the consumer. And, you know, if it saves them 10 bucks or \$20, that's a lot of money for some people, that's significant. So --

**MR. WATT:**

Well, I don't understand how it would save them money. But let me ask you this, Legislator Schneiderman --

**D.P.O. SCHNEIDERMAN:**

Because otherwise -- and I'll answer your question how it saves them money, is they have a choice. So otherwise they find out after they've already been charged on their credit card; it's too late. This gives them the opportunity to opt out before they get that additional charge, that's how it saves them money.

**MR. WATT:**

And that ties into my question, are you ever going to go back to that gas station again?

**D.P.O. SCHNEIDERMAN:**

I will not go back to that gas -- or if I do go back, I will pay cash, I will not pay a dollar more, I'll walk in. If I had the opportunity at that time to see that difference, I would have walked in and I would have said, "You know what, I'm going to choose to cancel," I'll walk in and I'll pay the attendant cash.

**MR. WATT:**

Okay. So there's not a consumer in the world, if they're going to be upset -- some people don't even give it a second glance, and I'm assuming they're all on company credit cards, but there's not a consumer in the world who's going to be upset about paying a dollar extra for credit card use who's going to go back to that station. So I don't understand why we have to --

**D.P.O. SCHNEIDERMAN:**

What about that first instance?

**P.O. GREGORY:**

Hold on, hold on. This is the Public Hearing. We're here to vet the bill, ask any questions. It's not the opportunity to debate the bill.

**D.P.O. SCHNEIDERMAN:**

I'm asking a question. What about that first instance where they, you know, have to pay that extra \$20? I can afford the \$20, but not anybody else can.

**MR. WATT:**

Well, we have a little bit more faith in the consumer that they're going to notice the three different signs coming in there, and if they do happen to get burned, for lack of a better term, we know that they're not going to go back there, and, hopefully, go to some of our other stations that aren't so greedy with the credit card prices.

**D.P.O. SCHNEIDERMAN:**

General Meeting - April 29, 2014

Well, I have faith in the consumer, too, but, you know, I've gotten dozens of calls from people who the exact same thing happened to, lawyers, you know, intelligent people who the exact same thing happened to. So I have that faith, too, but the extra ounce of prevention, you know, of notification I think is a good measure.

**MR. WATT:**

Well, that extra ounce of prevention is going to be very costly to our members. And we were just here a couple of weeks ago where we're reducing our revenue streams, and now you're adding to our expenses. This is --

**D.P.O. SCHNEIDERMAN:**

Well, they can bring that credit down and have no expense.

**P.O. GREGORY:**

All right, all right, all right. Questions.

**D.P.O. SCHNEIDERMAN:**

Bring the credit card prices down.

**P.O. GREGORY:**

Anymore questions? No questions, okay. Legislator Krupski.

**LEG. KRUPSKI:**

Okay.

**P.O. GREGORY:**

Next --

**LEG. KRUPSKI:**

Thank you. Someone passed out the papers from the Long Island Gasoline Retailers Association, and I'm just taking a look at those. And you had said, sir, that if this bill goes into place, that there's going to have to be changes made to the pumps --

**MR. WATT:**

Yes.

**LEG. KRUPSKI:**

-- in order to comply with the regulations. So, in my experience as a businessman, when the businessperson has to take on more government regulations, that price is -- that cost is passed on to the consumer.

**MR. WATT:**

Correct.

**LEG. KRUPSKI:**

So if -- so the intent of this, then, is to raise gas prices, because you're going to have, instead of -- instead of using the existing signage, what you're telling me is that this will raise gas prices because this will be passed on to the consumer; is that true? Sir, is that true, that the gas prices will be raised because the price --

**MR. WATT:**

Correct.

**LEG. KRUPSKI:**

General Meeting - April 29, 2014

Okay. The equipment will have to be changed.

**MR. WATT:**

Yes.

**LEG. KRUPSKI:**

Okay. Thank you.

**MR. WATT:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

Legislator Krupski, it lowers the price, because most people, I would think, to avoid that would lower the credit card price so that they wouldn't have to modify the pump. If they're within 5%, they don't have to do anything different.

**P.O. GREGORY:**

We're debating the bill. All right. We have Mr. Watt here. Let's ask him questions. If we're not -- if we're done with him, we'll leave him and we'll go on to someone else. Okay? Are you done, Al?

**LEG. KRUPSKI:**

*(Indicated thumbs up).*

**P.O. GREGORY:**

Okay. All right. Legislator Muratore.

**LEG. MURATORE:**

I'm done.

**P.O. GREGORY:**

Legislator Muratore. Legislator Kennedy.

**LEG. KENNEDY:**

Michael, I just want to pick up on what Legislator Krupski was talking about. I had seen this letter as well. And the thought occurred to me when I was reading the bill, the bill applies only to automated pumps. Now, you have what, 500, 600 members?

**MR. WATT:**

Correct.

**LEG. KENNEDY:**

Okay. There are still stations out there, smaller stations typically, that are running off of manual pumps.

**MR. WATT:**

Yes.

**LEG. KENNEDY:**

Correct?

**MR. WATT:**

Yes.

**LEG. KENNEDY:**

So this issue specifically excludes includes them or -- well, no. It specifically excludes them,

because there's nothing to automate. There's no contemplation that we would have to do something with the mechanical pump, I would assume; is that your understanding?

**MR. WATT:**

It's our understanding that some adjustments or some kind of mechanism would have to be put in place to accommodate that consumer.

**LEG. KENNEDY:**

Okay. Let's go to the automated piece, then. I see there's three manufacturers that basically make the equipment that the stations install.

**MR. WATT:**

Correct.

**LEG. KENNEDY:**

Okay. That automated piece is basically a preset, preprogrammed thing that your folks will get from whomever the manufacturer is, they set it up, they get it operational, and off we go.

**MR. WATT:**

Correct.

**LEG. KENNEDY:**

So there's no independent ability for a station operator to go in there and modify a program, kind of like a piece of software I would have. They get it from the manufacturer and that's it.

**MR. WATT:**

Correct. Everything comes plug-and-play, put it in. And any changes that would have to be made would have to be made system-wide. It's not something where the station owner can go in and, you know, boom, boom, boom, pose a question or ask for a consent.

**LEG. KENNEDY:**

Is that typically warranted equipment when they buy it? I mean, is there, you know, a shelf life on it, or, you know, somebody maintains it, the manufacturer maintains it for a while?

**MR. WATT:**

Most service stations, you see the nicer ones anyway, have maintenance contracts, and they're constantly -- because there's -- because of the competitive nature of the industry, you want as much new stuff as possible, so they're upgrading, and they have to maintain new equipment, yeah.

**LEG. KENNEDY:**

Okay. But I just want to make sure that -- so what Legislator Krupski was saying is, is that there would be a cost increase by way of the fact that the manufacturer would now have to alter its manufacturing process, which would then result in greater a price to the operator for that piece of equipment.

**MR. WATT:**

Especially in light of the fact that since Suffolk County would be the only County requiring this, it would be a very limited piece of equipment that would -- or software program that would have to be created, so it would be very costly.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. GREGORY:**

Thank you. Legislator Cilmi.

**LEG. CILMI:**

Thank you. Michael, welcome to the Suffolk County Legislature.

**MR. WATT:**

Thank you very much.

**LEG. CILMI:**

I know this may be your first time here dealing with regulation and -- I have a couple of questions for you. I've asked, and I haven't received yet, but I would like to get from you, if I could, a list of the gas stations that this one or two owners own, because I think it's worthwhile as a public service to disclose the locations of those stations where these owners feel the need to charge ridiculous up-charges on credit card prices. That's first of all. Could you provide that to me? Could you provide that to all of us?

**MR. WATT:**

I believe so, yes.

**LEG. CILMI:**

Okay. Second of all, I assume that there's room on the pumps for nine-inch digital readouts at least, because unless you make the digital readout greater than the nine-inch placards that appear on the top of the pumps, I don't know what we think is going to make, you know, a consumer see that any more than they would see the nine-inch placards on the top of the pumps. So is there room on the pumps for really big notifications when the credit card price exceeds 5% of the cash price?

**MR. WATT:**

Not unless you're talking about replacing all the pumps and redesigning everything that you have in the station.

**LEG. CILMI:**

Okay. I have one last question, and it's more of a suggestion, and it's absurd, but it's -- let me just bite my tongue. I can't understand how somebody could go into a gas station and not see the nine-inch placards on the top of the gas pump enough to make a conscious decision whether or not to pump gas, but we expect them to see some readout on a -- some tiny little digital readout.

So here would be my suggestion. How about you take a laminated plastic placard of some sort and tape it to the front of the pump, so that it's sort of covering the pump itself; right, you know?

**MR. WATT:**

Okay.

**LEG. CILMI:**

You know, the thing that you actually put into your gas tank.

**MR. WATT:**

Right.

**LEG. CILMI:**

It's covering that. So that in order for somebody to lift that out of the pump, they'd have to see this placard; are you with me?

**MR. WATT:**

Yup.

**LEG. CILMI:**

And put on that placard the following: "Have you checked the price differential on the nine-inch placards on the top of our pump?" And then people would actually see that and they could make a decision whether or not to look at the nine-inch placards on the top of the pump. That would be a simple way, rudimentary admittedly, but it wouldn't involve any, you know, investments on the part of the gas station owners, any new technology; wouldn't require us to invent new pumps, because I understand there are no pumps that do what we want them to do here. And it would be a very simple way of accomplishing the same thing, to put in sort of an extra safeguard, so that if people haven't taken the opportunity to look at the nine-inch placards on the top of the pumps, they'll think twice about pumping the gas.

**MR. WATT:**

Well, anything that simplifies what's being proposed I guess is something we could discuss. Anybody who's paid for gasoline with a credit card should know and does know through experience that there's an extra fee involved. I don't understand why the County feels compelled to just beat people over the head with this notion. But if you feel that one more reminder is necessary after the three reminders that are already there, I think that's something we could probably explore.

**LEG. CILMI:**

Correct me if I'm wrong, but there are lots of expensive things in this world. Gasoline has gotten way too pricey for my liking, a result of a lot of different factors, but the fact is there's lots of things that are too expensive, or that are expensive. And what do we do when we know that things are expensive? We go and we buy a piece of jewelry, we know jewelry is expensive, we ask what the price is. If we're walking into a Starbucks, we know we're going to pay more for coffee at a Starbucks than we would, say, at 7-Eleven.

So I think -- I think we're not giving consumers enough credit here, and I think we need to rely on consumers to be a little bit more -- a little responsible about their purchasing habits. And maybe, as I said, if you put some notification -- I said that in sort of a flip way, but maybe that's a compromise here. Maybe if you put something somewhere on the pump for those pumps that are self-service that said, "Please note there may be a difference between cash and credit card price and look at the difference that's displayed on the top of your pumps," maybe that would accomplish the same thing. Thanks for being here again.

**MR. WATT:**

No, I thank you. And I certainly -- I think something simple like that would certainly serve the purpose, and I'd be happy to bring that back to my members to discuss it with them.

**P.O. GREGORY:**

Okay. Thank you. Legislator Stern.

**LEG. STERN:**

Yeah. Thank you, Mr. Chairman. We're talking about the work that would have to be done on the part of the stations in order to comply with the purported requirement. I was looking at the -- this is from, let's see, Island Pump & Tank Corp.

**MR. WATT:**

Correct.

**LEG. STERN:**

So we understand that there would be a cost that would go into the pumps. And I'm just looking at the letter here, costly research and development of new software/firmware containing the proposed

prompt. You had said that in speaking with the companies, you had the discussion with them and they believe that the equipment that's being used currently wouldn't be able to do --

**MR. WATT:**

Correct.

**LEG. STERN:**

-- what would be required, but -- so I'm reading here that there would be a cost, that it would be very costly, the discussions, that this would be a cost, it would be very costly. So I'm just asking if it would be possible to go back to the manufacturers, if they'd be able to put something together in a cursory way, where we can take a look at -- where I could take a look at what that cost would be? Because here we're talking about cost, and there's a cost benefit analysis to be done here like there is in every piece of proposed legislation. I'd be interested to know what those proposed costs are.

**MR. WATT:**

I'll try to get those numbers for you.

**LEG. STERN:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Anker.

**LEG. ANKER:**

Hi, Michael. Thank you for coming out here. So I also had the same issue that you had. I was at a Sunoco station, and I used my Sunoco card and I was charged the credit card price and -- but by using your Sunoco card, you're supposed to be charged the cash price with a five cent discount per gallon. So, you know, I could tell once I got my bill. And what Sunoco had said was that, well, number one, they're not really responsible, because it's up to that franchise owner. Number two, there was an issue with the credit card. But they went ahead and gave me -- they reimbursed the extra money. So there's some issue. Again, there's a lot of gray area between, you know, who's responsible, you know, for that -- you know, for how much money you're paying.

So I'm looking at Jay's bill, and again, basically, the requirement is a surcharge for credit/debit purchases that exceed 5% of the cash price. "Press yes to proceed with this transaction or no to cancel." So, basically, he's trying to institute something within the mechanics of the machine?

**MR. WATT:**

Correct.

**LEG. ANKER:**

Okay. So we're going back and forth, well, are we going to -- who's going to save money and who's not going to save money? How much of an investment is there? I think the bottom line here is what's fair. And like Jay had experienced, he didn't know he was spending an extra dollar per gallon. And I know we have other Legislators here who have experienced, or their -- or people they know.

Can you suggest a better way of clarifying the price of gas at these stations so the consumer will not feel they're being ripped off?

**MR. WATT:**

Well, again, by law, there's three very prominent displays of the cost for cash and for credit card. If the consumer is not paying attention and fills up the gas without realizing he or she paid more, they're not going to go back there. And the marketplace is such that that person who's charging more is not going to be in business for long. Or if they are in business for long, then the consumer

doesn't mind or isn't paying attention. And this is a capitalistic society. I don't understand why we need to regulate the rest of the industry because of one man's practices.

**LEG. ANKER:**

Jay, did you know, was the sign posted on the gas pump when you pumped that extra dollar-plus gallon?

**D.P.O. SCHNEIDERMAN:**

You know, we tend to be an electronic society. You know, we pull our credit card out, we put it in the slot, and it begins to ask us questions, is this a credit card or a debit card, what's your zip code, what's your pin, whatever it might be. You know, there's -- you know, there's all kinds of information on that terminal and that is where your focus is. Now, yes, I could have looked up, it was properly marked. You know, I was in a hurry. Soon my price was over \$60, when it probably would have normally been 40, and I paid it. But I thought of all the other people that might be caught off guard, because there's an assumption that it will be either the same or a reasonable difference for credit card versus -- and mine was a debit card, so it's kind of like cash. But you assume it's going to be close. And you know what happens when you assume, right? So I probably shouldn't have assumed.

But I was thinking like how do we let people know at the point of sale, where their attention is, where they're already being asked those questions. And to me, that's where the prompt should be, just like on an ATM where it says, "Do you want to continue?"

**LEG. ANKER:**

All right. And again, you know, I hope that we can continue to have an open dialogue and understanding, you know, what can be done so consumers don't feel that they're being, you know, taken advantage of. And, you know, we're always going to need gas, but, you know, what -- just one last question. When was the cash instituted, or the, you know, cash/debit difference instituted? Has that always been that way? Has credit always been much more expensive than cash?

**MR. WATT:**

Within the past couple of years, the fees charged have really skyrocketed to the point -- historically, the station owner would eat the extra cost because of the convenience that they're offering to the consumer. Within the past couple of years, it's just gotten to the point where the only way you could eat the cost is if you raised the cost of the cash. And what you're doing is you're asking the cash-paying customer to subsidize the credit-card-paying customer, which, for the most part, most service stations don't want to do.

**LEG. ANKER:**

And this is being done all over the country. There's not another better way that you can see to notify the consumer?

**MR. WATT:**

Having nine-inch letters on top of the pump that all but scream the price differential we think is a pretty effective way. Having the large sign that you could see from the street clearly delineate that the price being mentioned is a cash price. Again, if you're a credit card user and you don't know that the credit card is going to cost more at a gas pump, then there's not a lot we can do for you there. I don't think it's, again, fair to punish an entire industry because some people just don't pay that much attention, especially you've got to be paying attention when you're pumping gas. It's not -- I know we can all do it by rule, but it's not something that you can get too careless with.

**LEG. ANKER:**

Okay. Thank you.

**MR. WATT:**

Thank you.

**P.O. GREGORY:**

Legislator McCaffrey.

**LEG. MC CAFFREY:**

My question was asked by Legislator Stern.

**P.O. GREGORY:**

I'm sorry. Did you say your answer was --

**LEG. MC CAFFREY:**

I don't need to repeat it.

**P.O. GREGORY:**

Okay. Legislator Lindsay, and then Legislator Trotta.

**LEG. LINDSAY:**

Quick, going back to -- you know, I remember when credit card processing at the pump first came out and every transaction would print a receipt. Now you're hit with a prompt saying, "Do you want a receipt printed, yes or no?" When that changed, I'm sure it was changed by the retailers, because there was a cost of paper, and litter, and so forth. Did you have to go out and buy all new pumps to put that prompt change in there?

**MR. WATT:**

I couldn't answer that authoritatively, I don't know.

**LEG. LINDSAY:**

And, you know, just from an outsider's perspective, I would think it would just be a software change to the software that's currently in place. I'd be hard-pressed to see it as being a great expense to make any of those changes.

**MR. WATT:**

Well, we have expert -- if it was easy, Island Pump & Tank would be happy to do it, trust me. They'd be happy to do the extensive one, too. They're just stating for the record that for whatever reason -- I mean, don't forget, in 1999 we had a problem because people didn't put four digits -- or used three digits instead of four. There wasn't the foresight to see that maybe they might want to start asking questions of the consumer, because, you know, time is also a factor. You want them in and out as quickly as possible. The consumer wants to get in and out as quickly as possible as well. So, for whatever reason, the equipment wasn't developed to ask the consumer questions. In hindsight, maybe that would be a nice thing to be able to do, but now you're talking about going back and replacing all that equipment again, or replacing at a minimum the software that drives the equipment. It's still not cheap. It's just one more thing do. And again, it's one more thing to do because one person, one station owner isn't playing fair.

**LEG. LINDSAY:**

I understand. I don't think anybody's trying to put undue burden upon the retailers. But do these pumps get regular software updates now currently?

**MR. WATT:**

Not that they would be able to change your question or ask a question. Beyond that, I couldn't tell you authoritatively, I could find out for you.

**LEG. LINDSAY:**

Okay. And just to make clear, currently, the members of your association, they're below the 5% cap, correct?

**MR. WATT:**

They try to keep it as close to the vest as possible, because they're hurting. You know, every time the price of gas goes up from their sources, which is going up now, we're all experiencing the pain at the pump, every time the price of gas goes up, okay, they're forced to pay whatever their wholesaler tells them they have to pay. They're locked into these deals. As the price of gas goes up, their ability to add to that becomes less, because the consumer will only pay so much. Even though you need gasoline, you end up cutting back on your trips, or you get smaller cars. So they can only go up so much before you start -- and all of our guys will tell you, their gasoline sales have dropped considerably over the past few years since the recession of 2008, because the price of gas has gone up so high, it's unrelentless. And the higher the price of gas from the wholesaler, the less room, the less wiggle room the station owner has. And then on top of that, you're adding anywhere from 8 to 10 cents a gallon that goes to the bank, with none of the risks and none of the hassles that the station owner has to put in. You could see where these men and women get pretty aggravated when somebody else comes along and says, "Well, just add this to the process, because it's only going to be a few more cents."

**LEG. LINDSAY:**

No, I understand that. Just based on what you said, the legislation, as proposed, wouldn't need any change to -- it sounds like to most of your members anyway.

**MR. WATT:**

But it locks them into a certain percentage. It's just one more regulation that they have to deal with.

**LEG. LINDSAY:**

But it's a percentage that they're already complying with, they're already below that threshold.

**MR. WATT:**

But it's one more regulation that they have to deal with. What happens if the cost to them goes up and above the 5%? Now they're going to have to eat more cost because of this regulation.

**LEG. LINDSAY:**

Okay. But if we -- so, if we change the wording on the legislation to read that it would be no more than 5% higher than -- above your credit card processing charge --

**MR. WATT:**

Any time you put a regulation, you put a percentage, you lock in men and women who have to deal with the capitalistic society on the other side from the wholesalers, and you're locking these men and women into prices and you're just squeezing them and squeezing them and squeezing them, and after a while, they're just -- you know what they're going to do? They're going to sell their business to the guy charging more than a dollar, because he's doing what he's doing, and they're going to get out of business. And before you know it, there's going to be three or four people owning all the stations on Long Island, because the guy who owns a dozen stations or two dozen stations, he can handle an adjustment a lot easier than the guy who owns one station and he's getting banged for this or banged from that from all these other little fees that keep popping up from Suffolk County. And \$500 to a guy who owns one station is a hell of a lot -- a much bigger hit than \$500 to a guy who owns two dozen stations. And before you know it, you have three guys owning -- three guys owning all the stations in Suffolk County, and wait until you see what the price of gas is at that point.

General Meeting - April 29, 2014

You can't keep banging these guys with more fees, and more registrations, and more inspections and expect them to be able to stay in business. I'm sorry. You just -- you have to come to one of my board meetings and see how upset my men, mostly men, how upset the men get about these regulations. I'm here month after month begging you, let these men do business.

**LEG. LINDSAY:**

I agree with you. I don't think we're doing anything here to stop them from conducting business. We're just asking to do it in a more open fashion, that's all. I'll yield.

**MR. WATT:**

They are doing it in an open fashion.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

I don't know if you could answer this, but in Huntington, there's no self-serve.

**MR. WATT:**

Correct.

**LEG. TROTТА:**

So what does the person have to do -- sorry. You know, does the attendant come over to the -- I don't know if it's a question for you, but does the attendant come over and say, "Do you know that it's seven cents more or 20 cents more," before I pump it?

**MR. WATT:**

Being a South Shore fellow, I've been lucky enough to pump my own gas. I don't know. But if you want to see a man's head explode, bring up the whole Town of Huntington forcing an attendant to do the gas. It's yet another regulation that adds to the cost of doing business in Suffolk County.

**D.P.O. SCHNEIDERMAN:**

The bill only applies to automated pumps, period. It doesn't apply to those -- it's self-service only.

**MR. WATT:**

So he can charge whatever he wants --

**D.P.O. SCHNEIDERMAN:**

On full service. Even on this -- even in the automated, they can charge whatever they want. We're not saying what they can charge, only it's more than a 5% difference, the consumer would have an additional alert, that's all.

**P.O. GREGORY:**

Are you done, Legislator Trotta? Trotta, are you done?

