

**GENERAL MEETING**

**FOURTH DAY**

**March 3, 2015**

***Verbatim Transcript***

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

**Taken & Transcribed By:**

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

**Transcribed By:**

***Lucia Braaten, Alison Mahoney - Court Stenographers***

***&***

***Kim Castiglione - Legislative Secretary***

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*(\*The meeting was called to order at 9:34 A.M. \*)*

*(\*The Following was taken and transcribed by  
Lucia Braaten - Court Stenographer\*)*

**P.O. GREGORY:**

Good morning, Mr. Clerk. Please do the roll call.

**MR. LAUBE:**

Good morning Mr. Presiding Officer.

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

**LEG. KRUPSKI:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

(Not Present)

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

(Not Present)

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. TROTTA:**

Here.

**LEG. MC CAFFREY:**

Here.

**LEG. STERN:**

Here.

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**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

(Not Present)

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

Here.

**P.O. GREGORY:**

Here.

**MR. LAUBE:**

Fourteen -- 15 (Legislator Hahn entered the auditorium - Not Present: Legislators Martinez and Spencer).

**P.O. GREGORY:**

Okay. Will you all, please, rise for the salute to the flag, led by Legislator Krupski.

**(\*Salutation\*)**

Next, we will have the Clergy. The opening prayer will be given by Reverend Stanislaw Wadowski, Pastor for the past two years of Our Lady of Ostrabrama Roman Catholic Church in Cutchogue, guest of Legislator Krupski.

**LEG. KRUPSKI:**

Good morning. It's a real pleasure to introduce Father Stan. He's been at Our Lady of Ostrabrama for a couple of years, and he has been certainly very welcome there.

Father Stan was born on November 13, 1963, on a farm, the seventh of ten children of Mary and Stanislaw Wadowski in Southern Poland in -- what's the name of that town?

**PASTOR WADOWSKI:**

Skawinki. Skawinki.

**LEG. KRUPSKI:**

Skawinki Village, located 10 miles away from the birthplace of Saint John Paul II.

After high school, and two years of mandatory military service in the Polish Airforce, for two years he worked in a coal mine.

Age 23, he went to the Seminary to realize his dream of becoming a missionary. After a year of spiritual training in Poland, he decided to join the group of priests, the Missionaries of Charity Fathers, founded by Mother Theresa of Calcutta, whom he met numerous times over the years. After a few months in France, received his visa to come to join the group in the Bronx in 1988. Very soon, the whole group of Missionaries of Charity Fathers transferred to Tijuana in Mexico, where he spent six years learning Spanish and English, then studying Philosophy in the Diocesan Seminary in Tijuana. In the midst of the stay in Mexico, he came back for a year to the Bronx and San Francisco to work as a volunteer for the Missionary of Charity Sisters, serving in the shelter for homeless and for the patients with AIDS.

For theological studies, Missionaries of Charity Fathers go to Rome, Italy, to Angelicum University, run by Dominican Fathers, where for three years he received his Bachelor's in Theology.

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During his theological studies, he decided to go to Albania to continue the missionary experience, where he was ordained a priest on July 5th, 1997. For the next seven years, Father Stan served in Albania in two parishes as Assistant to the Pastor, then as Administrator of the Parish.

In 2004, he received an opportunity to come back to Long Island, where he visited -- where he visited for the first time since his service in the Bronx. His first short assignment was in Valley Stream, then in Lindenhurst for four years, and Farmingdale for four years. And since June 25th, 2013, has had the privilege to be the Pastor of Ostrabrama, Our Lady of Ostrabrama in Cutchogue.

So I'd like to introduce Father Stan.

**(\*Applause\*)**

### **PASTOR WADOWSKI:**

I thank you all for inviting me to meet and pray with all of you. And it is my privilege to be here as we all try to serve people of this beautiful County.

AI asked me to say something in Polish, so maybe I start with Polish, okay? A lot of people are from Polish descent here, so I will see what is their response.

**(\*Statement Made in Polish\*)**

I want just to say a few words to you, and then a few words of prayer.

As the Declaration of U.S. Independence states: "That all men are created equal, that they are endowed with their Creator -- by their Creator with certain unalienable rights, that among this are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

It comes from that consent and the desire to assure those rights, that you were chosen by the people of Suffolk County to represent their interests and to govern in their name. It is a great responsibility before every man and woman, every child and elderly to care for them and about them.

You were chosen not to rule over people, but to represent them before men and before God, because the people whom you represent are believers, and so you are obliged to voice and to defend that belief. And I ask you to have courage and to be proud to represent the people and their belief, without which they would have been -- they would have had different identity.

As a prayer, I will use today the hymn composed 800 years ago by Francis of Assisi, a man highly respected among his own, but even by Ottoman Sultan, with whom Francis sought peace between Christians and Muslims, prayer so needed today for the whole of humanity. It is called "Prayer of Peace".

*Make me a channel of your peace,  
Where there is hatred, let me bring love,  
Where there is injury, your pardon, Lord,  
And where there is doubt, through faith in you.*

*Make me a channel of your peace,  
Where there is despair in life, let me bring hope,  
Where there is darkness, only light,  
And where there is sadness, ever joy.*

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*Oh, Master, grant that I may never seek,  
So much to consoled, as to console,  
To be understood, as to understand,  
To be loved, as to love with all my soul.*

*Make me a channel of your peace,  
It is in pardoning that we are pardoned,  
In giving of our ourselves that we receive,  
And in dying that we are born to eternal life.*

Thank you.

**(\*Applause\*)**

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

Okay. Thank you. Please remain standing for a moment of silence. As always, let us remember all those men and women who put themselves in harm's way every day to protect our country.

**(\*Moment of Silence\*)**

Thank you. Please, be seated. Okay. This morning we have one presentation by Legislator Krupski, who will present proclamations to four firefighters: Ex-Chief Steve Beal, Ex-Captain J.R. Renten, Ex-Captain Kevin Burgess and Fireman Anthony Chiarmonte from the Riverhead Fire Department for rescuing an unconscious man from a burning building. Also attending is Chief Joseph Raynor.

### **LEG. KRUPSKI:**

Thank you, Mr. Presiding Officer. So Ex-Chief Steve Beal, Firefighter Anthony Chiarmonte, Ex-Captain R.J. Renten and Ex-Captain Kevin Burgess rescued an unconscious man from a burning home Thursday night. Riverhead Firefighter R.J. Renten crawled on his hands and knees under a cloud of waist-high obscuring smoke inside the burning house on Middle Road, circling around the couch, as his fellow firefighters sprayed down the kitchen. The only lights inside were firefighters' flashlights and the glow of a circular fluorescent lamp hanging on the wall by the bar. Mr. Renten spotted something on the couch at first. It looked like a giant white pillow. He got close, close enough to see that the pillow was an overweight unconscious man lying in a white tee shirt and sweatpants. He yelled back through his respirator to the other firefighters, "Victim." The three other members of the Riverhead Fire Department Search Team, Kevin Burgess, Steve Beal and Anthony Chiarmonte, weren't far behind.

Within two minutes of getting into the house late Thursday night, the firemen had dragged the victim out through two narrow doorways to safety. A woman and two small children also escaped the blaze unharmed. The firefighters' quick rescue of the 30-year-old man surely saved the man's life. The "snatch and grab," as one called it, was the first successful rescue of an unconscious person from a burning building in Riverhead in at least 20 years, First Assistant Chief Kevin Brooks said Friday.

Third Assistant Chief Tim Corwin said the heat inside the home was enough to melt the plastic light fixtures and smoke detectors. The firefighters who made the rescue said it wasn't bad. I mean, to run into a burning building, you know, to risk your own life and safety, that's really -- that's really -- that's really brave and really incredible.

And, you know, we have proclamations here from the County, but I'd just like to personally thank, you know, every one of you, because you did save someone's life, and just to do that, to risk your own safety, we thank you for that.

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*(\*Applause\*)*

**LEG. KRUPSKI:**

Just to know that these men are here every day and every night gives the community a great sense of comfort.

*(\*Applause\*)*

**CHIEF RAYNOR:**

I'd like to thank the Legislator for having us here to honor my brave men. And just remember that our Department's here for the Town of Riverhead 24/7. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. That's all the presentations that we have. We have a host of cards. Just to remind everyone that you have a maximum of three minutes to speak. Hopefully, we'll -- the microphone situation is all --

**MR. LAUBE:**

I've got a temporary one set up.

**P.O. GREGORY:**

Okay. All right. We have -- excuse me if I mess up your name if I can't understand your handwriting. Looks like Nancy Dorrien, and then on deck, Maryann Johnston.

*(\*Applause\*)*

**MS. DORRIEN:**

Start whenever?

**P.O. GREGORY:**

It's working.

**MS. DORRIEN:**

Say it again.

**P.O. GREGORY:**

It's working. We could hear you.

**MS. DORRIEN:**

Okay. I didn't know if I was being timed.

**P.O. GREGORY:**

Not yet.

**MS. DORRIEN:**

Okay. Good morning, everybody. My name is Nancy Dorrien. I just wanted to say I was born and raised on Long Island. I live not far from the proposed casino, live in Medford. And I just want to say that I think that this is the wrong kind of thing to bring to that area.

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You know, Suffolk County is a recreation place and it's a family place, and we have the Aquarium, and we have all kinds of wonderful things, the wineries, the boating, the hiking, just so many things that are better suited to Suffolk County and Long Island. I don't think that the casino is the type of industry that we want to bring there. I think revenue can be raised so many other ways. From what I understand, this is not going to bring a lot of money into the area. It could probably be better suited with a medical something, a rehab facility, condos, recreation, just about anything. Nobody is, myself and the people that oppose it, not against the union jobs that we hear it's going to bring, that's fine, that's well. However, any construction in that area will probably bring union jobs, and that's short-lived. Once the construction is done, the people will be leaving, and then what's left is, if this goes through, the casino, which is not a good thing. It's not a healthy thing, it's not a family-friendly endeavor. There's just so many ways that that could be suited.

I hope no casino ever comes to Long Island; this is not the place for it. However, there's so many other parcels that are better suited than a community which is close to Yaphank, right in Medford, and all the different schools that are around there, and the impact that it will have on the area.

There's a lot of things that I've heard that I can't speak to with any clarity, so I'll avoid those, but, you know, different things about the environmental impact study, which I heard there was not one, which I can't fathom. So I hope that that's wrong, I really honestly hope that that's wrong. And other things that are more self-serving, that, again, I won't speak to. But the thing is, is that it's just, in my opinion, just a really wrong thing for this area for a lot of different reasons.

So, as a Medford resident, I hope that it gets defeated. I hope it never goes through. I hope it's never looked at again. We just don't need that kind of industry here. That's it. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. Maryann Johnston, and then on deck, William Hart.

**MS. JOHNSTON:**

Maryann Johnston. I'm President of the Affiliated Brookhaven Civic Organizations. I'm here this morning to urge you to vote for Resolution, I.R. 1117.

I hear Legislator Gregory talking about a Litmus test. I'm going to suggest that if there be a Litmus test in this town, in this County, it ought to err on the side of our residents and not on the side of special interests, because you represent the residents.

*(\*Applause\*)*

This is an arrogant placement and a lawless enterprise. I am stunned at the number of dishonest and untruthful statements that have been made by the people you appointed to this Board. To ask them to comply with local zoning rules and regulations, that's onerous to this Board? I find that stunning, absolutely stunning. You are responsible for the actions of that Board, because you appointed those people who have lied to us, to the press, to the media, to the Town, and have worked in secret. The most basic things have not been done.

We have not had a Lead Agency named. They've been at this since the mid-summer of last year. State Law says at the earliest possible time a Lead Agency must be named; not done here, not done here at all. We have spent almost \$11 million without having even filed an application for a VLT facility, and we have that in writing from the Gaming Commission. Furthermore, we have in writing that the Gaming Commission considers them to be bound by local zoning. This zoning will not permit a casino or a VLT parlor in this code.

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So we are really distressed to hear that many of you don't think the interests of the residents of Suffolk and Brookhaven in particular are worthy of your concern. I can assure you, it is something that we will make note of, and come November, we will remember. We are very, very committed to this and we are going to do whatever is necessary, and I say that again, whatever is necessary, to see to it that the people have home rule. Zoning is the most basic use that any community has to determine and chart its future. And when we have a Board that facilitates the lawless act of circumventing that basic right, that Board needs to be replaced, whether it's OTB or the Suffolk Leg. Thank you.

*(\*Applause\*)*

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

Okay. Mr. Hart, and then Annette Kattau. Sorry.

### **MR. HART:**

Good morning, Ladies and Gentlemen of the Legislature. Thank you for letting me speak to you this morning. I'm here to ask you to support Legislator Calarco's Resolution 1117. This is extremely important and will set the course for the survival or destruction of the community of Medford. Sound harsh? Most definitely. But that's the reality that this concept will bring.

Imagine walking down the streets of Downtown Atlantic City with your wife and children at night. You'd take your lives at risk. That's what Medford will become. Most casino locations start off good, but become an area for crime, prostitution and drug use. Once again, look at Downtown Atlantic City. We do not need this and we do not want this. We will have a problem with the contamination of our drinking water with the use of cesspools that will be 15 feet above our drinking water. The former movie theater did not have the person usage that this casino will, so you can't compare the two occupancies. One thing you have to remember is we are on an island and we get our drinking water from our own aquifer. Once that's contaminated, we are truly in trouble. Think of your own children and grandchildren as you decide on this resolution.

I've lived in Medford for over 43 years and I have had the community in my heart and I've always done the right thing for it. I've been a volunteer firefighter for 39 of those 43 years. I've been in the Chief's position for 12 of those years and a Commissioner for over 10 years. I designed and put into place the Emergency Evacuation Plan for over 600 children at the Eagle Drive Elementary School to include the relocation to the Medford Firehouse in case of an emergency. So I have the responsibility of protecting the children in Medford. Please help me to continue to do this.

During 2014, the Medford Fire Department responded to over 230 motor vehicle accidents, and there was no movie theater at this time. That figure does not include the minor accidents that were not reported to us by the Suffolk County Police Department. Now, add the possibility of another thousand cars a day to this equation, and you'll see we will have an overwhelmed fire department.

I understand the different trades are here today and are fighting for work, and I applaud them for that. However, most of them do not, I repeat, do not live in my community. They will come in, do their jobs and leave. They will make their money and move on, leaving our community with this debacle. I'm sure Suffolk County, along with Brookhaven Town, will be getting money from this location, but at what price? The devaluation of property values, and the increase of both fire department and ambulance taxes. And that's -- and I have worked very hard for what I have and I'm not going to stand by and watch an out-of-state company get rich off the people of Suffolk County. Please, I implore you, sign on with Legislator Calarco's bill and stand with our community. Responsibility is now yours and it's squarely on your shoulders.

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In closing, I'm sure everybody remembers the movie "It's a Wonderful Life," which was produced in 1946. The name of the town in this movie was Bedford Falls. We are mirroring that movie right now. Please sign on to this resolution, or we will become "Pottersville" and Medford will fall. Thank you.

*(\*Applause\*)*

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

Thank you. Annette. Annette, and then on deck, Kevin McAllister.

### **MS. KATTAU:**

I could not be as eloquent as the three speakers before me. This is very upsetting to me, upsetting in the fact that we've been bullied and lied to by union workers for jobs. I don't want them not to have jobs. I want our community protected. I want you all to realize that we matter, too. I really feel, after seeing what happened at our meeting in Medford, that, Mr. McCaffrey, you have to recuse yourself. I insist, I demand it.

*(\*Applause\*)*

Our neighborhood cannot withstand this, cannot withstand this. We already have what this brings, too much of it. We need to have a higher vision. I say that to our Town Board, I'm saying it here today. I'm saying you have an obligation to us, okay? It is not about bailing out a bankrupt OTB, that's their problem, and patronage jobs. Jobs will come. They will come when we start. This property is available for someone else, but better jobs. We have enough of what this brings. And I don't know what else more to say, except I am a resident of 53 years in that area, and before that, I grew up in Mastic Beach, before the builders and the developers sold it out. I grew up here in a paradise from Brooklyn. We are starting to look like Brooklyn. We do not want this. We have a choice.

Mr. Muratore said he has to represent his people. Well, we are, we are the people, too. We deserve consideration. And I just -- I am just appalled by the system and the way it's going. I'm appalled by bullying and lies. And some of the facts I mentioned to Mr. Muratore he doesn't believe. Well, our facts are factual. As I said to Mr. LaValle, we don't pull them out of thin air, we do a lot of work. I've been retired for almost five years and I've been doing nothing but this. Not the way to go after you retire, but I have to stay. So I'm going to fight this to the end.

And everyone here, if you don't vote with Rob's bill, the proof will be in the pudding, and then the handwriting's on the wall. Thank you for your consideration.

*(\*Applause\*)*

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

Thank you. Kevin McAllister, and then on deck, Rav Freidel.

### **MR. MC ALLISTER:**

Good morning, honorable Legislators. My name is Kevin McAllister, I am founder of Defend H2O. I'm a Marine Scientist by professional training. Of note today, I've worked professionally in South Florida on shoreline management for approximately 15 years.

I'm here to speak to you about reconsidering your support for the Downtown Montauk shoreline armoring project. You grappled with this several months ago with representations from Mr. Schneiderman as to support for picking up fees associated with maintenance of the placement of 3100 linear feet of geotextile material.

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I want to be explicitly clear, because after I had spoken, you hear some discussion, and then further, as it -- I'll say further discussion within the community. Geotextile bags, geotextile tubes are a form of shoreline hardening, there's no mincing it. Perhaps a sheep in wolves' clothing, but, nevertheless, it is hardening. With our challenges before us with sea level rise, the response should really be sand only, and that's a short-term solution. Long-term solution, we have to be very willing to consider retreat.

I want to share with you, with this particular project, there has been some changes because of particularly the delays. We're now looking at a two-phased project. Half of the linear feet will be installed in the Spring, hopefully. And then, coming back, the Corps will come back at a later time, in the Fall or later, to install part two. I find it incredulous that a Corps official was asking a Town official, "Which end do you want us to start on first?" Where's the absence of science here. This is bumped out further, further waterward. Again, additional sand from a quarry source. This has changed substantially, so I ask, I implore the Legislature to re-examine your commitment to cosponsoring the maintenance costs of this. This will have irreparable damage to a fronting ocean beach, recreational space, the economic set. Mr. Schneiderman talked about downtown Montauk. I suggest to you, consider the economics of what a viable ocean beach means to a tourist destination such as Montauk. Again, this is the wrong path to go down, particularly as I described to you what is happening with sea level rise.

You know, we respond to these issues really on a case-by-case basis without a coherent policy. The Coastal Erosion Hazard Act by New York State DEC administers and really delegates right down to villages and townships, and they're all acting in isolation. We're putting rocks here, geotubes there. There's no, again, cohesive policy to keep these structures out of play relative to our beaches.

So, again, I ask you to re-exam your commitment to this project. Thank you.

**P.O. GREGORY:**

Thank you, Kevin.

*(\*Applause\*)*

Rav, and -- Rav Freidel, and then on deck, Roger Clayman.

**MR. FREIDEL:**

Rav Freidel. I'm the Montauk representative on the Community Preservation Fund Committee for the Town of East Hampton. I've been involved in preserving Montauk since the early 1980s. Montauk is the crown jewel of the East End. Our beaches and open space are our most important properties. You folks had, against our suggestions, agreed to cosponsor keeping these geobags covered to protect structures in downtown Montauk.

I'm here today to tell you that the plan has changed from what you people approved. As Kevin said, it's now a two-stage process. It has been extended out to the water. The toe of the project will be at the mean high water mark. That means that as soon as this is completed, the ocean will start removing the sand, and the taxpayers of Suffolk County will be responsible for maintaining it. There's no guarantee that the public will even be able to put an umbrella or a picnic blanket on these -- on this -- on this beach.

I have a letter here from George Hammarth of the New York DEC sent to the East Hampton Town Natural Resources Director. He said he met with a large group in Stony Brook from the Army Corps. They didn't volunteer -- quote, they didn't volunteer definitive answers to the issues we raised. Why is geotextile necessary on the eastern half of the project area? Why can't they just place some sand on the eastern half of the project area with no geotextile? Why is the proposed geotextile structure

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located so far out on the beach when the early drawings they shared and used as the basis for their initial project briefing to Region 1 show the structure much further north, closer to the existing buildings? Why doesn't the design include some shore perpendicular rows? And so on and so forth.

The Army Corps contacted their representatives. They didn't have any definitive answers. The Town of East Hampton wants this thing to go through. Everybody's in lockstep. The boss, Hammarth's bosses at the New York State DEC, which you could call the Department of Economic Conservation, have said this is not a different plan. Well, I'm here today to tell you that this is a different plan than what you approved. The taxpayers are going to be on the hoof to maintain this thing. The beaches are going to be harmed. The public is going to be deprived of usage of the beach. And Montauk, this crown jewel, this property that I've worked so hard to protect for everybody for future -- for present and future generations will be damaged as a result of it.

I support Kevin McAllister's position, and defend H2O, and ask you to please rescind your support of this project. Thank you.

**P.O. GREGORY:**

Thank you, sir.

*(\*Applause\*)*

Okay. Roger Clayman, then on deck, Don Nohs.

**MR. CLAYMAN:**

Thank you. Good morning. My name is Roger Clayman. I'm the Executive Director of the Long Island Federation of Labor. I'll be brief.

You're going to hear a lot about the Suffolk OTB, and much of it you may know already. I just want to put this into perspective. I know you'll be considering a resolution today.

Very often, in economic development issues there's controversy. That's expected and it's totally legitimate. There are many points of view out there. In this particular case, we have the unusual situation where there's an awful lot of agreement. First of all, we have a site that makes sense. It's an abandoned area that could be upgraded, and this will do a lot for the area, as well as the economy.

Secondly, we often have our building trades at war with developers, because they want to do it on the cheap, they want to do it the wrong way. In this case, we have agreement and an understanding that this will be done with a labor agreement, and will have union tradesmen working on this project. Sometimes it doesn't meet the community standards of bringing anything back to it. In this particular case, there's revenue that will come back into our communities, and it's revenue that we ought to be able to recapture. That was the sense of the resolution passed by the Assembly and the Senate, and signed by the Governor, that Suffolk County would get this much in the way of the benefits of gaming that are going everywhere else.

But most significantly, from our perspective, the jobs question should not be downplayed. There will be good union jobs in construction, and it will be the creation of 400 new jobs, which will be unionized jobs that will belong to Teamsters Local 237, and these will be decent paying good jobs with decent benefits. That can't be underestimated in this economy.

*(\*Applause\*)*

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Thank you for your attention, and I hope you will do what you can to support this project going forward.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Roger. Okay. Don Nohs, and then on deck, Tom Kilmartin.

**MR. NOHS:**

Good morning, esteemed Legislators. And I'd like to thank the Presiding Officer for pronouncing my name correctly. I am here representing a couple of hundred of your constituents, the hard workers of Suffolk County OTB. And today, this morning, we are very pleased to announce the following information, and, quite frankly, that is that Suffolk County will receive over \$5 million just in the first two years of operation. And I'd like to repeat that. The County of Suffolk will receive from Suffolk County OTB \$5 million in just the first two years of operation. Seventy-three million dollars will go to the State Education Fund annually.

OTB has never ever cost the taxpayer one red cent. In fact -- does that go against my time if somebody's laughing or ridiculing? Since OTB's inception, we have given \$206 million to Suffolk County, and there has never ever been a bailout. And the jobs that were mentioned before at OTB are real jobs. The facility will generate approximately 400 jobs, 75 of which will be within the 40 to \$100,000 range, and most of the remaining jobs will be union jobs covered under the collective bargaining agreement.

I thank you for hearing me this morning, and the hard workers, your constituents at Suffolk County OTB. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. Tom Kilmartin, then on deck, Ed Sullivan.

**MR. KILMARTIN:**

Presiding Officer Gregory and Legislators, thank you for providing me the opportunity to speak today on a matter of the proposed location and opening of the video lottery terminal.

Let me introduce myself. I'm Tom Kilmartin, a resident of Brookhaven Town for 51 years. I grew up in Stony Brook, and for the past 23 years, I've resided in Ridge. I was educated on Long Island, and earned an MBA from Long Island Dowling College in Public Management.

Why am I speaking today? I'm here to lend my support to the opening of the video lottery terminal, and the site selection along the south service road of the Long Island Expressway between exit 64 and 65, and to offer highlight -- and to highlight critical facts that have been overlooked during the public debate that I believe will form and shape your decision on this matter.

The VLT will operate under the authority of the Public Benefit Corporation, OTB. As you're aware, OTB is a component of Suffolk County, it is not the government. OTB has no taxing authority, and receives no taxpayer support, financial support. It is organized as a proprietary fund, requiring it to operate as a private business. Profits are distributed by law. Losses are absorbed by OTB at no cost to the taxpayers. And since 1974, OTB has generated \$1.6 billion in wagering activity, and distributed \$376 million to State and local government taxpayers.

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In regards to the plan, OTB has been completely transparent in their operations and the development of this facility. In addition to 40 years of public audits, the financial plan and site selection was publicly reviewed and approved by the U.S. Federal Bankruptcy Court, reviewed by New York Gaming Commission, and shared by the County and Town governments, and monitored constantly by the public media.

To improve the chances of financial success, OTB hired, at a lengthy RFP process, a professional management company to assist in the site selection, construction management of this facility based on their vast experience, expert knowledge, and highly regarded public relations. Let me tell you something about this company, Delaware North, the global corporation, headquartered in New York, with 55,000 employees. They are lending 76 million dollars in private financing to OTB. Delaware North Business Ventures include 60 sports stadiums, entertainment complexes, national and state parks, airports, casinos and such, such as MetLife Stadium in New Jersey, Rockefeller Center in New York, Wimbledon Stadium in London, Walt Disney World in Florida, Busch Stadium in Saint Louis, Melbourne and Olympic Park in Australia, and Finger Lakes Gaming and Racing Track in New York. Delaware North has served an impressive collection of sporting events and clients, including the Superbowl, World Series, National Hockey League, Major League Baseball All Star Games, Stanley Cup, and, yes, the Olympics. Delaware North has provided their business acumen in the site selection, and they will bring world class management to Suffolk County VLT Facility and the public reputation.

I thank you for supporting this resolution.

*(\*Applause\*)*

And during the last 10 days, supporters of this facility have gathered 1400 signatures, which I'd like to present to you. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. Thank you, Tom. Ed Sullivan. And I hesitate to make the joke. No relation, right?

**MR. SULLIVAN:**

No relation.

**P.O. GREGORY:**

Okay. All right.

**MR. SULLIVAN:**

My theater is still in --

**P.O. GREGORY:**

Good name, I like the name.

**MR. SULLIVAN:**

Thank you.

**P.O. GREGORY:**

And on deck, James Devine.

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### **MR. SULLIVAN:**

Good morning, Ladies and Gentlemen of the Legislature, Suffolk County. And, Robert Calarco, I support your bill, I.R. 1117. I am a resident, okay, of Medford for over 35 years. I've raised six kids and have nine grandchildren. Medford has values in the community, and this is why I will fight to keep the casino business out of the community of Medford, values, family, and safety, and hard work that this community has done through the years.

Gaming fosters a culture of abuse, addiction and corruption, and everything that we try to protect, we try to protect our children from.

*(\*Applause\*)*

But allowing a business to root in our community will put our values at risk. A casino in Medford will have a negative impact on our children, starting with an eyesore to be built not far from a children's park, Boomers. This is not what our children need to see.

OTB claim that added employment to the communities merely will be a redistribution of jobs that will be lost from the lotto-based employers. Many local owner lottery-related businesses will be forced to close their doors.

On a recent Saturday afternoon, I set out to explore South Ozone Park in Queens, and a particular stretch of racial composition about a quarter -- one quarter white, one quarter Asian, and 10% black, and 11 biracial. I noticed across the street from the resort casino on Rockaway Boulevard a pawn shop, which to me looked like it was very busy. Could this be -- could this be people pawning items for money to go back to the casino?

Gambling is a key. It's an innocent door which opens to illegal activity and spreads hurt through the community, draining funds from people that don't have it, that have the least. It kills more businesses than it builds. It encourages public corruption, and creates doubt in the minds of citizens about their public officials. It drains strength and character from the community. Casinos are built on folks losing, not winning. Vote not to put it there, please, okay?

Another thing: Like alcohol, gambling is an addiction. Both of them are very, very good erasers. They will erase your marriage, they will erase your pocket, they will erase your property, whatever you have, because that's an addiction, and then the County will have to spend money to fix that addiction. So, please, do not put a casino in Medford. We've worked very, very hard to keep it clean and to raise our children. We do not need this. As far as jobs, I'm all for people having jobs, but jobs that are offered, they will be coming in, they will do the job, and they will be going. So this would be an eyesore that will be stuck in that area, besides traffic being a horror. Thank you very much, have a very nice day.

*(\*Applause\*)*

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

Okay. James Devine, and then on deck, Steven Lucas.

### **MR. DEVINE:**

On another subject. My name is James Devine. I'm a member of the Montaukett Indian Nation, an Emeritus Member of the Montauk Tribal Council. Robert Farrell, our Chief, is here with me. I'm here to speak in a unique way in support of the bill of Legislator Schneiderman to transfer the property known as the George and Sarah Melissa Horton-Fowler Property to the Town of East Hampton.

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I'm a member of the Devine-Brewster Family of Amityville, New York, the son of Milford Bubby Devine and Mamie Israel Devine, as well as the nephew of Ferdinand Devine, Wellington Devine, Wilbur Devine, and Dorothy Israel Devine. The Devine-Brewster Family dates in Amityville to before 1810, and are descended from the great Sachem of Montauk, Wyandanch through the Fowler line of the Montauk Tribe. But I was raised in East Hampton with a family in which my uncle, Joe LaPorte, was married to Marguerite Fowler, the daughter of George and Sarah Melissa Horton-Fowler. So I grew up as part of the Fowler Family described in the proposal, which is the basis of this bill, and knew these people personally as my aunts and uncles. As such, I am the bridge between the Montaukett Tribal Members from Amityville to Montauk, literally from one end of Suffolk County to the end -- to the other.

For 30 years, I've been fighting to protect and preserve the special heritage embodied in this house, and the spirit symbolized by the land on which it rests. I know the properties -- the property, the rich heritage of the Native American and African-American people who lived and live there, because I am one of them. I also know the issues surrounding this property.

In East Hampton, I served on the Town Narcotics Guidance Council, the Housing and Architectural Review Board, the East Hampton Town Zoning Board of Appeals. In the latter two positions, I am proud to say I was, and still am, a strong advocate of affordable housing. I would not be standing -- would not be standing before you if affordable housing was the best alternative for this property. I would not also be standing before you if I did not think that the people of East Hampton, the East Hampton Historical Society were capable of preserving the material culture of the Montaukett Indian.

My Aunt, Aunt Dot Devine was a longtime associate of Maxine Postal. If she were here today, if they were here today, they would be asking the Legislature to support this legislation. I respectfully ask you to pass the legislation so that the long neglected story of the Montauketts and African-American people of Freetown can be fully and finally told. Thank you very much.

*(\*Applause\*)*

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

Thank you, sir. Okay. Steven Lucas, and on deck -- oh, boy -- Lika Jimenez -- Lisa. I'm sorry. It looked like a "K" and not an "S".

### **MR. LUCAS:**

Good morning, members of the Suffolk County Legislature. My name is Steve Lucas. I live in North Patchogue, about two or three blocks south of the Medford community. I'm here today to lend my support to Legislator Calarco's resolution, 1117, and hope you will pass that resolution today.

*(\*Applause\*)*

In support of that, I'd like to read a short excerpt from this book entitled "*The Curse*" by Robert Steele. You read this book, you will -- there'd be no doubt as to which direction to go. Short excerpt.

Prior to 1988, Nevada and New Jersey were the only states with casinos. Today, 39 states have casinos, and there are now nearly 1,000 of them. It is an explosion that has literally turned casino gambling into America's new national pastime, with higher attendance than professional baseball, football and basketball combined. As far back as 1997, the President and Congress became so concerned about the spread of casino gambling that they established a National Gambling Impact Study Commission to examine the issue. Based on its findings, the Commission recommended that there be a moratorium on the opening of new casinos until the government could gain a better

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understanding of their social and economic cost.

In addition, the Commission recommended banning credit card and ATM use at casinos, prohibiting aggressive casino advertising, and restricting political contributions by the gambling industry to help guard against corruption. The recommendations were never implemented and the number of casinos continued to multiply. In the process, casino gambling has become one of the wealthiest and most politically powerful industries in the nation, creating tens of thousands of casino jobs, and funneling billions of dollars to state governments. At the same time, however, the surge of new casinos has led to market oversaturation, falling casino revenue, and declining casino employment in a number of regions, as casinos have begun to cannibalize each other. Moreover, the casino boom has begun to focus increased public attention on the downside of casino gambling.

Nowhere has the downside been laid out more clearly than the exhaustive research, 2013 report from the Council on Casinos, an independent nonpartisan group of scholars and public policy leaders assembled by the Institute for the American Values in New York. From time to time in American history, the report begins, a new institution takes root across the country, and in doing so, changes the nation, changes the physical landscape of communities, impacts the patterns and habits of daily life, affects citizens of communities, economic outcomes, and in some cases even alters relationships between the governing and the governed, the more privilege and the less privileged. That, according to the report, is precisely the impact the new casinos are having as they spread across the nation, relying on problem gamblers for their revenue base, using highly addictive gambling machines to generate most of their profits, and encouraging increasing numbers of low income people to gamble away their money.

Please pass Resolution 1117. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, sir. Okay. Lisa Jimenez. I'm sorry I messed up your name before.

**MS. JIMENEZ:**

That's okay.

**P.O. GREGORY:**

And then Patricia Groves.

**MS. JIMENEZ:**

Good morning. Go? Okay. My name is Lisa Jimenez and I am a longtime resident of Medford since 1964. I was in attendance at the Medford Civic Association meeting, and was not given the opportunity to speak. No one who was for the casino was given that opportunity.

As a resident of Medford, I would like to know why after 12 years the Medford Civic did nothing to reclaim this property, and now, all of a sudden, they have a vision.

*(\*Applause\*)*

It is a known fact that over 50% of storefronts and businesses in Medford alone are empty. Just drive down Route 112, it's very sad. How many more car dealerships do we need? For far too long this property has been an eyesore, a breeding ground for criminal activity and drugs. We need this. Medford needs a venue for the community, something that can help bring some life and excitement back.

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My family has been in Medford for over 50 years and we have seen the ups and downs. My family and my friends from Medford all support the building of the casino. Let's bring Medford into the 21st Century like Patchogue Village did. I thank you for your time.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. Patricia Groves, and then on deck, Al Luciano.

**MS. GROVES:**

Good morning.

**P.O. GREGORY:**

Good morning.

**MS. GROVES:**

My name is Patricia Groves. I presently live in the Medford community, and have for almost 30 years. I am a former Medford Civic Association member, and I have been involved and supported the Medford community over the years through various organizations and groups. I would like to voice my support for the casino.

I could understand other residents not wanting the casino in our hamlet, especially the ones that live nearby, but we have to face reality. Medford is going downhill. At the present time, more and more buildings and strip stores are becoming vacant and dilapidated, thereby making my Medford neighborhood look terrible and uninviting. This casino will take the present empty blighted eyesore that has sat vacant for 12 years and make it into a viable business, enhancing my community.

I am aware of a few residents of Medford who are in favor of the casino coming into the -- coming to the neighborhood, but feel afraid to say anything. They have called them and harassed them because they have a difference of opinion. I say we build a casino, because the current Medford Civic Association does not speak for all of the Medford residents. Thank you for your time.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. Al Luciano, and then Brett Houdek.

**MR. LUCIANO:**

Good morning. My name is Al Luciano. I'm a longtime union member, and my family and I have lived in Medford for over 42 years. Any elected official or prospective candidate for office who is against replacing a blighted long-vacant property with a revenue-generating project that will preserve jobs, create jobs, ease our tax burden, and make it convenient for Suffolk County residents to enjoy a casino without having to go to Aqueduct, Yonkers, Atlantic City or Connecticut, if you're against this project, I ask you to please reconsider your position.

Some will say that this is not a long-term project for the trade unions, but work is work, and those members can take solace in the fact that Suffolk County and Brookhaven Town are receptive to this type of endeavor, both now and in the future, and the facility that they worked on will be home to hundreds of permanent unionized workers. Think of the ancillary business and economic benefits. A lot of advertising dollars will be spent in Suffolk, a lot of that in Medford. Local gas stations will benefit. Restaurants and diners in the surrounding area will see an increased business. Local taxicab companies, and bus and group transportation companies will benefit. Our local nursery to beautify the property, and a local landscape -- local landscaping company to maintain the property

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will also benefit, as will garbage removal services, food and beverage suppliers. Service companies like pest control, plumbers, building maintenance, HVAC technicians, electricians will be utilized also.

I'm pro worker, pro business, pro job creation. It's a lack of work and lack of jobs that creates crime and blighted properties that hurt neighborhoods. Thank you for letting me speak today.

*(\*Applause\*)*

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

Thank you, sir. Okay. Mr. Houdek, and then on deck, Don Seubert.

### **MR. HOUDEK:**

Thank you. I'm here to speak about the casino. This facility is wrong on so many levels. Contrary to the picture painted by OTB, this building will be placed in the heart of a residential community with no regard to the impact that it will create.

Your own Suffolk County Planning Commission said it best. They stated OTB has done little for public safety. They also stated they have significant concerns related to increases in assault, motor vehicle theft, prostitution, and sex offenses, drug violations, DUIs, public drunkenness, and disorderly conduct. That's your Planning Commission.

While OTB makes claims about site security, they fail to consider the surrounding community. Does this sound like the proper use of this land? This wasn't a blighted site, this has been new growth that has just been decimated by OTB in the past week.

*(\*Applause\*)*

Do we really want to place this adjacent to 125 homes along the streets of Long Island Avenue, Victorian homes, the L.I.E. South Service Road, Robinson Avenue, California Avenue, Mark Trail, Royalwood Court. There are real people living next to this facility. Do we really want this alongside Boomers, a children's amusement park?

### **AUDIENCE MEMBER:**

No.

### **MR. HOUDEK:**

No. I urge you to endorse Representative Calarco's bill, I.R. 1117, establishing a new policy for appointments to the Board of the Suffolk County OTB. That's just a start. You do have oversight. Mr. Calarco's bill uses that oversight for the betterment of our communities, not its detriment. I urge every member of the Legislature to use that oversight and look at the big lie. That's OTB's self-stated exemption from local regulation. Hempstead and North Hempstead discovered the truth. OTB must be in compliance with all local ordinances. Simply stated, the law says casinos must be located in a OTB Simulcast branch office, and that Simulcast branch office must meet all local codes. This matter should follow a normal process, and I insist that you follow that, too.

I also ask Legislator McCaffrey to recuse himself from this discussion. At the recent civic, the Legislator stood with the trades, and signed himself in using his Teamster email address. He's clearly painted himself as a person who is not impartial on this matter, and he should recuse himself from this discussion. Thank you.

*(\*Applause\*)*

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**P.O. GREGORY:**

Okay. Don Seubert, and then on deck, Nerina Sperl.

**MR. SEUBERT:**

Good morning, members of the Suffolk County Legislature. I'm Don Seubert, the Medford Taxpayer and Civic Association acting President and Vice President of the Association for a long time; and came here when I was four-and-a-half years old and put the cement block in my grandmother's house in 1950, and that's a three-room house, not a three-bedroom house. We have a -- we have roots in the community and we want to see our community thrive.

We don't want to grow addiction, and that's exactly what this Board is doing, okay? You're growing all types of addiction, whereas, Mr. Calarco's bill just asks for due diligence, due diligence of you, yourselves. You know, sometimes be Hollerin Hurdle on the Jackie Gleason -- the Judge had to yell at himself and give him a 30-minute lecture. Well, you people are supposed to be looking over the Board of Directors of OTB. Obviously, you need -- we all need to take another look. The Board of Directors, they're instructed to only go in when the Town -- when the Town passes a resolution of consent. Brookhaven Town has done just the opposite. They're supposed to go in when the applicants have gone to the community. You can send a postcard, that's not too expensive, okay? It might not be a penny anymore, but it's a little more. Or a card or a letter to the community and have them come out and see what it is, how much it -- who was there when Assemblyman Fitzpatrick was introducing his bill? Who stood up here in this horseshoe with him, who? Okay? The one gentleman, I believe, Mr. Trotta. Where were the other people? What did they care?

*(\*Applause\*)*

The Gaming Commission, they're supposed to get letters from the Gaming Commission; they have not done yet. What type of an impact, environmental -- SEQRA, State Environmental Quality Review Act, where has that been? They were trying to hide it, talk about it in secret. There was no attempt to have transparency. That's what Mr. Calarco's bill is right about, just about the rules, the policies, procedures and Legislative decisions that go along with following what you're supposed to do. When you got a job, you're supposed to do it, not just show up, and this bill helps. And if anyone else wants to take -- make it clearer and more stringent, then that will be great, too. But we need oversight and supervision of OTB and SEQRA. And we need the community notification that you haven't spoken about.

Also, I want to make a few other things. The \$5 million, what's \$5 million? People are -- excuse me. People are talking. I think I want that time back, okay? I find that rude. It's nervous enough to be up here, so please give me that time back.

**P.O. GREGORY:**

Mr. Seubert, please proceed.

**MR. SEUBERT:**

Okay. Thank you. But \$5 million does nothing for our school district. We have a \$200 million dollar -- this is a joke. The devaluation of our homes are -- all around it will only assess the valuation of the others. We know the Supervisor of Hamburg, New York, Township that how it little by little bludgeons the community and takes out the lifeblood of that community, and how it affects the restaurants and the businesses around it. It doesn't bring in jobs.

**P.O. GREGORY:**

Mr. Seubert, please wrap up.

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**MR. SEUBERT:**

Okay, I will, I will end up. But we can build something good there. Give us 90 -- the \$5 million in Medford and we'll build it.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. All right. Nerina Sperl. And, please, be respectful of the speakers. No audience utterances. Ms. Sperl?

**MS. SPERL:**

Yes. Good morning, everyone.

**P.O. GREGORY:**

Okay. And then on deck, Richard O'Kane.

**MS. SPERL:**

May I start?

**P.O. GREGORY:**

Yes.

**MS. SPERL:**

Good morning, everyone. My name is Nerina Sperl. I'm with the Medford Taxpayers and Civic Association. I've been a Board Member of the Association for over 20 years. We have a very vital role in our community. We vet projects. The Town refers them to the Civic Association, and we hold meetings where people are allowed to come and look at the plans of anything that's proposed for our community. We do it quite often.

I've heard about the OTB facility for almost a year now, constantly asking the Town, "Has any plan been put in? What do we have to look at so far?" This whole project has been cloaked in secrecy. As a civic association, we were not notified of a plan. We found out way after the plan was submitted. We asked to see the plan; we got a copy of the plan. The plan was pulled the next day, another copy of the plan, then another copy of the plan. Then the plan was sent immediately to Suffolk County Planning Commission and they ripped the plan apart. It's an awful plan.

We've asked many, many times to meet with OTB. Legislator Calarco put a couple of meetings together for us where only key community members were invited, the community was not invited to come to the meeting. We then had a second meeting at OTB headquarters, got very little information then. Again, only five people from the community were invited, and we ended up getting about ten people in, with some elected officials. They haven't been transparent, they haven't been welcoming, they haven't been sharing good information.

On the application that they put in with Brookhaven Town, the planning application, there's a key question on there. "Is your project located in a sensitive hydrogeological zone?" They wrote, "No." It is located in a sensitive hydrogeological zone, it's Hydrogeological Zone 3. There's legislation on that zone, it's our drinking water. They are proposing a plan that uses cesspools for that zone. It is not right, it is not good for our community, it will pollute our water. And they weren't honest on their application, or they just didn't do their homework, because they haven't done any environmental studies, no traffic study.

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They've come up before you today and tell you there's going to be money for this project. Well, we've heard that rumor several times. First there was money, then there wasn't money. The Town was going to get \$2 million, then the Town was told they weren't going to get \$2 million. The County was supposed to get \$20 million, now you're being told you're getting \$5 million. I don't know how you could trust any of those numbers.

So my point is, is that information is sketchy information, is I believe not true. They do have to follow zoning; they claim that they don't. They do have to follow all local ordinances; they claim that they don't. They do have to get host community support; they claim that they don't. They do not have host community support. The people that spoke to you from Medford work for OTB.

*(\*Applause\*)*

And, again, I would like to ask Mr. McCaffrey to please recuse himself from voting today.

