

General Meeting - March 22, 2016

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**FOURTH DAY**

**March 22, 2016**

*Verbatim Transcript*

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING**

**IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM**

**725 VETERANS MEMORIAL HIGHWAY**

**SMITHTOWN, NEW YORK**

**Minutes Taken By**

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

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*(\*The meeting was called to order at 3:58 P.M. \*)*

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

**P.O. GREGORY:**

Okay. Good evening, Madam Clerk.

**MS. ELLIS:**

Good morning.

**P.O. GREGORY:**

Can you do the roll call?

**MS. ELLIS:**

Sure.

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

**LEG. KRUPSKI:**

Here.

**LEG. FLEMING:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

*(Not Present).*

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

*(Absent).*

**LEG. KENNEDY:**

Here.

**LEG. TROTTA:**

Here.

**LEG. McCAFFREY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

*(Not Present).*

**LEG. SPENCER:**

Here.

**D.P.O. CALARCO:**

Present.

**P.O. GREGORY:**

Present.

**MS. ELLIS:**

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

**P.O. GREGORY:**

Okay. Good evening, everyone. Thank you for coming to tonight's Legislative meeting. I am presiding Officer DuWayne Gregory of the 15th Legislative District. We will now have the Salute to the Flag led by Legislator Steve Stern.

***Salutation***

Next, Legislator Stern will introduce students from the Gemini Youth Orchestra, eight musicians who will play The National Anthem and a piece called "*Trumpet Voluntary*".

**LEG. STERN:**

Good afternoon, everyone.

***"The National Anthem"***  
***Performed by Gemini Youth Orchestra***

***Applause***

The Gemini Concert wins under the baton of Valerie Jones. Thank you.

***Applause***

***"Trumpet Voluntary"***  
***Performed by Gemini Youth Orchestra***

***Applause***

The Gemini Youth Orchestra.

**Invocation**

Okay. It is now my great privilege to introduce our clergy joining us today for our invocation as we begin our Legislative session. **Rabbi Ian Silverman** was born and raised in Winnipeg, Canada before coming to live in Florida with his family back in the 60s. He lived in Pennsylvania through high school and studied at Columbia University where he received his degree in psychology. He's worked in the fields of mental health, Jewish communal work and Jewish education before receiving his ordination at the Reconstructionist Rabbinical College in Pennsylvania in the 80's. He's held pulpit since 1986 in New Jersey and Pennsylvania before coming to Long Island in 2003. He has been Rabbi at the East Northport Jewish Center since that time and Rabbi Silverman is the proud husband of Beth Schlesinger and the proud father of two sons, Mark and Allen. Please join me in welcoming our clergy today, Rabbi Ian Silverman.

***Applause***

**RABBI SILVERMAN:**

Thank you. Welcome today. Beautiful job, orchestra.

Some decades ago, the New York Board of Regents thought it a good idea to have a daily prayer in public schools aimed at the All Mighty God, asking for divine help in decisions and efforts for each pupil in the every day. That, of course, didn't fly due to protestations of many that it was a violation of separation clause between church and state. The Lubavitcher Rebbe was very for it -- this was in the early 60s -- because he felt that so few people of any faith necessarily get a chance to pray and to feel a sense of God on a daily basis, or even a weekly or monthly basis. And that it was important to sense that God is watching and listening, that there's a divine ear and a divine eye close by monitoring their actions and encouraging their decisions that they make and the choices they make each day. The Rebbe's view was, of course, driven by his fear of what happens in a society that are statewide, officially Atheist and Godless, societies that he had experienced in his youth, both under Communist and in Fascist rule.

He spent the late 30's in Nazi, Germany, and he saw how barbaric human society could be without God in one's heart and mind. I'm not a Hasidic Rabbi, I'm a conservative Rabbi, but I understand where he was coming from. However, one wonders what the Lubavitcher Rebbe would have made of this century and the use of religion and God for such violent, perverted ends, examples we see every day, including this morning in Brussels.

With God and without God, tragically human beings can go so horribly astray. It seems that judgment and wisdom, which is the gift that God gave us in assessing right and wrong, has been in short supply, both in this century and in last century. For our traditions all teach the supreme value of seeing one another as an image of the divine, as its Salaam Aleichem, irrespective of what creed or race we are, and that love and compassion is a divine attribute that is most important for us to seek to express and to imitate. So if there be a prayer, let it be this. Oh, God, help us to find wisdom and judgment. Help us understand that our mandate in life is to repair what's broken in our communities and damaged in the world. Help us to understand that our mandate in life is to have regard for the less fortunate and hear the cries of those in need, and to act upon that regard. Help us to understand, whether conservative or liberal, whether white or black, whether Jew or Gentile, it's important, if we work for the common good and value compassion and justice, that we become partners. Those across from us ideologically can be whole in heart and mind. Help us, oh God, to seek and to find wisdom and to find the perspective necessary to work together so that together we can make it better for those that we serve in this great State of New York. And we say, amen.

*"Amen"* said in unison

**P.O. GREGORY:**

Thank you, Rabbi. If you would please remain standing, we will conduct a moment of silence. Our hearts and prayers go out to the victims and families of the horrific terrorist attacks in Turkey and Brussels, Belgium. And as always, we like to remember all those men and women who put themselves in harm's way to protect our country every day.

***Moment of Silence Observed***

So we're so happy to have all of you here today, particularly our young people that I see in the audience who may -- this may be your first experience coming to the Legislature and seeing how we operate. Today is a special occasion where we recognize the Women of Distinction. It's in recognition of Woman's History Month. This has been in existence since 2002 where the Legislature passed a resolution, No. 786, to select a Women of Distinction in March of every year. And at this time, I will read the list of the **2016 Women of Distinction Nominees**, and if they are in the audience, please stand when I announce your name.

From the 1st Legislative District of Al Krupski, his nominee is **Cathy Wood**.

***Applause***

From District No. 2, Legislator Bridget Fleming's District, **Dorothy Malic-Atkinson**.

***Applause***

From District No. 3, Legislator Kate Browning's District, **April Coppala**.

***Applause***

From District No. 4, Legislator Tom Muratore's District, **Phyllis Hill**.

***Applause***

District No. 5, Legislator Kara Hahn's District, **Cynthia Barnes**.

***Applause***

District No. 7, Legislator Rob Calarco's District, **Margaret Bermel**.

***Applause***

District No. 8, William J. Lindsay III's District, **Barbara Fitzpatrick**.

***Applause***

District No. 9, Monica Martinez' District, **Sister Kathleen Carberry**.

***Applause***

District No. 10, Legislator Tom Cilmi's District, **Kathy Koenigdorf**.

***Applause***

District No. 11, Legislator Tom Barraga's District, **Donna Periconi**.

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***Applause***

District No. 12, Legislator Leslie Kennedy's District, ***Maria Camassa***.

***Applause***

District No. 13, Legislator Rob Trotta's District, his nominee is ***Rose Mangogna***.

***Applause***

District No. 14, Legislator Kevin McCaffrey's District, ***Michele Insinga***.

***Applause***

District No. 15, my Legislative District, ***Phyllis Henry***.

***Applause***

District No. 16, Legislator Steve Stern, ***Ellen Hershkin***.

***Applause***

District No. 17, Lou D'Amaro's District, ***Susan Friedman***.

***Applause***

Last but certainly not least, District No. 18, Legislator William "Doc" Spencer's District, ***Alicia Lawrence***.

***Applause***

Congratulations on being nominated by your District Legislator for this award. Our ***County-wide Woman of Distinction*** is ***Gail Lynch-Bailey*** who resides in the 6th Legislative District --

***Applause***

-- and was nominated by Legislator Sarah Anker. And at this time, she'll present her with a proclamation.

**LEG. ANKER:**

It is an honor to be here with Gail. I met you, oh gosh, a while ago. I was on the ABCO Board which is a civic organization board, and Gail is a true and tried community advocate, leader. Just amazing. You're an inspiration to so many people.

I just want to read a few of your accomplishments; there's so many. Gail was recognized -- is recognized as 2016 Suffolk County Woman of Distinction. She is the current President of Longwood Public Library's Board of Trustees, the Longwood Alliance and the Middle Island Civic Association. And by the way, the Middle Island Civic Association is one of the active, most active associations here on Long Island. She is the President of the Longwood PTA Council, the cofounder of the Middle Country Road Task Force, and a member of the Town of Brookhaven Accessory Apartment Review Board.

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In the past several years, Gail has worked to enhance Bartlett Pond Park in Middle Island, including the dedication of six granite veterans monuments and the restoration of the park's hiking and garden area which is absolutely beautiful, it really is stunning. It was basically a very wooded and weeded -- had a lot of weeds and you've cleaned it up. It's just beautiful. And also the restoration of the one-room school house which is, again, a gorgeous piece of our history that has been preserved and protected.

**MS. LYNCH-BAILEY:**

And the Boy Scouts.

**LEG. ANKER:**

And the Boy Scouts, yes; absolutely, they've been so helpful. And the community garden which is the Longwood Victory Garden, it provides organic and sustainable-grown vegetables for many of the food pantries in the Longwood community.

Gail also coordinates -- I'm not done; get comfortable because I have more to read -- the Annual Memorial Day, Veterans Day and Pearl Harbor Day ceremonies at the Bartlett Pond Park's Veterans Walk. In 1999, Gail received the New York State PTA Distinguished Service Award; in 2003 she received the St. Pius the 5th Award for her ten years of service; in 2011 she was honored as the first female recipient of the Longwood Board of Education's Carl Verdi Community Pride Award.

She is a successful business owner and she's here today with her husband Frank. Frank, you want to go ahead and come on up? And she's lived in Middle Island for 30 years. So it is with great honor that I have a proclamation signed by all of our Legislators for our 2016 Woman of Distinction. Congratulations.

### *Applause*

**MS. COLETTI:**

On behalf of the Suffolk County Women's Advisory Commission, we congratulate you and we thank you for all the wonderful work that you do.

**MS. LYNCH-BAILEY:**

Thank you. Thank you for all the wonderful work that you do.

**LEG. ANKER:**

Say a few words, please.

**MS. LYNCH-BAILEY:**

Sarah has made the mistake of saying I can say a few words, which I'm always happy to do.

I certainly want to thank everyone. You made me sound far more interesting than I really am, Sarah.

**LEG. ANKER:**

You are.

**MS. LYNCH-BAILEY:**

I want to thank the entire Legislature for this award, and especially the Suffolk County Women's Advisory Committee. I want to congratulate my sister nominees. I feel privileged and honored to be in your presence. It's also been my privilege to work with a number of the Legislators here today, including Rob Calarco and Kate Browning, and of course my home Legislator Sarah Anker who nominated me and her Aide Robyn Fellrath who insisted I update my resume.

**(\*Laughter\*)**

And when I finally did, I realized why I'm so tired all the time and also why our house is usually a mess.

**(\*Laughter\*)**

Most resumes are records of employment and accomplishments, but volunteers' resumes are often lists of works in progress, things we're trying to do but that almost always take far longer than we ever imagined. And that holds true whether it's restoring the hiking trail through the vine-choked Pine Barrens over at Bartlett or helping to build houses for homeless veterans, or convincing Wilbur Breslin to knock down his old K-Mart, which some of you may have just read about this week. So that's a wonderful thing.

**Applause**

Volunteers often have no real authority, but what we do have is an overwhelming sense of responsibility; responsibility to do the right thing, responsibility to speak out and seek out solutions to different problems, and responsibly to see those things through to their completion.

I was recently reminded of the first time I ever felt such an awesome responsibility. It involved the quintessential car center conundrum of parking at the New York World's Fair. One bright, summer Saturday morning in 1964, the Lynch Family of four finally arrived in Queens from Centereach. And my father -- God bless his heart and rest his soul -- turned to me and said, "*Okay, Gail. It's your job to remember where we're parked.*" Now, I was seven and I was suddenly overwhelmed. Before I completely melted into the sea of asphalt and the shimmering cars, I looked up and luckily the parking sections were color-coded and numbered; ours said "*blue 34*". "*Can you do it,*" my Father asked. "*Yes*", I said, and I started repeating "*blue 34, blue 34*". Well, as you can imagine, that entire day we staggered through the World's Fair, and I guess I'm probably the only kid who floated along the famous Disney ride singing, "*It's a small world, blue 34.*" But I persevered, I proudly located our car and we made it safely home to our sparkling split-level in Suffolk County. So 52 years ago, someone who loved me knew it was important to give me a sense of responsibility, and I'm still benefitting from that unforgettable lesson.

Many things are different now. The Cold War has been replaced by the global war on terror, and the awful events in Belgium overnight are a horrific evidence that this conflict is far from over. I am also deeply troubled by what should be a paradox but is not, and that's this gleeful hatefulness per meeting our nation's public discourse. We need less resentment, less ridicule and less rancor. Let's replace these with patience, more patience, more parks and more police.

I long for the days when my civic work was devoted to land use alone. Escalating local crime now occupies my time on an almost daily basis, and I know that all of you seated before me share in this troubling development. But I'm still convinced of one sure thing; we're here on Earth to help one another. I feel very, very fortunate to lead a life that allows me to assist others. I'm grateful for the excellent examples of my family and friends and colleagues, many of whom are here today. My Middle Island Civic Family, Tom and Judy Talbot and Margaret Malloy; our amazing Longwood Library Director Suzanne Johnson, and of course my wonderful husband Frank without whom I certainly would be the candidate for woman of extinction rather than distinction.

**(\*Laughter\*)**

And our wonderful younger son Brendan. Without your love, support, encouragement and cooperation, I would not be here today. Does anyone remember or know the theme of the 1964-65

New York World's Fair?

**LEG. ANKER:**

Anybody; no?

**MS. LYNCH-BAILEY:**

Peace through understanding; talk about an awesome responsibility. Another work in progress, something we're still trying to achieve half a century later.

I look forward to continuing our various collaborations because, Ladies and Gentlemen, we still have a great deal of important work to do. May God bless us and guide us in the many tasks before us, and thank you all very, very much.

***Applause***

**P.O. GREGORY:**

Thank you, and congratulations again.

We would appreciate, if you haven't done so already, all the nominees will return to the Clerk's conference room and pick up your tulip which was donated by the Suffolk County Alliance of Chambers, Inc., and we want to thank them for the donation of tulip plants and flowers for our Women of Distinction.

**Proclamations**

At this moment we will have **Legislator Kennedy** who will make a presentation.

**LEG. KENNEDY:**

**Gina Coletti**, come to the podium. Where is Gina? Oh, here she is. It's a surprise.

All right. I'm very lucky today, not only to have my honoree, but to have the lady that is the put-together woman. She was responsible for not just the Women of Distinction, she's responsible -- well, let me start at the beginning. Gina is my neighbor. I met her years ago when she was the President of the Nesconset Civic Association. It has snowballed -- what do we have you, Gina? The Commissioner of the Suffolk County Women's Advisory Commission, the Alliance -- the organizer of the Alliance of Chambers. She -- in her work, she saves our historic houses and puts them into use, she's a financial wizard. There is not much else that I can say about this woman that isn't marvelous. I'm here today to present a proclamation from all 18 Legislators --

**MS. COLETTI:**

Thank you so much.

**LEG. KENNEDY:**

-- for all your achievements. And thank you for taking care of our ladies, because if we don't take care of them, who will?

**MS. COLETTI:**

You're the best.

***Applause***

Thank you, everybody. This is really a surprise, obviously. But thank you so much, I appreciate this. You're so sweet. Thank you.

**P.O. GREGORY:**

Congratulations, Gina.

**MS. COLETTI:**

Thank you.

(\*Photograph Taken\*)

**P.O. GREGORY:**

Next we'll have Legislator Stern who has a presentation as well.

**LEG. STERN:**

Good afternoon, everyone. It is a real pleasure to make this very special presentation to a special young lady, Sydney Levine. Many of my colleagues have seen and some have met Sydney before, she has come and spoken to members of this Legislature about a very important issue, one that we should all be aware of. In fact, my colleagues today are standing with me and wearing the green ribbon, the green ribbon that Sydney Levine has brought to our attention. Sydney is a sophomore at the Half Hollow Hills High School East and is working diligently and tirelessly to raise awareness of FSGS, a rare kidney disease which affects her younger brother Matthew. Anybody who remembers Matthew, we met him at our last Legislative Session, what an impressive and special young man, bringing an awareness to Nephroic Syndrome, another kidney disease, during Kidney Disease Awareness Month, this month of March. Sydney has teamed up with the NephCure Kidney International Foundation to raise funds through her *Marching to Awareness Social Media Initiative*, posting her remarkable efforts to raise awareness, from ringing the bell on the floor of the New York Stock Exchange to speaking to the Suffolk County Legislature about her efforts to find a cure for the more than 23 million Americans who suffer from kidney disease.

She's going to be speaking to us in just a few moments as part of public portion, but I wanted her to come on up, for those who might not still be with us during public portion, to join me in congratulating Sydney for all of her hard work and to join me in presenting this proclamation to say to her congratulations for all of her efforts for so many, but most importantly thank you; thank you for being a role model to so many. And I'm sure everybody here joins me today when we wish you every success in the future.

**MISS LEVINE:**

Thank you so much.

**Applause**

(\*Photograph Taken\*)

**LEG. STERN:**

I know all of my colleagues and everybody here today will agree with me when we say we want to take every opportunity that we can to thank the outstanding men and women of the Suffolk County Police Department. I know I speak for my family and those of my colleagues when we say that we sleep very well in Suffolk County knowing that all of you are looking out for all of us. And we talk about protecting life and property, today we celebrate three outstanding officers and the role that they played in helping to deliver a new life, a new member -- neighbor for us in Suffolk County; 2nd Precinct Officers who helped deliver a baby who just couldn't wait in the 2nd Precinct at the intersection of Deer Park Avenue and Jericho Turnpike. Mother and baby girl are doing fine, we're proud to report. And so we celebrate the efforts of Officer Joseph Ferro, Officer Jonathan Murray and Officer Gerard Maxim; without their quick thinking and their action, who knows what can happen in a situation like that one. And so we are grateful to all of you for your outstanding

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efforts, and I know that there is a baby girl who is going to have a great story to tell everybody, all of her friends and family, as she grows up. So congratulations, and thank you. Doc Spencer?

***Applause***

**LEG. SPENCER:**

I can tell you from personal experience that they don't wait and you guys have something on me. So I appreciate what you've been able to do, not only in that emergency situation but every day with your service and your heroism. So it's really a privilege and I'm glad that you serve our community, and thank you.

***Applause***

*(\*Photograph Taken\*)*

**P.O. GREGORY:**

Congratulations, Officers.

Next we'll have **Legislator Tom Muratore** and **Legislator Bill Lindsay**.

**LEG. LINDSAY:**

Good evening, Mr. Presiding Officer and Members of the Legislature.

I would ask at this time if the **Sachem East High School Cheerleaders** could please join me up at the podium, along with their Coach, Christina Lotito, Taylor Grimm and Melissa Steigele.

We want to recognize them for having a successful season in 2016.

They finished top four other teams to capture the Large Varsity Division I Title at the Suffolk Cheerleading Championship; they took 3rd Place in the New York State Championship Finals; they successfully competed to become the Division I Large National Champions at a competition held in Orlando, Florida. And we just -- on behalf of the Legislature and on behalf of myself and Legislator Muratore, as we share the Sachem School District, we just want to congratulate you and recognize you for this tremendous success that you had this year. Congratulations, girls.

***Applause***

*(\*Photograph Taken\*)*

**LEG. MURATORE:**

If I could, can I have the **Sachem Boys Varsity Bowling Team** come up to the podium here?

***Applause***

Along with the Coach, too, or coaches. You know, it seems 2015-16 season in Suffolk County was a banner year. We had a lot of our school teams go on to State champions and team championships. But in Sachem, we were fortunate this year to have the Boys Varsity Bowling Team. Under the leadership of Coach Brian Weinstein, the team averaged 1,100 points for the year, winning with a commanding 13-1 record. Who did you guys lose to? Who'd you lost to?

**COACH WEINSTEIN:**

East Islip.

**LEG. MURATORE:**

East Islip? How'd that happen?

(\*Laughter\*)

Hey, Cilmi, how'd you do that? But they beat their rival East Islip while breaking a single game record of 1,323 pins. So you got back at them, huh? They beat you and then you beat them back? Okay, great. The team went on to win the County Championship breaking a Suffolk County record with a total of 6,918 points. The team's desire to win pushed them to victory in a dramatic come-from-behind win in the final game -- in the final, frame, excuse me, of the sixth game. For the first time in 16 years, the Sachem Boys Varsity Bowling Team captured the State Championship victory at AMF Airport Lanes in Cheektowaga, NY? How do you say that? Chicatower?

**COACH WEINSTEIN:**

Cheektowaga.

**LEG. MURATORE:**

Cheektowaga; okay, good. Try and say that three times.

(\*Laughter\*)

-- on March 5th, 2016. Again, guys and coaches, great job, and thank you so much for everything you do for the school. Enjoy.

**Applause**

(\*Photograph Taken\*)

**P.O. GREGORY:**

Congratulations, guys.

**Applause**

Next we will recognize Legislator Kate Browning, she'll make a presentation as well.

**LEG. BROWNING:**

Doc, you're going to love this one.

**LEG. SPENCER:**

All right (*laughter*).

**LEG. BROWNING:**

So I'm going to introduce Bobby (Lenahan), but I think the best thing to do is to let him explain to you what he does. Bobby is a very young 20-year old, graduated from the William Floyd School District in the year 2013. And during that time, Bobby was enrolled as a Business Academy and Virtual Enterprise student at the William Floyd's Career & Technical Education Program. He's currently attending Malloy College, he's a junior accounting major and cofounder of the Malloy Entrepreneurship Club and inventor, and why he's here, of the IV Hero. So what I'm going to let him do is explain what he has done. Go ahead, Bobby.

**MR. LENAHAN:**

Hello, everybody. So like Legislator Browning said, my name is Bobby Lenahan and I'm the inventor of IV Hero. So --

**LEG. BROWNING:**

Do you want me to hold that?

**MR. LENAHAN:**

Yes, please.

**LEG. BROWNING:**

I don't like these things, but -- (*laughter*).

**MR. LENAHAN:**

Nobody does. So IV Hero may just look like a simple paper sleep, but through the eyes of a child we're transforming the hospital room. So now, instead of a scary medical procedure, kids feel like they're getting super powers that are going to help them feel better, and it's going to make them feel brave just like a super hero.

***Applause***

So that's IV hero. It was -- I entered the SUNY Business Plan Competition about a year ago, it won the Third Best Health Care Business in New York State. And with the prize money I went and I started my own business, so now I'm the founder of Hospital Heroes, LLC, and we're on a mission to make every kid in the hospital feel just like a super hero.

***Applause***

**LEG. BROWNING:**

Do you want to tell them where it's being done, where it's being implemented?

**MR. LENAHAN:**

Sure. So IV Hero is currently fully operational. We're being used in Staten Island University Hospital, South Nassau Community Hospital and NYU Langone Medical Center in Manhattan just took it on, and we're looking to expand to every hospital across the country.

**LEG. BROWNING:**

And with that, I'm going to hook him up with Doc Spencer before he gets out of here (*laughter*).

**LEG. SPENCER:**

All right, sounds good.

**LEG. BROWNING:**

But, again, I have a proclamation. What an impressive young man, at the age of 20. And again, to think about our children, and we actually have a couple of kids in my district who have had cancer at a very young age. So I know that this is something that is so important for the parents and, again, thank you, Bobby, for your great invention.

**MR. LENAHAN:**

Thank you so much.

**LEG. BROWNING:**

And I know that we're going to see a lot more from you. Thank you.

**MR. LENAHAN:**

Thank you.

***Applause***

**P.O. GREGORY:**

Congratulations.

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Next we'll recognize Legislator "Doc" William Spencer who has a presentation.

**LEG. SPENCER:**

Thank you, Mr. Presiding Officer. I would like to invite Officer Matthew Funaro and also Joseph Cartelli to please join me at the podium. I understand that Legislator Trotta also has a relationship and I'll ask him to come up and join me.

**LEG. TROTТА:**

In two ways.

**LEG. SPENCER:**

All right (*laughter*). Our Legislature is always proud to recognize our heroes, people who care enough about their neighbors and their community to go above and beyond every day. Matthew Funaro has been a Suffolk County Police Officer since 1993 and is currently assigned to the Marine Bureau. On February 10th, 2016, while on a three-week deployment to the 2nd Precinct, he responded to a report of a house fire on Old Winkle Point Road in Eatons Neck. Officer Funaro quickly sprang into action, entering the flame and smoke-engulfed house to search for residents. He came upon an 88-year old woman in a wheelchair that was trapped in the first floor living room. Together with Joseph Cartelli, a good samaritan who was on-site performing work at the home, the team helped to carry the resident to safety at great personal risk to themselves.

On behalf of the Suffolk County Legislature and as Legislator of the 18th District, it gives me great pleasure to recognize Officer Funaro and Joseph Cartelli for their unselfish act of heroism that resulted in the life of an elderly, disabled woman being saved. I'll invite --

***Applause***

Thank you. I'll invite Legislator Trotta to have a word.

**LEG. TROTТА:**

I just -- having trained Matt years ago when I was a young cop, and knowing Joe from Kings Park, I just wanted to say that I can't be more proud. And it says a lot about -- you know, it makes me feel good that all these years later I see a guy I trained and a neighbor of mine helping out, it just is a warm feeling. Congratulations and thank you very much.

***Applause***

*(\*Photograph Taken\*)*

**LEG. SPENCER:**

I was permitted to take Officer Funaro out of order because he has a brother who's performing at Carnegie Hall tonight, so.

**OFFICER FUNARO:**

My son.

**LEG. SPENCER:**

A son, a son. All right.

***Applause***

**P.O. GREGORY:**

Okay. Congratulations, Officers, and thank you for all the great work that you do every day to protect us.

**Public Portion**

We are -- we will go into the public portion of the agenda. We have many, many, many cards. Each speaker is allowed three minutes to speak, and the first speaker that we have is Andrew Herzman. Andrew, are you here? And then on deck we have Harold Skip Wade.

**MR. HERZMAN:**

Thank you very much for the opportunity to speak. My name is Andrew Herzman and I represent myself. First of all, I would like to point out that people have been coming here months and months expressing their concerns about the Red Light Camera Program here in Suffolk County. I'm sure that for every person that takes the time and effort to come here and speak, there are many more who feel the same way but don't have the time or resources to make an appearance here. I have to wonder if what we say here even matters, since I have seen no action whatsoever or consideration to those who have spoken so far on this issue. Some have even provided documented evidence to back up what they say. And I have to ask, is this just a place to vent, or is this a place where the citizen's concerns are taken seriously?

I would like to address the constitutionality of these red light cameras. Yes, I know you think you found a loophole and a work-around to the Constitution by saying you don't get points on your license, as if that makes taking people's money without due process somehow legal. When someone allegedly runs a red light, the County sends the violators what looks like a ticket, but really it's a summons to a civil trial; basically the County is suing the driver for running a red light. However, a plaintiff can't be sued successfully unless he can show damages or loss, and there's no way on Earth that the County can show a loss or damage if someone just happens to run a red light with no accidents.

Judge Ann Wansboro of Pasco County, Florida said in her courtroom that the cameras, *"impermissibly shifts the burden of proof to the defendant, therefore does not afford due process and is unconstitutional to the extent due process is not provided."*

The Fifth and Fourteenth Amendments of the United States Constitution each contain a due process clause. If judges in other states can rule that these cameras are unconstitutional, there should be no difference here. The Constitution is the Supreme law of the land for the whole country, not just a few states. If the cameras are unconstitutional in Florida, they're unconstitutional in New York.

Also, I want to point out that we are just human beings. We're not machines and, therefore, we shouldn't be judged by machines. We shouldn't be punished for not being perfect, for going over a white line an inch or so, or maybe going through a red light a millisecond too late. No police officer would ever give a ticket out for that. That's not safety. Obviously it's about revenue, and if the government of Suffolk County can't pay the bills with already some of the highest taxes in the nation, they should hang their heads in shame. Instead of spending less and being more fiscally responsible, the County finds new and more ridiculous ways to squeeze money --

**D.P.O. CALARCO:**

Mr. Herzman?

**MR. HERZMAN:**

Yes.

**D.P.O. CALARCO:**

Your time is up. If you could please wrap up, we have many cards so we are going to stick to the time.

**MR. HERZMAN:**

Absolutely. One more sentence, sir. Yes, as I was saying, the County finds new and more ridiculous ways to squeeze even more money out of its citizens. So I really hope I didn't spend my time here for nothing. I truly hope you will take my words and the words of my fellow citizens under consideration and do the right thing, which is to obey the Constitution you swore to uphold and get rid of these illegal, money-making cameras. Thank you very much.

**D.P.O. CALARCO:**

Thank you, Mr. Herzman. Our next speaker is Harold Skip Wade, Mr. Wade, followed by Thomas Kowalsick.

**MR. WADE:**

Excuse me. (*Brief pause*). Sorry, I'm just looking for my papers. Anyway, my name is Skip Wade, I'm a golf course superintendent; I've been a golf course superintendent over 40 years. I'm here to talk about the water quality that we're having problems with in Long Island Sound with nitrate leaching. I reduced my pesticide load at Cherry Valley from 1500 pounds down to 500 in 1994. I lectured in San Francisco National Convention on that subject, and now I am presently at Eisenhower Park and I'm running a compost facility there, but before then I was at Cantiague Park and I reduced my pesticides to no pesticide -- no insecticides and only about five sprays of fungicide.

I believe that we should ban any high nitrogen fertilizers on Long Island because they're just leaching into the groundwater. And the four-step program, every one of those products has a 2832, 2432 tag on there and it -- number one, we know that this is fact, that the nitrate burns the biological good microbes in the soil and half of it is leaching out to the bays. Number two, it goes right to the ground. I'm here just -- I'm here for my -- I'm here to protect groundwater and also to ban Atrazine and Malathion and one more product, you all know about this stuff. But I'm here to speak for my grandchildren, I have eight grandchildren and one on the way; it's not for me, it's for them. So I recommend that we look at this a little, much deeper and it's in 19 -- about 15 years ago I was at Cornell and we lectured and there was a -- they said that the Atrazine was in the water at that time. It's still in the water now at parts per million. So I don't care if it's parts per million two or one, for an infant it can kill him or make diseases or what have you. So I am here today to stand up for them.

I have a resume, if any one of you guys want to have it I'll pass it out to you, and I'm here -- I can solve the problems. I'm an organic guy, I use the compost on the golf course, no weeds, no fungus, no weed seeds, no smell, no turning. It's a new system, we're doing it at Eisenhower Park right now.

(*Beeper Sounded*)

The other thing, there's a new product called -- it's Biochar and a company out in Minnesota is using it to clean-up lakes and they take all the nitrates and the phosphates out of the lake. And, you know, a lake that you can't see ten feet down in, in a month you can see all the way down and it's cleaned up biologically. These are new things that are out there, and I have all this information here, if you want it I'll give it to you. And I think we can use this material to take care of our runoffs from all our catch basins. We also can look into it in --

**D.P.O. CALARCO:**

Mr. Wade, your time is up. If you could please wrap up.

**MR. WADE:**

Okay, thank you very much. And if anyone is interested in a resume or whatever I have, I'll pass them out if you want.

**D.P.O. CALARCO:**

You can leave it with the Clerk and they'll bring it around for you.

**MR. WADE:**

Thank you.

**D.P.O. CALARCO:**

Thank you very much. Okay, our next speaker is Thomas Kowalsick, followed by Robert Keller.

**MR. KOWALSICK:**

I have copies of my statement. My name is Thomas Kowalsick, I reside at 1520 Main Road, Route 25, Jamesport, New York. I'm speaking in support of Resolution 1168-2016 which would authorize appraisal of 9.71 acres of land fronting Route 25 in the Hamlet of Jamesport, and Resolution 1171-2016 which would authorize appraisal of 33.89 acres of prime aquacultural land in Jamesport.

My home is located on property that is adjacent to the 9.71-acre parcel being considered for appraisal for a hamlet park. At one time this land, as well as the 33.89-acre parcel to the north, was owned by my great grandparents, Peter and Mary Siminski. This was their farm.

My mother was raised by Peter and Mary, her grandparents, and grew up on the farm. Preserving the front parcel is very important to the community. Current zoning allows for retail shops and, by special exemption, cafes and professional offices. Because this parcel is just so very large, if it were developed commercially it would lead to the over-development of the Hamlet of Jamesport and degradation of the historic quality of this hamlet as well. Traffic is a problem on Route 25 in the hamlet and commercial development of the parcel, which has access only from Route 25, would be problematic and dangerous; I know this firsthand living adjacent to the parcel.

This parcel is quite elevated above Route 25. Previous plans for development included excavation of several hundred thousand cubic yards of soil, bring the parcel down to the level of Route 25; this would be devastating for the Hamlet of Jamesport and the environment as well. I can only imagine how removal of this much soil would affect nearby properties.

Preserving prime agricultural land is very important, so preserving the 33.89 acres is very important for Jamesport and Suffolk County. The parcel is surrounded on three sides by preserved farmland. It has been historically farmed as recent as 2010 and as well as my great-grandparents. The current landowner is working with a local farmer to bring this land into production. He outlined the plans at the March 17th, 2016, Suffolk County Farmland Committee meeting. The preservation of these two parcels of land has broad community support, including the following organizations: Group for the East End, Save Main Road, Jamesport Civic Association and local business owners and farmers.

The preservation of these parcels is listed in the Riverhead Town's priority list. The Town has agreed to enter into a management agreement with Suffolk County should the front parcel be purchased for hamlet park use. Jamesport Civic Association has offered to help manage the Hamlet Park if it comes to fruition.

I would like to thank Mr. Dinoto, owner of these parcels. His company is based in Nassau County, yet he has been very supportive over the concerns of those living in Jamesport and is willing to consider preservation of this land. Although all of you are not located in Eastern Suffolk, it only takes 30 or 40 minutes for your constituents to travel east and enjoy the farms, wineries and rural

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hamlets like Jamesport which are so important to the economy of Suffolk County. If we lose our rural character, it will be lost forever. Thank you for your time.

**D.P.O. CALARCO:**

Thank you very much. Our next speaker is Robert Keller, and on deck is Emily Boles.

**MR. KELLER:**

Hello. My name is Robert Keller, I'm a resident of South Jamesport out on the East End, and I'm here to speak in support of the appraisal of budget numbers, or whatever you call them, 1168 and 1171. You guys have a historic opportunity to preserve these two parcels, you don't usually get that. Anyone who has gone out east to go pumpkin picking or go to the wineries or anything, you know that all of a sudden you cross over Route 105 and it's nice and we want it to stay nice. And I think Al Krupski, who is here, will tell you he agrees with us.

So I would just recommend that if you can, pay attention to the fact that this is a unique opportunity to preserve all the way from the Main Road half-way up Manor Lane, which is the last piece of property that is not preserved in all of that stretch. So, you know, as things get crazy out there, as the traffic increases and everything else, you can rest assured knowing that you did your part to keep the East End, and the North Fork specifically, nice. So, please. Thank you. That's all I got to say.

*Applause*

**D.P.O. CALARCO:**

Thank you, Mr. Keller. Our next speaker is Emily Boles followed by Peter Quinn.

**MS. BOLES:**

Good afternoon. I came to check out some itinerary that's going on here and I wanted to be recognized. And I thank you all, I am having a wonderful time so far.

**D.P.O. CALARCO:**

Good. Thank you very much. Our next speaker is Peter Quinn, followed by Georgette Keller.

**MR. QUINN:**

Good afternoon, Members of the Legislature. My name is Peter Quinn from West Islip. I'm here to talk about transit; high level, elevated transit starting at the Heartlands where allegedly, according to a 2014 report, there would be 9,000 residents there and 20,000 people navigating through that complex on a regular basis. I suggest, support the idea of three elevated stops at Heartlands: The first going across the road to the Suffolk Community College; the second one going north up to the Northern State Parkway east to the Dennison Building where there will be an elevated grill going north, circulating around this whole complex, and then back to the Dennison Building where it goes east, to the State Office Building out to a huge retail store on the other side of the Expressway and onward to the McArthur Airport where it circles around the parking lot, out east of Sunrise Highway East to Exit 63 and south to Gabreski Airport. You've got two airports involved with real traffic. But further, the third stop would go north to Sunken Meadow, south all the way to Ocean Beach, west to Jones Beach where Nassau picks it up and the Coliseum gets involved with three stations as well.

You should know -- because I'm limited for time, you should know that the cost mostly is borne by the Federal government, usually about 80%. The State picks up around 12%. The Counties will pick up, round figures, five or 6%, and the towns pick up roughly 3%. So it's time to engage all of the groups, the Legislative groups that are involved and get this started. It takes five years before money gets forwarded. The first year is for engineering and then the other four years is through Congress messing around with the money. So I just wanted to urge this group to begin thinking

about our future, to think about connections in order to make this possible. Thank you very much.

***Applause***

**D.P.O. CALARCO:**

Thank you, Mr. Quinn. Our next speaker is Georgette Keller, followed by Larry Simms. Ms. Keller?

**MS. KELLER:**

Good afternoon. I'm here to speak to you about Resolutions 1168 and 1171 for the preservation appraisals in Jamesport. I am an Executive Board Member of the Jamesport/South Jamesport Civic Association, the Founding Member and Director of Save Main Road, and I'm also on the Town of Riverhead's Landmarks & Preservation Commission. Both of these parcels are right in the heart of the hamlet and abut our local historic district, and really to preserve the rural nature of our community and its character that everyone on Long Island comes to enjoy at some point or another during the year, whether it's in the Spring for all your plantings, in the Summer for vacationing and boating on the bay or in the sound, or in the Fall for the Fall Harvest and the corn mazes and everything else that goes along with our rich agricultural history.

As a local school teacher in Riverhead, I teach our children every year about the difference between urban and rural and our agricultural history and the richness that we still represent, that used to exist on all of Long Island, and we are now the last reaches of that and the importance of preserving our past for our future generations. So please, thank you for your support and your consideration on these resolutions today. Thank you.

***Applause***

**D.P.O. CALARCO:**

Thank you, Ms. Keller. Our next speaker is Larry Simms, followed by Helen Sells.

**MR. SIMMS:**

My name is Larry Simms, I'm from South Jamesport and I'm speaking as the Director of Save Main Road in support of the proposal to appraise IR 1168 and IR 1171.

Save Main Road is a grassroots organization of some 400 North Fork citizens who have been intently focused on these parcels since development plans first surfaced a decade ago. The organization is active on many projects to support farming and to preserve the character of the rural corridor, but we have never seen the unanimity visible on these proposals. Save Main Road comprises homeowners and business owners, full-time residents and weekenders, new commerce and some folks that trace their North Fork roots back six generations. All of these constituencies favor the preservation of these lands.

The case for the northern agricultural parcel is straight forward. It's a fine piece of farmland, it's well rated and it's surrounded by already preserved farmlands. Active farming is vital to our economy, both for the crops it produces and for the tourists it draws. Preservation of the southern commercial property is equally important, if less obvious. It's a virgin, 10-acre lot hundreds of feet of Main Road frontage and it's a stone's throw from the Hamlet Center. Our town's quirky zoning allows 42,000 square feet of retail space to be built here as-of-right. That single project would represent far more retail space in the aggregate than exists in our entire hamlet. The site plans we've seen call for the entire ten acres to be essentially leveled and paved with all the old growth trees lost. Traffic at the entry-point is challenging now and it would become extremely hazardous were these projects built. The tiny and quaint Jamesport downtown would be completely overwhelmed.

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A hamlet park on this site would preclude these problems. It would help rather than hurt existing businesses, and it would provide sorely needed public space with simple amenities such as a picnic area and hiking trails which would allow residents and visitors alike to take advantage of our unique, natural and cultural resources. We're extremely grateful that the Riverhead Town Board has agreed to manage this hamlet park and we join them and our sister civic organizations in pledging our continuing support and assistance. Thank you for your consideration.

***Applause***

**D.P.O. CALARCO:**

Thank you. Our next speaker Helen Sells, followed by Sydney Levine.

**MS. SELLS:**

Good evening. My name is Helen Sells, I'm the Chair of the Setal Cott Nation. Our ancestors lived in the area that became the Town of Brookhaven. History shows our people living just west of the Cutchogue Nation as part of the Long Island Indian country. I support the historic preservation of the 35-acres as farmland, as well as the nine acres. The County must move forward to protect the valuable farmland; however, at the same time protect the Native American grave site.

First, the Helmet Park category resolution should be referred and known as the Cutchogue National Park, since the indigenous people buried on the property were known as Cutchogue's. Let's show some respect for the significance and the history of the people and their burial site. These are the people that sold the land to the European settlers and is believed the Cutchogue descendents remained in the Jamesport area until the 1800s, according to the written history of the area. As the Europeans settlers moved west on Long Island, so did the Indians that had become their servants.

Second, I am concerned that there is no mention of the historic preservation in either Resolution, IR 1169 or IR 1171-2016. The County should seek County, State and Federal historic preservation landmark designations for the property, similar to the recognition of the Cutchogue Fort site. This must be referenced in the Suffolk County resolution regarding the property along with the savings -- saving the valuable farmland.

Third, it is my understanding that the location of the graves found by Archeologist William Richie has not been determined; therefore, the property must be protected until a professional finds the actual site.

Finally, the use of either property prior to the study could cause adverse effects on the historic and the archeology resources of the Cutchogue burial ground. Thank you.

***Applause***

**D.P.O. CALARCO:**

Thank you, Ms. Sells. Our next speaker is Sydney Levine, followed by Richard Wines.

**MISS LEVINE:**

Good afternoon, Legislatures. My name is Sydney Levine. I am 15-years old and a sophomore at Half Hollow Hills High School East. It is once again a privilege to speak in front of you today. As my parents always say, everyone has something. My brother's something started ten years ago when he was waking up with his eyes 80% closed and blown up like balloons. After a kidney biopsy, we found out Matthew's something is FSGS, a rare kidney disease that has no known cause or cure.

For ten years I've watched my parents work with NephCure Kidney International Foundation to help find a cure for Matthew and others that are suffering from FSGS and Nephroic Syndrome. My

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parents share Matthew's story in any way that they can. My Dad has gone to Capital Hill, they run fundraisers and attend conferences and much more. When I asked my Dad why he thinks this happened to us, he said, "*Because we can make a difference.*" At that moment, I knew it was my turn to help my funny and loving brother. I hate seeing him in pain and being scared of going to the doctor and trying new medications and being worried about what tomorrow will bring.

Matthew and I hear and read the statistics about FSGS and Nephroic Syndrome and they are very scary. Twenty-three million Americans are battling chronic kidney disease as we speak. FSGS and Nephroic Syndrome are the two most devastating kidney diseases. Eighty thousand Americans lost their battle to chronic kidney disease last year, which is more than breast cancer and prostate cancer combined. Some doctors believe chronic kidney disease is the next epidemic of our generation. FSGS is the leading cause of kidney failure of children in the world. FSGS effects all ages, genders and colors. FSGS is five times more prevalent in the African-American community.

We spend \$30 billion a year taking care of kidney patients in our country. Wouldn't it be so great if we could find a cure so we wouldn't have to spend \$30 billion a year taking care of kidney patients? My family has met many people that are battling FSGS and Nephroic Syndrome. Many of their stories are the same; always swollen and trying different trial drugs, in and out of the hospital waiting for a kidney match, lots of tests, restricted diets, high blood pressure, high cholesterol and missing school, missing work, and mostly feeling frustrated and afraid of what tomorrow will bring.

Matthew's cholesterol has reached 375, his blood pressure has gone through the roof. He takes 12 to 15 pills a day and has been on many chemotherapy-like drugs. Matthew's kidneys will likely fail and he will need a kidney transplant. The transplanted kidney is attacked by FSGS 50% of the time or more. There is a girl on Long Island who has had a kidney transplant and the new kidney was attacked by FSGS after one hour. There is a man on Long Island that has had four kidney transplants, the new kidney was attacked all four times. Now you know why I am here and we need to make a difference.

This March has started "*31 Days of Marching to Awareness*". Every post that -- every day I post on social media a way to bring awareness and exposure to FSGS and Nephroic Syndrome. For example, I have celebrated a Nephrologist and spoke to a 3rd grade class about kidney disease. I ran fundraisers last weekend and speaking in front of you will be today's post.

Failure is not an option. Some doctors believe that if we unlock the door to FSGS and Nephroic Syndrome, we will unlock the doors to diabetes and other chronic kidney diseases. It takes \$1 billion to bring a new drug to the market in this country, so we need to raise a lot of money. Thank you very much to Steven Stern, Debbie Harris and Mary Young for giving me this opportunity to speak in front of you today and for the green ribbons and for helping me to try and make a difference. As Matthew's favorite creator, World Disney, once said, "*The way to get started is to quit talking and begin doing*". This is what you've allowed me to do today. Thank you for listening and thank you for this opportunity.

### ***Applause***

#### **D.P.O. CALARCO:**

Thank you very much, Miss Levine. Our next speaker is Richard Wines, followed by Sandi Brewster-Walker.

#### **MR. WINES:**

Good afternoon. I'm Richard Wines and my family has lived in Jamesport for over 300 years. I'm also Chair of the Riverhead Landmarks Preservation Commission and a member of the Riverhead Farmland Preservation Committee, and I'm here to speak in favor of the appraisals for the two

parcels in Jamesport.

I want to call these parcels Sharper's Hill because that's the name that's historically been used. And for those of you, which I suspect is most of you, who haven't seen it, it has the first qualification to be a park. It's beautiful. There are wooded areas in front, prime farmland in back and wonderful, historic views from looking out at the top of Sharper's Hill, and you can see across the Peconic Bay System a mile away.

In 1822, the school teacher in the little school that used to be at the foot of the hill, a guy by the name of Ezekial Aldridge. He was a terrible poet, but he wrote a little poem saying -- calling Sharper's Hill *a noble place of ancient fame*. And although I have no proof of this, it's quite possible that the name Sharper's Hill comes from its use during the revolution as a location for sharp shooters to pick off British soldiers down below.

These parcels also happen to be immediately adjacent to the Jamesport Hamlet Historic District which was designated by the Riverhead Town Board in 2006, and preservation of the parcels is really critical for maintaining the ambiance of that row of historic stores and houses there in the heart of Jamesport, or buildings dating back to 1731.

I also want to mention that this parcel, the two parcels have been twice designated by the State Historic Preservation Office as eligible to be on the National Register. And finally, there's another important characteristic here, it's right on Route 25 which runs all the way, the whole length of Suffolk County, so it's beautifully accessible to citizens from the entire County.

In conclusion, Sharper's Hill, with its 3,000 years of history, is really a unique and special place on Long Island. Preserving it is not just about keeping Jamesport rural, although it's shocking to think of the kinds of things that could have happened here; rather, Sharper's Hill needs to be celebrated and cherished as a very important piece of the Island's history. We are really lucky to have a chance today to get it right, and I thank you for your consideration.

### ***Applause***

#### **D.P.O. CALARCO:**

Thank you very much, Mr. Wines. Our next speaker is Sandy Brewster-Walker. Ms. Walker? Followed by Margaret Byrne.

#### **MS. BREWSTER-WALKER:**

I'm here in support of 1169 and 1171, both resolutions. My name is Sandy Brewster-Walker and I'm the Chairperson and Executive Director for the Long Island Indigenous People Museum and Research Institute that was chartered by New York State. As well as I'm the former Deputy Director of the Office of Communication at the United States Department of Agriculture. I was part of the Senior Executive Service, a political appointee for President William Jefferson Clinton.

I was born on Long Island. I'm a descendent of Native American Farmers, as well as I work for USDA, so I understand the importance of farmland. As a part of Long Island Indian country, I support the preservation of a couture burial site. However, the two resolutions do not, in my opinion, go far enough in protecting the historic and the archeological resources of the burial site.

As the 35 acres is designated protected farmland, the location of the actual graves must be located at the same time. I am not familiar with Suffolk County or New York State acts that protect Native American burial sites. However, at the Federal level, there are two important acts that protect Native American graves and can be used as guidelines for this project; the National Historic Preservation Act of 1966 that was amended in the year 2000, and the Native American Grave

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Protection and Reparation Act of November 16th, 1999. Both helped to determine whether a property can be shown to be part of a Native American grave site; however, the archeologist, William Richie, has already determined this with his digs.

The act further states that if the integrity, significance and history of the burial ground can qualify for the National Register of Historic Places, it should be protected, and I believe it meets the criteria. The two resolutions should be amended to include language about the preservation, not only of the valuable farmland, but the Native American grave site. As the resolutions are worded, they open the door for adverse effects on the historic and archeological resources of this important burial ground. I suggest that Suffolk County should use the Federal Act as a guideline and try to comply with Section 106 of the National Historic Preservation Act of 1966.

*(Beeper Sounded)*

Suffolk County, as it moves forward, must avoid producing adverse effects on any cultural resource eligible for the National Register of Historic Places. Thank you.

**D.P.O. CALARCO:**

Thank you very much.

***Applause***

Thank you very much. Our next speaker is Margaret Byrne, followed by Angela DeVito.

**MS. BYRNE:**

Good afternoon. My name is Margaret Byrne, I'm a resident of South Jamesport and I'm here in support of the resolutions to study the use of the land parcels in Jamesport.

I've commuted back and forth from New York City to Jamesport for some 36 years, and we're here to just affirm that on the Jitney, when you come out to the North Fork, there's a collective moment where everybody exhales in joy at finally having left over-development of land behind and finally seeing an area that supports farmland and agricultural use. We're happy to be part of the booming agriturismo landscape and consider our little hamlet of Jamesport as the gateway to the North Fork to a very important part of Suffolk community life. If you change the gateway, I think it will have negative implications and signal failure to support the use of the land for farms and for parks, and I will leave it to the more eloquent representatives of the community to further the arguments.

This use of time and resources for the preservation of farmland and agricultural tourist development is much better than trying to reclaim that sense of place and time that we lose when we trade it off for unwise development and unregulated traffic patterns; that's what we foresee if other use of the property is made in Jamesport. Thank you for your time.

***Applause***

**D.P.O. CALARCO:**

Thank you, Ms. Byrne. Our next speaker is Angela DeVito, followed by Hector Gavilla.

**MS. DEVITO:**

Good evening. My name is Angela DeVito and I'm here speaking in favor this evening in support of IR 1168 and IR 1171. I'm here speaking on behalf of the membership of the Jamesport/South Jamesport Civic Association. Our civic association was organized in 1943 and in the ensuing 73 years of its existence has worked diligently to maintain our rural quality of life while recognizing and embracing the need for local economic development. We are a community that is dedicated to responsible development, and more significantly the preservation of traditional East End economies,

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especially farming. We are here today in support of these two resolutions and to ask that you join us in support and cast a yes vote for each of them. Our reasons for seeking your approval of the efforts to authorize the appraisals of two contiguous parcels of land, one as a hamlet park, the other for purchase of development rights or several.

The farmland referenced in IR 1171 is part of a continuous agricultural greenbelt created by the Town of Riverhead's Comprehensive Plan. It has been described as containing prime soils and is surrounded on three sides by preserved farmland. It is listed on the Town's priority list for preservation.

In 1974, this body, the Suffolk County Legislature, enacted the first preservation of a development rights program in the United States, something that you should all be applauded for because it really was a first. You hit a home run with that 1974 law. It was a bold move. It recognized not only the importance of our agricultural heritage, but clearly it expressed an intent to ensure that farming remained a part of our communities, especially those on the East End. Today many young farmers cannot afford to buy the land directly, but can certainly rent land and farm that and continue the agricultural processes out east.

By preserving this parcel of 33.9 acres of farmland, you assure that the next generation of farmers have an opportunity to be on the land and to continue forward with our agricultural heritage. The new owner is committed to farming these acres and has initiated steps to begin such. The current zoning for the parcel listed in IR 1168 is rural corridor which allows for development of rural shops. It has limited access, only off of Route 25 to the west, of our historic Jamesport Hamlet Center. The increase in traffic that intense development of this parcel would create is detrimental to this hamlet center.

In closing, I have three seconds left, I ask you again to vote yes on this. And in the -- what I have submitted, there are additional reasons why we seek your support for these two resolutions. Thank you for your attention.

### *Applause*

#### **D.P.O. CALARCO:**

Thank you very much, Ms. DeVito. Our next speaker is Hector Gavilla, followed by Paul Pressman.

#### **MR. GAVILLA:**

Okay, good afternoon. My name is Hector Gavilla and I oppose the red light cameras. As many of you know, I'm a very business realtor, I'm very successful in the Dix Hills area, so I do have better things I can do. But I'm handing out a copy of the New York State Law that authorizes Suffolk County to run the Red Light Program, which many people oppose. And we believe that you may be in violation of the New York State law. For example, in that document you'll read that you're only supposed to charge no more than \$50 per ticket. So adding a \$30 admin fee, you're actually violating New York State Law, so please take a read because it's a very good read.

And the law that I'm referring to is 1111-B which appears on all the red light camera tickets that people receive, okay. We're -- this is no joke. We're actually speaking with attorneys of very big law firms and we're pursuing a class action lawsuit against Suffolk County, Xerox and anyone else who instituted this law, because across the country, the Red Light Camera Programs have been deemed unconstitutional, including in New Jersey. Which I've mentioned to many of you that any drivers that get a red light camera that have a New Jersey license plate, they throw it in the garbage. So really this only applies to New Yorkers and it's an unfair system.

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The other thing, too, in that law is that Suffolk County, along with the other municipalities that run a Red Light Camera Program, you're supposed to publish an annual report. The last time that you published an annual report was in 2013. So what are we hiding here? Why have -- why do we not have the annual report from 2015 and 2014? The Suffolk County Attorney told us that they're trying to get some information back from New York State, which makes absolutely no sense. So review the law because you're violating that as well.

Now, the annual report is supposed to include the locations of the cameras. Here's another question for all of you; if this is truly about safety, why are you not letting us know where the locations are? Why are you not sending letters to the constituents saying, *Hey, guess what? We have a new camera for your safety and it's at X,Y, Z intersection now.* That's not happening.

We also want to know if the program's working, so by not having the annual reports we don't know if it's actually decreasing accidents or it's increasing. I'll tell you, I have a feeling that it's actually increasing rear-end collisions, because I have a list now of over 4500 people, seriously. Because I have an on-line petition, we have a website and people are calling me every single day -- it's become a second job for me -- and people are telling me that they're having rear-end collisions or close calls as well.

One last concern that I want to mention here is that I am a father of a 15-year old daughter and a 14-year old son. I'm going to start teaching them how to drive, okay. These are good kids, they're in the high honor roll. My daughter actually is a professional ballerina, they're not bad people. I know my time's up, but what I want to tell you is that they're going to get these red light tickets, and don't say they won't because they're teen-agers. We all made mistakes when we were driving. Me personally, maybe I only had one red light ticket, so I'm not this hoodlum, I'm not a bad person, I'm a very good person. If you look on my record, I have a great driving record, maybe one red light ticket, two red light tickets in Suffolk County. I am against this program because it's unconstitutional and it's unfair to the constituents, and what you're doing is potentially legal. Have a great day, everybody. Thank you very much.

### **D.P.O. CALARCO:**

Thank you very much, sir. Our next speaker is Paul Pressman, followed by Laura Jens-Smith.

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

### **MR. PRESSMAN:**

Good evening, Legislators. I know you're sick of seeing me up here, but I'm coming up again because the Suffolk County Transit System is not getting any better. I know everybody talks about this AVL system and everything else. Well, I take the bus every single day, and the problem is, now, since I take most of the buses run by Suffolk Transit Company, and I don't know how it is on the EBT line, because I don't take much of their buses, but I take the S40 every single day and I can tell you that they have changed the system on the buses now. Where they used to have going across on the bus, on the inside you could see every stop, now they don't even have the stops listed. They have somebody speaking over the loud speaker, but only if somebody hits a stop -- a stop requested. It doesn't tell every single stop when it's coming up. So people that might be disabled, people that sometimes ride the bus with a guide dog have no clue where the bus is going to, where the next stop is.

There's a big sign on every single bus. The ADA requires that the drivers must tell everybody every stop. The driver can't tell everybody every stop. If he did that, he'd be in an accident every time he stopped the bus, but there's a sign right on there. So I don't understand this new AVL system. I don't know what they're doing in the private bus companies, but it's not working. And all you get is,

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"We're going to change the bus system, we know that there's a problem, we know the buses don't make connection," and everything else. And everybody's spent all this money, \$100,000, whatever, on the AVL system and it's not working.

