D.P.O. HORSLEY:  
Mr. Clerk, will you please call the roll.

LEG. KRUPSKI:  
Aye.

LEG. SCHNEIDERMAN:  
Present.

LEG. BROWNING:  
Here.

LEG. MURATORE:  
Here.

LEG. HAHN:  
Present.

LEG. ANKER:  
Here.

LEG. CALARCO:  
Present.

LEG. MONTANO:  
Here.

LEG. CILMI:  
Yes.

LEG. BARRAGA:  
Here.

LEG. KENNEDY:  
Yes, here.

LEG. NOWICK:  
Here.

LEG. GREGORY:  
Here.

LEG. STERN:  
Here.

LEG. D'AMARO:  
Here.
D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Sixteen (Not Present: Legislator Spencer - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All righty. Good morning, everybody, and welcome to the General Meeting of March 5th, 2013 in beautiful, sunny Riverhead.

Let us first stand for the Pledge of Allegiance led by Legislator Schneiderman.

Salutation

And now Legislator Schneiderman will introduce Reverend Cynthia Liggon, Assistant Pastor of the First Baptist Church of Riverhead, who will lead us in prayer.

LEG. SCHNEIDERMAN:
Thank you, Mr. Deputy Presiding Officer. Reverend Cynthia Liggon, an Ordained Clergy with the American Baptist Churches of Metro, New York and USA is the Assistant Pastor of the First Baptist Church of Riverhead. Reverend Liggon serves as Pastor and Executive Administer of the church. She is responsible for overseeing the church's daily operation as well as preaching, ministry and leadership development. Reverend Liggon additionally teaches a 13-week program focusing on the spiritual development of adults in the area of Christian Discipleship. Reverend Liggon also serves as Director of the Women's Ministry and the Trustee Ministry where she has served for the past 28 years. Reverend Liggon participates in the prison ministry at the Suffolk County Correctional Facility where she offers pastoral counseling to inmates. She is a clergy representative on the Board of Directors for Peconic Bay Medical Center and has served on the Suffolk County Minority Health Action Coalition. Also serves currently as a representative on Suffolk County's African American Advisory Board for Suffolk County as well as several other community organizations. Reverend Liggon is married to Michael Liggon and they have two children, Brenden and Lauren. I have asked Reverend Liggon to offer our opening prayer for today's Legislative session, so please give her a warm welcome.

Applause

REVEREND LIGGON:
Thank you. Good morning. Let us pray.

To the giver of life and all that is good, we give thanks. Because we exist and have our being, we give thanks. Because you have divinely ordered this day and have placed us in it, we give thanks. And in this vast universe, we are but a microcosm of that which is infinitely greater. Why we are but a microcosm of our universe, our world and our nation, we matter. Our lives matter. We have relevant and purpose within a larger purpose. Remind these Legislators that they matter. Their words matter, their decisions matter, and most of all, the people they represent matter. Guide each of them with divine wisdom, the wisdom you have always provided, Lord, from ages past. Because of the rippling effects of all that happens in our nation's capital, grant them the ability to make the
right choice in this great time of opportunity. In their decision making, I ask thee to bring to bear
the best of their character. I ask thee to bring to bear the skill and intelligence you have blessed
them with. Bring to bear the lessons learned from life experiences. Cause them to be sensible,
thoughtful and prudent so that their final resolve might demonstrate fairness, justice and the greater
good for all. And then couple all of this with divine courage to carry out fully all the good that is
done in this Legislative body and for their commitment to serve their County.
Bless them and their families in only the ways you know that matter. Lord, this prayer's offered in
your name, amen.

"Amen" said in unison

D.P.O. HORSLEY:
Thank you very much, Reverend. And that was really very nice and we really much appreciate you
being here this morning.

I would also ask that you stand for a moment of silence, first of all, in memory of Patricia Knight,
wife of Legislative Aide Bobby Knight, who passed away last week; as well as in memory of Dr.
David Parkinson, a former member of the Board of Health and long-time advocate in informing
workers of occupational health hazards through the World Trade Center Program and the Long
Island Occupational Environment Health Center who passed away; and may we always, of course,
remember those men and women who protect our freedoms, both home and abroad. Moment of
silence.

Moment of Silence Observed

Again, good morning. As per our schedule, we are going to be handing out several proclamations
from Legislators. And the first proclamation that we'll present is to -- from Legislator Schneiderman
to Detective Tina Giles, East Hampton Town Police Department. Detective Giles cracked one
of the biggest sex abuse cases in the department's history, leading to a 70-count conviction by a
Grand Jury of an East End man

Applause

LEG. SCHNEIDERMAN:
Detective Giles certainly deserves some applause. I've known Tina for a while back in the days
when I served as Supervisor and Tina was working in Juvenile Aid at that point and later became a
Detective in the department.

You know, one of the great things we get to do as public officials every once in a while is highlight
an individual or a group of individuals from Suffolk County, particularly from our districts, who
have done something great. We're all proud. The 2nd Legislative District has quite a few bragging
rights today. I'm happy to introduce these individuals to you as our lawmaking body.
So first off, meet Tina Giles, Detective Tina Giles of East Hampton. She was East Hampton's Officer
of the Year. She served with the Town police force since 1985. After graduating with a degree in
Latin American studies, she joined East Hampton Police Department. Tina is fluent in Spanish which
has helped officers translate, and that proficiency perhaps has helped to move up in the small
department so quickly. She spent five years on patrol before becoming involved in the DARE
Program as an officer, and then she was promoted to Detective 21 years ago; the department's first
and still only female Detective. She took over the Juvenile Aid Bureau who has allowed her to see
young offenders rebound and move forward, which is important to all of us, but particularly for Tina
as a mother of two young adults. She's an invaluable member of the department and has helped
bridge the gap between the Latino community and law enforcement.
This past year her accomplishments were even more impressive due to the fact that she cracked one of East Hampton Town’s biggest sex abuse cases. In late November, a Suffolk County Grand Jury handed down a 70-count felony indictment to an individual related to criminal acts against several young victims. East Hampton Town Police Department honored her recently as Officer of the Year and I, too, and this body hereby extend our congratulations and best wishes to Tina Giles, Detective Giles. Thank you for all of your service and good work.

**DETECTIVE GILES:**
Thank you.

*Applause*

**D.P.O. HORSLEY:**
Congratulations, Detective.

All right. Legislator, I understand you have several proclamations. The second proclamation will present to the **Southampton High School Field Hockey Team**, 1st in Class C for Suffolk County.

**LEG. SCHNEIDERMAN:**
All right, come on up. We’ve got a few, right? You guys all want to come up?

**VARIOUS GIRLS:**
No, no, she’s good *(Laughter).*

**LEG. SCHNEIDERMAN:**
Okay, just you. And how about the coach? Come on up.

All right. These guys are known as the Lady Mariners, the Southampton High School Field Hockey Team and their coach, Kim Hannigan. They were crowned Class C Long Island Champions for the first time since 2003. They triumphed over Friends Academy in a 2-1 victory. Coach Hannigan and the Lady Mariners have both made this County very proud and they deserve our recognition. So please join with me while we give them a nice round of applause for their accomplishment.

*Applause*

Kim, do you want to say anything?

**COACH HANNIGAN:**
The Captain.

**LEG. SCHNEIDERMAN:**
The Captain, all right. Tell me your name.

**MISS WISNOSKY:**
Emily.

**LEG. SCHNEIDERMAN:**
Okay. I’m going to introduce you to Emily --

**MISS WISNOSKY:**
Wisnosky.
LEG. SCHNEIDERMAN:
-- Wisnosky who is the Captain of the Lady Mariners Field Hockey Team.

MISS WISNOSKY:
Good morning. On behalf of the field hockey team, we would like to thank you for recognizing all of our hard work and dedication this evening. It is a great honor to be here. Thank you.

Applause

D.P.O. HORSLEY:
Congratulations to all.

All right. Legislator, I understand that you have another proclamation to Rafael Rokosz --

LEG. SCHNEIDERMAN:
I do.

D.P.O. HORSLEY:
-- and Peter Strassfield.

LEG. SCHNEIDERMAN:
All right. I'm going to bring two men up here, two young men. Wrestling team. I was JV wrestling; you probably would never know or guess that, back in the day. But these guys probably would have pinned me in a half a second, so a different weight class.

All right. So, Southampton High School wrestlers Rafael Rokosz and Peter Strassfield, they were crowned Suffolk County Division II Champions. Rafael and Peter both won their respective weight classes for the first time in their careers. They won County Championships and moved forward to New York State Division II Championships. Do we have the coach here? Coach Lester Ware, if we can bring him up as well. Is he with you? No, okay, he's not here today. But they certainly have shown great sportsmanship and great ability, so let's give them both a round of applause for their accomplishments.

Applause

Congratulations. I will present them with a proclamation, but do either one of you guys want to say anything?

MR. ROKOSZ:
Good morning. On behalf of the whole Southampton wrestling team and those who came so far this year, I would like to say thank you for giving us the opportunity, being such a great County. For all the kids that made it to Counties, did a great job, showed much improvement, they would like to extend their thanks, too. And thank you so much.

Applause

D.P.O. HORSLEY:
Congratulations. County champs! Hey guys, I bet you're happy that you didn't have to pull any more weight, right?

MR. STRASSFIELD:
Oh, yeah.
D.P.O. HORSLEY:
Oh, yeah. I remember. All right. Lastly, Legislator, I understand you have a proclamation for Kaelyn Ward.

LEG. SCHNEIDERMAN:
One more. It's a good day for the 2nd Legislative District.

D.P.O. HORSLEY:
There you go.

LEG. SCHNEIDERMAN:
All right. So kind of an unusual accomplishment here. So if we can get Kaelyn and her coach. Kaelyn is with East Hampton High School Basketball. During high school, during her high school four years, she just reached a thousand points on the team; very unusual.

_Applause_

She did -- I guess she was inspired by her coach who also, when he was a player, also East Hampton, right?

COACH WOOD:
Right.

LEG. SCHNEIDERMAN:
Yeah, also achieved a thousand, so I think there's a little competition going on between the two. So I'll read a little bit. So Kaelyn, since the 8th grade, she made history, she became the first East Hampton High School female basketball player to score a thousand points. She scored recently -- in the seventh game of the basketball season, Kaelyn scored eleven points against Shoreham High School Wildcats, hitting the benchmark of -- along with the previous team's East Hampton, the opposing team from Shoreham was aware Kaelyn was dangerously close to her thousand career points. They worked tirelessly to prevent her from reaching that mark, but she did reach it. When she hit that number, the teammates and family ran out onto the court to congratulate her, the gym erupted in applause. Ms. Ward credited her coach with inspiring her to achieve the goal. Howard Wood, Coach Wood, achieved a thousand points when he was a Bonacker. So I'd like to congratulate Kaelyn and Coach Wood for their great accomplishments and let's give them both a warm round of applause.

_Applause_

So what's next for you, college? Hoops?

MISS WARD:
Yes.

LEG. SCHNEIDERMAN:
Yeah. All right. You want to say anything? Coach, come on, say -- no? You've got to be proud.

MR. WOOD:
Thank you all, first of all. Good morning. Yes, on behalf of East Hampton High School and the Lady Bonackers Basketball Team, I would like to thank all of you all for this grand -- this great gift, let's say, that we have given to Kaelyn today. And publicly, I would like to wish her luck on whatever she continues to do after high school. Thank you very much.

_Applause_
D.P.O. HORSLEY: 
Congratulations to all.

All righty. We have a --

LEG. SCHNEIDERMAN: 
Thank you. What a great group of young athletes. Maybe a round of applause for all those athletes that we highlighted today.

