

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

Fifth DAY

April 12, 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

Lucia Braaten & Alison Mahoney - Court Stenographers

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

*(*The meeting was called to order at 9:33 p.m. *)*

P.O. GREGORY:

Good morning, Mr. Clerk.

MR. RICHBERG:

Good morning, Mr. Presiding Officer.

P.O. GREGORY:

Can I have all Legislators to the horseshoe. Please do the roll call.

(Roll Call by Mr. Richberg, Clerk of the Legislature)

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

Here.

LEG. STERN:

(Not Present)

LEG. MC CAFFREY:

Here.

LEG. TROTTA:

Here.

LEG. KENNEDY:

Here.

LEG. BARRAGA:

Here.

LEG. CILMI:

Here.

LEG. MARTINEZ:

Here.

LEG. LINDSAY:

(Not Present)

LEG. ANKER:

Here.

LEG. HAHN:

(Not Present)

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LEG. MURATORE:

Here.

LEG. BROWNING:

Here.

LEG. FLEMING:

Present.

LEG. KRUPSKI:

(Not Present)

P.O. GREGORY:

Here.

D.P.O. CALARCO:

Present.

MR. RICHBERG:

Thirteen. (Not Present: Legislators Spencer, Stern, Lindsay, Hahn and Krupski)

P.O. GREGORY:

Okay. If everyone will please rise for the salute to the flag, led by Legislator Monica Martinez.

(*Salutation*)

LEG. MARTINEZ:

Good morning, and welcome. Today we have Carmeline Jean-Francois, who's going to be singing our National Anthem. She is a 21-year-old Suffolk Community College Honors graduate. She is currently a full-time student at Farmingdale College, majoring in Applied Mathematics. She's an aspiring Actuary, which I just found out loves numbers. She also has a talent for music and has been singing for about eight years. She has performed at several different churches, weddings and production, and today we have the honor of hearing her today at our Legislature. Carmeline.

(*Carmeline Jean-Francois Sang the National Anthem*)

LEG. MARTINEZ:

Thank you, Carmeline, that was beautiful. And now I have the honor of presenting Pastor Bryan Greaves. He is a Pastor of Holy Church of Christ in Central Islip. He is a gentleman who has been working very close with our youth. He has been preaching at the tender age of 12. He serves as a Youth Pastor at his home church. He was ordained as a minister at the age of 17. He has a desire and compassion for God's word.

Elder Bryan Greaves has traveled the length and breadth of the land preaching and teaching. Pastor Greaves currently is the Assistant to his Pastor, Pastor Barbara Sims, and desires to preserve the longevity of the ministry. Not only is he effective in the pulpit, but also tends to the needs of the community.

At the age of 22, he suffered a major stroke that he miraculously recovered from after just a few days. This revealed to him the purpose and assignment over his life, to help change the community by faith with God's love. Pastor Greaves.

(*Applause*)

PASTOR GREAVES:

It is of the house's decorum to bow our head. May we please bow our head.

Oh, Lord, Father of creation, who created the sun, the moon, the stars. You, God, you placed them in its orbital position. You created the Earth. In Earth, you created society. In society, you placed mankind. You not only created man and made them in your image, but you appointed mankind to rule the Earth with peace, unity and strength. We pray that you allow peace and unity to rest upon the hearts in this room, that your voice may be heard in the cries of the community. This morning we request, God, your strength and unity amongst our governing brothers and sisters, unity that allows them to think as you think, to decide as you decide. You guide with wisdom. We submit to you our agenda, that every local act, every private act, every public act, every adhere, every adoption, every amendment, every appropriation, every bill, every budget, every yay and every nay be in the best interest of your people you have appointed us over. Protect even the heart of our Nation's President, todays and tomorrows, and will forever fear you, honor you, and reverence you. Everyone say amen.

(*Amen Said in Unison*)

PASTOR GREAVES:

Amen.

LEG. MARTINEZ:

Thank you, Pastor Greaves.

P.O. GREGORY:

Thank you. If you'll all please remain standing for a moment of silence in memory of David Auerbach, father-in-law of Lauren Auerbach, Legislative Aide in Legislator Muratore's Office, passed away recently. David served in the U.S. Navy during the Korean War.

In memory of John Karlund, partner of Mary Young, Legislative Aide in Legislator Stern's Office, who passed away suddenly last week.

We send our heartfelt sympathy and prayers to them and their families.

In recognition of Worker's Memorial Day. Let us remember workers who lost their lives due to a workplace injury or illness. We mourn their passing, honor their memory, and commit ourselves to the struggle to ensure a safe and healthy workplace for all.

And, also, please keep in your thoughts and prayers all the men and women in the military who put themselves in harm's way every day to protect our country.

(*Moment of Silence*)

D.P.O. CALARCO:

Our first proclamation this morning will be from Presiding Officer Gregory, who will present a proclamation to Jeremiah Hardy, "Legislator for a Day," as winner of the Black History Essay Contest sponsored in his district. The winner is a Wyandanch resident and student at Milton L. Olive Middle School in Wyandanch. The essay theme was "How do the contributions of 20th Century African-Americans affect your daily life?" He wrote about George Washington Carver.

P.O. GREGORY:

Thank you. It's my pleasure to stand before you today with this young gentleman who won our

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essay contest with Black History Month. We've done this for the past several years. In order to engage and connect with our high school students, and to -- want to get them to talk about history and to -- about what inspires them and motivates them, but also to connect them to government. And so today he's going to be shadowing me, and we're proud to have him. And the residents of the 15th Legislative District are in good hands today.

So, Jeremiah, I wanted to thank you and congratulate you for winning the contest. I see you're here with your Mom. Hi, Mom.

MS. HARDY:

Hi.

P.O. GREGORY:

Well, thank you both for coming here today. We have this proclamation in recognition of your efforts. Thank you.

*(*Applause*)*

*(*Photograph was Taken*)*

D.P.O. CALARCO:

Our next presentation will be Legislator Kennedy. Legislator Kennedy will present a proclamation to Emily McDermott, an Intel semifinalist from Smithtown East High School.

LEG. KENNEDY:

Okay. I have Emily McDermott here. Emily was an Intel semifinalist. I just want to read off a few things from the proclamation that she will be receiving. She's amazing.

Emily has demonstrated intelligence, passion and initiative beyond her years in her involvement in doctoral level research with the Department of Ecology and Evolution at Stony Brook University in Network Biology, the mathematical and computational mapping of biological systems to an experimental model. That's just one thing.

Emily, you are our future. We are thankful to have you in our County. And with that, from the 89,000 people in the 12th Legislative District, congratulations. Good job, good job. Keep it up.

*(*Applause*)*

P.O. GREGORY:

Okay. Next, we'll have a presentation by Legislator Bridget Fleming.

LEG. FLEMING:

I'm joined by members of the Southampton Town Police Department, if you could all come up with me.

So we do a lot of talking about the Suffolk County Police Department, you know, which is, as we know, a fine Police Department. It has its challenges and its strengths. But I do love the opportunity to remind everyone that on the East End of Long Island, we are proudly represented by some local Police Departments who do a fine job, both in coordination with the Suffolk County Police Department, but also on their own. It's really a pleasure.

I think you know I served as a Southampton Town Councilwoman for five years. I was Liaison to the Police Department, and very proud of that. These are fine officers and a fine department.

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I have asked that three Officers join us today. All three of them are responsible for saving lives out in the Town of Southampton and really deserve to be recognized. We're joined also by the Chief of the Department, Robert Pearce. Thank you for coming. And the PBA President from Southampton, Kevin Gwinn. Thank you, Kevin, for coming.

So these three gentlemen are really outstanding representatives of the Police Department in Southampton. So I just want to let you know what each of them did to have the honor of the day today.

Officer Kristian Lorusso got a call from Westhampton for an infant who was not breathing. Officer Lorusso responded to the residence, where he was handed a one-year-old child by the child's mother, and determined that the child did not have a pulse. Officer Lorusso quickly began performing rescue breathing and chest compressions on the child, who subsequently began to breathe on his own, was taken to the hospital and is healthy now. So what an outstanding effort on your part, Kris. Thank you so much.

(*Applause*)

Officer Erik Breitwieser was on patrol when he received a dispatch -- well, he was dispatched to a car that had overturned. The driver was unresponsive and the front end of the vehicle was on fire. He could not open the driver's side door. And so Officer Breitwieser, knowing that he had to act quickly because the driver in the car could die, he did not second-guess himself, he used his baton to break the window on the driver's side door, putting himself in peril as the car was on fire. Officer Breitwieser entered the car through the broken glass. He then discovered that the seatbelt was stuck. Thinking quickly again, he used a knife to cut the seatbelt and pull the driver out, thereby saving his life. The driver was unresponsive, but is now safe and healthy. And congratulations, Erik, another fantastic job.

(*Applause*)

Last, but not least, Officer Keith Phillips received a call reporting a male lying on the road near a bus stop in Riverside County Center. Officer Phillips is -- has been a licensed EMT for many years. When he pulled up on the scene, he immediately recognized what was most likely a heroin overdose. A 39-year-old male was unconscious, and based on his breathing patterns, Keith knew what he needed to do. He administered Narcan, and within a few seconds, the man's breathing was restored. And he also is now alive, thanks to the brave efforts and the smart policing of Officer Phillips.

(*Applause*)

So I appreciate these guys coming all the way up to Hauppauge. I'm really happy for the opportunity to show them off. They do a great job in Southampton. Thank you all so much.

(*Applause*)

***(Photograph was Taken*)**

P.O. GREGORY:

Congratulations, and great job. Next, we'll have Legislator Rob Trotta, who will make a presentation to Kings Park High School -- Kings Park High School Seniors.

LEG. TROTTA:

Yes. I have three Intel or Siemens finalist from one school, which I think in itself is a huge, huge accomplishment. I'd like to call Dr. Eagen and their teacher, Mary Ellen Fay, up also, because I'd like to think that they have something to do with this increased activity of intelligence in Kings Park. I mean, I can't tell you how proud I am. I'm so proud that I'm reading what you did and I have no idea what it is.

*(*Laughter*)*

So I'm not going to bore you with what it is. But these people here are our future, and they are the doctors and the mathematicians that are going to get us through the next century, hopefully.

You know, it's with great pride. Julian, who's not here today, he's being interviewed by the Wharton School of Business. He got into Harvard. You guys all got into MIT, and unbelievable schools. Could you imagine having to make a decision on what school, you know, whether it be Harvard, Yale or MIT? And I think this is a reflection of the great teachers and the superintendent who is pushing this. And I think underlying this whole thing is their kindergarten teacher, because Julian and John Jeffrey had Mrs. Trotta for kindergarten, and I would like to think that that's something.

All I can say is I'm proud of you guys, your community is proud of you, Long Island is proud of you, and I'm sure your parents are very proud of you, and I congratulate you. And go out there, make a big difference, and come back and open up companies on Long Island. Thank you.

*(*Applause*)*

P.O. GREGORY:

Next, we'll have a presentation by Legislator Stern.

LEG. STERN:

Hey, good morning, everyone. Today I'm making a special presentation to a special young lady who is joining us in the Legislature. Rachel Rosenstein is a Junior at Half Hollow Hills High School East. She's a High Honor student. She takes a very rigorous course load while serving as a Peer Ambassador in her school's anti-bullying program. She's the co-editor of the school newspaper, and a participant in a prestigious research program, all pretty impressive things. But ten years ago, now ten years ago, you must have been about that high, so ten years ago you already had a dedication to serving others. Ten years ago, when she was in elementary school, she and a fellow student founded "Covers Cause We Care," collecting blankets for the homeless and those who need in our community with the Interfaith Nutrition Network. And to date, "Covers Cause We Care" has collected more than 5,300 blankets for some of the most vulnerable in our community. But that wasn't enough.

For Rachel, with her younger sister, Lindsay, they both founded "Baking a Difference," providing healthy homemade meals to residents of the Donald Axinn Inn Shelter. Special things from a special young lady. And, Rachel, you certainly are a role model to other young people in our community, and certainly an example for all of us to follow.

And so on behalf of the Legislature, I present you with this Legislative proclamation that recognizes all of your outstanding work for so many others in our community, and to say congratulations, but, most importantly, thank you.

*(*Applause*)*

MS. ROSENSTEIN:

Thank you. Thank you so much for this wonderful honor. In particular, I would like to thank Legislator Steve Stern and Debbie Harris.

"Covers Cause We Care" has been a very important part of my life since I was ten years old. The ability to help those in need is something I learned early on from my parents, and seeing firsthand the joy that a gently used blanket can bring to someone in need has reinforced my desire to continue with this initiative indefinitely. Success of each collection can be measured by each donor's contribution, and together we are able to make a difference.

At 5,300 blankets and counting, I continually look for new avenues to surpass previous goals. In addition to being so excited about this proclamation, I view today as an opportunity to let everyone here know that I would be thrilled to accept any donations of blankets that your District Offices might collect. I would make it so easy for this to happen, as I would come to each of your offices to pick up any blankets you might receive. Should you wish to participate, I promise that you will feel the same way I do each time I receive a new donation.

I can be reached at rosenstein17@gmail.com. Please don't hesitate to contact me should you have any questions. I will leave fliers that you can use to post in your office or use in your newsletter to promote this program. Thank you again.

*(*Applause*)*

P.O. GREGORY:

Great job, young lady.

*(*Photograph was Taken*)*

Okay. Next, we have -- we will have a presentation by Legislator Spencer, recognizing Huntington High School Blue Devils Track 4-by-400 Meter Relay Team.

LEG. SPENCER:

Good morning. Thank you, Mr. Presiding Officer. I'd like to invite the Huntington Blue Devil Track 4-by-4 Relay Team to join me with their Coaches and Athletic Director.

You know, many times we have the opportunity to recognize Suffolk County champions. Sometimes we recognize Long Island champions. We occasionally have State champions, but today I have a really great privilege to be able to recognize National champions.

After winning the New York State Championship for the second year in a row, Huntington High School Blue Devil 4-by-4 Meter Relay Team, comprised of Lawrence Leake, Kyree Johnson, Shane McGuire and Infinite Tucker knew that there was only one way to end their undefeated season. On March the 13th, at the New Balance National Indoor Meet at the Armory in Manhattan, these four young talented men, under the direction of Coach Ron Wilson, Assistant Coaches Eli Acosta and Haidee Ganz-Bonhurst, raced against some of the nation's best runners. They set a new Suffolk County record, and beat out 26 other teams from around the nation to become the National Champions.

The Suffolk County Legislature welcomes an opportunity to pay a well deserved tribute to our local youth for their dedication and commitment, but today it's great to be able to recognize greatness. So it gives me great privilege to present you with these proclamations, and congratulations for your success and on a record-breaking year.

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*(*Applause*)*

*(*Photograph was Taken*)*

P.O. GREGORY:

Congratulations, young men. Next, we have Legislators Hahn and Anker will make a presentation to Frank Rivera, founder of Sarcoidosis of Long Island, a not-for-profit organization committed to increasing awareness and advocating for patients' diagnoses -- diagnosis with the rare disease and unknown cause that leads to organ inflammation. Legislator Anker and Hahn.

LEG. ANKER:

Hi.

P.O. GREGORY:

You have the floor, and Legislator Spencer.

LEG. ANKER:

And Legislator Spencer. We have Frank Rivera here today, he is one of my constituents. And we're here to create more awareness about Sarcodosis -- Sarcoidosis. Did I say it right?

MR. RIVERA:

Sarcoidosis.

LEG. ANKER:

Sarcoidosis, okay. And just to make people aware, that April is "Sarcoidosis Awareness Month". Now I just wanted to remind also that we will be having our -- actually, your organization will be sponsoring an event at the North Shore Heritage Park that's in Mount Sinai this Saturday, April 16th, from 10 to 12. And, again, we're going to do a walk around the park and to create awareness.

And as you look at the horseshoe, you'll see there's quite a number of Legislators here in recognition wearing purple. So, yeah, everyone is in purple shirts, purple ties, purple scarves. And, you know, again, it's just to make sure that people understand that this is a very serious disease, and the more advocacy we can do, the more will be done to cure it.

So I have -- Legislator Hahn also would like it say a few words.

LEG. HAHN:

Thank you. Frank, we are presenting this to you in thanks for bringing attention to this rare disease, for all of your dedication and hard work to bring awareness to individuals, despite all that you are suffering personally, your fight, taking it to Washington, taking it to Albany, bringing it here to us in the Legislature, to make sure that there is true awareness.

And I want to once again thank the Legislators for the support of naming April as "Sarcoidosis Awareness Month". And our Health Department will be reaching out to physicians with education and holding a training program. And, you know, we thank you for all of your efforts, and we applaud you and thank you.

*(*Applause*)*

LEG. SPENCER:

This particular disease is particularly personal for me. I -- several years ago, my mother was diagnosed with the disease and she was told that she wouldn't survive, approximately 30 years ago. And she battled it, and, fortunately, I had her for another 20 years. But, eventually, I lost her to

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complications of the condition, and it was one of the driving forces to me going into medicine to look for resources. And I did research on the disease and it's better today, but there's a lot of work to be done. But today, to stand here with my colleagues that brought this forward, it really is a personal -- personally touching for me, and I feel my mom would be proud today. So, really, thank you for what you do. Thanks for bringing attention to it, and you know that I will be passionately working with you. So thank you.

MR. RIVERA:

Thank you.

*(*Applause*)*

LEG. HAHN:

Anybody wearing purple who would like to come up.

*(*Photograph was Taken*)*

D.P.O. CALARCO:

Okay. That's all the presentations we have for this morning, so we're going to start with our Public Portion. We have several cards here. Our first speaker is Ralph Capurso, and following him will be Warren Schein.

MR. CAPURSO:

Good morning. Thank you for giving me the opportunity to speak with you. My name is Ralph Capurso, III. I am third generation small retail business, started by my grandfather, Ralph, Sr., in 1953. I'm here to speak about the public hearing for I.R. 1309.

I want to commend the Legislators on their commitment to preserve and protect tidal wetlands, bays, fresh water wetlands and surface waters. I am here to speak of my strong opposition to the proposed law.

I am third generation running a retail garden center. Over the past several years, laws have been passed and we have been diligent in complying with these laws, selling zero phosphate lawn fertilizers, and making the consumer aware of the law, no fertilizing from November 1st to April 1st. We understand the need for these laws and support these efforts. However, I feel that this proposed law will be ineffective and have unintended consequences. The law as -- the law is a bit misguided, targeting lawn and garden fertilizer, which is a very small part of the equation. Residential septic systems and sewage treatment plants are the primary source.

This proposal, as presented, reduces the ability for Suffolk County residents to maintain healthy lawns and landscapes, thus increasing nitrogen leaching and runoff. Improvements have been made in nitrogen and we should look to the manufacturers for solutions to our concerns, not rush into a law that will hurt the local lawn and garden industry. By rushing into this, we will create shortages of product. Many current products will not comply. Manufacturers will not have the time to create new products and register them for the 2017 season. That is assuming that they are interested in creating new product for one county.

The retail consumer who wants to continue maintaining their lawns and gardens will do so. They will travel outside of restricted areas, and then there's the internet. It's hard enough to compete in this competitive world we live in today. This will have tremendous impact on the lawn and garden business. Staff would have to be reduced if sales suffer, and I feel they will.

Studies from Cornell and other universities show that unmaintained low quality, weedy lawns have

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three times more nitrogen runoff. Let's not rush into this, but find solutions that work for everybody. I thank you for your time. You have allowed me to speak on my concerns. Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you. Our next speaker is Warren Schein, followed by Hector Gavilla.

MR. SCHEIN:

Good morning. I'm here today representing Smith & DeGroat Real Estate, and I'm here regarding concerns over HR 02, Home Rule Message requesting the State of New York to discontinue use of certain land for park purposes, Senate Bill S06873, and Assembly Bill A02223. Specifically, the intent of this legislation is, as was stated in last week's Parks Committee meeting, to ultimately relinquish the Suffolk County park asset known as the Elwood Little Red Schoolhouse so that the Elwood Library could acquire it.

It was stated in the meeting that the building is dilapidated, unusable, and there is no plan for the County to restore it. However, our firm disagrees on the condition of the Little Red Schoolhouse, and was and is willing to restore it at no cost to the County, enabling Suffolk County to both retain it for enjoyment by the residents, but also turn a profit for the County.

On July 18th of 2013, our firm, Smith & DeGroat, along with the Elwood Library, responded to the Request For Expressions of Interest for Suffolk County Department of Parks, Recreation and Conservation to design, restore, operate, manage, occupy and maintain residential or business facilities at the Elwood Schoolhouse and Black Duck Lodge. Suffolk County's goal to establish a program, which preserves these properties through a public/private partnership, aligns along with Smith & DeGroat's successful property management of Nassau County's historic landmark portfolios and the complete Mitchell Field veteran housing complex. We proposed to restore and preserve these threatened and vandalized historic sites and utilize them as Veterans housing.

Our plan for the Elwood Little Red Schoolhouse called for six units of Veterans housing, constructed at our cost and investment. Once the investment into the property would be recovered through fair market rental rates subsidized by Veterans' funding sources, County residents will benefit from the cash flow. The Elwood Library's proposal was selected over ours, and we understood that. However, since the parameters regarding the development of this property have changed, we believe the Request for Expressions of Interest should be reissued, so this resolution is premature. And I thank you for your time. Thank you so much.

D.P.O. CALARCO:

Thank you very much. Our next speaker is Hector Gavilla, followed by James Emanuele.

MR. GAVILLA:

Hi. Good morning. My name is Hector Gavilla and I oppose the Red Light Camera Program. The good news is that we finally got the 2014 report, and I'm handing that out to everybody. Now, since most of you who have supported this program are so fond of quoting data, okay, let's review the data to see if you still think that this is a valid program, okay? What I'm going to tell you is that the data you supported is called junk science, because your data has a fake hypothesis with fake results.

So, if you look starting on Page 10 of this report, and Page 11, you will see that the total T-bone accidents before the red light cameras were installed, there was an average of 176 T-bone accidents before the cameras were installed. After the cameras were installed, there's an average of 138.

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So we went from 176 to 138. Is that successful? I don't think so.

Rear-end collisions, it's in the report, before the cameras were installed, the average rear-end collisions at these locations were 302 per year. After the cameras were installed, they went up to an average of 429 at the red light camera locations. Is that a success? I don't think so.

Total personal injuries at the red light camera locations, before there were red light cameras installed, the average was 481 personal injury accidents. After they were installed, the average at these same locations, 461. We went from 41 a year to 461 in total personal injuries. Is that a success? I don't think so.

According to the recent Newsday article that's -- was published recently, on Page 8, they mention that 44 out of the 100 locations saw an increase in personal injuries. That's 44% of the locations have an increase in history of personal injuries.

One thing I wanted to point out, in my home town in Commack, is that in front of the Meat Farms, which we mentioned, on Commack Road, there was an increase from eight accidents, that included personal injuries, that went up to 19 after they installed the camera. They installed the cameras there at the end of 2013, so for all intents and purposes, they installed it in 2014, so we had 19. We went from virtually nothing, it doubled to 19. But what was successful is that that location in front of the Meat Farms, where people are making turns to go shopping, grocery shopping, it produced 4,426 tickets, and that one location produced \$354,000 in revenue. That's the only thing that's been successful about this program is that it has produced \$33 million last year in revenue. That's about \$300,000 per location.

So I'm asking you that when Robert Trotta proposes the bill to suspend this program, you realize that this program has actually created more accidents than it's prevented.

D.P.O. CALARCO:

Mr. Gavilla, your time is up.

MR. GAVILLA:

All right. Thank you very much. And now I understand why you also were in the news saying that you want to keep the program, because -- and review it, because this is a lot of money to lose for Suffolk County.

D.P.O. CALARCO:

Thank you.

MR. GAVILLA:

Thirty-three million dollars a year.

D.P.O. CALARCO:

Thank you, Mr. Gavilla.

MR. GAVILLA:

Thank you very much. Have a great day.

*(*Applause*)*

D.P.O. CALARCO:

Our next speaker is James Emanuele, followed by Susan Capek.

MR. EMANUELE:

I'd like to preface everything I say, before I go any farther, and thank Legislator Trotta for proposing this legislation. Knowing Legislator Trotta for a long time, and he's a stand up guy, is now, always has been, the taxpayers have gotten their money's worth out of you, more so than they could have imagined. But this doesn't mean the issue is over, this is just starting.

These red light cameras, all they're doing is stealing money from the public. I travel the country now, I run into people from all over the United States, and everybody that leaves Suffolk County regrets it. They love it here, but they can't live here. Between State tax, Federal tax, their sales tax and their property taxes, it's impossible to stay in Suffolk County. Suffolk County is a bankrupt municipality, I don't have to read too many financials to understand that, and it's only going to get worse.

This revenue flow from these traffic cameras I consider illegal. I don't consider them constitutional. I don't like the way they're set up. The shortening of the yellow signal was done intentionally by the traffic companies. And this is going on all over the United States of America, it's not just going on here in Suffolk County, and it's designed to get you to go through that signal and to take money out of your pocket.

I think the people of Suffolk County deserve better, and I thank Legislator Trotta for standing up for the people of Suffolk County. Thank you very much, sir.

*(*Applause*)*

D.P.O. CALARCO:

Thank you very much. Our next speaker is Susan Capek, followed by Jack McCloy.

MS. CAPEK:

Good morning. My name is Susan Capek. I live in the Birchwood at Bretton Woods condominium complex in Coram. As a nonsmoker, I would like to thank you for passing the Local Law which prohibits smoking in common areas of multiple dwelling buildings, and within 50 feet of all entrances, exits, and within 50 feet of any ventilation intake.

I can tell you that nonsmokers living in multiple dwelling buildings need more protection. We need protection from unwanted smoke coming directly into our homes from a neighboring unit whose resident smokes indoors. I have a neighbor who smokes and her unwanted secondhand smoke makes its way from her unit into my home. We share attic areas in common, and the small space between our units, through which our pipes and wires run. Her smoke comes into my home through the medicine cabinets, through the cutouts in the wall for the electrical fixtures, along plumbing pipes, and through vent openings in the ceiling and walls.

I know I'm not the only one who suffers from eye, sinus, throat and lung irritation from secondhand smoke. Over the years, in addition to people living in my community, I've met people from other condos who suffer the same. And I've even heard that the brand new Wincoram Commons, the apartments, which turned a blighted area of Coram into light, and was recognized by Governor Cuomo's Regional Economic Development Council, has residents complaining of unwanted secondhand smoke traveling into their apartments.

Ideally, people would not smoke in their -- in their condos, apartments and co-ops. Nonsmokers should not be subjected to someone else's poisonous smoke in their own homes. And I think we need some kind of legislation which requires complexes with multiple dwelling buildings that are already in existence to install attic fans, something which is designed to draw smoke up and out of the building through the roof. And maybe for future building, building codes need to be changed for

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new complexes, so that something is done so that smoke does not go from one unit into the next unit, and I hope you can help us with that.

As a nonsmoker, I thank you for your time and the latest legislation.

*(*Applause*)*

D.P.O. CALARCO:

Thank you, Ms. Capek. Our next speaker is Jack McCloy, followed by Ronald McCaffrey.

MR. MC CLOY:

Good morning, Members of the Legislature, and especially Legislator Trotta. Thank you for your time yesterday. I'm speaking to you about the red light camera situation, and although I'm a Nassau County resident, I grew up in Suffolk County from the time I was in elementary school until college, and I'm probably the most recognized opponent of the red light camera situation in Nassau County. I've been published in local papers, Newsday, interviewed for Fox 5 Television.

And let me explain to you why I am here today, because I've addressed the Nassau County Legislature, and had a personal conversation with Nassau County Executive Ed Mangano to explain to him why the red light camera situation in Nassau County was unfair, and, hopefully, you'll adopt the same measures here. Instead of eliminating it completely or keeping it the way it is, there is a middle ground.

The yellow light duration should not be short-timed, which is what causes these rear-end collisions. And the most obvious change that was adopted in many areas in Nassau County is the establishment of these count-down timers that have been placed at the intersections where the red light cameras are located, so the oncoming drivers can see that they have three, two, one seconds left before the green light changes to yellow, which gives them an additional amount of time to begin breaking before the light changes to yellow and avoids these rear-end collision increases that are not happening so much in Nassau, but are still happening here in Suffolk County. That's the obvious thing that you could do easily and without removing the program completely.

The other thing is a technical situation that enriches the companies that put these red light cameras into effect where they short-time the yellow light duration. Technically, a vehicle traveling at 30 miles per hour, according Edmonds, which is the nationally recognized highway transportation organization in this country, says that a vehicle traveling at 30 miles an hour needs three seconds to come to a complete stop under normal driving conditions. That's one aspect of it. Edmonds has come to realize that it's not only the vehicle time to come to a stop, but it's perception time and reaction time that needs to be added to braking time. That three-second duration has been increased to 4.5 seconds, adding three-quarters of a second for perception time and three quarters of a second for reaction time for an average driver to be able to come to a stop.

If the yellow light duration is changed from three seconds to 4.5 seconds, and you institute the countdown timers, you will find you will eliminate the rear-end collision problem, and you'll still be able to generate revenue from those drivers that are blowing through stop -- red lights, which is a very good thing. Thank you for your time.

D.P.O. CALARCO:

Thank you, Mr. McCloy.

*(*Applause*)*

Our next speaker is Ronald McCaffrey, followed by Jessie Marcus.

MR. MC CAFFREY:

Good morning. I'm Ron McCaffrey. I live in Port Jeff Station in a condo area. And I'm really here in support of my daughter, Susan Capek, who spoke to you a few minutes ago about your recent regulation of regulating smoking in multi-dwellings.

Anyway, my perception, as a retired aerospace engineer, is to say that the secondhand smoke going between units should be able to be handled during the construction of a building, when you consider that there are already regulations in place, like to limit the rate of -- if you have a fire in a lower story part of the building, you have to insert fire stop wherever a pipe goes up through the floor or cabling goes up. Similar techniques could also be adapted to prevent secondhand smoke from wafting from one unit to another. So I'd encourage you to think in those lines. And it should be a low-tech solution, it shouldn't be an expensive thing to do, but something that would be implemented during construction, and put in medicine cabinets and things like that, where you could prevent this kind of unwanted intrusion of air scents, or whatever they are, from one unit to another.

So I wanted to compliment you on the -- on putting forth this Local Law for regulating the smoke and encourage you to persist further in this. Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you very much. Our next speaker is Jessie Marcus, followed by Paul Pressman.

MS. MARCUS:

Good morning. I'm Jessie Marcus. I'm with the Peconic Land Trust, and I'm speaking on behalf of the Sisters of the Order of Saint Dominic, and here to speak to Introductory Resolution Number 1321, the proposed sale of development rights on approximately 17.5 acres of their property, located in the Town of Babylon.

The Sisters started farming this land in 1996 as Homecoming Farm, a sponsored ministry of the Sisters of Saint Dominic of Amityville. It is one of the oldest NOFA New York certified CSAs on Long Island. They currently grow vegetables, garlic, berries, currants, herbs, flowers, and they have bees for pollination and for honey on approximately 3.5 acres, with plans to expand to the full 17.5 acres this season. In addition to growing for their CSA members, they also grow excess to donate to the Interfaith Nutritional Network, a local food pantry. They have sold out of their CSA shares for the past three years. They have paid staff, an Executive Director, a full-time farmer, apprentices and interns, and a part-time office assistant, as well as volunteers.

The Sisters have been exploring ideas for long-term sustainability through preservation in a way that is consistent with our land ethic that was adopted in 2001 to honor and protect land, gifts of the Earth, to restore plant and animal life, and restore clean air and water. The County's Farmland PDR Program is the incentive to motivate them towards their goal of total preservation and sustainability.

We realize that this property is one of the many brought before you for consideration. However, this property is one of the very few agricultural operations in western Suffolk County. It also provides fresh produce within the local community to members of their farm community, supported agriculture -- their CSA, as well as an Interfaith Nutrition Network in an area where fresh local produce is relatively nonexistent.

I ask that you consider approximately 17.5 acres of the subject property for the purchase of development rights, as it meets the following criteria: It has prime agricultural soils, and it has

significant road frontage along New Highway, Cpl. Tony Casamento Highway, and Trinity Cemetery Road, which, if protected, would provide significant view sheds for future generations. Preservation of this parcel would also satisfy the goals of the Suffolk County Ag and Farmland Protection Plan of 2015, which is outlined as -- to preserve agriculture as an essential industry in Suffolk County, to continue to purchase the development rights to the remaining farms that are not protected, to incentivize farmers to implement best management practices, to retain the cultural continuity of farming, a link to the historical development of Suffolk County, while attracting new farmers, diversifying crops markets and methodologies, and also to maintain the economic viability of the County's ag industry.

Thank you for your consideration of this significant property.

*(*Applause*)*

D.P.O. CALARCO:

Thank you. Okay. Our next speaker is Paul Pressman, followed by Richard Amper.

MR. PRESSMAN:

Good morning, Legislators. I am back up here again about public transportation and the SCAT service.

As a County resident for over 45 years, and having to take SCAT service at the moment, because I am disabled, I can also take the buses, but, unfortunately, the bus system needs as much work as the SCAT service. We don't have enough buses. The buses run on hour schedules to catch a bus. I still would ask every Legislator just one day to take the bus from their house to their office, just one day, just so you can understand what it is like for people that do not have a car, that have to take public transportation.

I took public transportation to get here. I live in West Islip. By car, it's maybe a 20-minute ride on the parkway. I had to catch the bus at 8:15 this morning, go to West Babylon, go back to Babylon, go back to West Islip, and then come to Hauppauge.

This AVL system is not working. I listen to everything that comes over the radio on the SCAT bus. All the drivers are complaining, "My AVL system is not working today." They're being told, "Shut it off, just go by your manifest." Things are getting changed left and right. People are complaining, they're missing medical appointments. It is very difficult to do it. Yesterday, I had to go to Albany Avenue in Amityville. I was picked up. We then went to Lindenhurst. We then went back and dropped off a person a block away from where I was picked up. The bus driver then went to Massapequa. He then had to go up and pick somebody up in Farmingdale, and I got home an hour-and-a-half later. Had I taken the regular bus, it would have been less time, even with the bus schedules. This has to be changed.

And all -- every time I call up, everything is, "Well, we're working on it, we're working on it." This bus system has been for 35 years, you're still working on it. You just -- you just got \$2.5 million from the Federal Government to fix the SCAT system. You bought buses. Thirty-six out of the 40 buses, drivers are complaining they cannot put people on wheelchairs on these buses. They are not the same buses as what was bought before. Speak to the drivers, but nobody wants to even listen to the drivers. They all know. I talk to them every day I get on the bus.

I'm asking you, please, somebody has to get in touch with Mr. Lenberger, with Mr. Anderson. You have to, please, take the bus one day, that's all I ask. Just take it one day and understand what it is like for a person that has to go places and has to rely on buses to get around, where you can only do maybe one or two things a day, where, if you had a car, you could do six or seven. Thank you

very much and have a nice day.

D.P.O. CALARCO:

Thank you, Mr. Pressman.

*(*Applause*)*

Our next speaker is Richard Amper, followed by John Motta.

MR. AMPER:

Hi, good morning. I guess you all know that the County is facing a very serious crisis with respect to water quality, and we're working on it. In fact, Suffolk's way out in front on this at this point. We very much appreciate it. The public doesn't quite understand what you know, that all of our water comes from beneath our feet. We did a recent poll and we asked them, "Where do Long Islanders get their water?" And 3% answered, "From the faucet, stupid." They're answering the polls, "Turn it on, there it is." Well, in fact, it's being seriously contaminated, principally by nitrogen from wastewater and fertilizer, but we also have pesticides and VOCs. And a lot of people are doing a lot of things about it. I've been doing this stuff for a long time.

Usually, you go to an elected official and you say, "We've got a crisis here," and they say, "Well, isn't that a bit of an overstatement?" No one's saying that. Even if they agree there's a crisis, they frequently respond, "Well, but that's a Federal matter," or, "That's a State matter." No one is saying that. Everybody is going to play a role, and one of those people is Mr. Lindsay, who introduced I.R. 1309 to deal with nitrogen in fertilizers and it's a -- it's another one of these issues. I'm not either in favor of it or opposed to it. I think that we do need to do a deal with the nitrogen problem across the Board. We're going to do it in 350,000 homes with septic systems, we're going to do it with sewage treatment plants, we're going to do it with ocean outfall pipes. It's going to be a major challenge, but we're going to do it.

But I think it would be useful if we try to integrate all of these nitrogen things more or less together, so that we're not just dealing with the person who is applying fertilizer to their lawn, or the industry that does that, or the agriculture industry that uses fertilizer. We need a holistic approach to, scientifically, what are the current loads, nitrogen loads, and where we need to do it on a watershed basis, one after another. One size doesn't fit all.

So I am, at the behest of many environmental groups, offering to come and work with you, Mr. Lindsay, and with Ms. Hahn, and Doc Spencer, and all of you people who have an interest in the water issue to work out all of these things.

The final conclusion of our most recent poll was how does the public feel about this, and, in fact, how do they want to pay for it. And the answer is they want to be sure that everybody who is a part of the cause of the problem, the nitrogen problem, plays a part. If you're going to ask us to replace our septic systems, can we ask farmers to use it more appropriately? What are we going to do about lawns? What are we going to do about individual septic systems? Let's integrate all of these things together, work together. Any help that we can give you to make this thing work will be helpful, because the public says, "We're not doing it if everybody doesn't do it," so let's all do it. Thank you very much.

*(*Applause*)*

D.P.O. CALARCO:

Thank you. Our next speaker is John Motta, followed by Mohammed Singha.

MR. MOTTA:

Good morning. Thank you for listening to me today, sir. In regards to the Licensing Board for the septic waste industry, as you all know, there was legislation passed on 10 or 16 -- I'm sorry, 10 to 12 different amendments to our licenses that will affect the consumer more than it would affect the commercial aspect of this.

We all understand that our water quality has to be protected, and we totally agree, but we pick up septic waste as carters and we transport to different sectors and different sewage treatment plants. What comes out of the outflow of the sewage treatment plant cannot contain to the homeowner that we're picking up from unless it's -- unless it was properly treated at the sewage treatment plant. The nitrogen that's pushed out after the sewage treatment plant process is killing off our infrastructure to fish, the whole industry.

What's happening here is that if we don't have quality in our water supply from the sewage treatment plant, the nitrogen will continue to grow and kill off the fish and everything else. The homeowner has nothing to do with this pertaining to us picking it up. You're making this very complicated for the whole industry, which is about 465 licensees, okay, that transport water to the County facilities.

There's also County facilities and there's also private sector facilities. So, therefore, if you need to control what's coming into the County facility, which we have a rule from the Suffolk County Department of Public Works what they can take and what they cannot take, is what's acceptable at the plant is what we've been bringing in. But if you can't treat it, it's a very difficult situation, and we understand that.

But how to educate the consumer? We're going here and pumping out a septic system that we, assuming it's septic residential waste, okay? Commercial aspect is grease with commercial waste combined, which was designed by the Health Department, which is part of Suffolk County.

So, therefore, what I'm asking for is that the homeowner should not, or the carter should not have to have these amendments to properly pump a septic system at somebody's home. If you took all these amendments, at \$200 an amendment, it would cost the carter \$2,200 for two years to have a license, where every other licensee has \$400 for two years, okay? So what we have to educate is what we can do. We're willing to work with the Legislature to find an alternate solution, with not just the Liquid Waste Association, which holds only 35 members, but the whole industry in general. And we're here in an open forum to hear the people come in, and if there are any questions, we're here to help, not to condone what's going on. And I think what's happening here is that there's bombshell that's dropped onto the 465 carters, and I don't think that's correct. I think we're here for the consumer. That's what the license is about, it's not about commercial. Thank you for your time.

D.P.O. CALARCO:

Thank you. Our next speaker is Mohammed Singha? I hope I got the right --

AUDIENCE MEMBER:

Can I speak on that?

D.P.O. CALARCO:

No, no. Please fill out a card. We'll call you up in order. I'm sorry, we have to keep it in order. And our next speaker is Deborah Maffettone.

MR. SINGHA:

Greetings, everyone. It's an honor for me to be here standing before our elected officials. I volunteer and network with many different organizations throughout Long Island. We're learning,

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we're studying everything, we're teaching, we're sharing information. Experience has taught us that justice is not always fast, but we still believe that justice will always be fair.

Today I'm here on behalf of hundreds of taxpayers and residents who look like me. Most of them are silent and afraid. We have real concerns with these cameras. Thirty dollar surcharge may be illegal. It may not seem like a lot to you, but it takes away a lot from families in my community and the small businesses in my community. So we hope that we can redirect some of this money to educating people.

We came up with a think tank. We thought maybe speed bumps on the right turns may slow traffic down, instead of \$85 or \$80. I'm not here because I've gotten a ticket. I've been involved in a rear-end accident. Thank God I'm okay; little damage to the car. But these things are happening more and more frequently in my community. Every time I'm on my way to work, we see broken glass, car parts. And I'm just -- you know, I'm thinking that we could brainstorm and come up with a better idea. You know, \$30 may not seem like a lot, but 800,000 illegal \$30 surcharges, in my community, they call it organized crime. Thank you.

(*Applause*)

D.P.O. CALARCO:

Thank you. Our next speaker is Deborah Maffettone, followed by Norma Soluri.

MS. MAFFETTONE:

Good morning. My name is Deborah Maffettone and I am an animal advocate and I'm a rescuer, and live in the Town of Babylon. For 17 years I have lived on Long Island, have personally rescued and rehomed over 600 dogs, several cats, and I've been the voice of those who have none. I ask you today to hear the cries of the animals of this County.

I belong to a group of passionate animal advocates dedicated to protecting the animals in our County and on this Island, in this state and further. We are working with the Governor's Office, as well as other Legislators on Long Island. We'd like to start in our own backyard. I am here today to ask this body to open an investigation and inquiry and thoroughly look into the activity and inactivity of the Suffolk County SPCA, specifically all the things they are not doing that should be done.

Every day in our county, an animal is being burned. As you may remember Maximus, hung on a tree, to be beaten like a pinata, like Roxy, by his owner. I'm sorry. Tossed into the Great South Bay by his owner, with a cinder block wrapped around his neck for barking. And as recently as a few days ago, in my town, in Lindenhurst, a German shepherd was found with his mouth duct-taped shut. If you can believe it, worse has been done, if that is possible.

I was personally and respectfully involved with the New York State Attorney General's Office in shutting down Precious Pups, a fake rescue organization whose only goal was to hoard truckloads of innocent dogs from the south in any way she could get her hands on them, only to be sold to unsuspecting families wanting to do good, and hundreds are left with sick and dying dogs and thousands of dollars in vet bills. At that time, over 100 complaints were called into the Suffolk County SPCA and most were left ignored.

Suffolk County SPCA claims to investigate over 3,000 complaints a year. However, there was no prevention of cruelty, which they are charged to do by the State. We also cannot obtain any information on who oversees this State-appointed group. They seem to have no boss. As the Chief boasts time and time again 30-plus years, that is 90,000 complaints, yet not one person sits in jail today in this County for animal cruelty.

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May I also remind you that animal abusers become child abusers. Jeffrey Dahmer was an animal abuser who would collect animal carcasses from the roadside and dismember them. With live animals, he would explore their bodies to discover where their bones were located. He did this on live animals, and then he moved on children and men, and was convicted of 17 felonies, murders and dismemberments of people.

Son of Sam was an animal abuser. I lived in Queens when Son of Sam was out shooting women with long, dark hair.

Our County is looked at by others outside New York as the richest place to live, and it may be just that. It certainly is one of the most expensive places to live. Sadly, we do not treat our animals how they deserve, and as one would expect a rich area should. The municipal shelters in our County do an amazing job with the task at hand. However, without a proper organization to prevent cruelty, we are merely being reactive in sending a strong message that you can hang, abuse, neglect or abandon an animal in one of the finest counties in the country and get away with it. As other counties move forward --

D.P.O. CALARCO:

Ms. Maffettone, your time is up.

MS. MAFFETTONE:

Can I have one more second, please? I'll just finish this. We have no spay/neuter program, no TNR program, and with a MASH bus that sits in the parking lot right across from here, they have \$1.37 million in the bank. It's time for leadership to step up or step down. Everything I say today is factual and can be proven. And I stand before you, because I have called Executive Bellone's office every month for 24 months and I have yet to get a phone call or returned email. So on behalf of every animal of this Island and all the advocates I work with, we implore you to meet with us and not have us bring you a problem, but bring you a solution. Thank you.

D.P.O. CALARCO:

Thank you, Ms. Maffettone.

*(*Applause*)*

Our next speaker is Norma Soluri, followed by John Motta.

MS. SOLURI:

I'm Norm Soluri. I live at the Fairfield Condos on Moriches. My -- oh, I'm sorry. My complaint is the traffic light.

On Saturday, I was -- there was no amber light at the Moriches and Woodlawn, so I started through. As I started, it turned red. I couldn't back up, because there was a car behind me, so I kept going. I couldn't sit in the middle of the intersection, at least I didn't think I could. So I guess I'm getting a ticket, because that light is out of synch. There was no amber light, and that's all I can say. Thank you.

*(*Applause*)*

D.P.O. CALARCO:

Thank you, Ms. Soluri. Our next speaker is John Motte -- Motta. Oh, John, did you -- you already spoke today.

MR. MOTTA:

I'm speaking on something else.

D.P.O. CALARCO:

No, there's -- you just get one card during the Public Portion.

MR. MOTTA:

One card for two different things?

D.P.O. CALARCO:

No, just -- you could speak about anything you want during the Public Portion, but you only get one opportunity.

MR. MOTTA:

But I'm saying the opportunity has something to do with something different.

D.P.O. CALARCO:

It doesn't matter.

MR. MOTTA:

Oh, okay.

D.P.O. CALARCO:

Just one time, one card per Public Portion.

MR. MOTTA:

Okay.

D.P.O. CALARCO:

Thank you, sir. Our next speaker is Frank Vivona.

MR. VIVONA:

Good morning, Legislators. Thank you very much for this opportunity to make a few remarks to you all. I'm President of the Fairfield at Saint James Civic Association, and I brought with me a few of our residents. We are an over 55 community of 1200, and we have concerns, and we'd like to bring a couple of them to you. I brought with me May Chasteen, who is Secretary of our organization, Mr. Augie Cacuza (phonetic), who is president of one of our sections, and, of course, Norma that you just heard from.

We're very much concerned as seniors when we take our car out of our protected community, and driving is an adventure for most of us anyway. But as we get older, we find that the challenges to our driving seems to be more and more negative, and you know that there are things that we have to deal with every day. The red light camera situation that you've heard about here today, you've read about in the paper, you've seen it on TV news, and we support Legislator Trotta's attempt to suspend the red light cameras.

(*Applause*)

Thank you. And we support it vigorously. And Legislator Trotta has been very forthcoming with us as a community in Saint James. And many of our residents that I've talked to have indicated to me how they feel in danger when they approach lights, street lights. And we have enough challenges as older people when we drive, and this is one major part of our driving experience. And I see that more and more of our people who can drive are taking our shuttle buses out into the so-called real

world because they're fearful of the driving situations that they're faced with.

It's very prudent that we take seriously the health, safety and welfare concerns of our citizens, especially our older citizens, not that they're above anybody else. But since we face more challenges as drivers, we need to have less stress put on our people as we go out and drive to the supermarkets and the movie theaters, etcetera. So I would ask you to seriously consider, and I think it is prudent that we step back and look at this situation. I know it's been studied a lot, but it's important that we make decisions that benefit our whole community, especially in the situation like driving, where we put ourselves at risk every day when we get into our car. The second item --

D.P.O. CALARCO:

Mr. Vivona, your time is up.

MR. VIVONA:

Okay. Thank you so much.

D.P.O. CALARCO:

Thank you very much. Thank you for coming.

*(*Applause*)*

Our next speaker is Lynda Frego, followed by Ron Bracco.

MS. FREGO:

This morning I come before you again to demand an end to the deadly Red Light Camera Program. The jig is up, because we've caught on to your mafia racket. Your Red Light Camera Program needs to come to an end immediately before it causes anymore injuries or death.

This Legislature has, with the exception of Robert Trotta, become a criminal enterprise for fraud and extortion. It has deceived many into thinking the red light cameras are for safety, and in reality, it's an extortion scam perpetrated on the people in which you conspired to swindle us out of every last cent.