I really urge you to please, for one day, just take the bus and try to get to your work. Try get to your work on time, one bus. You got to make a connection, forget about it. And Legislators in the Babylon Town district, go to the Babylon railroad some day and try to figure out where the S40 bus is supposed to stop. There's no sign up there, it hasn't been there for ten years. You've got a sign halfway down for the S20, 23, 25 and 27, but not -- but not for the 40, the 40 or the 42 bus. And now, you when you get into Babylon, the new AVL system doesn't even tell anybody on the bus what buses you can transfer to. So I don't see where the system is any better, and yet you spend \$100,000 on it. That money should have been used to get Federal money and State money to buy more buses. Some of these buses are in real bad shape, and they're just -- it's just not doing the job.

So I'm asking you again, please, we've get to do something. You know, it comes up on --

**D.P.O. CALARCO:**

Mr. Pressman, your time is up.

**MR. PRESSMAN:**

I'll be done in two seconds, okay? Believe me, my SCAT bus is waiting for me right now. But seriously, somebody's got to look into this, please. That's all I'm asking, is somebody really has to look into this. Thank you very much.

**D.P.O. CALARCO:**

Thank you very much, Mr. Pressman, for coming down.

*(\*Applause\*)*

Our next speaker is Laura Jens-Smith, followed by Phil Barbato.

**MS. JENS-SMITH:**

Hi, good evening. My name is Laura Jens-Smith. I am here today as a resident of Riverhead, and I ask you to continue the tradition of Suffolk County -- that Suffolk County has of leading the way in successful land preservation, and I ask you to do this by supporting Resolution 1168 and 1171. These parcels of land that sit next to each other offer unique opportunity to preserve prime agricultural land, open space for public use in the historic Hamlet of Jamesport. As many towns and hamlets face the pressures of the remaining parcels to be -- the remaining parcels that are there face enormous pressure to be developed. The front nine-acre property that has had proposals to develop a 42-square-foot commercial complex, and another proposal to put in a 118 bed assisted living facility. These type of commercial development will lead to the overdevelopment of the hamlet and the ruin of the historic quality of the hamlet, to say nothing of the negative effects due to increased traffic and parking problems.

Jamesport is the first small town center you enter after leaving the box store madness that has engulfed Route 58 in Riverhead. Allowing the suburban sprawl to migrate further east without preserving open space would be a detriment to our economy. Losing these properties to further development would negatively impact the character of this historic hamlet. Farming, open space, rural character and tourism create a synergy that helps our local economy thrive in Jamesport. Voting yes to these proposals will help to ensure that we can preserve some of the historic rural heritage, open space and farmland that is Jamesport before it is all gone. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you Ms. Smith. Our next speaker is Phil Barbato, followed by Linda McGregor.

**MR. BARBATO:**

Good afternoon. My name is Phil Barbato. I live on Manor Lane in Jamesport. I own and operate a 14-acre preserve farm just to the east of the property under consideration in I.R. 1168 and I.R. 1171 being considered by you today. And I fully support a positive vote on the two above-referenced resolutions authorizing appraisal of the two parcels of adjoining land.

The purchase of development rights on the 33.9 acres of prime farmland, combined with the purchase of 9.7 adjoining acres for Hamlet Park, will forever preserve this precious farmland and historic resources as part of our County. If you look behind you, the symbol of the County Legislature is a plow, by the way. That was pointed out to me.

I respectfully request that you consider the following comments: The 33.9 acres of farmland, first of all, it contains prime agricultural soils, namely the Riverhead loam and the Haven loam type of soils, which are described by the NRCS as, quote, well suited to crops commonly grown in Suffolk County. This is borne out by soil tests performed as recently as this month.

Secondly, these acres of farmland are surrounded on three sides by already preserved farmland, including my own. The preservation of the 33.9 acres would fill in a missing piece in the midst of already preserved farmland in the Jamesport area, as has been pointed out. The resulting combined contiguous preserved farmland would then exceed something like 200 acres, with no breaks, it would all be preserved farmland. In addition to securing our farming future, this would also benefit the native species in our area by providing large areas of natural habitat unbroken.

Concerning the 9.7 acres of undeveloped land in the front piece, if it were to be preserved, it will prevent the overdevelopment of Jamesport and preserve precious historic resources. If developed, it would create more empty storefronts in our community, of which there are a sufficient number already, thank you. And if developed, they would cause an unacceptable increase in traffic on New York Route 25, which is one of the only two main east/west roadways on the North Fork that many citizens now use for daily travel. I can tell you, it gets busy, because that's why I was late to the meeting today.

And third, preserving these two parcels will bring the added benefit of protecting the, and I'm quoting here, the last remaining native burial mound site on Long Island. That's according to the Suffolk County Archaeological Association, Gaynell -- Dr. Gaynell Stone. This ancient burial site was documented in 1959, as has been described. So if we were to do all of this, it would not be -- the preservation of the historic site is not an obstacle, but, rather, an added benefit of preserving the farming and the park area.

I urge you to approve both resolutions, and thank you for your time.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you very much for coming down today. Our next speaker is Linda McGregor, followed by Marguerite Smith.

**MS. MC GREGOR:**

Good afternoon. I'm a resident, County employee and member of the Suffolk County Association of Municipal Employees.

Despite the budget deficit, fiscal emergencies, reduction and elimination of services to the County residents, the defunded closure of the John J. Foley Skilled Nursing facility, the privatization of the County health centers without an RFP, the layoffs and lag payrolls of public employees, and concessions by all the public employee unions, member items, also known as earmarks and pork, are still the law in Suffolk County, the Hotel-Motel Tax Law. Not-for-profits that receive public funding from this law via the Department of Economic Development to be used for a public purpose in return give their Legislature -- Legislator the credit, praise, publicity for the funding, resulting in potential votes for the Legislature.

The not-for-profits don't receive the taxpayer funding without your seal of approval. Although the not-for-profits submit applications to the various boards in the Department of Economic Development, you decide in your budget working groups who gets the money and how much. The quid pro quo is that the not-for-profits have to recognize and give the credit for the funding to their Legislator. There is no credit being given to the taxpayers of Suffolk County or the various boards in the Department of Economic Development or the Department of Economic Development itself, only you.

It is not my fault that you have failed to disclose your member items, in violation of the 2007 New York State Budget Reform Act. It is not my fault that the heads of the not-for-profits don't recognize they are facilitating and engaging in member items when they ask their members and the public in attendance at their meetings and events to thank their Legislator for, quote, his or her grant, or, quote, securing the funding, or, quote, making the event possible, that was publicly funded. It is not my fault that the people that are in the position to report the scandal, yourselves and Newsday, are not reporting it.

I've witnessed these member items in person, on social media, in newspapers, and in your own press releases and newsletters. If you eliminate the taxpayer funding to the not-for-profits, then you eliminate the credit, praise, publicity and potential votes you receive for that funding.

I urge you to disclose all your member items, past and present, and repeal the Suffolk County Hotel-Motel Tax Law, not readopt and strengthen it today because it's on the agenda. Before you demand or vote on anymore union concessions, layoffs and lag payrolls for public employees, including the upcoming SA AME contract, it's the right thing to do.

I can give you a presentation on your member's items, but I'll need more than three minutes. Here's proof of member of items by former Legislator Jay Schneiderman. He enjoyed \$113,000 in member items in 2012, when he voted for -- voted for 700 layoffs of public employees. Member items have to end. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Ms. McGregor. Our next speaker is Marguerite Smith, followed by Kayla McCabe.

**MS. SMITH:**

Good afternoon, and thank you. My name is Marguerite Smith. I've spoken here before, I guess, as President of the Board of Cornell Cooperative Extension several years ago. But I'm here today because -- and I've certainly formed some very positive associations with many in the farm community, and as well as my own Legislators, Legislator Fleming, and, of course, Legislator

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Krupski, who has been very, very open and forthcoming, and just is taking a good leadership role with regard to identifying the preservation, the need to preserve farmland, but also, the need to assure that we recognize the cultural heritage that is in this site.

I am a citizen of the Shinnecock Indian Nation, I live on the reservation, and so the South Fork and the North Fork are very special places that many on Long Island don't know about. In fact, this year, Shinnecock will invite all of you to our 70th Annual Labor Day Weekend Pow Wow that's become an event for many. But the past is as important as the present to us, and I want you to understand that.

Yes, it's been stated earlier that research is ongoing as -- and corrections are needed as to some of the historical reports with regard to what sites are, where the exact locations of sites are, what must be preserved for educational purposes, for proper respect to the Native people.

You have heard others speak today. It is -- I believe Legislator Krupski has received direct correspondence from my own Indian Nation government, and as a federally-recognized government, they will play a very important role, I believe, in lifting up the responsibilities and the opportunities through Section 106 of the National Historic Preservation Act.

I'm going to cede anymore time, there's not much, but I would like that time to go to Professor Gaynell Stone when it is her turn to speak.

Thank you for your consideration of both 1168 and 1171. Thank you for your commitment to preserving our future as we look to fashion a healthy and harmonious -- looking to our past as we look to form a healthy and harmonious future. Thank you.

**(\*Applause\*)**

### **D.P.O. CALARCO:**

Thank you, Ms. Smith. Our next speaker is Kayla McCabe, followed by Mehreen Chowdhury.

### **MISS MC CABE:**

Good evening, everyone. I'm a 6th grade student at Selden Middle School, and tonight I'm here to speak to you my thoughts on the possible plastic bag ban here in Suffolk County, except the answer itself is not a ban, only due to the fact that supermarkets and grocery stores would most likely switch to paper bags, also in danger of hurting our environment. The true solution in my opinion is to switch to reusable bags. Each reusable bag will eliminate hundreds, if not thousands, of plastic bags.

We need to change the way that we as Long Islanders live and shop now before it is too late. Every year, one million seabirds die from consuming the toxins, also following 100,000 marine animals. Plastics are detrimental to our ecosystem. We need to make a change today, not ten years from today, when our planet as we know it may be destroyed. The longer we wait, the worse this problem will get.

As stated by U.S. Today, by the year 2050, there will be more plastic in our ocean than finfish. This is terrifying. Our generation are the future leaders of tomorrow. Our planet is in great danger. Our world as we know it is changing at a rate that we cannot stop. Honestly, this is very scary. We are destroying our own planet.

I thank you all for hearing my voice tonight. I hope everything I've said went to your heart, because all this is coming from mine. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Ms. McCabe, well done. Our next speaker is Mehreen Chowdhury, followed by Lidia Sinisi.

**MISS CHOWDHURY:**

Good evening. My name is Mehreen Chowdhury, a student in Mrs. Mindlin's 6th grade science class. Thank you for this opportunity to speak my thoughts on this topic tonight.

Plastics of any sort are harmful to our ecosystem. We need to understand that plastics are not biodegradable. Currently, there are 315 billion pounds of plastic in our oceans. By banning plastic bags in Suffolk County, I believe that we can reduce the amount of plastics in our oceans. Our oceans are being polluted. There are 46,000 pieces of plastic per kilometer in our world's oceans. This ends up killing one million seabirds and 100,000 Marine mammals per year.

My teacher, Mrs. Mindlin, showed us a video of a whale that ate 20 square feet of plastic bags. The plastic clogged the whale's intestines and killed the beautiful creature. Our class was silent when we heard the whale's last cry. My heart shattered when I saw the workers laying out all of the plastic from his stomach.

Approximately 75% of the waste going into our oceans is plastic. Plastic is almost eternal once in the ocean. It takes almost 450 years for a plastic bag to be decomposed into microbits. Animals die getting caught in plastic debris or by swallowing plastic that they cannot digest. This needs to change. We cannot keep destroying our beautiful planet with all of our manmade materials. We are the root of all environmental problems. I agree, that we did both wonderful and terrible things to our environment. We need to change now or else it will be too late. I believe that we have the courage to break the habit of plastic bags, but we need to change now. The future lies in our hands.

So, consequently speaking, I fully support Suffolk County's proposal to ban plastic bags. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you very much, Ms. Chowdhury. Our next speaker is Lidia Sinisi, followed by Hamza Hosein.

**MISS SINISI:**

Dear Ladies and Gentlemen, thank you for giving me the opportunity to speak here tonight on the proposal to ban plastic bags on Long Island. I strongly feel this ban should go into action for so many reasons. This saddens me to say, but over 100,000 marine lives have been taken due to plastic bags. It terrifies me to think what will happen if we don't take action now. Sorry to say that plastic bags are forever, just like diamonds. Are you aware that some sea creatures have even adapted to it as camouflage? It's not just sad for our environment, it's a sad reality for us, too, because I dream of a world that I can go to sleep at night and know that the world still has hope that we can turn things around.

As Jane Goodall stated, "There's still a lot worth fighting for." So I hope you make the choice to ban plastic bags and fight for the future of Long Island. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Ms. Sinisi. Next up is Hamza Hosein, followed by Timothy Brown. Hamza?

**AUDIENCE MEMBER:**

Not here.

**D.P.O. CALARCO:**

No, she is not here. So Timothy Brown, followed by Jenna Caronna.

**MR. BROWN:**

Good evening, Ladies and Gentlemen. I am pleased to be here this evening. I'm here tonight to speak in favor of the proposed ban of carry-out plastic bags. These plastics are killers to animals in the ocean. Plastics take over 500 years to degrade and are in the oceans for so long now that sea creatures are even used to this kind of pollution to camouflage and hide from predators in. I saw a video where an octopus was carrying around a plastic jug with him to hide inside. This really made me think about, wow, like this plastic has been around on the ocean floor for so long, it was being carried around by an octopus.

Many also swallow plastics because they are mistaken for food. Over 500 million pieces of plastics are dumped into our beautiful waters. Sadly, over two million animals die each year from eating these bags, and they are additionally a hazard for small children. We must do something now to protect our environment and our children. As quoted in Newsday a few weeks ago, it's time to bag the bags.

I thank you greatly for this opportunity to speak tonight. In closing, I fully support the proposed ban on plastic bags in Suffolk County. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Mr. Brown. Jenna Caronna is our next speaker, followed by Amy Liu.

**MISS CARONNA:**

Good evening, everyone. Thank you for having me here today. My name is Jenna Caronna and I come from Selden Middle School. I was in science class when my teacher, Ms. Mindlin, shared a video with us about ocean pollution. My teacher said to make sure and watch really carefully to try to understand what's going on with this cruel product.

**MS. VAN GUILDER:**

I object. All these kids are coming in, they're coming right in and they're getting up here in speaking and we have been sitting here.

**D.P.O. CALARCO:**

I have cards and they are all filled out in order.

**MS. VAN GUILDER:**

They are not in order.

**D.P.O. CALARCO:**

Ma'am, please.

**MISS CARONNA:**

When I was watching the video --

**MS. VAN GUILDER:**

This is not constitutional.

**D.P.O. CALARCO:**

Ma'am. Ma'am, these -- I have --

**MS. VAN GUILDER:**

I have a card over there.

**D.P.O. CALARCO:**

Ma'am, I have cards and they are all speaking in order.

**MISS CARONNA:**

When I was watching the video, I didn't even know what to --

**MS. VAN GUILDER:**

I have to get my belongings. I have been sitting here for three hours.

*(Ms. Vanguilder was escorted out by Deputy Sheriff)*

**MISS CARONNA:**

I didn't even want to watch it, because it was just so upsetting and heartbreaking. I was thinking, is this really what happens? And the answer is yes.

**MS. VAN GUILDER:**

I am going to sue them. I am going to sue them.

**MISS CARONNA:**

When we go shopping, we see a lot of people carrying what they have bought made of plastic bags when we get -- when we get it. Plastic bags makes everything so much easier to carry things in, but we don't want to try to reduce them. The average plastic bag is used only five minutes, yet can take 1,000 years to break down. When now -- we know that plastic bags have negative impacts on our environment. And why do we use them? There are approximately 46,000 pieces of plastic floating in each square mile of our ocean. The world -- that was pretty sad how many people don't even know.

When we all hear in science class that the plastic bags are killing a lot of sea creatures, everyone went into silence. It was so quiet and we could have heard a pin drop. Everyone was in shock and surprised, they didn't even know what to do. So tonight I hope you support the proposed ban of plastic bags in Suffolk County, because I know in my heart it is the right thing to do for our environment and the animals that call Long Island home. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you very much, Miss Caronna. Our next speaker is Amy Liu, followed by Shannon Haggerty.

**MISS LIU:**

Good evening. Thank you for giving me the opportunity to share my thoughts on the proposed ban on carry-out plastic bags. I am in favor of such a ban, as plastic is a major component in our environment's deterioration. This ban may be a small step, but I believe it is a necessary one in order to save our environment. However, instead of writing a speech, I expressed my opinions on this ban through a poem. It speaks about my dream for the world, a world that is green and beautiful and lovely again. I would like to share it with you today.

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*Every day I see a piece of litter sitting in front of me,*

*And a plastic bag dangling from a tree in a spot where a bird's nest should be.*

*Every day I see someone throw a plastic wrapper out of their car window, where it lays on the grass and will not go for another hundred years or so.*

*Each time this happens, an animal might die for eating what looked like a jelly fish floating by,*

*But was instead a plastic bag that tumbled into the ocean, while that animal's stomach grumbled.*

*So why are we sitting on our plastic chairs and willing to do anything, does anyone even care,*

*About the other species that are being pushed aside by a greed for what is behind locked vaults, the green paper sitting inside?*

*We have to change, we have to stop the senseless littering, because there is no cop,*

*To tell us that this damage to Earth is not allowed, and prevent a plastic overcrowd.*

*So why can't we seem to find our voice, and cry out "Stop. Let's make a new choice",*

*To care about the rest of the world caught in the plastic net and stop our home from becoming a plastic planet.*

*Please, I beg you, try to save our home for the future inhabitants of our world, our children and theirs, and our grandkids, too. Their environment should not be a place that we'd rue.*

Thank you.

**(\*Applause\*)**

**D.P.O. CALARCO:**

Thank you, Miss Liu. Our next speaker is Shannon Haggerty, followed by Samantha Longo.

**MISS HAGGERTY:**

Good evening. My name is Shannon Haggerty, and tonight I shall be the voice for our voiceless Earth, which is quickly becoming a plastic wasteland. I am here to speak in favor of the idea of banning the use of plastic bags in Suffolk County. We must change our ways and we must change them quickly. Please do not let our pleas to save our Earth go unheard. Our future generations must have the ability to see the true and untouched beauties of our Island's oceans. Plastics are not the ocean's only enemy here on Long Island. Marine animals die as a result of being caught in lost fishing equipment and plastic debris, as well as swallowing waste which they cannot properly digest.

Less than 1% of 100 billion plastic bags that we use every single year are recycled. Many enter waters from inflows from land count for 80% of all garbage in our oceans. The remaining 20% are a result of activities on the waters such as shipping, fishing and off shore industry. The plastics that these sources carry in takes centuries to decompose, and once in waters, become near everlasting. A single plastic bag will typically take 10 to 20 years to decompose. Salt water, sun and constant friction will grind the plastic into mini bits and pieces gradually. With so much time left for these plastics to break down, they're mistaken for a common food source by whales, seals, fish and seabirds. We must help change this upsetting reality and we must hurry.

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Banning the production of plastics will be the new -- will be the start of a new beginning for our oceans. An organization of volunteers removed 10,558 plastic bags in 2015 from the South Shore waters of Nassau and Western Suffolk. Imagine how much higher the number will be in ten years if the production continues.

I beseech all of you in this room to hear our pleas and assist us in saving our priceless Earth. I dream of the beaches that I once knew as a child, when I would collect rocks to paint with my mother. One or two plastics were seen, but never as much as I see now. It makes me very upset to see my beautiful Island oceans so destroyed by plastics. This is my Island as much as it is yours.

So, please, before it is too late, consider banning the use of carry-out plastic bags. Just as Barry Commoner said, "Environmental pollution is an incurable disease, it can only be prevented." Thank you and good evening.

**(\*Applause\*)**

### **D.P.O. CALARCO:**

Thank you very much. Our next speaker is Samantha Longo.

### **MISS LONGO:**

Good evening. My name is Samantha. I am a 6th grade student at Selden Middle School. Before I get started, I would first like to thank you all for giving me this opportunity to share my thoughts with you on pollution.

I would like everyone to take a moment to think about how many plastic bags we consume every day. It has been estimated that approximately 500 billion to one trillion plastic bags are consumed worldwide every year. The average American family takes home 1,500 plastic shopping bags a year. I hope that most of us, if not all of us, are aware that plastic is a major problem in our environment. As you know, our sea life and our oceans are being destroyed because of the plastic. I think it's important to understand that one simple plastic bag can take up to, if not more, 500 years to break down. I use the words "break down", because plastic bags break down in smaller pieces in which eventually contaminates our soils and waterways. When an animal dies and decays after ingesting a bag, the plastic reenters the environment, posing a continuing threat to our wildlife.

It has been estimated that at least 267 different species such as whales, seals, fish, turtles and shorebirds are known to have suffered from entanglement or ingesting of plastic marine debris. These beautiful creatures that I mentioned are found all over Long Island. It has also been estimated that 10% of the plastic produced every year worldwide ends up in the ocean at some point in time, 70% of which finds its way into the ocean floor. This is where our sea life can die from ingesting the plastic bags, because they mistake it for food.

According to data from the International Coastal Cleanups, plastic bags are always in the top ten pieces of trash collected on beaches worldwide.

In closing, I would like to say that all of -- that the use of plastic bags has become an enemy to our environment. It is up to us to put a stop to this from happening, and the only way to put a stop to this is to ban on the use of plastic bags. It is one step, a huge step towards the right direction to save our environment. I am aware that I am only one voice, but all of us, our voices together, can hopefully make a difference. Thank you again for listening. Please support this cause.

**(\*Applause\*)**

**D.P.O. CALARCO:**

Thank you very much, Miss Longo. One last time for Hamza.

**MR. HOSEIN:**

Good evening. My name is Hamza. I am a 6th grader in Selden Middle School. In my science class we are learning about pollution. A great deal of plastics land in the ocean and fish eat it and they die. Approximately 75% of waste in the oceans is plastic. Plastics are very dangerous in the oceans. It can -- it decomposes very slowly. Salt water, sun and constant friction grind it into micropieces. During that process, poisonous substances are being released into the oceans. The reason fish are eating waste is because they see it as food. My science teacher showed us pictures of fish that ate the waste. I heard that a whale died from eating 20 square feet of plastic bags. I felt really sad about this.

My teacher showed us a video called "Live Eagle Osprey Camp". A momma bird fed her babies -- fed her babies waste, and when the mother came back from finding more food, she found her babies dead. I was heartbroken when I saw this. So let's go into action and help the fish by banning plastic bags. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Hamza. And all these young people who came from Selden Middle School, Legislator Muratore just wanted to say a word.

**LEG. MURATORE:**

Yes, thank you. To all the students that came from the Selden Middle School, thank you so very much. Thank you for sharing with us.

*(\*Applause\*)*

Yes, please. You know, it's wonderful to see that you're taking part in your future. And, you know, you're so courageous to come here. And to Jenna, you know, you did a great job. You didn't miss a beat when you were out there speaking. Great job, Jenna. Thank you so very, very much. Thank you.

*(\*Applause and Standing Ovation\*)*

Thank you.

**D.P.O. CALARCO:**

Great job.

**MR. CLAMPET:**

Me, as a constituent -- I'm sorry. Sorry. Me, as a constituent, I've never seen that happen before, never.

**D.P.O. CALARCO:**

Mr. Clampet, wait. We're going to get back to the -- to the cards here.

**MR. CLAMPET:**

And I thank you for standing up for yourself. Thank you.

**D.P.O. CALARCO:**

Our next speaker is Pat Castiglione, followed by Stephen Ruth.

**MS. CASTIGLIONE:**

Hello. My name is Pat Castiglione, I'm from Port Jefferson Station. I guess plastic bag bans is the topic of the day, even beating out the Jamesport problem.

I have no problem with our Legislator banning plastic bags. They're a pain. I didn't like them when they came in. I'm not a diehard, you know, person who doesn't want them banned, I don't care. What I really object to, and I've checked around at most of the stores that I shop in, six of the main stores still have paper bags. Several of them say "reusable and recyclable". There's only a few that only have plastic bags, Shop Rite, Fairway, Ideal, kind of a little store down 112 going down toward the Port Jeff waterfront, and Meat Farms, I think. I was just there today, I forgot to check. King Kullen, Trader Joe's, IGA, Stop&Shop, Whole Foods, Uncle Giuseppe's all supply paper bags. If you want them, you look under the counter, there they are.

What I really, really object to is that this mandatory fee that our Legislators are going to put on. There's an exception for people who are on any kind of public assistance, SNAP, whatever the public assistance may be. What about our senior citizens on fixed incomes? What about our young struggling families trying to bring up young children? The stores are the super-giants; am I right? These stores are still providing paper bags. You're going to give them a free ride to charge people another source of income, and that's my position. Ban them, but don't charge us. We don't want to be nickled and dimed to death anymore. Thank you.

**D.P.O. CALARCO:**

Thank you very much.

*(\*Applause\*)*

Our next speaker is Stephen Ruth, followed by Stephen Ruth, Jr.

**MR. RUTH:**

My son is not here today, he had to go to class. So I want to talk about a couple of things. My name is Stephen Ruth. I rise in opposition to the Red Light Camera Program, all the corruption that coincides with it.

Everybody here knows that the yellow lights have been shortened. Right now, the County is in default of Supreme Court order to produce the signal plans for the intersections. Being the County went into default of a Supreme Court order to produce the signal plans, that is the evidence that they shortened the yellow lights for money and killed a lot of people, okay?

The amount of money that the County makes gross every year is \$38 million from the Red Light Camera Program. The County's annual taxation for the Suffolk County General Fund portion of your property taxes is \$50 million. That means that you guys are increasing our taxes by 60% yearly. No politician would be reelected if the public knew that they -- that they increased taxes 60% yearly. That's a 60% tax increase of \$38 million a year on the County, and it's not even in the affluent areas. I've already stated, it's not in the Hamptons, it's not in the affluent areas, it's not on the North Shore, it's not near Nissequogue. These areas are not near Belle Terre. None of the people getting killed are in those affluent areas either. The people getting killed are on William Floyd Parkway, they're on Old Town Road and County Road 83, they're on Route 25A and Miller Place Road. The people getting killed nobody looks into, nobody cares. They only care about the \$38 million.

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Well, so far we know that a lot of people have been killed. I met with the families. The families told me the first thing they saw was the shortened yellow lights. Nobody's been able to see a video, none of the videos have been released. This is all evidence that the lights were shortened, as well as the fact that a Supreme Court Judge made it a default. It's -- the County is in default of a Supreme Court order to produce the signal plans for these intersections. That is blatant, clear evidence that the traffic lights were shortened for revenue. People were killed.

When are you guys going to take action? Everybody sees you guys just sitting there not taking any action when people are getting killed. There's serious injuries and deaths and you guys only care about the money? That's why people make the accusations that you guys are corrupt politicians. That's why I continue to say you are corrupt politicians. This is not right. Our kids should not be subject to this type of behavior. Our politicians are supposed to be setting an example, not turning their heads to people getting killed because lights have been shortened for revenue.

When a Supreme Court Judge has to come out and say, "All right, the County's in default," before you guys turn around and do anything, that's a problem. We shouldn't have to bring it to the Supreme Court level to get somebody to acknowledge that lights were shortened, but now it's evidence, everyone knows you shortened the lights.

You guys went through the trouble of putting cameras, government cameras in front of my house. Well, after I painted d them, they were down later, they were down a day later. There's nothing that going to stop me from going against you guys and fighting you guys, because I'm only fighting with the fuel of all the people who were killed when it was way before their time to die. All right?

Guys, everybody thinks your corrupt. Step up and do something. Make the public think that there's a possibility, a shredded possibility that you may not be corrupt politicians. Thank you.

**D.P.O. CALARCO:**

Thank you, Mr. Ruth.

**(\*Applause\*)**

Our next speaker is Rose VanGuilder, followed by Dr. Gaynell Stone. Is Ms. VanGuilder out in the lobby? We'll still let her have her opportunity. No? Okay. Dr. Gaynell Stone. Doctor Stone?

**DR. STONE:**

Hello. I'm from the Suffolk County Archaeological Association. The 3,000-year-old Burial Mound in Jamesport deserves recognition as a very sensitive Native American and archaeological site. It should be preserved and nominated for the National Register. It is the only one left on Long Island.

Southampton Town allowed a man from New Jersey to build a house on top of the Sugar Loaf Mortuary site. Town of Southold has allowed numbers of houses to be built in the Orient Hills, where the Orient burial site was found, with pits 6 to 8 feet deep and wide, and 10 to 12 feet long. But the few remains found in these sites would indicate they were the ritual and ceremonial repositories for the leaders of the Shinnecock and the Corchaug. The sites known as the Orient Burial Cult were originally illegal dug by Southold Indian Museum members pursuant to the 1909 New York State Indian Law, which instructed the State Attorney General to take to the Supreme Court those who desecrated Indian sites.

State Archaeologist William Richie conducted scientific excavations at the Jamesport site in the 1950s, published as *The Stony Brook site and its Relation to Archaic and Transitional Cultures on Long Island* in 1959. When the site was first proposed for development in 2008, we informed Riverhead Town Supervisor Cardinale of these facts, and asked that archaeological testing be done

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to higher standards than those of the New York State requirements. The archaeological testing of the site was done, but the New York State Office of Parks, Recreation and Historical Preservation Archaeological Reviewer felt the shovel tests were not dug deep enough, and the boundaries had not been adequately ascertained. The proposed development did not occur. The new development proposal, again, threatens this rare site.

The Town and the County must choose the environmental and land use mechanisms and funding they control, and I believe that's I.R. 1168 and I.R. 1171, to save this last remaining native site once and for all. It is known and documented, and so there are no excuses not to do it. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Dr. Stone. Our next speaker is Jenn Hartnagel, followed by Beth Fiteni.

**MS. HARTNAGEL:**

Good evening. My name is Jenn Hartnagel and I'm here representing the Group for the East End. For those of you not aware, the Group for the East End is an environmental education nonprofit organization. We're located in Southold, and we serve the five East End Towns of Suffolk County. We're here today to support I.R. 1168 and I.R. 1171 that would authorize the appraisal of the two parcels that we've been speaking about located in Jamesport. The larger 33-acre parcel is comprised mostly of prime ag soils and is surrounded on three sides by preserved farmland. This parcel is listed on both the Riverhead and the County's list of parcels targeted for preservation.

The small adjacent nine-acre parcel is also listed on Riverhead's list of priority parcels for preservation, and the Town has recently supported the idea as a hamlet park and will be adopting a resolution promising the maintenance and upkeep.

In short, the preservation of these two parcels would preserve farmland and agriculture, add to an extensive swath of contiguous preserved farmland, prevent destructive overdevelopment in Jamesport, and importantly, as you've just heard, preserve a significant Native American archaeological site.

I can tell you from working on the East End that our members and the community is very, very supportive of these efforts, and we hope that you all support the appraisal process. Thank you for the opportunity to speak.

**D.P.O. CALARCO:**

Thank you very much. Our next speaker is Beth Fiteni, followed by Charles Clampet.

**MS. FITENI:**

Hello. My name is Beth Fiteni from Green Inside & Out, and I wanted to express my strong support for Resolution 1000, a Local Law to increase awareness of dry cleaning chemical use. This is a very important right-to-know legislation that would create signage to help customers make the best choices for their health and the environment when cleaning their clothing.

I want to thank Legislator Hahn and her staff for their diligent work on this issue, as well as the Suffolk County Health Department, and Legislator Sarah Anker for her support through the County's Cancer Prevention and Health Promotion Coalition. I reviewed all of the recent changes to the legislation and I think that several great improvements were made to make it even clearer. And I'm very happy to see that section 3-F, stating that the Health Department would create an informational web page on the five different alternatives initially being looked at. While there are plenty of sources of information on the internet, I think it's very important for the County

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Government to provide data that is vetted by their knowledgeable staff.

In the course of working on this issue, I've spoken to many Suffolk residents who are excited about this new proposal, since many people are becoming more aware of products they buy and reading labels on food, for example, so this is a natural extension of that. Knowing that any ads in the window of a shop making certain claims will be verified by inspections helps to increase public trust. I think this is also good for dry cleaning workers, since many workers I spoke to, while surveying dry cleaners, were not even aware of what type of solvent were being used in their own business. Often the owner may know, but the workers don't.

And finally, it's an opportunity for businesses to possibly expand their offerings. We have at least ten dry cleaners in Suffolk County we identified as offering wet cleaning, which is regarded as one of the greenest options, and many of those offer it as a secondary service in addition to another one. So this may be a step towards encouraging other cleaners to move in that direction, since this is not a ban on any one method, but it does lead to more awareness of the options.

And while I'm here, I also want to state support for the plastic bags ban bill, No. 1207. I know this type of action is taking place in other cities around the nation, so I just want to thank you for your leadership on that issue and many other issues. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you very much. Our next speaker is Charles Clampet. Mr. Clampet. Okay. We'll come back to Mr. Clampet. I just saw him walk outside. Our next speaker is Eric Russo.

**MR. RUSSO:**

Good evening, Legislators of Suffolk County. I'm here on behalf of Resolution 1222. My name is Eric Russo. I'm with the law firm of Vanbrunt, Juzwiak & Russo, with offices at 140 Main Street in Sayville. I represent also Robert Franklin Gudger and Corey Lefkowitz, who are the owners of property, and it's situated at 110 Fairmont Avenue in Medford.

I'm speaking in behalf of Resolution 1222. This particular resolution was before the Suffolk County Legislative Committee on Government Operations and Personnel, Housing and Information Technology on March 16th. The purpose of the resolution is for transfer of development rights of .55 credits from a property in Medford as well that would be transferred to this particular parcel. It has been reviewed by the Suffolk County Department of Health Services, with the recommendation of Walter Hilbert. It has also been reviewed by the Suffolk County Department of Planning and Real Estate in which it was also recommended to come before the Legislature. We provided Legislator Calarco with a copy of the presentation booklet and information as to this, and we ask your support of this resolution and to allow the transfer to go forward.

The applicants are prepared to sign covenants and restrictions to allow for affordable housing in the parcel that it would be transferred to, which is 198 Granny Road, and that is situated in Farmingville. And as a result of that transfer, it would be subject to the economic standards that are required as it relates to affordable housing, with a family median income of sale not to exceed \$250,000.

We ask your support and we appreciate your time this evening. I thank you. If there are any questions, I'd take them.

*(\*Applause\*)*

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**D.P.O. CALARCO:**

Thank you, Mr. Russo. We don't allow questions during the Public Portion, but I think that we met and you certainly answered all of my questions, and I think we should be good to go with this.

**MR. RUSSO:**

Thank you very much. Have a good evening.

**D.P.O. CALARCO:**

Thank you very much. We're going to go back to Charles Clampet. Mr. Clampet.

**MR. CLAMPET:**

DuWayne, I am so sorry that that lady came in and disrupted the whole process with that young girl. That to me, I'm lost for words right now. So I thank everybody and the officer that walked her out, that's all I have to say.

I just -- I just wish that we had some sort of decorum in here and nobody yelling and screaming like that lady that just came in here. I think you should be able to say -- and whether you're the Presiding Officer or not five years from now, ten years from now, whoever it's going to be, they should be able to say, "You can't come back in anymore." Once you start yelling and screaming and you raise that decibel, we lost it. When I go to a police call, and I used to drive a tow truck, I used to hear the two people that got into the accident, and the one that caused the accident starts screaming and yelling, the police officer shuts down and listens to the quiet one. Let's listen to the quiet ones.

And listen to Adrienne, please, Adrienne Esposito, wherever she is, about the plastic bags. We got to do something about that. Thank you.

**D.P.O. CALARCO:**

Thank you very much, Mr. Clampet. And speaking of Adrienne, she is our next speaker. Adrienne Esposito, come on up.

**MS. ESPOSITO:**

I'm not doing plastic bags yet, I promise. Adrienne Esposito, Executive Director of Citizens Campaign for the Environment. I also want to support 1168 and 1171, which is the preservation of about the 34, 35 acres of farmland in Jamesport.

As you know, we are losing our farmland. It is very critical that we preserve that type of high quality farmlands soil, as is contained in this parcel. As you know, these two bills simply allow for the appraisal to continue and to go forward. That's what people voted for when they voted for the Land Preservation Program and the Farmland Preservation Program, is exactly this, to preserve these unique areas of land that we really need to preserve in Suffolk County and pass on to generations, so we're asking you to please vote yes. Thank you very much.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Adrienne. I still have a card for Ms. VanGuilder.

**MR. RUSSO:**

She left.

**D.P.O. CALARCO:**

Is she gone, Ms. Vanguilder?

**MR. RUSSO:**

She left.

**D.P.O. CALARCO:**

She left? Okay. I have no other yellow cards before us today. Is there anybody else in the auditorium who has not spoken who would like to address us? Seeing none, I have a motion to close, by Legislator Lindsay, second by Legislator Hahn, the Public Portion. All those in favor? Opposed? Abstentions? The Public Portion is closed. And if we could have all the Legislators --

**MR. RICHBERG:**

Eleven. (Not Present: Legislators Krupski, Hahn, Anker, Martinez, Barraga, D'Amaro and Spencer)

**D.P.O. CALARCO:**

-- back to the horseshoe, I'll hand it back to the Presiding Officer.

**P.O. GREGORY:**

Okay. Thank you, Legislator Calarco, Deputy Presiding Officer. We do have a request we're going to try to get to before we get to the Public Hearing, which starts in five minutes. Legislator -- I'll recognize Legislator Lindsay for that purpose.

**LEG. LINDSAY:**

Thank you, Mr. Presiding Officer. I'd like to make a motion to take 1184 out of order. We have Dr. Jacqueline Moline, who's been sitting here patiently throughout the whole Public Portion, and we have -- we are looking to appoint her as a member of the Wellness Program for County employees.

**P.O. GREGORY:**

Okay. Motion by Legislator Lindsay to take ***I.R. 1184 - Appoint member to the Wellness Program for County Employees Jacqueline -- Dr. Jacqueline Moline (Lindsay)***.

**LEG. MC CAFFREY:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Fourteen. (*Vote Amended to 15 - Not Present: Legislator Krupski and Spencer - Absent: Legislator Barraga*)

**P.O. GREGORY:**

Motion -- I'm sorry. Legislator Lindsay makes a motion to approve on 1184.

**LEG. LINDSAY:**

I'd like to make a motion to approve.

**LEG. MC CAFFREY:**

Second.

**P.O. GREGORY:**

Second by Legislator McCaffrey. Dr. Moline? Oh, there you are. Okay. I thought you were -- you look like a TV broadcaster or something. I didn't know if you were. Sorry. You were standing by the camera.

**DR. MOLINE:**

I've been called many things, I don't know about that one.

(\*Laughter\*)

**P.O. GREGORY:**

Does anyone have any questions for the Doctor? Oh, Legislator Kennedy. I'm sorry. Okay.

**LEG. KENNEDY:**

Good evening, Doctor. Your resume is quite impressive.

**DR. MOLINE:**

Thank you.

**LEG. KENNEDY:**

I don't have a question for you, I support you 100%, but I want to thank you for all the work you've done with PTSD, our 9/11 responders, our survivors. It's above and beyond. Thank you.

**DR. MOLINE:**

Thank you. I'm honored to do that type of work.

**P.O. GREGORY:**

And Legislator McCaffrey wants to be recognized.

**LEG. MC CAFFREY:**

Thank you. Hello, Doctor. How are you?

**DR. MOLINE:**

I'm well, thank you.

**LEG. MC CAFFREY:**

I'll see you on Thursday. Dr. Moline and I both serve on the Occupational and Environmental Medicine of Long Island, better known as OEMLI, and together we work on different things that are going on that affect people on Long Island, whether it be diseases, occupational illnesses. And she does a great job, kind of the person really spearheading all the efforts that we do there and all the good work that we do. So, Doctor, thank you, and I look forward to working with you on this committee as well.

**DR. MOLINE:**

Thank you.

**P.O. GREGORY:**

Okay. All right. That's it. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Fifteen. *(Not Present: Legislator Krupski and Spencer/Absent: Legislator Barraga)*

**P.O. GREGORY:**

While we're at it, I see one of my constituents who will have to leave soon. I'm going to -- oh, I'm sorry. Thank you. Thank you for your service.

**DR. MOLINE:**

Sure.

**P.O. GREGORY:**

If I may, I would like to take out of order ***I.R. 1226 - Approving the reappointment of Doug King to the Suffolk County Disabilities Advisory Board Group D (Pres. Off.)***. He's been waiting here during the Public Portion as well. I don't know if you -- you're planning to leave?

**MR. KING:**

(Shook head no).

**P.O. GREGORY:**

You're staying?

**MR. KING:**

I'm here.

**P.O. GREGORY:**

All right. Well, we'll keep you then.

**MR. KING:**

I'm here for the duration.

**P.O. GREGORY:**

All right. We'll do it. All right. So I make a motion to take it out of order.

**LEG. STERN:**

Second.

**P.O. GREGORY:**

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

**LEG. CILMI:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by --

**MR. RICHBERG:**

Fifteen. (*Not Present: Legislator Krupski and Spencer/Absent: Legislator Barraga*)

**P.O. GREGORY:**

Motion to approve by Legislator Cilmi, second by Legislator Stern. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Fifteen. (*Not Present: Legislator Krupski and Spencer/Absent: Legislator Barraga*)

**P.O. GREGORY:**

Okay. All right. I'm going to make a motion. There's been a request to take I.R. -- I'm going to attempt this -- take ***I.R. 1233 - Amending the Classification and Salary Plan to add several new titles to the Board of Elections, make certain deletions and change salaries within current appropriations (McCaffrey)***. Motion; second by Legislator McCaffrey to take out of order. All in favor? Opposed?

**LEG. ANKER:**

Opposed.

**MR. RICHBERG:**

Fourteen. *(Not Present: Legislator Krupski and Spencer/Absent: Legislator Barraga)*

**P.O. GREGORY:**

Okay. I didn't call abstentions. Any abstentions? Okay. To take out of order.

**LEG. ANKER:**

Oh, I'm sorry.

**P.O. GREGORY:**

It's approved, it's done, it's over now. All right. So ***I.R. 1233*** is before us. Well, we have a motion by Legislator McCaffrey to approve.

**LEG. MC CAFFREY:**

Motion to approve.

**P.O. GREGORY:**

I'll second. The motion is before us. Is anyone -- we have three minutes.

**LEG. MC CAFFREY:**

At our committee meeting, we had asked that the -- we requested the Commissioner come to our General Meeting and discuss any questions that we may have and explain it in some more detail. I see the Commissioner in the back, Commissioner LaLota, if he'd come forward and sit at that front table and see if anybody has any questions.

**P.O. GREGORY:**

All right. Does anybody have -- I mean, we literally have two minutes before we have to start public hearing. Does anyone -- I know some have questions, Legislator Hahn, or a statement.

**LEG. HAHN:**

Well, no. I mean, I really just needed to understand this, I was told you requested, so I want to understand the rationale and the intent here. Thank you.

**COMMISSIONER LALOTA:**

Sure. And thank you very much for having me before you tonight. State Election Law guides the issue before you, this body tonight. State Election Law 3-300 states that the County Legislature shall pass a budget and appropriate dollars to County Boards of Elections, and Commissioners of said Boards shall direct the hiring of clerks and other titles, prescribed their titles, prescribe their salaries, so on and so forth.

So the resolution before you tonight kind of just affirms already what's already in the State Election Law, and I'll be happy to provide your office the specific quote from the law. But this kind of just allows the County to mirror what the State Election Law already has. It does not create any new titles. It does not -- excuse me. Does not create any new positions, it does not increase any budget, it does not usurp this body's authority. It will not exceed the maximum number that you already appropriated to the Boards of Elections. It just bifurcates the salary system, which traditionally had four pay grades for the 112 hourly employees. It allows much more discretion for Commissioners to exercise, rather than just classifying 112 hourly employees in four pay grades.

**LEG. HAHN:**

And if the New York State Board of Elections Law already does this, why do we need this legislation?

**COMMISSIONER LALOTA:**

I'm told because of the pay system that we have in the County, the individual and the system itself don't read the election law, they don't subscribe to it. They'll do what this body tells them to do. So this body needs to, in that office's terms, tell them that they now have to conform with the State Election Law. Quite simply, there are only four different items, four different salary pay grades that the technician can select from. They're waiting for a communication from this Legislative body to say that there are more than just the four.

**LEG. HAHN:**

The Board of Elections, and I'm not sure if this is a question to you, sir, or to our Counsel, while not Civil Service, per se, is it supposed to follow the Civil Service AME contract?

**MR. NOLAN:**

I believe that we passed a resolution that the Board of Elections, in terms of raises and so forth, tracks the AME contract, just like the -- you know, the exempt employees. All exempt employees kind of track what happens with the AME contract, but this is really just in terms of creating titles. And, you know, my understanding is the Board of Elections brought this to the County Attorney and I believe Alan Schneider was involved. And Alan's position was only the County Legislature can create titles, so that we need to pass this resolution.

And as I explained at the committee meeting the other day, generally, the Board of Elections has a tremendous amount of authority and discretion in terms of their employees and how they're paid within -- but it's within the appropriation we make to the Board of Elections in the Operating Budget. But this is a -- according to Civil Service, you know, a necessary step for them to carry out the plan that has come from the Commissioners of the Board of Elections, we have to create the titles.

**LEG. HAHN:**

But there is a reason for the limitation to a certain number of grades in the Civil Service system. Government, you know, employees not being able to -- the supervisors not being able to have that complete flexibility. I just don't -- I'm not quite understanding the justification for wanting more than four pay grades myself.

So anyone else? I'll yield for now, but I may have another question after some others.

**D.P.O. CALARCO:**

Legislator Browning.

**LEG. BROWNING:**

I think I know what it's doing, but I'm curious, Commissioner Katz, what's her position? What is she doing? Is she doing the same thing, or are we going to have -- I know it's Democrats, Republicans on each side. So is it going to be -- none of my people are there. But I'm just curious, is this going to create a discrepancy in pay scales on one side versus the other? Because my concern, it's looking like not a very pro-labor bill, and where I come from, I don't want to see that employees are being discriminated against. Or I hate to say it, it's kind of like the Walmart bill to me, is the way I would kind of look at it, is people are being selected. Well, I'm not pointing to you directly, but it could happen that, "Well, I like you, but I don't like you, so I'm giving you the raise, but you're not getting it." I mean, that's my concern.

**COMMISSIONER LALOTA:**

And that's a great question, Legislator, and thank you for it. And I suppose that liability, if it's there, already exists. I don't think that this bifurcation of the salaries increases that liability, and it certainly doesn't increase the number of dollars we expend.

I do appreciate the Legislature's tenacity with respect to trying to find ways to close budget deficits, to pay down debt and to satisfy the tax cap. I wish to submit for the record that my 2015 budget, my Democrat counterpart and I delivered back \$1.7 million of our \$14.7 million budget. That's a 12% give-back to the Operating Fund to help this body provide tax relief to its constituents, road repair, equipment for First Responders. We take that responsibility seriously, and we're working hard every day to ensure that we respect the dollars we're given. As it relates to this bill before you tonight, there will be no additional dollars spent.

**LEG. BROWNING:**

So Commissioner Katz is not here. Is she going to implement it exactly the same way as you are, or what --

**COMMISSIONER LALOTA:**

To your question, Commissioner Katz and I joined in a resolution, it was unanimously approved by the both of us, that allows my side to exercise this new discretion. I don't want to speak for her, that's not my position to. Time will tell if she will adopt the same measures I have. But the State Law totally allows one Commissioner to do this, so long as two criteria are met, so long as they don't spend more than the Legislature gives them, and so long as they don't spend more than the other party.

**P.O. GREGORY:**

Okay. We do have other Legislators that have other questions, but we're past the 6:30 mark where we've publicized for the Public Hearings. So we're going to have to skip over this for now and come back while we go into this, so I'm sorry, Commissioner.

And we have, it looks like, I don't know, a whole lot of cards. So we're going to -- we're going to go into the Public Portion. We'll come back to this first after, after the hearing is over, okay?

**COMMISSIONER LALOTA:**

Thank you.

**P.O. GREGORY:**

All right. I have for I.R. 1000 -- we are in the public hearing now. ***I.R. 1000 - A Local Law to increase awareness of dry cleaning chemical use (Hahn)***. I have Elsa Ford. Are you here, Elsa?

**MS. FORD:**

Yes, here I am.

**P.O. GREGORY:**

Okay. And then on deck, Nora Nealis. Okay, you're next, ma'am.

**MS. FORD:**

Go?

**P.O. GREGORY:**

Yeah.

**MS. FORD:**

Okay. I'm Elsa Ford, President of the grassroots Brentwood/Bay Shore Breast Cancer Coalition. We begin with promoting a healthy lifestyle for healing and prevention through the empowerment of information. That is why we support Suffolk County Legislators -- Legislature's Introductory Resolution No. 1000-2016, to increase awareness of dry cleaning chemical use.

In the school of life, we must learn from past mistakes. In the case of toxins, the names and actions of chemicals and their alternatives are the test, the questions of use are the examination. Health and life are the final good grades, that's it.

**P.O. GREGORY:**

That's it? Okay. Thank you.

**MS. FORD:**

You're welcome.

*(\*Applause\*)*

**P.O. GREGORY:**

Nora Nealis, as I said, and then Yong Lee on deck.

**MS. NEALIS:**

Good evening. My name is Nora Nealis. I'm with the National Cleaners Association, and I've been here before.

We're here in opposition to Resolution 1000. And I'd like to just hit the high points of why we still stand in opposition, because, frankly, at this point, I thought we would have come to a meeting of the minds.

First of all, let me start off by reminding you all that the Legislative intent here is to disclose to consumers the processes being used. In dry cleaning right now, there is one chemical in use that is both a hazardous air pollutant and classified as a hazardous waste and that's perchloroethylene. And those cleaners are required by law to display an 11-by-17 posting notice advising consumers that they're using perc, advising them of what the risks are, and giving them contact information regarding where they can learn more. So to have them required to hang two more signs seems to me excessive and doesn't add anything to the Legislative intent stated. The alternative solvents, which the Legislative intent says grew up in the industry out of the fact that cleaners wanted to move away from hazardous air pollutants and hazardous waste are classified as neither.

The exposures to consumers from dry cleaning solvents being used in a closed loop piece of equipment in the back of the plant can be measured in parts per billion. So we're talking about 0.00000005. We're not talking about a heavy consumer risk here. And to color code a warning sign that would unnecessarily alarm or dismay consumers doesn't seem to me that it serves a stated purpose of helping them to understand what their risks and rewards are.

Now we have no objection, as I stated in my prior testimony, to a simple sign alerting consumers that there is a dry -- there is a chemical in use in the dry cleaning process and to go here to learn more. And the material safety data sheets are extremely thorough in listing all the risks, but they're listing those risks for people who are actually using those chemicals. And keep in mind that the consumer's exposure is nano.

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So while I don't -- I support the notion of customers knowing that there's a chemical in use, I think unnecessarily scaring them by having color coded signs warning them about risks that are negligible is counter to what you're trying to accomplish here, and just as disingenuous as a dry cleaner hanging an organic sign. Thank you.

**P.O. GREGORY:**

Thank you.

*(\*Applause\*)*

Yong Lee, and then on deck, Yeng Lee? Lee? Okay. I'm sorry, I didn't see you. Are you Mr. Yong Lee.

**MR. LEE:**

Yeah.

**P.O. GREGORY:**

Okay. All right.

**MR. LEE:**

Right there?

**D.P.O. CALARCO:**

You're up.

**P.O. GREGORY:**

Right there, yup.

**MR. LEE:**

Okay. First time I'm here, so I don't know this kind of meeting so well. So I just got the letters from the County about -- that they want to know about the dry cleaning solvent. So I'll just let you know that before I -- I'm doing the dry cleaning business for a long time, but I used to use the perc or HAP solvent for cleaning up -- cleaning the clothes. But, you know, there's another way to cleaning clothes, a better one that use the waters, it's called a wet cleaning. So I'm looking for some, you know, companies. They have Wet Cleaners USA. This is cleaning people organizations. They use complete -- you know, complete cleaning the clothes with only the waters. They use some chemicals for the spotting, but, you know, they never use any perc or HAP solvent at all. So it's very harmful -- I mean, very good for the people, so very good for the, you know, environment, for everything. So I don't have to worry about any perc inspections for HAP things and doing like that.

So, you know, that's all I wanted to say here, so there's another way to, you know, to clean the clothes without the HAP, you know, solvent in the waters. I have a, you know, business in the, you know -- in the Deer Park Avenue, so I just come to tell you there's another way to do it. That's it.

**P.O. GREGORY:**

All right. Thank you, sir.

**MR. LEE:**

Thank you.

**P.O. GREGORY:**

Is there a Yeng Lee as well? Okay. All right. Well, you can't get mad at me, because I don't know what you wrote here. Jane Fasulli? Okay. All right.

**MS. FASULLO:**

And here I thought I had made it very clear. It's Jane Fasullo. I am here just to make a brief comment with regard to people who are in support of not allowing us to know what's in the cleaning fluids that are used in dry cleaners. Quite honestly, I have avoided using dry cleaners for many years, mostly because of the odor that comes from the clothing when I bring it back home, and I've had some other bad results. But, in general, my feeling is it's a very strong chemical odor and I don't know what's in that or not. I'd like to point out that the strong odor was so bad, in many cases, I actually hung the clothes out before I would wear them.

But, more importantly, I think this bill should be passed, because it would allow me to know which smells are dangerous and which are not. And I'm aware that sometimes smelly things can be good for you. On the lighthearted side, I'd like to point out that Limburger cheese is rather smelly, but it certainly won't kill you. On the other hand, there are things with no odor that will, such as methane gas and carbon monoxide.

So my avoidance of the dry cleaners was a matter of fear. I would be more inclined to have things dry cleaned when I know I'm not injuring myself or those around me who have to breathe in whatever it is that smell is being caused by. So as a note to the dry cleaners everywhere, business may improve when consumers have more knowledge and don't react out of the fear of the unknown. And I urge you to please pass this dry cleaning bill.

**P.O. GREGORY:**

Thank you. Hold on, ma'am. Ms. Fasullo.

**MS. FASULLO:**

Fasullo.

**P.O. GREGORY:**

Legislator Hahn has a question.

**LEG. HAHN:**

I have to make this as a question for you. Did you know that there is nothing on the chart that would label anything safe, there would just be something that's the least harmful option? Just --

**MS. FASULLO:**

Correct.

**LEG. HAHN:**

-- sort of an FYI, but that's a question for you. Did you know that?

**MS. FASULLO:**

Yes, I did know that.

**LEG. HAHN:**

Thank you.

**MS. FASULLO:**

I saw the sample chart. Thank you.

**P.O. GREGORY:**

Legislator Cilmi has a question. Ma'am. Ma'am.

**LEG. CILMI:**

Ms. Fasullo.

**MS. FASULLO:**

I'm not used to being asked questions.

**LEG. CILMI:**

I'm sorry. So you mentioned that you haven't been to a dry cleaner in some years.

**MS. FASULLO:**

Correct.

**LEG. CILMI:**

And that your desire not to use dry cleaners is a result of you having this smell when you pick up your clothing and you're not sure what it was?

**MS. FASULLO:**

And also knowing that perc has been used. And I know the smell of perc because it was for sale. I'm not one of the young people that it wasn't in the stores when it was banned, it was available during my lifetime.

**LEG. CILMI:**

Was there one particular dry cleaner that you used, one business that you -- local business that you used or --

**MS. FASULLO:**

No.

**LEG. CILMI:**

Did you ever ask the dry cleaner what type of chemicals they use in their -- in their processes?

**MS. FASULLO:**

At the time when I was doing any amount of dry cleaning like my wedding gown, it was perc, there was no question about it.

**LEG. CILMI:**

Okay. So -- but you're still not going to dry cleaners. I mean, if you --

**MS. FASULLO:**

I'm not.

**LEG. CILMI:**

If you needed to get your clothing dry cleaned now --

**MS. FASULLO:**

I send my husband.

*(\*Laughter\*)*

**LEG. CILMI:**

Well, what could I say to that?

**MS. FASULLO:**

It's mostly his suits anyway.

**LEG. CILMI:**

Right. Have you ever asked -- so your husband is going, then, to a dry cleaner?

**MS. FASULLO:**

About once a year he takes his business suits in to be dry cleaned.

**LEG. CILMI:**

Okay. Does he ever ask what type of chemicals the dry cleaner that he's using is using?

**MS. FASULLO:**

No, he's -- he really doesn't seem to care, to be honest with you.

**LEG. CILMI:**

Okay. But you would ask if you had to go to a -- if you had to go with his suits, you might ask?

**MS. FASULLO:**

At this point, knowing what I know, I would ask.

**LEG. CILMI:**

Would it be the smart thing to do to ask?