Applause

D.P.O. HORSLEY: 
That's terrific.

Okay, Legislator Anker is up next, who will present a proclamation to the Longwood Youth Sports Association for their work to ensure safe, fair sports for the Longwood community.

LEG. ANKER: 
I have two awards to present to LYSA. LYSA, again, Longwood Association -- I'm sorry, Longwood Youth Sports Association, bear with me; it's been a busy morning already. But I met with you two probably about a week ago and it was an absolute honor. I had worked at Longwood School District as the Public Relations Director, so I was well aware of all the different schools and the activities. But I think what's so important is that we provide activities for our kids. There is too much for them to get into that's not going to benefit them down the road and the sports activities helps them put life into perspective. And you are the leaders of our youth and, again, this is why you're here this morning.

Tom, I just wanted to speak a little bit about what you've done in your life. Tom, you're a veteran, you're a Vietnam Veteran, you've served active duty from 1966 to 1968; thank you so much for your service. You were honorably discharged from the Army, Air Command in 1972 and returned to Long Island to start a family. You've been on the Executive Board of the Middle Island Youth Athletic Association and, again, stressing the importance of sports for both boys and girls. You are now the President of Longwood Youth Sports Association. And again, I just wanted to thank you for all of your efforts and I am just, again, honored to recognize you for the hours, probably thousands and thousands and thousands of volunteer hours. How many people can you say that about that have jobs that go through life? But you've given so much of your time to so many kids and you really have made a difference. So I just want to say thank you. Thank you so much.

Applause

And also, I'd like to present an award to Adam Galardro. He's our quartermaster for the sports association; is that correct? Okay. And what we're working on right now, and I'll let the Legislators know because this is very important. LYSA needs some property. We're going to look at some land. I know Legislator Calarco and Legislator Browning, we do share that district, but we do need to find some sports fields for you. Right now you're using the school districts. And they're -- again, the area, there are so many children. It's one of the largest school districts in Suffolk County and we have to make sure that we address their needs and their need is to find a place to go after school, focus their attention to become responsible adults, and that's what your sports association does.

So again, thank you so much. And I'd like to present you with proclamations from the Suffolk County Legislature. So thank you.

Thank you so much.

Applause
**D.P.O. HORSLEY:**
Congratulations, gentlemen. Sarah, do you have another one? I believe you do.

**LEG. ANKER:**
No, just the two, they're together.

**D.P.O. HORSLEY:**
They're together. Good luck in our quest to get the fields for the kids. It's a noble goal.

All right. We now have Legislator Browning who will present a proclamation to **Commissioner Joe Williams** on behalf of the Legislature recognizing the **Suffolk County Department of Fire, Rescue & Emergency Services** for their response in the aftermath of Super Storm Sandy.

**LEG. BROWNING:**
Good morning. I have with me today Commissioner Joe Williams and his Deputies, John Jordan and Ed Schneider. I think this past couple of years we can see how much work our FRES Department does. We had the gas leak, we had the wildfires and we had Super Storm Sandy. And on October 27th, our Fire, Rescue & Emergency Services formerly started briefing and planning for the potential of a large impact of a coastal hurricane. Initially activating the Suffolk County Incident Management Assistance Team and beginning to prepare for the largest type of one disaster in FEMA history to hit our region. And when we hear about Suffolk County employees doing more with less, they have done over the past couple of years much, much more with less, and we have to say a special thank you for that.

The Suffolk County Incident Management Team is comprised of Suffolk County employees from FRES, Suffolk County Police Department, the Suffolk County Sheriff's Office, DPW, the Health Department and EMS. All of the FRES workers, staff, worked continuous schedules with a minimum of 12-hour shifts. The key branch and command staff working 18 to 20-hour shifts without relief for at least the first two weeks of this event. And I can tell you that even though it's over, they are still working very hard.

Planning was essential to Suffolk County's response and recovery efforts throughout the incident in which the Suffolk County FRES IMAT played a major role in developing these plans. These plans, combined with strong public messaging and dedicated response, limited the potential death impact of this event to single digits. FRES staff remains committed to rebuilding from this event with the projected improvements to include apps that save lives and smarter technology, and enhancements within the Ready Suffolk Preparedness and Prevention Education Programs.

So I know that my colleagues here at the Legislature, and myself as Chair of Public Safety, want to say a special thank you. Because with everything that's been going on, like I said, from the gas leak to the wildfires to Super Storm Sandy, I'm very confident that, God forbid we have another emergency, we have some of the best professionals in Suffolk County and in the country that will be here for us. So thank you.

**Applause**

You want to say something, Joe?

**COMMISSIONER WILLIAMS:**
On behalf of everybody at Suffolk County Fire Rescue, I want to thank Legislator Browning, this whole body here for the recognition, and also mainly for the support that you've given FRES over the last years. Every time we've come to you with a need, you always listen. You're always there to help us and it is truly, truly appreciated. Thank you.
D.P.O. HORSLEY:
All right. Thank you, Legislator Browning, for bringing that all important proclamation to us.

It is now my pleasure, and I'll be joined with Deputy County Executive for Intergovernmental Relations, Jon Schneider, on this proclamation to ask Rabbi Stephen Moss to join us at the podium for a proclamation, presentation on behalf of the Presiding Officer, Bill Lindsay, and my fellow Legislators to recognize and congratulate the Suffolk County Human Rights Commission on 50th year anniversary advocating for the rights of all Suffolk County residents.

RABBI MOSS:
Thank you very much.

D.P.O. HORSLEY:
Nice job.

RABBI MOSS:
Thank you.

D.P.O. HORSLEY:
Thank you. Mr. Schneider?

MR. SCHNEIDER:
Thank you. One of the great things about following the Deputy Presiding Officer is that one can be brief. On this 50th year of the Human Rights Commission, on behalf of County Executive Steve Bellone, we want to congratulate you for all that you've done to make this a better, more tolerant County to live in and a County where everyone is treated fairly, a welcoming County where people want to be. And to declare this, by proclamation, to be 2013, the Year of Human Rights in Suffolk County. And of course, every year should be the year of human rights. So thank you so much for your continued service.

RABBI MOSS:
Thank you. If I may, I first want to introduce those members of the commission who are here today. To my immediate left is Jennifer Blaski, our Executive Director. And then this is Bonnie Cannon, Michele DelMonte, Dr. Hafizur Rehman and Raj Prasad. These are just a small group from our 15 members.
Let me begin -- oh, and by the way, I do want to thank the official photographer of the Human Rights Commission today, and that is Reverend JoAnn Barrett who I just solicited for this. And JoAnn is my co-chair, or our Co-Chair for the Suffolk County Anti-Bias Task Force.

Let me begin by asking all of you to please take note; if you didn't on your way in, certainly on your way out, you need to go through the doors and then turn around and look up to take note of the very beautiful and inspiring banners on display in the lobby. These banners come from the *Embracing our Differences Program* funded and arranged by the Suffolk County Center for the Holocaust, Diversity in Human Understanding, of which I am Vice-Chair which is housed at the Selden Campus of the Suffolk Community College and whose Director, Executive Director is Steve Schrier.

I, first of all, want to most sincerely thank our County Executive, Steve Bellone, and certainly for Deputy County Executive Jon Schneider who is here today to present the proclamation. I also want to give a personal thank you to another Deputy and that is Luis Montes who is our liaison with Mr. Bellone and really has been so very helpful in advocating for us and we thank him most sincerely.

This Administration's support for the work of the Human Rights Commission is essential for our continued viability and success. And certainly, I also want to most sincerely thank this Legislative body, as I thank all of its members over the 21 years now that I have been Chair. And certainly a most personal thank you to a very dear man to myself personally as well as to all of us and that is Bill Lindsay who continues to have my prayers and the prayers of my community for his recovery, God willing, and return to good health. And certainly I thank the Deputy Presiding Officer, Wayne Horsley, as well for his support and for presenting the proclamation from you. The support of the Legislature is obviously vital for our work and has been most appreciated.

And so as the presiding -- the Deputy Presiding Officer said, this year, 2013, has been proclaimed the year for human rights here in our County. It is our intention, with this idea, to have a program for young people, possibly a junior Human Rights Commission, to develop an advertising program that will spread the word regarding the essential protection of all person's rights within our society. And we will also have our biannual award dinner on May 16th, Mamma Lombardi's in Holbrook, to recognize the good work so many are doing in this field, and certainly all of you will be invited. But certainly, the work of our commission cannot be relegated, as has been said, to one year's recognition, but must always be an essential thread in the fabric of our County's society.

Let us never forget the mandate placed before all of us, as Americans and as human beings, by the very stirring words of the Declaration of Independence. We hold these truths to be self-evident that all men -- and I'd like to change it to be persons -- are created equal. That they are endowed by their creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. And that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed. And there must always be a Human Rights Commission on the most local of levels to ensure these rights for all men and women.

I do pray that the Executive and Legislative branches will continue to give the commission the necessary support to rebuild our staff. And for without -- or it is that without our professional staff, under the able and capable direction of Jennifer, our Commissioners, with all of their good intentions, could never achieve any success in assisting people in need and assuring that their rights will be protected. And I am confident that we will continue to receive the support necessary in every way by all of you, the Legislators, in order to continue our work which is vital for the well-being of all.

I certainly have been personally honored to have served as Chair now for 21 years, the longest serving Chair of the Human Rights Commission, obviously in its history since it's only 50 years old. And also, I think that maybe this morning might be historical in that I don't know if ever before
presented the same time were proclamations from both the Executive Branch as well as the Legislature, and I'm most grateful to all. And I simply, or maybe most sincerely pray this commission will continue to fulfill its mission for at least another 50 years, or within our Jewish tradition, we always like to say it should be 120 years, which is how long Moses lived. With God's help, certainly, but also with your help as well. Thank you very much and God bless all of you and God bless us as well. Thank you.

Applause

D.P.O. HORSLEY:  
Very nice. That was terrific. And of course the Rabbi is always doing a great job and his words are truly wisdom.

Let me -- if we go to our agenda, I'd like to at this time go to number six, Statements and Presentations of Village, Town and State or Federally Elected Officials, I'd like to broaden that to include the Chairman of the Suffolk County Water Authority.

If you look on our agenda today, we have his reappointment. Unfortunately, Mr. Gaughran couldn't be around for that time. I wanted to make sure that he was able to get here if there are any questions for him. He was at the committee. But Mr. Gaughran, would you want to come up to the microphone? I don't know if there are any questions or issues relating to your reappointment, but I certainly want to give an opportunity of the full Legislature to ask any questions, if that is necessary.

LEG. HAHN:  
Should we take it out of order?

LEG. MONTANO:  
No.

D.P.O. HORSLEY:  
I wasn't going to do that. Would you want to do that?

LEG. MONTANO:  
No, we don't have everybody here.

D.P.O. HORSLEY:  
Yeah, let's not. I'm sure that -- because you're right, we don't have everybody here. You're right, we don't. Okay.

All right. Mr. Gaughran, thank you very much for coming down here this morning. I know you've got a busy schedule. And I just wanted to leave it open for the Legislature, if there are any questions of Mr. Gaughran, to feel free to ask. Anybody like to address Mr. Gaughran? Well, he won't be here.

LEG. MONTANO:  
Oh, you're not going to be here, Jim?

D.P.O. HORSLEY:  
No, that's the reason why I'm calling him up early.

LEG. MONTANO:  
Oh, I didn't --
D.P.O. HORSLEY:  
Okay. Legislator Montano.

LEG. MONTANO:  
You know what, Jim? I'll speak to you privately.

MR. GAUGHRAN:  
Okay.

D.P.O. HORSLEY:  
Well, that makes it easy. Everybody else good?