John Locke, a famous philosopher and political theorist, once said, "The law of nature stands as an eternal rule to all men," Legislators as well as others. The rules that they make for other men's actions must, as well as their own and other men's actions, be conformable to the law of nature, i.e., to the will of God, of which that is a declaration, and the fundamental law of nature being the preservation of mankind. No humane sanction can be good and valid against it. The laws you create must conform to the laws of nature, not the other way around.

The shortened yellow lights at red light camera intersections force people to make a choice between running a red light and slamming on their brakes. Either way, that's dangerous. They can't defy the law of nature in order to stop on a dime because you enacted a statute. If your statute causes injury or death, any reasonable person would conclude that it is not in accordance with the preservation of mankind, and it is not a good or a valid statute, you must repeal it.

And as for Kate Browning, you will sit there and listen to me. Time and again, I have seen you sit there and mock Stephen Ruth and the others laughing when they come up here to say their piece. Yes, you. You are the paid public servant.

D.P.O. CALARCO:

Ms. Frego, you're here to address the --

MS. FREGO:

And you will respect me and the others when we come up here to speak.

D.P.O. CALARCO:

Ms. Frego, you're here to address the Legislature and not any individual Legislator. Please, keep your comments to the topic.

MS. FREGO:

Who's talking?

D.P.O. CALARCO:

Ms. Frego.

MS. FREGO:

Oh. And if you don't like it, you know where you can go. The Red Light Camera Program was adopted simply for revenue and it's out of control. We, the people of this land, are furious that these cameras are still up and in operation after you were noticed about the dangers that they posed, and this is unacceptable. Your greed is a shameful sin.

P.O. GREGORY:

Ma'am, your time has expired.

MS. FREGO:

Uh, he was speaking, I have a little bit of extra time.

P.O. GREGORY:

And we did give you a little bit extra time.

MS. FREGO:

No, no, no.

P.O. GREGORY:

Your time has expired. Please step away from the microphone.

MS. FREGO:

If you could steal from your own mother to make a buck, you could take it all.

P.O. GREGORY:

Your time has expired. Thank you.

MS. FREGO:

Take every penny.

*(*Applause*)*

P.O. GREGORY:

Ma'am, did you just throw something at the -- at the --

MS. FREGO:

No, I threw something on the floor.

P.O. GREGORY:

Please. Please escort her out of the auditorium, please. That type of behavior will not be accepted

or tolerated.

D.P.O. CALARCO:

Our next speaker is Ron Bracco, followed by John Gerbitz.

MR. BRACCO:

Good morning, everyone. This morning, driving here on the Northern State Parkway, I couldn't help but notice a sign on the -- the overhead illuminated sign that said, "Missing adult. Missing adult, blue Camry." And I started to think to myself, you know, I'm seeing this a lot now. All of a sudden, on the Northern State Parkway, an adult missing, you know, it's becoming very common. So then it dawned on me, how can an adult be missing? Isn't an adult able to travel wherever they want freely? Unless they've committed some kind of crime, they wouldn't be missing. And if they're driving a car, I would assume that they have the -- you know, intellectual capability to be off on their own. It dawned on me that this is all part of government surveillance. It's all part of the conditioning and brainwashing to get us used to the government, "Big Brother" watching every move we make from cradle to grave.

Surveillance, it dawned on me that surveillance is not here to protect us, it's here to condition us for this government control. Schools are becoming prisons with cameras all over them. Most of the schools on Long Island have cameras everywhere. The children are being conditioned from cradle to grave, surveillance. They are getting conditioned to be used to "Big Brother" watching every move they make. And not only in the hallways or outside, now they're starting to move the cameras into the actual classrooms themselves. Teachers have been known to take towels and throw them over the camera so they can have some privacy in their classroom.

These cameras are an eyesore along our roads. They're a constant reminder that we are no longer free as a nation. We should be free, but we're not if we're under surveillance. My biggest concern about these cameras is where do we go from here? If we have cameras along the road monitoring what we do at a red light, at a traffic light, what happens when we're on the highway and we're going too fast? Should we put a camera there and have speed cameras, so that every time you go over 55 miles per hour you get a little ticket in the mail? Or maybe they could time how long you go on the E-ZPass from one toll to the next toll, and say it would be impossible to go 55 miles in that distance. Or perhaps they should put cameras on all the stop signs. There's an idea for you. You guys love this stuff. Put a camera on every stop sign and you can get even more revenue from people. Or how about these shotgun sensors that you have around the microphones? You can monitor conversations and make sure everyone's being politically correct at all times and there's nothing racist. You wouldn't want that. Or put -- make it simple. Just put black boxes in all the cars, and every time someone has an infraction, it could be wired through the atmosphere to the government, so they can give you the proper fine. That's what's happening. It's all done in the name of safety, but we all know the truth, that it's done for revenue.

Is this really what we want for our children and the future generations? We really shouldn't have to live like this, in my opinion. This is not what I want for my children, or my grandchildren, or future generations. Let's make Suffolk County --

D.P.O. CALARCO:

Mr. Bracco, your time is up.

MR. BRACCO:

-- a bastion of freedom. Let's make Suffolk County the paradigm for what it's like, what our Forefathers intended in this country. Let's preserve freedom for future generations.

D.P.O. CALARCO:

Mr. Bracco, your time is up.

MR. BRACCO:

Some risks are not worth taking in the name of freedom. Thank you.

D.P.O. CALARCO:

Thank you, Mr. Bracco.

***(*The following testimony was taken by
Alison Mahoney - Court Stenographer & was transcribed by
Kim Castiglione - Legislative Secretary*)***

D.P.O. CALARCO:

Our next speaker is John Gerbitz, followed by Steven Archdeacon.

MR. GERBITZ:

Good morning, Members of the Legislature. And thank you for letting me speak here today. I'm here to speak on proposition 1180, the idea is to remove Kratom from the store shelves on Long Island.

Kratom is demonstrably safer than most of the items that are being proposed such as Suboxone and Methadone for curing addictions like heroin and multiple others. It's a naturally occurring plant in the coffee family that's used primarily by consenting adults from the ages 30 to 40, and not for kids seeking a high similar to substances that are synthetics, like K2 and Spice. It simply facilitates a state of well-being and its effects are mild and unobtrusive. It's commonly used to mitigate serious maladies such as PTSD, chronic pain, depression and anxiety, and it also lowers blood pressure. Perhaps most importantly, it is the hot button issue on Long Island this week, which has been on the front page of Newsday every day, which is heroin addiction and opiate addiction, which is largely due to the prescriptions that are being given to people by physicians on Long Island. Okay. To remove this tool, and that's what it is, it's a tool. It's not something destructive. It's a tool to fight addiction. I've witnessed it and I've been in communication with many people who have stopped everything from alcohol abuse, methadone abuse, heroin addiction, prescription opiates.

There seems to be a lot of facts in the media and they're not facts. What it is, is hyperbole. I've read recently where it says that it's a synthetic. I've read that Thailand made a law to ban Kratom because it was bad, but it was actually a law that was created in Thailand because it was mitigating opiate taxes and the government decided to protect their tax revenue rather than their people, and now they're actually reconsidering that law. And the Department of Drug Abuse in Thailand is putting forth that proposition.

It's a completely natural plant that's in the coffee family and, well, news is only worthy when it's true. Lies and rhetoric, it's just not in the best interest of people. And many people don't take the time to actually research what they're doing, but there are many people who've actually done this research. There's been legislation defeated in a number of states, Florida most recently, okay, where the Florida Law Enforcement Association found that Kratom poses no significant danger to the people of Florida. They did studies on this and there are studies going on at Old Mississippi right now that are also ongoing that show the attenuation of opiate addiction and the benefits of the plant, not the harm.

I read recently on Newsday, they had a blog about this, and there are 46 responses on this story and every single one of them are from people with positive experiences with this product. Not one was against it, speaking of any hallucinations or any of this nonsense that we're hearing on the

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topic. So I'll you Tylenol, over-the-counter acetaminophen, causes 400 deaths a year, and prescription drugs, 100,000 plus deaths a year, and there is not a single death that's singularly attributed to the use of Mitragyna Speciosa, which is what Kratom is.

D.P.O. CALARCO:

Mr. Gerbitz, your time is up.

MR. GERBITZ:

I just implore everybody here that they look at the research, Katida Babu, Christopher McCurdy and there's a number of other rather successful toxicology and pharmacology professors doing studies on this. Just please find the facts before you make a decision that's going to affect many, many lives in a negative way.

D.P.O. CALARCO:

Thank you, Mr. Gerbitz.

MR. GERBITZ:

Thank you.

D.P.O. CALARCO:

Before the next speaker, I would like to make a motion to extend the public portion.

LEG. CILMI:

Second.

D.P.O. CALARCO:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions?
The public portion is extended.

MR. RICHBERG:

Fifteen. (Not Present: Legislators Trotta, D'Amato and Spencer)

D.P.O. CALARCO:

Our next speaker is Steven Archdeacon followed by Shawn Pugh.

MR. ARCHDEACON:

Good morning, everybody. I appreciate the opportunity to speak and have my voice be heard. My name is Steve Archdeacon and I've lived on Long Island my entire life. I currently live in Medford and I oppose the Red Light Program, not because I've gotten a ticket and I had to pay it, because it's not about -- it seems to be more about revenue rather than safety. And when I've come to a few legislative meetings and when a fire police chief, a fire chief, comes and speaks and shows a video of an ambulance going through a red light responding to an emergency, possibly going to save somebody's life, and they get issued a ticket that makes me question if it's really about safety.

I admire and respect Legislator Robert Trotta for speaking out against this program because he knows. He's been a Police Officer for 20, 25 years. He knows that there's something wrong with this program. And something needs to be done, because when there's 44 out of 100 intersections where the accidents have actually gone up, there's something going on. Something needs to be done to make it actually safe.

A couple of other points I'd like to make. I find it interesting how none of the videos where people have actually died have been released. That doesn't really make too much sense. The videos are released when somebody is accused of an infraction, going through a red light or taking a

right-on-red, within a month. Where are the videos showing where somebody actually died? I don't get that. It doesn't make any sense to me.

As Legislators we entrust you guys with the safety of our community. And you take an oath to protect that, protect our community, do what's right, and I simply urge you guys to do what is right. And if you haven't spoken up against the Red Light Program and you want to but you're afraid of maybe being the minority, just do what is right for the people. Represent the people, because that's what we elected you guys to do. So thank you for your time and have a great day.

Applause

D.P.O. CALARCO:

Thank you very much. Just a point of clarification. When emergency vehicles go through a red light with their lights on they do not get a ticket. It's not issued.

MR. ARCHDEACON:

The fire chief said.

LEG. BROWNING:

No, no.

D.P.O. CALARCO:

Our next speaker is Shawn Pugh followed by Susan Copeland.

MR. PUGH:

Good afternoon, Legislators. I appreciate you taking a couple of minutes to listen to my concerns around the red light cameras.

I recently read the article in Newsday and that urged me to write a letter to my local Legislator, Mr. Tom Muratore, for District 4. Just take a couple of minutes to read that letter out to you guys.

"My name is Sean Pugh, a resident of District 4. I'm writing this letter as a concerned constituent. I'm worried about the Suffolk County Red Light Safety Program is more dangerous than anticipated for the Suffolk County motorists. Unfortunately, I was not surprised but nevertheless disappointed, when I read the recent Newsday story confirming that crashes with injuries are up 44% at Suffolk County intersections with red light cameras. In addition, rear-end collisions at Suffolk County intersections with red light cameras increased by 9.3% from the time the program began in 2013, from data released in November, 2014.

Now, to hear that type of data is very alarming to Suffolk County residents. According to figures from the National Highway Safety Administration or the NHTSA, out of the six million car accidents that happen on U.S. roads, 40% of them, or 2.5 million, are rear-end collisions.

I'm not sure motorist safety was the number one concern for the introduction of the Red Light Camera Program in Suffolk County. If safety was the goal then red light cameras are failing us miserably and are not making intersections any safer for County residents.

Driver behavior is also being negatively impacted by the red light cameras, particularly when drivers approach the intersection. They are more concerned with looking up above near the traffic light instead of focusing on the immediate potential dangers of pedestrians, bikers, and anticipating oncoming traffic or other roadway hazards.

The administrative team for the Red Light Safety Program within Suffolk County has not been forthcoming with data and videos of many accidents or incidents that occurred within the red light

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camera zones. Why wouldn't the Suffolk County Red Light Safety Program not want to highlight and share this important data with County motorists on a consistent basis.

Based on these recent accidents and injury concerns, Suffolk County should now begin taking steps to follow the lead of our neighboring New Jersey by removing the Red Light Camera Program from Suffolk County permanently or immediately suspending it pending extensive review of data. I appreciate you taking the time. Thank you. Have a great day.

Applause

D.P.O. CALARCO:

Thank you, Mr. Pugh. Our next speaker is Susan Copeland followed by Diane Keegan.

MS. COPELAND:

Hello. My name is Susan Copeland. I'm also extremely nervous. I am here to speak about the red light cameras. The first thing I would like to bring up is that the pure science and physics behind these cameras is just incorrect and it's wrong. The specifics of this evidence have been presented before. The engineers and the Legislators just simply need to understand this.

I would also think that there is a lot of confusion over who is the accuser when people receive these tickets. You know, it's been my impression that the police should be the accuser. It seems that no one can really come up with a concrete answer for this. The rear-end collisions, which have gone up by 42%, that is a significant number, are causing possible lifelong injuries for people and possibly death. Is this worth a fine? This is simply not acceptable.

I suggest that these cameras are even illegal. The fines themselves are higher than the limit allowed. This is simply not going away. The people are on to this and it is literally highway robbery. The evidence has been repeatedly presented and I'd like to know what does it take? This has been going on for seven months and people are coming up here and really just repeating themselves. So that's about it and I'd like to thank you for your time.

Applause

D.P.O. CALARCO:

Thank you, Ms. Copeland. Our next speaker is Diane Keegan followed by Frank Graziano.

MS. KEEGAN:

Hi. My name is Diane Keegan. I'm here to talk about a farm that's out east. The name of the farm is Island Hills Stable. We have a developer who owns the farm. He is willing to give up this farm for the kids, for us and for the animals and the horses. There's tons of condos around us out east. These horses have nowhere to go anymore. I also run a big school team that's done by the interscholastic. It's now getting very, very popular. I do it for a non-profit for all these kids. They take all the horses, they use all my horses. We have travel teams. We take teams from private schools, public schools, all the kids I take on. The kids love it. And it's not an easy thing because it is a very expensive hobby.

This developer is willing to give up this land for us, for these kids. It is a boarding facility. That's how we make some of the money to support the animals. It also gives the horses a job to do. A lot of these horses are going to slaughter, as we know. However, these kids love them and they watch them go to slaughter. But I have, oh God, about 200 kids that I take on from these public schools. All the schools there's about -- in the region of Suffolk County right now I think there's like six teams that some of these farms have.

Growing up on Long Island, always had horses. I see farms closing, closing, closing, houses.

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Nowhere for the animals to go. As you know, the deers are running, everything's running because the land is getting very scarce. I really wish that you would -- this farm has been there since, oh God, 1959. They just made a movie about it. They just did a -- filmed a movie in the field that will be out shortly on a horse that was rescued and it's a -- it's going to be a great movie, a lot of people watched it. They had a preview on it and it really -- the kids love it. The kids are off the street. As you know, with all these kids there's a lot of problems here in Suffolk County. I take on so many of them, so many volunteers, so many -- I can't tell you how many kids just stay with me with the animals. I don't make a lot of money. I work seven days a week to do this. I take it out of my own pocket.

Patrick {Consalves} is willing to give up the land so we can afford the farm and give up his rights because he was going to make condos. Do we need more condos out there? Absolutely not. Down the road they're building so many units. I don't know how financially they can support all these condos that are going up out east. This land is in the middle of a preserve so it is the last plot left in the preserve. There's another land next door that I would love to do horse trails for the kids and stuff, but if I can tell you the interscholastic team is enormous. It is statewide.

D.P.O. CALARCO:

Ms. Keegan, your time is up.

MS. KEEGAN:

Okay, thank you. I just want you to consider it.

D.P.O. CALARCO:

Thank you very much. Thank you for coming down today. My last speaker, the last card I have is for Frank Graziano.

MR. GRAZIANO:

Thank you for your time. I'm talking on behalf of the liquid waste license. You guys enacted some rules and regulations and all these things that we have to go through to get a license and it was supposed to protect the groundwater. I'm all for protecting the groundwater. I'm a scuba diver, I'm a fisherman, I do dog rescues, I believe in the environment. What you have enacted is not protecting the groundwater. It had nothing to do with protecting the groundwater, it has to do with thinning the herd of us cesspool companies. It's not right, it's not fair. I believe you guys should cease and desist all these actions right now until we come up with a better plan and to protect the groundwater.

I'm all for protecting the groundwater. Let's do it. Let's come up with a better plan. What you enacted, whatever information you had is not true, because what you just did was raise the dump fees, which is going to make these guys dump more sewage into the overflows, which is going to kill the groundwater even more because you're not giving them -- there's no -- nobody has any kind of accountability. You have to make accountability. If you want it to work, let's make accountability for people that are doing the wrong thing. You don't need a cesspool truck to pollute the ground. You don't need -- a cesspool truck pollutes the ground. You need accountability. Anybody can do it. Let's make it work. What we're doing right now is not working. You came up with nothing but money taken out of our pocket for licensing and endorsements that we don't need.

I have been in the business for 35 years, been doing it for almost 40 years, since I was a kid. Who's going to teach me how to clean a septic tank? No one out here is going to do it. I've done it all. I do installs. I know the system. You need accountability. What we did -- what you guys have enacted is not -- is not going to work. It's going to make it worse. I'm willing to even work with you guys, sit down and talk to you guys individually and come up with a plan. We need to get

accountability. If accountability is out there the nitrogen dumping will stop. So I would be willing to help and work with anyone that's out there to come up with a solution.

A solution is not taxing us and making us pay for it, because that's not stopping it. That was just a plan to thin out the herd and that's not right. It's discrimination on our part. Everybody else that has a Consumer Affairs license is paying \$400; we have to pay 2200? Discrimination against the cesspool industry is not right. How does that protect the groundwater? That's what I want to know. Where does that protect it? It doesn't. To protect the groundwater there has to be accountability. To make accountability we have to come up with a different plan, and it's not taxing us, because you're forcing us to do more damage than good.

D.P.O. CALARCO:

Thank you, Mr. Graziano. I have no other cards. Is there anybody else in the audience who would like to address the Legislature at this time? You can come on up.

MR. STRAUSS:

Good morning, Legislators.

LEG. SPENCER:

Good morning.

MR. STRAUSS:

First, I'd like to say that I don't think any of you are corrupt. I don't think that Legislator Trotta, because he has a different opinion than mine, is corrupt. It's just amazing how somebody gets up here and that's the first thing that they tell you.

Number one, the Newsday article was very good. It said that 60% of the things work. Hmm, 60%, that's more than 50%. And if it saves one life it's doing its job. If you want to try and correct the two problems, and it seems there was two intersections that had the most of these rear-end collisions. Next time when you're leaving here today, when you're going home, when you're driving along the highway and you're doing 40 miles an hour, 50 miles an hour, what's the space between you and the car in front of you? Is it five car lengths? I'll bet you it's not. I'll bet you that 90% of the people are right up on the ass end of that car in front of them. That's why you have rear-end collisions. Unbelievable. People should learn how to drive. That's the problem. It's not the damn cameras, excuse me. I'm losing my thing -- it's not the cameras. It's the people themselves. You will not get a ticket if you don't break the law. It's simple.

If you want to study it, fine. Don't eliminate the 60% of the cameras that are working perfectly because 40%, and most of them it's two intersections, that are causing the problem. You don't eliminate everything for that.

And as far as it being a non -- not safety hazard, I wish they had a thing that -- it said there that the T-Bone crashes were down a whole bunch. T-Bone crashes is where you get people killed. Rear-end collisions are not where you get people killed. They say that -- they were talking about how come they don't show the people getting killed, the videotapes of that. You know why? Because there's none. Nobody's ever said that one person got killed because of a red light camera. They give you all this baloney. It's all good and well. You can say that. Tell me one person that was killed; one person. None of them. There's nobody that got killed. But you know what? How many people almost got killed? Legislator Lindsay's wife almost got killed twice. T-Bone crash, twice. Go look and see an accident that had a T-Bone crash, go see what it looks like. It's not something where somebody gets hit from behind at 30 miles an hour. I'm sorry I'm raising my voice but it's just -- thank you. Have a good day.

D.P.O. CALARCO:

Thank you, Alex. Come on up, sir.

MR. BERGMAN:

Good morning. My name is Al Bergman. I live in Suffolk County. I've lived here for about 35 years. I just want to state my opinion about the red light cameras. I think they're illegal and they should be removed, because I'll tell you. I've called the County Executive, asked him about the lights, he says it's the Legislator. I've called my Legislator, Mr. Spencer's office, they tell me it's the State that controls all the red light -- I'd like to know who's controlling that, because I didn't get a vote on it. And why don't you put up a referendum in Suffolk County do you want the lights or don't you want the lights. That's what you should do because all it is is to make money. It's another tax that you folks are putting on the public. That's what I have to say.

If you have an intersection that has a problem, you don't need a light. Fix the intersection. No turn on red at that light. That's all I have to say about that. Revoke it, take them out of the County. Put it up to the people of the County to vote. If they say they want the red lights, I'm all for it. If they say they don't want the red lights, remove them. Thank you very much for your time.

D.P.O. CALARCO:

Thank you very much. Please just fill out the card for the Clerk. Is there anybody else who would like to address the Legislature at this time? Anybody else? Seeing none, I'll make a motion to close the public portion. Seconded by Legislator Cilmi. All those in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Not Present: Legislators Anker & Stern).

D.P.O. CALARCO:

Public portion is closed and I will hand the mike back off to the Presiding Officer.

P.O. GREGORY:

Okay. Thank you, Deputy Presiding Officer. As we move to the agenda, let's see, okay, I make a motion to approve the **Consent Calendar**.

LEG. BARRAGA:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Amended to 18 - Not Present Legislator Anker).

Resolutions Tabled to April 12, 2016

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). Motion by Legislator Fleming. I'll second.

P.O. GREGORY:

On the motion anyone?

D.P.O. CALARCO:

On the motion.

P.O. GREGORY:

On the motion, Legislator Calarco.

D.P.O. CALARCO:

Could someone just give us where this actually is, this property?

LEG. TROTТА:

What number is this again?

P.O. GREGORY:

1101.

LEG. HAHN:

Motion to table.

MS. SANTERAMO:

This property is in Legislator Anker's district. I believe she had been asking us to table this so we were not prepared to speak on it today.

D.P.O. CALARCO:

Okay. I'll second the motion to table.

P.O. GREGORY:

Motion to table by Legislator Hahn, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Not Present - Legislator Anker).

IR 1224-16 - 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), only as it applies to Suffolk County Administrative Code A36-2B(2)(a)[1][d](County Executive).

LEG. D'AMARO:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator D'Amaro.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second by Legislator Spencer. On the motion anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Not Present: Legislator Anker).

Introductory Resolutions for April 13, 2016.

Environment, Planning & Agriculture

P.O. GREGORY:

IR 1172-16 - 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, John P. Kujawski and Sons, Inc. – Town of Riverhead (SCTM Nos. 0600-022.00-02.00-013.007, 0600-022.00-02.00-013.006, 0600-022.00-02.00-013.008, 0600-022.00-02.00-013.009 and 0600-022.00-02.00-013.010) (Krupski).

Motion by Legislator Krupski, second by Legislator Hahn. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Not Present: Legislator Anker).

P.O. GREGORY:

IR 1176-16 - 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, John P. Kujawski and Sons, Inc. – Town of Riverhead (SCTM No. 0600-022.00-02.00-013.016) (Krupski). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. Eighteen.

P.O. GREGORY:

IR 1225-16 - Adopting Local Law No. -2016, A Charter Law to ensure balanced representation on the Planning Commission (Fleming). Motion by Legislator Fleming. Second by Legislator Krupski. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1258-16 - Appropriating funds in connection with the new Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Water Quality Projects (CP 8733.310) (County Executive).

LEG. HAHN:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Hahn.

LEG. KRUPSKI:

Second.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern. On the motion, anyone? Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1311-16 - Accepting the updated Suffolk County Agricultural Stewardship Plan (Krupski). Motion by Legislator Krupski, second by Legislator Fleming. On the motion anyone? Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

LEG. SPENCER:

Make me a cosponsor, please.

P.O. GREGORY:

IR 1313-16 - Reappointing member of the Council on Environmental Quality (R. Lawrence Swanson) (Hahn). Motion by Legislator Hahn.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1318-16 - 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 – Rottkamp's Farm Property – Town of Riverhead (SCTM No. 0600-061.00-02.00-007.001) (County Executive). Motion by Legislator Krupski. I'll second. On the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1319-16 - 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 – Fink's Country Farm Property – Town of Riverhead (SCTM No. 0600-115.00-01.00-004.001p/O). (County Executive). Same motion, same second. All in favor?

LEG. D'AMARO:

Just hold on.

P.O. GREGORY:

Oh, I'm sorry.

LEG. D'AMARO:

This is 1319?

P.O. GREGORY:

Yes, sir.

LEG. D'AMARO:

All right, I just wanted to ask on this particular one that the rating was below usually a threshold that we'd seek of ten, and I just wanted to ask if anyone was at the committee and could explain the reasoning for bringing it to the full Legislature.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. Yeah, this is a parcel that's -- will be added to an existing agricultural operation and it is scrubland now and it will be cleared over time to be tilled and used as part of an existing operation. So right now only part of it is tilled, but it will be in the future. It went through the Suffolk County Farmland Committee and they approved it to have it moved forward for appraisal, to have it included in, you know, it's a neighboring parcel.

LEG. D'AMARO:

So, thank you, Legislator Krupski. I'm looking at a copy of the map that was provided and I see that it looks like about three-quarters of this parcel is actually not even cleared or being farmed. Is that right?

LEG. KRUPSKI:

Yes.

LEG. D'AMARO:

Right. And what -- through the Chair, can you tell me what parcel it's going to be -- or what contiguous parcel it's going to be joined with for farming purposes?

LEG. KRUPSKI:

Yes. If you look at the map, I don't have it front of me now, but the north and west side is being farmed. More the west, thank you. More the north side, and they plan to leave a vegetative buffer by the community there.

LEG. D'AMARO:

So the way I look at this map is that the parcel in question, the easterly section of that parcel, which fronts on Wading River Road, is being -- is not -- we're not purchasing the development rights on that area.

LEG. KRUPSKI:

That's correct. The seven acres is not going to be included in the agricultural portion. The ten acres is proposed to be -- and the ten acres if they -- you know, if we have an appraisal and they accept the offer, will be adjoined to the west side there. We already have made the financial commitment to preserve the farmland to the west. And so that ten acre parcel will just add to that farm parcel. So it's an addition to an existing preserved farm parcel. It's not -- it's not standing on its own.

LEG. D'AMARO:

Well, I guess my question is why -- why wouldn't we wait to see if the parcel that we're discussing is actually farmed before we buy farmland development rights. It's not being used as a farm, it's not developed as a farm, we're not preserving a farm. We're doing this on the hope that it will be farmed. And that's a little unusual in my experience that we're not preserving an active farm or anything that's even being farmed.

LEG. KRUPSKI:

Well, if you look at the map, about 50% of it is being farmed right now. If you could look at the ten acre parcel, 50% of it's currently being tilled and they plan on, you know, clearing more and tilling the majority of it.

LEG. D'AMARO:

Okay. Yeah, so there is half of it -- half of that easterly -- westerly section is being farmed presently.

LEG. KRUPSKI:

Right.

LEG. D'AMARO:

Do you know why the rest of the parcel wasn't farmed?

LEG. KRUPSKI:

I don't think it's owned by the farmer. I think it's owned by -- I believe, and maybe Director Lansdale could remember what was said at the committee, the Farmland Committee. I believe it's not owned by the farmer right now.

DIRECTOR LANSDALE:

I would have to research that further. I don't recall what was said at the Farmland Committee.

LEG. KRUPSKI:

I'm not really familiar with the operation but I --

LEG. D'AMARO:

The person that owns the parcel that we're buying farmland development rights from, the farmer, doesn't own the parcel yet?

LEG. KRUPSKI:

I'm not quite sure about that.

LEG. D'AMARO:

What happens if ultimately the farmer doesn't buy the parcel?

LEG. KRUPSKI:

Well, it doesn't matter. Under the rules of Chapter 8 it has to be farmed.

LEG. D'AMARO:

It does.

LEG. KRUPSKI:

If they take the agreement with the County and get paid to remove the development rights off the

parcel, then they're obligated to follow the rules of Chapter 8 and farm the parcel, no matter who owns it. So it's just not a matter of who owns it today, it's going forward in perpetuity. The land is going to have to be farmed every two years.

LEG. D'AMARO:

All right. I appreciate you answering. That does answer a lot of my questions. Ms. Lansdale, let me just ask you the -- is it within the parameters of the program to purchase farmland development rights from a parcel that's not being farmed? And have we done that before?

DIRECTOR LANSDALE:

I don't recall us ever doing that before. It could be argued, it's been argued in the past, that the wooded parcel can be considered wooded reserve area, which is an agricultural use, but it's generally been the practice of the County to purchase farms that are in active agricultural production.

LEG. D'AMARO:

Right. So the purpose of the program, or one of the major purposes of this program, is to preserve farming as an industry, as an industry on Long Island and in Suffolk County.

DIRECTOR LANSDALE:

Uh-huh.

LEG. D'AMARO:

But now we're preserving a parcel that we hope will be farmed, right? Now, let me ask you a question. I don't know how comfortable you are with that, but if it never gets farmed and we've written the check, and I don't know who we're writing the check to because the farmer doesn't own the parcel yet, but if we write the check and it doesn't get farmed, what's our recourse?

DIRECTOR LANSDALE:

Outlined in Chapter 8 we have an opportunity to pursue fines for farms that are out of agricultural production for more than two years. Two years is kind of the generally accepted agricultural practice of resting land.

LEG. D'AMARO:

I remember having this discussion with you and in my mind the penalty should be that you can clawback or get reimbursed for the full purchase price of the development rights, but that doesn't happen. So what I'm concerned about, are we encouraging a policy where you might even be encouraging people to find parcels that potentially could be farmed, even though they're not an active farm we're going to buy the development rights, and then we have to go and chase them if they decide after two years not to farm. It's kind of like the cart before the horse. I mean, why should we put up this funding for a non-farm on someone's representation that they will farm when there are plenty of other parcels that are actively being farmed and we could use those funds for -- to preserve actual farming.

DIRECTOR LANSDALE:

Uh-huh.

LEG. KRUPSKI:

Mr. Presiding Officer, can I answer that? Thank you. So your question is good about active farmland, and the Suffolk County Farmland Committee, and I do attend those meetings, they do take that question seriously. And they did, oh I would say late last year, reject a parcel in Riverhead because it wasn't entirely farmed and they did not approve it for, you know, for passing through to the EPA Committee for consideration and then having that, you know, for appraisal and

eventually acquisition. So they do vet the parcels based on use and current and future use.

LEG. D'AMARO:

Well, again, I think why not let the farmer buy the property and farm it and then we can talk about preserving the farm with the Quarter Cent, you know, the farmland funds. I don't think that -- I don't think we should go down this road where we're now -- we're buying farmland development rights from a parcel that's not -- or partially not being farmed on the hope that someone will do so. And even more egregious here is that this person doesn't even own the land yet.

LEG. KRUPSKI:

Well, we're not sure. Legislator Fleming was at the last Farmland Committee meeting also. But before I let her answer that part, but if you see here --

LEG. D'AMARO:

See, Al, it doesn't -- to me it doesn't really turn on the credibility of the applicant. I don't know what the Farmland Committee is basing their decision on. The parcel got under ten in the rating and it's still being approved. I don't know this person, I don't know what they're representing. All I know is it doesn't quite fit the policy of this program.

LEG. KRUPSKI:

If you take a look at the -- it does actually. If you take a look at the aerial photograph, it does show preserved land to the west. It shows that this would add a portion, in this case ten acres, to a preserved farmland parcel. So this adds to an existing operation. The owner is the owner today. You know, in another generation it will be someone else, or in a hundred years it will be someone else. It doesn't matter. It's just that we've added to a larger farm --

LEG. D'AMARO:

If I were looking at this parcel this would be my thought. Let me buy the three-quarters or the whole parcel and what I'll do is I'll sell the development rights to half. I'll cash out from the County, and then that allows me to develop the parcel fronting on Wading River Manor Road is it? So it's a win/win. So we're preserving a non-farm so we can fund the development of the adjoining parcel. That's the way I would look at this.

LEG. KRUPSKI:

See, I look at it just the opposite. From the west side there you're looking at adding to an existing preserved farmland parcel. So I don't know what's going to happen on the Wading River Road side. I can't answer that, but I can only --

LEG. D'AMARO:

You know what? But maybe because we have the checkbook, maybe we should get that answer and maybe we should ask that as part of the condition for getting our funding, that the parcel on Wading River we need to talk about that, that fronts on Wading River Road, and maybe we need to set conditions.

LEG. KRUPSKI:

Yeah, but --

LEG. D'AMARO:

See, but this is the problem with this program. People cash out -- so if you're going to stop development on half the parcel but develop the other half of the parcel, why are we paying these funds? It doesn't seem to make any sense.

LEG. KRUPSKI:

It's just a property rights issue at that point. If we're not going to put any public money into the seven acre parcel on the road, we really don't have any say as to what the future development there is. That's a local issue for --

LEG. D'AMARO:

I disagree. If we're writing the check we should have a lot of say in that development. That's the power of the purse. That's the only leverage that we have in a situation like this. But anyway, that answers my questions. Thank you.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

I wanted the Presiding Officer to recognize --

MR. NOLAN:

Talk into the mic.

LEG. SPENCER:

I think that I wanted to be recognized -- come up, please, Rabbi.

P.O. GREGORY:

What are you doing? We have a set time in the program -- in the agenda to do that.

LEG. SPENCER:

No, no, I understand. There seemed to be someone that said that they had something to offer that was on the farmland board relating to this discussion. I misunderstood.

P.O. GREGORY:

Okay.

LEG. SPENCER:

Okay. I apologize.

P.O. GREGORY:

All right.

LEG. SPENCER:

Someone was trying to get my attention and indicated that they could answer the question that was before us. I was just recognizing.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

I guess I just -- Legislator D'Amaro and I are continually in disagreement on this because I -- again, they could sell the entire parcel for development and so, yes, are they saving half of it that they could do because they continue to own it, choose not to sell it, could do whatever they want with it, but they could do whatever they want with the entire parcel, which means they could sell the entire parcel for development. And we're lucky enough to preserve 10.2 acres instead of zero. And we're only buying the rights to 10.2 acres and thus the cost that we're paying is only for the 10.2 acres. So we are in the business of preserving farmland, of adding to our, you know, thus that we have

already preserved and thus that we have already prevented development on.

And yes, Legislator D'Amaro, while we want to acquire as much as we can, the owners who own the property, the property owners, have chosen to only sell us 10.2 acres. And it's up to us to determine do we want to say no we don't want those 10.2 acres because we want the entirety of all of it and we're willing to let you develop all of it because we can't get all of it, or are we willing to say the property owner is willing to sell half, we'll preserve half. We have no control over what they are not willing to sell us. That's all I want to say.

P.O. GREGORY:

You want to respond?

LEG. D'AMARO:

Just to respond. I think we do have control over it, that's how you negotiate with people, that's number one. Number two, we're not preserving a farm, we're preserving some land that's not being farmed. Part of it is, part of it is not, and I think there are plenty of other applicants that would probably want that funding that are going to pass the ten threshold, that are actively farming and have been for years and their land and their industry should be preserved. We're not preserving anything here. It seems to me if this farmer wants us to preserve that area, then go out, purchase it, farm it, establish the farm and then we'll talk about bringing it into the Farmland Development Program. But this is setting a precedent in this program. It's a road that I don't think we should go down, so.

P.O. GREGORY:

Okay. So we have a motion to approve and a second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Fourteen (Opposed: Legislators Trotta, McCaffrey, D'Amaro, Spencer).

P.O. GREGORY:

All right. ***IR 1320-16 - 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 – Island Hills Stables Property – Town of Brookhaven (SCTM Nos. 0200-290.00-01.00-009.000 and 010.000) (County Executive).***

LEG. ANKER:

Motion.

LEG. HAHN:

Second.

P.O. GREGORY:

Motion by Legislator Anker. Second by Legislator Hahn. On the motion, anyone? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1321-16 - 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 – Nuns of the Order of St. Dominic Farm Property – Town of Babylon (SCTM Nos. 0100-203.00-01.00-004.000p/O, 005.000p/O and

006.000p/O) (County Executive). I'll make a motion to approve.

LEG. HAHN:
(Raised hand).

P.O. GREGORY:
Second by Legislator Hahn.

LEG. McCAFFREY:
I went to Catholic school with the Nuns at St. Dominic.

P.O. GREGORY:
Oh, okay, all right, McCaffrey. I wouldn't want to get you in trouble. And I see Legislator D'Amaro creeping up to the mic and I know what he's going to ask I think.

LEG. D'AMARO:
On the motion.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
At the risk of going to the wrong place when I pass.

(*Laughter*)

Maybe I'm going there already so, who knows.

LEG. TROTТА:
Probably.

LEG. D'AMARO:
Thanks, Rob. But in any event, yeah, just again just for my own information. I noticed on the rating form that this received an eight out of 25, which is below our informal or policy threshold, and if anyone on the committee could explain to me the rationale for recommending this to the full Legislature, I'd appreciate it.

P.O. GREGORY:
It's in my district. I wasn't at the committee. This is a resolution, a County Executive resolution. I am familiar with the property. This is -- you know, it's being farmed under the purposes of this is a vegetable garden there. There is a small portion that's being -- that's active now, but there's ability to expand it for 17 acres. Is there anyone else that can explain more than that? Legislator Fleming.

LEG. FLEMING:
Thank you, Mr. Presiding Officer. I'm proud to cosponsor this resolution. This is a CSA, a community program under which folks in the community for 20 years have had access that they otherwise would not have to fresh fruits and vegetables, primarily vegetables. This is run by nuns who are planning to expand from the four acres into the 17.5 acres on this parcel.

I would just note that in terms of the ratings, Legislator D'Amaro, I think that we should sharpen our approach to these ratings, certainly on this. First of all, there's partnership points that they did not receive. We heard from a representative of the Peconic Land Trust who's working with the nuns that they are working with them on this program. And secondly, with regard to the community

benefits. Not only do the sisters contribute to local food pantries, I think it's critically important to recognize that in an area where it's more than a seven-mile trip to a grocery store, these Sisters are providing fresh vegetables to the community and the folks who participate. It's a critically important need in our community when we're thinking of the nutrition of our constituents, and these women have stepped up and provided that and are looking to expand. I'm more than happy to offer my support and I think we probably got it wrong on the rating.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTTA:

Yeah, I just -- I was there when they did this and I think the rating system should be modified and I think Commissioner Lansdale, because it's in Western Suffolk, there's not much left in Western Suffolk. We put a lot of money into this farmland and I think that we should sit down and give some extra points for things that are in Western Suffolk because before you know it, there will be nothing left.

P.O. GREGORY:

I'm at a loss of words. Thank you, Legislator Trotta. Just for historical reference, Legislator Bishop at one point had wanted to, under the Greenways Funds, wanted to create soccer fields there, and there has been some talk of development in years, not most recent, but years. There is a recent development across the street from this parcel, so there is a significant use for it and I see Ms. Lansdale.

DIRECTOR LANSDALE:

Yes. I just wanted to say that at committee it was represented that the property has been in agricultural production for 20 years. The applicant has stated that approximately four acres out of the 17.5 of the property is in active agricultural production right now with plans to expand to 17.5 acres this season, working with the Peconic Land Trust. So that's why the -- the application has scored as such as the current state of farming on the property, the date that we received the application. Without plans for -- we can't score and give points for something that might occur in the future, but we do acknowledge that there is an opportunity to modify and adjust our rating system in the future to accommodate parcels, particularly in the West End, and that's part of our Farmland Protection Plan that was unanimously adopted last year.

P.O. GREGORY:

All right. I have -- Legislator Krupski and then Legislator Hahn.

LEG. KRUPSKI:

Thank you. So -- and it's a good question, why would we preserve this. And if you look at the other parcels that were -- we approved appraisals for, the Kujawski parcels there in Jamesport and the Rottkamp parcel in Baiting Hollow, you know, those are pretty obvious when you look at the map. And if you go and look at the parcels they're actively farmed, they're part of large blocks of preserved farmland. But when you look at the whole purpose of the program and you look at this parcel and you think about how our society has gotten so far away from food production, someone said earlier today where does the water come from, you know. They said it sarcastically it comes from the town. But where does our food come from. And if this can be put into a CSA or a community garden you're going to teach so many more people in the community what it actually takes to bring -- to use the soil, to use the sunlight and the water and the seed to produce food, and it's -- I think it's -- I can support this very easily. I would be a big hypocrite if I couldn't to say look, it's not important that people who live in that community shouldn't know where their food comes from. So I think it's -- it will be a benefit and it's a good use of public money, and under the rules of Chapter 8 it will have to be farmed.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

Yes, and I very much -- I take very seriously the rating system, and I think we had, you know, this property especially good reason to make an exception here, and I do believe that we should consider giving extra points for this type of operation, the CSA meaning community supported agriculture, in a food desert area, which I believe this is. And also, if you take a look at the map, which everyone should have received, this space clearly stands out as a very open property amongst an incredibly densely developed area and it's very visible. I'll pass the map that I have around, but it is very visible how important this parcel must be to this community where the development around -- the surrounding development is incredibly dense and this must be very important to this community. And so for all, you know, for all those reasons and where I do believe they probably are deserving of other points, I was willing to make a very rare exception to that threshold here. Thank you.

P.O. GREGORY:

Okay. Anyone else?

LEG. D'AMARO:

Yeah, I just --

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

I understand. I think my colleagues make great arguments for this parcel and I understand on the hope that it will be farmed and the value to the community as preserving open space and also for farming purposes and to educate the community about farming, and that there's not much open space left in the West End of Suffolk County. I understand those arguments and I think they're good arguments, and I think that I've even used them as a basis to support an acquisition where the rating has been less than what we looked at as a threshold. However, you know, once again here there is no active farming going on on a majority, a large section of this parcel, and I just think that as a matter of policy it's not good for us to just purchase development rights in a program to preserve farming when there is none. And I think there's nothing that prevents the owner of the parcel from going out, farming this, and then coming to the County and saying okay, this is what I've been doing with the property and now it fits within the program.

So although I understand the other arguments concerning the need to preserve open space, we're kind of morphing this program into an open space preservation program where it's really the purpose of the program is to preserve the farming industry and we're not doing that here. And I think that the applicants should be farming before we say that you fit within the parameters of this program and we will purchase your development rights under a Farmland Development Rights Program to preserve farming. It just seems to be an oxymoron to me. So for that purpose I'm not going to support this bill.

P.O. GREGORY:

Okay. Legislator Fleming.

LEG. FLEMING:

Thank you, Mr. Presiding Officer. With regard to Mr. D'Amaro's point I just want to note that the Sisters have told the Peconic Land Trust, the Committee, ourselves, that they're going to be expanding their farm operation and I, for one, have confidence in the credibility of these particular owners.

LEG. D'AMARO:

Well, if I could respond to that. I, for one, also have confidence in their credibility, but other things happen. Other factors can come into play. You could have a fire, you could have a downturn in the economy, you know. I'm not questioning the credibility of people of faith. What I'm saying is that there's a County policy in place here a non -- a secular policy that's in place here that applies to everyone across the board, okay. This has nothing to do with the fact that the applicants happen to be nuns, okay, so I think that it's important for me that you understand that point. Thank you.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I'm less concerned with the owners although it does explain a lot of Legislator McCaffrey's behavior.

*(*Laughter*)*

LEG. McCAFFREY:

That's why I'm here.

LEG. KRUPSKI:

But if you look at -- if you look at the parcel and if you look at the timeline for getting the appraisal, I think they've made a commitment to farm this parcel this year. By the time we get an appraisal on it we'll have a pretty good idea, it's going to be at the end of the farming season, how much of a commitment they've made so they don't have to -- they should be able to prove their commitment by the end of the season before we can make an offer. And don't forget, we're going to -- this is for an appraisal. There's no guarantee that we're going to purchase this, one, after it goes through ETRB, the EPA Committee could look at it and say no, we don't recommend making an offer. Or two, we recommend this body makes an offer and they don't accept the offer. There's no guarantee that it's going to go all the way through. This is the only the appraisal and it's going to give us a growing season where we can reevaluate it at committee, not even here.

LEG. D'AMARO:

Could I ask a question of Ms. Lansdale, Mr. Presiding Officer?

P.O. GREGORY:

Yes.

LEG. D'AMARO:

Sarah, I just want to make it -- I want your opinion about using this program to purchase -- to purchase development rights for non-active farms. Is this something that your department is comfortable doing in administering this program?

DIRECTOR LANSDALE:

The applicants have expressed that there is a plan to put this parcel into production this year. So it's something that I've said is new to the program of evaluating parcels that are not yet in agricultural production, and it is concerning for my staff to look at these parcels and not have them be in current agricultural production. The timeline in appraising and evaluating and potentially closing on this I think would give us time to seriously evaluate whether --

LEG. D'AMARO:

No, no. But the time for evaluation would be over, because once we make the commitment, once I vote -- the closing of buying those development rights is not contingent on it being an active farm

when you go to close; correct?

DIRECTOR LANSDALE:

Not at this point.

LEG. D'AMARO:

Okay. So would the applicants be willing to commit to that by the time of the actual acquisition it will be farmed?

DIRECTOR LANSDALE:

That could be something that we could discuss with the applicants.

LEG. D'AMARO:

But we don't know the answer today.

DIRECTOR LANSDALE:

I don't know the answer to that right now.

LEG. D'AMARO:

Right. Okay. All right. I really don't think this program should be used as we saw in the prior bill that I voted against. I don't think we should be now evaluating parcels that aren't farmed. And on top of that, we're not even getting anything, any written commitments, nothing. We're getting nothing in return. And if it's not farmed we can't get the money back. I don't think it's good policy.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Actually it's -- I got to thank Legislator D'Amaro for having this debate here because it is a very important one and the County, if you remember, in our wisdom two years ago purchased 50 acres of land that had been preserved by the County back in the 90's and added it into the North Fork Preserve parcel. I had at that time cautioned about having the County owned land that the County had preserved as farmland as to how it's going to comply with the County's Chapter 8 Farmland Program. So the land that the County bought, it looked like it hadn't been farmed in a number of years, and I'm not familiar with the parcel or the history of the parcel, but it hadn't been farmed. So since we've owned it for two years it still hasn't been farmed. I had asked at the time that in order to have the County comply with the County's Chapter 8 rules that we put in a provision that we could rent it to a legitimate agricultural operation until such time as it is developed as parkland in the whole grand scheme of developing the North Fork Preserve. Unfortunately that wasn't done, so now County Parks is trying to develop a way to have this parcel used as active farmland until it is developed as an equestrian center, which was the original goal when the preserve was purchased.

So this is very topical and believe me, every owner of a parcel of farmland that has preserved it with Suffolk County money and is now subject to the rules of Chapter 8 is watching this very closely, because your comments about how much land is supposed to be farmed, you know, because you have hedgerows, you have support land, you have driveways, you might have a pond. Your comments and your observations, they're absolutely spot on, how is the County going to comply with its own rule here on this 50-acre farmland parcel that's currently not being farmed. Every other property owner is looking very closely because we've got to be consistent in our measurement of what we consider to be agricultural. So very, very topical and, you know, you're regularly right on. Thank you.

LEG. D'AMARO:

Thank you. And I think I would be willing to consider a policy where we would purchase development rights even though the land is not being farmed or even been cleared, but then the owner should agree that if it's not farmed within a certain time then refund the payout. You know, let's -- why is the County not using its position to protect our own taxpayers in these circumstances? It has nothing to do with who the applicants are. I'm talking about across the board. And, frankly, that benefits other farmers, because if you open up this door and people start purchasing land for the sole purpose of getting the County to buy out the development rights for whatever reason, maybe you're preserving the other half of the parcel because you can develop it, okay, and then let the County chase me if I don't put up a farm. Or maybe I'll put up something that is close to farming and I'll argue with them in court about it for ten years. Why don't we set the standard? Why don't we have rules and regulations; non-active farmland you can come into the program, but here's the criteria and here's the timeline that you need to meet.