**MS. FASULLO:**

Yes. But I must be honest, I've asked things like "Will my garment shrink?" And I was told no and it shrunk anyway, so I'm not sure I would believe what I was told.

**LEG. CILMI:**

Sure. Okay. Thank you.

**P.O. GREGORY:**

All right. Thank you, ma'am. That is all the cards that we have. Is there anyone else that would like to speak on this matter that has not spoken? Please, ma'am, I see your hand, and the gentleman next to you, if you can come forward and state your name for the record and --

**MS. BARBIER:**

Legislators, thank you for hearing me. I'm here to support Resolution 1000-2016, increasing awareness of dry cleaning chemicals. If cleaners had legally mandated and regulated signage saying what solutions they used, I might actually return to using dry cleaners. We have no way to know our daily exposure and can't choose to avoid it. One such source is dry cleaning fluid that is used in such large quantities. The International Agency For Research on Cancers classified tetrachloroethylene as a Group 2A carcinogen.

I'm currently a patient at Sloan-Kettering Cancer Center. I try my best to avoid toxic chemicals, having been exposed to far too many in my life, both household and in my work as a glass blower and an artist. And I'm not that old, I'm only 58. It's impossible to say what caused the illness that impacts my life in too many ways, but at this point we know we're constantly exposed to too many toxins, and they have a synergistic effect in our bodies.

Between the pesticides so widely used here on the Island, our workplace and home chemicals, prescription drugs in our water and industrial chemicals in our environment, we are taking in a heavy burden, a real witches brew of unknown composition. Remember, children are being

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exposed, too. And if you look at the rates of increase in childhood cancers, it's fair to conclude that these increasing exposures are likely to be at fault for that, too, in some part, I think a large part. The precautionary approach would demand at the very least notifying the public which chemicals were available where and allowing them to make their own choice. I believe it is my right to know what chemicals are used by cleaners I may patronize, and I believe it is my local government's duty to legislate some kind of scheme whereby I can be sure that I am not exposing myself to anything that could make my condition worse or shorten my life, which is an issue right now.

I personally have avoided dry cleaners for years, ever since the Eco Cleaner on Route 110 closed, to the detriment of certain parts of my wardrobe, to my personal convenience, and certainly to the detriment of the dry cleaner industry. And I know many people who wouldn't think of wearing clothing that was saturated in perc. Thus, we do not patronize any dry cleaners, because it is almost impossible to determine which ones use less toxic solutions. So the difficulty in determining which solvents and methods are used in which stores are impacting our local businesses and our economy as well. My experience has been that when I ask dry cleaners about their solutions, they all tell me their methods are harmless. I feel lied to, and that there is simply no way at present to make an intelligent choice.

So given all the other toxins to which we are routinely exposed and about which there is growing awareness, it just seems sensible to at least give consumers the information that we need to choose between cleaners. I would appreciate being able to tell at a glance whether I want to use a certain cleaner. I also think it's reasonable to ask for a legal mandate, that if a dry cleaner advertises as green, they are actually using a perc -- that they're actually using a perc alternative, and, if they are not, that there are ways to enforce them doing so.

I very much appreciate the work of the Suffolk County Health Department and Legislator Hahn's efforts.

**P.O. GREGORY:**

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

**MS. BARBIER:**

Well, thank you. I want to thank the Legislature and Ms. Hahn and everyone.

**P.O. GREGORY:**

Thank you. Thank you for coming out and sharing your opinion.

**MR. RUSSO:**

Can you fill this out?

**MS. BARBIER:**

I did, I filled one out, yeah.

**P.O. GREGORY:**

Okay. I saw another hand, a gentleman that was sitting next to you. Please come forward, state your name for the record.

**MR. WHITEHOUSE:**

My name is Frank Whitehouse from the Whitehouse Cleaners in Bay Shore. I'm here to oppose the 1000.

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I'm in business 45 years, personally. I've smelled perc, I've smelled the water, I've smelled every chemical you have along the way, and I'm not sick. I have never been sick from it, and nobody else that I know of has been.

But as far as putting signage up, I can put all the signs up you want, and I'm not opposing the signage, but it doesn't tell you anything. You want to know what's -- she wants to know what's toxic and what's not? She walks in and asks the dry cleaner. He'll give them the MS -- a copy of the MSDA sheets, which is exactly what tells you is being used, how toxic it is, how toxic it's not. So it's in place. It's in every single cleaner that's operating right now. It's by State and Federal mandate that this stuff is there already. This is just a redundancy. We have signs up for the toxic. And if I put a sign up and then put perchloroethylene on it, there's nobody in this room that would know which solvent is more toxic or less toxic than the other.

So what you're doing is admirable, it's admirable, but it's ineffective and useless. It's just another piece of wall -- piece of something to cover my wall. It's going to be nothing to the consumer. Unless the consumer comes in and asks for this sheet and gets the exact knowledge of what chemical -- of what the chemical I'm using is, you wouldn't have any idea unless you're in the industry.

And as far as being green, what is being green? You can't tell me, because perchloroethylene was an organic compound, and as such, I could have listed it as organic cleaning and it's toxic.

**AUDIENCE MEMBER:**

You're talking about organic --

**MR. WHITEHOUSE:**

Pardon me?

**P.O. GREGORY:**

Sir.

**AUDIENCE MEMBER:**

You're talking about organic chemicals.

**P.O. GREGORY:**

No, ma'am. No. You're here to address us and not to address the audience. And the audience is not to interrupt your opportunity to speak before us.

**AUDIENCE MEMBER:**

I apologize.

**MR. WHITEHOUSE:**

Okay. And you can go to water, which is the wet cleaning and say that, and blah, blah. You're polluting the waters, then. So you can't win with this. And your signage, what are you going to do, put one, two, three, and then perc gets the red one, and this one gets the green one? It's just -- it's not -- it's not feasible. It can be worked out and should be worked out. We're not saying no, but in this stage, it's just useless. Thank you.

**P.O. GREGORY:**

Hold on.

**MR. WHITEHOUSE:**

Oh, okay.

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**P.O. GREGORY:**

Thank you for coming out. And your name, is it Frank White?

**MR. WHITEHOUSE:**

Frank Whitehouse.

**P.O. GREGORY:**

Frank Whitehouse. Very appropriate in the time of year that we're in.

**MR. WHITEHOUSE:**

Yes.

**P.O. GREGORY:**

All right. Thank you, Mr. Whitehouse. So you have a store. For how long have you been in business?

**MR. WHITEHOUSE:**

I've been in this store for 40 years.

**P.O. GREGORY:**

Okay.

**MR. WHITEHOUSE:**

I've been in the industry for 46 years.

**P.O. GREGORY:**

So you're very knowledgeable, obviously, about the history of the -- the use of various chemicals and the --

**MR. WHITEHOUSE:**

Yup.

**P.O. GREGORY:**

Okay. So my question is do you -- as an owner, do you directly handle or work with the --

**MR. WHITEHOUSE:**

I directly handle everything.

**P.O. GREGORY:**

Oh, really? Okay.

**MR. WHITEHOUSE:**

I have for years.

**MR. NOLAN:**

Speak into the mic.

**P.O. GREGORY:**

Can you speak into the mic?

**MR. WHITEHOUSE:**

I'm sorry.

**P.O. GREGORY:**

All right. So you directly handle --

**MR. WHITEHOUSE:**

Yes, I handle it, and I've handled it for years.

**P.O. GREGORY:**

Okay. And without, obviously, seeing your medical records, you attest that you're --

**MR. WHITEHOUSE:**

I got no --

**P.O. GREGORY:**

That you're healthy.

**MR. WHITEHOUSE:**

I'm healthy.

**P.O. GREGORY:**

Do you have -- my question is do you have any knowledge of anyone who has directly worked with these chemicals who has --

**MR. WHITEHOUSE:**

No.

**P.O. GREGORY:**

-- gotten health issues or any concerns?

**MR. WHITEHOUSE:**

Nope, nope. And our -- just as an aside, then, is our -- what do you call it? Compensation, workers compensation is the lowest you can get, because our people in the industry don't get anything. You know, the odd one that used to get lung cancer or something was from smoking, and they can pinpoint that. But it was never from the perc or from the cleaning fluids. And nobody, to my knowledge, and as I said, I know a lot of the dry cleaners, and I've known them for years.

**P.O. GREGORY:**

Okay. Well, thank you. Legislator Cilmi has a question for you as well.

**LEG. CILMI:**

Frank, thanks for coming down.

**MR. WHITEHOUSE:**

Thank you.

**LEG. CILMI:**

And thank you for being such an important part of the economy in Bay Shore. And I know you do a lot to support the schools and all the different programs in town, so we appreciate that.

**MR. WHITEHOUSE:**

Thank you.

**LEG. CILMI:**

The -- you mentioned this Material Safety Data Sheet. The -- are those provided to you?

**MR. WHITEHOUSE:**

By the -- by the manufacturer.

**LEG. CILMI:**

By the manufacturer of whatever chemical you're using to do --

**MR. WHITEHOUSE:**

Right. We have a book in the store that lists every single chemical that we use, everything, for -- let's say we're using Pledge to wipe down our counters or something, we have an MSDA sheet on Pledge.

**LEG. CILMI:**

Has anyone ever asked for you those MSDA sheets?

**MR. WHITEHOUSE:**

No.

**LEG. CILMI:**

I've heard -- I've heard a couple of folks who have testified tonight talk about not being -- not objecting to a single sign or something like that, but objecting to this hierarchy of chemical usage.

**MR. WHITEHOUSE:**

Right.

**LEG. CILMI:**

Personally speaking, although, frankly, I don't think it would do anything myself, but personally speaking, would you object to a sign that says, "Material Safety Data Sheets" --

**MR. WHITEHOUSE:**

Available?

**LEG. CILMI:**

-- "available"?

**MR. WHITEHOUSE:**

No, none whatsoever. That would be -- that would be the actual best education we could give the public.

**LEG. CILMI:**

Right.

**MR. WHITEHOUSE:**

Because then anything that they smell in the place, you can -- like the woman was saying, she could smell perc. She doesn't know if that's perc or petroleum, the smell is so close to each other.

**LEG. CILMI:**

Right.

**MR. WHITEHOUSE:**

And I'm not putting her down, believe me, I'm not, because years ago you could smell it. And somethings there was residue years ago, but that was before 232 from New York State was put in place, which regulates now the emissions, everything. So you can't -- if you can walk into a dry cleaning store and smell perc or something else and had to -- you call the Board of Health, because

that guy should be closed. It's absolutely insane if you can smell something, because there's so many new machines out there, there's so much control on this. We get inspected every single year with what they call a third-party inspection, where they come in, an outsider comes in and tests your machines, so that your exposure is -- I forgot how many parts per billion. You can't be over that, and if it's over it, you get one week to get your machine in shape, and if not, you're closed.

**LEG. CILMI:**

What level of government requires that? Is that the County?

**MR. WHITEHOUSE:**

The State.

**LEG. CILMI:**

The State?

**MR. WHITEHOUSE:**

State DEC.

**LEG. CILMI:**

State DEC.

**MR. WHITEHOUSE:**

It's called Part 232, whatever the number means at the State level.

**LEG. CILMI:**

Right. Okay. Thank you very much, Frank.

**MR. WHITEHOUSE:**

Okay.

**P.O. GREGORY:**

All right.

**MR. WHITEHOUSE:**

Thank you.

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

**P.O. GREGORY:**

Thank you, sir. Okay, that is all the cards that I have. Anyone else that would like to speak that has not spoken? Okay, sir, please come forward and state your name for the record.

**MR. TRAN:**

Hi. My name is Danny Tran, I'm the owner of Islip Cleaners in Islip. I came here because I just feel that -- you know, I think what you guys do is a very good idea; you know, having a sign up and letting people know what solvent they're using or what method they're using, whether it's dry cleaning or wet cleaning. It's a great idea, educating the consumer, but I think I have a problem with having a sign posted that says that the solvent that you use is hazard. It's like telling McDonald's to put up a sign that says fried food is bad or sugar is bad for you. McDonald's would be going crazy with that. So for us it's the same thing. You know, when you put a sign up to say your solvent is bad then basically it's killing our business and you might as well just close us down, because eventually people will start cutting back and, you know, our business will die down. You

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know, that's all I have to say and I just want to communicate. All right?

**P.O. GREGORY:**

Thank you, sir. Okay, once again, anyone else that would like to speak? Mr. Charles Clampet.

**MR. CLAMPET:**

I just want to make note, if we're talking about dry cleaning and their products, why do the County buildings and the State buildings not allowed to use Round-Up, but the residents here in Suffolk County can use Round-Up? And why is there not GMO labeling on the food that we're eating? If you're going to do one, you've got to do the other. That's all I have to say. The GMOs are horrible.

**P.O. GREGORY:**

Thank you. Okay, anyone else? I think I heard legislation being filed.

*(\*Laughter\*)*

All right, no more cards. Legislator Hahn, what is your pleasure?

**LEG. HAHN:**

I am going to make a motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Hahn. Did I hear a second?

**LEG. ANKER:**

Second.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Fifteen (Not Present: Legislators Muratore & McCaffrey - Absent: Legislator Barraga).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1020-16 - Adopting Local Law No. -2016, A Local Law to ban the sale of formaldehyde for use in holding tanks (Spencer).*** I do not have any cards for this public hearing, but is there anyone in the audience that would like to speak on this matter? Please come forward. Okay. All right, Legislator Spencer.

**LEG. SPENCER:**

Motion to close.

**P.O. GREGORY:**

Motion to close IR 1020.

**LEG. STERN:**

Second.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Fifteen (Not Present: Legislators Muratore & McCaffrey - Absent: Legislator Barraga).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1027-16 - Adopting Local Law No. -2016, A Local Law to clarify affordable housing requirements at developments connecting to a County Sewer District (Calarco).*** I don't have any cards for this public hearing as well. Is there anyone in the audience that would like to speak? Please come forward. Okay, seeing none.

**D.P.O. CALARCO:**

Motion to recess.

**P.O. GREGORY,**

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

**MS. ELLIS:**

*Fifteen (Not Present: Legislators Muratore & McCaffrey - Absent: Legislator Barraga).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1179-16 - Adopting Local Law No. -2016, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County Contractors and Public Employee Unions (Trotta).*** I have one card, Linda McGreggor. Is she still here? I don't see here. There you are, okay.

**MS. MCGREGGOR:**

Good evening. Linda McGreggor, resident. I haven't seen the actual language of the resolution, but based on the title I would just like to express I hope it contains specific language. I hope it contains language supporting Federal legislation to overturn the Citizens United decision. The United States Supreme Court, Citizens United decision and a subsequent decision eliminating caps on individual contribution to candidates opened the floodgates for unlimited spending by corporations, unions and social welfare funds whose donors are anonymous and PACs. It's here in Suffolk County where our candidates for Congress have benefitted from \$1 million contributions from super PACs spent on independent expenditures attacking the opponent.

I hope it contains language that the contractors' corporations that disclosure is required from the contractors' corporations, unions and social welfare funds and the PACs if they have business before the other levels of government; the village, the town, State and Federal government. Why? Because it's all connected. When I read an article in Newsday a couple of years ago about the Islip Town IDA giving a second 10-year tax abatement to the Heartland Group in Brentwood, well, I went to the New York State Board of Elections and looked at political contributions and I found that Gerald Wolkoff, the owner of Heartland, made a 25,000 apiece contribution to the Suffolk County Democrats and to the Suffolk County Republicans. I'm not sure if it had anything to do with the IDA decisions, but it was very coincidental. So any business union that comes to do business with the County, they should be required to disclose their contracts with other levels of government.

I hope that language is inserted to make it mandatory that you have to notify your constituents of your political contributors and contributors to your political parties. Right now it's on the backs of the constituents. We have to do the research, we have to go to the Board of Elections to see who's contributing to you and how much. That information is not provided to the constituents unless we look for it and spend the effort and time to find it, or unless you read the New York Times.

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I had a fourth thing but I forgot. But, I mean, it's public knowledge, it's in all the papers. There's article after article that New York State Legislators is enjoying member items again, they're failing to disclose them. There's article after article about the negative influence of unlimited campaign contributions to candidates, their committees, their parties. I mean, I've done the research. The money -- the political parties and their money is like human anatomy. Just like the head's connected to the neck, connected to the chest, connected to the shoulders and the abdomen, the town political party is connected to the County level, connected to the State and connected to the Federal. The money flows up and down between the different levels and the party and it goes to and from the candidates and their committees, back and forth, it's all connected. We need disclosure and we need Citizens United overturned in order to have fair campaign finance reform and to restore democracy. Thank you.

**P.O. GREGORY:**

Thank you. Anyone else who would like to speak on this matter? Please come forward. Yes, sir, please come forward. Please state your name for the record; name, address and campaign contribution.

*(\*Laughter\*)*

Only kidding. Only kidding.

**MR. VAN SICKLE:**

I'm Krae Van Sickle, I'm a resident of Suffolk County. And I came for the plastic thing, but I couldn't help to -- that this matter is before you to stay that as long as money remains blind and as anonymous in politics, our democracy doesn't stand a chance. So I hope that you do whatever you can to create transparency in that regard.

**P.O. GREGORY:**

Thank you, sir. Anyone else? I see a hand. Okay, come forward, ma'am.

**MS. BARBIER:**

I also came for the plastic and the PERC, but I just want to --

**MS. MAHONEY:**

Can you state your name, please?

**MS. BARBIER:**

Bettina Barbier, and I guess I do need to fill one out. I agree a hundred percent, I think that money -- you know, it's very important to follow the money and see who has influence on you guys because we depend so much on you. So that's really all I have to say about that, but I concur wholeheartedly. Thank you.

**P.O. GREGORY:**

Thank you. Okay, anyone else? Okay. Seeing no hands --

**LEG. CILMI:**

Can I ask a question?

**P.O. GREGORY:**

Oh, sure. Ma'am? Oh, there you are. Legislator Cilmi has a question for you.

**LEG. CILMI:**

I'm just going to use you for a moment, if you don't mind (*laughter*).

**MS. BARBIER:**

Use away.

**LEG. CILMI:**

To ask you whether or not you knew that you can just Google New York State BOE and a name right on their website. It's very simple to find, you go to "*contributions by candidate*" or something like that, you type in the name as part of whatever and you can find out whoever donated to whoever.

**MS. BARBIER:**

I'm always looking that stuff up --

**LEG. CILMI:**

Okay.

**MS. BARBIER:**

-- but I have to tell you, there isn't time enough in the day. The previously lady mentioned, you know, it's on us to do like this search and it can take a bit of time, and it can take a bit of time to untangle who's who, what's what. So yes, I do know that, but if it were just disclosed the way it is with the presidential candidates. For example, I can look up and see what Bernie got, where he came from, very easily where Trump's come from, where, you know, Clinton's comes from; it's real easy to find that, but it's a little harder with elected officials that are a little less in the public eye.

**LEG. CILMI:**

Have you been to the New York State BOE website?

**MS. BARBIER:**

BOE?

**LEG. CILMI:**

Board of Elections website. To look up --

**MS. BARBIER:**

Board of Elections. I've been to the Board of Elections website on a couple of occasions, but not for this.

**LEG. CILMI:**

For that purpose?

**MS. BARBIER:**

You know, I've Googled various local politicians for various reasons and where things are coming from, and frankly it's a little confusing and hard. You know, it takes some time to find out what's going on.

**LEG. CILMI:**

Well, I mean, personally speaking, I know how to do that because I am who --

**MS. BARBIER:**

Well, you -- (*laughter*).

**LEG. CILMI:**

But I've never looked up presidential -- the presidential kind. I wouldn't know the -- I would go on just like, you know, you would go on, I would go on and say "*Google campaign contributions to XYZ candidate*".

**MS. BARBIER:**

I Googled "*Sanders contributions*", "*Clinton contributions*", "*Trump contributions*", and it's real interesting --

**LEG. CILMI:**

You just have a list that comes up?

**MS. BARBIER:**

There are a couple of sites that make it really clear how much they've gotten. You know, Bernie's is 99.97% from individual contributions; Clinton is 7% from PACs; Trump is 30 -- you know.

**LEG. CILMI:**

You're probably seeing third party sites, I would imagine, that sort of analyzes --

**MS. BARBIER:**

That track it, yeah.

**LEG. CILMI:**

That track it.

**MS. BARBIER:**

And that I believe have some accountability.

**LEG. CILMI:**

Those third party sites would be less interested, of course, in the local level than they are with --

**MS. BARBIER:**

Unfortunately, that is true. I also utilize score cards, political score cards, and it's hard to find those kinds of things for the more local levels.

**LEG. CILMI:**

But there are a couple of organizations. I mean, one that I would suggest, and I'm not sure if they do anything with regard to campaign contributions, is SeeThroughNY; you might want to look up that organization. I'm just giving you a couple of ideas in terms of finding --

**MS. BARBIER:**

Uh-huh.

**LEG. CILMI:**

And that organization, if they don't already do it in terms of campaign contributions, may find that they -- you know, with your suggestion, that they might want to do that.

**MS. BARBIER:**

I will --

**LEG. CILMI:**

Resources are out there.

**MS. BARBIER:**

I'll look it up. But it would also be good to have you guys, just some accountant -- you know, there are people that do this, you know, that track all this anyway. So I agree with her, why not put it out there for us to see an official source of this information that really would be in one place and would take a lot less of our time.

**LEG. CILMI:**

But what it is -- it is. So maybe the question is -- and I hate to belabor this, but I'm just --

**MS. BARBIER:**

It's okay.

**LEG. CILMI:**

Maybe we need to then communicate with New York State Board of Elections that already, you know, retains and publishes this information. If we think that it needs to be published in a more user friendly format, or more searchable format, then that's something that we should go and address them with.

**MS. BARBIER:**

Is that woman still here and can we ask her exactly --

**LEG. CILMI:**

No.

**MS. BARBIER:**

I was listening, but exactly what she --

**LEG. CILMI:**

You can ask her.

**MS. BARBIER:**

Where is she?

**LEG. CILMI:**

I mean privately you can ask her.

**MS. BARBIER:**

Okay. Because she had a real -- you know, I assume you're recording all of this.

**LEG. CILMI:**

Yes.

**MS. BARBIER:**

That there's a recording secretary. You know, I liked what she had to say. And I came here really focused on a couple of other things --

**LEG. CILMI:**

Right.

**MS. BARBIER:**

So I don't really -- but I liked what she said.

**LEG. CILMI:**

I understand.

**MS. BARBIER:**

And I concur with her.

**LEG. CILMI:**

Thank you very much.

**LEG. TROTTA:**

One second, I just have one statement. The woman who said that Gerry Wolkoff gave \$25,000; she was wrong, he gave \$500,000, I checked.

**P.O. GREGORY:**

All right, all right. This is an opportunity to ask questions, not make statements. We can certainly put facts or opinions on the record when we're debating the bill.

All right. So anyone else who would like to make a comment -- make a comment on this public hearing, please come forward. Okay? All right. Please state your name for the record.

**MS. FASULLO:**

I also did not come to speak to this issue --

**MS. MAHONEY:**

Please state your name.

**MS. FASULLO:**

Jane Fasullo. I must say, however, that sitting here listening leaves me very, very unsettled. The law, 1179, speaks about limiting campaign contributions from the two entities -- namely County contractors and public employees -- that would stand to benefit substantially from anything that the Legislature passes and their behavior, and their benefit, rather. I guess what's bothering me is that you're asking us to go above and beyond the everyday activities that we would go through to find out more about you, whereas in reality, the trust in our government has to start from someplace. And if I can trust my government to know that they are not being bought by these people who would stand to gain, I would feel much better. I'm not sure it's appropriate for me to have to spend time looking these things up. Thank you.

**P.O. GREGORY:**

Thank you. Anyone else? I thought I saw someone else stand up. No. Okay. All right, Legislator Trotta.

**LEG. TROTTA:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Trotta. Second by Legislator McCaffrey. All in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay, ***(Public Hearing on) IR 1180-16 - Adopting Local Law No. -2016, A Local Law to prohibit the sale of Kratom in Suffolk County (Stern).*** I don't have any cards, but is there anyone that would like to speak on this matter? Please come forward. Nope. Okay, Legislator Stern?

**LEG. STERN:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay. ***(Public Hearing on) IR 1207-16 - Adopting Local Law No. -2016, A Local Law prohibiting the distribution of plastic carryout bags used in retail sales (Spencer).*** I have many cards on this public hearing. Okay. All right, you guys ready?

**UNKNOWN AUDIENCE MEMBER:**

We're ready.

**P.O. GREGORY:**

All right, we have about 35 cards. Jay Peltz; on deck, Margaret Malloy.

**MR. PELTZ:**

Thank you for the opportunity to testify at today's public hearing.

My name is Jay Peltz and I'm the General Counsel and Vice-President of Government Relations for the Food Industry Alliance of New York State. FIA is a non-profit trade association that promotes the interest Statewide of New York's 21,000 grocery stores as well as drug and convenience stores.

I will highlight some of the points from FIA's nine-page testimony that was submitted into the public hearing record. Please review the full testimony and supporting documentation for a thorough discussion of the reasons we oppose a ban. We oppose this bill because to date, far from taking the hard look required under SEQRA, localities in Suffolk County have adopted bans based on false, exaggerated and uncorroborated claims rather than a SEQRA compliance study, particularly with regard to local impacts. For example, ban proponents assert that despite high rates of reuse and rising recycling rates, plastic bags have caused a litter problem large enough to justify a ban. However, according to the EPA, plastic bags account for less than one half of 1% of the U.S. municipal solid waste stream. Moreover, California Statewide Waste Characterization Study found that plastic bags account for just three-tenths of 1% of the waste stream in that state.

Finally, Todd Myers, Environmental Director of the Washington Policy Center, noted that, "*A study by OSPAR,*" the European Organization working to protect the marine environment, "*found that plastic shopping bags represent less than 3% of marine litter on European beaches, a figure that includes scraps of plastic from shredded bags.*"

Regarding alleged harm to marine wildlife, Greenpeace Marine Biology's David Santillo quoted in a London Times article said, "*It is very unlikely that many animals are killed by plastic bags. It doesn't do the government's case any favors if you've got statements being made that aren't supported by the scientific literature that's out there. On a global basis, plastic bags are not an issue. It would be great if statements like these were not made.*"

In addition, Mr. Myers of the Washington Policy Center stated that, "*The National Oceanic and Atmospheric Administration for one says there are currently no public studies about how many marine mammals die because of marine debris. Meanwhile, other sources of marine debris such as*

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*discarded fishing gear are recognized as a danger to sea life. Why the frenzy over one source, plastic bags, in the absence of evidence."*

Moreover, local bans are preempted under the Plastic Bag Reduction, Reuse and Recycling Act enacted by the State in 2008. The State determined that the recycling law was working so well that it should be broadened. Accordingly, in 2014, the State amended the law to include plastic film. The bill passed the Assembly via a 129-7 vote and the Senate by a 59-1 vote. Importantly, the amendment was formerly supported by both the State Department of Environmental Conservation and the New York League of Conservation Voters.

*In its Memo of Support, DEC asserted that, "Recycling of plastic bags and film and film plastic continues to grow, as millions of pounds are recycled each year into durable, outdoor decking and low maintenance fencing. Under the State recycling law, our members recycled over 16,000 tons of commingled plastic bags, film and wrapping, January, 2014 through December, 2015. As the law has been in effect since 2009, total tonnage recycled is far greater than that figure. If a ban is enacted in the County, we would no longer be required to recycle plastic, including plastic bags, film and wrap brought into this County from other jurisdictions. This will harm the local environment, not make it better."*

For the reasons cited -- and I just want to quickly cite a 76% reuse rate of single use plastic bags in the 2011 UK Environment Agency Study.

*(Beeper Sounded)*

I'll conclude.

**P.O. GREGORY:**

Okay.

**MR. PELTZ:**

For the reasons cited in FIA's full testimony and supporting documentation found in the public hearing record, we respectfully request that this bill be withdrawn and that a collaborative effort involving FIA, our member stores and the County be established. The goal of the effort will be to enhance existing reduce/reuse and recycle efforts consistent with State law and policy. Should you choose to move forward with consideration of the proposed Local Law, SEQRA compliance cannot occur without a full environmental review, including preparation of an environmental impact statement, as well as consideration of all pertinent environmental impacts, including health and socioeconomic effects prior to a vote on the proposed Local Law. Thank you for your time and your attention to our concerns.

**P.O. GREGORY:**

Okay, thank you. Next, Margaret Malloy. Margaret, are you here? Oh, there you are, okay. And then on deck, John Greenfield.

**MS. MALLOY:**

Good evening. I'm Margaret Malloy and I'm here speaking on behalf of the Middle Island Civic Association. And I know we've heard a lot about the plastic ban and I had all these nice statements I was going to read to you, but we've already heard most of them. And quite honestly, I think I would like to defer to all of the courageous young people in this audience who stood up earlier to speak out against the plastic bags. And I know just from asking some of the young people out there who are still sitting there waiting to talk, that those are the voices that we should really listen to. So I defer my time so you can listen to them, and I think those voices are the voices of the future and I think that's what you Legislators really need to listen to and get rid of the plastic bags. Thank you.

***Applause***

**P.O. GREGORY:**

Thank you. Okay, Jon Greenfield; then on deck, Joseph Brown.

**MR. GREENFIELD:**

I'm Jon Greenfield and I'm the owner of Greenfield ShopRite which operates a supermarket in Commack, and I'm here to oppose the plastic bag ban, but for the same reason that other people are supporting it. I'm opposing it on environmental reasons because this law falls into the category of what I would call the law of unintended consequences. When people talk about banning it, they think that the shift-to-paper is a positive ban, and I just wanted to talk as a retailer what the shift-to-paper would look like.

A pallet of plastic bags contains 72,000 bags. A pallet of paper bags contains 10,000 bags. In one year, in one store, just my Commack store, the shift from paper -- from plastic to paper would result in -- right now we have five trailers a year transporting plastic. It would go from five trailers to 35 trailers a year spewing diesel fumes into the air in Suffolk County. And I think whenever you debate an issue, whenever you ask a question or take a poll, the answer you get is really contingent upon how the question is phrased. If you ask the environmentalists how they would feel about hundreds of thousands more tractor trailers clogging our roads and spewing fumes, there would be an outcry against that, but that would be the practical effect of this.

And on a personal -- by the way, on a business level, as the owner of ShopRite, we recycle. We recycle the plastic bags, we recycle all the plastic shrink-wrap; everything that comes back to us goes back to our recycling center. A lot of the plastic bags do not come back.

And now I am speaking as a parent and a grandparent. I have, in the past year, have gotten three new grandchildren and I can tell you, any parent, grandparent or dog owner can think of a very big reason they would not want to switch from plastic to paper, because --

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

We actually -- because that will -- first of all, if we did that the customers will then be purchasing Hefty bags rather than reusing the plastic that we have right now. So I think just on the issue of the transportation alone, I'd appreciate it if that would be looked at and the environmental impact of the additional trailers that would be required. And as a member of the industry group, you know, I'm ready as a store owner to work with the County on whatever recycling efforts we can work to achieve our common goal. Thank you.

**P.O. GREGORY:**

Thank you, sir.

**LEG. TROTTA:**

I have a question.

**P.O. GREGORY:**

Mr. Greenfield? Legislator Trotta has a question for you.

**MR. GREENFIELD:**

Yes.

**LEG. TROTTA:**

What would your thoughts be on still having the plastic bags for -- and the handled plastic bags at the checkout, for meat, poultry and possibly produce? Whereas, you know, 80% of your groceries, let's say, would go into paper bags and, you know, 20% or 10% would go in plastic bags. Do you have any feelings on that?

**MR. GREENFIELD:**

Well, first of all, regarding the transportation issue, if 80% of it -- 20% went plastic and 80% into paper, you're still dealing with the same thing.

**LEG. TROTTA:**

No, I think the idea is with the ten cents -- whether I agree with it or not, I don't know yet -- is that people will bring their own bags. That will force people to bring their bags which will, in turn, reduce those trucks. I mean, that's the philosophy behind it.

*Applause*

**UNKNOWN AUDIENCE MEMBER:**

Yes.

**LEG. TROTTA:**

Whether or not, you know, that's true or not is another story. I mean, I got a lot of calls from senior citizens who say, *"Don't do this because I want my garbage bags, you know, my bathroom garbage, my kitchen garbage, I recycle these bags."* And I think maybe the compromise would be something along the line of, you know, you pay for them, but if you get -- or you don't pay for them, that's another issue up to discussion. But if you have poultry, chicken, meats, that will go in the normal plastic bags, so people will still be able to get these bags, the people who reuse them.

**MR. GREENFIELD:**

Well, I believe the -- if I understand the way the law was written, it does not exclude the roll bags that we use in produce and meat, so that would address that. But the issue of whether or not the deposit would change behavior, I can speak to that as well, because in my Commack store -- actually, we did this -- I own five stores, but we have stores as a group. We have stores in -- we're in ten states now, and for a period of time we were offering customers a rebate for using the reusable bags, so we were paying to change customers behavior and what we found out, we finally dropped the program because no one noticed; and we advertised it heavily, it was in the circular. Did it for about three years and finally just said, *Okay, no one's interested*, and we gave up.

**LEG. TROTTA:**

So you were giving people a credit for bringing their own bags?

**MR. GREENFIELD:**

Yes, exactly --

**LEG. TROTTA:**

What was the credit?

**MR. GREENFIELD:**

It was five cents a bag.

**UNKNOWN AUDIENCE MEMBER:**

It was three cents, wasn't it?

**MR. GREENFIELD:**

It was -- well, there's a question of whether it was three or five. My recollection is -- I think what it was, it was five for reusable and three cents if you brought back a plastic; it was two-tier. But us giving a rebate and the customer not using it would be no different than the County mandating a fee because it's the same -- to the customer, it's the same money not being taken advantage of. It did not change behavior when we did it; if it had, we would have stayed with it.

**LEG. TROTTA:**

Do you have a percentage of what people are using, what percentage of your customers are using reusable bags now?

**MR. GREENFIELD:**

No, I'm sorry, I don't have that number with me. I can tell you visually. I'm not an office guy, I'm a guy in the stores, not much. And anybody -- everyone here in this room is a consumer, you can walk into, you know, the store and you can look around on the front end and see how often people are using the store bags as opposed to the reusable, and it's a pretty small percentage. As I said, even when we paid people to do it, we paid people to do it, everyone got their first reusable bag for free, we had promotions on the reusable bags, and I can't tell you why it didn't spur a change in behavior, but I can tell you for a fact that it did not.

**LEG. TROTTA:**

Okay, thank you.

**P.O. GREGORY:**

Okay, thank you.

**MR. GREENFIELD:**

Thank you.

**P.O. GREGORY:**

Oh, I'm sorry, I'm sorry. Legislator Stern had a question for you.

**LEG. STERN:**

Yeah, thank you, Mr. Presiding Officer. How are you?

**MR. GREENFIELD:**

Good.

**LEG. STERN:**

Years ago this Legislature had considered a ban of some type on plastic bags, and at the time it was determined that we would make the attempt to promote recycling. And so you had stated that at the stores, of course, you participate in the recycling.

**MR. GREENFIELD:**

Right.

**LEG. STERN:**

There might even be ideas on how to increase recycling. And I understand that you might have -- not have data on it, but based on your personal perceptions over the years, how has recycling gone? Have more and more people utilized the option of recycling based on your experience? How do you see that going? And perhaps, if you could answer, how do you see that that might be increased going forward?

**MR. GREENFIELD:**

Okay. The recycling has been going very well, because we have a recycling center at our warehouse, it's called Wakefront Food Corps, that's the -- we're a co-op. We're a group of family-owned companies that buy together and share services. And at the co-op, we have our own recycling center. Like just in the Commack store -- this isn't about paper, but in the Commack store, we recycle 100,000 pounds of cardboard a month. On the same truck that takes cardboard back to the warehouse, we take all the recyclables, all the bags that the customers returned that haven't gone to kids or pets, all the plastic bags go back, as well as all the shrink-wrap, the safety wrap that goes around the pallets, and we see it being huge. I mean, people use it. We re-empty that recycling bin many times a day and we think it's a positive thing. That's why I think, to a certain extent, people are reacting to a problem that we just don't see out there. I know people are concerned about it and I respect that concern, but we don't see it. And by the way, I'm a resident, I've been in and around this County for 50 years. I was a Produce Clerk in the Billy Blake Discount Center in 1969, so I have a long history in this area. I lived in the Town of Huntington. You know, I've raised my children here. I'm a resident and I have the same concerns that everyone else does. And we'd like to work on recycling, but when you talk about going in and mandating programs, I have a vision, which anyone who has ever stood on line in the supermarket and waited longer than they would like to, I have a vision of the cashier stepping up from behind the register and making an attempt to count how many bags the cashier is supposed to charge for while there's six people waiting on line getting really aggravated. It's just -- logistically it's a nightmare.

I don't see, from where I stand, that the recycling isn't working. Recycling is an answer. We're recycling and we're having success with it and I would like that to be considered. We certainly entertain if there are any suggestions from anyone as to ways we could recycle better, we're certainly open to any suggestions. But when you get into mandates, that's when you get into the law of unintended consequences. And like I said, if my one store would generate another 30 tractor trailers a year just from that changeover, or -- well, if we made it 80/20, okay, if my store generated another 27 -- excuse me, 24 trailers a year, that would be a very negative thing for our environment. So before we mandate it, I think we have to look at everything. And please speak to us, we're all ears. We'd love to work with you on this.

**LEG. STERN:**

Just one more question. In your experience over the years, have you seen an increase in the use of recycling or has it remained relatively steady?

**MR. GREENFIELD:**

We've seen an increase on the plastic, just by, you know, the number of times that we empty the recycling bins on a daily basis. It's all anecdotal evidence, but we see that substantial increase. And by the way -- this is not relevant to this hearing, but we are recycling right down to the plastic cores that come out of the adding machine rolls. Everything that comes into our store, the tub, the plastic tubs that the pickles come in are being recycled. Everything that comes in goes out to be reused in some form. We have a massive recycling center. As a group, we have 300 -- ShopRite now has 350 stores, as I said, we're in ten states. Everything comes back to the recycling center and we encourage it. If there are suggestions for more advertising to raise consciousness and awareness of it, you know, we're certainly open to those types of suggestions, but we're very concerned about the negative effects of any type of a mandate regarding it.

**LEG. STERN:**

Thank you.

**MR. GREENFIELD:**

Thank you.

**P.O. GREGORY:**

Oh, sir, please.

**MR. GREENFIELD:**

Oh, okay.

**P.O. GREGORY:**

Oh yeah. No, I've got a list for you. You're popular.

**MR. GREENFIELD:**

Okay.

**P.O. GREGORY:**

Legislator Fleming.

**LEG. FLEMING:**

Thank you, Presiding Officer Gregory. Good evening. I think many people know that I was a member of the Southampton Town Board when we passed the prohibition on the use of single-use plastic grocery bags. We were joined by the Town of East Hampton on the same day. Prior to that, Southampton and East Hampton Villages had already passed a prohibition, and following the town action, the Villages of Quoque, Sagaponok and Sag Harbor joined the effort. So pretty much all of the South Fork is now -- it is prohibited to use the single-use plastic bags, and a year has passed since the Southampton effort began. And I can say from experience, there's no question that a significant number of people -- significantly more people are using reusable, primarily cloth bags. I think part of the success of our efforts comes from the fact that there was a considerable education effort that preceded our action, several years of education with regard to not shifting to heavier plastics or paper, which understandably have their own drawbacks, but instead shifting folks' behavior to reusing bags. And it's happening out east, you can see it every day in our grocery stores.

So I just wanted to ask you a hypothetical question. I understand your concerns with regard to the volume of paper and the volume of traffic to transport paper, or even heavier plastic. But just hypothetically speaking, if our efforts to incentivize the use of reusable bags -- in other words, folks bringing their own bags to the grocery store -- and education efforts in the same direction, if they were successful and you found yourself needing less and less bags that you supply over time, would you agree that in the end your costs would be reduced because you would not have to supply any of those if we were successful in convincing folks, as people out east are being convinced, that it's better for the environment and that they need to bring their own bags?

**MR. GREENFIELD:**

If the consumer behavior would change, you know, I certainly could not dispute that hypothetical. As I said, we attempted to spur that, but we were unsuccessful. But we -- our position is we will -- you said if we saw reduction. If we saw the reduction first and we could see daylight, that would be something else. We have absolutely nothing against the reusable bags. Although I would state, based on a lot of the food safety courses that I've taken, anyone who does not wash those bags weekly is asking for a problem. A lot of people think it's reusable and it's not reusable -- it's not reusable safely unless the people are diligent about maintaining them. But certainly, if when we had done the program, where we were paying people to use them, if everyone had used them I would be better off, but it didn't happen. I mean, obviously we had a business interest in seeing it happen, but it didn't happen.

**LEG. FLEMING:**

But if it had worked, as it seems to be working out east, it would reduce your costs and it would, in effect, be a good thing.

**MR. GREENFIELD:**

Yeah, if I didn't have bag costs, that would be a happy thing.

**LEG. FLEMING:**

Thank you, sir. I appreciate it.

**MR. GREENFIELD:**

But as I said, I would want to see that trend first. Thank you.

**LEG. FLEMING:**

Come to the Hamptons.

**P.O. GREGORY:**

Oh, no, sir.

**MR. GREENFIELD:**

*(Laughter)*. Okay, I'll stay.

**P.O. GREGORY:**

You're very popular. Legislator D'Amaro has a question for you.

**LEG. D'AMARO:**

Thank you. And I'm sure we all appreciate you coming down and it's great to have this dialogue with you and the position that you're in as an owner; right, you're one of the owners?

**MR. GREENFIELD:**

Yes.

**LEG. D'AMARO:**

That's terrific. I want to ask you, if this bill is enacted just as it's written, what immediate impact would it have on your business and on the bottom line?

**MR. GREENFIELD:**

It would have a devastating impact financially because the cost of paper bags now is about four times the cost of plastic -- it would be over a million dollar hit. I mean, it's just unsustainable. And, you know, we're a family operation. By the way, I have five --

**LEG. D'AMARO:**

You would anticipate that your cost would dramatically rise because you would be in a position of having to give out many more paper bags.

**MR. GREENFIELD:**

If I could use the calculator on my phone for a minute, I'll tell you what the increase in cost would be.

**LEG. D'AMARO:**

Sure, go right ahead.

**MR. GREENFIELD:**

In the Commack store it would cost me an additional \$448,000 a year.

**LEG. D'AMARO:**

Okay, so that's giving out the paper instead of the plastic.

**MR. GREENFIELD:**

That's giving out paper bags.

**LEG. D'AMARO:**

Are you also including in that calculation the ten cents per bag that you would receive to offset that?

**MR. GREENFIELD:**

No, but I don't -- I am not including --

**LEG. D'AMARO:**

What's your cost per bag, do you know offhand?

**MR. GREENFIELD:**

I think paper is eight and change now, although I haven't looked at it recently. I'm basing plastic on about two, a little bit over two.

**LEG. D'AMARO:**

Right.

**MR. GREENFIELD:**

And about a \$0.06 increase on the paper.

**LEG. D'AMARO:**

Right. I am, by no means, saying that I'm in favor of the ten cents a bag, but just for this purpose of this discussion, that would actually generate a positive revenue for your business.

**MR. GREENFIELD:**

It's revenue that I am not looking for.

**LEG. D'AMARO:**

Fair enough.

**MR. GREENFIELD:**

Because it would be chaotic on my front end.

**LEG. D'AMARO:**

I understand.

**MR. GREENFIELD:**

You know, with everything we do, whether it's a law being passed that I then have to deal with the customer on or manufacturers issuing confusing coupons and the customer's mad at me because they're indecipherable.

**LEG. D'AMARO:**

Here's what I'm trying to understand.

**MR. GREENFIELD:**

We are the end player.

**LEG. D'AMARO:**

You're a business owner, this legislation would actually be cost neutral to you, or perhaps even net you a few more dollars. I'm trying to understand your opposition to it. In other words, is it about convenience to your customer? What's it about?

**MR. GREENFIELD:**

It's convenience to the customer, it's operations on the front end.

**LEG. D'AMARO:**

What do you mean by operations on the front end?

**MR. GREENFIELD:**

The speed of my cash registers, because now the cashier has got to come around and count how many bags, how many bags the customer has used. And very honestly, I think that ten cents, that would be a reimbursement to me til the first shortfall in the budget, then that would go away and I'd be sitting in the hole for an amount that equals a profit on the store for a year or more.

**LEG. D'AMARO:**

I don't follow that.

**MR. GREENFIELD:**

Well, because --

**LEG. D'AMARO:**

If the bag has a cost and you're getting paid more than the cost of the bag --

**MR. GREENFIELD:**

No, I'm saying that I'll never --

**LEG. D'AMARO:**

-- then there'll never be a negative impact on your business.

**MR. GREENFIELD:**

Oh, no. What I'm saying is I do not believe that that reimbursement or that payment would last the first time -- first of all, consumers are going to come in and they will go ballistic, *Look at ShopRite, they're making money off me. This law was to their benefit, look at the money they're making.*

**LEG. D'AMARO:**

Right.

**MR. GREENFIELD:**

You will get bombarded with consumer complaints.

**LEG. D'AMARO:**

Right.

**MR. GREENFIELD:**

And a year down the road we won't be getting the reimbursement, and I absolutely do not have the financial resources to absorb this.

**LEG. D'AMARO:**

How do you mean you won't be getting the reimbursement?

**MR. GREENFIELD:**

The law will change. The law will be amended; that's my belief.

**LEG. D'AMARO:**

Based on the opposition to the ten cents a bag.

**MR. GREENFIELD:**

Yes. Because there will be ferocious opposition from people sitting in this room and all the consumers in general.

**LEG. D'AMARO:**

Right. Okay. Well, that's why I asked you if this bill were enacted the way it is today. I mean, we can speculate what may happen down the road, but we can look at it as it's written today and try and figure out whether that's a positive or a negative just from a business perspective.

**MR. GREENFIELD:**

If it were enacted and never changed, it would be a positive, slight positive financially, although I can see that being overridden by the service issues in the store. So we don't see it as a positive even getting paid for it.

**LEG. D'AMARO:**

Well, I don't think it would be that difficult to count the bags when you fill them up. I think it takes more time, you know, with the new chip, you have to put the card in and all that stuff.

**MR. GREENFIELD:**

We had a battle --

**LEG. D'AMARO:**

You're not doing anything while you're waiting for the chip anyway.

*(\*Laughter\*)*

**MR. GREENFIELD:**

I can tell you, you may not think that the cashier stepping out to look and count the bags --

*Applause*

-- would not be an issue. I can tell you that at the co-op, we had an extended debate, several hours with voices raised, about a new front end system where it was going -- they were going to change the way the register receipts were printed. It's going to be another six seconds per receipt; it doesn't sound like much. You have 25,000 customers a week and you're having trouble getting through the front end, you know, we go right down to the individual customer right down to the group of how many seconds it takes to get someone through.

**LEG. D'AMARO:**

Uh-huh.

**MR. GREENFIELD:**

You know, if someone said you were going to pay me 20 cents a bag, I'd say, *Wow, look at this, it's a windfall.* We're just looking to help you with recycling and go on with our business. You know, we

invested a fortune. We're in a penny business, the average supermarket makes 1%, and something like this -- this bill going wrong could wipe out the profit for the average supermarket on Long Island.

**LEG. D'AMARO:**

I understand that. Do you think that convenience is a factor?

**MR. GREENFIELD:**

For the consumer?

**LEG. D'AMARO:**

Yeah.

**MR. GREENFIELD:**

Oh, absolutely.

**LEG. D'AMARO:**

How so?

**MR. GREENFIELD:**

If it weren't for the convenience and not wanting to have to bring the bags, the reusable bags back in, they would have responded to me paying them five cents for using them. We gave it to them for free, everything Price Plus Customers got -- they got a coupon spit out at the register for a free bag.

**LEG. D'AMARO:**

A free bag, right.

**MR. GREENFIELD:**

They got the first bag for free, they got paid five cents for using them after that; if we didn't get off the ground with that, then consumer behavior is not likely to change. Maybe in certain communities, very affluent communities, vacation communities, it might be looked at differently. My communities are all working people, everyone's on the go, everyone's running in and getting their dinner, going out, convenience is everything, that's what our whole model attempts to do.

**LEG. D'AMARO:**

Yeah, I think convenience would be a factor to consider.

**MR. GREENFIELD:**

Yeah.

**LEG. D'AMARO:**

But, you know, there's a cost benefit analysis to that as well. What is the cost of a recycled bag or a reusable bag?

**MR. GREENFIELD:**

Don't quote me, I think if you buy very large quantities, I think they're in the mid-60s.

**LEG. D'AMARO:**

I'm sorry. How much?

**MR. GREENFIELD:**

In the mid \$0.60 range.

**LEG. D'AMARO:**

About sixty cents a bag.

**MR. GREENFIELD:**

Sixty, sixty-five, but I can't tell you I've looked at -- I can't tell you I've looked at it since we were giving them away for free.

**LEG. D'AMARO:**

Right, right. Okay, thank you.

**MR. GREENFIELD:**

I'm not leaving.

(\*Laughter\*)

**P.O. GREGORY:**

Okay, Legislator Spencer.

**MR. GREENFIELD:**

Hello.

**LEG. SPENCER:**

Hi. Thank you so much. And thank you for being a business owner here on Long Island. Really, I appreciate what you do and, you know, I hope that as we discuss this and we can do it in a way that we can address your concerns, and I'm sure there are some areas we will agree to disagree.

First quick question to you is that you had indicated that a pallet of paper is about 10,000 bags and a pallet of plastic is about 70,000.

**MR. GREENFIELD:**

72,000, yeah.

**LEG. SPENCER:**

But one of the things when you made that analogy, the assumption is is that the contents that you could put in a paper bag is the same as you can put in a plastic bag. My understanding, when you look at the typical grocery bag, that a paper bag you can put in at least two, but usually about three times the amount. I mean, would you agree with that? So that that analogy where we say that it's 7-1 kind of doesn't really hold true because one paper bag's going to be able to account for two to three plastic bags.

**MR. GREENFIELD:**

Well, you may be able to -- I'm not going to dispute that you could put more into a paper bag, but then you have the issue of how heavy is that bag. So even with the plastic, we have people say, *Pack it light.*

**LEG. SPENCER:**

Okay.

**MR. GREENFIELD:**

So that's one issue. The second issue is that you can put more in, but you have to be -- the bagger has to be good enough to square off the contents of that bag, otherwise you put any extra weight in and you've got one corner of your Kleenex box putting pressure on it, you have a split bag with the contents spilling. So theoretically you can. If I had -- if I were packing a bag, yes I could; but I try

not to do that too often anymore.

**LEG. SPENCER:**

If you were packing the bag you could probably get the contents of four plastic bags into one, I'm sure.

*(\*Laughter\*)*

**MR. GREENFIELD:**

It does have to be squared, if you know what I mean.

**LEG. SPENCER:**

My next question to you, Sir, and you said that you've been doing this since 1969?

**MR. GREENFIELD:**

Well, I was a Clerk in the Billy Blake Discount Center in '69. I was -- I've been in business now since -- June 1st will be 44 years.

**LEG. SPENCER:**

Wow, thank you for that. My question, these plastic bags really came on the scene in 1985. How did you survive before then?

*Applause*

**MR. GREENFIELD:**

Before we -- well, before we had that?

**LEG. SPENCER:**

Yeah.

**MR. GREENFIELD:**

We used paper bags, people double-bagged them. And the cost -- the business, like with anything, you see Energy Shock, whatever increased costs there are, eventually the business will -- the business prices will rise to meet that. There's no such thing as free lunch. We paid for it then and we charged for it then. You know, we keep our costs -- as I said, the industry in general works on 1%. If you add 1% on to our costs, what will happen, some people will fail financially, and the people that don't fail will be in a position to raise their costs to cover that. But one way or the other, it's going to be paid for, and by the consumer.

**LEG. SPENCER:**

Sure. And I guess, you know, one thing that was very important to me, as one of the authors of this legislation, was not just starting from an environmental perspective, but in starting really from a consumer and a business perspective. So my question, when I look at that, and I sat down and I actually designed this with a grocery store owner, a chain owner. So when we talk about the concern of the revenue that would be gained or lost, or the revenue that I think would be gained or lost, have you looked at other stores in places -- because there's a track record. We don't have to speculate, you know, we do have Patchogue, we do have East Hampton. And are you aware of stores that have now suffered as a result of this? You know, because I think that we don't have to speculate, there is -- there's actual data out there, and so far the data that I've seen indicates that those stores haven't seen this doomsday scenario that you're painting on here.

**MR. GREENFIELD:**

Well, if you told me that the reimbursement was going to cover the paper, there certainly would not be a doomsday scenario, but I'm concerned about that.

**LEG. SPENCER:**

Sure.

**MR. GREENFIELD:**

And just to your comment that you can put twice as much in paper as in plastic. Let's assume for the moment you can. Most people can't bag that way, most people can't carry that weight, but let's assume for the moment that we could put twice as much in; then what we're talking about is a mere 15 tractor trailers more a year for my one store, even if we take that as a given.

**LEG. SPENCER:**

Fair enough. But I think that the \$0.10 fee is not necessarily to enrich, it's protecting the business. But the consumers, and typically when there was a rebate, the behavior didn't change, but when there was a cost, the consumers have a choice. They have a choice of saying, *I don't want to pay this*. How do like your stores like BJ's and Costcos that, you know, have a box bin in front; how are they able to do it? And don't they have lower costs as a result of not -- and they don't offer any bags. Has anyone ever walked into your store and said, *Wait a minute, there's no bags here. I'm out of here*.

**UNKNOWN AUDIENCE MEMBER:**

I have.

**MR. GREENFIELD:**

Well, Costco, their model is totally different in that because they are bulk, their products are, in fact, in boxes. When you buy the diapers, you're not buying a box that goes in a bag, you're buying a box of 128 diapers. So in effect, the nature of their business, they're selling boxed items and they're selling limited quantities. If they weren't selling limited assortment, I couldn't be in business sharing a parking lot with Costco because everyone would be buying their groceries there.

**LEG. SPENCER:**

Sure, but they do have a substantial cosmetic aisle and things that are individual, too, that people go in and they fill up their buggies and they are able to just take the items to their car. I mean, you would have to --

**MR. GREENFIELD:**

Yeah.

**LEG. SPENCER:**

Okay. All right, fair enough. With the number of speakers, I would like for us to sit down. You know, I was hoping --

**MR. GREENFIELD:**

I'm available.

**LEG. SPENCER:**

So let's sit down so that we can talk about this. Because your business is important to me and it's also important for me to listen to the majority of our consumers and our young people. But I am definitely willing to work with you to address your concerns.

**MR. GREENFIELD:**

Okay. Is it acceptable for me to hand a card, or is that not appropriate?

*(\*Legislator Spencer walked over to Mr. Greenfield\*)*

**LEG. SPENCER:**

I think that makes it acceptable. Thank you.

**MR. GREENFIELD:**

Okay, thank you. Thank you very much.

**P.O. GREGORY:**

Oh, hold on.

*(\*Laughter\*)*

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you, but my -- Legislator Fleming, except for the come to the Hamptons remark -- which I endorse, by the way -- she already asked the question that I was going to ask. So thank you.

**P.O. GREGORY:**

Okay, great. Legislator Hahn.

**LEG. HAHN:**

Same here, Doc Spencer just touched on it at the end there. I was going to ask about those -- I guess it's wholesale, the bigger stores, BJ's, Costco, where they get rid of their cardboard boxes that they would have had to crush up and get rid of anyways, and folks can use that. You know, and that works well and people still go there and they can utilize boxes that are left over from shipping to bring things, you know, to and from their car. So I was just wondering about that, but it was already asked. So thank you.

**P.O. GREGORY:**

Okay. All right, you're released. Thank you.

**LEG. SPENCER:**

Thank you.

**MR. GREENFIELD:**

Should I wait a minute?

**P.O. GREGORY:**

No, you're good.

*Applause*

All right, Mr. Brown, Joseph Brown is next; and then Julian Morris. And I'll just remind everyone, please ask questions. We do have -- well, not to ask questions, but if you have them, to ask questions, not make statements. Not for you guys, you can make statements.

**MR. BROWN:**

Thank you. Good evening. My name is Joseph Brown, I'm the Senior Vice-President and Chief Merchandising Officer for King Kullen Grocery and the President of Wild by Nature Supermarkets. Our company operates 21 King Kullen and four Wild by Nature stores in Suffolk County. I would like to begin by thanking Mr. Jon Greenfield for coming up here before me.