**P.O. GREGORY:**

Ms. Sperl, please wrap up.

**MS. SPERL:**

You definitely distinguished yourself as a union member at our meeting. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. Mr. O'Kane, and then on deck, Barbara Wozencroft.

**MR. O'KANE:**

Presiding Officer Gregory and Members of the Legislature, thank you for the opportunity to allow me to speak here on the issue of the terminals.

I'm the President of the Nassau Suffolk Building Trades that represents 59,000 people strong, all licensed and ready to go. I don't know if you read in the paper there about three weeks ago, four weeks ago about the "brain drain," and the people in the age bracket of 18 to 25 that are -- 30% of them are moving out of Suffolk County. I don't know where we're going to get the support for labor. We have 59,000 jobs, and losing 30% of your workforce, or the potential of a workforce, is going to materialize; that's not a good thing.

The building trades does a great job, and everything that they do, every endeavor, they serve your fire departments, ambulance corps, and on and on and on. They train your kids how to play ball, and they're great volunteers of their time to help people and personal projects and they need jobs. And the jobs are, you know, 200 strong, approximately, and 400 permanent jobs regarding this project. It's going to create those jobs in conjunction with eliminating the blight that takes place on that project that they're talking about.

I ran into two people that live right in that community. A gentleman said there's not too many people living in that community. I ran into two gentlemen that come from that area, they're in their 40s and they're raising a young family. They can't wait for that project to start because of the crime that's going on there now as we speak. So I think it's -- you know, right off the bat, right off the bat, it's a wonderful thought just to get going and to get something positive there.

I hear about -- I go up and down 112 every once in a while and I see all the empty stores. And if people keep exiting from Suffolk County, where are we -- how are we going to pay our taxes without getting increases and things like that?

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So one of the things that you need to know, in Suffolk County, when they have the referendum, the statewide referendum, 62% of the people in Suffolk County supported gaming. And in Brookhaven alone, 68% supported that from Brookhaven. So that's almost a 3-to-1 vote in favor of that.

When you get down to people worrying about the crime and everything else that they anticipate going to take place, we have a first class police force that are capable of doing anything. And, you know, if it doesn't -- if they don't let it start, it won't start. I don't know where this notion comes from that it's going to create crime, and do this, and do that; not if you're doing your job. The Police Department is more than capable of doing that, they're first class.

I want to tell you right now that the people are against this thing. I take exception to them, to referring to anybody that attends or goes to a casino is a degenerate.

*(\*Applause\*)*

I don't think that's right. We all have older relatives and stuff like that, and that's a day out for our seniors. I mean, seniors pack the bus, they go up and down -- they go up and down Sunrise Highway.

*(\*Applause\*)*

*(\*Timer Sounded\*)*

**MR. O'KANE:**

You're kiddin'.

**P.O. GREGORY:**

It goes quick, Dick.

**MR. O'KANE:**

Okay. So, you know, that's a day out for them, and entertainment, and they go there for the shows, and maybe a good meal, and a little bit of entertainment.

**AUDIENCE MEMBERS:**

Time, time.

**MR. O'KANE:**

So I strongly urge you to vote for this. This is nothing but good, good, good. Thank you.

**P.O. GREGORY:**

Please wrap up.

*(\*Applause\*)*

All right. Barbara -- I'm sorry. Is that Wozencroft?

**MS. WOZENCROFT:**

Yes, it is.

**P.O. GREGORY:**

And then on deck, Nicholas Deegan.

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### **MS. WOZENCROFT:**

Good morning, Suffolk Legislators. My name is Barbara Wozencroft. I live in Medford. I've been a resident there for 30 years. I moved from Farmingdale, where I was born and raised, with my mother. And we bought this house that we live -- I live in now. This was her dream, this was my dream. I'm a hardworking person. I've been a hardworking person up until July of last year.

I do support jobs, okay, but I am also out of work now at 59 years old. All I have is my house. I do not have a union pension to rely on when I hit retirement. All I'll have is Social Security and a little bit of money that was put into 401Ks. I am talking to you from my heart. I don't have anything written here and prepared, because it's coming from my heart. This -- I really urge you to please support Legislator Calarco's resolution of 1117.

*(\*Applause\*)*

I am afraid of what's going to happen if a casino comes in. I already, since I've moved out here, seen the increase in traffic because of the development of the eastern end of Long Island, okay? I've seen that. I've seen the higher crime, and it's not just in our area. I, too, also attended that Medford Civic Association. I was one of the hundreds of people waiting for over an hour to get in because it was too full. I stood there in the cold and I supported the people voting no for this casino.

On the way out, when union workers stormed out of the meeting, I was screamed at by at least two people saying, "What does it matter to you? Your community stinks already." I'm sorry, my community doesn't stink, and I'm very proud of it, and I work hard.

*(\*Applause\*)*

And I believe we really need to stop this casino, because once it's there, it's going to bring a lot of other problems with it.

Please, I'm imploring you, as a hardworking person. I've never had a 50, 60, \$70,000 job, okay? I was more in that 30 to \$35,000 job working hard every day, giving my all. I was just laid off from a job that I worked for for almost 20 years, and I gave it my all every single day, okay? I don't have a union rep to fall back on. I don't have a union to try and get me a job. And from what I'm hearing today, all these jobs that it's going to be creating is for union people. And I don't begrudge them jobs, but there are some of us in this world that aren't union workers, okay? And I'm going to have to settle for a job from 16.50 an hour to probably minimum wage just to try and get some work now.

Please, support this resolution by Legislator Calarco. It really means a lot to me and to other Medford residents. I understand there are some that support it, but, please, there's a lot of us that don't. Thank you very much for your time.

*(\*Applause\*)*

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

Thank you, Ms. Wozencroft. And, again, please, just -- you know, it's -- you know, some people, it's their first time speaking, and, you know, it can be nerve-racking and a little bit nervous. And just respect their -- you know, their ability to come forward and make their statement without any audience utterances. It will make the process go a lot smoother. Thank you. So, Nick, you're up, and then James Johnston is on deck.

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### **MR. DEEGAN:**

Good morning, all, and, specifically, Members of the Suffolk County Legislature. This is about, you know, something that's good for all of Suffolk County. And I remember going back some years ago, going to a movie when that was the movie theater, and the movie I saw was "The Bear". And I don't know if anybody remembered that one, but it's probably, you know, 15, 16 years ago. So this property has been sitting idle for a long time, and this is a public benefit to the whole of Suffolk County, I believe.

And to the residents of Medford and to the Legislative members, I would say there's nothing to fear here in this proposal. I think it's all good. It's all good for Suffolk County, and the members of Suffolk County, and the local community. So I would urge you to support the casino in Medford and for Suffolk County. Thank you.

*(\*Applause\*)*

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

Thank you. Okay. James Johnston, and then on deck, Bill Hagelman.

### **MR. JOHNSTON:**

Thank you for allowing me to speak. My name is James Johnston. I'm a resident of Shirley, and I'm representing the Manor Park Civic Association.

I can tell you that the OTB in Shirley is a dump. It's been feeding on the poor and the addicted. This facility will continue to do the same thing. The OTB in Shirley is right next to a check-cashing facility. Do you think that's a convenience? I don't. I think it's very convenient.

Furthermore, as an Elder in the Presbyterian Church, I cannot and will not support State-endorsed gambling. You can either serve God or money, not both. Legislators can either serve the public or public interest groups, public interest lobbying groups, not both.

I ask Legislator McCaffrey to recuse himself. He has clearly stated his position, he's in favor of this, and he's not objective. And I ask the rest of the Legislature to support residents of Suffolk County and Brookhaven, not unions. The difference is I am not being paid to be here, the union people are, for the most part, the Legislators are. Do the right thing. The residents are paying your salary. Taxpayers will be supporting a public bailout. The OTB has cost the taxpayers a ton, contrary to what people have said here today. Ever hear of fire departments? Highway maintenance? Crime prevention? Somebody mentioned all these businesses that will benefit. One of the places that will benefit is the jails. They'll have more permanent residents.

*(\*Applause\*)*

I ask everyone to do the right thing, and remember that you're public servants and you're here to serve the public, and the residents are against this. Thank you very much.

*(\*Applause\*)*

### **MR. HAGELMANN:**

Good morning, Ladies and Gentlemen. My name is Bill Hagelmann. I have the privilege of representing the managers with Suffolk Off-Tracking Betting Corporation as a shop steward with the United Food and Commercial Workers. I've been working in the wagering industry right here in Suffolk County for 23 years. Suffolk Off-Track Betting has been taking wagers for over 40 years now. I point this out to address the allegation that a VLT facility will bring an undesirable element to the Medford community, and I've heard opponents sink to the fear mongering, which things such as

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gambling will bring drugs and prostitution to their neighborhood. And, clearly, in 40 years that we've been wagering here in Suffolk County, I haven't seen it adjacent to the OTBs. I'm sorry. We managers seek to run a safe facility for not only our patrons, but also the people who work under us, and, residually, the community around us.

Our clientele, they run the gamut from retirees to guys on their lunch hour, construction workers, lawyers, business owners, doctors, and even, shh, the occasional clergyman or public official. Sometimes they're grandmothers, they're teachers, they're Veterans, they're taxpayers, they're voters, all who choose wagering as a form of entertainment and socialization. Suffolk Off-Track Betting has the rare opportunity now to expand the types of wagers available to our customers, and attract new customers who would otherwise take these revenues out of state, indeed, out of the County. And with this expansion comes the opportunity to create the hundreds of jobs we're talking about, and to create contractors who will serve and supply us in our new venture.

I just want to come out in favor of jobs. Especially, Mr. McCaffrey, you've taken quite a bashing today. Where are you? Thank you for standing with Labor. Have a good day.

*(\*Applause\*)*

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

**P.O. GREGORY:**

Thank you. On deck -- excuse me. Up next is Mr. Pharaoh, Robert Pharaoh. Are you still here, Sir; Robert Pharaoh? Pharaoh? P-H-A-R-A-O-H?

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

Pharaoh is right.

**P.O. GREGORY:**

Pharaoh? Okay. Catherine Berkermeier? Ms. Berkermeier? And then on deck, Anthony Graves.

**MS. BERKERMEYER:**

My name is Catherine Berkermeier. I've lived in Medford for 35 years, my husband's family has been there for 65, over 65 years. I want to thank you all for hearing our views today and for all of your work in our County.

I come here with over 578 signed petitions against the casino. I am the Vice-President of Oregon Middle School PTA and I have been on Patchogue-Medford PTA Council for many years. Our community was not notified of how far this casino proposal has gotten, and I think it's very appalling. Many of the students, the young children, are actually concerned. My daughter, a 13-year old in Oregon Middle School, has spoken at one of our civic meetings at her concern and the students' concern of what this will bring to Medford.

This will not only hurt our children, it will hurt our environment. The proposed money, is any of that going to educating our children on how to gamble; is that what he's talking about, the proposed \$5 million? That's not what we need in Medford. Medford is a very large community. Right across the way in Eagle Estates, that's only part of Medford, there's over 2,000 small lots that are right adjacent to this development. I live in Old Medford, which some of our properties are a little bigger, but they are not as big as Phil Nolan has said in like near Saratoga. He has compared this casino to the one in Saratoga. You're talking about places where there's lots of 10 to 50 acres, not, you know, a hundred foot lots.

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Our schools won't really benefit much from this casino, not really at all. It will only cause -- our schools Patchogue-Medford itself, this year we have a student going a full ride to Yale. My daughter's robotics team has just made the State finals. You're talking about middle school here with no funds from the State, these are kids who work hard. We have very smart kids, we have scholarships, we have bright kids, we have sports teams; this will all go away because the money that's used for that will have to be used for the influx of children that are coming that need help in education. The school is not for this, because we don't have enough money as it is to send our children to -- we don't have -- like my daughter's volleyball team, other communities bring people in to help them with their sports, we don't have that. And we definitely won't have any money left for anything else. So please, support the bill that's proposed here and stop this casino. Thank you.

### *Applause*

**P.O. GREGORY:**

Thank you. Okay, it is eleven o'clock. I'll make a motion to extend the public portion.

**LEG. KRUPSKI:**

Second.

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

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Sixteen (Not Present: Legislator Trotta - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. Anthony Graves and then Michael Schillizzi.

**MR. GRAVES:**

Hi. I'm Anthony Graves, I'm here on behalf of Edward Romaine, Supervisor of the Town of Brookhaven. This has nothing to do with the casino, so maybe this is the seventh inning stretch.

To Suffolk County Legislature, Honorable Presiding Officer, I am writing to you today to ask for your support of the application being championed by Legislator Schneiderman for the development of a hydrothermal model for Long Island Sound and the Peconic Estuary.

The need for this independent study is urgent because of the impending renewal of the permit for the Millstone electric-generating facility to use 2.2 billion gallons of water each day from Long Island Sound for industrial cooling.

While Millstone only represents one source of thermal pollutions to the Long Island Sound, it is an extremely large source. Thermal pollution at the scale of Millstone may affect larger areas. The reactors at Millstone were commissioned between 1975 and 1986, prior to our current understanding of climate change and warming trends in the Long Island Sound. The Long Island Sound study tracks two indicators of temperature in Long Island Sound; one is the assemblage of warm water versus cold water fishes. The status, the current status of this indicator states, "*And although overall fin fish diversity in the Sound remains high, the composition of the fin fish community is changing in favor of species that are tolerant of warming temperatures.*"

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The second indicator that the Long Island Sound study uses is a direct measurement of temperatures in Niantic Bay, near the Millstone complex. The current status of this indicator states, Average seasonal water temperatures have been slowly but steadily increasing at this location in Long Island Sound. Winter temperatures appear to be increasing more rapidly than Spring, Summer or Fall temperatures, and Winter 2012 is the warmest since the inception of this record by a large margin.

A USEPA published notice of data from June 12th, 2012 notes a 3-to-1 economic benefit of a closed cycle cooling system as opposed to the open once-through cooling system currently in use at the Millstone complex. This indicates that modifications to Millstone's cooling system would directly benefit the ecological balance of Long Island Sound.

Further, since the Millstone Complex was commissioned, we have come to understand the human impacts to our planet in terms of climate change. In light of the consensus among 90+ percent of the world's climate scientists that we face a rapidly warming planet with profound consequences for our marine life, we should be doing everything feasible to reduce the warming of the Long Island Sound. The commissioning of a study by highly respected researchers at Stony Brook University would provide useful, independent, unbiased information to regulators with the ability to influence improvements at Millstone. Thank you very much for your time.

*Applause*

**P.O. GREGORY:**

Okay, thank you. Okay, Mr. Schillizzi; and then on deck, Deanna Wade,

**MR. SCHILLIZZI:**

Good morning, all. My name is Michael Schillizzi, I'm a Brookhaven taxpayer. I've been sitting back there listening to the opposition of this casino and the scare tactics are unreal. I mean, the casino's going to bring in more drugs, prostitutions, more degenerates, compulsive gambling. Here's what the casino is going to do; it's going to bring in revenues for Suffolk County. It's going to help out Medford, it's going to revitalize that area, okay.

*Applause*

It just doesn't make any business sense to allow gambling dollars to leave Suffolk County for Aqueduct or Yonkers or Atlantic City. Also what this is going to do, it's going to go to create jobs and opportunities. That's basically what I want to say. I'll be quick and to the point, I'm also a father of two daughters, okay. You know, education happens at the house. You know, if people are worried about kids becoming addicted to gambling or drugs.

*Applause*

Education -- the moral compass comes from home, okay. And if that's all taken care of, then no one has really much to worry about, you know, you instill the values and you hope it sticks. And that's all I have to say. Thank you for your time.

*Applause*

**P.O. GREGORY:**

Thank you, Sir. Okay, Ms. Wade. Ms. Deanna Wade; and then on deck, Jennifer Spenner-Kind.

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### **MS. WADE:**

Good morning. My name is Deanna Wade and I am a resident of Medford and I am against the casino because it's going to ruin our quality of life. They say the location is a blighted area, except for the old theatre sign, it looks like a big field and woods. What would be a blight is a big metal structure and a huge neon sign. The unions argue that it will bring in jobs. How many jobs will be created to build cesspools which will end up polluting our water and setting up a metal warehouse-type structure? And where will 99.9% of these workers be when the jobs are done? They'll be someplace else because they don't live in Medford, they're not going to have this place in their backyard.

### ***Applause***

The unions that will be getting more work and don't really need it are the PBA and the AME unions, because they deal with the types of problems and crime that these establishments bring, and there are plenty of statistics to prove that point. I want the trade unions to have work, but on jobs that will enhance and benefit Medford, not ruin it. Perhaps they can build apartments and restaurants to enhance Medford, like the one person said they revived Patchogue. Today because there are too many casinos, the ones that were once thriving are now struggling and/or closing. And if they're having a hard -- if they're having trouble, how can you expect something run by a bankrupt OTB to survive?

### ***Applause***

You say it's being managed by Delaware North. Well, if Delaware North is bankrolling OTB for the property, the building and for running the place, where are any of your profits going to go? Not to Medford, not to Brookhaven Town, not to Suffolk County. They're going to go to Delaware North and any other cronies that OTB owes money to. And as far as money going to the State for the schools, the schools aren't getting a lot of the money they're due now by the State, so I don't know how any money from here would help them.

Town Councilman Foley, State Assembly Fitzpatrick, Legislator Calarco and Pat-Medford School Board are with us in opposing the casino. Please stand with them, support Legislator Calarco's resolution, 1117, and have your time in office leave Medford with a decent, moral legacy, no casino. Thank you for your time.

### ***Applause***

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

Thank you. Ms. Jennifer Spenner-Kind; and then on deck, Bill Simone.

### **MS. SPENNER-KIND:**

Thank you for letting me speak. My name is Jennifer Spenner-Kind. I recently moved into the Medford community about five years ago, my husband and I bought our dream home. I speak to you today as a distraught citizen. My husband, who is a union employee, and I are a young couple who are starting a family on Long Island. We are ready to sell our house, which we'll probably take a huge loss on, because this proposed casino is a thousand feet from my front door (*speaker gets emotional*). I don't want to raise my child in a community where there's going to be gambling, prostitution, and you know all that comes along with it, it's proven, the statistics are out there. And I live on a dead-end street, there's a cul-de-sac down there. Nobody's going to do those things on the OTB casino property, they're going to do it on my street. So should I bring my daughter here to you guys to explain to her what's going on on my street? Because I really don't want to do that. I shouldn't have to as a parent. You're supposed to be here to stand up for the citizens of Medford, that's why we've elected you guys. And I -- I just can't understand

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when we -- on Long Island, when we already have a drug epidemic. We know there's a heroin epidemic and prescription drug epidemic; why would you want to bring more -- something that brings more of that stuff into the community to Medford? Why? I have to ask you that.

I hope today that our cries will not fall on deaf ears. We are a community that will stand strong and we will do whatever it takes to protect our community. Please support the legislation 1117.

*Applause*

**P.O. GREGORY:**

Thank you. Bill Simone; and then on deck, Ruth Cuccia.

**MR. SIMONE:**

Good morning. My name is Bill Simone, I am the Chairman of the Board for Long Island Citizens for Community Values, LICCV. We are a not-for-profit organization to protect Long Island families and children from a sexualized and immoral culture. I stand with Bobby Lloyd, founder, who cannot attend this morning who, for the last 20 years, has dedicated his life to the cause of protection and concern for our children.

I'm not here to give you statistics about the devastation of gambling, as you have all the facts and they're readily available. I'm here, however, to encourage you to make the clear decision to lead Medford to be all it could be, and to help us create a community that all Long Island would be proud of. The statistics for our young people, addictions are staggering, and I invite you to come to LICCV office and speak with Bobby Lloyd about what is really happening in our communities and how you can all help.

Creating opportunity for our young people with high-paying, skilled jobs with great companies is the path that Medford is on, contrary to what I've been hearing over here. Take a look at the extraordinary companies that have chosen Medford as their plays of business. I am here as a business owner as well. I was blessed with a piece of property in Medford through my business. I put over \$200,000 into beautifying the property, just like many others there. I employ 17 skilled and highly paid people and will be hiring more, God willing.

Look around here and see the concerned families for their town. What a great mix of business and family that Medford offers. Who would not want to entertain coming to Medford? Look around and ask yourself, as elected leaders, would people in businesses feel the same when there is gambling, pawn shops and bail bondsman businesses here? I think you know the answer is no.

What a great statement you will make, the people that have been elected, to say no to OTB. You are not part of the positive direction that we have planned for Medford. We are here in agreement to make Medford all it could be. With you on board, with the vision we all have and your help with organizations like LICCV, we can have this reality.

On a personal note, God would not bless some businesses that you would approve to come into this town. Thank you very much. Thank you.

**P.O. GREGORY:**

Thank you, Sir.

*Applause*

Okay. Ms. Ruth Cuccia. Did I pronounce your name right?

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### **MS. CUCCIA:**

Yes. My name is Ruth Cuccia, and I personally don't believe gambling brings drugs or prostitution to the area, but I do know that gambling is addictive, absolutely. And I don't want it brought to Medford or any town on Long Island. I feel we already have enough gambling choices to go to and use, and it's certainly not to anybody's benefit. I want the trade unions to work, as other people have said, but this is a short-term job. It's not like building a pyramid where you're going to have a permanent job your entire lifetime and beyond. This casino's going to be with us an entire lifetime and beyond, why not build something to be proud of that will benefit the community, like senior housing for our elders or day-care for our limited people. My mother's uncle worked on the Jones Beach pencil tower. Every time we went by there, she proudly reminded us my uncle built that tower. My uncle did single-family housing Upstate that still stands. My husband was a union carpenter who worked on Southampton College, so I know what it's like to have a man in the building trades looking for work. I'm just saying, let's build something that we can be proud.

And the other thing that concerns me is the cesspools I'm hearing are going to be 12 feet above our groundwater. Now, I don't have to drink water from my faucet, but I do have to shower in that water, do my laundry in that water, water my vegetables with that water. My husband's going to be 75 in a few weeks, I'm close behind. We're not talking for ourselves, we're talking for the future, because this is what we're going to leave behind if we put gambling in Medford or any other place. We have enough. Thank you.

*Applause*

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

Okay Robert Pharaoh, did he come back? Robert Pharaoh? Okay, that's all the cards that I have. Is there anyone else that would like to speak that has not filled out a card and already spoken? I see a hand. Okay, Sir. Please come forward and state your name.

### **MR. RYDER:**

Good morning. My name's Scott Ryder, I reside in Medford. I am opposed to the casino for the following reasons. We've heard it compared to the theatre that was once there; the difference between the theatre and the casino is that the theatre wasn't opened 20 hours a day, seven days a week, didn't serve alcohol and it was a family-oriented facility, which was actually a bad location. And the owner, National Amusements, moved it to Holtsville with easier access from Nichols Road, the Service Road, Morris Avenue and Union Avenue. So it was not a great location, nor will it be a good location for this OTBVLT facility.

The other thing is we're going to have this gaudy, 100-foot sign out on the road, we're going to really feel like we're a truck stop out on I-80 somewhere. That is not what we want for downtown Medford.

The other thing is since OTB bought this property in October, you know, we all read about it in Newsday, that property then became -- it is now not on the tax roll. OTB is exempt from paying property taxes, correct? So think about -- we hear of all the money OTB has created in its 40-year existence. How about all the tax revenue that didn't go to the local communities that other OTB facilities are exempt from paying? The Race Palace, the Racing Forum, all these facilities; that's money that could go to local communities that has not gone. I would like to put a tally on that as well.

You know, I live a stone's throw from this actual facility. My home was built back in the 40's, the original owners owned the Expressway and the Service Road property. I mean, this is not what they would want to see for Medford. I've met a lot of nice people in this community. I've gone to all these civic meetings over the past year, I have not once met an OTB official at these facilities. I

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was turned away from the OTB meeting, which they invited us one-day notice, they invited us on the 14th to attend on the 15th at 5:30 in the afternoon, which is convenient for them but not convenient for all of us who work. So I was very upset with that as well because I think we should actually have a forum and we should have talked about this a year ago instead of hearing that they bought the property.

As far as construction jobs, I'm a contractor. My father built a lot of these roads and bridges that we all drive on now, in Nassau and Suffolk County and the City. So I'm all for construction jobs. I have a lot of friends in the construction industry, they're great guys and they deserve to make the good living. Let's build something that's right for our community in Medford. You know, the host community should have final say, and if you can find a community on Long Island that wants it, let them have it; if you can't, then get rid of it.

***Applause***

OTB, you know -- please, all these jobs that OTB are talking about, three, 400 jobs, they've got to meet that payroll. That's all speculative, the money that they say they're going to make. They're 20 million in debt or 17 million, I don't know, they're going to borrow close to 90, think about all the money. They've got to make payroll, they've got to pay for overhead, they've got to pay for supplies and whatnot. I mean, you know, they're reaching for the stars here. But to have it forced in our community, you know, we don't want it, an overwhelming majority doesn't want it and I thank you for your time.

***Applause***

**P.O. GREGORY:**

Okay, thank you. Anyone else? All right, Al. Al, then the gentleman in the blue shirt up front.

**MR. STRAUSS:**

Top of the morning to you.

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

Alex Strauss speaking for myself, which normally is what I do. The last time I heard, I don't know, I don't think many people here were -- well, maybe one, around the last time I heard that prostitution was going to come here. And you know what that was for? For a Disney World. They wanted to build a Disney World here, and that was the biggest thing. Oh, there are going to be prostitutes running around, just like in Disney World down in Florida, there's prostitutes everywhere you go.

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

It's amazing. You know, the one with the ears; you know? It's unbelievable. This is a business, a business that makes money that will pay its taxes, that will give money to the County. This is what they're there for. It's not a game, it's not a show. And all these people that say, *Oh, it's going to do this, it's going to do that*; show me where. There's no prostitutes running around at Disney World and there ain't going to be no prostitutes running around here. And that's why they have Police and that's why they have lighting around the place, so they don't sit there.

And also, if I'm not mistaken, doesn't OTB have autonomy? That no matter what you vote for here --

**UNKNOWN AUDIENCE MEMBER:**

No.

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**MR. STRAUSS:**

Why do people sitting in the audience have to talk? I didn't say a word when you were up here.

**P.O. GREGORY:**

Al, please address us. Thank you.

*Applause*

**MR. STRAUSS:**

That it really doesn't matter, it's just a show that you do not support it. All right, have a good day. I'm done for now. See you later.

*Applause*

**P.O. GREGORY:**

All right. Sir?

**MR. McCARTHY:**

Good morning, Presiding Officer Gregory and the rest of the Legislature. My name is Tim McCarthy, I'm a business agent with IBEW Local 25. Our organization represents electricians, over 550 of which live in Brookhaven Town, dozens of which that live in Medford that are for this project. If we look at the adjoining communities -- Farmingville, Yaphank, North Patchogue -- our membership numbers obviously increase. We have members in those towns as well.

We are fully in favor of this project going forward. And I was not going to speak earlier today, but I did want to make mention after I heard a couple of people speak about how Legislator McCaffrey should recuse himself; I think that's absolutely ridiculous.

*Applause*

Everybody here comes with some kind of an opinion or a political persuasion. I mean, if somebody was speaking up here on free enterprise, or industrialists, would we want a free enterprise individual to recuse himself? I mean, that's absolutely ridiculous. So I want to thank you all for listening. Please, let's -- I think it's ridiculous that we ask anybody to recuse himself on the Leg here. And again, we're in favor of this project. Have a good day.

*Applause*

**P.O. GREGORY:**

All right, thank you.

Okay, that's it, folks. That's all I have. I make a motion to close the public portion.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

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**P.O. GREGORY:**

The public hearing is closed.

I would like to recognize Legislator Stern.

**LEG. STERN:**

Yes. Thank you, Mr. Presiding Officer. I'd like to make a motion to take IR 1115 out of order.

**P.O. GREGORY:**

Second. It's on page 11 on the agenda under Ways & Means, the appointment of Ms. Tinari. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, the motion is before us.

***1115-15 - Confirming the appointment of Marian Tinari as District Court Judge for and of the Third district to fill a vacancy (County Executive).***

**LEG. STERN:**

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

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

Second by Legislator D'Amaro. Anyone on the motion? Okay, no one on the motion. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Mr. Clerk, please list me as a cosponsor.

**LEG. SPENCER:**

Mr. Clerk?

*(\*Legislators Spencer, Stern, McCaffrey & Trotta  
Requested to be listed as a cosponsor on IR 1115-15\*)*

**P.O. GREGORY:**

Okay. I would like to make -- since there's a lot of attention on the IR 1117, it is the last bill on our agenda, but I think, you know, it will do us service to move it up on the agenda. At this point I will make a motion to take 1117 out of order.

**LEG. McCAFFREY:**

Second.

**P.O. GREGORY:**

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

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**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Well, he didn't call it yet.

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1117-15 - Establishing a new policy for appointments to the Board of the Suffolk County Off-Track Betting Corporation (Calarco).*** Okay, the Chair will recognize Legislator Calarco.

**LEG. CALARCO:**

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

**LEG. BARRAGA:**

Second.

**P.O. GREGORY:**

All right, motion to approve by Legislator Calarco. Second by Legislator Trotta.

**LEG. CALARCO:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Calarco.

**LEG. CALARCO:**

Thank you, Mr. Presiding Officer. And I appreciate all of the individuals who came out to speak this morning, irregardless of their perspective on this proposal and on the overall proposal of the VLTs in Suffolk County. I'm glad to see that we have so many people interested and willing to come out on a Tuesday morning to make their voices heard.

You know, let me first say that I've yet and have not said that I'm opposed to building VLTs in Suffolk County. I have not said that people who want to patronize such a facility are bad individuals. I know many people out there and I have constituents, including those in Medford, who have reached out and said that they want some sort of gaming facility in Suffolk County and that they will use that facility and they are excited for that facility, and I respect that.

I also have a lot of respect for employees at OTB. I know OTB has faced some fiscal problems, and I've also been the first to tell people that it's not OTB's making, for the most part. You know, 90 to 95 cents of every dollar that they take in has to go someplace the State tells them to send it before they can even pay a bill, and that's a bad and difficult model to operate under. So I can appreciate where they're coming from, and I know for the most part they're all very hard working employees who just want to do a job and earn a living and raise their family like all the rest of us.

My problem with this proposal right now has been and continues to be the process that's been involved. You know, any kind of development in Suffolk County right now, and we know Suffolk County is not necessarily an easy place to develop. We've all read the newspaper articles about it, we've all been involved with different kind of controversial proposals, be they condos or apartments or a Wal-Mart or whatever the case may be. But in each and every one of those instances there's a

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local process. There's an ability for the local residents to have some input into that process, there's an ability for the local municipality to review that proposal, to ensure and comprise with all of the standards and codes and ordinances that local municipality has. And at the end of the day, the people who are responsible for making those decisions have to make those decisions, be they the zoning boards, the planning boards, the town boards, whoever the case may be, and most certainly in the incidence of Suffolk County, our Department of Health; there's a process that needs to be complied with in almost every development.

There's been a lack of communication from OTB to this community, it's as simple as that. And I know people who would like to think that it's otherwise, but this proposal and this location was being explored by OTB as early as the beginning of 2014. We know by early Summer that they wanted to build at this location because they were meeting with the Town of Brookhaven about it. It wasn't until the end of August, at my insistence, that OTB even decided to sit down with the community. And yes, it was just with the civic leaders, the chamber leaders and the fire department. They came in with a very rough, poor proposal, without any really answers to any of the questions the community had and they said, *Well, this is just kind of the beginning. We really don't have all the final details yet, we're really not ready to make our pitch, so to speak.*

And contrary to what happened in Nassau County where the communities just kind of gave this gutter reaction and rose up in arms, the Medford community was very understanding. They said, *You know what? We'll give you a chance. We're not going to just rally the troops and come out in opposition, we'll give you a chance. Come make your pitch. We'll have a meeting, we'll open it up to the public, make sure you have all your ducks in a row and come make your pitch.* Well, time went on through September, you see that they've dedicated land to the Town of Brookhaven, it's the residential portion of the property. Then you see they submit a site plan, then you see that they buy the property, and every time I don't even get a call. In fact, every one of those instances I get a call from the civic saying, *Hey, did you know they did this? Hey, did you know they did that?* Never hearing from the OTB, never communicating through to the civic, they're hearing it from people at the town, and there's just zero communication and that's been the problem all along.

So then when the heat really gets going in Nassau County, all of a sudden OTB says, *We don't have to comply with local ordinance. We can do this on our own accord. We're pulling back our Planning Board application, which was forwarded from the Town to the Suffolk County Planning Commission the same day it was received, which almost never happens, and we're not going to go through the local process anymore. We don't have to do that, it's not something we have to do.* And there's been no communication. And it wasn't until the heat really got going that they finally said, *Okay, we'll sit down with the civic again.* And in that meeting where there were a few more people there, but still it was a closed-door meeting and the public wasn't invited and it was not a public meeting. And in fact, the civic asked, *Hey, can you give us a public meeting? We'd really like to have an opportunity for the public to hear what you want to do,* and they were told, *No, we're not going to have a public meeting. We don't need to have a public meeting, we're not going to have a public meeting, no thank you.* And that's just contrary to the whole purpose of having a Home Rule State where we have local control over what happens here. And it's also contrary to the law.

When the VLTs were created, and I know people had referenced the referendum that was approved, but let's be clear, the referendum was voted on on November of 2013, VLTs were authorized by the State of New York in June of 2013. These things were coming one way or the other, the referendum had nothing to do with it. When that law was passed and was included into the New York State law under the Tax Law, specifically Section 1617-A, it stated as follows:

*"At a maximum of two facilities, neither to exceed 1,000 video lottery gaming devices, established within Region Three of Zone One as defined by Section one thousand three hundred ten of the Racing, Pari-Mutuel Wagering and Breeding Law, one each operated by a*

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*corporation established pursuant to Section Five Hundred Two of the Racing, Pari-Mutuel Wagering and Breeding Law in the Suffolk region and the Nassau region to be located within a facility authorized pursuant to Sections One Thousand Eight or One Thousand Nine of the Racing, Pari-Mutuel Wagering and Breeding Law."*

So basically the way our State looks at this, VLTs are permitted in any Suffolk County OTB branch or simulcast theatre. They don't care really where they go, as long as they go into one of those kind of facilities.

This idea that they don't have to comply with the law is just incorrect, because as you heard, they have to comply with Sections 1008 and 1009 of the Pari-Mutuel Wagering Breeding law.

10008 deals with branches and then the terms and conditions of those branches actually refers back to Section 10003, and I am in possession of a letter that was sent to our civic association president from the Gaming Commission which states specifically, These applications for OTB branch offices simulcast facilities and simulcast theatres require commission consideration of applicable law which may include New York racing paramutual wagering and breeding law Section 521; 1003, 1008, 1009.

Section 1003 specifically states that, "The location of the facility and a written confirmation of appropriate local officials that the location in such facility is expected to occupy such facility are in compliance with all applicable local ordinances." In short, the State is saying you have to comply with the local laws that govern the area. You have to comply with the zoning, you have to comply with the building codes, you have to meet all those standards. And in fact, the Gaming Commission has told me they're going to not only expect that letter that states that, but they're going to expect to a CO on the building as well. And so the State's saying, No, you have to comply with these local ordinances. And yeah, if the local ordinances require you to go through some sort of local process, then you have to go through the local process.

And so what I'm asking for in my resolution I don't think is extremely onerous. I'm asking for something very simple from our Board of Directors, and that's that they're willing to comply with the State law that gives them the ability to create a branch in the first place. I'm asking them to seek the Town of Brookhaven's support for any kind of construction that they're looking to do. And I think that's a fair request. When you look at the fact that in Upstate, New York, where they're running full-scale casinos, commercial establishments, they have a requirement that's one of the very first things in the application process, that they have a supporting resolution from the local host community -- be it the town, the village, the city, wherever it's being located -- saying that they support that project.

I'm not saying they can't build VLTs. I'm not saying that their OTBs should just go under. What I'm saying is that there needs to be a local process. What I'm saying is that we have to give the community a chance to have input, as they do with any other kind of project, that somebody has to have a review process to make sure that they're meeting all those applicable laws. And I could tell you, I'll be damned if our Health Department doesn't review the wastewater, because the Planning Commission clearly points out that the application submitted woefully underestimates the amount of gallonage that they're expected to generate. And if that gallonage does go up by about 200 gallons per day, considering they haven't taken into consideration any of the restaurants they plan to have there, I'm sure it's going to happen, they're not going to have enough land to contain their flow and they're going to have to figure out another way of dealing with the wastewater. That's just reality. And our Health Department I have a lot of faith in. The numbers are the numbers, they're going to crunch the numbers. There's a flow calculated everything, whatever that flow is they're going to have to address.

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All I'm asking is for the local process to be followed, that's what this resolution is asking the OTB Board to do. It's certainly not something that we can direct them to do, so yes, it's saying to perspective appointees, *This is what we're going to want you to comply with*, and certainly it sends a policy message to the current appointees that this is something that we want to see happen, and that's all I'm asking for. I'm asking to give my community a chance to be heard in an appropriate venue. I'm sure all of you sitting around this horseshoe today are saying, *All these things they're talking about really are not things that are relevant to us*, and for the most part they're really not, except the wastewater issue, but the Health Department, I have confidence will deal with appropriately. But the reason they're here, the reason they've been going before Town Board meetings repeatedly is because they're not getting their process, they're not getting the appropriate venue to have their voices heard, they're concerns addressed, and to ensure that the facility is not going to be a detriment on their community and is in compliance with all local ordinances. So I'd ask for support from my colleagues on this resolution. Thank you.

***Applause***

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. So I'm trying to think of something else to say after listening to Legislator Calarco. Thank you for those comments. It's coming from Town Government, and I was in Town government for quite a long time. The towns have jurisdiction over land use and zoning. Whenever a County official or a State official came into town and tried to tell us otherwise, we always found it offensive. The towns that -- this due process -- now, you have a process here, it's called democracy and people with different opinions can get up and respectfully tell their elected officials what their opinions are on important issues like this. But this should be taking place at the town level, the towns have that control and they have that responsibility, it shouldn't be diluted by a different form of government. And for that reason, because I support land use and zoning on a local level where it currently resides, I'm going to support Legislator Calarco's bill.

***Applause***

**P.O. GREGORY:**

Okay, Legislator Barraga.

**LEG. BARRAGA:**

Certainly I understand Mr. Calarco's point of view with reference to the sighting at Medford, but this issue is a lot more expansive than this specific bill. You know, for the last 40, 45 years, things were quite different as we progressed with reference to gambling in New York State. New York State is now changing, especially in the last 10 or 15 years. Forty years ago, 30 years ago, New Jersey and Connecticut had a monopoly on gambling. In fact, in that 40-year period, I would estimate that not hundreds of millions of New York dollars, but billions, billions of dollars from New York residents went to Atlantic City and Connecticut. So when the Governors of New Jersey and Connecticut sat down to do their budgets, annual budgets, a lot of the programs they were funding for New Jerseyites and those who lived in Connecticut came from New York State residents who were gambling in Atlantic City, going to Mohegan Sun or Foxwoods.

They had a monopoly. They -- the casino owners spent dollars in New York to make sure there was no chance of any sort of a change in the Constitution. We have to have two successive Legislatures vote for a referendum, and they were successful for many years. But then a crack in the wall developed which nobody expected, certainly not Atlantic City nor Connecticut, and that was the Indians, because they had land on Federal lands. They could usurp the Constitution of the State of

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New York, and you had casinos established run by the tribes. Right now you have five casinos in the State of New York. Even with those casinos, those in Atlantic City felt, and Connecticut, they could survive, they further expanded Mohegan Sun and Foxwoods. But then -- and EnRon was done a number of years later in the State with the establishment of {racinos} associated with race tracks.

I can remember, because I lived in Saratoga Springs when I was in the Legislature, the day the {racino} opened up in Saratoga Springs. It was a terrible day Winter-wise, a heavy storm, winter storm, there must have been six or seven inches of snow their first day. They got 10,000 people to show up the first day. That sent a signal to Atlantic City and Connecticut that the racinos were the beginning of the end for those markets, because now New Yorkers could gamble in New York and the money basically would stay in New York.

### ***Applause***

That's why you're seeing a lot of those casinos go under in Atlantic City. The market's changed, the competition's changed, New York is in this. Whether we like it or not, we're in the casino gambling business and we're generating billions of revenue. Now, this racino on the border of Queens, associated with the Aqueduct Race Track; that's one of the most successful racinos in the country. Last year they did 792 million gross; 792 million gross. The VLTs in Nassau and Suffolk County, can they each do 150 million? I think that's reasonable.

Now, how did you wind up getting the VLTs in Nassau and Suffolk County? Because for many years, whether you were an Assembly person or a Senator or just a resident, New York, Long Island, especially Nassau and Suffolk, always gets screwed over when it comes to Albany and the distribution of those dollars. We never, never get our fair share.

So the Assembly persons and Senators said, Hey, look. If you're going to put an amendment out there or a referendum, what do I get out of this? You're going to build four casinos Upstate initially and then an additional three. Sure, the {sublinter}, the Catskills, they are desperate for these casinos, because economically they are going down the tubes and have been doing that for the last five or ten years, so Cuomo wanted to do something. But the Assembly persons and Senators said, Hey, look, what's in it for us? We have Nassau, we have Suffolk, we're in fiscal hard times, we need the revenue. So what was decided whether or not the referendum passed or not, we would each get -- Nassau would get a thousand VLTs and Suffolk would get a thousand VLTs so that we could generate the revenue so some of those dollars could go into Nassau and Suffolk to help meet our budgets.

### ***Applause***

But you get to the point, and that's the reason you're here, it passed, the referendum passed by 57% statewide. There are some people out there trying to convince that the 57% didn't know what they were doing, it's really the 43% that counts. It doesn't work that way. Sixty-two percent of the people voted for the referendum in Suffolk County. I'm sure Brookhaven had 65%, Islip had 66%. They want to gamble. Just go to a stationary store and see them lined up buying the lottery tickets. People in Nassau and Suffolk like to gamble and it's a big market. We have three million people. Our population of those two Counties exceeds 21 states. But who wants it built in their area? No one. You could have one meeting, you could have a hundred meetings, but nobody wants it. You could have all the meetings in the world with OTB, but it has to be built. And there's a high probability it will be built in Medford.

### ***Applause & Cheers From Audience***

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Now for those of you who feel that OTB doesn't have legally the responsibility to usurp local municipal authority, the only way you're going to settle that is to go to the courts. Because this condition exists in other areas.

I remember 20, 25 years ago, there's something called the Padavan Law, put together by the State Legislature that usurps local authority as it pertains to citing intermediate care facilities for the disabled. I was a newly elected Assemblyman in; '84, '84, and I had Farmingville, and I went out to Knights of Columbus Hall, with I thought was ironic, and with 350 people waiting there, who were yelling and screaming about the ICF facility that was potentially going to be built in Farmingville, and I had to go in and explain to them what the Padavan Law was, that it does usurp local authority. That's the way it was designed, because Padavan and the State Legislature knew that if they didn't do that, you'd never have an intermediate care facility built in any area. That holds true in the case of OTB.

Better than four years ago I stood -- I'm dating myself -- with a crowd ten times your size in Babylon. A thousand people at least, screaming and yelling, because you know what? They didn't want the Southwest Sewer District Sewer Plant built in their neighborhood; it was built. They lived on either side.

The hard reality is that there's a high probability that this is going to be constructed. I would hope that some of the people up here are doing a little of what they call back-channelling with OTB. In the event that this is built, what does Medford get out of it in terms of revenue from this facility to meet certain civic projects in Medford?

**UNKNOWN AUDIENCE MEMBER:**

No.

**LEG. BARRAGA:**

That is something that I think OTB would be amenable to. They have no inclination, they have a negative history with any community. But if this facility is built and you haven't done any back-channeling, then you've missed, I would say, respectfully, a golden opportunity to get additional dollars for Medford.

**UNKNOWN AUDIENCE MEMBER:**

There's more to life than gold.

**LEG. BARRAGA:**

So we have this before us. I will not support this bill. I understand where you're coming from. No one wants the VLT, but the reality is it's going to be built. It was put there by the Legislature, the Assembly and Senators from this area in the hopes of generating income for Nassau and Suffolk because of the potential market. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you. Legislator McCaffrey.

**LEG. McCAFFREY:**

Thank you. Thank you, Legislator Barraga, for that history. I think it was informative to all of us.