**LEG. TROTТА:**

I'm good.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Well, just to pick up on that, so is it your understanding under the bill that if I pull into a station and

where there's an attendant, they can charge 25% more and never have to tell the consumer?

**MR. WATT:**

The station would have to abide by the same laws, with the cash price on the big sign, the cash --

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

**LEG. D'AMARO:**

No, no, no, I'm talking about with this bill, if this bill's in effect. So -- I mean, Huntington's a perfect example; you don't get out of your car, they come to usually the passenger side window, if your tank is on that side, and they ask you for your credit card, usually through the passenger that's there. They don't even talk to the owner or the driver of the car. And so let's say that the cash price is 3.99 and the credit price is 5.99, does that attendant have an obligation to notify the consumer, or is it only for self-serve; how do you read this bill?

**MR. WATT:**

I can't answer that question. I do know, though, that the numbers are right on top of the pump, regardless of whether or not you're pumping it yourself.

**LEG. D'AMARO:**

No, I know the numbers are on top of the pump; I'll get to that. But I'm just trying to understand what your -- since your organization would be -- your members would have to comply with this. So if we're worried about consumer notification in addition to the signs on top of the pump that are right in front of your face when you get out of the car in the self-serve situation, on the full serve situation, when you never get out of the car, maybe you don't see the sign, there's no notification. Is that -- but would your attendants need to notify the consumer, the driver of the vehicle that they're about to pay more than 5%, or would it -- would they take your credit card and swipe it for you? Which is what they do, they ask you for your zip code, they plug it in. That warning comes up, perhaps, but then what?

**MR. WATT:**

I would imagine if the consumer is concerned about how much extra they pay, they would ask the attendant. If they don't see the sign on top of the pump, they would ask the attendant how much more is the credit card price. Honestly, I don't know if there's a regular -- I'm not sure if I understand your question.

**LEG. D'AMARO:**

What I'm asking you is -- I'll try one more time. So this bill, if enacted, would require your members and their attendants to put a program into their -- into their readout on the gasoline pump this warning, that the surcharge for credit/debit exceeds 5% of the cash price.

**MR. WATT:**

Okay.

**LEG. D'AMARO:**

Right? So the theory being that if you're doing self-serve, the consumer, you'll swipe your card and you'll see that.

**MR. WATT:**

Right.

**LEG. D'AMARO:**

General Meeting - April 29, 2014

But what if you're doing full-serve? The only one that's ever going to see that would be the attendant.

**MR. WATT:**

Okay.

**LEG. D'AMARO:**

So is the attendant then supposed to notify the consumer about what came up on the pump?

**MR. WATT:**

I would assume you would have to have some kind of consent from the consumer that the consumer understands there's a difference in the price of gas.

**LEG. D'AMARO:**

So --

**MR. WATT:**

Do you have to ask him? Yes. Or would he have to get out of the car and punch yes into the system? I don't know. I really would have to look at the bill more closely to answer that question.

**LEG. D'AMARO:**

Okay. Well, that's a question in my mind.

The other thing I wanted to ask you, Mike, was -- so when you drive up to a station, there are these required, I think by Federal regulation or State regulation, you have to have the prices clearly posted on the pump.

**MR. WATT:**

I believe it's State, but --

**LEG. D'AMARO:**

It's State, right?

**MR. WATT:**

I just assumed it was the State, to be honest with you. I would have to look that up.

**LEG. D'AMARO:**

So -- I mean, I had a recent experience where I got out of my car and I looked at the credit price and it was way too high and I just drove away when I saw the price.

**MR. WATT:**

Okay.

**LEG. D'AMARO:**

So do you think that this requirement is just redundant to the posting that's taking place now?

**MR. WATT:**

Yes, redundant would be a good word for that.

**LEG. D'AMARO:**

Okay. All right, thanks.

**P.O. GREGORY:**

Okay, thank you.

That is all. Anyone else? Okay. All right, thank you, Michael.

**MR. WATT:**

Thank you very much.

**P.O. GREGORY:**

That is all the cards that we have on IR 1314. Is there anyone else? Okay, Al. Please come forward, state your name for the record.

**MR. STRAUSS:**

Alex Strauss, 184 Radio Avenue, Miller Place, New York. You know, they talk about the signs. The guy said that the sign out on the street is this big, the numbers. Well, look where it says *cash only*, it's this big. Geez, that's a little different, isn't it? Maybe that should be on there.

He says that nobody can -- they can't absorb the price. Does anybody ever see a Hess Station charge two different prices? Hmm, I wonder how they do that. I can tell you right now, because I pay with a credit card, I've never paid extra for gas, ever. And I can tell you right now, there's two BP's, a Sunoco, a Getty -- I said Sunoco. But I can show -- go right on the way home, I could stop at four different gas stations that don't charge any more for the same price. How do they do that? Are they all super, are they rich? They can't do -- they can do it but all the other ones can't. Hmm. And like I said before, when you go to the pump, the first thing they ask you, "*You want a receipt?*" Geez, how can they do that? I wonder why they do that? Because it saves them money on a piece of paper. Hmm, but they can't say, "*Do you want to pay extra?*" Hmm. Something to think about. Thank you.

**P.O. GREGORY:**

Thank you.

Okay. Anyone else? Okay, Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

I think I'd like to actually close it. Close it and we'll debate it in committee.

**LEG. KRUPSKI:**

Second.

**D.P.O. SCHNEIDERMAN:**

So motion to close, second by Legislator Krupski.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Stern).*

**P.O. GREGORY:**

Okay. I would like to make a motion *setting the date* for the following *Public Hearings: May 13th, 2014, 2:30 PM at the Rose Caracappa Auditorium, Hauppauge, New York:*

*IR 1236, a Local Law to require the use of biodegradable products by chain restaurants; IR 1323, a Local Law to streamline procedures of fulfilling Presiding Officer and Deputy Presiding Officer vacancies; IR 1325, a Local Law to ensure access to emergency services via telephone; IR 1390, a Local Law to amend the Administrative Code to expand the requirements for appointed officers of*

General Meeting - April 29, 2014

*the Suffolk County Police Department; IR 1394, a Local Law to warn consumers of dangers of liquid nicotine; IR 1409, a Local Law to establish the Suffolk County Taxi & Limousine Commission and to provide for the registration for -- registration of 4-High vehicles; IR 1425, a Local Law to streamline the functions of certain occupational licensing boards; and the 2015-2017 Capital Budget & Program.*

Do I have a second?

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Stern).*

**P.O. GREGORY:**

I would like to make a motion to accept the Consent Calendar.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Stern).*

**P.O. GREGORY:**

We have some people waiting, but we're going to try to get through some of the agenda on page six. We should get through relatively quickly.

***IR 1305-14 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Same motion, same second for ***1305A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance \$225,000 bonds to finance the settlement of a liability case against the County)***; roll call.

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

**LEG. CALARCO:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. SPENCER:**

No.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No. Oh, yes. Sorry, yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Spencer).*

**P.O. GREGORY:**

Okay, *IR 1321-14 - Appointing Sondra Cochran as a member of the Suffolk County Industrial Development Agency (IDA) (Presiding Officer Gregory)*. I'll make the motion to approve.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman. On the motion, any discussion?

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**P.O. GREGORY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

As I had done in committee, I will be abstaining today. Ms. Cochran came and has a very impressive background, an impressive biography and a good body of service. The individual that she is replacing on the board, though, I feel had a strong skill set as well. And he is an attorney that had served the County for the better part of 20 years, left under some questionable circumstances, in my opinion. And so no disparity to Ms. Cochran, but I will be abstaining on the vote.

**P.O. GREGORY:**

Okay. Thank you. Legislator Browning.

**LEG. BROWNING:**

Like Legislator Kennedy said, I did speak personally with.

Mr. Rosenberg. I'm not going to get into it, however, I am aware that he really wasn't prepared to resign. And I questioned at one point in time over the year an appointment that we had that was, I felt, questionable, I felt that this was not -- the process was not done appropriately. The appointment I did not believe was a Legislative appointment. I believe that, DuWayne, it is your appointment and I'm sure she is a very nice person, but I know we have had conversation with regards to this issue. And for that reason, I -- I think on principle, I'm not supporting this issue, this bill.

**P.O. GREGORY:**

Okay. Thank you. Anyone else?

**LEG. CILMI:**

I have a question.

**P.O. GREGORY:**

Legislator Cilmi.

**LEG. CILMI:**

I don't know if this is something -- if there's somebody from the County Exec's Office who can answer this question, although this is maybe not the County Executive's Office that I should be asking, although there's this overlap between the Commissioner of Economic Development and the IDA. I'm wondering if there's any plans to replace the Executive Director who's resigned and whether or not that should have any impact on our decision whether or not to appoint a new member to the IDA. We don't have a recommendation from the Executive Director or any -- I know

they don't --

**D.P.O. SCHNEIDERMAN:**  
(Inaudible).

**LEG. CILMI:**

We picked him. But it would be nice to have an Executive Director there who could talk to us. Tom? Through the Chair, I'm sorry.

**MR. VAUGHN:**

I don't have any information on that, and the IDA is made up of people who are entirely appointed by the Suffolk County Legislature.

**LEG. CILMI:**

Okay. So who do we -- who do we ask the question to; does anyone know? I mean, it is the County Executive's name that's on the letterhead, I think. I would ask the Executive Director, but there is no Executive Director.

**MR. VAUGHN:**

No, I understand. We'd be happy to check with the IDA and ask them what -- you know, about a timetable.

**LEG. CILMI:**

Okay. I'd appreciate that.

**LEG. KENNEDY:**

Let me -- DuWayne, can I follow up on what Legislator Cilmi just asked about?

**P.O. GREGORY:**

Sure, and then Legislator -- it was you, right?

**LEG. KENNEDY:**

Tom, it is true at this point that one of our Economic Development employees is kind of filling in, I think, for the IDA, Mr. Catapano. It's my understanding that he's actually doing some of the duties that Mr. {Minatta} had been doing. Even though we do still have Mr. {Minatta} on retainer, I guess, as an advisor to the IDA, is it true that Mr. Catapano has now been kind of tasked to fielding the proposals, interacting with business and things of that nature?

**MR. VAUGHN:**

Legislator Kennedy, I --

**P.O. GREGORY:**

Before you answer that question. I mean --

**MR. VAUGHN:**

Right.

**P.O. GREGORY:**

We appreciate the question, but I think it's just a little bit off mark. I mean, we're here to discuss the appointment of one of the board members.

**LEG. KENNEDY:**

Sure.

**P.O. GREGORY:**

Not necessarily the process or the replacement of the Executive Director. There is an Executive Director who's been there, I don't know, 20 years or whatever, a long time, Acting Executive Director. I don't think it's necessarily appropriate at this point to have that discussion.

**LEG. KENNEDY:**

Well, I, you know -- I'll yield, Mr. Presiding Officer. And as a matter of fact, I guess what I'll do is I'll do a query tomorrow to, I believe it's Mr. Hendricks, Grant Hendricks is now our Acting IDA Director. But what I'm going to also ask is that we have --

**P.O. GREGORY:**

He's the Chair.

**LEG. KENNEDY:**

He's the Chair, okay. So that we have him come to our next -- I guess it would be Ways & Means; would it be Ways & Means?

**MR. NOLAN:**

Economic Development.

**LEG. KENNEDY:**

Oh, Economic Development, okay. But I guess I'd ask, if we could, through the Chair, have him invited to our next Economic Development Committee meeting, which Legislator Lindsay chairs and I'm a member of, to kind of have that conversation.

**P.O. GREGORY:**

Yes, absolutely, and I would support that 100%.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. GREGORY:**

Okay? Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

These appointments to the IDA, they serve at our pleasure. We choose, they have no particular term, they're there as long as we want them to serve unless they decide they don't want to serve anymore. And we have received a letter of resignation; we have a resignation from an individual. Now, I don't know this person or why, you know, they decided they don't want to serve anymore. All I know is we have an open seat. We have an open seat that we should fill and we have an eminently qualified -- eminently qualified candidate here in Sondra Cochran. You know, I was part of the Screening Committee that interviewed her, she has a particularly great background in terms of housing opportunities and creating housing opportunities, which I believe are linked very much to our ability to attract new employers because the cost of housing often is an impediment to attracting those employers. I think she would be a great addition and it's unfortunate that maybe, you know, some of us -- you know, because of the questions surrounding the vacancy -- feel like they can't vote yes or no on Sondra, that's unfortunate for her. I think she's a great candidate and I certainly am going to support her. And, you know, I think the IDA will certainly be a better body by having her.

**P.O. GREGORY:**

Thank you. Legislator Calarco.

**LEG. CALARCO:**

General Meeting - April 29, 2014

Thank you. And I was just going to get to answering the question posed by Legislator Cilmi and that's, you know, we should go to the Chair of the IDA Board and ask them what their plan is in terms of a succession process and who they think they want to bring in for the Executive Director post. But in terms of this particular resolution and appointing somebody, you know, I think it's -- it would be relevant to that body to have a current member who will be serving into the future helping to make that decision of who the next Executive Director is going to be as opposed to somebody who's tendered his resignation.

**LEG. KENNEDY:**

Mr. Presiding Officer?

**LEG. CILMI:**

Through the Chair, if I could, just respond.

**P.O. GREGORY:**

Just to respond, then we have Legislator Browning.

**LEG. CILMI:**

So who is that Chair; is it still Joanne Minieri who's the Chair of the IDA, do you know?

**LEG. CALARCO:**

No, I believe it's Grant Hendricks.

**LEG. CILMI:**

She resigned as Chair? Because she was the Chair, as far as I know. I know this is really not germane to this question, but you mentioned that --

**LEG. CALARCO:**

Yes. Excuse me, it is Joanne Minieri, the Chair.

**LEG. CILMI:**

She is still the Chair, okay. Thank you.

**P.O. GREGORY:**

Okay. Legislator Browning.

**LEG. BROWNING:**

Jay, you're saying you have a letter. I don't know if you have a copy of the letter, but it's my understanding that the letter is a resignation pending a replacement. And again, I don't want to -- I don't think you want me to say it out now and out loud, but this person -- and I had the conversation with the person who resigned. And I understand that the resignation is -- you know, he serves at the pleasure of the Legislature, but that person is resigning not because our Presiding Officer or anyone from this Legislature requested that they resign. So -- and I think you've heard my conversation and I'm not going to do all this on the record. I'd be more than happy to talk to you on the side and share the many conversations that I've had with that gentleman. And I think it's highly inappropriate.

We went through this with another person that was appointed last year and I disagreed with the process, and the process here was improperly done again. This is not, in my opinion, a real Legislative appointment. I'm sure a very nice person. I've never met her, I wasn't involved in the screening, but this process was done highly inappropriately. And if we want to have that conversation again, I'll speak with you privately. And I will also have a conversation with you about when Presiding Officer Lindsay was here and why he stayed on the IDA Board. I will have that conversation with you two privately.

**P.O. GREGORY:**

Well, I would like to state, since this is my resolution, my name's on it, Sondra is my appointment. I've known Sondra 12 years now, I guess. I don't know how much more can -- the appointment can be from the Legislature. Does the County Executive know Ms. Cochran? Yes, absolutely. She's on his Wyandanch Rising Revitalization Committee, or Implementation Committee, excuse me. I don't think because the appointee is -- has a relationship or a working relationship with the County Executive that means that it's a County Executive appointment. I think it's a good thing that she is able to work with people from various backgrounds and positions and things of that nature, regardless of what my personal opinion may or may not be. But she's a wonderful person. I think she'd be very well-suited for what we're asking her to do. I know there's questions about the resignation, but I think, in my mind, there is really no question. We have an appointment, we have someone before us and we should vote on the merits of that appointment as it sits before us.

**LEG. BROWNING:**

So can I ask you the question? Did you call the sitting IDA Board member and ask him to resign or did anyone at this horseshoe ask that person to resign; yes or no?

**P.O. GREGORY:**

No.

**LEG. BROWNING:**

Thank you.

**LEG. CILMI:**

Mr. Presiding Officer?

**P.O. GREGORY:**

I have Kennedy, then can I get back to you?

**LEG. CILMI:**

Oh, sure. Thank you.

**LEG. KENNEDY:**

Mr. Presiding Officer, you and I have had conversation about this extensively, and I will restate what I said right from the beginning. I'm going to abstain. I feel very strongly that any individual that steps forward to serve in a volunteer capacity for us as a body deserves acknowledgement and deserves regard and deserves to be treated in a fair manner, and I don't care who she knows. But what I will tell -- I'll restate a couple of things that I had said previously.

The Chair has a different skill set than the incumbent member who resigned. The incumbent member who resigned was called by two people and told that he -- it was time for him to leave the board. One of them being a prior IDA appointee that came from the Bellone Administration when then Presiding Officer Horsley acknowledged that he booted the selection process and it didn't come from us.

I'd also, to Deputy Presiding Officer Schneiderman, say to the best of my knowledge, there was nobody from the Minority that was on that Screening Committee for IDA appointments. So while we have a vetting process, and perhaps you were part of it, Jay, and the Presiding Officer was part of it, you're looking at six folks at least who had no input at all.

And so as I said from the beginning, I'll treat the lady with respect and I'll treat her with dignity, but she has a much different skill set. And when we're talking about multi-million dollar tax abatements and the ethicacy and the legitimacy of land deals and desperate to try to keep business in this

County, she does not have some of the abilities that Mr. Rosenberg does. And so for that reason, I'm going to abstain.

**D.P.O. SCHNEIDERMAN:**

If I may, just to respond. The only reason I mentioned the Screening Committee is to underscore the fact that I got to meet Ms. Cochran and got to interview her and you may not. So I'm just speaking on my own opinion, that she's a very qualified candidate, and I know that because I had that opportunity. Not that it was a bipartisan committee, but I got to sit on a Screening Committee and interview her and ask her some very direct questions.

**P.O. GREGORY:**

Okay, Legislator Cilmi.

**LEG. CILMI:**

Yes. I don't know whether or not this is appropriate, but I have to say, I'm more than intrigued by Legislator Browning's remarks. And if -- you know, it seems to me like some of us here sort of know -- you know, sort of have the inside track to what she's talking about, but I certainly don't. I would love to know what she's talking about before we vote on this, because if there's any question as to the validity of the vacancy, then I want to know what that question is and have an opportunity to discuss it prior to appointing somebody to that -- to fill that spot. So could I ask the Presiding Officer to consider going into Executive Session to discuss that? Then I would -- and if it doesn't, I would ask for a brief recess to discuss it amongst ourselves.

**MR. NOLAN:**

I would just say that when it comes to the idea of going into Executive Session, it has to fit into an exemption under Open Meetings which I -- you know, I'm not exactly sure what we're talking about, you know. I don't know that it fits into an exemption, so I don't think we can go into Executive Session at this point.

**LEG. CILMI:**

Well, for whatever reason, Legislator Browning feels -- well, I don't want to say what she feels, but it seems to me like she's uncomfortable discussing this or answering questions relative to her statements in this forum. So then if we can't get an Executive Session, again, I would ask for a brief recess to have that conversation.

**P.O. GREGORY:**

Well, I understand what you're saying. I was just asking Counsel, I thought there was an article about it, or I don't know. It was a Spin Cycle story at the time.

**LEG. CILMI:**

Oh, I must have missed the Spin Cycle story, I'm sorry to say.

**P.O. GREGORY:**

It was pretty much out there. I mean, there were accusations that someone or people had asked the current member to leave. My opinion is those people that are alleged to have asked him to leave, they had no authority to make him leave and, you know, he's -- he didn't have to resign or offer his resignation. So, you know, that's where it lies to me, you know.

It's unfortunate, because I think Sondra is a wonderful person and I think during this process, you know, her image and her reputation is being tarnished a little bit and that's unfortunate. You know, I spoke to Mr. Rosenberg I think last week or a week and a half ago and some of the things were alleged, he didn't confirm that with me. So I think some of the things that -- you know, as things,

General Meeting - April 29, 2014

stories develop, things expand and, you know -- you know, I think Sondra, you know, she is a -- there's a -- I think there's an image that the wheels are being greased and that's not the -- you know, for Sondra Cochran, and that's not the case at all.

**LEG. CILMI:**

Well, but my apprehension here is twofold. First of all, you know, none of us on the Republican side have had an opportunity to visit with her. But secondly, if the vacancy that we're filling is not -- was not -- did not happen under appropriate circumstances, then how do we feel -- she could be the greatest thing since sliced bread, but how do we -- how do we take her and install her into a position that is questionably vacant?

**P.O. GREGORY:**

But appropriate to who? How do you explain appropriate?

**LEG. CILMI:**

Until I have a conversation with Legislator Browning, I don't know. This is all news to me, quite frankly.

**P.O. GREGORY:**

I asked -- he called me, I asked him. He called me at the request of Legislator Browning, I spoke to him for about 30 minutes and I said, "*Well, do you want to be on the board?*" He says, "*Well, if there isn't an appointment, I would do that.*" That doesn't sound like someone who wanted to withdraw his resignation. You know, if we asked him to stay on, he would stay on. That's -- you know, that's different than saying, "*Well, I was forced out and I don't want to*" -- "*I don't want to be put in a difficult situation.*" He made it seem like if the Legislature asked me to stay on, I would stay on if there wasn't someone else to replace me. I said, "*Thank you very much.*"

All right. Anyone else? Do we have -- do we have a motion?

**MR. LAUBE:**

You have a motion and a second.

**P.O. GREGORY:**

Okay.

**MR. NOLAN:**

Let's get a roll call.

**P.O. GREGORY:**

All right.

**LEG. CILMI:**

You know, I'll make a motion to table.

**P.O. GREGORY:**

Okay. Motion to table by Legislator Cilmi.

**LEG. KENNEDY:**

I'll second on that motion, for no other reason, Mr. Chair, although it is atypical in that we typically only have appointees come to the committee, maybe because we have so many other questions that we do have to address, I did pose to -- I'm sorry, I didn't pose to. Legislator McCaffrey posed a couple of questions to Ms. Cochran, one about the residency associated with the Director, and then also a discussion about prevailing wage and approved apprenticeship language associated with IDA financing. And my recollection is, at the committee, that she -- she deferred, actually, when it came

General Meeting - April 29, 2014

to the residency request. And as it turns out, I have the bill that's going on the table that would actually require Suffolk County residency, as well as ban any kind of political appointment associated with the IDA Director. I'm sorry, political party leadership, I'm sorry.

So I'll second the tabling. And our next meeting, actually, we're back in Hauppauge, so it wouldn't pose a hardship for her to come to that meeting.

**P.O. GREGORY:**

John, I disagree, because we're treating her differently than we have treated other appointments in the past. She was specifically told by the committee that she didn't have to appear today. We're stating that we're not making it about her, but we're going to delay her appointment so we can ask her questions that were asked in committee. And she's being, you know, treated differently, and I don't think that's fair to her.