LEG. SPENCER:  
I have --

D.P.O. HORSLEY:  
Oh, go, yes. Legislator Spencer.

MR. GAUGHRAN:  
I just wanted to say thank you for giving me this opportunity.

D.P.O. HORSLEY:  
Legislator Spencer apparently has a question.

LEG. SPENCER:  
Hi, Jim. How are you? I, just as a matter of preference, wanted to just make a quick remark. Jim actually was a former Legislator that sat in this chair here and he's someone that is one of my constituents and I've had the privilege of working along with him and he's really done a remarkable job. He's very well respected, he's worked at all levels of government where he has been someone that has done good things throughout his career. We're very fortunate with him serving in the position that he's serving in. And I just wanted to -- Jim, thank you for coming out and to give you just my unqualified support.

MR. GAUGHRAN:  
Well, thank you very much.

D.P.O. HORSLEY:  
Thank you very much, Legislator. Anybody else? Jim, I just wanted to say nice things as well. But one of the things I know that we are looking at is the possibilities of the synergies between -- and this has been in the papers, between the Suffolk County Water Authority and looking at the growth of sewers in Suffolk County. And I just wanted to mention that as Chairman, you're -- it is absolutely refreshing that you have had such an open mind and looking into the issues in a diligent, purposeful way, and I just wanted to thank you very much for being the kind of guy you are. And as Chairman, I think you're doing a fine job as well.

MR. GAUGHRAN:  
Well, thank you. And I think on the issue of sewers, personally I think it is --

D.P.O. HORSLEY:  
Jim, you want to lift the mic a little bit? I think we're having trouble hearing you.

MR. GAUGHRAN:  
I think if it is done correctly, I think it would be great for all the residents of Suffolk County, both from an environmental standpoint as well as from an economic development standpoint. But
obviously that decision is to be made by you policy makers and also we're the policy makers of the State of New York since we are technically a State authority; even though we're appointed by you, we're a State authority, and right now we only have the public purpose of providing water. But should that change take place, we would be very happy to work very closely with you to make that work for all the people of Suffolk County.

D.P.O. HORSLEY:
Thank you very much. Everybody good? James, thanks for coming down. I appreciate you being here today.

MR. GAUGHRAN:
Thank you.

D.P.O. HORSLEY:
All right. We are going to move to the public portion. I have several cards. And of course speakers are limited to three minutes and we are -- we have only a couple, but Elizabeth Schmanski is our first speaker; topic 1001. Elizabeth, come on up.

MS. SCHMANSKI:
Good morning. I don't know if I have the correct number, but I did want to speak about protection of our children in the school district and how do we protect them. And I don't know if I have the right number, I may have been given the wrong information.

D.P.O. HORSLEY:
Could you just speak up just a little louder?

MS. SCHMANSKI:
I'm wondering if I have the wrong information about the number.
It was one, zero, zero, one --

D.P.O. HORSLEY:
Right.

MS. SCHMANSKI:
-- and it has to do with the safety of our children in the schools. And I'm very concerned about everything that's going on with the gun control. I don't believe that we should have those areas where there are no guns allowed; that's like letting the fox into the hen house. Our children need to be protected. We're protected here as we come in. I would suggest that if you're concerned about protecting children, you see about getting those metal detectors at doorways, and also having any policemen or Sheriffs or anybody that has a gun volunteer to be at the schools to protect the children on their time off. That's what I have to say. I don't know that you're going to take this up for consideration today?

D.P.O. HORSLEY:
I don't believe there's a bill before us. Yeah, the guns in schools, I don't think that is --

MS. SCHMANSKI:
No gun-free school zones. Okay, great.

D.P.O. HORSLEY:
Well, you did a good job (laughter).

MS. SCHMANSKI:
I was given the wrong information, I'm so sorry.
D.P.O. HORSLEY:
You did great.

MS. SCHMANSKI:
Okay, thank you.

D.P.O. HORSLEY:
Thank you very much. The next speaker is Jenn Hartnagel.

MS. HARTNAGEL:
Good morning. My name is Jenn Hartnagel, I'm speaking on behalf of the Group for the East End. Bob DeLuca, our President, couldn't be here and he wanted me to read his letter addressed to Legislator Schneiderman into the record, it's regarding the support for the planning steps resolution for the Tuccio property located in Southampton.

"On behalf of Group for the East End, I do wish to express our organization's strong support for the above-referenced planning steps resolution under the Suffolk County Drinking Water Protection Program. Although we are keenly aware of the County's ongoing effort to evaluate its land protection priorities in the face of pending revenue reductions, there are certain properties that should clearly rise to the top of this assessment endeavor and the Tuccio property is one such parcel.

In short, this parcel lies within the globally rare Dwarf Pine Barrens Ecosystem which has been a top priority for County acquisition since the mid-1980s. Its location adjacent to the core of the Central Pine Barrens further highlights it's significance as a sizeable addition to an existing assemblage of protected land and significant preservation investment.

Most importantly, however, the preservation of this parcel would provide an additional 75 acres of permanent watershed protection investment in a designated special groundwater protection area, clearly meeting one of the primary goals for which the entire Drinking Water Protection Program was named. We appreciate your time and attention to our comments and we believe that the protection of the Tuccio Property would clearly serve the long-term water quality protection goals for Suffolk County." Thank you.

D.P.O. HORSLEY:
Thank you very much, Ms. Hartnagel. The next speaker is Nanci Dallaire.

MS. DALLAIRE:
Thank you. After last month's Legislative meeting, I felt as though the pride of Suffolk County is that correctional facility. We can be proud that our tax dollars will support the criminals, but we will no longer provide for those who are ill, disabled or aging in our community? I cannot accept this.

John J. Foley did not cause the crisis in our County and selling John J. Foley will not be the cure. Rather than blame this proven safehaven, why weren't failures fixed to save John J. Foley? Instead of claiming that these services are a burden to the taxpayers, why not reclaim these vital health services to protect the taxpayers? Rather than implementing the many suggested -- suggestions that can improve John J. Foley, the County Executive offers an ultimatum. I believe that we were looking for long-term solutions; instead we are faced with an ultimatum that will ultimately abandon fragile citizens and strip this community of this emergency evacuation center?

I claim that poor planning has put us in this position today, not John J. Foley. Look at recent articles in Newsday for those examples. First an article revealing the Budget Committee needed to borrow $38.5 million to pay for the arbitration award for the Correction Officers because the County failed to squirrel away money during 2008, 2009 and 2010 to pay for it. Another example is the report on
that camera conflict about those additional -- 50 additional red light cameras that this Legislature already approved. Unfortunately, those 50 light sites have not even been chosen yet, and now town leaders are resisting the County’s plan to double those cameras? So when we will we actually see the anticipated six million in revenue? This estimate that was so easily available by the Public Works Commissioner, but he could not provide the actual operating cost? Could that be because when you know the actual cost to install and operate that system, there will be no revenue left to share with the towns?

John J. Foley should not have to pay the price for those poor past decisions. Now there's a plan to sell the Dennison Building? I will wait until I know more about that deal, but will that be a long-term solution for Suffolk County or another one-shot mistake? I just want answers, not ultimatums.

**D.P.O. HORSLEY:**
Thank you very much. We appreciate you coming down. The next speaker is Ed Tuccio, wants to speak on 1841.

**MR. TUCCIO:**
Hello. I'm Ed Tuccio and thank you for hearing me out here. To give you a history on this property, my family has owned it almost a hundred years. It isn't something that we speculated on. My grandmother leased this to the airport for 50 years, and later on, even during the Korean War, continued on with Ramco Oil for training facilities for the Middle East.

The reason that we're here today is I was asked by the County about this property, if I would be interested in selling it to them; that's how we got started. I'm here and I signed the papers allowing the process to move on, and if there's any questions about it, I'd be glad to answer at this time.

**D.P.O. HORSLEY:**
Thank you very much, Mr. Tuccio. All righty. The next speaker is Linda Ogno.

**MS. OGNO:**
Good morning. I have an article here from 2008 from Mr. Lindsay about the John J. Foley Skilled Nursing Facility, and I know we spoke about it a lot over the last six years. The Foley facility has been woefully mismanaged for years, and because of Mr. Levy, and now Mr. Bellone, they're committed to unloading it by closing or selling it. Two studies were done, one in 2004 and one in 2008, none of them were delivered. None of them have been implemented. My biggest concern is this Legislative body, which was -- which it was told to me that you are not responsible for telling the County Executive how to run the facility or anything else in this County. So my plan would be then to abolish this Legislative caucus, since it's no longer viable, and put the blame on one person which would be the County Executive. This is supposed to be a coequal branch of government here. And if you cannot tell the County Exec how to run things right, then this body is no longer necessary. And we only need the County Exec, this way we can concentrate on getting one person in and one person out, plus save a lot of money along the way.

My concern is that we've mismanaged this facility. What's next? What now, are we going to spend millions of dollars on the hub in Ronkonkoma? How many things are we going to mismanage in this? This is a small, small edge in the County. And we have mismanaged it and spent countless hours, countless, hundreds of thousands of dollars and millions on this one facility. And I have dedicated almost six years of my life, given up my family, time with my grandchildren to come here to fight this one thing, which was -- it's a disgrace. Has got me disillusioned about my government, and this is just a small part. I need you to look at this. We may be -- down the road Foley may not be able to be saved, but how many things along the road are we going to cost us millions of dollars in taxpayer dollars, time, energy. You guys need to listen. You guys need to listen.
Applause

D.P.O. HORSLEY:
Thank you very much, Ms. Ogno. All righty. That's the -- that's all the cards I have. Would anyone else like to be heard during the public portion? Would anyone else like to be heard during the public portion? Feel free. Okay.

With that, I'll accept a motion from Legislator Cilmi. I'll make the second to close the public hearing. All those in favor? Opposed? So moved, the public portion has been closed.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
We'll begin to go to the agenda. Would you -- a note to all our Legislators; would you please come to the horseshoe? We're going to be starting the agenda.

All right. We are moving to page six. Resolutions tabled --

MR. LAUBE:
No, the Consent Calendar.

D.P.O. HORSLEY:
Oh, I'm sorry. The Consent Calendar. Motion by Legislator Barraga. Second by Legislator Cilmi, to approve the Consent Calendar. All in those favor? Opposed? Abstentions? So moved, the Consent Calendar has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

Please move to page six, Resolutions Tabled to March 5th, 2013:

Okay, 1841-12 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Tuccio property – Town of Southampton) (SCTM No. 0900-248.00-01.00-110.003)(Schneiderman).

LEG. SCHNEIDERMAN:
Motion to approve.

D.P.O. HORSLEY:
I have a motion to approve by Legislator Schneiderman. Is there a second on the motion?

LEG. BROWNING:
I'll second.

D.P.O. HORSLEY:
I'm sorry, I didn't see where that came from.

LEG. BROWNING:
(Raised hand).
D.P.O. HORSLEY:
Legislator Browning seconds the motion. Are there any other motions?

LEG. MONTANO:
If I may?

D.P.O. HORSLEY:
On the motion.

LEG. MONTANO:
This is 1361?

D.P.O. HORSLEY:
This is 1841-12.

LEG. MONTANO:
Thank you. I apologize.

D.P.O. HORSLEY:
Okay? We're good?

LEG. CALARCO:
I've got a question.

D.P.O. HORSLEY:
Legislator Calarco.

LEG. CALARCO:
I think the owner of this property was just here and testified saying that we've already approached him about doing the stages of starting the process of acquisition. So why do we need to approve this resolution if we've already started the planning steps?

LEG. SCHNEIDERMAN:
If I may?

D.P.O. HORSLEY:
Yeah, you may.