Like Legislator Krupski, I come out of local government, 23 years as a village official and I hold near and dear to my heart the local zoning laws and our ability to control those things. But in this instance, there is a State law that was passed that said that local zoning does not -- is superceded in

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this case for the VLT portion of it. As Legislator Barraga pointed out, it was the same thing for the intermediate care facilities. When I was a very young civic leader, the president of my civic association where I started out in -- I'd say my role in the community and on my way to local government and then eventually to here, that was the first issue we dealt was an intermediate care facility being put in our neighborhood. And I have to tell you, the residents came out and up-in-arms. I could tell you that facility has been there for 30 years and we have never had a problem with that facility, but it would not have been built if it was not for the fact that the Padavan Law was in place and for the greater good of the community, for everybody, that these people were able to live a normal life in that community.

In my district, I keep saying this all the time, we don't have a single County park, but we've got a sewer plant. We get sewage from Babylon outside of my district, from Islip, soon to be Wyandanch Rising, and eventually the Ronkonkoma Hub. All those things I support is because it brings economic development to this community, to this County, which we desperately need and the good paying jobs that go along with it.

### ***Applause***

This will bring \$5 million right now in the first two years to Suffolk County, which everyone of us sitting around here knows that we need. It would bring \$72 million to school funding, school education, that's 45% of all the revenue has got to go into the State for funding public education. This will add 300 permanent good paying jobs, and I know that firsthand that they will be good paying, permanent jobs. It will bring hundreds of good construction trade jobs, and people may say these are temporary jobs; well, they're not temporary if you build something here and you build something there and people continue to work, and I can assure you that those will be good paying jobs.

I'm convinced that this is a good project and it will be a benefit to Suffolk County and to all of us, and I do not believe that it will have a detrimental effect on Medford or that surrounding community. I think it's a good location, easy on and off the Expressway, and I think the impact in terms of traffic will be minimal to that area and I think it will only be positive at the end of the day to the Medford community.

But even so, if I wasn't completely convinced and I had a decision to make, rest assured that I will always err on the side of creating good paying jobs and economic development in this community.

I've been pretty much aligned here, I guess from my union membership. I was told I was signed in with my union e-mail address; [kmccaffrey@ibt707.com](mailto:kmccaffrey@ibt707.com) is a lot easier than [kevin.mccaffrey@suffolkcountyny.gov](mailto:kevin.mccaffrey@suffolkcountyny.gov). But either way, I never shy away from my union membership or who I am; it is who I am. And that is what I bring to this Legislature --

### ***Applause & Cheers from Audience***

-- and I will always bring that to this Legislature and I will not be supporting this legislation. Thank you.

### ***Applause & Cheers from Audience***

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

Okay. You know, I understand the concerns of the residents of Medford, if they feel like they weren't a part of the process. To address that today, I'm laying a bill on the table to establish a Citizens Advisory Committee for those members in the community. It will establish a membership from the fire departments, the schools, all the local agencies, the civics, the community, so that they

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can have input, and with members from OTB on board, as well as, you know, the Delaware North. Because I do believe that having input in the process, local input is important, that's key.

However, I've sat here through the committee process, through the public hearing, through the public portion today and listened to all the concerns, and I have to tell you, you know, really disparaging, I take it as disparaging, the employees and the union members that seek to benefit from this process a little disheartening. Because, you know, there are people that work every day, they are middle class folks who are just trying to raise their families and send their kids to schools and they're a part of the PTAs, they're part of the fire districts there; they're hard working members of our Suffolk County family. They're no less important than anyone else simply because they work at Suffolk OTB, and I take offense to disparaging people simply because of their work at Suffolk OTB.

### *Applause*

They're hard working, they're hard working individuals that care about their community just like all of us do. And to make disparaging statements about the corporation itself and its bankruptcy, you have to truly understand the nature of the statutory scheme that really sets them up to fail. And Legislator Calarco mentioned it earlier, but when you have State law that tells you that you have to, you know, pay out 90% of your profits -- and there's no secret, it was mentioned in the committee; I worked at OTB, so I'm a little bit more familiar with the financial situation and the statutory scheme than most people, I would imagine. I was there when we went to Albany to lobby the State Legislators to change the scheme that is bankrupting, bankrupting Suffolk OTB. It's not mismanagement, it's really the fault of the State Legislature that's really bankrupting the OTBs.

### *Applause*

So, you know, I think the VLTs has really been the only source of a life line to the OTB corporation. And to make, you know, a policy that you as a board member would have to be predisposed to a position that's financially and a fiduciary responsibility that's against the mission of the corporation which you serve, I think it doesn't serve in the best interest; it would be malpractice, if you will, in my opinion, to do so.

But I do understand the sentiment for which the legislation came from and I certainly respect Legislator Calarco, he's advocating and fighting for his community, I would never look down upon or disparage or insult anyone's, one of my colleague's efforts to do so, that's what you're elected to do. I certainly respect that. But I think, you know, establishing a litmus test for any board, whether it be OTB or the Water Authority or any of the boards that we oversee and have influence on I think is the wrong message as well. I think the community should have input, I think we're going to do that. We've been in communication with the Off-Track Betting Corporation, they know what they have to do and we're going to hold their feet to the fire to make sure they do that. So I urge my colleagues not to support this bill and let's move the conversation forward.

### *Applause*

And with that, if there is no one else -- Legislator Calarco, yes.

### **LEG. CALARCO:**

Thank you. I just have two quick points, and I respect the positions of many of my colleagues and understand where they're coming from.

First and foremost, let's be very clear, this is not exempt from local ordinances.

**UNKNOWN AUDIENCE MEMBER:**

Thank you, Rob.

**LEG. CALARCO:**

It's whatever the section of VLT Law cites. You see the letter from the State Gaming Commission that specifically says this facility is going to be treated as an OTB branch and, as such, must meet all of the standards of any other OTB branch; and I read you the section of law that clearly states it must be in compliance with local ordinance. There is into exemption for Suffolk County OTB for their situation. They are going to need to get some sort of certification from the Town of Brookhaven that this thing is in compliance with all local ordinances and they're going to need to get a Certificate of Occupancy for the building once it's built; that is very clear from the State Gaming Commission folks and it's very clear in the State law.

And I also want to address the issue of economic development. And I won't dispute the jobs that they're saying they're going to create and I think they will and I know, you know, they are going to be Teamster jobs, they're going to be -- you know, the union's going to be there and I support that. I think -- you know, I'm a union guy through and through and I appreciate that perspective. But there's going to be no economic development for Medford. Let's explain where this thing is. It's on the South Service Road of the Long Island Expressway, past Route 112. Route 112 is their business district. Route 112 is where we spent a lot of time, and County dollars for that matter, promoting their downtown area, creating a park, using that area as a place where the community can call their downtown. People who are going to this facility are going to take the Expressway, they're going to either get off, coming from the west, at Exit 63, they're going to get off and they'll go past Route 112, they're going to drive to the VLT facility, they're going to go in, they're going to play some video lottery, maybe pet the ponies, maybe have something to eat, have a couple of drinks, then they're going to get back on the Expressway Service Road, they're going to go to the next bridge down which is Horse Block Road, they're going to cross back over the bridge and they're going to go home. That's what they're going to do. They're not coming down Route 112, they're not going to go eat dinner at any of the restaurants on Route 112, they're not going to go shopping at any of the stores. They're going to go to the VLTs, they're going to play the games, they're going to leave; that's all they're going to do. There's no economic development involved, there's no subsidiary, ancillary benefits for the Medford community or, for that matter, anybody out in Suffolk County. They're going to go, they're going to play, they're going to leave.

*Applause*

**P.O. GREGORY:**

And before I call it, I think it's important to put on the record that OTB has, for the past 40 years, committed \$206 million -- \$260,000,000. I mean, that's a lot of money that OTB has contributed to Suffolk County. Those monies go directly to our communities, and this is going to generate \$72 million for education. So that's not something to oversee.

**UNKNOWN AUDIENCE MEMBER:**

No, it's not.

**P.O. GREGORY:**

So with that, Mr. Clerk, can we have a roll call?

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

**LEG. CALARCO:**

Yes.

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**LEG. TROTTA:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

No.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. McCAFFREY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

No.

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

No.

**P.O. GREGORY:**

No.

**MR. LAUBE:**

Seven.

**P.O. GREGORY:**

Okay, motion fails.

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***Applause & Cheers from Audience***

Okay. I make a motion to accept the -- to approve the Consent Calendar.

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

Second the motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay.

**RESOLUTIONS TABLED TO MARCH 3, 2015**

***IR 1324-14 - Directing all County departments and agencies to update multi-line telephone systems to directly dial 911 (Trotta).***

**LEG. TROTTA:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

Motion to approve by Legislator Trotta, second by Legislator Hahn. On the motion, anyone? All in favor? Opposed? Abstentions? Folks, please exit quietly. Thank you.

**LEG. CALARCO:**

Tim?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. Page seven, **INTRODUCTORY RESOLUTIONS, Budget & Finance:**

***IR 1039-15 - Authorizing the release of sewer grant funds. (Spencer).*** Legislator Spencer?

**LEG. SPENCER:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Spencer. Second by Legislator D'Amaro. On the motion anyone? On the motion, Legislator Krupski.

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**LEG. KRUPSKI:**

I would really like to thank the Sewer Infrastructure Committee, before I sat on it, and everyone involved with making these funds available. These are funds that are going to upgrade non-County sewage treatment plants up to State standards. This is going to make a big difference. I want to thank Legislator Spencer for being involved in this. It's going to make a big difference in the Riverhead plant where they're going to put the effluent on the County golf course instead of putting it into Peconic Bay. These are the kind of -- this is not money for a study, this is money for implementation of water quality improvements. And I really thank my colleague, Legislator Spencer, for putting this out there.

**P.O. GREGORY:**

Okay. Anyone else? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**LEG. KRUPSKI:**

Cosponsor.

**P.O. GREGORY:**

***IR 1040-15 - Amending the 2015 Operating Budget to provide funding for Babylon Youth Institute, Inc. (D'Amaro).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator D'Amaro. I'll second. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1045-15 - Amending the 2015 Operating Budget to provide funding for the NAACP Long Island ACT-SO-Program (Martinez).*** Motion by Legislator Martinez. I'll second. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**LEG. SPENCER:**

Cosponsor, please.

**P.O. GREGORY:**

***IR 1066-15 - Amending the 2015 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

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**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

Second by Legislator Spencer. Anybody on the motion? No. Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1066A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$110,000 Bonds to finance the settlement of a general liability case against the County),*** same motion, same second on the Bond Resolution. Roll call.

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

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

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**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Fifteen (Opposed: Legislators Muratore & Trotta - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Did you call the vote?

**MR. LAUBE:**

Yes, I did, 15.

**P.O. GREGORY:**

Okay, thank you.

***IR 1083-15 - Amending the 2015 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator D'Amaro. Second by Legislator Stern. Anyone on the motion? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, ***IR 1083A***, the ***Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$100,000 Bonds to finance the settlement of a bus liability case)***, same motion, same second.

Roll call.

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

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

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**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Fifteen (Opposed: Legislators Muratore & Trotta - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

*Okay. IR 1102-15 - Amending the 2015 Operating Budget to provide funding for the Brentwood Chamber of Commerce (Martinez).*

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**LEG. MARTINEZ:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Martinez. I'll second. Anyone on the motion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**Economic Development**

**P.O. GREGORY:**

***IR 1038-15 - Directing the issuance of a Request For Expressions of Interest associated with the development of a convention and exposition center in Suffolk County (Schneiderman).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman. I'll second. On the motion, anyone? No? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, we're going to skip over 1046 for now.

***IR 1047-15 - To reappoint Corrieann M. Young as a member of the Suffolk County Citizens Advisory Board for the Arts (Stern).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***IR 1048-15 - To reappoint Lynda A. Moran as a member of the Suffolk County Citizens Advisory Board for the Arts (Cilmi).***

**LEG. CILMI:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**LEG. LINDSAY:**

Cosponsor, Tim.

**P.O. GREGORY:**

***IR 1049-15 - To reappoint Maria Figalora as a member of the Suffolk County Citizens Advisory Board for the Arts (Barraga).*** Motion by Legislator Barraga.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**Environment, Planning & Agriculture**

**P.O. GREGORY:**

***IR 2179-14 - Making a SEQRA determination in connection with the proposed Historic Trust recommendation concerning the dedication of Montauk County Park and associated buildings and sites to the Suffolk County Historic Trust (Presiding Officer Gregory).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman. I'll second. Anyone on the motion?

**LEG. KRUPSKI:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

This came up during the committee meeting and we had -- you know, we had Commissioner Dawson there, we had Richard Martin there to talk about what this would mean. I voted against it because I felt that we have trouble as a County maintaining the buildings that our County employees work in, and to take this -- to make this designation would make it historic, would bring it to a different level of preservation and work. And I really feel like we should be getting our buildings where County employees are working safe and functional first.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

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

First of all, this is a SEQRA designation, so it's accepting the SEQRA designation. But, you know, in terms of we making this historic; we don't make it historic. It's historic by virtue of when it was built and how it was built and how it's been protected through the years.

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I mean, it is eligible on the national -- the Register of National Historic Places. It's an important archeological site. We had two representatives today from the Montauk Indians, there are significant archeological remains on the property, there are multiple buildings from World War II structures, and the Third House itself, the nation's first cattle ranch, the Third House built in Montauk, which was one of the earlier settlements in the area.

We have been treating it for many, many years as a historic site. It's gone through, you know, various Phase I and Stage II archeologies, it's gone through Historic Trust and SEQRA as if it's a historic site. This just really makes, and we'll debate that when we get there, designating it, but this is just a SEQRA piece. So we should be protecting this piece because it is one of, I think, our most historic properties that have been put into our care. So thank you.

**P.O. GREGORY:**

Okay. Legislator Hahn?

**LEG. HAHN:**

I agree with Legislator -- sorry, Deputy Presiding Officer Schneiderman, and in some sense I agree with you. I mean, clearly we need to be keeping up with our current buildings where employees are. But when we have the historic structures of this nature, we have an absolutely responsibility to protect them, and if you don't they're lost and they're lost forever. And we need to, you know, make it a priority to find the funds to keep structures of this nature and to preserve them forever. It's important to the people, it's important to our history, our culture, and it's extremely important that we do this. Obviously this is a SEQRA determination and there will be more discussion later, but I agree with our Deputy Presiding Officer.

**P.O. GREGORY:**

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

**LEG. KRUPSKI:**

Opposed, Tim.

**MR. LAUBE:**

*Sixteen (Opposed: Legislator Krupski - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***IR 1104-15 - Amending the 2015 Adopted Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program and appropriating funds in connection with the effect of the Millstone Nuclear Power Plant on the temperatures of the Long Island Sound (CP 8710) (Schneiderman).***

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

I actually have to make a motion to table this. As much as this is -- I have been pressing for a very quickly discharge -- a very quick discharge of this, there's a technical issue that Planning Department would like to see this as Stony Brook's application rather than Legislator Schneiderman's application. It actually may actually make it move quicker through the process. Stony Brook is deciding whether they will put their name on the application. I'll need till the next cycle to be able to achieve that, so I'm going to make a motion to table. But I do -- all those Legislators who have been supporting this, I appreciate it. And to Supervisor Romaine who sent comments in today, thank you as well. But I will make a motion to table.

**P.O. GREGORY:**

Okay, Legislator Krupski.

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**LEG. KRUPSKI:**

On the motion? Is there a second?

**P.O. GREGORY:**

I'll second.

**LEG. KRUPSKI:**

Thank you. All right. This is something that has been, I think, a hot topic about -- from a lot of people.

**P.O. GREGORY:**

No pun intended.

**LEG. KRUPSKI:**

When you -- ah, that is good. Thank you.

*(\*Laughter\*)*

This is -- and this is something, obviously, if we could spend \$79,000 on a study that would close down the nuclear power plant in Millstone or Connecticut, I would be endorsing this and I'd be raising the flag with you and be carrying Legislator Schneiderman around on my shoulders, with everybody else. But it's doubtful that this study is going to have any impact at all on a nuclear power plant that's been operating there in the Long Island Sound for a long time. The climate change that's been happening, that's going to happen with or without an operating nuclear power plant there, whether we put that waste water, that waste heat discharge into the sound or we put it in the atmosphere, it's the same amount of waste heat that's going to be discharged.

The big problem with this is that you've got a limited amount of water quality money to be spent out of the 477. There's very little money available, it should be spent on brick and mortar projects that are going to improve water quality. There were almost two-dozen applications to the Water Quality Review Committee, and Legislator Schneiderman and I were both there; and I respect the committee, it's a good committee and they do their due diligence. But some of these projects are not going to improve water quality. When you're out in the race, and I've seen pictures of the Presiding Officer out in the race holding up stripe bass, all right, that he's caught out there, and we go out in the crick and we catch -- in the summertime, late summer and early fall and you catch crabs and spear eels at night, and next month you can walk across the street here and see the enwives coming up into the river to spawn. You know that you want to spend what little money you have here to improve water quality on improving water quality, not on a study that's really -- is going to get put on the shelf and it's going to have no impact on water quality. And that's why I don't really care for this proposal. I'd much rather spend what little money we have left to actually get the job done.

**P.O. GREGORY:**

Legislator Schneiderman.

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

All right, I don't want to debate the bill now because the bill's not in front of us because I, as the sponsor, am asking for a tabling. I'm happy to debate the bill in three weeks and fully prepared for that. Just to respond to a couple of things you said. One is it is not a study, it is the development of a hydrothermal model, a predictive model that can tell us from any heat source over time of a particular quantity or magnitude what the effects on temperatures will be over time as well as ecology over time. Stony Brook is well positioned to do this study. The committee that you said you respected, the Water Quality Review Committee not only endorsed this unanimously, but they also

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felt that it was urgent that we move this thing forward.

So again, because of a technical problem, I'm asking for a tabling so we can fix this. This has broad base of support from groups like Citizens Campaign for the Environment, the Town of Southampton, the East End Supervisors & Mayors Association, you heard Supervisor Romaine's comments today; I can go on and on, and perhaps I will in three weeks. But right now I'm just asking for it to be tabled and if anybody has questions in the interim, I'm happy to answer them.

**LEG. KRUPSKI:**

I'm happy to support you today on your tabling motion.

(\*Laughter\*)

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***IR 1109-15 - Making a SEORA determination in connection with the proposed Northeast Branch Nissequogue River Restoration Project, Town of Smithtown and the Village of the Branch (Presiding Officer Gregory).***

**LEG. TROTTA:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Trotta.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco. Anybody on the motion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, ***IR 1113-15 - Authorizing additional time period for completion of negotiation process in connection with proposed acquisition of Farmland Development Rights (Wade Property) (County Executive).*** I make a motion.

**LEG. STERN:**

Second.

**P.O. GREGORY:**

Second -- who was that? Oh, second by Legislator Stern. On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

On the motion. This went through the committee; I abstained and I wanted to make sure I had all my facts correct. And this is farmland preservation, and I will support this because farmland

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preservation is important in all parts of the County.

**P.O. GREGORY:**

Thank you. Anyone else? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

All right, thank you for your support.

***IR 1116-15 - To appoint member of County Planning Commission (Samuel Chu) (County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

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

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

You've had a very busy morning today.

**LEG. KRUPSKI:**

This is going --

**(\*Laughter\*)**

This is something that came up at the committee and we had a good discussion with the candidate here, Samuel Chu. It was concerning to me because out of the five non-town members on the Suffolk County Planning Commission, none of them are from the East End, and Samuel Chu replaces a member who was from Orient. So I just wanted to bring this up. And I will support this. We had a good conversation about making sure that he understood -- and I know the County Executive understands the difference between the East End and the West End, and I know he appreciates that. So I have confidence that Samuel Chu will have the same sort of understanding. But I just wanted to bring that up, next time there is an opening, a vacancy from someone who's not interested in serving any longer, that someone from the East End have proper consideration to represent the East End on the Suffolk County Planning Commission.

**P.O. GREGORY:**

Okay. Anyone else? Legislator Schneiderman.

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

The County maintains an awful lot of committees and boards. In general, there's no requirement that they have to have distribution geographically throughout the County. This is actually one of the only boards that does. This one says that there's a certain seat for each of the ten towns, five of which are East End towns. So as far as the boards go, this is pretty good representation. We have roughly 30% of the people on the board are from the East End, which is good, and then we have these five at-large people that can go to anyone. But, you know, I don't want to prejudice against Sammy Chu. I think he's a really good appointee to this board. You know, he's welcome to live on the East End, he doesn't. I appreciate Legislator Krupski' concern to try to get more people, but I think we should look more broadly at all these County committees, and maybe we should have more that are geographically based. This one happens to be, so it's got pretty good East End representation and I'm going to support Sam on his merits as well.

**LEG. KRUPSKI:**

I did ask the candidate, Samuel Chu to relocate to Orient, but we would not recommit.

**LEG. McCAFFREY:**

He said he'd be happy to visit.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**Government Operations, Personnel, Housing & Consumer Protection**

**P.O. GREGORY:**

Okay. ***IR 1076-15 - Appropriating funds in connection with the replacement of weights and measures inspection vehicles for the Suffolk County Department of Labor, Licensing and Consumer Affairs (CP 1813) (County Executive).*** I'll make a motion.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1076A, the Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$109,000 Bonds to finance the replacement of Weights and Measures Inspection Vehicles for the Suffolk County Department of Labor, Licensing and Consumer Affairs (CP 1813.512), same motion, same second. Roll call.***

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

**P.O. GREGORY:**

Yes.

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**LEG. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes. Greg.

**MR. LAUBE:**

*Fifteen (Opposed: Legislators Muratore & Trotta - Vacant Seat: District No. 12).*

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**P.O. GREGORY:**

All right. ***IR 1077-15 - Accepting and appropriating additional Disability Employment Initiative (DEI) funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program (County Executive).*** Same motion, same second. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***1078-15 - Approving the reappointment of Linda Perlow as a member of the Suffolk County Home Improvement Contracting Board (County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Muratore. Anybody on the motion? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***1079-15 - Approving the appointment of Anthony Cincotta as a member of the Suffolk County Plumbing Licensing Board (County Executive).***

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

Motion.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1080-15 - Approving the reappointment of Richard M. Leo as a member of the Suffolk County Plumbing Licensing Board (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1081-15 - Approving the reappointment of Robert Ruggiero as a member of the Suffolk County Plumbing Licensing Board (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1082-15 - Approving the reappointment of Salvatore Escaldi as a member of the Suffolk County Plumbing Licensing Board (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**Health Committee**

**P.O. GREGORY:**

***IR 2174-2014 - Adopting Local Law No -2015, A Local Law to warn consumers of the dangers of liquid nicotine products (Anker).***

**LEG. ANKER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Anker.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

Second by Legislator Hahn. On the motion? Legislator McCaffrey?

**LEG. McCAFFREY:**

Yes. Legislator Anker, we had a discussion before about what was going to be in this bill in terms of one of the questions I had which was raised by other speakers, was over the placement of these signs of at or near the counter. And as we said -- I said before, I'd be supportive of this if it was not designated at that counter which is considered to be that optimum place. Is there any change to that legislation since the last time it's been proposed?

**LEG. ANKER:**

You know, we discussed that yesterday. And I think the problem with that is in the legislation right now it says "at the register", and you were hoping to put -- to change it to "near the register". So I don't know if that minor change would make a big difference. You know, at the register, I guess it's up to the Suffolk County Health Department because they will be the ones enforcing this and monitoring it. But, you know, at the register, basically, you just said, optimal area for people to view it. I think I'd like to leave this.

Also remember that once State or Federal regulation is in place, this legislation will no longer be needed. So basically it's a sign, you know, it's an 8 1/2 x 11 sheet of paper that's downloaded from the Health Department, pennies for a sheet of paper, and, you know, it could be placed on the counter, under a mat of some type. It can be placed -- I'm assuming, and we'll get clarification now

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that the Health Department is here right now, but on the wall behind the cash register. Just in a conspicuous --

**LEG. McCAFFREY:**

Conspicuous.

**LEG. ANKER:**

Conspicuous -- I did that to you yesterday.

**LEG. McCAFFREY:**

Yes, you did.

**LEG. ANKER:**

A conspicuous place. That's what's important, because we just want people to understand that, you know, they're not buying something that's -- that they may assume to be safe. In fact, this is incredibly toxic, incredibly potent.

You know, again, what we're talking about is a substance that has killed a one-year old child due to the situation, the parent didn't understand how dangerous the substance is. You know, again, in the legislation it talks about some of the facts regarding E liquids. And the Federal government; again, I am very disappointed in the Federal government, you know, the FDA not stepping up to create some type of legislation or regulation for liquid nicotine.

You know, nicotine is dangerous, it's addictive, we know that, we all know that. And I think it was created in the positive perspective to help people get off smoking cigarettes because, you know, we lose a lot of people, of course, with cigarette smoking. My grandfather died from Emphysema and, you know, I would have loved to spend another 10 or 20 or 30 years with him. And just being around someone that's sick with cancer related to smoking, it's a horrific experience. But that doesn't -- that's not necessarily addressing this. This is -- this is so people who have the ability to buy liquid nicotine, it's not banning it, it's not making it more difficult for them to buy, it's just making them aware.

**LEG. McCAFFREY:**

Okay. It's just as we discussed before, just that space right between the counter, it's already crowded when you go in there. And if it was something that said "in a conspicuous place", I would support it and I think others would as well. But, you know, we talked about whether you could make that change or not, so if you can't make that change that excludes the "at or near the register", I just don't think we can support this legislation, in spite of all the good intentions of it.

**LEG. ANKER:**

Okay. And I understand to some of extent where you're coming from, but, you know, I think someone had mentioned, *Well, why don't you just put it where the liquid nicotine is?* And liquid nicotine could be in some corner, you know, where people don't see it. It could be even behind the counter and this law wouldn't help, because they could put it behind the counter. So it's got to be in a place where people can actually see it and understand, you know, the danger effects, you know, the health effects that this product has.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

I think this is an admirable thing. I actually called the Police Department that handled it, I spoke to the Sergeant who handled the case and it was a horrible tragedy, horrible. There's only been one

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child and one is way too many. Then I started looking at statistics for other things. And I understand that your whole thing is that people don't know that this is dangerous and that anything I can do to get the word out, I would love to do. I'm just not sure this is the right thing. I think that, you know, the store owners have a good point where that there's so many signs that are so confusing, that if someone's buying this, who's to even say they read it? It's actually very long. I mean, it's very well intentioned. I just -- in a weird way, I don't think it goes far enough. I mean, it's bizarre that -- and I'm probably not going to support it because it doesn't go far enough, but I want to do whatever I can to get this out there.

I mean, the statistics are 117 kids a year less than four-years old die from falling down steps. So that's a horrible thing, too. So while this is important, I think there's a better way to get it out. And I think that, you know, I would agree with Legislator McCaffrey, if we could give them a little bit of a break and move it somewhere conspicuously, I mean -- or some kind of public awareness campaign I would be all for. But I just don't think that this is going to do what you want -- I think it's --

**LEG. ANKER:**

Right.

**LEG. TROTТА:**

It's something, but I think we should do something better.

**LEG. ANKER:**

I understand that. Okay, I'll go back to February, 2014, where I submitted legislation to create a law that will require a label, a warning label, and also the contents of what is in these vials. A lot of the vials, actually they're created in the basement of people's homes and it's from big jugs of two-gallon liquid product, a lot of folks get this from China and there's a formaldehyde issue; formaldehyde is a carcinogen. You know, this is in the past couple of months they've raised this issue of carcinogens being found in e-liquids.

But, you know, you're going back and forth. You know, this is too much or this is not enough. You know, I understand this is a tough decision, but again, let's weigh it. Okay, the safety and health of our public, our residents, especially our kids, with the registered display space of the retailer, whether it's a 7-11 or grocery store, a gas station. You know, until there's regulation -- and I feel it's coming. I hope it's on its way by the Federal government, but at least every bottle will have some sort of warning. You know, people say, *Oh, well, you know, the kids getting into the bleach and getting into things under the kitchen cabinet*, they have warnings on them, these things have warnings. The chemicals that are found in kitchen products have warnings; these don't have warnings. And on top of that, these little vials are they're cute little vials and they come in flavors such as gummy bear and cotton candy, blueberry, strawberry, and it's very enticing to young children. Over 50% of the calls are from kids or regarding kids five years and under, and it has increased. Since 2010 it has increased, the calls to poison control, 300%.

So again, here in Suffolk County we're leaders, we move forward when we see things aren't working. I was informed last year by our Health Department that this was a huge issue. I was informed by our Suffolk County Police, this is a huge issue with our kids buying this stuff. I've been informed, I serve education, by a number of school personnel and Superintendents that this is a really big issue in schools. The kids are actually taking this stuff and they're putting it in inhalers and then bringing it to school and they're breathing the stuff in. So this has become a pretty popular recreational drug. Again, that's not what I'm targeting. I'm targeting the people who are wanting to buy this product; they need to know, don't leave it around kids. And New York State has created legislation, the child-proof cap, and also raising the age to purchase, but this is just one more step that I think we can do to prevent another death.

**P.O. GREGORY:**

Okay. Legislator Stern.

**LEG. STERN:**

Yeah, thank you, Mr. Presiding Officer. First, I remember some of the issues that were brought up in the original version and many around the horseshoe did have concern. And so first let me applaud Legislator Anker for making some pretty substantial changes to come up with something that is workable and something that hopefully will still have an impact. I continue to have concerns, but I'll tell you, the more you take a look at the issue -- and Legislator Anker is absolutely right that this is an issue that's not just before us but one, unfortunately, that is of growing concern and our law enforcement and health officials agree with that.

This is something that their own industry is asking for. And so when you're talking about and considering what appropriate regulation might be, this is actually, really, the minimum that its own industry is asking for. There are plenty of e-cigarette companies, there are plenty of manufacturers that at this point are asking for some type of regulation. In fact, an organization called the Smoke-Free Alternatives Trade Association, which on its own website calls itself the *voice of the vapor products industry*, even their national trade association is asking for exactly this type of regulation as a bare minimum.

This Legislature knows very well that when the State agencies that have jurisdiction fail to act, when the Federal agencies like the FDA failed to act and it falls to us at the local level of government to look out for the health and safety and welfare of our local residents, I also had a concern with the placement. But if the true intent and really one of the only meaningful things that you can accomplish with this approach is education and awareness, then you don't fulfill that at all unless you have it in an appropriate place and this does that, so I'll be supporting it.

**LEG. ANKER:**

I also want to show you what some samples look like. I have a bag of them and they're in plastic and I hope the Ziploc works, because I certainly don't want to get it on me. But you'll see that the one -- this one in front of me, the smaller one, it's made with a little computer sticker. So they make this stuff and they add some flavor and they shake it up, and there are no childproof caps on these. This one on my right is bubble gum flavor, it has a spray cap, so the kids get this stuff and they spray it in their mouths. So this is just a few examples of what they have right now out on the market that are not -- it's not being regulated.

**LEG. TROTTA:**

Did you buy those recently that don't have a childproof cap?

**LEG. ANKER:**

That was from 2014.

**P.O. GREGORY:**

Okay. Legislator Spencer.

**LEG. SPENCER:**

Thank you, Sarah, for bringing this issue forward. And I understand the concern in terms of balance and overreach, and also the importance of letting people make decisions for themselves. And the problem is is that there's an industry that's developing products so quickly out there in the marketplace that they kind of escape our usual regulatory categories. And in this particular situation, I think that this is extremely important because it goes beyond what we would expect in the general public. And so to sit here and say there is a sign that tells people it's not good for children to smoke is one thing. But I just did an informal poll of just patients, mothers, I take care

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of mothers with children all the time, and just asked, *Were you aware that liquid nicotine can be absorbed through the skin and can be toxic?* And surprisingly, up to 80% of the population had no idea. And when we see that we've made a move to have childproof caps, we see the FDA is taking up the labeling issue, if it's a situation where people have a responsibility to educate and to teach and to be responsible for themselves, I understand. But when there's a situation where the public doesn't have information, then I think it's reasonable that we weigh in. And I think that if the Federal government moves and these products are labeled appropriately, then there'll be no need for legislation.

I'm kicking myself that when we considered this before that we backed off of it, and somehow if that family had maybe seen the press release or the information, you know, perhaps -- and again, this is a -- I don't mean to be dramatic, but to figure that that information could have given those parents knowledge.

If there's a concern about what's around the checkout counter, and just walk into any of these stores, they show every deal and bargain three for this amount, this is a special, heroes named with all different sorts of names. Literally thousands and thousands of words we look at, but when we come -- when it comes to families with young children and they, for the most part, in my opinion, they love their children unconditionally and they want to be responsible. And even if it's a long sign, if somehow when they're at the checkout that they read that sign and realize this can be absorbed through the skin, this can be toxic to my child, then it can make a difference. So I believe this is about our job to protect the public, to inform the public, and there is definitely a deficit there where the general population may not be informed. And I think that I do -- I do share the concerns of the overcrowding at the counter. I would love to have the Gasoline Retailers come in and have us look at all of the required signs, but I think that if we look around the counter and look at all of the not required signs that are more for just to promote sales and things of that sort, I think we would be surprised. And I would work with them to take down some of the signs that didn't serve a function; if I could introduce legislation to do that I would.

But I think that you're on the right track here. Obviously there is always concerns with any legislation, but I do think that there could be someone that could look at your sign, Legislator Anker. You know, my mother was a smoker; I told you, I lost my mother because of smoking. I've never taken a drag off of a -- a puff off of a cigarette a day in my life. I grew up in a home with smoking at a different time, it's one of the reasons I became an airway doctor. And I can remember as kids we would take Mom's cigarettes and we would make houses out of them, we would -- they were like building blocks. You know, she would yell at us and we -- but heck, the idea that they could be absorbed through the skin? I mean, I really think that people need to know that. And you're doing a good thing here, Legislator Anker, and I would encourage this Legislature that we should support this. Thank you.

### **LEG. ANKER:**

And I also want to comment as far as we pulled the words in this actual sign from the labels of some of the liquid nicotine companies that have actually put it on their product. So we're taking some of their information and just trying to get it out there. Thank you.

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

Okay. We're going to take Legislator D'Amaro and then we're going to break for lunch, if there are some other people that have to speak.

### **LEG. D'AMARO:**

I'll be quick. I'm thinking about this bill and, you know, I'm listening to some of the comments about the overcrowding at the counter. So take down the signs that don't matter. You know, I don't think that's really a reason to vote against what is otherwise a pretty good bill, because this

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stuff is dangerous and it's not regulated. And as the sponsor said, if it ever becomes regulated, perhaps this will run its course and that's fine. But this is an opportunity for the Legislature, once again, as it's done over its history, to lead and maybe set the tone and set the course for a higher level of government to take a harder look at this.

And I guess the final thing is that if we're going to give people information, for example, on menu boards, calorie counts, things like that, which we all find pretty useful, then why wouldn't we want to give them information about liquid nicotine, an unregulated substance that can be fatal if it's swallowed or used inappropriately, and certainly, if used inappropriately by children. So I think this is a great first step and I'm going to support it and I commend the sponsor.

**P.O. GREGORY:**

Okay. We are at the bewitching hour. Does anyone else want to speak, or do you want to take the vote now or wait?

**LEG. CILMI:**

I want to speak.

**P.O. GREGORY:**

Okay. Well, Legislator Cilmi -- so we'll take a break. So we stand in recess till 2:30. Thank you.

*(\*The meeting was recessed at 12:37 P.M. \*)*

*(The following was taken by Lucia Braaten - Court Stenographer and transcribed by Kim Castiglione - Legislative Secretary)*

**P.O. GREGORY:**

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

**MR. LAUBE:**

Good afternoon.

*(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.

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**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. TROTTA:**

Here.

**LEG. MC CAFFREY:**

Here.

**LEG. STERN:**

(Not Present).

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

Here.

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

Here.

**P.O. GREGORY:**

Here.

**MR. LAUBE:**

*Sixteen. (Legislator Stern: Not Present; Vacant Seat - District #12)*

**P.O. GREGORY:**

Okay. Good afternoon. We are in the Public Hearing portion of the agenda. We have ***Procedural Motion No. 1 - Authorization for approval to alter rates for Fire Island Water Taxi LLC.***

Mr. Mooney, if you're here, please come forward.

**MR. MOONEY:**

Are we ready? Good afternoon, everyone. My name is Tim Mooney. I'm President and owner of Fire Island Ferries and Fire Island Water Taxi in Bay Shore. And we're here today for -- we have actually two fare relief requests in front of you at this point in time. Just a little background with regard to Fire Island Ferries. It's been six years since we've been in, so I know there's some new Legislators on the horseshoe here.

We were formed in 1948. We provide ferry service to the eight western communities on Fire Island. We also provide the water taxi service for the entire length of Fire Island, so we go from the lighthouse all the way down to Watch Hill. And right now we currently -- we're in the marine transportation business so that means we do water taxis, ferries, freight that goes to Fire Island and those eight communities on the west end. We're going to be involved in it. We have 26 vessels at

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this point. We move about a million people a year to and from Fire Island, and 80% of that business is done about three months out of the year, and so it's very busy for a very short period of time. We are a private company. We are completely unsubsidized by anyone except ourselves and, you know, so we're in looking for fare relief. We have an 11 1/2% fare request in for ferries and about an 18% increase for the water taxis.

Now, since it's been six years, interesting, I went through some numbers about other things that have taken place in those six-year time period. My property taxes have gone up in that same period about 26%. My health care premiums have gone up 68% for singles, 68% for couples, and about 59% for families. Additionally, the minimum fare on the subway went from 2 to 2.50, that's about 25%. The MetroCard went up 38%. So I think we're right in line with what our request is for our fare relief. In the middle of all that, we also had Hurricane Sandy, which also imposed quite a few uninsured losses against the company as well as all of our deductibles that were associated with that. We also need to continue to fund our pension plans, our 401k's. We're in the same boat as every other municipality or private organization that's out there.

And as you all know, weather, being a resort area, weather plays a big role in our success or failure year to year. Last summer happened to be a very pleasant summer. We had great weather here. I thank the Legislature for providing that for us, appreciate it very much. And if you could do that again this summer things will be really good. But right now we've been -- we haven't been able to run since January 27th due to the ice, so we're up and down.

So that's my three -- is that my warning? That's my over. Any questions, I'm here for the public hearing and if anybody from the Legislature has any question, I'd be happy to entertain those.

**P.O. GREGORY:**

Yes. Legislator Lindsay.

**LEG. LINDSAY:**

Good afternoon. Thank you for coming in today. As someone who represents districts where the ferries are located in Sayville, you know, we do get calls from constituents often about the cost of the ferries, and I'm also someone who patronizes Fire Island, so I use the water taxis often, usually on a weekend basis. And the costs, you know, relatively speaking are pretty -- are somewhat high, especially on the water taxi side. Is there -- you know, I've had residents of -- that live over there who utilize the ferries as their only means of transportation. Has there ever been discussions or talk about creating special rates for the residents who, you know, have to use the ferries out of it necessity just to get back and forth to their homes.

**MR. MOONEY:**

That's a good -- we do have special rates for two of the villages on Fire Island, the Village of Ocean Beach, who we have a contract with, and the Village of Saltaire. We also have a 40 trip book of tickets that we sell to the residents that's a 25% discount off of the standard round trip fare.

**LEG. LINDSAY:**

Okay. Could you provide, too, just to -- you know, last year we passed legislation allowing for the rate increase on the bulk of cargo and the materials that go back and forth over to Fire Island, you know, and we know that there was a tremendous amount of reconstruction after Sandy over there, so there was a lot of shipping going back and forth. But could you provide us with a comparative of the rates of what those rates are with the 40 ride and also what the resident discounts are?

**MR. MOONEY:**

As far as discount rates for residents for freight?

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**LEG. LINDSAY:**

Correct, for freight and for passage.

**MR. MOONEY:**

We don't have any discounts for freight. That would be, you know, strictly for the residents over there. We handle everybody the same. It's mostly residential and commercial freight that's going over.

**LEG. LINDSAY:**

Okay. What about us on the rate structure, I'm sure you have peak times and slower times during the day or during certain days of the week or certain times of the year. Would it be possible to have off peak pricing versus peak pricing?

**MR. MOONEY:**

Well, the peak pricing is when everybody is going over there, so that's, you know, the summer months is when we'd be charging peak and that's when most of your residents would be going back and forth. We offer the discount books, we offer a senior discount.

**LEG. LINDSAY:**

But do you have a day of the week, I'm sure Fridays are busier than Mondays or Tuesdays.

**MR. MOONEY:**

We haven't gotten that complicated with our pricing structure. We have a one, you know, kind of a singular pricing structure that's for adults, child, infants, seniors. Then you can buy a one way trip, a round trip ticket and a 40-trip book.

**LEG. LINDSAY:**

I'm sure there's times, because I've seen it on the water, you see times where the ferry is half full and there's times where there's people hanging off the edges it's so full to capacity. It's just something that I would maybe recommend you consider and might make it more palatable for us to go back to our constituents and explain as to why a rate increase is proposed and it's something to give back to them as an alternative.

**MR. MOONEY:**

Well, you know, it's been six years since we've had a rate increase. I don't know many other things that you can say have had a fixed price for six years. And, you know, we've been able to hold our pricing structure now and we're to the point where we need to make that move.

**LEG. LINDSAY:**

I'm not disputing that. At the same time we have to answer to our constituents who utilize the services as well, and upon approving that it would be, I think, more beneficial to everyone involved if we had something to offer them in return in terms of alternatives to paying the higher rates.

**MR. MOONEY:**

Well, we've been working with the Budget Review Office and, you know, this has been our rate structure for about pretty much since 1948, you know, where we have a pretty simple -- we haven't gone to the peak and off-peak and in season, out of season, you know, pricing structure. The out of season people would be complaining that the prices are too high for the commuting back and forth that they would do, and then, you know, to benefit the in season people or vice versa. I'm not sure which way you're looking to go with that.

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**LEG. LINDSAY:**

I'm just looking for alternatives to offer to them, for the people who can't afford to pay the higher rates.

**MR. MOONEY:**

Okay. You know, we look at it, we have a worker book that we sell as well as the residential books that are at a high discount for the folks that commute back and forth over there from the job related standard. And, you know, that discount is offered, you know, to workers on a daily basis.

**LEG. LINDSAY:**

Okay. Thank you.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. Who owns the -- who owns and repairs and maintains the landings that you use?

**MR. MOONEY:**

We're -- we have the landing in Bay Shore. We own two landings in Bay Shore, the Village of Saltaire owns a third. We have four landings in -- on Fire Island itself. We have Kismet, Fair Harbor, Seaview and Ocean Bay Park, and we maintain those ourselves. And all the ferries. We do all of our maintenance work is done inhouse, from welding to rebuilding engines, right on through. We keep that inhouse.

**LEG. KRUPSKI:**

Who handles the maintenance dredging of the slips?

**MR. MOONEY:**

We do that ourselves. We have our own crane and barge and we have DEC permits and appropriate permits to go do that, but we do that maintenance inhouse.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. I think that's it. All right. Thank you, sir.

**MR. MOONEY:**

You're welcome.

**P.O. GREGORY:**

Okay. Next I have is Mario Posillico.

**MR. POSILICO:**

I'm Mario Posillico, Village Administrator of the Village of Saltaire. Over the years the Village of Saltaire has maintained a strong working relationship with Fire Island Ferries, and we have found that they have continually provided capable and professional service to Saltaire and its residents. They've always proven willing and able to provide Saltaire with freight and passenger service of the highest quality, and have cooperated with us to ensure a well scheduled, well run enterprise that has been a tremendous benefit to the residents of the Village. We wish for that to continue. However, the request for a rate increase must be based on a standard of reasonableness and justified through a detailed analysis of all costs of their operation. The Village questions whether the 11% rate

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increase requested is reasonable and justified to cover the increased cost of its operations, particularly when there has been a significant decrease in the cost of fuel over the last six months and when one looks at the history of rate increases over the last decade.

An historical perspective is important because since 2006, there has been a 38% increase in the ferry fare and a corresponding increase in the CPI index for New York for all consumers in all items, including fuel, for that same period has been 18.5%. The rate -- the rate of ferry increase has been more than twice that of the CPI during the last decade. This historical increase does not seem reasonable on its face and a thorough review is warranted.

I believe that the genesis of this doubling of fares over the annual CPI was born out of a dramatic increase in fuel that occurred ten years ago. The price increase at the gas pump were dramatic and we all felt the hit in our wallets and pocketbooks. The Legislature deemed it reasonable at the time to allow for the concomitant increases in the ferry fare to allow the ferry operators to cover that higher cost. Although at the time we argued against, overreacting to what appeared to be a temporary spike in the cost of fuel. In hindsight, it has become apparent that indeed that was probably a short-term overreaction to the situation creating a new higher base for future increases when, in fact, the cost of fuel ultimately moderated, allowing for the doubling down on the actual CPI levels that we now see.