**LEG. KENNEDY:**

Well, I don't think it's --

**P.O. GREGORY:**

All the -- my recollection, the only appointments that we have come before the full Legislature are Commissioner appointments, like Dr. Tomarken or someone of that nature. IDA appointments, whether it was Grant Hendricks and others, I don't recall them coming -- having to come before the full Legislature.

**LEG. KENNEDY:**

Actually, I remember Mr. Hendricks right here in this room, because I spoke with him at length when we were out here when he came on the board. He did come before all eighteen of us. And as a matter of fact, I talked with him at length about his asphalt business and some of his other construction work.

So as I said to you, I'll go back to what I first said. I indicated that I would abstain because in no way, shape or form do I want to have this volunteer treated differently. However, she's put herself forward for a board that actually is quite critical in what it's doing and actually has been a board that's been -- there's no other way to say it, been the subject of quite a bit of controversy with some of its, you know, different actions. So let the vote go through, let's see where it goes.

**P.O. GREGORY:**

Okay. We have a motion and a second on the tabling.

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

I've got a question for Legislator Kennedy. You said something about the candidate here, Sondra Cochran, was asked questions at the Economic Development Committee. Are you on that committee?

**LEG. KENNEDY:**

Yes, I am.

**LEG. KRUPSKI:**

So you said something that she would -- about the residency, that she would defer on the

residency? I don't know what you meant by that.

**LEG. KENNEDY:**

Who was here from the Clerk? Billy, yeah. Legislator McCaffrey asked, and my recollection is that she said that she wanted an opportunity to review the bylaws of the board and that she offered no particular opinion. She said that she -- what did she say? I think she talked about whatever particular individual was put forward, but that she would offer no opinion as to whether or not she subscribed to having an appointment or an employee be a Suffolk County resident. I'm pretty sure that's the way it was.

**P.O. GREGORY:**

I think she said that she would take it case-by-case basis.

**LEG. KENNEDY:**

Might be, but she also -- she did make reference that she wanted to look at the bylaws and she did not -- she didn't embrace a statement that all employees should be Suffolk County residents, that's clear.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. So we have a motion, we have a second. Tabling motion goes first; roll call.

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

**LEG. CILMI:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. SPENCER:**

No.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. MARTINEZ:**

No.

**LEG. LINDSAY:**

General Meeting - April 29, 2014

No.

**LEG. CALARCO:**

No.

**LEG. ANKER:**

No.

**LEG. HAHN:**

No.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

No.

**D.P.O. SCHNEIDERMAN:**

No.

**P.O. GREGORY:**

No.

**MR. LAUBE:**

*Five.*

**P.O. GREGORY:**

Okay. Vote to approve; roll call.

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

**P.O. GREGORY:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. TROTTA:**

Abstain.

**LEG. KENNEDY:**

Abstain.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Abstain.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Abstain.

**LEG. KRUPSKI:**

Yes.

**MR. LAUBE:**

*Fourteen (Abstentions: Legislators Trotta, Kennedy, Cilmi & Browning).*

**P.O. GREGORY:**

Okay, thank you.

**D.P.O. SCHNEIDERMAN:**

I make a motion to take something out of order. No, I want to make a motion to take the HRH bill out, because there's a number of people --

**LEG. HAHN:**

No, no, we have people from Brookhaven waiting.

**LEG. MURATORE:**

*(Inaudible).*

**D.P.O. SCHNEIDERMAN:**

Okay.

**P.O. GREGORY:**

All right, let's go. We're going to do ***IR 1270-14 - Adopting Local Law No. -2014, A Local Law to authorize tobacco-free policy for Suffolk County Community College (Spencer)***. Doc?

**LEG. SPENCER:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Spencer.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

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

IR 12 --

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

I'm sorry. ***IR 1294-14 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Active Recreation/Hamlet Park/Historic and/or Cultural Park component - for the Board of Education Middle Country Central School District No. 11 property - Boyle Road - Town of Brookhaven (SCTM No. 0200-392.00-04.00-016.000 p/o)(County Executive)***.

**MR. NOLAN:**

Do we have a motion from this morning?

**MR. LAUBE:**

Yes, you do. You had a motion and a second from this morning.

**P.O. GREGORY:**

Motion and a second. Any -- I know there were some questions. Legislator Anker.

**LEG. ANKER:**

Question. So I have a question. You know --

**P.O. GREGORY:**

I'm sorry. Go ahead, Legislator Anker, you have the floor.

**LEG. ANKER:**

Do you want to bring them up and they can explain the piece of property?

**P.O. GREGORY:**

Well, you have the questions. And they're here to answer those questions if there are questions directed to them.

**LEG. ANKER:**

So my question with this bill, and I voted it down, what, a couple of years ago when it came up. My concern is that, you know, this is school property, and I believe the taxpayers have already paid for it. So constituents have already paid for this property and now they're going to pay for it again through the County. And I just need someone to talk to me about where did this land come from; was it donated to the school? Did the school actually purchase this land? And, you know, exactly

General Meeting - April 29, 2014

what will be done with it? And also, you know, the benefit to the County with the whole perspective versus just the school. So, again, if you can give me some information on that?

**P.O. GREGORY:**

Okay. Who would like to answer that. Mr. LaValle? Councilman LaValle.

**LEG. MURATORE:**

Mr. Chair? Isn't it the County Exec's bill? It's his bill.

**P.O. GREGORY:**

Oh, or the County Executive's Office, true. Yes, I'm sorry.

**MR. VAUGHN:**

So Legislator Anker, if we could kind of take the various questions kind of one piece at a time. I don't know if anybody here today could tell you how the school district came into acquisition of the property. What I can tell you is this; the bill went through the planning steps procedures, we now have this bill in front of us. Ms. Anker could -- Sarah Lansdale can tell you that the bill received a 56 out of a -- I'm sorry, 57 out of a 100. A 20 is passing, correct?

**MS. LANSDALE:**

Twenty-five.

**MR. VAUGHN:**

Twenty-five is passing; I'm doing great on the facts so far, so trust everything I'm saying. The -- during the committee process, the Town, both Commissioner Morris and Town Board Member LaValle went through an extensive process, or went through an extensive conversation in which this is not just a benefit for the -- for the Town of Brookhaven, nor is it just a benefit for the school district, but it really is a property that will be developed over time and be available for use for all Suffolk County residents.

We think Legislator Krupski made an excellent point during the committee process about how this is really a great opportunity for partnership. We like the idea of being -- of both the Town and the County being able to work together for the --

**LEG. ANKER:**

What was that; you like the idea of what?

**MR. VAUGHN:**

We like the idea of the partnership aspect of this project wherein both the County and the Town are working together for the development of the property.

**LEG. ANKER:**

So why couldn't the school partner with just the Town, and this way the school could have donated the land, the County wouldn't have to pay over a million dollars for the property and then the school would have the ball fields and the community would have the ball fields. Was that discussed?

**COUNCILMAN LAVALLE:**

You know, in the times that we're in, I mean, government's been selling properties back and forth. We had a discussion with the school district, they -- this area is a very densely populated district. We don't have 15-acre pieces of land in the middle of Long Island anymore, this is a rarity to even have the opportunity to buy this.

If you look at the map that we gave you before, the 15 acres we're looking at purchasing tonight is surrounded by two other current parks which, when put all together, is going to be 24 acres. To find

24 acres in the middle of Selden or Centereach is absolutely impossible right now.

**LEG. ANKER:**

Who owns the other acreage around it?

**COUNCILMAN LAVALLE:**

The Town owns the property. If you look on the maps that you have there, it's one that's not developed. To the north of the property is a Town park right now, and to the east -- to the west of the property is a County-purchased -- it's the two acres of land that we've actually purchased from -- the County purchased two years ago, the Grace Presbyterian property. So that's how the whole area is situated.

**LEG. ANKER:**

And again, you know, my concern is that just thinking of the taxpayers and this idea of doubling dipping. You know, why should they have to pay two times to government municipalities for the same piece of land? That's just -- it's always been a concern of mine, even when this came, you know, through a couple of years ago.

**COUNCILMAN LAVALLE:**

Well, that's certainly a concern, but I could also throw this at you, too. In Suffolk County's history, we've spent over a billion dollars in land acquisition. We've purchased thousands of acres of land. In Legislator Muratore's district, the area that I grew up in, I represent now, we bought two acres in all that time, and that's the Grace Presbyterian parcel. So, you know, for me, our land acquisition process is really about having all residents in all communities having an opportunity to purchase. Unfortunately, we're not like the East End where we have hundreds of acres we could buy. We have to do unique things in the middle of the Island to be able to give our residents an opportunity to have a nice park that we can't enjoy right now. And this is something that's a full commitment by our Town Board. Our Supervisor was a cosponsor of this original bill, I've already talked to him about, once this bill passes, the money we're going to put into next year and in future years to develop this whole park. We're making about an \$8 million commitment on town level to be able to develop this over the series of the next eight years.

If you look at the map that we have there, this is going to be a park that we're going to try to base off the model of a park that's in your district, Legislator Anker, the Wedge parcel where it's a little bit of everything for everybody, where we have fields, where we have walking trails, we have a playground. I like to call it a generational park, because a young family will start with their kids walking around in a stroller and then they get to see their kids grow up on the playground and then they get to play on the fields, and then hopefully those kids stay right here in the community and they're able to raise their kids and use the same park. So it's something that we're trying to do to really help the community, to say the least.

**LEG. ANKER:**

Right. And I have no problem, I think we need more parks. I think it adds to the quality of life, you know, throughout Suffolk County. Again, my issue is that the way that we're purchasing this land through County funds, through the Quarter Percent which is meant for, you know, land presentation and also active parks. But I would have hoped that the schools could have donated the land or worked a deal with the County or the Town where we wouldn't have to use those funds. But, you know, again, I respect your -- the project here, but I can't support the way that it's being -- you know, the land that -- the way the land is being acquired.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

## General Meeting - April 29, 2014

Thank you. You know, when we have limited funds, you really have to look closely on how they're being spent. And would I like to see most of the money spent to preserve farmland on the East End, then it would stay on the tax roll and be productive? Of course. But when I see a project like this that's going to benefit a community, a large community, that's going to provide not only playing fields for active recreation, but also provide some meaningful open space where people can go when the playing fields are being used and they can throw a frisbee around or they could fly a kite. They could go there on weekends; people who live in the area can go there in the evenings, you know, after work with their families and walk around and just mess around because it's going to be an open area for the County residents. I think, you know, you have to support that kind of active recreation as well as farmland preservation, as well as open space for passive use. So I think this is an appropriate use of the Quarter Percent money.

### **P.O. GREGORY:**

Okay. Legislator Schneiderman.

### **D.P.O. SCHNEIDERMAN:**

Well, this is kind of related to what Legislator Krupski was saying. You know, I do see -- you know, it's great when we can partner with a town to create a community park that all Suffolk County residents can use. I was about to look up what the County's purchase price is; if somebody has it in front of them, that would be great.

### **LEG. MURATORE:**

One point two million.

### **D.P.O. SCHNEIDERMAN:**

So what's the total -- one point --

### **MR. NOLAN:**

One point two million.

### **D.P.O. SCHNEIDERMAN:**

One point two million. So the big money here is actually Brookhaven which is going to commit some \$8 million toward this, and that's great.

I'm looking, though, at the map that was just handed out and I see the school and I don't see any playing fields that are the schools playing fields. That's somewhat unusual, because I don't know a school that doesn't have playing fields. And what I'm being told, it's opened to the County, anybody can use it, somebody from my district can go there; not if the school has exclusive rights over any portion of it. And if they don't, that's a little bit strange because then you have a school without a single ball field or a place for the kids to run around. So explain that to me.

### **COUNCILMAN LAVALLE:**

There is room behind -- the picture really doesn't do it justice. I've walked the property where the borders would be, there is a significant -- it looks almost like the building's behind it, but that's actually a big paved area. It's not really part of the building behind it. So that's part of the property, if you take a close look. It's one of the questions that we asked when I first saw the plan, too, but the school district feels very comfortable that they'll have enough area back there to be able to use the property.

### **D.P.O. SCHNEIDERMAN:**

What, is that an elementary school?

### **COUNCILMAN LAVALLE:**

It's an elementary. So it -- the intent's use isn't like a high school or anything like that where you're

going to have varsity teams playing out there.

**D.P.O. SCHNEIDERMAN:**

Because I see we're building a playground. This is not going to be the school's playground during the day, they're going to have their own playground?

**COUNCILMAN LAVALLE:**

They have no exclusive use at all to the property, where we have anything within the agreement. If they want to be able to --

**D.P.O. SCHNEIDERMAN:**

Will the general public --

**COUNCILMAN LAVALLE:**

-- They would have to apply like everybody else, pay a fee and --

**D.P.O. SCHNEIDERMAN:**

Is there a separate entrance? I just want to make sure that the public is welcome to come here. You know, I understand the schools are having a hard time meeting the cap and trying to keep property taxes down, but that's not something that we can particularly, you know, step in to help the school build a playing field. I want to make sure that's not what we're doing here.

The way this has been sold to me is that it's not that. This is property the school would be selling for development they don't need and we're buying it for active recreation and the Town's stepping in and doing these playing fields. But as I look at the layout, I just want to make sure that somebody from the County, anywhere in the County, my district included, would feel free to go there, even during school hours, that the kids would be safe because there'd be a barrier between what we're doing and the school so that, you know, we're not putting these kids in any danger by having the general public there, and that they'd have an entrance that they wouldn't feel intimidated that they're going through a school to get to this park. I'm not seeing that in the layouts, so maybe somebody could explain to me how that's going to work and where, you know, the school is going to have its playground and its playing fields. Because the area you're showing me, Kevin, it's a lot smaller than any of these baseball diamonds.

**COUNCILMAN LAVALLE:**

I have Ed Morris here, he's the Commissioner of Parks for the Town of Brookhaven, he's going to step --

**D.P.O. SCHNEIDERMAN:**

Do we have anybody from the school here?

**COUNCILMAN LAVALLE:**

No. This is something that we put together, we would have to do it.

**D.P.O. SCHNEIDERMAN:**

Okay.

**MR. MORRIS:**

Good afternoon. Commissioner of Parks for the Town of Brookhaven, also Chief of Staff for Supervisor Romaine. The plan you're looking at right now is, at this point, a conceptual plan, but the park would be completely open during the day to the public. It would be separated completely from the school with probably some sort of gate. And like the Councilman had said previously, when the school wants to use the facility, they're more than welcome to use it, but it will require a permit to the Town of Brookhaven.

**D.P.O. SCHNEIDERMAN:**

So there's not going to be any MOA, any kind of a daily agreement for use during school hours? This once came up before, actually, back when Dave Bishop was on this Legislature, and we were building playing fields for a school and there was some kind of joint use agreement. It ended up not happening. I want to make sure that's not the same situation here, where the County taxpayer is being used to subsidize the school district. This is a totally different park than the school.

**MR. MORRIS:**

Correct.

**D.P.O. SCHNEIDERMAN:**

Okay.

**P.O. GREGORY:**

Okay. Legislator McCaffrey.

**LEG. McCAFFREY:**

Yes. Kevin, maybe you can -- I know you don't have anybody from the school district here, but I'm sure there -- with all the times, the hard times that are going on in the school districts and with the cap and all those things, I'm sure they may have expressed some interest in selling this property to developers. Was that something that may have come up along the way?

**COUNCILMAN LAVALLE:**

Yeah, they've expressed that to me, that they were looking to get rid of the property. We spoke with them, they said, you know, *"We would prefer that it stays in the community hands, but if you aren't able to do this deal, then we'll move on to look at some other opportunities that we may have."*

**LEG. McCAFFREY:**

Okay. So it's not really just at trade-off where they would -- it was property that they had and they would just give it to you that they didn't developed. They would have developed in a different way, they would not have had this kind of layout with the access to recreational facilities and the open space that's going to be created through the very large investment by the Town of Brookhaven here to develop this in the way we'd all like to see it, correct?

**COUNCILMAN LAVALLE:**

Yeah, correct.

**LEG. McCAFFREY:**

Okay. That's all I have.

**P.O. GREGORY:**

Legislator Trotta.

**LEG. TROTТА:**

It comes to 80,000 an acre, right; is that what it is about?

**COUNCILMAN LAVALLE:**

That's the number, ball park.

**LEG. TROTТА:**

So it looks like it's half-acre zoning there?

**COUNCILMAN LAVALLE:**

General Meeting - April 29, 2014

It's actually zoned -- I think it's one acre. A-1; it's A-1, so it's one acre.

**LEG. TROTTA:**

No, no, I'm not talking it's zoned. The houses nearby are half-acres.

**COUNCILMAN LAVALLE:**

Oh, yeah, yes.

**LEG. TROTTA:**

Okay, so that's 40,000 a lot. It sounds like a bargain to me. And I've worked that area as a cop and it needs a park. I mean, it's definitely a good deal.

**COUNCILMAN LAVALLE:**

Thank you.

**P.O. GREGORY:**

Is that the place where you didn't issue tickets?

*(\*Laughter\*)*

**LEG. MURATORE:**

No, I did. I did.

**P.O. GREGORY:**

John, you had something? Legislator Kennedy.

**LEG. KENNEDY:**

I was just going to say to Kevin, it looks like with moving forward with this, you're going to get the benefit of picking up and getting greater access, particularly for that area that's behind Grace Presbyterian.

**COUNCILMAN LAVALLE:**

Yes.

**LEG. KENNEDY:**

Right. There's an area in there that's County-owned -- I'm sorry, town-owned, so by actually assembling and bundling this, you're now going to get utilization of what looks like has to be at least maybe an acre, an acre and a half in there that right now is land-locked or inaccessible.

**COUNCILMAN LAVALLE:**

Yeah, that's going to give us an opportunity. Like I said, when this is all put together it will be 24 acres overall. We're looking at a 15-acre purchase right now.

**LEG. KENNEDY:**

Proposed parking looks like you can accommodate three or 400, perhaps maybe at the least, and you'll have parking off of both Boyle and Hawkins. And I also like the fact you're sizing the fields. You've got two for regular -- it looks like the adult league; Smithtown has a real robust adult league, which I'm sure would be interested to be able to come over and play, and then you have the smaller 60 footers for your Little League.

**COUNCILMAN LAVALLE:**

Yes. And then we do some multi-person up to the north that we're looking at. Like I said, we're trying to get a little bit of everything. When we sat down and talked with a lot of different groups,

General Meeting - April 29, 2014

everybody was calling for one thing or another, I think we broke it up into a pretty good -- where everybody from the County could get some kind of use out of the fields.

**LEG. KENNEDY:**

Good. Excellent. Thanks.

**P.O. GREGORY:**

Legislator Barraga.

**LEG. BARRAGA:**

The one statement I wanted to make was that -- and Sarah brought it up a little while ago in terms of the funding. On the flip side of the issue, if the school district gets like a million, two hundred fifty thousand, that helps stabilize their budget as well. I mean, they might wind up being able to keep several programs that might otherwise be eliminated under a 2% cap. Certainly, there could be a benefit, it looks to me, to the school taxpayers of the Middle Country School District, in the sense that that is another million, two hundred fifty thousand in the pot now that they didn't have before selling the land.

**COUNCILMAN LAVALLE:**

Yeah, that could be assumed, yes. I think they -- you know, in the school district portion, this is also -- if they sold a thousand, they probably could have got more money out of it, because getting it appraised for parkland is going to be a significantly cheaper --

**LEG. BARRAGA:**

Regardless of, you know, maybe getting more money selling it to someone else, they're still getting a million two hundred fifty thousand dollars; that's going to help them when they sit down and formulate their budget for next year.

**COUNCILMAN LAVALLE:**

Yes.

**LEG. BARRAGA:**

Okay.

**P.O. GREGORY:**

Okay. Legislator Muratore.

**LEG. MURATORE:**

Thank you, Mr. Chairman. First of all, I want to thank Kevin for all the work and spending all day here, and Deputy Supervisor Morris for his hard work in the plan, and to Anthony Powell, Chief of Staff for Kevin. And I want to thank my colleagues, you know, for all the good things they said about this. You know, I lobbied a lot of them, some I convinced, some I didn't. Legislator Trotta knew it was a great deal, he figured out the cost of it. Legislator Krupski told us what a great plan it was. And if you really look at the plan and you look at the proposal, you know, they say a lot about the parks in Brookhaven because Eddie Morris does a great job. And if you look at the proposed plan here, I mean, we've got picnic pods, we've got comfort stations, we've got a children's play area. Who knows, maybe I can convince them to put a water thing in there, you know, the water shoots up and down, sprinklers. I mean, it's going to be a great proposal. I mean, so -- you know, I ask my colleagues to really support this for me. I know some are going to have issues with it, the way it's financed. You know, but that's the way things work here. You know, we work together, and hopefully you'll all support me with it. So again, thank you, everyone. Thank you so much.

**P.O. GREGORY:**

I only have one problem with it. One of my constituents, who is probably sitting in the back, he

didn't like the name of it, he thought it should be the Town of Brookhaven Pat Halpin Athletic Fields.

*(\*Laughter\*)*

So I have to reconsider my support for it.

**LEG. MURATORE:**

That's in the plan.

**P.O. GREGORY:**

All right.

**MR. HALPIN:**

The Muratore Athletic Fields.

**LEG. MURATORE:**

I like that, Pat. I like that. Thank you.

**P.O. GREGORY:**

Legislator Anker and then we'll call the vote.

**LEG. ANKER:**

Okay. So again, I know Legislator Barraga had mentioned, you know, as far as we're going to help the school district. But again, like Legislator Schneiderman had said, you know, we don't want to subsidize the school districts, that's not our job as the County.

So another question I have for you, are you looking to do a public/private partnership, which basically is what has happened at the Heritage Trust. You know, I notice that, you know, the Town of Brookhaven is going to invest \$8 million into the park. What other sources of revenue are you going to use to create this park?

**COUNCILMAN LAVALLE:**

No, that's not currently the plan. We're going to do this in a gradual sense through Capital Budget money through the Town, is the goal right now.

**LEG. ANKER:**

And then again, you know, is that borrowed money that you're going to put to create the park?

**MR. MORRIS:**

The Town will budget it in our capital budget over probably the next five to eight years. But just as we built the Heritage Park, and that was built with a capital budget by the town, it was also a County/Town partnership, which I believe is in your district, and that was funded solely by the Town as well. So that will be no different than what we're planning on doing with this park.

**LEG. ANKER:**

Okay. And like I said, I think it's going to be -- it's going to be a beautiful park. My bottom line issue is that, you know, double-dipping is double-dipping, it's taxpayers money. I just don't feel comfortable, the County buying school property, you know, that's the bottom line. But I do appreciate your efforts in creating the quality of life in the Selden district. Thanks.