We're not going doing any of that. We're just writing checks. Now we're writing checks for land that's not being farmed and we're not setting any rules at the same time. I don't think that -- I mean, we have the leverage to do that and we should be doing it, and I don't like to use the word leverage, but frankly it's protecting our own taxpayers and it's protecting our own farmers.

LEG. KRUPSKI:

Well, every parcel is different. You have to look at every piece of farmland differently, what it's contiguous to and what it's currently -- you know, the topography and the condition of the soils. It is private property and the bottom line, it's a voluntary program. But we do have rules. The Chapter 8 rules are very strong and they're very comprehensive.

LEG. D'AMARO:

Well, I was here when we did that, just to finish this, and I don't think they're strong enough. I think that if you get a \$7 million payout for development rights and then the farm is not farmed, I think that you should refund that money or perhaps refund it on a sliding scale. In year one you give back 100%, in year two you give back 90%, year three you give back 80, etcetera. There's nothing that really holds anyone's feet to the fire to preserve this industry. I don't think it goes far enough and especially -- and that debate's over, but I think in the case of undeveloped or unfarmed land, certainly there should be a more serious ramification if the land is never farmed.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Sorry, just quickly. Another -- I agree. I think another ramification can be to enforce the need to farm the land. The Town of Southampton has entered into an acquisition program, which is the first of its kind in New York State, where at the closing table covenants and restrictions are placed on the land that require that a farmer be there. The Town of Southampton works with the Peconic Land Trust so far on the deals that they've done and Peconic Land Trust is entrusted to enforce those CNR's, and if there is not -- if the land is not farmed in those two years, the Peconic Land Trust can issue an RFP and, you know, bring farmers onto the land. So I appreciate your point about recouping the funds that we spent, but in support of the program and dwindling inventory of agricultural lands, I think we might also consider covenants and restrictions that allow an enforcement agency to place a farmer on the land so instead of getting our money back it stays in production. We have a template now for those covenants and restrictions and I'd be happy to work with Planning to see if we can do the same for the County.

LEG. D'AMARO:

I would agree with that. You know, whatever mechanism we need to enforce and ensure the

farming takes place is fine. I just want to again state on the record clearly that my purpose for voting no on this resolution is simply that it's not an active farm, and I don't think I would be willing to expand the program at this time to any applicant that doesn't have an active farm. That's my purpose for voting no. I understand there are some other good reasons to support it, but I'm not going to support it for that reason. Thank you.

P.O. GREGORY:

Okay, thank you. Noted. All right. We have a motion to approve and a second on IR 1321. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Opposed: Legislator D'Amaro).

Government Operations, Personnel, Information Technology & Housing

P.O. GREGORY:

Okay, ***IR 1288-16 - Authorizing the County Executive to execute an agreement with the Suffolk County Association of Municipal Employees Bargaining Units No. 2 and No. 6 amending the terms and conditions of employment for the period January 1, 2013 through December 31, 2016 (County Executive).*** Motion by Legislator Calarco; I will second. On the motion, anyone?

LEG. CILMI:

This is the agreement.

P.O. GREGORY:

Yes.

LEG. CILMI:

In lieu of the lag, yeah, I would like to speak.

P.O. GREGORY:

Did you have a question, Legislator D'Amaro?

LEG. D'AMARO:

No, I support it. The membership voted. It's my understanding the membership voted to approve going this path instead of the lag payroll; is that correct?

P.O. GREGORY:

Yes.

LEG. D'AMARO:

I would support the membership.

P.O. GREGORY:

All right. Legislator Cilmi and then Legislator Kennedy.

LEG. CILMI:

I just want an analysis from our Budget Review Office.

MR. LIPP:

So as we stated in our review of the Operating Budget, the Benefit Fund was short 7.7 million if you include, actually, two months for next year. So this would start right away, I guess, and it would go

for a year so it would lead into 2017, and based upon what's in the budget it would save approximately \$7.7 million. By save I mean it would sort of defer -- in theory at least what would happen is you would be adding, according to the resolution, a little under 650,000 a year in future budgets to make up for the loss of payments, and that additional 645,000, actually, would be added each year starting in 2017 to whatever the Benefit Fund contribution was required. It's similar to the lag --

LEG. CILMI:

I almost want to say "Huh?"

MR. LIPP:

It's similar to the lag in the sense that it would -- only in the sense that it would reduce costs to the County in the current year's budget and in part of next year's budget, but would require repayment in the future.

LEG. CILMI:

The -- I don't quite understand what you said at the outset when you said that the Benefit Fund is short by "X" millions of dollars.

MR. LIPP:

So in the recommended budget that was adopted by the Legislature, the payment or appropriation that was adopted was less than what the full amount would be by that amount of money.

LEG. CILMI:

Which is to say that it's not less than the amount necessary in the fund, but less than the amount that is required to be put into the fund?

MR. LIPP:

Yes.

LEG. CILMI:

By some actuarial calculation?

MR. LIPP:

So there's a formula and it's basically \$1456 per employee, and that would be the calculation that would go into the fund. So if you did that calculation you would see that the budget is short by the over \$7 million. So the --

LEG. CILMI:

And that was purposefully done because the County Executive --

MR. LIPP:

Correct.

LEG. CILMI:

-- at that point believed and the Legislature agreed that there was going to be some savings as a result of some other negotiations.

MR. LIPP:

Right. It was the County Executive that decided to, and we supported it, to put it -- to reduce that line item. That being said, if instead of the Benefit Fund, which is being adopted here, if instead that wasn't agreed to and instead the lag payroll was invoked, then it would be just a reduction in a different line item. So to the extent that they were equal it would -- it would have offset. It

wouldn't have mattered really.

LEG. CILMI:

Right. So what we're confronted with today is a bill that would basically spread out payments over a certain length of time to the Benefit Fund, but wouldn't cost us anything additional in the long run because there's no interest payments? Is that correct?

MR. LIPP:

Correct, it would be a deferral, but unlike the lag payroll, which you would then receive as an employee when you left and to the extent that you had a higher salary rate, there would have been an increase. That's not the case here.

LEG. CILMI:

Okay. And I think I heard you say that the cost in those future years to the County to pay, you know, to pay this back would be \$650 some-odd thousand a year. Is that what you said?

MR. LIPP:

The way we're calculating it, it's 645,979, or as I said, a little less than 650 per year.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay, Legislator Kennedy.

LEG. KENNEDY:

Was the wording corrected that was incorrect the last time on this bill? Is George around to make sure? There were two either scrivener's errors or content errors. I know one was fixed and the other one -- I just want to make sure both of them are corrected before we vote on this.

P.O. GREGORY:

We're going to get Counsel. There's George. We have a question for you. The question was were the scrivener's errors corrected in the resolution.

MR. NOLAN:

Yes, they were.

LEG. KENNEDY:

Okay.

P.O. GREGORY:

Okay, Legislator Trotta and then McCaffrey.

LEG. TROTTA:

No.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. Robert, I just want to confirm, then, this is basically just a -- this is part of the settlement of the 2012 collective bargaining agreement between AME, which provided for the possibility of a lag payroll. Is that correct?

MR. LIPP:

Yeah, so the current contract through the end of 2016 allows for the lag payroll at the discretion of the County Executive. The County Executive put in his recommended budget and we adopted an alternative implicit view, and this is an agreement between the Executive's branch and AME to make this change. And that's up to you whether or not that's acceptable.

LEG. McCAFFREY:

Right. No, I understand that. But this is a more definitive repayment schedule than we would have had under the lag payroll because there's a lot of variables in the lag payroll in terms of when it eventually gets paid out, what the level of repayment is based on what the final salary is and when the person terminates employment. So this, you can say, is a more definitive repayment schedule of the money that we're actually borrowing to balance the budget then; correct?

MR. LIPP:

Correct.

LEG. McCAFFREY:

Okay. Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Fifteen (Opposed: Legislators Cilmi & Trotta - Not Present: Legislator Krupski.

P.O. GREGORY:

Okay. We are at 12:15. At the request of Rabbi Moss, who is here, we wanted to give him -- we're going to suspend the agenda for a moment and invite Rabbi Moss up to introduce the new Director, Executive Director of the Human Rights Commission. Rabbi Moss?

RABBI MOSS:

That was a good workout. Good afternoon, everyone. I know all of you, but let me just reintroduce myself. I'm Rabbi Steve Moss and I've been Chair, and had the honor of being Chair, of the Suffolk County's Human Rights Commission since 1992. And I want to begin my words, not long, but to say thank you to all of you for your constant and continued support of the Human Rights Commission and its work, and we look forward into the future to continue to build and rebuild our Commission to be ever strong.

There is, as I'm sure you realize, there is a cloud of darkness spreading throughout our world, our nation; a cloud of darkness that is composed of words and actions of hate, discrimination, intolerance. And so that we, the members on the Commission, our professional staff as well as the Anti-Bias Task Force, which is a subcommittee now of the Human Rights Commission and all the Anti-Bias Task Forces that have been established throughout the towns of our County, are sending out a light to dispel this darkness and, therefore, there needs to always be a very strong Human Rights Commission here in our County. And again, I thank you for that support.

You know, it's amazing, you hang around long enough, I never thought that I'd actually be going through six Executive Director searches. Let me tell, for those of you who have ever gone through these searches in any capacity whatsoever, you know what I'm talking about. But I am very proud to say is that yes, once again we did go through a search. We received almost 24 applicants and resumes of interest. We actually had a callback of our finalists, our two finalists, and we have selected this extraordinary person sitting here to my right, and that is Dawn Lott.

As some of you might know, others of you might not, is that the way that the Human Rights Committee functions according to our bylaws, which were ratified, I guess, by the Legislature probably 50-something years ago as we just celebrated our 53rd Anniversary I believe it is, is that the Human Rights Commission itself and our 15 Commissioners are the ones who both hire as well as unfortunately would terminate an Executive Director, whereas the Executive Director is the one who takes on all the staff members. So we're now needing to actually take on a new Investigator because the same week that our previous Executive Director handed in her resignation, one of our Investigators also left for another position in a school district out east, so we need to fill that position as well. And then obviously after the Commission selects its Executive Director, it's then up to the County Executive's Office to sign the proper forms because you can select someone, but if they don't get paid, well, you understand what I'm talking about.

Anyway, it's my great honor to introduce to all of you our next Executive Director, and I pray and hope that Dawn will be with us for many, many years. She should be here long enough so that I retire from this and don't have to do this again. But, Dawn, I'll leave it up to you now.

MS. LOTT:

Thank you, Rabbi Moss and Presiding Officer and members of the Legislature. Thank you for allowing us the opportunity to appear before you today. And for some of you, familiar faces, and for others it's a new introduction, so I look forward to working with the Legislature. And I want to just initially state that I commend each and every one of you for unanimously voting to amend and expand the protections of discrimination to groups. And I'm happy to say that these are -- some of the groups are more expansive than the State, and although I've been in this position for this is my third week, I had the opportunity to boast when I met with the State Regional Director and we were talking about the various groups that we, meaning Suffolk County, protect and how some of them are more expansive than the State. So I'm happy to be in this role.

And just by way of background, I just want to say I am a lifelong resident of Suffolk County. I grew up in Wyandanch. I'm a proud graduate of Wyandanch High School. I attended Cornell University Industrial School of Labor Relations and I obtained my Juris Doctorate from Benjamin Cardozo School of Law. For the past 15 years, I have been practicing in private practice doing employment and labor discrimination, both on the plaintiff side as well as the defendant side, both in State and Federal Court, so I do believe that my experience has equipped me well to fulfill the duties and the roles of the position of Executive Director. And I have a vested interest in this position. I have family members and I have friends who -- and I believe that I probably will retire here, so I do believe that Suffolk County is the best County, and I look forward to ensuring that our residents can enjoy the benefits of and the resources that Suffolk County has to offer. And I also look forward to working with the Commission to make sure that we eradicate and let everyone understand that there is no room for bigotry, there is no room for discrimination, okay. There is no room for intolerance in Suffolk County.

So again, I thank you for this opportunity to meet some of you and like I said, introduce and be familiar with others, and I thank you for the opportunity. I also look forward to working with you and if there's anything that we can do, work together in order to further the goal of the Commission, I also welcome that. Thank you so much.

Applause

P.O. GREGORY:

Legislator Anker has a comment.

LEG. ANKER:

I just want to thank you for your work that you're doing, but I also want to mention, too, though, several years ago I worked with the Suffolk County Police and also the educators to create *suffolkstopbullying.org* and it is fairly underutilized. If you could just spread the word. Basically it gives a list of all the DAC coordinators, that's the Dignity Act Coordinators, the DACs of every school in Suffolk County. And, you know, again, getting the word out, just letting -- especially our children know there's someone that they can go to when they need help. But thank you.

P.O. GREGORY:

Okay. All right. Well, thank you very much.

MS. LOTT:

Thank you.

RABBI MOSS:

Thank you.

P.O. GREGORY:

Okay. All right, we have a few more minutes.

Okay, ***IR 1289-16 - Clarifying County policy waiving civil service examination fees for Fire District and Ambulance Company Volunteers (Browning)***. Motion by Legislator Browning, second by Legislator Muratore. On the motion, anyone? Oh, Legislator Barraga.

LEG. BARRAGA:

When reading this particular resolution I know it's very difficult for members to vote against it, but I do have some reservations about what we're doing here. As I understand the bill, volunteer firefighters and EMT people no longer have to pay for Civil Service exam fees. I just assume leave it the way it is before we start penetrating and diluting the revenue source associated with these exams. It's like the 800 pound gorilla that sits in the room all the time; it's called the \$100 million deficit. We hear all sorts of stories and programs that either cost more money or we should cut back on certain programs, but the reality is every time you cut back on a program you dilute the revenue source and the deficit increases.

I certainly understand Legislator Browning's point of view. It's a nice thing to do, but I think you're opening up the door unnecessarily. I mean, volunteer firefighters and EMT people, the State Legislature has put certain programs in place to make it more enticing for people to join those fire departments in terms of retirement benefits and that type of thing, but we don't know, we really don't know how many volunteer fire persons or EMT people take this exam. A police exam, corrections, as I understand, is \$100 a pop. How many people take the exam from these two areas and that revenue is no longer coming in. And how long would it be before another resolution comes before you which is extremely difficult to say no to, offering the same benefit to veterans. If that bill is before you and it's for veterans, would you vote no? How long would it be before a bill comes before you that says, you know, certain police persons from other areas want to become Suffolk County Police, because they're already on the job, should they really have to pay for the exam. So once you open up this door there will be other groups looking to participate.

Years ago in the State Legislature a bill was put forward, and I remembered it because I had to debate it, which said that if you were a fire person and you took a heart attack, anywhere, it would be job related. Job related. And when that happens all sorts of financial benefits, medical benefits open up when it's job related, especially with reference to retirement. The debate centered around, you know, if we do this for this group, what prevents other groups coming in and requesting the same thing, and that's exactly what happened. Once you open that door it's extremely difficult to

shut it, even though your intentions are good.

The bottom line is you are losing the revenue. We don't want to lose any revenue. Is there some great demand for this, some great need for this? If there is, please tell me. If not, leave it the way it is. And I know that you're not going to do this, but I'll be voting in the negative against it because it's just not the right approach at this time based on our fiscal condition. Thank you.

P.O. GREGORY:

Okay. Legislator Browning.

LEG. BROWNING:

Thank you. This is actually the door's already open. This is -- it's basically just amending the language and clarifying the language of an existing bill which Legislator Stern was the sponsor quite a few years ago. I think you're the only Legislator left here who was the sponsor of that. The issue being that the volunteers of the ambulance companies are three different classifications. There's the EMTs, aides and drivers. And I guess Legislator Stern can speak to the intent when they drafted the bill back then was to make sure that it was all of the volunteers within the ambulance company and the fire departments, and that no one would be excluded. So I find out that there was members of an ambulance company who were being excluded. The intent of the bill when it was drafted I believe, and I believe Legislator Stern will speak to that, was that it would be anyone who's a volunteer. And I know that there was an issue came up about, you know, if they have a pancake breakfast and somebody volunteers to flip pancakes. No, that does not include them. It has to be a member in good standing, a member of that -- a volunteer member of the ambulance or fire department who is in good standing. And so if Mom and Dad or, you know, family members want to come and flip pancake for a fund-raiser, no it does not count them.

So this is something that's been in existence for quite a few years already. This is just clarifying the language. So I don't know if I can pass it over to Steve, if he'd like to speak on it.

P.O. GREGORY:

Sure. Legislator Stern.

LEG. STERN:

Yeah, thank you. Legislator Browning's right on being, yes, I think the only remaining Legislator that was originally part of the group of cosponsors. I can speak to it. This is not an expansion of the classifications. It really is more of a clarification of an existing exemption. I think as a practical matter it was being interpreted too narrowly. It cited EMTs, but EMTs are not the only ones that serve our community. There are others that are part of the first responder team that are not necessarily EMT, and this is what that goes to.

The original intent was to provide a benefit, a small one but a meaningful one, to so many throughout our communities who are first responders, that we all rely on that are literally saving lives in all of our communities. And here I think the way this specific provision had been interpreted was too narrow and it was not in line with the original intent. So this in no way expands classifications, it really just clarifies the original intent.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

No, I just want to echo those sentiments that, you know, if somebody's going to get up in the middle of the night and come to my house and put out a fire or do something for me, I don't want them paying the fee. You know, he does that for free, he volunteers, and they deserve it. And I think

that in the scheme of our financial ruins this is nothing and that I think it's a great idea and I support it.

P.O. GREGORY:

You feeling okay?

*(*Laughter*)*

LEG. SPENCER:

I know. Are you all right?

P.O. GREGORY:

I'm not complaining, I'm just saying. Different tone. Okay, all right. So we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

It is 12:30 and I have a note to ask -- to announce that we're going to be taking a picture of all those who are wearing lavender today, the Legislators and Aides. We're going to take a group picture to recognize Sarcoidosis Month. Thank you. We stand adjourned till 2:30 -- recessed, excuse me.

*(*The meeting was recessed at 12:30 P.M. and resumed at 2:30 P.M. *)*

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

D.P.O. CALARCO:

Madam Clerk, can you call the roll.

(Roll Call 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:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTTA:

Here.

LEG. MC CAFFREY:

Here.

LEG. STERN:

(Not Present)

LEG. D'AMARO:

Here.

LEG. SPENCER:

(Not Present)

D.P.O. CALARCO:

Present.

P.O. GREGORY:

(Not Present)

MS. ELLIS:

Fifteen. (Not Present: Legislators Stern, Spencer and P.O. Gregory)

D.P.O. CALARCO:

Okay. Welcome, everyone, to the Public Hearings for the Suffolk County Legislature. We have several cards for various resolutions, and we'll start with ***I.R. 1000 - A Local Law to increase awareness of dry cleaning chemical use (Hahn) (Recessed from 3/22)***. I do have one card for this resolution, Elsa Ford.

MS. FORD:

Good afternoon. I'm Elsa Ford, President of the Brentwood/Bay Shore Breast Cancer Coalition. I'd like to speak in support of Suffolk County Legislature's Introductory Resolution No. 1000-2016, to increase awareness of dry cleaning chemical use, and to the acceptable risk myth. This statistical number, based on a lab-controlled amount, one chemical at a time in a controlled environment, is not true to real world exposure. True risk is personal. It varies according to the individual's age, stage of development, chromosomal type, immune system strength, amount of toxin, length of

exposure, in combination with other toxins, etcetera. Each person must make their own evaluation. As a society, we must replace the acceptable-risk policy with a reducing-risk policy. To prevent disease and death, we can provide information and incentives to replace chemicals in use found to be toxic with nontoxic alternatives. That's it.

D.P.O. CALARCO:

Thank you very much, Ms. Ford.

MS. FORD:

You're welcome.

D.P.O. CALARCO:

I have no other cards for this resolution. Is there anybody else who would like to speak in this Public Hearing on I.R. 1000? Going once, going twice. Okay. Legislator Hahn?

LEG. HAHN:

I would like to recess just one more cycle. We had a few really good suggestions to further strengthen this. So --

D.P.O. CALARCO:

Okay. Motion to recess by Legislator Hahn.

LEG. KRUPSKI:

Second.

D.P.O. CALARCO:

Second by Legislator Krupski. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Fifteen. (Not Present: Legislators Stern, Spencer and P.O. Gregory)

D.P.O. CALARCO:

Public Hearing is recessed. ***I.R. 1027 - A Local Law to clarify affordable housing requirements at developments connecting to a County Sewer District (Calarco) (Recessed from 3/22)***. I have no cards on this resolution. Is there anybody who would like to address the Legislature on I.R. 1027? Seeing none, I'll make a motion to recess.

LEG. CILMI:

Second.

D.P.O. CALARCO:

Second by Legislator Cilmi. All those in favor? Opposed? Abstentions? The Public Hearing is recessed --

MS. ELLIS:

Sixteen. (Not Present: Legislator Stern and P.O. Gregory)

D.P.O. CALARCO:

-- on I.R. 1027. ***I.R. 1179 - A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors and public employee unions (Trotta) (Recessed from 3/22)***. I have no cards on this topic. Is there anybody in the audience who would like to address us on I.R. 1179? Seeing none, Legislator Trotta?

LEG. TROTТА:

Recess.

D.P.O. CALARCO:

Legislator Trotta makes a motion to recess, second by Legislator Cilmi. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Stern)

D.P.O. CALARCO:

Okay. ***I.R. 1180 - A Local Law to prohibit the sale of Kratom in Suffolk County (Stern) (Recessed from 3/22)***. I do have several cards on this resolution. We will start with John Gerbitz, followed by Chris Carter.

MR. GERBITZ:

Good afternoon, Legislature. I'm glad to speak before you again today.

D.P.O. CALARCO:

Please, lift the mic up so we can all hear you. Thank you.

MR. GERBITZ:

Thank you for listening to me. I know you heard me this morning. And I just want to follow up with I'm strictly -- I'm opposed to the legislation, banning Kratom in Suffolk County. The study on this plant should not be inhibited, and people should go forward and learn more about it, rather than just ban it. It's not harmful. It's been responsible for zero deaths in the history -- thousands of years of use.

And it is not a drug of choice for children. I saw recently on News 12 where it was stated that it's a high and there are hallucinations involved, and it simply doesn't have those effects. You'll see other people testifying exactly the same as I am here, and Legislatures all across the country have been hearing the same argument lately. The Botanical League of Defense and the American Kratom Association has been making great strides in educating Legislatures. And as I stated, Florida tried to pass a similar ban, and the law enforcement officers in Florida came out against it. Their studies found that there were no tangible risks to its citizens as a result of Kratom.

And there are multiple reasons why people use Kratom and they range from anxiety to depression to PTSD, chronic pain sufferers who want a choice to move away from opiate medications, opioid medications, in order to meet their needs to function in daily life.

Kratom also has another little secret that should be of great interest to Long Island. We have a heroin epidemic here that's ongoing. And I just recently heard about a fella -- I stopped in between these sessions and I went down to a local cigar shop to actually have a cigar and relax in between, and it turns out that there was a man in another shop that everybody knows who sells cigars and he OD'd yesterday on heroin, and he's in the hospital now.

And this little factor that I'm bringing forth here that people might not be aware of is that -- and if you've had loved ones, and almost everybody has somebody that they've been touched with addiction and it's affected their lives, people who have researched Kratom and know about Kratom all know somebody, and many people, I know many, many people, thousands, actually, who have attenuated addictions. They've defeated addictions to alcohol, methamphetamine, opioids, and it's been successful, self-directed with this leaf, which is natural leaf. It's been done in Thailand for a thousand years where people have been utilizing this leaf safely.

And to rush to judgment here would be a mistake on Long Island. It's going to harm -- it's going to harm research on the topic, and that would not do justice to Long Island. It will not make Long Island look good in the nature of -- in front of the rest of the country, people -- Legislatures who have looked at this. There are scientific studies going on, such as the one at Old Mississippi, that will actually give verifiable data as to what the effects are of this and what the dangers are. It's not in question that it attenuates opiate withdrawal, and it gives people a way out of a very serious problem.

I suffered a back injury myself in 1993, and the simple way that my doctors were able to push me out the door was to hand me large prescriptions, opioid --

D.P.O. CALARCO:

Mr. Gerbitz, your time is up.

MR. GERBITZ:

Well, I became addicted to opioid medications as a result of their treatment. They did not want to fund rehabilitation or anything else. And I defeated this three years ago using this plant, because someone loved me enough to tell me about it and gave me the chance to get of the situation. You will be denying people that chance to get away from a cage of opiate addiction if you vote for this.

D.P.O. CALARCO:

Okay. Thank you, Mr. Gerbitz. Stay right there. There's a Legislator who had a question for you. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Sir, I'm sorry, I didn't catch your name.

MR. GERBITZ:

My name is John Gerbitz.

LEG. D'AMARO:

John, thank you for coming down today. It's a new term for me, anyway, and I'm reading a little bit about this. So you're saying that you actually ingested Kratom?

MR. GERBITZ:

I ingested it.

LEG. D'AMARO:

And it helped you to get over a pain, a chronic pain ailment that you had?

MR. GERBITZ:

Absolutely did. It helps with my chronic daily, and it alleviated my withdrawal symptoms to get off of opioid medication. I was able to kick --

LEG. D'AMARO:

How did you get access to it? I'm just curious.

MR. GERBITZ:

I bought it through the internet. I was -- like I said my wife cares about me very much, obviously.

LEG. D'AMARO:

Right.

MR. GERBITZ:

She did research some research on the subject, and she found out that people were actually dealing with their dependency by utilizing this. It's not a pathway. It's being portrayed as a pathway into drugs, but the data is completely the opposite. People from my age -- I'm going to be 50 years old this year. I talk to people who are in their '70s who are using this medication to alleviate the same symptoms --

LEG. D'AMARO:

Just talk right into that mic so everyone can hear you, please.

MR. GERBITZ:

I talk to people.

LEG. D'AMARO:

Bring it right there.

MR. GERBITZ:

I'm part of a group of people where we support each other.

LEG. D'AMARO:

Right.

MR. GERBITZ:

And there are people of all ages, who are up to 70 years old and older, who are utilizing this medication safely in order to treat anxiety, to treat arthritis, fibromyalgia. And for me, the one that hits personally home the most is opioid addiction. And, honestly, it would be a crime to not leave this available to people without studying the data.

LEG. D'AMARO:

Let me -- what I'm looking at says it's really not well studied yet, and it says that the pharmacological effect of Kratom on humans, including it's efficacy and safety, are not well studied. Did you experience any side effects when you took Kratom?

MR. GERBITZ:

Absolutely not.

LEG. D'AMARO:

Zero?

MR. GERBITZ:

Zero side effects.

LEG. D'AMARO:

What dosage did you take, and how frequently?

MR. GERBITZ:

I take Kratom generally daily, again, because I've been dealing with PTSD for -- I paused, you know, for a couple of years, and I received no side effects whatsoever. It actually enhances my daily function, because I don't have -- I don't battle a daily affliction.

LEG. D'AMARO:

You don't feel that it impairs you in any way?

MR. GERBITZ:

Absolutely not. If anything, it enhances it. It allows me to be more of myself.

LEG. D'AMARO:

Okay. So no side effects like psychosis, convulsions, hallucinations, sweating, nausea, vomiting, chest pain, dizziness and confusion?

MR. GERBITZ:

No, never.

LEG. D'AMARO:

Never?

MR. GERBITZ:

Absolutely never. And I've yet to hear somebody say that that is, in effect, the experience from it. As a matter of fact, Dr. Christopher McCurdy of Boston, Boston Medical --

LEG. D'AMARO:

Right.

MR. GERBITZ:

-- Massachusetts General did a study on this and he found that there were no side effects, that it does attenuate addiction, and that there were no determinable side effects. And even ongoing use doesn't show that, because it's been used for hundreds of years for these exact reasons, and it's been ingested by humans for thousands of years. There has never been a case of a death regarded to it. There have been multiple people who abuse a variety of drugs. You know, they've tried to pin it on Kratom when somebody dies with heroin, Kratom, benzodiazepines, multiple things, but there's never been a single attributable death to just Kratom.

LEG. D'AMARO:

Right. So normal drug testing or typical drug testing doesn't detect Kratom in their system?

MR. GERBITZ:

I'm not really sure. I'm sure there's a panel test available to detect it.

LEG. D'AMARO:

Right. Let me ask your opinion on something. And I understand that you used it as an alternative means to get through your pain situation. Is it something that you would think you would continue taking, even having no pain or being pain free?

MR. GERBITZ:

Well, see, I was led down the path of opioid treatment because of chronic pain. I suffered an injury.

LEG. D'AMARO:

Right. Just talk into the mic, so everyone can hear you.

MR. GERBITZ:

At this point, I pretty much take it as a result -- to deal with my daily pain. It's the least intrusive medication I can take that helps me to function daily and actually work.

LEG. D'AMARO:

Right. So you're still experiencing pain. I don't want to get into your whole personal medical condition, but you feel that it's still helping you for pain reasons?

MR. GERBITZ:

Absolutely, absolutely. And, as a matter of fact, I never drink anymore. For whatever reason, I don't even consider having a glass of wine with dinner. I used to Xanax, prescribed by a doctor, for anxiety issues, I do not take Xanax anymore. It's literally eliminated three prescriptions in my life, and there are zero side effects. And all three of those prescriptions that I used to receive had terrible side effects and I regret ever taking them. This is a plant that's in the Rubiaceae family. Everybody here is drinking a cup of coffee. This is --

LEG. D'AMARO:

Yeah, it's part of the coffee family.

MR. GERBITZ:

It's a sister to the coffee.

LEG. D'AMARO:

Is there an active ingredient in it or active ingredients; do you know?

MR. GERBITZ:

Yeah. There are 25 to 30 alkaloids present in *Mitragyna speciosa*.

LEG. D'AMARO:

Okay.

MR. GERBITZ:

And those are the active ingredients in there.

LEG. D'AMARO:

All right. I appreciate you answering my questions.

MR. GERBITZ:

Thank you, I appreciate it.

LEG. D'AMARO:

Thank you, sir.

MR. GERBITZ:

Thank you, Mr. D'Amaro.

D.P.O. CALARCO:

Okay. Thank you very much, Mr. Gerbitz. Our next speaker is Chris Carter, followed by Alyssa Per.

MR. CARTER:

Hello, Ladies and Gentlemen of the Legislature. My name is Chris Carter. I'm with the Legal Botanical Defense. We're an advocacy group for natural healing and natural herb products.

As you just heard from John, Kratom is an alternative to dangerous pharmaceuticals, that pose no real risk whatsoever to the general public. In fact, the last state that tried to pass the legislation was introduced to the State of Florida last year. Both Florida law enforcement released a report

that said Kratom does not constitute a significant risk to the safety or welfare of Florida residents, followed by the Florida Department of Health after their investigation into the product there, otherwise known as DOH. Reports of no pervasive health issues attributed to the ingestion of Kratom, Kratom products in Florida.

We believe banning Kratom is a knee-jerk reaction to false and exaggerated statements being spread by individuals who haven't actually examined its natural supplement and medicinal qualities. This legislation, we believe, is misguided, misinformed and unwarranted. I have worked closely with consumers, medical professionals, Legislatures, law enforcement officials across the country, and I could say safely that Kratom is nothing like what Mr. Legislator Stern has been informed. And it may or may not be his fault, but I think it's -- you know, he's been misinformed.

I also heard one of the Legislators state that there's been no medical studies, when, in fact, that is completely false. Kratom is no more habit forming than caffeine. And the existing medical reports and medical expert testimony show that a leading university, such as John Hopkins, we'd all agree that John Hopkins is one of the, you know, leading medical universities in the country, that Jack Henningfield, who's a PhD, Professor of Behavioral Biology since the 1970s at John Hopkins University, states, "Consumption of Kratom does not interfere with work or social activity and commitments." In fact, the facts are widely reported in the U.S., as southeast Asia, to attribute to better work productivity, quality of life, social relationships. And we just want to know where the lawmakers in New York are getting, or what testimony they've seen to support otherwise. Much like some of these claims, this one is completely inflammatory and misleading. Kratom is a mild alternative to people who suffer from minor pain and don't want to take painkillers.

I mean, we all know what goes on with painkillers here. And we're sorry for cutting into "Big Farmers" heroin business, but we're not going to, you know, have the ability to take a natural -- myself, I'm a Kratom user. I believe in the product, I take it myself. I suffer from injuries from hockey in my left knee. So we think that this is just a knee-jerk reaction. Like John said, there's never been a person who has died from the ingestion of Kratom. There's not one reported case in the whole United States. But more people have died from energy drinks on record than Kratom, energy drinks that are on your convenience store shelves. So comparing Kratom to any other thing such as synthetics and poisons, it's just completely preposterous. This plant has been used for 500 years. Half of my family uses it, I use it, and I think everybody here agrees, I don't look like a drug addict, or committed any crime, or anything like that.

D.P.O. CALARCO:

Mr. Carter, your time is up.

MR. CARTER:

Okay. Thank you.

D.P.O. CALARCO:

Thank you for speaking. Okay. Next is Alyssa Per, followed by Stephen Dewey.

MS. PER:

Hi, everyone. I'm a volunteer coordinator representing the Legal Botanical Defense. I just have a brief statement.

The year was 1909 and the U.S. government agents were waiting at the Tennessee border for a Coca Cola truck on its way from Atlanta to a bottling plant in Chattanooga. When the truck crossed the border, agents seized the truck and its cargo of 40 barrels and 20 kegs of Coca Cola syrup. Why was the government waiting at the border? Was it because of the cocaine in the drink, which had long been a rumor? No. It was because the Coca Cola contained caffeine. The caffeine fear

mongering around the turn of the century was largely orchestrated by Harvey Washington Wiley, Head of the Bureau of Chemistry of the U.S. Department of Agriculture, exploiting the lack of medical studies on the effects of caffeine on humans. Wiley convinced the Congress that caffeine was poison and habit-forming.

The government seizure led to the landmark case, U.S. versus 40 Barrels 20 Kegs of Coca Cola, where the government alleged that the dangerous substance, caffeine, can wreak havoc on a population. However, based on a new study conducted by Dr. Harry Hollingworth that showed no evidence of the deleterious effects on mental and motor performance, the judge dismissed the case. The story -- the story of hype trumping science might sound familiar in the situation playing out in Suffolk County, New York, this time involving Kratom.

Derived from a tropical tree that is native to the Southeast Asia, Kratom is often used as a mild alternative to pharmaceuticals for those battling treatment for minor pain and other ailments, including mild anxiety, similar to how melatonin is used for a sleep aid. Despite Kratom having a long record of safety and efficiency, Dr. Jack Henningfield, a Vice President For Research, Health Policy and Abused Liability at Pinney Associates, and an Adjunct Professor of Behavioral Biology at the John Hopkins University School of Medicine, recently testified in Wisconsin that Kratom has a remarkable record of safety and extremely low risk of abuse.

Suffolk County New York is considering a bill produced by Legislator Steve Stern that would ban Kratom. Kratom is no more habit-forming than caffeine. We believe Legislator Stern is relying on false and exaggerated reports to develop misguided policy. We would happily review with Legislator Stern the medical and scientific data that shows Kratom as being none of the things that are being alleged.

While Kratom has been used for over 500 years, there are only a handful of medical and academic studies which has allowed a few individuals to circulate misinformation and cloud facts. We believe Legislator Stern, on this particular subject, is relying on retold stories, rather than scientific data, as the foundation for his purpose policy. In this proposed bill, Legislator Stern references numerous news reports as the basis as why Kratom is dangerous and potentially deadly. New Yorkers would likely to -- would likely be concerned to learn that the people they elect to govern depend heavily on the media to create law. If Legislator Stern were to examine the existing studies, reports --

D.P.O. CALARCO:

Ms. Per.

MS. PER:

-- and expert testimony --

D.P.O. CALARCO:

Ms. Per, your time is up? Can you wrap up?

MS. PER:

Sure. It would -- it would be abundantly clear that this natural supplement is safe and used for medical -- medicinal purposes. In fact, the Florida Department of Law Enforcement published an in-depth 2015 report examining Kratom, finding that Kratom does not constitute a significant risk to the safety or welfare of Florida residents. If Suffolk County, New York follows through with this knee-jerk reaction to label Kratom as a banned substance, it will effectively ban its use in both laboratories and clinical trials.

D.P.O. CALARCO:

Ms. Per, your time is up, but what we'll do, Legislator Cilmi has a question for you, and I'm sure you

could probably get the rest of your statement in through answering his questions.

MS. PER:

Unfortunately, I'm just a volunteer for the BLD, so I won't be taking any questions. Thank you, though.

D.P.O. CALARCO:

Okay. Thank you, Ms. Per. Okay. Our next --

LEG. CILMI:

I didn't know they had a choice. They have a choice? Shut down.

*(*Laughter*)*

D.P.O. CALARCO:

Our next speaker is Stephen Dewey, followed by John Picciano.

LEG. CILMI:

We learn something new every day.

D.P.O. CALARCO:

Go ahead, Dr. Dewey.

DR. DEWEY:

I happen to be a Research Scientist in the field of substance abuse for nearly 40 years, and I'm -- I am in support of the bill. I've heard lots of comments, anecdotal reports, people do better, and I absolutely -- I'm sympathetic to that. But a review of the scientific peer review literature shows, in fact, that there have been fatalities with the drug. The drug is self-administered. The drug meets conditioned place preference, which just simply means if you give an animal a choice to go to a place it likes or a place where it can get the drug, it will go and get the drug. If you give an animal a choice to self-administer, it will self-administer. If you give that animal the choice to self-administer on a progressive ratio schedule, which just means they have to work really hard to self-administer it, they will.

So when I hear about the lack of addictive liability that I've heard today, it is just not true. The drug is addictive, the drug is self-administered. The drug meets every criteria for addiction on a conditioned place preference schedule.

So I've also heard that there are no side effects. Again, a simple review of the medical literature shows not only side effects, but reproducible side effects; not only side effects, but side effects that continue to expand. So I understand that it does things, wonderful things for wonderful people. My issue is always the same thing. If it's so wonderful, if it's such a good drug, then why not do a clinical trial? Why not run it through Phase I, Phase II and Phase III? We do it with every other drug out there. Why should it circumvent the process?

Now I heard if we make it illegal, it will be difficult to use. I studied THC. It's not difficult for me to get. I get it through the National Institute on Drug Abuse. I can't imagine that if we make it illegal that it's going to be difficult for me to get. I have a Schedule I License. So I'm sympathetic to the cause, I'm sympathetic to what I've heard, but the science just doesn't stand behind it. I've heard about scientific literature. I'd be happy to go over scientific literature. I got a whole bunch of it right here. This is what I do.

So I'm happy to take any questions, and I strongly support the bill.

D.P.O. CALARCO:

Okay. Thank you, Mr. Dewey, Dr. Dewey. I have a number of Legislators who have questions. Legislator Cilmi is first.

LEG. CILMI:

You're taking questions?

DR. DEWEY:

Sure.

LEG. CILMI:

I just wanted to make sure.

DR. DEWEY:

Absolutely.

LEG. CILMI:

Set somewhat of a new precedent here today, I think.

*(*Laughter*)*

Doctor, it's good to see you, and thanks for all the work that you do in helping us and our residents deal with addiction throughout Suffolk County.

I have to say, I'm inclined to support this bill when it comes before us. But I fancy myself as a pretty open-minded guy and a pretty inquisitive guy, so I'm always one to ask questions. And your testimony with respect to the scientific evidence associated with this herb, or whatever it is, plant, you could really say that for pretty much anything. I mean, there are side effects to anything, really.

DR. DEWEY:

Absolutely.

LEG. CILMI:

I mean, there's -- you know, people have allergic reactions to peanut butter. The list that Legislator D'Amaro read off from whatever, you know, website he was on, you know, the potential medical conditions that he listed pale in comparison to some of the conditions that we hear every night when we're watching TV and we hear these drugs advertised on television. That being said, the concern that I have, which is what I was going to ask the young lady that spoke before you, is the difference between the drugs that we see advertised on TV that list all of those potential side effects and this is that this is not regulated, I don't think. So my question to her was going -- and I'll let you answer the question, is that is there any regulatory authority overseeing the sale or production of this product in -- either in New York State or in the country, or in any state in the country, as far as you know?

DR. DEWEY:

You know, as far as I know, no, but I'm probably not the one to ask. Not that I know of, but I don't -- but, you know, I probably wouldn't know. The work, the limited work that we've done is in very careful controlled trials, so we can get the compound directly from the National Institute on Drug Abuse. So I probably don't know the answer to your question.

LEG. CILMI:

Okay. What can you -- can you speak to any personal anecdotal evidence of the harmfulness, potential harmfulness of Kratom?

DR. DEWEY:

You know, the only anecdotal stuff that I can speak to is that I've heard people will substitute Kratom for other opiates that they're abusing. So you can kind of set up their -- I'll try to make this as simple as I can. You can kind of set up drug discrimination trials where you give, in research setting, you give an animal a choice of an opiate, let's say morphine, and then you introduce another drug that's like it. And the question is, "Well, can they discriminate the two?" And in drug discrimination trials, they can't, they can't discriminate between morphine and Kratom. That's consistent with anecdotal reports I've heard that if people can't get the dose that they need for an opiate, in this case heroin, they can substitute Kratom, or they can lower their heroin dose by increasing the amount of Kratom they take. So, you know, it's -- the preclinical data are really clear. The anecdotal stuff is anecdotal stuff, just like we've heard today. I've heard anecdotal reports. You know, you take them for what they're worth.

LEG. CILMI:

Okay. So you don't really have any personal experience, you have the research?

DR. DEWEY:

Research.

LEG. CILMI:

You have the research. And do you agree that there -- based on your research, do you agree that there may be -- there may be some benefits to the use of Kratom in a controlled way?

DR. DEWEY:

Right. I haven't ever seen any research that speaks to the beneficial findings of the drug, so I can't really speak to it from a strictly scientific point of view. I've heard anecdotal reports, I've read anecdotal reports. I've never seen trials that have been run to look at some of the anecdotal reports, so I can't really speak to that, except to say that the study -- the data that I have looked at, the data that has been published would suggest what I said earlier.

LEG. CILMI:

Okay. Thank you.

DR. DEWEY:

Yup.

D.P.O. CALARCO:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Okay. Thank you. Thank you for coming down today, I appreciate it. It's addictive, correct?

DR. DEWEY:

It is.

LEG. D'AMARO:

Okay. So is caffeine.

DR. DEWEY:

Correct.

LEG. D'AMARO:

So what I want to talk to you a little bit more is get past the addictive aspect of it.

DR. DEWEY:

Sure.

LEG. D'AMARO:

So is alcohol.

DR. DEWEY:

Correct.

LEG. D'AMARO:

What does it -- how does it impair someone?

DR. DEWEY:

So the data that I've seen, again, in preclinical studies, would suggest that it impairs -- let's see. It impairs cognition in the sense that it will alter behavior in a -- I mean, I don't know how complicated you want to get this.

LEG. D'AMARO:

Well, I'm reading something that says it's a -- it has psychoactive constituents --

DR. DEWEY:

Right.

LEG. D'AMARO:

-- to it, meaning that it can alter.

DR. DEWEY:

Correct.

LEG. D'AMARO:

In fact, if you look at the --

DR. DEWEY:

It's an alkaloid. I mean, that's what alkaloids do.

LEG. D'AMARO:

Okay. And in low dosages, it acts as a stimulant?

DR. DEWEY:

Correct.

LEG. D'AMARO:

Higher dosages, it actually acts as an opiate.

DR. DEWEY:

Correct.

LEG. D'AMARO:

All right. And when it's marketed, if you look at some of the sites online, the marketing approach to this plant is they rate it -- there's all different types of -- what do you say, Kraytom (phonetic) or Kratom?

DR. DEWEY:

I've heard both.

LEG. D'AMARO:

Okay. Whatever, Kratom, is they rate the levels of how stimulating it is, mood enhancing and pain relieving.

DR. DEWEY:

Correct.

LEG. D'AMARO:

Okay. And different types of Kratom have different -- achieve different results.

DR. DEWEY:

Correct.

LEG. D'AMARO:

Okay. So, you know, and a little further, looking at what I'm reading, it says that -- to answer Legislator Cilmi, it says the DEA has issued a drug -- Drugs of Abuse Rescue Guide, which states that Kratom is not controlled under the Federal Controlled Substances Act. However, there may be some State regulations or prohibitions against the possession and use. They listed Kratom as a drug and chemical of concern. That's the way it's listed right now. There is no FDA approved medical use in the United States. In June of last year, the FDA ordered seizure of Kratom, stating -- referring that there's no evidence that Kratom does not pose an unnecessary risk of illness or injury, and it went into the health impacts, including respiratory, depression, nervousness, agitation, aggression, sleeplessness, hallucinations, delusions, tremors, loss of libido, constipation, skin hyperpigmentation, nausea, vomiting and severe withdrawal symptoms. There are withdrawal symptoms from this as well.

DR. DEWEY:

Absolutely.

LEG. D'AMARO:

So it is very similar to an addictive substance.

DR. DEWEY:

Absolutely.

LEG. D'AMARO:

And is it your testimony that if you take this substance regularly, that it will somehow impair you, like similar to how -- you know, you shouldn't drive a car while drinking, for example.

DR. DEWEY:

There are data that would suggest that's the case, yes. But I think there was something else you said early on when you started this. You said in low dose, it's a stimulant.

LEG. D'AMARO:

Right.

DR. DEWEY:

At high dose, it's a depressant, more opiate-like.

LEG. D'AMARO:

Right.

DR. DEWEY:

That should in and of itself, the fact that the drug does different things at different doses should tell you in and of itself it should have some kind of control, because what we're having is you have some people taking it at different -- I mean, they can't tell you the dose they're taking. They're making -- whatever they're doing. But when you have a drug that has two very different behaviors at different doses, one, it tells you that at the high -- at the low dose, it's hitting catecholamines, it's hitting monoaminergic systems in your brain. When you elevate the dose, it's now hitting opiate receptors in the brain. When you have a drug that hits two different systems at two different doses, that in and of itself should flag people to say that, one, we either need a hell of a lot -- we need a lot more studies done on it; two, that if, in fact, it's hitting catecholamines at low dose, opiates at high dose, what happens when we go up even further? Are we going to start to hit glutamate receptors? Because then we're going to start running into issues of cardiovascular effects, we're going to run into issues of pulmonary effects. There is literature on cases of pulmonary edema, swelling.

LEG. D'AMARO:

Right. But my point is that we ingest on a daily basis many things that are not good for us.

DR. DEWEY:

Correct.

LEG. D'AMARO:

My question is what's the greater risk to others? What's the impairment factor? I mean, if I eat French fries, it's not good for me, it has cardiovascular ramifications.

DR. DEWEY:

That's right. If you eat fatty foods, it's not --

LEG. D'AMARO:

Right. And I'm tending to go agree with you, that if we don't know enough about it, we certainly should before we go out and start impairing ourselves --

DR. DEWEY:

Exactly.

LEG. D'AMARO:

-- and maybe having, you know, further repercussions to doing that. But I -- you know, so what I'm looking for is if I ingest this on a daily basis, is it going to impact others?

DR. DEWEY:

I think it's fair to say that if you ingest any receptor active compound, whether it's caffeine or fatty foods, things that hit CNS receptors, there will be long-term consequences. Now, that said, just like you said, people drink coffee forever, right? And people -- we could go through a list of things that --

LEG. D'AMARO:

Right.

DR. DEWEY:

I think, if nothing else, the controversy that we're seeing just by our presence here would suggest that we got to do a lot more work on the compound before we go around -- right? I mean --

LEG. D'AMARO:

I tend to agree with that. Do you think that this has any medicinal use? Do you agree with that for --

DR. DEWEY:

You know, I've seen --

LEG. D'AMARO:

You know, marijuana recently --

DR. DEWEY:

Right.

LEG. D'AMARO,

-- medical marijuana, there is a use for it in the right circumstances --

DR. DEWEY:

Right.

LEG. D'AMARO:

-- and it's controlled and regulated.