Additionally, there are some mitigating factors that the Legislature should consider when reviewing Fire Island Ferries request for fare increase. When reviewing the total application, including their financial statements, please consider the following. This Legislature should examine the reasonableness of interrelated company fees that are charged against the income of Fire Island Ferries. These fees charged by closely held family companies for the use of facilities are significant and need to be considered so a more accurate picture of their financial position can be drawn. Two, the Legislature should keep in mind the potential decrease in travel that such an increase may cause and the negative economic impact this would have not only on Fire Island, but also the south shore communities.

In conclusion, the Village of Saltaire would not object to a reasonable fare increase warranted by the current economic climate. A viable ferry operator serving Fire Island is in the best interest of all concerned, and a reasonable fare is necessary to support that operation. We simply ask that you consider all relevant data in determining the level of increase so that it is indeed reasonable and justified, and look at the past increases over the last decade --

**P.O. GREGORY:**

Sir, please wrap up.

**MR. POSILLICO:**

Yup. For the proper historical perspective in order to make an informed decision today. Thank you.

**P.O. GREGORY:**

All right. Thank you. Any questions for Mr. Posillico? Yes, Legislator D'Amato has a question for you.

**LEG. D'AMARO:**

Mr. Posillico, how are you today?

**MR. POSILLICO:**

Good. How are you doing?

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**LEG. D'AMARO:**

Thank you for coming down and offering some testimony, and I agree with you, there's a lot of factors that we need to consider when deciding whether or not to sign off on this type of an increase. Our Budget Review Office is going to do an analysis of the request and we're going to get that information. I don't think we're voting on this today, if that's -- I think it's just a public hearing portion, correct?

**MR. NOLAN:**

We're recessing. Have to recess it.

**LEG. D'AMARO:**

So we're recessing today. So a lot of the factors that you talked about we will be taking a look at. So I appreciate your concern about that.

**MR. POSILLICO:**

Terrific.

**LEG. D'AMARO:**

Thank you.

**MR. POSILLICO:**

And if I just might weigh in on the discussion about split fares. I know we do have worker books, which I think are an advantage to people, but Fire Island I believe, you know, operates on a simplicity. And I think to create a split fare system would probably over complicate things for the way book people are used to. And I'm not sure that the benefit that you're looking to derive, you know, would be obtained. I think you would actually create a system that would be more difficult over the long-term to monitor. That's my only personal --

**P.O. GREGORY:**

Yes, Legislator Lindsay.

**LEG. LINDSAY:**

And I'm just speaking from -- I actually represent parts of Fire Island, but I'm also someone who goes to Fire Island periodically throughout the summer. And you go on a Saturday, it's extremely different than if you go a Wednesday. You know, so for the benefit of the business owners in those locales, the more people you could bring in during the slower times of the week I think it only benefits everybody involved. For me, if I'm in Atlantique and I'm going to Ocean Beach for dinner, for a family of four it costs me \$100 round trip. That's a lot of money just to go for dinner without even buying dinner and so forth. What I would want to try to avoid is having a negative impact on the economies of those areas, since there is so much segregation throughout Fire Island. You don't have the option of going to dinner and entertainment in certain parts of the Island, and it's -- so you don't want to keep those people from coming to those areas that do provide that service for everybody that's over there. So that's my main concern.

**MR. POSILLICO:**

Thank you.

**P.O. GREGORY:**

Okay. All right. Thank you. That's all the cards that we have. Is there anyone else in the audience that would like to speak that has not already spoken? Please come forward. Okay. We're going to make a motion to recess. Second by Legislator Schneiderman.

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### **LEG. BARRAGA:**

What is the rationale for recessing it? Why can't we just close the hearing? If we're going to do a budget analysis why can't the analysis be given to the committee?

### **MR. NOLAN:**

It's in the law that the public hearing has to remain open until the report is complete and 15 days have to elapse after the report is received by the Legislature. So it's a legal requirement. We just can't close the public hearing. We have to leave it open.

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

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

### **MR. LAUBE:**

*Seventeen. (Vacant Seat - District #12)*

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

Okay. ***Procedural Motion No. 2 - Authorizing public hearing for approval of rates for Fire Island Ferries, Incorporated.*** I have -- okay. I don't have any additional cards. Anyone that would like -- I have you listed for both, Mr. Mooney. Would you like to come forward? You don't have to.

### **MR. MOONEY:**

No, I have one quick point, because I know one of the things I'd like to bring up to the Legislature since it is the public hearing, is the concept, and I've had a conversation with Mr. Nolan with regard to licensing of operators on -- with regard to the County and enforcement of the licensing procedures and policies, and subsequently the enforcement of that. So I just want to put that on record that that's something that I think, you know, I would like to see pursued by the County Legislature, because we had people operating on the bay that weren't properly licensed to do so, you know, hauling freight or passengers. There's really no consequence as a result of, you know, performing that type of service. So I'd just like to get it on the record. I said all I need to say about the fare structure stuff, so that's the other piece that I was looking for.

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

Okay. Thank you. And Mr. Cilmi has a question for you.

### **LEG. CILMI:**

Yes. The gentleman from the Village remarked about the cost of fuel. You must spend a lot of money on fuel. Can you just give us a sense of how much money you spend on fuel currently and how it relates historically to how much you've spent on fuel?

### **MR. MOONEY:**

Sure. We use about 350,000 gallons a year of fuel, for both ferries and water taxis. You know, as everybody knows, the prices have come down quite substantially. They're creeping back up as we speak now. You know, at one point in time when we were looking for fare relief back in '08 and got it approved for '09, we were paying between 3.50 and \$4 a gallon. Now we're down in -- right now and it's about two and a quarter a gallon for fuel.

You know, one of the things we do is we buy some advanced placements of fuel and I told my guy when it hit 2.90 I want to put a buy in, so I did for 2015, and I said this is looking pretty good, at 2.50 we'll take another order, which we did, and now I'm buying into 2016. But, you know, we forecast it into our model that we used for the BRO, a 25% reduction in fuel cost. And even with that calculated, we still had the same, you know, it adjusted our requirement a little bit, but we did preload a reduced fuel cost in with that.

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**LEG. CILMI:**

And it seems to me you must have, because it's such a significant portion of your operating costs, you must forecast what the fuel costs and think about that, and it seems to me based on just looking at gasoline pumps that the prices were higher for a lot longer period of time than they were, you know, at a base -- at a low price recently, and as you said, they seem to be going back up again. So I would fully expect them to continue to increase, unfortunately.

**MR. MOONEY:**

My Ouija board broke, so I can't predict that. I wish I could. That's why we're doing some advanced placement buying for 2016 for now. We can buy on 18 months on that. So while the price is low we're striking out as far as we can. This year we bought, you know, for 2015 we bought at the beginning or the end of December, beginning of this year, as prices were starting to come down, not knowing where the bottom was. So we're committed to, you know, to more than half of our consumption for this year with -- I think by the time summer rolls around we'll probably, you know, we'll have made out on the deal. I've done this for many years. Some years you win, some years you lose. Some years the distributor wins, some years he loses. So, you know, I think this year I think we're on the winning -- I hope we're going to be on the winning side.

**LEG. CILMI:**

Thanks, Tim.

**P.O. GREGORY:**

Okay. Legislator D'Amaro has a question for you.

**LEG. D'AMARO:**

Hi. Just curious, can you sell those contracts if the price really goes high?

**MR. MOONEY:**

No, they're directed right to us, yeah.

**LEG. D'AMARO:**

Just curious. Let me ask you this, the fuel costs, what percentage of your overall budget is the fuel cost?

**MR. MOONEY:**

It represents about -- it did represent about 8%.

**LEG. D'AMARO:**

Eight percent. So fuel is only 8% of your overall budget or costs. What's the biggest driver of the increase that you're requesting?

**MR. MOONEY:**

Most of it's payroll, pension, health care, property taxes, you know all the things that I mentioned a little bit earlier. But, you know, our health care costs have been going up pretty dramatically since 2009. And, you know, along with that payroll requirements and try to keep these, you know, employees here in Suffolk County and making sure we can compete with the other jobs that are out on the market. Payroll, as most people, payroll is the number one line item within our organization.

**LEG. D'AMARO:**

And health benefits probably is second.

**MR. MOONEY:**

Yeah, now it's second.

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**LEG. D'AMARO:**

Now it is. Okay. Thank you.

**MR. MOONEY:**

You're welcome.

**P.O. GREGORY:**

Okay. Thank you. So the cards I have, is there anyone else who would like to speak that hasn't filled out a card, please come forward. Not seeing anyone, we have -- I make a motion to recess, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen. (Not Present: Legislator Spencer; Vacant Seat - District #12)*

**P.O. GREGORY:**

Okay. ***I.R. 2176 of 2014 - Adopting Local Law No. -2015, A Local Law to protect children from exposure to toxic chemicals ("The Toxin Free Toys Act") (Hahn).*** I have several cards, first of which is Roberta Chase Wilding. And on deck, Bonnie -- Dr. Bonnie Sagev. Okay. Yes. Hi.

**MS. WILDING:**

Hi. My name is Bobbi Chase Wilding. I am the Deputy Director for Clean and Healthy New York. We're a statewide environmental health advocacy organization and we were involved in the effort that Suffolk County passed the restriction on BPA in baby bottles and sippy cups back in 2009. I want to thank you for the opportunity to speak with you today about the Toxin Free Toys Act introduced by Legislator Hahn. I'm also a mom of two girls, so the issue of keeping our kids safe from toxic chemicals has both personal and professional importance for me.

I'm here urging your vigorous support for this act. We have evidence that children's products on store shelves here in Long Island contain heavy metals. We know that these chemicals harm children's health, and the current State and Federal laws are inadequate to the task. Suffolk County can act now to protect its children. With nearly a million-and-a-half residents your action here can help change the way manufactures make products not just for the County, but also for New York State and for the entire nation, just as it drove changes in the way baby bottles were made.

Last December I tested children's products purchased here on Long Island using Clean and Healthy New York's XRF analyzer and many of you saw those products at our news conference announcing our report. We found things like Hot Wheels cars with cadmium in the paint; a fleece hoodie with cadmium in the zipper pull; a Guess dress with cadmium in the snaps; jewelry creation set with as much as 20%, that's 200,000 parts per million, cadmium in one metal charm and more than 6,000 parts per million of antimony, as well arsenic, lead and mercury. And most ironically, we have a breast cancer awareness bracelet that we found that contained antimony, cobalt and even a little bit of lead. Are these toxic chemicals added intentionally? That's a question I've heard manufacturer's raise, and frankly I don't care. The fact of the matter is whether it's intentional or not, children are being exposed and it doesn't matter whether it was on purpose.

Our findings also highlight the need for more comprehensive action than just one chemical at a time. In 2008, the Consumer Product Safety Improvement Act took action and set full limits on lead. What we saw was the emergence of other heavy metals showing up in children's products. And, you know, our tests definitely showed a mixture of these chemicals appearing.

Clean and Healthy New York uses an XRF analyzer that was made by Innov-X and I was trained by their staff back in 2008 when we first started realizing the extent of lead in consumer products. It was in part our testing that led to the passage of this Consumer Product Safety Improvement Act.

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The device is straightforward to use. It gives results instantaneously. Some of you saw, we did tests live for you in December. It is something that is recommended by the Fashion Jewelry and Accessory Trade Association for testing. Crayola recommends that their suppliers use X-ray Fluorescents Analyzers to look for heavy metals. So it's something that's definitely a useful tool.

I just want to conclude by saying that, you know, we hear from retailers that they don't want to sell toxic products, no retailer does, but they often have challenges going to their manufacturers and saying that they want them to make sure their products are certified because they don't have a whole lot of clout. Manufacturers can just say we'll just go someplace else.

**P.O. GREGORY:**

Ms. Wilding, please wrap up.

**MS. WILDING:**

Yup. This is my final point. By passing the Toxin Free Toys Act you give retailers the backing of the County to demand safer products for their children. Thank you very much.

**P.O. GREGORY:**

Okay. Legislator Spencer/Krupski has a question for you.

*(\*Laughter\*)*

**LEG. KRUPSKI:**

I'll try not to embarrass Legislator Spencer.

*(\*Laughter\*)*

The manufacturers, they get their own materials to make the toys. What is their source of the contamination?

**MS. WILDING:**

You know, I think it can come from a lot of different places. If you're not testing your raw material coming in, if you're recycling old electronics you could end up with heavy metals, for example, just one place that it could come from.

**P.O. GREGORY:**

Oh, I'm sorry. Legislator Anker.

**LEG. ANKER:**

I just want to thank Bobbi for all your advocacy. You've been doing this for decades. And you have the knowledge it seems like, again, to understand really what the problems are. So my question is, I recently saw something about laminate flooring having high levels of formaldehyde, a carcinogen. And a lot of this -- it came from China. Now, is there a similar situation where I'm assuming, but if you could confirm, a lot of these toys come from China, some places where it's not regulated and they come into the U.S., and is that how these products get here? Are they mainly foreign made?

**MS. WILDING:**

Most children's products are made in China today, so to say that most of the children's products we found are coming from China is sort of redundant with the overall problem or situation that we have in terms of the supply chain, but it's definitely the case that the products that we tested were coming from China.

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**LEG. ANKER:**

So as far as a Federal type of regulation, is there or would it be possible to create regulation to -- before these products are even thought about to come into the United States, for them to be monitored through the technology that you used and you showed us, you know, what the levels of certain chemicals are. Is that a possibility?

**MS. WILDING:**

Manufacturers that have standards for things like heavy metals are using XRF analyzers to do quality control today. So this is something that's already in practice for many of the reputable manufacturers, because they want to make sure that they're conforming and an XRF analysis is much less expensive. Once you have the device it's pretty easy to do lots of tests. I think that the challenge -- there are a number of challenges that we face with this. The Consumer Product Safety Commission has -- only has covered toys and with standards that are based on exposure rather than total content. The legislation before you really addresses the issue of the hazard being present in the product. We think that's a very important distinction to make and it's one that parents don't really want to debate, exactly how much we think that we should be looking for reasonable detection levels so that companies know what they're testing to. But beyond that we believe that -- since when we tested products some of them didn't have heavy metals, clearly they can make them without. We want Suffolk County to help retailers make sure that all the products they're getting are made without these heavy metals.

**LEG. ANKER:**

Right. And again, I just want to understand. As far as the toys that you've tested, do you -- can you give me the percentage of -- what toys are made in the U.S. versus what toys are made overseas? You know, which ones are worse? Do you have any idea as far as that?

**MS. WILDING:**

I didn't actively seek out products made here in the United States. We were looking for things that were being sold in stores here in Suffolk County, but I would say the vast majority of products that are for sale right now that we tested came from China.

**LEG. ANKER:**

And again, the idea -- the situation, too, it could be a company that's from the U.S. but they outsource to other countries.

**MS. WILDING:**

Right.

**LEG. ANKER:**

Which could be a huge problem. But, alright. Thank you.

**MS. WILDING:**

Thanks.

**P.O. GREGORY:**

Okay. We have a few more Legislators that have questions for you. Legislator Lindsay.

**LEG. LINDSAY:**

Hi, good afternoon. My question is the same one I had proposed to the toy manufacturers. Is there any scientific data that shows a cumulative effect of these materials? Because we keep hearing that they fall below a threshold, they fall below a threshold. But if we're surrounded by all these things that fall below a threshold, we're above the threshold.

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**MS. WILDING:**

Right, and that's exactly why we think it's so important to make sure that children's products don't contain heavy metals, because they are, in fact, used in a number of different materials out there. Contamination can come from a lot of sources; children's products shouldn't be one of them. But, in fact, yes, heavy metals do have a cumulative impact. So each time you're exposed to lead it all adds up. If you're exposed to cadmium from a piece of jewelry and cadmium from another source, they add together. We think that it's a no-brainer to make sure that children's products aren't one of those sources. We know that they can be made without heavy metals. There's no reason that they should be.

**LEG. LINDSAY:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

Thank you. How are you today?

**MS. WILDING:**

Good. How are you?

**LEG. CILMI:**

Good. So just help me understand this. The position here is that -- and there's been some question as to whether or not the level of or the amount of chemical that's in toys and exactly how or products and exactly how it's embedded in there whether, you know, there's any direct impact associated or health concern associated with that. I guess it's your position that there is no safe level of the chemicals that are identified in this bill, right?

**MS. WILDING:**

Yeah, heavy metals, yes.

**LEG. CILMI:**

Right. So if this bill were to pass, how does -- how does it impact our world -- our County? You know, retailers who might be selling products now that may or may not contain these heavy metals in trace amounts or insignificant amounts or whatever, and how do the retailers then -- so they'll be prohibited from selling these products. But if there's some -- if there's some variance as to the levels of the heavy metals in, you know, toy A today versus new imported toy A, you know, a month from now, how -- how is the retailer going to, you know, identify that and react to it?

**MS. WILDING:**

As I think about it, if I were the one to write the regulations for Suffolk County, I would require retailers to get notification from their manufacturers with each batch of products that they ship that they're complying with this law and really push it back on the manufacturer, so that if -- you know, then you require the retailer to maintain that documentation. It would be the first screen for any County staff to go into a store to check compliance, would be to see that they have that documentation. And I think that that starts -- that creates that pressure back up the supply chain.

The question you asked I think in the middle there was about what it would mean for Suffolk County. I think that from our perspective, we're concerned about the whole supply chain and the whole life of the product. So when you talk about having heavy metals in products, you're talking about workers being exposed wherever in the world they're being exposed, and you're talking about environments being poisoned wherever those products end up, whether it's in a landfill or an

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incinerator, and in the middle are children. But all of those deserve consideration and certainly we know that heavy metals leach from landfills and end up in our groundwater and our water supply. So we think that there's a number of ways in which taking this action would benefit the environment and the health of Suffolk County.

**LEG. CILMI:**

So I'm not sure that you're the right person to answer this question, but if I'm a retailer and I receive some sort of a certification from an exporter that the products that I'm importing and selling are void of these heavy metals, and then Suffolk County comes in and we do some of the -- a test and find that, in fact, you know, a product that was certified not to contain those heavy metals now has those heavy metals, what -- what is the responsibility then of Suffolk County in the law, and what is the responsibility of the retailer at that point?

**MS. WILDING:**

Well, obviously then you're having misrepresentation from the manufacturer. And I'm not a lawyer to understand what exactly that would mean. But I certainly think that the --

**LEG. CILMI:**

Are there consequences for the retailer though?

**MS. WILDING:**

I don't believe that they're spelled out that way in the law itself.

**LEG. CILMI:**

Okay.

**MS. WILDING:**

So I think that it really then goes back to the -- would give them the ability to remove those from the shelves and require the manufacturer to take them back. Obviously we would hope that that wouldn't be the case, but certainly we know that there are unscrupulous manufacturers out there. But I do believe that by setting a normative understanding that what Suffolk County expects, what people expect, what retailers expect is to get children's products made without heavy metals, creates an understanding of what -- you know, the broad floor for what people need to be operating on. And I think that that's an important way that, you know, you drive compliance simply because that's the broad expectation.

**LEG. CILMI:**

Sure. And in your experience, the purpose of these heavy metals when they're used in these products, they -- each one has a different purpose, I would imagine, and sometimes I would guess that in certain -- at certain levels they show up sort of, you know, less than intentionally, you know what I mean? They're just kind of -- they happen to be in something or whatever, recycled or whatever. So -- I just completely lost my train of thought.

**MS. WILDING:**

I haven't found a kind of product that I didn't -- that had a heavy metal that I didn't then test something very similar that didn't have the heavy metal.

**LEG. CILMI:**

So, you know, what I was going to ask is in your experience there are options for -- because one of the products, I think it was cobalt if I recall correctly, one of the heavy metals, is used as a pigmentation?

**MS. WILDING:**

Yes.

**LEG. CILMI:**

A blue pigmentation or something?

**MS. WILDING:**

Yes.

**LEG. CILMI:**

There are other ways to achieve that blue pigmentation I would assume.

**MS. WILDING:**

I've tested blue pigment thinking oh I'm going to find cobalt and I didn't.

**LEG. CILMI:**

Right. So there are alternatives and I would suspect that if the quantity of cobalt that's being used is insignificant to the manufacturer, let's say, such that they would allege that there's no, you know, that there's no harmful effects associated with its use, you know, at the levels that it's being used in that product, I would assume if that's the case, then you could jump to the conclusion that not using it is not going to be burdensome in terms of cost.

**MS. WILDING:**

I think that's fair to say, yes.

**LEG. CILMI:**

Okay. All right. Thank you very much.

**P.O. GREGORY:**

Legislator Stern.

**LEG. STERN:**

Robbi, how are you?

**MS. WILDING:**

Good. How are you?

**LEG. STERN:**

We have this proposal before us. I think something had been done in Albany --

**MS. WILDING:**

Yes.

**LEG. STERN:**

-- County. What, if anything else substantial has been done at this point, either throughout New York State or throughout the rest of the nation that may serve as a model of what we're trying to pursue here?

**MS. WILDING:**

Well, Westchester County also has similar legislation pending, but this would be a very protective standard across the nation, just like the ban on BPA in baby bottles and sippy cups was a very protective standard for the time. We do know that Washington State, for example, requires reporting on these chemicals and thousands upon thousands of types of products have been

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reported to their database over the past several years showing that these heavy metals are showing up in children's products. So we know that the problem is more extensive than what we found in our small survey, and we believe that's grounds for taking action.

**LEG. STERN:**

There was talk for some time at the Federal level of government, I mean, are any of the Federal agencies or is anything making its way through the Congress at all?

**MS. WILDING:**

Well, so the Consumer Product Safety Commission has set -- they codified a voluntary industry standard for heavy metals in toys. We actually think it's not protective enough, which is why we believe a ban is appropriate. It's testing down to the practical quantification limit. But at the Federal level there's a law called the Toxic Substances Control Act. It is supposed to govern our regulation of chemicals broadly, but is very broken. And there is talk that there may be action, but there's been talk that there may be action for quite a long while, and we have not actually seen progress. And, you know, I think that that's -- action here would help keep that conversation going at the Federal level.

There is a bill in the State Legislature called the Child Safe Products Act that was reintroduced to -- Long Island's officials are the sponsors in each house. That has passed the Assembly for three years in a row. It's possible it could move. It would be lovely to see Suffolk County in the State race to see who can take action first. That was something we were talking about in Westchester County yesterday. But, you know, if the State gets there first, that's great, but if they don't cross the finish line Suffolk County taking action can have a real and concrete impact now.

**LEG. STERN:**

Okay.

**MS. WILDING:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

Who's going to enforce this?

**MS. WILDING:**

I'm afraid that I --

**LEG. HAHN:**

The Health Department.

**MS. WILDING:**

It's the Health Department, thank you. It's different in each county. Pardon me?

**LEG. TROTТА:**

How are they going to enforce it?

**MS. WILDING:**

Well, it's up to the Health Department, but as I said, I would imagine you would send -- as I think about the steps that one could take that would not require an onerous burden on either the Health Department or the retailers, you could have them send out a notification to the retailers in the

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County that this is a new law and specify what they'll -- what testing levels they would be testing to. And then, you know, you do a matter of -- as many sweeps a year as you want to do, you know, however you want to staff it. You could go out and just check to make sure that they're keeping their certifications. That would be the minimum. You could purchase an XRF that tests for the full range of heavy metals and purchase items and check to see whether or not they're in compliance, or you could purchase -- have the Health Department purchase a small set of items and send them to a laboratory for analysis. There's a wide range of options depending on the interest in the budget that would be allocated for this, but I believe that a law like this does not need to be onerous on any party in order to have a real and meaningful impact.

### **LEG. TROTТА:**

Well, as Legislator Anker said, the 60 Minutes story yesterday was about the wood flooring that had the certification, it said it was good, and it wasn't. So, you know.

### **MS. WILDING:**

You know, I think that that's -- it's an interesting case of people who are attempting to, you know, maximize profits unscrupulously. As someone's who's bought flooring from Lumber Liquidators before myself I was deeply disappointed in their business model, the fact that they're looking the other way. But it was definitely the case that the American made products were meeting the standards. It's definitely the case that other laminate is meeting the standards for California. This is one bad example of someone breaking the law. But, you know, there's never 100% compliance with any law, and that's why enforcement becomes important and you do spot checks.

### **LEG. TROTТА:**

There's so much counterfeit stuff out there now, I just don't know how, you know, the Health Department would be able to go out and test these things. I mean, I've --

### **MS. WILDING:**

We don't expect the Police Departments to catch every speeder, you don't expect to necessarily achieve 100% compliance with any law. If that were the purpose of government to go out and verify absolutely every step that every person did to make sure they were in full compliance with the law we would come to a grinding halt. I think that the benefit of passing a law like this and having it on the books and doing spot checks creates the culture that these chemicals need to be made -- these products need to be made without those toxic chemicals. And it does shift things. It changes the expectation that the retailers have of their manufacturers and therefore it changes what manufacturers are doing.

### **LEG. TROTТА:**

Approximately how much more expensive is it to build, make these things?

### **MS. WILDING:**

The products that I tested where I found no heavy metals versus the ones where I found heavy metals were not differently priced.

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

Okay. Legislator Krupski.

### **LEG. KRUPSKI:**

I have a couple of questions, but they might be better directed, I'm not sure, towards the sponsor. There's a number of exclusions.

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

Al, we're not debating the bill.

**LEG. HAHN:**

We're not debating the bill.

**P.O. GREGORY:**

If you have questions it should be directed to the --

**LEG. KRUPSKI:**

But in order to -- I'm not sure. I mean, in order to -- there's a lot of exclusions here -- then okay. Do you -- so many children play with electronic devices, really from an early age. And that's one of the major exclusions here, I think. And they're all encased in plastic that could be contaminated with, as you mentioned, with anything. The same with paper products, anything that's made from recycled paper, and especially odd is an exemption from sporting goods. I'm not quite sure -- and those things usually go on a child's -- right against their skin, which would increase their exposure. Do you think these should be exclusions or do you think these should be taken as seriously as any other toy that, you know, that would be covered under -- otherwise be covered under this law?

**MS. WILDING:**

When it comes to electronic devices I think the challenge has to do with the interior guts of the device in terms of the metals that are used for solder and other elements. But I think -- personally I don't want to see heavy metals being used. Would I love to see a law that bans heavy metal use in everything that where it's not absolutely vital? Sure. I think that what this bill does, though, is it establishes a niche of products to end -- could certainly be built upon, but I think that the product scope that's in this bill is fairly comprehensive for the kinds of products that kids are playing with daily, and I think that there are more nuances to electronics and sports gear is about making sure that they're protective. I think they could be made without heavy metals. If you'd like to expand the scope, you know, certainly an environmental health advocacy organization is not going to oppose that, but we do think that the bill as written will have a meaningful impact in Suffolk County.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. I have some questions for you. I mean, obviously, you know, everyone would support, you know, reducing toxic chemical exposure to our children. The question I have is similar to I guess some of the other questions about how you see the enforcement end on it. You know, obviously the Health Department would do it, but how -- there were no -- I was at the press conference at the announcement of the bill. You had a device that showed some of the, you know, some of the chemicals, the levels of chemicals, but is that the only -- is that the only device necessary? Are there other instances where you have to do lab tests or how do you determine which chemicals are in which products?

**MS. WILDING:**

So you could use a variety of methods to achieve the same information. You could use an XRF, which would give you the surface information and that's what we did. It gives you the information on all of the heavy metals that are in the legislation. Laboratory testing can also be used to get the same information, often at much lower levels. We can test down to small numbers of parts per million using the X-ray Fluorescents Analyzer; laboratories can detect much lower levels. But I think that there's -- it becomes a choice for the Health Department as to how they're going to enforce. And I, you know, each county has its own limits and resources, so I wouldn't want to presuppose what would work best for this County.

**P.O. GREGORY:**

Right, and that's the concern that I have is, you know, having a law on the books that obviously looks, you know, effective and important, but not being able to enforce it, and not really having any -- you know.

**MS. WILDING:**

So I would just say that there was no enforcement provision in the BPA bill. No one went out and checked. No Health Department, no one went out and checked, and yet after enactment, when we looked up in Albany where they also had a regulation, the market changed. That just having the law on the books changed the marketplace. And I think that's where even if all you did was pass the law, it would begin to change the marketplace. There's a benefit that comes even if you only went out once ever. If retailers know that that's the law and that they could be checked on, it changes what they expect. It changes what people expect out of children's products.

**P.O. GREGORY:**

Right. I think there are -- I mean, there are some similarities, but I also think there's some differences also. But we certainly can't say well, we did it once, you know, the industry responded a certain way so we can anticipate that they will respond similarly in this circumstance. I think that would be giving the public a false sense of security and that's the concern that I have. So with the devices -- like which method of measurement is more effective; is the lab?

**MS. WILDING:**

The laboratory is going to give you the most effective response.

**P.O. GREGORY:**

Okay.

**MS. WILDING:**

And they are not super expensive tests to test for heavy metals, so it wouldn't be a high burden. If the State or the County has the resources to send off the products that they purchase to a laboratory, that would be a very effective way to check compliance.

**P.O. GREGORY:**

And also, and you may not have all the answers, I'm just, you know, since you're here. So, okay. You have -- you have, you know, Toys R Us, Walmart, whatever, who has the product. The Health Department official goes in, does a scan, determines that the levels of whatever it is are -- exceed the recommended levels. Then what? Do you expect the Health Department to be empowered to confiscate the product? Because if not, right, then what's the point?

**MS. WILDING:**

Well, certainly then the retailer would need to pull those from the shelves. You know, that's what we would expect. If they've got products that don't meet the standard, that they would come off store shelves, yes.

**P.O. GREGORY:**

Okay. And then I would imagine there has to be some type of, I'm just trying to think it through. How do you dispose of it? Obviously it has toxic chemicals in it. You've got to dispose of it a certain way.

**MS. WILDING:**

Personally I hope that once this bill gets passed you never find a violation, because that is a real challenge. We collect -- we have all of the items that we've tested still live in our office. All of the toxic products that we pulled out of child care centers, a project we have in the Great Lakes Basin,

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still live in our office because that is the conundrum that we face when you want to figure out what you ethically do with that. So I hope that manufacturers get the message and change the way they make products, but it does really highlight the reason why it's so important to actually pass laws like this because otherwise you just have the flow of toxic chemicals continuing.

**P.O. GREGORY:**

Right. Again again, you may not know this answer, I certainly don't, that's why I'm asking it. So products -- you had mentioned earlier a lot of products are, you know, manufactured in China. So when products come -- ship over to America, are there any checks then? They just come to port and they go straight to the distribution site and through different locations? Are there any --

**MS. WILDING:**

I am unaware of there being a specific test for these -- like this to check the products coming into the border -- across the borders. It is -- in the case of the Consumer Product Safety Improvement Act, it's the manufacturer that has to certify that their products are nontoxic, that they don't contain the levels of lead.

**P.O. GREGORY:**

And foreign manufacturers?

**MS. WILDING:**

As long as when they're importing then once it hits American soil we have something that we can say about it. Once it hits Suffolk County soil it's something you can have a say about.

**P.O. GREGORY:**

Okay. All right. Thank you.

**MS. WILDING:**

Thanks.

**P.O. GREGORY:**

Okay. Anyone else? Okay. Thank you.

**MS. WILDING:**

Thank you.

**P.O. GREGORY:**

All right. Again, I can't read the handwriting. It looks like Dr. Bonnie Sagev.

**DR. SAGER:**

Sager.

**P.O. GREGORY:**

Sager? Okay. Sorry. And on deck, Lucille Weinstein.

**DR. SAGER:**

As a Suffolk County resident and volunteer for the Huntington Breast Cancer Action Coalition, I applaud the leadership role Suffolk County has played in reducing hazardous environmental exposures. Over the past several years your passage of the Toxin Free Children and Toddlers Act, Safer Sales Slip Act, Suffolk County cell phone ban and prohibiting the sale and use of hydraulic fracking byproducts is noteworthy. You have not only implemented laws to protect Suffolk County residents, but have set an example for our State and the country and they have since followed your lead. This extraordinary Legislative body serves as a role model and has demonstrated that by

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working together we can pass laws to reduce cancer-causing exposures. The World Health Organization recently stated environmental exposures are linked to 35% of all disease and deaths in children worldwide.

The Huntington Breast Cancer Action Coalition asks that the Toxic Free Toys Act, Resolution 2176-2014, move through the Legislature, the Administration and public comment period and be passed in order to protect our children. By doing so, our County will once again demonstrate its leadership role in matters pertaining to health and environmental issues. The bill's passage will reduce childhood exposure to at least seven well-documented hazardous chemicals; lead, benzene, mercury, arsenic, cobalt, cadmium and antimony. Several of the potential endpoints will risk health -- risk to health that these chemicals pose are as follows: Various cancers, brain damage, hyperactivity, liver and kidney damage, developmental delays, lowered IQ, gastrointestinal and cardiovascular problems. These illnesses have devastating effects on families and communities. Childhood damage lasts a lifetime, resulting in increased need and cost for medical and educational services and compromises the achievements of our society as a whole.

Reducing hazardous exposure in the products we purchase is of paramount importance. Placing a ban on the sale of children's products and apparel that contains high risk level toxic chemicals is imperative if we are to protect the most vulnerable members of our society, our children. Thank you.

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

Thank you. All right. Lucille Weinstein, and then Christopher Goeken.

### **DR. WEINSTEIN:**

Hi, there. I'm Lucy Weinstein. I'm a pediatrician. I'm the Chair of the Long Island Chapter of the American Academy of Pediatrics, the Long Island Chapter considered Nassau, Suffolk, Brooklyn and Queens. Why they include Brooklyn and Queens I'm not sure how they organize that, but we are. I had prepared statements, a lot of which I'm going to put by the wayside because Ms. Wilding has spoken so beautifully and perfectly about what some of these issues are. By the way, I'm a mom of two and a grandma, hard to believe, of four young, under the age of six, little cuties whom I would very, very much like to protect from all harms. Of course we all want to do that, but certainly unnecessary harms, which these are.

It's just simple and straightforward. These toxic compounds, these heavy metals really are not necessary. These are in toys. And as Ms. Wilding said, they're not necessary. There's no purpose that these serve except for children to play with, and there's no way for parents and other people who are going to stores to know what's in these products. We have to protect our children.

And, yes, the question was about cumulative exposure. There are other exposures, I'm sure you're well aware of, from many of these products, but they are cumulative. By the way, the question -- well, to speak to that, cadmium, for example. There is no known treatment for it so we have to prevent the exposure. It accumulates in bones, accumulates in kidneys, may cause brittle bones later on. This is my bible, Pediatric Environmental Health book by the Academy of Pediatrics. And it says cadmium should not be used in consumer products unless absolutely necessary, particularly not in products designed to be used with children.

So again, these are toxic substances. Would any of you purposely take some arsenic, put it in your mouth and swallow it? Arsenic is one of the compounds found in some of these toys. Many of them have been found to affect children's intellectual function. Children, little ones, put things in their mouths. That's what we're talking about. Babies will mouth, they'll suck.

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By the way, to speak to Legislator Krupski's comment, the exposure, we're not as concerned about sports products and some of the others because there is for some of these compounds not dermal exposure. They have to be sucked, they have to be put in the mouth. So it's not as much of an issue so that may address some of your concerns about that. And it's the very young children who are putting these in their mouths and these are toys. Some of them clothing, amulets, things like that. So they're not the sports products which may be on a surface but the substance may not be absorbed, so it's not as much of a concern there.

Children have developing organs. Their brains are not yet mature, their lungs, their kidneys, so they're particularly susceptible to this. We are the protectors of these youngsters. We really need to do something.

By the way, I used to work at our excellent Health Department years ago when I was doing public health training and preventive medicine training at Stony Brook. Our Health Department will be able to figure out some way to enforce it. There were a lot of questions about enforcement. My previous life was -- my interest was in injury prevention. I was at a teen driving Deer Park event with you.

**P.O. GREGORY:**

Ma'am, please wrap up.

**DR. WEINSTEIN:**

Just to mention that you do not need to worry as much as I think you do about enforcement. As was said very beautifully, having the law on the books, any law, it's been an example with many other things, not just the BPA, having law on the books does --

**P.O. GREGORY:**

Please wrap up.

**DR. WEINSTEIN:**

-- make a huge difference. So thank you. Be not as much concerned about the enforcement part and just let's get this law on the books and let's protect our young children. Thank you. Questions?

**P.O. GREGORY:**

Okay. Thank you.

**DR. WEINSTEIN:**

Questions?

**P.O. GREGORY:**

All right. Any questions? All right. Mr. Goeken and then on deck, David Garriepy.

**MR. GOEKEN:**

Hi, good afternoon. My name is Christopher Goeken. I'm the Director of Public Policy with the New York League of Conservation Voters. I want to thank you very much for giving me the opportunity to speak a few minutes today, and I want to thank Legislator Hahn for introducing this important legislation.

What I want to do today, I do have some written testimony which I will submit. I want to just touch on a couple of major points. At last month's hearing a few points were raised that in particular I want to address, one of them has to do with whether or not you can do this, whether this is preempted by the Federal Government. And I can tell you that it is not. It is a complicated answer, but suffice it to say that the Federal laws having to do with most of the compounds in this Local Law are not covered by the Consumer Product Safety Improvement Act in the way that it has been

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painted.

There's an argument that lead at a Federal level, perhaps Congress intended to occupy the field, but that's not entirely clear, and that only covers toys. But all the other products that we're talking about and all the other substances that we're talking about, Congress made clear that, in fact, the Federal law does not preempt state or localities from protecting their residents and citizens.

Now on the Federal level, the testing that is done on some of the same compounds that we're talking about here, is woefully inadequate, and the reason why it was -- we have that position, it was designed by the industry itself that manufacturers these products or the chemicals or the heavy metals to continue using them in their products. The only two examples, excuse me, exceptions to that are lead and phthalates, where the correct way to approach these types of chemicals is how many -- how much is in the product, how many parts per million. You may hear it like that as opposed to the testing that's done on the Federal level, which is very, very complicated. You take the product, it's brand new, you put it in a beaker, you put it in hydrochloric acid overnight, then you spin it around in a centrifugal device and you try to look for the particulars for the particular substance you're looking for. That's supposed to approximate a child putting something in their mouth.

What that really does is allows them to continue to use mercury, cadmium and lead and so on in the products that they have on the shelves. What we want to see instead are simple straight-up bans, maybe setting levels, as Bobbi Chase Wilding has discussed, in a way that's easily detectable by the XRFs so that it can be something that's easy to enforce on the County level.

I don't think any parent wants to know that there's a quote acceptable level of mercury in the toys they're bringing home, and when some of you stood with us in December, one of the most incredible things I note that you all remarked on was that looking at the products in front of you, this Hot Wheels car had mercury and this one didn't, for example. There's no way for a parent to know. Clearly, the products can be made without this stuff. It's really a matter of pushing the manufacturers so the retailers can sell products that they don't want on their shelves. I don't know if you have any questions for me either about the bill or about some of the stuff on the Federal level, but I'm happy to answer them.

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

I do, Chris. Thanks for coming in today. How do you see the enforcement of this bill playing out?

### **MR. GOEKEN:**

Sure. There's a number of different ways that this can be done. One distinction I want to make is between the big box retailers and the local mom and pop stores. And I would say first off the local mom and pop stores are undoubtedly cheering this on, because they are the ones where you go to buy a product there, you're dealing with the owner of the store. You're dealing with them face to face and they want to feel confident in the products that they're selling. So separating out the big box stores, they already know what is in the products that they're selling.

The reason why we know that as advocates is because Washington State requires them to disclose in an online database, that's available to you and any other member of the public, of what chemicals -- what heavy metals and what toxic chemicals are present in the products for sale in Washington State. So that means Target and Walmart and so on, if they sell children's products, and it is a big supply chain so more than likely the toys are selling there, they're selling here, too. I mean, there probably is a Portland version of Barbie and there's probably a Hampton's version of Barbie, however, for the most part toys are sold everywhere. So they already know what's in the products that they're selling.

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For the big manufacturers, I don't think it's a really heavy lift for them to figure out what they're selling. So they would be able to produce probably internally from their headquarters or whatever, how many products, what UPC, and have that information available for your local enforcement department, which I guess is going to be the Department of Health.

Now I understand from your perspective you want to be able to give your enforcement agent some sort of punch list. They're going to go in and say okay, where are the exit signs; check. Is the exit blocked or not; check. Do they have the refund policy posted in the front; check. We understand it has to be in a very -- this has to be done in a very simple way so that your field agents are not there or your enforcement agents are not there for six hours trying to test products. So that certificate that Bobbi was talking about is one very simple way to do that. We know the big box retailers can produce that themselves. The smaller retailers would like to be able to go back to their suppliers and say, "I'm being required to get this from the county, please provide this to me". And then it's just a matter of checking to make sure the paperwork is in the store.

You had asked before about well, what happens if they do find something on the shelves. It's my understanding that the law requires the store owner to knowingly sell a product. The point of this isn't to, you know, throw the retailer under the bus, but if you go in and they don't have the paperwork well, then you go and check. If they have the paperwork that's probably going to be enough for that punch list and to show retailers that you are actually enforcing this. If they don't have that paperwork there, then you can go and do a spot check with an XRF, which can be rented, by the way. You can find them online, you don't have to purchase one, and this can be done a few times a year. And certainly the public is very, very interested in this, so if they see that the County is out there and enforcing this, they're going to be much more willing to go and -- they're going to be much more willing to go the extra step and push back against their suppliers. I hope that answers that question. Longwinded answer.

**P.O. GREGORY:**

All right. Well, thank you. Anyone else have any questions? No? Okay. Thank you.

**MR. GOEKEN:**

Thanks.

**P.O. GREGORY:**

All right. Mr. Garriepy and then Tenya Steele.

**MR. GARRIEPY:**

Good afternoon. My name is David Garriepy and I'm here on behalf of the Toy Industry Association. I know that I spoke to everyone last time they had -- you all had a hearing, and I will keep my comments brief, but did want to address a couple of things that have been stated.

First of all, I should note that of the 100 toy companies, approximately 100 toy companies here in New York, 97% of them are small businesses. Those people are moms and dads and grandparents and aunts and uncles like me and like you who also care about toy safety. That's why every product they make is tested and that's why as an industry we have held ourselves to a higher standard to make sure our toys are safe. We share the goals of the sponsor of the bill, of all of you, and the advocates that have spoken to make sure toys are safe. And the actions we've taken so far have proven that they are. As I mentioned last time, one-tenth of 1% of all toys in this country are recalled. That's because we've held ourselves to a higher standard because we test our products. I should note on the preemption comment, under the CPSIA that was referenced, there is a toy safety standard that is not voluntary, but mandatory. And under that standard, and I know last time I testified some Legislators asked me for background documentation that I supplied, happy to do it for anyone else, and that under the CPSIA it is very explicit that states and their subsidiaries cannot

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take action on those. And I think with the Albany bill that we have seen, I think that's been recently filed, I think there will be a Federal District Court case on that legislation on those grounds of preemption and I would suspect that other counties may see the same thing.

On the questions of overseas, it should be noted that any product that is manufactured or imported into the United States faces the same testing requirements. And for toys, that's not that we've tested the products, that is that an independent testing lab that is certified by the Federal Government and accredited has tested those products. That's, again, for all products manufactured and imported. When they're imported the XRF is used as a screening document to see if it needs further testing because of the quality of those tests. It's a screening test, then it is sent to a lab for further testing to either -- to try to confirm that. And so I think from an enforcement question that's been discussed here, I would caution the County that using the XRF gun as a final decision may not yield the results -- the results of the test.

And again, I think -- I would just note in closing that like everyone else here, we can all site that we have children in our lives. I have five nieces and nephew. I bought a lot of toys for them at Christmas, I do at their birthdays as well, and I do so knowing that we are an industry that has kept our products safe, that make sure that the chemicals and the substances and the ingredients in there are safe and I'm proud to support an industry that has held ourselves to a higher standard. I'm happy to take questions. I know I took some last time around. I don't want to be duplicative.

**P.O. GREGORY:**

Legislator Trotta has a question for you.

**LEG. TROTTA:**

Did you say that they were tested when they came -- all toys are tested when they came into the country?

**MR. GARRIEPY:**

Right. Not surprisingly, you know, when we look at this, when you look at toy standards we should make sure that all children are safe and that all products sold in the United States are safe, not just the ones that are made and sold here in Suffolk County, but across the country, and, therefore, the test requirements are for all products for all companies --

**LEG. TROTTA:**

So the Federal Government is testing them or the industry is testing them.