**P.O. GREGORY:**

Okay. Legislator Schneiderman?

**D.P.O. SCHNEIDERMAN:**

Okay. So, you know, I'm looking at the design, and I know this is only preliminary. You know, one

General Meeting - April 29, 2014

of the things I'm seeing, too, is that the bulk of the parking for this new park is sistered up against the school's parking, and kind of to create one lot that doesn't distinguish the school's parking lot from the parking lot from the sports facility, this County Park.

So, you know, I have a similar concern to Legislator Anker. I think you're going to have to go back to the drawing board a little bit and figure out how to -- you know, you can move forward this -- I know this isn't the final design, but I think whatever design that you finalize really has to separate the County park from the school so that people know when they're at the school and when they're at the County park. Because I could see -- in this design, when the school's having a function, they're going to fill up that parking lot that's part of the County park and then no County resident's going to be able to go to the park because there'll be no parking spaces. So I think you're going to have to segregate that, and I would be more comfortable if you did. And make it really clear that there'll be a fence between the school property and -- the school property and its playing fields and playgrounds and this park, because I don't want -- you know, just the general public being able to walk onto the school grounds. I just don't think -- in this day and age, it's just not safe.

**MR. MORRIS:**

Prior to construction and adoption of a final design, the final design has to be approved by both the Town and the County before we can go ahead with construction. So that shouldn't be an issue, we can address that.

**D.P.O. SCHNEIDERMAN:**

Thank you.

**P.O. GREGORY:**

Okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. A couple of points. First, I don't think you should consider any barrier between the school and the park itself. I think you should leave that open. I think if the kids are in school and they want to go on to the County park, I think they should be free to do so.

That's very similar to what we have in North Babylon. We have an elementary school, it happens to be my son's elementary school, and that backs right on to the Town park with all the ball fields. It's a wonderful facility, there's enough room behind the school for the kids to play during the day, but they also have access to the park. So take a look at North Babylon on Phelps Lane. It works really, really well in that area, you might want to take a look at that when you're going through the final design here.

I wanted to ask Director Lansdale, excuse me, a couple of questions about the source of funds for this is the Quarter Cent; correct?

**MS. LANSDALE:**

Yes, that's right.

**LEG. D'AMARO:**

Yeah. Now, so what does the County have remaining in that particular source?

**MS. LANSDALE:**

Sure. After factoring in all of the acquisitions in the pipeline that are in contract, accepted and in negotiation right now we have \$14,766,950.

**LEG. D'AMARO:**

So there's about 14 million plus.

**MS. LANSDALE:**

Fourteen point seven.

**LEG. D'AMARO:**

Fourteen point seven unencumbered, if you will.

**MS. LANSDALE:**

That's right.

**LEG. D'AMARO:**

All right. Now, was this acquisition by the County something that went through the new triple -- what do we call it, Triple E or Triple A?

**MS. LANSDALE:**

Triple A.

**LEG. D'AMARO:**

Triple A.

**MS. LANSDALE:**

No, it did not.

**LEG. D'AMARO:**

It did not. This predates all of that?

**MS. LANSDALE:**

This had a planning step resolution that predated the Triple A.

**LEG. D'AMARO:**

Okay. And the County's cost to purchase this property would be about one point three million?

**MS. LANSDALE:**

Yes, one point two.

**LEG. D'AMARO:**

So the 14.7, does that include the 1.3, or is that --

**MS. LANSDALE:**

Yes.

**LEG. D'AMARO:**

It does? So that's after the sale.

**MS. LANSDALE:**

Yes.

**LEG. D'AMARO:**

There's still 14.7 remaining for the County.

**MS. LANSDALE:**

That's right.

**LEG. D'AMARO:**

Uh-huh. Okay. And as the Director of the department, are you comfortable, given the limited resources that we have and spending that amount of funds on this particular acquisition?

**MS. LANSDALE:**

I am. It received a rating of 57 points out of a hundred and I would recommend moving forward.

**LEG. D'AMARO:**

I see. Okay. I had one more question for the Town guys. Councilman, maybe you can answer this. What about signage rights?

**COUNCILMAN LAVALLE:**

As far as?

**LEG. D'AMARO:**

Well, I mean, you know, what do you envision as far as signs at this park? Does it have a name?

**COUNCILMAN LAVALLE:**

We have yet to name it. We were waiting -- it's kind of putting the cart before the horse. We kind of wanted to wait until we saw where we were and then eventually that will come up.

**LEG. D'AMARO:**

Okay.

**COUNCILMAN LAVALLE:**

Maybe we'll put it out to the kids of the community or --

**LEG. D'AMARO:**

Well, the County is purchasing the land from the school district and then donating it to the Town; is that what we're doing? Or are we retaining ownership of the property?

**COUNCILMAN LAVALLE:**

Well, we take possession as far as developing and maintaining it. It would still be County ownership, but we develop and maintain.

**LEG. D'AMARO:**

So we're holding the deed?

**COUNCILMAN LAVALLE:**

Yes.

**LEG. D'AMARO:**

Okay. So does the County get signage rights in that circumstance?

**COUNCILMAN LAVALLE:**

I would have to ask -- I would have to defer to -- maybe Eddie would know. I'm not --

**MR. MORRIS:**

I'm sure that would be discussed between the Town and County --

**LEG. D'AMARO:**

No, no, I want to know now.

**MR. MORRIS:**

I can't answer that right now.

**LEG. D'AMARO:**

You can't answer that?

**MR. MORRIS:**

The contract between the Town and the County once -- if the property is closed, then at that time that language could either be in the contract or --

**LEG. D'AMARO:**

Uh-huh. So the contract between the Town and the County hasn't been addressed at this point?

**MR. MORRIS:**

No, it hasn't.

**LEG. D'AMARO:**

There's no preliminary draft of a contract, there's no term sheet, if you will, or talking points?

**MR. MORRIS:**

I'm sure it would be pretty similar to the contract we have with the County right now where we develop and maintain the Heritage Park in Mt. Sinai.

**LEG. D'AMARO:**

Okay. So the County, in that particular situation, owns the property?

**MR. MORRIS:**

Yes.

**LEG. D'AMARO:**

All right. Does the County, in that contract, have signage rights?

**MR. MORRIS:**

I'm not aware if they do.

**LEG. D'AMARO:**

Okay. Well, Councilman, maybe I can ask you. Do you have any thoughts on what the signage rights should be, given the fact that the County's buying the property, the Town's making a substantial investment as well? Should it be shared, do you think?

**COUNCILMAN LAVALLE:**

Well, I think that's a possibility. I think both sides are entering into this. We're both making a financial commitment into it.

**LEG. D'AMARO:**

Right.

**COUNCILMAN LAVALLE:**

So I think -- I'm sure we could come up with something. I'm sure -- the Legislator and I, we've worked together once or twice before, we could try to hash something out (*laughter*).

**LEG. D'AMARO:**

Okay, fair enough.

All right. My last question; are there any -- once the property -- let's say this goes forward, the County acquires the property, you're going ahead now with your construction, your design; is there any time limits or time benchmarks that you're trying to meet?

**COUNCILMAN LAVALLE:**

I'd like to have everything -- personally, I'd like to have everything done in about eight years, at max. That's my personal timetable to do capital money. Like I said, we're already breaking ground on the two little league fields that you see on that map, those are already in -- we already did an agreement between the Town and the County for those last year; those are in our Capital Budget this year. We're doing one of those fields this year. My hope is once this passes, we'll be able to do the other little league field next year, and the first multi-purpose field next year, and then as we move along in current years.

**LEG. D'AMARO:**

Uh-huh.

**COUNCILMAN LAVALLE:**

And that's about another -- we're talking \$2 million into the project.

**LEG. D'AMARO:**

So right now you have Capital -- your capital budget includes some of this development.

**COUNCILMAN LAVALLE:**

The two little league fields are already budgeted, one for this, one for next year. And then next year I would look to do -- I've talked to the Supervisor to do one of the multi-purpose fields and some of -- start a little bit of the progress on the parking lots.

**LEG. D'AMARO:**

Okay, because it's a very ambitious plan, it's expensive to do this.

**COUNCILMAN LAVALLE:**

Oh, it's going to take time.

**LEG. D'AMARO:**

Yeah.

**COUNCILMAN LAVALLE:**

But, I mean, this is something that, like I said, we've been looking for in the community for a long time. And if we do it over phases, we can do it well.

**LEG. D'AMARO:**

Well, on paper it looks great.

**COUNCILMAN LAVALLE:**

Yeah.

**LEG. D'AMARO:**

It's very ambitious. And like I said, in North Babylon in my district, in my area, we have something almost identical to this; four ball fields, a soccer field, play areas. I'm not sure if we have tennis, I'm not sure about that. But it works very, very well, it really does.

**COUNCILMAN LAVALLE:**

Yeah, it will be something positive for the community, like I said.

**LEG. D'AMARO:**

Yeah. And we get folks visiting from all over. That happens to be a town-run facility. I think the Town owns that property as well, though, I don't think it's County, but it's -- it really, really enhances the neighborhood.

**COUNCILMAN LAVALLE:**

Yeah.

**LEG. D'AMARO:**

It really helps out the community an awful lot. And it's not used exclusively by the school at all. I mean, the kids go to school during the day, they get out for recess, it's elementary school, they're not running out onto these ball fields.

**COUNCILMAN LAVALLE:**

Yeah.

**LEG. D'AMARO:**

You know, they're watched, they're contained.

**COUNCILMAN LAVALLE:**

I think a majority of the use, as Ed said, is during the week, it's mostly at 4:30 when the kids are out of school.

**LEG. D'AMARO:**

Right. Because you'll probably have youth leagues here, like North Babylon Youth League runs all kinds of baseball programs, football programs, soccer programs.

**COUNCILMAN LAVALLE:**

That's at night, that would be with the permitting process, the leagues would come and use it.

**LEG. D'AMARO:**

You're going to have lights here?

**COUNCILMAN LAVALLE:**

Yes. For the two, what we're looking at is the two multi-purpose fields and the two big league fields --

**LEG. D'AMARO:**

Right.

**COUNCILMAN LAVALLE:**

-- will have lights, just because of the location of where they are. The two little league fields are too close to the houses.

**LEG. D'AMARO:**

Right.

**COUNCILMAN LAVALLE:**

But those other four fields are kind of tucked away. Currently, that north property that has the baseball field on it, that's actually lit already right now.

**LEG. D'AMARO:**

Has this plan been vetted at the Town level --

**COUNCILMAN LAVALLE:**

We went through -- I could just talk --

**LEG. D'AMARO:**

I mean publicly.

**COUNCILMAN LAVALLE:**

We did four different public hearings --

**LEG. D'AMARO:**

You did?

**COUNCILMAN LAVALLE:**

-- with the Legislator's Office, we did one before the Selden Civic, one before the Centereach Civic, before the PTA Council and before the school board before we even came here.

**LEG. D'AMARO:**

Right. Any issues with the buffering properties, neighboring properties?

**COUNCILMAN LAVALLE:**

We hadn't heard many. Those two little league fields that we're talking about were ten years ago, twelve years ago, little league fields. That was set up there. Actually, Grace Presbyterian Church had owned those.

**LEG. D'AMARO:**

Right.

**COUNCILMAN LAVALLE:**

They ran into some financial difficulty, so they had to close down that whole facility there. So we're actually rebuilding what was once there in those two fields. So those are the two closest to the houses.

**LEG. D'AMARO:**

Right, okay. And currently the property is owned by the school district and there's been talk about, one way or the other, they're going to sell this as surplus property.

**COUNCILMAN LAVALLE:**

Yes.

**LEG. D'AMARO:**

Right. Okay. All right, I really appreciate your answers. Thank you.

**COUNCILMAN LAVALLE:**

No problem.

**LEG. D'AMARO:**

Good to see you.

**COUNCILMAN LAVALLE:**

Nice to see you.

**LEG. D'AMARO:**

Thanks, guys.

**P.O. GREGORY:**

Legislator Martinez.

**LEG. MARTINEZ:**

Good evening. My question is, and I spoke with Legislator Muratore and I think it's a great idea. I would love to have this in my town, actually. But my only concern, which I did discuss with the Legislator, is the vetting process for permits, okay. Is it going to be town permits, County permits, preference? You know, I don't want to get the call, *"I can't use the County park because it was given preference to the Town of Brookhaven."* You know, so how will the vetting process and the permits be handled?

**MR. MORRIS:**

It would be the same as it is right now. Actually, a lot of the town facilities, especially our regional parks which are the bigger ones that have more fields, can be permitted out to any group within Suffolk County and even further. We do take -- the only preference we take is the Town of Brookhaven has a large recreation program. We have a 150-team baseball league which has many teams from outside of Brookhaven. It has a 200-team softball adult league, which is also a lot of teams outside of Brookhaven. The only preference would be when it's a Town of Brookhaven run league, which does allow teams from outside of Brookhaven. That would be the only preference. Other than that, the permitting process would be open to everybody, as it is right now.

**LEG. MARTINEZ:**

So then how quickly would the slots fill up where those preferential teams?

**MR. MORRIS:**

The Town of Brookhaven leagues are only run for approximately two months of the year, from the middle of June to the middle of August. Other than that, the fields are completely open. We don't run programs during the school year.

**LEG. MARTINEZ:**

Okay. Thank you.

**P.O. GREGORY:**

Legislator Hahn.

**LEG. HAHN:**

I would like to -- when you're discussing the timeline, I just would like to encourage that the walking paths get built during the first; phase of it. I just think it really opens up recreation, athletic, healthy behaviors for a larger, you know, portion of the community. And if there's any way to consider that as you plan to get that done sooner rather than later, I'd be very supportive of that.

**COUNCILMAN LAVALLE:**

What's pretty amazing about the parcel now, it's been used for years by neighbors and kids in the area. If you walk the parcel, you could actually walk the whole wooded area right now. There's already trails about that wide throughout the whole parcel, so it's already kind of there where even we're connecting, you'll be able to walk from the little league fields over to the other field very easily.

**LEG. HAHN:**

These are planned paved, though?

**COUNCILMAN LAVALLE:**

They're not paved. I'm just saying that the opportunity to have some of the stuff there will be there.

**LEG. HAHN:**

Right. Yeah, no, I just -- I don't know if it's feasible, because then later on when they have to take it down. Just the paved paths for strollers, for, you know, roller bladers, we have -- it's just -- it's a really tremendous resource. We have West Meadow Beach, Trustees Road, thousands of people that utilize that, you know, every week. It's amazing. We have the access to the Greenway Trail and that's a paved pathway and it just -- the amount of physical activity, it just opens up for so many people to get healthy.

**COUNCILMAN LAVALLE:**

Yes.

**LEG. HAHN:**

When you have these walking trails and it's right in people's backyards and they're very -- it's convenient for them. You know, the sooner the better. I really encourage you to find a way, even if it's just a loop, you know, around an area to start until your eight-year plan is done, even if it's just something, you know, around, you know, these two smaller fields or something like that. I really encourage you to consider doing that in Phase I.

**COUNCILMAN LAVALLE:**

Okay. Okay.

**LEG. HAHN:**

Thank you.

**P.O. GREGORY:**

All right, that is it. If we can have all Legislators to the horseshoe, please.

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

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

Oh, Kate's in the back. Okay. All in favor? Opposed? Abstentions?

**LEG. ANKER:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Anker).

**P.O. GREGORY:**

Okay. We've had some people who've come very far and have been waiting a long time today, so I want to see if we can get them out of order. IR -- I'm going to call IR 1318. I make a motion to take it out of order.

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

I'll make a motion to approve for purposes of discussion.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman.

**LEG. D'AMARO:**

Mr. Chairman, please note my recusal on the record as per my statement filed with your office.

**P.O. GREGORY:**

Yes.

**LEG. D'AMARO:**

Thank you. I will not be participating in this, or voting.

**P.O. GREGORY:**

Okay.

All right. I'm sorry, I should have read the title, ***IR 1318-14 - Requesting legislative approval of a contract with Hudson River Healthcare, Inc. (HRHCare) for the operation of the Maxine S. Postal Tri-Community Health Center in Amityville (County Executive)***. Does anyone have any questions? I'm sure they do. Legislator Browning.

**LEG. BROWNING:**

I'm first, okay. I guess maybe the Administration would like to answer this. And I know that some of these questions I may be repeating from committee, however, we have the full Legislature here and I know that there was discussion at one time about the County employees and the possibility of allowing the County workers to stay with -- stay working at the health centers under HRH as County employees, and through attrition, HRH would bring in their own employees. Where is the discussion on that? Because actually, I received an e-mail this morning asking that question also. So is that not happening? Where are we going with that?

**MS. SANTERAMO:**

Good evening. As discussed at the committee hearing, the employees will be transferred within the Health Department.

**LEG. BROWNING:**

Okay, so they'll be transferred to Riverhead. How many employees?

**MS. SANTERAMO:**

I wouldn't -- I would just --

**LEG. BROWNING:**

Okay.

**MS. SANTERAMO:**

I would not accept that premise to Riverhead.

**LEG. BROWNING:**

You're not saying to Riverhead, okay.

**MS. SANTERAMO:**

That has not been decided exactly where they're going. That was discussed at the committee hearing.

**LEG. BROWNING:**

Okay.

**MS. SANTERAMO:**

They're still working where the need is within the Health Department, within their titles, within their geography. You know, we're trying to do everything we can to make this accommodating to the employees while both meeting the needs of the Health Department.

**LEG. BROWNING:**

Okay. Right now I can see -- I have in front of me a list of all of the job titles. I believe I was told it was 28 positions in Tri-Community; this is telling me there's 35.3 -- what point three is beyond me, but there's 35 employees, according to this, that are still at -- that are at Tri-Community who are County workers, and there's 46 in Riverhead, which makes a total of 81. So when Hudson River HealthCare takes over both health centers, now we have to relocate 81 employees.

**MS. SANTERAMO:**

Legislator Browning, that's not necessary -- that's not necessarily the case. We have not negotiated the contract in terms of Riverhead yet. There's nothing --

**LEG. BROWNING:**

I can't hear you. I'm sorry.

**MS. SANTERAMO:**

That's all right. That right now in terms of having to relocate the -- you know, taking Riverhead and Amityville, I would reject the premise of that because we have not negotiated, you know, if the employees of Riverhead are leaving. None of that has been decided or put forth yet, so I don't -- I don't know how accurate that is.

**LEG. BROWNING:**

Okay. Well, but that's what I believe is going to eventually happen. There's going to be negotiations with Hudson River for Riverhead; correct?

**MS. SANTERAMO:**

That is correct. In terms of what happens with the employees, that has not been negotiated yet. There's nothing to say that they wouldn't stay, there's nothing to say that they will stay; that has not been decided yet.

**LEG. BROWNING:**

So what's been negotiated with the Hudson River -- with the Tri-Community employees at Tri-Community? Are they -- are any of them staying with Hudson River?

**MS. SANTERAMO:**

Not -- there will be employees that we work with through the transition. But as of right now, Suffolk

General Meeting - April 29, 2014

County employees will stay within the Suffolk County system, which will not be at Tri-Community which is the one we're talking about now.

**LEG. BROWNING:**

Okay. I mean, I would be more than happy to show you a list. And I believe Dr. Tomarken sent me the list. You know, I'd like to kind of get some examples of where the nine Registered Nurses from -- there's nine Registered Nurses in Tri-Community, there's about eight in Riverhead. You know, give me some idea where there's a need for nine Registered Nurses.

**MS. CULP:**

Hi. Jen Culp with the Health Department. We could use Registered Nurses in several of our divisions and units, other health centers, the Jail Medical Unit, Public Health Nursing, our Communicable Disease and STD Units, some of our grants that are run out of the Patient Care Unit, the Mental Hygiene, there's RNs there; so several places throughout the division.

**LEG. BROWNING:**

Okay. So there's about 17 Registered Nurses and we have -- we have vacancies for those 17 people to be relocated within the Health Department, that's -- I'm assuming that's what you're telling me.

**MS. CULP:**

Well, we're just looking right now at reassignments for the Tri-Community Health Center, so that's about nine. And we don't necessarily have all vacancies, we may just be moving positions, depending -- but there has -- there's a need. So we've had, you know, reduced staffing in the past, so it will help with that.

**LEG. BROWNING:**

Okay. So everything is up in the air, nothing is -- there's nothing concrete, that's what I'm trying to find out.

A Family Planning Aide; where would a Family Planning Aide go when we privatize Tri-Community? There's one in Tri-Community and one in Riverhead. Where would a Family Planning Aide go in the County Health Department when we privatize both those health centers?

**MS. CULP:**

A Family Planning Aide could go to another health center. We also have Women's Health and Jail Medical Unit.

**LEG. BROWNING:**

Another health center? A County-owned health center?

**MS. CULP:**

All of our health centers are -- our Family Planning Program is run out of the Patients Care Unit, so in all of our health centers we have -- we can provide family planning services there through the use of a County employee.

**LEG. BROWNING:**

Okay. If we privatize Tri-Community and Riverhead, those two Family Planning Aides would go to -- tell me another health center they would go to. I'm -- when you say another health center, tell me which one. Which ones?

**MS. CULP:**

They could go to MLK, they could go to Patchogue or Shirley, Dolan.

**LEG. BROWNING:**

Okay. But right now Brookhaven's in discussion with Hudson River for -- to run the Shirley and Patchogue Centers, so.

**MS. CULP:**

Right, but --

**LEG. BROWNING:**

Again, what's going to happen --

**MS. CULP:**

Well, as Lisa said, every health center is going to be different. So right now we're looking at the Tri-Community Health Center, reassignment of those staff for the purpose of transitioning this health center. Every health center is going to look different in terms of what the arrangements are.

**LEG. BROWNING:**

Okay. I mean, I could give you a whole list. I mean, there's custodial workers, I would assume that they could go work at DPW. But again, I'm -- again, I'm getting, "Oh, well, we'll move them from here and we'll put them here. But when this one closes or privatizes, we'll move them here." But then something's going to happen at the next one that we're going to have to move them somewhere else, where eventually we may not have a position for a Family Planning Aide or a Registered Nurse. I mean, do you get what I'm saying? I mean, how many Jail Medical -- in the Jail Medical Unit, how many Registered Nurses are there currently that we absolutely need all these Registered Nurses in the jail, or anywhere?

**MS. SANTERAMO:**

So Legislator Browning, right now we're looking at Tri-Community in terms of reassigning the staff positions. Because the other centers are in negotiation, there's nothing to say that County employees at Riverhead wouldn't remain there. There's nothing to say that they would, but that is a possibility. So being concerned about the -- I understand that you're concerned about the jobs and, you know, the workers. As you know, there's a no-layoff clause, so no one will be, you know, laid off, everyone will have their job. You know, and we're -- the Health Department is constantly evaluating, the need changes on a daily basis in terms of what the needs of the department are based on, you know, what programs they're running, what the need within the community is. So that's going to change. You know, an answer that they would give you today is not going to be the same answer a week from now, you know, as we've discussed at the Health Committee.