*(\*Laughter\*)*

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Hopefully many of these questions have been thrown at him and not at me. But I have to say that King Kullen fully supports the testimony of Jay Peltz from the Food Industry Alliance and Jon Greenfield as well in opposition of this bill. And without repeating too many points previously presented, consumer recycling of paper bags is significant and it is rising. We experience that every day. We should further enhance our efforts to promote the reuse and recycling efforts rather than adopting a ban that would reduce plastic recycling and lead to a surge in paper use. It really does have a marginal impact on increasing the use of reusable bags, which I'll speak to that in a moment.

As Jon Greenfield previously mentioned, the environmental impact logistically of delivering paper bags versus plastic bags is huge. He mentioned that it would be 30, 35 additional trucks for him into Suffolk County. For King Kullen that would be closer to 165 to 170 additional trucks a year to deliver an equivalent amount of paper bags into the County.

Just to touch on Bridget Fleming's statement about Southampton bag ban. We operate two stores there, we have a Wild by Nature store -- actually three stores; two King Kullen stores and a Wild by Nature store there. And to date, since the bill has been imposed, we've experienced a 30% increase in our bag costs, and that's in an area where you have people who have probably a higher level of environmental concern than you might have in other parts of the County. And the usage of the reusable bags has not correspondingly increased as much as might be represented. I have numbers, I can bring numbers to you to share that information with you.

In addition, you know, Jon's concerns about the front end issue. Even the management of charging a fee at the front end, it becomes quite complicated, obviously. We have a lot of high school students and, you know, having to follow all of these specific guidelines and rules becomes quite complicated on the front end; it's not as simple as it might be described.

You know, we feel that there's a better way. We feel that the recycle, reuse program can work and should work. The imposition of a \$0.10 fee to the consumers is going to be a tremendous backlash to us in the stores. Actually, today's Letter to the Editor, in today's Letters to the Editor in Newsday, there was somebody who already pointed fingers at the Legislature for saying, *You're kidding me. You're going to make them charge ten cents and then you're going to tell them they can keep it?* Well, even if the legislation doesn't change, at some point we're going to be under consumer pressure to do something with that money. It's not going to stay in our pocket; we firmly believe that that's not going to happen, whether it's imposed on us or not.

**P.O. GREGORY:**

Mr. Brown?

**MR. BROWN:**

Yes.

**P.O. GREGORY:**

Please wrap up, your time's expired.

**MR. BROWN:**

I'm sorry. Okay. Well, I just do thank you for your time and I appreciate --

**P.O. GREGORY:**

You do have several Legislators who have questions for you. Legislator Cilmi.

**LEG. CILMI:**

Thanks. Thanks for being here, and to everybody who's here for this issue. Do you think that we as elected leaders here in Suffolk County and you as industry collectively could do a better job of promoting the benefits of reduce/reuse/recycle?

**MR. BROWN:**

I do. I do and I think that --

**LEG. CILMI:**

How could you help us do that?

**MR. BROWN:**

Well, I think by marketing. And if we do it collectively as political representatives and as retailers who really do have concern about the environment, we all live here, we all have children here, I do think that a better effort can be made for it because I don't think there's enough focus on that. You know, even to the point, I don't think it can just be a forced incentive. Charging a \$0.10 fee and trying to convert people to use a plastic bag doesn't work.

To Mr. Greenfield's point, we have two stores that we still -- well, all of our Wild by Nature stores we offer a refund for bringing in either a plastic bag or a reusable bag. And we have two King Kullens in Nassau County that we do the same thing; neither one of those stores have a discernable difference in the amount of plastic bags that we use in those stores as a percentage of sales. It's not driving people to do it. You see the same thing even with bottled -- the bottle bill. There's a tremendous amount of bottles that are recycled. There's a tremendous amount that aren't, and there's a large percentage of bottles that are recycled because there's people who are going around and making a living out of doing it. It's not because people feel compelled. There's people who just say, *The hell with the five cents, I'm just not going to return it*, and that's exactly what we're experiencing. So that imposition isn't really going to have that desired results, I'm a firm believer in that.

**LEG. CILMI:**

Okay. So we can do a better job of marketing, promoting reduce/reuse/recycle. Not quite sure I heard an answer as to how we do that, but let me make maybe a suggestion in the form of a question. Do you know off the top of your head how much money your company pays out annually in that \$0.05 rebate?

**MR. BROWN:**

It's not a huge amount of money.

**LEG. CILMI:**

It's not.

**MR. BROWN:**

It's really not.

**LEG. CILMI:**

Okay. Well, I don't know -- so is it more than \$10,000, less than 10,000?

**MR. BROWN:**

I would be surprised if it's -- it's probably in the 20 to \$30,000 range for all of those stores collectively.

**LEG. CILMI:**

Okay.

**MR. BROWN:**

It's probably under that.

**LEG. CILMI:**

Okay. And I would suspect that when you add up all of the supermarkets, it's still not -- it's probably -- yours is probably a high number --

**MR. BROWN:**

Right.

**LEG. CILMI:**

-- compared to the others, yeah. And you said that you really haven't seen an appreciable increase in the use of reusable bags as a result of your efforts.

**MR. BROWN:**

We have seen an increase in the Town of Southampton, but not to the degree that it has mitigated the increase in cost that we were experiencing.

**LEG. CILMI:**

Right, or the increase in paper bags.

**MR. BROWN:**

Or the increase in the paper bag, the queue, the whole trucking issue; it hasn't come close to that.

**LEG. CILMI:**

Right.

**MR. BROWN:**

And as I said, the Nassau County stores, there's no discernable difference between the stores where we issue an incentive versus where we don't.

**LEG. CILMI:**

Have you ever explored the use of heavier bags, bags that wouldn't fall into the realm of this legislation?

**MR. BROWN:**

Yes, actually. Actually, out in Southampton we do sell a -- I think the minimum has to be two and a quarter mill or greater and it's a larger handle plastic bag that we sell below our cost at ten cents a bag I believe is the price, and we still have the original order that we placed before the start of the bill.

**LEG. CILMI:**

So folks just aren't using those bags.

**MR. BROWN:**

Not particularly.

**LEG. CILMI:**

Why do you think, because they don't want to pay for them?

**MR. BROWN:**

They don't want to pay for them and they're not going to reuse them anyway.

**LEG. CILMI:**

Right.

**MR. BROWN:**

For them it appears it's just a bigger, thicker, disposable bag, and they'll use it for another purpose.

**LEG. CILMI:**

Has your company ever explored the use of so-called, and I'll underline those words, so-called recyclable plastic bags?

**MR. BROWN:**

We've explored it, but --

**LEG. CILMI:**

Biodegradable.

**MR. BROWN:**

Apparently -- well, first of all, the cost is very prohibitive and I don't think the technology is fully there as far as the ability to handle the weight and the usage of it.

**LEG. CILMI:**

Right.

**MR. BROWN:**

It's just not there yet.

**LEG. CILMI:**

Okay. Thank you very much.

**MR. BROWN:**

Thank you.

**P.O. GREGORY:**

Okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Good evening.

**MR. BROWN:**

How are you?

**LEG. D'AMARO:**

Good. So I want to ask you, and I appreciate you coming down today. You're already operating in areas that have similar legislation in effect, and I think it's important to focus on that just a little bit more, if you don't mind.

**MR. BROWN:**

Sure.

**LEG. D'AMARO:**

Because we don't get an opportunity often to see whether or not legislation that's already in effect would be effective County-wide, let's say. Is the Southampton legislation or rule similar to what we're talking about here with the \$0.10 a bag for the paper bag?

**MR. BROWN:**

No, there is no ten cents a bag.

**LEG. D'AMARO:**

How is it functioning in Southampton?

**MR. BROWN:**

Again, they're --

**LEG. D'AMARO:**

They just banned the plastic bag?

**MR. BROWN:**

The single-use plastic bag is banned.

**LEG. D'AMARO:**

So instead of that, you either -- you can either bring your own bag, or what happens?

**MR. BROWN:**

Or use paper.

**LEG. D'AMARO:**

Or use paper. So do you charge the customer per bag for the paper?

**MR. BROWN:**

No, we do not.

**LEG. D'AMARO:**

No, so it's just increased your cost.

**MR. BROWN:**

Correct.

**LEG. D'AMARO:**

And what --

**MR. BROWN:**

About 30% right now. That's including the increase in usage of reusable bags.

**LEG. D'AMARO:**

Right. So --

**MR. BROWN:**

Which actually what I'm finding in Bridgehampton is that there's a lot of people who are actually buying reusable bags every time they come.

*(\*Laughter\*)*

They're not actually even coming into the store with them, but they'll buy them again and again. Where are they winding up?

**LEG. FLEMING:**

They're cloth.

**MR. BROWN:**

No, but they're still going to go somewhere, they're not just piling them up in their garage. Or eventually they're going to throw them out.

**LEG. D'AMARO:**

So is it -- if I could just have your attention over here.

**MR. BROWN:**

Yes, I'm sorry.

**LEG. D'AMARO:**

*(Laughter)*. So is it your position that this type of legislation just simply does not change behavior?

**MR. BROWN:**

I do believe it does not change behavior.

**LEG. D'AMARO:**

Okay. Would you have a different opinion if you were permitted in the Southampton jurisdiction to charge the \$0.10 a bag?

**MR. BROWN:**

No, because again, I don't think that's a realistic long-term solution. I don't think that will remain. And again, whether it's self-imposed or consumer backlash that causes legislation to change, I just don't think that's sustainable.

**LEG. D'AMARO:**

So in that area, do you -- can you measure or do you have a measure of how many more of your customers are bringing in the reusable bag?  
Do you have an actual statistic on that?

**MR. BROWN:**

You really have to -- you have to sit there and do studies in the store, you have to do it manually. Because we're not --

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

Those bags aren't being scanned out. I can tell by the increase in the amount of bags I've used --

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

-- but that doesn't always account for other bags that they may have brought in from another source or, you know, where they purchased elsewhere.

**LEG. D'AMARO:**

I'm trying to follow it. So there's an increase in the number of bags that you're purchasing to give out to your customers; is that what you're saying?

**MR. BROWN:**

No. As far as the reusable bags, there are more people using them.

**LEG. D'AMARO:**

Okay. So you're buying less bags in those stores.

**MR. BROWN:**

We're buying less -- we're not buying any plastic bags, obviously --

**LEG. D'AMARO:**

Right, right, we're talking about bags.

**MR. BROWN:**

-- because they're banned, but we are buying more paper bags, significantly more paper bags.

**LEG. D'AMARO:**

Right. But I'm just saying overall, okay, I understand you have to increase the number of paper bags that you're purchasing, obviously, because you can't use the plastic. But for every type of bag, in Southampton are you purchasing less bags or more? It would be less, right?

**MR. BROWN:**

Of reusable bags?

**LEG. D'AMARO:**

Of all bags that you -- not the reusable.

**LEG. TROTТА:**

Paper.

**MR. BROWN:**

We're purchasing less bags in total because --

**LEG. D'AMARO:**

Some people are using --

**MR. BROWN:**

-- plastic is gone.

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

Much of that, most of that is converted over to paper.

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

That's reduced by the amount of people who are using recyclable bags.

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

That net still presents us with a 30% increase in bag costs.

**LEG. D'AMARO:**

Fair enough. Just -- I'm not looking at the cost right now, but I understand that. I'm just trying to get a handle on where this was enacted within the Town of Southampton, your business overall is giving out less paper bags than you gave out in the past, paper and plastic, because more people are using the --

**MR. BROWN:**

Correct.

**LEG. D'AMARO:**

-- reusable bags, right?

**MR. BROWN:**

Yes.

**LEG. D'AMARO:**

It costs more to do it.

**MR. BROWN:**

Yes.

**LEG. D'AMARO:**

Because you don't have the \$0.10 a bag offset.

**MR. BROWN:**

Correct.

**LEG. D'AMARO:**

But certainly there is an impact that that legislation is having where a grocery store is now giving out less bags than it used to give out.

**MR. BROWN:**

Correct.

**LEG. D'AMARO:**

Okay.

**MR. BROWN:**

Less significantly than you might expect.

**LEG. D'AMARO:**

Right, so that's the next issue or question that I have. How much of an impact is that having in numbers, do you know?

**MR. BROWN:**

I can get you that exact number because it's really -- it's on my computer in the office.

**LEG. D'AMARO:**

Yeah, because what would --

**MR. BROWN:**

I don't have it.

**LEG. D'AMARO:**

You know, I'm just curious, you know, what benchmark should we be looking for? If we're trying to change behavior, okay -- and this is more just on a theoretical level. If we can change behavior, whether it's right or wrong, ten cents a bag, we're going to debate all of those issues. What's the benchmark? What are we looking for? I mean, is it -- did you -- you know, was it -- did it have a 3% impact on the number of bags given out? Was it a 25%? You know, I'm just kind of curious as to what the impact is. If the goal of this legislation is to ultimately give out less bags and have people use more reusable bags, then what's the numbers? We already have some jurisdictions where we can actually have a count.

**MR. BROWN:**

Well, you know what? I'll get you what a breakeven would be on that, what that would require. We're far from it, we're very, very far from it.

**LEG. D'AMARO:**

What do you mean by far from it?

**MR. BROWN:**

As far as how much conversion you would need to go to reusable bags --

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

-- and elimination of paper bags for it to be effective. I know you're not interested in cost perspective, but even --

**LEG. D'AMARO:**

No, I am interested.

**MR. BROWN:**

Okay. But from a --

**LEG. D'AMARO:**

But I just have to separate it for right now.

**MR. BROWN:**

Okay. What number are you looking for? Are you looking for 100%?  
Are you looking for 30%?

**LEG. D'AMARO:**

No. Well, I think that -- let's say, just to use hypothetical numbers, you give out 100,000 bags a year, okay, before the law was enacted. All right? But now the law goes into effect and some people are bringing in their own reusable bag, now you're giving out 60,000 bags. So we would be able to --

**MR. BROWN:**

Right. I don't --

**LEG. D'AMARO:**

-- extrapolate, you know, what type of impact we're having.

**MR. BROWN:**

Right.

**LEG. D'AMARO:**

If you told me, you know, *Lou*, we gave out 100,000 bags before the law and now we give out 99,999, I would know that's much less impact than if you're giving out only 50 or 60,000.

**MR. BROWN:**

I don't want to state a number. It's a high -- we're probably, and again, I'd like to qualify this by sending you the information when I get it.

**LEG. D'AMARO:**

Fair enough.

**MR. BROWN:**

But I'm going to say that it's probably -- we're probably still using 90 to 95% of the bags that we were using before.

**LEG. D'AMARO:**

Okay, that's your feeling.

**MR. BROWN:**

But standing here, not having --

**LEG. D'AMARO:**

Yeah, I got it, sure. No problem at all.

**MR. BROWN:**

-- it in front of me, I would say that that's a number.

**LEG. D'AMARO:**

So that would be -- you know, if you think you're giving out maybe 5% less bags --

**MR. BROWN:**

Right.

**LEG. D'AMARO:**

-- in a jurisdiction where you cannot charge the \$0.10 a bag.

**MR. BROWN:**

Correct.

**LEG. D'AMARO:**

Right. Okay. All right, thank you. That answered my question. Thank you.

**P.O. GREGORY:**

Okay. I have a question before I go on to Legislator Trotta. You're King Kullen, right?

**MR. BROWN:**

Correct.

**P.O. GREGORY:**

Okay. I use Stop & Shop, so I'm not as familiar. But I know --

**MR. BROWN:**

I'm sorry to hear that.

*(\*Laughter\*)*

**P.O. GREGORY:**

I have used King Kullen, I don't mean to -- I'm just saying, because I know now they seem to be using more self-checkout?

**MR. BROWN:**

Yes.

**P.O. GREGORY:**

I'm not familiar with your layout, if you use self-checkout or --

**MR. BROWN:**

Yes, we do.

**P.O. GREGORY:**

Okay. How do you see this bill impacting that? Because if you're at a self-checkout, how do you purchase the bag or how do you pay for it? You know.

**MR. BROWN:**

Well, that would probably -- that would definitely present some difficulty. You would either have to have intervention by the monitor who is monitoring the four or five self-checkout stations, or you would have to have an honor system with the consumer. Actually, out east what we do is the customer has to enter in the quantity of bags that they're going to use and determine whether it's paper bags or not, and then they actually go on a scale and the scale will verify that the number matches the weight of the bags. So it can be done, but that's --

**P.O. GREGORY:**

Could you possibly UPC code every bag and then have it scanned? I mean, that actually obviously adds an additional cost.

**MR. BROWN:**

Again, you're talking about slowing down the front end. You're --

**P.O. GREGORY:**

No, I mean for at the self-checkout.

**MR. BROWN:**

At the self-checkout; yes, you could.

**P.O. GREGORY:**

But obviously that eight cents goes into whatever that cost is to do that, so.

**MR. BROWN:**

Correct.

**P.O. GREGORY:**

Right, okay. All right, Legislator Trotta?

**LEG. D'AMARO:**

I use King Kullen.

**LEG. TROTТА:**

Would you prefer -- I mean, obviously you raised the price of the food out there at some point to cover the cost of the bags. Would you prefer that in this bill, or that would, I guess, eliminate the need for people to bring a reusable bag if the paper bags were free. Right now, every grocery store I go to the paper bags are free. They ask you, paper or plastic, or if you want paper they'll give you paper. I mean, is that something that you would prefer if it was to be enacted? We just, you know, raise ten items a penny a piece and you put them in the bag, there's your ten cents.

**MR. BROWN:**

I personally think that the natural course of business, if our operating costs increase, the cost of groceries will have to increase to compensate the difference. We would rather be doing that than be the face of another fee to the consumer that we have to sit there and face and justify every day. That shouldn't be our responsibility.

**LEG. TROTТА:**

I've been driving around recently looking at, you know, the bags and stuff and I -- you know, they're there but there's coffee cups and everything else. I don't know, this is a dilemma.

**MR. BROWN:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Browning.

**LEG. BROWNING:**

I'm not sure if I have any more questions. I think more of my question would be -- I shop King Kullen --

**MR. BROWN:**

Thank you.

**LEG. BROWNING:**

-- because it's close to my home.

**(\*Laughter\*)**

And actually, Mr. Kullen is a constituent of mine. (*Laughter*). One for King Kullen. But, you know, have you done a check? I know that every district, every community, is different. You know, one of the concerns that I have is -- you know, again, it's education. Where I grew up, we took your shopping bags. When I was a kid you carried your shopping bag. Things changed, but now the grocery stores at home in Ireland still have plastic bags. You pay for the plastic bag if you get it, but now the culture has somewhat changed where people are getting used to bringing their own bags, but the plastic bag is still available. In fact, I don't think there are paper bags at all.

One of my biggest concerns is have you tracked how many people are coming in who are on -- with EBT cards shopping? Obviously the bill says, you know, that they don't have to pay, but I know in my district, I have a lot of people who may not be eligible, they're just that little bit off from being eligible, but now they have to pay for the bags. And then I go to my grocery store and I see people

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walking, a paper bag's not going to work when you're walking. The bags work because you've got so many handles you can hold on. Have you been paying attention to much of that or?

**MR. BROWN:**

Well, to your point, we haven't had to experience the WIC customers or the programs where people are getting assistance. But that's going to be another issue for us because you're going to be the person behind that person on line and not quite being thrilled that they're not paying for something that you have to pay for, which in turn means you're paying it for them.

**LEG. BROWNING:**

Right.

**MR. BROWN:**

We haven't had to face that yet because that's not part of any of the areas where any of the places where we have bag bans now. There is no fee charged, so we're not facing that yet.

**LEG. BROWNING:**

I'm just concerned about -- and I'm directing this to the sponsor, that I think it needs some work. Because it would be unfair to somebody who's maybe only 20, \$30 over the income limit to be eligible for food stamps that would have to pay that \$0.10 versus the person who does receive the food stamps. And I know that I have people in my district who are in that position. When you see them walking home with strollers and their baby's in the stroller, they're hanging the bags on the handle; a brown paper bag, you can't do that.

So I think we -- we do need some work on this. I'm -- I bring my own bags, sometimes I'm walking into the store and I find, *Oh, I forgot my bags*, and I'll go back to the car and get them. But, you know, those plastic bags do come in handy for some other things, especially when you have grandkids.

**MR. BROWN:**

One more comment to the overall picture of this. There would be nothing greater for us as a supermarket industry if everybody brought their own bags in.

**LEG. BROWNING:**

Right.

**MR. BROWN:**

That would be -- that would be a win/win for everybody. You know, it's just the method of getting there is not going to be as simple as imposing fees.

**LEG. BROWNING:**

We just need that cultural change and an education, and I think that --

**MR. BROWN:**

And that's happening over time.

**LEG. BROWNING:**

-- progressively, over time, if we were to progressively encourage it more, I think people could get to that point, but I don't know that they're necessarily ready. And I think that \$0.10 is probably the biggest issue for my constituents that I've heard from, that they do have that issue with having to pay for the bag.

**MR. BROWN:**

Thank you for sharing that opinion.

**LEG. BROWNING:**

Thank you.

**D.P.O. CALARCO:**

Legislator McCaffrey, and let's please try to keep it to questions.

**LEG. McCAFFREY:**

Yes, I will. So I just want to be clear. So I heard you speaking about this and the others speakers saying that at the end of the day the carbon footprint that's created by a paper bag could in theory be more than what it is for a plastic bag. Is that fair to say in terms of truck traffic, the manufacturing of these bags and, you know, the trees we cut down to make the bags; is that fair to say?

**MR. BROWN:**

Yes, it's fair to say and I think that's a big part of this whole approach to this bill, is that a lot of the focus is on end-of-use cycle of the bag and not all of the production and all of the logistics and everything else that's involved in changing from paper to plastic. And I think due diligence needs to be in place here to ensure that this is a bill based on fact when it comes to the environmental impact and not just emotional.

**LEG. McCAFFREY:**

As someone that's in the business, how can we incentivize people to use these reusable bags? We use them, or I'll say my wife uses them.

**MR. BROWN:**

*(Laughter).*

**LEG. McCAFFREY:**

And on the occasions when I do accompany her we use the bags. And we shop at King Kullen, by the way.

**MR. BROWN:**

Thank you. I got three now.

**LEG. McCAFFREY:**

And -- but it just makes life so much easier for us because you get more stuff in the bag, the stuff doesn't roll around, you put it in the car, it stays in there, it doesn't fall over, carrying them from the car to the house is so much easier, you put them in and -- you put the bags back in the car when you're all done. On the times we say, *Hey, we have to stop somewhere* and we don't have the bags, it's a pain in the neck, you know, and you see a difference. How do we get that message to people to say your life is easier using these bags, it doesn't cost you a fortune, once you have them you've got them. Is this a way that we should be looking at to have people use reusable bags, saves you money, save the environment all over. As someone in the business, how can we do that and would we be better served in trying to pursue that as opposed to penalizing people for using the plastic bags.

**MR. BROWN:**

Yes, I do believe that. And, you know, you made a good point. Testimonials from people, from real users who actually do that and can describe the benefits that they get out of doing it is an approach that our industry is certainly willing to support, and that's -- we really do believe that that's the right

approach.

**LEG. McCAFFREY:**

So the cost between the bags is what; I think we heard it as three cents for plastic and \$0.10 or --

**MR. BROWN:**

It's roughly seven, eight cents for paper.

**LEG. McCAFFREY:**

Seven or \$0.08 difference between the two, between the plastic and --

**MR. BROWN:**

Oh, no, no, there's probably about a nickel difference between the two bags.

**LEG. McCAFFREY:**

About a nickel difference. And we're talking about how many bags?

I mean, how much money are we talking about? If you had throughout Long Island had to stop using plastic, had to go to paper, just for the cost of the bag, and then the additional cost of transportation and all these other things and the front end costs; what would be just the cost difference in the bags to you?

**MR. BROWN:**

King Kullen, we're looking probably close to \$5 million.

**LEG. McCAFFREY:**

Okay, just to King Kullen.

**MR. BROWN:**

Just in King Kullen in Suffolk County.

**LEG. McCAFFREY:**

So would we be interested, or might be better served in doing some sort of partnership with the supermarkets, with the industry to promote the use of recycled bags and whether -- or reusable bags. And I'm talking about in terms of, like you said, testimonials from people like myself or other people that go in and use these bags and like them, and then maybe there needs to be some input from -- in terms of a financial commitment from King Kullen or the industry to be able to put up some money, whether it be promotional bags in terms of giving some away in the beginning, running promotional ads and things like that about reusable bags. Is that a viable alternative that the industry could see?

**MR. BROWN:**

Absolutely. And, you know, to Jay Peltz's point, that's really the direction that the FIA would like to take this whole thing, as representatives of our industry statewide, not just locally.

**LEG. McCAFFREY:**

You know, the difficult part about this is that it's a little emotional. None of us like to see the bags rolling around on the beach, on the side of the street. You know, so you look to say would this take care of that, would all those bags go away? And I'm not sure that the answer is yes to that. Would we see, you know, paper bags rolling around instead of, you know, the plastic bags and things like that. I just don't want this to be -- I'd like to find a real-time solution to this and not just a feel-good approach to saying we did this but not really solve the problem, reduce the carbon footprint of the whole industry and make it better for the environment at the end of the day.

**MR. BROWN:**

Sure.

**LEG. McCAFFREY:**

Okay, thank you.

**MR. BROWN:**

Thank you.

**D.P.O. CALARCO:**

Legislator Spencer, do you have a question for the speaker?

**LEG. SPENCER:**

I did, I did. But -- well, yes, I do. The question is when we look at education and recycling programs, which I guess we've been trying to do for the last 40 years, how effective have they been alone without any specific regulation?

**MR. BROWN:**

Well, you know, I'd like to get back to you with some real numbers, because just by -- without any forced imposition on the consumer, the growth of the sales of reusable bags has been growing without those efforts being made anywhere. So you're seeing it happen because people are just naturally becoming more environmentally conscious based off of everything that they hear around them. And again, a more directed, concerted effort can grow that dramatically.

**LEG. SPENCER:**

Thank you, sir, for taking all of our questions. And again, I look forward to working with you also.

**MR. BROWN:**

Thank you very much, Doctor.

**LEG. SPENCER:**

Do you have a card?

**MR. BROWN:**

I do.

**D.P.O. CALARCO:**

Thank you. Any other questions for this particular speaker? Okay.

Our next speaker is Julian Morris, followed by George Hoffman.

**MR. MORRIS:**

Thank you very much, Ladies and Gentlemen. My name is Julian Morris and I'm Vice-President of Research at the Reason Foundation which is a non-partisan, non-profit public policy research organization based in California, although I live in Long Hill, New Jersey. Sorry, I will speak more clearly and more slowly; I understand that I have a weird accent.

I'm with the Reason Foundation, I'm their Vice-President of Research. I spent most of my life looking at ways of improving public understanding of the kinds of policies that will improve our environment and ensure that we leave the world a better place for our children. I have two children, 9 and 5, who live with me and my wife in Long Hill, New Jersey, and I have a deep, personal concern about this issue and the way that we leave the world for those -- for my children and everyone else.

I'm also the author of dozens of research papers on environmental issues, and in the early part of my career I worked with Ses Surge at University College, London, on a project for the Department of the Environment looking at waste management issues. I then did a Master's dissertation also looking at waste management issues. I'm considered among people who understand the economics of waste management, one of the experts on the issue.

I recently conducted a year-long research project looking at the environmental and economic effects of plastic bag bans and taxes. I brought copies of the report with me and I will distribute 20 copies of these to the Council, and I'm happy to send or send a link to this report to anybody who's interested. My e-mail, for those of you around the table and in the room, is Julian.morris@reason.org. If you're interested in this issue, send me an e-mail, I'd like to be in touch.

While I fully understand the impetus for the Council's proposal to ban plastic bags, it is unfortunately based on false premises, and I'll list six of these. First, most plastic bags end up in landfills where they represent less than half of 1% of all the material disposed each year. Whether it's an old landfill which isn't very well lined or a new landfill where it is lined and you get more biodegradation, either way the impact on the environment through the solid waste -- through the soil and the water is minimal.

Second, the only reliable surveys that have been conducted find that plastic bags represent less than 2% of visible litter in US municipalities, and in most they were less than 1%. The Kiefer Mayor Survey that was a vigorous study that was undertaken in the past decade found about half a percent of visible litter came from plastic bags. Unfortunately, there are no reliable surveys of coastal debris, as we document in our report. But based on the other surveys of litter, it seems very unlikely that they would represent much more than 2%. If you have plastic bags in the environment, if you've seen plastic bags on your roads or in the rivers or in the sea, you have a litter problem. You don't have a plastic bag problem, and you need to deal with that litter problem.

Third, the evidence suggests that plastic bags do not pose a significant threat to wildlife.

*(Beeper Sounded)*

As someone else mentioned, the evidence of harm is minimal.

**D.P.O. CALARCO:**

Mr. Morris, your time is up. If you want to wrap up, please, and I'm sure there's lots of questions for you. You might be able to get the rest of your comments in through questions.

**MR. MORRIS:**

I'm sure you'll have a few questions about this. So just to wrap up. All of the life cycle analysis that have been conducted suggests that plastic bags are less harmful to the environment than paper bags, all of them. Okay? So your proposal to shift people from plastic to paper would be bad for the environment.

Our analysis, using evidence of reused rates of reusable non-woven polypropylene bags that were based on surveys of reuse, suggest that non-woven polypropylene bags in their actual use are more harmful to the environment. They result in more use of natural resources and more emissions to the environment than using the thin film, high density polyethylene bags that are being -- that are now in common use. Thank you.

**D.P.O. CALARCO:**

Thank you. Legislator Spencer?

**LEG. SPENCER:**

Thank you, sir. You really have quite prestigious credentials. Are you from Suffolk County?

**MR. MORRIS:**

As I explained, I live in Long Hill, New Jersey. It is part of Morris County. I came here because I was told about this meeting by Jay Peltz who gave evidence earlier. I'm not being funded by any industry group to be here.

**LEG. SPENCER:**

So you were invited here by Mr. Peltz.

**MR. MORRIS:**

Mr. Peltz, having read my study --

**LEG. SPENCER:**

Okay.

**MR. MORRIS:**

-- suggested that I might want to come along to your meeting, and it's been fascinating, so thank you.

**LEG. SPENCER:**

I'm glad you came all the way out from Jersey.

**MR. MORRIS:**

An hour and a half; I hope that it's worth it in terms of --

**LEG. SPENCER:**

I appreciate it. Have you done studies in Suffolk County in particular?

**MR. MORRIS:**

I have not done a specific study of Suffolk County, no.

**LEG. SPENCER:**

All right. So one of the things that would be important as far as with Suffolk County is concerned is not necessarily the impact of the plastic bag on the total amount of waste in the environment, but what happens when the impact of these small plastic bags, when they get in our storm water runoff pipes, when they go through our sewer treatment plants.

**MR. MORRIS:**

Sure.

**LEG. SPENCER:**

The issue here, because we -- you understand we live on an aquifer?

**MR. MORRIS:**

Yeah.

**LEG. SPENCER:**

And so, you know, one of the things with we have an obstructed stormwater runoff pipe and we have local flooding, you know, one of -- we have a serious water quality concern. So there are other -- there's another environmental concern that we're talking about with these single-use bags. Are you -- I just wanted to make sure.

**MR. MORRIS:**

So specifically to the problem of bags and other debris getting into storm water drains, that is part of the litter problem. So if you have bags in your storm water drains, then you need to look at ways of reducing bags and other litter getting into the storm water drain. So the surveys -- just hear me one second. Surveys done by Keep America Beautiful suggest that plastic bags do get into storm water drains, but they're a very small proportion of all of the litter that gets into those drains and blocks them. So if you're seeing plastic bags in storm water drains, then you've got a litter problem and you need to work out ways of clearing out those storm water drains first. Secondly, try to prevent those things getting into the drains. So you need to clear up the litter from the street, you need to discourage people from throwing bags out.

Now, I find it surprising, though, that you think that the solution is to ban plastic bags since they are maybe one or 2% of the litter getting into storm drains.

**LEG. SPENCER:**

You've answered my question. I find it surprising that you came out here out of the goodness of your heart, but I appreciate you being here.

**MR. MORRIS:**

Well, I spent a year producing this study and I want to stop ridiculous legislation like this going through, because I --

**LEG. SPENCER:**

Oh, it's ridiculous legislation. I'm glad you can tell us here --

**MR. MORRIS:**

Most of this --

**LEG. SPENCER:**

Excuse me. Excuse me. Do not talk over me, please, sir.

**MR. MORRIS:**

Sorry.

**LEG. SPENCER:**

Thank you. All right. You know, we can have a professional discourse and I will give you the respect that is due, but please, you know, if we're going to start to use words like ridiculous, you know, we don't have to go down that path, all right?

**MR. MORRIS:**

Can I --

**LEG. SPENCER:**

Okay.

**MR. MORRIS:**

I apologize, it was an over-the-top statement. It's a piece of legislation, the prelude to which cites alleged facts which are not facts. They're actual falsehoods, and I list out six of the inaccuracies, if not blatant falsehoods, in my evidence which I am going to submit and you can read much more of the details in here.

**LEG. SPENCER:**

And I'm sure that, you know, that you are -- you've got great credentials and I appreciate you coming out here.

**MR. MORRIS:**

Thank you.

**LEG. SPENCER:**

And it's great that you can state -- you know, and I'm sure that there are other environmentalists that will have a different opinion and, you know, I appreciate yours, that you're here.

**MR. MORRIS:**

Thank you. I would just like to restate, this is not an opinion, this is based -- this is fact. And my credentials aren't what matters. What matters is the facts. Look at the facts and make sure that you're using the correct facts to legislate.

**LEG. SPENCER:**

Sure. You know, you have your facts, I'm sure, that you may cite. I don't know what references that you have, and I appreciate that. It's great that you can sit there and vehemently state that it's facts, and maybe they are, and I think there are other ways to look at it. So you're not being compensated at all, you just came out --

**MR. MORRIS:**

Reason Foundation pays my salary and gets -- 95% of Reason's income comes from private individuals and foundations.

**LEG. SPENCER:**

I see. So with the Reason Foundation, are they being paid for your appearance?

**MR. MORRIS:**

No. I am being paid by Reason Foundation, the Reason Foundation is not -- I think I told one other person at Reason that I was coming out here, but we have not received any money to do work on plastic bags in the past year or so. We got a grant to support the work that we did previously, but I'm doing this, as you say, out of the goodness of my heart.

**LEG. SPENCER:**

Well, you're very kind. Thank you. Thank you for being here.

**D.P.O. CALARCO:**

Okay, thank you. Don't go away, Legislator Stern has a question.

**LEG. STERN:**

I was interested in something that you had said because it kind of piggy-backed on what we heard from King Kullen before; although I'm a ShopRite guy, if we're keeping score. But the comment was that the reusable bags, in your experience, that the reusable bags were being used as disposable bags, that those same customers that might have been purchasing might otherwise have used -- this is the comment from before. That the reusable bags were not necessarily being reused, but were becoming themselves disposable because that's just how they were being used. So to what you had said regarding what is ending up in the landfills, it would tend to raise the question whether we are making an impact on what's going into the landfills if the so-called reusable bags are themselves being disposed of. And I'm wondering if in your experience and in your research, that you are seeing that, that the so-called reusable bags are themselves ending up too often in our landfills.

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

**MR. MORRIS:**

So in this study, we found two surveys that were conducted of the rates of reuse of reusable bags. So a person buys a reusable bag for 60 cents or a dollar, and then they take it home and, if they're diligent, they wash it and then they reuse it again. The surveys indicate that nonwoven polypropylene bags, which is the most common type of reusable bag, are reused on average 14.6 times, okay? So that means that after being used 14.6, so that be, you know, 15, let's call it, or 14 if you prefer, shopping trips, the bag is not in a fit stage anymore to be reused and it goes to the landfill. So, yes, at that point, it takes up room and waste for the waste disposal operation.

**LEG. STERN:**

But that's different than being used one time as a single use.

**MR. MORRIS:**

So I think what's happening is many people are using their bags 20 times, some people are using them five, and some people are using them once, so that gives you that average of 14 1/2. And I should say that if that's the case, and we assume that's the case in that study, then nonwoven polypropylene bags in their life cycle are responsible for about 2 1/2 times the consumption of nonrenewable resources as HDPE, the thin film plastic bags. So you're using more resources if they're only recycled 14 1/2 -- reused 14 1/2 times. If they're washed, as they really ought to be, you know, to prevent contamination with bacteria, and nonwoven propylene bags, if they're reused 14 1/2 times, are responsible for 40 times the water consumption of a high density polyethylene bag. And the greenhouse gas emissions, if they're reused 14 1/2 times, are about five times that of a HDPE bag.

So on each of those measures, which are important environmental measures, they are worse than the alternatives. And paper, by the way, is even worse on several of those measures, especially use of water, and so especially greenhouse gas emissions. They're about seven to eight times the greenhouse gas emissions. You heard one of the reasons why. It's because they're heavier and you need to transport that heavier weight with more loads to the consumer. So thank you.

**D.P.O. CALARCO:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. So who exactly are you?

*(\*Laughter\*)*

**MR. MORRIS:**

Who's this guy? Why is he here?

**LEG. D'AMARO:**

I heard something about Jersey.

**MR. MORRIS:**

So my name is Julian Morris.

**LEG. D'AMARO:**

Yes.

**MR. MORRIS:**

I'm -- as you can tell from my accent, I'm originally from the United Kingdom, where I lived until five years ago. I was brought over from the United Kingdom by Reason Foundation to become their Vice President of Research. Reason Foundation is a nonpartisan and nonprofit public policy research organization based in California. And what to -- if you're looking for bias, it's free minds and free markets. You can see that on our website, we're very open about it. But in this case, I'm focusing mostly on the free minds aspect of this and making sure that people understand --

**LEG. D'AMARO:**

Would you consider the company, the organization you work for as an industry organization?

**MR. MORRIS:**

No, not at all. As I said --

**LEG. D'AMARO:**

Not funded by any industry?

**MR. MORRIS:**

We get about five percent. No, it's not. I would be sceptical if I were you. Who is this guy? Why is he here? As I said, I was -- it was suggested that I come.

**LEG. D'AMARO:**

No, that's fine.

**MR. MORRIS:**

No money is changing hands there.

**LEG. D'AMARO:**

Right.

**MR. MORRIS:**

About 5% of Reason's income every year comes from corporations, as opposed to private individuals and foundations. The vast majority of our income comes from individuals and foundations who believe in what we do. We have had one grant, I think, from an organization that makes --

**LEG. D'AMARO:**

All right. We don't have to go too in-depth to that.

**MR. MORRIS:**

No. You are --

**LEG. D'AMARO:**

No, because individuals could also bring their biases with their wallets, too, you know.

**MR. MORRIS:**

Of course. Of course, which they do.

**LEG. D'AMARO:**

I'm not looking to explore that too deeply. But I do want to make the point that it is important to always consider the source.

**MR. MORRIS:**

I think what's important is to consider the facts.

**LEG. D'AMARO:**

No, I think it's also to consider the source.

**MR. MORRIS:**

Well, the source isn't, I mean --

**LEG. D'AMARO:**

I think, in fact, it's probably more important to consider the source than what you present as the facts.

**MR. MORRIS:**

Well, read -- if you read my study --

**LEG. D'AMARO:**

Okay. I want to read that. Do you have a copy of that for me?

**MR. MORRIS:**

I've got 20.

**LEG. D'AMARO:**

I'd like to see it.

**MR. MORRIS:**

You can have this one.

**LEG. D'AMARO:**

Yeah, all right.

**MR. MORRIS:**

Or I'll just give you one of the 20 copies I have.

**LEG. D'AMARO:**

Let me get to my substantive questions, because I really appreciate that you're here. Is your ultimate conclusion based upon your assumptions of how many times a bag gets used or not used, or thrown away or reused?

**MR. MORRIS:**

Yeah.

**LEG. D'AMARO:**

That if this law were enacted and was 100% successful in changing consumer behavior, whereby everyone would go to the store and bring their own bag, that that would be more detrimental to the environment than the system we have in place now?

**MR. MORRIS:**

Yes.

**LEG. D'AMARO:**

That's your conclusion?

**MR. MORRIS:**

Yes.

**LEG. D'AMARO:**

Okay. Thank you. I would like to see your study, though.

**MR. MORRIS:**

You're welcome to have it.

**D.P.O. CALARCO:**

Okay. Legislator Hahn.

**LEG. HAHN:**

I am -- I do, obviously, want to review the study. I do, of course, consider the sources, I think that's important. You know, if you're funded by -- if there is funding by industry, or, you know, we are dealing -- we just talked about campaign finance, and we were talking about, you know, individuals who have large impact on what happens, national elections, and some of those same individuals fund organizations such as yours. However, I do want to know a little bit more about your comparisons on the high density polypropylene bags. Was that your own study?

**MR. MORRIS:**

So we used -- we recited several different life cycle analyses that were being undertaken over the course of the past decade, the two Australian studies, a UK study and a French study. And so we give the results of all of those, and you can see those in the study. But what we did is we modified the analysis to take into account use rates for the bags as they are used in -- on average in the United States. Now this may vary according to county by county, of course, so we may need to do a particular study looking at use rates of the bags. So that's reuse. I mean, we assume, for example, that the thin film high density polyethylene bags that you want to ban are used on average 1.6 times, that, as someone else has said, they're used for various different purposes, dog poop and diapers being a very popular one, whereas paper bags aren't reused.

**LEG. HAHN:**

How many studies? Because you selected four studies, two in Australia, one in -- two in the UK, one in France. How many studies have been done on that?

**MR. MORRIS:**

There's only really been done four independent life cycle analyses in the past decade, and I cite all of those. There are some other studies that are out there which are derivative studies, and ours is a derivative study. So we make assumptions and then apply those assumptions to the life cycle analysis. But, for example, the ChicoBag study was a derivative study, it wasn't an original life cycle analysis.

**LEG. HAHN:**

Have you studied other type of bags? I --

**MR. MORRIS:**

Yeah, the cloth bags, for example. So cloth --

**LEG. HAHN:**

Canvas cotton --

**MR. MORRIS:**

Canvas cotton turns out to be the worst.

**LEG. HAHN:**

-- type of bag that could be washed?

**MR. MORRIS:**

Because of the use of water in the production of cotton and the use of energy in processing cotton, cotton is a terrible bag. I didn't even include it in the analysis, because it's so far off the charts, and such an unusual --

**LEG. HAHN:**

In terms of the energy it takes to produce? In terms of the energy it takes to produce it is what you're saying?

**MR. MORRIS:**

Uses more energy. I'm sorry, I don't actually have the data in front of me, but I can send it to you. The UK Department of the Environment study looked at cloth bags, I believe, and so did the Ecobilan Study that were done by Price Waterhouse Coopers in France. So there are some -- and, actually, I think maybe one of the Australian --

**LEG. HAHN:**

Were there any studies done here in the United States?

**MR. MORRIS:**

There was one. There's some very old studies done in the United States, but not full life cycle analysis of bags recently. There was a study done, I think, in 1991 by Fosters Associates.

**LEG. HAHN:**

Okay. Thank you.

**D.P.O. CALARCO:**

Legislator Trotta.

**LEG. TROTТА:**

Lou asked my questions. So, just in summary, you're saying that if every person brought reusable bags and there was no more plastic bags, it would be more detrimental to the environment than just using plastic bags?

**MR. MORRIS:**

If the use rates that we've assumed here are --

**LEG. TROTТА:**

Were the same, yeah, which I think are about right, because I know that I've seen my wife throw out so many of them.

**MR. MORRIS:**

So, if that's true, promoting reusable bags is bad for the environment.

**LEG. TROTТА:**

And that's in that analysis that you have there?

**MR. MORRIS:**

Yeah.

**LEG. TROTТА:**

Okay. Can you just make sure we all get one?

**MR. MORRIS:**

Yeah, absolutely.

**D.P.O. CALARCO:**

Okay. Any other questions for Mr. Morris? Oh, Legislator Fleming.

**LEG. FLEMING:**

Sorry, I'll be very quick. Good evening, sir. Could I just be clear? I appreciated Legislator D'Amaro's question about the source, as well as the science or facts behind information. I just wanted to ask you, your group is called Reason. And is it true that the mission of Reason is to promote the values of choice, individual freedom and limited government?

**MR. MORRIS:**

Yes.

**LEG. FLEMING:**

Okay. And where do you live, sir?

**MR. MORRIS:**

I live in Morris County -- in Morris Township in New Jersey.

**LEG. FLEMING:**

New Jersey. New Jersey?

**MR. MORRIS:**

Yeah.

**LEG. FLEMING:**

Yes. And is it true that David Koch is a Trustee of the Reason organization?

**MR. MORRIS:**

Yes, yeah.

**LEG. FLEMING:**

Okay. Thank you. I don't have any other questions.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Okay. Thank you, Mr. Morris.

**MR. MORRIS:**

I know that David Koch didn't have any involvement in this study, and I believe that he probably hasn't even read it, so.

**D.P.O. CALARCO:**

Thank you, Mr. Morris. Are there any other questions? Thank you very much for coming out.

Okay. Our next speaker is George Hoffman, followed by Udithi Kothapalli. I hope I got that close.

**MR. HOFFMAN:**

Good evening, and my name is George Hoffman. I'm with the Setauket Harbor Task Force, and we're an all voluntary citizens group. We're not funded by the Koch Brothers or by any other

industry group. We're made up of citizens that care about water quality and also healthy harbors.

I'm speaking tonight in support of the proposed Local Law to ban the distribution of one-time plastic carry-out bags. I think most of us in this room probably know from experience, and I think it does become a question of which facts you use, but I think we know that they end up in our streams, our creeks and our harbors. They're harmful to marine life, there's no question about that. They're also harmful to the marine ecosystems. They litter our streets, woodlands, shores of our harbors. And I think most people will realize that if everyone started using reusable carry-out bags, it would be a better use of our finite resources and probably make for a better planet.

I have to tell you, you know, after listening to that previous speaker, I kind of felt like déjà vu all over again. I worked for the County Legislature in the '80s when we went through a very controversial period of figuring out do we want to put in a deposit bill for bottles and cans. And I heard a lot of experts like him, they would come from the industry, they would talk about doom and gloom, they couldn't change the way that they sell beer bottles, and Coke, and all kinds of sodas, and it was going to be -- you know, it was going to be really hard on their business model. And this Legislature spent countless -- I think several meetings, we went to, you know, two, three o'clock in the morning. But in the end I think reason prevailed and we passed a really reasonable bottle deposit law that actually became a model for New York State and for a lot of other -- a lot of other states as well.

And just recently, you know, under Legislator Hahn's leadership, we passed a microbeads bill, which I think we all start to realize as well that these things are harmful. They're starting to show up in our lakes and our harbors. It's in our marine wildlife, and it's also starting to show up in humans. So I'm kind of urging you to remember the proud tradition of this Legislature and how it really has been a leader on environmental issues.

You know, I can go back to the '70s, when we banned phosphates in detergents. At that time, 90% of all the detergents we used had phosphates in it. But we are starting to see these suds show up in our creeks and in our streams, and it was really unsightly and it was dangerous. So we made a decision that we were going to ban phosphates. We did the bottle bill, we've done microbeads. I think you guys have a great tradition of sort of being on the cutting edge of environmental regulation, and I would hope that you would consider supporting this resolution. Thank you very much.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, George. One quick question for you. George, don't go away yet. Legislator Cilmi.

**LEG. CILMI:**

Hey, George. How are you?

**MR. HOFFMAN:**

Hi, Tom.

**LEG. CILMI:**

Just a question or two, which may sound flip, but aren't really at all. You talked about the Legislature being a leader in a lot of different areas. Certainly, this Legislature has. But when we look at New York State, I mean, New York State is -- unless you believe Governor Cuomo's, you know, TV commercials, New York State is not really the jewel of the country when it comes to economic success, when it comes to poverty rates, when it comes to the cleanliness of our roads, when it comes to really any reasonable measure, with the possible exception of natural beauty,

which we have plenty of here. So when you talk about, you know, the fact that folks in New York State have led the way, I guess the question is we have all these regulations in place and every other day there's another regulation. New York is one of the least business-friendly states in the country, and yet is still, from a quality of life perspective, is one of the worst states in the country, so -- and every one of us here is fighting to improve that, no doubt. But, I mean, that's -- lots of people feel that way, at least my constituents feel that way. So do you recognize that?

**MR. HOFFMAN:**

Well, first of all, I would respectfully disagree with your premise. I think actually what we were talking about tonight was not the larger issues that are kind of more political in nature. I'm talking now about Long Island, about Suffolk County, and about our environment, and I named three things that this Legislature did over the last 40 years that actually were positive things. And at the time, we were warned by the industry at the time that there would be calamity befalling all of that and it turned out not to be the case, in fact, became model environmental legislation. So I'm asking you to kind of continue in that --

**LEG. CILMI:**

Right. But if you take one thing at a time in a vacuum, you can come to a conclusion about that one thing. But if you add them all up at the end, you get to a point where, you know, where was the breaking point? You know, I mean, if we're talking about putting signs in dry cleaners, and, you know -- and banning single-use plastic bags, and before you know it, the plastic bags that, you know, your dry cleaner uses, those will be banned as well, and before you know it, something else will be banned, and we've been doing that here. And your examples have sort of highlighted that we've been doing that here in New York State, and, yet, look at New York State.

**MR. HOFFMAN:**

I don't think any of the three things that I mentioned contributed to whatever you consider the negative aspects of New York. In fact, I think it may be the positive aspects.

*(\*Applause\*)*

**LEG. CILMI:**

Drive around. Drive around. Just drive around the roads. Drive around the roads and just do kind of a count in your head of what you see on the roads in terms of litter, and you'll see lots of cans, you'll see lots of bottles. You'll see some Big Gulp cups and some other paper cups, and some paper plates, and paper bags, and you will see some single-use reuse -- single-use plastic bags as well. But when you look at -- when you look at the overall -- the overall litter picture, at least on the roads that I've driven, and I've been paying attention the past couple of weeks, these single-use plastic bags don't really account for the majority of the litter on our streets.

**MR. HOFFMAN:**

I'd have to disagree. I walk --

**LEG. CILMI:**

Okay. Well, then we respectfully disagree.

**MR. HOFFMAN:**

I walk the shores of Suffolk, you know, harbor every day and I'm always picking up single-use plastic bags, in addition to some cans and some Styrofoam cups as well, so I disagree. I see it all the time.

**LEG. CILMI:**

Okay.

**MR. HOFFMAN:**

It gets washed in through our storm water system. And maybe because you're not on the water side, you're looking more at the streets where it's already washed from the street into the harbor. You're not getting the end product, you're at the top end of it. I'm looking at it --

**LEG. CILMI:**

Well, I go to the beach just as much as anybody does, I see what's on the beach. Yeah, there are some bags on the beach. There's all kinds of other stuff on the beach as well. I guess my discussion is more of a relative discussion with you, you know. But anyway, I appreciate your testimony. Thank you.

**MR. HOFFMAN:**

Thank you very much.

**D.P.O. CALARCO:**

Okay. Thank you very much, Mr. Hoffman. Our next speaker is Udithi Kothapalli. I hope I pronounced that somewhat proper.

*(\*Applause\*)*

Followed by Amani Hofez.

**MISS KOTHAPALLI:**

Good evening, and thank you for giving us the opportunity to speak here. We are the JFK Middle School Robotics Team and we are here from Comsewogue, Port Jefferson Station. This year our challenge is about trash, so we decided to our research on plastic.

We did some research and found out about an invention called COG bags. COG bags which are an alternative to plastic bags. COG bags are also eco-friendly. Although we agree on the ban on plastic bags, we would like to consider a COG-based bag as a replacement.

**MISS HAFEZ:**

COG bags, which are manufactured by GXT Green, are photodegradable and biodegradable. Although they may fall under the category of plastic bags, they most certainly aren't. They are much better for the environment than both plastic and paper bags. Paper bags may seem like an eco-friendly solution, but, in truth, they are not. They are bad for trees, cost more money, require more energy to produce, and are not as durable COG or plastic. COG bags, however, are durable, better for the environment, and their cost is similar to plastic bags, so no money would be gained or lost.

**D.P.O. CALARCO:**

Can you just each state your name before you start for the record?

**MISS NIELSEN:**

Hi. I'm Diana Nielsen. We agree with you, that getting rid of plastic bags altogether and only using reusable bags would be best, but that is unrealistic. Plastic bags are used daily. People use them as garbage bags and just to hold everyday items. Also, if someone forgets their reusable bag at the -- at their house, they will need to have plastic bags at the store. Even with the 10 cent fee for purchasing a plastic bag at the supermarket, the plastic bags will still be thrown out and released into the environment, because people are unmotivated to recycle. We propose having a COG plastic recycling program. With the program, if you bring the bag back to the store, you will get a 5 cent deposit. The 5 cent deposit will hopefully encourage people to recycle the COG plastic bags. If the COG plastic bags get release into the ocean, they will photodegrade. If they get thrown or released

into the environment, they will biodegrade in 240 days.

**MR. SANDHALA:**

I'm Anav Sandhala. We did a survey. More than 330 people responded. We all found out that the reason people do not recycle is because they are unmotivated. They also do not know the benefits of recycling. We think the 5 cent deposit will help people to be more motivated to recycle.

**MISS SANDHALA:**

Hi. I'm Tricia Sandhala. To further encourage recycling, we want to make it more fun. We have been working on a prototype called the Basketnator that will encourage children and adults to recycle. We came up with this idea by doing research and a survey. It is a basketball hoop that has a tube under the net that leads to the garbage can. For the Basketnator, we choose -- we chose to program motion sensors, speakers and lights. It will be a fun way for children to recycle, and we think it will further enhance the recycling of bottles and cans.

**MR. DAVIS:**

Hi. Sean Davis here. In conclusion, we believe that there should be a ban on plastic bags, but in addition, the bags that should be used should be COG based. And there should be a recycling program in which people can get a deposit when they are returning these bags. If customers have to buy plastic bags, there will be no incentive to recycle, whereas if there are COG bags and they get into the environment, we can be confident that they will photodegrade. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you very much for coming. Legislator Cilmi has a question, and I'll let whichever one of you wants to field it answer the question.

**LEG. CILMI:**

First of all, congratulations to all of you for being here. Thank you for being here. As somebody said before, it's great to see our young people engaged in our process of governance.

I just have one question. A number of you used the term COG bag. Can somebody explain what a COG bag is?

**MR. DAVIS:**

A COG bag, COG stands for Calcium Olefinic Glucosate, so it's a completely new --

*(\*Laughter\*)*

**LEG. CILMI:**

Oh, now I understand.

**D.P.O. CALARCO:**

You didn't know that?

*(\*Applause\*)*

**LEG. CILMI:**

No, I'm sorry to interrupt you. Listen, you always -- we're always learning, young man, and I appreciate you teaching us something. Please continue. So it's a calcium -- go ahead, say it again.

**MR. DAVIS:**

Calcium Olefinic Glucosate.

**LEG. CILMI:**

And you were -- you continued, you were continuing with something.

**MR. DAVIS:**

Yes.

**LEG. CILMI:**

It's relatively new?

**MR. DAVIS:**

It's a new compound that makes up these bags, instead of whatever the other plastic bags were made of.

**LEG. CILMI:**

Any idea who -- where they're sold or who sells them or --

**MR. DAVIS:**

Can you say that again?

**LEG. CILMI:**

Any idea who sells them or --

**MR. DAVIS:**

Yes.

**LEG. CILMI:**

-- if somebody -- anybody's using them currently?

**MR. DAVIS:**

GXT Green sells them. Currently, two of the sales people are here right now.

*(\*Laughter\*)*

**LEG. CILMI:**

Fascinating. Thank you all very much.

**D.P.O. CALARCO:**

Thank you very much. Hold on. Legislator Krupski had a question for you. Well, we'll do this by committee.

**LEG. KRUPSKI:**

Thank you. Thank you. Could I -- first of all, yes. And like Legislator Legislator Cilmi said, it's really good that you're here. It's really good that your parents or your teachers bring you here.

I remember back in the day when I was your age, we were going to the meetings to stop the nuclear plants in Jamesport, and so this is a good experience. You can see that we weren't always like this, we were young once, too, and so --

*(\*Laughter\*)*

**LEG. CILMI:**

Believe it or not.

**LEG. KRUPSKI:**

Believe it or not. These bags, how do they -- you said they not only photodegrade, they also biodegrade, so they could break down without sunlight?

**STUDENTS:**

(In Unison) Yes.

**LEG. KRUPSKI:**

And how long?

**MS. KOTHAPALLI:**

Two hundred and forty days.

**LEG. KRUPSKI:**

And are they --

**MS. KOTHAPALLI:**

Two hundred and forty days.