LEG. SCHNEIDERMAN:
For a number of reasons, Legislator Calarco. He was approached by the County. As some of you may be aware, years ago there was an Omnibus resolution for all Pine Barrens Core properties; this is within that. It does enable planning -- planning steps to move forward. But in light of the controversy over planning steps and the fact that we had a willing seller who sent a letter saying he is a willing seller, I thought we could elevate this by making it very clear that we could begin the planning steps process of appraising it. This is not an acquisition. This allows us to do our homework to decide whether this is viable as an acquisition.

And if I could ask Sarah Lansdale, who is the Acting Director for this division?

D.P.O. HORSLEY:
Through the Chair, yes. Commissioner, why don't you address Legislator Schneiderman's --
LEG. SCHNEIDERMAN:
Because I know in general we have been tabling planning steps. I feel that this one ought to be
distinguished by the fact that it is Pine Barrens Core and there was that earlier Omnibus resolution.
So Ms. Lansdale?

MS. LANSDALE:
Good morning, everyone. In fact, this is Pine Barrens Core. We have been -- at the last -- at the
second to the last Environment, Planning & Agriculture Committee, there were some questions that
members of the EPA Committee requested that I get information on pertaining to this parcel, and
that's specifically whether or not the Town of Southampton was interested in partnering on the
acquisition of this parcel and we, to date, do not have that information from the Town of
Southampton. We've been advised by Mary Wilson at the Town of Southampton that they will be
coming --

LEG. MONTANO:
Excuse me?

MS. LANSDALE:
Considering that March 20th.

LEG. MONTANO:
Excuse me, Sarah? Some of us are having difficulty hearing you.

MS. LANSDALE:
Okay.

LEG. MONTANO:
Could you speak a little more into the mic, please?

MS. LANSDALE:
Sure.

LEG. MONTANO:
My apologies.

D.P.O. HORSLEY:
You know what it might be? It sounds like it's set low. Is there any way we could have it adjusted?

LEG. MONTANO:
I think it's the system, not you, but we can't hear; that's the problem.

MS. LANSDALE:
Sure. So there were some questions about whether there was any interest on the part of the Town
of Southampton to partner on the acquisition with the County on this particular parcel. And the
Town of Southampton's person-in-charge, Mary Wilson, on open space acquisitions said that she'll
get back to us by March 20th, after their Advisory Committee meeting where she'll receive the input
from her advisors on such a decision.

LEG. SCHNEIDERMAN:
If I could add to that. I did speak with the Supervisor and the Town is certainly interested in
working with us on seeing this preserved. To what extent that commitment would be, I have no
idea. But again, it's something that I think we would consider in an acquisition resolution rather
than a planning steps resolution.
LEG. CALARCO:
I'm still --

D.P.O. HORSLEY:
Okay. Just --

LEG. CALARCO:
I mean, I don't --

D.P.O. HORSLEY:
Mr. Calarco, you want to just hang on one sec?

LEG. CALARCO:
I don't think my first question was answered, and I was just trying to get back to the point I was making.

D.P.O. HORSLEY:
Mr. Montano, you're okay with that? Was that on your --

LEG. MONTANO:
No, I wasn't on the list. I just wanted to --

D.P.O. HORSLEY:
Okay. Very good.

LEG. CALARCO:
I'll go.

D.P.O. HORSLEY:
Mr. Schneiderman, without any objection? Mr. Calarco has a question.

LEG. CALARCO:
He took the floor from me.

D.P.O. HORSLEY:
You have the floor, right?

LEG. SCHNEIDERMAN:
Legislator Calarco has the floor.

LEG. CALARCO:
Jay took the floor from me.

D.P.O. HORSLEY:
Okay. I'm sorry.

LEG. CALARCO:
He was attempting to answer my question --

D.P.O. HORSLEY:
All right. Legislator Calarco, please.

LEG. CALARCO:
-- and I'm still confused.
So to Director Lansdale, could -- have we already started the planning steps process? We've already contacted this owner? We've already expressed interest in the property? We've already gone out and started to do those things that we do during the planning steps process for a reso -- for a property?

**MS. LANSDALE:**
No. Yesterday we received a letter of interest from the property owner.

**LEG. CALARCO:**
But he testified that the County approached him and told him we were interested in purchasing the property. That's what -- I mean, I don't see him in the audience anymore, but that's what he just came and attested to.

**LEG. HAHN:**
(Inaudible).

**LEG. CALARCO:**
Was that a letter from you, Legislator Schneiderman, that he was responding to? He said he already signed paperwork.

**LEG. SCHNEIDERMAN:**
I think he was approached back in 1996, and then when the Pine Barrens Act moved forward and everybody received letters who owned property in the Pine Barrens. But I also think Legislator Browning at one point had eyed this as a potential trap and skeet facility, so it was reached out in that regard, whether he was a willing seller, so he may have been reached out by the Administration or various other County officials. But again, it is within -- it's in Pine Barrens Core which is pre-approved for planning steps.

**LEG. CALARCO:**
No, I understand that. So if it's pre-approved for planning steps -- and Legislator Anker has some letter here from the Pine Barrens Credit Clearing House from 2004 to Mr. Tuccio. I'm trying to get a handle. If it's pre-approved for planning steps, if we've already approached this gentleman and said, "We're interested. Can we start the process", then why are we doing another planning steps?

**LEG. SCHNEIDERMAN:**
I certainly understand the question; could it move forward without this resolution.

**LEG. CALARCO:**
That's my question.

**LEG. SCHNEIDERMAN:**
The answer is I believe yes.

**D.P.O. HORSLEY:**
Why don't we ask Counsel to --

**LEG. SCHNEIDERMAN:**
But I believe this will --

**D.P.O. HORSLEY:**
-- opine on this.
LEG. SCHNEIDERMAN:
This will elevate it and move it forward quicker and I think it's a good signal --

LEG. HAHN:
Right, but I don't know that we want to --

LEG. SCHNEIDERMAN:
-- by the owner.

LEG. MONTANO:
I can't hear.

D.P.O. HORSLEY:
One at a time.

LEG. CALARCO:
To that point, Jay. I think you're actually better off just allowing this to move forward. I mean, we've -- we're in the process of reviewing the planning steps in our entire acquisition program and the way we're going to administer it moving forward because of the limited resources. I know Legislator Hahn and the Planning Department has been working diligently on that and there's going to be discussions moving forward. And it might be more beneficial to your cause here to just allow this property to move forward under whatever authority the department has to move forward on, because I'm not so certain that we want to continue doing planning steps right now.

LEG. SCHNEIDERMAN:
I respectfully disagree. I think this would be clarification --

D.P.O. HORSLEY:
Okay.

LEG. SCHNEIDERMAN:
-- for the department and to the property owner.

D.P.O. HORSLEY:
Okay. Thank you. Legislator, are you done?

LEG. CALARCO:
I'm done.

D.P.O. HORSLEY:
Okay. Legislator Hahn.

LEG. HAHN:
I tend to agree with what Legislator Calarco just said. And this -- the rating on this was a 46. Can you tell me how many properties we had that rated higher with willing sellers? Yeah, well, that's the point. So we really -- we're still getting a handle on where we are, how much money we have left, the willing sellers, the ratings of the properties, all of the Pine Barrens Core properties that still remain to be purchased, how many they are. And we have eight and a half million dollars; somewhere in that range. Maybe we'll get another five this year. It might not even be able to buy this one parcel.

So I just think to pass a resolution that says "go and make an offer" is not prudent at this time.
D.P.O. HORSLEY:
Okay. Thank you. I don’t know if that warrants a comment. Legislator Montano, I think I have you next.

LEG. MONTANO:
No, I was -- I apologize. I was not to be put on the list, I just wanted to hear Miss -- Sarah.

D.P.O. HORSLEY:
There you go.

LEG. MONTANO:
Take me off.

D.P.O. HORSLEY:
You’re off. Okay, Legislator Kennedy. And he’s gone.

LEG. KENNEDY:
No, he’s here.

D.P.O. HORSLEY:
Oh, he’s here. Okay, Legislator Kennedy, you’re up.

LEG. KENNEDY:
I want to go back to Counsel.

D.P.O. HORSLEY:
Why don’t you get on the microphone first.

LEG. KENNEDY:
I don’t need the mic, you know that.

D.P.O. HORSLEY:
But we’re recording it.

LEG. HAHN:
And broadcasting live.

LEG. KENNEDY:
Through the Chair, to Counsel. The question just goes to, I think, whether or not legally there’s capacity for the agency to go ahead and act at this point without this resolution being passed today. If there’s been contact, if there’s been dialogue, if there’s been all the other things, it’s not just because they woke up one day and decided they were going to go out and do it. By virtue of the fact that it’s core Pine Barrens property, by definition, County planning has capacity, I guess, or ability to go out and negotiate to acquire; you agree or no?

D.P.O. HORSLEY:
George?

MR. NOLAN:
Well, I don’t know the answer to that question. I would actually defer to the Director to see if she believes she has any authority to move ahead with planning steps at this point. And I don’t know if there’s been any prior Legislative history here on this particular parcel in terms of planning steps.
LEG. KENNEDY:
Well, through the Chair, we have both Ms. Lansdale and we have representatives from the Division of Real Estate.

D.P.O. HORSLEY:
We're going to pose that question to them. They're conferring, so just give them one second. We only have a motion to approve, by the way, at this point.

LEG. SCHNEIDERMAN:
Yeah, we have a motion to approve.

LEG. HAHN:
Motion to table.

D.P.O. HORSLEY:
Okay, just hang on a second. I'll take a second. Okay. Commissioner, or Director.

MS. LANSDALE:
So we have made offers in the past on this property, according to Real Estate. We can move forward with what's commonly referred to as planning steps without this resolution.

LEG. KENNEDY:
Okay. So then --

LEG. SCHNEIDERMAN:
Does it hurt to do it?

D.P.O. HORSLEY:
One at a time.

LEG. KENNEDY:
Hey, Jay, I'm going to ask you a question. So then to the sponsor, why do we have this before us? The department has already been in negotiation. You know, we get presented with a ton of different things, but we don't really have the time to go ahead and do over what we've already done.

LEG. SCHNEIDERMAN:
Well, to answer that, I would like to confer again with --

D.P.O. HORSLEY:
Okay, through the Chair.

LEG. SCHNEIDERMAN:
Are you moving forward --

D.P.O. HORSLEY:
Are you okay, John? Okay, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Are you moving forward with planning steps on this parcel and does this resolution help clarify the Legislature's position in terms of directing you to move forward on this planning steps?

MS. LANSDALE:
Well, we just received the letter of interest yesterday. And under the previously passed bill years ago, it allowed a comprehensive planning steps for all Pine Barrens Core properties, directing us to
move forward with planning steps for any parcel within the core. So under that previous legislation, we will move forward with planning steps.

**LEG. SCHNEIDERMAN:**
Does it hurt in any way if we pass this resolution?

**MS. LANSDALE:**
You know, that's your call, not mine.

**D.P.O. HORSLEY:**
Okay. Thank you very much. I think that's been answered. Legislator Schneiderman, are you through?

**LEG. SCHNEIDERMAN:**
Yep.

**D.P.O. HORSLEY:**
Legislator Kennedy, are you through?

**LEG. KENNEDY:**
Mr. Chair, I will just go back to what my prior position was. I imagine we could sit here today and probably go through the last six agendas --

**D.P.O. HORSLEY:**
I think you're right.

**LEG. KENNEDY:**
-- and pass everything else we've done over again because maybe it would somehow send another message. There's capacity, they've already been in dialogue. To the sponsor, I don't think this diminishes the efforts here at all. Go meet with them, bring Tuccio back, you've done so. But from our perspective, the train left the station, Jay. There's no need for us to be doing this.