**LEG. BROWNING:**

And I think you have to understand, when I receive calls and e-mails from employees that they're stressed, you know, they're working at one health center, they don't know where they're going. Many of them even up to today are still saying, *"I don't want where I'm going. I don't know what's going to happen to me."* And there doesn't seem to be a real plan in place for those employees to be able to say to them, *"We know where you're going."* And I think that's -- that's what makes it very hard to vote for something when you know these workers are being kind of dangled out there with no certainty as to where they're going to be.

**MS. SANTERAMO:**

And we understand. And as we discussed, the Health Department will be sitting down approximately 30-days out, so, you know, within the next week or two to start meeting with the staff to tell them where they'll be reassigned, you know, obviously if this passes. You know, their AME contract has two weeks, we're going to try to give them more time, we gave thirty times with the previous -- thirty days with the previous health center, which we're trying to do approximately the same time. So within the next week or two, we should start to sit down with them, but it would have been premature to do it prior to this meeting because we -- you know, we need this resolution to pass for that to actually move forward.

**LEG. BROWNING:**

Okay. So again, everything is up in the air.

Now, there was someone who came this morning with regards to card check. And has there been any discussion with Hudson River to recognize any employees that would take over our County Health Centers, would have an opportunity to have card check.

**MS. SANTERAMO:**

No, this is the first we have heard of Card Check, today was the first day we heard of it. I mean, we've been talking about this for months and this is the time anyone has brought that to our attention or requested it.

**LEG. BROWNING:**

Okay. Well, when this Administration decided to sell John J. Foley, the biggest seller for the Legislature here today, was that, you know, the buyer was union, he was 1199. So, you know, all these members are going to be -- you know, they can all be union members again, and that was a big seller. And it got these Legislators to vote for the sale. So my question is why wouldn't we consider, being that Suffolk County is so supportive of, you know, respecting workers' rights, the right to organize, why wouldn't that have been a discussion with Hudson River?

**MS. SANTERAMO:**

Again, I was not part of the negotiations, so I can't say what conversations happened during those negotiations. But again, this is the first time that anyone -- you know, we've been talking about this for months, we've been briefing everyone on this, you know, for a while now. This is the first time this has been raised. So I wish I had a better answer for you but I don't, this isn't part of the discussion, I was not party to negotiations.

**LEG. BROWNING:**

Okay. So we have another meeting I believe May 13th and I -- you know, I think I would like to request that we would table this 'til the next May 13th meeting and maybe ask the Administration to have a discussion with Hudson River as far as car check recognition.

So one other question, and I guess an issue that was brought to my attention was lab testing and I believe our health centers currently use Sunrise Laboratories for their testing. I'm -- I guess maybe Hudson River could answer this question; who would they be using? Would you be continuing to use Sunrise or do you have someone else?

**MR. SINKHOFF:**

Good evening, everyone. Jim Sinkhoff, Chief Financial Officer, Hudson River HealthCare. Legislator Browning, we use Sunrise to service the Elsie Owens Health Center, we use Bio Reference to service the Southampton Health Center, and what we have -- the conversations that I've had directly with Sunrise is that we will go through a formal bid process with both Sunrise and other laboratories to service those health centers. The key consideration in that RFP process is how the uninsured patient population is going to be charged and treated and the services that they receive when they need a referred laboratory service.

**LEG. BROWNING:**

Can you repeat who the Coram -- because I can't hear.

**MR. SINKHOFF:**

Sure.

**LEG. BROWNING:**

General Meeting - April 29, 2014

And I guess there must be a decision already in how they're voting because they certainly haven't had much of the questions.

**MR. SINKHOFF:**

Sure. So Elsie Owens is served by Sunrise Laboratory and at Southampton it is serviced by Bio Reference Laboratory.

**LEG. BROWNING:**

Where is Bio Reference Laboratory?

**MR. SINKHOFF:**

Bio Reference is all over New York State, their corporate headquarters are in New Jersey.

**LEG. BROWNING:**

Okay. Thank you. I think that's it for now.

Again, I'm really concerned about 80 plus employees who -- really, their future is yet to be determined, so I do have some serious concerns about that.

**P.O. GREGORY:**

Okay, thank you. Legislator Cilmi.

**LEG. CILMI:**

I just wanted to express my appreciation to Dr. Tomarken and to Tom Vaughn specifically for answering the handful of questions I had prior to -- prior to today's meeting. I'll be supporting this today. Thanks.

**P.O. GREGORY:**

Legislator Spencer, filling in for Legislator Lindsay.

**LEG. SPENCER:**

I was satisfied in my committee that we addressed a lot of the issues and I feel positive about the transaction.

I wanted to address just some of the concerns that are out there, and maybe we could help this. I know we're getting to the fact that our County employees are protected from layoffs, and I appreciate that. And this was brought up to me a few minutes ago and I just wanted to get kind of a response. If we look at someone that earns 27,000, 30,000 or whatever, just maybe -- just in one of the lower step grade job titles, and they go from a job that is within five miles of their home to a commute that's -- you know, they go from being on the western south shore out to Riverhead or Yaphank or something like that where they have a 30 or 40 mile commute. I want to make sure that the Administration is looking out that that commute, in terms of the cost that they would have, could, in effect, even though there's no layoff, could also almost make it impossible for them to continue in that job. Is there anyone that can give me kind of a response? Are we looking to place the employees in such a way where, you know, in terms of the maintenance of a car or things like that, that we could have no layoffs but we could, in fact, lay them off by putting them in Siberia, so to speak. So could you give me any sort of response to that?

**MS. CULP:**

Yes. As Lisa mentioned earlier, the geography has absolutely been taken into account, not only in regards to commute time, but also just what you were saying, the costs of transportation and other arrangements that people might have to make in terms of when they would actually leave their house. We did this for the Southampton and East Hampton transition where we were transitioning staff from those health centers throughout the department and, you know, we tried very hard and in

most cases, you know, where all practical, we tried to make sure people's commutes weren't excessive.

**LEG. SPENCER:**

I realize you did say that earlier on. I wanted to again just try to -- one of the things that maybe -- and I understand that with any time you're doing something of this magnitude, that you'll have those that are suspicious. And with rightful reason because, you know, we're talking about just numbers, but we're dealing with lives and families and people who are dedicated to their job.

Is it your assertion that when we talk about the no layoff clause, that the Administration is working and really has a commitment to really continue the same quality of life as much as possible and to communicate with our County employees, and that you're committed in even looking at special circumstances to make sure that everyone is placed appropriately to -- where they're able to continue their current standard of living.

**MS. SANTERAMO:**

Yes. I mean, we absolutely are committed to making sure that -- I mean, they're our employees, too. We want to make sure they're happy, we want to make sure that their quality of life is in tact and we are doing everything we can with geography, within title to make sure that this transition, you know, while they may be -- have a little bit of anxiety about it, we're trying to make this as smooth as possible for everybody.

*(\*The following testimony was taken by Lucia Braaten & Was transcribed by Alison Mahoney - Court Reporters\*)*

**LEG. SPENCER:**

So what I would have to do when I look at this, when I look at just the -- what we're confronted with, with the FOH model and trying to maintain the quality of care, we're going to be able to do that, we're going to be able to serve our constituents better, but we're not forgetting about our County employees. And when I look at the humanitarian aspects, I have to take you at your word. And so I plan to support this, but I'm really taking you at your word. I have no reason to doubt that and I'll, you know, remain open, but I think it's a partnership that we have to work on together and it looks like you've done your due diligence and I've seen people here that I trust and, you know, trust but verify, and I think we're doing that. So thank you. I appreciate that.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Just a couple of general questions, I guess, and then I would like to speak with the folks from Hudson River for a moment. The term; the term of this agreement for the community benefit, June 1st through May 31st of 19, for a total of 7.9 million?

**MS. SANTERAMO:**

*(Nodded in the affirmative).*

**LEG. KENNEDY:**

Okay. Which is basically -- community benefit means it will be that amount of County funding that we are contributing. And how are we doing so? Is it incrementally over the five-year term, or are we front-loading 7.9 mill? How's that going to go?

**LEG. TROTTA:**

Five years we're paying that?

**LEG. KENNEDY:**

Yeah. That's what the community benefit piece says.

**LEG. TROTTA:**

Seven-point-nine million for five years?

**LEG. KENNEDY:**

No, I believe it's a total of 7.9 million over the 60-month period. How about while they're looking, Robert, what's your understanding with this? Through the Chair, BRO.

**MR. LIPP:**

Sure. The seven point -- it's 7.25 million we have, it's in our memo.

**LEG. KENNEDY:**

Uh-huh.

**MR. LIPP:**

And that's a net number. So, for instance, it's about approximately 1.6 million a year, but there's about 150,000 in revenue that would come back to us. So the net is -- will go like, let's say, from 1.65 to 1.5 net a year, and it would be 7.25 million over the five years would be the net cost to the County.

**LEG. KENNEDY:**

Well, that's an interesting aspect when you talk about that, because there are a host of services that we get to go ahead and claim against the State for things that we do; the TB stuff, some of the other types of general services. What do they call that? Is that six, Article 6?

**MR. LIPP:**

Article 6, State aid, yeah. But that's -- Article 6 is a bit problematic because the handwriting on the wall is it keeps on going down.

**LEG. KENNEDY:**

So we're not anticipating -- in other words, we won't be submitting -- will Hudson River be our agent, or are we just -- we're going to have to take a whole step back away from that process. Doctor, what are we going to do with that?

**DR. TOMARKEN:**

We will be submitting what we're allowed to submit to Article 6, but Article 6 has been diminishing, as was just noted, over several years. TB, STD and services like that are not a cost to the County, because we bill the State, they compensate us for it, so it's not part of the calculations that were just gone over. Those are mandated services that we're still responsible, either ourselves or oversight, providing oversight. What has happened over the years, you remember back when Coram was going to be closed, Article 6 funding was drastically --

**LEG. KENNEDY:**

I do, yes, it was whacked dramatically. There were some issues while we were submitting for, I recall that all vividly.

**DR. TOMARKEN:**

Right, and that's continued to drop. The Article 6 amount that we can -- that we can bill for has continued to diminish now to the point where we're looking at around, what was it, point seven --

**LEG. KENNEDY:**

Okay.

**DR. TOMARKEN:**

-- million that we can get.

**LEG. KENNEDY:**

All right. So let's stay on that for just a second, though. So we've got a track record to look at now with Hudson River. They've been working out in Coram, I guess, for the last year or so.

**LEG. CILMI:**

Two years.

**LEG. KENNEDY:**

Two years, okay. We had some initial issues with labs, we kind of worked our way through that. We talked about, you know, outreach into the community, and they've been generally doing primary patient care, I guess; is that what we would call it?

**DR. TOMARKEN:**

Yeah, primary and prevention.

**LEG. KENNEDY:**

Okay. So tell me, then, but yet we're a Health Department, and so by virtue of the fact we're a Health Department, we still continue to do these other types of specialized services.

**DR. TOMARKEN:**

Mandated services.

**LEG. KENNEDY:**

TB, STD and all those types of things. Does Hudson River take them over for us, are they our agent, or do we deliver those services directly?

**DR. TOMARKEN:**

We'll take them over, but we will provide oversight. The State will still hold us responsible for TB, STD, those kinds of services. So we will contract with HRH to do them, we will provide oversight and be responsible to the State. And our other contracts for those services have to be approved by the State. So we would send them up to the State, they look at them, they say "yes", or "Change A, B and C," etcetera, and then move forward with them.

**LEG. KENNEDY:**

So we fulfill our obligation, and from the patient's perspective, they're still getting the access to the specialized service they might need?

**DR. TOMARKEN:**

Correct.

**LEG. KENNEDY:**

Okay. Let's just talk a little bit about the building, then, if I can. So we have a five-year community benefit that is in equal increments over of the five years, or does it tail down? How does it get paid out, folks?

**DR. TOMARKEN:**

It tails down. And I think you were all sent a copy, but -- of the presentation, and if you happen to have it, it's on page -- wait a second here.

**LEG. KENNEDY:**

Well, not to delay my colleagues. I mean, you know, I still hear barking dogs. What about -- just tell me, what's the expense for us here in '14? Will we have a net increase as a result of this, or will it be within the context of the '14 budget as we've adopted it?

**DR. TOMARKEN:**

No. Robert, do you want to --

**MR. LIPP:**

This is implicit in the '14 budget.

**LEG. KENNEDY:**

It is. So from an economic side, no harm, no foul, we're basically going to keep limping along like we are.

**MR. LIPP:**

That's a good way to put it.

**LEG. KENNEDY:**

Yeah, there we go.

So let's talk about the physical structure, then. We're looking at a 12-year lease with that building. Who's -- we're going to continue to be the landlord? We're on the hook for maintenance, for the repairs, for the systems, for all that other kind of stuff?

**DR. TOMARKEN:**

That's being negotiated as to what maintenance we would take care of and what maintenance HRH --

**LEG. KENNEDY:**

Oh, now, wait a minute. Hold on. Hold on, hold on. That one you can't tell me we're negotiating, because we're kind of here based on the fact that, you know, the fat lady's singing. Oh, hi, Phyllis. How are you?

**MS. SEIDMAN:**

I'm fine, thank you.

**LEG. KENNEDY:**

Good.

**MS. SEIDMAN:**

Phyllis Seidman from the County Attorney's Office.

**LEG. KENNEDY:**

So, do we know who's going to be responsible for what over this next -- in the lease? I'm speaking specifically about the lease. Who's responsible for what over this 12-year period?

**MS. SEIDMAN:**

Right. Well, we gave you a draft lease with the resolution, and the draft lease provides that the County's going to be responsible for most of the outdoor maintenance of the facility and that HRH will be responsible for most of the indoor maintenance of the facility. As to the finer points of that, we're still negotiating the finer points.

**LEG. KENNEDY:**

Who's going to maintain the boiler and things like that?

**MS. SEIDMAN:**

Well --

**LEG. KENNEDY:**

We've got a brand new gas system in there, it should be good for 12 years, but, you know, with our luck.

**MS. SEIDMAN:**

Yes. Well, we're talking about it, but as the lease says right now, they're going to be responsible for maintaining those facilities.

**LEG. KENNEDY:**

Where's they? Is anybody here from they? Ann, where are you?

**MS. NOLON:**

I'm right here.

**LEG. KENNEDY:**

Is that your understanding, you're going to be on the hook for the boiler?

**MS. NOLON:**

Phyllis is right, we're still negotiating that aspect, and especially these things, because we have a commitment to keeping the facility internally in the manner in which we show respect for our patients. And so we are doing some minor renovations --

**LEG. KENNEDY:**

Okay.

**MS. NOLON:**

-- within our own budget. We do have maintenance, the ongoing maintenance responsibilities. We also would like to even negotiate more responsibility for the external landscaping, because it's a beautiful building --

**LEG. KENNEDY:**

You want to cut the grass? Great, that's great.

**MS. NOLON:**

-- and it could be -- it could look better, and we have very high standards. So that how that approval process goes with the County, we don't want -- if there's a leak in the roof, we don't want to have a long delayed process, for instance. So those are still the topics of discussion; how can we make sure that patient care is safe, sanitary and --

**LEG. KENNEDY:**

Are you absorbing all the costs, Ann? You're going to be paying the utilities and things like that as well, electric, heat?

**MS. NOLON:**

Yes.

**LEG. KENNEDY:**

Everything like that?

**MS. NOLON:**

Yes, yes.

**LEG. KENNEDY:**

You're occupying the facility, you're occupying it for exclusive use and occupancy for 12 years and you're basically doing pretty much all the operating costs.

**MS. NOLON:**

Yes, we are sharing the building with the County. The WIC services are going to be maintained in that same building and those are County, directly County-operated services. So they stay in the building with us.

**LEG. KENNEDY:**

Okay. So are we going to work a little bit of an arrangement to offset share there for a percentage of the space and things like that?

**MR. SINKHOFF:**

The WIC space is at no charge to the County.

**LEG. KENNEDY:**

Well, the WIC space is at no charge to anybody; the Federal Government pays for WIC. Yes, they do, actually.

**MR. SINKHOFF:**

So what's happening with WIC is just -- while we're in the detail a little bit. So Hudson River HealthCare just completely rebuilt the cabling into that building because it's CAD 5. It's not rateable for the electronic health record, so we built CAD 6 into the building at our expense. That is now going over to the WIC space. That is free of charge to the County, we're not charging the County back for the investment that we made in that infrastructure improvement in that space and we will maintain telephonics, IT systems for the benefit of the WIC patients without any recompense or charge back to the County.

**LEG. KENNEDY:**

Okay, that's fine. So, but you're okay with a 12-year lease, everything's hunky-dory there? I understand we still actually have that property collateralized. It's pledged towards some bond or some note or something that we've done. Yes?

**MS. SEIDMAN:**

Well, the 12 years wasn't just, you know, plucked out of thin air. There were some requirements because there was some HEAL money put into the facility, so we agreed with the State. Unless there are other circumstances and the State agrees that we would operate the facility as a health center for at least 12 years.

**LEG. KENNEDY:**

I see.

**MS. SEIDMAN:**

And we're into the first year already, so that was the basis for the time frame.

**LEG. KENNEDY:**

I guess let me just ask one last thing, and I probably should know this with Coram, but actually you're not paying rent to us at this point, right? I mean, if we're giving you a million-and-a-half a year to operate, you're not paying back to us at this point, are you?

**MR. SINKHOFF:**

No.

**LEG. KENNEDY:**

Okay. So if we have a lease arrangement for 12 years, we have a community benefit package for five years, what might we anticipate economically in year six?

**MR. SINKHOFF:**

So it certainly is our long-term expectation that we will be at break-even operation in year six.

**LEG. KENNEDY:**

Okay. Will you ever be in revenue positive where you may become our tenant, or is our view that for 12 years you're going to be there in our space delivering the service?

**MR. SINKHOFF:**

I think, if I understood the question, we will be in that space delivering the service for no less than 12 years, which is the stated term of the lease. I think our long-term track record is we don't vacate spaces, we --

**LEG. KENNEDY:**

No, no, I'm not suggesting that and I'm not thinking. You know, listen; first of all, I'll be long gone in 12 years. You won't have to answer any of these questions anymore, at least not from me. But I'm just curious if in spinning out the model, the economic model, do you ever anticipate that you would, in fact, become like a normal tenant, somebody who paid rent in our building?

**MR. SINKHOFF:**

So I don't know the answer to that question because there are many variables that go into that answer. What I can tell you is our earliest experience at Southampton.

So we anticipated that the uninsured population at Southampton would be about 52%; it turns out the uninsured population right now is at 60%. So that eight percentage point variance to the uninsured obviously has a downward impact on the overall economics. At Amityville we have a proximity of a practice that is serviced by Nassau University Medical Center and many other hospitals like Good Sam, and so on and so forth. So we do expect to see an upward turn over time in revenue. Will it generate revenue positive to become a full-bearing tenant? I honestly don't know the answer to that.

**LEG. KENNEDY:**

All right. Just to refresh my recollection, what is the duration of our arrangement for Coram? How long did we get into -- what's the lease there?

**MR. SINKHOFF:**

So the Coram lease was timed with the bonding of that property and I believe it's 32 years.

**LEG. KENNEDY:**

Thirty-two years.

**MR. SINKHOFF:**

Twenty-three, sorry. I --

**LEG. KENNEDY:**

Twenty-three years, okay. All right. Just one last thing. When do we get the benefit of converting from the model that we're in now to the FOHC status and the liability -- I'm mangling the term. I'm going to say liability immunity, but, in fact, it's that Federal liability umbrella that you folks have the benefit of that we do not.

**MR. SINKHOFF:**

So the timing of that exact benefit occurs -- the County will go through a closure plan and we will go through an opening plan. Our opening plan has two elements to it where the County has one. The County submits its closure plan to New York State Department of Health, we submit our opening plan to New York State DOH and to HERSA, our Federal overseers. On the day that we open is the day that the liability is relieved. I can't speak to the County's liability policy, so if it's occurrence-based, there'll be a tail; if it's claims-made and so on and so forth. So that's the underlying liability contract. But immediately upon commencement of operations, the County will bear no more liability costs going forward.

**LEG. KENNEDY:**

Okay. All right, thank you very much. I appreciate you being here today. Thank you.

**P.O. GREGORY:**

Okay. Thank you. There have been a lot of questions, and I have been sitting patiently listening to the questions, but one question that was not asked is how does the community feel about this? And in my experience, and the people that I've spoken to, they support this transition. They love their health center, but it's not a reflection on the employees. But, you know, there were calls to my office and people that I've run into at different various events, that they were concerned and heard rumors that the health center was closed, which I had to inform them that the health center was not closed, that there is a transition that we're going through. And I told them what -- how that would impact them, and they're supportive.

And I understand the concerns about the employees, but as the Administration has negotiated, all the employees, the County employees will be taken care of, so that's not of a concern. You know, I think this is something that we should move forward with. Obviously, at this point in my mind, in my opinion, HRH is a known entity. When they first came to us with Coram, there were some questions, we didn't know the type of quality of care that they provided. But I think at this point, we understand that they provide a high quality of service, that our constituents are well taken care of. It's a matter, really, of the finances; you know, how can we make the best financial arrangement for ourselves, and obviously they're concerned about their financial position as well.

I think this is a win/win for the community. Each -- having said that, each health center negotiation will be separate and apart from itself, and there you have unique circumstances. MLK is another health center in my district that I will be looking at very closely. Although not County employees, they are Good Sam employees, and I'm just as concerned about their well-being, because some of them do live in my district, but that we'll address at that time. But this transition, I think I would ask for your support, I think it's -- the community supports it, I support it, and I think it would be in the best interest of my constituents.

**D.P.O. SCHNEIDERMAN:**

Can I say a word or two?

**P.O. GREGORY:**

Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

I've had the pleasure of having HRH in my district open up a clinic. I'm extremely pleased at the level of service. You know, the County -- look, we have great employees and we've done the best job we could under the circumstances. Unfortunately, too many of those conversations come down to, you know, how can we -- how can we reduce expenses? It seems every conversation with HRH is not about reducing expenses but expanding care. How can we reach, you know, underserved communities? How can we bring more people into the clinic? It's just so refreshing.