DR. DEWEY:

Right.

LEG. D'AMARO:

Do you see the possibility of that here?

DR. DEWEY:

Absolutely.

LEG. D'AMARO:

You do? Okay.

DR. DEWEY:

Absolutely. I mean, I think -- I mean, as a scientist, it would be naive or it would be ignorant for me to say that I don't see any medicinal purpose when I've read lots of reports about -- anecdotal reports of efficacy. My issue is always the same, it's -- you know, it's really easy to talk about the efficacy of a drug, and I absolutely believe the reports that you're hearing, but if it's so efficacious, why not put it through a trial? Why not do what we did for aspirin? Why not do what we do for every cancer drug that's out there? If it's so good, and I hear that it's great, then run it through a trial.

LEG. D'AMARO:

Right. And we have the technology and resources to do that, so why not?

DR. DEWEY:

And the pathway, and the mechanism, and the funding.

LEG. D'AMARO:

Just so we know. You know, in the 1950s, they didn't know that smoking tobacco in large quantities could cause cancer --

DR. DEWEY:

Right.

LEG. D'AMARO:

-- and now they do know.

DR. DEWEY:

Correct.

LEG. D'AMARO:

So we have the ability to find out.

DR. DEWEY:

We absolutely do.

LEG. D'AMARO:

Yeah. Yeah, it makes sense.

DR. DEWEY:

And we have -- not only do we have the ability, but we have mechanisms for orphan drug status, for things where we can lower the bar to get it approved for emergency approval, right? There are mechanisms that the FDA made just for that. If the drug is so good, then let's put it through an orphan drug trial and get it. We don't have to go -- jump through all the big hurdles that we have to, so there are mechanisms for that.

LEG. D'AMARO:

Right. And I just wonder why, if you're past your pain, or not taking it for pain, why are you taking it? I mean, you could ask the same of a coffee drinker.

DR. DEWEY:

Absolutely.

LEG. D'AMARO:

So we really need to know a little bit more about --

DR. DEWEY:

A lot more.

LEG. D'AMARO:

-- the deleterious effects --

DR. DEWEY:

Correct.

LEG. D'AMARO:

-- this would be.

DR. DEWEY:

Correct.

LEG. D'AMARO:

Okay. Thank you, for answering my questions, very much. Thank you, sir.

D.P.O. CALARCO:

Okay. Legislator Anker.

LEG. ANKER:

Hi, Dr. Dewey. It's always a pleasure to see you. And I have to applaud your efforts in drug awareness. And I highly appreciate your opinion, you know, dealing with drug addiction. As far as -- I think that you've given some very complex descriptions of the drug, but the bottom line is you do not feel it's safe?

DR. DEWEY:

Correct. That's correct.

LEG. ANKER:

And, again, comparing it with, you know, the opiates that are highly addictive, and then we had someone over here comparing it to caffeine, where does it fall between those two?

DR. DEWEY:

Well, so one of the things you can do is you can look at -- so that's a question that comes up all the time, you know, how addictive is a drug. And we've kind of come up with ways to look at it in animal models where we don't have to worry about the kind of higher order cognitive function. So I think one -- so there's kind of two ways. One, you can ask an animal how -- how hard will an animal work for an addictive drug. So, in a classic self-administration paradigm, where an animal hits a bar to get a drug, and then you have -- now the animal has to hit the bar twice, now the animal has to hit the bar four times, eight times, six, right? So, eventually, you get to a point where the question is how hard will an animal work to get the drug. And you've heard stories, I'm sure you've all heard that cocaine, they've never found a limit. Animals will keep -- so a drug like Kratom, which is an opiate, has a very high progressive ratio cutoff, which means an animal will work pretty hard to self-administer.

Next, one of the things that we know, the most common cause of relapse to drug-seeking behavior is the environment, environmental cues. So the question is can you train an animal to go to a place it doesn't like to get the drug? Now you're asking the animal to fight evolution. So, you know, to think about it really simply, rats don't like brightly lit rooms, they like to be in the dark. But if you give -- every time a rat walks into a brightly lit, loud room you give them Kratom, and then you let them go to the dark, after about three pairings, they'll go to the place they don't like to get the drug, which speaks to the power of the environmental trigger that gets the animal to take the drug.

So, if we talk about how addictive is it, we can certainly say that it's addictive enough to be highly competitive on a progressive ratio self-administered schedule. Is it cued by the environment? Absolutely. Animals will go to an environment they don't want to go to to get it. That speaks to not only the reward, which is self-administration, but the environmental impact, which is conditioned place preference.

LEG. ANKER:

And I think you just said the magic word, you said the word "opiate".

DR. DEWEY:

Absolutely.

LEG. ANKER:

And the same -- you know, with the same situation as Kratom. So I will be supporting this bill. And, again, do you know of any other substance that is also an opiate that is legal like the substance we're talking about today?

DR. DEWEY:

I don't.

LEG. ANKER:

I guess that's good, that there's nothing else out there.

DR. DEWEY:

Yeah, I don't know.

LEG. ANKER:

And you would know, because you have been, like I said, such an advocate. I appreciate you coming to Mount Sinai High School. What was that, like seven years ago, eight years ago?

DR. DEWEY:

Right.

LEG. ANKER:

It was an absolutely excellent program. And I have to ask you, are you still doing those programs?

DR. DEWEY:

Every night, every day.

LEG. ANKER:

And can I contact you to maybe see if we can do some more programs in my District?

DR. DEWEY:

Yeah.

LEG. ANKER:

And I just want to encourage the Legislators here, the program that you do addresses high school students and middle school students.

DR. DEWEY:

Correct, and elementary.

LEG. ANKER:

And elementary, okay.

DR. DEWEY:

Right.

LEG. ANKER:

And it shows them how their brain is physically affected by opiates and drugs, and they see the damage, they could see this. And it's very productive and very effective --

DR. DEWEY:

Thank you.

LEG. ANKER:

-- in kids understanding the damage that can be done with drugs.

DR. DEWEY:

Thank you.

D.P.O. CALARCO:

Okay. Does anybody else have any questions for Dr. Dewey? Thank you very much, Dr. Dewey.

DR. DEWEY:

Thanks.

D.P.O. CALARCO:

Okay. Our next speaker is John Picciano, followed by Commissioner Sini.

MR. PICCIANO:

Good afternoon, everybody. My name is John Picciano. I'm a resident of Long Island. I want to start by saying I'm opposed to the Bill 1080, to prohibit the sale of Kratom in Suffolk County. Full disclosure, I'm in no way financially incentivized by the Kratom industry, nor am I a doctor or expert that speaks on Kratom.

I want to start by saying 10 years ago, I lost my sister due to a drug overdose. She was only 50. This was a tragic moment for my family's life, and it's still something I live with every day. Had I known that there was another alternative out there such as Kratom, I would have definitely let her know about that.

Here are some staggering statistics about prescription drug use that everybody needs to understand in related death: According to the National Institute of Drug Abuse, heroin overdoses increased 75% from 2007 to 2001. According to the Centers of Disease Control, 33% increase in prescription pain pills since 2010. According to the Substance Abuse and Mental Health Administration, current heroin -- current heroin users who started with prescription pills are up 80% since 2010. And according to the DEA, the increase in heroin-related arrests rose by 50% from 2008 to 2012; 2,000 New Yorkers overdosed from heroin since 2012; 2616 Long Islanders arrested for heroin, 2011 to 2013, and 242 Long Islanders died from 2012 to 2013, okay? These statistics are rising every single day.

I personally found Kratom to be the best option for me following a severe car accident I was in back in 2014. As a result of the accident, I suffered severe lower lumbar disc decompression. My disc needed to be surgically removed and replaced with two artificial discs. The pain both before and after the accident I had to endure was unbearable. The only thing which helped me with the pain that I knew about at that time was prescription painkillers such as Oxycodone and Oxycontin. I knew that the narcotics were not a long-term solution to my pain, so I began to research other alternatives, that's when I found Kratom. Kratom helped me relieve my pain in ways that could not be reproduced by any pain medication. I felt that my life was back again. I was able to go to work each day and provide for my family, which is very difficult to do on any pain medication. I am not alone, I'm not the only one. According to the National Institute of Health, 40 million Americans purchased Kratom online for self-managed opiate withdrawal. Nowhere does it state that they purchased Kratom to get high, which is what Senator or Legislator Stern had mentioned in his Legislative piece.

I ask that the Legislators here today keep Kratom legal, and think about this before somebody else's child or teenager falls prey to this heroin epidemic that we all see today. It's terrible.

D.P.O. CALARCO:

Okay. Thank you very much.

*(*Applause*)*

There is a question for you from Legislator Cilmi.

LEG. CILMI:

Good afternoon, sir. How are you today?

MR. PICCIANO:

Doing well, thank you.

LEG. CILMI:

So here's the thing that sort of pulls me in the other direction. You heard me in speaking with Dr. Dewey say that I'm inclined to support this legislation, but that I was open-minded and inquisitive. And recognizing how profound the heroin problem and the opiate problem is here in Suffolk County, if there's something out there that could help folks deal with their addiction in a less destructive way than continued heroin use, then that's something that we all need to consider very --

MR. PICCIANO:

I agree.

LEG. CILMI:

We have to give a lot of weight to that, particularly in that we all know here that treatment options are few for addiction. We know that the number of beds is -- you know, is not enough. We know that insurance is always a problem. And, you know, certainly, it seems like every time we open up the paper, our efforts and the efforts of so many others utilizing traditional means of dealing with this heroin epidemic are not working.

MR. PICCIANO:

Right.

LEG. CILMI:

Which leads me to question those very methods and say, "Well, is there another way? Is there something we're missing here?" It concerns me a great deal that this -- that Kratom is unregulated. You, to me, sound like a very reasonable person. You look like a very reasonable person.

MR. PICCIANO:

Thank you.

LEG. CILMI:

The fellow who spoke earlier today seems to me like a very reasonable person, completely in touch with, you know, yourselves, and articulate, completely in control of yourselves. Are you currently using Kratom?

MR. PICCIANO:

I am.

LEG. CILMI:

How frequently do you use it?

MR. PICCIANO:

I use it daily.

LEG. CILMI:

Okay.

MR. PICCIANO:

I use it maybe once or twice a day to help my pain.

LEG. CILMI:

How do you determine how much of it to use?

MR. PICCIANO:

Based on what I've seen and what I've read and learned about it, it's -- it really is an individual thing. I think there's no way to set the amount, the proper amount, or to say exactly what's the right dose. But I find that maybe, you know, a couple of grams of Kratom are usually sufficient for my needs.

LEG. CILMI:

So have you noticed that if you -- if you don't take enough, it doesn't work, basically, to deal with whatever it is you're dealing with?

MR. PICCIANO:

I haven't come across that, honestly.

LEG. CILMI:

You just take -- you know how take enough?

MR. PICCIANO:

Yeah.

LEG. CILMI:

Have you ever noticed that you've taken too much and that it impairs you in some way?

MR. PICCIANO:

The only thing I noticed, if it -- I mean, I'm usually pretty good about what I do take, if I -- I would imagine if I had taken more, that, you know, I might get a little drowsy, maybe --

LEG. CILMI:

Okay.

MR. PICCIANO:

-- if that's the case, but it's something that I'm very aware of what I'm doing, and like I think a lot of people are here today. I don't think we're here to get legally high off of Kratom, okay? I think coffee is just as addictive, if not more, than Kratom, okay? I might feel tired throughout the day, just like anybody else here. What are we going to do? We'd go to the local Dunkin' Donuts or Starbucks and get a cup of coffee. Is that addictive nature?

LEG. CILMI:

Right.

MR. PICCIANO:

I'm sure everybody here, most of the people here are probably having coffee every day. Is at that an addictive nature that we should maybe start banning coffee? This is the only substance we have today that is deal -- potentially could deal to some degree with these issues that we're facing with drug abuse. We don't know. It's not something -- and Dr. Dewey had mentioned doing clinical trials. There's -- nobody is going to support clinical trials if they're not incentivized. There's no profit to be made by the drug companies on Kratom, so it's not going to happen, you know, so I don't agree with what he said. But I think that to my findings, and being somebody who's not here in support of any organizations or group, you know, I think I speak on behalf of a lot of people, that --

LEG. CILMI:

So you're really here as somebody who uses this product and who's basically frightened that the County may take way --

MR. PICCIANO:

I'm not frightened, I'm disturbed, that's what I am.

LEG. CILMI:

Well, what would happen if -- I mean, what would happen to you, do you think, if we ban the use of this product, or the sale of this product?

MR. PICCIANO:

Me, personally?

LEG. CILMI:

Yeah.

MR. PICCIANO:

I mean, I think -- I mean, I do have chronic pain that I suffer with every day. I would hate to think the fact that I would have to even reconsider potentially having to go back to using any kind of narcotic medications ever again.

*(*Applause*)*

LEG. CILMI:

All right. Thank you. Thank you for your testimony.

MR. PICCIANO:

You're welcome. Thank you.

D.P.O. CALARCO:

Oh, stay there. One more, Legislator Barraga.

LEG. BARRAGA:

I wanted to ask you, you and the other two gentlemen who testified all suffered from chronic pain. How long after you started with Kratom was the pain relieved?

MR. PICCIANO:

I can't really tell exactly how long, but I just -- Kratom is one of those natural substances that I think it has a very -- just like any other type -- well, I don't want to compare it to an opiate, because it's not an opiate, but I think it has -- you know, it does work on the -- certain opioid

receptors, and I believe it's the delta and the kappa, but it does have a -- but nothing like a narcotic. It's very mild, if anything. And I just feel like it has a pretty quick effect.

LEG. BARRAGA:

And you're without pain at this juncture based on your use of the drug?

MR. PICCIANO:

Pardon me?

LEG. BARRAGA:

You're without pain at this point, right, using it?

MR. PICCIANO:

I'm not 100% without pain, no.

LEG. BARRAGA:

But a lot better than you were?

MR. PICCIANO:

I had surgery. You know, I was in a bad car accident. You know, I was dealing with a tremendous amount of pain. I was on disability. Kratom has been helpful for me in many ways.

LEG. BARRAGA:

Because my experience has been, and I suffered from this many years ago, I had a period of almost 12 months where I couldn't sleep in the bed, I was in constant pain 24 hours a day, seven days a week, and it's extremely debilitating, and it affects you psychologically and emotionally to the point where you really can't have a communicative relationship with even your closest family without having highs and lows and a quick temperament, and everything else, and I was absolutely desperate for some medication to help alleviate that. I did wind up taking something, which I think to this day helped me. I won't mention what it was. But, certainly, I can understand what an individual goes through, and they become desperate to find something that will relieve the pain and will not have a lot of side effects, much less killing them. And, obviously, you and the gentleman who spoke today are using this medication successfully and it works.

MR. PICCIANO:

Yup.

LEG. BARRAGA:

And, so far, I haven't heard any testimony indicating that this medication has killed anyone.

MR. PICCIANO:

Absolutely has not killed anybody to date. It has been -- there has been some products that have been out that have been laced with other contaminants that have been related to some deaths, but not specifically Kratom itself has killed anybody to date.

LEG. BARRAGA:

All right. Thank you very much.

MR. PICCIANO:

You're welcome.

D.P.O. CALARCO:

Okay. Any other questions? Oh, Legislator Browning has a question.

LEG. BROWNING:

Okay. To be honest with you, I never heard of this stuff until this came up. Where do you buy this? Do you buy it online or -- I mean, I was Googling and I guess there's some local --

MR. PICCIANO:

I'm personally comfortable with purchasing the product online after researching several reputable vendors. I'm not a proponent of head shops. I don't believe personally in -- I'm not going to speak for that industry, but, you know, I've seen some of the things that go through some of those places and I'm not really a big fan of it, so I find that online ordering works for me.

LEG. BROWNING:

Okay. Because I was looking online where you buy it, and it says Walgreens, Amazon. So I guess there's --

MR. PICCIANO:

Amazon does not sell Kratom.

LEG. BROWNING:

They don't sell it?

MR. PICCIANO:

I don't believe so.

LEG. BROWNING:

Okay. Maybe it's in another state, I don't know. But, you know, one of the things I think about is I -- you know, I take my vitamins, I take B12 --

MR. PICCIANO:

Me, too.

LEG. BROWNING:

-- and I have my regimen in the morning. And I'm always concerned, because, personally, I'm not one for taking any kind of medication. I like alternative medical treatments like chiropractors and acupuncture, if need be. So I always like to avoid having to take any kind of drug. And, again, we -- you know, talking about drug abuse, you have Methadone, Suboxone, and to me, personally, that's another addictive drug, so it's really not solving the real problem. But what about children under the age of 18 using it? I mean, does it have a different kind of effect on younger people? Are you aware of how that --

MR. PICCIANO:

I can't speak for that age group. I could say that from personal experience, as somebody under the age of 18 that's potentially going to benefit, as opposed -- if it was my son or my child and they had a pain or chronic pain or something, I certainly would not be offering them pain medications as a solution to their pain, I'd be maybe looking at other options, potentially Kratom.

LEG. BROWNING:

Okay. It's just that when you do take your child to the doctor, it's based on their age, their size, their weight, you know, that, you know --

MR. PICCIANO:

The doctors are being controlled by the pharmaceutical industry, though.

LEG. BROWNING:

-- the doctor makes a decision on the prescription. So when it comes to that type of -- you know, the Kratom, it's -- you don't know what dosage to give. So I'm kind of asking how you would feel about if it was just to be banned for a certain age group, and that as an adult, you had -- you have the right to make that choice, whether you want to use it or not. So would you support banning under the age of 18?

MR. PICCIANO:

I think that's something that would have to be looked at and assess better, if there's really that much of that age category becoming dependent on, because I know there's a lot of the age category becoming dependent on other drugs right now much more so. It's a severe epidemic, and I think everybody here realizes that. So if you have one option, if you could save one life, potentially, from the use of a substance such as Kratom, which has not been shown to kill anybody to date, then I think you have a better alternative for those people.

LEG. BROWNING:

Okay. Thank you.

MR. PICCIANO:

Sure.

D.P.O. CALARCO:

Okay. Legislator Trotta has a question.

LEG. TROTTA:

Two quick questions. How do you take it?

MR. PICCIANO:

How do you take Kratom?

LEG. TROTTA:

Yeah.

MR. PICCIANO:

When I purchase it, it usually comes in the form of a powder. There's different types of strains that are available. I typically like to take something a little -- there's usually red strains and --

LEG. TROTTA:

Is it a pill or is it a tea?

MR. PICCIANO:

Again, I'm not an expert. I usually like to take something that's maybe a small amount of it with -- and mix it with a little bit of hot water, so it makes more of like something that I could pour some juice into and just drink it like that.

LEG. TROTTA:

And what does it make you feel like when you drink it?

MR. PICCIANO:

I feel just relaxed. You know, I feel like I have a little of energy. It's kind of like coffee, honestly, just maybe with a little bit of --

LEG. TROTTA:

Did you ever hallucinate? Did you ever like --

MR. PICCIANO:

Do I look like somebody hallucinating?

LEG. TROTTA:

No. Do you think that you couldn't drive your car or anything like that?

MR. PICCIANO:

Not at all.

LEG. TROTTA:

Like drinking a half a bottle of wine or something?

MR. PICCIANO:

No, absolutely not.

LEG. TROTTA:

I mean, did you ever take a lot of it, like --

MR. PICCIANO:

No.

LEG. TROTTA:

No?

MR. PICCIANO:

I'm not an abuser. I mean, I'm not somebody who's going to like fall subject to abusing something to try to get high off of. I'm using it for the purpose of, you know, helping with, you know, pain. And I find that it actually -- actually even helps a little bit with anxiety, in my opinion, and even alleviates depression to some degree.

LEG. TROTTA:

Okay. Thanks.

MR. PICCIANO:

So it's a very good product, it really is.

AUDIENCE MEMBER:

You can't take a lot, it's self-regulating.

D.P.O. CALARCO:

No. Are you done, Legislator Trotta?

LEG. TROTTA:

Done, yeah.

D.P.O. CALARCO:

Okay. Thank you very much.

MR. PICCIANO:

Thank you.

D.P.O. CALARCO:

We appreciate your time.

MR. PICCIANO:

Yup.

D.P.O. CALARCO:

Our next speaker is Commissioner Sini, followed by Steve Chassman.

COMMISSIONER SINI:

Good afternoon. Thank you very much. My name is Tim Sini. I'm the Commissioner of the Suffolk County Police Department. From a public safety perspective, Kratom is certainly a concern in terms of the unregulated sale of Kratom in Suffolk County. It's entirely unregulated, and according to the DEA, it is addictive, and there are negative side effects to its use, and it is -- it can produce psychotic symptoms, including hallucinations, delusion and confusion. It essentially is a drug that impairs someone's ability to think clearly and to operate their body without obstruction, and it is unregulated at present.

The bill that's proposed by Legislator Stern could be enforced by the Suffolk County Police Department. The one thing I would just highlight is, anecdotally, we're seeing more chatter about Kratom through our social media surveillance in our Criminal Intelligence Section. There's no documented seizures of Kratom by the Suffolk County Police Department. But it's not illegal, so we wouldn't be seizing it, necessarily. We wouldn't be documenting it if we saw it.

There was a note made by the DEA. In 2010, there was one drug report regarding Kratom. In 2011, there were 44 reports. In 2012, there were 81 reports. And according to officials in the DEA, these numbers are going to continue to climb 2014, '15. So it reminds me a little bit of what we saw with bath salts. When we -- when law enforcement first started -- and I recognize that Kratom and bath salts as a drug are very different, but in terms of the use and sale, there are some similarities. When law enforcement started talking about bath salts, most people didn't know what it was, and there wasn't much attention to it. It quickly gained steam and became a mainstream drug that was used recreationally in the United States, including New York, and there was no statute on the book to prosecute it.

I actually was one of the first prosecutors to prosecute bath salts when you had to use the Controlled Substance Analog Statute, which is a very difficult statute to use, because you have to essentially prove that it's molecularly similar to a banned drug, and it has the same effects of a banned drug. So a bill like this would give law enforcement the tool to properly regulate the sale of Kratom.

D.P.O. CALARCO:

Thank you, Commissioner. Legislator Stern has a question.

CHAIRMAN STERN:

Yeah. Thank you for being here, Commissioner.

COMMISSIONER SINI:

Thank you.

LEG. STERN:

So earlier we heard testimony from one, maybe two people that were getting information in some sensationalized way, that it was based on a couple of reports, that they were from publications. But

here, what you're suggesting is there is information from the DEA--

COMMISSIONER SINI:

Yes.

LEG. STERN:

-- that we're looking at.

COMMISSIONER SINI:

Yes. The DEA has issued at least one report, perhaps numerous. The DEA has stated unequivocally that Kratom is addictive. They've also stated unequivocally that it has no legitimate medical purpose at this time. And they've also reviewed studies outside the United States that suggests that it can be dangerous, and that includes withdrawal symptoms, consisting of symptoms of hostility, aggression, emotional lability, achy muscles, bones, jerky movement of the limbs, and psychosis.

LEG. STERN:

And when members of the Suffolk County Police Department are taking a look at what's going on online, and social media, and trying to take -- keep an eye on trends, you had mentioned that chatter is up. Is there -- is there a way to know? Chatter is up among who? Is there a particular age group or segment of the population that we're concerned about?

COMMISSIONER SINI:

We engage in social media surveillance that essentially allows us to pick up chatter regarding illegal activity. Just that's out in the public, that's publicly available. And so individuals who are talking about bath salts, individuals who are talking about synthetic drugs are also now talking about Kratom.

LEG. STERN:

Thank you.

D.P.O. CALARCO:

Legislator Kennedy.

LEG. KENNEDY:

Good afternoon, Commissioner. How are you today?

COMMISSIONER SINI:

I'm doing well. Good afternoon.

LEG. KENNEDY:

Quick question. So we pass this bill, and then Suffolk County Police can go into a head shop and they can abscond the supply. But the sale of Kratom is not controlled under the Penal Law.

COMMISSIONER SINI:

This resolution would authorize the Suffolk County Police Department to enforce the Local Law, which would make it a misdemeanor.

LEG. KENNEDY:

Thank you.

D.P.O. CALARCO:

Legislator Krupski.

LEG. KRUPSKI:

How would you -- welcome, Commissioner.

COMMISSIONER SINI:

Good afternoon.

LEG. KRUPSKI:

How would you enforce it, and how would you enforce if -- we've heard testimony earlier that there's online sales, so how would you keep it from flowing into the County --

COMMISSIONER SINI:

We can --

LEG. KRUPSKI:

If this -- if this substance were, in fact, banned?

COMMISSIONER SINI:

Suffolk County Police Department is obviously limited in terms of where we can do enforcement, so our powers are in Suffolk County. This is something that I see coming up with head shops, gas stations, the convenience stores. This -- these are the type of places where bath salts were regularly sold, where K2 was regularly sold before they -- before it became illegal in Suffolk County, and that's what I envision the Suffolk County Police Department's role.

LEG. KRUPSKI:

Thank you.

D.P.O. CALARCO:

Legislator Fleming.

LEG. FLEMING:

Thank you, Legislator Calarco. Hi, Commissioner. How are you?

COMMISSIONER SINI:

Good afternoon.

LEG. FLEMING:

Are there any concerns with regard to the effects of this substance on a person's ability to operate a motor vehicle, or any other public safety concerns?

COMMISSIONER SINI:

Absolutely. There's evidence that the DEA cites in its report about how it affects one's ability to reason, one's ability to -- it affects -- it has physical effects. It's a drug that affects the body. And right now, the typical drug test that we do in Suffolk County does not pick this up, which is an issue that we should -- Law Enforcement should start talking about.

LEG. FLEMING:

Thank you.

D.P.O. CALARCO:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Commissioner, how are you?

COMMISSIONER SINI:

I'm doing well. Good afternoon.

LEG. D'AMARO:

Good afternoon. It's addictive, correct?

COMMISSIONER SINI:

Yes, the DEA has stated that it's addictive.

LEG. D'AMARO:

Uh-huh. Okay. And there's no -- the DEA says that there's no -- not the DEA, but the FDA says there's no FDA approved medical use for this substance.

COMMISSIONER SINI:

The FDA certainly says that, but the DEA actually independently stated that, too, in our report.

LEG. D'AMARO:

Did it? Okay. But -- and there are side effects to it. But, you know, you go home and watch television and all the drug companies advertise their legal drugs that are controlled, but sold over the counter sometimes. There's all kinds of side effects to all kinds of drugs.

So my question to you is do you see this substance as a threat, as opposed to all the other pharmaceutical drugs that are available, pharmaceuticals that are available that have side effects, and it may even -- you may even have a label warning an individual not to operate a motor vehicle while taking this drug. You know, does this go past the threat posed by that type of drug that someone may be taking, for whatever reason? You know, I mean, there are many things that are addictive, there are many things that have no medical use, there are many things that have side effects, but does that mean that we ban them? In most cases, we don't. In fact, in most cases, we have physicians prescribing them to people en masse. So my question to you, as Police Commissioner is, is this -- how is this a threat?

COMMISSIONER SINI:

Yeah. A lot of -- the issue here is it's completely unregulated. So I'm not opining on whether or not this should be used legitimately for medical purposes. We've heard some testimony today that perhaps it has a role to be used for medicinal purposes. But the FDA, the agency responsible for making those decisions, has not done that. In fact, it's done -- if anything, it's gone the other way by warning -- by warning that this drug could be dangerous.

LEG. D'AMARO:

Right.

COMMISSIONER SINI:

And giving authorities the power to seize Kratom as it comes into the United States. So whether or not this drug has a place in the marketplace is not a question for the Suffolk County Police Department. All I know now is that Kratom can be sold at a gas station to a 16-year-old, and the Suffolk County Police Department is concerned about that.

LEG. D'AMARO:

Right. I think that's a fair comment. We don't know really enough about it, it hasn't been studied enough, and it's completely unregulated. And there are side effects, and we don't know the extent

of those side effects, or what societal impact those side effects can have as the use of this particular substance grows. And I think that's a legitimate concern, I agree with you. Thank you.

COMMISSIONER SINI:

Thank you.

D.P.O. CALARCO:

Any other questions for the Commissioner? Commissioner, thank you for coming out and making yourself available. I know you got a very busy -- oh, Legislator Cilmi has one last question.

LEG. CILMI:

Hi, Commissioner.

COMMISSIONER SINI:

Good afternoon.

LEG. CILMI:

Just we talked about the Police Department enforcing this. Outside the Police District?

COMMISSIONER SINI:

Well, we do have ways to enforce laws outside a Police District, but I wasn't necessarily envisioning that.

LEG. CILMI:

Okay. So who would -- is the Sheriffs in the Department charged with enforcement outside the Police District? I guess --

COMMISSIONER SINI:

We enforce narcotics laws outside the Police District, including on the East End. We have a Task Force, the DEA has a Task Force. We also work with DEA. We have five Detectives now assigned to the DEA Task Force. The Suffolk County Police Department is in the position to enforce laws, narcotics laws throughout the region. But my focus -- when I saw this bill, immediately what I envisioned are convenience stores, gas stations and places like that.

LEG. CILMI:

Right. So what is the -- what is the enforcement mechanism in the bill?

LEG. STERN:

Well, it is a -- it is a law of County-wide applicability. And so any --

LEG. CILMI:

Right.

LEG. STERN:

-- local law enforcement agency that's charged with enforcing, whether it's State or County law, would have the ability to enforce the law.

LEG. CILMI:

Gotcha. Fair enough. Okay. Thanks, Commissioner.

COMMISSIONER SINI:

Thank you.

D.P.O. CALARCO:

No, not yet, Commissioner. Legislator Muratore has a question.

LEG. MURATORE:

Hi, Commissioner, over here.

COMMISSIONER SINI:

Sorry. Good afternoon.

LEG. MURATORE:

How are you? My question is, so it's really only illegal to sell it, not to possess it?

COMMISSIONER SINI:

Under this proposed legislation?

LEG. MURATORE:

If I go to Nassau and buy it, or go to the Bronx and buy it, I can come back here in Suffolk County and use it.

COMMISSIONER SINI:

I agree with your interpretation of the proposed legislation.

LEG. MURATORE:

Okay. Thank you.

D.P.O. CALARCO:

Any other questions? Oh, Legislator Anker.

LEG. ANKER:

And this may not be something you could answer, but, again, we have people that are in need of it, just, you know, for whatever, for health purposes. But we also have this issue of addiction with our -- especially with our children, and they're getting this stuff and they're using it as a recreational drug. Is it possible to get it approved by the FDA or by -- you know, I'll ask the sponsoring Legislator, perhaps. Is there anything we could do to create some type of oversight of this drug?

LEG. STERN:

Well, oversight responsibility, whether it's ultimately declared a controlled substance or otherwise, is going to be within the jurisdiction of the FDA.

LEG. ANKER:

But there's nothing that we can put in the legislation itself to provide that type of oversight, I guess, not --

COMMISSIONER SINI:

The one thing I would comment that may be relevant is that when you pass legislation banning a substance like this, typically, that applies to the unlawful distribution of the substance. So if the FDA subsequently regulated the substance and allowed the substance to be distributed pursuant to a valid prescription, there would still -- you would still have the authority to regulate its use outside of its prescription. So, for example, you can't sell Oxycodone on the street without a valid prescription, that's against the law. But, clearly, when a doctor issues a valid prescription, it's legal. So FDA regulation and criminalizing the unregulated sale of Kratom are not mutually exclusive.

LEG. ANKER:

Thank you.

D.P.O. CALARCO:

Okay, great. Thank you very much, Commissioner. I know your very busy schedule.

COMMISSIONER SINI:

Thank you.

D.P.O. CALARCO:

Okay. Our next speaker is Steve Chassman, followed by Linda Ventura.

MR. CHASSMAN:

Good afternoon, Ladies and Gentlemen. I serve as an Executive Director at a local community-based organization, the Long Island Council on Alcoholism and Drug Dependence. We have seen an increase of Kratom. Just from the testimony that we heard today, clearly, there is an opiate crisis going on. We've heard some damaging statistics just right here in Suffolk County. I'm a Suffolk County resident. We have two offices in Suffolk County, and in 60 years, we've never seen such a toll. First, a death toll, if I could be so bold, and you'll hear from a mother who has some firsthand experience with that.

Kratom, we are seeing the increased use. So we want to commend Legislator Stern for introducing this. To use the metaphor, quite frankly, as a health care professional who's been in public health for over 20 years, there's a house that's on fire, and you grab the nearest bucket of water and you try to put out the fire.

And just hearing the testimony today, not to judge, this is not an evidence-based practice for opiate dependence, that it helps cure opiate dependence. Opiate dependence is a psychiatric condition. It manifests physically and psychologically. And there are very succinct and evidence-based practices to treat the physical manifestation of opiate dependence in -- and you heard Legislator Browning, with Methadone, with Suboxone, with Subutex, even with Vivitrol.

Psychologically, and primarily this is a psychological disturbance, cognitive behavioral therapy, motivational interviewing, there are evidence-based modalities for treating opiate dependence. You should know, in the research that I've done, there have been four states, in Tennessee, Indiana, Wisconsin and Vermont, who have introduced and passed legislation around Kratom. To hear Commissioner Sini talk about the chatter, so to speak, and that chatter often is like wildfire among substance users, not bad people, sick people, trying to find some kind of synthetic or organic relief.

I will point out that not everything that grows in Mother Earth is healthy; hemlock comes to mind. And I have to tell you that more and more, we are seeing young people where they are trying to quote, unquote, kick an opiate habit, be it heroin, or be it Oxycodone, who says this is an organic plant-like substance from Thailand or Southeast Asia. By the way, Thailand and other South Asian countries have banned this many, many years ago because of the misuse, abuse and dependency.

You heard Dr. Dewey, who is an eminent neuroscientist on Long Island for three decades studying addictions, say this has addictive properties. When taken over time, and once that ingestion ceases, there are physical and psychological withdrawal symptoms.

To hear the message that this is the cure for opiate dependence, it is not. Opiate dependence, substance use disorder is a very precarious illness, and it needs evidence-based treatment over time. That's something that, if you don't mind me saying, as a society, we failed. Certainly, there is no miracle cure for opiate dependence, and respectfully, that you buy in a gas station, that you

buy in a head shape, or that you buy in a vape shop.

I commend Legislator Stern for introducing this. At the height of a crisis, and Suffolk County has the highest overdose rates, the misconception or the misuse of Kratom as the solution for this problem, we need legislation so that young people aren't misinformed with just some of the testimony we heard here today, that this is the cure for opiate dependence. And given the chatter, given the misconceptions that this is some kind of psychological cure is completely incorrect.

D.P.O. CALARCO:

Mr. Chassman.

MR. CHASSMAN:

And the FDA and the data does not support these findings.

D.P.O. CALARCO:

Thank you. Does anybody have any questions for Mr. Chassman? No? Thank you very much for coming out today, we appreciate your time. Our next speaker is Linda Ventura, followed by James Marchetti.

MS. VENTURA:

Good afternoon. My name is Linda Ventura. Hi. Hi, Tom. I, unfortunately, am the founder of Thomas' Hope and a member of Families in Support of Treatment. I'm also on the Board of Directors for Saint Joseph's Treatment Facility. And on March 14th, 2012, I lost my 21-year-old son to the disease of addiction. So on Sunday, to see the headlines that Suffolk County leads the state in heroin deaths, that for anyone to question why we would not put stops for children to go into gas stations, 7-Eleven, head shops, vape shops, or anything else, you've got to throw some roadblocks -- roadblocks up for this.

We have an epidemic. I will gladly give you every person that calls me every day so that you can each speak to a parent who wakes up without a loved one, or two ones. I will be happy to give you that responsibility. So it is incumbent upon you to do as much as we can during the height of this epidemic. And I am not against anybody who has -- you know, if you have chronic pain, that's fine. Let the FDA do its job. Let them come out and put this in a prescription form, or something else. But when you have children going on the internet, using their gift cards that grandma and grandpa bought them and ordering this, and saying, "Well, this is cheaper than oxys on the street, let me use this." We have the disease of addiction. If kept out of adolescents' hands, we wouldn't have the disease of addiction in the epidemic proportions that we have.

I've learned a lot in the last four years. Addiction is an adolescent disease. This is something that's going to forever change their brain chemistry. So, Legislator Browning, 18 wouldn't be the age, 25 should be the age. We have to do better, we know better. And I'm tired. I can't even go to funerals anymore. But, as I said, every day I'm speaking to parents. Every day I'm helping kids try to find treatment, because no -- we're not even addressing the lack of beds and everything else during this epidemic. We have kids that are waiting and they are dying getting into treatment, and I know that Legislator Kennedy is right there on board with that. We should be holding accountability for insurance companies. We should be doing a lot more than we're doing right now.

I don't know what else I -- you know, I can bring a whole bunch of parents up here and I can have a whole bunch of letters sent to you. I'd be happy to do that. I have two parents that I just spoke to up in Lake Placid area, Saranac Lake. Their two children are in psych wards because they used this drug. They have had psychotic breaks that they are not coming back from. So, anecdotally, you can say that that doesn't happen. It happens. And, unfortunately, these parents now have 16-year-olds that will forever be in treatment or locked up, because they're not coming back to their

families. Thank you.

D.P.O. CALARCO:

Thank you, Ms. Ventura. Questions? Thank you very much for coming down today. Our next speaker is James Marchetti, followed by Deborah Shulman.

MR. MARCHETTI:

Good afternoon, Ladies and Gentlemen. I just wanted to get back to the last gentleman that spoke.

D.P.O. CALARCO:

Can you pull the mic a little closer?

MR. MARCHETTI:

I'm sorry.

D.P.O. CALARCO:

Thank you.

MR. MARCHETTI:

I just want to speak to the last gentleman that spoke, that was up here before. He said that it was banned in Southeast Asia, Thailand and Malaysia because it's dangerous. That's false. It was banned because it was cutting into the opium trade. And I'm just going to go with a brief statement here and that's it.

My name is James Marchetti and I'm here as a concerned citizen and as a consumer of Kratom. There's a lot of misinformation that is going around. Kratom is a plant that comes from the coffee family and has been used for hundreds and hundreds of years safely and responsibly all over Southeast Asia. Over the last few years, Kratom has grown in popularity throughout the United States. Kratom can help with anxiety, depression, promotes energy and a good mood. It can also help with pain.

Since my journey began with Kratom almost a year ago, it has helped me with anxiety and depression and alcoholism. It has improved my relationship with my family. And I also want to say that I never felt intoxicated or incapacitated while using Kratom. I think we should be able to choose a natural substance than liquor in a bottle or medicine with serious side effects. I don't think this bill should go through, for it will affect a lot of people who actually benefit from this plant.

I am totally for an age compromise. And if Kratom is getting into the hands of adolescents, start finding those head shops and, you know, raiding their Kratom, because I don't believe that it should be sold to anyone underage. That's all.

*(*Applause*)*

D.P.O. CALARCO:

Thank you very much. Our next speaker is Deborah Shulman, followed by Josh Enden.

MS. SHULMAN:

Hi. Can you hear me okay?

D.P.O. CALARCO:

(Nodded yes).

MS. SHULMAN:

I'm here basically to speak for myself and members of the Kratom community. I'm a 41-year-old mother, with a little boy, who was diagnosed with fibromyalgia. A year-and-a-half ago, I was bed-ridden, okay? I wouldn't be standing here right now if it wasn't for Kratom. I was on pain medication that caused terrible side effects. I found it was almost like brain zaps, if I could explain it that way, which did nothing for me. I couldn't bathe my child, I couldn't cook meals for my family. I was just in bed at 41 years old. I couldn't work. I almost lost my job. Since finding Kratom, I've been promoted. I can drive to my job. When I was in pain like that, I couldn't drive at all. I couldn't get behind a wheel, I couldn't concentrate on the road, I couldn't concentrate at work. But since finding Kratom, using it responsibly, I have been -- I've gotten my life back. And I am very afraid that if it is banned, that I will wind up on disability and back in bed, with no job and no life, and not being able to take my six-year-old to the park. So, yeah, I am very afraid that this is going to disappear, because so is -- I feel like so is my life.

And, you know, somebody had mentioned something about, you know, not being able to drive, you know, with the use of Kratom. Things like Benadryl, NyQuil, DayQuil even have warnings on the back, and they're sold over the counter, that say, you know, "Take caution when driving a motor vehicle."

You can't overdose on Kratom, okay? You can't compare it to heroin, Oxycodone, any of those, because I've been on Oxycodone, I've been on Vicodin, I've been on painkillers. I can't even stand up. Okay. With Kratom, I'm standing here right now, I drove here today, and I'm pain free, okay?

(*Applause*)

I do agree that maybe there should be some kind of regulation as far as the age goes, that a 16-year-old should not be able to walk into a gas station and buy this and use it irresponsibly.

And just taking a step back for a second, that you can't overdose on Kratom, because if you take too much, you get physically sick. And I know this because it happened to me once. I have fibromyalgia, and for those of you who don't know anything about it, you get something called the fibro-fog when you have bad days, and you don't remember what you did two minutes ago. So I was having a bad day, so I took my dose of Kratom. And, yes, I didn't remember that I took it, and I waited, and I was still feeling pain throughout my body. So I took my dose again, and it immediately induced vomiting. So, no, you cannot get high off of this, it's not possible.

D.P.O. CALARCO:

Your time is up, Ms. Shulman.

MS. SHULMAN:

Okay.

D.P.O. CALARCO:

Thank you very much for your time.

MS. SHULMAN:

Thank you.

(*Applause*)

D.P.O. CALARCO:

My next card is Josh Enden.

MR. ENDEN:

Good afternoon. How are you? My name is Josh Enden. I've been making Kratom tea for the last three years now. Three years ago, I was on seven different pharmaceutical medications for anxiety, depression and ADHD, as well as pain, and I felt mentally -- you know, I was in a fog, I couldn't drive, I lost my job, and I couldn't think, and I dropped out of school. And then I found Kratom, and, you know, to this day, I'm not on any pharmaceutical medications anymore. I'm a full-time student. I'm trying to go into the medical field, and I practice -- I believe in a clear state of mind and sobriety. And if for one second I thought that Kratom was fogging my ability to think, or impairing me in any way, I would not be taking this herb. But I have never once felt intoxicated after I took Kratom. I have never once felt like I could not drive. If anything, you know, now I'm back in school and I have a great relationship with my family.

And to answer a question I heard about something being legal, and also targeting opiate receptors, cheese is actually -- that works on casomorphins, so, you know, people get addicted to cheese. People are addicted to pornography. Those are all legal, you know. I've taken Kratom for three years now and I've stopped numerous times and I felt lethargic. You know, if I go a day without caffeine, I feel miserable, and I get a headache, and I feel like I have the flu. So that's all.

*(*Applause*)*

D.P.O. CALARCO:

Thank you very much. I have no other cards on this topic. Is there anybody else who would like to address --

MS. WATSON:

I filled out a card.

D.P.O. CALARCO:

Whatever it is, come on up, we'll give you the opportunity now.

MS. WATSON:

Hi. I know you guys have been listening to a lot of --

D.P.O. CALARCO:

Can you just, please, put your name on the record for us?

MS. WATSON:

Oh, sorry. My name is Angela Watson. I'm from the Botanical Legal Defence. I'm an advocate for the plant. I had a speech prepared, but you guys have heard a lot of the information already. And I thought what I would do is talk about some of the questions that were brought up and the answers that were given.

And I also want to start with one word. I want to start with the word "possibility". The reason why I want to start with the word "possibility" is we've heard two totally different sides to this plant today. We've heard the side of addiction, and possibility of it being unsafe, it being toxic, but we've also heard the side that it saved people's lives. There's a lady that just spoke, that she can now get out of her bed, she can take care of her child. At our organization, we have had thousands, not hundreds, thousands of video testimonies, emails, phone calls just stating the same thing, saying that this is an amazing plant, that people, it has changed their lives dramatically from just taking one cup a day, instead of their coffee, to being able to get out of bed. So the reason I want to use the word "possibility" is there is a possibility here that we have an amazing dietary supplement. And I use the word dietary supplement, because the FDA has, in fact, put on record that they consider this a dietary supplement. And we are missing an opportunity here if we schedule this.

We are missing an opportunity to, like the Doctor said, study it.

I believe there was a notice sent to everyone. I got this this morning from a biotech company that has actually agreed to do clinical studies on toxicity, addiction, and mood in relation to PTSD. They have just finished a 16-week toxicology review and gap analysis of the entire body of scientific research on Kratom, which included translations of documents from various other countries. This review was done with one of the leading toxicology firms in the United States of America. And upon the recommendation -- and the recommendation for this toxicology firm actually came from the American Herbal Products Association. The evidence was so positive in terms of both safety for toxicity, for nonaddictive properties, that the firm is currently creating study models for three in-depth clinical studies in the following areas, which I already mentioned: Toxicity, addiction, and mood in relation to PTSD. And I think that's amazing. I think that that's something that everyone here today has talked about, that possibly there isn't enough scientific evidence.

If you actually go on PubMed, I do believe that they're -- right today, there's 72 scientific studies. I think the whole body of literature, there's about 154 scientific studies. And just to read off a few of the names, we have Jack E. Henningfield. He was the Professor from John Hopkins. Macko, Weisbach and Douglas. They studied Mitragynine in dogs and said there was no opiate-like addiction syndrome. In the mice, there was no evidence of toxicity. Professor Christopher McCurdy, PhD, Cato Institute, Dr. Hans (phonetic).

In 2013, the Florida Department of Law Enforcement Office of Statewide Intelligence Drug Report in December of 2015, stated there's no pervasive health issues attributed to the ingestion of Kratom products. That was just done in 2015.

D.P.O. CALARCO:

Ms. Watson, your time is up.

MS. WATSON:

Oh.

D.P.O. CALARCO:

Wrap up, or I have a few Legislators that have questions --

MS. WATSON:

Okay.

D.P.O. CALARCO:

-- if you're fielding them.

MS. WATSON:

I'll wrap up real quick. Alan Bloom, a member of the Wisconsin Controlled Substance Board. He's a Professor of Pharmacology and Toxicology at the Medical College of Wisconsin. There is no scientific basis for classifying Kratom as a dangerous drug. Further, to --

D.P.O. CALARCO:

Your time is up. What I'll do is I'll let --

MS. WATSON:

Okay.

D.P.O. CALARCO:

-- Legislators ask questions. I'm sure you'll get the rest of your statement in there.

MS. WATSON:

Okay.

D.P.O. CALARCO:

Legislator Krupski is first.

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

LEG. KRUPSKI:

Good afternoon. At the end here.

MS. WATSON:

Oh, sorry.

LEG. KRUPSKI:

In the very beginning of your statement you said you represent some group?

MS. WATSON:

Yeah, it's an advocacy group. We advocate for plants and right now we're focusing most of our energies on Kratom.

LEG. KRUPSKI:

How is that group organized?

MS. WATSON:

The group is a membership-based organization that takes donations from consumers.

LEG. KRUPSKI:

Is it based on -- is it on a scientific basis or is it like a social group?

MS. WATSON:

This group is an advocacy group, it isn't a science group. We do have a doctor that has been working with us. We actually have someone from the State of Florida, Dr. Estevez, who's written a couple of pieces which I think have been sent to everyone on the committee here. Dr. Sean Witter, who's willing to speak to all of you, he has worked with Kratom for two years as part of his step-down addiction program. He recommends Kratom to his patients as a dietary supplement at the end of an addiction step-down program. Unfortunately, with the short notice of the meeting, we couldn't get some of these people today, if you understand, they have pretty busy schedules.

LEG. KRUPSKI:

Thank you.

D.P.O. CALARCO:

Okay. Legislator McCaffrey?

LEG. McCAFFREY:

Thank you. I heard some -- over here. I heard some testimony before about the different effects of Kratom, which, to tell you the truth, I had not heard of a week ago; I guess I go to the wrong places and don't have any ailments that need to be treated. But some people say it has a soothing effect and things like that, but we have some Kratom up here and it had some cautions on there. It says, *"This product is not to be used while operating motor vehicles or working with heavy*

machinery."

MS. WATSON:

That's the lawyers.

LEG. McCAFFREY:

That's the lawyers?

MS. WATSON:

The lawyers pretty much advise anyone that sells a dietary supplement to put similar wording on it. So, I mean, right now, too, the FDA manages all of that, so that's why a lot of the wording appears on a label. The FDA requires by law anyone selling a dietary supplement to follow the good manufacturing practices which includes standards for label requirements and wording. That specific wording is probably coming from someone's legal team.