**LEG. SCHNEIDERMAN:**
It doesn't hurt to pass it. I would ask you to support it, John.

**D.P.O. HORSLEY:**
Okay. Thank you.

**LEG. MONTANO:**
You've always --

**D.P.O. HORSLEY:**
Thank you very much. We have your position. Legislator Montano.

**LEG. MONTANO:**
Yeah. Just very quickly, Sarah. It's early in the morning and I'm getting a headache. I just want to ask you one question; do you or do you not support the passage of this bill at this time? That will be a yes or a no.

**MS. LANSDALE:**
At this time, no.

**LEG. MONTANO:**
Thank you.
D.P.O. HORSLEY:
All righty.

LEG. HAHN:
Motion to table.

D.P.O. HORSLEY:
We have a motion by Legislator Hahn to table.

LEG. SCHNEIDERMAN:
On the motion. I want to know --

D.P.O. HORSLEY:
Hang on a second.

LEG. SCHNEIDERMAN:
On the motion.

D.P.O. HORSLEY:
Just one second. Let me just get a second on the motion.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. On the motion.

LEG. SCHNEIDERMAN:
Why on earth would you not support it if you already have the ability to move forward in planning steps and this would just underscore that? Why would you say no and send a message that we should not move forward with planning steps on this? Because ultimately your department is going to process the planning steps. You're the ones who are going to do the appraisals, etcetera. Why would you say no? I completely do not understand that. You just said it's up to this body and now you've given them direction that they shouldn't move forward with planning steps which sends the message that we shouldn't be looking toward acquiring this important Pine Barrens Core property.

D.P.O. HORSLEY:
Legislator -- Director, would you like to respond to that, or you're deferring to Mr. Vaughn?

MS. LANSDALE:
Deferring to Mr. Vaughn.

D.P.O. HORSLEY:
Mr. Vaughn, do you want to answer that question?

MR. VAUGHN:
Yes, sir, please. The Planning Department has been consistent when talking about planning steps for over -- over a year. We have a meeting set up this week to discuss the future of planning steps to figure out possibly a better way to do them. I think it would have been disingenuous of Ms. Lansdale, despite the fact that we understand your commitment to this property -- we're not saying that it's not a vital property at this point in time, but not -- that's wasn't the point. She was asked a yes or no question, sir. So our position has been consistent, that we want to explore a better way to do planning steps. There is a meeting this week to do that, that's why she answered no to the question. I don't think there was any other answer available to her at this point in time.
**LEG. SCHNEIDERMAN:**
Is it the Administration’s position that we do not move forward with planning steps on this parcel?

**MR. VAUGHN:**
The Administration’s position has been consistent, that we are not -- that we are not supporting planning steps at this time. That we want to find a better way to do planning steps and we’ve said that for over a year now.

**D.P.O. HORSLEY:**
Okay. I think we’ve got an answer. I have several people that would also like to speak, but I just have a quick question of the Director.

It seems to me that one of the things that we’ve dropped from the conversation over the last ten minutes or so is what about the Town of Southampton? Are they -- are you expecting that they are going to make an offer to assist us in this purchase? Is that something that we should be waiting on, to see if they’re going to do that or not?

**MS. LANSDALE:**
Well, it’s one of the questions that the EPA Committee raised and it was one of --

**D.P.O. HORSLEY:**
It’s a good one.

**MS. LANSDALE:**
Also, it factors into my not recommending this to move forward. We’ll find out on March 20th whether or not the Town of Southampton is interested.

**D.P.O. HORSLEY:**
That to me seems to be an important matter, whether or not they’re going to be participating or not.

**LEG. SCHNEIDERMAN:**
I’d like to comment on that, too. Because it seems now to be a prerequisite for any acquisition in my district that the Town of East Hampton or Town of Southampton partner. It seems to be a standard that’s not applied to anywhere else. Planning steps does look at it when they score a property, whether there is a partnership. I think this property, even without the partnership, had quite a high score, I think in the 40s, perhaps. But I don’t think that’s a fair -- if you’re going to say it to one town, you ought to say it to all towns. Before we even include a -- if we’re going past the planning steps, you’re going to have to share in the responsibility of acquiring it.

**D.P.O. HORSLEY:**
No, I think that’s a fair comment, accepting that you always like to have a partner. And if I was the Town of Southampton and somebody was going to buy it for -- buy it and I don’t have to participate; boy, that’s a good thing. You know, so that’s my point.

**LEG. SCHNEIDERMAN:**
And certainly the Town of East Hampton --

**D.P.O. HORSLEY:**
It's always nice to have a partner.

**LEG. SCHNEIDERMAN:**
The Town of East Hampton and the Town of Southampton, through their Community Preservation Funds, which also are in Riverhead and Southold and Shelter Island, but particularly those two communities where they have the good fortune of high revenues, have done extraordinary work
preserving those areas without asking the County to contribute. They've been buying a lot of these
types of parcels without coming in and saying, "County, you need to pay half."

D.P.O. HORSLEY:
It wasn't necessarily subject to.

LEG. SCHNEIDERMAN:
Okay.

D.P.O. HORSLEY:
It was just a matter -- the comment was just --

LEG. SCHNEIDERMAN:
I want to make that clear; they are helping us achieve our goals of preserving these important
lands.

D.P.O. HORSLEY:
We love the Town of Southampton as well as East Hampton, so we're on board with that.

Okay. Legislator Montano, you had a quick one, you want a point of order; is that what you're
looking for?

LEG. MONTANO:
Well, Jay -- this is directed to Legislator Schneiderman, through the Chair. Jay, I just -- I don't want
to play semantics, but you mischaracterized my question to the Commissioner. I did not ask for her
direction. What I asked for was her position or her opinion, and it wasn't in the nature of her
directing me which way I should vote. So I just want to be clear on that, that's not what the intent
of the question was. It was a yes or no question; what their opinion is with respect to the necessity
of whether or not we need to pass this right now and whether they wanted this passed at this point,
for whatever reason. So I think you're a little off on that.

LEG. SCHNEIDERMAN:
My response was not to your question, it was to the direction that the Director gave which was that
she did not support the planning steps resolution, which surprised me as somebody in her capacity
would take that position based on the information that's before us.

LEG. MONTANO:
Right. But I think her response was -- her response was in response to my question which was a
yes or no question. So I don't want to argue --

LEG. SCHNEIDERMAN:
No, you asked her whether she supported it or not.

LEG. MONTANO:
-- the semantics with you, I just don't want to be -- you know, I don't want to be accused of, you
know, asking for direction from the County Executive's Office, that's not what I was doing.

LEG. SCHNEIDERMAN:
No, I understand that.

LEG. MONTANO:
Okay.
LEG. SCHNEIDERMAN:
You were asking very simply what her position was.

D.P.O. HORSLEY:
I don't think there's any accusation. Okay. Legislator Kennedy and then Legislator Krupski.

LEG. KENNEDY:
Yeah. I think I need, through the Chair, now to ask Mr. Vaughn. I'm somewhat perplexed with the position being articulated that the Administration is opposing any planning steps whatsoever. Is that in response to Legislator Hahn's bill from last year, that required some kind of an action plan within 90-days? I don't recall seeing any action plan. And I believe, Legislator Hahn, there was just a 90-day hiatus, according to your bill.

LEG. HAHN:
No, that didn't pass.

D.P.O. HORSLEY:
Are we asking Mr. Vaughn or are we asking Ms. Hahn?

LEG. KENNEDY:
Well, I'm looking at that bill and then -- explain to me; how did we get to -- the Exec might have that policy, but I don't ever recall seeing that policy, embracing that policy or supporting that policy. So where are we at?

MR. VAUGHN:
Sir, I don't disagree with anything that you've just said. The Administration has had a very consistent statement when asked about all planning steps, specifically in the EPA Committee. And I believe that Legislator Hahn can verify that at no point in time have we gone on the record in the last year supporting any planning steps.

Now, part of the concern that we have is the very nature of planning steps. And we feel at this point in time there are simply too many steps that the planning steps execute, that you get far too close to the final acquisition of a piece of property when you go through and adopt, quote/unquote, just planning steps. To address that, the Administration is having a meeting with Legislator Hahn later on this week; I either think it's tomorrow or Friday, Legislator.

D.P.O. HORSLEY:
Which was asked for by the Legislature.

MR. VAUGHN:
Correct. There has been extensive discussion --

LEG. HAHN:
Other Legislators.

MR. VAUGHN:
Right. There has been extensive discussion about the concerns and the very nature of planning steps for over a year in the EPA Committee. That is the position of the Administration. We are, in no way, shape or form, trying to state the position of the Legislature. The Legislature remains free to adopt planning steps, should they choose, or any other piece of legislation that comes before them today. But we simply feel that the planning steps, as they are currently constituted, brings far too close to acquisition, at this point in time, given this current state of the funding.
LEG. KENNEDY:
We're a little far afield from this particular resolution. But then I guess, through the Chair, maybe over to Legislator Hahn or to you, please let me know when that meeting is, because I have an interest in that. It sounds as if we're looking at doing some kind of a major overall on land acquisition, and that I do have an interest in.

D.P.O. HORSLEY:
Good. I think you should.

MR. VAUGHN:
We would be more than happy to have you in attendance, sir.

D.P.O. HORSLEY:
Absolutely, and that will be by invitation by Legislator Hahn. Okay. Legislator Krupski.

LEG. KRUPSKI:
Well, first of all, I'd like to say that this is a good parcel for acquisition, and it was because of its location and because of other areas preserved around it. However, you know, I've only -- and I know I've only been here a month, but I have had a good record of land preservation, both for open space and farmland protection, throughout my career, and I am a big advocate for that. However, when I first started to see how the County process worked, it was apparent to me that this process does need to be really looked at.

You know, there's a big difference in how you act at the feast and how you act in the famine. And right now, because the County has very little money, you really have to reevaluate the process itself and how you look at each parcel. How does one parcel rate above another and how does that process work if the parcel that everyone here agrees on comes in the door at the last minute and you only have money for one parcel. So you really have to look at the whole process. I think it's a good idea for everyone to be involved in that, obviously. I'm an advocate for preserving farmland because I think that's the future in this County, is to keep as much farmland looking forward, 50 or a hundred years from now.

But, you know, thank you for setting this meeting up and for trying to reevaluate everything right now. This is the time to do it when there's not a lot of money, because there's not -- even if you spent the money today, you know, that would be it for the year, so you have time to try to reevaluate.

D.P.O. HORSLEY:
Thank you very much, Legislator. Okay, that's all the speakers that I have requests from.

We have two motions on the floor; motion to table and motion to approve. Tabling motion goes first. Roll call.

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

LEG. HAHN:
Yes.

LEG. CALARCO:
Yes.

LEG. KRUPSKI:
Aye.
D.P.O. HORSLEY:
The East End way.

LEG. SCHNEIDERMAN:
No to table.

LEG. BROWNING:
No.

LEG. MURATORE:
No.

LEG. ANKER:
Yes.

LEG. MONTANO:
Pass.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Aye.

(*Laughter*)

LEG. SPENCER:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

LEG. MONTANO:
Yeah, I'll do an aye.
MR. LAUBE: Fourteen (Opposed: Legislators Schneiderman, Browning & Muratore - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY: The tabling motion passes, and we have done our first resolution. Nice going, guys.

(*Laughter*)

1935-12 - Adopting Local Law No. -2013, A Local Law to safeguard employees displaced by privatization (Browning).

LEG. BROWNING: Motion to table, I'm still making some changes.