**LEG. KRUPSKI:**

Are they commercially available? And what's the cost, you know, relative cost to a --

**D.P.O. CALARCO:**

The salespersons are in the audience and do have a card.

**LEG. KRUPSKI:**

I'm sorry?

**D.P.O. CALARCO:**

I said the salespeople do --

**LEG. KRUPSKI:**

Oh.

**D.P.O. CALARCO:**

Are in the audience and do have a card.

**LEG. KRUPSKI:**

Well, I just -- I wanted to ask them here.

**MS. KOTHAPALLI:**

They're the same price as normal plastic bags, so it's not really a big difference, and they look the same. They look the same and they're the same price, so --

**LEG. KRUPSKI:**

Thank you.

**D.P.O. CALARCO:**

Okay. One more question, Legislator Trotta. Go easy on them.

**LEG. TROTTA:**

If that's true, I think we can go home right now, if they're the same price and they're biodegradable. But my next question is, quickly, if, in fact, what that other English gentleman said is true, that those other bags actually cost, because of trucking costs and the breakdown and -- is true, would that change your mind, that actually those bags, those reusable bags were worse for the environment and he could prove that? I mean, what would you think about that? I'm not -- oh, you want the recycled plastic?

**MISS HAFEZ:**

Well, since the COG bags are normally based in India, they also have a base in Massachusetts, so trucking wouldn't be all that expensive. But with the reusable bags, we feel as though even though it is a really good choice for people to make, not everyone is going to make that choice, and people are going to forget, so it's very unrealistic.

*(\*Applause\*)*

**LEG. TROTTA:**

Very good. Thank you.

**D.P.O. CALARCO:**

Okay. Any other questions for these young people? Thank you very much for being here with us this evening.

*(\*Applause\*)*

Our next speaker is Michael Vanin, who I think is their team sponsor.

**MR. VANIN:**

Thank you. I want to say I -- my name is Michael Vanin. I'm sorry, what?

**D.P.O. CALARCO:**

I think the kids said it all for you, though.

**MR. VANIN:**

Yeah, they did. We were actually invited here by the Trash Bandits. One of the things that you may not know is these middle schoolers have used our bags as a part of their experiment to show responsible environmental qualities of products that we would use every day. And as humble as they are, you may not know that they have been -- won the contest out of hundreds and hundreds of contestants, and they'll be competing in an international competition in St. Louis in a couple of weeks. So it's really remarkable that they've used our product to demonstrate the responsible use of everyday products and we're very, very proud of that.

I want to just ask the committee to think of just two numbers, the number four and the number one. And if you think of four, you might think of the final four, because we're into the basketball season now. And you may think of -- number one, you may think that the team that broke your bracket may have been number one before they broke your bracket. But the way that we think at GXT Green, we make products that have environmental -- environmental -- environmentally responsible products. The four represents 4 billion bags that are littered every single year, plastic bags, 4 billion with a B. If you took those end to end, they would circle the globe 63 times. So the litter problem is not just here in Suffolk County, it's all over the world.

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I grew up in Buffalo, New York, but I married a woman who brought me to Long Island. We raised our first child here, who was born here on Long Island. We've since moved to the Boston area, where we're currently based. But if I think of the number one, the number one represents research that shows that there's over a billion animals that die every year from ingesting these 4 billion bags that are littered. But if there was a product that would take care of the litter problem and would be less injurious to the environment and to wildlife, wouldn't that be a great thing? That's the ECOgrade bag. We call it ECOgrade, because COG is a mouthful well you spell it out to Calcium Olefinic Glucosate.

I have a -- I have some samples here, if anybody's interested. But the ECOgrade bag is one that has been developed by eco -- excuse me -- by GXT Green. We've won multiple awards, including "Company of the Year" by the Massachusetts Chamber of Commerce because of two things, one for the innovation of the product, and two, because these bags can be made in existing plastic bag facilities that may have excess capacity. We are actually encouraging those factories to either hire people or to retain their current employees. So we are giving back to the environment and we're giving back to the communities as well.

We've consulted with governments all over the world. As a matter of fact, in our home state of Massachusetts, who has tee'd up a plastic bag ban at the State level, they have consulted with us many, many times and they've asked us for wording that they could use in their Legislative language, not to endorse a product, but to include a photodegradable product like GXT Green's ECOgrade bag.

We are agnostic to whether a community bans plastic bags or doesn't. We are here to educate. We are here to offer a solution irrespective of whether you are banning bags. So for the grocers, this is a replacement for plastic that does not put a huge hole in their P&L. As you heard today, paper is significantly more expensive than plastic. Ours are at the same price, in many cases it's a lower price. The consumers are not inconvenienced because they forgot their reusable bags. They get them at the cash register. We have some stores like Price Chopper which offers two various sizes, so they have smaller sizes for people who are making smaller purchases, which is another environmental attribute. These bags can be recycled. As I said, they are -- they're price right and they performed better than the bags that they replace.

So I appreciate your time and I appreciate your attention, and if there are any questions, I'd be happy to --

**D.P.O. CALARCO:**

There are a few. Legislator Cilmi.

**LEG. CILMI:**

Yes, sir. Thank you for being here, and good on you in terms of your business sense to be here at this particular debate, knowing that you may have a couple of industry representatives in the room. King Kullen --

**MR. VANIN:**

Actually, sir, we didn't know that. We were invited by the children, so --

**LEG. CILMI:**

Okay. Well, they knew, then.

**MR. VANIN:**

They did a great job.

**LEG. CILMI:**

They always teach us something, these kids. So, you know, you have an audience here and the kids have an audience here with, you know, two of the largest supermarkets probably on Long Island.

**MR. VANIN:**

Correct.

**LEG. CILMI:**

A couple of questions I had is the kids made mention of the cost of the bags, as did you. I'm a little confused as to what they equate to. Do they equate to the single-use bag cost or do they equate to the paper bag cost?

**MR. VANIN:**

No. Paper bags are somewhere between four and five times the cost of a plastic bag.

**LEG. CILMI:**

Right.

**MR. VANIN:**

Our products are replacing plastic and they are priced commensurate with a plastic bag.

**LEG. CILMI:**

Okay. And how do they match up from a stress test point of view? Do they --

**MR. VANIN:**

The tests that we've -- all the tests that we have are available to the committee, are all done by third parties. And what we have found is that the -- even if, as was mentioned earlier, a paper bag could hold a lot more than a plastic bag, but the weight is a concern, especially for elderlies. So what we have found is that a plastic bag, from the literature that we've seen and the tests that we've done, will hold about 17 pounds. That is a number that could be scaled, depending on the thickness of the bags. The bags have become thinner as the raw materials have become more expensive, which is plastic based on oil. But if we use a 15 micron bag, which is about, plus or minus, what stores are using today, they will hold about 15 pounds. Our bags that are a little bit thicker by design, they will hold up to 22 pounds.

**LEG. CILMI:**

Okay. So they compare favorably?

**MR. VANIN:**

Yes, sir, absolutely.

**LEG. CILMI:**

And this particular -- whatever the COG stands for again.

**MR. VANIN:**

Calcium Olefinic Glucosate, they --

**LEG. CILMI:**

Yeah. What is that exactly?

**MR. VANIN:**

It's a -- it's a brand new compound. I am not the scientist. I could certainly put you in touch with our Head of Procurement and Science and Research who could explain this way better than I ever

can, and your eyes will glaze over as he gets into carbon chains and all that kind of stuff. But it's a brand new compound that is made exclusively by our patented resin.

**LEG. CILMI:**

And are you a publicly traded company?

**MR. VANIN:**

We are not, not yet anyway.

*(\*Laughter\*)*

We also have three billion bags that are currently in use, most of those are international. We have just begun -- we're a relatively small company. We're based just outside of Boston, and we're just starting to now make inroads into the U.S. market.

**LEG. CILMI:**

For the sake of the supermarketeters in the room, would you be willing to provide those supermarkets with a healthy portion of bags as sort of trial kind of --

**MR. VANIN:**

Absolutely. That's the way we've conducted our business, is we contact the stores, we show the attributes of the bag, depending on who our audience is. The buyers care about the price first and the strength second. The enterprise cares about advertising its commitment to the environment, so it's, you know, nicely rolled up. But, yes, once we have the buy-in of the enterprise, then we structure a way where they can test the bags, and every store will test them slightly different. Every enterprise will test them.

**LEG. CILMI:**

The bags are manufactured in the United States?

**MR. VANIN:**

They are. We manufacture them all over the world, but we do have manufacturing in the United States, yes, sir.

**LEG. CILMI:**

Okay. So if you could get me, then, the scientific data on the chemistry of the bags --

**MR. VANIN:**

Absolutely.

**LEG. CILMI:**

-- I'd appreciate it.

**MR. VANIN:**

I'd be happy to.

**LEG. CILMI:**

Thank you.

**D.P.O. CALARCO:**

Okay. Legislator Anker.

**MR. VANIN:**

Is that it?

**D.P.O. CALARCO:**

Oh, there's a few, few more.

**MR. VANIN:**

Oh, yes.

**LEG. ANKER:**

Hi. Yeah, I'm looking -- I'm looking up this component, and again, it is new. It basically says that it get up -- you know, there's -- it's oxidation that breaks it down. In other words, it's a type of plastic, it is a type of plastic.

**MR. VANIN:**

No. You're looking at oxophotodegradable and that is a completely different product.

**LEG. ANKER:**

That's it. So it's different than what you have?

**MR. VANIN:**

This is different, yes. There are -- there have been several attempts through the years to come up with a solution that is the right price point and it solves litter problem. And the oxophotodegradable is one that adds cobalt salt to plastic, so it's about 95% plastic and 5% cobalt salt. The cobalt salt is what activates the photodegradation. That's a very different product. Ours is a completely different product that is not plastic at all. It's very high in calcium, calcium carbonate, that's the resin. And that actually what we have also found by third party tests is that when it does degrade or when it's incinerated, the ash that's left over will actually -- can be used as a soil sweetener and promotes growth up to six to nine percent. So it has very good environmental attributes. It's [gxtgreen.com](http://gxtgreen.com) if you're looking for the website.

**LEG. ANKER:**

I saw that, yup. Are there any food or any food proteins in this substance, you know, with food allergies?

**MR. VANIN:**

This is food -- this is food grade, but no.

**LEG. ANKER:**

And, you know, again, you're more of a representative for the company.

**MR. VANIN:**

Yes. I'm the Chief Operating Officer. Somebody gave me a raise and said I was one of the sales people. I do have the sales force worldwide, but my prime responsibility is as COO.

**LEG. ANKER:**

You know, what's unique about Long Island is the fact that it is an island, you know, like Hawaii, which, you know, recently banned plastic bags. Minneapolis just banned them, I think, yesterday. So it's -- you know, it's trending. This is going to happen, it is going to happen.

And, you know, you look at the landfills, Brookhaven Town, go to any landfill and it's almost filled to capacity. You talk about the patches of garbage within the ocean that are huge and enormous mainly because of plastic. That's the number one substance that's in our oceans polluting them.

**MR. VANIN:**

Yeah. And what's remarkable is that the product, the calcium -- excuse me -- the resin that we use to make the bags, this can actually replace anything that's plastic. So there's no limit to its application. We have just decided that the emotion behind plastic is really behind litter right now. And so if we can show that there is a real solution out there that doesn't cost the enterprises more money and gives the consumer a viable option. But we can make plastic bottles, we -- excuse me, replace plastic bottles. We can make a number of other products that you find in the Pacific Gyres that it's called, which is that land mass of plastic that has been littered.

**LEG. ANKER:**

And I'm just curious, though. What is the main source of the substance of the -- what makes this type of material?

**MR. VANIN:**

Yeah. It's proprietary, and it's trademarked, and it's very highly protected. This is the lifeblood of our company. What I can tell you is that the two main ingredients in the resin is calcium carbonate. Calcium carbonate is like the lime that you put on your grass in the springtime to condition the soil. We don't mind that. We actually buy the tillings, which is the shavings that come off of the minings. That's really left for litter, it's not really used, so we give it a second life. And the second part that I can tell you about is bagasse. Bagasse is the sugarcane husks that are also a throw-away, and we use that to use to strengthen the product as well. So we are reincorporating and recycling other products to make the resin, that in turn makes the COG bag.

**LEG. ANKER:**

Thank you.

**MR. VANIN:**

You're welcome.

**D.P.O. CALARCO:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Just to follow up, how come we never heard of you before, then?

**MR. VANIN:**

That's -- well, that's why we're -- one of the reasons why we're here. But we are a very small company that's just outside of Boston. So what we have been doing is promoting our products within a day's drive. We came here specifically today because we were invited by the children.

**LEG. D'AMARO:**

That's great. How long has the company been offering these bags?

**MR. VANIN:**

We've been offering the bags for about three years.

**LEG. D'AMARO:**

Three years?

**MR. VANIN:**

Uh-huh, and mostly international.

**LEG. D'AMARO:**

Do you have independent studies and evaluation of the bag and the impact that it has on the environment?

**MR. VANIN:**

We have two studies that -- we have an environmental impact comparison. So we take our bags, very similar to the way Julian had done his study. We look at our bags versus paper, versus other bags, and then we also have a life cycle analysis. So we look at what is the impact of the environment from extracting raw materials to producing the bags, and then at the back end.

**LEG. D'AMARO:**

Right. But you said before there's about 4 billion bags that are trash.

**MR. VANIN:**

That are littered.

**LEG. D'AMARO:**

Littered.

**MR. VANIN:**

Yes, sir.

**LEG. D'AMARO:**

Right. So what I'm thinking is when this bag degrades --

**MR. VANIN:**

Yes, sir.

**LEG. D'AMARO:**

-- what's -- whatever end product, whatever you wind up with, has that been analyzed as to the impact it has on the environment?

**MR. VANIN:**

Can you repeat the last part?

**LEG. D'AMARO:**

Well, it takes about -- it takes about two hundred and --

**MR. VANIN:**

Two hundred and forty days to fully degrade. It starts at around 20 days. You start to see evidence in 40, but it's completely degraded in 240.

**LEG. D'AMARO:**

All right. So if 4 billion bags degraded in 240 days, what would be the impact on the environment?

**MR. VANIN:**

You'd have a lot less plastic and you'd have a lot less --

**LEG. D'AMARO:**

No, no. I mean, but from the residual of what's left over from your bag.

**MR. VANIN:**

Oh, okay.

**LEG. D'AMARO:**

Has that been analyzed?

**MR. VANIN:**

Now I understand your question.

**LEG. D'AMARO:**

Because this is a new -- you said it's a new product.

**MR. VANIN:**

So some of the environmental groups have asked us, the Sierra Club in Massachusetts, for example, who are very concerned about microplastics, which is what happens when plastic bags begin to scissor and they then mimic -- it looks like plankton. And so fish and wildlife will eat that and basically be undernourished. They have actually kicked the tires on our product and have felt that everything that we have told them, all the third party studies that have been done, we are not injurious to the environment at all. Actually, all the things that -- the kids actually made a statement that was a little more aggressive than we make. Our bags are designed to be photodegradable. At the end of its photodegradation, because of the organics, they do have then a food source for bacteria. But we don't promote the fact that they're -- that they're a biodegradable product, because it's designed to solve the litter problem.

**LEG. D'AMARO:**

But the bag is resin-based, is that what you said?

**MR. VANIN:**

The bag is resin-based, yes, sir, yup.

**LEG. D'AMARO:**

Does the resin break down into something that's not harmful? Because resin itself is not --

**MR. VANIN:**

Yeah, we've had all -- we've had studies that have been done by the California -- the California Soil Control Lab. We've had multiple studies that look at things like heavy metals and other injurious pollutants. We have actually passed studies that have been -- the first tier is EPA requirements, and then there is a BPI, which is a higher standard, and we passed all of those tests. So the conclusion that we have is that these bags leave nothing injurious behind in the environment.

**LEG. D'AMARO:**

Nothing at all?

**MR. VANIN:**

Nothing injurious.

**LEG. D'AMARO:**

Right, nothing injurious. Is there any jurisdiction that exclusively passed -- that passed legislation that incorporated the use of these bags?

**MR. VANIN:**

The only one I can point to is that the State of Massachusetts has asked us to consult with them, which we have done, to give them language that they could incorporate into their law. It would not be necessarily to promote our company or our product, but give them the attributes of photodegradable bags that are different than the oxophotos that we talked about a few minutes ago. And so they have used that language into their proposal. At the State level of Massachusetts it

hasn't passed, so it hasn't seen --

**LEG. D'AMARO:**

Okay. Why do you think it is after three years no other jurisdiction has included this language or pointed to your bag as a solution?

**MR. VANIN:**

The cynic in me says that when I make a presentation, they think I'm there only to promote my product, and so they're reluctant to --

**LEG. D'AMARO:**

But you have these independent studies of tests that conclude that --

**MR. VANIN:**

I understand all that, but you'd have to ask the people that are polite in their attention.

**LEG. D'AMARO:**

Right.

**MR. VANIN:**

And then we have been told by some communities that, "We are not in the business of promoting an individual company or an individual product." So that would be my cynic's view of why that is. Conversely, we are -- we have three billion bags that are currently in circulation. In many cases, not so much in the United States, but other parts of the world where those territories are banning plastic bags and allowing ours. Next week I'm actually going back to India where we have our biggest customers currently, and I'm meeting with the Prime Minister of India, who is very interested in knowing more about our product.

**LEG. D'AMARO:**

Okay. Thank you.

**MR. VANIN:**

You're very welcome. Thank you.

**D.P.O. CALARCO:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

How many bags do you have used in the United States?

**MR. VANIN:**

We have purchase orders from -- currently, from two supermarkets. One is Roche Brothers, which is just outside of Boston, and the second one is Price Chopper, which is an Upstate New York, Schenectady-based. So right now, it's the two -- it's two U.S. stores. But Walmart has asked us to present to them. They fast-tracked our application to be an approved vendor, and we are in the process of going through and just actually finished all of their very rigorous tests that they have put us through. And they are very likely to be asking for -- somebody was asking about the test, so they're very likely to be putting the ECOgrade bags through their physical tests in their stores. They have six or eight district centers, and they will take delivery and then test them in their stores.

So right now, what we are doing -- and then we have a pipeline of about six or seven other smaller to mid-size stores that are mostly congregated within the Boston area, only because it's more efficient for us to be talking to them because of travel and so forth.

**LEG. TROTTA:**

Are you -- I mean, there's three gentlemen here tonight that, you know, represent many, many, many grocery --

**MR. VANIN:**

I understand that.

**LEG. TROTTA:**

And you've never contacted them?

**MR. VANIN:**

Sir, there is no dearth of opportunity for us to present our product to the good people of King Kullen and others. But as a smaller company, we are challenged by two things. One is the resin that makes the bags, we have just invested a tremendous amount of money to triple the size of that plant, and that just went into effect in November. If we had promised that we could deliver bags before that, we would be -- we would be proud of ourselves for making those connections, but we'd have lots of disappointed people.

**LEG. TROTTA:**

What you're saying is you haven't done -- been aggressively marketing this because you can't keep up with the supply?

**MR. VANIN:**

We can't keep up with the demand.

**LEG. TROTTA:**

That's what I meant. Now the concern is you have to get these bags to these people relatively quick because they start disintegrating, so --

**MR. VANIN:**

No, no, no, no, no, no, no, no, no. First of all, they don't disintegrate. They degrade, and they degrade when exposed to sunlight, to UV rays.

**LEG. TROTTA:**

So they're okay in your storeroom?

**MR. VANIN:**

Yes. Unlike a biodegradable bag that has a shelf life of less than 12 months, our bags, if not exposed to sun, can sit there for as long as you need them to sit there.

**LEG. TROTTA:**

Okay. Do you -- is there a patent on this?

**MR. VANIN:**

Yes, sir, there is.

**LEG. TROTTA:**

This -- you know, I'm no brain surgeon, but this sounds pretty -- like a pretty promising company. Are you hiring?

*(\*Laughter\*)*

**MR. VANIN:**

I have -- I will tell you that I've been with the company for six years, I've invested every dime that I have, and I've invested every ounce of my energy into this company because I believe exactly what you just said, sir.

**LEG. TROTТА:**

I'll be willing to give you \$400,000 for 10%.

**MR. VANIN:**

This is --

**LEG. TROTТА:**

Shark Tank.

**MR. VANIN:**

I didn't know this was Shark Tank.

*(\*Laughter\*)*

**D.P.O. CALARCO:**

Okay. Legislator Krupski. And let's try to keep all of our questions related to the bill at hand, which is what the Public Hearing is on, not this particular product.

**LEG. KRUPSKI:**

Thank you. I will make no offers.

*(\*Laughter\*)*

Do you -- let's see. Here we go. Okay. So you said that your product photodegrades and then it breaks down with biological activity?

**MR. VANIN:**

Well, we have tons of studies on its primary functions, which is the photodegradation. Because of the organics that are in there and the feedback we've gotten from environmental groups, we don't have studies that are specific to the biodegradation. But because it has those organics, we are making that assumption, that it's a food source for bacteria and fungi.

**LEG. KRUPSKI:**

Because I know, you know, my son did some diving in the East River by Newtown Creek, and he said parts of the bottom of the East River are paved with bags. You can't even put an anchor in the bottom, you know. And so if those -- if that -- if your bag got into the water, if it got covered with sediment, got covered, it's obviously underwater in an anaerobic environment, maybe algae growth on it, would that stop the photodegradation and --

**MR. VANIN:**

So because these are photodegradable, when they're exposed to UV rays, that's different than sunlight, because as a seashore community, you know that if you go to the beach on a cloudy day, you can still get a sunburn. It's not from the sun, it's from the UV rays. So our bags degrade when they're exposed UV. If they are covered up, or put into a landfill, or put in your closet, they will not degrade. And it's not like a wick, where it starts on day one and then it just goes on its own. It has to be continually exposed to sun. But because of the organics that are in there, and I mentioned two of them, that would be a food source for bacteria. So the logic would be, and I don't have this -- I don't have any of the science behind that, we have all the science behind the

photodegradation, but if somebody said, "Well, how long will it take to biodegrade," my answer has been, "I don't know that," but it's going to be longer than the 240 days, but a lot shorter than the 400 years that it takes for a plastic bag.

**LEG. KRUPSKI:**

It's based on conditions of the biological activity --

**MR. VANIN:**

That's correct. That's correct.

**LEG. KRUPSKI:**

-- that's there currently.

**MR. VANIN:**

And that's one of the problems with biodegradable bags, is they need to have commercial composting, right temperature, and so forth.

**LEG. KRUPSKI:**

Thank you.

**D.P.O. CALARCO:**

Okay. Legislator Fleming. Please, let's keep it to the bill.

**LEG. FLEMING:**

Just very quickly, because I think it is important in considering the bill, certainly what we did out east is we tried very hard to encourage folks to reuse bags. You know, the goal was not to shift from one --

**MR. VANIN:**

Sure.

**LEG. FLEMING:**

One item that could -- you know, one use that could be environmentally harmful to another, whether it be paper or even the biodegradable bags that don't biodegrade, except when exposed to sunlight. So --

**MR. VANIN:**

Well, the semantics are photodegradable rather than biodegradable.

**LEG. FLEMING:**

I apologize.

**MR. VANIN:**

No problem.

**LEG. FLEMING:**

But, in other words, you need 240 days of exposure to UV rays in order for these bags to degrade?

**MR. VANIN:**

Yes. And that was done in a lab, so those are controlled conditions. The logic, again, I'm making a leap of faith, but the logic would be if these were littered, we hope that they're not, because they can actually be recycled, but if they are, in fact, littered, you have other actions in the environment that would hasten that degradation.

**LEG. FLEMING:**

I appreciate that. And I appreciate that, you know, there are folks in the industry that are moving in a direction that attempts to be less harmful than what our current status is. But I would encourage my colleagues to just focus on the fact that the real goal should be to eliminate the plastics from the environment. Two hundred and forty days is better than 400 days. Between those two --

**MR. VANIN:**

Four hundred years, not 400 days.

**LEG. FLEMING:**

Oh, I'm sorry.

**MR. VANIN:**

Four hundred years.

**LEG. FLEMING:**

Four hundred years. So 240 days is certainly better than that. But during those 240 days, if it's not exposed -- I mean, if it is continually exposed during that time, and the life of a plastic bag is floating in the trees, or in the water, or under the sand is very likely not to have that lifespan. But on top of that, I just wonder, one of the real problems that we've seen, for instance, when a plastic bag is floating in the water, it looks like -- it looks to wildlife to be other organic species.

**MR. VANIN:**

It replicates a jellyfish.

**LEG. FLEMING:**

So not only a jellyfish, there are other things that predator fish, for instance, you know, think that they can eat this.

**MR. VANIN:**

Right.

**LEG. FLEMING:**

So during those 240 days, or far more than that when it's not exposed to light, what -- have you done any studies as to what -- who will eat this, who's -- you know, the wildlife that would be exposed to the danger?

**MR. VANIN:**

There are a couple of things, and this just was because of some of our biggest customers are in India, where they have very different problem, where they have cows that are roaming the streets, and the cows are attracted to plastic bags that may have some food in them. Our bags, I don't have empirical data, but it has been told to us by the people in India that our bags, because of the carbon chains that are in a plastic bag, which don't degrade even under intense acidity in the cow's stomach, that our bags actually will have begun to degrade if they're littered, we hope they're not, and they will actually get excreted through the digestive tract of those animals. So we are -- I'm sorry?

**LEG. FLEMING:**

But they're not being exposed to light during that process. I don't want to get too critical.

**MR. VANIN:**

No. But by the time -- so if we want to punch holes in our product, we certainly can find that it is not an answer to every single nuance that's out there. But if you are concerned about litter and the

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4 billion bags, or Suffolk County's subset of those 4 billion, we are offering a solution that is good for the environment, it's convenient for the customers, because they don't have to remember to bring their reusables or to pay the 10 cents. And this is not budget-buster for the enterprises. We've all said how appreciative we are of these businesses being in your communities. If you increase the cost of that bag from plastic to paper, which is something like five or six times, that's injurious to your business. If we offer an ECOgrade bag, it's the same price.

**LEG. FLEMING:**

Thank you.

**MR. VANIN:**

You're welcome.

**D.P.O. CALARCO:**

Okay. Thank you very much, sir. I'm sure you will be more than happy to make yourself available to any other questions.

**MR. VANIN:**

Thank you for your time, I appreciate.

**D.P.O. CALARCO:**

Thank you. Our next speaker is Pat Castiglione. Pat? She left. Okay. Jennifer Hartnagel, followed by Linda Henninger.

**MS. HARTNAGEL:**

Good evening. My name is Jen Hartnagel and I am a Senior Environmental Advocate representing Group for the East End. We would like to lend our strong support for I.R. 1207, a Local Law to prohibit the distribution of plastic bags.

It's really time to get rid of these bags. If not now, then when? We've been discussing this issue for years in Suffolk County, I think since 2008, when it was brought up the last time. We've tried to beef up recycling, we've tried to beef up education, it hasn't worked. The use of disposable plastic bags are simply a habit of convenience, and it's a dirty habit, and they're causing large scale problems.

The impacts on marine species are devastating, as you've heard time and time again tonight. According to the Ocean Conservancy, plastic bags are second behind fishing gear as posing the greatest threat to the species that ingest these items, leading to mortality. They are the most common marine debris ingested by marine turtles. Again, the bags are made from petroleum products. They do not biodegrade. They break down into smaller and smaller chemical pieces, and they're finding their way into our food chain. New studies have pointed out that these broken down particles are adhering to both natural and unnatural substances in our oceans, and are being consumed by animals even at this level. It's estimated that thousands of seabirds ingest plastics annually, clogging their stomachs, leading them to starve to death.

The research is plentiful, it's not even questionable anymore, okay, regarding the impact of plastic bags in the environment. Maybe you don't have a soft spot for the animals, I don't know who doesn't. But it's not just about the animals, it's about public health, it's about aesthetics, it's about the hidden costs to all of us, the taxpayers. We are not okay with having these plastic bags lingering in our natural environment anymore where they don't belong. Unfortunately, recycling has not been as successful as we had hoped it would have been. Less than 5% are being recycled. As all of you are aware, a good portion of these are left as litter. You cannot drive down a road, walk a beach, or visit a park without seeing them strewn into these landscapes.

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Plastic bags are a problem. We have the solution, they're reusable bags. They are widespread and available. It's about behavior change. It shouldn't be an argument about paper versus plastic, okay, and we're at that point.

The County has acted time and time again on similar environmental and public health related problems, and rightfully so, and this proposal is no different. We could start being part of the solution instead of being part of the problem. All over the world people have made this commitment, and Suffolk County can and should do it.

Lastly, just because something might cause a little bit of discomfort, logistical discomfort, as we've heard tonight, okay, that doesn't mean we shouldn't act, and we should act. So we're asking you to please support this measure. Thank you for the opportunity to speak tonight.

**(\*Applause\*)**

### **D.P.O. CALARCO:**

Thank you. Next speaker is Linda Henninger. Linda, followed by Joe Keyes.

### **MS. HENNINGER:**

Good evening. My name is Linda Allocco Henninger. I represent the Kings Park Civic Association. I'm not being paid to be here. The Kings Parks Civic Association unreservedly supports this resolution.

It is staggering to think that New Yorkers use 5.2 billion carryout bags per year, the vast majority of which are not recycled. Anyone who drives through Suffolk County can see one obvious negative effect, our highways and streets are littered with these bags. But some of the most devastating effects are not visible to the naked eye. Plastic bags block storm drains, exacerbate flooding and sewage discharge into our already stressed waterways.

According to Greenpeace International, plastic bags negatively affect more than 267 species of wildlife. The real impact of plastic bag litter is felt on wildlife, both in the marine environment and in rural areas. Tens of thousands of whales, birds, seals and turtles are killed every day from plastic litter -- plastic bag litter in the marine environment, as they are often mistaken for plastic -- plastic bag for foods, and we talked about that, such as jellyfish. Once digested, they -- once ingested, they can't be digested or passed by the animal, so it stays in their gut. Plastic in an animal's gut prevents food digestion and it leads to a very slow and painful death.

Kings Park is acutely aware of the damaging effects of plastic bags, as we are so lucky to live on the beautiful shores of the Nissequogue River and the Long Island Sound, but this also allows us to see first-hand the harm these plastic bags cause the environment. Our current voluntary plastic bag recycling system is not working, contrary to what was said today. Let your eyes be the judge.

I have a high-schooler. I was driving along the Sunken Meadow. We went for three exits. I told him, "Count the bags that you see." We saw 15. That's the same high-schooler who would be able to work at the IGA and count how many bags, how many paper bags someone was buying.

Look, giving the incentives that we talked about in the past didn't work, but forced incentives do work in this instance, and I have studies and I can get them for you. The Kings Park Civic Association urges each Legislator to support this resolution.

And I wanted to touch upon in the last 38 seconds, I heard an argument alluded to today that just because there's other types of litter on the side of our road, we shouldn't try to correct this problem. We fundamentally reject that. This is one problem that we can work on, we should work on, and

you guys have the tools to be able to take care of it and we hope you do. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you very much. Okay. Our next speaker is Trustee Keyes, followed by Adrienne Esposito.

**TRUSTEE KEYES:**

Thank you. Good evening. Joseph Keyes. I am a Trustee in the Village of Patchogue. Thank you for giving me the opportunity to speak to you guys tonight. Mayor Paul Pontieri would like to be here himself. Another obligation prevented him from doing so. I can assure you all that I speak with the full support of the Mayor and the entire Board of Trustees.

I have copies of my full statement, if I could have them distributed to you guys. It will take me longer than the three minutes to read it. I've also attached my contact information. Please feel free over the next few days to call me with any questions or comments or concerns you might have. In the meantime, I'll try to give you the Readers's Digest version of what the statement is.

I want to talk to you and share with you some of the concerns that we face and that you guys are facing now and will be over the next few days, or weeks, or months, whatever it is before you make your final decision. Our concern, and we've talked about -- we've heard about it tonight, our concern is that whatever we did would have very little impact. There are studies that have shown that only 1% of our waste stream is composed of plastic bags. I'm hearing tonight it's half of 1%. Well, that's 1% of how much? I couldn't begin to estimate what the tonnage, the yardage, or whatever the unit of measure is used to determine the total compilation of the waste stream, but I know that even 1% of that is significant.

We've got a small market in the Village that generates 40,000 single-use bags a month, a half a million a year from one small market. So it's possible that our 2.2-square mile Village may be responsible of upwards of 750,000 to a million single-use bags per year generated, and you have to wonder where they're going. If half of them are going to the recycle bin, where are the other half going? They're going to chain link fences, trees, right-of-ways, and, more importantly, our waterways, affecting marine life. And I know that you'll see much information about that, too, in the coming weeks as you study this.

So if you consider the elimination of 750,000 bags a small impact, it will have to be at least considered a positive impact. The point is that eliminating the bag is something we can do easily and has no negative impact. It's a small step, it's a step in the right direction. It carries the potential of changing mind sets and getting people to think differently and behave differently.

We were concerned about push-back from the merchants, as I'm sure you guys are. Our Chamber Director, David Kennedy, I think he's going to speak, so I'm going to let him address that more, because I am running out -- I can see I'm not going to make it. But on the topic of the merchant and a subject that has come up here is the fee. We in the Village of Patchogue, we're so concerned about mandating the charge for the paper, or the otherwise acceptable bag as being a hardship, that we excluded it from our legislation. We're actually thinking differently now. And I personally feel that if our ban proved to be unsuccessful, it's going to be because it's too soft.

The idea, and I can't emphasize it enough, it's not replace, it's reuse, reuse, reuse. We're not looking to replace plastic with paper. Forget about how many more paper bags have to be bought or what the cost is, that's not the goal. The goal is getting people to bring their own and reuse, a reusable washable bag that can be used as few as eight times. For the carbon footprint, can be used as few as eight times to make up what it takes to make a single-use plastic bag. We use that

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bag hundreds of times over and over throughout the year. They can be washed and reused forever.

The fee is important. It makes -- it's like forced compliance. You know, years ago, the seatbelt law, a lot of people agreed to wear a seatbelt only because they didn't want to pay the \$50 summons. We forced the law upon them. Seatbelts are saving millions of lives, countless amount of lives. Forced compliance, there's nothing wrong with forced compliance if it's for the better of the whole.

The concern about it being a hardship on the poor, which, obviously, in Patchogue we had the same concern. Let's not underestimate the ability of the poor to use common sense. They don't want to go to the grocer and pay another 3 or \$4, you know, for bags, for plastic bags, they're going to bring their own bag.

As far as the argument -- I'm going to talk until you stop me, Rob, to be honest with you, so -- and I don't --

**D.P.O. CALARCO:**

Trustee Keyes, I've been holding out, so I don't want to cut off one of my Trustees, but I need you to --

**TRUSTEE KEYES:**

And I don't know if it's --

**D.P.O. CALARCO:**

I need you to wrap up, please.

**TRUSTEE KEYES:**

I'll buy you a beer if you let me talk another 30 seconds. I don't hear a bell. I don't hear a bell.

*(\*Laughter\*)*

**D.P.O. CALARCO:**

That will get me in more trouble than you think, Trustee.

**TRUSTEE KEYES:**

I know the concern that the pet owners, there are substitutes for that. You're still getting your bread in a plastic bag, which isn't outlawed, vegetable bags. Are you cutting me off? Oh, that's --

**D.P.O. CALARCO:**

I am.

**TRUSTEE KEYES:**

I really do thank you for your time and the opportunity to speak to you guys tonight.

**D.P.O. CALARCO:**

Does anybody have any questions for my Trustee?

**TRUSTEE KEYES:**

I just want to encourage you, it's not --

*(\*Applause\*)*

Remember, it's not groundbreaking legislation, it's common sense legislation. And the entire Village of Patchogue is encouraging you guys to pass the legislation, please. Thank you.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you for coming, Joe. Our next speaker is Adrienne Esposito.

**MS. ESPOSITO:**

Good evening, members of the Legislature. Adrienne Esposito, Executive Director of Citizens Campaign for the Environment. Guess where I stand on the bill?

Thank you for hanging in there tonight. I know it's been a long night. You've heard a lot, frankly, of misinformation, and you've heard a lot of, well, things that are just plain wrong. I'd like to clear up a few things.

Number one, this bill was wisely crafted to change public behavior. It is not a bill that result -- will result in the increased use of paper bags. That is not wishful thinking on my part. We can look at the -- Los Angeles. This bill is modeled after that bill. What happened there? Not only did they ban plastic bags, I want you to hear this, they also had a 25% reduction in paper bags. That's the real life experience, that's what happened, that's what we anticipate will happen here. Therefore, grocery stores should be embracing this and not fighting it. They will save the 1 1/2 cent on each plastic bag, and they will save the 4, 5, 6, 7 cents on the paper bag. But when people use paper bags, they're going to get 10 cents. That's going to help them economically.

Let's speak about economics, shall we? Yes. One thing you haven't been told yet, for instance, is the study that came out of San Francisco. San Francisco did the same thing as this bill does. What did they find? Well, they found that that municipality is saving -- Legislators, you're going to like this one, particularly you, Legislator Trotta -- \$3 million per year. That's right, I said \$3 million per year, because they're saving that money in not having to pick up the litter and dispose of the garbage. It was a significant saving passed on to taxpayers. You want to be fiscally conservative, vote for this bill.

Also, I think another very important point is you keep hearing from industry how this doesn't harm marine mammals. I'm not going to talk about that, because you have marine scientists who are here who will do that for you. But, Legislators, the reason they teach plastic pollution in marine science classes is because it's science-based curriculum with empirical data, which science teachers can tell you better than I can.

I've also heard from many of you that, "Oh, my God, what will happen to the senior citizens?" As if they don't know how to bring their own bag. Members of the Legislature, senior citizens are on Facebook, they use the internet, they Google, okay? They use email, they use cell phones, they text, they serve in office. I'm confident they, too, can bring their own bag. We believe it is within their ability and they want to join just like everybody else.

Also, I want to tell you, I keep hearing from industry, "Reusable bags will be thrown on the road." Can we please have some common sense in here? I've just been to Italy, they banned the bag years ago. Very beautiful, no reusable bags, no plastic bags, no paper bags on the road. Everyone shops, they still grocery shop, they still eat, they're fine.

Thank you very much. I'm going to end it there, because I know my time's out.

*(\*Applause\*)*

**D.P.O. CALARCO:**

Thank you, Adrienne. Oh, I got a couple of questions for you. Legislator Krupski, and then Legislator Fleming.

**LEG. KRUPSKI:**

Just briefly, please, and I know you have a lot of experience with this bag program.

**MS. ESPOSITO:**

Yes.

**LEG. KRUPSKI:**

There was a debate about, I don't know, three or four hours ago, a comment made about a rebate program. Does that rebate program -- is there success there or not?

**MS. ESPOSITO:**

Actually, that's a great question. My organization evaluated that rebate program. We've been working on this issue with some of you who were here in 2008, when this was first proposed. We heard the same thing from the industry then. "Don't do this." "We're going to educate more." "There'll be an education-driven answer and we'll increase recycling." It didn't work. We know it didn't work. It didn't work. That's why we're here again today. Then they offered the rebate, which I thought was a great idea. I mean, I have to applaud them. King Kullen gave 5 cents back for every reusable bag, Waldbaum's gave 2 cents, Stop & Shop gave 5 cents, ShopRite gave 5 cents. It was a well-intended program, it wasn't enough.

Two things changed public behavior, one is education, but the other is to add an incentive. This bill, we can do both, this provides the incentive. That's how true public change is made. And the public is behind this bill. Everyone says, "Oh, you know, I really don't like those plastic bags, but I forget my reusable." We can incentivize their memory, and that's what this bill does. It's worked in other ways.

In D.C., they put the 5 cent fee on. In the first year, 85% of the public changed their behavior, changed their behavior, and are bringing their own reusable bags. They didn't switch to paper. Grocery stores are saving money, municipalities are saving money, and we're saving the environment. We didn't make -- Dr. Spencer didn't make this bill, and Legislator Krupski, and Legislator Hahn, everybody else, on a whim, it's well researched and well documented.

**LEG. KRUPSKI:**

Thank you.

**D.P.O. CALARCO:**

Legislator Fleming.

**LEG. FLEMING:**

Yeah, just quickly. Excuse me, it's getting so late.

**MS. ESPOSITO:**

I know, sorry. Thank you for hanging in there.

**LEG. FLEMING:**

Yeah, thank you. So when we talk about -- you mentioned something I just want to follow up on with -- people say, "I'm going to forget my bag," or, "I forget my bag." I can tell you there's some folks that live in my district who have said during this debate the same thing that I've seen, people are bringing reusable bags to the grocery stores in the East End of Long Island. And one thing that

we -- many of us do is there are all kinds of bags now that fold up very small and you can put them in your -- in your purse, or there are some that are flat, you can put in your jacket pocket. So you always have one, and that's what I do. So even when you're forgetting, this thing opens up. Sorry, it's late, but -- so it's a full-size bag that you can always have in your purse.

**MS. ESPOSITO:**

Genius.

**LEG. FLEMING:**

We do have that. But I wanted to ask you also, Adrienne, have you -- has CCE done any studies on the effectiveness of education programs on their own? I know we didn't have the political will for several years when I was on the Town Board to pass the prohibition, and there was only -- the industry groups encouraged a number of Councilpeople in the Town of Southampton to work only on education, and with the idea that the education is going to work. I felt that it hadn't worked and that's -- and the majority of the Town Board felt the same, as I know the Village of Patchogue, and all our -- you know, our villages in the Town of East Hampton. Just wondering if you have any numbers on that or anything that would confirm that the education doesn't really work without the prohibition?

**MS. ESPOSITO:**

Well, we can let the numbers, you know, speak for themselves. So, for instance, for plastic bag recycling, which is you see all those recycling bins in all the grocery stores and all the stores that are 10,000 square feet or more, that came from a State bill, because the industry killed the State bill for a fee. And they said, "Okay. Well, let's do something, let's put those recycle bins." Well, even, even the most, you know, generous studies show an 8% recycling number, so -- and the industry promised to do education. I haven't seen it. But let's just say they have, we're achieving 8%. We have done studies on recycling, not plastic bags, per se, but also recycling in general, and the best recycling rates, believe it or not, of all of Long Island are in the Town of Islip, but because they put money into it and they do a consistent education program in the Town of Islip, but even then, it's not a very big number, and that's recycling in general. So it takes a consistent, persistent funded educational program to keep reminding people, because if you're not incentivizing it, it falls flat. So it's just -- I wish I could tell you education makes change, but it needs to be partnered with an incentivized program.

**LEG. FLEMING:**

Thank you.

**D.P.O. CALARCO:**

Okay. I have one more Legislator who has a question for Adrienne. I have about 25 cards left, and we have about a half hour left of this public hearing before we hit the three-hour deadline.

**MS. ESPOSITO:**

I would respectfully request that the industry went on for hours, and when they're gone --

**D.P.O. CALARCO:**

Adrienne.

**MS. ESPOSITO:**

-- we'll still be here.

**D.P.O. CALARCO:**

Adrienne, I'm just kind of asking Legislators to keep it to the bill and try to keep it short, so that all of the speakers who are here have a chance to speak.

**MS. ESPOSITO:**

I'm just looking for fair and balanced here.

**D.P.O. CALARCO:**

Legislator Hahn.

**LEG. HAHN:**

I was beat to the buzzer again. Bridget asked my question about --

**LEG. FLEMING:**

Oh.

**LEG. HAHN:**

No, it's -- no, it's okay (laughter) -- about public education, how effective it's been without legislation, so we got an answer, asked and answered. Thank you.

**D.P.O. CALARCO:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Hi, Adrienne.

**MS. ESPOSITO:**

Hi.

**LEG. D'AMARO:**

Thank you for coming tonight. What about the argument that the reusable bag, if widely used, would do more harm to environment than the plastic bag?

**MS. ESPOSITO:**

It's just flatly wrong. You know, I have about maybe ten reusable bags in my trunk and I have been, and I'm not even exaggerating, using some of them for five, six, seven years. You wipe them out. The cloth ones you can wash, but, you know, the thick plastic one ones, you wash down. I don't -- I don't get their argument, it just defies logic and I'm not sure how to respond.

**LEG. D'AMARO:**

Well, their argument was that a bag is only used, I think, about 14 times on average and then they wind up in the waste stream and --

**MS. ESPOSITO:**

Okay. Well, perhaps if I was funded by ExxonMobil and the Koch Brothers, I might say that, too. But since I'm funded by the public, I'm here to tell you that that is simply not the case.

**LEG. D'AMARO:**

Okay. So what's -- what do you have to support that it's not the case?

**MS. ESPOSITO:**

Well, we work with groups all across Long Island who have been using reusable bags literally for years, the same ones. And, you know, if you use them -- just say the general person goes to the grocery store maybe twice a week, so they're using them twice a week. And even if it lasts one year, that's 104 times.

**LEG. D'AMARO:**

No. What I'm asking you, have you --

**MS. ESPOSITO:**

Oh.

**LEG. D'AMARO:**

Have your -- has your organization or anyone you know have done a study that contradicts the life cycle of the bag?

**MS. ESPOSITO:**

We'll find it for you. I'm sure somebody has. We'll find one for you.

**LEG. D'AMARO:**

Because that was, you know, presented as factual.

**MS. ESPOSITO:**

There was a lot of things presented as factual.

**LEG. D'AMARO:**

Well, it was presented as factual that these reusable bags have a much shorter lifecycle than what you might be assuming. And if that's true, then they're having a much higher impact or negative impact on the environment.

**MS. ESPOSITO:**

Well, my commentary is not based on assumptions, it's based on personal experience. And perhaps even some of you have reusable bags that you use, and you have to think if you used it, you know, for a month, are you throwing it out?

**LEG. D'AMARO:**

Well, that's what I'm asking you. Do you have any of that kind of data?

**MS. ESPOSITO:**

Nobody we know is throwing their reusable bags out after a month.

**LEG. D'AMARO:**

And then also the theory of incentivizing, so, in other words, if you put a cost to the paper bag, that it will change behavior, is that what you mean by incentivizing?

**MS. ESPOSITO:**

Yes. It's not -- and, again, I just want to say for clarity, it's not a theory. We've researched other municipalities that have used this same bill and found it is a result, so it's not a theory, like in Los Angeles, a 25% reduction in paper after they banned plastic.

**LEG. D'AMARO:**

Well, some people might call that penalizing, not incentivizing.

**MS. ESPOSITO:**

You know, why would that be penalizing?

**LEG. D'AMARO:**

Well, because if you go to the store and you don't have enough bags, or you forgot to bring in your bags or you don't have them, you pay a penalty for that.

**MS. ESPOSITO:**

Well, is it a penalty to put a nickel on the bottle?

**LEG. D'AMARO:**

Not if it's reimbursed.

**MS. ESPOSITO:**

Okay. So it's not a penalty if you bring a reusable bag.

**LEG. D'AMARO:**

This isn't reimbursed to the consumer.

**MS. ESPOSITO:**

But you could bring your reusable bag and then you don't have to put out any money. It's actually better than the bottle --

**LEG. D'AMARO:**

Yeah. No, I understand that.

**MS. ESPOSITO:**

Okay.

**LEG. D'AMARO:**

But what I'm saying is that I think that a very critical part of this bill is who's going to shoulder the cost of changing behavior? What this bill does is it puts it squarely on the back of the consumer, squarely.

**MS. ESPOSITO:**

I'm sorry, I just have to disagree, because I think the consumers are smart enough to make a choice, and I don't think we should underestimate them. So if they can bring their own bag and it costs nothing, and a municipality is saving money, and the food industry is paying money -- saving money, and we get a beneficial environmental result, then the consumer is participating in a way to make something better.

**LEG. D'AMARO:**

Right. But my statement is not -- we're talking about two different things. What I'm saying is that in order to get the public to change their behavior, you're penalizing the public if they don't.

**MS. ESPOSITO:**

Well, is that true for the seatbelt law?

**LEG. D'AMARO:**

I'm just -- I'm just throwing it out there.

**MS. ESPOSITO:**

If that's true, I mean, you voted here -- I could give many examples for the Legislature, right? I mean, you raised the cost of tobacco, you did all these things to change public behavior because you thought it would be beneficial, beneficial to society as a whole, and I'd like you to look at this bill as the same way.

**LEG. D'AMARO:**

Right. So that's why it goes back to my initial question of do you have any data that shows the success rate --

**MS. ESPOSITO:**

I'll give you all --

**LEG. D'AMARO:**

-- or that the reusable bag doesn't have a negative impact on the environment equal to or greater than the plastic bag?

**MS. ESPOSITO:**

Okay. And what I said was I will send you that. We will research it and find it. I'm sure these studies have been done.

**LEG. D'AMARO:**

Okay. Thank you.

**D.P.O. CALARCO:**

Okay. Thank you very much. Any other questions for Adrienne? Thank you, Ms. Esposito, for being here this evening.

*(\*Applause\*)*

Our next speaker is Dr. Rebecca Grella.

**DR. GRELLA:**

Good evening, Suffolk County Legislators. Good evening, audience. Clerks, I'd like to ask you to do us a favor and kindly take the bags to the left of you and disseminate them to each of the Legislators.

My name is Rebecca Grella. I'm an Ecologist Research Scientist and Teacher for the Brentwood Union Free School District. Tonight I'm here not only to bring forth to you the great young minds of our County, but also promote the ban on plastic bag use in Suffolk County.

Over the past year, the students of Brentwood High School and Smithtown High School West have reached out to numerous scientists for their help in understanding the effects of plastics on the environment. A letter from Carl Safina, Ecologist, Professor and founder of the Safina Center at Stony Brook University, in support of the students and the ban on plastics in Suffolk County, will be read into the record shortly.

The bags before you were put together by the students of Brentwood and Smithtown. They are a simple reminder of how easy it is to find and utilize bags, reusable bags. Before you are the reusable bags that we have been speaking of all night. As a scientist, I will tell you that it is very important for you to understand that anyone can make a model to make something look bad. I can take numbers and make numbers look bad. I can take any data on passages of how a bag may travel through currents in an ocean ecosystem and I can show you how that bag winds right back up in us via human consumption. It's all about the model.

Take this bag tonight, and the bag before you is actually from Stop&Shop. In fact Stop&Shop, they're not for your ban on plastic bags. So I question why do they sell them? Do they sell them so that the people like myself and my students who are taking the time to do good for the environment are doing something perhaps maybe other people are not? Well, for a 99 cent investment, what you have before you is something that you can reuse and continually think about as you're going towards passing this wonderful bill. You also have inside of your bag a reusable water bottle that the Smithtown West students picked out. And, personally, I'm going to pass over to -- the mic over to the students, particularly my students at Brentwood High School who have done some really interesting research on microplastics. And for those of you that are aware, macroplastics do turn to

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microplastics. So the Microbead Act is really what you're looking at, you're just looking at it on a macro level.

So thank you. Thank you for your consideration of all of the comments tonight, and thank you for having a long night. And I pass the floor over to my students at Brentwood to share with you their research findings on microplastics.

### **D.P.O. CALARCO:**

Okay. I have a number of the cards for you, ladies and gentlemen. If you just each -- are you going to be short or are you going to be long, each one?

### **MS. D'AGRELLA:**

Oh, I mean, you can go.

### **D.P.O. CALARCO:**

You have a whole like -- okay. Just each one, make sure you give your name for the record beforehand.

### **MS. D'AGRELLA:**

Good evening, Suffolk County Legislators. My name is Chelsea D'Agrella, and these are my fellow colleagues, Jessica Guerrero and Lilia Zetrene.

We are happy to be here this evening to share our scientific findings with you. We have come here today to discuss our research findings on the effect of microplastics on marine xenofomation and sedimentation. Additionally, we aim to show you the dangers in plastics -- that plastics pose to our environment and ways of which we can provide insight and an alternative to plastic use. We would also like to present the reusable bag to each of the Legislators for a green shopping experience. Inside your bag is also water from Smithtown High School West.

### **MS. GUERRERO:**

Jessica Guerrero. Our marine snow research initiated last year when Senator Gillibrand introduced the effects of these particles on the North Shore in Nassau County. For those of you who do not know, microbeads are a product of macroplastics that deteriorate into microplastics, which include any plastic less than five millimeters in diameter. The major threat of these microplastics has to do with their size, being that they travel through waterways easily and make their way into our marine environment, where they are consumed by our food source and they make their way into us.

Marine snow is what we tested, because its purpose in the ocean is to transport inorganic carbon and important food sources from the upper layers of the ocean through sedimentation to the bottom layer. These particles are like boogers, and these boogers are held together by a slime known as TEP. We asked the question, "What is the effect of microbeads on the formation and sedimentation of marine snow?"

### **MS. ZETRENE:**

To test -- oh, sorry. Lilia Zetrene. To test this question, we designed and set up an experiment at Brentwood High School, and we collected water from Northport Harbor and grew and spun our own culture in the lab. We even designed a roller tank to mimic the marine snow particle for -- the marine snow particle formation in the ocean. Our findings suggest that microbeads, also known as microplastics, which are created by macroplastics, such as these plastic bags, are now making their way into our marine environment. Now what this means is that these particles are now falling in the depths of the ocean, as opposed to floating, and they're not acting as a proper food source. The marine snow particles, as they fall, feed the organisms, but when ingested by fish and other organisms, the plastic is, too.

Thanks to President Obama's passage of the Microbead Free Waters Act of 2015, companies will now be prohibited in the year of 2017 of July to no longer use microplastics. However, personal hygiene products are not the only source of these microbeads. As I said before, so are these plastic bags. When they finally make their way into the ocean, through erosion, they become microplastics. And once it -- and because of these plastic bags, even though we're trying to avoid the problem of microbeads, we are faced with the same dilemma, trying to get rid of another source of plastic.

**MS. GUERRERO:**

We urge you to ban plastic bag use in Suffolk County. With a little effort by all, we can solve a multitude of problems, and provide immediate benefits to our County's local environment. We also would like to present a handcrafted recycled bag to Legislator Doc Spencer and Legislator Martinez. And I would now like to introduce my colleagues from Smithtown West.

**LEG. SPENCER:**

Thank you very much. This is beautiful. Thank you.

**MS. KIZILKAYA:**

Hi. My name is Asli Kizilkaya, and I work under the instruction of Dr. Figueiredo at Smithtown High School West. We work to test the effect that common herbicides and insecticides have on nontarget organisms in our ecosystem.

A clear opposition to the ban of plastic bags is the argument that plastic bags are very convenient. Because they have carrying handles and are lightweight, many people have been persuaded to use them. Plastic bags are perceived as inexpensive, but they have many hidden costs. Have you considered the real price that you're paying for this convenience? By the time I finish speaking, over 3 million plastic bags will have been used worldwide. Add all this up, and you can estimate one trillion plastic bags used annually. They also have a wide range of detriments to our environment, including clogging gutters and storm drains, causing water and sewage to overflow and become a breeding ground for disease, causing germs, bacteria and insects.

Serious flooding in countries such as India, Bangladesh and China have resulted in significant loss of life and property that can be blamed to some degree on plastic bags choking storm drains. They have also -- the toxic chemicals that plastic bags are made of are sources of various diseases and complications in humans. They do not only provide negative effects on the health of people and animals, but they also pollute the air.

If anyone has ever been to a coastal cleanup, you can obviously see that plastic bags make up among the ten items of debris most often found on beaches. Consequently, they end up in our water systems and they result in hundreds of thousands of marine animals' deaths every year, according to the Center of Marine Conservation. Even if you don't live by the ocean, your plastic bag still has a chance to end up there. Bags washed down storm drains or blown into rivers often end up in the ocean.

According to The Telegraph, the plastics-to-plankton ratio in the North Pacific is increasing rapidly and exponentially. Tests performed in 1999 found a ration of 6 to 1. By 2007, that ration had jumped to 36 to 1. Only .5 to 3% of all these bags of the one trillion bags that I mentioned before end up recycled. The rest end up in landfills or in our oceans.

Possibly, the only reason that every retailer across the country hasn't put a stop to plastic bag use is because of the immense profit they make from it. In the United States alone, retailers give away over 100 billion plastic grocery bags annually, costing an estimated \$4 billion. You might think that those bags are free, but retailers pass on the bill to consumers by increasing the prices of goods and services. In short, this illusion of convenience that plastic bags pose has many hidden fees, both to

consumers and to the environment. Thank you.

**(\*Applause\*)**

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

**MR. O'MALLEY:**

Hello. My name is Connor O'Malley and firstly, I'd like to thank you for listening to what the young people of the community have to say about the issue. And throughout the year in science research, I've been working on environmental science issues, mostly regarding eutrophication of Long Island salt marshes, but this issue is still really important to me. And despite the fear I have of public speaking, I'm still here doing this because this is an important issue.