LEG. McCAFFREY:

Like a melatonin or something, would that also have the same thing on it?

MS. WATSON:

Melatonin could.

LEG. McCAFFREY:

Does it? I mean --

MS. WATSON:

I don't -- sorry, I couldn't comment on that.

LEG. McCAFFREY:

But would -- I think you said that all dietary supplements or any kind of these --

MS. WATSON:

Would have warnings on it where the company feels there may be some interaction with that piece of equipment or -- you know, for example, the energy drinks, there's a warning label on energy drinks.

LEG. McCAFFREY:

About not using -- operating heavy equipment?

MS. WATSON:

I'm not sure about not operating heavy equipment.

LEG. McCAFFREY:

And melatonin you don't know? I mean, that's something that kind of relaxes you and puts you to sleep.

MS. WATSON:

Yes.

LEG. McCAFFREY:

That's one that you would think that might want to have it, but you're not -- you said that they all have them, but you're not sure if they do.

MS. WATSON:

No, they all have some sort of warning. Sorry, I was specifically speaking to a warning, not --

LEG. McCAFFREY:

About operating heavy equipment or driving?

MS. WATSON:

Yeah, I'm not sure about that.

LEG. McCAFFREY:

Okay.

MS. WATSON:

I have actually tried the product myself. I don't use the product, I think it tastes terrible, so it's not, you know, a product that, you know, I choose to -- I drink green tea every day, I don't like coffee because I don't like the taste of it, but I have never experienced any of the side effects that we're talking about here today.

And one of the things, too, when you're talking about the side effects, the literature, a lot of it, you have to remember, they're isolating alkaloids. They're actually not studying the raw leaf. So when you actually look at the abstract, it identifies what they're studying. So when you talk about some of these side effects, they're actually talking about the alkaloids within the product at high concentrated extractions that don't exist in the marketplace. And so there are a few of the alkaloids in high extracted concentrations that would then become, under what the gentleman earlier mentioned, the Analogue Act, and they would become pharmaceuticals and someone would have to go through pharmaceutical trials.

Currently there is no way that I know in the market right now to extract 7OH, which is one of the ones that cause some of those side effects, and mytragynine. Again, a lot of the studies that were cited today, they're talking about one alkaloid isolated and studied. And I have some of them here today, I've read a lot of them myself. I'm not a medical professional, but we do have medical professionals that would love to talk to you guys, get on the phone with you guys. And that's why I go back to my word *possibility*; there's a possibility here that this dietary supplement has a place with some possible wording for -- I heard the word, you know, *above 18*, maybe a mini-FDA law which you can put in to pass in counties, just a mini-FDA thing to give law enforcement a little bit more teeth so you don't have to wait for the FDA to come in when there's a problem with packaging or with it being sold to the wrong age.

LEG. McCAFFREY:

Okay, thank you. Maybe if we're here till one o'clock in the morning like we were last time, we'll give it a little shot later, maybe we'll pick them up. A little Kratom tea for everybody.

LEG. HAHN:

It was two o'clock.

LEG. McCAFFREY:

It was two o'clock? Okay.

D.P.O. CALARCO:

It was two o'clock. Okay, I have no other questions. Is there anybody else that has any questions? Oh, Legislator Barraga.

LEG. BARRAGA:

Just very quickly. You were quoting a number of studies before your three minutes was up. Are any of those studies detailing any deaths associated with this medication?

MS. WATSON:

No. It's actually not a medication. It's currently under the FDA classified as a dietary supplement. There are two studies that record deaths, but the deaths were not attributed to the Kratom after the study was finished. It was contributed to two prescription pharmaceuticals, and unfortunately I could provide you -- if I take your name I could send you those studies. I don't know the name of the prescription pharmaceuticals.

LEG. BARRAGA:

How long is this dietary supplement, to your knowledge, been used in the United States?

MS. WATSON:

In the United States? The earliest import record that is on record is 1994. In Thailand we've traced it back to --

LEG. BARRAGA:

And to your knowledge, there's been no deaths caused by this particular --

MS. WATSON:

With Kratom alone, no.

LEG. BARRAGA:

I just find it very interesting because, you know, Opiate deaths in this country I think last year were around 29,000.

MS. WATSON:

Well, in 2009, 900 and some-odd people died from just three of the main brands of energy drinks. So, I mean --

LEG. BARRAGA:

Opiates in general, nationwide, about 29,000 people lost their lives last year in 2015. And then over 30,000 lost their lives from something that's completely legal in this country, alcoholism, alcohol-related deaths. All right.

Applause

D.P.O. CALARCO:

Okay. Any other questions?

MS. WATSON:

Any more questions?

D.P.O. CALARCO:

Seeing none, thank you very much.

MS. WATSON:

Can I just -- sorry, one quick --

D.P.O. CALARCO:

No, we're done. Thank you very much, though. We appreciate you coming and speaking. Is there anybody else in the audience that would like to address the Legislature at this time? Anybody else? Okay. Legislator Stern?

LEG. STERN:

Motion.

D.P.O. CALARCO:

Motion to close.

LEG. SPENCER:

Second.

D.P.O. CALARCO:

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

MS. ELLIS:

Sixteen (Not Present: Legislators McCaffrey & D'Amaro).

D.P.O. CALARCO:

IR 1180 is -- the public hearing is closed.

(Public Hearing on) 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). I have no cards on this public hearing. Is there anybody in the audience who would like to address the committee at this -- the Legislature at this time?

LEG. KENNEDY:

Motion to close.

D.P.O. CALARCO:

Seeing none, I have a motion to close from Legislator Kennedy.

LEG. CILMI:

Second.

D.P.O. CALARCO:

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

MS. ELLIS:

Sixteen (Not Present: Legislators McCaffrey & D'Amaro).

D.P.O. CALARCO:

The public hearing is closed.

(Public Hearing on) 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). I have no cards on this resolution. Is there anybody in the audience that would like to address the Legislature at this time? Seeing none.

LEG. MURATORE:

Motion to close.

LEG. HAHN:

(Raised hand).

D.P.O. CALARCO:

Motion to close by Legislator Muratore. Seconded by Legislator Hahn. On the motion, Legislator Cilmi.

LEG. CILMI:

This is not specific to this bill, but I just wanted to make anyone in the audience who might be listening in and wondering what it means to be recessed or closed or what have you. If a public hearing is closed, that means there's no other scheduled public commentary on that bill, but that, you know, you could come to a committee meeting that the bill is assigned to and speak at that committee meeting during public portion or at a subsequent meeting of the General Legislature and speak during public portion, which is the portion at the beginning of the meeting. And I would suggest that if you have questions about this public hearing or any of the other public hearings, that you reach out to the sponsors of those bills and address those questions that way.

D.P.O. CALARCO:

Thank you for that point of information.

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

D.P.O. CALARCO:

IR -- the public hearing on 1198 is closed.

(Public Hearing on IR) 1199-16 - 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). I have no cards on this public hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, I would like to make a motion to close. Seconded by Legislator Cilmi. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

D.P.O. CALARCO:

The public hearing is closed.

(Public Hearing on) 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). I have no cards for this public hearing. Is there anybody in the audience who would like to address us at this time? Seeing none --

LEG. HAHN:

Motion.

LEG. MURATORE:

(Raised hand).

D.P.O. CALARCO:

Motion to close by Legislator Hahn. Seconded by Legislator Muratore. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

D.P.O. CALARCO:

The public hearing on 1201 is closed.

(Public Hearing on) 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 have no cards for this public hearing. Is there anybody in the audience who would like to address us at this time? Seeing none, motion to close from Legislator Cilmi. I'll second that motion. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

The public hearing on 1202 is closed.

(Public Hearing on) Resolution 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). I have no cards for this public hearing. Is there anybody in the audience who would like to address us at this time?

LEG. CILMI:

Motion to close.

D.P.O. CALARCO:

Seeing none, I have a motion to close from Legislator Cilmi. I'll second that motion. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

The public hearing on 1203 is closed.

(Public Hearing on) IR 1309-16 - Adopting Local Law No. - 2016, A Local Law to limit nitrogen content in lawn fertilizers (Lindsay).

I have several cards for this public hearing. My first speaker will be Melissa Daniels, followed by H. Pat Voges.

MS. DANIELS:

Good afternoon. I know you're all tired, it's a long day, sorry (*laughter*). My name is Melissa Daniels, I am the Advocacy Committee Chair for the New York State Nursery Landscape Association and the Long Islanders Nursery Landscape Association. We are made up -- comprised of a trade association of nursery growers, landscape professionals, nursery distributors and garden centers throughout Nassau and Suffolk County. We're here today, I am here representing them in opposition of the proposed legislation, IR 1309, and we are advocating that the Legislature defer this

issue to the State-funded and mandated Long Island Nitrogen Action Plan which we believe to be a comprehensive, fair, democratic and scientific approach to this problem. It is made up of a coalition of State and County agencies, environmental groups, industry professionals and academic experts. We believe it is a fair solution to the problem. We believe this IR 1309 to be preemptive, simplistic and potentially polarizing, and that's why we oppose it. There are also several specific flaws in the bill I'd like to address with this group.

First of all, there's some confusion and question on our part on what the scientific basis is for limiting the percentage of nitrogen in the bag to prevent nitrogen pollution. Nitrogen leaching from fertilizer is a function of many factors, including application rates, slow versus fast relief fertilizer formulations, soil type, soil temperature, the type of plant and their nutrient needs and the irrigation or rainfall rates, not simply the percentage of nitrogen that's in the bag, so it's a much more complicated issue than just reducing that percentage.

It's really an issue of you have to use the right type of fertilizer for the plants that you're trying to fertilize. I know you all have been in garden centers and you see there's one fertilizer for vegetable gardens, one for grass. If you use the correct fertilizer for the type of plant you're trying to fertilize and follow the manufacturer's instructions, which are carefully formulated with sensitivity to nitrogen runoff, you will not have the nitrogen leaching problem that you're discussing here. So it's really not just a function of percentage of nitrogen in the bag.

The other issue here that this brings up is this is a flawed law because it is a Local Law. Most fertilizers are made by national companies. They're formulated with formulations that are marketed to the nation. So it's not likely when you ban any fertilizer with more than 10% nitrogen, you're going to remove a bunch of products from the marketplace, and manufacturers are not going to make a Long Island based or Suffolk County based fertilizer just for us; and if they are, it's going to take some time for that to happen. So you're going to reduce a great number of products from the marketplace, from industry professionals and from homeowners for their use. And they are not necessarily nitrogen products that leach into the ground. If they're slow-release nitrogen, they're not going to release a lot of nitrogen into the ground.

The other problem that you have with this being a Local Law is enforcement. How many of you have tomato gardens and never use Miracle-Gro, the little hose and the sprayer, right? You know what that is, right?

D.P.O. CALARCO:

Ms. Daniels, your time is up.

MS. DANIELS:

Oh, okay.

D.P.O. CALARCO:

But what I'll do is Legislator Lindsay has a question for you and we'll let you try to get the rest of your comments in that way.

MS. DANIELS:

Okay.

LEG. LINDSAY:

Hi. Good afternoon, Ms. Daniels.

MS. DANIELS:

Hi.

LEG. LINDSAY:

Thanks for coming in today.

MS. DANIELS:

Sure.

LEG. LINDSAY:

Just to preface my comments, and to everyone here who's going to be speaking today; our plan is to table the legislation and to try to make some modifications to it, working with folks like yourself and different representatives from the industry. We have a meeting planned on Thursday of this week at Bissets Nursery with a number of different organizations, anyone is welcome to attend and add comment. So some of the criteria or some of the issues you may have pointed out in the legislation are going to be changed and addressed and, you know, if we're not able to do it in a way that is equitable and fair to not only the industry but to the environment itself, we'll probably look to move past this and try to find some other solution out there.

MS. DANIELS:

Great.

LEG. LINDSAY:

I appreciate, you know, your willingness to come in today and testify. My question for you would be, in regards to the Long Island Nitrogen Action Plan, how long has that -- when did that process begin and what results or what findings have come out of it so far?

MS. DANIELS:

The draft plan was just released two months ago, I believe.

UNKNOWN AUDIENCE MEMBER:

January.

MS. DANIELS:

In January. And we're just discussing taking next steps to find out where they are in that planning process. So the funding just came down from the Governor last year, they gave them a \$5 million fund to approach this, to create this comprehensive plan. But a lot of the information that's in there is tied to other industry studies that have been happening, including like the Ag Stewardship Plan that I think you talked about today earlier.

LEG. LINDSAY:

Right.

MS. DANIELS:

So there's already been research behind it. They're just trying to compile all of it to create a comprehensive plan that addresses everything.

LEG. LINDSAY:

Okay. One of my initial motivations to act was that we've been waiting for the State DEC to do something in regards to this as well as a number of different issues that we're facing throughout Suffolk County and throughout Long Island, and unfortunately they're very slow to react. And during that time period, there are public health issues, obviously, of concern, there's certain industries that count on the bays and the estuaries to make their income that have been affected, and there doesn't seem to be that urgency or that real sense that they have to try to address this issue. So what preempted this legislation was that sense of urgency, that we're trying to just get

all the interested parties together to try to formulate some kind of plan going forward.

MS. DANIELS:

A hundred percent agree. And certainly, as an industry, we live here and drink the groundwater, too, and we don't have any interest in polluting the groundwater. We live here, so.

LEG. LINDSAY:

Of course. No, I understand that.

MS. DANIELS:

You know, a large portion of the pollution in the groundwater is sewer and septic related. And actually, I have a study from The Nature Conservancy that traces the nitrogen loading from lawn fertilizers to only 5.7% of the total.

LEG. LINDSAY:

Right, and I've heard differing numbers there, and rather than debate what percentage is correct, I think we can both agree that the overwhelming majority of it comes from septic systems and that release, and we're trying to address those issues in other ways as well. But this is another area, obviously there is some nitrogen that's getting into our bays and estuaries through lawn fertilizer, and we're just looking for a way to address it. So I welcome your comments and look forward to trying to work along with you and other people from the industry as well.

MS. DANIELS:

I know the DEC has also started conducting a groundwater research project to actually measure the leachate that's going into the groundwater rather than the application rates of nitrogen, because we're kind of doing it backwards. We need to really see what's actually making it down to the groundwater, not what we're applying, because those things don't necessarily correlate. So I know they're working on that as well.

LEG. LINDSAY:

Okay. Thank you very much. I appreciate your comments.

MS. DANIELS:

Thank you.

D.P.O. CALARCO:

Don't go away yet, Legislator Fleming has questions. Ms. Daniels?
Still -- the first person always gets all the questions.

MS. DANIELS:

Oh, great. I hope I can answer them.

D.P.O. CALARCO:

Legislator Fleming.

LEG. FLEMING:

Actually, if I just may, through the Chair, respond to Bill's question with regard to the LINAP. What's actually been drafted is a scope -- it's a draft scope for the Long Island Nitrogen Action Plan. That \$5 million was for planning only, and so they're still working on it. They've received comments on a draft scope, the final scope of the plan has not yet been -- has not been drafted. So in terms of any -- there are no mandates in place at this point for the LINAP, it's really a planning process that is really just under way. I don't mean to be disrespectful.

MS. DANIELS:

No, no, it's not. I'm not a Legislator, so --

LEG. FLEMING:

I think it's important to clarify. Thank you.

D.P.O. CALARCO:

Thank you very much, Ms. Daniels, for coming out today.

MS. DANIELS:

Okay. Thank you.

D.P.O. CALARCO:

Our next speaker is H. Pat Voges, followed by George Iannaccone.

MR. VOGES:

Good afternoon. My name is H. Pat Voges. Thank you for the opportunity to speak to you guys this afternoon. I am the Government Affairs Liaison for the 1600 plus members of the Nassau Suffolk Landscape Grounds Association. And the first thing I would like to say is what you said a minute ago makes sense. I brought with me some of these papers that come from the DEC 30-hour class that we must take to do our job, and also the fertilizer cost that you guys -- that we have to do in Suffolk County. It kind of shows that no matter the percentage in the bag, it all puts down one pound of nitrogen per thousand square foot in one application; and there are laws in the country that go that way and that's probably the way we should go.

The days of *you're paying we're spraying* are over. Our jobs are scientific, we need to know what fertilizer we're using, we need to know how they release so they don't overlap. And there's a lot of people that want to talk this afternoon, so, and I'm going to see you Thursday, so I'll bow to them unless I have any questions.

D.P.O. CALARCO:

No, thank you very much, Mr. Voges. We appreciate your time.

MR. VOGES:

Thank you.

D.P.O. CALARCO:

Next speaker is George Iannaccone, followed by David McMaster. I hope I got that somewhat close.

MR. IANNACCONE:

Close enough. Hello. My name is George Iannaccone, I am also on Nassau Suffolk Landscape Grounds Association, I'm on the Board for almost 27 years. I've been in this industry all my life, right from high school forward. I studied horticulture way back in the day, I'm also a New York State Certified Arborist.

I'm glad that you guys are reaching out and we can come forward and make a better bill than this. Certainly groundwater is a big issue for us. We don't want to be part of the problem, we want to be part of the solution. But being part of the solution, with how this is being presented, is you're actually going backwards instead of forwards. I have worked with quite a few people. I worked -- I had just switched careers slightly, but I have been working with a company called John Deere Landscapers for a bunch of years, those guys are here, right here today, now they're known as SiteOne Landscape Supply. Also, a lot of the customers I work with are here today. And I've worked with countless contractors on how to fertilize lawns and reduce nitrogen, and I can say unequivocally that contractors have been totally doing that to this day.

So we -- I applaud you for reaching out to the industry. Hopefully we can come to a solution that benefits everybody. But please, don't take some of these tools and throw them out. The way this is written, you take some of the best slow-release products that are on the market in the country and you just threw them out the window, and that's not right. We're working -- we're looking to work with you guys and go forward and not fight, so let's work and get this going. Thank you.

D.P.O. CALARCO:

Thank you very much. Oh, stay there, Legislator Lindsay has a question for you.

LEG. LINDSAY:

Again, thank you for coming in. I appreciate your testimony here today. I just want to say, the real genesis of the bill, the purpose of the bill wasn't really -- wasn't to address the professional landscapers, it's really more the weekend warriors like myself who are throwing chemicals down on the lawn and maybe don't have the education, the background and the training that you folks do in the professional level. So I'm trying to eliminate some of those unintended consequences, and that's why we put together that meeting on Thursday and we'll be reaching out and hopefully getting some valuable input from you folks.

MR. IANNACCONE:

I can't speak for retail, but I do know a fair amount of people walk into our store and on the retail side and we help them and we've totally got them on the right path. If anything, what you can guys can do, if you want to help nitrogen right now is just enforce the laws on the books already. And another thought is you really want to do something good for the environment? Give every homeowner or every property owner in Suffolk County every three years, let them do a soil test through Cooperative Extension, let the County pay for it, and you'll see the nitrogen level drop, okay.

Applause

And also, at the Co-op we were taught by this lady over here, I've known her for like 19 years, I asked her before how long she's been here it's been so long. Okay, hire more of her and get the word out, okay. She's the one that's been driving this thing to get this down, it's not what I want to do. People come in to hear her talk and came into my store and said, *What do I have to do*, and this is what we did. So, you already have the solutions in your hands, you already have the resources, just use them. Thank you.

LEG. LINDSAY:

Thank you.

D.P.O. CALARCO:

Thank you. Okay, our next speaker is David McMaster followed by Michael White.

MR. McMASTER:

Good afternoon, and thank you for allowing me to speak in front of this esteemed group. My name is David McMaster, I'm a resident of East Hampton, New York, Legislative District 2. For 40 years I've been a practicing arborist, horticulturalist professional and a certified applicator.

Science has determined that plants use nitrogen more than any other element. Suffolk County has always been an agricultural County and it still is today, even though most of the potato farms are gone and the McMansions have followed. What we have been able to preserve, through the efforts of the Open Land Acts, is typically converted to something other than potatoes, but mostly it's still agriculture. While your proposed bill 1309 exempts these largest users of nitrogen and focuses on

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the service industry and homeowners by limiting the actual amount of nitrogen to 10% of each bag sold, it's not based on science.

All plants have different requirements to sustain themselves and grow -- to grow in the correct manner that allows for a healthy plant to naturally ward off attacks from pests, insects and diseases. These nitrogen requirements are well published and documented. Folks who apply nitrogen to a plant are looking for results; a full, lush lawn, a thriving green tree or shrub. In nature, the decomposition of organic matter usually supplies that plant with enough nitrogen to achieve that goal, but when we clear the trees and plant new trees and sod and shrubs, the turf that we've eliminated -- or excuse me, we've eliminated the ability for this process to take place, so property owners or taxpayers turn to the solution we've used for hundreds of years and that's to apply a form of nitrogen to the soil. If a homeowner is using some type of product line of soil amendments to make their lawn green, insect-free, not have disease or weeds and they don't get the desired effect by applying 10% nitrogen formulation, they will reapply and, in effect, be putting down twice the amount of insecticides, weed killer and fungicide and more nitrogen that would have been applied if the original formulations have remained in tact.

We need to take another look at this, bring science into the picture, and I don't want to -- I don't want to over apply anything. I believe that through science, we can develop best management practices that will call for soil sampling and the application of nutrients that are deficient in our soils. Therefore, I am suggesting that you do not adopt 1309. Thank you again for allowing me to speak in this forum.

D.P.O. CALARCO:

Thank you very much. Our next speaker is Michael White. Is Michael here? Okay, I think he left. Our next speaker is Richard Mailander? Mailander?

MR. MAILANDER:

Mailander.

D.P.O. CALARCO:

And he'll be followed by Larry Wilson.

MR. MAILANDER:

Good afternoon. My name is Richard Mailander, my company is Lawn Patrol of Long Island. I'm also the past Executive Board Chairman of the Landscape Association of Long Island.

Being that you're going to have a meeting on Thursday with Bissett, I just want to let you know how I have reduced my nitrogen use over the last number of years. I use a methylene urea, which is a long-lasting urea, and I reduced it down to about three, three-and-a-half pounds of nitrogen a year. And I also use a deflector on my spreader that prevents the fertilizer from going into the roadway. And after we're done, we also blow off the roadway and the walkways back onto the turf. Years past I didn't -- we were up to five pounds, and over the years, through our vendors, they brought these other products in and I'm able to reduce my nitrogen use with a smaller prill and just better forms of nitrogen, and that's what we have been doing. And being that you're going to go over these -- this law, that's all I just really wanted to say. Thank you.

LEG. LINDSAY:

I have a question.

D.P.O. CALARCO:

Okay, thank you. Legislator Lindsay has a quick question.

LEG. LINDSAY:

Thank you also for coming in and testifying today. By using this alternative, have you seen a degradation in the lawns that you handle?

MR. MAILANDER:

No, actually I have seen an increased integrity in the turf, better color. These other forms of nitrogen are working out really well. There are also some -- they have new technology in the poly-coating that some of the other fertilizer will last like six to eight months and it works through osmosis, and there's very, very little leaching in that. I have used that a couple of times and that worked out really well, it's just I prefer the other one. It came out to about the same pounds of nitrogen a year, about three-and-a-half pounds. And it's just the color for me, I like the other product. Both of them worked really well.

The other product, you put down three-and-a-half pounds in the beginning of the year and that lasted all the way till October and it worked really well, and it had very little leaching. And the other one is just -- I just got the same results, it just adds a little more labor, but better color for me.

LEG. LINDSAY:

And my last question, is that product more expensive than the product that contains more nitrogen?

MR. MAILANDER:

The product is more expensive, but you make it up in the labor, because you're only applying it one time. And probably some people, they might have cut that back and they just added a Winter fertilizer for the root development later on in the Fall, you know, before November. But the other one, you know, we just put it down at like three-quarters of a pound and in the Summertime we would do three to four, three-quarter of a pound rates and the fifth one we would do a half-pound rate in the summertime. We didn't want to push a lot of growth in the summer; if you do that, you'll get some disease problems.

LEG. LINDSAY:

All right, thank you.

MR. MAILANDER:

Thank you.

D.P.O. CALARCO:

Oh, don't go away yet, Mr. Mailander. Legislator Barraga has a question.

LEG. BARRAGA:

Just let me ask you a question, because you're talking about how you have a different basic formula. I'm looking at something here which is put out by GreenView Lawn Fertilizer, talking about extended color for up to 12 weeks, and they have total nitrogen, but within that they break it down to ammoniacal nitrogen, water insoluble nitrogen, urea nitrogen and other water-soluble nitrogens, all different percentages within the total for nitrogen. Is that what you're talking about? Do you break it down, is there certain different elements in that percentage you're talking about?

MR. MAILANDER:

When they're talking slow release fertilizer, they're talking the water insoluble.

LEG. BARRAGA:

Yeah, this, for example, of -- there's 11%, 11.0%, other water-soluble nitrogen in this formula.

MR. MAILANDER:

The water-soluble nitrogen is the quick release nitrogen. That's what you really want to alleviate

because that is more prone to leaching. So if you have a hundred percent water-soluble nitrogen, a classic fertilizer used to be a 10/6/4.

LEG. BARRAGA:

Right.

MR. MAILANDER:

Or a straight urea; that only lasts about four weeks, all right, and it's very prone to leaching.

LEG. BARRAGA:

So are you using a combination of similar elements?

MR. MAILANDER:

Some of these products of fertilizer have a little bit of water-soluble nitrogen. The one I use is a 70% slow, so 30% might be water-soluble and the other 70% is insoluble.

LEG. BARRAGA:

Is that unique to you, or is that something that some manufacturer has shipped in?

MR. MAILANDER:

The manufacturer shipped it. It's not something that -- you know, that I --

LEG. BARRAGA:

That's the one that's working the best for you.

MR. MAILANDER:

Correct.

LEG. BARRAGA:

Okay, thank you.

D.P.O. CALARCO:

Great. Thank you very much for your time. Our next speaker is Larry Wilson followed by Steven Attivissimo.

MR. WILSON:

Honorable Presiding Officer, distinguished Legislators, my name is Larry Wilson, I'm a landscaper from Westchester County. I am the volunteer Chair of the New York Alliance for Environmental Concerns in Green PAC. We represent the extended landscape industry in the State of New York, the various lawn and landscape trade associations, the Arborculture Association, the nurserymen, the New York State Nursery Landscape Association in the State, and various horticultural business firms that see the necessity to be involved in the Legislative process.

Having said that, permit me to say that your proposal, as outlined in 1309, can do a lot better. We know that the Long Island Regional Planning Council and the DEC has empaneled the nitrogen action plan. We look for a robust participation of the various trade associations in that plan, and I understand that it's really only in the beginning stages. But we need a science-based understanding, really, of fertilizer, and it is pretty complicated; slow-release, quick-release. You seem to have a good thumbnail knowledge of the difference and how critical it is to really look at the formulation and tailor the formulation for the conditions.

We hope that you're patient. We understand that you have a conference on Thursday; we know

that there'll be a great deal to come out of that conference. There will be a great deal of information, you know, to help you make some of these decisions and craft a better piece of legislation. Also, it's very important that Cornell Cooperative Extension and Cornell University be involved in this process. They have a lot to offer.

So again, I hope that you take the time to understand how fertilizers work and why they're necessary. Thank you very much.

D.P.O. CALARCO:

Thank you very much. Our next speaker, and you're going to really test my Italian credentials here, Steven Attivissimo? Attivissimo?

LEG. McCAFFREY:

That wasn't bad, Rob.

D.P.O. CALARCO:

Followed by Nicholas Menchyk.

MR. ATTIVISSIMO:

Thank you very much.

D.P.O. CALARCO:

Was I close?

MR. ATTIVISSIMO:

Attivissimo. Okay, my name is Steven Attivissimo and I live in Massapequa, New York, and I work for Save-a-Tree and Save-a-Lawn in both Nassau and Suffolk Counties, and I'm here today to support water quality by advocating for healthy lawns and gardens. This is why I oppose 1309. Scientific studies from across the country and right here in New York have proven that fertilized turfs filters more nutrients from waterways than weedy, unfertilized lawns. The percentage of nitrogen on a bag of fertilizer does not regulate the amount of nitrogen going down in the ground, and this is a flawed way to move forward as it will not have the desired results. The Long Island Nitrogen Action Plan has been set up by the State to examine nitrogen loading in the waterways and identify solutions including fertilizer concerns. I encourage the County not to adopt 1309, but instead work with the Long Island Nitrogen Action Plan that the County has Sarah Lansdale and others engaged in. Thank you very much.

D.P.O. CALARCO:

Thank you very much. Oh, stay right there, Legislator Barraga has a question for you.

LEG. BARRAGA:

You mentioned several studies. I had received some correspondence from CSPA representing household and institutional products, and they refer, I believe, to what you were referring to. Several multi-year turf grass studies were conducted by the Dr. Wayne Kussow at the University of Wisconsin and Dr. Brian Horgan at the University of Minnesota, the results repeatedly showed that on cooled seasoned grass, number one, nutrients losses from unfertilized turf are greater than from fertilized turf.

MR. ATTIVISSIMO:

Exactly.

LEG. BARRAGA:

Number two, the volume of storm water runoff from unfertilized turf is greater than from fertilized turf. And another piece of correspondence I received, and you made reference to the people from Cornell, studies from Cornell and other universities show that weedy, low quality lawns and wooded sites had three-times more nitrogen runoff than a dense, treated lawn. Is that pretty much in line with what you were saying?

MR. ATTIVISSIMO:

Yeah, basically.

LEG. BARRAGA:

Thank you.

MR. ATTIVISSIMO:

No problem. Thank you.

D.P.O. CALARCO:

Great. Thank you very much. Next speaker is Nicholas Menchyk, followed by Michael Merlino.

MR. MENCHYK:

Hello. Good afternoon, everybody. Thank you for allowing me to speak today. My name is Nick Menchyk and I'm an Assistant Professor at Farmingdale State College in the Department of Urban Horticulture & Design. And prior to my appointment there, I was an undergraduate, Turf Grass Science Major at Clemson University and a -- I received my Environmental -- Plant and Environmental Science Degree from Clemson as well looking at turf grass management and nutrition. It didn't take long after getting here to Long Island to recognize the strong and very diverse horticulture industry on Long Island, as you can see from the attendance today. And part of that horticulture industry is the protection of groundwater, and I believe everybody here is very serious about protecting our groundwater, and that's why I would echo what everybody else here said in the adopting or looking at -- keeping this hearing open and looking at the Long Island Nitrogen Action Plan and those comprehensive guidelines and actions proposed in there so we can do what's right and not just look at this very complex problem with a very simple action.

As an educator, I've worked with Cornell Cooperative Extension and I usually have some portion of my presentations looking at the -- protecting groundwater and using our fertilizers in an effective and efficient way. And I think there is much more that we can do as educators, going out there and helping our stakeholders do the most ethicus nitrogen management plans and doing the things that are going to protect our groundwater.

As far as the fertilizers go, most fertilizers have some slow release and quick release component to them. And even if you are using a quick release fertilizer, most of these educated turf grass professionals, which I've met with and talked to on Long Island, are going to apply those materials when that turf grass is actively taking up those nutrients, and so that leaching is negligible in many case. And there's many research projects that were mentioned here today that state that nitrogen uptake can be very, very rapid, even with using those soluble sources of nitrogen. So thank you for listening to me and I appreciate your time.

D.P.O. CALARCO:

Thank you very much. Our next speaker is Michael Merlino, followed by Donna Moramarco.

MR. MERLINO:

Good afternoon, Ladies and Gentlemen. My name is Michael Merlino, I'm the Chairman of the Executive Board right now for the Nassau-Suffolk Landscape Ground Association. I'm also a

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business owner of a landscaping business here on Long Island, I'm also a homeowner who lives in Suffolk, so very concerned about nitrogen groundwater, as everyone else is here.

A main concern, I don't mean to be redundant, I know you have a meeting on Thursday to go over the specifics. My main reason for coming up here is to explain that we are trained professionals, we try to use as little fertilizer as possible to make a living. We are very concerned about the environment, we use blowers, we use a deflector, we take continuing education classes through the Nassau-Suffolk Landscape Ground Association, so we're on top of our game as far as new products coming out, new equipment. And anything we can do to make our jobs simpler and more efficient, we're using less material. That's basically all. I just wanted to add to the agenda today without going into specifics, and thank you for your time.

D.P.O. CALARCO:

Thank you very much. Our next speaker Donna Moramarco, followed by Brian Herrington.

MS. MORAMARCO:

Good afternoon. Thank you for the opportunity to speak. My name is Donna Moramarco. I'm a former Cornell Cooperative Extension agent in Nassau County and I currently work for Martin Viette Nurseries, the large, independent garden center in Nassau County. I am not in support of the bill, but I am encouraged by the opportunity for parties to meet and talk about what is best for Long Island, for Suffolk County, knowing that we all live here, work here and we all play here. I've been a Long Island resident my entire life and I am, as all of you are, concerned about what happens to the groundwater to the Earth. We're all stewards of the environment. You've heard from some of the industry people here today on Long Island. We have, I like to consider, highly trained professionals here on Long Island that are affiliates of many of our professional organizations. They're required to take courses, they are DEC certified, they are certified nursery landscape professionals and they take pride in their work, but they're also very concerned about doing the right thing.

I want to echo a few comments that were made. We probably have the best of the Cooperative Extension system, not only in Long Island, New York State and the world, here on Long Island. Highly trained, well educated, well informed residents that are employees of Cornell University that rely on science-based information. Not on hearsay, not on what might be good for the public record, but it's based on what research is dictating. And when you're looking for the educational component to educate the residents of Suffolk County on fertilizer, understanding the complexity of fertilizer. What do those words on the fertilizer bag mean, what are the implications? You have the best resources right here in Suffolk County to help educate your constituents right here in this County.

So I'm glad to hear that there's an opportunity for a get-together at Bissett's later this week; I'm encouraged by that. And again, as someone that has lived and enjoyed life here on Long Island, I, too, am very protective of the environment and of the groundwater and I applaud you for looking deeper into this complex issue. Thank you.

D.P.O. CALARCO:

Thank you very much. Our next speaker is Brian Herrington followed by Evan Dachow.

MR. HERRINGTON:

Hi. Good afternoon, everybody. Brian Herrington, Government Affairs Director Scotts Miracle-Gro. Good to see so many familiar faces. We're the largest marketer and distributor of consumer lawn and garden products and we've been in business for over 140 years. Legislator Lindsay, we're looking forward to that meeting to share some of the information around how our products work and some of the proactive things we're doing. So I'm just going to hit on a couple of points to inform

everybody of the steps we have been taking to address these nutrient problems, not only here on Long Island but across the country.

Number one is we had a campaign, *Smarter Solutions for Cleaner Waterways*, where we actually went back and looked at our nitrogen rates in our lawn fertilizers. And through that process, we were able to reduce the total nitrogen in our products as well increase the amount of slow-release nitrogen, so some of the things that have been talked about today. And we hope that the County Legislature will recognize those efforts and, you know, recognize that there are many manufacturers that have been proactive in this process already.

In addition, I want to touch on the Nitrogen Action Plan and why we think this is such an important process to get that science in there. One of the things we have been doing is looking into our data and information, because we've seen that State tonnage numbers around fertilizer have been heavily relied upon to kind of drive these conversations, and we think it's very important that we collaborate to make that information more transparent. What we have seen in our data is that by looking at just the whole picture of State tonnage numbers, you're not seeing some of the reductions that the manufacturers have made and changes in the marketplace. Those State tonnage numbers also incorporate soils which have very low amounts of nutrients in it, so that could be a 20-pound bag of soil which has minor amounts of nutrients in it, and when that gets reported, everybody's looking at that as 20 pounds of fertilizer. Also, those State tonnage numbers have been identified as residential fertilizer use. That is not the case. Non-farm fertilizer tonnage numbers incorporate many different areas.

In addition, one other thing I want to call out is we spend about \$30 million in research and development each year to address the very issue that you're bringing up today. And through that process, we're able to develop new and innovative technologies, we've incorporated some of the slow release technologies that have been talked about today. But also, it allows us to test out different products. We have a product down in Florida right now called Lawn Response which is a lawn supplement product. This is a product with potassium and iron in it to help with greening and to help with water efficiency in the plant. While it doesn't have nitrogen in it, it helps with the soil structure. It is not a replacement for nitrogen; I've been asked a lot of questions about this in meetings over the past couple of weeks. So I want to make sure I call that out, that if anybody has seen this product, it is not a replacement for lawn fertilizer. Plants, all plants, turf, all need nitrogen, so we have to balance out over fertilizing and under fertilizing in our efforts in addressing this issue. Thank you very much for having me here today. Looking forward to meeting Legislator Lindsay and talking to you all more about this.

D.P.O. CALARCO:

Okay, great. Thank you very much, Brian. Next speaker is Evan Dachow, followed by Carol Saporito.

MR. DACHOW:

My name is Evan Dachow, I'm the Vice-President of the Nassau-Suffolk Landscape Ground Association, Suffolk Chapter. I'm on the Board of the Long Island {Alrus}, I'm a 2nd generation business owner on Long Island. We started in Shirley and moved between Nassau and Suffolk over the last 40 years. I hold a degree from Farmingdale State in Horticulture. I'm very pleased to hear that you're pursuing a further meeting with the industry on Thursday. One thing I want -- you know, to bring about is a 10-0-5 fertilizer and a 20-0-10 fertilizer put down the same kind of nitrogen, but took half the fuel to bring it from the manufacturer to my distributor to my client's home. You know, instead of me having to go back to my yard to pick up a second pallet, I can get the same thing done and use less diesel fuel, less time and serve my clients and your constituents better at a lower price, at a more competitive and easier to absorb price for both my clients and your constituents. That's it. Thank you.

D.P.O. CALARCO:

Thank you very much. I appreciate your time.

LEG. BARRAGA:

Question.

D.P.O. CALARCO:

Oh, don't go, Legislator Barraga has a question.

LEG. BARRAGA:

So 20-0-10 is better for you because you just do it once and you don't have to go back later on and do another bag of it?

MR. DACHOW:

No. It's putting down the same one pound of nitrogen per thousand square feet.

LEG. BARRAGA:

And a 20-0-10 is --

MR. DACHOW:

Because I'm using it in a smaller range. Instead of using two pounds per thousand square feet, I'm using one pound of the product per thousand square feet. We have spreaders that calibrated to put down the exact amount that we want.

LEG. BARRAGA:

All right. In a 50-pound bag, if you have 20 nitrogen, that's ten pounds of nitrogen.

MR. DACHOW:

Yes.

LEG. BARRAGA:

Versus ten nitrogen on a 50-pound bag, it's five pounds.

MR. DACHOW:

Yes.

LEG. BARRAGA:

So what are you recommending? You want to use the 20 versus the 10, and why; or is it just the opposite?

MR. DACHOW:

It has to do with the other materials that are in there, but --

LEG. BARRAGA:

But you have no phosphate.

MR. DACHOW:

It still puts down the same one pound of nitrogen per thousand square feet. But I used -- if the 10-0-5, I had to put down five pounds of that material to cover that thousand square feet, I only need two-and-a-half pounds --

LEG. BARRAGA:

I see, okay.

MR. DACHOW:

-- of the same kind.

LEG. BARRAGA:

All right, thank you. So even though the bag might have 20-0-10, it's more advantageous maybe to use that than 10-0-10.

MR. DACHOW:

Yeah. Well, that would have more phosphorous in it, more potassium in it, but that's neither here nor there. It all comes down to all of our fertilizers are measured to do one pound of nitrogen per thousand square feet of turf.

LEG. BARRAGA:

Okay. Because I'm looking at something here that someone sent me, typical grades recommended for lawn and gardens include 5-10-5, 5-10-10, 10-10-10, 8-0-24 and 6-6-18.

MR. DACHOW:

Yes.

LEG. BARRAGA:

Now, the first three have ten of phosphates, so we don't -- you know, we don't even use that in Suffolk County.

MR. DACHOW:

No. In my last --

LEG. BARRAGA:

Okay. So they're gone. Then you're down to 8-0-24 and 6-6-18. Now, if you have a meeting on Thursday, I mean, sooner or later you've got to come out with some sort of a three-numbered system that appears on the bag.

MR. DACHOW:

Well, those three numbers solely represent the percentage of nitrogen, phosphorous and potassium in that bag.

LEG. BARRAGA:

Right.

MR. DACHOW:

Different plants -- I'm a certified arborist and my main industry is plant health care.

LEG. BARRAGA:

But let's say a bag has 10-0-10 now.

MR. DACHOW:

Yes.

LEG. BARRAGA:

Are you saying it's not necessarily inappropriate for it to be 20-0-20, even though it's a higher number, based on the amount that you're putting down?

MR. DACHOW:

You put down the exact same one pound.

LEG. BARRAGA:

Right.

MR. DACHOW:

So that's -- it has -- it's irrelevant if it's a 10-0 -- 10 or a 20-0-20, it's still putting down that same one pound. Different plants require different things. Trees and shrubs require different nitrogen sources, accessibility to the nitrogen. Trees, for instance, have a root system that continues to uptake until, you know, a hard frost; that's going to uptake it. And the trunk of your tree is like the trunk of your car, it's going to store things.

LEG. BARRAGA:

All right, thank you.

D.P.O. CALARCO:

Okay, great. Thank you very much. Our next speaker is Carol Saporito followed by Peter Behensky.

MS. SAPORITO:

Good afternoon, everyone. Thank you for the opportunity to speak. My name is Carol Saporito, I am the Marketing Director for Bissett Nursery in Holtsville and Dix Hills. I'm also the current President of Long Island Nursery Landscape Association, or LINLA. I also sit on the Executive Board for the Long Island Farm Bureau.

I'm not a scientist, I'm not an educator. What I do for a living is marketing which is all about communication, education and the study of human nature. I am very grateful that Legislator Lindsay is going to keep this open, that he's going to discuss with the stakeholders, with people in the industry. It should be a very good meeting on Thursday and I'm very glad that you're giving us the opportunity to sit in on that and to weigh in on the larger issue.

And speaking of the larger issue, the problem with nitrogen in our waters, in our ground waters, in our surface waters is very well known and very well studied, but we haven't come up with any solutions. And you're right, it's taking a very, very long time to do it. And as you can see from the questions that I see around -- from the Legislators, the intricacy of the information that's coming out of the audience, it's a very, very complex issue. We are discussing two very important things which is the largest contributor of nitrogen to our ground waters and surface waters, which is sewer and septic systems. And I know it's a very expensive problem to tackle, but it strikes me as the most worthwhile problem to tackle.

That brings me to my second 800-pound elephant in the room which is the homeowners. They are the biggest contributor, if you consider that. And even if you just consider lawn fertilizer, they're the biggest contributor, but we're really not addressing that and that's because they're a hard audience to deal with, or a hard audience to speak to, I should say. They're a very large population and they're a very expensive population to speak to from a marketing standpoint, but we have to do that. We have to educate them, we have to get them invested and we have to get them on board, otherwise all of the studies, all of the legislation, all of the bills, as long as they count on compliance from the homeowners, are not going to go anywhere.

So I think we should really, as a group, as a larger group, deal with that, find some strategies, find some ways and find some funding sources to speak to the homeowners about this larger issue and

what their role in it and what their role in the solution is. Thank you very much.

D.P.O. CALARCO:

Great. Thank you very much. Our next speaker is Peter Behensky, followed by George Starkie-Butch.

MR. BEHENSKY:

Hi. My name is Pete Behensky, I've been in the lawn care industry since 1974. I've been a bayman, I've been a fisherman and I've been a resident of Suffolk County my whole life, so these things affect me. I also have three children that are living on Long Island, so it's important to me that our waterways and our groundwater be safe.

A lot's been covered already, I don't need to repeat everything. But what's also important to this group here is that personally I find that the idea of slow release is very important and is going to really address the problem of leaching. So I applaud that end of your bill, Mr. Lindsay. However, the idea that the first number on the fertilizer bag not exceed 10 is counterproductive and ineffective. The reason I say that is that, as people have said, lawns and certain plants require a certain amount of nitrogen. We're contracted to deliver results, we're going to have to put down an amount of fertilizer, an amount of nitrogen in order to achieve our goals which is a thick, green lawn. When you change that number from 20 or 18 to 10, you're requiring additional application, it becomes inefficient. If you do it to wholesale -- you know, for retail, you're going to increase the cost. You're going to increase our costs which are going to be handed down to consumers, to no effect. The important -- if the first number is 10 but it's mostly water-soluble, it's going to -- it's not going to -- it's going to leach. Also, the formulations that you need to include -- the quality, slow-release products in a higher percentage cannot begin with 10 mathematically.

So what I would say is that, you know, hopefully on Thursday, with the real brains of the fertilizer industry putting together some information for you, we can come to an agreement on products that will meet all our goals. I just don't -- I just want to bring you off the idea of that first number being 10 because that's inefficient and ineffective. Thank you.

D.P.O. CALARCO:

Okay, thank you very much. Next speaker is George Starkie-Butch.

LEG. KRUPSKI:

Butch is gone.

D.P.O. CALARCO:

He's gone?

UNKNOWN AUDIENCE MEMBER:

I'm his partner, he had to take off.

D.P.O. CALARCO:

Okay, thank you. Our next speaker is Andrew Cinque, followed by Robert Carpenter.

MR. CINQUE:

Good afternoon. Thank you. Legislator Lindsay, I appreciate where we've come. I've been a lifelong resident of Long Island. I've also been a salesman for a large fertilizer company, professional and retail, for the past 31 years, and prior to that I spent 25 years in retail. And I can tell you in the past 31 years, the company that I work for has come completely 360 from where we were back in the 10-0-4 days or 10-6-4 days when my grandparents used to use to where we are today.

The products today that we sell as a manufacturer, we're a worldwide company, have been really reformulated. Everybody in this room has talked about better quality nitrogen, methylene urea, different things like that. These are slow-release type nitrogens that will break down. Depending on the percentage that's in the bag, you could get eight, ten, twelve weeks out of it. These are the products that right now I'm selling to the golf courses, I'm selling to the sod farms, and probably half the room here are using them. Somebody brought up a question, are they more expensive? Yes, they are. But as I say to the sales force that I deal with right here, we have to start working smarter not harder. If I could sell you a better bag of fertilizer that's a couple of dollars more and you take and eliminate one dump per week, going to the dump where the clippings are going to, if you eliminate four dumps a month, what does that save you? The cost I'm spending on this side I'm saving on this side, okay? So that's kind of the way I go.

Again, you can't just look at the number, as has been said right here, the percentage of nitrogen in the bag. I mean, I can sell you a methylene urea that's 20, 51, 63 up to 100, okay. I'll sell a golf course a product that's 100% methylene urea, he'll feed twice a year, all right? Slow growth, very dark color. Again, less clippings, less clippings going into the landfill, less trucks on the road, less wear and tear for the landscapers, the professional landscapers that are here. Because they don't make -- I always joke with them; if you cut extra buckets of grass at your house, am I getting paid extra? No, it's costing me more money. So that's the direction that I think everybody in this room is trying to go, is better quality nitrogens that last longer that will not leach, okay. Really. I mean, we talked -- someone talked before about good quality turf. All right? Where good quality turf is going to take the win and filter out all the impurities, the leaching that's out there.

All you have to do is walk outside your door here, okay, and see what your turf looks like. I was here five years ago when they had the first hearing and we talked about quality turf and they talked about no fertilizer on buildings like this and like that. In the summertime, all you have here is weeds and crabgrass and hard soil. You get a good, hard rain and all that is doing is washing away into the sewer systems. These guys don't want that, they want good, quality turf, that's where they get paid the extra money for. Again, as I say, don't look at the number on the bag. Don't look at the number 10, look at the percentage of nitrogen that's in the bag, okay.

And to just finish up. I'm a grandfather, I've got three kids -- three grandkids, excuse me; two kids and three grandkids. But the key is I want them to be able to have a safe place to be in the grass and things like that, and I think really sound, scientific facts is really how we have to work. Okay? Thank you.

D.P.O. CALARCO:

Thank you very much. Don't go away, Legislator Anker has a question for you.

LEG. ANKER:

I have a question. Okay, so under nitrogen there's ammonium nitrate, ammonium sulfate and I think you had mentioned urea. What are the differences between those components -- of those elements.