D.P.O. HORSLEY: Motion to table by Legislator Browning, seconded by Legislator Cilmi. All those in favor? Opposed? So moved, it has been tabled.

MR. LAUBE: Seventeen (Absent: Presiding Officer Lindsay).

2108-12 - Studying the preservation of sensitive properties damaged by Hurricane Sandy (Browning).

LEG. BROWNING: I guess motion to table again. Thank you.

D.P.O. HORSLEY: Motion to table by Legislator Browning. Is there a second on the motion?

LEG. CILMI: (Raised hand).

D.P.O. HORSLEY: Legislator Cilmi makes a second on the motion. All those in favor? Opposed? So moved, it has been tabled.

MR. LAUBE: Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY: 2248-12 - Updating standard work day and reporting for elected officials (Presiding Officer Lindsay). Legislator Spencer, do you have a motion on this?

LEG. SPENCER: It's good.

D.P.O. HORSLEY: We're good? Is that a motion to approve?

LEG. SPENCER: Okay. Is there a second on the motion?
LEG. NOWICK:
Well, on the motion.

D.P.O. HORSLEY:
Okay. Second by Legislator Calarco. On the motion by Legislator Nowick --

LEG. NOWICK:
What does this even mean?

D.P.O. HORSLEY:
Okay. Maybe Counsel can just give us a quick rundown of what this is?

MR. NOLAN:
I think everyone would recall a couple of years ago the State Comptroller came down with new regulations in terms of documenting the workday of elected officials and appointed officials. We passed a resolution a couple of years ago doing that for all the Legislators and County-wide electeds. But there are new County Legislators, we have a new County Executive, we have to update it and report their hours and the standard workday for them. So this is really just a resolution we have to do to make sure that everybody gets their retirement credits.

LEG. NOWICK:
I think -- oh, this is for -- more for the new Legislators.

MR. NOLAN:
Right.

LEG. NOWICK:
And if you've already --

MR. NOLAN:
For you, you've already been reported, you did your three month period where you documented your time.

LEG. NOWICK:
Yeah, and I think if you're Tier I it doesn't even matter anyway.

D.P.O. HORSLEY:
Okay. I think -- are there any further questions? We're good? We have a motion to approve. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right. 2254-12 - Accepting the donation of certain underwater land and transferring such land to the Suffolk County Department of Economic Development and Planning for aquaculture purposes (Schneiderman).

LEG. SCHNEIDERMAN:
I'm making a motion to approve, and then I need to hear from the Administration if they're fully prepared yet.

D.P.O. HORSLEY:
Okay. We have motion to approve. Is there a second on the motion?
LEG. KRUPSKI:
Second.

D.P.O. HORSLEY:
Second by Legislator Krupski.

LEG. SCHNEIDERMAN:
Through the Chair, if I can bring Mr. Vaughn up. They had asked me last time to table this because of some title issues, and I just want to see if any issue is outstanding or whether they can be -- if I need to amend it or that they can handle that through the contract negotiations.

MR. VAUGHN:
Legislator Schneiderman, thank you very much. We had suggested some changes, but I do believe that we're all in agreement that we think that this can be handled through the contract process. So if you're prepared to move your bill today, we're good.

LEG. SCHNEIDERMAN:
Okay. Thank you.

D.P.O. HORSLEY:
That's a lot easier than the first one. Is there any further questions; we're good? We have a motion to approve. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

LEG. KRUPSKI:
Cosponsor, Tim.

D.P.O. HORSLEY:
All right. We're moving over to page seven, the Introductory Resolutions for March 5th:

**Budget & Finance**

The first one under Budget & Finance is **1069-13 - Resolution delegating to the County Comptroller the power to authorize the issuance of not to exceed $120,000,000 Revenue Anticipation Notes of the County of Suffolk, New York, in anticipation of the receipt of certain revenues for the fiscal year ending December 31, 2013, to prescribe the terms, form and contents of such notes, and to provide for the sale and credit enhancement thereof (County Executive).**

LEG. GREGORY:
Motion.

D.P.O. HORSLEY:
Legislator Gregory makes the motion to approve. I'll second the motion.

LEG. KENNEDY:
On the motion.

LEG. D'AMARO:
(Raised hand).
D.P.O. HORSLEY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
Not being in the committee, I just want to find out from BRO. Roz, is this something that's satisfying the short-term note that we took last year, or is this part of the usual borrowing that we do in anticipation of property tax and State aid and things such as that?

MS. GAZES:
I'm going to defer to Robert, he's just walking in and he'll have a better answer for you.

LEG. KENNEDY:
Okay.

D.P.O. HORSLEY:
Mr. Lipp, welcome.

LEG. KENNEDY:
Robert, what is this one?

MR. LIPP:
This is the RAN, right?

MS. GAZES:
Yes.

MR. LIPP:
The Revenue Anticipation --

D.P.O. HORSLEY:
Yes, this is the 120 million.

MR. LIPP:
Okay. So basically we have State and Federal aid receivables that it's built against.

LEG. KENNEDY:
Yeah. But is this -- last year we did an extraordinary borrowing some time in March or April where we took a note, I think it was a $95 million note.

D.P.O. HORSLEY:
I think it was 85, but okay.

LEG. CILMI:
Eighty-five.

LEG. KENNEDY:
Okay, 85 million.

MR. LIPP:
Yes. This is the same sort of thing. Last year was the first year since the early 1990s, I believe it was '89 through '92, four years, that we borrowed with Revenue Anticipation Notes and we hadn't since then, and the early 90s was when the last large economic downturn nationally and locally was before this one. So this will be the second year that we'll be doing a Revenue Anticipation Note, just like last year.
LEG. KENNEDY:
So --

MR. LIPP:
Approximately the same time.

LEG. KENNEDY:
All right. And by definition, then, these are 364-day debt instruments. So 85 of this 120 will have to retire what we borrowed last year.

MR. LIPP:
We'll be actually --

LEG. KENNEDY:
That for us is, what, 35?

MR. LIPP:
My understanding is, without looking at the cash flow for the last few days, is I believe we're retiring last year's this month, and I believe that this particular Revenue Anticipation Note will be issued next month. And it's not a full 364 or five days, I believe last year's was -- and I can recall correctly, 327 days.

D.P.O. HORSLEY:
Legislator Kennedy, may I just interject just one second? I just want to make it perfectly clear that both BRO and the Administration has said to us in testimony that the borrowings of last year have nothing to do with this $120 million, that they're totally separate. No monies will be going to pay off the 85 million.

MR. LIPP:
And another way to say the same thing is that money had to be -- the 85 million had to be restricted up till now, so the money is already there. It was restricted since the beginning of this year, we didn't restrict anything last year. We had to restrict the 85 million the beginning of this year and we have that money in place. That being said, just the fact that we need to do a Revenue Anticipation Note for cash flow purposes is indicative of our financial difficulties.

LEG. KENNEDY:
Well, but we are -- okay. So we were short in '12 85 million, and we're short in '13 120 million? The hole is growing by 35 million, is that what the takeaway is from this?

MR. LIPP:
Not exactly, because you need to look at the cash flow borrowings in totality. So there are three cash flow borrowings; there's the Revenue Anticipation Note which, as I said before, is an unusual occurrence, and there's the -- most years we do normally two borrowings for Tax Anticipation Notes, TANs, and DTANs, Delinquent Tax Anticipation Notes.

LEG. KENNEDY:
Yeah.

MR. LIPP:
So you need to add the three up. And I believe off the top of my head, without looking at the file, I think we're talking about -- based upon the projections, we're talking about an increase overall with the three borrowings of about 15 million. So yes, there is indicative of an increased problem, and depending upon what happens later in the year, that problem could be significantly worse or perhaps not as bad.
**LEG. KENNEDY:**
Okay. But so then if we follow that line, Robert, then when we see the TAN come into us, and the TAN usually comes in -- I’m trying to remember.

**MR. LIPP:**
Okay. The TAN is the largest one, that was $400 million and that's at the end of the year or the beginning of next year.

**LEG. KENNEDY:**
And the DTAN we go out, when, in September?

**MR. LIPP:**
Approximately, yes.

**LEG. KENNEDY:**
So between those two we'll see them less this year than what they were last year?

**MR. LIPP:**
I believe we'll see the DTAN a little bit less. I’m actually going to call up the file as we speak. Okay, so -- okay, so bear with me here. Here we go. Okay. So that we’re talking -- we had $105 million -- actually, it was 90 and 105 million for the RAN and the DTAN last year. This year, 115 probably, not the full 120, reason being the Comptroller needs the authority to do the 120 but expects at this point, including their fiscal impact statement, to do 115. Plus the estimate is down to -- I’m reading an e-mail from the Comptroller's Office as we speak. According to the Comptroller, their estimate for the DTAN, Delinquent Tax Anticipation Note, in approximately September is down to 90 million.

**LEG. KENNEDY:**
Let me go a different way. If we don't do this borrowing today, when do we run out of cash?

**MR. LIPP:**
We should run out of cash in April and May -- well, yes, April and May. If you look at the cash flow, we're in negative without the RAN in April, that's when we would borrow it, and actually even at -- the most current cash flow that I saw from the Comptroller's Office, and it's just a projection, is that we will be in the black, that is we will have a surplus of only about $6 million or so, which is pretty razor thin in terms of cash.

**LEG. KENNEDY:**
Well, our payroll is, what, 20, 22 million every two weeks?

**MR. LIPP:**
Yeah, so that's -- well, that's part of the reason. So the point to be made is, you know, we have significant budgetary financial problems and that's indirectly related but not one-to-one relationship with the cash flow and without this we would have to make some significant alterations in our budget process.

**LEG. KENNEDY:**
Okay. All right, I'll yield, Mr. Chair. Thank you very much.

**D.P.O. HORSLEY:**
Thank you very much, Legislator. Legislator D'Amaro.

**LEG. D'AMARO:**
No, I'm good.
D.P.O. HORSLEY:
Okay. Legislator Cilmi.

LEG. CILMI:
Yes, thanks, Mr. Chairman. I have some serious concerns about this. As Legislator Kennedy stated, last year we borrowed $85 million, this year now we're being almost 50% more, $120 million. I'm concerned about what we're going to end up having to borrow next year. And the reason that we're borrowing this is we're borrowing it against future revenue received from State and Federal aid. Why is it that we have to wait for State and Federal aid? Because our State government and our Federal government are increasingly burdened with financial responsibilities that they are having a hard time dealing with.

So as our financial challenges grow and as the financial challenges in our State and in our country grow, it's going to be increasingly difficult to deal with these things. So I have a question, through the Chair, to the Administration, if Mr. Vaughn is still here. Oh, I see his head popping up over the podium.

D.P.O. HORSLEY:
Mr. Vaughn is in it for the duration.

LEG. CILMI:
What -- Tom, what is the Administration doing, and I would ask what we're doing as a body, to, as a coequal branch, in terms of long-term planning in this County? I've proposed a resolution, which has been continually rejected, calling for a three-year budget plan. What are we doing? Are we looking three years into the future? At the beginning of last year we looked three years into the future and determined that we were something like 400 or 560 or 530 or 300, depending on the day, million dollars in deficit for the three-year period. But yet I don't see any planning taking place in anticipation of dealing with these growing financial challenges that we're facing. So what can you share with us?

MR. VAUGHN:
Thank you very much for the question, Legislator Cilmi.

LEG. CILMI:
You're welcome.

MR. VAUGHN:
I would share with you that Deputy County Executive for Finance, Fred Pollert, will be at the Budget & Finance Committee next week. We'll be making a joint presentation with the Budget Review Office at that point in time and I think that he would be far more eloquent on this topic than I ever could be.