And throughout the last several years there have been a lot of attempts by supermarkets and other industries to reduce the amount of plastic bags that we have been using during checkouts; for example, local supermarkets encourage customers to bring their own reusable bags in order to save our resources, and they also charge the price of the bag if you don't bring your own. The average family actually accumulates 60 plastics bags in only four trips to the grocery store, which ends up being a lot over the course of an entire year. And -- but a lot of more responsible individuals who I've been working with in the science research class have been using reusable bags as a way of trying to stop their negative environmental impacts as much as they can.

Another possible alternative to the reusable bags, which are not always a convenient use for everyone, is something like Costco has where they just put everything straight into the cart without using any kind of bag. And if -- since this is such a large scale, it would be difficult for smaller supermarkets to follow through with, but it would almost entirely eliminate the plastic ban problem that we're facing. That's all. Thank you.

**Applause**

**D.P.O. CALARCO:**

Good job. Thank you.

**MISS CONDZAL:**

Good evening. My name is Natalie Condzal and I work -- and the main aim of my project is to show the negative effect common household items such as herbicides have on our ecosystems, just as plastic bags do. The obvious solution to this issue is the banning of single-use plastic bags, though this runs the risk of increasing production of paper and compostable bags, as brought up by the other speakers.

According to a peer-reviewed Boustead Consulting and Associates Report, *"The added requirements of manufacturing, energy and transport for the compostable and paper bag systems see the raw material used in a standard plastic bag system."* On a domestic level, the best solution would be switching to reusable bags. On a State level, one example of a solution to solving the plastic bag pandemic is setting taxes on the use of plastic. Internationally, in 2001, Ireland implemented a plastic tax. The first of its kind, this route acknowledges the fact that people will still occasionally use plastic bags. This market-based solution discourages daily, thoughtless use of plastic bags by charging a nominal fee per bag at checkout. In a study by the Irish Department of -- in a study by the Irish Department of the Environment, it was found that plastic bag usage has dropped 93.5%. This breaks down to a drop from 328 to 21 bags per person each year.

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In the UK, Testco, a British multi-national grocery which can compare to markets like Costco, the introduction of a five pound charge, which converts to approximately \$7.20 for each bag, has promoted shoppers to use almost 80% fewer single-use plastic bags.

Additionally, in 2008, China banned the manufacture and use of plastic bags. They also prohibit supermarkets, department stores and grocery stores from giving them away, requiring them to charge customers for the bags. On a local level, several towns on Long Island and in New York have passed plastic bag bans in the last five years. As stated earlier, East Hampton passed a plastic bag ban in July, 2011, which came into effect in February, 2012. Similarly, in Southampton, a ban on plastic bags was passed by the City Council in April, 2011, and was effective in November, 2011.

It is time for Suffolk County to improve the environment for generations to come by taking similar measures and banning the use of plastic bags.

### ***Applause***

#### **MISS ROSENTHAL:**

Good evening. My name is Hannah Rosenthal and I am a science research student at Smithtown High School West. I would like to present the results of a survey that we gave to the 6th, 7th and 8th graders at Great Hollow Middle School, which is a school part of the Smithtown Central School District. We asked the question should single-use plastic bags be banned in Suffolk County. Approximately 95% of the students were in favor of banning plastic bags due to the detrimental effects that they have on the environment. I would like give a voice to these students who gave their opinions on to why a plastic bag should be banned, and I would like to read a few of their responses.

One student responded into asking why plastic bags should be banned, they said, *"Because it forces people to help the world. It is no longer a choice to help, but it is a demand. It will greatly impact our world."* Another student responded, *"I'd rather give up using plastic bags than give up seeing many animals because they're being harmed by plastic bags."* Another student said, *"Because our environment won't get better unless we do something. We can't sit around and watch the world fall from right under our feet."* And finally, another student said, *"Plastic bags may be convenient now, but in the future it will do irreparable damage to the ecosystem. Stores should rather be given reusable bags to give to consumers, buy their own or use paper and other biodegradable material."*

Smithtown in itself is working towards eliminating the use of plastic bags by switching to more environmentally-friendly options and we aspire to bring this movement to a larger community. Thank you.

### ***Applause***

#### **D.P.O. CALARCO:**

Thank you.

#### **MISS GLADSTONE:**

Hi. My name is Rachel Gladstone and I'm from Smithtown High School West. Before I begin, I'm a senior and I'm taking Participation in Government, and we actually had to look up all the mailing addresses for all the Legislators here today. So I just want to say it's really cool just to speak on behalf of you, and the fact that you guys are really taking in the input of youth and high school students and you guys really are going to be the ones to make the difference and we're the following generation afterwards. So first you guys will make the difference in our community today so that these students right before us, we can have a greener future.

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So as the woman before stated, a lot of cities in America and states have begun making bans on the use of plastic bags. For instance, Austin, they have a \$0.05 ban and this has really, really pushed people to use more reusable bags. And one of the arguments stated before about ShopRite and King Kullen saying that using -- having a ban on plastic bags and increasing the amount of paper bags will have a more detrimental effect on the environment. But one question I would like to ask these people is if we didn't have that ban and we kept plastic bags, then that would mean that those bags, if they're not recycled, they're ending up in the environment, they're ending up in our waterways and effecting these ecosystems and really having a detriment effect on our future generations and the future generations of other species on the Earth.

And if these plastic bags are recycled, I don't know if these men took into account the energy that it takes to recycle a plastic bag, and they said that by using paper bags it will have more greenhouse gases released. But by having no system at all, people have the choice to just throw away a single-use bag or recycle it, and recycling it still has an effect on the environment. That's why when we're taught in grade school, we're taught to reduce, to reuse, to recycle. The first thing is to reduce, the most important thing we can do as consumers is reduce our consumption on the environment and how much we use. If everyone uses less paper bags -- more reusable bags, then that is the key part. The last step in the whole chain is to recycle. We want to reduce the amount that we have to recycle so we can have even less of an impact on the environment.

And so many cities in America have implemented this system, so why can't Suffolk County act as a paradigm to other counties and state that *We are going eco-friendly. We care about our future generations, we care about the environment, we care about our economy*, and that we should act as the example to other people. And the price of using these taxes on these bags and people saying that it has an effect on the environment -- I know, I'm done almost.

**(\*Laughter\*)**

*(Beeper Sounded)*

The cost that it may have on a citizen does have a valuable amount, but the weight that this has on our future generations, they said it takes over 400 years for plastic to be recycled, but we have not even been around to have plastic for 400 years, so how do we even know that number? That is a low ball estimate. And these bags --

**D.P.O. CALARCO:**

Miss Gladstone, I need you to wrap up. I have to hold everybody to the three minutes.

**MISS GLADSTONE:**

Okay. I'm sorry. And just -- it really -- these bags will stay in our generation and effect my generation, my kids' generations and so forth, and it's really important that we care about our future. Thank you.

**Applause**

**D.P.O. CALARCO:**

Thank you.

**DR. FIGUEIREDO:**

Hi there. I'm Dr. Joanne Figuerido and I'm the science research teacher at Smithtown West. You've heard from our students at both Brentwood and Smithtown and I think they speak so eloquently, and nobody but our youth can really crystalize some of these thoughts. But we have to go to the other end of the spectrum. We're here on Long Island and we have some of the finest scientists on

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Long Island at Stony Brook University. And, in fact, at Stony Brook University, the School of Marine Sciences is one of the top places to study marine science in this country, and we are -- you know, we have the good fortune of having Dr. Carl Safina who heads the Safina Institute there and who's a world-renown ecologist and marine biologist.

I would just like to read into the record a letter from Dr. Safina who couldn't be here tonight. He speaks to you. He says, "*Dear Suffolk County Legislators. My name is Dr. Carl Safina, Ecologist, Professor and Founder of the Safina Center at Stony Brook University. I commend you for considering a ban on single-use plastic bags. According to experts, a single American family takes home about 1,500 plastic shopping bags every year. Nationwide, Americans take home and then throw away about 100 billion polyethylene plastic bags annually. We use these bags for an average of 12 minutes, yet they'll remain in the environment for thousands of years. Plastic bags litter landfills, forests, parks, beaches, and perhaps most infamously the oceans where they cause major problems for marine animals.*"

*"These bags, which are easily picked up by the wind and carried into the sea, are often lethal to creatures who encounter them. Some animals, some such as sea turtles, mistake whole plastic bags for jelly fish while others also eat or become entangled in them. Scientists are now discovering that plastic bags remain dangerous when they begin to break down. It turns out that over time, the actions of the waves and wind pulverize larger plastic trash into tiny pieces called microplastic which simply get eaten by and endanger the survival of smaller creatures."*

*"New research indicates, for instance, that microplastics decrease oyster, fertility. Scientists think this is happening because tiny plastic bits ingested by oysters give off hormone-affecting chemicals known as endocrine disrupters which decrease fertility and increase cancer risk in lab animals, wild animals and people."*

*"Last month we also reported that scientists now estimate there are more than 165 million plastic pieces in the New York/New Jersey Harbor Estuary. With so much plastic right here in one of our own local waterways, it's time for Suffolk County to act on plastic bags. By 2050, scientists estimate that the world's oceans will contain more plastic by weight than fish. Progress cannot be made without the help of Suffolk County's Legislators."*

*(Beeper Sounded)*

I know you have the rest in your record. But I don't think we can look to anyone with more authority than Carl Safina, so I hope you'll listen to his words and you'll listen to the words of the students and very seriously vote positively for this ban on these plastic bags. Thank you.

**D.P.O. CALARCO:**

Thank you. Thank you to all the students who came here tonight to share their testimony with us. We appreciate your time.

**LEG. SPENCER:**

Good luck on your test tomorrow.

***Applause***

**D.P.O. CALARCO:**

And I know you all have a test tomorrow, so. Okay. Counsel?

**MR. NOLAN:**

This public hearing is now three hours old, so we either have to extend it by a motion or it's going to be automatically recessed to the next date. So, it's up to the Legislature.

**D.P.O. CALARCO:**

We have about ten cards, ten speakers left.

**LEG. HAHN:**

I make a motion to extend.

**D.P.O. CALARCO:**

Motion by Legislator Hahn.

**LEG. KRUPSKI:**

Second.

**D.P.O. CALARCO:**

Second by Legislator Krupski to extend this public hearing. All those in favor? Opposed? Abstentions? We have extended the public hearing.

**MS. ELLIS:**

*Sixteen (Not Present: Legislator Fleming - Absent: Legislator Barraga).*

**D.P.O. CALARCO:**

Our next speaker is Amy Liu; I think she came and spoke earlier during the public portion, young lady from Selden Middle School? Nope. Okay, next speaker, David Kennedy, followed by Gretchen Olson.

**MR. KENNEDY:**

Good evening. My name is David Kennedy, I am the Executive Director of the Greater Patchogue Chamber of Commerce. I'm really coming here just to let the Legislators know who are still questioning this ban that not to fear what the merchants in your district feel. The Village of Patchogue works directly with us and we overwhelmingly supported the ban. And we support what the Village of Patchogue is doing, particularly the fact that they did give a year time before they enforced the law, allowing the merchants and the businesses in the Village of Patchogue to adjust.

You know, I think -- well, I'm very proud to represent an organization that looked more to what's best for the community and environment than what was best for the bottom line, and I think we all need to follow that example. I think, you know, help the Village of Patchogue in succeeding in that by making it County-wide would be great.

You know, and the model exists. Just this morning we had the Greater Patchogue Chamber of Commerce membership meeting at Sam's Club, which is in Medford, the only Sam's Club on Long Island. And as was mentioned before, Costco and at BJ's, they've already banned all bags and they still are packing in -- packing them in. The industry that's worried, if they're really that concerned or worried about the increase of paper, ban all bags. I don't think anybody is going to stop shopping. People are still going to go to the grocery store, people are still going to adjust, people still need to eat and get their food.

I'm just as guilty as everybody that, you know, as much as I believe in reusable bags, I forget and I need not to have them there as an option to make sure that I follow through on it. I think we all do. I think the heart wants to do it and the ban just makes -- it's common sense. We see what's happening to our environment. These people who spoke before me, they are the future, and what

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you do is going to affect them more than it's going to affect me or any of us in the room, so they said it better than I could ever say it.

Certainly, the business community wants to do the right thing, too, you know, just continue to work with them where we definitely support the ban.

***Applause***

**D.P.O. CALARCO:**

Thank you, David. David, before you go, one quick question from Legislator Muratore.

**MR. KENNEDY:**

You guys don't want to go home?

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

**LEG. MURATORE:**

I'm sure we do. Did Patchogue ban all their bags, even like --

**MR. KENNEDY:**

No, it's just a plastic bag ban. The difference with the Patchogue law, there is no price put on the paper bags.

**LEG. MURATORE:**

Because, you know, looking at like the Newsday bag, they put out like 73 million bags a year, you know. But you guys haven't banned those, and I think they're exempt from our bill, too.

**MR. KENNEDY:**

I know Newsday bags never came up in our conversation, I'm not sure if they're banned or not. I know we did make exceptions to like bags that -- the fish stores. They're not included, you know, that was never part of the discussion.

**LEG. MURATORE:**

The Newsday bags are not included.

**MR. KENNEDY:**

No.

**LEG. MURATORE:**

Okay. Thank you.

**D.P.O. CALARCO:**

Okay. Thank you very much, David. Next speaker is Gretchen Olson followed by Jane Fasullo.

**MS. OLSON:**

I'm Gretchen Olson, resident of Suffolk County. We moved about a year and three quarters ago from Austin, Texas, that had implemented a plastic bag ban. And as that was all happening in Austin as we were living there, I thought, *Oh, great. That sounds great in principle*, but didn't participate in the public process. And I can tell you that after -- about a year-and-a-half, two years of living there after the ban, I felt strongly enough about the difference that it made in that community to come and participate in this process.

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When we first got to Suffolk County, literally the moving van was not unpacked and I'm like, *We're heading to the beach*. And my very first encounter with my son getting in at Robert Moses Beach was, I mean, literally within the first ten minutes. We were in the water and I'm like, *What is that on my hand*, and I pull it out and it's a plastic bag, and I was like, *Geez, I haven't seen one of those in a while*, because I had come from Austin. And it was poignant, it was a moment, like, *Wow, there's this beautiful treasure here and that's sad*, and it's preventable.

And then moving van was not unpacked yet, we got to the grocery store and there was, you know, the plastic bag and my son was with me and I should have done the right thing, but I was lazy, right, I didn't have the incentive. My reusable bags were still in the moving truck and we start packing our bags with the plastic bags and my son said, *"Mom, this just feels wrong."* And I realized that in that year-and-a-half we had changed the mindset of a generation, and that we can do that. I feel strongly about science that says that it takes more resources to use reusable bags than single-use plastic bags. If we're hearing about our bays being covered at the bottom with plastic bags, just the common sense of that doesn't fly, doesn't fit for me.

The one thing I think we learned from the Austin situation was one of the compromises of industry was to make available a \$0.10/4 mill plastic bag, in addition to the very nice kind of reusable totes that you have. And I think what Austin found after a year or so was that those 4 mill bags were ending up not getting reused as often, and so I think it's important to -- I appreciate the thoughtfulness that you're giving to this to put in place something that doesn't just make everybody feel good but that makes sense. But I would offer up that the 4 mill, you know, is sort of a pseudo-reusable is not the way to go.

My experience is very much what Legislator Fleming was saying. It takes us being uncomfortable to change our habits, but people do. And you'll see people in the grocery store where somebody forgets their reusable bag and I've got ten and so I hand one over to her, and there are -- behavior changes and I think it has to do with the fact that it's critical mass and we're all doing it together that we start to change our patterns. Thank you.

***Applause***

**D.P.O. CALARCO:**

Thank you, Ms. Olson.

**LEG. STERN:**

Just very quickly.

**D.P.O. CALARCO:**

Ms. Olson, before you sit down, Legislator Stern had a question for you.

**LEG. STERN:**

Thank you. I'll ask you because it's directly on point. There was an article in Bloomberg talking about the Austin experience, and it goes to what you had mentioned and that is that those in the city were surprised that after some time, one of the things that they learned was that too often the so-called reusable bag was being used just one time and then being discarded, it was ending up at the landfills. I'm wondering -- and this article was not all that long ago, so I'm wondering, based on what you know of the Austin experience, if you find or if you hear that that is still the case, or how does that change and how does that change quickly?

**MS. OLSON:**

I think they are speaking specifically of these 4 mill bags. Because I was looking back before I got engaged in this process and thought, I don't want to go start advocating for something that didn't

make sense in the first place, so I went back to kind of look at it. And it was -- the thing they're not seeing in landfills, based on my reading, were the kind of bags that you're seeing. People don't throw them out; I have five-year old, ten-year old bags from my grandmother that are in the back of my car. But it's when we sort of try to tow this middle ground where we make something that's a heavier plastic bag that is \$0.10 instead of \$0.50 cents or something like that, that I think then we're not addressing the plastics issue and people tend to treat that bag more like we would the single-use bag and make it a five-use bag, but it's not really addressing the issue. So, I think if you're going to do it, go all the way.

**LEG. STERN:**

Very simply, this is still --

**MS. OLSON:**

It's that.

**LEG. STERN:**

-- in the landfill, but this is one not.

**MS. OLSON:**

Right, yeah. We use those at the beach, we take them to church.

**D.P.O. CALARCO:**

Okay. Legislator Trotta, do you have a question?

**LEG. TROTТА:**

Yeah, I was just reading a very similar thing, that it backfired. You know, I'm reading an article from this year, or just early last year, that a recent review concludes that *"Austin's bag ban has backfired creating more negative effects on the environment than the plastic bags it outlawed."*

**MS. OLSON:**

You know, I found a number of different articles and I think you all are -- you're used to this, right? It's a political issue. And so even in evaluating how effective it was, it's not that that political discussion doesn't go on. So some of the stuff I read I was like, *Oh, that's an interesting source to sort of evaluate the ban.*

**LEG. TROTТА:**

It says that, *"lowering the amount of single-use plastic bags made high density, polyethylene and (inaudible word), it actually is worse for the environment overall."*

**MS. OLSON:**

And the source on that one was -- what was the source on that one?

**LEG. TROTТА:**

CNCS News, I don't know what that is.

**MS. OLSON:**

Yeah. The other thing that came up in their reviews of the effectiveness of the ban was that they hadn't gotten an initial time snapshot. So then they couldn't really tell, are we making progress here or not? And so then the discussion kind of raged on. So I think it is worth considering some sort of cost effective investment IN what's the -- you know, through the million different methods of doing it, but in the waste stream and the landfills, what does the snapshot look like on Suffolk County now? So that in two years when there's enormous gains, you all can take credit for the brilliance of it; or if there's not, then you make adjustments and you figure out what you're seeing in

the landfills. But if we don't start knowing what the current situation is here, instead of Australia or someplace else, then you're not going to know if you're being effective in your public policy decisions either.

**D.P.O. CALARCO:**

Legislator Spencer, did you have a question?

**LEG. SPENCER:**

Me? No.

**D.P.O. CALARCO:**

No? Okay. Ms. Olson, thank you very much. Our next speaker is speaker Jane Fasullo, followed by April Mindlin.

**MS. FASULLO:**

Hi again. A couple of comments. First of all, the nice thing about being one of the later speakers is that I get to respond to other things I've heard through the evening, and some of those, I have to admit, caused me to want to speak on things I had not originally planned to.

The first is that from the plastic bag industry, the fellow presented you with a lot of facts and figures, but it is very deceptive insofar as he mentioned the percentage of bags that are in the environment, and yet he spoke about the tons that were being recycled. That's like comparing apples and oranges, you really don't get a good sense of the proportions there. If they were to be honest, they should be preparing or at least explaining both in terms of tonnage or explaining both in terms of percentage, not mixing them up.

They also spoke about the need for plastic bags and that if people did not have them from the store, they would go and buy them. Well, that may be very true, but I'd like to point out to you, as I have pointed out to the Village of Patchogue and to the Village of Port Jefferson and many other places, there were plastic bags all around us. Somebody just mentioned the Newsday bags; well, my phone book comes in a bag, my bread comes in a bag, my cereal box has a bag inside of it. There are bags just about every place that we look that will do for picking up that dog poop and for putting garbage in. In fact, even your toilet tissue comes wrapped up in a package, large as it is, makes a perfectly good garbage bag, so that your packages of four toilet tissues can be wrapped with another package of four.

There's plastic everywhere. Those people who say there's not enough plastic bags and we are harming the poor or the low income because they can't afford it, they need to rethink the sources of ways to replace what they currently have. And in that regard, I wanted to mention that this evening we heard about one form of plastic bag, and Ms. Martinez and Mr. Spencer received another form. It's called clothing-to-bags. We could create an entire industry on the amount of clothing that we throw away that can be very quickly and easily made into bags. In fact, last year at the Go-Green in Port Jefferson, there was somebody with a -- yes, I see a smile. There was somebody with a sewing machine, and people brought in, myself included, old sheets, old jeans, old t-shirts. Within minutes people could pick out the fabric they wanted and have a bag made. This could be an industry, if you're talking about creating business here on Long Island.

I also wanted to point out that one of the things about the \$0.05 incentivization, if you wish to call it that, I will give you \$0.05 if you don't take this real convenient back. It doesn't convince you, it doesn't convince me, it does not convince the majority of people here on Long Island. They would rather say I will not take your \$0.05 for the convenience of having the bag I would rather you give me. It doesn't work that way. You really cannot use \$0.05 any more now than the bill at \$0.05 is being successful. Yes, there were people who did, in fact, collect those bottles for an income --

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*(Beeper Sounded)*

Oh my God. Sorry.

**(\*Laughter\*)**

They're not doing it anymore. They're not living on that \$0.05, it has not kept up. So I'm going to -- even though I'm jumping over things here, I want to point out that Brookhaven Town has uniform recycling of all things. If you ask the people in Brookhaven Town, what is it that has cost them most in terms of recycling, they will tell you those plastic bags have jammed up their works and caused them to have to have people repair. That cost is borne by everybody, the rich and the poor, because we have to pay it in our taxes and those taxes --

**D.P.O. CALARCO:**

Ms. Fasullo, I need you to --

**MS. FASULLO:**

-- are shared by the rental.

**D.P.O. CALARCO:**

-- wrap up, your time's up.

**MS. FASULLO:**

Okay. Last thing, obviously, I really do believe that we need to start someplace and this law is a good start. Thank you.

***Applause***

**D.P.O. CALARCO:**

Thank you, Ms. Fasullo. Okay, our next speaker was April Mindlin, I was told that she has left, so we have next Jeanne Tonjes?

**MS. TONJES:**

Yes, sir.

**D.P.O. CALARCO:**

Okay. You can come right to the front table here.

**MS. TONJES:**

I'd like to bring up two things.

**MR. RICHBERG:**

Please speak into the microphone.

**MS. TONJES:**

I never waste a plastic bag. I put them in all the baskets in my house and I pick up the garbage that way. I don't think this is working. I think you can hear me without it.

**MR. RICHBERG:**

No, you have to speak into the mic.

**MS. TONJES:**

This way?

**MR. RICHBERG:**

Yes.

**MS. TONJES:**

*(Laughter)* Can you hear me now?

**D.P.O. CALARCO:**

There we go.

**MS. TONJES:**

Okay. I put all my plastic bags to use. I put one in every garbage around the house, garbage can, and I never waste them. I wait till they're full and throw them out. I don't -- I go to the store and I'm not allowed, because of having some surgery and past diseases 21 years ago, that I'm not supposed to lift even as much as a half-gallon of milk. In plastic bags, there's very little weight to it. If I have to add the weight of a carry-on bag to what I buy, it's going to limit how many bags I have to carry and I can't carry that many. I only have two arms and they're either used in a cane or at home with a walker.

Another thing, that I don't like using a recycled bag because I've heard all these stories from the news media about the germs that they carry without having them washed thoroughly after every use. I had -- five years ago I was in the hospital with an e-coli infection and I have to be very careful of these things so that I don't want any extra germs; at my age, I don't need them. I feel that if we buy frozen food, it's going to be seeping through a paper bag, because the food comes out of the freezer cold and it makes the condensation go through the bags. Therefore, I think you have to consider that there are handicapped people like myself who use a walker and we can hang a plastic bag, a light one, on the walker and carry things from room to room. You have not given any consideration to these -- to people who are handicapped in this respect. If you want us to dump the garbage loose in the can, we're going to have an awful lot of waste and an awful lot of dirt around the street, because the garbage men are not too careful.

*(Beeper Sounded)*

Now, when we have -- when we have a chance to use something and never waste it -- I fold them up, I roll them up and keep them all over the house, and I really would be devastated without them, and I really think you have to consider this along with other things. It isn't the cost of the \$0.08 a bag, but I can't carry a plastic bag -- I mean, I can't carry a cloth bag or a paper bag when I'm either using two canes, a wheelchair or a walker. So I think we need to educate the people and make it easier for them to dispose of them in a recycle bin. You have to hunt for the recycle bins.

**D.P.O. CALARCO:**

Ms. Tonjes, your time is up.

**MS. TONJES:**

So all I want to say is it's not the bags, it's the people you have to educate. Thank you.

**D.P.O. CALARCO:**

Thank you very much. Our next speaker is Krae Van Sickle; I hope I got that somewhat right -- followed by Bett Bunker?

**MR. VAN SICKLE:**

Yeah, Krae Van Sickle. I'm a resident of East Hampton and I'm here by myself and also representing the East End Chapter of the Surf Rider Foundation.

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Having the benefit of a lot of people having spoke before, I would just like to highlight a few things. The -- there have been -- like Carl Safina's letter really stated a lot of the things that I feel are relevant. There have been sea water samples that have shown six times more plankton in size, plastic bits than plankton in itself. The plastic bits are not only harming the other sea creatures, but they make their way into the food chain and so all of us sitting in this room have residuals of plastic compounds in our tissues. Newborns are found with not just one newborn, but pretty much every newborn has residuals of plastic in their systems. And as -- and as well as found in mother's milk. And as Carl Safina's letter also stated, these things are endocrine disrupters, they retard appropriate sexual development. So it's not just like something abstract, these compounds are having growing health impacts on us and certainly on our future generations.

The other consequence says there was a World Economic Forum that projects that there'll be as much pound-for-pound plastic in the sea as sea life. With these kinds of consequences, I would suggest that worst frequently dealing with what I would say false choices, it's not really -- how can we put the cost of paper versus plastic in the context of the kinds of impacts that we're facing with this amazing onslaught of plastic. I would say that this is a great beginning and I really thank you for considering this and hopefully passing this plastic ban, but it really should just be the beginning. What we really are looking -- what we need to obviously do, unless we want to have as much plastic in the sea as sea life, is we need to really have a sweeping change in the way that we think about how we, you know, satisfy our needs. And we have become habituated to being a throw-away society. I would suggest that, you know, we need to look far beyond the ban of plastic bags and consider not incremental steps, but sort of more comprehensive steps and reach a lot further than we are, although I agree that we need start somewhere and this is a great start. So, thanks very much.

### *Applause*

#### **D.P.O. CALARCO:**

Great, thank you. Our next speaker is Bett Bunker? Booker?

#### **MS. BARBIER:**

Barbier?

#### **D.P.O. CALARCO:**

Sure. We got a winner.

#### **MS. BARBIER:**

Okay. So a lot of people have said a lot of amazing things; Adrienne, the professor. I want to talk about Dioxin. I talked to kids at the supermarket and they've never heard, you know, the Vietnam War, they don't know Agent Orange. Dioxin is a really toxic carcinogen, and when you make plastic, you spew it out into the environment. When you recycle plastic, you're spewing out Dioxin, when you incinerate it you're especially doing it. They're finding it in the bodies of polar bears; it's not a naturally occurring substance in the bodies of polar bears. So that's one of the things.

The next thing is that the amount of oil, petroleum that it takes to make these bags is truly prodigious and frightening. This young man just talked about the endocrine disrupters. One of the classes I recently took about five years ago at Sarah Lawrence College talked about baby boys being born with congenital deformities of their reproductive systems and that there was concern that all of these endocrine disrupters could portend literally the end of the human race. I mean, it sounds, you know, like a wacko with a sign saying *The end is near*, but these are scientists that are saying that the chemicals that are being released are this way. I just saw a movie called Bag It, I suggest you guys all watch it. I went to Long Beach, a friend of mine brought me down there, and I saw necropsies of these animals who have eaten as plastics and their little bellies are full. There's an

island where like every albatross in the world goes to reproduce, and all the baby albatross is lying dead and they cut them open and their little bellies are full of plastic. And if you've never heard about what it's like to starve to death, I suggest you also read that because why would anybody do that to an animal? Why would anybody just so carelessly -- you know, are we that lame that we can't take an extra couple of minutes?

I am very absent-minded, so I literally have like 30 bags, and there are so many of them that I can't not remember them. I have little fold up ones like Legislator Fleming showed. I have -- there's a ton of bags in my car. I take other people's paper bags after they've used them from Trader Joe's. I'm not afraid of -- you know, I don't think they have germs on them necessarily, unless they look gross. But, you know, there's so many ways that we are so -- and we're teaching our children, not these kids that were here, but so many kids just don't care. And I talked to the kids at Checkers and they look at me like I've got three eyes or something when I'm worried about the plastic bags. And then I -- if I don't have a bag, I'll stuff stuff in my pocketbook and they think I'm nuts, but we can't keep doing it. And I think you've heard why, I don't think I need to keep going. Thank you all very, very much. Good night.

**D.P.O. CALARCO:**

Thank you. Our next speaker is Eric Alexander, followed by Jaden Christensen.

**MR. ALEXANDER:**

All right, guys. Good evening. So I'll applaud the County for -- and the sponsors, five sponsors for advancing this ban on plastic bags.

I think you've heard very eloquently all the environmental benefits, so I'll skip that.

Let me go to quality of life. One thing we do know about is the quality of our downtowns and local communities. The litter. We heard someone from Jersey tell us that there's litter in our communities; thank you. But, you know, it's worse, areas that aren't managed, you know, it's an issue. Those of us who have been through community clean-ups -- just about everybody around here, I've seen you at all of them through the years -- the blight, the cost of the maintenance, whether it be municipal, whether it be for property owners, whether it be for BID or some other group, or places that just don't get to clean them up. There's an issue, the bags are an issue, so let's just not -- we heard from Jersey, that's great, but for Long Island, let's get these out of the stream.

Small business community, we didn't hear a lot about the small business community tonight. We did poll folks, we worked very closely with the small business community on Long Island, we heard about them. Minimum wage is a problem, health care costs is a problem, access to credit's a problem, the Health Department in Suffolk County is a problem. No quarrel on plastic bags. Ban the bags, fine, move on. Long Island Business Council is in favor, various chambers were surveyed, we've heard from the Patchogue Chamber it's great. The bill allows for phase-in, it's revenue neutral, it's common sense. One quote which I'll just say, *We have survived for hundreds of years doing commerce in Long Island communities without them, so, good.*

So we heard from off-Long Island interests and, again, the businesses with 50 or less employees, you know, that are really community friendly, they're on board. We've heard from lobbyists from Wal-Mart, other things, lobbyists in DC. Again, it's important for businesses to understand the Long Island market and understand the values behind Long Islanders.

And I'll just end with this, and sometimes you've got to change your business model. You know, the business model changed from paper bags -- and I worked at King Kullen, I'm showing my age. I bag the paper bags, you know, back in the day -- showing my age here -- but, you know, it worked. It worked. There was no problem. So, again, if the market is changing back to an environmentally

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eco-friendly or community-friendly model, so be it. And the good news, the best news about Long Island is things come from the bottom up. We have local municipalities who take the lead in innovative legislation and we've heard that on the East End, we heard that in Patchogue. And again, some people say the East End, okay, that's wealthy folks, blah, blah, blah. You know, Patchogue is working class folks, it's working. You heard from elected officials, you heard from the business community.

So again, environmental benefits, reducing litter, you know, lowering clean-up costs, negligible impact to the small business community. And again, this is coming from local communities, from real people, it's not just an environmental thing. So that's why we're here. So we're glad to support it and thank you.

**D.P.O. CALARCO:**

Thank you, Eric.

### *Applause*

Our next speaker is Jaden Christensen, followed by Tara Bono.

**MS. CHRISTENSEN:**

Hi. Sorry for my sloppy handwriting. I'm Jordin Christensen.

**D.P.O. CALARCO:**

Oh, I'm sorry. I apologize.

**MS. CHRISTENSEN:**

There's an O and R for you. I'm with Citizens Campaign for the Environment and I'll be very brief. I just want to make a couple of quick notes on things that were already spoken about tonight. For one is Adrienne said we'll get you all stats on reusable bag use. But just so you know, those \$0.99 ones that you buy at the store, like when you picture going to Whole Foods or Stop & Shop, those only require eight to eleven reuses to become environmentally neutral, and a lot of the ones that we're seeing are single-use.

A lot of places just simply banned the bags that were 2.25 mill, so all of a sudden stores started ordering ones that were 3 or 3.5 mill and classified as reusable. However, when you think of, say, a Gap bag or a CVS bag, they're slightly thicker but you're probably only using it once. So the ones we think of as truly reusable usually get used a little bit more than that and, like I said, we'll get you stats on it.

And also, just for the record, that Bloomberg article was an opinion piece, it was a column. So there's tons of different ones from all over, we'll get you some other stuff from Texas and California.

Also, as to what Eric was just talking about, one of the things that we've worked a lot in some of the cities, including NYC on, is really with environmental justice organizations on this. So some of you probably know, New York City is considering a \$0.10 fee on plastic and paper, and a lot of the environmental justice organizations are drawing the fight in social justice groups because the majority of the garbage in the city is going to low income communities. Folks from Washington DC came up and testified that across all demographics they did a study in economic, race, everything; their fee is widely supported and that all demographics are increasing their reusable bag use. It isn't disproportionately affecting any particular community, so we expect nothing different in Suffolk. We would manage that regardless of people's age, race, income level, location, people are going to be able to remember to bring their own bags at pretty much the same rates that we're seeing across the nation.

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And then last but not least, I'll just give you a laundry list, and I'm sure you can guess what all these places have in common. But China, Bangladesh, Rwanda, Uganda, South Africa, Botswana, Italy, Denmark, Ireland, Washington DC, Brazil, Mexico, California, Hawaii, Seattle, Portland, Austin, Boulder, Westport, Connecticut, Larchmont Maramaroneck, Hastings on Hudson, New Palls, East Hampton, Southampton, Patchogue; they all have bag legislation. It's a global movement. And I know that we get sort of mired down in the details here, but the idea that we're using a bag for 12 minutes and then it's remaining in our ocean for hundreds of years is obviously not a sustainable way to go. We imagine that in the next couple of years these are going to be phased out all over the country and all over the world, and Suffolk is in the position right now to be a global leader on this still and we urge you to move forward as quickly as possible. Thank you.

***Applause***

### **D.P.O. CALARCO:**

Okay. Our next speaker is Tara Bono. Tara?

### **MS. BONO:**

Good evening, Legislatures. Thank you for the opportunity to speak today. My name is Tara Bono, a lifelong resident of Long Island and part of a coalition in Long Beach. Our organization is called BYObag, LV. We're also looking to do a very similar legislation there as well.

First I just wanted to make one thing very clear. So these bags are not free. I think it was said earlier that it wasn't an incentive, it was a penalty to put this \$0.10 surcharge. I personally, who don't use plastic bags and I always bring my own bag, I think it's a penalty on me to have to subsidize these people who think that they just get these reusable bags for free any time they go to the grocery store.

***Applause***

So there's that. There's also the taxpayers are subsidizing the clean-up costs for the infrastructure, picking up this waste when they clog storm drains and things like that. Also, the environmental impacts. We heard earlier today from the industry who says, *Education, we need to do more education. We need to do more recycling. This kind of thing is working.* I stood in this exact place, I think actually last time it was out in Riverhead when we had this conversation, and nothing has changed since then. I can probably count on one hand how many times a cashier has said to me, *Do you need a plastic bag with that?* It starts there, it starts at the register, it's about changing consumer behavior.

Right now, tonight is about plastic bags, but this whole movement is not just about plastic bags. Bags are 1% of our waste stream. It's a lot more than that. It has to start somewhere and it starts right here in Suffolk County and it starts with plastic bags. When people go to the register and they can either bring their own bag or pay \$0.10 for it, they think about that. Why do I have to pay \$.10 for this bag? Why is this important? Why do I need to do this? And they change their behavior, just like they did Ireland, just like they did in Washington DC, just like we did here two decades ago when we banned smoking in public restaurants. At first people thought that was crazy, why would they do that? Now it's just part of our consumer behavior. If you walked into a bar or a restaurant and somebody lit up a cigarette, you would look at them like they were crazy. That's exactly how it is in Ireland right now. If somebody has a plastic bag there, it's like, *Oh, that's a tourist*, or that's somebody who doesn't know what they're doing because that's not something that happens.

Anyway, that was just my two cents for tonight. I know there's a few more people to talk, but, again, I just want to encourage you to allow people to make a choice at the register. Either they bring their own bag, or if they need a bag they're going to pay \$0.10 for their bag. Not everybody is

subsidizing the people that are not using the bags. Thank you very much.

***Applause***

**D.P.O. CALARCO:**

Thank you. Okay, I have no more cards on this topic. Is there anybody else who would like to address the Legislature? Okay.

**MS. WILLIAMS:**

I gave a card in.

**D.P.O. CALARCO:**

Come on up and just state your name for the record and the Clerk will give you a new card.

**MS. WILLIAMS:**

Thank you. It's Kimberly Williams, and I am representing a group of people who, aside from being one of the people who might have been described earlier as non-existent people who can handle bringing my wallet, my phone and a bag into the store with me, I didn't grow up that way. I didn't grow up with a cell phone. When I got older was when I had this immediate need for having a cell phone with me at all times, and I think that the next generation can easily learn how to do that with a bag.

I'm also a coastal oceanographer. I'm one of the alumni that was spoken about earlier from the Marine Sciences Research Center at Stony Brook and a colleague of Carl Safina and some of the people who spoke earlier today who I'm really proud of, and I'm not going to go over any of the same details as them because I figure it's been hashed out enough. And I really appreciate, especially Dr. Spencer. I was so nervous to get up and speak. I speak in front of 150 students a day and it doesn't scare me at all, but it's usually screaming over the wind as we're beach-cleaning and when we're out on field trips and I'm teaching them marine science and I'm preaching to the choir. And I was so nervous when I saw that I was going to get to actually thank you so much, Dr. Spencer, for putting this forward and everyone here for considering it. And then my boss came in and I got really scared (*laughter*), but she left to help the high school kids go home.

So I just want to thank everybody for helping be a leader in clean waterways and clean environment. Over the last 20 years of my career, my students and I have been blown away by the increase in the single-use plastics that we find on our beaches and in our waterways. And other than just being an eye sore, they really are a wild life accident waiting to happen. We have studied and seen -- my students and I have seen the documentation and photos of our colleagues who are wildlife researchers and rescuers who work tirelessly to remove items such as plastic bag pieces, from sea turtles, marine mammals and terrestrial wild life. And some of these animals are here on Long Island using our waters, and we have the people here who do that for a living. So families who have become accustomed in the last few years just shopping at stores like we've mentioned here tonight, Costco and BJ's, can become accustomed to using bags. I know that we can do it, too. And this is a legacy that all of you and all of us can leave to our -- those kids that I teach every day and future taxpayers and future voters, and it's going to ensure the move in the right direction. One thing everybody here has in common is that we all love to live on an island, so this cost of living is worth something to those -- the next generation, and I thank you again for considering this. So please vote yes on this. Thank you again.

**D.P.O. CALARCO:**

Thank you, Ms. Williams. And I do have a card for you, it was just under a different bill number because you had it labeled wrong, the bill number, but that's okay. Thank you for your testimony. Anybody else who would like to address the committee? Come on -- well, the Legislature, excuse

me. Come on up.

**MR. POVALL:**

Hello, everybody. Thank you so much for having this hearing tonight. My name is George Povall, I am from an environmental group called All Our Energy. We are about advocating for renewal energy and for local environmental issues and this is one of them. And we are taking up the fight in Long Beach, which is not really turning out to be so much of a fight. The Chamber of Commerce is on board with a similar type of situation. We don't know what legislation might come from it, but there are a couple of things that I would like to say in response to some of the things that were said tonight.

So the first thing I want to ask is I understand that each one of you has about 88,000 constituents, and I would just like to put it into terms that maybe you're not aware of. But each one of your districts is responsible for somewhere to the tune of about 27 million plastic bags every year, and that's a huge number when you think about that. And that's a very low estimate. By New York City standards, the estimates that they're using for their plastic bag ban that they're talking about would be somewhere about 40 million, but we know we don't have the take-out culture that they do there. So that's a huge burden when you put it into the perspective of not just one person with one or a couple of plastic bags; but when you look at hole of how many are going into our system, it's large and we should do something about it.

So like Jordin had said from CCE, this is a movement that is definitely gaining ground. We are talking to people on the street about it and people are just like, *Yeah, they get it. They totally get it,* and forget about it, talk to anybody 30 years old, they really get it.

So one of the other things I would like to say about merchants that are concerned about backlash, and I've had this discussion with many of the merchants, we are reaching out directly to them in Long Beach. And some of them had said, *Well, I really prefer something like this to be voluntary,* and I've explained to them, the problem is that it is voluntary right now and it's not working. So once they sort of start seeing that, they sort of understand that maybe there is a better way.

So what they also don't understand is that if this is a law, the backlash isn't going to be against them, it's going to be against you, okay. So -- and how are you protected by that backlash is you're protected by that backlash because this is something that the people want to see done, and especially people who are actively, politically involved. So I do appreciate you having us here tonight and I really thank you for giving me a few minutes of time and I hope you will seriously consider taking this matter up. Thank you so much.

***Applause***

**D.P.O. CALARCO:**

Thank you very much. Okay. Is there anybody else who would like to address us this evening? Anyone? Okay. Legislator Spencer?

**LEG. SPENCER:**

Motion to approve.

**D.P.O. CALARCO:**

We're not approving anything tonight, Doc.

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

**LEG. SPENCER:**

I'm sorry. Motion to close.

**D.P.O. CALARCO:**

I have a motion to close by Legislator Spencer.

**LEG. D'AMARO:**

Second.

**D.P.O. CALARCO:**

Second by Legislator D'Amaro. All those in favor? Opposed? Abstentions? IR 1207 is closed.

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**LEG. SPENCER:**

It's worth a try.

**D.P.O. CALARCO:**

The public hearing is closed,

Okay, I have a few more public hearings to get through before we can get back to the agenda, and I do have a few more cards left for those people that have held out.

***(Public Hearing on) IR 1225-16 - Adopting Local Law No. -2016, A Charter Law to ensure balanced representation on the Planning Commission (Fleming).*** I have no cards on this particular topic.

Is there anybody in the audience that would like to address us this evening on this? Seeing none, Legislator Fleming.

**LEG. FLEMING:**

Motion to close.

**D.P.O. CALARCO:**

Motion to close by Legislator Fleming.

**LEG. KRUPSKI:**

Second.

**D.P.O. CALARCO:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**D.P.O. CALARCO:**

The public hearing is closed on IR 1225.

***(Public Hearing on) IR 1229-16 - Adopting Local Law No. -2016, A Local Law amending Chapter 563 of the Suffolk County Code to permit use of a government issued passport as acceptable personal identification (County Executive).*** I have no cards on this issue. Is there anybody in the audience who would like to address us this evening on this matter?

**LEG. HAHN:**

Motion to close.

**D.P.O. CALARCO:**

Seeing none, I have a motion to close by Legislator Hahn. I will second that motion. All those in favor? Opposed? Abstentions?

The Public Hearing on 1229 is closed.

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**D.P.O. CALARCO:**

***(Public Hearing on) IR 1230-16 - Adopting Local Law No. -2016, A Local Law to ban the manufacture of synthetic cannabinoids and synthetic cocaine in Suffolk County (Spencer).***

I do have one card on this issue, Jae Lin wha? I hope I didn't butcher that name too badly. It's the number they filled out on the card, Jae Lin wha. No? Okay. Is there anybody else in the audience who would like to address us on this issue tonight?

**LEG. SPENCER:**

Motion to recess.

**D.P.O. CALARCO:**

Motion to recess by Legislator Spencer. I'll second that motion. All those in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**D.P.O. CALARCO:**

IR 1230, the Public Hearing is closed -- is recessed, excuse me.

***(Public Hearing on) IR 1236-16 - Adopting Local Law No. -2016, A Local Law to regulate the use of the term "Organic" by dry cleaning establishments in Suffolk County (Hahn).*** I

do have a few cards on this topic. The first one is Frank Whitehouse. Frank, are you still here? I do not see him. He has left for the evening, okay. Our next speaker is Bettina Barber?

**MS. BARBIER:**

On the plastic.

**D.P.O. CALARCO:**

No, we are on IR 1236, a Local Law to regulate the use of the term *organic* by dry cleaning establishments.

**MS. BARBIER:**

I thought I already spoke on that?

**D.P.O. CALARCO:**

That was a different public hearing on dry cleaning.

**LEG. McCAFFREY:**

She went already.

**D.P.O. CALARCO:**

I think we heard pretty much from you on the dry cleaning issue.

**MS. BARBIER:**

Yes, you heard from me on the dry cleaning.

**D.P.O. CALARCO:**

Okay, thank you very much. Okay. I have no other cards on this topic. Oh, come on up.

**MS. NEALIS:**

Nora Nealis from the National Cleaners Association, and I'm going to make your night. We support. We think it's disingenuous for cleaners to suggest that they're chemical-free and that the use of the term *organic* should be prohibited in advertising the services. Have a good evening, gentlemen.

**D.P.O. CALARCO:**

Thank you so much. Does anybody have any questions?

**LEG. HAHN:**

Motion to close.

**D.P.O. CALARCO:**

Motion to close by Legislator Hahn. I'll second the motion. All those in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Fifteen (Not Present: Legislators Lindsay & Spencer - Absent: Legislator Barraga).*

**D.P.O. CALARCO:**

The Public Hearing on 1236 is closed, and I will hand the mic back over to the PO.

**P.O. GREGORY:**

Okay. Before we get back to IR 12 --

**MR. NOLAN:**

Thirty-three.

**P.O. GREGORY:**

1233, we have to do the Consent agenda. I'm going to make a motion to approve the Consent --

**D.P.O. CALARCO:**

Calendar.

**P.O. GREGORY:**

Calendar, excuse me.

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Fifteen (Not Present: Legislators Lindsay & Spencer - Absent: Legislator Barraga).*

**Government Operations, Personnel,  
Information Technology & Housing (Cont'd)**

**P.O. GREGORY:**

Okay, we're back to **1233** on page six (***Amending the Classification and Salary Plan to add several new titles to the Board of Elections, make certain deletions and change salaries within current appropriations***). We had Mr. LaLota here earlier to answer some questions. We had the break for the Public Hearing. Is there anyone else that has any questions?

**LEG. KRUPSKI:**

Where did he go?

**P.O. GREGORY:**

I think he might have left the building.

**LEG. D'AMARO:**

Motion to table.

**P.O. GREGORY:**

Motion to table by Legislator D'Amaro.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

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

**LEG. McCAFFREY:**

Why are we tabling this?

**LEG. D'AMARO:**

Well, only because we didn't have an opportunity to speak with the Commissioner.

**P.O. GREGORY:**

Well, we did -- go ahead, go ahead.

**LEG. McCAFFREY:**

Yeah, we did. And I went around almost the whole horseshoe -- maybe I missed you or you were up -- I asked anybody if they had any -- we had to cut it off because of the Public Hearing, so I went around and asked if anyone wanted to speak to the Commissioner, he would be waiting outside and would be glad to speak with them. I may have missed you.

**LEG. D'AMARO:**

Yeah. Well, when is our next -- what do we have, a two-week turnaround? Is it two or three?

**P.O. GREGORY:**

Three.

**LEG. D'AMARO:**

Three, right; three week turnaround?

**MR. NOLAN:**

Two weeks.

**LEG. D'AMARO:**

I don't know. I did have some questions for the Commissioner.

**LEG. McCAFFREY:**

Are there any -- maybe I can -- because I've been speaking with him; is there anything I can help you with?

**LEG. D'AMARO:**

Well, he was recently quoted as saying that this would create a merit system and I wanted to ask him what he meant exactly by that merit system. Whose merit system was it, who's going to make the decisions? And, you know, I had some more basic questions about why does he need 58 different job titles.

**LEG. McCAFFREY:**

I think what he said was that that merit system exists right now and it exists within four job titles and he wanted to allow it to exist within a greater amount of job titles. I mean, look, I think this department has been running pretty good. They've gone out there in terms of technology. They were the only department to return 12% of their budget back to us. So he thinks that there's more efficient use of their resources. They can -- their overtime costs could be lower because they would be having people working in lower job titles instead of those four big job titles. There's only four job titles, and what they want to do is just make more of them and allow for more flexibility. So if they have a certain amount of money that they want to give raises for, and instead of giving four people, you know, \$2,000, they can give eight people a thousand dollars.

**LEG. D'AMARO:**

Right. But the difference is when you have these job titles within the Civil Service system, the promotions and advancement are based on time served. It's a little different than giving a Commissioner the authority to move people up and down in all of these different -- 58 different job titles.

**LEG. McCAFFREY:**

Right, and this has existed in the Board of Elections since the beginning of time.

**LEG. D'AMARO:**

But between the four, between the four titles.

**LEG. McCAFFREY:**

Yeah, they can move them within the four.

**LEG. D'AMARO:**

I wanted to ask him who he was thinking of specifically when he wanted to change over the system. You know, I wanted to get a little more into, well, which job descriptions are going into which slot and why. You know, how are you going to justify taking an employee today that's making X and giving them less tomorrow?

**LEG. McCAFFREY:**

No, they're not looking to reduce anybody's salary. They're looking more on the end of -- if they were able to give increases to people and move them through the system, maybe start them at a lower rate. In fact, I think that's one of the things they want to do. They have a lower starting rate here and then they can move them through the system; instead of bigger jumps, small, incremental increases. No one, from what I'm being told, is being reduced.

**LEG. D'AMARO:**

Yeah, but just remember, it's not a Civil Service system where you advance on merit or time. You're advancing at the whim of the Commissioner.

**LEG. McCAFFREY:**

It's the Board of Elections and it's been like that since --

**LEG. D'AMARO:**

Right, but when you have these different -- when you have all of these job titles, there's a lot more discretion involved then.

**LEG. McCAFFREY:**

All right, I guess there could be, but their intention is not to reduce people into lower job titles, it is giving them the ability to start people at a lower starting salary than was previously allowed, which gives them a lot more flexibility. And as I said, this is a well-run department. I mean, they are -- I don't know a single department that has returned 12% of their budget, \$1.7 million they returned to us last year that they didn't spend. So they're definitely not misusing the money and I don't anticipate that either one of those Commissioners will be misusing this payroll system. In fact --

**LEG. D'AMARO:**

Yeah, no, I don't think they'll be misusing it, I'm not saying that. I'm just trying to understand the rationale behind -- what's wrong with the system the way it's set up now?

**LEG. McCAFFREY:**

Because if they want to give an increase, it's a big increase that they have to give. So instead of rewarding maybe eight people he feels that are doing a good job, he can only reward four at bigger increases to stay within the budgetary constraints.

**LEG. D'AMARO:**

Okay.

**LEG. McCAFFREY:**

Motion to approve.

**MR. NOLAN:**

We have that.

**LEG. McCAFFREY:**

Oh, you do?

**P.O. GREGORY:**

Anybody else on this?

**LEG. D'AMARO:**

All right, I'll withdraw my motion to table then.

**LEG. McCAFFREY:**

Thank you.

**P.O. GREGORY:**

Okay. All right, so we have a motion to approve and a second.

**LEG. MURATORE:**

Second.

**P.O. GREGORY:**

All right. All in favor? Opposed?

*(\*Legislators Hahn & Anker raised hands in opposition\*)*

Abstentions?

**MS. ELLIS:**

*Fourteen (Opposed: Legislators Hahn & Anker - Not Present: Legislator Lindsay - Absent: Legislator Barraga).*

**P.O. GREGORY:**

All right, let's see what we can do here.

### **INTRODUCTORY RESOLUTIONS**

#### **Budget & Finance**

Page five, ***IR 1052-16 - Amending the 2016 Operating Budget to provide funding for L.I. Against Domestic Violence, Inc. (Hahn).***

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn. Second by Legislator Muratore. On the motion, anyone? All in favor? Opposed? Abstentions?

**LEG CALARCO:**

Tabling Resolutions.

**P.O. GREGORY:**

Oh, I'm sorry. I got ahead of myself. Go ahead, you can call it.

**MS. ELLIS:**

Sixteen.

**P.O. GREGORY:**

Okay. There is a tabling motion -- a resolution under Tabled Resolutions.

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

### **TABLED RESOLUTIONS**

**P.O. GREGORY:**

***IR 1101-16 - Authorizing the transfer of certain properties to the Suffolk County Department of Economic Development and Planning, Division of Real Property Acquisition and Management (the Northern part of which having been assigned the Suffolk County***

**Tax Map Identification Number of District 0200 Section 140.00 Block 04.00 Lot 030.000) (County Executive).**

**LEG. ANKER:**

Motion to table.

**P.O. GREGORY:**

Motion to table by Legislator Anker. Second by Legislator Hahn. Anybody on the motion?

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

Okay. All in favor? Oh, I'm sorry.

**LEG. KRUPSKI:**

On the motion?

**P.O. GREGORY:**

On the motion.

**LEG. KRUPSKI:**

So the motion to table, do we have a plan or an end-game here?

**LEG. ANKER:**

At this point, this property really needs to be vetted with the civic association. The community knows nothing about this, so it's really not fair for the community to move this through until they have their, you know, their say no it.

**LEG. KRUPSKI:**

Do you have a plan to meet with them?

**LEG. ANKER:**

Yes.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay, back to page five, **Budget & Finance (Cont'd):**

***IR 1095-16 - Adopting Local Law No. -2016, A Local Law to waive contract agency requirement in 2016 (Presiding Officer Gregory).*** I make a motion. Do I have a second?

**D.P.O. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco. Anybody on the motion?

**LEG. CILMI:**

Yeah.

**P.O. GREGORY:**

Okay.

**LEG. CILMI:**

So this is a bill that on a blanket level would waive what requirement exactly?

**P.O. GREGORY:**

In the Omnibus there's a \$5,000 minimum for contract agencies --

**LEG. CILMI:**

Uh-huh.

**P.O. GREGORY:**

-- because of the cuts that were implemented. Some fall below, I think it's like 4250.

**LEG. CILMI:**

Gotcha.

**P.O. GREGORY:**

Or it's below that, so it allows us to fund those agencies without violating the --

**LEG. CILMI:**

Okay.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1100-16 - Adopting Local Law No. -2016, A Charter Law requiring joint certification of County Operating Budget (Presiding Officer Gregory).*** Same motion, same second. Anyone have a question?

**LEG. CILMI:**

I do.

**P.O. GREGORY:**

Okay.

**LEG. CILMI:**

So this bill -- what's the purpose of this bill exactly? I know what it does, but why?

**MR. NOLAN:**

The reason we put this bill together is because presently -- traditionally the Clerk of the Legislature has been certifying the Operating Budget after, you know, the Legislature completes its work on the

budget. And it just -- actually --

**LEG. CILMI:**

From what perspective?

**MR. NOLAN:**

That it's accurate. What's published complies and is consistent with what work was done, you know, during the process of getting a budget from the County Executive and then the Legislature going through its amendments. And, you know, I would defer to Dr. Lipp, he can explain the process better, because basically what has been happening is Budget Review works with the Budget Office every year to do this process and they have the extra piece to do it, but Dr. Lipp can certainly explain it better than I.

**MR. LIPP:**

We're just basically telling Jason, after we vet it out, that, *Okay, sign it now*. So at the end of the day, it's the Budget Office and the Budget Review Office that have to get together to agree on signing it.

**LEG. CILMI:**

And by certifying it, what exactly are you saying?

**MR. LIPP:**

That the change -- basically the changes made from recommended to adopted -- for instance, the Omnibus -- is made appropriately.

**LEG. CILMI:**

Okay. So you're not certifying that it's balanced or --

**MR. LIPP:**

What?

**LEG. CILMI:**

Or are you?

**MR. LIPP:**

No, we're not doing that. By definition it is balanced because the adopted budget --

**LEG. CILMI:**

Well, it depends on your definition.

**MR. LIPP:**

Well, we're not saying either that we think revenues are too high or too low and ditto with expenditures.

**LEG. CILMI:**

Right. So you're just certifying that the changes that the Legislature made are, in fact, incorporated into the budget.

**MR. LIPP:**

That's basically it.