**MR. GARRIEPY:**

It is an independent -- so we do our own tests, but before they go to market it is required that we have third party independent, separate of us, accredited labs test them, and when we sell our toys to a retailer we supply them with that certification, that a third party independent test lab that's been accredited, and I think --

**LEG. TROTTA:**

And does it meet the criteria's of this law that we're putting forward here?

**MR. GARRIEPY:**

This law goes a step further. Again, when you look at some of the substances and the ingredients there's a recognition of two things that I think that the Federal -- the toy safety standard has that this bill doesn't. One is an understanding of exposure versus presence that we should first look at the -- whether there's an exposure risk. Secondly, there's an understanding that testing to zero is impossible, that there may be environmental contaminants, there may be miniscule amounts, there

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may be a molecule, and so the Federal standards, and again, I've sent those following last hearing to Legislators that asked for it, we do have those amounts for the -- and again, those are what's present and there's a solubility limit as well.

**LEG. TROTTA:**

So what are the differences between what you do now and what we're asking you to do.

**MR. GARRIEPY:**

I think the question with what we would potentially have to do here is whether that's possible. Again, there's environmental contaminants, minuscule amounts and whether we can get our products to zero is of concern.

**LEG. TROTTA:**

We're asking you to get it to zero?

**MR. GARRIEPY:**

Under the current bill it would be an all out ban with no allowance for, again, whether that environmental contaminants are minuscule amounts. Again, we are highly regulated as we should be, and we have a uniform standard here that allows for those small amounts. And I should note this is for toys, and I should note that cobalt is not part of that currently, in full disclosure in honesty.

**LEG. TROTTA:**

You are not -- your organization is not testing for cobalt.

**MR. GARRIEPY:**

The Federal Toy Safety Standard does not include cobalt right now. The concern there is inhalation and where -- when the Federal Government looked at it because it is used, as was noted before, in pigments and in dyes, there's no inhalation risk and that's why it hasn't been mandated. I should say the toy safety standard to be updated doesn't need a new law or doesn't need a new rule. That group meets regularly. It involves consumer product groups, it includes industry, it includes scientists, it includes government, and what we do is we look at that together. We look at the science and then we make those adjustments as need be. And I think that is where we can make a -- we are at that table, we encourage others to be at that table, because I think that is where we can look at science, come together as a group, and make decisions and improve toy safety across the board. I think that makes a difference and that's where we've put our efforts in, is making a real impact on toy safety that's based on science.

**LEG. TROTTA:**

Thank you.

**P.O. GREGORY:**

Legislator Cilmi has a question for you.

**LEG. CILMI:**

Hello again. I want to just ask if you could redress this question of variance in levels between similar products. So it was mentioned earlier that when the testing was done here for the press conference at the County that there were two Hot Wheels cars and one of them tested positive and one of them didn't. So how does that then relate to the responsibility on the part of the retailer in this case? Why is it that that occurs sometimes? And, you know, if I -- if I buy a batch of, you know, a couple of hundred Matchbox cars or Hot Wheels cars, how do I know that, you know, 50% of them or 60% of them, the ones that I happen to randomly test, because you're not going to sit there and test every car, may test negatively but there might be some that are positive, in fact. So

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if you could reflect on that.

**MR. GARRIEPY:**

Absolutely. And I think, first of all, with the tests it's first looking at who conducted the test, how they conducted. Again, ours were from an independent -- independent lab and we have certifications of that. I would -- to the extent of different cars or different products being tested, that's when you can test it and not the individual end product, but you test the ingredients, you test the components of that toy, for example, that goes into it. So you know that whether that's a wheel or whether that's a slide or the doll's hair or whatever it is that's used across the board, you can test those products before they go -- they go in so you're testing the same string.

The other thing is spot testing and that's something that is done on a regular basis as well. So you do it at the raw ingredient level in different parts and then there's also tests done when things -- if things are combined chemically they're tested afterwards, but if it's two plastic parts that are combined and joined where there's no change in chemical component, you can test those products individually before they're attached. Does that make sense?

**LEG. CILMI:**

It does make sense, but it doesn't really answer my question. I'm concerned that -- I'm concerned that if I'm buying from a particular manufacturer, if I'm buying a Hot Wheels car from a particular manufacturer and today, you know, this Hot Wheels car does not contain cobalt, but, you know, the one in the box, you know, next to it does, how do I deal with that?

**MR. GARRIEPY:**

Right, and I question how much that's happening. I go back to the one-tenth of 1% of the three billion that I cited earlier and again, go back to before production when those wheels or any part of that, before it's made into an individual wheel or an individual component, you can test it earlier when it's en masse and that is being added to it. So you test it as a whole before it's broken down to ensure consistency across the value chain.

**LEG. CILMI:**

But that's at the manufacturer level. When these products are coming to us obviously we can't do that. You can't ask a retailer to disassemble every Hot Wheels car and test the components and --

**MR. GARRIEPY:**

Right, no. We supply them with certification that we have done those tests and that they are compliant. The retailer -- we manufacturer it, it should be our responsibility to make sure that our toys are safe and we submit that to -- we currently submit that to retailers.

**LEG. CILMI:**

Okay. Thank you.

**P.O. GREGORY:**

Okay. Anyone else? Okay. Thank you, sir. Oh, I'm sorry. Legislator McCaffrey has a question.

**LEG. MC CAFFREY:**

Just one quick question. Do you test for cadmium?

**MR. GARRIEPY:**

Yes. I'll double check, but I believe it's 20 or 60 parts per million is what's allowed under Federal statute.

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**LEG. MC CAFFREY:**

Okay. Thank you.

**P.O. GREGORY:**

Thank you. Okay. That's it. Thank you. Tenya Steele.

**MS. STEELE:**

Good afternoon, everyone, and thank you for allowing me this opportunity to speak on this very important issue of protecting children from toxic toys. My name, once again, is Tenya Steele and I am a resident of Long Island and a patron and constituent of both Nassau and Suffolk Counties. I represent the Center for Environmental Health, which is a national organization whose main mission is to protect people from toxic chemicals. And we promote companies and businesses and practices that protect the environment and protect public health.

For over 17 years, we, too, have been testing products to ensure that they are safe. Unfortunately, we have to do this because our governments are not protecting us. So we are excited that Suffolk County is taking the steps in the right direction to consider regulating toxic chemicals so that consumers can know that the products that they are buying for their children are safe.

When my first child was born nine years ago, she developed a particular affinity for a rubber ducky. I mean, what child doesn't. So much so that I purchased many rubber duckies so that they can be around the house and we would be sure not to lose them, because that's how attached she was to it. She was in love with it and so was I. But as I continued to study public health, I'm currently completing a Doctorate of Public Health at SUNY Downstate Medical Center, I am a chemist by training. I've worked in a chemical laboratory for 15 years, so I know the chemistry, I know the epidemiology, I know the public health. And as I began to learn about the possible risks to my child I knew that those rubber duckies had to disappear and it broke my heart, because this was my baby's favorite toy, but the scientist in me knew that it had to disappear. The mother in me almost couldn't stand to take away what was her favorite toy, and actually it was my husband who threw them away faster than I did.

Currently, the laws regulating toxic chemicals, which was previously mentioned, on the Federal level the Toxic Substance Control Act, they are outdated. They are not current science and they fail families and children on every end. Chemical companies just aren't required to disclose the chemicals that are in their products. They're not even required to be tested for safety. And there's a slew of adverse health effects from these chemicals which are continuing to wreak havoc on the lives of New Yorkers and citizens everywhere.

There are health effects, and I won't go through them all, but I am sure that there are some of us in this room that are seeing adverse health effects from things that we just can't answer. Why is there an increase in autism that some of us in here may be affected by, or why is there an increased risk of brain cancer or breast cancer, as myself as being a chemist working around toxic chemicals, that's one thing that I worry about all the time. Or bearing my children as a pregnant woman working around toxic chemicals, what science calls epigenetics I am afraid of as well.

I'll cut to the chase. We, too, have done testing and we found arsenic in earrings and cadmium at nine percent in necklaces and lead in candy. So the CEH -- we prefer not to go around spending our resources testing products. If some products can be tested that aren't -- that don't contain these chemicals, then they all could not contain the chemicals. There are alternatives, they are the screen chemistry and safer products that can be used.

**P.O. GREGORY:**

Ma'am, please wrap up. We do have several Legislators that have questions for you.

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**MS. STEELE:**

I'll end there.

**P.O. GREGORY:**

Okay. Good.

**MS. STEELE:**

I have more, but I'll end there.

**P.O. GREGORY:**

If you have any comments you can submit your statement to the Clerk and they'll distribute it to the Legislators if you like.

**MS. STEELE:**

I would have to get you a copy of that.

**P.O. GREGORY:**

Okay. Legislator Krupski and Legislator Hahn has a question for you.

**MS. STEELE:**

Yes.

**P.O. GREGORY:**

Thank you.

**LEG. KRUPSKI:**

So as someone -- you're kind of a perfect person to answer these questions since you're a mother and have a chemistry background. Should there be -- to this bill there's a number of exclusions. Should there be those exclusions in it? And are those -- I mean, are those important or should it be -- I have two questions. That's the first one. Or should it be kind of an across the board ban on those chemicals that are in the bill? And the second one -- question is, is it possible to have, as a chemist you would have a good idea to answer this, is it possible to have zero tolerance for these chemicals given the environment that we live in.

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

**MS. STEELE:**

Well, I'm an idealist, so I would -- my answer to that is sure, it would be ideal to re across the board. But we focus on children because they are the most vulnerable, their small body weights make them more susceptible, and they have longer lives than some of the older of us who may use electronic products. Sure, we would like to eradicate all -- I'm a chemist, so I love chemistry. I know the importance of chemistry. This desk is made of chemistry, our bodies are made of chemistry. So ideally -- but there are safer alternatives. It's not necessary to take the cheaper, more profit-driven way out, which may sometimes mean using more hazardous materials. So ideally, yeah, I would like to see that, but what this -- I think legislation suffices when it goes, when it drives to protect children and environmental health for the point being, for the time being.

And your second question?

**LEG. KRUPSKI:**

There was some mention of zero tolerance. As a chemist, you know that once you get down to parts per billion and smaller, it's very difficult to actually get there given our environment.

**MS. STEELE:**

Right.

**LEG. KRUPSKI:**

Do you think that's realistic or not, or should there just be a -- weather it's a Federal limit or whatever, a limit of exposure?

**MS. STEELE:**

Well, in an occupational setting, you have Occupational Safety and Health Administration that sets standards on a worker. If they're exposed at, you know, an eight-hour time of day, we can set a standard that they would allow "X" amount of exposure given an eight-hour workday. So there are ways to determine the levels of risk that are acceptable and tolerable, and it's a whole lot of extrapolation that takes place mathematically to come up with this magic number; but no, it's not possible to come all the way to absolute zero. And depending on the type of machine you use and how sensitive it is will tell you how low you can detect. And what we do at the Center for Environmental Health, we do laboratory testing, we have a laboratory that we use to test. So the FRX instrument is helpful on the spot. Sure, laboratory testing can give you lower numbers, but ideally, no, there's arsenic in the water. You know, some of these compounds are naturally occurring, so it's no way to get to absolute zero. But when it comes to something deliberately manufactured, if it can be manufactured without them, then manufacture all of them without them.

**LEG. KRUPSKI:**

And they're all elements, they're all naturally occurring. So how do you -- do you think the limits are correct the way they're set?

**MS. STEELE:**

Well, I think the limits are conservative. Once again, I'm an idealist, so I would like the limits to be set as low as possible, and that takes a lot of scientific research to find out how low can we go. You know, what is acceptable and what is safe? We may not really fully have the answers to that scientifically. You know, it just takes more testing and more technology as technology becomes more sensitive, so that's pretty hard to determine flat out.

**LEG. KRUPSKI:**

Thank you. And you were mentioning different alternatives, too. Could you go into that a little bit?

**MS. STEELE:**

I mean, there is the concept of green chemistry, there are alternatives. But what we don't want to see happen is you're using an alternative chemical -- say, for instance, we ban BPA, but now they're using BPS, a different chemical that is as equally hazardous or toxic. So, you know, I mean, it takes a systematic approach for us all to sit at the table. One thing that the gentleman said that I do agree with is that it would take, you know, the manufacturers and the scientists and the epidemiologists and the toxicologists and the advocates, and for all of us to all sit at the table to determine what is acceptable and what we would allow. But there are alternatives that can be made. There are toys out there without the chemicals, so why can't they all just not have them?

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay, Legislator Hahn.

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**LEG. HAHN:**

Yeah, so I think we covered a lot of it. I think an important point that you brought up was children's small body weight, how they are much more susceptible to the levels. This bill leaves it up to the Health Department, you know, to determine that level that would be set. Like so if the XRF -- am I saying it right -- you know, were to find it at the determined level for children -- again, you've got to remember, it's not an occupational standard where we're -- you know, that's a standard for probably adult men.

**MS. STEELE:**

Right.

**LEG. HAHN:**

And we need a standard that's appropriate for children, young children and, you know, we need to be able to measure at that level. And obviously we don't want to get to what would be the very low number and the parts per billion that would be naturally occurring and just found in everything, because probably -- like as you both said, there's no real absolute zero when you're talking about these items. So all of that would be, you know, left to the experts to determine and to do appropriately.

**MS. STEELE:**

Right. And lastly, you know, why this bill is so important on a County level, you know, the Environmental Protection Agency, you know, they're the agency that holds the responsibility of setting limits and risk and performing risk assessments and determining what level is safe. And unfortunately, you know, with over 80,000 plus chemicals and commerce, they can't get to testing them all and studying them all and finding levels for every chemical. So we would like to see the precautionary principle taken into effect and just preventative measures. This is what public health is, we want to prevent disease. So if we can prevent it, let's prevent it and not go behind the fact and deal with the exposure or the disease once the exposure has occurred, let's avoid it from the beginning as much as we possibly can.

**P.O. GREGORY:**

Okay. Thank you.

**MS. STEELE:**

Thank you.

**P.O. GREGORY:**

Okay, that's all the cards I have. Is there anyone else that would like to speak that has not spoken? Yes, sir?

**MR. ROSARIO:**

Thank you, Mr. Chairman and Members of the Legislature. I apologize, I don't have a card because I wasn't planning on speaking, but I wanted -- there were a number of things on the record that need to be corrected.

For the record, my name is Steven Rosario, I'm with the American Chemistry Council, we're a national trade association. I live here in New York, I'm based here in New York, and my wife's family has had a family home out here since 1947, so I spend a lot of time in Suffolk County.

As you've heard me say many times, we are also parents and grandparents; we are as concerned about our children and your children and the safety thereof and the products that we make. But when you consider that 96% of every product has some form of chemistry, that is the challenge when looking at whether it's children's toys or children's products in a store. So enforcement is a

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very real issue, one that should not be taken lightly because if you don't get it right the first time, the results can be disastrous. Taking products off of shelves can be an incredibly major move.

You heard arsenic and water from one of the previous speakers. Yes, there is arsenic, some of it naturally occurring, some of it due to runoff from soil. But we don't stop drinking water, do we? It is because the arsenic is below all levels that would be harmful to our health. You've heard the issue of heavy metals. Well, actually in the bill, only four of the chemicals are heavy metals; lead, mercury, arsenic and cadmium. Benzium, antimony and cobalt are compounds, but again, because we're talking about chemistry, it's very easy to throw around a lot of words to confuse us and scare us.

Now, I'm not advocating for any of these in children's products, all I'm saying is that we really need to understand the chemistry in any product, be it a children's toy or a product. Even Washington State, in their law, they have a disclaimer that says just because a chemical is in a product does not make that chemical harmful or unsafe. So even they acknowledge this issue. And unfortunately, because we are dealing with chemistry, we cannot simply change the laws of chemistry, because you've heard about absolute zero. Our technology is so sophisticated nowadays, that we can test to parts per trillion. Someone once described that to me as a cup of water in the Atlantic Ocean; an example of the enormity of what we're talking about here and why we have to be so careful.

The last point I'd like to make is I always hear claims that we do not test for our products. I've been representing this industry for almost 24 years.

*(Beeper Sounded)*

We have three major RND and testing facilities right here in New York. We spend billions of dollars on testing in RND. My question to you is -- and only the Federal government spends more than my industry. My final question to you would be what are we not doing if we're spending billions of dollars on testing and research? Thank you very much. I appreciate the opportunity to speak.

**P.O. GREGORY:**

Okay. Mr. Rosario, there are several people that have questions for you.

**MR. ROSARIO:**

Yes.

**P.O. GREGORY:**

You've been here throughout the past several years. I think the first time I at least recall you coming to the Legislature was for discussions of the BPA bill.

**MR. ROSARIO:**

Working with Legislator Stern, yes.

**P.O. GREGORY:**

You were working with?

**MR. ROSARIO:**

Yes, we worked with it.

*(\*Laughter\*)*

**P.O. GREGORY:**

Right, right. So -- no, the only reason I bring that up is there was some mention earlier today that, well, this bill would be similar. You know, they weren't necessarily in a defined way to do the enforcement on the BPA bill, but once -- you know, but the industry responded and they reduced, they stopped the manufacturing of BPA in those products that we were targeting. You being a part of that process, how do you -- do you see similarities? If so, how; and if not, why?

**MR. ROSARIO:**

Well, I think you heard a very key comment from one of the previous speakers talking about market forces. And what I'm about to say, I mean no disrespect to the Legislature or the State Legislature or any elected official. But what one of the things, being in the private sector, is understanding markets, and markets can be brutal; they are swift and brutal. And what happened with BPA is that the market spoke and it spoke quickly and brutally. And because of action that was taken by the State Legislature and various County Legislatures, customers basically said, *Look, I just make baby bottles. If there is a substitute, I'm out of here.* This is somewhat different in that it is a much broader brush we're talking about. You're talking about -- and with BPA, that was baby bottles, sippy cups and a few other items, I don't recall them; perhaps Legislator Stern has a better memory than I. This, now you're talking about a wide swath of products. That's why I said you need to get it right the first time, because if you don't, the ramifications are horrendous and can be horrendous, especially at the end of the product line.

**P.O. GREGORY:**

Okay. All right, Legislator Hahn.

**LEG. HAHN:**

They say timing is everything, and unfortunately I didn't get to time this right, but you ended or went over your three minutes with the question, *"If we're spending billions of dollars, what are we not doing?"* And I would argue, you're not keeping these chemicals off the shelves in children's products. So something has to be done.

We're finding these chemicals in high amounts in children's products, in jewelry that young girls put in their mouths and bite on, in zippers that come up right in front of their faces in children, in rubber duckies, in all kinds of children's toys and other products that young children put in their mouths day in and day out. The blue paint, chips, gets in dust, gets inhaled.

So you say -- you know, why is it, if you're spending billions of dollars to test, why is it that we're finding, in these great numbers, amounts of these very, very dangerous chemicals still in children's toys and other products?

**MR. ROSARIO:**

Let me go back to my arsenic example. There is arsenic in water, but we don't stop drinking water, because the thresholds are below any excessive exposure. Now, again, let me say, I'm not advocating for any of these. What I'm saying is we need to look at why it is in there. There is a -- when dealing with chemistry in products, there are specific applications. Now, I can't tell you why a manufacturer would put one of these chemicals in. Sometimes there could be a valid reason. Sometimes there could be substitutes for it, but that is a determination that is made at the very beginning of the line. And again, when you look at application, what -- the example I like to use is I have an SUV truck, it's got four tires; my wife has a car, has four tires. Same function, they make a vehicle move from point A to point B, but the applications are somewhat different. I cannot put my wife's tires on my car, because an SUV was created to do X and a car was created to do Y. Same thing with why a particular compound may be in that product. Now, again, I'm not saying it should be, but there could be a very valid reason. It could have passed all the testing requirements that were necessary and are below any thresholds that would create harm due to exposure.

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**LEG. HAHN:**

But when we were testing them when we were at this event and they were showing the use of the XRF device, they were finding levels way above thresholds for each of the different chemicals. So we're not talking about trace amounts, we're not talking about the amount of arsenic that's found in water, we're talking about, you know -- and I can't remember off the top of my head the numbers that were appearing on the screen, but each number that appeared and that was showing was way above. So we were talking about, you know, numbers that were high and concerning.

**MR. ROSARIO:**

Okay.

**LEG. HAHN:**

And so, you know, we're -- and easily found. It wasn't, you know, this miniscule number that you'd have to search a needle in a hay stack to find a toy that contained it, it was like they just kind of easily found them on the store shelves. And that's really, you know, the intent here and the impetus here, is this cannot continue to happen. This cannot continue to be found in this manner. Children should not -- we cannot accept the fact that cadmium -- you know, more dangerous and more toxic than lead, and children's toys and children's products contain them. You know, products aimed at children, young, young children, younger than three years old have this, three-years old to six-years old have this.

And so -- I don't know what the question was (*laughter*).

**MR. ROSARIO:**

Again, I'm not advocating for any of these, but I think to a certain extent we're on the same page as some of the proponents when they said that, yes, the XRF is your starting place, it is your tool. But then I think you have to somewhat ratchet it up a little bit and say, *Okay. Well, what does that mean? Do we have to do lab testing? Is there additional information out there that explains this?* So I think our point is that you just can't use the XRF to make that final determination as to whether or not a product should be banned. I think it is incumbent on all of us, myself included as a resource, to figure out what's the next step.

**P.O. GREGORY:**

Okay. Anyone else? All right, thank you.

**MR. ROSARIO:**

Thank you.

**P.O. GREGORY:**

Okay. That is all the cards, again, that I have. Would anyone else like to speak? Please come forward. Okay, Legislator Hahn, what is your pleasure?

**LEG. HAHN:**

We are going to recess one more time. So I'm going to make a motion to recess.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

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**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, *(Public Hearing on) IR 1030-15 - Adopting Local Law No. -2015, A Charter Law to strengthen lobbyist registration and reporting requirement (Lindsay)*. I think we have two cards. Mr. David Gordon. Are you here, Sir?

**MR. GORDON:**

Yes.

**P.O. GREGORY:**

Where? Oh, okay.

**MR. KRISS:**

They didn't call your number.

**P.O. GREGORY:**

All right, come on.

**MR. GORDON:**

Which bill is this for?

**P.O. GREGORY:**

1053. 1030, excuse me.

**MR. NOLAN:**

The lobbyist bill.

**P.O. GREGORY:**

The lobbyist bill.

**MR. GORDON:**

That's not ours.

**P.O. GREGORY:**

I have your name, Social Security number and your bank account information.

*(\*Laughter\*)*

Scott Grodsky?

**MR. GRODSKY:**

We're the same one, 1108 we want to be heard on.

**P.O. GREGORY:**

1108, okay. All right. Anyone else who would like to speak for Public Hearing IR 1030, please come forward. Okay. All right, Legislator Lindsay.

**LEG. LINDSAY:**

I would like to make a motion to close.

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**P.O. GREGORY:**

Motion to close by Legislator Lindsay. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (\*\*Actual Vote: Sixteen - Not Present: Legislator Krupski - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, ***(Public hearing on) IR 1041-15 - Adopting Local Law No. -2015, A Local Law to protect the honor of decorated veterans (Spencer)***. I don't have any cards on this public hearing, but if there's anyone in the audience, please come forward to speak. Okay, Legislator Spencer?

**LEG. SPENCER:**

Thank you. I did have one of my constituents, Village Trustee Daniel McMillan, who wanted to speak on this public hearing but had a conflict of interest, so he's submitted a statement. The statement's extremely brief and I'll submit it to the Clerk.

He apologizes for not being able to attend the meeting in Riverhead and he wanted Legislators to know that he's in support of this valor act. He has a long history of serving in the armed forces, going back to the 1800s, and his son and nephew are in Iraq, decorated combat veterans with Purple Hearts. *"As a veteran, past Commander and Northport American Legion and Trustee of the Village of Northport, I strongly support this legislation to support our veterans. Please read this into the record. This legislation is long overdue."*

So I'll submit this to the Clerk and I thank you for allowing me that point of personal privilege, Mr. Presiding Officer.

**P.O. GREGORY:**

Okay. All right, what's your pleasure, Mr. Spencer? You would like to close, recess?

**LEG. SPENCER:**

Motion to close, please.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Fifteen (Not Present: Legislators Krupski & Hahn - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1053-15 - Adopting Local Law No. -2015, A Local Law to clarify licensing requirements for the sellers of home furnishings (Trotta)***. I have a couple of cards, first being Minoy Skura. Minday? Okay, that's a D. Minday Skura; then on deck, Mark Kriss.

**MR. KRISS:**

I'm on 1108.

**P.O. GREGORY:**

Oh, okay.

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**MS. SKURA:**

Good afternoon, everybody. My name is Minday Skura and I own a business called Remember Yesteryears. It's an antique co-op and I have about a hundred antique dealers in my building.

The original purpose of this chapter was to protect consumers from fraudulent practices when buying new furniture; this was done in 1997. There is no bait and switch in what antique dealers do. There was one original piece that most consumers examine, agree on a price, pay for and take home that day. Today, due to Long Island's high rents and utilities, most antique dealers can't survive in single, free-standing stores anymore. Instead they are renting space in co-op centers such as mine. More than 90% of these dealers have other careers. This is their second job. They are using whatever additional income they make to support their families and survive. Many have spaces that are that are just 10 foot X 10 foot. They fit maybe one or two pieces of furniture in that booth. How can you ask them to purchase a \$600 license, which in most cases they sell very few pieces of furniture a year and the profit would be less than what the license would be.

Where does the line get drawn? Does a person selling their personal furniture at a garage sale or outdoor flea market need a license? Does the small furniture crafts people who make custom pieces for clients need a license? Does the dealers who sell from their homes on Craigs List need a license? You get the point.

Today I am the voice of all the antique dealers in Suffolk who are right now at work and at their full-time jobs and who couldn't be here today because of the timing. They couldn't close their doors if they're a small shop because they're the only person working there.

We are begging you, on your next meeting on April 3rd, to please add the word *new* in front of furniture on this license. Thank you very much.

**P.O. GREGORY:**

Quick question.

**MS. SKURA:**

Sure.

**P.O. GREGORY:**

So what's your request? So that would mean that there be a -- what's the term I'm looking for? That people like yourself would be grand-fathered; is that what you're saying?

**MS. SKURA:**

Well, this law was intended for antique dealers. It was done in -- from my understanding, and Legislator Trotta probably knows the answer to this, my understand was that it was initially put in in 1997 when {Levitz} was closing and the consumers had deposits on new furniture and they all lost their deposits. So they did this law and it was never enacted, nobody ever took anything, and then last year somebody decided to enact it, and for whatever reason they threw antique dealers in the mix. We don't sell anything that somebody has to order. Everything's a one-of-a-kind piece, so there is no bait and switch on this. I don't understand how it even effects us and how we even got involved in this.

**P.O. GREGORY:**

Okay. All right, thank you. Anyone have any questions? No? Okay, thank you.

**MS. SKURA:**

Thank you very much.

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**P.O. GREGORY:**

Okay. Anyone else who would like to speak, please come forward. Okay. Seeing none, I'll entertain a motion, Mr. Trotta?

**LEG. TROTТА:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Trotta.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Sixteen (Not Present: Not Present: Legislator Spencer - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***(Public Hearing on) 1054-15 - Adopting Local Law No. -2015, A Local Law to amend the membership of the Criminal Justice Coordinating Council (Browning)***. I do not have any cards on this public hearing. Was there anyone in the audience that would like to speak? Please come forward. Okay. Seeing none, Legislator Browning?

**LEG. BROWNING:**

Which one is this?

**P.O. GREGORY:**

1054, CJCC.

**LEG. BROWNING:**

Oh, sorry. Motion to close.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Motion to close by Legislator Browning. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Not Present: Legislator Spencer - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1106-15 - Adopting Local Law No. -2015, A Local Law to amend Chapter 563-49, Article V of the Suffolk County Code Commonly known as "Dealers in Secondhand Articles" (County Executive)***. I don't have any cards on this subject, but is there anyone in the audience that would like to speak? Yes?

**MS. HORST:**

We just want to close it.

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**P.O. GREGORY:**

Okay. All right, anyone else that would like to speak? Okay. I'll make a motion to close. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Legislator Spencer - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1107-15 - Adopting Local Law No. -2015, A Local Law to amend Chapter 563 Article IV of the Suffolk County Code Commonly known as "Precious Metal and Gem Exchanges" (County Executive).*** I don't have any cards for this public hearing as well. Is there anyone in the audience? No, okay.

**MS. HORST:**

We would like to recess, we're working with Legislator Calarco.

**P.O. GREGORY:**

Okay. All right, I'll make a motion to recess.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, ***(Public Hearing on) IR 1108-15 - Adopting Local Law No. -2015, A Local Law to amend Chapter 563-52, Article V of the Suffolk County Code commonly known as "Dealers in Secondhand Articles" (County Executive).*** We have several cards, the first being Anthony; then on deck, Veronica O'Neill. Anthony?

**MR. CUTRONE:**

Good afternoon. My name is Anthony Cutrone. I'm the owner of Gold Coast Jewelry & Pawn.

**P.O. GREGORY:**

Please talk into the mic, Sir. Thank you.

**MR. CUTRONE:**

My name is Anthony Cutrone, I'm the owner of Gold Coast Jewelry & Pawn in Dix Hills in Suffolk County, and I just wanted to give some examples of why I think this law, if it's passed, would be unfair, unjust and just unnecessary.

Most of my client base, a large percentage of them are local business owners, and they cannot meet payroll. They have to pay their unemployment taxes or whatever, they have to do their rent to survive and pay their employees, so they need a short-term, fast cash advance. These people come in and it's the last thing they want to do, but they have to do it to keep their business afloat which in turn helps the community, because there's, again, local business owners and they have people working for them that supports their families. And this law wants them to take pictures of them and take pictures of their products, and they just want to get in and get out and go about their business.

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At the same time, I have many single moms coming in trying to make ends meet and they're finding it very difficult. I have a lot of people that are coming in that are going through a divorce and they come in frantic. I have many women coming in shaking that they're just taking their jewelry off at my counter and trying to give me their designer handbags, something to keep them going, and they just found out they have to have a 5,000 or a \$10,000 retainer for their attorneys. They don't know where to turn, and the last thing they want to do is to stand there and be interrogated and feel like they're the criminal. They just want to get what they need to get so we can help them and when things get better they can come and pay back their loan.

And getting back to the business people, they might have receivables out on the street, but they need something to pay their employees this week, get through the week, and this is a way that they can do that. They're very reluctant to come in, first time accounts, because they just feel very awkward doing it, and this law would just make them that much more feeling of awkward and shame to come and get the loan and money that they need. I just think it's unnecessary. It's not going to solve anything by doing this any step further than what we're doing now. We're taking government picture IDs now. So if we're doing that and we're documenting everything we purchase and sending it over to the Suffolk County Police Department every day within 24-hours. Some of those things I don't agree with as it stands, but they are the law and that's what we're doing. If you take it to the next level, I don't know what the gain is.

**P.O. GREGORY:**

Are you finished?

**MR. CUTRONE:**

Yes. Thank you.

**P.O. GREGORY:**

Okay, I have a question for you. And thank you for coming here today to express your concerns. So you said some of the revisions in the bill you are already doing.

**MR. CUTRONE:**

Yes.

**P.O. GREGORY:**

So what is it that -- in the legislation that you're not doing?  
I think I missed that.

**MR. CUTRONE:**

What they want us to do now, from what I understand, is when the person comes in to make a transaction, we have to physically take a picture of that person at that time and all the products they're either buying or selling or pawning.

**P.O. GREGORY:**

Right. But I thought you said that you take --

**MR. CUTRONE:**

That's right, the law stands now that we take all their information off their government photo ID, which in most cases is a license or a passport, or I actually scan it and it gets populated in our system. And all of that information, as well as the information what they're using as a pawn, which is a collateral loan, or what they're selling gets all documented and reported to Suffolk County Police within 24-hours. That's what's being done now.

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**P.O. GREGORY:**

So right now, by you verifying -- you know, I come in, I'm DuWayne Gregory, I can give you a license of Al Krupski; are you verifying that the ID matches the person?

**MR. CUTRONE:**

Absolutely. It's just no different than you can go into McArthur Airport with a driver's license and get on a plane or go on a cruise for X amount of days with a driver's license.

**P.O. GREGORY:**

Right.

**MR. CUTRONE:**

It's the same thing; it's the driver's license and we're matching it up to the person, just like any other facility would have to do.

**P.O. GREGORY:**

And you're reporting that now?

**MR. CUTRONE:**

Yes, we are.

**P.O. GREGORY:**

Every day you're reporting that?

**MR. CUTRONE:**

Every day.

**P.O. GREGORY:**

Okay. This rings similar to me, a few years ago we had similar incidents or concerns with scrap metal dealers; people coming in, drug addicts, you know, stealing scrap metal from people's homes and stuff like that and selling it. And we had to institute, you know, certain procedures, ID and other things, there was communication between the scrap metal dealers and the Police Department or the District Attorney's Office, but you already have that method of communication established already.

**MR. CUTRONE:**

In Suffolk County, yes.

**P.O. GREGORY:**

Okay. All right.

**MR. CUTRONE:**

Not throughout the State, but in Suffolk County, yes.

**P.O. GREGORY:**

Okay. Anyone else have any questions? Legislator Krupski?

**LEG. KRUPSKI:**

Can I get my license back?

**P.O. GREGORY:**

No, I'm -- okay if you give me the credit card (*laughter*).

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All right. Anyone else? All right, thank you Mr. Cutrone. Okay, Veronica O'Neill; and then on deck, Scott Grodsky.

**MS. O'NEILL:**

Hi. Thank you very much for giving me this opportunity. I am Veronica O'Neill, I have a business located in Patchogue. We were established in 1973, so we're talking 43, going on 44 years in business.

Back in 1973, requirements were to describe the item, that our books be open for the Police Department, which they always were, and over the years pawn brokers were asked to provide names and we were asked to provide names and addresses, and then we were asked to provide names, addresses and an ID. This was prior to it being a law, and we always did. And at the same time, our pledge records were always accessible to the Police Department.

So going back approximately ten years ago, we were then asked to submit this information electronically, so we've been doing that for quite some time. We are also duly licensed in precious metal buying. The precious metal transactions, as the customer is there, the information is being put into the computer and immediately that information is processed to the Police Department. You could go to your next transaction and you might be 20 or 50 transaction numbers away, because all precious metal dealers are transacting that way. The pawn transactions they get, those are descriptions separately, but within 48 hours they receive that.

In New York City, they were also attempting to change the laws and the decision was that in New York City you do have to electronically file, which Suffolk County and Nassau County are already doing, however no names, no addresses, it's strictly the article description and photographing the articles. So, and that's in New York City and that bill, I believe, has been passed, and so there's no personal information.

My experience, whether the Police Department came in and examined your pledge records or whether they received it electronically, the names are important. For an innocent person who is borrowing money to fill up their oil tank or, you know, pay a college tuition bill, which is what people do when they're borrowing money, to have to be photographed for that transaction, I think that that is, you know, an obtrusion on their, you know, personal information and --

**P.O. GREGORY:**

Ma'am, please wrap up.

**MS. O'NEILL:**

-- I'm opposed to that.

**P.O. GREGORY:**

So again, you're checking IDs but you're not copying?

**MS. O'NEILL:**

Absolutely. Oh, yeah, we photograph the IDs.

**P.O. GREGORY:**

Right.

**MS. O'NEILL:**

And we only accept photo identification.

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**P.O. GREGORY:**

So what do you do with that information?

**MS. O'NEILL:**

Oh, that information.

**P.O. GREGORY:**

I mean, there's communication, right. So I go to your business, whatever it is, you have an item of mine. There's a certain time period that you have to hold it, right?

**MS. O'NEILL:**

Oh, the buys? Buys and pawns are separate.

**P.O. GREGORY:**

Okay.

**MS. O'NEILL:**

So a buy, yeah, we'd have to clear it for 30-days --

**P.O. GREGORY:**

Right.

**MS. O'NEILL:**

-- by the time it's cleared through the Police Department.

**P.O. GREGORY:**

So and that's a --

**MS. O'NEILL:**

Loans are for four months.

**P.O. GREGORY:**

Okay. So if someone -- if there's a loan, they obviously are proactive and may have -- you're not contacting them. You don't need their ID, their phone number and say --

**MS. O'NEILL:**

Both transactions, they have to provide identification. If it's not a photo ID, if they're not of age, if we smell anything bad, it doesn't take place. But there certainly are -- there has been a market created and that was because of the gold bubble, the price going up and all these shops came into play. So slowly they're closing their doors, however we have very legitimate businesses out there that are following the rules and have been following the rules for a long time. And this law and also -- you know, the indication that you're saying that pawn brokers are fueling an epidemic out there, that's just not so. I mean, they're going to go to the streets, they're going to go anywhere with it.

**P.O. GREGORY:**

So you don't -- you object just solely to taking pictures of the people --

**MS. O'NEILL:**

Absolutely.

**P.O. GREGORY:**

-- but not the article.

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**MS. O'NEILL:**

Absolutely. That's, you know, profiling in a certain way. I don't see how a photo helps you in any way.

**P.O. GREGORY:**

Okay. All right, anyone else have any questions? No? Okay.  
All right, thank you, Ma'am.

**MS. O'NEILL:**

Thank you.

**P.O. GREGORY:**

Mr. Grodsky; and then on deck, David Gordon.

**MR. GRODSKY:**

Good afternoon. My name is Scott Grodsky from Empire Collateral Loan Brokers. I don't know what brought upon the extra -- the nature of the need for the extra compliance, but statistically I wanted to bring up some points.

First of all, to explain to people here, there are two types of businesses; one is a collateral loan broker and one is purchasing merchandise. And although both of them require the same type of identification, I can say that in the 30 some-odd years that I've been in this business, that 99% of the people are not the problem and it's probably less than 1% of the population that is the problem.

Taking a further step in photographing these people is really accomplishing pretty much nothing. People, the 1% or the less than 1% who want to evade the laws can easily give that merchandise to somebody else who's not in the system who hasn't been convicted of anything. Furthermore, the majority of people that I know, that I deal with over the years, whether they be young or old, and sometimes it's really difficult to distinguish who's the bad person, I've had 35-year old people who turned out to be the problem and I've had, you know, young people who just needed money and they were 21-years old.

You know, another issue is with the divorce rate of 50%, I find that a lot of my customers are just the average divorcee woman selling her engagement ring or selling a piece of jewelry and they're embarrassed enough when they come in. We take forms of identification, I'm sure everybody in this business questions -- will question the customers, because the risk that is taken is a financial risk on our part. But if it turns out to be stolen, we don't have any recourse. We don't get restitution, there's no restitution fund set up, so we're very cautious about taking things that could potentially be stolen. But again, statistically, 99% of the people are going to get photographed, your neighbors, maybe your ex-wife. And while other people are looking through this database of records, they're going to see their neighbors, their wife and, you know, legitimate people who are selling this merchandise.

I'd also like to say that when Suffolk County passed a law raising the rate -- the age requirement from 18 to 21, which you would think that would be the problem group, the young people from 18-to-21, it statistically didn't change the ability for these people to get money or drugs or get addicted to any kind of substance.

*(Beeper Sounded)*

So it's been proven that even if you were to take a photograph, it would have absolutely no impact on somebody's ability to acquire money or acquire drugs. Actually what it does is force us as business people, if we think something, you know, in our gut instinct is not right with the situation,

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we'll pass and tell the person, *No, thank you. We don't feel comfortable buying this merchandise.* That person then can take it to sell it on the street, sell it to the drug dealer, and what you're actually doing is driving the potential to catch these people to help the Police Department. You're driving it further under and back to the drug dealers and back to the streets and back to the areas which are, you know, out of the jurisdiction of the County over here.

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

Mr. Grodsky, your time is up, but we do have questions for you, so I'll start with Legislator Trotta.

### **LEG. TROTТА:**

Just a quick question. When you ask for ID sometimes, do people walk out?

### **MR. GRODSKY:**

No. You'd be surprised. I can tell you factually speaking, and I've sat down with people who I had an inclination, I was almost sure that these people were -- you know, had acquired this merchandise and it wasn't theirs, and I think when they're put on the spot they wind up giving -- some of them will give you identification even though I repeatedly would tell them, *It's going directly to the Police Department, it's getting recorded, you will be caught.* I mean, there are instances -- again, this can all be verified by the Detectives.

I had a recent instance where that happened. I think where the system fails is that it's working in reverse. Because we're -- because we don't want to take the risk of taking something in, you're forcing that person to go sell it on the street, and instead of having us technically working with the Police Department to catch these people and, you know, creating a system where they can, within a much shorter period of time, catch the criminal because we take the item in, you're forcing it to the illegitimate people who are willing to take this that aren't licensed. So you're going after the licensed people because we sit in brick and mortar stores, but you're actually driving the merchandise away from us.

### **LEG. TROTТА:**

Thank you.

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

Any other questions? All right, thank you, Sir. Okay, our next speaker is David Gordon.

### **MR. GORDON:**

Hi. My name is David Gordon from Whitman Coin & Jewelry, a family-owned business for about 50 years now, family-owned. And I agree with pretty much everything that the previous speakers have talked about. I actually would like to personalize the issue, it might clarify it.

Take everybody sitting here that possibly has been a victim of a crime, either from a sibling, a son, a daughter, or even a friend of one of their kids, and pretend an item of yours was taken from your child's friend. And it may not even be a lot of money, but it could have been your grandmother's ring, your father's ring, something that has a lot of sentimental value to you that it's worth more than any dollar. The way things are set up now, as Scott says, adding this picture is going to drive it underground. Because the odds of you recovering your piece of sentimental jewelry is so low, it's almost near zero, because these items end up going underground. When a 21-year-old kid comes in with his grandmother's jewelry, we are not going to buy it. He goes to the next person, they're not going to buy it. We don't want to touch it. We know because we're going to take the financial loss. So what does that 21-year old do? They go to the barber shop, they go to the gas station, they go to the bodega, they sell it underground, they sell it to the drug dealer. You are never going to see your ring again.

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On our side now, your intentions are right, but the laws that are in place are perfect. We take ID, we take the license, we take the photograph, we log it into the police book every day. All the items that we buy are there. The only thing as a business owner that we want in return is to get our money refunded to us, because a lot of times we become the victim. A person steals the item, sells it to us so that we legitimately think it's good, the Police come and confiscate the item, it goes back to the parents, we lose the money, the victim goes before the courts and a lot of times the Court says, *Oh, probation*, nothing, and we're left out the money.

All we ask is set up a fund that we could be reimbursed for our money. And I don't give us -- I don't propose giving us an open-ended ticket to buy as much as we want. Set a limit, \$500, which is not a lot of money. It's a win/win/win for everybody. I get my money back, the odds that you're going to get your jewelry back that means so much to you you're going to get; the Police are going to get their collar; here's his name, his address, go get him. *Oh, he had other items I didn't buy because it was more than \$500, but he did have that item that's on your list.* It's a win/win for everybody. And then the fund is out the money. The best way to get the money is when he's standing before the Judge. The Judge will say, *Hey, that fund is out \$500, you have to pay that \$500 back or you're going to do jail time.* And if he doesn't and he gets pulled over, there's a warrant out for his arrest, he goes back to jail. But it's a win/win for everybody.

*(Beeper Sounded)*

Like the previous people said, we've been in business, we know if something doesn't look right and we just pass it, we walk away, because financially we're going to lose our money. So we just pass it and it ends up going underground and the odds of you recovering your sentimental piece or anything that means -- is probably zero that you're going to recover that piece because it went underground and he never saw it. With us, we like to work with the Police, the Detectives will tell you the same thing. It's like we're a built-in sting operation for the County. Come on, just set a limit on this and we'll get all these kids off the street. And the parents can intervene sooner that their kids have a problem, and the Detectives will tell you that drugs on Long Island is an epidemic.

So, that's my piece. If anybody has any questions, I would love to answer them. But it's a win/win/win for everybody.

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

Any questions for Mr. Gordon? I don't see any. Thank you, Sir.

**MR. GORDON:**

Thank you.

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

Last card I have on this hearing is Mark Kriss, Esq.

**MR. KRISS:**

Mr. President and members of the Legislature, I'm here in the capacity as an attorney for a trade association called the Collateral Loan Brokers Association of New York. We have been in business, some of our members, dating back to 1893. Unfortunately, I've got to apologize, our President couldn't make it out here today. His business -- he's a Fourth Generation, his business goes back to 1893. He's the second oldest pawn broker in the United States.