I would think, really, ultimately, every Legislator would want an HRH clinic because they do such a

General Meeting - April 29, 2014

phenomenal job. Tri-Community, if they're going to do the kind of job, half the job they've done in Southampton, I think that we're going to be very pleased with what they do. I'm glad we have the no-layoff clause. I'm glad we're finding positions for all those County employees, I think that's critical, we all want to see that, but we also don't want to stand in the way of improving health care in Suffolk County. And I've got nothing but positive things to say about HRH. You guys are top-notch, and I'm thankful for your presence here in Suffolk County.

**P.O. GREGORY:**

Okay. So we have -- yeah, Legislator Anker.

**LEG. ANKER:**

And also in Coram, the center has worked out very well. It was so much needed and so much improved. So again, I will reiterate what our Legislator just commented on, and you have been an asset to our community. Thank you.

**P.O. GREGORY:**

Okay. So we have a motion and a second. I'm going to call the vote. Can we have all Legislators? We're missing some.

**MR. LAUBE:**

There's Kate. There they are. You got them?

**P.O. GREGORY:**

Okay. All in favor? Opposed?

**LEG. BROWNING:**

Opposed.

**P.O. GREGORY:**

Abstentions?

**MR. LAUBE:**

Seventeen.

**D.P.O. SCHNEIDERMAN:**

One recusal, sixteen.

**MR. LAUBE:**

One recusal, I'm sorry. *Sixteen (Opposed: Legislator Browning - Recused: Legislator D'Amaro).*

**P.O. GREGORY:**

Okay. All right, that was 1318.

We're going to make a motion to take 1320 out of order. Seconded by?

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Legislator Calarco. ***IR 1320-14 - Authorizing the Lease Agreement for use of County premises located at 1080 Sunrise Highway, Amityville, New York by Hudson River Healthcare, Inc. (HRHCare) (County Executive).*** All in favor? Opposed? Abstentions?

**LEG. BROWNING:**

Opposed.

**P.O. GREGORY:**

The motion is before us.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

I make a motion to approve. Second by Legislator Calarco.

**LEG. D'AMARO:**

Excuse me. Again, please note my recusal on the record --

**P.O. GREGORY:**

Yes.

**LEG. D'AMARO:**

-- as per my statement filed with your office.

**P.O. GREGORY:**

Yes.

**LEG. D'AMARO:**

Thank you.

**P.O. GREGORY:**

Okay, motion is before us. Anybody have any questions? This is regarding the lease of the health center for MLK. All right? All in favor? Opposed? Abstentions?

**LEG. BROWNING:**

Opposed.

**MR. LAUBE:**

*Sixteen (Opposed: Legislator Browning - Recused: Legislator D'Amaro).*

**P.O. GREGORY:**

And thank you for waiting. I wish we could have got to you earlier, but as you saw, we had some pet issues --

**MS. NOLON:**

Yes.

**P.O. GREGORY:**

-- fracking and other stuff.

**MS. NOLON:**

Yes, you had lots of pet issues. But I would like to just say thank you to the Board of Legislators. I also wanted to bring regards and thank you from our founding Board Chair, who, as many of you probably saw, left at about 6:30 this evening because of the long drive and she was so exhausted.

But as we were here all day long, I wanted to take a moment to say that we're very honored to have the name Maxine Postal, S. Postal on this building and I will retain that name. And I was particularly taken, having walked around the building since 9:30 this morning looking at everything, one -- I noticed the dedication of this particular auditorium in her name and wanted to remind you what it

General Meeting - April 29, 2014

said, because it really struck me as something incredibly important to a community health center; *"Her optimism, warmth and compassion, so reflective of her spirit, nurtured a perpetual desire to give voice to those who needed to be heard."* We feel that way about community health and about the people who we serve. They are our voice in the community, they will guide us in the health care we provide. So we thank you very much for your support.

**P.O. GREGORY:**

Thank you, and have a safe trip. Legislator Hahn has a comment.

**LEG. HAHN:**

Thank you for mentioning her. I worked for her and we love her and miss her every day, so thank you.

**P.O. GREGORY:**

Thank you.

Okay, back to the agenda. Oh, actually, Penny LaValle. Are you still there, Penny? IR -- I'm going to make a motion to take IR 1295 out of order.

**MR. NOLAN:**

The last page.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

It's on the last page, Ways and Means. Second by Legislator Krupski. ***IR 1295-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with the Real Property Integrated Land Information System (CP 1758)(County Executive)***. Motion is before us. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Motion is before us. Same motion, same second. Anyone have any questions?

**MR. NOLAN:**

This is to approve.

**P.O. GREGORY:**

This is to approve, I'm sorry.

**MR. LAUBE:**

Can I check the motion and the second on that?

**P.O. GREGORY:**

Myself and Krupski.

**MR. LAUBE:**

Thank you.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, motion passes -- oh, and there's a bond. Same motion, same second for the Bond Resolution, 1295A (*Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$280,000 bonds to finance the cost of the planning and acquisition of a real property Integrated Land Information System (CP 1758.113 and .511)*); roll call.

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

**P.O. GREGORY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**MR. LAUBE:**

*Eighteen.*

**LEG. HAHN:**

Penny, you know, if you had left, we would have had 20 questions.

**MS. WELLS-LAVALLE:**

I'm always here.

**P.O. GREGORY:**

Thank you.

**Environment, Planning & Agriculture:**

***IR 1312-14 - Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program, and appropriating funds in connection with: Harmful Algal Bloom Action Plan and Strategy and Shellfish Aquaculture Monitoring Program Assessment (CP 8224) (County Executive).***

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn, second by Legislator Krupski.  
Legislator D'Amaro has a question.

**LEG. D'AMARO:**

Is there anyone here that can answer any questions on this?

**MR. LUBICICH:**

Good evening. Chris Lubicich with the Office of Ecology, Department of Health.

**LEG. D'AMARO:**

Oh, very good. Thank you. All right. So what I'm looking at says that this is going to be a 477 funded program to develop an action plan and strategy to fight harmful algal bloom and establish a shellfish aquifer monitoring program assessment for \$100,000; is that correct?

**MR. LUBICICH:**

That's correct.

**LEG. D'AMARO:**

Is this grant funding or is this County funding?

**MR. LUBICICH:**

477 is County funding.

**LEG. D'AMARO:**

Right. Oh, that's right, 477, I apologize. So what have we done so far to fight the harmful algal bloom in the Health Department?

**MR. LUBICICH:**

Since the beginning? That's a --

**LEG. D'AMARO:**

Well, we're spending another hundred thousand. For every year I've been here, I think we've renewed this funding and put money into this type of program. And I'd like to know where are we, what are the results, what have you solved, what's not resolved, what are the findings?

**MR. LUBICICH:**

The HAB Program has a small capital expenditure every year of about 25,000, and that's --

**LEG. D'AMARO:**

I'm sorry, what is that?

**MR. LUBICICH:**

The Harmful Algal Bloom there is a capital on, about 25,000 a year. That's something -- just because you mentioned you're funding it every year, and that is correct, and that goes to support monitoring program support, studies done by --

**LEG. D'AMARO:**

What is an algal bloom?

**MR. LUBICICH:**

Okay. It began with the brown tide, that was the first one that really caused significant --

**LEG. D'AMARO:**

How much money have we spent so far studying the algal bloom in the County; do you know?

**MR. LUBICICH:**

I wouldn't know that off the top of my head.

**LEG. D'AMARO:**

Do you know if we've made any progress in the money that we spent so far?

**MR. LUBICICH:**

The -- a lot of what we've done is to fund some research, and one of the things that this particular program is looking to do is to take a lot of different pieces of the research on the harmful algal blooms and bring it together and, you know, really look at, you know, the different studies that have been done, different things -- I think it's Chris Gobler, I mean, at Stony Brook has been --

**LEG. D'AMARO:**

Do you in the Health -- excuse me, I'm sorry for interrupting, but do you in the Health Department work directly on this project?

**MR. LUBICICH:**

Yes.

**LEG. D'AMARO:**

You do?

**MR. LUBICICH:**

Harmful algal blooms? We do a lot of monitoring. We work --

**LEG. D'AMARO:**

But we monitor -- like when they appear and we read about it in the paper, we know they occur. So what progress are we making?

**MR. LUBICICH:**

We also do a lot of water monitoring that's used by the scientific community to take a -- to look at, you know, the changes in the water quality, different levels of eutrophication that we monitor, and then that monitoring is used by the scientific community to, you know, draw the comparison to changes in the water, changes in the algal blooms. There has been an improvement in water quality based on the fact that, you know, the causes of the harmful algal blooms are better understood, not completely, but, you know, things that have been done as far as improved storm water control, improved wastewater, regulations going back to the '80s. And we're at a point now where we're looking to make more improvements in how we handle storm water, how we handle wastewater. There's an Intermunicipal agreement, all the governments in the Peconic Estuary, and these are all a fallout from the knowledge that has been gained in these harmful algal blooms and what causes them.

You know, you wouldn't have some of the ancillary improvements in water quality and other legislation, like the storm water requirements. You wouldn't have that if there wasn't a better understanding of the causes of these harmful algal blooms, which have really been quite devastating to shellfish populations. And even the efforts in the Great South Bay to bring back the clams by The Nature Conservancy, we're having a great success, but then there was a huge brown tide which completely set them back. And, you know, it shows really needing to do more work and really forming an overall strategy, getting all the -- not just the local scientists, but some national scientists to come in and really put it together at this point. We haven't had a -- we haven't had this kind of event since what they call the BT camp, which was done when the brown tide became so prevalent in the Peconics.

**LEG. D'AMARO:**

So are we any closer today to having a solution to this problem? What's the action --

**MR. LUBICICH:**

That's hard to give a definitive answer to. My personal, I would say that, yes, there has been improvements. The water quality in certain areas has improved, the water quality in certain areas hasn't.

**LEG. D'AMARO:**

Has? Really? Are you sure about that?

**MR. LUBICICH:**

Yes.

**LEG. D'AMARO:**

The water quality is improving because of this studying?

**MR. LUBICICH:**

Well, again, it's --

**LEG. D'AMARO:**

What water are you referring -- I'm not being -- I don't understand. We're talking about major initiatives for water quality in this County, sewer infrastructure and other -- I don't understand how this program is helping us.

**MR. LUBICICH:**

This is --

**LEG. D'AMARO:**

And why are we just putting the action plan together now? Haven't we had an action plan?

**MR. LUBICICH:**

Again, we haven't had the scientific community brought together like this since the efforts were put into addressing the brown tide in the Peconics.

**LEG. D'AMARO:**

So without this funding, this problem will be ignored?

**MR. LUBICICH:**

Well, I don't think it will be ignored, but I think this is an effort to bring the scientific community together.

**LEG. D'AMARO:**

Why do we need \$100,000 to do that? I'm just trying to understand how is this money going to be spent, on what?

**MR. LUBICICH:**

We're going to be working with New York Sea Grant on this proposal. They're an organization that brings together different parts of academia and government agencies, it's really something that they do.

**LEG. D'AMARO:**

No. I mean, is this for salaries? What is this funding being spent on?

**MR. LUBICICH:**

We have the budget here --

**LEG. D'AMARO:**

Right.

**MR. LUBICICH:**

-- and there's a six-and-a-half month effort from New York Sea Grant Technical Specialist or a contractor through New York Sea Grant and that's estimated at 71,000.

**LEG. D'AMARO:**

Right, but that's not this funding.

**MR. LUBICICH:**

No, that is this funding.

**LEG. D'AMARO:**

I thought you said a grant. That's through a grant, you said.

**MR. LUBICICH:**

No. New York Sea Grant, that's the name of the organization.

**LEG. D'AMARO:**

Oh, okay. I didn't understand.

**MR. LUBICICH:**

Yeah.

**LEG. D'AMARO:**

So we're paying an organization \$71,000?

**MR. LUBICICH:**

That's correct.

**LEG. D'AMARO:**

To do what?

**MR. LUBICICH:**

They will be organizing, they will be putting this event together. It won't be Health Department --

**LEG. D'AMARO:**

An algal bloom event?

**MR. LUBICICH:**

Yes.

**LEG. D'AMARO:**

I'm trying to understand this.

**MR. LUBICICH:**

There's going to be a -- there will be a meeting, I don't know if it's going to be one day or more days, but there will be a bringing together of the scientific community.

**LEG. D'AMARO:**

But can't they just all get together without the \$71,000?

*(\*Laughter\*)*

**LEG. CILMI:**

Lunch?

**LEG. D'AMARO:**

I don't understand.

**MR. LUBICICH:**

Because you need the organization, you need people to put it together, you need people to get people together, and that's the purpose of having Sea Grant.

**LEG. D'AMARO:**

What's the balance spent, the other 30,000, if you have it?

**MR. LUBICICH:**

I have travel costs for approximately five non-local experts, and that's estimated at \$10,000.

**LEG. D'AMARO:**

With all the information and study that we've done so far, we're still spending money on paying more experts to come in? I don't -- I mean, we've been doing this for years and years and years in the Health Department. It seems like nothing gets solved.

**MR. LUBICICH:**

Well, some have other organizations nationwide. There's been a lot of --

**LEG. D'AMARO:**

You know, maybe we still have to -- but maybe the methodology that you're using, after all of these years of funding, you need to rethink. You know, we're not -- now we're just paying for travel and experts, and we're going to sit in a room and we're going to talk about it more. Every single year that I vote on this funding, you guys tell me the same thing. I mean, I don't understand this. It just seems like bureaucratic autopilot.

**MR. LUBICICH:**

Well, on a nationwide -- actually, on a worldwide basis, trying to come up with definitive answers on these algal blooms -- you know, it's not like it's just the Health Department that is the only organization that's been doing this.

**LEG. D'AMARO:**

Can I just say, I appreciate the work that you do and that you work with the County. But what I don't appreciate is spending \$100,000 on a conference to talk about a problem that we funded for at least my entire tenure here, for hundreds and hundreds of thousands of dollars that solves nothing, gets nothing done. I mean, I just would be much more encouraged if someone would come here with a plan and tell me, *"You know, we're close. We understand this problem. Here's what we need to do."* I mean, we're talking about travel here; \$30,000 in travel and expert fees?

**MR. LUBICICH:**

Actually, it was 10,000.

**LEG. D'AMARO:**

Oh, I'm sorry. All right. Let me ask you this. What is the Shellfish Aquaculture Monitoring Program Assessment?

**MR. LUBICICH:**

When they set up the Shellfish Aquaculture Program where they lease areas in the Peconic Bay to people to perform aquaculture.

**LEG. D'AMARO:**

Okay.

**MR. LUBICICH:**

A lot of that time that involves having the shellfish in a containment cage, or sometimes you have a bag, you know, they'll hang the bags. And when they established that program, it contained a provision to at some point start monitoring the environmental effects of that aquaculture program.

**LEG. D'AMARO:**

So we lease areas to organizations for shellfish?

**MR. LUBICICH:**

Right.

**LEG. D'AMARO:**

And then --

**MR. LUBICICH:**

That was originally -- that program was originally run by Department of Energy & Environment and it's now part of Economic Development & Planning.

**LEG. D'AMARO:**

All right. And so -- which is a good thing. But these companies then require the County to monitor their progress?

**MR. LUBICICH:**

No, no, it's not -- we're not monitoring their financial progress.

**LEG. D'AMARO:**

No, no, I don't mean their financial progress. I mean the progress that they're having in these leased areas.

**MR. LUBICICH:**

Well, they're looking to -- and again, this goes back to the original establishment of the aquaculture program. Okay? It was established in there --

**LEG. D'AMARO:**

Has that program been successful?

**MR. LUBICICH:**

Successful; there are lease sites. We don't -- again, at the Health Department, we don't run that program, that's run by Department of Economic Development & Planning at this point. So, as far as the success with the program, it's --

**LEG. D'AMARO:**

But we're going to monitor it no matter what. How much of this funding is going for the monitoring of the aquaculture program and assessment?

**MR. LUBICICH:**

Total for that is -- total cost of the program is 28,318.

**LEG. D'AMARO:**

Oh, okay. Have you been here in the past on this?

**MR. LUBICICH:**

On this? No.

**LEG. D'AMARO:**

No? How come you're here today?

**MR. LUBICICH:**

Alison Branco with the Peconic Estuary Program has been the lead in my office on this. She was here earlier today, but because of the length of the meeting, I came in to help her.

**LEG. D'AMARO:**

Okay. Well, just my opinion is that, you know, again, as long as I've been in this Legislature, we've been funding these programs, and yet again -- and this has happened -- not your fault, but this has happened in the past where I've asked some very basic questions about a program that we're spending real money on; what's the progress, what are the results, what are the goals, what are the

action plans? And what I'm being told again here today is, *"Well, I want you to vote for this. I want you to continue funding it. We're going to spend that money, but I can't tell you that we're making any progress."* And you're going to spend most of this money on having a conference, and a study and travel fees. I just -- it's a major problem with these algae blooms and algal blooms. It has a severe impact on the Island's economic development, on our various industries that are impacted by this. And I understand the need to do this, but why is it that no one from the County, in the Health Department, in Economic Development ever comes here and explains to us, *"This is what we've done in the past, this is the progress we're making and here's where we're going with this"?*

**MR. LUBICICH:**

I think a lot of times we do report back on progress. I think the algal bloom issue, a lot of advances have been made in, you know, pinpointing. You know, a lot of times the scientists --

**LEG. D'AMARO:**

Sir, with all due respect, no advances have been made. They're still occurring, they're unpredictable. They -- when they do occur, they wipe out entire areas of bays and estuaries and all of that. I mean, and I'm not saying we shouldn't study it and we shouldn't fund the study and try and move forward and find solutions and understand this, but no one wants to even explain that to me.

I mean, it's my job to spend the County's taxpayers money here, and that's what you're asking me to do today, but yet you don't want to answer -- not that you don't want to answer in particular, this is not directed at you, but no one's giving me a justification to continue funding this. I've been asking these same questions for years. And you'll come here and you're going to get 16 other votes and you're going to go back to your office and we're going to get the experts in and hire -- get the travel going and spend the money. And then you'll be back here next year and want another hundred thousand, and I'm going to say, *"What progress have you made,"* and you're going to tell, *"Well, we've made progress and you're just going to have to accept that and give me another hundred thousand."* This is what -- I've been doing this for five years.

**MR. LUBICICH:**

Well, this will be putting the information together and --

**LEG. D'AMARO:**

Ten years.

**MR. LUBICICH:**

-- this will -- there will be a report and a plan out of this that will give you the information.

**LEG. D'AMARO:**

But we were told we had this plan five years ago (*laughter*). I don't understand. I don't understand it. Okay.

**MR. LUBICICH:**

That I --

**LEG. D'AMARO:**

This is not directed at you, Sir.

**MR. LUBICICH:**

I can't respond to your --

**LEG. D'AMARO:**

Fair enough. You know what? I think that with a problem this important, I think that the Health

## General Meeting - April 29, 2014

Department should be here, someone who can answer these questions, and I think Economic Development should be here to answer these questions as well. It's not fair to put you up here right now. All right. Thank you, Mr. Presiding Officer.

### **P.O. GREGORY:**

Okay, thank you. Legislator Krupski.

### **LEG. KRUPSKI:**

So Legislator D'Amaro brings up a very good point. You know, he asked what progress has been made, and I think the County hasn't done a very good job of showing the progress, because there has actually been a lot of progress made in the area of water quality over the years. Over the decades, the County's been doing a very quiet job, and a lot of it had to do with road runoff. The County does an excellent job there. The County works with the towns on eliminating road runoff. Water quality has improved. Some towns are actively opening up new shellfish areas in the Peconic Estuary because of the increased water quality because of the work that the towns, the County and the State do.

This kind of monitoring is important, because you need to see the progress, you need to know the cause of water quality degradation in order to solve the problem. And working with the County, the towns and the State, working with the MS4 Program, water quality -- you know, you get your surface waters cleaned up if you improve your road runoff, and that's been done over the past, well, two or three decades, really.

The point on having some of these meetings is also to discuss different land use patterns which affect water quality, and these changes don't happen instantly. But I think the County could do a better job of saying these are the things -- you know, lay out the different things that have been done in the past, show -- show the successes. The Aquaculture Lease Program is a great success story, and it should be monitored. It's been going on for almost ten years now and it should be monitored so that people can see. The County put a lot of time and effort, the town put a lot of time and effort into the Underwater Land Lease Program, and people are utilizing that underwater land and they're growing shellfish. But when you look at the map of all the potential lease sites, the County has to know where the best places, after so many years of doing the lease program, where are the best locations? One, where are the shellfish going to grow the best; and two, you know, where are you going to have the least amount of user conflicts, whether it's wild harvesters or whether it's recreational boaters.

So I think that's got a lot of value there, too, and that program should be constantly evaluated as it goes forward.

### **P.O. GREGORY:**

Thank you. Legislator Cilmi.

### **LEG. CILMI:**

I think the problem here is, as Legislator D'Amaro pointed out, maybe we just don't have the right person here to answer the questions. The County -- the Administration has talked repeatedly about data-driven decision making, and we're being asked to spend another -- spend \$100,000 I think here, with literally no data to back it up. What's your -- what's your job title again? Forgive me for asking.

### **MR. LUBICICH:**

I'm a Principal Public Health Engineer.

**LEG. CILMI:**

Public Health Engineer. Okay. So what type of background is -- other than, you know, your employment with the County. Are you a scientist?

**MR. LUBICICH:**

I spent -- I actually spent 21 years with the County's Underground Tank Program. Due to people leaving, almost about three years ago I moved over to the Office of Ecology to fill a void there.

**LEG. CILMI:**

So, from an academic point of view, you have limited experience with the science of water quality; is that fair?

**MR. LUBICICH:**

I don't know if I'd say it's a limited experience of water quality. I mean, basically, when you're talking about the pollution control that we did over in Farmingdale with the cleanups and everything, it's all about, you know, what you're putting in the water.

**LEG. CILMI:**

So --

**MR. LUBICICH:**

And one of the big things now is the tie-in between the nitrogen eutrophication that you're saying and -- you know, that's really an area where they're really tying it together now, where they hadn't been able to scientifically tie it in as --

**LEG. CILMI:**

Right.

**MR. LUBICICH:**

Even though they suspected it. And again, this project is to take information, not just local information on HABs, but on a nationwide basis, what they're doing in other areas that are experiencing similar problems and some of the experts from those areas, like Chris Gobler from this area is well-known; other areas that have the same type of investigations going on and bring that information together.

**LEG. CILMI:**

You said we've -- with all of the money that we've invested in studying this problem, which we all agree is a tremendous problem. You said we've actually gained understanding as to, you know, what's causing these algal blooms and how to -- how to control them. Talk to us a little bit about that understanding that we've gained, other than just to say we know that nitrogen, you know, supports -- excess nitrogen supports algal blooms.

**MR. LUBICICH:**

Well, you know, over the years, again, I've been learning this over the last few years myself.

**LEG. CILMI:**

Okay.

**MR. LUBICICH:**

I'm not a lifelong expert in this.