**LEG. CILMI:**

Okay, thanks.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1163-16 - Approving County funding for a contract agency (Three Village Historical Society).***

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1228-16 - Approving County funding for a contract agency (Eastville Historical Society)(Fleming).***

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**Economic Development**

**P.O. GREGORY:**

***1006-16 - Adopting Local Law No. -2016, A Local Law to update and strengthen the hotel and motel tax statute (Lindsay).*** Motion by Legislator Lindsay.

**LEG. FLEMING:**

Second.

**P.O. GREGORY:**

Second? I'll second. On the motion, anyone?

**LEG. FLEMING:**

I'll second it.

**P.O. GREGORY:**

Okay, I'm sorry. Second by Legislator Fleming. On the motion, anyone? All in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**Environment, Planning & Agriculture**

**P.O. GREGORY:**

***IR 1168-16 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, TDG Jamesport Owner, LLC – Town of Riverhead (SCTM No. 0600-068.00-01.00-035.000) (Krupski).***

**LEG. KRUPSKI:**

So moved.

**LEG. HAHN:**

*(Raised hand).*

**LEG. FLEMING:**

Second.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1169-16 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, estate of Dominick Mennuti – Town of Brookhaven (SCTM No. 0200-713.00-03.00-002.001) (Browning).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1171-16 - Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, TDG Jamesport Owner, LLC – Town of Riverhead (SCTM No. 0600-047.00-01.00-003.003) (Krupski).***

**LEG. KRUPSKI:**

So moved.

**P.O. GREGORY:**

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

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1187-16 - Amending the 2016 Capital Budget and appropriating PAYGO funds in connection with the New Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection for Land Acquisitions (CP 8714.211) (County Executive).*** Motion by Legislator Krupski. Second by Legislator Hahn. Anyone? All in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1221-16 - Amending the Adopted Resolution No. 252-2015, in connection with a Pilot Program for the Installation of Alternative Wastewater Discharge Systems (County Executive).***

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Fleming.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator Krupski. On the motion, anyone? All in favor? Opposed? Abstentions?

**MS. ELLIS:**

*Seventeen (Absent: Legislator Barraga).*

**Government Operations, Personnel, Information Technology & Housing**

**P.O. GREGORY:**

***IR 1149-16 - Adopting Local Law No. -2016, A Local Law to amend Chapter 42 of the Suffolk County Code to authorize the indemnification and defense of Hearing Officers appointed by the County (County Executive).***

**D.P.O. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

Second by Legislator Hahn.

**LEG. D'AMARO:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. Is there anyone present who can answer a few questions about this?

**MR. BRAUN:**

I hope I can.

**LEG. D'AMARO:**

Oh, hey. How are you?

**MR. BRAUN:**

Legislator D'Amaro, Bob Braun, County Attorney's Office.

**LEG. D'AMARO:**

Thanks, Bob. So this is another instance where the County wants to offer indemnification for a non-County employee?

**MR. BRAUN:**

Well, the Hearing Officers -- excuse me -- who work at the Traffic Violations Bureau are in all senses --

**MS. MAHONEY:**

Please speak into the microphone.

**MR. BRAUN:**

I'm sorry. The Hearing Officers at the Traffic and Parking Violations Bureau are, in all sense, County employees except that they're judicial employees and independent in their judgment. But in terms of when they come to work, where they go to work, what schedule they're on, they're in every other respect the equivalent of an employee. So our office analyzed that situation and they came to the conclusion that it would be appropriate for us to indemnify them, especially since the State isn't, which if they were judges in the State system, the State would be.

**LEG. D'AMARO:**

So their salary -- are they full-time?

**MR. BRAUN:**

Yes.

**LEG. D'AMARO:**

They're full-time employees of Suffolk County?

**MR. BRAUN:**

Well, they're full-time employees --

**LEG. D'AMARO:**

Whose name is on their paycheck?

**MR. BRAUN:**

I believe it's the County's name.

**LEG. D'AMARO:**

The County's name. But they're independent in the sense of making their schedule?

**MR. BRAUN:**

No, they're only independent in terms of the exercise of their judgements as Hearing Officers.

**LEG. D'AMARO:**

Right. But otherwise, they're employees of Suffolk County.

**MR. BRAUN:**

Yes. But they each have individual --

**LEG. D'AMARO:**

So they're their own boss, so to speak.

**MR. BRAUN:**

Right, and they each have individual employment contracts with the County.

**LEG. D'AMARO:**

Why do they need employ -- well, they can have an employment contract and still be an employee. But they don't make their own hours, right?

**MR. BRAUN:**

Correct, they don't.

**LEG. D'AMARO:**

They have set hours, per contract?

**MR. BRAUN:**

They're told where to be, when to be there.

**LEG. D'AMARO:**

You wouldn't consider that -- it's not an independent contract?

**MR. BRAUN:**

Well, there are some aspects of their agreement with the County that resemble independent contractors.

**LEG. D'AMARO:**

Right.

**MR. BRAUN:**

And their agreements -- their written agreements are as if they are independent contractors, but the level of control that the Traffic and Parking Violations Bureau has over them really makes them very similar to employees. And again, they have no other source of indemnity. If someone were to sue them for what they thought was an exercise of abuse in their judgment in deciding a case, they'd be on their own.

**LEG. D'AMARO:**

But under their employment contracts, they work full-time for Suffolk County?

**MR. BRAUN:**

Yeah.

**LEG. D'AMARO:**

They don't have any outside employment?

**MR. BRAUN:**

I don't believe they do. I'm not really clear on the answer to that, but this would only, in any event, be with respect to their official duties.

**LEG. D'AMARO:**

Right, I understand. So your department, the Law Department does not consider them as like an independent third party contract.

**MR. BRAUN:**

This is really a unique scenario. There's nobody else that is in the same situation.

**LEG. D'AMARO:**

We hire other individuals by contract, don't we?

**MR. BRAUN:**

We do. But, for example, if we hire somebody to perform a particular service, we don't tell them what time he has to be there, when he has to start, when he has to finish. We just tell him, *Here's the service that you're providing and we need it finished by, for example, next Tuesday.*

**LEG. D'AMARO:**

Right. But there's a higher level of control on a Hearing Officer?

**MR. BRAUN:**

Yes.

**LEG. D'AMARO:**

Okay. Has there ever been an instance where indemnification was needed, or defense was needed but it wasn't provided by the County, that you know of?

**MR. BRAUN:**

I don't believe it has happened yet, but there's been some concern that it could happen.

**LEG. D'AMARO:**

Is there something specific that's pending that could lead to that?

**MR. BRAUN:**

I'm sorry?

**LEG. D'AMARO:**

Is there an instance pending that could lead to that, a potential claim against one of the Hearing Officers?

**MR. BRAUN:**

Not that I'm particularly aware of. And let me also say that the Consumer Affairs Hearing Officers are in a similar situation to these Hearing Officers, that's why the bill doesn't address specifically the Traffic Parking Violations Bureau, but it could apply to the Hearing Officers at Consumer Affairs as well. Again, we talk --

**LEG. D'AMARO:**

Well, as long as the County exercises some level of control over time, place and manner of employment.

**MR. BRAUN:**

Exactly.

**LEG. D'AMARO:**

Yeah, I think we're okay. All right, thank you.

**MR. BRAUN:**

Thank you.

**P.O. GREGORY:**

Legislator Trotta.

**LEG. TROTТА:**

These are the TVB guys that I get complaints about for being rude and obnoxious to the citizens of this County?

**MR. BRAUN:**

I'm not aware of what complaints you're getting, Legislator.

**LEG. TROTТА:**

I'm getting a lot. So why would we take this on?

**MR. BRAUN:**

We formed the Traffic and Parking Violations Bureau and we also have Hearing Officers, as Lisa reminds me, who work for Consumer Affairs who are supposed to be neutral magistrates and exercise their own judgement in deciding the issues that have been brought before them. In the case of the Traffic Court, the traffic issues; after listening to the hearing, testimony from police officers and so forth, they're supposed to make an independent judgment. But we tell them when to come to work we tell them where to be, what time to be --

**LEG. TROTТА:**

Why would we take this on? Why would we take on the cost, the possible cost of doing this?

**MR. BRAUN:**

Unlike any other situation where either somebody is actually an independent contractor and exercises -- you know, sets his own work hours and decides when to do what he's supposed to do.

**LEG. TROTТА:**

Why would we take this on? Why would we take on the liability of having to represent them and pay this; why would we do that?

**MR. BRAUN:**

Because they're otherwise unrepresented and unindemnified.

**LEG. TROTTA:**

Would they quit if they didn't do this? It's been open for two years; have any of them quit because of this?

**MR. BRAUN:**

Not that I'm aware of, no. I don't think anybody has quit over this issue.

**LEG. TROTTA:**

Thank you.

**MR. BRAUN:**

A representative of Consumer Affairs is here as well, if you'd like to hear from them.

**P.O. GREGORY:**

Okay, Legislator Spencer.

**LEG. SPENCER:**

Hi. When I think of indemnification where, you know, we have law enforcement officers that have weapons or people that are operating machinery or vehicles where they're in the process of carrying out their responsibility to the County and something happens and they're covered, I'm a little confused when we think of someone that's a Hearing Officer when they're indemnified or we're covering them in response to their duty.

**MR. BRAUN:**

Right.

**LEG. SPENCER:**

They have -- in order for them to potentially be liable would mean that there would have to be an interpretation that they're acting out of the scope of their duty.

**MR. BRAUN,**

Well, no, they didn't discharge their duty in a proper way, that they abused their discretion or they didn't properly consider the evidence. I mean, what somebody might allege in a lawsuit against one of them --

**LEG. SPENCER:**

Doesn't necessarily mean --

**MR. BRAUN:**

-- doesn't make it correct.

**LEG. SPENCER:**

Sure, I agree with that. My question then would be is this indemnification -- because a blanket indemnification where what if within the scope of their duties that it is found that they consciously acted out of, you know, what we would deem -- if they're someone that we're holding responsibility for, usually we have some oversight, you know. So what is our -- they're independent contractors, but usually with oversight we have a right to set standards that would cover the indemnification. Are we able to do that, to say that, you know, you're indemnified if you are acting within a reasonable, you know, standard? But what if someone is just blanketly acting out of prejudice or out of the scope of their duty or something?

**MR. BRAUN:**

I think initially they would qualify for us to review what happened, and there, I guess, could be circumstances where we could decline to proceed. Because even for in the case of a Police Officer, if he intentionally commits murder, he's not discharging his duties.

**LEG. SPENCER:**

Exactly. But we have oversight and they acted -- if we find that they didn't act within the standards that we set forth or breaking the law, then we have the right or, you know, we don't have to cover them. In this particular situation, do we have that have same discretion as this legislation is written?

**MR. BRAUN:**

I believe we do. I don't think that this requires us to provide indemnity in defense under all circumstances, regardless of the conduct, but rather within the reasonable exercise of their judgment as Hearing Officers.

**LEG. SPENCER:**

I appreciate that. I'm just going to -- and I definitely trust your opinion. But just to our Counsel; George, if I could ask. I mean, under the way -- the way this legislation is written, is this a blanket indemnification once we pass this and offer it, or would there be some discretion where we see that someone is obviously acting negligently? I mean, because as I read it, it doesn't seem -- it seems that we're just offering the indemnification. So I would be curious as to your interpretation as someone that helps to craft this legislation.

**MR. NOLAN:**

Well, I think if the Hearing Officer is acting within the scope of his responsibilities and there's a claim that he did something improper, then that's when -- you know, and he's sued, then he's going to offer the thing to us to provide the defense and any indemnification that might be necessary. So I don't consider it like a blanket indemnification. And it's a little hard for me to even think about how a Hearing Officer is going to ultimately be held liable, you know, for a judgment he makes in a hearing.

**LEG. SPENCER:**

I agree, which they would have to be so egregious to require an indemnification in the first place. So if we defend them and they were just egregiously acting, we would now pay for the defense, we'd give him that indemnification, then we find later that -- in that hearing that they don't prevail, that they did act just completely outrageously out of the scope, then we're still on the hook and we're now liable for that. Is there any -- you know, that's why -- you know, unlike a vehicle or a gun or a situation that's left open to interpretation, a Hearing Officer is rendering -- I mean, it would take a lot for them to require defending.

**MR. NOLAN:**

I think that -- I do think that the Hearing Officers are looking for the defense. To pick -- I don't think anybody is really terribly concerned that a Hearing Officer is going to be held liable for some conduct. I think it's really they want us to pick up their defense. The AG -- according to Dennis Brown, I talked to him about this, the Attorney General has just said we're not going to indemnify these people, and I think the County is concerned that they're not going to be able to get Hearing Officers, they are going to begin to lose people unless they do this, and that's why they offered it.

**MR. BRAUN:**

And excuse me, if I may. I'm told that Consumer Affairs is having some issues with hiring Hearing Officers just over this issue. If we may change people at the microphone for a moment.

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

**DIRECTOR ANDREWS:**

Good evening. My name is James Andrews, and I am right now the Director of the Department of Consumer Affairs.

This change came about for us because we had originally issued a County contract, and in the County contract there was a clause in there that stated that the County wanted to be indemnified against a Hearing Officer's decision. Now, the way a Hearing Officer operates in the Department of Consumer Affairs is they come in and they hold our hearings for us, and they make a recommendation to the Director as to a notice of decision. The Director, being myself, and the Department designees, as designated by our Commissioner, Frank Nardelli, has the final say on all decisions that come through all of our hearings. So, in essence, a Hearing Officer is working as a part-time employee for our department. I do all their scheduling, they report directly to me, all their work is reviewed by me.

There were three hearing officers, one who happens to be a partner at a law firm called Cullen and Dykman. And if anybody knows of that law firm, it's a very big law firm in Nassau County who had an issue with the indemnification clause. He did -- couldn't understand why he would have to be -- the County would have to be indemnified. And you'll have to excuse me, it's been a long day and I'm a little tired. And I have small children at home, so I'm a little sleep deprived. But he couldn't understand why the County wanted to be indemnified against the recommendation that he would be making. His decision is not final. I can't speak on Traffic and Violations, because I do not work there, but in the Department of Labor, Licensing and Consumer Affairs, a Hearing Officer makes a recommendation based on the information presented at that hearing. Then that Hearing Officer provides me with a hearing report, and, at that point, I review all the documents that were presented at the hearing and I make the final determination. Their main question was why do they have to be -- why do they have to indemnify the County against their recommendation. Now --

**LEG. SPENCER:**

I get that. I get that, but I understand why they shouldn't have to indemnify us. But we're saying the converse, we're saying we're indemnifying them. If you make the final decisions and you're making the judgments at the end of this, then why do we need to indemnify them?

**MR. BRAUN:**

If an aggrieved violator at the Consumer Affairs or at the Traffic and Parking Violations Bureau were to say, well, the -- in the case of Consumer Affairs, the recommendation that he made was ungrounded on the facts, he made up all the facts in his report, the Director of Consumer Affairs had no valid basis to come to his conclusion because the report he was given was not accurate, then that Hearing Officer would want the County to say -- at least to defend him, to say, "No, that's not the case." We -- we would come forward and say that he discharged his duty properly. And since it's the Department that's making the final determination anyway, we would probably be already liable in that instance for any indemnity, but the individual himself would want to be the defendant and indemnified if something was to be held against him personally.

**LEG. SPENCER:**

I have tortured my colleagues enough with a five-hour hearing, so I will yield. But I'm not satisfied, but I will yield. Thank you.

**P.O. GREGORY:**

Okay. I have a long list. Legislator Kennedy.

**LEG. KENNEDY:**

In TVB, are all the Hearing Officers attorneys?

**MR. BRAUN:**

Yes.

**LEG. KENNEDY:**

So forgive me. We indemnify them. Don't they have to carry malpractice? Would we be able to recoup from -- if they were found guilty?

**MR. BRAUN:**

Not -- the actions of an attorney in his own practice, of course, is covered by his own malpractice insurance, and we're not proposing that the County have anything to do with that. But with respect to his decision as a -- as a Hearing Officer, his own malpractice wouldn't cover that, if -- and if he had any. I mean, if he's working full-time for the County, he might not even carry malpractice insurance. I'm an attorney, I don't have malpractice insurance at the moment, because I have the ability -- you know, I have the comfort to know that as a County employee, if I get sued, I'm indemnified.

**DIRECTOR ANDREWS:**

And, Legislator Kennedy, if I might add -- if I might add, that the partner from Cullen and Dykman who has malpractice insurance through his practice would not be covered should he be a Hearing Officer for the Department of Consumer Affairs. And there are three attorneys out of five that answered our RFQ who will not come on board unless this issue is taken care of.

**LEG. KENNEDY:**

I worked as a nurse for a lot of years in the hospital. I was covered under the hospital, but I was not stupid enough to think that I shouldn't carry malpractice just in case. I don't understand why they wouldn't carry malpractice. And can't you change your policy? I don't know. Attorneys, don't you have to discuss with your malpractice firm exactly what types of law --

**LEG. STERN:**

No. But -- through the Chair. But this is not -- these people are not acting in their capacity as an attorney. They're not representing a client. There's no responsibility to a particular client that is hiring them to represent them. They're -- they're working for in some capacity for the County as an independent decision-maker.

**LEG. KENNEDY:**

Okay.

**LEG. STERN:**

It's a completely different role that they're -- that they're playing.

**LEG. KENNEDY:**

Okay.

**P.O. GREGORY:**

All right. Legislator Lindsay.

**LEG. LINDSAY:**

Good evening. Just to clear up, and then if you could give us some more information. So have we ever had a situation where one of these officers was brought into litigation where the County wasn't brought in at the same time?

**MR. BRAUN:**

Not that I'm aware of, no.

**LEG. LINDSAY:**

I mean, the reality of the situation is the County has the deeper pockets if there was a mistake, or an error, or omission on behalf of one of these Administrative Law Judges. So the County is going to be the person -- the plaintiff is typically going to go after the injured party, because the County has more funds or more assets to go after.

**MR. BRAUN:**

With respect to the Department of Consumer Affairs, that's pretty accurate. With respect to the Traffic and Parking Violations Bureau, it's really a hybrid type of agency, and it's really part of the Unified Court System. It's a judicial agency of the State, although we pay the salaries of the Hearing Officers.

**LEG. LINDSAY:**

Right. And the County seal is on the door, the paperwork comes from the County.

**MR. BRAUN:**

Right. So --

**LEG. LINDSAY:**

The County is going to be sued at the same time as this --

**MR. BRAUN:**

Most likely, yes.

**LEG. LINDSAY:**

So in such a suit, we would both be -- we would both be brought into court and we'd be sued. Is there any additional cost to the County to defend these Judges at the same time they're defending the County in parallel?

**MR. BRAUN:**

Not if there's no divergence of defense. If we have the same defense, if the County has the same defense that the Hearing Officer does, then the -- they could probably be represented together. If the Hearing Officer somehow wants to lay the blame off on the County or the County wants to lay it off on him, then we may need independent counsel for one side or -- for one or the other.

**LEG. LINDSAY:**

Right, which could end up costing us more money.

**MR. BRAUN:**

Right.

**LEG. LINDSAY:**

My other point was that, in some cases, it sounds like some of these Administrative Judges, if they only work for the County, regardless of how we may classify them, they -- a Judge could deem them as an employee anyway, that this could all be a moot point in some of the relationships that we have.

**MR. BRAUN:**

Well, except that they're called Hearing Officers, and as independent Hearing Officers, they're not ordinarily indemnified by the County.

**LEG. LINDSAY:**

Okay. I disagree philosophically, because I think they could make an argument that if they only work for the County and the County controls the hours that they work, the County provides the work space for them to work in, the State would identify them as an employee, regardless of what our contractual --

**MR. BRAUN:**

Well, that might be -- that might be a decision to be made in the court, in the proceeding that this aggrieved motorist brought.

**LEG. LINDSAY:**

Right.

**MR. BRAUN:**

And what the court might decide then, you know, we can't know in advance.

**LEG. LINDSAY:**

Right. I just think it's -- either way, we're spending funds to defend the County. It doesn't add any additional costs to those funds to defend these Hearing Officers at the same time, because I can't -- I'm having a hard time even thinking of an example where they would just bring litigation against the Hearing Officer and not the County at the same time, and it sounds like we don't have any examples of that ever happening.

**MR. BRAUN:**

That's probably right.

**LEG. LINDSAY:**

Okay. All right. Thank you.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

No. I'm voting no.

**P.O. GREGORY:**

Okay. Legislator Stern.

**LEG. STERN:**

Answered.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. Just, Legislator Lindsay, I have to disagree with you on that. I could think of a lot of instances where a Hearing Officer might be sued and not the County, because the persons in front of the Hearing Officer, if they claim there's some kind of wrong or something egregious that the Hearing Officer did, it doesn't necessarily mean the County of Suffolk would be sued. I mean, you could be right. You know, the more I think about this, though, the more I think that we really need to do this, actually, because, first of all, all you're doing is amending the definition of employee to include the Hearing Officer.

**MR. BRAUN:**

Correct.

**LEG. D'AMARO:**

So these Hearing Officers are only going to get the same indemnification, and the same level of indemnification, and the same denial of indemnification that we're giving now to every other employee.

**MR. BRAUN:**

To every other employee, that's right.

**LEG. D'AMARO:**

We're not making a special case and giving them a higher level of indemnification, or deniability, or anything like that.

**MR. BRAUN:**

That's correct.

**LEG. D'AMARO:**

So these Hearing Officers are asked to come and do a County service full-time. We make the hours, we give the work space. They are very similar to employees, and all we're doing is giving them the same amount of coverage and indemnification that we give to every other employee in their defense.

**MR. BRAUN:**

Correct.

**LEG. D'AMARO:**

The other point I want to make is to Consumer Affairs, that, you know -- who is it, Certilman Balin Attorneys?

**MR. BRAUN:**

No, it was -- I think he said Cullen and Dykman.

**LEG. D'AMARO:**

Cullen and Dykman, yeah. Well, let me tell you something. Don't concede that point, okay? It should be mutual indemnification, okay, because if we're willing to put ourselves out and say, "Look, if you are" -- "if a claim is asserted against you and it's wrongly asserted, we'll stand behind you," but that Hearing Officer should be willing to do the same for us. And I can't fathom how an attorney at Cullen and Dykman can't understand that.

**DIRECTOR ANDREWS:**

Partner.

**LEG. D'AMARO:**

I'm sorry?

**DIRECTOR ANDREWS:**

Partner at Cullen and Dykman.

**LEG. D'AMARO:**

Yeah. Well, whatever. So, you know, are we conceding that point in these contracts?

**DIRECTOR ANDREWS:**

His main question was he is making a recommendation, and he wanted to know --

**LEG. D'AMARO:**

But it's not about making a recommendation, it's about how that Hearing Officer acts in his official or her official capacity. So if they act improperly or inappropriate, and for some reason the County is held responsible for that, why shouldn't we be indemnified? It doesn't matter that they're making a recommendation, it doesn't matter if they're driving a bulldozer. What's the difference?

**DIRECTOR ANDREWS:**

They don't make the final decision.

**LEG. D'AMARO:**

It doesn't matter. It doesn't matter. It's about -- you're not listening to me. It doesn't matter. It doesn't matter. We're not talking about the fact -- the distinguishing factor is not whether you make a recommendation or a final decision. What indemnification is about is if you act in -- if a claim is made against you for acting inappropriately or improperly, that the County will stand behind you, and that should be mutual. It's not about who's making the decision. It doesn't matter what the employee -- because we're going to define them as employees now. It doesn't matter what that employee is doing, whether they're making a recommendation, or driving a truck, or conducting water tests, or whatever they're doing, doing inspections for the Health Department. It doesn't matter. So I would ask the Law Department to help and assist in negotiating with -- who is it again, Cullen and Dykman?

**DIRECTOR ANDREWS:**

Cullen and Dykman.

**LEG. D'AMARO:**

Yeah, Cullen and Dykman. And just, you know, maybe explain to them that, well, we're willing to give indemnification, but it needs to be mutual.

**MR. BRAUN:**

Okay.

**LEG. D'AMARO:**

Okay.

**P.O. GREGORY:**

Legislator Cilmi.

**LEG. CILMI:**

Just a couple of quick things. I'm curious as to why a partner in Cullen and Dykman would have the time to --

**DIRECTOR ANDREWS:**

Be a Hearing Officer.

**LEG. CILMI:**

-- be a Hearing Officer or would want to be a Hearing Officer.

**DIRECTOR ANDREWS:**

At this time, I could not answer that question.

**LEG. CILMI:**

I mean, that's --

**DIRECTOR ANDREWS:**

He was one of the five individuals that answered our RFQ.

**LEG. CILMI:**

It might be a question worth somebody asking, you know. It doesn't make any sense to me, especially -- I mean, I don't -- I don't know who's a major law firm and who's not a major law firm. If you're telling me they're a major law firm in Nassau County, I can't imagine why somebody would want to make a few extra bucks as a Hearing Officer, taking time away from a successful law firm. It doesn't really make any sense to me, but be that as it may.

So I think there is a distinction, though, between -- between the Hearing Officers in the Department of Consumer Affairs and the Hearing Officers in the Traffic and Parking Violations Agency in that -- and correct me if I'm wrong, Bob, but in that -- if our Hearing Officer does something improper or inappropriate, or anything that would warrant, you know, a claim or a complaint by a resident, or whomever would be before that Hearing Officer in the Consumer Affairs Department, the Hearing Officer, as you said earlier, is making a recommendation. Somebody else is making the decision. So while a complainant might say that, you know, the decision was partly the result of, you know, a recommendation that was clouded in some way by the Hearing Officer, ultimately, the decision is being made by a County employee.

**MR. BRAUN:**

Correct.

**LEG. CILMI:**

In the case of the Traffic and Parking Violations Agency, though, if I'm not mistaken, that Hearing Officer is -- well, I guess the Hearing Officer is not -- is not -- well, you tell me. Is the Hearing Officer in the Traffic and Parking Violations Agency actually -- could that person actually make the decision?

**MR. BRAUN:**

Yes.

**LEG. CILMI:**

Yes. They could decide whether or not to settle the case for whatever amount of money or --

**MR. BRAUN:**

No, no, no. In the Traffic and Parking Violations Agency, the Hearing Officer decides whether the person has violated most likely the Vehicle and Traffic Law or hasn't.

**LEG. CILMI:**

Right. Okay. So --

**MR. BRAUN:**

In the same way that if --

**LEG. CILMI:**

So if somebody -- so if somebody -- so if a resident who has gotten a ticket goes in and sits down with a Hearing Officer in Traffic and Parking Violations Agency and alleges thereafter that there was some prejudice, as Dr. Spencer indicated, that either clouded his or her judgment, or that in some way seeped into the conversation, and there was a decision made as to the disposition of that ticket,

then, in fact, you know, the complainant then could have a cause to seek some damages from the Hearing Officer, him or herself.

**MR. BRAUN:**

Well, I mean, most of the time, when you have a finding in a criminal or a quasi-criminal proceeding, their remedy is an appeal.

**LEG. CILMI:**

Right.

**MR. BRAUN:**

Don't usually sue the Judge. But on the remote chance that somebody might, it was felt that it would be appropriate for the County to stand behind him.

**LEG. CILMI:**

So the next question, then, again, is something that was already sort of alluded to, and that is that in our Consumer Affairs Department, I would imagine and I would hope that our Hearing Officers have very specific guidelines and rules by which they do what they do, constraints placed upon them, etcetera. I'm not sure that our Hearing Officers in TPVA are under the same constraints. And so I would be concerned that our Hearing Officers in TPVA have a little more latitude than those in Consumer Affairs, and, therefore, our indemnification of them may be a little more problematic, unless we provide them at some point with a set of written, you know, rules as to how they do their job.

**MR. BRAUN:**

Well, the Director of TPVA was before at least the committee, if not the whole Legislature, recently, and there was some comment made, as Legislator Trotta brought out, about civility in the proceedings, and so forth.

**LEG. CILMI:**

And we do have complaints about that.

**MR. BRAUN:**

And we had some assurances from the Director that those kind of things would be addressed. Other than that, they're supposed to be independent magistrates exercising their professional judgment based on the evidence before them. And anymore direction than that I think interferes with their independence in terms of being a finder of facts.

**LEG. CILMI:**

I can see that, but then again, it's almost as if you're saying -- you know, you're cutting the rabid dog loose, if you will, in -- you know, in a kennel and hoping for -- hoping it doesn't lead to something horrible.

**MR. BRAUN:**

Well, I mean, they don't have -- they can always be fired, you know, they -- if they're aggravating the people who are before them just to be nasty.

**LEG. CILMI:**

Right.

**MR. BRAUN:**

Or if they're not applying the law in a way that seems to be appropriate to the administrative people in TPVA, then they don't have to be retained. But if --

**LEG. CILMI:**

Right. But once they do whatever it is they would do, it would be too late at that point.

**MR. BRAUN:**

Well, again, this is not something that we anticipate, at least with respect to TPVA, is going to come up very often. But, as Legislator D'Amaro said, for purposes of defense and indemnity, we want to define them as employees. For every other purpose, they're still defined as independent contractors.

**LEG. CILMI:**

All right. I'll accept that. I just -- I hope we don't rue our decision here.

**P.O. GREGORY:**

Okay. I just have one question.

**MR. BRAUN:**

Yes, sir.

**P.O. GREGORY:**

So, as far as the Hearing Officers, can you tell me exactly what Hearing Officers it applies to? I know you -- I know Consumer Affairs has been mentioned, TPVA. Are there any other Hearing Officers in the County that it applies to? Does it --

**MR. BRAUN:**

I don't believe so, because I think those are the only ones that are not directly employees. For example, there -- the Health Department conduct hearings, DPW conducts hearings with respect to condemnations and things like that, or violations of the sewer article, things like that. Those people have Hearing Officers, but those people are employees, so they're already covered by the County for their actions in discharging their jobs.

**P.O. GREGORY:**

Okay. All right. All right. So we have a motion and a second?

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

All right. All in favor? Opposed? Abstentions?

**LEG. TROTТА:**

Opposed.

**MR. RICHBERG:**

Fourteen. (Vote Amended to 15/Not Present: Legislators Barraga and Martinez)

**P.O. GREGORY:**

Okay. ***I.R. 1208 - Approving the appointment of William Neubauer to Deputy Chief in the Suffolk County Police Department. (Co. Exec.)***

**MR. RICHBERG:**

Seventeen.

**P.O. GREGORY:**

I'm sorry.

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. MURATORE:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1222 - Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the Development of Affordable Housing in Medford (Co. Exec.).*** Motion by Legislator Calarco.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1223 - Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the Development of Affordable Housing in Center Moriches (Co. Exec.).*** Same motion, same second. Oh, no? I'm sorry. Your district, right?

**D.P.O. CALARCO:**

Al's District.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1224 - Declaring intent not to exercise County-imposed reverter clause contained in deeds for certain properties in the Village of Southampton transferred pursuant to the 72-h Affordable Housing Program (SCTM Nos. 0904-001.00-01.00-028.000,***

**0904-001.00-01.00-029.000, and 0904-001.00-01.00-030.000) (Co. Exec.).**

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

Who was that? Oh, Legislator Fleming makes the motion, second by Legislator Calarco. All in --

**LEG. D'AMARO:**

No, on the motion.

**P.O. GREGORY:**

I'm sorry. On the motion.

**LEG. D'AMARO:**

Yeah. I would just like a -- I'd like to know what reverter clause specifically we're talking about that we're not going to stand behind.

**MS. KEYES:**

Hi, Legislator D'Amaro.

**LEG. D'AMARO:**

Hi.

**MS. KEYES:**

So this is speaking to the reverter clause in that allows the County to claw back the properties if they're not developed within the allowable time frame, which is initially three years, with the option of two two-year extensions.

This is sort of a unique one. It's actually applying -- seeking to address it for three properties that were transferred to the Village of Southampton -- the Village of Southampton in 2000. But by the time the request for the extension came to our department, the houses had already been constructed and were occupied. So, typically, we would come to you and ask for an extension, but because the houses are already built and lived in, an extension really wasn't prudent, because what we were seeking wasn't the ability to give them additional time to build the houses, which is what the extension typically does. It really is just to clear up the title issues for the families that were already sold the houses.

**LEG. D'AMARO:**

Fair enough. But does the reverter clause -- would the County exercise the reverter clause at this point under any other circumstance?

**MS. KEYES:**

Yes, if it -- so it has to still be affordable for five years from the time it's built and lived in. If we found that it was not being -- if it was resold to somebody who was making above 120% of AMI, that would violate the affordability clause.

**LEG. D'AMARO:**

So we're being very clear that we're only expressing our intention not to exercise to a certain extent, but not for the full extent of the clause?

**MS. KEYES:**

Just as it applies to the construction time frame.

**LEG. D'AMARO:**

And how are we doing that?

**MS. KEYES:**

It was communicated. But prior to this resolution, that specific intent was communicated to the title companies from a -- with a letter from the Division of Real Estate indicating our intent to -- our specific intent and our intent to confirm that intent via an act of the Legislature.

**LEG. D'AMARO:**

But does the legislation -- is the legislation specific? What I'm getting at is --

**MS. KEYES:**

Right.

**LEG. D'AMARO:**

-- would we have a problem down the road in exercising reverter clause if some other provision of the workforce housing criteria was not followed?

**MS. KEYES:**

Yeah, right, does this? No, I -- that's a good question, and it's unique to this -- this reso is unique, so it hasn't been done before. But that's a fair point, that the other applications of the reverter clause aren't impacted.

**LEG. D'AMARO:**

But in the resolution, I don't have it front of me, is there a reservation of our rights under -- for the other circumstances?

**MS. KEYES:**

Not explicitly, no. Not explicitly.

**LEG. D'AMARO:**

Well, then maybe we should table this and revise that.

**MS. KEYES:**

Yeah, we can do that. They're in the homes and they're satisfied with the letter.

**LEG. D'AMARO:**

Right.

**MS. KEYES:**

But this is really a formality, so we can fix it.

**LEG. D'AMARO:**

I have no problem clearing up the title, but I want to make sure we preserve our rights.

**MS. KEYES:**

Fair. No, fair point.

**LEG. D'AMARO:**

So I would offer a motion to table.

**P.O. GREGORY:**

Okay. I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**HEALTH**

**P.O. GREGORY:**

Okay. ***I.R. 1046 - To appoint member to the Food Policy Council of Suffolk County (Michael Martinsen) (Hahn).***

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn.

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1156 - A Local Law to expand public notification of sewage contamination in Suffolk County (Krupski).*** Motion by Legislator Krupski, second -- oh, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**LEG. LINDSAY:**

Jason, cosponsor.

**P.O. GREGORY:**

***I.R. 1232 - Declaring March As "Kidney Disease Awareness Month" in Suffolk County (Stern).*** Motion by Legislator Stern. Second? I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**PARKS & RECREATION**

**P.O. GREGORY:**

Okay. Parks and Rec: ***I.R. 1204 - Appropriating funds in connection with Beach Replenishment at Meschutt County Park (CP 7163) (Co. Exec.).***

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Fleming.

**LEG. HAHN:**  
(Raised hand).

**P.O. GREGORY:**  
Second by Legislator Hahn. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**  
**I.R. 1204A**, bond resolution, same motion, same second. Roll call.

*(Roll Call by Mr. Richberg, Clerk of the Legislature)*

**LEG. FLEMING:**  
Yes.

**LEG. HAHN:**  
Yes.

**LEG. KRUPSKI:**  
Yes.

**LEG. BROWNING:**  
Yes.

**LEG. MURATORE:**  
No.

**LEG. ANKER:**  
Yes.

**LEG. LINDSAY:**  
Yes.

**LEG. MARTINEZ:**  
Yes.

**LEG. CILMI:**  
Yes.

**LEG. BARRAGA:**  
(Absent)

**LEG. KENNEDY:**  
Yes.

**LEG. TROTTA:**  
No.

**LEG. MC CAFFREY:**  
Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. CALARCO:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

Fifteen. (Absent: Legislator Barraga)

**D.P.O. CALARCO:**

I'd like to make a motion to take *I.R. 1158 (A Local Law amending provisions relating to the Administration and Enforcement of the Uniform Fire Prevention and Building Code (Pres. Off.))* out of order. Mr. Zwirn has been sitting with us patiently all night.

**LEG. FLEMING:**

Second.

**D.P.O. CALARCO:**

We were just treating him to the old times, but -- it's I.R. 1158. It's in Public Works on Page 8.

**LEG. FLEMING:**

I'll second it.

**P.O. GREGORY:**

Sorry, Ben. Okay. All in favor? Opposed? Abstentions on 1158?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

Okay. Motion to approve by Legislator Calarco, second by Legislator Flemming. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

Okay.

**D.P.O. CALARCO:**

Sorry about that, Mr. Zwirn.

**MR. ZWIRN:**

That's okay. Thanks.

**P.O. GREGORY:**

He's got nothing better to do anyway, right, you got an hour drive.

(\*Laughter\*)

Okay. ***I.R. 1211 - Authorizing the use of Blydenburgh County Park and showmobile by the Cystic Fibrosis Foundation for its Great Strides Walkathon (Co. Exec.)***.

**LEG. TROTTA:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1231 - Authorizing use of Smith Point County Park Property by Mastic Beach Fire Department, Inc., for public safety services fund drive (Browning)***. Motion by Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**PUBLIC SAFETY**

**P.O. GREGORY:**

***I.R. 1106 - Establishing a reporting requirement for the Police Department's Internal Affairs Bureau (Calarco)***.

**D.P.O. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

Second by Legislator Hahn.

**LEG. D'AMARO:**

On the motion.

**LEG. MC CAFFREY:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator McCaffrey.

**LEG. MC CAFFREY:**

Thank you. You know, we have a lot -- we've heard a lot lately in the news about what's going on. My concern here is that this singles out one County agency. I really believe that we need a comprehensive bill which addresses all County departments. I don't think this piecemeal approach is appropriate of what the people expect of us. And I think we need to focus our energies on a real comprehensive bill, not one that just unfairly singles out one department in the County, and I think that we need to work towards that. And if we come up with something that falls short, I think maybe we could address it after that. But right now, I think we need to focus our energies on a comprehensive bill and not this piecemeal approach.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. My question is more of -- I'm trying to understand the target of this bill. What are we trying to address? And my second question, I guess, to the sponsor, through the Chair, is what is the Public Safety Committee going to do with this information?

**D.P.O. CALARCO:**

So the intent of the resolution is to try to give us a little bit of insight in terms of what's happening over in the Internal Affairs Bureau of the Police Department. And I can appreciate the concerns about having something that's a little more comprehensive. We have a meeting with our colleagues on the other side of the -- you know, the minority to try to come up with a comprehensive approach to deal with some other issues that the County may be facing. But this is really just to give us some statistical information about what's happening there.

I do have another version that's been laid on the table that will cover the Sheriff's Office, and the Sheriff's Department actually is currently providing the statistical information to his Civilian Advisory Board that he formed himself a few years back on a quarterly basis. So he actually had no problems with providing this information to us, neither does the Commissioner at the Department. And it's really just to give us a snapshot of what's happening.

We have -- I don't think anybody around this horseshoe right now, other than the few of us that maybe have met with the Commissioner, can say how many cases are even going through Internal Affairs in a year. And this is not going to delve into individual information about any particular officer, it's just a statistical background of how many cases are coming in, how those cases are moving through the process in terms of time frames, general nature of the different cases, the complaints, where they're coming from, who they're involving, and it's going to help give us a little bit of an overall big picture kind of what's happening and what's being coming in.

Right now, the only thing that we really have as a way of knowing what's going through that Bureau is when, you know, those of us who sit on Ways and Means have to oversee or hear cases of lawsuits that are coming through, and maybe those -- the Chair of Public Safety, who happens to also sit on the Indemnification Committee.

So this is just to give us a snapshot. I don't think it's certainly anything that is going to provide information that is not -- you know, that would be necessarily confidential or personnel in nature. It certainly isn't anything that is going to violate the 50(a) Rule of the State, just a matter of giving us some general information.

And I actually find it disingenuous that Legislators who first called for the Feds to come in and monitor the Police Department, and then called for a thorough investigation with subpoena power from this Legislature is not thinking that it's warranted to just get a general statistical background of

what's happening in Internal Affairs.

**LEG. D'AMARO:**

I can appreciate the need for statistical information for oversight purposes. I don't understand why it's only going to each member of Public Safety. That seems to be implying that -- is it confidential to the members of Public Safety? Is there an obligation to keep it confidential? Is this going to be done in a -- is it going to be presented in a hearing, in a committee meeting?

**D.P.O. CALARCO:**

No. It calls for a written report to the Public Safety Committee. Certainly, if other Legislators are looking to acquire the information, I think they're more than, you know, qualified to obtain it. But it is just giving us, the Public Safety Committee, who has the oversight of law enforcement agencies, and that's why there's another version that will cover the Sheriff's Office that is pretty much identical. They're the entity that's identified, but it doesn't mean that they're the only Legislators who would necessarily get the information if anybody wanted it.

**LEG. D'AMARO:**

So if I'm a member of Public Safety and one of the things that needs to be -- of course, there's no standards or criteria for reporting. Like one of the criteria, that you must *indicate all cases that have been open for more than 18 months*. But what if there's 50? What do I do with that information?

**D.P.O. CALARCO:**

Sure. So it's going to give you information about what's coming through the pike, right? So if there's 100 cases that come in one month, and then the next month there's, you know, 50 new cases, and I don't -- I think those numbers are probably exaggerated, it's just going to give you that information going through the process. And at a certain point in time, obviously, you get to a point where there are statute of limitations that come into play. If there was ever a case where there was a thought that something may have been -- rises to a level that's not just a matter of disciplinary issues in the Department, or, quite honestly, just what the bulk of these probably are, just, you know, unsubstantiated complaints. So if they -- you get to something where you're 18 months in, you know that you are -- you are treading on that statute of limitations. So it's important that the IA Bureau is able to do their investigations in a timely fashion.

**LEG. D'AMARO:**

Right. But other than getting statistical information, we're not taking on any real oversight here, because we don't have any say in directing Internal Affairs how to conduct an investigation, or how quickly to do it, or what the substance of an investigation may be, we're just looking at numbers, basically.

**D.P.O. CALARCO:**

Yeah. We're not going to be getting into specific cases. IAB has -- is doing their investigations. The Commissioner has come out with a whole host of recommendations and things he's going to be implementing internally in the department in terms of trying to make sure the process is moving along and officers are getting a fair and quick hearing through this process. And, you know, as I said before, there's also a pretty well defined process that is entailed in terms of how any potential discipline is vetted out in terms of going through arbitration, or what have you. And so we don't -- you know, will not be getting involved in those particulars of any individual case.

**LEG. D'AMARO:**

Final question. Do you think that there is any downside to the County to disseminating this type of information?

**D.P.O. CALARCO:**

Considering I could find it online about a lot of other departments across the country, no.

**LEG. D'AMARO:**

Okay.

**D.P.O. CALARCO:**

And --

**LEG. D'AMARO:**

Other jurisdictions are doing it, you mean?

**D.P.O. CALARCO:**

There are a lot of other jurisdictions that are doing this, yeah. And the Sheriff's Office, as I said, is currently doing this. And checking with Counsel, since he's providing it to his Civilian Advisory Board, that information is all FOILable at this point in time anyway.

**LEG. D'AMARO:**

All right. Thanks for answering my questions, appreciate it.

**P.O. GREGORY:**

Okay. We have past 12 o'clock, so I'm going -- we have to make a motion to extend the meeting, I'm going to do so. Second by Legislator Krupski. All in favor to extend the meeting? Opposed? Abstention?

**LEG. MURATORE:**

(Raised hand).

**MR. RICHBERG:**

Seventeen. (Vote Amended to 16/Absent: Legislator Barraga)

**P.O. GREGORY:**

You were opposed?

**LEG. MURATORE:**

I was opposed.

**P.O. GREGORY:**

Oh, okay.

**LEG. KRUPSKI:**

I like your style.

**P.O. GREGORY:**

Okay. Anyone else? Yeah, on the --

**LEG. TROTTA:**

Yeah. To the sponsor, can you explain --

**P.O. GREGORY:**

Legislator Trotta.

**LEG. TROTTA:**

-- how in the case of Chief Burke, when he allegedly did what he did, and there was never an Internal Affairs case, how would that be reported in this document?

**D.P.O. CALARCO:**

That is why I actually agree with Legislator McCaffrey, that we still need to come up with a comprehensive approach that deals with some other issues that the County is facing right now that is comprehensive in terms of covering all departments across the County, and I look forward to continue to work with him on that.

**LEG. TROTTA:**

I think that, you know, this is something the Police Commissioner would just give you if you just asked. It's just -- it's basically --

**D.P.O. CALARCO:**

We have never received this information before, and, quite honestly, in the past, we've been stymied. I think this current Commissioner would be happy to give it to us, but, you know, we're not talking about just for this current Commissioner.

**LEG. TROTTA:**

So maybe we should table it and ask him, and if he doesn't give it to us, then we pass it.

**D.P.O. CALARCO:**

Well, Legislator Trotta, since you called for a Federal investigation and monitor of this Department, since you asked for us to have a full blown subpoena power investigation in this Department, asking for a few statistics from the Department on a regular basis I don't think is really getting all that out there on the far end of things.

**LEG. TROTTA:**

Well, no. I just -- I want to do something substantial, not something symbolic, and this is clearly symbolic, it's a bunch of numbers. And if you think you're going to get by by saying, "Oh, look, we've got a bunch of numbers now, this is good," I want something substantial, not something -- a paper tiger.

**D.P.O. CALARCO:**

As I said, I don't think this is the only thing that we need to be doing, and I look forward to continuing to work with your caucus to come up with a comprehensive bill.

**P.O. GREGORY:**

Okay. Anybody else? Legislator Browning.

**LEG. BROWNING:**

You know, I think I've said this before, and one of my concerns is when you're getting this information, and if it is FOILable, and the press gets something that a precinct has a lot of activity, and there's a lot of complaints at a specific precinct, that's an active precinct, and you know what precincts are busy and what ones are not. So, you know, that's one of my concerns, is that the impression that's going to be given that something's wrong because of the amount of complaints at that precinct, because I always say people don't want to get arrested. They're not happy when they get arrested and they're going to make complaints if they get arrested.

And, again, if you have Police Officers who are in a precinct or in a community that's very busy, they're going to be very active, and they're going to have a lot of activity, and it could be perceived that they're doing something wrong. And I would be concerned about -- granted, we'll take that

information and we can process that, and I would hope Legislators would not be quick to act, thinking that somebody got a lot of -- had a lot of complaints against them, that we would step back and say, "Okay. Well, you know, were they legitimate complaints or is it just because he's an active police officer and doing his job," or she. And so -- but, again, if that's FOILable, what's to say the press isn't going to make something of it that's not, and that's one of my concerns.

**D.P.O. CALARCO:**

Sure. You know, listen, the press can make things out of anything they want, and I think some of this information is probably FOILable by them at this current point in time. But other jurisdictions seem to be able to do this without any problem. And not only that, I remember looking at one of those jurisdictions down in Virginia, Fairfax County, actually, which is a similar size and similar population, and actually the bulk of their investigations were generated internally by superiors. So it wasn't even rampant complaints by unhappy individuals. But, you know, it is -- you have to be able to look at the information and digest it.

Honestly, I passed an open data law. I think that information is important. It is important to be able to have the public see what's going on. And, quite honestly, I think our officers deserve to -- for the public to know that in the vast majority of times, there's just unsubstantiated claims being made against them because they are busy and they are doing their job, and, you know, people who get arrested don't like getting arrested, so we have to acknowledge that. But it's also not giving specifics about any individual officer. You're not going to know how many came in. I don't even think it's asking for it broken out by precinct. And I know in the past you were supportive of the resolution and I anticipate you will support it today.

**LEG. BROWNING:**

No. Again, and I have said it, I have said it before, that was one of my biggest concerns is when that information is being provided. So, George, is there any of that that would not be FOILable, or is it pretty much it's all FOILable?

**MR. NOLAN:**

Generally, statistical summaries of information is FOILable. So I'm looking at this -- these categories. I don't think there's anything in there that would not be FOILable, I don't think.

**P.O. GREGORY:**

Okay. Anybody else? Okay. We have a motion and a second.

**LEG. TROTТА:**

I had a motion to table.

**P.O. GREGORY:**

You had a motion to table?

**LEG. MC CAFFREY:**

Second.

**P.O. GREGORY:**

Second to table. Okay. Tabling motion goes first. Roll call.

***(Roll Call by Mr. Richberg, Clerk of the Legislature)***

**LEG. TROTТА:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. KRUPSKI:**

No.

**LEG. FLEMING:**

No.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

Yes to table.

**LEG. HAHN:**

No.

**LEG. ANKER:**

No.

**LEG. LINDSAY:**

No.

**LEG. MARTINEZ:**

No.

**LEG. CILMI:**

No to table.

**LEG. BARRAGA:**

(Absent)

**LEG. KENNEDY:**

Yes.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

No.

**D.P.O. CALARCO:**

No.

**P.O. GREGORY:**

No.

**MR. RICHBERG:**

Four. (Absent: Legislator Barraga)

**P.O. GREGORY:**

Okay. Motion to approve. All in favor? Opposed? Abstentions?

**LEG. TROTTA:**

Opposed.

**LEG. MC CAFFREY:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. RICHBERG:**

Fifteen -- 14. (Absent: Legislator Barraga)

**P.O. GREGORY:**

Fourteen. All right. ***I.R. 1148 - A Local Law to establish a Child Fatality Review Team (Hahn)***. Motion by Legislator Hahn, second by Legislator Anker. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1165 - Accepting and appropriating a grant in the amount of \$20,500 in Federal pass-through funding from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department's Motorcycle Safety Enforcement and Education Program with 79.55% support (Co. Exec.)***. Motion by Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1166 - Accepting and appropriating a grant in the amount of \$135,425 in Federal pass-through funding from the State of New York Governor's Traffic Safety Committee to provide Enhanced Enforcement of Motor Vehicle and Traffic Laws and Regulations with 79.33% support (Co. Exec.)***. Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1167 - Accepting and appropriating a grant in the amount of \$133,233 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's 2016 Motor Vehicle Theft and Insurance Fraud (MVTIF) Prevention Program with 79.77% support (Co. Exec.)***. Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1185 - Appropriating funds in connection with renovations at the Yaphank Correctional Facility (CP 3009) (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**D.P.O. CALARCO:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1185A***, bond resolution, same motion, same second. Roll call.

***(Roll Call by Mr. Richberg, Clerk of the Legislature)***

**D.P.O. CALARCO:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

(Absent)

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1186 - Accepting and appropriating grant funds from the New York State Division of Criminal Justice Services for the Aid to Laboratories Grant Program for the Suffolk County Office of the Medical Examiner, Crime Laboratory (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. KENNEDY:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1188 - Authorizing the County Executive to enter into an agreement with Suffolk County Community College to provide indoor facilities for human and pet sheltering during times of emergency (Co. Exec.).***

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Flemming.

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1196 - Appropriating funds in connection with improvements to the Suffolk County Fire Rescue C.A.D. (CP 3416) (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. HAHN:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1196A***, bond resolution, same motion, same second. Roll call.

***(Roll Call by Mr. Richberg, Clerk of the Legislature)***

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

(Absent)

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. CALARCO:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***J.R. 1197 - Appropriating funds in connection with improvements to the Suffolk County Fire Training Center (CP 3405) (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. HAHN:**

(Raised hand).

**P.O. GREGORY:**

Second by Legislator Hahn.

**LEG. D'AMARO:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. I just wanted to ask a question about this, exactly what this is earmarked for, what are the improvements themselves. Is there anyone here that can answer a question on this? The Fire Rescue Training Center needs some kind of upgrade?

**MR. VETTER:**

The Fire Academy -- currently, the adopted budget calls for the money to be used to retrofit and change out the 20-plus-year-old gas fire props in both the Taxpayer and the tower. It will also be a matter of lining the building with enhanced thermal protection layers, which will extend the life of the original brick/mortar construction.

**LEG. D'AMARO:**

So that facility is used extensively?

**MR. VETTER:**

Those are used extensively.

**LEG. D'AMARO:**

And -- but --

**MR. VETTER:**

The technology that's currently in there --

**LEG. D'AMARO:**

Is working?

**MR. VETTER:**

It's not working. It's --

**LEG. D'AMARO:**

It's not working?

**MR. VETTER:**

It's intermittent at best. It cost us operationally last year about \$56,000 of operational funds to maintain it. The computer hardware that's involved is no longer sustainable through the windows platform that it was originally generated on.

**LEG. D'AMARO:**

How old is that?

**MR. VETTER:**

The hardware is in excess of 16 years. The gas burner props that are in there, too, have been extended past their lifespans and are over-burnt.

**LEG. D'AMARO:**

This is a million dollar expenditure or upgrade. So is it your position that the training that's being conducted with the systems in place is inadequate?

**MR. VETTER:**

The trainings that are being provided at the Fire Academy do not meet the current fire load or the type of threat that we're seeing within our County.

**LEG. D'AMARO:**

But since when?

**MR. VETTER:**

It's been several years. So the gas prop is a theatrical gas prop. It doesn't produce the smoke layers, it does not produce the heat, it also does not produce a realistic fire growth.

**LEG. D'AMARO:**

So we've been training for several years without -- I mean, I don't understand. I could see if equipment got old and needs to be upgraded, but you're saying that this equipment is working, but it's not adequate for training?

**MR. VETTER:**

Well, no. I'm saying that --

**LEG. D'AMARO:**

It was adequate at some -- like when we put it in, it was adequate.

**MR. VETTER:**

Yeah, absolutely.

**LEG. D'AMARO:**

Why is it no longer adequate?

**MR. VETTER:**

Well, structures have changed as the Island has developed and we've built, you know, multi-family occupancies and affordable townhouses and a mixture of structures. It doesn't represent the actual, you know, fire load and fuel that's in our County now residentially. There is a significant amount of fire departments or fire districts that go to Nassau for similar training at an expense.

**LEG. D'AMARO:**

So this is absolutely necessary to upgrade?

**MR. VETTER:**

Correct.

**LEG. D'AMARO:**

Lives could be lost?

**MR. VETTER:**

Well, without it, we will not be doing training. So there's a -- last year, there was several periods of times where these two buildings were down for service and repair and that forced cancellations to specific fire districts.

**LEG. D'AMARO:**

Okay. Thank you.

**LEG. BROWNING:**

Can I say something?

**P.O. GREGORY:**

Yes.

**LEG. BROWNING:**

They came, the Fire Academy, a couple of years ago, and we talked about the needed upgrades there. And, Lou, I'll invite you to come to my District any time. You know, I drive down Yaphank Avenue all the time. There's not a day goes by that there are not fire departments from all over Suffolk County that are using that facility. So it's very well used every night. A lot of guys after work are heading out there for training. So there are some major improvements that need to be done in that building.

**LEG. D'AMARO:**

Okay.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

Okay. ***I.R. 1197A***, same motion, same second, bond resolution.  
Roll call.

***(Roll Call by Mr. Richberg, Clerk of the Legislature)***

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

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**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

(Absent)

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. CALARCO:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

Okay. ***I.R. 1206 - To establish eligibility by the Village of Amityville for Public Safety Revenue-Sharing funds (Co. Exec.).***

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

I make a motion.

**LEG. FLEMING:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1217 - Accepting and appropriating additional Federal pass-through funding in the amount of \$263,678 from the New York City Police Department in conjunction with the U.S. Department of Homeland Security Sponsored Securing the Cities Program with 93.6% support (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Was that Browning? Motion by Browning, second by Hahn. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1218 - Accepting the transfer of a surplus New York State MTA Police Vehicle to the Department of Public Works and approving a temporary increase in the fleet of the Suffolk County Department of Fire, Rescue and Emergency Services (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**LEG. HAHN:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1234 - Declaring April as "Distracted Driving Awareness Month" In Suffolk County (Spencer).*** Motion by Legislator Spencer.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

**P.O. GREGORY:**

***I.R. 1240 - Approving a temporary increase in fleet for the newly formed Long Island Heroin Task Force Unit at no cost to the County through the use of Asset Forfeiture Funds (Co. Exec.).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by --

**LEG. SPENCER:**

On the motion.

**P.O. GREGORY:**

Was it Cilmi?

**LEG. CILMI:**

Yeah.

**P.O. GREGORY:**

By Legislator Cilmi. On the motion, Legislator Spencer.

**LEG. SPENCER:**

Is there anyone here who can answer questions regarding this particular one? So I just need a little help. I'm seeing this as coming from the Asset Forfeiture Fund. And anything relating to heroin I support. So I understand there's a Task Force. There's a Sergeant and four Officers, and they're going to be based out of Nassau County.