MR. CINQUE:

Those -- the ammonium nitrate -- again, those are really going to be your quick release nitrogens, water solubles that we're talking about. Okay, the urea is what we're talking about that's going to take 40-6-0-0 that's going to give you a lot of surge growth. Residual might be, you know, three weeks. If it doesn't get watered in, actually it will sit there and volatilize and I'll joke with people, it just goes away.

LEG. ANKER:

What are they, though, where do they come from? Where does this substance come from?

MR. CINQUE:

Good question. The urea is something that we bring in, we bring in -- the ammonium nitrates are things that we manufacture, ammonium sulfates are things that we manufacture also.

LEG. ANKER:

What is it from? Is from petro, is it --

MR. CINQUE:

It's a combination of different things. I mean, the ammonium nitrate I believe -- you know, when you're getting into the technical side of it, I'm kind of -- you know, I'm onto the sales side of it. I don't know if anybody else can answer.

LEG. ANKER:

Is there somebody here that can be a little bit more technical in understanding?

UNKNOWN AUDIENCE MEMBER:

Some of it's raw materials.

MR. CINQUE:

Yeah, just really raw material, exactly right.

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

LEG. ANKER:

Could you come up real quick and explain to me how --

D.P.O. CALARCO:

No, no, no, no, everyone's going to go through the card, through the process. You're asking questions of this speaker.

MR. CINQUE:

Yeah, they're commodities. They're commodities that we buy in, okay? We can buy urea in from China.

LEG. ANKER:

But what is it, though? Is it a substance?

MR. CINQUE:

(Inaudible).

LEG. ANKER:

Is it mined from a mine of limestone? I don't know, I'm just trying to understand.

MR. CINQUE:

No, it's just a -- it's a commodity product that's mined, exactly. So, all right?

LEG. ANKER:

Okay. And I guess --

MR. CINQUE:

This part of the discussion -- really, as a commodity on that, it's really -- the things that we take with that and put it together to make the better quality nitrogens.

LEG. ANKER:

Right. And the other -- again, I guess this legislation is pretty much specific on nitrogen. But then there's the other issue of, you know, combining turf and creating good turf. And so let me ask you this one question; is there any way to create good turf without using 2,4-D or other types of chemicals?

MR. CINQUE:

Sure. What will happen is a good, healthy turf. At the end of the day, if you have a really good, healthy turf, you're going to start to use less insect controls, herbicides, fungicides, things like that. The stronger the turf is, the more it's going to be able to take and just keep those things from coming in, at the end of the day.

LEG. ANKER:

Okay, thank you.

MR. CINQUE:

The other thing we are working on is we talk about nitrogen, but we're also looking at slow release pot ashes, you know, that's the last number. All right? Something to keep in mind on your hearings. You know, like I say, the pot ash, you know, a normal sulfate of pot ash after four weeks is gone. We've done the same thing with some of our technology to make that last eight to ten weeks. The longer it lasts, the more the plant's able to take up, it doesn't get leached away.

LEG. ANKER:

Thank you.

D.P.O. CALARCO:

Okay. Legislator Cilmi has a question for you.

LEG. CILMI:

So I heard you mention something about the turf outside the Legislative building here.

*(*Laughter*)*

MR. CINQUE:

Sorry, I'm being honest.

LEG. CILMI:

No, that's quite all right. Are you suggesting that it's conceivable that some of the regulations that we've passed here in the County governing the application of pesticides and fertilizers on our own property have actually done more harm for the environment than good?

Applause

MR. CINQUE:

Absolutely. Sure.

LEG. CILMI:

I'd like to know more about that. Maybe you can send me an e-mail and --

MR. CINQUE:

Sure, absolutely. I'll give you my card and we can get together.

LEG. CILMI:

Wonderful. Thanks.

MR. CINQUE:

Thank you.

D.P.O. CALARCO:

Great. Thank you very much. Our next speaker is Robert Carpenter followed by John Hall. Is Bob still here? No, he left? Okay. The next speaker is John Hall followed by Doug Wood.

MR. HALL:

I have some materials for the Legislators.

D.P.O. CALARCO:

You can hand them to the Clerk and they'll distribute them.

MR. HALL:

Good afternoon. My name is John Hall, I'm a Director of the non-profit organization Save the Great South Bay and I live in Islip. I'm here to talk about a preventable form of water pollution nitrogen bearing runoff from lawn fertilizer.

This is the low-hanging fruit of nitrogen pollution on Long Island. In the Great South Bay, for example, non-point source pollution, nitrogen, is the major pollutant. Fertilizers, primarily water-soluble lawn fertilizers used by residents and businesses, account for about 20% of the excess nitrogen entering the bay. I think it's a bigger contributor than that. I believe that our thrice-yearly lawn fertilizer applications lead to periodic spikes in nitrogen levels in the bays, and to a bigger impact on water quality than we know. But even at 20%, the total nitrogen input, the water-soluble fertilizers are too big a part of the water pollution problem. Among the impacts of our abuse of lawn fertilizers are the annual algae blooms in the bays, the brown tides, the red tides, the rust tides, toxic blue/green algae in the lakes and in the ponds, hypoxia and fish kills. In short, dead bays, toxic ponds and lakes and algae-choked streams. Add to that the rising levels of contamination in our drinking water supplies which will undoubtedly lead to decreased drinking water quality and increasing water costs to residents. It begs the question why is anyone on Long Island still using water solubles on their lawns? They're completely unnecessary for proper lawn care, that's why I believe they have to go.

In 2014, I created a change petition that you have in your hands now, imploring this body to ban the use and sale of water-soluble lawn fertilizers in Suffolk County. To date, over 1500 people and counting have joined me by signing my petition. Many have included their own comments which you have in front of you. Our supporters include a broad range of Islanders, and I'm pleased to acknowledge that Bill Lindsay, who's bill is up and coming today, is one of our signers; thank you, Mr. Lindsay.

Proposed Local Law 1309 of 2016 mandates a blanket reformulation of all lawn fertilizers sold and used in Suffolk County. As written, it will reduce the water-soluble nitrogen content of lawn fertilizers by 75%; though not an outright elimination of the water solubles, it's a starting point and deserves serious consideration. Restricting what forms of lawn fertilizers can be sold in Suffolk County will have ecological and societal benefits, among them it will help raise public consciousness of our water pollution problem.

D.P.O. CALARCO:

Mr. Hall, your time is up. If you can wrap up for us, please.

MR. HALL:

Well, if my time is up, I'm on the last couple of bullets here; may I finish that?

D.P.O. CALARCO:

Your time is up. I need you to try to wrap up, unless anybody has a question for you.

MR. HALL:

It will -- okay. The question at hand is will this Legislature -- will this be the Legislature that takes the necessary steps towards restoring Long Island's waterways to their glory. Let's get those lawn fertilizers out of our waters for the future of Long Island. Thank you.

D.P.O. CALARCO:

Thank you very much for coming today. Our next speaker is Doug Wood, followed by Patricia Wood.

MR. MILLER:

Thank you very much for this opportunity to talk to you today. My name is Doug Wood, I'm the Associate Director of Grassroots Environmental Education, we're a non-profit organization based in Port Washington, and I'm here to talk about this very controversial bill.

At a scientific conference on nitrogen pollution a few months ago, one of the speakers noted the extreme irony of our Island trying to deal with an excess nitrogen problem while at the same time we import tons of nitrogen for people to spread on their lawns; there's clearly something wrong with this picture. Our non-profit organization has been training landscapers in the science of natural lawn care for almost 20 years. We teach professional landscapers how to grow their businesses by offering non-toxic solutions that eliminate the use of chemical pesticides and synthetic, high nitrogen fertilizers. A few years ago we were hired by the New York State Department of Environmental Conservation to run programs for turf professionals at schools across New York State. So we know something about this issue.

Let me say right up front that no one is identifying lawn fertilizer as the primary culprit of our water problems, but it is a contributing factor; anywhere from seven to 11% or more, according to which expert you listen to. And that's because much of the nitrogen used in commercial lawn fertilizers is water-soluble, it dissolves in water. And that's great for grass plants because they can take it up right away and your lawn will turn green quickly, but it's a problem for the environment for the very same reason. Rain and sprinkler systems carry off every bit of water-soluble nitrogen that doesn't get taken up by the plants, and most of it ends up in our bays and streams or migrates through sandy soil under the underground aquifers that supply our drinking water.

What makes the lawn fertilizer issue different from a Legislative perspective is that we don't have to wait for some expensive new technology. The solution to the problem is within our reach right now, today. The fact is there are plenty of low nitrogen, partially water, insoluble lawn fertilizers available that are cost effective and that work great. In fact, they're being used by successful landscapers in Suffolk County and in Nassau and in Westchester. And they virtually eliminate the problem of excess nitrogen runoff.

Now, I understand there are some well-intentioned people who will propose legislation that limits how many pounds of nitrogen anyone can apply per square foot or per application per season, but really how many people here know the precise square footage of their lawns? I'm going to bet pretty much nobody. How many are ready to do those calculations and what does the enforcement

of the law look like, of a law look like that? Are we going to check every spreader? Are we going to check everybody's backyard?

The industry folks will tell you this type of nitrogen reduction legislation has worked well in other parts of the country. So we did some checking on that and what we found is that -- we talked to folks in Pinellas County and in Martha's Vineyard and in Chesapeake River Basin and what they told us was the laws are not working and they are not seeing any energy reduc -- any nitrogen reduction. This legislation may not -- I'll be done in a second -- legislation may not be the perfect answer and I want to emphasize that we are very much open to discussing this and trying to find a way forward. But we and the people of Suffolk County who depend on clean water to drink and to recreate in shouldn't be made to wait a lot longer to solve a piece of the puzzle that has an easy answer. To line up \$5 million to figure out what the scope of their study is going to do, if we wait for a line up we'll be forever.

D.P.O. CALARCO:

Thank you, Mr. Wood. Oh, Legislator Krupski has a question for you.

LEG. KRUPSKI:

Good afternoon. You said you trained people on fertilizer use in turf management?

MR. WOOD:

Yeah, the primary objective of our training is to eliminate the pesticides. But yes, it includes -- I mean, we talk about, you know, natural lawn care and an organic fertilizer generally has a number less than ten, which is -- for all those of you who are wondering how we got the number ten, that's how we got the number ten is because virtually every fertilizer that's used by an organic landscaper has a nitrogen level of less than ten. And as the gentleman was pointing out before, because it's natural, it's not the synthetic, you know, water-soluble nitrogen that will turn your grass green in 24-hours. This is long, it take a long time for the biological life to break down the nitrogen which is what makes it available. So an organic fertilizer, the bag is more expensive, but it lasts I think, as the gentleman said, it lasts a long time, and so you actually get a good -- you get the -- you can have a perfectly beautiful lawn without using a high nitrogen fertilizer.

LEG. KRUPSKI:

Do you have a science background?

MR. WOOD:

No, I do not, sir.

LEG. KRUPSKI:

Because you're kind of mixing -- you're kind of mixing the metaphors with the organic and the nutrient and the pest management. So this is why I wanted to ask you how you -- you said something about not having soluble nitrogen in the fertilizer and I was trying --

MR. WOOD:

I didn't say --

LEG. KRUPSKI:

I'm trying to figure out what you meant by that.

MR. WOOD:

Most organic fertilizers that are on the market -- and by the way, I did a Google search and I found 20 products that would -- that are commercially available that would meet the requirements of this law. Most of them have some degree of water-soluble nitrogen in them, but it's usually a small

percentage and the rest of it is water insoluble -- what they call WIN, water insoluble nitrogen -- that's break down with microbial action, doesn't break down the formula.

LEG. KRUPSKI:

So in other words, for slow release.

MR. WOOD:

Yeah, slow release. Which, you know, you can do with artificial, synthetic fertilizer. If you wrap it in plastic and you do other things to it, you can try to mimic what a natural fertilizer does naturally and I think that, you know, the manufacturers have had some success with that.

LEG. KRUPSKI:

But the plant, when it takes up a nutrient, and nitrogen is a nutrient, it's an element, so it's very natural. When the plant takes that up, it doesn't make a distinction where the source is from, it needs that to grow.

MR. WOOD:

That's right. Plants need nitrogen -- nobody is suggesting, by the way, that plants don't need nitrogen; we understand they need nitrogen. It's what kind of -- how much nitrogen is in the bay. And again, you know, I have full respect for the landscapers here, I know nobody is interested in over-fertilizing. It costs a lot of money and nobody is accusing anybody of intentionally, you know, contaminating the water. I think this is primarily a homeowner issue. I have a friend down the street from me, the Bay West Garden Center and the guys I'm sure know about this, they run a company called Organic Solutions and they have a regular, you know, garden center. And John tells me when the customer comes in, they buy a bag of fertilizer, which they perceive as a good thing, they take it home, they put it in their spreader and they walk around their lawn till the bag is gone; that's how they apply the fertilizer. They don't carefully calibrate the spreader setting. So, you know, that's -- and because it's water-soluble, as soon as it rains, anything that hasn't been taken up by the plant has to go somewhere.

So that's the origins of this discussion. And I thank Legislator Lindsay for putting -- you know, having the courage to put this bill forward. I'm anxious to try to find a solution. But let's not kid ourselves, we have a real nitrogen problem in this County and here's a way that we could solve a good bit of it right away. Now, maybe smarter people than me have better ideas.

LEG. KRUPSKI:

Thank you.

D.P.O. CALARCO:

Okay. Thank you very much, Mr. Wood. My next speaker is Patricia Wood.

MS. WOOD:

Thank you very much. You've heard a lot today about fertilizers, but I'm speaking to you from a different perspective on this issue. Our groundwater supply of fresh water and our surface waters that provide sources of food for us and the wildlife that we share this Island with are being negatively impacted by a common thread, and that common thread is excess nitrogen from fertilizers. Nitrogen is absolutely crucial to life, yet it can also choke the life out of aquatic ecosystems creating excess algae blooms, coastal dead zones, a loss of biodiversity, the destruction of shellfish beds, and even sicken people when it shows up in excess.

Over the past 50 years, we have released so much nitrogen into our soil and water that scientists say that we've passed the limit of what our environment can safely handle. Through nutrient-laden wastewater and through excessive and inefficient fertilizer use, nitrogen levels are at a tipping point

here in Suffolk County, something must be done. We have a daughter who is an organic farmer in Jamesport. I took my six-year old grandson down to the Peconic Bay Beach and had to try to explain to him why there are over 100 Diamondback Terrapins dead on the beach last summer. There is also, as you know, blue green algae which has been mentioned in the interior ponds and lakes as well as red and brown tides.

I want to express my deep gratitude right here also to Legislator William Lindsay for stepping up to address this problem with this bold legislation. While it's going to take years to see the impacts of critical and necessary infrastructure changes, dealing with wastewater we can address the issue of fertilizer use immediately. This legislation, which limits the amount and the type of nitrogen contained in fertilizer products, differs from other efforts around the country to reduce nitrogen loading into important fishing and recreational water bodies. Unfortunately there are no success stories coming from the state that have tried to regulate high nitrogen fertilizers using a formula of calculating pounds applied per 1,000 square feet of lawn; that's actually 0.9 pounds. They are forever grappling with ways to monitor and enforce laws that cannot be monitored or enforced. And as a non-profit that has received recognition from the EPA for our Healthy Lawns Program and a non-profit that works with professional landscapers as well as the DEC on best practices for turf and landscape maintenance, we are aware of the many safe, low nitrogen mostly water-insoluble fertilizer products available for purchase and use.

We also encourage the use of other sources of healthy nitrogen made available through lawns through cultural practices such as leaving clippings, the use of corn gluten meal and enhancing seed formulas with new varieties of low-growing clover fixes nitrogen in the soil.

I've got nine minutes. Getting back to why we're all affected is very simple, even though we may not be -- although we may be very conscientious about what we put on our lawns. Groundwater movement -- I'll finish this paragraph -- rain water and irrigation systems, snow melt and storms carry fertilizer nutrients into our wells and miles -- and miles away, it may show up as dangerous algae in our bays and inland ponds and lakes. Part our challenge has been making people aware that their seemingly harmless activities often show up as serious ecological disruptions in distant places. We think this legislation will allow homeowners and the professional landscaping community to continue business as usual, utilizing safer products that are protective of our environment.

D.P.O. CALARCO:

Mrs. Wood, your time is up.

MS. WOOD:

Thank you.

LEG. ANKER:

I have a question.

D.P.O. CALARCO:

Oh, we have a question from Legislator Anker.

LEG. ANKER:

Okay. Over here. Hey, Patty, right here. Again, I'm curious again. I'm looking up some of these elements that are used and nitrate -- again, it's nitric acid, it's mixed with ammonia salt, so that's the nitrate. The second element is ammonium sulfate which is a byproduct from sulfuric acid and coke ovens. Now, coke ovens -- are you familiar with -- they're made from coal? No? Okay. I know you have a science background, but I wasn't sure if you could explain that a little bit further for me.

MS. WOOD:

I am a little bit familiar with different types of nitrogen that are being used. I know that chilean nitrate has been a problem in the past. I also know that we have a lot of pressure on our landscaping community from their customers to make their lawns look green instantly and so, you know, you can't really blame them for using products like this. But it is a combination of the landscaping community which applies probably more often than the homeowner just because they have contracts for applications, but the homeowner themselves also who don't know how to apply this product, you know, safely as far as the environment goes.

LEG. ANKER:

Right. And I will say, I do appreciate, of course, being a gardener, being a landscaper, I do a lot of my own gardening and landscaping and for 15 years I have not applied any major nitrogen. It's organic, you know, it's the smelly, low nitrogen type of organic fertilizer and it's doing pretty good.

Now, I will say there's some integrated pest management that's needed when the clover gets a little thick, but it's nice, you know. And the deers love it, fortunately or unfortunately, but it's doable. I know Mt. Sinai School District -- actually, every school district in New York State, they now have to go with integrated pest management and take it easy with the application of nitrogen, more specifically herbicides with that. So thank you.

MS. WOOD:

Thank you. And also, I just wanted to say that we appreciate the opportunity on Thursday to speak with everyone, because I think we're all playing a role here. And that if we all work together, we can solve this nitrogen problem at least from a fertilizer perspective in the County. Thank you.

D.P.O. CALARCO:

Great. Thank you very much.

I have no other cards on this topic. Is there anybody else who would like to address this body at this time on this particular resolution? Seeing none, what's your --

LEG. LINDSAY:

I would like to make a motion to recess.

D.P.O. CALARCO:

Motion to recess by Legislator Lindsay.

LEG. CILMI:

Second.

LEG. BROWNING:

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

MS. ELLIS:

Sixteen (Not Present: Legislators McCaffrey and Spencer)

D.P.O. CALARCO:

The public hearing on IR 1309 is recessed.

(Public Hearing on) IR 1310-16 - Adopting Local Law No. -2016, A Local Law to regulate pet grooming businesses operating in Suffolk County ("Ginger's Law") (Calarco). I do have a couple of cards for this resolution. The first speaker I have is Laura Hughes.

LEG. LINDSAY:

Mr. Deputy Presiding Officer, just for the folks who are leaving. You know, just for your education, that when we recess the hearing that means we leave it open, so it will be open for additional comment in the future.

D.P.O. CALARCO:

You can go ahead, whenever you're ready.

MS. HUGHES:

Good afternoon. Everyone's probably tired. Good afternoon. My name is Laura Hughes. First I'd like to thank Legislator Calarco for introducing Resolution 1310, Ginger's Law, and for his continued support.

I met with Legislator Calarco about three years ago after my two dogs, Gizmo and Ginger, were injured by an unscrupulous groomer I hired.

The groomer injured my dogs with her shampoo products. She had no safe understanding or knowledge of the harmful chemicals and pesticides inside her product. She misused this product and went off-label, which in turn made my dogs sick. My dog Gizmo started hacking, coughing and vomiting. Ginger's skin was comparable to what you would see on third degree burns. She required weeks of intensive hospital vet care. Her skin and hair had fallen off and her lungs kept filling up with blood. She required ten medicines to keep her alive. The injuries she sustained had compromised her health so much that she eventually passed away. My dog Gizmo has respiratory issues and seizures since this event. Professional groomers use chemicals and pesticides, sometimes always in their shampoos or sprays.

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

MS. HUGHES:

I just wanted to say, this business owner/groomer that I -- that did this to my dogs, I did try to speak to her. I did try to resolve it in a very humane manner. She did not want to deal with the problem at hand, and she ignored anything or anything I tried to talk to her.

I just want to say our pets are family. We form bonds, we have relationships with them. We sacrifice for them and we love them, and we just want what's best for them. Currently, there are no regulations imposed on the grooming industry. Any person may open a grooming shop without any training, education, or skills testing. This lack of oversight has led to groomers injuring and killing our pets. There's no accountability if a groomer is negligent or unscrupulous. I feel there needs to be some accountability for any of their negative actions. A consumer is entrusting that the groomer will keep their welfare of their pet in mind, and the groomers are temporary caretakers during this service. A pet owner cannot even discipline this industry when something goes wrong.

Groomers' clients are living, breathing, sentient beings, so I don't understand why there is no consumer protection or animal protection involved. The health and lives of our animals will always be at risk with the present situation. With no requirements or mandated standards involved, how is one to even know that a groomer is ready to enter into the marketplace?

Resolution I.R. 1310 would require the pet grooming businesses to improve their service and quality of their staff, which, in turn, will allow consumers to feel more secure in their service. Securing our pets' health, safety and lives are very important to me and many, many others.

To feel the pain of losing a pet at the hands of someone you actually trusted at one point is a travesty. I will forever be the voice of my dogs and for all the other dogs that have lost their lives

or have been injured during a grooming service. Suffolk County has been very historical with animal laws in the past.

D.P.O. CALARCO:

Ms. Hughes, your time is up.

MS. HUGHES:

Okay.

D.P.O. CALARCO:

If you could wrap up for me quickly.

MS. HUGHES:

I just want to say they've been very progressive with the historical law of the first animal abuse registry. So please don't stop now. Please consider Ginger's Law and pass this. Thank you. Thank you for the opportunity.

D.P.O. CALARCO:

Thank you very much. And I appreciate your advocacy on the issue. And Legislator Trotta does have a question.

LEG. TROTТА:

What happened?

MS. HUGHES:

I had hired a mobile groomer, she came to my home. She used a product that in -- you know, of course, after I find out that she presented it to me as a flea shampoo, but the service was already performed, and my dogs were already washed and everything. At the time, I did not realize that she is not allowed to use any pesticides without authority from the pet owner. She just basically tried practicing medicine without a license. I just feel that, you know, it was very unscrupulous behavior. I did not understand at the time all the laws that really were involved with her lack of compliance to the local and state laws, and, obviously, she wasn't either.

It was not a malicious intent, it just, to me, you know, made my dogs very sick, because she did not have the knowledge of her pesticides and chemical safety, product safety with it. And I just, you know, wanted her to stand up and be a good business person and deal with my dogs getting sick, and the bills, and how -- you know, how do I go about educating her about this product, and, you know, please don't do this to any other dogs. You have to be very careful, because a lot of people have veterinary stuff on their dogs.

LEG. TROTТА:

Was this part of the grooming process?

MS. HUGHES:

I've come to learn since then that a lot of grooming establishments are performing commercial pesticide applications as an extra service. Consumers are asking for flea dips and flea treatments, and the law states that the DEC does have jurisdiction over this. And I have been working with the DEC to try to get them to -- they're unable to implement that statute at this moment, but I'm asking them to at least give this crucial information to the pet grooming industry so that there's better handling and safety with these type of products.

LEG. TROTТА:

So let's say this groomer was registered, like this bill would do --

MS. HUGHES:

Yes.

LEG. TROTTA:

-- would this have any effect on what happened?

MS. HUGHES:

Honestly, you know, it wouldn't make the dogs any healthier, that would not affect that. But, as a consumer in Suffolk County, I think that I would have an opportunity to possibly discipline her for her lack of compliance and unscrupulous behavior. I would be able to tell Consumer Affairs or someone, you know, "This is what happened."

LEG. TROTTA:

Well, clearly, she admitted she didn't do it on purpose.

MS. HUGHES:

Right.

LEG. TROTTA:

It was an accident.

MS. HUGHES:

I don't know. I mean, maybe not particular case. You know, it would be a he said/she said kind of -- but I actually had a skin biopsy. I mean, it all pointed to her products. Honestly, as a consumer, if you're in a service industry, why wouldn't you be somewhat responsible to the products that you are using? You're not -- you're not letting the consumer or the pet owner --

LEG. TROTTA:

What I'm saying is the -- I'm not seeing how the registration would have any effect on if someone made a mistake.

D.P.O. CALARCO:

Well, I think, Legislator Trotta, the legislation in this particular situation that Ms. Hughes experienced requires the groomers to use their products in a manner that is as advertised and as approved by the DEC. And in this particular situation, you had a groomer use a product that was not authorized by the DEC for use on these animals. The product was misused on this dog, and that would have given her some relief in terms of at least being able to come to Consumer Affairs and say the groomer misused the product, and, you know, they could have interjected. Certainly, they couldn't have, you know, saved the dog, but they certainly could have at least reimbursed Mrs. Hughes for some of her costs and held the groomer responsible for their, you know, actions.

LEG. TROTTA:

Well, there's legal -- okay, never mind. Thank you.

D.P.O. CALARCO:

No, don't go away. Legislator Martinez has a question for you.

LEG. MARTINEZ:

Good afternoon, Ms. Hughes.

MS. HUGHES:

Hi. How are you?

LEG. MARTINEZ:

Just a quick question. I'm not sure if you answered it, so if you did, I apologize. Did they make you still pay the bill after everything was said and done?

MS. HUGHES:

Did the groomer?

LEG. MARTINEZ:

Yes.

MS. HUGHES:

No, she never spoke to me ever again.

LEG. MARTINEZ:

Okay. But when you went to pick up your dog.

MS. HUGHES:

Oh, no, no, she was a mobile groomer and it --

LEG. MARTINEZ:

Okay.

MS. HUGHES:

The dogs got sick within the half hour, 45 minutes after the grooming. So I did reach out to her and tried to, you know, speak to her about what was happening and she just didn't want to speak. She kept saying that it was something I did.

LEG. MARTINEZ:

What kind of dog was Ginger?

MS. HUGHES:

Ginger is a Pomeranian.

LEG. MARTINEZ:

Little, tiny.

MS. HUGHES:

Yes.

LEG. MARTINEZ:

So then the amount -- the amount used probably was not to the size. Is that something that could have been the case?

MS. HUGHES:

From what I've researched and learned now, Gizmo had been on a Benadryl prescription. So he actually was -- he's also a bigger dog. But he -- that intervened in the reaction to the chemicals and pesticides, is what I was told by the vet. Ginger was also about eight to nine pounds and she was very -- you know, a very small dog, so it just affected her much more so.

LEG. MARTINEZ:

Okay. So, in a way, the size of the dog and the amount of pesticides --

MS. HUGHES:

Yes.

LEG. MARTINEZ:

-- within the product also led to the --

MS. HUGHES:

And I did mention that to the DEC, that their training and knowledge, that they know about the proper usage and storage of pesticides would benefit the animals tenfold. And the groomers would be, obviously, using better safety methods and would understand, you know, the labeling, because they are not -- at the time, she did not use an EPA-registered product or a DEC product registered.

LEG. MARTINEZ:

And I'm assuming that you did not use this groomer ever again.

MS. HUGHES:

No.

LEG. MARTINEZ:

Do you know if they are still in existence?

MS. HUGHES:

No, I don't know.

LEG. MARTINEZ:

Okay. Well, I just want to say, I mean, there's a couple of more questions I want to ask, but I really don't want to ask them on the record, so maybe you and I can talk right after. But I am sorry for your loss. And I know there's a question portion, but I am going to tell you that I am very fond of animals as well, and I think they do need a voice. And I'm glad that you're here, and I'm sorry that it's under these circumstances. But I just experienced an incident with my own dog, that she went for grooming and she was cut pretty bad. I did get a phone call saying that it was an accident, but you're absolutely right, that our groomers need to really be supervised a little more. And if we have that right here in the County to do that, I am definitely in support of Legislator Calarco's bill. So, again, I'm sorry for your loss and that we had to meet under these circumstances, but, hopefully, this will help other dogs as well. Thank you.

MS. HUGHES:

I'm sorry about your dog, too. I think maybe some oversight and standards imposed on the industry would just kind of give them a foundation to work from. And if you are a passionate pet groomer, then this law will not worry you.

LEG. MARTINEZ:

And I completely agree with you. And I think -- and you said it very well just before, is that we put them in their care, and we send them to them knowing that they will be safe and they will be protected. And then when something like this happens, especially yours was a little more than a cut, but it still hurts, and I think that it's very important that we do hold them accountable. They are part of the family to many of us. And just like someone gets hurt in our family, if our dogs get hurt, or our cats get hurt, it's something that hurts everyone. So thank you again.

MS. HUGHES:

No, thank you.

D.P.O. CALARCO:

Okay. Legislator Muratore has a question.

LEG. MURATORE:

Yes. And I guess it's more for you, Legislator Calarco. What I see in this bill is, when it says, "The Purpose of the Local Law is to require pet groomers to register with the County and follow common sense," so all we're doing is we're collecting a fee from the groomer and getting a few bucks from them, but we're not putting any responsibility on them to get any training.

D.P.O. CALARCO:

There is some training categories in there, and there's -- there's standards that are put in place that actually come from a national organization that represents groomers in terms of basic standards that the groomers should be following and practices they should be utilizing. So I'd be more than happy to discuss it with you later, debate the bill when the time comes. But this is the public hearing portion, and, at the moment, we're just here to hear from the public.

LEG. MURATORE:

Okay. Thanks.

D.P.O. CALARCO:

No problem. Thank you. Okay. No other questions for Ms. Hughes? Thank you very much.

MS. HUGHES:

Thank you.

D.P.O. CALARCO:

Our next speaker is Susanne DesGaines. DesGaines?

MS. DESGAINES:

Good afternoon, distinguished members of the Suffolk County Legislature and staff members. I took today off from work to support Resolution 1310, a Local Law to regulate pet groomers. It will be named Ginger's Law. The Honorable Robert Calarco is the sponsor. Thank you.

Any pet groomer that opposes this law would make me very suspicious of their character and business practices. Why would a pet groomer oppose a law that secures the safety of pets, especially since those pets are their livelihood? Our beloved pets are the most vulnerable and they absolutely need Ginger's Law to protect them from dangerous practices of unregulated pet groomers. Sadly, it is too late for Ginger, she died at the hands of a pet groomer.

And here are a few more deaths at the hands of pet groomers. A Bichon from New Jersey, the owner is trying to push for pet groomers to be licensed. We're just asking for registration at this point. And a Bichon. A six-year-old Shih Tzu died shortly after being dropped off to the groomed -- to be groomed at a well-known pet store chain. Within an hour, I received a phone call that he had died, and to my surprise I went back. I was in hysterics and I just couldn't believe what I was hearing.

Another story: A Florida woman is fighting to change the way pet groomers run their business in Florida. She started the campaign after the death of her four-year-old dog, Rocky. "My dog, a 60-pound dog, was hanging from a noose when I walked in the door. The groomer was nowhere to be seen. I ran over there, got him off. And then she runs in, says, 'I'm so sorry, my son wasn't here to help me.'" It goes on and on. I'm sorry, I don't want to upset everyone, but I'm obviously upset.

And this is wonderful that Suffolk County is trying to be progressive and help the voiceless. Thank you.

D.P.O. CALARCO:

Thank you very much. Okay. I have no other cards on this resolution. Is there anybody else in the audience that would like to address the Legislature on this topic? Seeing none, I am going to make a motion to recess. I made a couple of minor amendments to it after the deadline, so I need to recess it in order to continue to accommodate that. I have a motion to recess, second by Legislator Cilmi. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

I.R. 1310 is recessed. I.R. 1322 -- the Public Hearing on 1310, excuse me.

I.R. 1322 - A Local Law to further incentivize the creation of affordable housing and to clarify requirements for residential developments connecting to a sewer district (Calarco).

I had one card for this, Mitch Pally, but I do believe Mitch left. I have no other cards. Is there anybody who would like to address the Legislature at this time on this resolution? Seeing none, I am working on this with the Administration right now, so I'll make a motion to recess, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Public Hearing on I.R. 1322 is recessed. And I'll hand it back over to the Presiding Officer.

P.O. GREGORY:

Okay. Thank you, Mr. Deputy Presiding Officer. I'd like to make a motion to set the date for the following Public Hearings on May 10, 2016, 2:30 p.m., at the Maxine Postal Auditorium in Riverhead, New York:

The 2017-2019 Capital Program & Budget.

I.R. 1367 - A Charter Law to implement One-Year Rolling Debt Policy under the 5-25-5 Law to mitigate budgetary shortfall. (Co. Exec.) BUDGET & FINANCE

I.R. 1370 - A Local Law to further regulate synthetic cannabinoids and synthetic cocaine in Suffolk County. (Spencer) PUBLIC SAFETY

I.R. 1395 - A Local Law suspending the Red Light Camera Program. (Trotta) PUBLIC SAFETY

Also, ***I.R. 1007 - A Local Law to provide designated parking for Veterans at County Facilities (Muratore).*** Do I have a second?

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Calarco)

HEALTH

P.O. GREGORY:

Okay. Back to the agenda. We were on -- up to Page 7 in Health.

I.R. 1020 - Adopting a Local Law -- excuse me -- Adopting a Local Law to ban the sale of formaldehyde for use in holding tanks (Spencer). Legislator Spencer?

LEG. SPENCER:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Spencer.

LEG. STERN:

Second.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Stern. Anyone on the motion? All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: D.P.O. Calarco)

LEG. SPENCER:

Thank you.

P.O. GREGORY:

I.R. 1236 - A Local Law to regulate the use of the term "Organic" by dry cleaning establishments in Suffolk County (Hahn).

LEG. FLEMING:

Kara, are you making the --

LEG. HAHN:

Motion.

LEG. FLEMING:

I'll second the motion.

P.O. GREGORY:

Motion by Legislator Hahn, second by Legislator Fleming. On the motion, anyone? All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen.

LEG. BARRAGA:

Opposed.

P.O. GREGORY:

One opposition.

MS. ELLIS:

Sixteen. (Not Present: D.P.O. Calarco)

P.O. GREGORY:

Okay. I do see our Police Commissioner here. We certainly want to get him out as quickly as possible. So if we go to Page 8, I'll make a motion to take ***I.R. 1292 out of order, establishing the authority of a Deputy Commissioner of Police, Specification No. 9379 (Co. Exec.)***.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. ***I.R. 1292*** is before us. I'll make -- anyone want to make a motion?

D.P.O. CALARCO:

Motion.

LEG. FLEMING:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Fleming -- excuse me, Hahn. Uh, oh, sorry. And who was the --

D.P.O. CALARCO:

I'll second it.

P.O. GREGORY:

Second by Legislator Calarco. On the motion, anyone? No one on the motion? No? No? Oh, okay. All right. Motion and second. All in favor? Opposed? Abstentions? All right. 1292 passes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. Back to Page 7. ***I.R. 1260 - Amending the 2016 Adopted Operating Budget to transfer and reduce funding to various contract agencies (Co. Exec.)***.

LEG. FLEMING:

Motion.

P.O. GREGORY:

Who was that?

LEG. FLEMING:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Fleming.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second by Legislator Kennedy.

LEG. FLEMING:

On the motion.

P.O. GREGORY:

On the motion, Legislator Fleming.

LEG. FLEMING:

I'd just like to thank Deputy Commissioner Capobianco for her careful response to our questions at committee. I understand now, based on a memo that I'm happy to share with anyone who would like the information, that what this represents, along with another bill, is a \$263,000 increase in our Narcotics Addiction Control, which, as we discussed at the Health Committee, is obviously a critically important area for us to focus on. There was lack of clarity with regard to that at committee. So, Deputy Commissioner, thank you for your efforts, and I'm happy to support the bill.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Hahn)

P.O. GREGORY:

Okay. ***I.R. 1264 - Approving the appointment of Stephanie Baldwin to the Suffolk County Disabilities Advisory Board Group D (Co. Exec.).***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Hahn)

P.O. GREGORY:

I.R. 1267 - Approving the reappointment of Roy Probeyahn to the Suffolk County Disabilities Advisory Board - Group D (Co. Exec.).

LEG. BROWNING:

(Raised hand).

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MS. ELLIS:

Sixteen. (Not Present: Legislators Hahn and Martinez)

P.O. GREGORY:

I.R. 1268 - Approving the reappointment of Beverly Cody to the Suffolk County Disabilities Advisory Board - Group D (Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Sixteen. (Not Present: Legislators Hahn and Martinez).

P.O. GREGORY:

I.R. 1269 - Approving the reappointment of Valerie Lewis to the Suffolk County Disabilities Advisory Board - Group D (Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators Hahn and Martinez)

P.O. GREGORY:

I.R. 1283 - Accepting and appropriating 50% State grant funds from the New York State Department of Environmental Conservation in the amount of \$4,000,000 for the Suffolk County Septic/Cesspool Upgrade Program Enterprise (SCUPE) administered by the Suffolk County Department of Health Services, Division of Environmental Quality and to execute grant related agreements (Co. Exec.).

LEG. FLEMING:

Motion.

LEG. CILMI:

Motion.

P.O. GREGORY:

Who was that? Legislator Kennedy, was that, and then --

LEG. CILMI:

(Raised hand).

P.O. GREGORY:

Oh, Legislator Fleming, and second, Legislator Cilmi. On the motion, anyone? All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators Hahn and Martinez)

PARKS & RECREATION

P.O. GREGORY:

I.R. 1263 - Authorizing the use of Cedar Beach for Cornell Cooperative Extension's Back to the Bay 5K Run (Krupski). Motion by Legislator Krupski.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen. (Not Present: Legislators Hahn and Martinez)

P.O. GREGORY:

I.R. 1265 - Authorizing a Municipal Cooperative License Agreement with the Town of Babylon for Van Bourgondien County Park, West Babylon (Co. Exec.).

LEG. MC CAFFREY:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Legislator Martinez)

P.O. GREGORY:

J.R. 1277 - Authorizing the use of Manorville Hills County Park by Paniagua Cycling, Inc. for its Head for the Hills Fundraiser (Co. Exec.). Anyone? Legislator Browning?

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Oh, motion by Legislator Muratore; second, Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Not Present: Legislator Martinez)

P.O. GREGORY:

J.R. 1278 - Authorizing use of Meadow Croft County Park by Society for the Preservation of Long Island Antiquities for its Country House Benefit Event (Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Legislator Martinez)

P.O. GREGORY:

J.R. 1279 - Authorizing use of Cupsogue Beach County Park by the Moriches Paquatuck Squaws, Inc. for its Inlet Ride Fundraiser (Co. Exec.).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. FLEMING:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Legislator Martinez)

P.O. GREGORY:

J.R. 1290 - Appropriating funds in connection with improvements to County Golf Courses (CP 7166)(Co. Exec.).

LEG. STERN:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Legislator Martinez)

LEG. ANKER:

I just have a quick question for the Commissioner.

P.O. GREGORY:

Yes, okay.

LEG. ANKER:

Hi.

P.O. GREGORY:

Commissioner, please come forward.

LEG. ANKER:

You were looking the other way. Hello. I know I've asked you about this before, but, again, I notice that, you know, here we're going to spend, what, \$200,000 on improvements to County parks. And, you know, you had said basically the money that is gained through fees and, you know, just general registration funds go directly to the General Fund, they don't go specifically to the parks for improvements. But you said there are -- there's some monies that are focused on park improvements or no?

COMMISSIONER DAWSON:

Well, on general -- we're talking about we have golf course funds, we have operating funds, capital involvement. We do have operating funds to operate both the golf courses and the parks in general. These are more for larger scale park improvements. But your original question was can we utilize the money that we bring in in fees to offset these projects, and no, the money goes directly into the General Fund.

LEG. ANKER:

Again, here we are, we're bonding, you know, and it is in -- I guess it's in the capital project or the Capital Budget, right?

COMMISSIONER DAWSON:

That's correct.

LEG. ANKER:

Yeah. Yeah, I just -- is that how most counties do, you know, maintain their parks?

COMMISSIONER DAWSON:

Most counties, most municipalities, yes.

LEG. ANKER:

I'm just trying to find a way to cut out the interest that we're charged through the bonding process, and if we had a special dedicated fund to go towards park improvements, you know, to -- that would focus on some of these projects, I would think we might be able to save some money, no?

COMMISSIONER DAWSON:

Well, that's a general policy decision, you know, where -- how the money is allocated and when it comes in -- when it comes into parks, you know, where it goes from there, that's not something the Department --

LEG. ANKER:

Right, because we're always going to need to maintain our parks. I've had -- I have a number of parks in my district and they are so beloved by the residents. And does it take longer to get the funding to repair the parks or to put -- you know, to use for park improvements, you know, waiting for funding to come down, or not?

COMMISSIONER DAWSON:

Well, once the appropriation is made and the bonding resolution is made, we go to Bond Counsel, pass the resolution, and the money becomes available. So it's really dependent on this body to pass it, to pass the resolution.

LEG. ANKER:

Okay. All right. Thank you, Greg.

COMMISSIONER DAWSON:

You're welcome.

P.O. GREGORY:

Anyone else?

MR. NOLAN:

It was called.

MR. RICHBERG:

It was already approved.

P.O. GREGORY:

Yeah, all right. Okay. **1290A**, bond resolution, same motion, same second. Roll call.

(Roll Call by Mr. Richberg, Clerk of the Legislature)

LEG. STERN:

Yes.

LEG. D'AMARO:

Did we vote on 1290?

P.O. GREGORY:

Yes, we did, we called it.

LEG. KENNEDY:

We didn't?

P.O. GREGORY:

We did it, yes. We did. We called it, and then she said she had a question about it, yeah.

LEG. BARRAGA:

Negative on 1290, please.

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MR. RICHBERG:

Sixteen on 1290. (Not Present: Legislator Martinez)

(Roll Call by Mr. Richberg, Clerk of the Legislature)

LEG. STERN:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

No.

LEG. MC CAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

Pass.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

No.

LEG. SPENCER:

Yes.

D.P.O. CALARCO:

Yes.

MR. RICHBERG:

Ten.

LEG. CILMI:

Wait, you didn't get my vote.

MR. RICHBERG:

Cilmi.

LEG. CILMI:

Thanks for that information. Yes.

MR. RICHBERG:

Eleven.

P.O. GREGORY:

All right. *I.R. 1293 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 Bonds to finance the cost of improvements and lighting at County Parks (CP 7079.111 and .312).* Do we have a motion?

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. LINDSAY:

Second.

P.O. GREGORY:

Second by Legislator Lindsay. Okay. Roll call.

LEG. D'AMARO:

On the motion, please.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. I just want to point out that this is a reconsideration, I believe, of a bond that we voted on once before, and is that true, is that correct?

COMMISSIONER DAWSON:

Yes.

LEG. D'AMARO:

When was the last vote on this?

COMMISSIONER DAWSON:

I believe it was last March.

LEG. D'AMARO:

So March.

COMMISSIONER DAWSON:

Of 2015.

LEG. D'AMARO:

So about a year ago, a little more than a year ago?

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

Right. And at that time, the bond did not pass, it only received nine votes.

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

And those voting no were Legislators Barraga, Trotta, D'Amaro, McCaffrey, Cilmi, Muratore and Krupski. And I'm just --

COMMISSIONER DAWSON:

There was no discussion on the motion, as I recall.

LEG. D'AMARO:

Yeah, I have the minutes in front of me, there was discussion.

COMMISSIONER DAWSON:

Oh, was there?

LEG. D'AMARO:

So there was discussion in committee. There was also discussion at -- I believe at the Legislature, right, where this bill was discussed and then defeated. So I'm just -- for the record, I'm not going to change my vote a year later. So if anyone's interested in talking more about it, that's fine, but we already considered this, we already debated it, and it's the same, it's the same bill.

P.O. GREGORY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Commissioner Dawson, can you -- can you give a rough estimate of how many calls you've gotten from Legislators requesting things we fix within the Parks Department?

COMMISSIONER DAWSON:

I get -- we get a number of phone calls. I mean, just last week, I got an email from Legislator Trotta. We've gotten -- we've done work for Legislator Hahn. Legislator Cilmi had requested some work on the tennis courts last year. I believe Legislator Krupski would like some work done at Cedar Beach. And all these projects come out of that one -- out of that one capital account, so it's our general improvement to parks. It's our general improvement to parks. I think, Legislator D'Amaro, I think your office has called last year with improvements that they wanted to see done up at Reservoir Road in West Hills as well. So, I mean, that's where the money goes, it goes to funding these types of projects.

LEG. LINDSAY:

And I don't -- I think my office would be no different. I probably get more calls regarding the conditions of our parks than some -- most other issues. And I think it just goes to the fact that most of our residents utilize the parks to such a high extent that they ask they be maintained at a certain level.

COMMISSIONER DAWSON:

We have millions of park visitors every year. We generate \$11 million in revenue within the Department. It will probably jump to eleven-five this year with the recent fee increases. It costs money to operate, maintain and repair parks, and this is the fund that it comes from. So if it's not funded, I really don't know how we're going to make improvements.

LEG. LINDSAY:

Also, just if you could give an historical overview of what's happened to your budget over the last four years. I'm sure it's similar to most other departments that have been cut, but if you could talk briefly about how much your budget has been reduced versus how much the user amounts that you've had in the parks over that same period.

COMMISSIONER DAWSON:

And that's a good point. I know this point has been raised on a number of occasions when I come in, and capital question comes up, and Legislator Anker just asked about it, you know, can we take this money out of our operating expenses. Well, our operating expenses, just since I've been here in the four years, has gone from 17.1 million to -- I think the budget for 2015 was 13.5. So the Operating Budget continues to decrease, yet our usership stays the same, and our revenues either stay the same or increase. So it's -- like I said, these are -- these are funds -- we need to make repairs to parks. I mean, I don't know how else to -- I don't know how else to explain it.

LEG. LINDSAY:

My final question is didn't we just increase some of the fees that we were charging at some of the parks?

COMMISSIONER DAWSON:

We did. We raised our fees by roughly 10%. So, again, the revenues came in in 2015 at 10.9 million, so my estimate -- my estimate for 2017 -- actually, my estimate for 2016 will now be increased to probably eleven-five. And we're preparing the 2017 budget now. It will probably be somewhere around there, eleven-five to eleven-six million.

LEG. LINDSAY:

So without these funds, we're going to be charging more money for less service, because we're not going to be able to maintain the parks in the same -- in the manner in which we have in the past; is that correct?

COMMISSIONER DAWSON:

That's correct.

LEG. LINDSAY:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

Commissioner, as far as the repairs, are there safety concerns or health concerns?

COMMISSIONER DAWSON:

Well, we take care of safety concerns first, and then revenue-producing area second. So, yes, if there was a problem with -- we just recently had an issue with the playground at Smith Point County Park. Fortunately, we have a capital fund for Smith Point County Park. But if we have an issue with a playground in any park, that's where the fund could -- that's where it would come from.

LEG. ANKER:

But is there a way you could bring us that information to the Legislature, so we can see and maybe show the Legislators that are not supportive of providing the bonding, you know, so they can really see this is where the taxpayer dollars are going to? And, you know, again, I'm not sure why the people who did not vote for this, you know, why they voted it down, but, you know, especially if it's a safety concern, and it's basically the tax dollars being put to good use. You know, I'm just curious how we can provide additional information to convince them that this is an important use of funding.

COMMISSIONER DAWSON:

We could certainly do that. And the other thing is we do utilize this fund for any emergency repairs that we have to do. Like take, for instance, when Sandy came through, we had money in the Capital Budget that enabled us to get the golf courses back up and running and do all the removal that we needed to do. Now, granted, that money was reimbursed through FEMA, but it doesn't go back into the capital funds. So that money is spent, it's spent on repairs. At any given time we could have a hurricane, a tree could come down and crush a -- take out a roof on a park house, you know. And, again, if we don't have the money in the budget, we certainly won't be able to make those repairs.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. Commissioner, the call that you're referring to from my office came from a constituent --

COMMISSIONER DAWSON:

Correct.

LEG. D'AMARO:

-- who had asked if there could be some repaving. I believe it was in West Hills County Park.

COMMISSIONER DAWSON:

Yeah, it was up in Reservoir Road, I believe.

LEG. D'AMARO:

Right. And your office informed my office that there was insufficient funding to do that.

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

Right. And then we, in turn, informed the constituent, and that was the end of the matter. So I don't understand why you're bringing that up today.