We are presently, as an association, participating as a litigant in Bronx County Supreme Court challenging the constitutionality of a statute pretty similar to yours in many major respects. The New York City Statute originally, as proposed by Mayor Bloomberg in 2013, would have captured personal identifying information -- name, address, ethnicity and the amount of the loan --

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transferred that electronically to the police, along with a description of the article including a photograph. Your law, in contrast, would photograph the item, and you already have electronic reporting features under your present statute which includes a description of the article and I believe the personal identifying information, I'm certain that's true. I don't think the law requires the actual identification to be copied, but it does require the licensee to report what was the nature of the identification document you took in.

We believe that under seminal case called *People v. Ketter* that there's substantial question as to whether your current law is constitutional. And to exacerbate it by a photograph, which Judge Danziger, he took oral argument last Thursday on the question of the photo ID. We would prefer to be efficient and not have to litigate another statute in Suffolk County. I am suggesting that before you pass this statute, I think it's incumbent upon the courts to pass on the constitutionality of this.

What's really at stake, and I know I'm going to -- if people have questions, that would be great. What's really critical here is the distinction where somebody comes in and wants to get a loan, the State Statute, General Business Law 45 says that the licensee has to maintain a book and he has to put down information concerning the article and the person who offered -- who made the pledge. The law does not, the State law does not provide a mechanism where all of this information is given over by the financial institution to the Police Department. There's a thing called the Fourth Amendment and there's a thing called Article I, section 12 of the New York State Constitution and we believe that fishing exhibitions and drag net searches, which is underlying and --

*(Beeper Sounded)*

Forgive me, I will -- I have a lot I would like to share. But we believe poor people shouldn't be treated dissimilarly from wealthier people. And to the extent that many of the people who use pawn brokers tend to be poorer people, we think this is terribly discriminatory. For example --

**P.O. GREGORY:**

Sir, please wrap up.

**MR. KRISS:**

I'll make one point. If you're are going to a bank and you're a middle class person, that transaction does not go to the Police Department, it doesn't go to the government. The only time it goes to the government is if it's a \$10,000 cash transaction, if it's suspicious activity such as the one that a former Governor two times ago named Governor Spitzer was engaged in.

**P.O. GREGORY:**

Okay, okay. Point understood, point made. Please wrap up, your time's expired.

**MR. KRISS:**

I am. The last thing would be if there's specified suspicious nationals, which is terrorists, money launderists, things like that, this law gives carte blanche. A hundred percent of everybody's business is not the business of the Police Department, that's our view. And like I said, we're going to litigate it and I think it would be efficient for this body --

**P.O. GREGORY:**

Thank you.

**MR. KRISS:**

-- to wait.

**P.O. GREGORY:**

No, stay there.

**MR. KRISS:**

Thank you.

**P.O. GREGORY:**

We have at least one Legislator who has a question for you. Legislator D'Amaro?

**LEG. D'AMARO:**

Did you say that this statute or a similar statute, what did you say, in New York City is being challenged right now?

**MR. KRISS:**

That's correct.

**LEG. D'AMARO:**

On Constitutional grounds?

**MR. KRISS:**

We have a pending claim for a declaratory judgment. And incidentally, the City of New York has agreed to a temporary injunction on the law, the law that passed in 2013, pending the Judge's decision.

**LEG. D'AMARO:**

Your objection is the transmission of the information to the Police Department?

**MR. KRISS:**

Yes. I believe it would be permissible to have the licensees have to keep information, including potentially a photograph of the item. But to transfer it to the Police Department on a carte blanche basis is not sustainable under the Constitution. For example, in order for an item to be examined -- and the Ketter case, for example, was -- the police went into a yard and garnered bar-coded information off a part and they want to examine the part. You have to go into a non-public premises. In the case of a pawn broker, it would be going into my vault. It would be going into vaults if I stored it off-premises, it would be at a bank vault. And we -- the Court's clear in Ketter that we have privacy rights, and those are items that either as a pledge and have collateral, having a possessory interest in it, or if we actually bought it, those are our property. And the government, to come in and just say we have no rights of privacy, no rights against unreasonable search and seizures, we believe that Ketter says that's impermissible. And I want to read one thing, if I may. This is the New York City Police Department in the wake of Ketter; this is exactly what they said:

*"Inspections of pawn brokers and secondhand dealer businesses should be conducted only for the purposes of enforcing the Administrative Code regulations. That is licensing and record-keeping requirements pertaining to such pawn brokers and secondhand dealers. Such inspections should be designed to uncover administrative violations, not criminal activity."*

Now, I'm reading from the Deputy Commissioner for Legal Affairs from the New York City Police Department; he's the one who wrote this memo. And consequently, at least in his view, Deputy Commissioner Grasso back in 1999, that's why we're suing, because they even agreed with us.

**LEG. D'AMARO:**

No, but that's the inspection. That's different.

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**MR. KRISS:**

Yes, that's what we're talking about.

**LEG. D'AMARO:**

No, we're talking about the transmission of the information to the Police Department.

**MR. KRISS:**

That's correct.

**LEG. D'AMARO:**

That goes to a physical inspection of the property.

**MR. KRISS:**

No, they're talking about records. It says, "*Licensing and record-keeping requirements.*" The Police can come in and -- Police --

**LEG. D'AMARO:**

Okay, I don't want to waste a lot of time.

**MR. KRISS:**

I'm sorry.

**LEG. D'AMARO:**

But I'm just trying to understand; your objection is not to requiring a photograph of the person who's --

**MR. KRISS:**

Well, we personally think it's --

**LEG. D'AMARO:**

Of the item?

**MR. KRISS:**

Our association would oppose that. I'm not certain that that would necessarily -- necessarily not satisfy constitutional standards, but I think it's deplorable. I mean, I don't believe I live in Soviet, Russia, personally. And I think -- you would be the only jurisdiction in the whole state that would impose that requirement, should you proceed with it, and I think it's over the top.

**LEG. D'AMARO:**

Which requirement?

**MR. KRISS:**

Photographing of the person.

**LEG. D'AMARO:**

So if I wanted to bring in this phone into a secondhand dealer or a pawn shop and give it up, right now they would have to take a picture of my ID and the item.

**MR. KRISS:**

Well, under the new law, the item would have to be photographed, not currently under the current law.

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**LEG. D'AMARO:**

Right. But -- so is it egregious to you to have to even show ID?

**MR. KRISS:**

No, no. Absolutely.

**LEG. D'AMARO:**

Is it egregious to keep a record of --

**MR. KRISS:**

Oh, absolutely. There's no problem with having identification and having requirements, whether it's a passport or whether it's a driver's license --

**LEG. D'AMARO:**

Right.

**MR. KRISS:**

A government-issued identification, it's perfectly reasonable. Our --

**LEG. D'AMARO:**

But what about taking a picture of the individual themselves?

**MR. KRISS:**

No, I think that's over the top. I don't know whether --

**LEG. D'AMARO:**

What about -- but what about if I had security cameras; isn't that the same thing?

**MR. KRISS:**

Well, I think that would be a little less onerous, but I don't think the government should be telling a business what should or should not be done in terms of their security. You know --

**LEG. D'AMARO:**

Before you get to the transmittal of the data to the Police Department --

**MR. KRISS:**

Uh-huh.

**LEG. D'AMARO:**

Let's just say as a record-keeping requirement to take a photograph of the individual, I mean, do you have --

**MR. KRISS:**

It's very intrusive.

**LEG. D'AMARO:**

It may be. It may be, but, you know, we're photographed all the time now, whether we like it or not.

**MR. KRISS:**

I think, you know, a security camera would be one thing. To tell a customer, because they're poor and they need a loan, that they've got to take off their glasses and take their hat off and stand there; you know, it's demeaning and it's the equivalent of a photo in an arrest, secondary to an

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arrest. It's that kind of connotation to it. I think it's over the top.

**LEG. D'AMARO:**

Okay, I could see your point on that. I'm just talking about more on the legality of requiring that. You know, there are other levels of analysis here, you know, it's demeaning or, you know, why should you be singled out, you know, if you're -- but it is kind of unique that you're going into a store not to purchase something but to give something up; it doesn't happen too often. But I think what interests me is let's say you have all these records, and right now Suffolk County requires that that data base is transmitted to the Police Department, and you're saying that's what's being challenged.

**MR. KRISS:**

Yes, it is.

**LEG. D'AMARO:**

That it's ineffective, unwarranted searching.

**MR. KRISS:**

It is, under Ketter -- this is all under the guise of an administrative inspection. What the Court said is that a pretextual administrative search, which is really a look for criminal activity, is not constitutional under Article 1, Section 12 of the State Constitution, and really under the Federal Constitution, under the Fourth Amendment. I think the Supreme Court said it would be permissible, but that's why we're suing under the State Constitution. There's a whole history here of --

**LEG. D'AMARO:**

What year did the Supreme Court, the U.S. Supreme Court decide?

**MR. KRISS:**

US v. Berger, it was in the 80's; the Ketter decision is 1993, I believe.

**LEG. D'AMARO:**

That's very interesting. Okay, thank you.

**MR. KRISS:**

You're very welcome. Any other questions? Thank you. And I would urge that you keep -- recess this matter, if at all possible. Thank you.

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

All right, that is the last card. Was there anyone else who wanted to speak on this who didn't fill out a card? Katie from the Administration, or Lisa, what's your wish?

**MS. SANTERAMO:**

We want to recess this because we've been working with Legislator Calarco.

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

All right.

**LEG. CALARCO:**

Motion to recess.

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

Motion to recess from Legislator Calarco.

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**LEG. CILMI:**

Second.

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

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

**MR. LAUBE:**

*Sixteen (Not Present: Legislator Spencer - Vacant Seat: DistrictNo. 12).*

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

Okay, it is recessed.

Okay, the last **Public Hearing, IR 1118-15 - Adopting Local Law No. -2015, A Local Law amending Chapter 563 of the Suffolk County Code to modify the laws relating to home furnishings and dealers in secondhand articles (County Executive)**. Do we have any cards? Is there anyone who wishes to be heard on this? Okay. Seeing none, Katie?

**MS. HORST:**

Close.

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

Okay, there's a request from the Administration to close.

**LEG. TROTTA:**

What number was that?

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

This is 1118. Do we have a motion to close? I'll make a motion to close. Is there a second?

**LEG. MURATORE:**

*(Raised hand).*

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

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

**MR. LAUBE:**

*Sixteen (Not Present: Legislator Spencer - Vacant Seat: District No. 12).*

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

IR 1118 is closed.

**P.O. GREGORY:**

All right. Thank you, Legislator Schneiderman.

Okay, I make a motion to set the date for the following Public Hearings of March 24, 2015, at 6:30 P.M. at the Rose Caracappa Auditorium, Hauppauge, New York: IR 1124, IR 1151, IR 1152, IR 1154, IR 1175. Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay, back to the agenda.

**Health (Cont'd)**

IR 2174, and we were up to Legislator Cilmi who had some very pointed questions, I guess, in store.

**LEG. CILMI:**

I forgot.

**P.O. GREGORY:**

He forgot.

**LEG. CILMI:**

Now that I'm all lethargic over lunch. Yeah, so we're back to the bill here that requires retailers to post signs at cash registers indicating the dangers of liquid nicotine products. And as some of my colleagues here expressed, I, too, understand the sponsor's desire to do this, but I think retailers are under increasing pressure to sort of educate the public when it's really not their responsibility to educate the public.

And, you know, we have, over the past years, sort of heaped regulation upon regulation, particularly on this group of retailers that would be most impacted by this bill. And continually we suggest that we understand, you know, the challenges that we face and we're sympathetic to the challenge is that we face.

In this particular case, we have a product, liquid nicotine, that is not being regulated, I guess, to the extent that we would like, we would all like, by the FDA. But it comes to a point in my mind that you have to ask yourself, how much can we ask of retailers who are selling products that are dangerous in some way, shape or form to, you know, express that to their consumers? I mean, retailers sell products every day, day in and day out, that if used improperly, you know, if there's an accident related to their use that could cause harm or even death. If we were to start putting signs up at cash registers for every one of those things, I mean, you know, there would literally be no room for any of the products.

So I understand the sponsor's intent here. I understand the need to warn consumers of the dangers of liquid nicotine products, dangers that they may not be aware of now; although to be honest with you, I can't imagine that somebody would be unaware that there's danger associated with liquid nicotine, but I just think this goes too far. And I wish there was some willingness on the part of the sponsor to allow some flexibility for the retailer to post a sign, you know, in a place that's a little bit more convenient for the retailer. So I'll be voting no.

**P.O. GREGORY:**

Okay. Legislator Browning.

**LEG. BROWNING:**

It's funny, I mentioned at committee about the Valero Gas Station in Al's district and how it was so cluttered with product and -- what?

**LEG. KRUPSKI:**

No, no.

**LEG. BROWNING:**

Anyway, you know, it was very cluttered with product. And I was saying, where would he put a sign? So I happened to be at the -- I went over to the Valero Gas Station over here at the

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round-about to get, and I walked in and I'm looking again and I'm actually looking around to see where would this guy -- because I'm looking at, he's got product on the countertop, he's got half of his counter covered with lottery tickets and a register. And then the other register that I paid for my gas, it was a newer register where it just has a little digital box thing, and right under that was a piece of paper, it looked about this size, and it was saying how we can't sell cigarettes to anyone under 21. There you go.

So I thought to myself -- and I can tell you, though, Doc, the reality is is that while I'm standing there, and there was like three people ahead of me and I'm looking around, it wasn't until actually I got to be served that I noticed the sign.

### **LEG. CILMI:**

And you were looking for it.

### **LEG. BROWNING:**

And I was looking for signs. I was looking for the signs. And then I'm thinking to myself, Okay, now we're going to have a sign this big. Where are we going to put it? Where would he put it? It was on the wall, high up on the wall. There was room. You'd never be able to see it, nobody's going to read it.

So, you know, I know it's well intended. But again, I said, you know, as a Mom, having grandchildren, talking to my own kids about, you know, how do they feel -- because they have little ones -- and, you know, they were like, *Mom, really? People don't know that you shouldn't be giving your kids nicotine, liquid nicotine? Are they that stupid?* And I said, *Well, I guess maybe some people are.*

Again, you know, we talked about it at the dinner table and we said you just can't legislate stupidity, you just can't. And we can't legislate parenting, and at some point in time we're just reaching out way too far. And I understand that one child died, and that's sad. But how did that child get it? It's not like they reached -- you know, this was someone who was under five that got their hands on that product. And I said at committee, now that I have my grandson living with me, I have locks on the doors where all of the cleaning products are and I just -- you know, I have child-proofed my home so he can't access any of that stuff that he shouldn't have, and that's just being smart. But again, I can't go into somebody's home. So even if you post the sign, it does not guarantee that when it goes home that it's not going to happen. So I can't support this because, again, like I said, I can't legislate stupidity and how to be a parent.

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

Okay. Legislator Calarco.

### **LEG. CALARCO:**

Thank you. And just quickly on this particular measure. You know, we label chlorine, you know, we label bleach, we label all sorts of poisonous products as poisonous. Most of those labels are required by the Federal government. They put it on there because -- you know, because it's poison, that's just the reason why they put it on there, so that everybody knows that this is a poisonous product. I think most of us know that bleach is poisonous and you shouldn't drink it and you shouldn't let your kids get a hold of it, but they make them put that on the bottle.

This is a particular product that is poison. We know it's poison. It's not a question of whether or not it's poisonous. If you spill this on your hands, you as an adult are likely to get some sort of poisoning from it; if you ingest it you will. It is that much worse for children. The major marketers of these products, two of the biggest tobacco companies out there, voluntarily put this language on their product. And in fact, the sponsor took her language from the marketing material, from their

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packaging.

So to me, in answer to Legislator Cilmi's question about when is it too much to ask a retailer to educate the population? Well, as long as the retailer wants to retail a poisonous product and there's no requirement that that poisonous product be properly labeled as poisonous, then the retailer has a responsibility to their customers to inform them of that poison. And then the day comes that the Federal government, and I think they will eventually, finally comes up with some regulation and finally says *You have to label these products*, then I think that it would be reasonable for us to no longer require the signage at the store. But until that time comes, I think it's reasonable to ask a retailer to have to make sure that their consumers know what they're selling.

**P.O. GREGORY:**

Okay. Legislator Martinez.

**LEG. MARTINEZ:**

I just want to say, when I am about to take a vote on important bills, I actually poll my constituents and residents, especially those depending on the bill that it affects, and this one affects children, predominantly children. And when I reached out to the schools, you'd be surprised how many educators did not even know that liquid nicotine existed. So for that reason, I support Legislator Anker's resolution, because we need to inform people of what is taking place out there. It's unfortunate that, you know, we think it's common sense sometimes that people should know. And yes, on certain things I do agree with that, but with this one I don't. And I think we need to notify our parents and the rest of society that this is a very dangerous -- I don't even know, substance out there for our kids. So for that, Legislator Anker, you have my support.

**P.O. GREGORY:**

Okay, thank you. Legislator Spencer.

**LEG. SPENCER:**

I spoke already, so I'll be extremely brief. But I had to just really put this in perspective.

The difference here between things that we normally use, whether it's Drano or bleach, that we have the expectation with a poison or a cleaning product, that if we use it responsibly or we educate responsibly, that no harm will come to us. In this situation where it's a relatively new product that we're not familiar with, we know the harms of nicotine, even people don't know that. But it's the fact that most people don't realize, they're expecting that you have to inhale or that you have to smoke this, but the idea that the liquid coming in contact with your hands, it's not something that we expect and that's really where it's an educational issue.

And with that point of limited space, it seems that we're able to generate the space where it fits our priorities. Because I've seen stores that they are literally -- it seems like they're the size of a closet, but yet if they're selling lottery products, there are over 50 different lottery games and they will display a three-foot high, four-foot wide case; every single lottery game so high that you can't even see the face of the person behind the counter, but that is a priority.

I think that this Legislature is careful when we talk about smoking, drinking, and something that is unique to the market. This is unique. There's an unexpected consequence that intelligent people may not be aware of that can come -- that can cause them harm, and that's why this is different from, well, people are warned on the use of poisonous products every day. Are we going to warn them for everything? No, we're not going to warn them for everything, but this, there is a distinct difference. You don't expect that if you pour the liquid on your hand, you can hold a capsule of cyanide in your hand and it won't get absorbed into your skin, but this is something that can get absorbed through your skin and the public needs to know. Not everyone's going to see the sign, but

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it's not about everyone seeing the sign, there's nothing -- but this gives another level of protection, so that's why this is different.

**P.O. GREGORY:**

Okay. Legislator Anker.

**LEG. ANKER:**

You know, I was looking for these figures before, but I did find some new data. I think this is from probably February of this year. Before 2012, this is according to the Poison Control, National Poison Control, there was about a hundred cases of non-lethal liquid nicotine poisoning. That figure rose to 1,300 in 2013, so have over 1300 cases. And then it sky rocketed -- just recently, to 2014 -- to 4,000 cases just last year, 4,000. In the month of January along of this year, 420 cases.

So, I mean, you know, we can wait and we can try to do something else, but we need to get the word out there. Because it shows that people just don't realize the dangers, and that's what the sign's about. I just wanted to invite our Health Department representative, we have Lori Benincasa here today. If she could just say a few words on that? And she's the one who actually inspired me.

**P.O. GREGORY:**

We've already had the Public Portion.

**MR. NOLAN:**

We're debating the bill.

**P.O. GREGORY:**

Yeah, we're debating the bill now. It's highly unusual to do that, to call someone from the audience to speak on the bill.

**LEG. ANKER:**

It's the Health Department.

**P.O. GREGORY:**

If she has specific questions. I mean, but you're asking --

**LEG. ANKER:**

I have questions.

**P.O. GREGORY:**

Oh, okay. I thought you were calling her to testify, okay.

**LEG. ANKER:**

Yeah, come on up.

**P.O. GREGORY:**

Lori, please.

**LEG. ANKER:**

Hi, Lori.

**MS. BENINCASA:**

Hi.

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### **LEG. ANKER:**

So the question I have, you know, again, I'm looking -- you know, I'm Googling some of this information, and I was wondering if you could confirm the figures that I just said relating to nicotine poisoning. And maybe specifically New York and Suffolk County, you know, are those numbers increasing?

### **MS. BENINCASA:**

I don't have any local numbers, but what you said is exactly right.

In 2010 there were 31 cases of nicotine poisoning; in 2011, 271; last year, over 4,000. The number of poisonings, the percentage of poisonings increased over 156% in just the last year, and 14 times the number from 2011. And I think probably because these products have just become more and more popular; they're ubiquitous.

And one of the problems that we have is that -- I wasn't here this morning, so I didn't hear any of that discussion, but what I just heard now is about all the signage about tobacco products. But these particular products, anybody can sell them anyplace. You do not need a registration from the New York State Department of Taxation and Finance as you do to sell tobacco products. So anybody can sell these products in their store, in their homes, out of the backs of their cars. So you're not going to find tobacco signs everyplace where these products are sold, and that's what makes it, I believe, so important to have the signage to educate people.

Yes, you know, many hazardous products already do have warnings on them, but Clorox doesn't smell like something that a kid is going to want. These products come in banana split, cotton candy and graham cracker; they're very, very attractive to children. And I don't believe that people really do know, as Legislator Martinez said, people don't know about this product and they don't know how dangerous it is. And if it does spill on you, if it does spill on a child, if they're able to get their hands on it and because it smells so good, they drink it, they will be poisoned.

### **LEG. ANKER:**

All right. Thank you, Lori.

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

Okay. Legislator D'Amaro?

### **LEG. D'AMARO:**

Yeah, thanks. I spoke before, but just -- I thought about this for a little while longer, because we took a break, and I am not -- I'm not a big fan, normally, of this type of regulation. And Legislator Cilmi, I was listening to your comments and you talk about, you know, where do we draw the line and things like that and I usually agree with trying to protect people, as Legislator Browning says, from their own stupidity; it's not something that we can do universally. But when I think about this product, I can't think of something that's more toxic, unregulated, not properly labeled and yet appealing to consumers. It really -- I can't think of anything else that might be sold in a convenience store that fits into the same category as this type of product. So this may be the instance where it's warranted to put up a simple warning sign to consumers to let them know that this is potentially hazardous, especially as Legislator Spencer points out, if it comes into contact with your skin.

I just -- I search my mind for something, if you walk into a local convenience store, a 7-11, you know, what's in there that's not labeled but as toxic; I really can't think of anything. Maybe an energy drink, some might argue, is potentially as dangerous or toxic, but short of that, I can't think of anything that's as egregious in its makeup, in it's unregulated and unlabeled as this type of product. And it's obviously something that needs to be addressed by maybe the Federal government or the State, it needs to be regulated, it needs to be warnings, there needs to be

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education and all of that. But until that happens, I think we have to try and at least be a backstop until that happens, to protect people from a product that they probably are not aware just how dangerous it really is.

So again, I'm not a big fan of putting this type of regulation on the books for the County, but this particular one I think has lots of merit. Thank you.

**P.O. GREGORY:**

Okay. Legislator McCaffrey.

**LEG. McCAFFREY:**

Thank you. And I know I spoke before, I'll be brief. I'll just make one more plea to the sponsor. This is legislation that, as Legislator D'Amaro said, is important something, that should be done. The concern that a lot of us have is the place where the signage needs to be, right at that register. You know, if we could put it at the point of where the product is being sold, where it's being displayed, in a conspicuous place, I would have no problem with it. You know, and it's putting us in a difficult position to say do we handcuff or make it even harder for people to do business in Suffolk County, which is a recurring theme that we hear. And we'd love to warn the people about it, I just sort of -- I don't understand why it needs to be mandated at the register, why it can't be in a conspicuous place that's, you know, where the product is sold, anything like that, you know, I would support the bill. It's putting us in a difficult position right now to vote against something that is, on its whole, good legislation.

**LEG. ANKER:**

Right. And my concern is when you say conspicuous, it has different meanings to different people. So conspicuous could be if the liquid nicotine is sold in the corner by the Twinkees, or whatever, you know, it could be over -- you know, in a place that may not grab the attention. Where, you know, say a parent or someone that may really may not know about the liquid nicotine issue, will see it right up front, at the cash register. She goes home, she finds her son or daughter with this stuff, she said, *Wait a minute, I just saw this at the 7-Eleven. What is this stuff that you're using?* I'm telling you, a lot of parents don't know this.

And also, as far as will that sign be up there forever? I hope not.

I hope it comes down next month if this law passes. I hope it comes down even sooner than that, because the Federal government and State government, they need to step up and do the right thing.

**P.O. GREGORY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

Through the Chair, could I ask Ms. Benincasa so come back up to the podium, please?

**P.O. GREGORY:**

Okay. Lori; is she still here?

**LEG. CILMI:**

Lori? Hello again.

**MS. BENINCASA:**

Hi.

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**LEG. CILMI:**

Just to sort of follow-up on Legislator McCaffrey's question or plea to the sponsor here. Do we require -- I'm not sure this is a County law or not. But I know there are signs required where alcoholic beverages are sold that say something to the effect of *consuming alcoholic beverages while pregnant may cause harm to an unborn child*, or whatever the wording is; is that a County law or is that --

**MS. BENINCASA:**

No.

**LEG. CILMI:**

Is it State?

**MS. BENINCASA:**

Yeah.

**LEG. CILMI:**

Is there any specific requirement as to where that sign must be placed in, that you know of?

**MS. BENINCASA:**

No, I don't know.

**LEG. CILMI:**

You don't know. What other signage is required by Suffolk County that warns people of health related consequences of something?

**MS. BENINCASA:**

Well, we have -- New York State requires the Adolescent Tobacco Use Prevention Act signs, which say that tobacco and tobacco products can't be sold to anyone under 18; in Suffolk, we've modified it to be 21. Also, the Board of --

**LEG. CILMI:**

Where do those signs have to be positioned?

**MS. BENINCASA:**

They have to be at the register.

**LEG. CILMI:**

At the register, okay.

**MS. BENINCASA:**

Yeah. And also, I don't -- I'm not sure of any other signs that have to be at the register, but the Board of Health did pass legislation a few years ago that hookah lounges have to have signs prominently displayed that warn of the dangers of hookah use.

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

**LEG. CILMI:**

Okay. And that's it at the moment, as far as you know?

**MS. BENINCASA:**

As far as the regulations that I'm involved in.

**LEG. CILMI:**

Right. Just for the purpose of conversation here, and I'm just trying to wrap my head around this a little bit, and I don't mean this to be, you know, at all a flip question or in any way diminishing the nature of what we're debating here, but there are peanut -- you know, we have a big problem with food allergies, particularly peanut allergies, let's say, for example. You can go into a 7-Eleven, or whatever kind of store, and purchase peanut products, peanut M&M's let's say. A kid can go in and purchase a package of peanut M&M's. We don't -- we don't ask the -- you know, the cashier to give that customer a piece of literature that says, "Are you sure you're not allergic to peanuts, because there are peanuts contained in this product," right?

**MS. BENINCASA:**

Right.

**LEG. CILMI:**

That's a legitimate question, we don't.

**MS. BENINCASA:**

You know, this is an age-restricted product. It's dangerous for everybody, not just people with allergies. I think most people that have peanut allergies know that they're allergic to peanut products and wouldn't purchase that. This is something that is new on the market and people do not know how dangerous it is.

**LEG. CILMI:**

And, yet, according to a study that I have here in front of me, some 200,000 visits per year to emergency rooms as a result of food allergy, but, yet, people, you say, would know that they have these allergies.

I'm just trying to get at the point that, you know, there -- as I said before, there's a variety of things out there that are dangerous in one way or another if used improperly, or what have you, and we just can't ask cashiers to, or store owners to ensure that the consumer is aware of all of the potential dangers associated with the use of the variety of products that could be dangerous. You see my point?

And I understand the sponsor's point, that this is -- you know, that this is dangerous for everybody. And I understand Legislator Spencer's point, that folks don't know that if this -- you know, if a vial of this nicotine breaks and gets on your skin, that -- you know, that it's poisonous. But there are other products that have the same -- you know, that have the same potential danger. Can you speak to that at all?

**MS. BENINCASA:**

I can't really speak to allergies. What I know is that the use of electronic cigarettes and electronic products has increased statistically significantly in every age group. Right now, more kids are using those products than using traditional cigarettes, which means that they're kids that wouldn't have ever picked up a cigarette and they're picking up electronic cigarettes, and they're filling them with e-juice that smells and tastes like strawberry and bananas, and are very attractive to children, and it's poison.

**LEG. CILMI:**

But it's illegal for them to buy that stuff at this point, right?

**MS. BENINCASA:**

They have to be 21 to buy it.

**LEG. CILMI:**

Right.

**MS. BENINCASA:**

But you know that in the real world --

**LEG. CILMI:**

They're getting it.

**MS. BENINCASA:**

-- kids get their hands on a lot of things that they're not allowed to have. Someone buys it for them, or gives it to them, or their parents leave it lying around the house.

**LEG. CILMI:**

But this isn't going to prevent that from happening, right?

**MS. BENINCASA:**

No, but it's an educational tool to let people know how very dangerous this product is, because if you just look at it, you wouldn't think it.

I saw Sarah, Legislator Anker passing around some of the product. If you look at it and you smell what it smells like, it smells like candy and fruit. It is not something -- if you picked up a bottle of Clorox, you know that's something that you don't want to drink. If you picked up a bottle of this, why not, it smells good. And the problem really is with small children. More than half of the poisonings have occurred in children under six years old, which means that they had access to it, that their parents didn't know that it was a poison and left it lying around where the kids could get it. This is an educational tool for parents to -- so that parents know that this is a poison and it has to be out of the reach of children.

**LEG. CILMI:**

Well, I'm finished. I mean, we could go -- we could sit here and have a discussion for an hour, but I appreciate your answers.

**MS. BENINCASA:**

No problem.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, through the Chair. Legislator Cilmi, I want to address your point a little bit, because you're making me think about it. No. It's an interesting point that you make, but peanuts -- like if we put a sign up that said, "Warning: Peanuts, consumption of peanuts may kill you," right, if you have a severe peanut allergy, that's because of the person's condition. It's not an inherently toxic product. So I don't think it's a proper analogy. The product we're talking about regulating here is inherently toxic. Whether you have a peanut allergy or any other allergy, any person that comes into contact with it, or swallows it, or ingests it, it doesn't matter who you are, it will prove to be fatal, or toxic, or it can do damage.

So we're not trying to warn against people, like trying to say you need to educate yourself about whether or not you have an allergy or a condition that you can't -- we could never do that, but this is different. This is looking at the product and saying here's a product that's inherently toxic, unregulated, appealing, unlabeled. It's screaming out for some regulation, but there is none. So this would be almost like a stopgap measure, as I said before, in trying -- just let consumers know

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that, you know, when you buy this product, if it even comes in touch with your skin, you may be ingesting this product. I can't think of any other product that you might buy in that store without -- like bleach.

### **LEG. CILMI:**

But there is regulation. There's a childproof cap. It can't be sold to anyone under the age of 21. There is regulation.

### **LEG. D'AMARO:**

But the childproof cap is -- it doesn't get sold to children, it's not supposed to, it's already age restricted. Like if you buy bleach in a 7-Eleven, you know, they probably sell that, a small bottle, it's got a warning on it. You buy cigarettes, it has a warning, or there's a sign at the -- this is completely unregulated, I mean, completely.

So, again, you know, my position usually is very similar to your position, where, you know, leave these guys alone, they're not here to police, they're not here to regulate, they're here to do business in a free and fair marketplace. But this is something that's in its infancy, this product, and we need to kind of like, you know, grab the bull by the horns now, until the State, or the Feds, or whoever it's going to be, catches up to this product.

You know, I really think that if I were going into a store and you were looking at this product, I would never know how toxic and dangerous it is. And there's no labels, there's no warnings, there's no -- there's nothing, and it can really be harmful. So, again, I think this is a different case. I think this is not about the person coming in with an allergy. I understand the point you're trying to make, and I don't think we can regulate everything, but this is a really harmful product. It probably shouldn't even be sold. It probably should not even be sold.

So, short of banning the sale, which I think the sponsor even thought about doing at one point, let's at least let people know how bad -- I mean, we put calorie counts on menu boards. I mean, how egregious is it to print out a little 8 1/2 by 11 sign and hang it up at the register? You could put it next to the 47 lotto signs that are up there. I mean, this is something that it's almost our obligation before this gets any kind of regulation. It's almost our obligation to let people know how toxic this product is. People don't know.

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

Okay. Legislator Calarco, and then we'll vote.

### **LEG. CALARCO:**

I just quickly wanted to address the issue regarding peanuts and peanut allergies. Food manufacturers label their products, it says whether or not it contains peanuts or nuts. And for that matter, they have to say if it's manufactured in a factory that also may have peanuts or other allergic type items in it. So there is a labeling requirement there, and that's what we're saying. Until this product has to be labeled by Federal Law or State Law, that we should, at minimal, require retailers to let people know it's poisonous.

### **LEG. CILMI:**

Is there something -- sorry. Sorry to interrupt, Mr. Chair. Is there something in the bill that would -- that would allow for the removal of these signs if the Federal Government at some point comes in and regulates this, George?

### **MR. NOLAN:**

There's a reverse preemption clause in the bill.

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**LEG. MC CAFFREY:**

That was my question.

**P.O. GREGORY:**

All right. I'm going to call the vote before someone else wants to speak for another hour.

*(\*Laughter\*)*

No. We -- do we have any motions on the -- Mr. Clerk?

**MR. RICHBERG:**

Yes, we have a motion and a --

**P.O. GREGORY:**

What are the motions? I'm sorry.

**MR. RICHBERG:**

We have a motion and a second to approve.

**P.O. GREGORY:**

Okay. Motion and second to approve. Let's do a roll call.

*(Roll Called by Mr. Richberg, Chief Deputy Clerk of the Legislature)*

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

No.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

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**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yeah.

**LEG. SPENCER:**

Yes.

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

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

Thirteen.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. All right. Is there a doctor in the house? I think we need one in Legislative District 13.

*(\*Laughter\*)*

Is it exhaustion or something? Okay. All right. Congratulations. Let's go back to I.R. 1046, which we skipped earlier in the day on Page 7.

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco to approve *I.R. 1046 - Appoint member to the Suffolk County Citizens Advisory Board for the Arts (Lori Devlin) (Sponsor: Robert Calarco)*. Motion to approve by Legislator Calarco. Second? I'll second. Any questions?

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

She was not at committee, was she?

**LEG. CALARCO:**

She was not, and Lori is here with us now. She made it all the way from the City, despite the trains not running into Patchogue, her home town. So she is here to answer any questions anybody might have of her.

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

Yeah, I think -- we normally don't discharge these from committees, but there was a pressing nature, because the grants are going to be allocated soon, and your district didn't have a voice on

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the CAB Committee, right?

**LEG. CALARCO:**

Correct. But she's here now, so she can --

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

So bring her forward and maybe ask some basic questions.

**MS. DEVLIN:**

Good afternoon, everybody. Lori Devlin. I'm a Village Trustee in the Village of Patchogue.

**LEG. CALARCO:**

Lori, maybe you could just tell everybody a little bit about what you've done with economic development and the arts in our Village.

**MS. DEVLIN:**

I was a founding member and President of the Patchogue Arts Council, which started in 2008. I had a background in the arts. I have a Bachelor's of Fine Arts from New York Institute of Technology. I pursued the arts for a number of years before changing careers and going into the wine industry, which I've been doing for 30 years. But in my role as a Trustee in the Village, and with the revitalization that's been going on, I've been actively involved with everything that's going on with the arts. And we've built the Patchogue Arts Council into a very powerful force. Last year, they were one of four organizations that got the Destination Downtown Grant. We did the PAC MAC Festival in October, which united all the artistic forces in Patchogue, the visual arts, the theater, musical arts. We involved businesses. We had a week-long festival, and it was also written up in the New York Times.

So that's just a little bit of what I've been working on. And if you have any questions for me, I'd be glad to answer.

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

Thank you for your willingness to serve.

**MS. DEVLIN:**

Okay. You're welcome.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12).

**P.O. GREGORY:**

Okay.

**LEG. CALARCO:**

Thank you, Lori.

**P.O. GREGORY:**

Legislator -- I'd like to recognize Legislator Spencer to -- he's going to make a motion to take a resolution out of order.

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### **LEG. SPENCER:**

Mr. Presiding Officer, can we take 1853 out of order in Vets and Seniors, because we have our -- Commissioner Ronayne is with us, and we want to get him home before the weather gets too bad out there.

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

Page 10 in Vets and Seniors. ***1853 of 2014 - A Local Law to strengthen requirements for nonprofit veterans organizations soliciting donations in Suffolk County (Sponsor: William Spencer)***. Motion by Legislator Spencer, seconded by Legislator Cilmi to take it out of order. All in favor? Opposed? Abstentions?

### **MR. LAUBE:**

Sixteen. (Not Present: Legislator Anker/Vacancy: District 12)

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

Okay.

### **LEG. SPENCER:**

I make a motion to approve.

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

Motion -- same motion, same second to approve. Anyone on the motion? Legislator Lindsay has a question.

### **LEG. LINDSAY:**

To the sponsor. Thank you, Mr. Presiding Officer. My question is, is there anything contained within the bill to prevent organizations, or some of these organizations that you're trying to prevent, to keep them from -- they call it spoofing their phone number to look like an official organization on the caller I.D. when they contact you. We found a number of cases within our -- within my district, I've gotten calls from constituents, as it relates to State Police, that number is from State Troopers. I'm not sure if the same is happening within the Veterans realm as well.

### **LEG. SPENCER:**

Unfortunately, that's not addressed in this legislation. This legislation really focuses -- and we did pass back in 2011 a series of laws that we wanted a lot of these organizations to be registered to help to prevent fraud, especially since we have a high number of Veterans and citizens that want to support them.

And one of the things that we found that was kind of missing was really the Sunlight Laws with regards to disclosing their finances. And you could have an organization that could come in and raise a heck of a lot of money, but really had no way of being able to see how much of that money was going towards expenses, versus actually how much was actually going to Veterans services. And now I've worked with the Comptroller's Office, with our local Veterans groups throughout Suffolk County. Our Commissioner and the Comptroller's are on board, that as we -- you know, we said that we want you to register with Suffolk County, but it had no teeth. So now we've given it teeth where, when they actually register, we're looking at their finances, their disclosures, to make sure that what they're filing with the Federal Government matches up with what we have on record. And we're just trying to let people know who are contributing to these organizations where their money is going. So it's really more Sunlight Laws that we're passing here.

### **LEG. LINDSAY:**

Thank you, Legislator Spencer.

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**LEG. SPENCER:**

Thank you. Anyone else? Commissioner, or through the Chair, I guess through the Chair, is it okay if Commissioner Ronayne comes up with regards to any issue? Do we need the Commissioner? Oh, we could vote? Okay.

**P.O. GREGORY:**

Okay. Everyone good? All right. We have a motion and a second, right?

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**LEG. SPENCER:**

Thank you very much, everyone.

**P.O. GREGORY:**

Okay.

**LEG. SPENCER:**

Appreciate it.

**P.O. GREGORY:**

All right. Okay. Back to Page 8 in Health.

**HEALTH**

***I.R. 1031 - To extend deadline for Tick and Vector-Borne Diseases Task Force to June 30, 2015 (Sponsor: Jay Schneiderman).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

Okay. ***I.R. 1050 - To appoint member to the Food Policy Council of Suffolk County (Amy Engel) (Sponsor: Kara Hahn).*** Motion by Legislator Hahn.

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**LEG. BROWNING:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

***I.R. 1051 - To reappoint member to the Food Policy Council of Suffolk County (Randi Shubin Dresner) (Sponsor: Kara Hahn).***

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn.

**LEG. MC CAFFREY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

***I.R. 1052 - Amending the membership of the Sober Home Oversight Board (Sponsor: Kate Browning).*** Motion by Legislator Browning, second by Legislator Krupski. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

***I.R. 2177 - A Local Law to provide further protection for County parkland (Sponsor: Kara Hahn).*** Motion by Legislator Hahn.

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

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman. On the motion?

**LEG. MC CAFFREY:**

On the motion.

**P.O. GREGORY:**

Legislator McCaffrey.

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**LEG. MC CAFFREY:**

Yes. You know, this was an issue that was raised by former Legislator Kennedy concerning the acquisition of the parkland related to a drainage project. He was concerned, at the time he had passed those concerns on to me, that there could be some remediation that may need to be done due to the impact of the drainage, that work that was being done through the acquisition of this parkland. So he had asked, in the absence of anyone in his seat, that it be considered that some sort of money be set aside for remediation, possible remediation due to the taking of the parkland.

**P.O. GREGORY:**

Okay. Legislator Hahn, do you have any questions to that, or response to that? Okay. Legislator Krupski.

**LEG. KRUPSKI:**

You mean, remediation --

**P.O. GREGORY:**

I'm sorry. Legislator Hahn.

**LEG. HAHN:**

It's certainly counter to the intent, but we -- you know, I'll talk later when everyone's done.

**P.O. GREGORY:**

Okay.

**LEG. HAHN:**

Thank you.

**P.O. GREGORY:**

Legislator Krupski?

**LEG. KRUPSKI:**

Do you mean remediation to the land that the County retains?

**LEG. MC CAFFREY:**

No. I think his concern was that the impact of the taking of that land. They were going to create some sort of water basins or storage system for runoff water, and he was concerned that the change in the water tables because of that would cause problems for the homeowners in those areas, and that he had wanted to, if he were here, to create, instead of -- also set aside money for remediation if there was any adverse impact on the surrounding area due to the parkland, and, I guess, in utilization of that parkland that was acquired.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Any further question? Oh, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I had a question for the sponsor through the Chair. Legislator Hahn, what happens to the money, the compensation now if the State decides to exercise eminent domain and take parkland?

**LEG. HAHN:**

One more time, say that again. What happens when?

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**LEG. D'AMARO:**

Yeah, your bill wants it to go into a capital project for parkland acquisition, but what are the restraints, if any, on the use of those proceeds now without your bill?

**LEG. HAHN:**

So, right now, it just says that when we gets reimbursed -- like, okay, this happens so infrequently.

**LEG. D'AMARO:**

Yes.

**LEG. HAHN:**

So, for example, this particular case, the money we got back from the State went into the General Fund.

**LEG. D'AMARO:**

Okay. There was nothing preventing us in the budget from moving that money into a capital project, though.

**LEG. HAHN:**

No.

**LEG. D'AMARO:**

Well, how do you put that money into --

**LEG. HAHN:**

I'm sure pretty they're in the capital budget.

**LEG. D'AMARO:**

How do you put it into a capital project? I thought capitals projects were more about bonding.

**LEG. HAHN:**

No. So this would go into -- like, for example, the funds that we -- 477 funds that we --

**LEG. D'AMARO:**

Okay.

**LEG. HAHN:**

-- use for land acquisition.

**LEG. D'AMARO:**

Okay. So we could do that --

**LEG. HAHN:**

Replenish our land, you know --

**LEG. D'AMARO:**

Right.

**LEG. HAHN:**

Put some more money back in for land acquisition.

**LEG. D'AMARO:**

Right. But we could do that -- we could take the proceeds from the State and put that anywhere we

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want right now. This would require that it go into parkland acquisition?

**LEG. HAHN:**

Correct, correct. Well, I'll answer later. Go ahead.

**LEG. D'AMARO:**

No, no, go ahead, I'm listening.

**LEG. HAHN:**

So the intent and the thought here is that parkland is in a sacred trust. We -- when we dedicate land to parkland, we make a promise to the people that we will protect this land, really, in our minds forever. And there are these rare cases where the State will act twice. It happened in Legislator Barraga's district. They acted twice, and they were able to do a land swap. And, you know, so it was -- this is a rare case where the State was taking parkland for eminent domain purposes along a highway. But parkland -- and, you know, I'm sure Legislator Barraga understands this as much as anyone else, is we have this, really what is I believe a sacred trust with the people, that we're protecting this land and we will care for it.

And so, in this kind of instance where we're forced to give it to the State, because they took it, because they have the power to do that, and we're getting reimbursed for it, I'm just saying that money that we get reimbursed for parkland should go back into replenishing more parkland. We should replace what we lost, and that's important to me.

**LEG. D'AMARO:**

Okay. So -- but we could do that without passing this bill. We don't -- this would just lock us into having to use the proceeds for parkland acquisition?

**LEG. HAHN:**

That's correct.

**LEG. D'AMARO:**

Okay.

**LEG. HAHN:**

And/or potentially debt service payments, because I do believe some debt service payments come out of the Land Acquisition Fund, correct, Robert?

**LEG. D'AMARO:**

Okay. Thank you.

**MR. LIPP:**

Yes, basically.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

Okay. *I.R. 1035 - Authorizing use of Makamah Preserve in Northport by Northport Running Club (Sponsor: William Spencer).*

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**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

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

**LEG. SPENCER:**

Thank you.