**LEG. CILMI:**

Fair enough. Do you have any idea -- we're going to be asked tonight to vote on a Certificate of Necessity to appropriate, I think, or accept a \$500,000 grant, or in-kind services from IBM. And

those -- those services have to do with studying water quality issues. How does this relate to that?

**MR. LUBICICH:**

Yeah, I don't know if I should be answering that.

**MR. VAUGHN:**

The short answer, Legislator Krupski, is that -- Legislator Cilmi, is that it does not. Sarah Lansdale --

**LEG. CILMI:**

We're equally handsome, it's fine.

**MR. VAUGHN:**

I was going to say equally tall. But it doesn't -- and Director Lansdale is here and she'll answer all the questions regarding the \$500,000 grants when it comes up.

**LEG. CILMI:**

Would she be able to speak to this at all?

**MR. VAUGHN:**

She cannot.

**LEG. CILMI:**

She cannot. You know, we spend an awful lot of money in Suffolk County, and we all know that we're under tremendous fiscal stress. There are many other things that we spend money on that I've often wondered. It seems to me that we don't really do so in sort of a planned, coordinated, concerted way. And it almost appears, based on the answers that we're getting tonight -- and I want to underline that it appears, that that's what's happening here. And that may not be, in fact, what's happening here, it's just that we're not getting the answers that support a coordinated effort to deal with this issue.

So I'm wondering if we can put this off, table it until the next meeting, that we could get some more specific answers to these questions. Do you have any -- Tom, we can do that? I see a head shaking, Lisa's shaking her head yes.

**MR. VAUGHN:**

If Lisa says it's good for a tabling, I'm great with a tabling. It's eight o'clock (*laughter*). You know what? Pardon me. This doesn't deserve a flippant response and I apologize, because it really doesn't.

Look, I do think that there are questions that are left unanswered. I think that there are questions that Legislator D'Amaro has posed for years now that have been left unanswered. I think that the Legislature deserves better answers and I'd be happy with a tabling motion at this time.

**LEG. CILMI:**

I'll make that motion.

**LEG. KENNEDY:**

To table it? Second.

**P.O. GREGORY:**

Okay, we have a motion to table and a second. Motion by Legislator Cilmi, second by Legislator Kennedy.

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

Well, hold on. We do have a list. You're finished; you'll yield the floor, Legislator Cilmi?

**LEG. CILMI:**

Yes, I'm finished. Thanks.

**P.O. GREGORY:**

Okay. Legislator Hahn was next on the list.

**LEG. HAHN:**

Thank you. I think there's been a little bit of confusion, possibly, Legislator D'Amaro. I'm not sure. But we do fund, through our Capital Budget, monitoring of the harmful algal blooms around Suffolk County by Stony Brook University. I think we spent somewhere -- it's either \$25,000 or \$35,000 that goes towards the monitoring. That's been done.

Suffolk County Department of Health Services has been monitoring harmful algal blooms since 1985. I'm sure how familiar you are with the history of harmful algal blooms on Long Island, but the first green tide came somewhere in between 1951 and 1954. In 1951, we had the closure of the Moriches Inlet, a duck -- probably due to the duck farms, in 1951 that was. In 1954, the Moriches Inlet opened and the green tides ended.

We had 30 years of harmful algal bloom free between 1954 and 1985. We had here in Suffolk County the largest hard clam and bay scallop fisheries on the U.S. East Coast. In 1985, we had the first brown tide here. 2003, we had the first toxic blue-green algae bloom. In 2004 we had the first red tide. In 2006, we had our first PSP event; PSP is Paralytic Shellfish Poisoning. And in 2011, we had the first DSP, which is Diarrhetic Shellfish Poisoning. PSP and DSP are harmful -- are human health threats.

We have been monitoring, and I hope -- you know, I don't think we have scientists that are here on the Legislature, but there is real importance in annual monitoring whereby I have -- there's a presentation available for you on the T Drive that was given in the Legislature's Environment Committee back in 2012; I think you were a member, Legislator D'Amaro, when this presentation was given. But we are able to talk about Northport Bay, the Diarrhetic Shellfish Poisoning, I believe it was, in Northport Bay in 2010. The density peaked at over 110,000 cells per liter. We thought this was really high at the time, until 2011 came when the bloom peaked out at almost 1.3 million cells per liter, which is an incredibly huge increase; the largest bloom ever recorded in North America.

We have all this information and we're able to say these things because of the monitoring that our Health Department does year-in/year-out. We talk about number of cells per liter. We're able to measure and know. We have maps of where PSP and DSP events have taken place, where red tide has taken place with dots that talk about years they were present, and the number of cells per liter, etcetera, etcetera. We have graph charts and bar charts and all kinds of things because of the annual monitoring that our Health Department does, whether it's through Stony Brook University or through our own, you know, Health Department staff folks. It seems like now we're at a place where we're going to work with Sea Grant to finally do what you wanted, which is come up with an action plan based on the science we've been collecting for all these years. We're going to come up with an action plan on what to do with scientists that are, you know, internationally renowned, probably, or nationally renowned. But we're really going to try to come up with an action plan to take what we need to continue. We always need to have this monitoring so that we know if we're making progress, if we're not, if it's the worst ever or not, if the fish are dying from this or that or

General Meeting - April 29, 2014

not, or that, or the other thing. You know, the temperature of the water and the amount of nitrogen in the water, and the amount of this, and all the things that they monitor for which is very important to know to create trends over time. This is part of, you know, scientific analysis of what's going on in a huge problem like this.

And so I think -- I think there was just a little confusion over the money we spend annually on monitoring and then this particular 477 grant that's going to go towards trying to create an action plan to solve the problem. I hope that helps.

There is, like I said, on the T Drive, you should all take a look at this, this PowerPoint presentation which has a whole lot of very important data. And now we need to move to act. And I don't think we should -- I really don't think we should delay. I think there's really good reason. We all know the fish kills, the shellfish kills, the eel grass loss, for all you folks on the south shore who know how important eel grass is to the future of this, you know, and resiliency of our South Shore; marine mammal deaths, and then not to mention the paralytic shellfish poisoning and the diarrhetic shellfish poisoning that are threats to human life. So I'm really in favor of this passing tonight, and I hope that was helpful.

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

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

I have a question about the \$70,000. Is that for like a -- like a hotel? Is that like a symposium, a three-day thing somewhere, or what is the money for?

**MR. LUBICICH:**

The 71,308, that is for six months of a New York Sea Grant Technical Specialist or a contractor. That's for Sea Grant. Sea Grant is going to be the contractor for this to run this project.

**LEG. TROTТА:**

Is it like a -- is it like a three-day symposium, or is it a person we're hiring, or is it --

**MR. LUBICICH:**

We're going to be hiring Sea Grant as a contractor, yes.

**LEG. TROTТА:**

Sea Grant is a company, I'm assuming.

**MR. LUBICICH:**

Yes, yes, right.

**LEG. TROTТА:**

So we're going to hire them for six months to do --

**MR. LUBICICH:**

They're going to -- the background information on this project is that, you know, we have a -- again, it's been gone over, increased -- there's been increased occurrences of the harmful algal blooms. We need -- I'm trying answer off the cuff. We have a few talking points. We need the coordinated strategy, like Legislator Hahn had said. And, you know --

**LEG. TROTTA:**

It's not for a -- it's not --

**MR. LUBICICH:**

Sea Grant is a university-based research extension.

**LEG. KENNEDY:**

Can they come here and talk to us? Can Sea Grant come here?

**LEG. TROTTA:**

Yeah, could they come here and talk to us?

**LEG. KENNEDY:**

Because then maybe we would be able to find out what they're going to do.

**LEG. TROTTA:**

Yeah, understand what he's doing.

**P.O. GREGORY:**

Are you done, Legislator?

**LEG. TROTTA:**

Yes.

**P.O. GREGORY:**

Legislator Spencer.

**MR. LUBICICH:**

Yes, I'm sure Sea Grant would come down to speak to you.

**LEG. SPENCER:**

Kara, you did -- I appreciate the kind of history, and I was aware of that, and especially representing Northport, where one of the reasons I initially ran was really this whole water quality issue. And I, you know, support the shellfish aquaculture monitoring, and aquaculture in general, but we're seeing a monitoring program assessment and I think it needs to happen, I think it needs to happen very quickly. But I guess when I hear that -- and I understand that you need honorariums to attract the experts in the field.

One of the things I was hoping to do as Chair of the Health Committee was potentially see if we could go back historically with regards to money that we've already spent for the assessment, and have the Sea Grant people come in and have a formal presentation in the Health Committee, and be able to -- we have a short cycle. I think we're coming back up pretty quickly, but that may be something that -- because I support it 100%. And, Kara, you are an expert, I consider, among us with regards to the environment, and this is extremely important. But I don't have a clear understanding of an itemized sense of where the money is going to go. And I will support it, but I will also support the tabling motion.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

All right. So I've been reading the bill that you're asking us to approve here today, and I understand -- first of all, Legislator Hahn, you feel this need to respond to me, but the fact is I -- well, she's not even in the room.

(\*Laughter\*)

Where is she? There she is. I thought she was running. All right. The fact is that everything you said is wonderful and it paints a very nice picture, but why isn't it coming from the folks that are asking us to spend the money? I mean, you know, you're telling -- I mean, you're reading off to me that this is what we're going to do, and this is how it's going to -- you have absolutely no personal knowledge of one word of what you said, zero, nothing. That's not -- that's not your fault. How could you? But I would think that if the County Health Department is here in front of us asking us to spend \$100,000, a major portion of that funding is going to a private company, Sea Grant, or maybe it's not a private company. I don't know what kind of company this is, but I have no information. You know, all you're telling me is what's in this Whereas Clause that Sea Grant is going to be uniquely positioned to bring together all of this information and tell us, you know, "We'll put together an action plan." You know, that sounds like to me just spending money and putting it down a black hole when no one can come before this Legislature and tell us exactly what the goals are of spending this money on. What's the goal? So we have an action plan, so what. What does that mean? I'm not saying it's insignificant, I'm not saying we don't need one, but I'm saying tell me why I need an action plan. No one's telling me why, no one.

You know, my only point here is that this is a major problem to industry and to all Long Islanders, all of our residents of Suffolk County. This is a major problem. And I just feel that we should have the experts here in front of us to tell us this is exactly what we're going to accomplish or try to accomplish, here are our goals, here's how we get here, here's how we're spending the money. Because how do I go back to my constituents and say to them, "Oh, the algal blooms and the algae blooms and the brown tides, we're working on that. We're putting together an action plan." They'll look at me like, you know, I was born yesterday. So what does that mean? Another government bureaucrat telling me they have an action plan. What happens with that action plan, does it sit on a shelf? Does it help this -- our other program with the leaseholds? What do you call that, aquaculture program?

You know, no one's connecting the dots here at all. I don't understand how or why we're spending this money. And with all due respect to my colleague, Legislator Hahn, I appreciate your concern for the environment. I think what you're talking about is you're hoping that that's what is accomplished here, and so do I. But before we go ahead and vote on this, I think we should be told by the experts, by the stakeholders, by the folks that are getting the funding, this is what we're going to accomplish. We can't just make it up as we go along or read what's in front of us. We've been talking about this problem for 10 years, according to you, since 1951; 1951, and we're still working on an action plan, and not one person is coming before us with actual knowledge to tell us this is exactly where we're going with this. I am not going to vote for this today.

**P.O. GREGORY:**  
Legislator Stern.

**LEG. STERN:**

Yeah. No questions, but let me just say that I will support Legislator Spencer's suggestion, that the stakeholders, perhaps representatives of the organization, that perhaps we're going to be working with going forward, can come and make the presentation before his committee. Maybe there could be representatives from the Economic Development Department as well. Maybe we can get our questions answered then. So I'll support Legislator Spencer's proposal.

**P.O. GREGORY:**

Okay. It's after eight o'clock. We have a tabling motion. We have a motion to approve. I would like to move forward. Let's do a -- well, the tabling motion goes first. We'll do roll call.

**MR. LAUBE:**

You got it.

**LEG. CILMI:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. SPENCER:**

Yes to table.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

No.

**LEG. HAHN:**

No.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

No to table.

**MR. LAUBE:**

DuWayne -- Gregory.

**P.O. GREGORY:**

All right, Timmy.

(\*Laughter\*)

**MR. LAUBE:**

That's a first. Thirteen.

**P.O. GREGORY:**

All right. The motion is tabled. All right. Going to Health.

**HEALTH**

***I.R. 1301 - Declaring May as "Cystic Fibrosis Awareness Month" in Suffolk County (Kennedy).*** Legislator Kennedy.

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

Motion to approve. Second by Legislator Cilmi.

**LEG. CALARCO:**

On the motion.

**P.O. GREGORY:**

On the motion. Oh, okay.

(\*Laughter\*)

You're going to spend an hour on lighting the Dennison Building. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

The motion passes.

**PARKS & RECREATION**

Parks and Rec: ***I.R. 1277 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc. for a fundraising walkathon (Krupski).*** Legislator Krupski.

**LEG. KRUPSKI:**

Motion.

**LEG. BROWNING:**

Second.

**P.O. GREGORY:**

Motion to approve; second by Legislator Browning. Any questions? All in favor? Opposed? Abstentions?

**LEG. HAHN:**

Abstain.

**MR. LAUBE:**

Seventeen -- 16. (Not Present: Legislator Anker)

**P.O. GREGORY:**

Okay. Page 7. *I.R. 1299 - Authorizing changes in Investment Management Policy for the Suffolk County Vanderbilt Museum Endowment Trust Fund (Leg. D'Amaro)*. Legislator D'Amaro?

**LEG. D'AMARO:**

Yes, thank you. Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator D'Amaro.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**PUBLIC SAFETY**

**P.O. GREGORY:**

Public Safety: *I.R. 1296 - Authorizing execution of a Memorandum of Agreement with the Village of Saltaire for provision of police services (Co. Exec.)*. Legislator Calarco, is this yours?

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. BARRAGA:**

Second.

**P.O. GREGORY:**

I'm sorry, second by Legislator Cilmi.

**LEG. CILMI:**

No, Barraga.

**P.O. GREGORY:**

Oh, Barraga. I'm sorry, I apologize. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1307 - Appropriating funds for the Forensic Sciences Medical and Legal Legislative -- excuse me -- Investigative Consolidated Laboratory (CP 1109) (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Calarco.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1307A (Pending Bond Resolution)***, same motion, same second. Roll call.

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

**LEG. CALARCO:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1308 - Appropriating funds for the purchase of equipment for Medical, Legal Investigations and Forensic Sciences and to approve the purchase of one (1) replacement SUV and one (1) replacement mortuary vehicle in accordance with Section (B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard Law (CP 1132)(Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion to approve by -- who was that? Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1308A (Pending Bond Resolution)***, same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

*I.R. 1309 - Appropriating funds in connection with the acquisition and implementation of a District Attorney Case Management System (CP 1136).*

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco.

**LEG. CILMI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

Could I just have somebody explain? I thought we -- didn't we appropriate some money for this?

**MR. NOLAN:**

County Attorney and Case Management.

**LEG. CILMI:**

We did the -- we didn't do District Attorney a year or so ago?

**LEG. KENNEDY:**

Yes, we have.

**LEG. CILMI:**

A year or two ago?

**LEG. KENNEDY:**

We did. As a matter of fact, what this says is this is for some additional storage. We did obtain the actual software. They installed it, demoed it, tested it, it's working. This is actually for the acquisition of additional servers to do storage and, I think, expand the capacity of the system. It is operational and functional in there, I believe, right? Right, Tom? Who's got this? Anybody here got this?

**MR. VAUGHN:**

I do. Thank you, Legislator Kennedy. So, yes, the program that you're thinking of, Legislator Cilmi, was actually in the County Attorney's Office, and it was in December of -- and it was in December of 20 --

**LEG. CILMI:**

Twelve?

**MR. VAUGHN:**

Twelve, yes. It was in -- I believe that that's what you're thinking of. Legislator Kennedy is correct

General Meeting - April 29, 2014

in what he had said. The other component to this project is that it will enhance the scanning abilities for the District Attorney's Office so that they can be able to scan the documents in as well.

**LEG. KENNEDY:**

Right, yes. This is the next phase of this project.

**LEG. CILMI:**

Counsel, could you just weigh in, please?

**MR. NOLAN:**

I just found a resolution from 2011. We appropriated \$150,000 for a District Attorney Case Management System back then, so I guess this is an add-on of some kind.

**LEG. CILMI:**

I just appreciate the fact that I actually remembered that.

*(\*Laughter\*)*

**MR. NOLAN:**

You remembered that.

**LEG. CILMI:**

Thank you.

**P.O. GREGORY:**

Okay. Anyone else? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1309A (Pending Bond Resolution)***, same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**PUBLIC WORKS, TRANSPORTATION & ENERGY**

**P.O. GREGORY:**

Okay. Public Works: *I.R. 1117 - A Local Law prohibiting the sale and use of hydraulic fracturing byproducts (Spencer).*

**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Spencer.

**LEG. ANKER:**

*(Raised hand).*

**LEG. KRUPSKI:**

*(Raised hand).*

**P.O. GREGORY:**

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

**LEG. BROWNING:**

There was some information, I think, that Doc Spencer had brought up. Could you explain, because there was some stuff that was mentioned -- that you had mentioned that we haven't -- didn't hear at the committee meeting with regards to the byproducts.

**LEG. SPENCER:**

I think that the issue with this particular bill is that we're not talking about your position on fracturing, whether or not you support it or not, we're talking about really Suffolk County being an aquifer location, that although -- and again, I have to thank Legislator Hahn and Calarco, who initially led the charge with regards to forbidding it on our County roads and our County sewage treatment plants, but the fact that if it goes on any of our roads or any of our sewage treatment plants, it can wash off and get into the recharge basins if the sewage treatment plant leaks, that you could potentially contaminate our aquifer. And so the sewage treatment plant does treat the harmful toxic substances, but it doesn't treat radioactive, that process.

So this isn't a whether or not you support hydraulic fracturing or not. I know that that's an economic debate and that's what this is. Do we want those products to be able to -- right know, any private entity with a sewage treatment plant, or who have a system of roads, municipal or private, could use these materials, it's not controlled. And we're just saying in Suffolk County that's too risky, though that's -- so I would like your support on this.

**P.O. GREGORY:**

Okay. Anyone else? All right. I'll call the vote again. All in favor? Opposed? Abstentions?

**D.P.O. SCHNEIDERMAN:**

Cosponsor, Tim.

**MR. LAUBE:**

Eighteen.

**LEG. KRUPSKI:**

Tim.

**P.O. GREGORY:**

Okay. ***1247 - Requiring installation of carbon monoxide detectors at County Facilities ("The Steve Nelson Safety Act") (Kennedy).***

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Kennedy.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi.

**LEG. BARRAGA:**

On the bill.

**P.O. GREGORY:**

On the bill, Legislator Barraga.

**LEG. BARRAGA:**

Most certainly, I understand the intent of this bill, and it will pass overwhelmingly, I would imagine, but it will not pass unanimously. The cost factor associated with this bill is about \$560,000. That's \$560,000 we don't have.

Several weeks ago, Budget Review came out with an analysis of our fiscal condition, and if I recall correctly, going into 2015, there was going to be a deficit of approximately 170 million dollars. And if we did some amortization with reference to the retirement bill, it would drop to about 91 million. In fact, some of the people who will vote for this bill today for the additional 560,000 will be criticizing in the amortization when it's done, that it has to be done.

When you have a budgetary deficit, when you have a structural imbalance, it's not rocket science in terms of what has to be done. You either have to increase revenues dramatically to offset it, and we have to take a look at our situation in the County where you have sales tax, property tax, fees, red light cameras, school speed cameras potentially, VLTs potentially, all revenue-generators. But you also have to reduce your spending, and that's difficult to do at this stage when you take a look at the different agencies, in my judgment, or the different departments and what we've done or had to do in the last several years. We have roughly a thousand fewer people working today in Suffolk County than in the past. So how much more can you really do in the way of cutting?

The one thing you should never do is you should avoid additional expenditures, and that's what this is. It could be justified; it's a requirement. It's like you're doing a mandate on yourself. And I've always said people are always against mandates at other levels of government until they see one and they all want to vote for it, because we have a tendency to compartmentalize every single bill that we take up. The trouble is when you're running a structural deficit like we are in Suffolk County, that structural deficit permeates every other piece of legislation that we take up.

This bill is only before us because of what happened in Huntington, which was a tragedy, a tragedy. And if the legislation said from a business perspective all new businesses will have to install hard-wired systems, I certainly could support that. Or existing businesses can use a battery powered entity, I could support that. That's part of what Nassau just passed yesterday. But they also had a provision in there where their public buildings, and they can't afford to do it either, will have to be hard-wired as well.

So I certainly understand your vote, you want to do the right thing. You think this may potentially save a life in the future. I've heard that scenario so many times, but so many things we do could potentially save a life in the future. I look at it from the standpoint of affordability. Tomorrow, I, for example, could turn around and put a bill on radon, calling for detectors in every single public building in Suffolk County. Radon kills 21,000 Americans every year due to lung cancer, second only to cigarettes. But I'd never put that bill in, not because I wouldn't want to put it in, we just don't have the money.

So I certainly understand, and I would probably recommend politically an affirmative vote. But from a fiscal perspective, we just can't afford to do this. We just can't afford to keep on taking up pieces of legislation that increase the expenditure side of the balance sheet. Otherwise, we will never close the structural imbalance. We're not OTB, we can't do 90 million dollars worth of bonds to pay off our creditors and build something. That's absolutely nuts. We have to be more responsible.

## General Meeting - April 29, 2014

But, certainly, I understand your vote, because you want to do the right thing. You're compassionate people, you feel it has to be done. But from a fiscal perspective, we can't be taking up these bills anymore. We really got to take a look at a bill before we put it in and say, "What is the fiscal ramifications on the County based on our structural imbalance?" It's the 800 pound gorilla that sits out there. And we don't want to go down the road, at least I don't want to go down the road, of Nassau County.

### **P.O. GREGORY:**

Legislator Kennedy, I see you chomping at the bit.

### **LEG. KENNEDY:**

Well, I always listen when my colleague speaks, and, as a matter of fact, he speaks pragmatically, but let me give you the other side of this. And I'll defer to my cosponsor to go ahead talk about the particular tragedy with Mr. Nelson.

I've done real estate work for the last 20 years, and I have sat at many, many closing tables where one of the last items that you wind up doing is somebody runs down to Ace Hardware and you buy a battery-operated CO detector for \$33, because in the State of New York today, you cannot purchase a home without CO detection in it. However, the irony is, is that, unfortunately, in our society today, most all of you around this horseshoe spend a lot less time at home than you do in a County building or any other public building. And the same degree of safety that you have in your home with CO detection you do not have in a County building.