COMMISSIONER DAWSON:

I'm just saying that we do get requests from Legislators.

LEG. D'AMARO:

Yeah, but what's the point of bringing that up?

LEG. HAHN:

Someone asked.

LEG. LINDSAY:

I asked the question, Lou.

COMMISSIONER DAWSON:

It was asked.

LEG. LINDSAY:

Legislator D'Amaro, I asked the question as to if you get calls from other Legislators, because I know my office calls them periodically with complaints and issues that we have within the parks.

LEG. D'AMARO:

Right. I mean, I think it's our job to forward our constituents' requests to the various departments, and then we ask that the departments live within their means and our budget, right?

COMMISSIONER DAWSON:

And we do live within our means and our budget. This money was appropriated.

LEG. D'AMARO:

So how many repairs didn't go forward last year because we didn't pass this?

COMMISSIONER DAWSON:

I don't have that number.

LEG. D'AMARO:

Oh, you don't have it, but you know who made phone calls to your office, but you don't know how many repairs. So are you saying that the County parks are in subpar shape, or what are you trying to say here?

COMMISSIONER DAWSON:

I'm saying that we need to make repairs to our County parks on an ongoing basis, and if we don't have funding to do that, we can't.

LEG. D'AMARO:

Right, but we didn't have the funding last year to do it. We didn't pass this last year.

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

So where did you get the funding from?

COMMISSIONER DAWSON:

We did not get the funding, we did not make the repairs.

LEG. D'AMARO:

Okay. And so you still generated revenue from the County parks, though.

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

But the sky didn't fall in and --

COMMISSIONER DAWSON:

No, the sky is not --

LEG. D'AMARO:

-- we didn't go out of business, the roof didn't fall in.

COMMISSIONER DAWSON:

But eventually, when --

LEG. D'AMARO:

But you make the same argument every time. Of course, eventually things need to be repaired, and I recognize that, but do you have specific listing of what repairs we're talking about for the 250,000 we need to borrow?

COMMISSIONER DAWSON:

I listed a number of -- I listed a number of sites that I would like to take care of. But, again, the list can be exhausted. I mean, there are 18 Legislators here. Obviously, everybody would like work to be done in their district.

LEG. D'AMARO:

I know, but that's not -- obviously, everyone would like in a perfect world. We can talk about that all day, but I'm talking about within our budget constraints, when we didn't pass the bond last year because we're very mindful of the fact that the County is awash in debt, okay, and we're trying to prioritize what we bond and what we spend and what we borrow for. And you come here and you tell me the same thing, and now you're citing the fact that I passed on a constituent matter to your office as justification for spending? I don't understand that.

COMMISSIONER DAWSON:

That's not what I said. I was asked if we've gotten -- if we've gotten requests from Legislators, and we have.

LEG. D'AMARO:

I don't see the relevancy of that. I mean, of course, you're going to get requests. The whole point is that we try and prioritize and put our funding where we can -- you know, where it's mostly

needed.

COMMISSIONER DAWSON:

We do.

LEG. D'AMARO:

And that's what we're asking you to do as Commissioner.

COMMISSIONER DAWSON:

And we do, and we budgeted \$200,000 for improvements.

LEG. D'AMARO:

But are you somehow trying to say the fact that my office passed on a constituent request should somehow change my mind on this resolution?

COMMISSIONER DAWSON:

No, Legislator. If you want to vote no, that's entirely your prerogative.

LEG. D'AMARO:

So we didn't pass this bond last year, and you came in here today citing how much money the golf courses are making for us. So maybe we did the right thing last year, then.

COMMISSIONER DAWSON:

Well, actually that was a different bond. That one passed. This is for improvements to -- this is for improvements to parkland.

LEG. D'AMARO:

No, it's the same, it's the same bond.

COMMISSIONER DAWSON:

No.

LEG. D'AMARO:

Two-fifty.

COMMISSIONER DAWSON:

No. Aren't we on -- aren't we on improvements to --

P.O. GREGORY:

We're on 1293.

LEG. D'AMARO:

Improvements and lighting at County parks.

COMMISSIONER DAWSON:

We did not pass the bond for the golf courses, too, but that's a whole 'nother -- that's a 'nother issue.

LEG. D'AMARO:

Yeah. No, I'm not talking about the -- I'm talking about this bond that we're considering now.

COMMISSIONER DAWSON:

This is for improvement to parkland.

LEG. D'AMARO:
Right, and lighting.

COMMISSIONER DAWSON:
And lighting.

LEG. D'AMARO:
Right. So this is the one that we declined to pass last year.

COMMISSIONER DAWSON:
Right, but you just mentioned golf course, so I'm saying that was --

LEG. D'AMARO:
So is this -- is this part of the 2016 Capital Budget?

COMMISSIONER DAWSON:
This is part of the 2015 Capital Budget that you did not pass. We have been mindful of the financial constraints of the County. We --

LEG. D'AMARO:
But you weren't, because you came in here last year and asked us to pass the same bond.

COMMISSIONER DAWSON:
Legislator, I --

LEG. D'AMARO:
It's like if the money just staring you in the face, let's just appropriate it.

COMMISSIONER DAWSON:
If I could tell you the cuts that we have made in the last four years, that we're not --

LEG. D'AMARO:
No, I appreciate that, I do, I do. I appreciate that you've made cuts, I do, I really do. I know it's difficult for everybody, I understand that, but we already said that we don't think the time is right to pass this resolution. So what's changed between March of last year and this year?

COMMISSIONER DAWSON:
The fact that we don't have any money budgeted for 2016 either. We did not put any money into the 2016 capital budget for improvement to parklands, with the anticipation that we would -- this \$200,000 actually --

LEG. D'AMARO:
So we specifically passed a Capital Budget that didn't include funding for 2016?

COMMISSIONER DAWSON:
Correct.

LEG. D'AMARO:
And we said no to the 2015 funding, and, yet, how do we -- you know, Dr. Lipp, can I ask you -- I mean, how do we -- are we appropriating 2015 funding, is that what we're doing here?

MR. LIPP:

We did the appropriating resolution in 2015. The bond, as you said, the bonding --

LEG. D'AMARO:

Okay, appropriating, right.

MR. LIPP:

Right. So the separate one is a bonding resolution that failed with 12 voters, plus the 10. And they're coming back now with -- we had the appropriations, but they don't have the authorization to do the bonding. That's what they're asking for now.

COMMISSIONER DAWSON:

And I believe there were two Legislators at that vote, Legislator Kennedy was not elected in yet, and I think Legislator Browning was on vacation.

MR. LIPP:

Right. So as you said before, this is the second bite at the apple.

LEG. D'AMARO:

Oh, even if they vote -- both voted yes, you only got to 11. My point is that this was funding from 2015. 2015 is over. It's -- we said no in 2015 to 2015 funding, but we happened to pass the authorizing resolution with more than 10 -- with 10 or more votes. So then in 2016, there's zero appropriation for this, correct?

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

In the capital -- our planning document, our Capital Budget?

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

Right? So now we're coming back and saying, "You know that money you told me not to spend, I want to spend it now." I don't -- you know, from a budgeting standpoint, I don't understand how we could even be doing that, frankly. But the funding doesn't lapse if it's not appropriated in the year that it's enacted for?

MR. LIPP:

So you have five years, a five-year rule.

LEG. D'AMARO:

Oh, it's been -- so we passed the appropriating legislation.

MR. LIPP:

Right. So, in theory, it could just sit there for -- and then be -- they could issue the money, encumber it whenever they're ready within five years. If they haven't spent a dime in five years, then it could expire.

LEG. D'AMARO:

And that's when we look to close out the project?

MR. LIPP:

Exactly, the five-year rule.

LEG. D'AMARO:

All right. That makes -- that does make sense to me. Well, all I can say is that we didn't pass this in 2015, and we seem to have gotten through the year. I don't see why we need to pass it in 2016, other than the fact that my office called yours and said we needed to pave a road.

COMMISSIONER DAWSON:

Because the parks continue to deteriorate year after year, and what are we --

LEG. D'AMARO:

What does that mean, they continue -- you mean, there's no maintenance being done in our parks at all?

COMMISSIONER DAWSON:

There is no capital maintenance done. We have a very limited operating budget. I think my budget is \$75,000 for building materials, and that is to maintain, with the exception of golf courses and historic properties, that's to maintain every single park that we have from Montauk to --

LEG. D'AMARO:

It's funny you should mention that, because the last time we talked about this bill when it was defeated, I think Legislator Cilmi had actually made the point that this is not something we should even be bonding for in the first place, it should be more of Operating Budget. See, that's the thing. We pass an Operating Budget to live within certain constraints, but then we kind of do an end run around that and bond another quarter of a million.

COMMISSIONER DAWSON:

But we're not.

LEG. D'AMARO:

Like if there's any department that I want to live within its means, it would be the Parks Department.

COMMISSIONER DAWSON:

I could tell you, we are more than -- we are certainly within our means. Our budget has been cut year after year after year and we continue to do more with less. Eventually, you have to make some -- make some investments into the parks. I don't know what else to say. I mean, a \$200,000 capital expenditure for all the parks in Suffolk County, it's one of the largest County -- one of the largest -- I think is the largest park system in the country, absent State parks, and I think it's bigger than three State park systems. I mean, you have to invest money into it, especially when you're generating \$11 1/2 million dollars a year in revenue that we can't --

LEG. D'AMARO:

Right, which you did last year without passing the bond.

COMMISSIONER DAWSON:

Okay. So, if this year, you know, a park house goes down, or we have -- or we have another Sandy and there's no money to make those repairs, what do we do?

LEG. D'AMARO:

Give me one project that we need to do with this funding that jeopardizes public safety.

LEG. LINDSAY:

If I could -- through the Chair, if I could intervene there. I have one in my district, Cherry Avenue Park. We have a children's handicapped accessible park that is across the parking lot from a soccer field, where we have kids literally running across the parking lot, that's not paved, that there's potholes big enough for the kids to fall into, with no markings for a crosswalk, no sidewalks in place, and it definitely is a public health hazard. That's why I'm advocating for this funding, because that's one of the projects that I've been trying to fight for. It's an issue that we get a lot of phone calls from parents. It's a very busy park. There's a dog park adjacent to it. The soccer fields have hundreds of people come in every weekend for games, and there's a lot of kids running around, and it's undoubtedly a hazard to those children.

LEG. D'AMARO:

We don't want to kill any children, that's for sure.

LEG. LINDSAY:

No, not at all. And one lawsuit from one kid getting hurt, getting hit by a car running across the parking lot is going to be 20 times this amount.

LEG. D'AMARO:

Right, right. I'm sure that would be tragic if that occurred, and I certainly don't want that blood on my hands if I vote no on this bill, okay? But, nonetheless, I ask the Commissioner, have you sat down and prioritized, if we're going to give you the 250, where we're spending this and what priorities need to be set or have been set?

COMMISSIONER DAWSON:

Yeah. We're prioritizing the playgrounds right now. I know we have the playground at Cathedral Pines. I'd like to take the slide out of there. It needs to be -- it needs to be replaced. And the playground at Blydenburgh is getting -- its getting kind of old. So, I mean, I understand \$200,000 is a lot of money, but in the scheme of things, I could probably spend it on three projects. If you'd like me to come back next week with a list of those top three projects, I could certainly do that.

LEG. D'AMARO:

Well, I do give, you know, credibility and weight to your testimony, as the Parks Commissioner, that there are certain things that need to be done, I don't doubt that.

COMMISSIONER DAWSON:

Thank you.

LEG. D'AMARO:

I mean, I don't -- I understand the argument, that you need to make an investment in the parks if you want to keep them where they should be and meet people's expectations. But, you know, again, as a matter of prioritizing our bonding, we did without it last year, and I just was looking for more of a justification this year.

COMMISSIONER DAWSON:

The only thing I could tell you, we're one year further in to wear and tear and maintenance needs in the County parks.

LEG. D'AMARO:

So what?

COMMISSIONER DAWSON:

It's my job to keep them up to par and I need funding to do that. And I don't think it's too much to

ask, when -- again, when you generate over -- I mean, we're almost --

LEG. D'AMARO:

But it's not how much you generate, it's not even relevant. What's relevant to me is are the parks in such a state of disrepair to justify doing -- making these expenditures at this time? And it's a little hard to believe that as the Commissioner of Parks, that you don't have an answer to me for that, other than to tell me you feel that the playground needs to be replaced.

COMMISSIONER DAWSON:

I'm not going to stand here and tell you that the parks are dilapidated. I'm telling you --

LEG. D'AMARO:

No, I wouldn't expect that. I know they're not.

COMMISSIONER DAWSON:

I'm telling you that when you own a park system, or you own a house, or you own anything, you need to put basic maintenance into it, and we did not do that last year. And with this, we're not going to do it again next year. And if the discussion is any indication, it doesn't sound like 2017 is going to be all that much better. So, when we -- you know, we need to have funding to run our parks. And I disagree, that the revenue shows the amount of usage that we get and the people that come to our facilities.

LEG. D'AMARO:

I think that if we pass -- if we don't pass this resolution, the parks will run, and I think that they'll generate the same revenue either way. And if there are specific projects that need to be completed, you have some operating funds to do that. And you're not giving me any kind of indication as to a real need for the 250 in this bonding resolution. Anyway, I don't want to belabor it. Thank you.

P.O. GREGORY:

Okay. Thank you. We do have a long list. Legislator Krupski.

LEG. KRUPSKI:

Thank you. And just to note, I did not vote on that 1290A thinking it was what it was, so I would like to make a motion to reconsider that after we vote on this. Thank you.

P.O. GREGORY:

Okay.

LEG. KRUPSKI:

So on this, on this bill, though, and I know we had a lengthy discussion about it, and I'd just like to -- you know, you mentioned Cedar Beach. So I would like to say we get many complaints about just filling in the holes in the parking lot. It doesn't have to be paved, just to fill the holes in. You know, it's a nice bay beach, and it has no -- nothing besides a sort of paved parking lot.

COMMISSIONER DAWSON:

I understand.

LEG. KRUPSKI:

And I would like to -- you know, there was a lot of mention about safety concern. I would like to thank you publicly. You did take down a derelict house there, which had been a real serious safety hazard. And it's gone and now it looks fine, it's no longer a safety hazard, and I would like to thank you for doing that. That was very much appreciated by the community.

COMMISSIONER DAWSON:

Thank you.

LEG. KRUPSKI:

There was a citizens committee for the North Fork Preserve, who was authorized by this Legislature. We met for -- last year. I don't think we'll meet again. We're authorized to meet for two years. We've sent recommendations to the Commissioner. Most of the recommendations centered around not the grand scheme of developing the preserve from when it was purchased, but, rather, just from maintenance of the trails. Any of this money, could any of that money be used for just basic maintenance to the trails, just to keep it -- you know, it's 300 acres, just to let people get in there and walk through it and have access to it.

COMMISSIONER DAWSON:

I know you'd like to hear yes and -- but, I mean, that generally comes out of our operating funds. And if we look to purchase equipment, we do have a heavy equipment account to purchase a tractor or whatnot to go through there and put staffing in there. But what we do at a place like North Fork Preserve is, you know, to kind of cull out the deer herd up there, we opened that up as one of our hunting -- as one of our hunting sites. So funding was used from a couple of years ago to put in parking, and split rail fence, and we can open up hunting in that location. So those are the things that we can do. As far as maintaining trails, we understand we need to do that, but that more comes out of the Operating Fund.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Thank you. So if I think back to when this was originally voted on, I was -- I was probably among the "no" votes, because the -- there was probably not a heck of a lot of specificity as to where this money was going to be spent. And, you know, we have a -- this 5-25-5 resolution that we seem to sort of override every year, I guess, but I believe in that resolution. And if we're going to give you sort of a lump sum of money that you're going to use for a variety of parks repairs and maintenance, I think that should happen out of the Operating Fund.

And I think Legislator D'Amaro makes a good point in that, you know, we voted against this last year. In fact, I've just asked our Counsel to come up with a way to sort of rescind an appropriation when we appropriate -- when we vote in the affirmative for an appropriating resolution, but then we don't appropriate -- then we don't approve the bond. I think in some ways we're sort of debating here the appropriating resolution when it's really the bond that's in front of us.

So for me, Commissioner, I think you're very, very frugal, and appropriately so, when it comes to our parks. I think you're very careful about how you spend our taxpayers' money in our parks system. I think by and large, our parks are sort of acceptable. You know, they sort of cut the mustard, if you will. They're not exceptional by any stretch of the imagination. They're not, you know, outrageous in terms of the amenities that we offer, for the most part, with the exception of one possible beach hut here or there, not to bring that up, but --

(*Laughter*)

So, I mean, for me, maybe if you want us to bond money, especially a quarter of a million dollars,

for a variety of repairs, then maybe you should present us with, you know, a list of the repairs that you're intending to do with that money, or at least some sort of a schedule of maintenance of our parks that, you know, you hope to accomplish with the funding that we're appropriating, so we know what we're doing here.

COMMISSIONER DAWSON:

Okay. Yeah, I thought that would end with the backup documentation on a number of the projects that we're looking to do. And I don't want to say I necessarily disagree with you, but, you know, whether I get it from operating money or whether I get it from capital bonding, the money needs to be there, and those are policy decisions that are made way above, you know, that lies with you guys and lies with the Exec's Office, you know. And if we're preparing the 2017 budget now, I don't think anybody's running forward to give me an extra \$250,000 in my operating expense to take care of these things, so.

LEG. CILMI:

Well, you know, I mean, I think there -- I think that we should, then. I would much rather pay -- I would much rather pay for operating expenses out of operating funds than borrow money, pretend that we are affording what we're paying for, which we're not really affording, because we're just kicking the can down the road to when we have to pay off those bonds, as our bonded indebtedness has gone up tremendously in this County. So let's -- let's budget for the money out of operating expenses, and if we can't budget for the money out of operating expenses, then we shouldn't be doing it.

COMMISSIONER DAWSON:

But we still need --

LEG. CILMI:

If we can't maintain the parks properly, then we shouldn't have the park, whatever the park may be that we're maintaining.

COMMISSIONER DAWSON:

I think I disagree. I know we keep going back to this revenue-producing line, but people do pay sales tax, they do pay property taxes to have -- that's why people move to Long Island --

LEG. CILMI:

I agree with you completely.

COMMISSIONER DAWSON:

-- to have nice parks.

LEG. CILMI:

No, I agree.

COMMISSIONER DAWSON:

And between the revenue that we generate and the taxes that people pay, I think that we're -- I think that we're covering our own and --

LEG. CILMI:

Greg, I agree with you completely. I completely agree with you, and I think the money should be -- I think you should have ample funding in the Operating Budget to -- as an investment in our maintenance of our parks so that we get that investment back in terms of our parks fees and whatnot.

So I'm going to remain consistent with my original vote on this particular bond for two reasons. Number one, we already voted -- I already voted against it. It was last year's -- it was last year's bill. To me, I think the bond should -- the whole thing should have died at the point that we killed the bond last time. I think the money should be in the operating budget. However, that said, if we find a way to rescind the original appropriation and we go and we -- you issue another -- the County Executive issues another appropriating bill, let's have some specificity in terms of exactly what it's going to be spent for and we'll do it at that point. All right?

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Oh, my turn. Okay. I'll tell you what, take a trip down to Smith Point; \$250,000 doesn't cut it. Smith Point is one of the highest visited parks, beautiful beach. We have the most disgusting bathrooms, disgusting parking lot, poor lighting. The campsite, the bathrooms are disgusting, and the Commissioner has heard from me. And I know this is Rob's district, but my constituents and many people think it's mine. I get a lot of phone calls about Smith Point Beach and the condition of that place. For years that has not been maintained. And like your home, if you don't take care of it, it's going to get worse.

My Aide and I went down, we went to all the bathrooms. The showers were leaking. Some of them weren't working.

LEG. CILMI:

But, Kate, if I may.

LEG. BROWNING:

I don't even want to tell you the pictures he took. The urinals were disgusting. I mean, it was just beyond. It's embarrassing, because we have so many people coming to Smith Point Beach from other states, from all over the Island to spend the day, and then I get phone calls about the condition of our parks. We need to do something about them, it's disgusting.

LEG. CILMI:

I won't disagree with you, but I don't want to borrow money to fix leaky faucets.

LEG. BROWNING:

It's not just leaky faucets. The parking lot is dangerous. I don't think that parking lots been paved in the ten years I've been here. I know that there's a plan to try and fix that parking lot. The lighting is very inadequate. You have people leaving the park, it's dark at night, and they're getting to their cars, it's not safe, and I know that there is a plan for that. But, you know, the playground, I've been in touch with him over the playground. Another handicapped accessible playground, it's been roped off and closed off because it's too dangerous for the kids to play on it.

LEG. CILMI:

Why? What's wrong with it?

LEG. BROWNING:

It's falling apart. It's not being maintained.

LEG. CILMI:

Okay. So then we should -- then somebody should present us with a resolution to appropriate money to replace or repair the playground. Tell us how much money that's going to cost specifically, and let's vote on that by itself and be done with it.

LEG. BROWNING:

I would advise that all of you go down and take a trip down to Smith Point and take a look at the condition of that place. From the minute you drive in, the parking lot, the conditions of the bathrooms over in the campsite, the playground, to name a few, it is really -- it's gotten to the point, it's getting beyond repair because of the neglect, and, again, holding off, let's not do it this year, let's not do it this year, and it's just -- it's making matters worse.

LEG. CILMI:

I'd be -- I'd even be satisfied with a resolution that said we're appropriating "X" amount of money for upgrades and maintenance at Smith Point Park. At least it's specific at that point. Now, again, I'm not -- I'm not going to bond money to replace or repair faucets or leaky showers. But if the repairs are substantive -- substantial to the extent that we would normally bond, you know, those expenses anyway, such as replacement of a playground, or replacement of a parking lot, or whatever, then we can do that.

LEG. BROWNING:

Right. But the fact is, is that they've been leaking and they've been in that condition for so long, you're talking now it wasn't just replacing a faucet, it's probably major plumbing work that needs to be done now, and that's a problem. It needs a total overhaul.

And as far as Cathedral Pines, Commissioner, the Cathedral Pines --

COMMISSIONER DAWSON:

I'm sorry, Legislator.

LEG. BROWNING:

I hate to tell you, my grandson loves that big slide, the one in Cathedral Pines.

COMMISSIONER DAWSON:

Yes.

LEG. BROWNING:

That is his favorite slide, so I don't want to hear you're taking it down.

*(*Laughter*)*

COMMISSIONER DAWSON:

We'll have a conversation about that off the record on that slide.

LEG. BROWNING:

But, no, this is --

COMMISSIONER DAWSON:

That's probably the tallest slide I've ever seen.

LEG. BROWNING:

It's been for too many years the parks have been neglected, and we have people from all over coming to visit our parks. And, really, it's a shame, it's an embarrassment. And living in the Town of Brookhaven, when I go to Davis Park, the bathrooms at Davis Park are immaculate. When I go to the local ball fields and look at the bathrooms that the Town of Brookhaven has fixed up and redone, they're immaculate, and they're so well maintained. So it is -- it's embarrassing when I look at what the Town is doing versus what the County is doing. It's really, really a shame. Thank

you, Commissioner, and I'll vote for this.

COMMISSIONER DAWSON:

Thank you.

P.O. GREGORY:

Legislator Calarco.

D.P.O. CALARCO:

Thank you. You know, I certainly appreciate the concerns that are being expressed in terms of us needing to, you know, show restraint in our spending and make sure that we are doing things that are -- only that are necessary, and especially given, you know, our fiscal constraints that we've been under for some years now. But, you know, at the end of the day, the County, the face of the County is really only three things when you think about it, what people sees us as. It's our Police Department that they see out in the street every day, it's our roads that people travel, and it's our parks. And, you know, most people in the County don't interact with social services who are our biggest budget, you know, number. They don't interact with the Health Department very regularly, which is our biggest -- one of our biggest departments. They use our park system, and the parks are the face of our system, of the County in many ways. And when people are frustrated that they don't see our government working, it's because they go into our parks, and, you know, Commissioner Dawson didn't want to say it, but I'll say it, they're in shambles.

I fielded calls all last summer from residents going to Smith Point Park, because it's a mess. The playgrounds are rusted out and had to be closed for the entire season, because they weren't in proper repair. The bathrooms, quite honestly, need a complete overhaul. The parking lots are a mess. You go to any of the other parks, they're not in much better shape.

You know, we have put off maintaining the parks because it's easy to say these are hard fiscal times, parks are not our number one priority, and we've done it over and over and over again. The Commissioner has no money in his budget for these repairs, to any of our parks for this year's Capital Budget. And the Capital Budget, I understand, is a planning document, it doesn't commit us to anything, but it's a planning document so that we can plan. The Commissioner plans what repairs he needs to do, what he needs to do to take care of the parks system based on the money that is put in the Capital Budget, and when we don't give it to him, it impairs those plans to be able to move forward. And, quite honestly, it's just a matter of time until we all keep getting complaints.

Listen, I got another one, Mud Creek Dog Park in my district. The dogs are -- and it's a complete mess. The people are coming down. The residents of the neighborhood are complaining because the dogs are getting out in the neighborhood and attacking dogs, you know, attacking people who are walking down the block. It is -- there are needs that need to be addressed in the County's parks system, and the taxpayers expect those parks to be in good repair. And if you ever listen to what people say, they always complain about our roads being a mess, the litter all over our roadways, and our parks not being maintained in the way they are in other parts of the country, because that is the face of the County, and that's why we need to make sure we continue to make these investments.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

So I'm -- I have to define a question, because I kind of been agreeing with everybody so far, and I -- you know, with Smith Point basically being our flagship ocean beach, and the way you treat your flagship shouldn't be, "Let's put it off another ten years because we are in tough fiscal times." We

are constantly talking about attracting tourists and getting them to come back, and economic development, and ways to get folks to come to Long Island and enjoy what we have to offer. And, really, why people come here is to use, and why they stay here, is to use our beaches and our natural resources.

We live in a phenomenally beautiful place, and it's just a shame, and it's not the Commissioner's fault. You know, he's struggling to get these small, little, tiny patches -- you know, really, they're patches. And, clearly, at our flagship ocean beach, we should have new bathroom facilities. Five years of rusty running water, and pipes, and old tiles, and chipped paint, and broken windows, and mirrors that you can't even look in is embarrassing, and it's problematic, and it could turn people away, vacationers.

And so we have to come up with -- we need to provide this now, but I think we, as a Legislature, the Parks Committee maybe particularly working with the Parks Department, need to think, you know, or find a recurring revenue stream for this, something. This is very problematic, that we are allowing this to happen, not to maintain at the level that is expected for, you know, the first County in the Empire State. So we really need to take care of our gems of our land and take care of our parkland, and especially our flagship facilities, where, you know, most of our visitors are visiting.

So I had some other questions, but I think most of them were answered. If not, I'll get on the list again. Thank you.

COMMISSIONER DAWSON:

And on that point, I'd also like to point out that this used to -- we used to have a number of capital projects, like one of which was improvements to newly acquired parkland. We don't have that one anymore, so this fund, if -- excuse me. If we -- if we purchase a new piece of parkland, which we do routinely, and it needs -- I shouldn't say fence, because we have a lot of fence. It needs signage, it needs new trails, it needs whatever it is that this body decides that we need at that new piece of parkland, this is the fund that makes improvements to that piece of property. It needs swing gates to keep out ATVs.

LEG. HAHN:

Yeah. No. And I've been excited, even though, you know, we've used some Eagle Scouts. We've used the fencing from the Parks Department for a fairly new park in my district. Forsythe Meadow County Park was purchased in 2000, 36 acres in Stony Brook Village. And just in the past year, year-and-a-half, we added a new walking trail, and we've been able to have fencing put up where needed, and some signage where needed. And thanks to this fund, I assume, you've been able to make -- and a new parking lot, been able to make that happen so that people had access. We have this land and people have to have access and have the facilities. So, you know, yeah, I'm supportive. Thank you.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Commissioner.

COMMISSIONER DAWSON:

Yes, Legislator.

LEG. KENNEDY:

You're working -- you said you were working on the 2017 Capital Budget?

COMMISSIONER DAWSON:

We are working on the 2017 Capital Budget now.

LEG. KENNEDY:

Okay. Have you put in for any of these capital improvements into the 2017 budget?

COMMISSIONER DAWSON:

We did.

LEG. KENNEDY:

I realize why --

COMMISSIONER DAWSON:

We did put in for 7079. We put in for \$200,000 for next year. We did not put in -- I mean, I know we just passed golf courses, but we took a year off, so we didn't put anything in for the golf courses. Like we kind of alternate. Back in years past, our Capital Budget was in the 12, \$13 million range. I believe we're down to like less than -- about three now.

LEG. KENNEDY:

I realize that you're down to knock every year, I really do, but some of these things we do have to change and put in the Capital Program.

On 1293, if we were to table this today and you were to come back to us with a list of what it was going to be used for, would that cause great consternation?

COMMISSIONER DAWSON:

No, it would not. But, again, when I come back to this Legislative body of 18, \$200,000 does not go very far. So, you know, it's --

LEG. KENNEDY:

It's 250.

COMMISSIONER DAWSON:

Well, fifty, fifty is planning. We kind of hold that in abeyance, in case we have some kind of major emergency --

LEG. KENNEDY:

Okay.

COMMISSIONER DAWSON:

-- we need to do. So it's really \$200,000 in construction. So every district is not going to be represented, is all I can say. And if I could count on your support, even though the money is going to go for the project --

LEG. KENNEDY:

And that's understandable. That's understandable. With that amount of money, everybody can't be served.

COMMISSIONER DAWSON:

Correct.

LEG. KENNEDY:

And next year, in the Capital Budget, you put in for the other districts to be served, and you move it

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yearly with projects in each. I mean, where -- we should be adults, we should be able to handle that.

COMMISSIONER DAWSON:

We have budgeted money. At least the proposed budget is going to include another \$200,000 for this particular line for 2017. Whether it gets adopted or not, I can't really say.

LEG. KENNEDY:

Okay. Thank you.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

How many employees do you have now?

COMMISSIONER DAWSON:

Right now, I think my head count is at about 140, down from two -- I think -- I think I'm down 40 head count from where I was four years ago, independent of the 40 that we lost from Park Police. So we're down about 40 people.

LEG. TROTТА:

Forty people.

COMMISSIONER DAWSON:

Yeah.

LEG. TROTТА:

I vote no on almost every bond that's less than like two, 300, \$1,000, and this is no exception. I mean, this should clearly be in the Operating Budget. There's no reason why, you know, the County Executive should not -- I don't blame you at all. I think, you know, given the resources you have, you do an outstanding job. And I don't think it's this body's obligation to indebt every person out there for short-term operating functions. It's just -- it's not our -- it's what the County Executive should be doing. And we shouldn't be borrowing money to fix faucets.

COMMISSIONER DAWSON:

Well, I mean, I believe it's a team effort. And, again, my budget's gone down for all --

LEG. TROTТА:

I'm not blaming you. Listen, I'm complimenting you on what you've been able to do with less people and less money. But, you know, I'm not going to bond for stuff that should be being done, maintenance. I mean the County Executive has to manage his budget, and, clearly, he's not managing correctly, because all we do is lag, put off, borrow, so I'm not going to be part of that.

COMMISSIONER DAWSON:

I think the budget is voted on as well, so.

P.O. GREGORY:

Legislator McCaffrey.

LEG. MC CAFFREY:

Thank you. Commissioner, I know we had a discussion last time about this, and one of the issues that I raised, and it appears to be the same issue that I have now, is that out of -- it looks like it's

\$200,000 for these capital improvements and 50,000 in planning --

COMMISSIONER DAWSON:

Correct.

LEG. MC CAFFREY:

-- which is 25%, which is significantly higher than our usual 10% set-aside for this. I don't think I got a clear answer last time. Is there anything changed as to why we would be putting 25% for planning for -- or \$50,000 for \$200,000 worth of capital improvements?

COMMISSIONER DAWSON:

The planning money is just like -- we just kind of hold that in abeyance. We probably will not spend that money. We did -- we had -- we had existing funds back then that I don't think we have -- I don't believe we have anymore, so.

LEG. MC CAFFREY:

It just goes to the question of, you know, why would you ask for it if you're not sure how you're going to use it, just keep it on the side? We're going to be borrowing money for no specific purpose just to have it there at a time when our indebtedness is going up and we seem to be paying more and more borrowing, you know, to pay our daily bills. And it's that which just leads us to this -- to say no, you know, on many of these things, even though we don't want to.

You know, I'm in favor of parks, and it's a shame when you go to places in our best parks and they can't be fixed because of where we are financially and budgetarily, and we're just going about it the wrong way. You know, I'm concerned about, you know, no specifics in here. It would be great if you came to us and said, "I need \$200,000 and this is where I'm going to do it. I'm going to fix the leaky faucets in Smith Point, I'm going to fix the potholes in Legislator Lindsay's District, and in their park, and all these different things, and the Blydenburgh slide, and this is what it's going cost, and this is what I'm going to do." People would sit there and say, "You know, that's" -- you know, "Okay, I could understand that." And this is coming from somebody who doesn't really have a park in his -- the only park I have in my district is one that the Town of Babylon has agreed to take care of for us, you know, which is a great arrangement. If we sure worked it out with our towns, our appropriate towns, we wouldn't have these problems.

But, at the end of the day, I think the people here feel an obligation to the taxpayers to know what they're going to be bonding these things for long term, instead of just putting in -- and I don't want to use those words "slush fund", but that's almost what you said. In a contingency fund for planning, we're borrowing money for money we don't even know how we're going to spend it. And if we had some specifics as how we're going to do it, it would be a lot easier for us to do it.

I love parks, we need to make investments in them, but we need to know what we're doing, how we're spending it at a time when we seem to be borrowing and borrowing and borrowing instead of paying for the things out of our Operating Budget.

COMMISSIONER DAWSON:

I think I did give you a general spending plan in the backup documentation for the -- but you're right, it wasn't specific. It did not have --

LEG. MC CAFFREY:

Right.

COMMISSIONER DAWSON:

-- finite prices, but when we -- it's a general park improvement plan and it can -- anyway, I don't

know what to expect in 2016 or 2017, for that matter. Again, you know, we used a good bulk of this, a good bulk of this money after Sandy. We needed money to restore the golf courses. We needed money to do a ton of debris removal. The money wasn't there. I don't necessarily know where we would have gotten it, but --

LEG. MC CAFFREY:

I know, but holding a contingency isn't -- I mean, if you have a need -- I mean, we don't have these slush funds for the next Sandy coming along. And if you said, "Hey, Sandy came and we need to fix this," we can act pretty quickly on that kind of stuff. And we do CNs all the time and everything. Within a week they'd come up and we were be able to do that. So to put aside money, to borrow money to put it aside for a rainy day when we don't have the money to pay the interest on -- for the rainy-day fund, it just seems very difficult for us to do fiscally, and it kind of goes against what a lot of us, you know, believe in here.

COMMISSIONER DAWSON:

So you're saying you would support it if it was \$230,000 in construction and -- 230, and \$20,000 in planning, along with a spending plan?

LEG. MC CAFFREY:

It makes it -- it makes it a lot harder to support it when you're saying, "I'm going to put 50,000 in planning," which represents 25% of what the cost is for these capital improvements, which is significantly above what we would ever think about paying for. And without the specifics, it makes it very hard to do it. But if we came with specific improvements to these parks, I think it would be a lot easier for all of us who are either adamantly opposed or on the fence to be able to give you the support that you need to continue that work.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

I'll be brief. I just want to point out to Legislator Browning that in the current capital budget, there is separate line items for Smith's Point County Park for \$1 million. So I agree with you about, you know, if we can identify, as Legislator McCaffrey says, specific needs, and we've put it off for several years and now it's really warranted, and I understand that, I really do, but that's not what this bill is for. None of this funding, if passed, will go to that park, okay?

So I think it's important that we understand what we're voting on here. This is just general funding. And I agree, it should -- it would be better if it was operating funds. I mean, we don't have the money, frankly. And we have bonded for other things that perhaps should have been operating as well, and I don't want to go down that road too much. And if you can convince me that we need to bond for something that should be operating because there's a real dire emergency, and life safety, and all of that, I'm willing to listen on a case-by-case basis. But I cannot justify the 250,000 here for no specific purpose when our County debt is going up. This should be done out of operating funds, and there are certainly many other needs that we need to address before this one. So, you know, it's not going to Smith's Point, it's not going to a lot of different projects that have their own -- I'm sorry?

LEG. BROWNING:

Cathedral Pines.

LEG. D'AMARO:

I can't hear you.

COMMISSIONER DAWSON:

Well, yeah. I mean, I'm not against anything --

LEG. BROWNING:

You did say Cathedral Pines?

COMMISSIONER DAWSON:

I just took a beating over --

LEG. BROWNING:

Which is no better.

COMMISSIONER DAWSON:

-- Smith Point. I don't really want to get into the restrooms at Cupsogue campgrounds, that's another story.

LEG. D'AMARO:

Well, you know, we're talking about restrooms.

COMMISSIONER DAWSON:

We're talking about a lot of --

LEG. D'AMARO:

And Legislator Calarco eloquently talks about how taxpayers and our constituents expect our parks to be nice. But, you know, those are the taxpayers that go to the park and then leave Long Island because we tax them out of their homes when we pay the interest on our debt. So, you know, again, it's a valid argument that he makes. I know there's balance here, but I don't see how we turn down a bonding resolution a year ago and then just bring it back in the hopes that 2015 money that we said no in 2015, here, let's just keep trying. I mean, I -- this -- I almost think that this should be -- the law should be changed so that the appropriating legislation lapses.

COMMISSIONER DAWSON:

Well, in all fairness, there --

LEG. D'AMARO:

So we can -- Commissioner, please.

COMMISSIONER DAWSON:

I apologize.

LEG. D'AMARO:

That's okay, I'll give you an opportunity. So that we can debate the policy once again. I wouldn't mind that at all. You know, I think the way we look at it is when we vote on the bond, we're thinking more fiscally, than perhaps when you vote on the policy, you vote on the appropriating legislation. I think we're all agreeing that, you know, this is a great idea. You know, if we had the money, we'd like to do this, but we're not going to bond to do it, we can't afford to do it.

And I'm disappointed that for a \$200,000 or a \$250,000 expenditure, we really don't have specifics as to how this money is going to be spent. And if you have them, why not propose them in the Capital Budget as line items like you do for like Smith's Point? Why not?

COMMISSIONER DAWSON:

Because once you do that, then you're married to them. That's the only place --

LEG. D'AMARO:

Well, but that's the whole idea, I want you to be married to it, because we want to set those priorities.

COMMISSIONER DAWSON:

I do understand that --

LEG. D'AMARO:

Yeah.

COMMISSIONER DAWSON:

-- because we do have contingencies that come up, and we do have emergencies that take place.

LEG. D'AMARO:

Well, put it in the Operating Budget, then.

COMMISSIONER DAWSON:

Again, that's a policy --

LEG. D'AMARO:

Well, you know, here's the -- you know, here's the interest bill. Over ten years, to do basic maintenance and repair, to pay ten years worth of interest on that I think is just -- I mean, if we've gotten to that point, then we truly are in deep trouble, we truly are.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

So I just don't agree with it. Okay.

P.O. GREGORY:

I have a suggestion. Maybe I'll offer a motion to table.

LEG. SPENCER:

Second.

P.O. GREGORY:

Or maybe I won't offer a motion to table. All right. We have a motion to approve and a second.

LEG. D'AMARO:

I'll offer a motion to table.

P.O. GREGORY:

Okay.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second, okay. Tabling motion goes first. Roll call.

MR. RICHBERG:

Legislator Spencer -- sorry, Legislator D'Amaro.

(Roll Call by Mr. Richberg, Clerk of the Legislature)

LEG. D'AMARO:

Yes.

LEG. KENNEDY:

Yes. Yes, with a project list.

LEG. SPENCER:

Yes.

LEG. STERN:

No.

LEG. MC CAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yup.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No -- yes, I do.

LEG. D'AMARO:

Leave her alone.

LEG. TROTTA:

Pressure.

LEG. LINDSAY:

I already voted yes. I'm sorry, I already voted no.

LEG. ANKER:

Yes to table.

LEG. HAHN:

No to table.

LEG. MURATORE:

No to table.

LEG. BROWNING:

No.

LEG. FLEMING:

No.

LEG. KRUPSKI:

No.

D.P.O. CALARCO:

No.

P.O. GREGORY:

No.

MR. RICHBERG:

Nine.

P.O. GREGORY:

Okay. Tabling fails. Motion to approve. Roll call.

(Roll Call by Mr. Richberg, Clerk of the Legislature)

LEG. STERN:

Yes.

LEG. LINDSAY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

You voted yes.

LEG. SPENCER:

I want to table to get priorities if you're forcing me to vote. I don't like the process, but I think --

*(*Laughter*)*

LEG. MC CAFFREY:

Just get a new chair.

LEG. D'AMARO:

I vote no.

LEG. MC CAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Twelve.

P.O. GREGORY:

All right. That's 45 minutes I won't get back in my life.

(*Laughter*)

LEG. KRUPSKI:

Mr. Presiding Officer.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Could I make a motion to reconsider I.R. 1290A?

P.O. GREGORY:

Okay. I'll second.

LEG. KRUPSKI:

I would like to change my vote from an --

P.O. GREGORY:

Wait, wait.

LEG. KRUPSKI:

Oh, I'm sorry, to reconsider.

P.O. GREGORY:

All right. Motion to reconsider 1290A. Motion by Legislator Krupski, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Motion is -- the resolution is before us. I make a motion to approve.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. We're back to **1290A**. Al, when he had voted in the negative, was thinking he was voting on a different resolution. So all in favor? Opposed?

LEG. CILMI:

Roll call.

P.O. GREGORY:

Oh, I'm sorry, I'm sorry, I'm sorry. We have a motion and a second. Roll call.

(Roll Call by Mr. Richberg, Clerk of the Legislature)

P.O. GREGORY:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes. Thank you.

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

Okay.

LEG. MC CAFFREY:

Fifteen?

MR. RICHBERG:

Thirteen, sorry.

P.O. GREGORY:

All right. Back to Page 8, Home Rule. ***Home Rule No. 2 - Requesting the State of New York to discontinue use of certain land for park purposes (Senate Bill S.06873 and Assembly Bill A.02223) (Stern).***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern, second by Legislator Calarco. Anyone on the motion?

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Okay. This morning we had a gentleman come in and he said that this was put up for an RFP, and he was willing to bring the building up to historical standards and create six Veterans' apartments of which the County would make a profit on, and now we're giving it away. This is the reason why we don't have any money. Say it again.

MR. NOLAN:

Also, we need to get -- we need to get fair market value.

LEG. LINDSAY:

And they didn't respond to the RFP in time.

LEG. KENNEDY:

Okay. Fair market --

LEG. LINDSAY:

We're not --

LEG. STERN:

There's nothing being transferred free here, it's not being given away.

LEG. KENNEDY:

I did not see a cost, what we were getting paid for it, or is this a two-year thing?

LEG. STERN:

Yeah, exactly.

LEG. KENNEDY:

This is a two-year thing?

LEG. STERN:

It's premature at this point.

LEG. KENNEDY:

It better be a lot of money, because recurrent payments is what we as a County lack.

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

P.O. GREGORY:

Okay. Anyone else have any questions? So Legislator Stern?

LEG. STERN:

Yeah?

P.O. GREGORY:

So this property is --

LEG. STERN:

Yeah, so this is property that is part of Suffolk County parkland; it's better known as the Little Red Schoolhouse which has been vacant for many years and it is in a dilapidated condition, it is rundown, it is literally unusable. There is no plan at this point on the part of our Parks Department for improvements. It would take a substantial investment of County resources to bring it up to a level, a standard that it could be, once again, used for a public purpose.

A couple of years ago, Legislator Horsley, through his Legislative initiative, established a program where we could form public/private partnerships with partners in the community that -- with making an investment in some of our County structures that were not being utilized because of their dilapidated and dangerous conditions. If they made an investment, then that might be a way for us to be able to use some of the resources that we have in the County, save taxpayer dollars and, once again, return these historic buildings to a public use.

We did hear a presenter today talk about a vision on the part of a private business in our community, and I think he did mention that at the time they had made a proposal, the Elwood Library had also made a proposal to enter into a partnership with the County. They have a vision to utilize the property, that they would restore it, and not just restore it in its historical context, but also bring it up to code and ADA and make it into a library building for the community. I was not a part of that process, but my assumption here is that the library's vision to restore it to its former splendor, bring it up to code and continue to make it available for public use was the vision that was the one that was favored at the time. We -- if I recall, there is a formal resolution on the part of the library trustees that this is something that they want to enter into.

This is the very first step in what would be a several step process. If this resolution is approved here, it then needs to go to the State which ultimately has the authority on whether or not to allow this type of a use for what is public parkland. It would then come back to this Legislature with Legislator Kennedy, many of the specifics that would then go out to referendum that are not available at this point, at this early stage. But I agree with you, that if this is something that is going to go forward, if it is something that's going to go on the ballot subject to referendum, there would have to be specifics, there would have to be a vision, there would have to be a plan, we would have to determine what fair market value is and make sure that proper compensation is coming back to the county and to our taxpayers.

But this is the very first step in what is a several step process

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. And I've got a question, think maybe to the Commissioner. Are there other parcels

that we own that for whatever reason were purchased over the years that we can't maintain that maybe would be better going to a different entity like this, as an example? And then we could kind of look at those in the context of saying maybe they should be in private hands, back on the tax rolls, etcetera, etcetera, where we're struggling to maintain all the historic buildings that we have.

COMMISSIONER DAWSON:

That's a pretty long question. We do have facilities and we generally do not -- we generally do not want -- we'll try to convey them. But in this particular instance, we went out for an RFP, as I think Legislator Kennedy alluded to, went out for the RFP through a bill that was sponsored by Legislator Horsley at the time, specifically to convert these historic structures, rehabilitate these historic structures with a public/private partnership. So that's where this one originated from.

I'm not so sure that we got a bid back on -- I know we got it on Black Duck Lodge. I don't think that that group bid on the Elwood Schoolhouse. But even if they -- I know that at least with the Black Duck Lodge, the committee that did the RFP wasn't really enthusiastic about that proposal because they would have had to make such drastic changes to the structure to actually turn it into apartments, it would take away from its historic nature.

P.O. GREGORY:

You're done? Okay, Legislator Kennedy.

LEG. KENNEDY:

Okay, the gentleman this morning said they did apply for the RFP?

COMMISSIONER DAWSON:

They did.

LEG. KENNEDY:

And I'm just going by that. My other question is since it's parkland, we could not give it to them because to make six units of veterans housing; is that the truth, that a building could not be used for six units of veterans housing?

COMMISSIONER DAWSON:

That's a legal question. We didn't -- we weren't entertaining it. The proposals were -- and again, I'm more familiar with Black Duck Lodge. I didn't look at the RFPs, but to my recollection, we got two in for Black Duck Lodge and one in for the Elwood Schoolhouse. The gentleman said that he bid on it, it's quite possible that he did. But in the Black Duck Lodge proposal, he was going to have to segregate the building, make formal apartments in it which would not have passed muster with the Historic Trust. We have to fall within certain guidelines with buildings on a historic register and he would not be able to convert it into apartments and still keep the --

LEG. KENNEDY:

And the Little Red Schoolhouse is on the Historic Register?

COMMISSIONER DAWSON:

It's listed.

LEG. KENNEDY:

I think it is, yeah.

COMMISSIONER DAWSON:

Yeah, I believe it's listed.

LEG. KENNEDY:

Okay. I will check into that myself.

COMMISSIONER DAWSON:

Okay. I'll check it tomorrow, I'll get back to you. But again, there was a formal RFP committee with a recommendation made to the department through that committee, there was somebody on it from the Legislature, somebody on it from the County Executive's Office, somebody on it from Budget, somebody on it from DPW, somebody on it from the Parks Trustees, so it was well vetted, so they didn't think it was a great idea at the time. But I can certainly get you more information on it.

LEG. KENNEDY:

If you could. Thank you.

COMMISSIONER DAWSON:

You're welcome.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

All right, **Public Safety:**

IR 1243-16 - Appropriating funds in connection with improvements to various Sheriff's Office Facilities (CP 3019) (County Executive).

LEG. HAHN:

Motion.