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

***J.R. 1061 - Authorizing use of Sears Bellows County Park and the County-owned portion of the Paumanok Trail by Jayasports for its Paumanok pursuit fundraiser (Sponsor: County Executive).***

**LEG. KRUPSKI:**

Paumanok.

**P.O. GREGORY:**

Motion by -- Paumanok? Okay, sorry. Motion by Legislator Schneiderman, second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

***J.R. 1084 - Amending the 2015 Capital Program and appropriating funds in connection with the improvements to Cupsogue County Park (CP 7080) (Sponsor: County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman, I'll second. All in favor?

**LEG. MC CAFFREY:**

On the motion.

**P.O. GREGORY:**

On the motion. Who's that? Oh, Legislator McCaffrey.

**LEG. MC CAFFREY:**

Yes. In committee, myself and Legislator Cilmi had questions, because there was no details as to the size of the building or -- so, if we can get some --

**LEG. TROTТА:**

Don't worry about it.

**LEG. MC CAFFREY:**

Don't worry about it?

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**LEG. TROTTA:**

Don't worry about it.

**LEG. MC CAFFREY:**

There's like no details. We said how big was the building, then the bonding, and so --

**P.O. GREGORY:**

The Commissioner is here.

**LEG. MC CAFFREY:**

And the Commissioner was not there, but now he's here. Thank you.

**COMMISSIONER ANDERSON:**

Yes. The existing building was about 5200 square feet. The proposed building right now, we're looking at probably around the same square footage. It might be expanded a little bit, only because we're considering with the new building putting the main access through the center of the building and then going straight into boardwalk out to the beach. So, you know -- but it's generally -- the only real restricting criteria we have is that we want to be north of the Coastal Erosion Hazard Area line, so it will minimize any real permitting that has to be done. Otherwise, other than, you know, regulatory agencies, we have room in that unpaved area to put a -- you know, put pretty much put whatever we want back in there. Probably the same size.

**LEG. MC CAFFREY:**

This wasn't damaged by anything, was it? Was this the one that was damaged by fire?

**COMMISSIONER ANDERSON:**

This is the one that burnt down, yeah.

**LEG. MC CAFFREY:**

Oh, this is one that burnt down?

**COMMISSIONER ANDERSON:**

I think the week, or the week after Labor Day.

**LEG. MC CAFFREY:**

Okay. We're eventually getting insurance proceeds for that, is that --

**COMMISSIONER ANDERSON:**

Only partially.

**LEG. MC CAFFREY:**

Only partial?

**COMMISSIONER ANDERSON:**

It was only -- I don't want to get this wrong, but it was either a million out of \$1.7 million, or 700,000 out of 1.7 million, which was the estimated cost of the old building.

**LEG. MC CAFFREY:**

Okay. And so the estimated cost is 750,000, or it's more than that? That's all proven?

**COMMISSIONER ANDERSON:**

The actual -- the old building was estimated, I guess, in insurance at 1.7 million, and we had, I think, either a deductible of a million or 700,000. That was my understanding of it. I'd have to

confirm any of that with Parks.

**LEG. MC CAFFREY:**

Okay. So we're going to rebuild a similar size building.

**COMMISSIONER ANDERSON:**

Right.

**LEG. MC CAFFREY:**

And it's going to be only 750,000, because there are some insurance proceeds, right?

**COMMISSIONER ANDERSON:**

No, no. We don't know what the cost is. Our estimate right now, to be honest with you, is around three million. Given the size of the cost, you know, the square footage cost, and it's just, again, the same size building, I believe, you know, we're estimating at the \$3 million cost. We have to upgrade the sanitary. As I said, we're trying to improve the access to the building itself. And, you know, again, it's -- we're very early in the planning stage, you know, and that's our estimate. It may be less.

**LEG. LINDSAY:**

Gil, if I could jump in, and, Legislator McCaffrey, this might answer some of your questions. You know, in reviewing insurance policies and going through them, we have a million dollar deductible, but we have a \$100 million limit on a blanket basis throughout the entire County. So once we pierce the million dollar threshold for the deductible, it's -- you know, there are several privileges that come into the place, the cost to reconstruct the building, the loss of rents, if we have any loss of revenue, the extra expense associated with temporary construction, you know, if we set up a trailer temporarily, any lost revenue, architects' and engineers' fee, ordinance of law, if we have to build the building differently than it was originally built.

So, you know, I've requested from Risk Management to give me an assessment of what they -- how they feel the claim is going to be settled when it's finalized. But, as of right now, my understanding is that the insurance company has been put on notice, and the claim can't really be settled until the construction is complete and the loss is fully realized. But the way, from -- at least from a preliminary basis, the way it reads is that anything over and above a million dollars that's reasonable and customary is pretty much the insurance kind of raised money that we would be -- you know, we would be reimbursed with.

**LEG. MC CAFFREY:**

Okay.

**LEG. LINDSAY:**

So I don't know if that adds or takes away from --

**LEG. MC CAFFREY:**

Yeah. No. I'm just trying to get a handle on -- so we have -- we're going to build a \$3 million building. We're requesting bonding of only 750,000, though. What am I missing?

**COMMISSIONER ANDERSON:**

Okay. The 750,000 is made up of 300 in planning for the -- yeah, 300,000 in planning for a \$3 million construction project is not unheard of. I'm addressing Legislator Trotta. The 450,000 -- the 450,000 is for construction and to help us get the temporary facilities that we'll need for this coming summer, and the time it takes us to design and construct the building. And then we will, once we have a final product, as far as a design and construction, we will have in the Capital Budget

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at a future date, next year or the year after, what that cost will be and what we estimate it.

**LEG. MC CAFFREY:**

But just looking at square footage, and we're looking at 5200 square feet and \$3 million, that's almost like \$600 a square foot. Is that what we're paying for a beach -- it's a beach building, right?

**COMMISSIONER ANDERSON:**

Right now, our office, square footage office cost, because relatively similar to an office building, foundation is obviously different, you're going with piles rather than a concrete slab, but we're going somewhere between 450 to \$550 a square foot. If you say 500 for sake of argument times roughly 5,000 square feet, it's what, 20 -- 250,000 -- 2.5 million?

**LEG. MC CAFFREY:**

2.5 million. Right.

**COMMISSIONER ANDERSON:**

So, you know, I mean, the other 500,000, I mean, that's not chump change, but, you know, it's all within the realm of possibility. And I, again, go back to this is very preliminary in the design phase.

**LEG. MC CAFFREY:**

So, generally, when you're building a building, that's the number we're looking at, even if it's a -- I wouldn't say beach hut, because it's a little more than that there, but that's the number that we use, is well over \$500 a square foot?

**COMMISSIONER ANDERSON:**

Structurally, it's very similar to an office building, we expect. You know, obviously, it's on a beach, and there's not -- you know, there are some differences, but, yeah, that's what we estimate for this -- at this point in time, that's what we're estimating the cost would be.

**LEG. MC CAFFREY:**

Okay. All right. Thank you.

**P.O. GREGORY:**

Okay. Anyone else?

**LEG. CILMI:**

Yeah, I have a question.

**P.O. GREGORY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

I just -- hi, Gil.

**COMMISSIONER ANDERSON:**

Hey.

**LEG. CILMI:**

If you could just expand on why -- I understand it's your typical percentage, whatever, you know, 10% of construction costs, but why \$300,000? Why does it cost \$300,000 to -- what goes into planning a building like this that costs \$300,000?

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**COMMISSIONER ANDERSON:**

Okay. The -- you're going to start with an anticipated sketch. We'll come up with a very cursory design.

**LEG. CILMI:**

You will.

**COMMISSIONER ANDERSON:**

We will.

**LEG. CILMI:**

Right.

**COMMISSIONER ANDERSON:**

We're working with Parks right now to come up with an idea. And, as I said, we're looking at having the main entrance through the front, rather than how it's been through the sides. The -- you know, the food would be on, say, the east side, bathrooms on the west, you know, that type of stuff.

**LEG. CILMI:**

So we do that inhouse.

**COMMISSIONER ANDERSON:**

We do that inhouse, but that -- then, again, you start to get into the preliminary design. You do -- we generally do a report that tries to look at all the issues, including the regulatory issues of the facility, as well as the design of it, cost, things like that. Then, after we're done with that, we go into the design phase. We do a preliminary design, we start to lay out all the different rooms and -- you know, within the building, what the materials are going to be, and then we go to final construction contract documents. And that's also a part of it, prepping, the specifications, the boiler plate, the legal documents, getting all the plans, you know, every floor, if you will, you know, all the details that are involved with construction together, and then we go out to bid. The bidding generally, you know --

**LEG. CILMI:**

So let me just stop you for a second. So that -- what you just described there, is that all done inhouse?

**COMMISSIONER ANDERSON:**

No.

**LEG. CILMI:**

Okay. So that's -- what you described is -- part of what you described is part of this \$300,000?

**COMMISSIONER ANDERSON:**

The only thing we would look at is we would -- we would first -- and I -- you know, I don't have any actual plan of the building, I have the site plan, but we would develop what we'd like to see in the building. You know, outline rough, what the floor plan would be, if you will, you know, the footprint showing on the west side where the bathrooms would be, where the lifeguard station would be, things like that, on the east side, the food, and whatever else. We would then give that to whoever -- whoever we hire as our architect and have them to start to develop the plans. It's not just the plans, it's the elevations. You know, keep in mind, this is the crown jewel of the park system, so we wanted to really, you know, be respectable.

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**LEG. CILMI:**

And the architect does all that?

**LEG. CILMI:**

Yes.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. CILMI:**

So this -- whatever planning money we're spending here is basically going to one firm?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. CILMI:**

Okay. What would it cost to hire somebody to do that very same thing, to design this building, to plan for this building? What would it cost to employ somebody to do it?

**COMMISSIONER ANDERSON:**

Inhouse?

**LEG. CILMI:**

Yeah. And would it take them 40 hours a week, 52 weeks of the year to do it?

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. CILMI:**

It would?

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. CILMI:**

Okay. So what would be the salary that you'd have to pay somebody annually to spend an entire year planning this building?

**COMMISSIONER ANDERSON:**

I mean, you're looking at a licensed architect to develop the plans, and a draftsman to put the plans together. I'd say you're in the 150 to \$200,000 range, easy, between benefits and everything else.

**LEG. CILMI:**

Okay. So why don't we do that?

**COMMISSIONER ANDERSON:**

That's a good question, but I can -- the only thing I can tell you is with the workloads that our staff have right now, you know, we'd be also using them to do other stuff. And that's not the argument against what you're saying, but it is, you know --

**LEG. CILMI:**

And I don't think -- I mean, you say that it would take somebody eight hours a day, 40 hours a week, 52 weeks a year to plan -- to do this. It's not going to take that long for whoever we hire

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here to do this, right?

**COMMISSIONER ANDERSON:**

Well, he's going to have multiple staff. He's going to have a project manager.

**LEG. CILMI:**

Okay.

**COMMISSIONER ANDERSON:**

He's going to have his draftsman, he's going to have an architect, you know --

**LEG. CILMI:**

That's fair enough.

**COMMISSIONER ANDERSON:**

-- and a team that are going to work on this.

**LEG. CILMI:**

Right.

**COMMISSIONER ANDERSON:**

Again, this isn't -- you know, this is an important project to the County because of its, you know, location and what it is to us.

**LEG. CILMI:**

Wouldn't it be easier for the County to control -- if it is so important for the County, wouldn't it be easier for the County to control the outcome if we actually employed the individual or individuals that were planning and designing this building ourselves? And then isn't there always another project sort of down the road? I mean, wouldn't we use that person for something else that happens next? And if we're spending 300,000 now, where we could be spending 200,000, let's say, with an employee or employees --

**COMMISSIONER ANDERSON:**

Right.

**LEG. CILMI:**

-- health benefits and all considered, and then the next project it's the same thing, and the next project it's the same thing, to me, it would make sense to hire somebody to do it. We'd be saving money, ultimately, forget about the debt service associated with the bonding here. Am I wrong?

**COMMISSIONER ANDERSON:**

I won't argue with you on it.

**LEG. CILMI:**

All right.

**COMMISSIONER ANDERSON:**

You know, it's -- but, given the budget and given the constraints that we're faced with --

**LEG. CILMI:**

I understand.

**COMMISSIONER ANDERSON:**

-- this is what we're pursuing.

**LEG. CILMI:**

Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. You mentioned the Coastal Erosion Hazard Area, and I guess nothing would be built, you know, within the structural hazard area. But do you have to take into effect any natural protective features there, or is this because it's already paved and it's already been developed, you sort of get a pass on that with the DEC?

**COMMISSIONER ANDERSON:**

Well, with -- the only thing -- the only -- the short answer is yes. The long answer is with regard to like the boardwalk, the boardwalk's already in place, we would not expand upon that boardwalk. But to the north, where the building would be, you know, we would -- why go in -- why cross into that? We'll, obviously, build it on piles high enough so that any storm effect would be minimized, hopefully, with materials that are going to be somewhat weatherproof, you know, given its location.

**LEG. KRUPSKI:**

Or fire retardant.

**COMMISSIONER ANDERSON:**

Yeah, yeah. We've talked about that, too, absolutely, yeah.

**LEG. KRUPSKI:**

Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

Legislator Trotta.

**LEG. TROTТА:**

You do realize there's no heat, there's no air conditioning? It's absurd to spend \$2.5 million on a building that has no heat, no air conditioning. And I know a little bit about construction. I have friends who built, you know, a million dollar house, which is twice as nice as anything you're going to build out there. It's obscene to even suggest that's going to cost 2.5 million dollars and to spend \$300 million. Isn't there somewhere -- somewhere they built something like this and we can buy the plans, that we can say look around the country somewhere, they've built something that looks like this and buy the plans? It's -- for \$300,000 to design this is insane. Have you looked anywhere else in the country or online to see if one of these things exists somewhere?

**COMMISSIONER ANDERSON:**

Frankly, no, because it's a pavilion for, you know, the top park that we have in the County. You know, we wouldn't look to California or -- you know, I mean, we might get ideas from them, but,

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again, we would have to purchase those plans off of somebody, and somebody would want some value. I mean, I'm not going to argue the 3 million, because I don't know what it's going to cost right now. We're a year or two away from that. Our estimate, based on your current -- and, again, it's just, you know, throwing stuff against the wall, is it's going to be between 450 and \$500 a square foot. So we're saying \$3 million to be safe. We're saying that 10%, which is an industry standard with, you know, professionals, that that is -- that's a reasonable rate, and that, you know, if we don't have to spend 300,000 to have a consultant develop this, we certainly will move towards that. But I don't want to be in a position where we're going out for an RFP with 200,000, and everybody comes in and says we can't do that and work for you for that amount of money. As far as construction, you know, I completely disagree. I think --

**LEG. TROTТА:**

So you haven't put this out for --

**COMMISSIONER ANDERSON:**

I can't. I can't until -- I can't until I have the funding. I can't go out for a proposal unless I have funds in place to get -- to request the funding.

**LEG. TROTТА:**

So you're going to put out an RFP to design this thing, and people are going to come back with you and tell you how much they're going to charge you to design.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. TROTТА:**

So -- and, typically, you think that that's what it's going to come in around, somewhere around \$300,000?

**COMMISSIONER ANDERSON:**

Based on industry standards, yeah, or maybe less, maybe 250, given the amount of work that we feel is needed, yeah. There's a lot of permitting that's involved. You know, it's -- we're going to look at those proposals, and we're going to look at the hours that they estimate it's going to take. And, you know, certainly, if the hours are reasonable, you know, we then compare the rates, what are their rates like, you know. And then they have to give us a logical explanation how they get to their cost, so it's based on the time involved, with the work schedule, and, you know, the workloads that are involved, and based on their rates, so.

**LEG. TROTТА:**

It just seems to me that this has been replicated across this country, across everywhere, that we could research this, find it and spend \$20,000 on the plans and have someone built it for certainly --

**COMMISSIONER ANDERSON:**

And I mean this with all due respect. We're not going to go into the back of Popular Mechanics and find some plan to roll out for a pavilion. It's a specialized thing and --

**LEG. TROTТА:**

There's thousands of them across this country built. I've been down the East Coast, I've seen thousands of them. This is not something, you know, we should be -- this County is \$2 billion in debt. I mean, no one wants this place more than me, I love that beach. But, you know, that place was a shack.

**COMMISSIONER ANDERSON:**

Right.

**LEG. TROTTA:**

I mean, I know guys that could build that for 30 grand, what was there.

**COMMISSIONER ANDERSON:**

Not given the requirements of the County and the State on prevailing wages and the programs, all that, it's not going to happen for that.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I don't want to second-guess DPW. Commissioner Anderson, you do a great job at estimating the cost, but I want to get a feel for like who's driving the bus here. So, when you come up with these cost estimates, and you're used to, very used to working within the industry. We have large engineering firms that will respond to RFP after RFP and set rates and all of that. But part of our function here as over -- to do -- to perform oversight is -- you know, at what point is the industry driving the price that the County is paying? You know, how do you put a check on, you know, what ultimately we're going to pay? I mean, there has to be some departmental expertise and review of what's reasonable, what's not reasonable, what's cost effective. You know, at what point do we say that we are in control of the prices, the process and the prices that are being asked for a project of this magnitude?

**COMMISSIONER ANDERSON:**

We're very much in control. You know, that's through our Request for Proposal process. We go out, and after we get a waiver request, generally, we would go out to all the local, you know, professionals who specialize, you know, all the architects, if you will, and we ask them for a proposals. We give them a -- you know, the square footage of what we're looking for. We give them the plan, whatever we have, and they develop a proposal. And that they're going to be as aggressive and competitive on their proposal as they can be, knowing that there's other guys out there looking to do the same work as they are. They're going to keep their hours to a minimum. And they know we're going -- that we're going to review all this. They're going to keep their staffing, they're going to put their -- you know, obviously, the best guys that they can. They're going to try and keep their minimal work levels, if you will, like the drafting times, and things like that, down. There's a lot to consider, and they're going to come to us and they're going to give us a proposal. Something like this, I would anticipate we're going to bring guys in, or companies in, to get some type of presentation, to say, "Okay, what are you going to do for us, what are you going to give us," and in that way, we keep track of what they're proposing.

**LEG. D'AMARO:**

But do you ever -- do you ever send out proposals for, let's say, like an independent review? I mean, I know you're doing this inhouse based on your expertise, but do you ever think about, you know, what if -- what if we're not getting this right, or what if we're just so acclimated to what the industry has set as the standard, it's really not the standard? I mean, how do you feel comfortable with that?

**COMMISSIONER ANDERSON:**

We do both constructability reviews, as well as on occasion, and especially for the job in the outfall. We actually sent out an RFP and we hired somebody to do a review of the engineering, to make sure that what they were proposing, you know, there wasn't something new out in the industry that would, you know --

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**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

So we do that on occasion. In this case, again, we're looking for -- I don't want to say a standard construction, but for, you know, essentially standard construction at an environmental location. You know, we wanted to -- it has to serve certain purposes, one of it being a pavilion. It's got to -- you know, there's going to be food, there's going to be bathrooms. It's got to be, you know, out of harm's way, given its location.

**LEG. D'AMARO:**

Yeah, it's not an in expensive proposition --

**COMMISSIONER ANDERSON:**

No.

**LEG. D'AMARO:**

-- to construct this at all. You know, what I always was never comfortable with, though, is that we kind of write the check before we really know what the cost is going to be. So you're always -- I guess you're coming in more on the high side than the low side, because you don't want to have to come back.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

Right?

**COMMISSIONER ANDERSON:**

Correct. We look at -- and, generally, when we open proposals, we will do it based on the quality of the proposal, the quality of they're presenting to us.

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

And, at the end, we will look at least three of the cost proposals to make sure that the guy we're getting, and I apologize, the company that we're hiring --

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

Has the same -- is in the same ballpark as the next two --

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

You know, and again, then we negotiate. We try to negotiate them down every time.

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

We'll say, "Okay, based on this, we think you can do this for less."

**LEG. D'AMARO:**

Right. But it's hard to do, because it's already on record as to what the authorization is, the expenditure is. Do you feel undercut in a negotiation? You know, what if you had to go to a company and negotiate the price and say, "Well, that's only if the Legislature approves the final number," like as opposed to throwing out this higher number and always negotiating almost against yourself, because we've already thrown the higher number out there. It must make your job a lot more difficult, I would think.

**COMMISSIONER ANDERSON:**

You know, again, we're doing --

**LEG. D'AMARO:**

Do you negotiate with more than one company simultaneously?

**COMMISSIONER ANDERSON:**

Usually we negotiate with the selected company first. And if, again, we find that their cost is reasonable --

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

-- we will look at it. Again, we're looking at the overall work product, what they think the scope of work is involved.

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

What we anticipate -- if somebody comes in and says it's going to take him two times what we think it's going to take, we'll sit there and negotiate it down and say, "Okay, how are you" -- you know, "What are you basing this on?"

**LEG. D'AMARO:**

Right. It's a little tough, you know, the way government sets this up, but -- and I know we already approved this project, because it's part of the Capital Program; is that correct?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

But it's expensive. It's expensive.

**COMMISSIONER ANDERSON:**

Without question.

**LEG. D'AMARO:**

Has the Department thought about perhaps scaling it back in any way, or --

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**COMMISSIONER ANDERSON:**

Again, at this point, we are looking at the same square footage, generally, as the existing pavilion.

**LEG. D'AMARO:**

Yeah.

**COMMISSIONER ANDERSON:**

You know, we'll certainly look to see where we can cut costs. I don't know that square footage is something we've considered yet, because the old facility, as old as it was, had, you know, a small area for dining, it had -- you know, the bathrooms were probably minimal at best. We now have certain handicapped requirements that we -- you know, we have to make sure we're meeting, access requirements, you know, a lot of different things.

**LEG. D'AMARO:**

Yeah.

**COMMISSIONER ANDERSON:**

And one of the things we want to look to as well is the sanitary facility. The old sanitary system didn't have even a grease trap, so now we got to put in a grease trap. You know, we're going to -- rather than running into the --

**LEG. D'AMARO:**

Oh, it's definitely an upgrade.

**COMMISSIONER ANDERSON:**

Oh, yeah.

**LEG. D'AMARO:**

Yeah.

**COMMISSIONER ANDERSON:**

Hopefully --

**LEG. D'AMARO:**

So what we're talking about here today, though, is 300,000 for planning funds?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

Planning, which is design --

**COMMISSIONER ANDERSON:**

Well, there's 300 for planning, and 450 to help with the construction of the temporary --

**LEG. D'AMARO:**

Temporary. But putting that aside --

**COMMISSIONER ANDERSON:**

Right.

**LEG. D'AMARO:**

-- it's 300 for planning.

**COMMISSIONER ANDERSON:**

For planning.

**LEG. D'AMARO:**

Which is also design.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. D'AMARO:**

I mean, that's actual ready-to-go drawings?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

All of that?

**COMMISSIONER ANDERSON:**

Yup.

**LEG. D'AMARO:**

So 300,000.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

What you're saying is it may wind out -- may wind up being less.

**COMMISSIONER ANDERSON:**

Right.

**LEG. D'AMARO:**

But you're not sure yet.

**COMMISSIONER ANDERSON:**

Right.

**LEG. D'AMARO:**

How many -- so there's no RFP that's gone out yet, because you need the approval first.

**COMMISSIONER ANDERSON:**

Yes, correct.

**LEG. D'AMARO:**

How many firms are on the list to get the RFP?

**COMMISSIONER ANDERSON:**

I mean, generally, something like this, you're going to have a lot of interest. There's at least -- I mean, I would anticipate at least 10 firms would probably put together a proposal.

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**LEG. D'AMARO:**

Yeah, and it's good -- you know, it's good work.

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. D'AMARO:**

You know, there's something -- there's merit to that as well.

**COMMISSIONER ANDERSON:**

Right. And, I mean, it's --

**LEG. D'AMARO:**

Jobs.

**COMMISSIONER ANDERSON:**

-- you know, a very visible project that somebody could put, you know, on their resume.

**LEG. D'AMARO:**

Okay. But you do feel that 300,000 in the planning would be the higher end of the spectrum --

**COMMISSIONER ANDERSON:**

Yeah, absolutely.

**LEG. D'AMARO:**

-- as far as what you expect, as far as the RFPs being responded to?

**COMMISSIONER ANDERSON:**

Correct. Knowing what we know right now, you know, I think that's, you know, a reasonable monetary value for construction.

**LEG. D'AMARO:**

Right. And this is a new project because of the destruction, it wasn't something that's been in the Capital Budget?

**COMMISSIONER ANDERSON:**

No, right.

**LEG. D'AMARO:**

Right. You didn't tell me that.

**COMMISSIONER ANDERSON:**

Well, we have money. We have money in the project, there is -- there was one.

**LEG. D'AMARO:**

Oh, there was?

**COMMISSIONER ANDERSON:**

There is an --

**LEG. D'AMARO:**

There's a line for it?

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. D'AMARO:**

Okay.

**COMMISSIONER ANDERSON:**

There's a Capital Program. We had offset some funding last year from jump start into this Capital Program.

**LEG. D'AMARO:**

Right.

**COMMISSIONER ANDERSON:**

You know, it's not just a matter of rebuilding the pavilion, there's a lot of other things that go on at the park that fall under this capital project.

**LEG. D'AMARO:**

I tend to agree with what's been said here today. The 300,000 number just seems rather high for planning, but, you know, it is a park, it is on the water. There's a lot of other considerations, I guess, in planning and design here. But usually the larger engineering firms that respond to this would be very experienced in dealing with this type of project. It just seems like an awfully high number, and I would hope that it would come in lower.

**COMMISSIONER ANDERSON:**

Yeah, we will -- you know, we will also do what we can to minimize the cost. And I would expect that the 300,000 would also include some level of construction inspection, as well as project management during the bidding phase and the awarding phase as well, so.

**LEG. D'AMARO:**

Is the RFP going to be available online?

**COMMISSIONER ANDERSON:**

I believe they usually are, so.

**LEG. D'AMARO:**

So can I be notified when the RFP goes out?

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. D'AMARO:**

Am I permitted to review it?

**COMMISSIONER ANDERSON:**

Yeah, you can --

**LEG. D'AMARO:**

I am, right?

**COMMISSIONER ANDERSON:**

You can read the regular proposal.

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**LEG. D'AMARO:**

On this project, if you could let me know.

**COMMISSIONER ANDERSON:**

Will do.

**LEG. D'AMARO:**

I appreciate it. Again, I don't want to second guess. I know that you -- you work really hard to -- you know, you have to build this infrastructure, but, yet, you know, money is tight.

**COMMISSIONER ANDERSON:**

Yes, it is.

**LEG. D'AMARO:**

And it's a tough thing to do, yeah.

**COMMISSIONER ANDERSON:**

You know, I mean, there's going to be a lot of people watching this project.

**LEG. D'AMARO:**

Yeah, yeah.

**COMMISSIONER ANDERSON:**

No problem.

**LEG. D'AMARO:**

No, I have no doubt, I don't question that. It's just sometimes it's hard to wrap our hands around, you know, the cost factor, but it's a large project in a special area.

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. D'AMARO:**

Okay. Thank you.

**COMMISSIONER ANDERSON:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Lindsay.

**LEG. LINDSAY:**

Gil, in regards to the timeline, what's the timeline? This is one of our busiest parks, if not the busiest park that we have in the County. What's the timeline that you need to get this going in order to be ready for Memorial Day?

**COMMISSIONER ANDERSON:**

Well, right now, we're in the process, we've -- we have some temporary facilities coming in. We've ordered a bathroom facility, and, you know, we're going to be ordering the material to build the deck. And the kitchen facilities are being ordered as well, actually, by the vendor. So we are on target to get this constructed. I'm hoping, and I say I'm hoping by Memorial Day, if not, you know, during June, so that we can, you know, provide these services for the public.

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### **LEG. LINDSAY:**

In committee, we talked about the temporary structures that are going to be utilized. What's the plan after the main facility is rebuilt? And what will you do with these temporary facilities?

### **COMMISSIONER ANDERSON:**

Well, the bathrooms can be used, you know, anywhere. They could be brought over to Indian Island, or used for any type of public event that -- you know, they can be trailered, so they actually -- you know, they'll be on wheels at that point.

The kitchen is being purchased by, you know, the -- even though it's being purchased by the vendor, I would think that, too, is another thing that we'll be able to trailer to another location to, you know, events where we want to have food, or, again, I'm going to just -- I don't know if there's food there or not, but let's say a park like Indian Island, where you want to have some type of means of, you know, getting people some type -- something to eat.

You know, we'll be able to reuse both of them, but the decking itself, right now, our plan is to leave the decking that we're going to be constructing in place. I mean, I can show you the plan, if you want to see it, but to the -- right now, the temporary facility is going to be built to the east of the footprint of the former pavilion, and then, once we have the new pavilion constructed, which will be -- which will occur next where we're putting the temporary facilities, we'll be able to remove the trailers in both instances and reuse the decking for a seating area, or, you know, for whatever we want to use it for.

### **LEG. LINDSAY:**

Prior to the fire, the biggest issue we would have with this location was just that we'd reached capacity so quickly and we'd have to turn people away. Is there any opportunity as we're going through this to design the building in a way that could allocate more parking, and enable us to have more people that could utilize the beach?

### **COMMISSIONER ANDERSON:**

I mean, we'll look at it, certainly, but that parking lot was pretty packed. And I don't visualize -- because we looked at that issue for a few years. We've been trying to toy with what we could do at the entrance to try and get people in and out quicker, and get people parked and where they could park. It's a pretty tight spot. I mean, unfortunately, that's the issue, is it's small, as far as the parking.

### **LEG. LINDSAY:**

Okay. Thanks, Gil.

### **COMMISSIONER ANDERSON:**

Thank you.

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

I have Legislator Schneiderman, and then McCaffrey.

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

This will be brief. First of all, Gil, thank you for being here tonight.

### **COMMISSIONER ANDERSON:**

You're welcome.

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

Thank you for all your work in trying to get Cupsogue back together. It was most unfortunate that we lost an important building to a fire, and I'd just appreciate all the support from the Legislature to get this thing moving, to get temporary structures in place, and, ultimately, to recreate a building. It's unfortunate things cost as much as they do to make them meet code, but it's just the reality, whether it's a Suffolk County Community College building, a County office, or a County park building. And I know that you and your Department will do everything to keep the costs on budget, but to bring in a design plan that is reasonable. So I just appreciate that.

**COMMISSIONER ANDERSON:**

Thank you.

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

You know, and we also need to remember, too, that this is a building that is revenue-generating. I think we bring in about half a million dollars a year --

**COMMISSIONER ANDERSON:**

Correct.

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

-- at this park facility. And it's a park that is used extensively by people, not people from my district, though some use it, this is throughout the County. We only we have two ocean beaches, that I'm aware of. We have Smith's Point and Cupsogue. And, you know, you go out to the Hamptons, there are not a lot of choices. The Town residents have permits, they have passes for town beaches, but the County residents don't have passes for those beaches. This is where they go. They go to Cupsogue, if they're going out, you know, if they're going out east. So I think it's important we move this forward.

**COMMISSIONER ANDERSON:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator McCaffrey.

**LEG. MC CAFFREY:**

Yes. Commissioner, do we have the funding in place right now for those temporary structures to get us through this season?

**COMMISSIONER ANDERSON:**

No, we'd need -- we need a little more. The 450, which I believe is being offset, we feel we can -- that will give us enough money to build what we need to build temporarily, and then get -- you know, if there's any left over, we'll just put it towards the main construction.

**LEG. MC CAFFREY:**

So out of this, 750 we're being asked to approve today.

**COMMISSIONER ANDERSON:**

Four hundred and fifty.

**LEG. MC CAFFREY:**

Four-fifty is today?

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**COMMISSIONER ANDERSON:**

Yes, for construction, correct.

**LEG. MC CAFFREY:**

I thought it was 750 total.

**COMMISSIONER ANDERSON:**

No. I'm sorry, the total is 750,000, but 450 is for construction and 300 is for planning.

**LEG. MC CAFFREY:**

So this would be -- the temporary building is going to cost us 450?

**COMMISSIONER ANDERSON:**

Well, it's the temporary facilities, it's the decking that has to be reconstructed, it's the pump station that we're going to have to put in, as well as a grease trap, and then running them to the existing leaching pools, and then also bringing in the new electric and the new water in.

**LEG. MC CAFFREY:**

And the plan is, after this season, is to start the construction?

**COMMISSIONER ANDERSON:**

I would anticipate we'll -- my hope is to go to construction next year, and I would anticipate that we'll be open for the summer of 2017. It may be 2018. I mean, I'm just, you know -- in two years, yeah.

**LEG. MC CAFFREY:**

It's about two years. So we're looking at 450,000 to get us through the two years, then, right?

**COMMISSIONER ANDERSON:**

Yes, yup.

**LEG. MC CAFFREY:**

Okay. Thanks.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. CILMI:**

Opposed.

**LEG. TROTTA:**

Opposed.

**MR. LAUBE:**

Fourteen. (Vote Amended to 15) (Vacancy: District 12)

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**P.O. GREGORY:**

Okay. All right. Same motion, same second on *I.R. 1084A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$750,000 in Bonds to finance the cost of improvements to Cupsogue County Park (CP 7080.110 and .312)*, the bond resolution. Roll call.

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

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

Yes.

**P.O. GREGORY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

No.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

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**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**MR. LAUBE:**

Fifteen. (Vacancy: District 12)

**P.O. GREGORY:**

Okay. All right. *I.R. 2160 - To educate domestic violence victims about their risk of repeated violence (Sponsor: Kara Hahn)*. Legislator Hahn?

**LEG. HAHN:**

So I'm extremely excited about this piece of legislation and the GPS piece of legislation. The two bills taken together will really have tremendous impact on domestic violence in Suffolk County. However, during committee, some items came up, whereby the Police Department recommended that I brief the District Attorney's Office and the court system because of the high potential for the predictability of the assessment tools rating to predict the risk levels of offenders, that it may be able to be used in sentencing situations. So I would like to table for one cycle. Unfortunately, I've been working on this for so long, but I would like to table it for one cycle, just to make sure that I could adequately brief the District Attorney's Office and the Courts.

And I did get -- you know, I have domestic violence agencies on board, I have letters of support from them. But I just want to make sure that I touch all bases with the District Attorney's Office and the court system. So I would like -- that being said, I'd like to make a motion to table.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

Okay. *I.R. 2185 of 2014 - Establishing a School Traffic Zone Safety Commission (Sponsor: Sarah Anker)*. Legislator Anker?

**LEG. ANKER:**

Motion.

**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

Motion to approve, second by Legislator Spencer. Any questions?

**LEG. CILMI:**

Yeah, I have a question.

**P.O. GREGORY:**

Legislator Cilmi.

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**LEG. CILMI:**

A question for the sponsor. Legislator Anker, could you just explain how this would work?

**LEG. ANKER:**

Okay. So this is going to bring people together that are concerned about the issues of traffic safety around school districts and it's going to focus on school districts. We had the possible resolution with the cameras, you know, the school traffic cameras, and that was pretty much voted down. So we're going to try the next -- you know, the next, hopefully, successful initiative to see what we can do to slow traffic down in areas around school districts, help prevent accidents. Most -- a lot of my schools, I won't say most of them, but a lot of my schools are located right on main highways on --

**LEG. CILMI:**

County roads, or Town roads, or State roads.

**LEG. ANKER:**

Town roads and State roads.

**LEG. CILMI:**

Town roads and State roads?

**LEG. ANKER:**

Yeah. And 25A in Shoreham-Wading River, right there, you know, and the kids park across the street, they walk across the road. It could be during sports, it could be at night. It's a little scary, and people fly down that road, especially at night.

**LEG. CILMI:**

Do you find that our Police Department works with the school district and with the Towns, in some cases, and State to make sure that everything possible is being done to make those school zones safe?

**LEG. ANKER:**

Well, I wish we had, you know, more police to be able to do that, but we're limited. We have limited resources to monitor the -- especially the speeding. So, again, we're going to discuss this and try to figure out, you know, do we need, you know, the safety bumps, you know.

**LEG. CILMI:**

Rumble strips.

**LEG. ANKER:**

Right.

**LEG. CILMI:**

Right.

**LEG. ANKER:**

Do we need -- do we need -- I don't know if we can do cameras, because I think we voted on not even doing that. The police right now, they use the signs that flash and show, you know, if you're speeding.

**LEG. CILMI:**

Speeds, right.

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### **LEG. ANKER:**

So there's some areas that don't have that. So maybe -- and what I'm hoping to do is prioritize some of the areas. I know of areas in my district, but throughout Suffolk County, and really hear from the schools. I have the, I think, Nassau Suffolk School Board representative, I have the President of the PTA for Suffolk County, in addition to Traffic Safety Department. So if we bring everyone together and really talk about their concerns, I think we can come up with, hopefully, something productive that we can do as a County to address this issue.

### **LEG. CILMI:**

So are you looking for sort of a one-size-fits-all remedy to school zone safety?

### **LEG. ANKER:**

Not necessarily, but if you have one, I'll be glad to entertain that one.

### **LEG. CILMI:**

I don't. I don't, because -- you know, I think you would agree, every -- every school is different, you know, every situation is different. My concern here is that because we have school districts, which are sort of out of our jurisdiction, and because we -- those school districts are predominantly on Town roads, some State roads, and, certainly, there are some schools that are on County roads as well, but each of those jurisdictions, whether it be County jurisdiction, State jurisdiction, Town jurisdiction, Village jurisdiction, each of them may have their own ways of dealing with those safety concerns, and the safety concerns may be different at each one. And, certainly, there's a limited number of remedies, if you will, to -- you know, to deal with speeding, or whatever other safety issues may present.

We talked about rumble strip -- Legislator Krupski's waving his hand. We talked about rumble strips, some signage. Certainly, there are other traffic-calming methods that our Department of Public Works uses just on the -- you know, in the standard course of business to address speeding issues.

So my point, I guess, is that in each of the Towns, we have Departments of Public Works that deal with these issues, we have a Police Department that deals with the issues from an enforcement point of view, and we have the school districts that have methods through the use of their own security teams, traffic cones where applicable, etcetera. Maybe regulations in terms of, you know, pick up, drop off, etcetera, of their students, what students can have permits to park in the school parking lots, etcetera. There are things that can be done in each of these areas with each school district individually, and I'm not sure how convening a group of learned people to talk about the issue on a Countywide perspective is really going to have any sort of positive impact.

### **LEG. ANKER:**

Well, let's see. My schools have contacted me because of the issues with traffic safety, you know, and there's been a number of accidents. And you've got to think, too, though, especially high school, these kids are just learning how to drive. The snow and the ice, there's so many concerns regarding traffic safety around schools. I mean, so that's one, you know, one concern, and there's --

### **LEG. CILMI:**

I agree completely with you, and you've gotten those phone calls. I'm sure you've worked with those school districts to address some of those issues. I've gotten phone calls from school districts in my Legislative District that have had issues with -- or have had safety concerns in the area of their schools, and we've worked with the school districts and with the Town, when applicable, and with the Police Department to deal with those issues.

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### **LEG. ANKER:**

Right. And, you know, again, we've been -- I've been working on this legislation for -- you know, for some time, you know, the past two, three months or so. And we added Kate, Chairing the Public Safety, to the Board, so I'm sure we'll get many different perspectives. It takes a lot of perspectives to really understand the whole situation, and you have just said, each school has it's own issue. So we're able to get these folks together. And, again, you know, I've heard a lot of information as Chair of Education. I've been working with the schools and Public Safety. You know, we've got Kate, Public Safety. We have the Executive, County Exec, he's going to have his Traffic Safety Commissioner, the Suffolk County Superintendent's Association, and the Parent Teacher Association and Public Works to all chime in, and then Nassau Suffolk School Board Association.

I'm sure we're going to come up with some interesting topics, interesting information, important information that we can put together and then provide to other school districts. You know, as a County, you know, you had said, you know, "Well, what does that have to do with school, because we can't legislate," but the many resolutions that I've sponsored that have been very productive for schools, whether it's the School Bullying Awareness website, you know, again, working with schools, the Safe Hotline, you know, working with schools, working with the police.

### **LEG. CILMI:**

Well, those are issues that are ubiquitous. You know, bullying is bullying, no matter where -- what school district you go to. This is sort of different, I think. But that's just my opinion. I don't want to belabor it.

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

Legislator Krupski.

### **LEG. KRUPSKI:**

If you -- you know, you did mention that a lot of the schools are on local roads and state roads, and I think, in addition to -- if you really want to be effective and reach out to people who are really involved, towns have Transportation Committees, and I think you should reach out to the individual towns. Towns of local police departments, you should reach out to the local police departments. They're not on the committee, as I could see. And, also, I think you left off New York State DOT, and they're an important player, unfortunately, in all of this.

### **LEG. ANKER:**

Okay. And I will be more than happy to invite them to the meetings, because, yeah, you know, DOT is important. They're sometimes hard to get in -- to bring to the table, you know, because I've been working with them with Rails to Trails and some of the other projects. But they're absolutely important, and they're doing safety studies for the areas in the school districts. So I will absolutely be working with them.

And, again, I appreciate any input you can contribute to this Commission. I just -- I don't want to wait too much longer, because, you know, like with the liquid nicotine that we spoke about, the sooner we can create a safer place, the less likely there will be, you know, an accident, or there's -- you know, we can do something about this and the sooner the better.

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

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

### **LEG. CILMI:**

Opposed.

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**LEG. TROTТА:**

Opposed.

**LEG. MURATORE:**

Opposed.

**MR. LAUBE:**

Fourteen. (Vacancy: District 12)

**P.O. GREGORY:**

All right. *I.R. 1044 - Declaring the month of May as "Law Enforcement Appreciation Month" in Suffolk County (Sponsor: Monica Martinez).* Legislator Martinez?

**LEG. MARTINEZ:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Martinez.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**LEG. CALARCO:**

Cosponsor.

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

*I.R. 1057 - Accepting and appropriating a grant as pass-thru funding from the New York State Division of Criminal Justice Services to the Department of Probation with 90% support for the Juvenile Accountability Block Grant (Sponsor: County Executive).* Motion by Legislator Browning, I'll second. I'm sorry. Did --

**LEG. CALARCO:**

Second.

**LEG. BROWNING:**

Yup, that's mine.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

*I.R. 1070 - Appropriating funds in connection with the purchase of communications equipment for the Sheriff's Office (CP 3060) (Sponsor: County Executive).*

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**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vacancy: District 12)

**P.O. GREGORY:**

*I.R. 1070A - (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 Bonds to finance the acquisition of Communications Equipment for the Sheriff's Office (CP 3060.514).* Same motion -- bond resolution. Same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**P.O. GREGORY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

No.

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**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

**MR. LAUBE:**

Fifteen. (Vacancy: District 12)

**P.O. GREGORY:**

Okay. I.R. 1070, *(1071)Appropriating funds in connection with the purchase of Replacement Public Safety Vehicles (CP 3512)(Sponsor: County Executive).*

**LEG. LINDSAY:**

71.

**P.O. GREGORY:**

1071, excuse me.

**LEG. BROWNING:**

Motion.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Motion by Legislator Browning, second by Legislator Calarco. On the motion, anyone?

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

What type of vehicles are these to be?

**LEG. BROWNING:**

Okay. It's -- oh, Phil's here. I'm sorry. Yeah, Phil, go ahead. That's why you're here.

**DEPUTY COMMISSIONER BERDOLT:**

We're looking to purchase 150 vehicles for Suffolk County P.D., and also the sheriff. And you want a breakdown of what they are? We have 78 marked sedans for P.D. We have 17 marked SUV utilities, 24 unmarked Impalas. We have five undercover, two prisoner vans, four pickups, and two

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cargo vans. And for the Sheriff, we have five marked sedans, six marked utilities, four Impalas, two Interceptors, two unmarked Interceptors, one prisoner van.

**LEG. KRUPSKI:**

So the funding for these, does this come out of the Police District, since they're police vehicles?

**DEPUTY COMMISSIONER BERDOLT:**

No, it does not, this is capital.

**LEG. KRUPSKI:**

So why wouldn't this funding come -- bless you, Tim. Why wouldn't this funding come out of the Police District, if they're for the Police District use?

**DEPUTY COMMISSIONER BERDOLT:**

I only purchase, I don't know anything about the finance end of it. Oh, I don't know. I don't get involved in where the money comes from. We just facilitate the purchase.

**LEG. KRUPSKI:**

So who would know that?

**LEG. BROWNING:**

BRO could respond.

**LEG. CALARCO:**

BRO.