We operate the County buildings, we bring people into the County buildings, and God help us if one person died in a County building because of the CO. The liability would be tenfold of the 500,000 that is estimated to go ahead and be the cost to put this in. That estimate, as a matter of fact, is an estimate with a capital E.

I've worked extensively with Public Works where we have existing fire protection and monitoring systems in our buildings. Adding the CO detector component will be substantially less. And then you come to the building that I'm in in Building 17 where we have four pieces of heavy equipment in that basement and there's not a single detector to be found anywhere. And that diesel Cat kicks on repeatedly because the power goes out. So there's about 150 County employees that are in that building with that generator cranking away, and it could be filling that building with CO and nobody would know until somebody started to go down as a casualty.

In all due respect, what I would say at this point is with the three-year implementation tier process that we have now with this, and with the first responsibility to be by December of 2015 for buildings at 100,000 square feet, I believe that we will be able to go ahead and work prudently and responsibly with the installation cost over that three-year period, and we will make not only our County buildings, but actually our Community College buildings, safer as well. And so on this, what -- I respectfully disagree with my colleague. Thank you.

### **P.O. GREGORY:**

Okay. Legislator Krupski.

### **LEG. KRUPSKI:**

Well, I agree with what Legislator Kennedy said. It's a serious issue and it should be addressed. And talking to Commissioner Anderson at the Department of Public Works and Energy Committee, we talked about other -- some other alternatives to hard-wiring everything in it and spending over \$500,000. However, Legislator Barraga brings up a very good point, and being very pragmatic and saying that we're facing with a deficit this year, and how can you just go ahead and say everything that -- because we all could come up with things, and I agree with you, that, say, we need to do. This is a safety thing, we should do this, we could -- we could always do more. You could put rubber

around every doorway so nobody could knock their head and get a bruise. And for that reason, I agree with my colleague, Legislator Barraga, that it is time to look at everything in the full context of our fiscal condition, and evaluate every decision we make, not just this one. How is it going to affect the taxpayer, and how is it going to affect our long-term debt? Thank you for those comments, because I agree with you.

**P.O. GREGORY:**

Legislator Anker.

**LEG. ANKER:**

I'm just looking at the bill itself. So you're going to implement this within a three-year time frame? And can I ask Gil, do you mind coming up?

So I know, you know, like when you go to change your house, you have to -- you know, and the Building Inspector comes, you have to have a smoke detector and a carbon monoxide detector. Gil, is there any way to create a less expensive process, or this there -- is there some new technology that will not cost us so much money to implement these -- you know, these devices?

**COMMISSIONER ANDERSON:**

In working with the staff, and when they came up with similar estimates as BRO, we are confident that we will be able to do this the most efficiently, the most economically viable way to do it.

*(\*The following testimony was taken by Alison Mahoney - Court Reporter & was transcribed by Kim Castiglione - Legislative Secretary\*)*

**COMMISSIONER ANDERSON:**

It is going to cost money, there's no way around it. Again, for you all to consider the fiscal impact on the County budget, but can it be done any more efficiently? I don't believe so. My staff, you know, firmly went through everything as far as we have available the information right now, and they're comfortable with being able to do it. It's the cost that I guess this body has to weigh.

**LEG. ANKER:**

Has there ever been an incident of this type of situation where we have carbon monoxide being detected in any of our buildings?

**COMMISSIONER ANDERSON:**

Not to my knowledge.

**LEG. ANKER:**

And that would be probably from like the ventilation system. Is that where --

**COMMISSIONER ANDERSON:**

Generally it's near -- you'd have some type of furnace, some type of, you know, combustion unit, engine, things like that. We have installed them in some locations, not in every one.

**LEG. ANKER:**

All right. Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

Legislator Spencer.

**LEG. SPENCER:**

The issue is relative risk and liability. A lot of times when I have to make a decision that, you know, I'll have a mother that will bring her 18 month old baby for me to -- he needs an operation. And so what are the risks of this, you know, he could die during anesthesia, there could be bleeding, there could be all of these different things, but one of the things that when we weigh the relative risk compared to if the condition is left untreated, then what will that result in. And when I weigh that and it looks as if leaving that condition untreated will result in a higher risk to that particular individual, sometimes on a mini-fold but versus the surgery, then a lot of times they understand that is a reason to proceed.

We are in the business here of representing the public interest. One of our primary responsibilities is safety and protection. We have a protective function. When we look at carbon monoxide, and we're talking about something that is completely preventable, but yes there is exposure, and one of the things we're thinking about is that you don't have to drop dead from a high level exposure. There's low level exposures that creates thousands of hours of missed work and I lived a personal example. In my legislative office one of my aides brought in her smoke detector, her carbon monoxide detector, because she needed a small screwdriver to get the battery cover off. We got the battery cover off and we put in the batteries and this thing immediately started, you know, sounding an alarm. And we came to find out that there was significant carbon monoxide that we had been exposed to. My staff had been complaining of headaches for weeks, people missing days of work.

We really have to get into the 21st century here. The idea that we have laws that say in every residence there should be carbon monoxide detectors, and we would consider for a moment when we spend literally hundreds of millions of dollars, we have a \$2.7 billion budget and now the potential to expend this over a three year period to protect us from liability, to protect our employees, that we are actually putting that up for a debate in terms of looking at long-term expenditures and debt. Yes, the debt is important, but we might as well turn off the lights and go home. This is what we are here to do. This is what we should spend money, when we see that there is a real threat and we see that there is a senseless death.

It is almost a hundred percent certain that if an active carbon monoxide detector was working that night Mr. Nelson would be alive right now. There's very few things in life that you can point to have that much of a cause and effect relationship. And now we could fix it? Remember, honor the memory of this individual, protect our County employees, protect ourselves from future liability, and we've been bonding hundreds of thousands of dollars, millions of dollars all day long, and now we're getting cold feet when it comes to spending a half a million to protect all of our County buildings. I think that we have to do this.

**P.O. GREGORY:**

Okay. That is all that I have.

**LEG. TROTTA:**

One question for the Commissioner.

**P.O. GREGORY:**

Oh, I'm sorry. You did say something. Legislator Trotta and then Legislator Schneiderman.

**LEG. TROTTA:**

Just a question for Gil. You know, I'm no, I mean, the County's been around, I don't think anybody's ever died from carbon monoxide poisoning in the County, I don't think, but it seems to me, I have one of those carbon monoxide detectors in my basement that I plug it in and its got a battery backup. I'm mystified as to why -- and most of these problems occur when people are sleeping at night, you know, when the deaths occur because they fall asleep. But why can't we just

plug -- buy 50 of these at 30 bucks each and plug them into the rooms these generators and things are.

**COMMISSIONER ANDERSON:**

There is the question of battery life. They expire.

**LEG. TROTТА:**

They're plugged in.

**COMMISSIONER ANDERSON:**

Oh, the plugged in ones?

**LEG. TROTТА:**

It plugs in and it has a battery backup, and it tells you when --

**COMMISSIONER ANDERSON:**

I mean, again, if there's an outlet nearby, you know, if there is a control panel nearby, the best, you know, in our opinion, the best operation is to hardwire it into the control panel. You always have that electrical connection.

**LEG. TROTТА:**

If the batteries -- let's use your hardwired scenario. Let's say the electric goes out. It's no good anymore; correct?

**COMMISSIONER ANDERSON:**

No, because in most cases we have generators. Most of our facilities, especially the larger ones, have generator backup and would run that as well as -- because, I mean, you know, again, part of what you're going to be testing is the generators as well, whether the generator system is releasing carbon monoxide.

**LEG. TROTТА:**

Exactly. So if you were to have that plugged in and had a battery backup, you know, you can buy it at the store for \$35, and it says power failure and it beeps when the nine volt battery, which mine lasted like ten years, goes off. So then if the generator goes back on, now you have the electric on. It seems to me that you could do this for, you know, \$5,000.

**COMMISSIONER ANDERSON:**

Again, as I said, my staff, we met with the Legislators, or at least the Legislator and his staff, Legislator Spencer. We talked about the program. My staff was very comfortable that this was the best way to proceed with it. Certainly, you know, we could entertain that if there was an outlet nearby, if it was, you know, appropriate.

**LEG. TROTТА:**

Let's think of what Dr. Spencer said. He said that, you know, you assess the person. We've never had anybody die in the history of the County from carbon monoxide; is that correct?

**COMMISSIONER ANDERSON:**

I don't know that. I can't make that statement. But again, similarly --

**LEG. TROTТА:**

As far as we know we don't.

**COMMISSIONER ANDERSON:**

As far as I know we haven't. The only statement I can make is my staff, who are professionals in

these matters, have advised me that this is the best way to proceed in doing this installation. So to go to another one, yes, I suppose we could, but are we getting the best benefit? I can't argue that at this point because I don't have that level of detail involved.

**LEG. TROTТА:**

It would seem to me -- they're plugged in and they have battery backup.

**COMMISSIONER ANDERSON:**

Again, I don't know at each location if we have an outlet in the vicinity where we're going to be putting these units, you know, to be able to argue that one way or the other. Certainly we're comfortable with the program that's --

**LEG. TROTТА:**

We could always put an outlet in.

**COMMISSIONER ANDERSON:**

True, true.

**LEG. TROTТА:**

Is there any way we can research this and maybe look at that as a possibility?

**COMMISSIONER ANDERSON:**

I think we can, you know, again, I think we can move forward as a policy decision that when we come to a specific location we will put in the best and the most economic unit that's available and appropriate for the situation.

**LEG. TROTТА:**

Are you planning on putting one in with like a master panel that's going to notify someone else or just notify locally.

**COMMISSIONER ANDERSON:**

Actually, in the larger buildings we hope to and we are moving towards remote systems so that if you have a system of buildings such as this where you have a remote control off-site, you would be able to notify that remote-control panel so somebody in my building -- eventually, you know, we are working towards this, we will be able to identify that there is this issue on that control panel, but not every building, not immediately.

**LEG. TROTТА:**

It just seems to me that you can plug one in with a battery backup and it will be just as effective. No one -- generally no one is sleeping in County buildings.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

I don't have a problem with the goals of this bill. I think they're good goals. I don't, you know, I don't want to see us with the plug in varieties that fall out that the household might have. I think you're going to need a commercial grade, you know, hardwired type of system, but I don't have a problem with the goals. I do have a problem with the phasing, though. The way this is proposed it's based on square footage. So the first phase is the large buildings over 100,000 and then between 120,000 and then finally the 20,000 square feet. To me, this should be phased based on risk assessment, those with the highest risk assessment. You might have a generator in a building but it could be outdoors and, you know, there's very little threat of getting carbon monoxide inside. A lot of our HVAC systems, their pieces are exterior to the building. But other buildings may have

them in the basement. I would have preferred to see a bill that you identified first the highest risk facilities and we got carbon monoxide detectors in those facilities first, and then the lower risk would be later on. Can I ask why you went by size and not risk?

**COMMISSIONER ANDERSON:**

Probably simplicity at the time trying to identify a program that would be multi-year and to look at, you know, essentially size of the facility as the most likely, you know, the most need at the time.

**D.P.O. SCHNEIDERMAN:**

But do you agree in terms of, you know, irrelevant to the size of the building that the risk really has to do with the -- whatever appliance that potentially would generate carbon monoxide. Not all appliances do.

**COMMISSIONER ANDERSON:**

Absolutely. Yeah, absolutely. And those facilities that don't generate a need for the carbon monoxide detectors we certainly would not --

**D.P.O. SCHNEIDERMAN:**

Do you have under this bill the ability to skip over a building and say, "You know what? There's no risk here".

**COMMISSIONER ANDERSON:**

Yeah, absolutely.

**D.P.O. SCHNEIDERMAN:**

I still would feel better, though, if what was driving this was risk, regardless of the size. So right now you could only really look at the big buildings and then assess those for risk and not the smaller buildings? Because I think some of the older buildings with the older furnaces are the ones that probably have the greatest risk, even though they might be the smallest.

**COMMISSIONER ANDERSON:**

Certainly if we in our assessment, and we monitor all those facilities, come to an actual piece of equipment that we are concerned about, we can put that in. We have, you know, we have been installing these in County facilities, various County facilities, at different times. So certainly if there's a concern we can do this outside of the program and I would anticipate we would because of the awareness that's involved right now.

**D.P.O. SCHNEIDERMAN:**

Another factor, too, just because the building is large doesn't mean there's very many people in it as well. So some buildings may be smaller and actually have more people who potentially would be threatened. That's the -- my only criticism really is that it should be risk driven, not building size driven. You know, if the sponsor would entertain, you know, making those changes, I think it would be a better bill.

**P.O. GREGORY:**

Okay. Legislator Cilmi, before we call the vote.

**LEG. CILMI:**

Just very quickly. I think sort of to take a hybrid approach to the sentiment here, I see Legislator Barraga's point and I also see Legislator Kennedy's and Legislator Spencer's point, so I think maybe the answer here is that while we recognize the need to do this, maybe we also recognize the need to do it in the most cost effective way as possible. And maybe the typical way of thinking, you know, of government thinking in terms of, you know, we need the most professional of systems here, and maybe we don't have the resources to do it that way and, you know, at some point we don't -- this

General Meeting - April 29, 2014

is not a budgetary resolution at the moment, although there's fiscal impact associated with it. That fiscal impact is purely based on conversations at this point and some, you know, analysis of what our Department of Public Works expectations are, but ultimately we do have to put aside some money for this in the budget and I think, you know, our Department of Public Works will have to make this work within that budgetary allocation.

So let's pass the bill, ensure the safety of our employees, but at the same time, let's do so in a way that's fiscally prudent. Let's not jump to the most expensive methods of detecting carbon monoxide when we may be able to, in fact, simply purchase something that's a commercial grade carbon monoxide detector, but that may not be government grade carbon monoxide detector. Thank you.

**P.O. GREGORY:**

Okay. Let's call the vote. We have a -- Mr. Clerk, we have a motion and a second?

**MR. LAUBE:**

Can I confirm the motion and second again?

**P.O. GREGORY:**

Kennedy I'm sure. This is your bill. Doc Spencer.

**MR. LAUBE:**

Legislator Kennedy and Legislator Spencer. All right. Thank you.

**P.O. GREGORY:**

Do we have everybody? Okay. All in favor?

**LEG. KRUPSKI:**

Wait, DuWayne.

**P.O. GREGORY:**

I see you. Oh, I'm sorry. I thought you were --

**LEG. KRUPSKI:**

I make a motion to table and to take a more middle of the road approach to see if this could be done in a more fiscally responsible manner.

**P.O. GREGORY:**

Okay. We have a motion to table. Do we have a second?

**LEG. TROTТА:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator No Tickets Trotta. Tabling motion goes first. Roll call.

*(\*Roll called by Tim Laube - Clerk of the Legislature\*)*

**LEG. KRUPSKI:**

Yes.

**LEG. TROTТА:**

Yes.

**LEG. SPENCER:**

No.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. McCAFFREY:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MARTINEZ:**

No.

**LEG. LINDSAY:**

No.

**LEG. CALARCO:**

No.

**LEG. ANKER:**

No.

**LEG. HAHN:**

This is to table? No.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

No.

**D.P.O. SCHNEIDERMAN:**

No to table.

**P.O. GREGORY:**

No.

**MR. LAUBE:**

Three.

**P.O. GREGORY:**

Okay. Motion to approve. We have a motion and a second. All in favor? Opposed? Abstention?

**MR. LAUBE:**

Sixteen. (*Opposed: Legislators Barraga and Krupski*)

**P.O. GREGORY:**

Okay. Motion passes. *IR 1275 - Partnering with the Town of Brookhaven to establish a Single Stream Recycling Pilot Program at the Yaphank County Center (Anker)*. Motion to approve by Legislator Anker, second by Legislator Calarco.

**LEG. CALARCO:**

Tim, cosponsor.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*IR 1283 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 Selden and Crescent Club Apartments (BR-1655) (Co. Exec.)*. Motion by Legislator Muratore. Second by Legislator Calarco. Legislator D'Amaro has a question.

**LEG. D'AMARO:**

No, just a comment. I wanted to point out that there is a connection fee that's being paid here and I just wanted to ask Commissioner Anderson if he's here, Gil, did this come through the -- this went through the Sewer Agency, right?

**COMMISSIONER ANDERSON:**

Yes, it did.

**LEG. D'AMARO:**

What fee is the County collecting on this?

**COMMISSIONER ANDERSON:**

Hold on.

**MR. NOLAN:**

It's a million-250 -- 1,250,000.

**LEG. D'AMARO:**

All right George has it, a million-250. Okay, that's fine. That's all I needed.

**COMMISSIONER ANDERSON:**

Thirty dollars per gallon.

**LEG. D'AMARO:**

It was at the higher rate.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. D'AMARO:**

I don't think we have any really left at the lower rate, do we?

**COMMISSIONER ANDERSON:**

Might be one or two.

**LEG. D'AMARO:**

One or two. Okay. Thank you. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*IR 1284 - Authorizing Execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 Selden and Middle Country Meadows (BR-1640) (Co. Exec.).*

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*IR 1292 - Authorizing the execution of an agreement between the County and the New York State Department of Transportation for Federal and State Aid Funding for the continuation of the HOV Bus Service on the Long Island Expressway for 2012 and 2013 (Co. Exec.).*

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. ANKER:**

*(Raised hand).*

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*IR 1293 - Appropriating funds in connection with Suffolk County District Attorney Building 77 Bathroom Project (CP 1649) (Co. Exec.).*

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***1293A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$245,000 bonds to finance the cost of Suffolk County District Attorney Building 77 Bathroom Project (1649.310)). Same motion, same second. Roll call.***

***(\*Roll called by Tim Laube - Clerk of the Legislature\*)***

**LEG. CALARCO:**

Yes.

**P.O. GREGORY:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

Okay. Page eight. *IR 1302 - Authorizing the illumination of the H. Lee Dennison Executive Office Building in recognition of Cystic Fibrosis Awareness Month (Kennedy).*

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*IR 1304 - Authorizing use of County property in Yaphank by the GOOD Foundation for a 5K Run (Co. Exec.).*

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*Ways & Means. IR 1282 - Imposing moratorium on the sale of the former Foley Facility (Schneiderman).* Motion by Legislator Schneiderman.

**LEG. ANKER:**

Second.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

Second by Legislator Kennedy.

**LEG. D'AMARO:**

Just --

**LEG. ANKER:**

Cosponsor, please.

**P.O. GREGORY:**

Any questions? Oh, okay. All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. BARRAGA:**

Negative.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

***IR 1285 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Linda L. Nichi (SCTM No. 0200-446.00-03.00-024.000)(Co. Exec.).*** I make the motion.

**LEG. MURATORE:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***IR 1286 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-389.00-06.00-036.002)(Co. Exec.).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

We have the manilla envelope. ***Procedural Motion No. 11-2014 - Setting public hearing to consider the application of the Smithtown Fire District to legalize and validate acts done in connection with the construction of a new substation on Plymouth Boulevard, Smithtown.***

**LEG. KENNEDY:**

Make a motion.

**P.O. GREGORY:**

Motion by Legislator Kennedy.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. *IR 1443 - Amending Resolution No. 1172-2013, implementing Budget, Staff and Taxes for the Fiscal Year 2014 (Discretionary) (Pres. Off.)*. I make a motion. Do I have a second?

**LEG. HAHN:**

Explanation.

**LEG. D'AMARO:**

I'll offer a motion to second but also on the motion.

**P.O. GREGORY:**

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

**LEG. CILMI:**

Just if Counsel could explain.

**MR. NOLAN:**

This is like a correction of the tax warrant from last year, I believe, Tim. Mr. Clerk, this is a correction for the Town of East Hampton?

**MR. LAUBE:**

Yes, to the tax warrant that they submitted.

**LEG. CILMI:**

Okay. Thank you.

**P.O. GREGORY:**

Legislator D'Amaro. Legislator D'Amaro, you still have a question?

**LEG. D'AMARO:**

No, I had the same question.

**P.O. GREGORY:**

Okay. All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***IR 1444 - Amending Resolution No. 1173-2013, implementing Budget, Staff and Taxes for the Fiscal Year 2014 (Mandated) (Pres. Off.).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***IR 1445 - Authorizing Amended Tax Warrant for Resolution No. 1174-2013 (for the Town of East Hampton) to be signed by the Presiding Officer and the Clerk of the County Legislature (Pres. Off.).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Schneiderman. Second? I will second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***IR 1424 - Accepting the donation of \$500,000 in consulting services from IBM Corporation's Smarter Cities Challenge in connection with the County's Water Quality Initiative (Co. Exec.).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator D'Amaro. Second by Legislator Anker. On the motion.

**LEG. ANKER:**

Cosponsor.

**P.O. GREGORY:**

I have a question. This is a donation. Has there been a procurement process for who's going to do the study itself? How is this going to work.

**MS. LANSDALE:**

This was a grant application that the County applied for and we were one of four places in the entire country chosen to receive these services. This is a donation of services by IBM.

**P.O. GREGORY:**

I gotcha. Okay. All right? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***Home Rule No. 6 - Requesting the State of New York to amend the Retirement and Social Security Law, in relation to Performance of Duty Disability Retirement of Suffolk County Probation Officers (Senate Bill No. S.5153-A and Assembly Bill No. A.8160-A).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

Motion, Legislator D'Amaro. I'll second the motion. This is a correction to a Home Rule Message that we passed I believe a meeting ago, the Assembly or Senate bill, there was a change to the number.

**MR. NOLAN:**

Very minor change to the legislation so it got new bill numbers and the State tells us we have to do a new Home Rule.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

If you will go to your CN folder, the red folder. ***IR 1376 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 958-2014) (Co. Exec.).***

**D.P.O. SCHNEIDERMAN:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Schneiderman. I will second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***1421 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 961-2014) (Co. Exec.).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Yellow folder, late starters. I would like to make the motion to waive the rules and lay the following resolutions on the table. IR 1426, Budget and Finance; IR 1427, EPA; IR 1428, Education and IT; IR 1429, Budget and Finance; IR 1430, Ways & Means; IR 1431, Budget and Finance and set the following public hearing May 13th at 2:30 PM in Hauppauge. IR's 1432 to 1442 to Budget and Finance; IR 1446, Public Safety; IR 1447 public -- excuse me, Budget and Finance. IR 1448, Public Safety; IR 1449, Public Safety; IR 1450, Ways & Means; IR 1451, Ways & Means; IR 1452, Government Ops. Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

General Meeting - April 29, 2014

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Having nothing more on the agenda, we stand adjourned. Thank you.

*(\*The meeting was adjourned at 8:51 PM\*)*

*{ } - Denotes Spelled Phonetically.*