(*Laughter*)

D.P.O. HORSLEY:
Mr. Vaughn is getting very good isn't he?

(*Laughter*)

LEG. CILMI:
Well, is there any -- is there any urgency, then, in terms of approving this now as opposed to our next meeting two weeks from now?
MR. VAUGHN:
I would say that the Comptroller went to the last Budget & Finance Committee meeting and asked that this be adopted immediately. So I'm going to go with his opinion on this that, yes, we should do this now.

LEG. CILMI:
Well, let me say, first of all, that I think the Comptroller is perfectly right, in his capacity as Comptroller, to make use of whatever means available to deal with the cash flow situations and the ability of the County to pay for its short-term needs.

(*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY LUCIA BRAATEN - COURT REPORTER*)

But budgetary oversight in the sense that it is the County Executive's responsibility and the Legislature's responsibility are not his responsibility. So, from a policy point of view, we have to ensure that as we continue to borrow more and more -- as we said, up until last year we weren't doing RANs. We are able to deal with the -- you know, the problems associated with not getting paid by the Federal Government or the State Government in due course based on reserves or other funds that we had, and we can't do that anymore because we've exhausted all of that. So, from a policy point of view, we have to be certain as a Legislature that we have a plan in place to deal with significantly increasing fiscal challenges. And I just don't feel comfortable that we have that plan in place sitting here right now, and I think it's completely imprudent to approve 120 million dollars worth of borrowing for operating expenses on the same day that we're going to be asked to approve 38 million dollars of borrowing for operating expenses when we don't have that plan in place, apparently.

So I am going to make a motion to table this bill until we hear from Budget Director Pollert, and I look forward to his eloquence.
Thank you. Motion to table.

D.P.O. HORSLEY:
We have a motion to table. Is there a second on the motion?

LEG. KENNEDY:
Second.

D.P.O. HORSLEY:
Second by Legislator Kennedy. We have a motion and second to table. Legislator D'Amaro.

LEG. D'AMARO:
Thank you. This is a -- and this is directed to Dr. Lipp at BRO. This is a cash flow tool, if you will. This is really not substantively concerning our budget. We passed the budget, it was balanced. There are some one-shots in there, there is recurring revenue in there. The problem is we're just not realizing the cash flow as quick as we would like to in order to keep the County meeting its obligations as they come due; is that correct?

MR. LIPP:
Yes. You know, you're both right in the sense that, A, we have serious financial problems, we're not sure how we're going to address them, but, B, yes, this is an immediate cash flow problem. And, in fact, the Comptroller plans to go out and sell the notes on March 27th. So if we do table it, that would prevent us from going out on March 27th, us being the Comptroller's Office.

D.P.O. HORSLEY:
Thank you for that information, Legislator D'Amaro.
LEG. D'AMARO:  
Well, you know, I'm just trying to make the point that I agree with Legislator Cilmi, that we have to keep addressing the budget issues and the budget problems, and I think we've been pretty diligent in doing that. And I think we do have a plan in place, that's our budget. You know, how it gets enacted and comes to fruition remains to be seen. There's always those policy debates going on throughout the year with respect to our budget, but I don't think that this bill is the vehicle to have that debate. This is just a borrowing that's necessary because we just can't pay our bills as they come due because of a down economy and not getting our revenue in as quickly as possible, and also because of the State and Federal Government probably lagging in paying the County and forwarding funds down to the County.

So I want to have those policy debates. I want to ask why are we not realizing our revenue as -- quicker, why it's not coming in as it should be coming in. I think we need to have those debates, but, you know, that's a separate substantive debate from borrowing just to meet our debts as they come due.

And, by the way, this borrowing is fully secured by revenue that's anticipated to come in in the future. As we saw with the 85 million, it will be paid in full within a year.

MR. LIPP:  
Correct.

LEG. D'AMARO:  
Right?

MR. LIPP:  
Yeah.

LEG. D'AMARO:  
Yeah. So, you know, I just -- you know we've all been involved in budget issues, that's what we focus on here, and we're going to have more of that debate, Legislator. But, again, I don't think we want to send the message that Suffolk County is not prepared to take what steps are necessary to meet its obligations as they come due, and I think by tabling this bill, that's exactly the message you're going to send.

D.P.O. HORSLEY:  
Thank you very much, Legislator. Legislator Gregory.

LEG. GREGORY:  
Thank you, Mr. Chair. Just to go back to Legislator Kennedy's questions. When the Comptroller came to the Budget and Finance Committee, the majority, if not all, of the increase in last year's borrowing is due to the Sandy relief efforts and overtime and all the costs associated with that, as well as the lack of the sale of the Foley Nursing Home. So there is some cash flow issues, but it's really -- part of it is to not realizing some revenue that we expected, but also unexpected and unanticipated expenses. So without that, those two events, we probably would be on par to what we did last year, which, again, is not something that we've done in decades and we don't want to do. But, nonetheless, those are the reasons, as stated by the Comptroller, for the increase for this year's borrowing.

D.P.O. HORSLEY:  
Thank you very much, Legislator. Legislator Montano.

LEG. ANKER:  
Wayne.
D.P.O. HORSLEY:
You're -- I have you after.

LEG. ANKER:
He had a response.

D.P.O. HORSLEY:
Oh, I'm sorry.

LEG. MONTANO:
Go ahead, Robert, answer.

D.P.O. HORSLEY:
Thank you.

MR. LIPP:
I got a chance to look at my file just for more -- purposes of more complete information. Last year for the three cash flow borrowings, we issued a total of 600 million dollars. This year, the projected amount with this Revenue Anticipation Note and the two TAN borrowings would be 605. So it represents an increase, assuming that the projections prove to be accurate, of five million dollars.

LEG. KENNEDY:
Wayne. Wayne.

D.P.O. HORSLEY:
Thank you. I will do. All right. Legislator Montano, back to you.

LEG. MONTANO:
Yeah. Actually, Legislator D'Amaro touched on some of the points I was going to address, but I just want to be clear. You may have answered this, Robert, but I spoke to the Comptroller's Office yesterday. This is going to give us the ability to borrow up to 120, 120 million, but they actually intend to borrow 115 million.

MR. LIPP:
Correct.

LEG. MONTANO:
And this is going to -- I understand the interest rate is very low, about 1%; am I accurate with that?

MR. LIPP:
I would say the --

LEG. MONTANO:
The cost.

MR. LIPP:
The net cost would be in the neighborhood of that. It might be a little bit higher, but it remains to be seen.

LEG. MONTANO:
But it's very low comparatively speaking, right?

MR. LIPP:
Correct.
LEG. MONTANO:
All right. And the other thing is that it's going to be paid before December 31st of this year and we're not going to be in a -- what was that?

MR. LIPP:
No, that would be next March. We have up to a maximum of a year, and the schedule is that we would borrow the beginning of April and retire it at the beginning of March.

LEG. MONTANO:
All right. That's not --

MR. LIPP:
Close, it's close.

LEG. MONTANO:
Well, I'm glad you said -- well, December and March are two different things.

MR. LIPP:
Yes.

LEG. MONTANO:
My understanding was, unless I misheard, that this was going to be paid within this year by December 31st; am I incorrect in that assumption?

MR. LIPP:
You're incorrect in that assumption. I'm speculating only that the Comptroller meant within a year, as opposed to within this year. He meant within a year, because the --

LEG. MONTANO:
Right, but --

MR. LIPP:
-- cash flow actually shows that.

LEG. MONTANO:
Is there anyone here from the Comptroller's Office, because I know the difference between within a year or within December 31st. I thought I heard specifically December 31st, but not from you.

MR. LIPP:
Right. I know for a fact that it is scheduled to retire in March of next year.

LEG. MONTANO:
And is that because the State fiscal year begins April 1st --

MR. LIPP:
No.

LEG. MONTANO:
And we may get our money later.

MR. LIPP:
No, it's -- by definition, notes, being Tax Anticipation Notes or Revenue Anticipation Notes, could be issued up to a maximum of a year.
LEG. MONTANO:
Right.

MR. LIPP:
So, usually, what you do is you space it out based upon the cash flow, and the current cash flow shows that it's going to be issued in April and -- or we'll receive the money in April, and we will be retiring it next month. And that cash flow comes not from me, but from the Comptroller's Office.

LEG. MONTANO:
Right. All right. With all due respect, I did speak with him yesterday. I was under the impression that this was going to be paid by the end of this year. I could be incorrect, I will check that.

D.P.O. HORSLEY:
Okay. Thank you. And, again, let me just emphasize that the 85 million that we had borrowed -- that we borrowed last year will be paid prior to the borrowing of the 120. Okay. Legislator Anker.

LEG. ANKER:
I just wanted to comment. And I agree with Legislator Cilmi, we have got to stop borrowing because the interest itself is creating issues. Of course we can't predict disasters, we can't predict that we would have millions, if not hundreds of millions of dollars, you know, throughout the state to deal with these disasters. But I can say for Suffolk County, and especially in my area, we've have been hit hard every single storm that's come our way. And we do need to prepare for that, and that's a whole other situation we have to work with as far as emergency preparing, but fiscally preparing. And it's very frustrating to understand as a new Legislator that we have to wait for Federal and State money. And we have to borrow money, is that correct, while we're waiting to pay our bills?

MR. LIPP:
Well, it's a combination of things. I mean, it's -- I'm not sure if we're that much later than we are in the past. I can't be sure of that, I'd have to check on that in terms of our receivables for State and Federal aid, but it's also indicative of our overall budget problems, that whatever the lag is in payment from State and Federal aid, we're spending more than we're taking in.

LEG. ANKER:
Again, but we're still waiting for money to pay for mandates from the State and from the Federal Government.

MR. LIPP:
Combination of factors.

LEG. ANKER:
Okay.

MR. LIPP:
That being one of them.

LEG. ANKER:
Is there anything we can do to help with the process? Is that too far thinking out of the box?

MR. LIPP:
Well, it's up to the County Executive's State and Federal Aid Unit to be on top of this. It's rare that the Legislature ever gets involved. I do know that two years ago the Presiding Officer did get involved at the State level and was able to break some of the logjam. That being said, I'm not sure exactly where the Executive's State and Federal Aid Unit is in terms of being on top of it. That would
-- they would have to speak to that.

**LEG. ANKER:**
How much money in State and Federal aid, if we were up -- if we were paid up, how much money would we then have to borrow?

**MR. LIPP:**
Okay. So the receivables that we would issue, the 115 or 120 million, are a hundred and -- 363 million, I believe, based on that.

**LEG. ANKER:**
Okay. It's still -- we do need to work on that, again, as a County. Can I ask, Tom, your thoughts on this?

**MR. VAUGHN:**
We would love it if the State and Federal Government would pay faster.

(*Laughter*)

**LEG. ANKER:**
That's an understatement. Well, again, I hope we can continue to focus on that. We've got a lot of issues we have to deal with fiscally. And it's very frustrating to sit here and have to borrow money just to pay our bills as we're waiting for a higher government level to pay us, so -- but thank you for what you've done, Robert.

**D.P.O. HORSLEY:**
Okay. Thank you very much, Legislator. Legislator Barraga.

**LEG. BARRAGA:**
Certainly, I agree with my colleagues with regard to some of the comments made in terms of borrowing and the fiscal realities facing Suffolk County as far as budgets and revenues and controlling expenses, but -- and those issues should be discussed, but this is a specific resolution calling for Revenue Anticipation Notes of 120 million dollars, and it should be passed and passed now. If you table it and postpone it, all you're doing is possibly generating a short-term fiscal crisis for the County, which we don't need. We see that in Washington all the time. So even though you have concerns, the bill is specific to 120 million dollars in RANs. We have to do it, we should do, let's get it out of the way.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Barraga. Succinct as usual. Legislator Kennedy.