So I'm looking at this and I see that the cost is \$504 per month per car, and a yearly cost of 30,540, so -- and it's coming from Ramp Motor Leasing. So my confusion at this point is I don't know the kind of car, I don't know the length of the lease. I'm not sure -- Ramp Motor Leasing, in terms of are we -- the type of deal we're getting. I don't know the balance of the fund we're taking the money from. What do you need me for? I mean, there's no way I would be -- there's zero oversight in terms of -- the information is so limited on this bill. So can you shed had some light on it? What kind of cars are we talking about here? Why are we leasing them?

**DEPUTY INSPECTOR O'CARROLL:**

Well, they're -- undercover vehicles are what's necessary for the -- for the program.

**LEG. SPENCER:**

What style of car is an undercover vehicle? Is it a Crown Victoria? Is it an Interceptor? What kind of car are we talking about?

**DEPUTY INSPECTOR O'CARROLL:**

I don't know the actual make and model of the cars.

**LEG. TROTТА:**

I can answer that.

**LEG. SPENCER:**

So I'm sorry. Is there something that is in Executive Session or something?

**LEG. TROTTA:**

No, whatever they want.

**LEG. CILMI:**

Through the Chair, I was just going to suggest that we don't really want to broadcast what type of cars we're using as undercover cars.

**LEG. SPENCER:**

That's --

**P.O. GREGORY:**

We know it's late, though. We understand.

**LEG. SPENCER:**

I get that it's late, but we should have an invoice price. What's the length of the lease on the car that we're looking at doing here? Why is it -- you know, I mean, that's -- there's zero like type of -- like so, I mean, are we talking about Mercedes Benzes?

**LEG. TROTTA:**

Through the Chair, I might be able to help with this. I drove one for a bunch of years. Ramp has a thing where if the car gets burned, you can go switch it out, so they can be in a -- you know, in an Expedition one day, and a variety of different regular cars.

**LEG. SPENCER:**

Oh.

**LEG. TROTTA:**

And that the reason the lease is high is because they have the ability to -- hey, if it gets burned or something, you go change it out and get another car.

**LEG. SPENCER:**

Okay. That makes sense. That helps tremendously. It's -- I still feel like I have very limited information to actually vote to approve this.

So this fund it's coming out of, is -- what's the balance in this particular fund? Do we -- Dr. Lipp, do we know? I mean, I understand that there's -- you know, when do we approve things that -- expenditures out -- expenditures out of the Asset Forfeiture Fund?

**DEPUTY INSPECTOR O'CARROLL:**

I don't know the balance of the fund, no. I just know that it comes through the Suffolk County Police Asset Forfeiture Fund. I don't know the balance, though. I could try to find that for you, though.

**LEG. SPENCER:**

Okay. I'm assuming that there may be.

**LEG. TROTTA:**

How much is it a month, did you say?

**LEG. KRUPSKI:**

\$504.

**DEPUTY INSPECTOR O'CARROLL:**  
\$504.

**LEG. TROTTA:**

I know the FBI uses Enterprise and it's 320. So it's substantially less, and it's the same ability to flip them out any time you want.

**DEPUTY INSPECTOR O'CARROLL:**

Well, if you'd like, I'll get back to you if we can get a better price, but I'll check.

**LEG. TROTTA:**

I always wondered why it was so much cheaper.

**LEG. SPENCER:**

I want to give you whatever you need to address this heroin epidemic, but I feel I have to have some responsibility, than say just vote on this particular number. And, you know, even if you could tell me how long the program goes for so that I could, I guess, ascertain. There's got to be some fair market value. What is my oversight? What am I voting on? And that's -- you know, I'm not making any financial judgments, I have no information. But I understand the need that we don't broadcast and the cars can be switched out, but I need a little more information.

**P.O. GREGORY:**

Sorry. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. So the -- I have a question about the source of the funding. So you said you didn't know the amount. What would -- so what was that money used for last year, and will that be missed this year if you're going to use it to lease a car for \$500 a month?

**DEPUTY INSPECTOR O'CARROLL:**

Well, this is a new program.

**LEG. KRUPSKI:**

No, I know it's a new program, but, I mean, that fund was spent, I presume, last year for something else besides leasing cars.

**DEPUTY INSPECTOR O'CARROLL:**

Well, it's the Asset Forfeiture Fund.

**LEG. KRUPSKI:**

Right.

**DEPUTY INSPECTOR O'CARROLL:**

There's a multitude of things that are drawn from the Asset Forfeiture Fund.

**LEG. KRUPSKI:**

But it's not -- I mean, it has a limit, so you're going to be spending it this way instead of spending it somewhere else. That's my -- my point is, there's a limited fund, right?

**LEG. BROWNING:**

No.

**LEG. KRUPSKI:**

No? It's unlimited?

**DEPUTY INSPECTOR O'CARROLL:**

Well, I don't know the cap on it. It is substantial.

**LEG. KRUPSKI:**

But, I mean, you're not going to be spending it -- it was spent before. It was spent in 2013, it was spent in 2014, spent in 2015. Now it's going to be spent differently. Was it ever spent on this car leasing program before?

**LEG. TROTТА:**

If I may?

**LEG. KRUPSKI:**

Sure.

**LEG. TROTТА:**

The money fluctuates. Sometimes there could be 10 million in it, there could be 2 million in it, there could be 500,000 in it. I mean, I'm certain there's enough in it to cover it.

**LEG. KRUPSKI:**

But is there a -- is there a specified amount that needs to be spent a certain way that there will be enough for this program?

**LEG. TROTТА:**

There are Federal guidelines which sometimes are followed and sometimes aren't on what it can be spent on. And one of those --

**LEG. KRUPSKI:**

I didn't hear you.

**LEG. TROTТА:**

Oh. But there are Federal guidelines that -- which require to be spent on certain things, and cars for things like this are part of it. I was in Asset Forfeiture for ten years.

**LEG. KRUPSKI:**

No, but that's not -- but my question is, is there -- the things that were previously funded, is it okay that they're not going to be funded?

**LEG. TROTТА:**

*(Laughter)* that's an open question. But, yeah, I mean, they're -- no, no, everything else will be funded, like I'm sure beepers, the cell phones are funded on it, there's a lot of things, undercover operations. Beepers.

**LEG. MC CAFFREY:**

How long have you been gone?

**LEG. TROTТА:**

I dated myself.

**P.O. GREGORY:**

What's a beeper?

(\*Laughter\*)

**LEG. TROTTA:**

Chief Burke might have spent something that we don't know about yet, but we'll figure it out. I had to work that in.

**LEG. MC CAFFREY:**

Motion to approve.

**P.O. GREGORY:**

You done, Legislator Krupski?

**LEG. KRUPSKI:**

Oh, yes. Thank you.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. George, do you -- what law governs the use and maintenance of an Asset Forfeiture Fund, do you know, offhand?

**LEG. BROWNING:**

It changed.

**MR. NOLAN:**

Well, I think there's -- it's governed by a lot of different laws. I think that we do have some local laws that talks about where the money goes, but there's also Federal and State statutes that govern Asset Forfeiture monies. I'd have to -- if you wanted greater detail, I'd have to put that together for you.

**LEG. D'AMARO:**

How many -- I'm sorry. Is the Police Officer still here? I'm sorry. So I want to ask you about the Asset Forfeiture Fund as well. How many Asset Forfeiture accounts does the Police Office -- does the Police Department maintain?

**DEPUTY INSPECTOR O'CARROLL:**

Well, I'll have to get back, because I don't know the exact specifics on the amount of accounts. I know --

**LEG. D'AMARO:**

How much is in this account that you're using tonight?

**DEPUTY INSPECTOR O'CARROLL:**

This we're asking -- we're just going to get \$30,000, \$30,540.

**LEG. D'AMARO:**

No, no, no. What's the balance in this account right now?

**DEPUTY INSPECTOR O'CARROLL:**

Of the Asset Forfeiture Account?

**LEG. D'AMARO:**

Yeah.

**DEPUTY INSPECTOR O'CARROLL:**

That I don't know.

**LEG. D'AMARO:**

Who administers the Asset Forfeiture Account?

**DEPUTY INSPECTOR O'CARROLL:**

We do it through our Finance Division here in the Suffolk County Police Department.

**LEG. D'AMARO:**

So the Police Department administers the account?

**DEPUTY INSPECTOR O'CARROLL:**

Yes.

**LEG. D'AMARO:**

Who has authority over the account?

**DEPUTY INSPECTOR O'CARROLL:**

I'm not -- I'm not sure. I believe it's through --

**LEG. D'AMARO:**

Who sets the priorities for the account and how the funds are spent?

**DEPUTY INSPECTOR O'CARROLL:**

I would say Chief Cameron.

**LEG. D'AMARO:**

Okay. So -- and how do you come into Asset Forfeiture funds? Give me an example.

**DEPUTY INSPECTOR O'CARROLL:**

How do we get Asset Forfeiture Funds?

**LEG. D'AMARO:**

Yeah.

**DEPUTY INSPECTOR O'CARROLL:**

Like I said, I'd have to get back to you. I don't know the specifics on Asset Forfeiture funds, on how you get the money.

**LEG. D'AMARO:**

That's why I asked our Counsel what law governs it, because it seems that -- I mean, it's great that we have some cash available to buy five -- or at least five undercover police vehicles, but this seems to be like almost off budget, so to speak, right?

**MR. NOLAN:**

It is, it is off budget.

**LEG. D'AMARO:**

So why is that, and why don't we have more information about these accounts if we're going through such a big budget crisis? I don't understand. Is this something that we don't have jurisdiction over specifically?

**LEG. CILMI:**

Through the Chair, if I may. I don't know. Legislator D'Amaro, did you happen to catch an e-mail that I sent to Budget Review, and to the Comptroller, and to -- who else did I send the e-mail to? I sent it to three people about three or four days ago asking for detailed --

**LEG. D'AMARO:**

I saw an e-mail from you, but when I saw it was from you, I don't read it then.

**LEG. CILMI:**

Right. Well, that makes sense.

*(\*Laughter\*)*

**LEG. D'AMARO:**

I'm just kidding.

**LEG. CILMI:**

Who can blame you?

**LEG. D'AMARO:**

I'm just kidding.

**LEG. CILMI:**

I wouldn't want to read my e-mails either.

**LEG. D'AMARO:**

I did see it. But I thought those were some pretty legitimate questions, not that -- I'm just curious. I'm not saying anything nefarious is happening here, but I'm just curious as to what laws govern Asset Forfeiture Funds, and why it is that when we struggle to set all these priorities in our budget, for the Police Department, too, in how we spent capital funds, do we, you know, pay cash for cars, or do we bond \$5 million to buy cars, and then just like out of the sky falls money, there it is and here's our --

**MR. NOLAN:**

Those monies -- one thing I do know is that the monies that are forfeited can't go to just general County purposes, they have to stay within the law enforcement agencies for their use, typically.

**LEG. D'AMARO:**

Right. Why was a decision made not to bond for these vehicles like we've done for other vehicles?

**DEPUTY INSPECTOR O'CARROLL:**

I don't know that answer. I'll have to find out for you.

**LEG. D'AMARO:**

I mean, we don't know how much money is in the account. It just seems to me that Legislator Spencer hits it right on the head, that how do we perform any oversight, like just -- I mean, why does it even have to come here at this point? I don't know anything about this account, or the money, or the funding, or the priorities, or who sets it, or how you get the funds into the account.

What's my oversight here? I think that's a legitimate question.

**LEG. CILMI:**

If I may, again, through the Chair. And I think Legislator Calarco said this earlier to me privately, is that the -- I think the only reason this is coming to us is because they're requesting an increase in the fleet.

**LEG. D'AMARO:**

Well, that's not good.

**LEG. MC CAFFREY:**

Well, I think if you had any cause that was good, I think it's for the Heroin Task Force. I think that every one of us is facing those demons in our districts, and I say we approve it.

**LEG. D'AMARO:**

Yeah, I don't take issue with that it's for the Heroin Task Force. I mean, any police use I would imagine is ultimately, hopefully, going to save lives. I'm just questioning the expenditure side and the financial side of it where, you know, I voted to bond for police vehicles, haven't I? I believe I have. But, yet, now here's cash. Is there a couple of million dollars in this account? I mean, why did I bond \$5 million for Police vehicles if we had 3 million in an asset forfeiture account, that's what I'm saying.

**P.O. GREGORY:**

If I may, and I may be wrong, George can correct me. My understanding is with asset forfeiture funds, you cannot use them for general operating expenses. So this -- because this is a special circumstance, because it's a special Task Force, it can be used for that purpose.

**LEG. TROTТА:**

That's correct.

**P.O. GREGORY:**

But you just can't say, oh, we have a general -- we have a normal operation that we're just going to fund out of this.

**LEG. TROTТА:**

It can't fund police salaries --

**P.O. GREGORY:**

Right, right, right.

**LEG. TROTТА:**

-- and regular sector cars.

**LEG. D'AMARO:**

And I understand that. But I'm sure there's been other things that we've voted on or bonded and paid for that would fit under this, that's what I'm saying.

**LEG. TROTТА:**

This would have been bonded, except the Federal Government gives us the ability not to bond it and use the Forfeiture Fund.

**LEG. D'AMARO:**

No, I don't question that. I'm questioning, you know, just this seems to be all being legislated in the shadows, so to speak.

**LEG. TROTТА:**

Well --

**LEG. D'AMARO:**

I'm talking about the financial aspect of it, not -- I don't question the use or the need, you know. I'm just saying who's doing the -- who's doing the setting of priorities? How do I vote on this if I don't know anything about the account, or if it's an appropriate use for the account?

**LEG. TROTТА:**

It is, and I can tell you that it is appropriate.

**LEG. D'AMARO:**

No, I don't mean appropriate in the sense that it meets the law. I mean from our budget standpoint.

**LEG. TROTТА:**

Well, it's limited as to what it can be used for, and this is one of the things that the --

**LEG. D'AMARO:**

No, I understand that.

**DEPUTY INSPECTOR O'CARROLL:**

If you'd like, I will talk to my superiors. I'll see if I can get a briefing for you at a later time, so you, you know, we --

**LEG. D'AMARO:**

Yeah. Officer, I am only looking at this from the financial standpoint, I'm not questioning the use or the intent and the need. But what I'm saying is when we struggle with our budgets year after year, and then the source of revenue just appears at the behest of whoever it is the Commissioner or whoever is doing it, I think we should have more information. You know, that's what I'm saying.

**DEPUTY INSPECTOR O'CARROLL:**

Okay. I will -- I'll speak to them and see if we can get more for you.

**LEG. D'AMARO:**

Well, they might approve it anyway.

**P.O. GREGORY:**

Legislator Lindsay.

**LEG. LINDSAY:**

Maybe I can shed a little bit of light on the situation. I have some experience with this with the New York Police Department with a car -- with a company that -- these are basically rental cars, and they're registered to the rental car company or a leasing company, and the purpose of which, at least in the NYPD situation, is that if the bad guys, so to speak, have the ability to run plates, it doesn't come up as Suffolk County Police Department. So it further enhances the undercover ability of the undercover officers who are operating these cars.

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It also includes all the maintenance on the vehicles and the wear and tear. So as -- for \$500 a month, when you think of what condition these vehicles will be in at the end of the term, they're probably not worth a lot of money, and we're getting a lot of protection within there. Typically, the rental car or leasing company will also offer replacement vehicles if one of these vehicles does go down, or if it becomes recognized by the perpetrators. So there's a lot of flexibility. It's not your typical car lease, at least in those situations.

So I would assume, but, you know, I would defer to the Police Department to answer these questions, if it's the same type of situation. And I know in the NYPD situation, they spend between 5 and \$600 a month for these type of vehicles.

**P.O. GREGORY:**

Thank you. Legislator Calarco?

**D.P.O. CALARCO:**

Thank you. Yeah. I think Legislator Lindsay spoke to, you know, the particulars of maybe why the cost is there on this particular program. And, you know, I think actually this is a testament to the new Commissioner in that he is watching out for our financial dollars, and that he is saying, you know, "I have a program that we need to put in place so that we can start addressing problems that we have right here, right now, and the quickest and fastest way I can get cars in order to do that is to go through this lease program." Since it is a new program, we can use the asset forfeiture money to pay for it, and it gets the whole thing up and running pretty quickly, and I think that was the intention here, was he didn't want to have to wait to bond for cars, for us to acquire them to get them in, to outfit them. This is a chance for them to get a car, use it, pretty much do what we need with it, and then turn it back into the company that we were getting it from and getting a new car, so we can have a constant turnover and nobody knows what vehicles we're using.

**LEG. SPENCER:**

That makes a lot of sense. I can understand that. But even tell me how long we're going to do it for, a year, two years? It's 30,000 a year for three years. I mean, give me something. I mean, I -- you know, I get the necessity, I get the point, but what am I voting on?

**D.P.O. CALARCO:**

No, I can appreciate that.

**LEG. SPENCER:**

You know, it's --

**D.P.O. CALARCO:**

And I would say just to the bigger picture on asset forfeiture, I think there's a lot of us sitting around this horseshoe who have kind of like scratched our heads on how that money gets spent in the various agencies of the County that have asset forfeiture money, and, you know, that's warranted further discussion at another time.

**P.O. GREGORY:**

Okay. Legislator Browning.

**LEG. BROWNING:**

I know that we were trying to locate the Comptroller. There were -- I can tell you, we know that for the past ten years we've talked about asset forfeiture, never having the information. And the Federal regulations changed not too long ago that a lot of those -- that those funds have to come through the Comptroller's Office. And so that's what I was hoping we could find our Comptroller, so he could possibly explain that to you.

But, again, it's -- what was said by Bill is correct, the cost is to include maintenance and repairs. And, again, it's all Federally guidelineed. We were actually looking for the domestic violence organization, we were looking for funds for them and we had asked for it through asset forfeiture. And for non-profit organizations, the Federal guideline says you could only have up to -- they could only spend up to \$25,000 for a non -- to a nonprofit organization. So there are very strict guidelines on how it can be used, and operation is definitely -- we cannot use them. So to me, the idea of being able to lease undercover vehicles that they can switch out as much as they need to, it's money well spent. And it's, you know -- but I don't know. Is he here?

**LEG. SPENCER:**

I agree. You've given me a great explanation. I don't -- you know, I support it, you have my blessing on it. I'll abstain on the vote. I don't know how I -- I won't vote against it, but I'll abstain. I can't -- I can't vote against something that I don't have any oversight over, and I'm glad that they're doing it.

**LEG. BROWNING:**

Do you want the Comptroller? I know he could probably only speak generally on what he can do these days and what his abilities.

**LEG. SPENCER:**

Sure. I would love -- love more information.

**LEG. D'AMARO:**

Could I just very briefly through the Chair? Legislator Browning, I appreciate that also. Here's my concern. Here's my concern. Okay. So we vote this tonight, it gets approved, everything's fine, and then, you know, two years from now, we start reading in the newspaper that there were asset forfeiture funds that were in an account somewhere and we never asked any questions as to who administers, how much is there, where does it come from, is it being spent appropriately. If you're telling me that the Comptroller has oversight, that's what I'm talking about here. I'm not questioning the Heroin Task Force. What I'm questioning is I don't want to be held accountable for not doing my job when it comes to funding, okay? So I -- the Police Officer was nice enough to come here. He probably knows more about the Task Force and the use than he does about the accounts.

**LEG. BROWNING:**

Right.

**LEG. D'AMARO:**

And I understand that. But in the meantime, if something goes wrong with this account, we're going to pay the price, and we're going to be held responsible for that. So if I'm going to be held responsible for that, okay, then I think we deserve some kind of accounting, or at least being told that there's someone watching over this account. That's what I need to know.

**LEG. BROWNING:**

And that is something new. That's not something that's been going on for a long time. And I believe our Comptroller, if he was in the area, would be able to tell you when the Comptroller's Office, when that actually came into play. So I know he's in the room. I know he's in the building. Is he here?

**LEG. SPENCER:**

Hey, there he is.

**LEG. BROWNING:**

You want him to come in this way?

**COMPTROLLER KENNEDY:**

Your court, if you want me to.

**LEG. TROTTA:**

Motion to approve.

**LEG. MC CAFFREY:**

Motion to approve. Do you have a motion? Motion on the floor.

**P.O. GREGORY:**

Second.

*(\*Laughter\*)*

**COMPTROLLER KENNEDY:**

Tractor trailer load of them up there, make some money.

**P.O. GREGORY:**

Yes, sure.

**LEG. BROWNING:**

John, just basically, as far as the asset forfeiture funds --

**P.O. GREGORY:**

Don't sit down, don't get comfortable.

**COMPTROLLER KENNEDY:**

Where's Cinderella? That's what I want to know. Where's Cinderella?

**P.O. GREGORY:**

Nice haircut.

**COMPTROLLER KENNEDY:**

Hi. How are you, Legislator Browning?

**LEG. BROWNING:**

I am very well.

**COMPTROLLER KENNEDY:**

Great, glad to hear.

**LEG. BROWNING:**

I'm wide awake. Just the issue with asset forfeiture funds, the Federal regulations changed. When did that change, and how long has it been under your jurisdiction or oversight?

**COMPTROLLER KENNEDY:**

So let's talk a little bit about it in broad terms, because there's a few things that are going on with asset forfeiture, some of which I can't talk about in detail.

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But the Asset Forfeiture Program is actually something that was a creation of the Department of Treasury and the United States Department of Justice. Law enforcement agencies participate in reimbursement based on criminal actions that result in some kind of recovery.

Over the course of the last 24 months, there have been increasing requirements for the Chief Fiscal Officer to become involved, and, as a matter of fact, in July of last year, there was another set of rules that were promulgated that now requires the Chief Fiscal Officer to affirm as to the validity of all the expenditures.

In November of last year, Loretta Lynch actually imposed a cessation on any asset forfeiture funding being distributed as a result of Congress' actions, two subsequent actions on what's going on with the Federal budget. So, at this point, all distribution of asset forfeiture funds to any of our four law enforcement entities for new funding has been basically put on hold. However, there is still processing for criminal acts and recoveries that may have been submitted prior to the cessation in November.

As to what the use of asset forfeiture funds are, Department of Justice puts out a whole manual. There's a wide variety of categories in which law enforcement agencies can utilize asset forfeiture funds. It can be for procurement of equipment, it can be for training purposes. It cannot be used to supplant existing funding lines within law a enforcement agency's Operating Budget. So, typically, a Police Department or Sheriff's Office cannot take asset forfeiture funds to pay for the salary line for a police officer that previously had been authorized in the general operating budget.

When law enforcement agencies put forward a request for a particular type of item, our office is not charged with determining whether or not that's a valid expenditure, our job is basically on the audit side. However, we will go ahead and point out if there's something that's being sought that's a clash with what the rules are that have been promulgated.

How's that? Is that general enough, and did I confuse you all pretty well?

**LEG. D'AMARO:**

John.

**COMPTROLLER KENNEDY:**

Yes.

**LEG. D'AMARO:**

Your office has oversight or audits the asset forfeiture accounts?

**COMPTROLLER KENNEDY:**

We have the audit obligation. We have to affirm to the validity of the expenditures.

**LEG. D'AMARO:**

How often is that done by your office?

**COMPTROLLER KENNEDY:**

Well, interesting, because, as you know, I'm in my, what, 15th month in the saddle here. We have -- my office has commenced an actual audit of the '13 and '14 expenditures under the Asset Forfeiture Program with the Police Department.

**LEG. D'AMARO:**

Is that -- is the information, the current information on these accounts, is that available to the Legislature?

**COMPTROLLER KENNEDY:**

One Legislator has already asked me for some general information, and I am trying to work to aggregate and compile. As to --

**LEG. D'AMARO:**

Not necessarily through your office. But I'm saying do you -- like your office, in order to audit, would look at the records.

**COMPTROLLER KENNEDY:**

Absolutely, right.

**LEG. D'AMARO:**

But where we have legislation before us tonight that asks us to spend "X" amount of dollars out of an asset forfeiture account, which we know nothing about.

**COMPTROLLER KENNEDY:**

Okay.

**LEG. D'AMARO:**

So do we -- are we entitled to that information, do you know?

**COMPTROLLER KENNEDY:**

Well, what I would -- here's what I would suggest to you. Are you entitled to the information? Look, you know, obviously any time you're asked to go ahead and act on a particular appropriation or expenditure, obviously, it should be something that you have some representation or affirmation before you. Can I tell you today how much is sitting in the P.D., or the D.A., or the Sheriff, or Probation? Probation gets a minor amount. I didn't come prepared for that. Is it something --

**LEG. D'AMARO:**

Well, no, but you audit, you're auditing. You're doing after the fact anyway.

**COMPTROLLER KENNEDY:**

Correct.

**LEG. D'AMARO:**

You're not overseeing the administration of these accounts.

**COMPTROLLER KENNEDY:**

Absolutely not. No, that's not my role. No. The actual request for expenditure in the first instance is with each one of those law enforcement venues.

**LEG. D'AMARO:**

So did this expenditure come through your office for approval?

**COMPTROLLER KENNEDY:**

No. I -- honestly, I don't know what resolution you got before you or what we're talking about.

**LEG. D'AMARO:**

Oh, I thought you said -- I thought you said that -- I thought you said that you needed to vet all requests for expenditure of asset forfeiture.

**COMPTROLLER KENNEDY:**

What we have done since we've been made aware of what's going on with the change in the rules, the most common expenditure that we see is with training. And as a matter of fact, we've worked in conjunction with the Budget Office about authorizing expenditures for, you know, a wide variety of trainings. But I have no knowledge. Nobody contacted my office about -- I think you're talking about, what is it, cars or -- no, there's been no contact with my office about that.

**LEG. D'AMARO:**

Thanks, John. Thanks.

**COMPTROLLER KENNEDY:**

Okay, you're welcome.

**P.O. GREGORY:**

All right. We have a motion and a second?

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

To approve. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga).

**PUBLIC WORKS, TRANSPORTATION & ENERGY**

**P.O. GREGORY:**

***I.R. 1049 - Approving renewal and extension of ferry license and fares for Tony's Freight Service, Inc. (Pres. Off.).***

**LEG. ANKER:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Absent: Legislator Barraga)

***I.R. 1189 - Appropriating funds in connection with Roof Replacement on Various County Buildings (CP 1623) (Co. Exec.).*** I'll make a motion to approve, second by Legislator Calarco. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Wait, wait. On the motion. On the motion.

**P.O. GREGORY:**

Oh, I'm sorry. I'm sorry. Legislator Kennedy.

**LEG. KENNEDY:**

Hi Gil. I asked this question and I didn't get an answer. I know it's routine roof replacement, but why are we not -- why -- not that I want to spend a million more dollars. Why are we not taking

care of this, reinforcing the structure of each of these roofs so they will hold solar panels?

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

**COMMISSIONER ANDERSON:**

We do that, actually, under the -- I think it's 1664, which is the energy Capital Project. When we look at a building and we assess it whether or not it has solar, or whether it's fit for solar, we look at the roof and see the conditions, see if it can withstand it. If there's enough funding in that project, we will use the 1664 funds to upgrade it. The -- this Capital Program has always been traditionally just for the roof replacement, you know, taking the shingles off and the underlying material and replacing that. If we have to replace the plywood that's underneath, we replace the plywood.

**LEG. KENNEDY:**

This bill is for the Legislature, some water building and --

**COMMISSIONER ANDERSON:**

It's the ME's building, it's this building, and it's also the dredge garage out -- warehouse out in Yaphank.

**LEG. KENNEDY:**

Warehouse, okay.

**COMMISSIONER ANDERSON:**

Yep.

**LEG. KENNEDY:**

Any of those buildings suitable for solar panels?

**COMMISSIONER ANDERSON:**

We haven't, I don't believe, assessed the building for solar panels. We put them in to, you know, Police Headquarters, we put it on the Board of Ed -- Board of Elections, I'm sorry, you know, other ones, but I don't know that we've assessed these buildings right now for that.

**LEG. KENNEDY:**

And what would the cost be to assess any of these, and do we have the money in the other fund?

**COMMISSIONER ANDERSON:**

I don't believe we have the money in the other funds right now to do that.

**LEG. KENNEDY:**

Okay.

**COMMISSIONER ANDERSON:**

You know.

**LEG. KENNEDY:**

Okay. Thank you.

**COMMISSIONER ANDERSON:**

You're welcome:

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**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Sixteen (Not Present: Legislator Hahn - Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1189A, Bond Resolution (Appropriating funds in connection with Roof Replacement on Various County Buildings (CP 1623).*** Same motion, same second; roll call.

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

**P.O. GREGORY:**

Yes.

**D.P.O. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

*(Absent).*

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. HAHN:**

Yes.

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay, I see Mr. Ronayne sitting patiently. I just found out why he's here.

**Veterans**

So I'm going to request that we go to page nine and Veterans and take -- make a request to take ***IR 1241*** out of order, it's ***a resolution to accept net proceeds from the 2015 Suffolk County Marathon into the General Fund and to amend the 2016 Operating Budget to appropriate the net proceeds for certain not-for-profit veterans organizations (County Executive).***

Second by Legislator Anker to take out of order. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay. Motion by Legislator Stern. Second by Legislator Anker to approve. Anyone have any questions? On the motion, Legislator Cilmi.

**LEG. CILMI:**

Hey, Tom. How are you tonight?

**DIRECTOR RONAYNE:**

How are you?

**LEG. CILMI:**

Good, thanks. So how many -- I see a list here of all of the different agencies and how much money each of them got. How many are there; do you know off the top of your head?

**DIRECTOR RONAYNE:**

There were a total of 19 agencies funded.

**LEG. CILMI:**

How many requests were there?

**DIRECTOR RONAYNE:**

Forty-seven.

**LEG. CILMI:**

And what was the process by which your committee decided which of the 47 applications to award funding to?

**DIRECTOR RONAYNE:**

Each committee member was provided with a full set of submitted applications.

**LEG. CILMI:**

Right.

**DIRECTOR RONAYNE:**

Each committee member was asked to review and make an independent assessment of those applications. And upon convening our final meeting, we polled the committee and asked them to score each of the applications based on a set of criteria that was laid out in the application. Once the applications had been scored -- and we had previously agreed that the threshold for consideration in round one, should there ultimately become a need for a round two, round one considerations would occur for all applications scoring 70% or higher. Upon review, we determined that there were two applications that could not be considered because of either incompleteness or an inappropriate nature of the request. We commenced the scoring of the remaining 45; 19 scored above the threshold of 70%. At that point --

**LEG. CILMI:**

Using an average of all the members' scores.

**DIRECTOR RONAYNE:**

Correct. Correct.

**LEG. CILMI:**

And the dollar amounts that were awarded, are they commensurate with the specific requests or did you have the option of changing the requested amount to the requested --

**DIRECTOR RONAYNE:**

Of the 19 agencies who were funded, only two, and they were the two smallest requests, were actually funded in full. The remaining 17 were based on the amount of the application ask. They were categorized in one of three categories; each of those categories were considered as a percentage of their overall ask and the application request was reduced by that amount. And this became necessary so that we could stay within the amount of money that we had to disburse.

**LEG. CILMI:**

Right. And at this point, have you notified any of these agencies or that doesn't happen until we approve them?

**DIRECTOR RONAYNE:**

We have not formerly notified anybody. We really could not make any formal notifications until we had concluded tonight's process. There have been conversations, we have notified some of the organizations, most of the organizations informally, but we have not made any commitments or formal letters or any such formal notifications.

**LEG. CILMI:**

Have you had any informal discussions with the 20-odd agencies that were not awarded?

**DIRECTOR RONAYNE:**

I have had some. I have not -- I have not communicated with all of them. We did have one other individual working with us on the committee who has also been making notifications, but he had nothing official or formal until --

**LEG. CILMI:**

Those have got to be difficult conversations to have, because I would imagine each of those organizations, you know, had -- each of those applications had merit in its own right.

**DIRECTOR RONAYNE:**

I would agree, but I think that we had a very well-rounded committee. I think the committee was very well thought out, and the diversity of the members allowed us to really apply sound judgment as to who was more -- most appropriate. All of them had some merit.

**LEG. CILMI:**

Right.

**DIRECTOR RONAYNE:**

But difficult decisions had to be made.

**LEG. CILMI:**

All right. Thanks, Tom.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**DIRECTOR RONAYNE:**

Thank you.

**P.O. GREGORY:**

You're welcome.

Okay, ***IR 1190-16 - Appropriating funds in connection with replacement of Major Buildings Operations Equipment at Various*** -- oh, wait. We did that, didn't we?

**MR. NOLAN:**

We're on 1190.

**P.O. GREGORY:**

I'm sorry, no -- ***at Various County Facilities (CP 1737)(County Executive)***. I'll make a motion to approve.

**D.P.O. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1190A Bond Resolution (Bond Resolution of the County of Suffolk, New York, Authorizing the issuance of \$450,000 bonds to finance the replacement of major buildings operations equipment at various County facilities (CP 1737.331), same motion, same second.***  
Roll call.

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

**P.O. GREGORY:**

Yes.

**D.P.O. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

*(Absent).*

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1191-16 - Appropriating funds in connection with Elevator Controls and Safety Upgrading at Various County Facilities (CP 1760) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1191A, Bond Resolution (of the County of Suffolk, New York, Authorizing the issuance of \$500,000 bonds to finance the cost of elevator controls and safety upgrading at various County Facilities (CP 1760.321),*** same motion, same second. Roll call.

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

**P.O. GREGORY:**

Yes.

**D.P.O. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**  
*(Absent).*

**LEG. KENNEDY:**  
Yes.

**LEG. TROTTA:**  
Yes.

**LEG. McCAFFREY:**  
Yes.

**LEG. STERN:**  
Yes.

**LEG. D'AMARO:**  
Yes.

**LEG. SPENCER:**  
Yes.

**MR. RICHBERG:**  
*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**  
***IR 1192-16 - Calling a public hearing for the purpose of increasing and improving facilities and modification to the plan for Suffolk County Sewer District No. 18 – Hauppauge Industrial (CP 8126) (County Executive).*** Motion by Legislator Muratore. Second -- who was that? Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**  
***IR 1195-16 - Appropriating funds in connection with reconstruction of Culverts (CP 5371) (County Executive).*** I'll make a motion.

**LEG. MURATORE:**  
*(Raised hand).*

**P.O. GREGORY:**  
Second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**  
***IR 1195A, Bond Resolution (of the County of Suffolk, New York, Authorizing the issuance of \$600,000 bonds to finance the reconstruction of Culverts (CP 5371.115 and .323),*** same motion, same second. Roll call.

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

**P.O. GREGORY:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

*(Not Present).*

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

*(Absent).*

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. CALARCO:**

Yes.

**MR. RICHBERG:**

*Sixteen (Not Present: Legislator Lindsay - Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1198-16 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 11 – Selden (CP 8117)(County Executive).***

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

**MR. RICHBERG:**

Seventeen.

**P.O. GREGORY:**

***IR 1199-16 --***

**MR. RICHBERG:**

*Sixteen (Not Present: Legislator Lindsay - Absent: Legislator Barraga).*

**P.O. GREGORY:**

***-- Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 7 – Medford (CP 8150)(County Executive).*** Motion by

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

**MR. RICHBERG:**

*Sixteen (Not Present: Legislator Lindsay - Absent: Legislator Baraga).*

**P.O. GREGORY:**

***IR 1201-16 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 10 – Stony Brook (CP 8175)(County Executive).*** Motion by Legislator Hahn. Second by Legislator Muratore.

Motion by Legislator Hahn. Second by Legislator Muratore.

**LEG. HAHN:**

Sorry, I just have a question on the motion.

**P.O. GREGORY:**

On the motion? Go ahead.

**LEG. HAHN:**

On the motion. I know it's just calling for a public hearing, but can you just explain to me this one? Just make sure there are no leaching fields.

**COMMISSIONER ANDERSON:**

This is -- it's a sewer collection upgrade, so we'll be replacing portions of the existing sewers that serve this district. So I don't have specific locations right now, but --

**LEG. HAHN:**

There's no new leaching field.

**COMMISSIONER ANDERSON:**

No new leaching fields.

**LEG. HAHN:**

Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1202-16 - Calling a public hearing for the purpose of modifying the plan for the increase and improvement of facilities for Suffolk County Sewer District No. 3 – Southwest (CP 8181)(County Executive).*** I'll make a motion.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1203-16 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 3 – Southwest (CP 8180)(County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1212-16 - Authorizing the conveyance of County-owned surplus unused right-of-way having a Suffolk County Tax Map Identification Number (of District 0200 Section 663.00 Block 02.00 Lot 009.000 fronting two (2) parcels of land having Suffolk County Tax Map Identification Numbers of District 0200 Section 663.00 Block 02.00 Lot 005.000 and District 0200 Section 663.00 Block 02.00 Lot 010.000) -- okay, George says I don't have to read all of that -- pursuant to Section 125 of the New York State Highway Law.(County Executive).*** I make a motion.

**LEG. KRUPSKI:**

*(Raised hand).*

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay, Ways & Means:

**IR 1160-16 - Approving payment to General Code Publishers for Administrative Code pages (County Executive).** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

**IR 1178-16 - Authorizing the reconveyance of County-owned Real Estate pursuant to Section 215, New York State County Law to Joseph and Lisa Kenny (SCTM No. 0400-083.00-02.00-015.000) (Trotta).** Motion by Legislator Trotta. I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

**IR 1205-16 - To appoint member of Suffolk County Board of Ethics (Eric A. Kopp) (County Executive).** I'll make --

**LEG. CILMI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Cilmi. I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

**IR 1213-16 - Authorizing the transfer of certain properties from the Suffolk County Department of Public Works to the Suffolk County Department of Economic Development and Planning, Division of Real Property Acquisition and Management (adjacent to SCTM Nos. 0200-560.00-04.00-002.000 and 0200-560.00-04.00-003.000) (County Executive).**

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

**IR 1219-16 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-172.00-03.00-043.000) (County Executive).**

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1220-16 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-194.00-01.00-001.000) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

#### **Procedural Motions**

**P.O. GREGORY:**

Okay, in the manilla folder. Okay, I'll make a motion to approve ***Procedural Motion No. 4-2016 - Apportioning Mortgage Tax By: County Comptroller (Presiding Officer Gregory).***

**LEG. TROTTA:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

Okay. I'll make a motion to approve ***Procedural Resolution No. 5-2016 - Setting land acquisition priorities in accordance with "AAA Program" requirements (2016 - PHASE I) (Hahn).***

**LEG. FLEMING:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

#### **Certificates of Necessity**

**P.O. GREGORY:**

Okay, we have a couple of CNs.

**IR 11** -- excuse me, **1316-16 - Requesting Legislative approval of a contract award for marketing and outreach services for recruitment and retention of volunteer emergency services personnel for the Department of Fire, Rescue, and Emergency Services (County Executive)**. Anybody?

**D.P.O. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco. I'll second.

**LEG. McCAFFREY:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator McCaffrey.

**LEG. McCAFFREY:**

Yes, I just have a question about why this is a CN. This appears to be a grant that was given out in 2015, 2014 it was applied for, I think in 2015 they may get it. Why is it -- why is this not going through the committee process? What's the rush?

**MR. MOLTZEN:**

Legislator McCaffrey, good morning. This is going through a CN because -- well, as you stated, this body approved a measure accepting and appropriating funds under the Safer Grant Program; this is 100% grant funded. Following that, we went out to bid with an RFP seeking special services as appropriated under that measure. We -- the Office of Purchasing from DPW reached out to 99 different vendors in asking for responses; we got one, one response to our RFP. And under Local Law 3 of 1996, if there is an RFP that goes out and you only get one response back and the contract is valued at over \$20,000, we need to seek Legislative approval.

Since this program is several months in at this point, we are just going through the CN process for approval for this contract for an appropriation that this body has already approved, approved last year. We could go through the regular committee process, it would set us back, you know, several weeks, as I know that we're several months into this grant program. And we're just hoping for this body's approval so that we can get moving.

**LEG. McCAFFREY:**

Just so I can clarify. So this has already been awarded and it's already -- the money has already been appropriated?

**MR. MOLTZEN:**

Yes.

**LEG. McCAFFREY:**

And so why are you coming to us now?

**MR. MOLTZEN:**

For approval of the contract with the responding vendor. As I stated, we -- the Office of Purchasing reached out to 99 different vendors, we received one response, and under Local Law 3 of 1996, when that happens, we need to get Legislative approval for the contract itself. So the appropriation was already approved, we went out to bid on the contract, we got one response and, under the law, we come back to this body for your approval.

**LEG. McCAFFREY:**

So have you awarded the contract to him?

**MR. MOLTZEN:**

No, that's -- we're asking for your approval to enter into a contract. We went through the RFP process. The bid that we did receive back was scored, the bid was found to be -- and the vendor was found to be satisfactory. You know, we did our due diligence.

**LEG. McCAFFREY:**

No, I understand, but this was back in September and I just don't know why it's a CN and we're not going through the committee process here to vet this out, that's all. I mean, I don't understand why this is a CN, I still can't. This is \$1.29 million, we had one person that responded to the bid.

**MR. MOLTZEN:**

Legislator McCaffrey, if I could. We are on a Federal timeline to spend the funds.

**LEG. McCAFFREY:**

Yeah, I understand. But they were awarded back in July, right?

**MR. MOLTZEN:**

This body accepted it I believe late last year.

**LEG. McCAFFREY:**

July 29th, 2015, and now it's rush rush to us to ram it through without going through the committee. It's a \$1.3 million to a sole bidder on the contract.

**MR. MOLTZEN:**

No. If I may, Legislator McCaffrey. The contract itself is not for 1.3 million. The contract itself is for approximately three -- would be approximately \$363,000 over four years, and it's 100% grant funded.

**LEG. McCAFFREY:**

Listen, it's a good cause. We need -- you know, I support it. I'm just talking about the process here. I mean, we've spent -- I was talking about the process about the heroin task force cars and things like that, and I can't understand why we're rushing this through on a CN when we have -- and we had a sole bidder on the \$300,000 contract and it hasn't gone through the committee process. And this was something that was done back in July, and now we have to deal with it as a CN and not flush it out through the committee process.

**MR. MOLTZEN:**

My only response would be that once this contract is approved and executed, it will take a couple of months for the vendor to begin, you know, producing.

**LEG. McCAFFREY:**

So then that makes it even more -- yeah, then why -- definitely why the CN? This should definitely be going through the committee process if you're not going to expend the money, you're not going to do anything. I don't understand why this isn't being through the regular process.

**COMMISSIONER WILLIAMS:**

Legislator, I understand your questions. There was a lot of delay in this particular grant to getting it out, going through everything. What we're trying to do right now, the reason why we're asking for the CN, is that after -- if this is approved this evening, by the time we get the contract signed, the contract drawn -- because the contract is not drawn up; we would not draw a contract up until we

had approval -- it's an estimate of 60 days on that.

What's happening is we're trying to get -- to speed it up by a little bit, even if it's a couple of weeks, just to get the process going, because what's going to happen is talking to the vendor, by the time he does a program, he's not going to have the exact program out until about August. So it puts us back. We acknowledge the fact that this is taking a longer process than anybody wanted to take here, but we're asking, and that's why the CN was asked for, that we can just move it up as fast as we can now.

**LEG. McCAFFREY:**

I understand. But we spent a lot of time here, now it's twenty after one talking about two due process, us doing our responsibility here and we're being asked to -- this was given to us, you know, a little while ago, we're trying to review this thing. This was something that was awarded to us in July. We're not going to expend this money until several months, from what I'm hearing here now. I still don't understand the rush for a CN here. I mean, it's supposed to be for special reasons, so. And Joe, this is for -- to try and promote --

**COMMISSIONER WILLIAMS:**

What this contract is, this is the -- you've heard on the radio and everything else, this is our Recruitment and Retention Program for volunteer firefighters. This is an advertising company that came in and bid on this that will be advertising FRES on radio, TV, stuff like that, we dealt with our last Safer Grant.

**LEG. McCAFFREY:**

And money well spent, it's a grant, it does not cost anything. For us it's about the process and that's what I'm concerned about.

**P.O. GREGORY:**

Okay. Legislator Muratore.

**LEG. MURATORE:**

Mr. P.O., can I make a motion to recommit this?

**LEG. TROTTA:**

Second.

**P.O. GREGORY:**

You can make any motion you would like.

**LEG. MURATORE:**

I make a motion to recommit this.

**LEG. McCAFFREY:**

Second.

**P.O. GREGORY:**

Motion to recommit by Legislator Muratore. Second by Legislator McCaffrey. Legislator Browning, did you have a question, comment?

**LEG. BROWNING:**

Yeah. I mean, I know it's a grant that we're entitled to, but, you know, when I go to the FRES meetings and I hear about recruitment and they say recruitment's going well, what -- and I think this -- because of the time of the night, we'd like to know what it is. But the other issue is if we

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RFP'd this, and I think I looked at the information, it was RFP'd in February, it's only March, and if more than one responder came back we wouldn't be voting on this tonight, right? So why the rush?

**COMMISSIONER WILLIAMS:**

Again, it's the timeframe. Like I said, the RFP did not go out, we didn't open it, it didn't go back out until February. There was a series of problems. We had to go through -- after we got the one bid, we had to get over -- talk to Purchasing about sole source, that was it.

What's happening with the program, we're still doing a fantastic job with recruitment/retention because we still have the residuals from the last grant. There's still advertisement that can -- it's still coming across from our people, so the recruitment/retention is going well. Like I just said, that RFP did not get open until February.

**LEG. BROWNING:**

Okay. But if the recruitment is going well right now, who's doing that right now?

**COMMISSIONER WILLIAMS:**

Okay. There's a company, there's an advertising company that still had to finish out their contract from the last one, there was money left over from that, they finished that out. So what's happening, that is ending right now. Our biggest sale is actually to -- is actually with this type of advertising.

**LEG. BROWNING:**

And who is it?

**COMMISSIONER WILLIAMS:**

All we're trying to do with the CN was actually speed the process up a little bit, because we were first -- I admit, we are a little behind the eight ball on this. What's happening is after we get approval of this, we're looking at a 30-day, 45-day signing of a contract. The vendor will not start the work until we sign that contract. The vendor has already informed us that that's a 60 to 90-day type of thing before he's going to have to produce the first ad out there; that takes us to August/September.

**LEG. BROWNING:**

So who's doing the advertising right now?

**COMMISSIONER WILLIAMS:**

What's the name of the company right now?

**MR. MOLTZEN:**

Sonia Madison is doing the advertising right now, I believe.

**COMMISSIONER WILLIAMS:**

Sona madison is doing the advertising right now, and I believe they're the same company who won the bid, right.

**LEG. BROWNING:**

That's the same company that put the bid in.

**COMMISSIONER WILLIAMS:**

They won the bid, yes.

**LEG. BROWNING:**

And there is zero -- I find it hard to believe that there's other advertising companies that did not --

**COMMISSIONER WILLIAMS:**

I think Ed mentioned, we worked -- we sent out, we gave them lists. Everybody put out the lists and we got one bid on it.

**LEG. BROWNING:**

I'm just concerned that, you know, we're jumping in, I guess because of the time of the night we're looking at it. How much is the advertising company getting? It's 1.2 million, but how much are they getting?

**COMMISSIONER WILLIAMS:**

The grant is a total of 1.2 million. The contract we're giving is three hundred and --

**MR. MOLTZEN:**

Three sixty-three.

**COMMISSIONER WILLIAMS:**

Three-sixty-three over three years.

**LEG. BROWNING:**

Okay. And so what's the rest of the money going to be used for?

**COMMISSIONER WILLIAMS:**

The rest of the money is going to be spent on the volunteer firefighters, we're going to be paying for their college. We also have one person that runs the program, salary and benefits; printing, all that stuff. That's where it's spent.

**LEG. BROWNING:**

Okay. I mean, I'm not necessarily opposed to committing it, sending it to committee.

**P.O. GREGORY:**

For what purpose?

**LEG. BROWNING:**

I just don't know that we need to do this. I mean, if it was being RFP'd and there was more than one responder, we wouldn't be rushing to do a CN tonight. Do you know what I'm saying?

**P.O. GREGORY:**

It doesn't mean that they would be moving forward with it.

**LEG. BROWNING:**

Right. But if there was more than one responder in an RFP, we wouldn't be doing a CN tonight. And I --

**P.O. GREGORY:**

Yeah, we wouldn't be doing a CN, but it doesn't mean that they would be seeking -- that they would not be seeking to move forward to contract.

**COMMISSIONER WILLIAMS:**

If I may just say something? If we got two bids we wouldn't be -- have to come back here tonight and ask for a CN or ask for a resolution. Being that we only got one bid, that's the reason why we

have to come back to the Legislators. If we got two bids and we awarded one of those bids to one of those companies, that process would -- this expenditure was actually approved when you approved accepting the grant.

**LEG. BROWNING:**

So when does the contract expire with the -- whatever this company is.

**COMMISSIONER WILLIAMS:**

The old company, it is over, they're done. There's no more contract. That's off of the old grant. What happened with the old grant is that there was some money left over, the Federal government let us spend it for advertising, not for the program. So what we did, they added -- they let us add to that money on the old contract, but that is over. That grant ended.

**LEG. BROWNING:**

So this was awarded in July. I see that we passed a resolution, I believe it was in December, to accept the funds. The RFP went out in February and now we have a CN to approve this. So what was the delay? You were saying there was an issue, there was some kind of an issue with the advertising of it?

**COMMISSIONER WILLIAMS:**

The issue was we had to make up the specification to get it out. Then we worked with actually Purchasing, supplied them with, I believe, 99 different names of people that do this type of work. Then there was a discussion when they came back on we only got one bid. We had a discussion with Purchasing about that one bid and we're willing to accept it, and that's the reason why we're here today. But like I said, we received that in July. By the time it was processed and we accepted it was months later. We awarded it in July, we didn't get it accepted until, actually, the Fall, we went out in December for this RFP and awarded it in February. So there is a time period there, but it's almost consistent by the time we get a grant handed to us, and we've seen it before with other grants. We have a grant given to us, by the time it goes through the process, it's almost a six-month process for us to get the grant by the time we get to the point where we can start spending the money, and this one is now into this period here where we're almost on eight months.

**LEG. BROWNING:**

I'm not going to say -- I will be at the FRES meeting this week, though. And I just don't understand why the delays and we wind up with the same company anyway, the same advertising company that is already doing it. So I just don't understand how we can't get other companies to apply.

**COMMISSIONER WILLIAMS:**

Okay.

**LEG. BROWNING:**

It just doesn't make sense.

**P.O. GREGORY:**

All right. I'm going to call the vote for the motion to commit.

**LEG. D'AMARO:**

DuWayne, can I just, on that motion? Joe, the reason I think it's being questioned is because there's a policy reason that supports our review if there's only one response to a bid. So it's for us to have an opportunity to question, as you did with Purchasing, why there was only one response, and then perhaps the merits of that response there's an additional layer of oversight in the process, as you know.

**COMMISSIONER WILLIAMS:**

Yes.

**LEG. D'AMARO:**

If there's only one response. So I think some of my colleagues may feel, well, you know, if the law specifically provides that if there's only one response we should have additional oversight, by doing the CN some of us may feel that we're not given that opportunity. And I think that is competing directly with your need in your department to move this along as quickly as possible based on the reasons that you explained.

**COMMISSIONER WILLIAMS:**

Yes, sir.

**LEG. D'AMARO:**

So my question to you is if this was committed to committee and we waited the additional, I think it's going to be about three weeks before this would be approved, would that be so detrimental to the program that you're trying to continue here, the advertising program?

**COMMISSIONER WILLIAMS:**

In all honesty, I understand your concerns. And for myself, we would like to see it done this evening, but if --

**LEG. D'AMARO:**

You know, we read a lot in the newspapers about contracts being awarded just under dollar limits and how come there was no oversight, how come nobody questioned them. So here's an example of a contract with a specific policy in place for us to review because there's one respondent, but yet we have no opportunity to question that.

**COMMISSIONER WILLIAMS:**

I understand a hundred percent. And in all honesty, if that's the will of the horseshoe here, he would -- FRES would live with it. It all depends on your vote. We ask that you approve it based on --

**LEG. D'AMARO:**

Well, now I just want to know would it kill the program, or how detrimental -- I want your opinion on that.

**COMMISSIONER WILLIAMS:**

It would not kill the program.

**LEG. D'AMARO:**

Okay.

**COMMISSIONER WILLIAMS:**

It would push some of our dates back three weeks, three or four weeks, but it would not kill the program, it would just push it back in time a little bit longer than on a grant that's been kind of a long time. But that's all it would result in.

**LEG. D'AMARO:**

And you're comfortable with the one response?

**COMMISSIONER WILLIAMS:**

Yes, we are. Like was mentioned, it's the same company we had before. We had an open bid, we

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sent out to a lot of people, Purchasing was a little disappointed they didn't get more, they reached out to people, but we got the one bid.

**LEG. D'AMARO:**

Right.

**COMMISSIONER WILLIAMS:**

They've been vetted before.

**LEG. D'AMARO:**

So they were vetted before, you know their performance and you're satisfied with their performance.

**COMMISSIONER WILLIAMS:**

Yes. As a matter of fact, on the last grant they were already helpful for us bringing in 2200 new volunteer firefighters into the system.

**LEG. D'AMARO:**

Okay, that's good enough for me. Thank you.

**P.O. GREGORY:**

Legislator Browning, you had a question? Then Legislator Muratore.

**LEG. MURATORE:**

Commissioner, can we get the list of the 99 people or companies you sent to?

**COMMISSIONER WILLIAMS:**

We wouldn't have -- well, I can get it to you. We would show it to you. You know, I don't have it with me this evening, but we --

**LEG. MURATORE:**

No, I don't want it this evening. But can you get it to our office?

I think Kate wants to see it also.

**COMMISSIONER WILLIAMS:**

It is part of the bid package, it is part of the package, we'd have to get it off of Purchasing.

**LEG. MURATORE:**

If you can get it to my office, and I think Legislator Browning wants it, too. Okay?

**COMMISSIONER WILLIAMS:**

Okay.

**LEG. MURATORE:**

Thank you, Commissioner.

**P.O. GREGORY:**

Okay. All right, so we have a motion to recommit and a motion to approve. Motion to recommit goes first. Roll call.

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

**LEG. MURATORE:**

Yes.

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**LEG. McCAFFREY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. FLEMING:**

No.

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

No.

**LEG. ANKER:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

*(Absent).*

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

Yes.

**D.P.O. CALARCO:**

No.

**P.O. GREGORY:**

No.

**MR. RICHBERG:**

Ten (Opposed: Legislators Fleming, Hahn, Anker, Stern, D'Amaro, D.P.O. Calarco & P.O. Gregory - Absent: Legislator Barraga).

**P.O. GREGORY:**

All right, it goes to committee.

We have one more CN, ***IR 1317-16 - Transferring funds from Assessment Stabilization Reserve Fund, amending the 2016 Capital Budget and Program and appropriating funds in connection with the Sewer Infrastructure Program to provide funding for Meschutt County Park Wastewater Upgrade (CP 8720)(County Executive).***

**LEG. FLEMING:**

Motion.

**LEG. KRUPSKI:**

(Raised hand).

**P.O. GREGORY:**

Motion by Legislator Fleming. Second by Legislator Krupski. Anyone? Approve? All in favor? I'm sorry (laughter). Oh, geez.

(\*Laughter\*)

All in favor?

**D.P.O. CALARCO:**

Opposed?

**P.O. GREGORY:**

Opposed? Someone help me. Abstentions?

**MR. RICHBERG:**

Seventeen (Absent: Legislator Barraga).

**P.O. GREGORY:**

Okay. All right, almost done.

**Late Starters**

I would like to make a motion to waive the rules and lay the following resolutions on the table:

*IR -- Home Rule Message No. 2 to Parks; IR 1293, Parks; IR 1294, Public Works; 1295, Public Works; 1296, Public Works; 1297, Public Works; 1298, 1299, 1300, 1301, 1302, 1303, 1304 to Public Works; IR 1305 to Public Works; IR 1306, 1307 to Public Works; IR 1308 to Public Safety; 1309 to EPA, set the public hearing for April 12th at 2:30 PM here in Hauppauge; IR 1310, Seniors & Consumer Protection, set the public hearing for April 12th, 2:30 p.m. in Hauppauge; 1311 to EPA; 1312 to Ways & Means; 1313 to EPA; 1314 to Ways & Means; 1315 to Public Works; 1318 to EPA; 1319 to EPA; 1320 to EPA; 1321 to EPA; IR 1322 to Public Works, set the public hearing for April 12th, 2:30 PM in Hauppauge.*

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

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**MR. RICHBERG:**

*Seventeen (Absent: Legislator Barraga).*

**P.O. GREGORY:**

That is our agenda. We stand adjourned. Have a good night. Get home safe.

**(\*The meeting was adjourned at 1:32 A.M. \*)**

**{ } - Denotes Spelled Phonetically.**