**LEG. KRUPSKI:**

Yes, please.

**MS. GAZES:**

Okay. According to the resolution, the funding designated for police, which is 4.5 million, the debt service will be paid out of the Police District, \$500,000 is out of the General Fund.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Anyone else?

**LEG. D'AMARO:**

I got one.

**LEG. BROWNING:**

Can we --

**P.O. GREGORY:**

I'm sorry. Legislator D'Amaro.

**LEG. D'AMARO:**

Okay, 78 vehicles. So how is the need determined? Who did the assessment of the vehicles, and how do you determine 78, as opposed to 58 or 28?

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**DEPUTY COMMISSIONER BERDOLT:**

Well, it's on a need basis, as far as we look at the mileage of the vehicles, also what's been decom'd throughout the year. It's a collaboration between ourselves and P.D. with their Fleet Services.

**LEG. D'AMARO:**

So 78. So of all the cars that -- if we bought the 78 cars, are we retiring 78 cars?

**DEPUTY COMMISSIONER BERDOLT:**

Yes. There are -- we have -- right now, there are over nine in the fleet that are up over 150,000 miles.

**LEG. D'AMARO:**

Right, but they're still running.

**DEPUTY COMMISSIONER BERDOLT:**

Correct. They're also --

**LEG. D'AMARO:**

They're out on the street, right?

**DEPUTY COMMISSIONER BERDOLT:**

Well, whether they're out every day or not, but they're there, they're in service.

**LEG. D'AMARO:**

They're in service?

**DEPUTY COMMISSIONER BERDOLT:**

Right. They're probably ones that have been stepped down, that they --

**LEG. D'AMARO:**

Out of the 78, that's nine, nine vehicles over 150,000?

**DEPUTY COMMISSIONER BERDOLT:**

Right. There are also 48 vehicles that are over 130,000 miles.

**LEG. D'AMARO:**

Forty-eight vehicles.

**DEPUTY COMMISSIONER BERDOLT:**

Right. And we also have 58 that have been decom'd throughout the years that haven't been replaced either.

**LEG. D'AMARO:**

How many was that, 58?

**DEPUTY COMMISSIONER BERDOLT:**

Fifty-eight.

**LEG. D'AMARO:**

So the 58 that are already out of service, why do they need to be replaced?

**DEPUTY COMMISSIONER BERDOLT:**

Because they --

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**LEG. D'AMARO:**

We're not -- you know, they're not being used now, so why do we need them?

**DEPUTY COMMISSIONER BERDOLT:**

That would be something the P.D. would need to answer.

**LEG. D'AMARO:**

Okay.

**DEPUTY COMMISSIONER BERDOLT:**

I mean, they're ones that were in need, besides the ones now that we're looking to get out of service, and which would bring us --

**LEG. D'AMARO:**

The 48 vehicles that have over a hundred and -- what did you say, 148,000 or something?

**DEPUTY COMMISSIONER BERDOLT:**

Correct.

**LEG. D'AMARO:**

So --

**DEPUTY COMMISSIONER BERDOLT:**

And we were also in anticipation of other vehicle. By the time this goes through and we purchase the next round out of this amount, we will be exceeding 130,000 on more vehicles, so that how --

**LEG. D'AMARO:**

What's the total fleet?

**DEPUTY COMMISSIONER BERDOLT:**

The total fleet for marked is 522 vehicles.

**LEG. D'AMARO:**

Right. So we're doing about 70, 88 -- like almost 100 replacements that are marked? So one-fifth of the fleet, roughly?

**DEPUTY COMMISSIONER BERDOLT:**

I would -- yeah, if that's what it works out to. We're looking at 78 of the marked, yes, out of 522.

**LEG. D'AMARO:**

And, well, you said 17 SUVs that were marked.

**DEPUTY COMMISSIONER BERDOLT:**

Correct, right. The SUVs are used differently. I can't really speak for the P.D., but I believe they're used either by Sergeants when they're doubling up, because the -- these vehicles, the new Ford Taurus, the Interceptors are a little smaller than the Crown Vics, so it's hard to double-up. So if they do need to double-up, they have to use the utility vehicles, the SUVs.

**LEG. D'AMARO:**

So, if we pass this, do you anticipate we have to do another 5 million next year? Is this going to be a recurring --

**DEPUTY COMMISSIONER BERDOLT:**

Yes.

**LEG. D'AMARO:**

We do this every year?

**DEPUTY COMMISSIONER BERDOLT:**

Yeah.

**LEG. D'AMARO:**

How much did we bond last year for these vehicles -- for vehicles?

**DEPUTY COMMISSIONER BERDOLT:**

Five million.

**LEG. D'AMARO:**

So the police vehicles, public safety vehicles are costing us about 5 million a year?

**DEPUTY COMMISSIONER BERDOLT:**

Yeah. We may get to the point where it may be less, because there was such a lapse in the purchase of, the vehicles, that, obviously, that's what brought us to where we are today, or where we were last March, that nothing was purchased throughout a few years. And the high mileage vehicles, the decommissioned vehicles, motor vehicle accidents just put us way, way behind in the amount of vehicles we have.

**LEG. D'AMARO:**

But, you know, I have to tell you, the high mileage vehicle, that -- like high mileage alone is not a reason to replace the car, necessarily.

**DEPUTY COMMISSIONER BERDOLT:**

No, correct.

**LEG. D'AMARO:**

So --

**DEPUTY COMMISSIONER BERDOLT:**

And right now, we have -- the vehicles we're purchasing has a 125,000-mile warranty on it. So 130 is when we start. We're just right new setting a new criteria. We also bought an upgrade to our software system for our Fleet Management System, and there'll be other factors that we do take into consideration when we're going to look to decom a vehicle. Right now, we're looking at 130,000 miles for our threshold, and there are other factors that we'll be looking at. Now, 130,000 miles on a police vehicle isn't the same as it would be on anybody else's vehicle. There's a lot of idling time, whether -- and like I said, I'm just -- I'm trying to speculate on what they actually do in a vehicle, but they're either sitting on a place, or looking at something at a post, whatever, but there are hours that go along with that, so -- and we're able now to capture how many hours a vehicle is being used. So that will be another thing we look at, where if a regular vehicle has 130,000 miles on it, it may only have, just throwing a number out, 1,000 hours, where a police vehicle may have 6,000 hours.

**LEG. D'AMARO:**

Right, I understand.

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**DEPUTY COMMISSIONER BERDOLT:**

But we're going to also look into repair costs before it gets to the point where it doesn't make sense to keep throwing money into a vehicle.

**LEG. D'AMARO:**

Well, that's the thing. So, if you're replacing, you know, 48, 58, like almost 60 vehicles with this 140,000 or higher mileage, if -- you know, what if I said that we just need to get that number down, it's just too much money? Some of those cars will run another year. Like is this -- are we just doing best-case-scenario purchasing here?

**DEPUTY COMMISSIONER BERDOLT:**

Yeah, I think this is. I think that any of the other cars that you're going to start to throw money into an old vehicle, and it comes to the point where, where do you -- where do you stop?

**LEG. D'AMARO:**

No, but, you know, all that -- that's about my car, too.

**DEPUTY COMMISSIONER BERDOLT:**

Right, yes.

**LEG. D'AMARO:**

I'm talking about we have 60 cars in service that are running as we sit here today, and we're going to spend millions replacing them, although they're in service. So I'm not saying you necessarily have to wait for a car to break down, but if the only criteria is going to be mileage and we're basic --

**DEPUTY COMMISSIONER BERDOLT:**

It's not --

**LEG. D'AMARO:**

Oh, it's not?

**DEPUTY COMMISSIONER BERDOLT:**

No, no. I said mileage is when we're going to start to look at the car to decom it at 130. And then there are other factors that we're going to start to look at. We're going to look at past repair costs to it. So now, if the repair costs have gotten to be so excessive, also, there will be the hours --

**LEG. D'AMARO:**

No. There will be some cars left in -- I'm sorry to interrupt. I'm sorry, go ahead.

**DEPUTY COMMISSIONER BERDOLT:**

No, no.

**LEG. D'AMARO:**

I apologize.

**DEPUTY COMMISSIONER BERDOLT:**

So there'll be like three or four different factors that we will look at.

**LEG. D'AMARO:**

So there will be some vehicles that will be looked at and left in the fleet, although they have 150,000 miles on them?

**DEPUTY COMMISSIONER BERDOLT:**

Could possibly, yes.

**LEG. D'AMARO:**

How many of those do we have?

**DEPUTY COMMISSIONER BERDOLT:**

Right now, we only have nine.

**LEG. D'AMARO:**

No. I mean, how many that are not being replaced that are over 150 or 140?

**DEPUTY COMMISSIONER BERDOLT:**

There'll be none, they'll be taken off.

**LEG. D'AMARO:**

Oh, so there are none.

**DEPUTY COMMISSIONER BERDOLT:**

Right.

**LEG. D'AMARO:**

So mileage -- right. So mileage is the criteria. There's not one vehicle that has over 140,000 miles that's worthy to stay active? Did you say nine or --

**DEPUTY COMMISSIONER BERDOLT:**

Nine.

**LEG. D'AMARO:**

Oh, nine.

**DEPUTY COMMISSIONER BERDOLT:**

Nine.

**LEG. D'AMARO:**

Oh, I thought you said -- well, there's nine with over 150,000 miles.

**DEPUTY COMMISSIONER BERDOLT:**

Yes.

**LEG. D'AMARO:**

They're being replaced.

**DEPUTY COMMISSIONER BERDOLT:**

Yes.

**LEG. D'AMARO:**

There's 48 with over 148,000 miles, or 140,000 miles.

**DEPUTY COMMISSIONER BERDOLT:**

With over 130,000, yes.

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**LEG. D'AMARO:**

Hundred and thirty. But my question is how many vehicles do we have that are not being replaced that have over 130,000 miles?

**DEPUTY COMMISSIONER BERDOLT:**

Once we get the -- this round, if we do get this money --

**LEG. D'AMARO:**

Yeah.

**DEPUTY COMMISSIONER BERDOLT:**

-- there'll be none.

**LEG. D'AMARO:**

None?

**DEPUTY COMMISSIONER BERDOLT:**

Right.

**LEG. D'AMARO:**

So not one of those vehicles could stay in service another year?

**DEPUTY COMMISSIONER BERDOLT:**

Well, it quite possibly could. But, by the time we get this, these 130 will be up to 150. So it's right -- this is the number we have right now today.

**LEG. D'AMARO:**

No. We understand you're only talking mileage, though.

**COMMISSIONER ANDERSON:**

If I may, I think you can -- if I may, I think you can anticipate, based on the wear and tear of these vehicles, that a significant number of these, whether it's the 150, or the 130, or the 100 are going to be coming out of service. So, you know, we're, right now, not taking any -- five years ago, I can't tell you the exact year, but the policy was anything over 100,000, any car over 100,000 was automatically decom'd. We stopped doing that, and we gradually pushed it to 130, to 150, and then to where we are now, where we don't take anything off the road just because of the mileage. In this particular case, it's going to take time to get the cars in, so it anticipates some of these are going to go out of service. I can't really give you a number, but based on what we've seen with the 5 million, we're -- that's kind of where we are with the replacement vehicles. As Phil said, as we get to the fleet having newer vehicles, younger vehicles, it will be less likely that we'll go through the same number, and we can decrease the purchase of replacements.

**LEG. D'AMARO:**

Well, that should happen after this purchase, because then we'll have no vehicles that are over 130,000.

**DEPUTY COMMISSIONER BERDOLT:**

Right. And, also, right now, P.D. is working on a zero-based budget for the purchasing of vehicles. So they're very close to having something to present to us and everybody on how they come about their numbers, to make sure that -- say if it is 522, 533 marked vehicles, then this will be -- we'll know exactly what the number is to keep them -- as they say, make them whole.

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**LEG. D'AMARO:**

I didn't quite follow that. What do you mean by zero-based budget?

**DEPUTY COMMISSIONER BERDOLT:**

Justifying each vehicle that they have, I think is basically what we're asking for.

**LEG. D'AMARO:**

So that we're making sure we're not buying an excessive amount?

**DEPUTY COMMISSIONER BERDOLT:**

Right. But you also -- you know, we do have -- you do need extra vehicles, because at any given point, there's at least, I think, 13% of the vehicles are down for service, or they're in accidents. Just for an example, during the floods we had in August, the 16 vehicles were lost, and that every snowstorm there seems to be a few that are being, you know -- and not by any cause of the P.D., the last one they had was just somebody hit --

**LEG. D'AMARO:**

Right. Just one more question. Gil, what are we at now? What's our cutoff, 150,000 or 130?

**COMMISSIONER ANDERSON:**

No, it really -- and, Phil, correct me if I'm wrong. We're still basing it on the -- at some point, if we have a car that has 150,000 and we got to replace a transmission, it's just not worth the amount of, you know, work and cost to replace that. The value of the car isn't worth the value of the transmission. So it's decisions like that that are going to drive what we decom.

**LEG. D'AMARO:**

Right, but --

**COMMISSIONER ANDERSON:**

You know, certainly, when you look at --

**DEPUTY COMMISSIONER BERDOLT:**

It's a safety issue.

**COMMISSIONER ANDERSON:**

Right. And when you're looking at Crown Vics, the ability to get parts are going to be less and less.

**LEG. D'AMARO:**

Yeah, right, I know we're still replacing those.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. D'AMARO:**

Yeah. Oh, so the 48 vehicles that are under 130 or more have been assessed and can't go to 150?

**DEPUTY COMMISSIONER BERDOLT:**

Well, by the time this funding becomes available and the cars are purchased, we're looking at May, minimum, late May before we get one brand new car delivered to us, and then there's -- there's some time to outfit them. So, by that time, the 150s, if they were out there every single day, could be up to 180. The 130s will be way up over 150. In three years, they're getting to the 130 mark, so there's only a three-year life span to the vehicle.

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**LEG. D'AMARO:**

I understand, and that's a good explanation. I just -- we've done this a few times, so we should see this cost start to come down, I would think.

**DEPUTY COMMISSIONER BERDOLT:**

Yes. I think we're headed in that direction, yeah.

**LEG. D'AMARO:**

We have in your fleet --

**DEPUTY COMMISSIONER BERDOLT:**

Well, the problem was --

**LEG. D'AMARO:**

How many cars did we buy last year?

**DEPUTY COMMISSIONER BERDOLT:**

About the same amount.

**LEG. D'AMARO:**

There's 522 vehicles in the fleet. In the last two years, we've replaced, what, a third of them?

**DEPUTY COMMISSIONER BERDOLT:**

Well, it wasn't just the P.D., it was -- you know, Sheriff gets some.

**LEG. D'AMARO:**

No, I understand.

**DEPUTY COMMISSIONER BERDOLT:**

Right, everybody --

**LEG. D'AMARO:**

So we should -- I'm hoping that we would start to see this cost to come down.

**DEPUTY COMMISSIONER BERDOLT:**

I think we're on that -- we're on that track. I mean, the problem was I think there was two or three years where nothing was purchased.

**LEG. D'AMARO:**

Well, we had no money.

**DEPUTY COMMISSIONER BERDOLT:**

Right, so -- and that's unfortunately --

**LEG. D'AMARO:**

And, yet, somehow we got through it.

**DEPUTY COMMISSIONER BERDOLT:**

Well, but now we're paying for it now.

**COMMISSIONER ANDERSON:**

At that time, we also had a surplus of vehicles that we were able to draw from, that we had made a big purchase.

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**LEG. D'AMARO:**

Right, but we've depleted, depleted that now. Okay. Thank you very much, guys. Thank you.

**COMMISSIONER ANDERSON:**

Okay.

**LEG. D'AMARO:**

Okay. All right. Thank you, Mr. Presiding Officer.

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

**P.O. GREGORY:**

Legislator Browning.

**LEG. BROWNING:**

Yeah, I feel like this is déjà vu all over again. I remember a lot of the conversation and I have to tell you, Lou, you know, reach out to your local precincts and talk to some of your Police Officers that get a 911 call and on the way to the call he breaks down. That's not good. And our Deputy Sheriffs, when they go out on calls for civil issues and they get to the location, or maybe just don't get to that location and find out, you know, their car breaks down, or they get to the location and they're getting ready to leave and the car's not working.

So, you know, I know that while a lot of people -- and I think we've had that conversation before, you know, Well, 150 miles isn't a lot. But when you're driving a vehicle, you know, 24/7 and it's not getting any brakes. And then I've talked to many that we had a lot of conversation about the undercover vehicles that were taken out of service and were out of service for over six months and still waiting. And I can tell you, our precincts, we're desperately short. And I know for a fact that there was cars borrowed from the 6th Precinct -- from the 7th Precinct to service the 6th Precinct.

So, you know, we -- again, this is a necessary evil. We have to do this. I know that on the issue of bonding, that we don't necessarily bond it the way we usually do. We look at the lifespan of the vehicle, and I know that that's how they've been bonding it, where it would be paid off for the lifespan of that vehicle. So I know it's a heavy lift, but we have to make sure that the officers have proper equipment and that it's safe and it's run properly, and I would not want to be somebody to make a 911 call and find out that the police car that on the way to that call broke down. So we're kind of stuck between a rock and a hard place, it's not a choice.

**LEG. D'AMARO:**

Yeah, I appreciate those comments. I'm not necessarily questioning here and now this particular bill, but I know we've been doing this for a few years now. And as we get a younger fleet, the cost should start to come down at some point.

**LEG. BROWNING:**

Oh, no, it should, yeah.

**LEG. D'AMARO:**

I don't see how it can't. That was really my point.

**LEG. BROWNING:**

Right, and it should. I mean, I know that we've been -- we have been doing catch up. And again, you know, I can tell you in my own district, I know of two car accidents, Police car accidents, so now those cars are out of service. So, you know, that's the thing that you have to look at, too, but we

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are working on, you know, trying to get the fleet up to where it should be. And again, I know that they said was there was a time period where we were not replacing them and basically, you know, kind of hanging on a limb and saying, *Well, let's hope this car makes it for another year, another six months*, and that we're not putting that out of service for too long. So I think we are doing a catch-up, we're not quite there year yet, but I'm hoping that we will be within the next year or two.

**LEG. D'AMARO:**

Very good. Thank you.

**P.O. GREGORY:**

Okay, Legislator Barraga.

**LEG. BARRAGA:**

The one question I do have -- Phil or Gil? Tell me the methodology in terms of the purchase of the vehicle itself. When you're replacing so many vehicles, is there any feasibility of getting a better price from the manufacturer, because you're going in and replacing 70, 80, 100, 150 vehicles.

**DEPUTY COMMISSIONER BERDOLT:**

Well, it was done by the competitive bidding process.

**LEG. BARRAGA:**

You would do a competitive bid every time you replace vehicles, or is it a master bid?

**DEPUTY COMMISSIONER BERDOLT:**

No, it was one bid that is still in effect.

**LEG. BARRAGA:**

And that includes the initial order plus all replacements in the future?

**DEPUTY COMMISSIONER BERDOLT:**

Well, it depends on what year we'll be ordering in. We were able to get the '13s and '14s. And then last for the '15s we had to rebid it, or it was just, I think, an add-on to the bid, whatever their -- an extra 130 or \$230 a vehicle added on because of the newer year.

**LEG. BARRAGA:**

So as you're replacing older vehicles, say pre-2013, you still have to pay the same price on the replacement vehicle as you did for the '13s and the '14s and the '15s; there's no reduction in price?

**DEPUTY COMMISSIONER BERDOLT:**

No.

**LEG. BARRAGA:**

And there's no ability to negotiate a reduction in price?

**DEPUTY COMMISSIONER BERDOLT:**

No, the bid is the bid.

**LEG. BARRAGA:**

So it's just the one -- how long is the bid for?

**DEPUTY COMMISSIONER BERDOLT:**

There are -- I think it was a three-year.

**LEG. BARRAGA:**

Three-year bid; starting when?

**DEPUTY COMMISSIONER BERDOLT:**

In '13.

**LEG. BARRAGA:**

So by 2016 you go out to bid again, I assume?

**DEPUTY COMMISSIONER BERDOLT:**

Correct.

**LEG. BARRAGA:**

And you're not locked in to a particular manufacturer; you can go from Ford to Chevy?

**DEPUTY COMMISSIONER BERDOLT:**

Well, I imagine you could. I wouldn't suggest that. I think there's a lot to be said to keeping the fleet uniform, just as far as --

**LEG. BARRAGA:**

What do you mean; as far as each car being identical to the next car?

**DEPUTY COMMISSIONER BERDOLT:**

Yes. I think even with trucks, I think it's a good idea to do that when you have a fleet. You know, it doesn't make for sometimes always the most competitive bidding process. But on the other end, for repairs, for the user of the vehicle, the conform -- you know, the same person going from vehicle to vehicle, it's the same for mechanics, repairs, parts.

**LEG. BARRAGA:**

Don't you think a police car is a police car? I mean --

**DEPUTY COMMISSIONER BERDOLT:**

Well, they only make certain -- there are only certain cars out there that do fit that criteria. You do have Dodge, you have Chevy and you have Ford.

**LEG. BARRAGA:**

Supposing in 2016 Dodge wins the bids versus Ford? Then you have to change the fleet, the design would be different.

**DEPUTY COMMISSIONER BERDOLT:**

Possibly, possibly.

**LEG. BARRAGA:**

You'd have at least two manufacturer's cars out there.

**DEPUTY COMMISSIONER BERDOLT:**

Unless the bid was put out. Right now all these Interceptors are all-wheel drive which, in my opinion, is one of the best things that we can get. There's no more lining the cars up to put chains on in the snow. Chevy and Dodge don't offer that in the Dodge Challenger style and the Chevy Impala, doesn't offer that. That's why I think the main reason -- I wasn't involved in the decision of what vehicle to go out to bid for. That was done through the Police Department, that was their best choice that they came up with that they liked the vehicle the best, and I tend to agree with them just by how well the car performs for this area.

**LEG. BARRAGA:**

But the new bid goes out in 2016, right?

**DEPUTY COMMISSIONER BERDOLT:**

Yes.

**LEG. BARRAGA:**

I would hate to see anybody excluded because there's an intent to keep the same manufacturer and the same type of vehicle on the road. And I've had complaints from Police persons concerning the vehicles that they drive around there. Guys your size have a tough times in those vehicles.

**DEPUTY COMMISSIONER BERDOLT:**

Well, that was the first round, when they first got them, because they were still using the old center console. Since that time, it has been reconfigured and the actual laptop was put in the back of the vehicle, and the little monitor and the keyboard that swiveled, so the whole new console was put in. So now somebody of larger stature could get in there and not be as tightly -- you know, because I did sit in one, in the old ones, and it is tight, and I didn't even have a duty belt on, so I could just imagine that adds to it. But now the new configuration is a lot better and people my size and bigger don't seem to have a problem with it.

**LEG. BARRAGA:**

Okay, you answered my questions. Thank you.

**P.O. GREGORY:**

Okay, Legislator Trotta.

**LEG. TROTTA:**

It's just a five-year bond; is that true?

**DEPUTY COMMISSIONER BERDOLT:**

Yes, I believe.

**LEG. TROTTA:**

Rob?

**MR. LIPP:**

Well, it's up to the Comptroller. The last couple of years that's what we've been doing, so it would appear that way, but it will be up to the Comptroller to make a decision.

**LEG. TROTTA:**

Okay. That's it.

**LEG. BARRAGA:**

That's it.

**P.O. GREGORY:**

All right. Anymore; no? Okay, we have a motion and a second?

**MR. LAUBE:**

That's correct.

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**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***IR 1071A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$5,000,000 to finance the purchase of Replacement Public Safety Vehicles (CP 3512.518 and 519), same motion, same second. Roll call.***

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

**LEG. BROWNING:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**Public Works, Transportation & Energy**

**P.O. GREGORY:**

Okay. ***IR 1065-15 - Amending Resolution No. 549-2014, to expand the scope and membership of the Energy Utility Legislative Oversight Committee (Muratore).*** Motion by Legislator Muratore. Second by Legislator Krupski.

**LEG. HAHN:**

I need to recuse myself.

**P.O. GREGORY:**

Oh, I'm sorry. Okay.

**LEG. HAHN:**

I just want to note my recusal.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Recused: Legislator Hahn - Vacant Seat: District No. 12).*

**LEG. HAHN:**

Recuse.

**P.O. GREGORY:**

***IR 1067-15 - Amending Resolution No. 1133-2012 to reallocate funds appropriated in connection with improvements to Suffolk County Sewer District No. 3 – Southwest (CP 8170)(County Executive).*** I'll make a motion to approve. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1068-15 - Authorizing the filing of a Grant Application for Federal Fiscal Years 2012 and 2013 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit (County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman. I'll second. On the motion, anyone? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1069-15 - Calling for a public hearing for the purpose of considering the proposed increases and improvements to the outfall at Suffolk County Sewer District No. 3 – Southwest (CP 8108)(County Executive).*** I make a motion to approve.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1073-15 - Appropriating funds in connection with improvements to CR 14, Indian Head Road, Town of Smithtown (CP 5195)(County Executive).***

**LEG. TROTTA:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Trotta. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1073A, Bond Resolution (of the County of Suffolk, New York authorizing the issuance of \$600,000 Bonds to finance improvements to CR 14, Indian Head Road, Town of Smithtown (CP 5195.312), same motion, same second. Roll call.***

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

**LEG. TROTTA:**

No.

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

**P.O. GREGORY:**

You can't not vote for your own motion.

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

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**LEG. TROTTA:**

No.

**P.O. GREGORY:**

Yes, proudly.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. McCAFFREY:**

I vote yes for Legislator Trotta's resolution.

**LEG. TROTTA:**

I think it's Kennedy.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

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**MR. LAUBE:**

*Sixteen (Opposed: Legislator Trotta - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***IR 1074-15 - Appropriating funds in connection with Installation of Guide Rail and Safety Upgrades at Various Locations (CP 5180)(County Executive).***

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Muratore. On the motion, anyone?

**LEG. HAHN:**

Tim, cosponsor.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1074A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$275,000 Bonds to finance the cost of installation of Guide Rail and Safety upgrades at Various Locations (CP 5180.351), same motion, same second. Roll call.***

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

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

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**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yeah.

**LEG. SPENCER:**

Yes.

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

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1075-15 - Appropriating funds in connection with Moveable Bridge Rehabilitation (CP 5806) (Muratore).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1075A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$2,500,000 Bonds to finance the cost of moveable bridge rehabilitation (CP 5806.312),***

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same motion, same second. Roll call.

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

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

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. IR 1853 we did earlier.

**Ways & Means**

***IR 2157-2014 - Authorizing the town of East Hampton to utilize a parcel, Suffolk County Tax Map No. 0300-162.00-01.00-010.002, for park and historic preservation purposes (Schneiderman).*** Legislator Schneiderman?

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. KRUPSKI:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Krupski, in an effort to join arms on the East End.

**LEG. KRUPSKI:**

Always working together.

**P.O. GREGORY:**

Always working together. Okay. On the motion?

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

Does anyone want an explanation?

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion? Oh, he's going to motion and he's going to vote against it, like Trotta did on his.

**LEG. KRUPSKI:**

No, he already pulled that move.

**LEG. D'AMARO:**

Can we get a description of this?

**P.O. GREGORY:**

Okay.

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

Yeah, if I may. So there's a 1.7 acre parcel out in East Hampton. It was initially -- well, the County acquired it through tax default, gave it to the Town of East Hampton and the 72-h Program, actually back in 2002. I was Supervisor in East Hampton at that time and there were some issues with doing affordable housing on this site because the archeological and historic significance of the site. It kind of lingered there after I left and the Town decided to not do affordable housing. There is a house there that is considered to be one of the most historic houses in the Town of East Hampton, dating back to the Montauk Indians when they were located out of Montauk. This house was moved to an area called *Free Town*, it's still largely intact from its original state and it's been reviewed by the Town Historian and others. The Town's requested that they -- we change the transfer and allow the Town to maintain it for historic purposes as a museum. I do think it rises to that level. The Town is willing to take on the expense of keeping the building repaired as well as keeping it open to the public.

So, you know, I don't think the County's in a position to maintain this building, so I'm happy that the Town is stepping up and doing this. So I think this is a good thing and I would urge your support.

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

Okay. Legislator Krupski, you had the floor.

### **LEG. KRUPSKI:**

Thank you. I did go and take a look at this with a member of the East Hampton Town Board. It is a small building, it would fit inside of this room easily, but East Hampton has a great desire to see this restored and they want to work with local historical societies to maintain it and keep it open as a historical monument. It's important to their history. We in the County were really stressed with resources to fix these things up, so because of that, I have no problem with East Hampton taking on this responsibility and maintaining what's important to them for their heritage.

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

Okay. Legislator Trotta.

### **LEG. TROTТА:**

Yeah, I think Legislator Krupski described it to me as shack earlier today.

### **LEG. KRUPSKI:**

A small shack.

### **LEG. TROTТА:**

A small shack; decrepit with nothing inside, I think.

### **LEG. KRUPSKI:**

No, not decrepit.

### **LEG. TROTТА:**

My question to the sponsor is they were going to build affordable housing on it, and I spoke to the Deputy Supervisor out there and they said that the community didn't want it because it was too much affordable housing in the area. They mentioned nothing about significance, historical significance.

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

You know, actually the Town has done quite a bit of affordable housing in that area, up on Accabonac Road there's several different housing facilities pretty close by. So I wouldn't describe the town in that area. I know they were reluctant in the Springs area. But this is an area that has

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been historically relatively affordable, but it really is a significant parcel. There was two people here earlier today, Jim Devine both and Bob Farrell, both descendants of the Montauk Indians, and I actually asked whether we could carve off some of this to do affordable housing and they feel very strongly that the entire property is archeologically significant and part of this museum now.

So, you know, the town is -- they have other projects that they're progressing, but this may not be the best site to try to do affordable housing. Even -- and I'm an advocate of affordable housing. When I was Supervisor, the concerns over the historic nature of this site prevented the town from moving forward even then with it.

**LEG. TROTТА:**

To the County Executive's representative who might be here?  
The gentleman who was here during the committee meeting --

**DIRECTOR ROSEN-NIKOLOFF:**

Yes, Mr. Thompson.

**LEG. TROTТА:**

-- agreed to -- I mean, he thought we should sell it.

**DIRECTOR ROSEN-NIKOLOFF:**

I'm going to go out on a limb here and say I don't think he said we thought, in this case, that we should sell it.

**LEG. TROTТА:**

He said --

**DIRECTOR ROSEN-NIKOLOFF:**

He said in general, you know, if we could sell something we would, but in this case it probably would cause some problems for us, given the claims of the Montauk Indians, etcetera.

**LEG. TROTТА:**

I think what he said was, *Why don't we sell? Don't we need the money? Shouldn't we get money?*  
*He said, You're not going to get an argument from me.*

**DIRECTOR ROSEN-NIKOLOFF:**

I don't think he said it.

**LEG. TROTТА:**

So is the County Executive's position --

**MS. ROSEN-NIKOLOFF:**

We can check the record, but I don't think he said that.

**LEG. TROTТА:**

Believe me, he said it.

**DIRECTOR ROSEN-NIKOLOFF:**

Okay.

**LEG. TROTТА:**

So what's your position? Does the County Executive want to give this away, or do you think we should try to sell it first?

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**DIRECTOR ROSEN-NIKOLOFF:**

No, I don't think in this case that we should try and sell it. Because presently it's not in our title, it's entitled to the Town of East Hampton, so we would have to bring an action to get the property back.

It's also been made clear to us by the Supervisor and from some testimony here today, and of course from the sponsor, Legislator Schneiderman, that the Montauk Indians feel that they have a significant claim to it. Our Parks Department has also conveyed to me that they believe it has historic significance. And even if we did take title back, our Parks Department would probably like to see it in their inventory which would, of course, cause us cost and expense for maintenance. So in this case, as a general manner, which is I'm sure what Mr. Thompson was alluding to, yeah, we want to try and sell things, that's why we brought in \$15 million at the last auction, but probably not in this case.

**LEG. TROTТА:**

I mean, we gave it to them under the guise of thinking it was going to be used for affordable housing. We should get it back and we should sell it, because as far as I can remember, we're like, you know, almost \$2 billion in debt.

**DIRECTOR ROSEN-NIKOLOFF:**

Right. But if we take it back, then we don't know, A, if it will sell, we don't know if it'll be subject to the claims; and then, of course, our Parks Department will make a bid to have it put in their inventory.

**LEG. TROTТА:**

One point seven acres in East Hampton, I'm pretty sure it will sell.

**DIRECTOR ROSEN-NIKOLOFF:**

Well, I've given you all the reasons why this is not the best property to take back and sell at auction.

**LEG. TROTТА:**

Okay, thanks.

**DIRECTOR ROSEN-NIKOLOFF:**

In my opinion.

**P.O. GREGORY:**

Okay. Legislator Stern.

**LEG. STERN:**

Yeah, when this first came up in committee, I had an awful lot of concerns and I shared some of those concerns that Legislator Trotta has. There was -- I think it was reported, if I have the number correct, the amount that is considered the County investment is \$6,500; correct?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**LEG. STERN:**

Okay. So my question here originally was if we are going to agree here that the Town of East Hampton should keep it for open space or parkland purposes, at the very least they should reimburse us for the \$6,500 for the County investment. But I think Mr. Thompson is saying and your department is saying that if we were to take it back, that it would wind up costing us much more than the \$6,500. So in this case, not only is it not your recommendation that we pursue trying to get the property back in our inventory, but that it's not even worth pursuing the \$6500 in this

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case because we could wind up being responsible for much more.

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah, precisely. And we did ask for the 6500 when it first -- it was first introduced. I had several conversations with the sponsor saying we should get paid the 6500, but it became clear that the Town was taking a position that their investment in this property was a continued, ongoing maintenance, so that didn't seem like an option. The next best position for us was to make sure that the Town provided us with a resolution where they agreed affirmatively to maintain and preserve the property, and that we did get from them. So, thank you. Yes?

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

There is a Town Board resolution, and that's really what it came down to. They're going to spend tens of thousands of dollars maintaining this structure, and it seemed on our part very minor to try to get 6,000 from them so that they can then spend tens of thousands maintaining a structure that we probably don't want to maintain ourselves, so we'd like to see it maintained. So it seemed like a fair deal. And they put it all into a resolution committing to the historic preservation and public use of this property, that was the trade-off.

**P.O. GREGORY:**

Okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. Legislator Schneiderman, I haven't seen the resolution. So the resolution, the Town's commitment to the County is that it's going to maintain the shack that's on the property?

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

They don't call it a shack, but --

**LEG. D'AMARO:**

Oh, I'm sorry.

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

The house, the dwelling.

**LEG. D'AMARO:**

The dwelling?

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

The Faller House, yes.

**LEG. D'AMARO:**

So the Faller House has to remain on the property.

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

Yeah, they can't move it from the property.

**LEG. D'AMARO:**

It's going to be preserved --

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

Gil, do we have a copy of it?

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**DIRECTOR ROSEN-NIKOLOFF:**

A copy of what?

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

The copy of the Town Board resolution? It may be in the back.

**LEG. D'AMARO:**

Because they told us in the past they were going to build affordable housing, and they didn't do that.

**LEG. CALARCO:**

That was Jay.

(\*Laughter\*)

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

There is a rubric. We haven't done the transfer, Jill, but we are -- there's a Reverta in what we're doing here, right, so if they don't fulfill their obligation, we do get this back; correct?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

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

Legislator D'Amaro, does that answer your question?

**LEG. D'AMARO:**

All right, let me just read this. So, "*RESOLVED, the Town of East Hampton requests permission from Suffolk County Leg to protect the history of the property further identified on the tax map and to allow the Town of East Hampton to use the property for historic preservation purposes.*" That's all it says. So it doesn't specifically address the dwelling.

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

So the resolution speaks to this. And Jill, when you do the transfer, you will put that into the transfer. So when you sign the deed over --

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**LEG. TROTТА:**

They have the deed, but it's -- how does that work?

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

We have to do some kind of contract with the Town, correct?

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah. Well, we would either issue a new deed or a corrected deed.

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

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

With the new requirements and restrictions in it.

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

And that's where the obligation to maintain the house will be and that's also where the reverts will be?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**LEG. D'AMARO:**

No. But I would think that if we have -- we've already deeded the property over, so the only thing -- the only problem, the cloud on title here would be that there's a revert to the County, so the County would have to omit that revert somehow.

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

It's a legal question. So there was a revert even on the affordable housing transfer that I think had seven years -- is that correct how that worked -- to do the affordable housing?

**DIRECTOR ROSEN-NIKOLOFF:**

I think yes.

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

And then it comes back to us, which it never came back.

**DIRECTOR ROSEN-NIKOLOFF:**

Correct.

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

Instead, we're changing the language, so it's really a legal question how you do that. So we rescind the deed or reissue the deed with the new language?

**DIRECTOR ROSEN-NIKOLOFF:**

We could either do, as I said, a corrected deed or issue a new deed with the additional requirements and covenants in it. And probably --

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

So you're the lawyer, not me. Does that satisfy you, though, your concern?

**LEG. D'AMARO:**

Well, is the Town going to accept -- I mean, the Town has a very general resolution here; are they going to accept those terms?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes. I have had conversations with the Supervisor and indicated to him that we would be requiring those things that are set forth in this County resolution.

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

Jill, there was also a letter from the Supervisor, because that may be what I'm thinking about.

**LEG. D'AMARO:**

The County's a little more specific.

**DIRECTOR ROSEN-NIKOLOFF:**

Yes, there is also a letter from the Supervisor addressed to you, Legislator Schneiderman.

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

And I think that was more specific than that Town Board resolution.

**DIRECTOR ROSEN-NIKOLOFF:**

That's right.

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

But the letter from the Supervisor doesn't commit the Town.

**LEG. D'AMARO:**

No, it doesn't.

**DIRECTOR ROSEN-NIKOLOFF:**

Which is why we wanted the Town resolution.

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

But the resolution does say what we want, so you would then be tasked with putting that into the deed.

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

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

Okay.

**LEG. D'AMARO:**

I don't have a copy of the resolution, and my computer is not working. So what do we --

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

George, do you have in front of you that you can read the pertinent language?

**LEG. D'AMARO:**

Oh, wait, here we go.

**MR. NOLAN:**

Do you have it, Lou, or no?

**LEG. D'AMARO:**

Yeah, one second. Oh, 14. Okay, one second, please. Okay, so the resolution that the County -- that we're considering right now, that we're authorized to utilize the parcel. The Town will designate the building and grounds as an East Hampton Historic Landmark; is that what you're referring to, the building and grounds?

**MR. NOLAN:**

Keep going, it goes on.

**LEG. D'AMARO:**

Okay. Oh, and restore it. Okay, yeah, that's good. Okay. Yeah, it's all good. Okay, why don't we charge them like a hundred thousand?

*(\*Laughter\*)*

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Why are we just giving it away? Does anybody want to go and negotiate? Maybe the Town will bite it.

**LEG. TROTTA:**

*(Raised hand).*

**LEG. D'AMARO:**

Fifty thousand?

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

Why don't we thank them for taking care of it?

**LEG. D'AMARO:**

Okay. All right, that's it.

**P.O. GREGORY:**

Okay. I have a question. Jill, as far as the reverts clause, what is the revert for this particular transaction?

**DIRECTOR ROSEN-NIKOLOFF:**

If this was to pass?

**P.O. GREGORY:**

Yeah.

**DIRECTOR ROSEN-NIKOLOFF:**

It would say that if they don't maintain and preserve it as a historic structure, it would revert to the County.

**P.O. GREGORY:**

At what point? Because I know with affordable housing it's, what, three years with two one-year extensions or five years with two one-year extensions?

**DIRECTOR ROSEN-NIKOLOFF:**

Right.

**P.O. GREGORY:**

What timeframe are we talking about with this?

**DIRECTOR ROSEN-NIKOLOFF:**

The resolution does not have a timeframe, we would have to build one in.

**P.O. GREGORY:**

And what are we thinking about?

**DIRECTOR ROSEN-NIKOLOFF:**

We have not formalized that, but we will if this passes.

**P.O. GREGORY:**

Because I think that's important. Because that's -- you know, originally this was going to be an affordable housing, you know, proposal. Now it could be, you know, for the next 20 years we're going to preserve it as an historic site and never do it, and I think that's important. Legislator Krupski?

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**LEG. KRUPSKI:**

Having seen the building, though, they did -- have shown a lot of care, the roof is covered, the windows and doors are properly secured. A couple of years ago, Mattituck Historical Society restored an early 1800s school house, it was in much worse condition, they did a very nice job on it. So this building isn't collapsing, it's not beyond repair, it's not beyond restoration, and they've showed -- I think they're showing a commitment to actually restore it.

**P.O. GREGORY:**

I'm sorry, all right. Okay. Anyone else? All right, we have a motion to -- we have a motion to approve and a second?

**MR. LAUBE:**

Yes.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**LEG. TROTTA:**

Abstain.

**MR. LAUBE:**

*Sixteen (Abstention: Legislator Trotta - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. ***IR 1026-15 - Adopting Local Law No. -2015, A Local Law Amending Section 232-2 of the Suffolk County Code regarding tax notices after recording of mortgage satisfactions (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco. Second by Legislator Muratore. Anyone on the motion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Legislator Lindsay - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1032-14 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Charles R. Ohrnberger and Cynthia Eagle, his wife (Presiding Officer Gregory).***

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

Motion.

**P.O. GREGORY:**

I make a motion to approve.

**LEG. MURATORE:**

*(Raised hand).*

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**LEG. STERN:**

Second.

**P.O. GREGORY:**

Second by -- who was that? Legislator Stern. Anyone on the motion? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Legislator Lindsay - Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1036-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Shakeela Moughal (SCTM No. 0500-267.00-03.00-008.000) (Stern).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

Second by Legislator D'Amaro. Anyone on the motion. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1092-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-959.00-06.00-024.000) (County Executive).*** Motion by Legislator Muratore, second by Legislator Browning. All in favor? Opposed? Abstentions.

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1093-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-959.00-06.00-030.000) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1094-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-973.90-02.00-008.001 and 008.002) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

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**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1095-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-401.00-02.00-024.000) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1096-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-617.00-03.00-030.001) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1097-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-555.00-02.00-037.000) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1110-15 - Establishing a committee to determine the viability of legal action against drug manufacturers (Calarco).*** Motion by Legislator Calarco.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay. On the motion, anyone? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Please the list me as cosponsor.

***IR 1114-15 - Amending Resolution No. 1062-2013, approving list of Real Estate Appraisers as designated by the Division of Real Property Acquisition and Management (County Executive).*** Motion by Legislator Krup -- Legislator D'Amaro?

**LEG. D'AMARO:**

No, just very briefly. It was just brought to my attention I may have a conflict, so I'm going to recuse and then file the recusal notice tomorrow.

**P.O. GREGORY:**

Okay. Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

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**MR. LAUBE:**

*Sixteen (Recused: Legislator D'Amaro - Vacant Seat: District No. 12).*

**LEG. D'AMARO:**

I recuse.

**P.O. GREGORY:**

Okay 1115 we did earlier. IR 1117 we did earlier.

**MR. NOLAN:**

The manilla folder.

**P.O. GREGORY:**

To the manilla folder. ***Procedural Motion No. 3-2015 - Procedural Resolution apportioning mortgage tax by: County Treasurer (Presiding Officer Blydenburgh)***. I make a motion to approve. Second by Legislator Calarco. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1127-15 - Accepting and appropriating 100% reimbursable grant funds from the New York State Office for Aging (County Executive)***.

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

***IR 1168-15 - Accepting and appropriating a grant providing 75% support, in the amount of \$173,100, from the United States Department of Homeland Security, and amending the 2015 Capital Budget and Program in connection with the Purchase of Marine Equipment (CP 3513) (County Executive)***.

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning

**LEG. MURATORE:**

*(Raised hand).*

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**P.O. GREGORY:**

Second by Legislator Muratore.

**LEG. CILMI:**

Since DHS will be funded until September at least, we know we can count on this money.

**P.O. GREGORY:**

Yeah, hopefully. All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

Okay. I would like to waive the rules and lay the following resolutions on the table:

*1182 to Government Ops; IR 1183, Parks & Rec; IR 1184, Government Ops; IR 1185, Parks & Rec; IR 1186, Education, Information Technology; IR 1187, Ways & Means; IR 1188, Ways & Means.*

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? That's our agenda.

**MR. LAUBE:**

*Seventeen (Vacant Seat: District No. 12).*

**P.O. GREGORY:**

That's our agenda. We stand adjourned. Thank you. Good night, everyone. Get home safe.

**(\*The meeting was adjourned at 7:30 PM\*)**