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn. Second by Legislator Stern. On the motion, anyone? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

IR 1243A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 Bonds to finance the cost of improvements to Various Sheriff's Office Facilities. (CP 3019.311); same motion, same second. Roll call.

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

LEG. HAHN:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta, Barraga & Muratore).

P.O. GREGORY:

Okay, ***IR 1246-16 - Approving the re-appointment of Anthony Laferrera as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***
I'll make --

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro, he's in your district. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1248-16 - Appropriating funds in connection with the purchase of Heavy Duty Vehicles for the Police Department (CP 3135) (County Executive). Motion by Legislator Browning. I'll second. On the motion? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen. (Amended Vote: Thirteen - Opposed: Legislator Barraga).

P.O. GREGORY:

IR 1248A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$125,000 Bonds to finance the acquisition of a heavy duty vehicle for the Police Department (CP 3135.529); same motion, same second. Roll call.

LEG. BARRAGA:

I'm sorry, put me in the negative on that one.

LEG. TROTТА:

On the motion?

MS. ELLIS:

Seventeen (Opposed: Legislator Barraga).

P.O. GREGORY:

Okay.

LEG. TROTТА:

I just want to know how long the Bond is for?

MR. LIPP:

That'll be up to the Comptroller. There have been some carve-outs for three to five years, possibly

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three years, but it could be the full term which we're going to be estimating at about 15 years. So it's hard to tell, it's up to the Comptroller.

LEG. TROTTA:

I'm assuming that the Comptroller will be doing it for three or five years, so.

MR. LIPP:

Yeah, and the Executive's fiscal is for five years.

LEG. TROTTA:

I'm getting a nod, so okay.

P.O. GREGORY:

Okay. Anyone else? Okay, roll call.

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

LEG. BROWNING:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

MS. ELLIS:

Sixteen (Opposed: Legislators D'Amaro & Barraga).

P.O. GREGORY:

IR 1249-16 - Appropriating funds in connection with the 700/800 Mhz Trunked Radio Communication System Upgrade (CP 3244) (County Executive).

LEG. BROWNING:

Motion.

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. Second by Legislator Hahn.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion, Legislator Barraga.

LEG. BARRAGA:

This is the second phase of an upgrade from analogue to digital as far as the communication system is concerned. Let me ask, if this is the second phase, how much was the first phase? Was that a Bond as well? And how much did we spend on the first phase, and what did we get so far for our money on this?

LEG. HAHN:

Mr. Presiding -- oh, Mike Postel is here, yes.

MR. POSTEL:

Good afternoon. Michael Postel, Director of Communications System for the Suffolk County Police Department. Legislator, to answer your question, the first phase this body approved last year for \$11.9 million, and the project is progressing well at this point in time.

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We have upgraded approximately half of the infrastructure sites that the County currently has and we are working to continue to move forward with that through the rest of this year. And with an affirmative vote of this, we're able to continue the project, to continue the remaining portions, replace the rest of the mobile and portable radio subscribers for the County entities, and be able to complete the transition from analogue to digital.

LEG. BARRAGA:

So this is another -- so it comes out to virtually, what?

MR. POSTEL:

Twenty-one point nine is the total.

LEG. BARRAGA:

Now, is there a phase III to this?

MR. POSTEL:

Not at this time there is not.

LEG. BARRAGA:

Not at this time.

MR. POSTEL:

Correct.

LEG. BARRAGA:

But there is a possibility that there could be a phase III.

MR. POSTEL:

The existing communication system was implemented in the late 90s for a \$13 million bond which was invested by this County at that point in time. This is something that needs to be replaced over a portion of time, so at some point in time we're going to have to do some type of migration to a newer system and replace the technology that we have. Whether it will be another Capital Project or it will be an additional phase, I cannot answer at this time.

LEG. BARRAGA:

What would happen if you stopped right now?

MR. POSTEL:

If we stop right now, as Legislator Cilmi mentioned at the Public Safety meeting, we will have wasted \$11.9 million of the taxpayers money.

LEG. BARRAGA:

You can't utilize that portion that you've done, or you have to have all digital --

MR. POSTEL:

Yes.

LEG. BARRAGA:

-- or all analogue; is that it?

MR. POSTEL:

That is the way it works.

LEG. BARRAGA:

Once you're committed, you're committed to finalize the project even though you really don't know what the final price will be. It could be upwards of 30 million.

MR. POSTEL:

Well, the --

LEG. BARRAGA:

We're at 21.9 now.

MR. POSTEL:

The Capital Project is 21.9 now, that is what we have intentions of spending on the project, and then the project will be completed and we'll move on.

LEG. BARRAGA:

I don't recall, was it clear to the Legislature that this was going to be done in phases and it could run between 20 and \$30 million, last year?

MR. POSTEL:

I believe when the project was put forward from the Bond Resolution last year, that it was slated as phases because the current IR says this is Phase II.

LEG. BARRAGA:

I mean, it's kind of hard -- you know, I probably supported it, but it's kind of hard for me to have supported something which was kind of open-ended in terms of the cost.

MR. POSTEL:

We have contracts in place right now to fund this project and the project is slated at 21.9 million to complete what we're scheduled to do at this point in time.

LEG. BARRAGA:

Thank you. Mr. Lipp, what is the interest associated with this, on this debt? I mean, 21.9 million as we sit; I mean, it may be more in the future, but any idea of the number of years of the debt service and how much we'll be laying out? This 21.9 million, what will it cost the County by the time we finish paying it off?

MR. LIPP:

Well, the Bond listed in the fiscal is ten years, but I would be more comfortable with 15 years. But either way, if it was 15 years it would be -- 1.8 million would be the -- 1.85 million would be like an average debt service per year for 15 years, 27.8.

LEG. BARRAGA:

On the 10 million or on the 21 million?

MR. LIPP:

On 21 million, the debt service would be an additional like six point -- about six million on the 21.9 if it was a 15-year bond, that would be 8.6 million per year for the 15 years.

LEG. BARRAGA:

Per year. So the interest is 8.6 for how many years?

MR. LIPP:

I'm assuming 15 years.

LEG. D'AMARO:

Not eight point --

MR. LIPP:

No, I said 1.8 per year, 1.8. So, okay, once again 1.85 million over 15 years would be my assumption, and that would bring the -- the principle is 21.9, as you're asking, and that would bring the total cost to 27.8.

LEG. D'AMARO:

Twenty-seven million.

LEG. BARRAGA:

Twenty-seven million dollars --

MR. LIPP:

Is principle plus interest.

LEG. BARRAGA:

So over a 15-year period, the interest is around \$6 million?

MR. LIPP:

Close to that, yes, a little under; like about 5.9, you're correct.

LEG. BARRAGA:

Thank you.

P.O. GREGORY:

If I may. It's my understanding, or I might be confusing things; this is a Federal mandate, isn't it?

MR. POSTEL:

E-25 is not a Federal mandate, it is Federal mandate to license certain frequencies, which we have with regard to this.

P.O. GREGORY:

Okay.

MR. POSTEL:

Part of this program is correct. And if we fail to bill these out, we lose those frequencies.

P.O. GREGORY:

Right. All right, good. Legislator Kennedy.

LEG. KENNEDY:

I don't mean to put you on the spot, but could you speak a little bit about what you spoke about in committee, how you were able to save us money?

MR. POSTEL:

We initially started out in this program back in 2013 till we start to negotiate, solicit information from vendors for what we were going to do, we developed a plan, we came out, we went through New York State contracts, found out what was on the State contract from different vendors, ultimately made a selection for a vendor after that. This Capital Program was originally listed at approximately \$30 million in the Capital Budget when it was originally put forth. After we had

worked on it, we were able to get the Capital Project down to \$21.9 million, ultimately saving the money from where we originally were. That was through negotiations coming out with best and final offers and doing some homework before we set the project forward.

LEG. KENNEDY:

More than commendable (*indicated thumb's up sign*).

LEG. BARRAGA:

All right, I understand. He's indicating -- you're indicating you saved \$9 million, but is that firm at this point? I mean, it's 21.9; am I going to look at you coming back nine months or ten months from now saying, *You know, something happened we didn't anticipate, we need another, you know, five or ten million*, or is it firm at 21.9?

MR. POSTEL:

We are firm at \$21.9 million right now. We do not believe there to be any items which are going to come up that are going to increase that dollar figure.

LEG. BARRAGA:

Okay.

MR. POSTEL:

We've done a lot of homework on this and we are pretty firm at 21.9 million.

LEG. BARRAGA:

All right, thank you.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Yeah, again, I'm going to give Mike a lot of credit, himself and also Chief White. I was involved in quite a few meetings with Motorola during this process and I can't say enough about the work that they did. I think it was about a \$32 million project, originally, that -- and they were able to negotiate with Motorola to bring it down to the price that it is.

One of the issues that we had had during the conversation was the equipment failures and it got -- it's gotten to the point where a lot of the equipment could no longer be replaced, they were actually purchasing stuff off of E bay to try and replace. And as they replace in other locations like in the city, they were saving all their old equipment to replace ours as it needed to be fixed. So, you know, this is critical for our communication system County-wide, for all of our law enforcement, it will be connected to DPW. And it is a critical project, I know it's a lot of money. But I have to give Mike and Chief White a lot of credit for the work that they put into this.

And I know that you had mentioned about an agreement for any upgrades that might be needed after it's -- after the project is done?

MR. POSTEL:

Yes. As part of the negotiation process with the vendor that was selected, we negotiated a five-year infrastructure -- my words escape me right now -- lifecycle program. Five years after we get -- take acceptance of the system, we will get an infrastructure upgrade as part of this package, so we built in some ways so that we can try and extend the life of the system a little longer.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTТА:
This is the P-25 system, is that what it was?

MR. POSTEL:
E-25, right.

LEG. TROTТА:
Is there anything new since that? Since, you know, we bought this a few years ago now is there something --

MR. POSTEL:
E-25 is it as of right now.

LEG. TROTТА:
There's nothing --

MR. POSTEL:
As far as land/mobile radio communication, no. You'll hear some other terms associated with some other things as far as data.

LEG. TROTТА:
Are we still going to have dead spots?

MR. POSTEL:
We've worked that to try and make sure that we don't have any dead spots. There are some enhancements that were done to the system and we're ensuring that we don't have any.

LEG. TROTТА:
Like in the hospitals and stuff like that.

MR. POSTEL:
Those are unique situations. Legislator Spencer had questioned me about that during my initial testimony with the Legislature. And you can never not guarantee dead spots, so it's something that you do have to accept when you're dealing with wireless communications.

LEG. TROTТА:
Well, here's one. I remember when the old ones came out, *These can't be scanned, this can't be anything*. The first call I got was through a Radio Shack and broke in -- and you could hear the band coming out their speaker. So after like, are they going to be able to --

MR. POSTEL:
As technology changes, there is the ability to do lots of different things.

LEG. TROTТА:
Absolutely.

MR. POSTEL:
What I can tell you is we have put into this some additional security so that for sensitive operations, the transmissions are encrypted so that they cannot be scanned.

LEG. TROTTA:

But not general --

MR. POSTEL:

At this point in time we're not planning on encrypting the general daily tracking.

LEG. TROTTA:

Everything's done by computer now anyway, so. All right, thanks.

D.P.O. CALARCO:

Legislator Krupski?

LEG. KRUPSKI:

Thank you. What is the life span, do you think, of this system once it's up and running?

MR. POSTEL:

Fifteen to 20 years, at most.

LEG. KRUPSKI:

I know you've been coordinating with the East End departments and I there's -- it is important to have that kind of communication in an emergency, and you were at a meeting in my office with the East End departments. What's the -- what is the -- was the decision made to put up new towers in Montauk? I know Southold's very under-served because of the elevation and geography there.

MR. POSTEL:

There is a plan looking at a site in Montauk which we have currently that we're working on getting some waivers from the FCC and the FAA. It has to do with the location's relationship to the Montauk Airport. It also has to do with the environment and we want to make sure that we're good neighbors.

So as everyone is aware, when you drive past and you see communications towers that are close to airports, they're typically painted the orange and white alternating color, and they also are typically lit with obstruction lighting for aircraft. What we're trying to seek is trying to seek a waiver from the FAA and FCC to not light or stripe the monopole. We're looking at the place in Montauk because there are existing navigational hazards to airmen in the area which they are aware of. So if we place it in that general vicinity, we're trying to seek a waiver and not breach the height of what's there already. That's what we're trying to do as far as Montauk.

And as far as the other East End entities, Legislator Krupski, we have had some very recent discussions with some of the agencies on the south fork. And I spoke with Chief Flatly from Southold, there are some -- there is good movement forward and we're discussing ways to enhance and improve the technology which we've built into this project in case any of the East End entities want to come on board with the County to migrate forward with that.

LEG. KRUPSKI:

Okay. So I appreciate that, because this is something that certainly I don't understand; you know, I have to be honest. And I think as a lot of people don't understand it, you understand that when you pick up the radio you want to be able to speak to whoever you want to speak to. You don't understand the logistics and the mechanics of how it actually works. So, you know, we do have to trust in your expertise here to say this is the best, most efficient, you know, most cost effective way to go to be able to communicate throughout the County. So thank you.

MR. POSTEL:

You're welcome.

P.O. GREGORY:

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

MS. ELLIS:

Sixteen (Not Present: Legislators D'Amaro & Hahn).

P.O. GREGORY:

Okay, ***IR 1249A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$10,000,000 Bonds to finance the cost of 700/800 MHz Trunked Radio Communication System Upgrade (CP 3244.511 and .512);*** same motion, same second. Roll call.

(Roll Called by MS. Ellis, Chief Deputy Clerk of the Legislature)

LEG. BROWNING:

Yes.

LEG. HAHN:

(Not Present).

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Pass.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. HAHN:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, ***IR 1250-16 - Appropriating funds in connection with the Communication System Site Rehabilitation (CP 3246)(County Executive).***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1250A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$250,000 Bonds to finance planning costs associated with the Communication System Site Rehabilitation (3246.110); same motion, same second. Roll call.

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

LEG. STERN:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes. Yes, of course.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1284-16 - Accepting and appropriating Federal funding in the amount of \$17,548 from the United States Department of Justice, Drug Enforcement Administration (DEA), for the Suffolk County Police Department's participation in the DEA Long Island Task Force with 79.14% support)(County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1286-16 - Accepting and appropriating Federal funding in the amount of \$15,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's participation in fraud investigations involving the Supplemental Nutrition Assistance Program (SNAP) with 79.14% support (County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1287-16 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 79.15% support)(County Executive).

D.P.O. CALARCO:

Motion.

LEG. CILMI:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1291-16 - Accepting and appropriating a grant as pass-thru funding from the New York State Division of Criminal Justice Services to the Suffolk County Department of Probation for the S.T.O.P. Violence Against Women Act Program with 75% support (County Executive).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. We did IR 1292.

IR 1308-16 - Establishing a reporting requirement for the Sheriff's Internal Affairs Bureau (Calarco). Motion by Legislator Calarco.

LEG. CILMI:

Second.

P.O. GREGORY:

Second by Legislator Cilmi.

LEG. BARRAGA:

On the motion.

P.O. GREGORY:

On the motion, Legislator Barraga.

LEG. BARRAGA:

Just very quickly. Why is the information limited only to the Legislature's Public Safety Committee and not to all members of the Legislature?

D.P.O. CALARCO:

The reason I drafted it this way, as well as the prior bill that affected the Police Department, was the Public Safety Committee is the one that's directly responsible for oversight of these particular committees. But certainly, any Legislator that is interested in receiving the information has that right to receive it as well.

LEG. BARRAGA:

Has the right to make a request to be put on the list?

D.P.O. CALARCO:

Absolutely.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator Anker).

P.O. GREGORY:

All right. ***IR 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).***

LEG. FLEMING:

Motion.

P.O. GREGORY:

Who was that? Oh, Legislator Fleming offers a motion to approve. Second by Legislator Anker, did I see?

LEG. ANKER:

(Nodded head yes).

P.O. GREGORY:

All in favor? Opposed? Abstentions?

LEG. TROTTA:

Opposed.

MS. ELLIS:

Seventeen (Opposed: Legislator Trotta).

Public Works & Transportation

P.O. GREGORY:

IR 1252-16 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 14 – Parkland (CP 8151)(County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1253-16 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047)(County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

1253A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$2,750,000 Bonds to finance the purchase of Public Works Highway Maintenance Equipment (CP 5047.534); same motion, same second. Roll call.

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

LEG. STERN:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Pass; I just have to read something.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

LEG. MURATORE:

Yes.

MS. ELLIS:

Seventeen (Opposed: Legislator D'Amaro).

P.O. GREGORY:

Okay, ***IR 1257-16 - Appropriating funds in connection with the new Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Sewer Improvement Projects (CP 8734.310)(County Executive).***

D.P.O. CALARCO:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Calarco.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

What's the -- Lisa, what's the -- you're okay, Bill. What's going to be the outcome here? Why are we -- I mean, I don't mind tabling, but just an explanation.

MS. SANTERAMO:

We are asking to table because we need to make amendments as per Bond Counsel, so we need to table it a cycle to do some amendments. I think there's some language, it's my understanding there's some language things that need to be cleaned up.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. ***IR 1294-16 - Authorizing transfer of surplus generator to Long Island Head Start (Presiding Officer Gregory).*** I'll make a motion to approve.

LEG. MURATORE:

(Raised hand).

LEG. McCAFFREY:

Second.

P.O. GREGORY:

Second by Legislator Muratore.

LEG. HAHN:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Hahn.

LEG. ANKER:

(Raised hand).

LEG. FLEMING:

Second.

P.O. GREGORY:

Second the motion to table by Legislator Anker. On the motion, anyone? No? Motion to table

goes first. Roll call.

LEG. HAHN:

Actually, on the motion.

P.O. GREGORY:

On the motion, Legislator Hahn.

LEG. HAHN:

So it's come to my attention that these generators could actually be used by our Department of Fire, Rescue & Emergency Services, and so I think that we're just better off to keep them because there is a need within our own departments for during emergency circumstances. So I just think it's better that we keep them than give them away. Sorry.

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Just at committee the Commissioner responded to questions as to whether these generators might have a use within County government and thereby save taxpayer dollars. It's not an awful lot of dollars, I think they're small generators, but that they might be able to save some money by using them rather than buying other new ones. These are brand new generators. So although I certainly appreciate all the -- and because I appreciate all the, you know, good work that's done by the groups that have been -- that are being proposed to receive these, I am going to offer a late -- as a late starter, laid on the table a resolution that would direct FRES to set priorities as to what municipalities or fire departments or not-for-profits would be -- would receive priority in getting these generators in a -- in the situation of an emergency than these folks, who may very well -- like, for instance, a church that shelters folks during weather emergencies may very well be on the list to get those generators, but it still gives FRES the control and keeps them within the County inventory.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. McCAFFREY:

Yeah, I just -- my understanding, these were generators that were bought by the Board of Elections right after Sandy. These are the ones, right, that were bought after Sandy?

LEG. FLEMING:

(Nodded head yes).

LEG. McCAFFREY:

And they had come across --

P.O. GREGORY:

They were actually a donation, I think, to the Board of Elections.

LEG. McCAFFREY:

They were a donation to the Board of Elections? People donate to the Board of Elections?

P.O. GREGORY:

It was a group, yeah.

LEG. McCAFFREY:

Oh, okay. You know, so these were not, you know, for a specific purpose other than to be able to provide, you know, generation. And they've got no use for it, they don't expect to have that same situation again. You know, and they're saying as things are sitting there, they're not getting any -- they're just sitting there kind of gathering dust and when things sit around too long, that's why they wanted to provide these surplus. And I know each one of these circumstances are different, you know, where these generators are going, but I think all of them are good causes and I'd argue against the tabling motion here.

P.O. GREGORY:

Legislator Muratore.

LEG. MURATORE:

Can I ask Commissioner Anderson to come up for a second? I just have a short question. Oh, Commissioner, you won't need your paperwork, it's a very simple question.

COMMISSIONER ANDERSON:

Sure.

LEG. MURATORE:

Are we actually going to use small generators like this? I mean, from what I'm hearing, they're just something to probably run a light or something, they're so small.

COMMISSIONER ANDERSON:

I believe the original intention of the generators was to be able to supply a voting machine. You know, I don't know the wattage, Ed could probably speak on the usage of it. From DPW's standpoint, we don't have any use for them.

LEG. MURATORE:

Because, you know, they're going to be sitting around, and if you know anything about mechanics, the seals will dry out and in two or three years they'll have to be refurbished anyway.

MR. SCHNEYER:

Ed Schneyer, Director of Emergency Management for Suffolk County Fire Rescue. To speak to your point about the specific sizes of the generators, the small generators can power spotlights which can be used during power outages. The larger generators are also capable of being used to power traffic lights, which we had a lot of traffic lights out during Sandy. We actually did request a number of those size generators from the State during Sandy and we gave it back when we were done with them. But Suffolk County Fire Rescue maintains a warehouse that has an assortment of supplies, emergency supplies including generators, and the majority of them are the larger generators, we do not have many of the smaller generators. So these would definitely be an asset to our surplus, our cash of generators.

LEG. MURATORE:

Okay, great, you answered my question. Thank you.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Gil?

P.O. GREGORY:

Gil? Commissioner? Excuse me.

LEG. ANKER:

So roughly how many generators -- over here, Gil. How many generators do we have for surplus, or that were originally designated for surplus?

COMMISSIONER ANDERSON:

I don't know. I know that they have -- they have -- Board of Elections has stated that they have sufficient generators for their purposes, and these that were here were exceeded, so they didn't need them anymore, that's why they were considered surplus.

LEG. ANKER:

Right. And it looks like, I think there's 14 being designated, or at least pieces of legislation or resolutions to designate them for some of the not-for-profits, some of these other, Boy Scouts, Head Start. But my concern is, you know, we have this surplus of generators, and God forbid there's another Superstorm Sandy, or even worse, we need as many supplies as possible. And I think -- you know, I sat at the FRES unit during Superstorm Sandy and there was a food shelter that had no electricity. This is a perfect place for one of the generators to go to, but there were no generators, this was before we had the surplus. So I think personally that the generators that we have need to be kept for emergencies. And I think we didn't know that as a Legislative body that this surplus would greatly benefit emergency situations. So I highly recommend that we save these for emergency situations.

LEG. McCAFFREY:

DuWayne?

P.O. GREGORY:

I'm sorry. Legislator McCaffrey.

LEG. McCAFFREY:

Yeah, just -- I'm sorry, from FRES, I forgot your name.

COMMISSIONER ANDERSON:

Oh, Ed.

MR. SCHNEYER:

Ed Schneyer.

LEG. McCAFFREY:

Hi, Ed. I'm sorry. You know, we're arguing -- each one of these are standalones, but my request is for three fire departments that were affected by Superstorm Sandy; they were Babylon, West Babylon and Lindenhurst. And at that time I was the Deputy Mayor of Lindenhurst and I wasn't at the FRES Center during Superstorm Sandy, I was on a payload at a fire scene helping to put out of control fires. And I know what each one of those fire departments went through, and I was the last person who should have been on the fire scene, but I just happened to be giving directions and ended up there mistakenly, but I saw what happened and I saw what the need was for those generators.

In my case, and I'm not arguing against, you know, the other appropriations, but these are going to fire departments who use them, needed them and could probably use them again and could have them right there in their firehouse instead of calling FRES and having to go out to Yaphank to get these generators.

So in the case where you're putting in these generators to fire departments to use, to have them on-site to be able to put them into place, instead of having to call FRES and ask them to bring them from Yaphank to the fire scene, or wherever they may need them, or to move them around within those specific communities, would that be a better use than having FRES have them in a central location and to deem where they should be going?

MR. SCHNEYER:

We maintain the stance that by keeping a cash of supplies in our warehouse, we have a process for requesting them, and in that process they are vetted out. Each request is vetted out to see where they're needed most and ensure that we send the right size generator. And by keeping a cash in our warehouse, we are able to provide these generators to a host of agencies, well over 200 municipal agencies, including all 109 fire departments, 37 ambulance companies, ten townships, 33 villages, two travel nations, 23 police departments. There's a host of agencies that we can share these generators with and we do on a regular basis.

LEG. McCAFFREY:

Right, and I don't doubt that. But in this case, what I'm saying, where these generators were bought because of Superstorm Sandy and because of the fact that they were probably going to be used in those specific areas for which these fire departments cover, and it almost makes sense that these things should be put back into that community for which they're intended. And instead of having to go to FRES and say, *Hey, we want to put in a requisition for a generator to have them in place where they're more likely to be used if there was another Superstorm Sandy.* Because I can tell you, Lindenhurst, West Babylon and Babylon didn't get raised up any more than it did before, and the next storm that hits is going to be the same impact that it had in those communities. They're still the most vulnerable.

So in these cases, I'll ask again; if they had them on hand and they needed them right away, and whether it be used in a specific location or within that district somewhere where they could appropriate it, instead of going out to Yaphank and putting in a requisition to FRES, would it make sense for the generators for which they were intended after Superstorm Sandy be better served to put them directly in the hands of the Chiefs who can make those decisions about the proper use of those generators.

MR. SCHNEYER:

The simple answer to your question is yes.

LEG. McCAFFREY:

Thank you.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

Thank you. I just have a couple of questions regarding -- you mentioned that you had made a request from the State for generators, and how many generators were you looking for in that particular request?

MR. SCHNEYER:

I do not recall, but I believe it was around 50.

LEG. SPENCER:

Okay, so this is 14. So you're still -- you still have that request ongoing?

MR. SCHNEYER:

No, this was just during Sandy when we had the blackout. During the blackout, all the traffic lights were out and we had intersection accidents. So instead of placing officers at every single traffic intersection where there was a traffic light, we were able to put a small generator there to power the traffic lights until the power came back on.

LEG. SPENCER:

And these particular generators, Gil, that were donated to the Board of Elections, did they come from an individual donor or an organization or --

COMMISSIONER ANDERSON:

I believe it was an organization that donated them.

LEG. SPENCER:

And specifically to the Board of Elections?

COMMISSIONER ANDERSON:

Correct, for the purposes that I -- my understanding of it was to allow voting to take place, because at the time of Sandy it was right before the election and there were concerns of not being able to hold voting because there wasn't electricity throughout so much of the County.

LEG. SPENCER:

So the generators were to be dispatched to the voting locations.

COMMISSIONER ANDERSON:

If the situation ever rose again. But the Board of Elections says right now that they have sufficient generators, in their estimate, to handle the same situation. So these that we're discussing are the extra, if you will.

LEG. SPENCER:

And the extra generators, were they ever used or they're still sealed in the box?

COMMISSIONER ANDERSON:

I believe they're still in the box.

LEG. SPENCER:

And they're different sizes, you indicated?

COMMISSIONER ANDERSON:

Yes.

LEG. SPENCER:

What -- how many kilowatts are they; are they -- what size generators?

COMMISSIONER ANDERSON:

I don't know personally.

MR. SCHNEYER:

I believe the majority of them, around nine or ten of them are 900 watt.

LEG. SPENCER:

Watts, okay.

MR. SCHNEYER:

The balance are 3200 watt.

LEG. SPENCER:

So, with the 14 generators that you -- well, is there any concern, if we give these generators to an organization, is there any liability associated with the proper installation and use? I know there's potential if they're not in a ventilated area. Are these gasoline generators? So with the donation, do we -- is there someone that -- maybe, George, is there something -- you know, this isn't giving a computer, you know, we're giving a church a generator. I mean, maybe it's -- but is there any liability?

MR. NOLAN:

I can't imagine there would be liability on the County for giving these to a group.

LEG. SPENCER:

Okay.

MR. NOLAN:

And then we probably would get something when we transfer it to them that made it clear that we had no liability.

LEG. SPENCER:

Okay. So I think that answers my questions. Thank you.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

So I know we've had, you know, a number -- since Superstorm Sandy, there have been a number of other storms that have caused outages for a number of days; we've had microbursts. If we did give this to fire department ABC in Babylon and we had another north shore microburst, you know, so we couldn't ask to borrow it (*laughter*). I mean, they will then own it. Whereas if we have it in one location for FRES -- I think this is the point you were trying to make -- no matter where the emergency happens, no matter where the outage is, our Fire Rescue and Emergency Services department, you know, gets to prioritize and decide where it goes and therefore we can utilize these during more storm events than a single one that may impact, you know, the agency where we are contributing to.

MR. SCHNEYER:

Absolutely. The benefit is that we can take these, we can focus these where they're needed and not necessarily store them elsewhere in the County. If they're stored in one spot, we have the ability to track them, we have the ability to maintain them, run them, do load testing on them rather than have them just sit in a box.

LEG. HAHN:

Thank you.

P.O. GREGORY:

Okay.

LEG. McCAFFREY:

DuWayne?

P.O. GREGORY:

Okay. Oh, Legislator McCaffrey.

LEG. McCAFFREY:

Real quick. Ed, so you have generators at FRES now, right?

MR. SCHNEYER:

Yes.

LEG. McCAFFREY:

So if we need to address these concerns that Legislator Hahn brought up, you would have sufficient generators to be able to go to somewhere, if there's an outage somewhere, somewhere else? I mean, how many generators do you have now?

MR. SCHNEYER:

We have about 27 large trailer-mounted generators that are all diesel powered, and we have -- 14 of those are pre-deployed to the various townships. Every township in the County has them, Fisher's Island has one and Fire Island has one.

LEG. McCAFFREY:

Any other type of generators?

MR. SCHNEYER:

We have some smaller generators that are used for specific assignments to the USAR team, our DCON team; so yes, there are other generators.

LEG. McCAFFREY:

Okay. And so you have sufficient generators in the event if a situation came up that was -- that Legislator Hahn brought up, that you could deploy generators to those areas as needed?

MR. SCHNEYER:

Depending -- it depends on the scope of the event.

LEG. McCAFFREY:

Right, I understand. Okay, thank you.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

So what happens when there are those examples of a traffic light being out; right now what do we do when a traffic light is out?

COMMISSIONER ANDERSON:

Generally, a police officer will be sent to the scene to secure it until a contractor can get out there to make the repairs.

LEG. HAHN:

So we have -- and sometimes we even have two police officers that have to sit at an intersection and direct traffic when a light is out. We had a number -- during those microbursts, we had a number of traffic lights out for a very long period of time, and it's better use of our resources to have a -- you said some of these smaller units could handle traffic lights. I think it's a much better use of our resources to have generators at the traffic lights than have our police officers, you know,

manning the intersection.

LEG. McCAFFREY:

You would hook up a small generator to power a traffic light?

MR. SCHNEYER:

I believe the 3200 watt ones would handle the traffic lights, yes.

LEG. MCCAFFREY:

Okay. I've never seen any.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

So how many generators are we talking about here; 15 I think, Gil?

COMMISSIONER ANDERSON:

I believe there's 14.

LEG. D'AMARO:

Fourteen generators, and how much do they cost?

COMMISSIONER ANDERSON:

That I don't know. It didn't -- it was no cost to the County only because they were --

LEG. D'AMARO:

I mean, if FRES needs 14 generators, why don't we just go out and buy them?

LEG. KENNEDY:

We'll bond them.

LEG. D'AMARO:

We can bond them, yeah. That's even better.

*(*Laughter*)*

We can take them out of the Park's budget; how's that? Is the Commissioner still here?

*(*Laughter*)*

I mean, seriously, how much are we talking about here? If you really need them, you know, let's put in a bill and let's get them. Right? You need them.

LEG. TROTТА:

We have them, why would we?

LEG. D'AMARO:

No, but he's saying they need 14 more.

LEG. TROTТА:

No, we have them.

LEG. D'AMARO:

No, no, I understand that. Let's give these so they can be community-based and let's get 14 more for FRES for centrally located and to address specific needs. I mean, we just bonded \$21 million to upgrade the police communication system, right, 21.9 million for public safety, and this is public safety, people in need. How much are we talking about here?

LEG. TROTТА:

They're not asking for 14.

LEG. D'AMARO:

Yeah, they are asking for them.

LEG. McCAFFREY:

They said we'll take them, we need them now.

LEG. D'AMARO:

I understand, but you can definitely use more generators, right?

MR. SCHNEYER:

We can always use generators.

LEG. D'AMARO:

Right, there you go. Well, did we ever meet a public safety need that we wouldn't fund? I mean, come on, let's do it.

Is there -- Dr. Lipp, is there any funding in the budget where we can buy 14 generators for FRES? Any kind of, you know, general public safety line item?

MR. LIPP:

I don't think there's extra money, but we would have to check that. There could be some line items that are extra. The smaller generators are -- we try to price them out, we approximate about 90 bucks I think they're worth and --

LEG. D'AMARO:

Ninety dollars each we're talking about?

MR. LIPP:

And the larger ones are maybe like 300; those are approximations.

MR. SCHNEYER:

No, I --

MR. LIPP:

You disagree?

MR. SCHNEYER:

I think that was the surplus value.

MR. LIPP:

Okay.

MR. SCHNEYER:

I don't think that was the purchase value.

LEG. D'AMARO:

So we're talking about \$2,000 in generators here?

MR. LIPP:

Perhaps.

LEG. HAHN:

No, he suggests --

MR. LIPP:

He's suggesting that that wasn't a good price.

LEG. D'AMARO:

I'm sorry?

MR. LIPP:

FRES is suggesting that it wasn't a good -- that it's a higher price than that.

LEG. D'AMARO:

It's a higher price.

MR. SCHNEYER:

Those are not \$90 generators, no.

LEG. D'AMARO:

What are they like?

MR. SCHNEYER:

I would guess that the 900 watt ones are somewhere in the area of \$600 a piece.

LEG. D'AMARO:

Six hundred.

MR. SCHNEYER:

Yeah, and the larger ones -- again, I'd be guessing around 3,000.

LEG. D'AMARO:

Well, it seems to me if we can, you know, make lighting in the parks a priority, we can certainly make generators during a microburst a priority, it would seem to me. I think the solution here is let's pass all these bills and then let's put in an appropriation and let's buy FRES the generators that they say on the record they need to protect public safety; it's very simple.

P.O. GREGORY:

Legislator Barraga.

LEG. BARRAGA:

Well, I'm looking at this. Why don't you just distribute the 14 generators to the various groups that have been promised to receive the generators and let FRES keep a running list by name and address of where the generators are located, and if a situation develops, you know the entity that's closest to

wherever this emergency is where you need the generator; just call them and get the generator from there to the location where the problem exists.

LEG. TROTТА:

Who's going to maintain that list?

LEG. D'AMARO:

Yeah, Tom.

LEG. BARRAGA:

I mean, if you have three generators and three fire departments in Lindenhurst and Babylon and something develops in that area and someone comes to you, I don't know why they would go to you, they would probably go to an entity that they're very familiar with, probably the fire department or some other location and look for it. But if they come to you, you would know exactly where a generator was in that location, and they can take the generator from the fire department and bring it to wherever the problem exists. Why do you have to physically have them there in your facility? Put them out there. Put them closest to where the problem might exist or might occur. (*Brief pause*). You're looking at me. I mean, give me --

MR. SCHNEYER:

I don't know what --

LEG. BARRAGA:

Either the idea was ridiculous or, you know, it makes sense, one or the other.

MR. SCHNEYER:

There's not enough generators to give to --

LEG. BARRAGA:

Well, it's only 14 generators.

MR. SCHNEYER:

-- all the fire departments. That's my point.

LEG. BARRAGA:

It's only 14 generators, and they seem to be pretty well spread. Wherever that occurrence happens where you need a generator, there has to be someone of the 14 groups close enough that you can call and say, *Look, the Police Department's coming over, the fire department's coming over to pick up that generator because we need it*, as opposed to somebody going to your location where they're not even probably sure where it's located to pick up one of 14 generators that are sitting there.

MR. SCHNEYER:

Well, by maintaining them in our warehouse, we have the ability to track them and maintain them and do all the testing on them.

LEG. BARRAGA:

Well, if it goes to the Lindenhurst Fire Department, what do you have to track? You know, Lindenhurst Fire Department, they have an address and a location, if something happens in Lindenhurst, just call the fire department.

LEG. HAHN:

And it's always open; there's always someone there and someone's always going to give it to someone.

P.O. GREGORY:

Okay.

MR. SCHNEYER:

I don't know that the fire departments would share the equipment with, you know, private non-profit agencies.

LEG. BARRAGA:

Why do you assume that there would be resistance? I mean, if there's a problem in the area, why would a volunteer fire department or any volunteer group say, *No, we're not going to help you.*

MR. SCHNEYER:

I can't answer for them.

LEG. BARRAGA:

Well, I find that kind of a foolish statement to make, that there's going to be resistance across the board; I don't see that. You deal with any fire department, any not-for-profit, if they have something they're more than willing to help you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Here's the point where my staff would tell me to take a chill pill and relax.

LEG. McCAFFREY:

What's that stuff you need?

LEG. CILMI:

Yeah, right, I need some kratom.

LEG. McCAFFREY:

Yeah, kratom. Pass the kratom.

LEG. CILMI:

So here's the thing; somebody told the Legislature that these generators were excess. The Legislature, through the Clerk's Office, sends an e-mail to each of us saying, *We have excess generators. What would you like to do with them?* And those of us who saw that e-mail and thought there might be a need made phone calls to those who we thought might be in need of the generators, and the people who we called said either that would be great or let me check, as was the case with the person, the organization that I called, and they get back to you and they say, *Yeah; in fact, we could use those generators. Thank you very much, we say, No problem, we direct* and a resolution is drawn up. And here we are sitting and debating this; it's just absolutely insane. It's absolutely ridiculous.

LEG. D'AMARO:

(Clapping) Thank you.

LEG. CILMI:

We've done this already. The e-mail was sent out, lets approve all these resolutions and put something in place so it doesn't happen again.

LEG. McCAFFREY:

That's right. Get FRES the generators that they show the need for.

P.O. GREGORY:

All right.

LEG. MARTINEZ:

See, I'm voting for you.

LEG. CILMI:

(Laughter).

P.O. GREGORY:

I think with the --

LEG. CILMI:

That's not my six month allotment, is it?

*(*Laughter*)*

P.O. GREGORY:

I think what some of the question are was, for whatever reason, in this particular instance the normal process didn't go through. The other departments -- as I understand it, if one department surpluses equipment, the general process or procedure is to seek if any other departments in the County have a need for that surplus equipment, and then the letter goes out. This didn't happen in this -- that's what I've been told.

LEG. CILMI:

And that's valid, but then we should have dealt with that before this meeting and we should have just decided all at once to withdraw all these resolutions because the County needs the generators and we shouldn't be sitting here talking about it. It's just --

LEG. ANKER:

That's what we're doing.

LEG. FLEMING:

We tried at committee.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. We tried to do that at committee, it came out of committee that the County could be using this equipment. And it doesn't matter, it could be paper clips or generators or whatever else we have. It should -- we need to address the shortcoming within the County, for whatever reason not everybody was notified that they could be used; since they're owned by the taxpayer, they should be used by someone who serves the taxpayer in the County. We tried to do that in committee, it didn't happen, so now here we are.

LEG. BARRAGA:

Very frustrating. It makes you want to throw a crutch.

(*Laughter*)

LEG. HAHN:
Or pennies.

(*Laughter*)

P.O. GREGORY:
Legislator Browning.

LEG. BROWNING:

I was looking up how much it costs for a 900 watt generator, and they all have rates at about 123, \$121. Now, if we leave them at DPW and they're not using them, now they get dried up, they're not being used and then they become no good. Now -- and again, Tom, like you said, you know, we got the information, we called many of the organizations in our districts. You know, I got a call from some volunteers for Vision Long Island who are helping to rebuild Sandy homes and they said a lot of these homes have no electricity, so a generator would be fantastic for them. And now I'm going to have to call them back and say, *Sorry, changed our mind*. I agree; if we're going to have -- we need to have something in place and make sure it's really in place so that we're not calling these organizations, but the organizations I called, you know, the Gateway Playhouse, they're going to be the recipient, however they're working with the Chamber, the local fire department, whoever needs it, you know, and they're going to make a community use out of it. So all of the ones that we have talked to, you know, they're not keeping it for themselves, they're going to -- everybody is going to benefit from it.

So, you know, I think we should just do this now and put something in place for future reference. But -- oh, I was going to say something I shouldn't say, it would be incorrect. But you can't give it to them and then say, *No, sorry, take it away*. You know what I'm saying.

(*Laughter*)

P.O. GREGORY:
I agree. Legislator -- no, okay.

LEG. STERN:
Lets vote.

P.O. GREGORY:
Okay. We have a motion to table. Tabling motion goes first.
Roll call.

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

LEG. HAHN:
Yes to table.

LEG. ANKER:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
No.

LEG. STERN:
This is tabling.

P.O. GREGORY:
Tabling.

LEG. STERN:
No.

LEG. McCAFFREY:
No.

LEG. TROTTA:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. CILMI:
No.

LEG. MARTINEZ:
Nope.

LEG. LINDSAY:
Pass.

LEG. MURATORE:
No.

LEG. BROWNING:
No.

LEG. FLEMING:
Yes.

LEG. KRUPSKI:
Yes to table.

D.P.O. CALARCO:
No.

P.O. GREGORY:
No.

LEG. LINDSAY:
No.

MS. ELLIS:

Twelve -- sorry, six (*In Favor: Legislators Krupski, Fleming, Hahn, Anker, Trotta & Spencer*).

P.O. GREGORY:

Okay, tabling motion fails.

The approval motion, all in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen. (*Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta*).

P.O. GREGORY:

Okay, IR 1294 passes.

IR 1295-16 - Authorizing transfer of surplus generator to Boy Scouts of America, Troop 229 (Muratore). Motion by Legislator Muratore. I'll second.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Fourteen. (*Amended Vote: Thirteen - Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta*).

P.O. GREGORY:

IR 1296-16 - Authorizing transfer of surplus generator to the Veterans of Foreign Wars Farmingville Memorial Post 400 (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Fourteen (*Amended Vote: Thirteen - Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta*).

P.O. GREGORY:

IR 1297-16 - Authorizing transfer of surplus generator to the Babylon Fire Department (McCaffrey). Motion by Legislator McCaffrey. I will gladly second that. All in favor? Opposed? Opposed? Abstentions? Cosponsor, please.

MS. ELLIS:

Fourteen.

P.O. GREGORY:

Those in opposition, keep your hands up.

MS ELLIS:

Thirteen (*Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta*).

P.O. GREGORY:

Okay. ***IR 1298-16 - Authorizing transfer of surplus generator to the Lindenhurst Fire Department (McCaffrey).*** Same motion, same second. Same cosponsor (*laughter*). All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

(Brief pause). Did you call it?

MS. ELLIS:

Yes, I said thirteen.

P.O. GREGORY:

Okay. ***IR 1299-16 - Authorizing transfer of surplus generator to the West Babylon Fire Department (McCaffrey).*** Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

List me as a cosponsor, please.

IR 1300-16 - Authorizing transfer of surplus generator to the Performing Arts of Suffolk County (Browning). Motion by Legislator Browning. Do I have a second?

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Second by Legislator Muratore.

LEG. TROTТА:

On the motion?

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTТА:

I just want for the record that we're giving -- we have the head of Public Works here asking for generators and we are going them to a group who does -- I don't even know what they do.

LEG. BROWNING:

I think I explained that already.

LEG. TROTТА:

Oh.

LEG. BROWNING:

That they're going to work with the Chamber and it's going to be assured a generator in the Bellport village.

LEG. TROTТА:

So when we have to buy generators down road and we bond them, it'll be an extra cost. Okay, no problem.

LEG. BROWNING:

We didn't pay for them at all.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

IR 1301-16 - Authorizing transfer of surplus generator to Vision Long Island (Browning).

Same motion --

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

IR 1302-16 - Authorizing transfer of surplus generators to Mercy Haven, Inc. (Cilmi).

Motion by Legislator Cilmi. Second --

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

IR 1303-16 - Authorizing transfer of surplus generator to Bayport Youth Football League (Lindsay). Motion Legislator Lindsay. I'll second.

D.P.O. CALARCO:

I'll second.

P.O. GREGORY:

No, Legislator Calarco will second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

Please list me as cosponsor.

IR 1304-16 - Authorizing transfer of surplus generator to the Post-Morrow Foundation, Inc. (Browning). Motion by Legislator Browning.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro.

LEG. TROTTA:

On the motion?

P.O. GREGORY:

On the motion.

LEG. TROTTA:

What is the Post Morrow Foundation?

LEG. BROWNING:

They're a non-profit organization in the Brookhaven community.

LEG. TROTTA:

And what do they do?

LEG. BROWNING:

They do a lot of work in our community. They're an environmental organization, how's that; does that help?

LEG. TROTTA:

And what would they be doing with a generator?

LEG. BROWNING:

I will have to get back to you on that.

LEG. TROTTA:

So if we need them, we can call them up and get it? Okay.

P.O. GREGORY:

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

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

IR 1305-16 - Authorizing transfer of surplus generator to the Kingdom Fellowship International Church, Inc. (Martinez). Motion by Legislator Martinez. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

IR 1306-16 - Authorizing transfer of surplus generator to the Brentwood Association of Concerned Citizens (Martinez). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

Please list me as cosponsor. All right, a light at the end of the tunnel here.

IR 1307-16 - Authorizing transfer of surplus generator to Salvadorenos Independiente NY Foundation (Martinez). Same motion, same second.

All in favor? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators Krupski, Fleming, Hahn, Anker & Trotta).

P.O. GREGORY:

IR 1315-16 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Judy's run for stroke awareness (Kennedy). Motion by Legislator Kennedy. Second by

Legislator Cilmi. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

Seniors & Consumer Protection

P.O. GREGORY:

IR 1227-16 - Appoint member to the Suffolk County Animal and Pet Advisory Board (Sarah K. Alward, DVM) (Spencer). Motion by Legislator Spencer.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

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).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern. Anyone on the motion? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

***IR 1244-16 - Appropriating funds in connection with the purchase and replacement of Nutrition Vehicles for the Office for the Aging.
(CP 1749) (County Executive).***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

1244A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$137,768 Bonds to finance the purchase and replacement of Nutrition Vehicles for the Office for the Aging (CP 1749.526); same motion, same second. Roll call.

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

LEG. STERN:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

(Brief Pause).

LEG. STERN:

(Inaudible)

LEG. D'AMARO:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Eighteen.

Ways & Means

P.O. GREGORY:

IR 1242-16 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Andreas Dambakakis and Giovanna Dambakakis (SCTM No. 0800-115.00- 01.00-039.000).

LEG. KENNEDY:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Kennedy.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1256-16 - Authorizing the renewal of the lease of premises located at 1850 New York Avenue, Huntington Station, NY for use by Third District Court (County Executive).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. D'AMARO:

I'll second.

P.O. GREGORY:

Second by Legislator D'Amaro.

LEG. D'AMARO:

And just note for the record that we held the mandatory public hearing.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1314-16 - Reappoint member of Suffolk County Board of Ethics (Dennis O'Doherty) (Presiding Officer Gregory).

LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion by Legislator Barraga.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

MR. NOLAN:

What do we got? Manilla folder.

P.O. GREGORY:

Manilla folder, ***IR 1366-16 - Accepting and appropriating grant funds from the Suffolk Community College Foundation for a grant award received from the Island Outreach Foundation in support of Suffolk County Community College's Office of Veterans Affairs, 100% reimbursed by private funds at Suffolk County Community College (County Executive).***

LEG. CILMI:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. ***IR 1396-16***, Bond Resolution, ***Resolution amending and restating Bond Resolution No. 136-2016, adopted on March 1, 2016, Relating to the authorization of the issuance of \$300,000 Bonds to finance the acquisition of Livescan Equipment Replacement for the Sheriff's Office (CP 3508.511).*** This is a technical correction.

LEG. KRUPSKI:

Did you say livestock equipment? *(Laughter)*

P.O. GREGORY:

I'll make a motion to approve.

LEG. McCAFFREY:

It's not the East End.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern. Roll call.

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

P.O. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

I apologize. This is the bond issue?

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes, okay.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

General Meeting 4/12/16

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. I make a motion to waive the rules and lay the following resolutions on the table:

IR 1397 to Ways & Means; IR 1398 to Economic Development; IR 1399 to Government Ops; IR 1400 to Government Ops; IR 1401 to Government Ops; IR 1402 to Public Safety; IR 1403 to Economic Development.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, that is our agenda. We stand adjourned. Thank you.

*(*The meeting was adjourned at 8:08 p.m. *)*

{ } - Denotes Spelled Phonetically