**LEG. KENNEDY:**
Let me go back to what kind of brings us to some of the beginning debate that I had on this, and I'll go to, Robert, what you just summarized for us as far as an aggregate with the borrowings, which give us a five million dollar increase in '13 over what was the actual in '12. Where do you get the projections for those other two borrowings, the TAN and the DTAN?

**MR. LIPP:**
Okay. As I said before, these are based upon the cash flow reports that the Comptroller's Office does. It's not based upon our analysis, it's based upon theirs, and it is a projection for the year. Actually, they presented at the Budget and Finance Committee meeting three cash flows, one for last year, one for this year, and one for a half a year of 2014, and it shows, you know, where different things are spaced, including these cash flow borrowings. And it makes a bunch of -- to make some assumptions for the projections such as, for instance, in October the cash flow is recognizing that we would get the 70 million in for the sale lease-back. If -- and I'm not saying that
wouldn't happen, but if that becomes a problem --

**LEG. KENNEDY:**
But we don't have a bill in Albany for that, Robert. How does that happen? Or at least I -- maybe someone from the Administration or somebody else can advise us. I think that goes to the point that Legislator Cilmi raised and as Legislator Barraga's pointed out, yes, this is an encapsulated borrowing associated with our ability as an employer to go ahead and make payroll, and that's the most basic function we do as an employer. But to pass this without that aggregate conversation seems to me at least to be a little bit disingenuous.

And then that goes to what the Administration is going to bring to us as far as their broader plan, because, quite frankly, the representations that Legislator Gregory referenced, be it Foley or anything else, that's not a five million dollar shortfall. There's other money involved there. There's the sale lease-back that needs to have State legislation. There's a Yaphank land sale that's presently under litigation. There's a variety of minds out there in the budget right now, none of which we have before us now, but yet ask for 120 million.

So that's why I'm inclined to support the table, and I guess I want to know what happens if we go two weeks from now. We meet again on the 19th, I believe it is, correct?

**D.P.O. HORSLEY:**
I think that Robert's answered that question before. When is he going out to borrow?

**MR. LIPP:**
On the 27th.

**LEG. KENNEDY:**
So the 19th is before the 27th, I think.

**LEG. D'AMARO:**
Is it?

(*Laughter*)

**LEG. KENNEDY:**
There we go. So we could have a comprehensive presentation and then be able to make the decision based on at least some additional information besides the microcosm view associated with this short-term. That's why I support the table.

**D.P.O. HORSLEY:**
Okay. Thank you very much Legislator Kennedy. Legislator Muratore.

**LEG. MURATORE:**
Thank you. I just should -- you know, I think we ought to listen to Legislator D'Amaro and Legislator Barraga here. I mean, we keep kicking this thing down and keep kicking the can down the road, and what are we going to do? We're going to run out of time. And then what are we going to do? We're going to start thinking furloughs and, you know, all that other stuff that we look to save money with? It's really not -- you know, we've got some time, like John said, John Kennedy said, we've got until the 27th, but I really think it should be done now and stop wasting time. I mean, we have a habit here of doing that sometimes, sitting on our hands and not moving forward. So listen to Legislator Barraga and Legislator D'Amaro and let's move this thing along.

**D.P.O. HORSLEY:**
There you go. Legislator Krupski.
LEG. KRUPSKI:
I have to say, I do agree with Legislator Cilmi in that there should be some long-term planning as far as the budget goes. However, you know, after listening to -- sitting on the Budget and Finance Committee and listening to the Comptroller, and going to meet with the Comptroller and meeting with Budget Review to try to get -- as someone new here, try to get a handle on what's going on. It's obvious, and I'm not an economist and I'm not, you know, an accountant, I'm not very good at math, but it seems pretty obvious that people who are know that we need to borrow this money just to make the short-term goals here of the different departments and just to make payroll, and not to look like Washington, like we can't manage to pay bills and it's always a crisis all the time, so -- but I do agree. You know, is it a revenue problem? Is it a spending problem that the County has? I would suspect it's both, so I would urge that we pass this.

D.P.O. HORSLEY:
Thank you very much, Legislator. I have Legislator Montano. Back to you again. I've got a couple of new ones on the list.

LEG. MONTANO:
I just -- very quickly. Robert, I did speak with the Comptroller's Office. They're actually listening to this debate, and they did clarify that, yes, you're correct. I was under the impression it would be paid by the end of the year. It's not, it's going to paid by March 31st. But what is clear is that we don't have to bond this later. This is going to come out of money that we're going to receive from the State, correct?

MR. LIPP:
Correct.

LEG. MONTANO:
Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator Montano, that was good to know. Legislator Cilmi, I think I've got you up again.

LEG. CILMI:
Thank you again. I would be prepared to support this if I thought the County was prepared to deal with these long-term financial challenges, but I just don't think we are. We're clearly not prepared. I mean, the fact of the matter is we're not getting paid from the Federal Government and from the State Government as quickly as we would like because they can't afford to pay us as quickly as they would like. And, in turn, we are not paying our vendors and our contractors as quickly as we would like, and we've passed bills to require the Administration to pay certain entities faster than certain other entities because we don't have the money. So we are clearly unprepared. Financial challenges continue to increase and we are -- continue to be unprepared.

We began this year anticipating certain revenues. We anticipated the sale of our nursing home, which was 26 million dollars, and the reduction in whatever costs is associated with running the nursing home. We began this year anticipating revenue from the sale of the Yaphank property, which I understand is now in question. We began this year by anticipating 70 million dollars of one-shot revenue from the sale lease-back of the Dennison Building. I haven't heard about those plans. And we began this year thinking, with all of that, we had a balanced budget, only to receive an all-employees memo, I believe it was an all-employees memo from the County Executive, asking departments within the County to set aside 10% of their discretionary budgets, because in January, having passed a supposedly balanced budget, expecting these revenues that I just outlined, the nursing home, the Yaphank sale, the Dennison Building, that we were still going to be 100 million dollars in deficit at the end of this year.
Folks, I get the need to borrow to pay our employees. We all want to make sure our employees get paid. But until we see that we have a plan in place, not just for a year, as Legislator D’Amaro stated in terms of our budget, but a long-term plan in place to deal with rising costs and decreasing revenue, then it is totally imprudent to approve borrowing for 120 million dollars for operating expenses.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Cilmi. Legislator Nowick, we got to you.

**LEG. NOWICK:**
Well, at the risk of reiterating, we don't have a choice. We borrow money to run the government. We don't have the money to run the government; we have to borrow the money to run the government. We anticipate -- Robert, tell me if I'm wrong. We anticipate our property taxes coming in after May 31st. That would be a way to pay it back. I don't see we have a choice. We've done this for a few years. That is our choice, run the government or -- all of the comments are correct, we should not be borrowing, we all agree on that. And in a perfect world, we would not be borrowing. But right now, this is not perfect.

**D.P.O. HORSLEY:**
Thank you very much, Legislator. Legislator D’Amaro, I think we're up to you, and then Legislator Schneiderman, and I think that's --

**LEG. D’AMARO:**
I'll be brief.

**D.P.O. HORSLEY:**
Yes.

**LEG. D’AMARO:**
I just had a quick question for the Budget Office. Rob, in the past, when we weren't in this situation, where we needed to do a RAN, Revenue Anticipation Note, did we still manage our cash flow in a way where we would borrow from one fund to another, if we had the cash available, in order to meet obligations as they come due?

**MR. LIPP:**
I'm not sure what our interfund transfers of borrowing were between funds back then, but I think it was relatively minimal. The way we got out of our problem last time around was a lot different. I mean, I don't know if you want to talk about that.

**LEG. D’AMARO:**
So -- but in the past, though, we had funds available in reserve funds, contingency funds, where we could borrow against those funds short-term.

**MR. LIPP:**
Right, short term. Yeah, there's always -- I mean, even when you're flush, you know, back in the day when -- where we were doing really well, you know, there was still a need for cash flow borrowing, it just was a lot smaller.

**LEG. D’AMARO:**
Yeah. The other point I want to make is that, you know, I agree with Legislator Barraga, you know, and Legislator Nowick, we just need to get this done, and Legislator Muratore, in his wisdom, that we should listen to Legislator Barraga and D’Amaro, I think is spot on.

(*Laughter*)
But, you know, I don't see how -- I just don't think we should be mixing this debate with a substantive policy debate about our budgeting practices and our budget right now. We can have all those debates, we can talk about the Foley Center again, we can talk about Yaphank, we talk about the fact that we put red light cameras in and we put recurring revenue like the Parking Violations Bureau in to try and get enhanced recurring revenue. We can talk about tax increases, if you want to talk about that, and there's time for all of that. We're going to do all of that once again as we get into the Fall and start talking about next year's budget. But we're so dependent on these sales taxes that to think -- look, I mean, here we are in a one-year budget and we're having problems realizing some of that revenue in a difficult economy. You know, if sales tax comes -- clicks up a couple of notches, it solves a lot of problems.

So it's hard enough to do the one-year budget. To do a three-year budget, where you're dependent on sales tax with all of these uncertainties, I don't know if it's worth the exercise, to tell you the truth. I would rather that we stay focused on the budget, the substance of the budget when that comes along in September. But right now, we really need to pass this bill so we don't send the wrong message and we just make sure we meet our obligations.

D.P.O. HORSLEY: Thank you very much, Legislator D'Amaro. Legislator Schneiderman, I think you're it.

LEG. SCHNEIDERMAN: Thanks. I agree, we have to pass this, because in April we don't make payroll because we don't have the money. And we don't really have much of a choice here. But, you know, we are a sales-tax-funded County. When the recession hit, we dropped about 100 million dollars overnight. We never have recovered from that. You know, we've had other things, pension costs going up, health care costs, hurricanes, etcetera, it's only complicated it. We've tried, and as Legislator D'Amaro said, we shrunk our workforce. We increased taxes in -- pretty much up to the Governor's cap. We've sold things, various things, we securitized tobacco. But we've never fundamentally closed the gap between expenses and revenues, and it's reflected in this RAN, clearly.

And last year, when we did a RAN, it was 85 million dollars. And I asked the question then, are we setting up a series of RANs, because we're not -- you know, is it going to happen next year, and they said yes, it's likely to happen again, probably for several years. Until we address that fundamental problem, we are probably going to see RANs every year and it's unfortunate. We are basically advancing our own money. We're taking money that we're due, but we're getting it earlier. And, yes, last year's RAN was also to March, just like this one is, it's similar. And the reason for the additional amount, according to the Comptroller, are those unpredicted factors like Foley not selling yet and Hurricane Sandy, etcetera.

So, really, there is no choice here. If somebody's got a better idea, they should come forward with it. But unless you have the idea today, we can't wait until next month, because we've got to make payroll and pay our bills, etcetera. So I think the responsible thing to do is to approve the RAN.

D.P.O. HORSLEY: Thank you very much, Legislator Schneiderman. And I just may just add one more additional comment, that this has been a difficult time, we all recognize it. The fact is we've taken, in the last several years we've taken a 500 million dollar deficit down to about an 80 to 100. We all realize the difficulties we're involved with and we're making difficult decisions.

And so with that, let us -- I have a motion to table; tabling motion goes first. All those in -- I don't know if we need a roll call. I don't think so. All those in favor of the tabling motion? Okay. Opposed?
MR. LAUBE:
Two. (Absent: P.O. Lindsay).

D.P.O. HORSLEY:
Tabling motion fails. The motion to approve. All those in favor for the motion to approve? Aye. Opposed?

LEG. CILMI:
Nay.

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:
The motion to approve has passed. All righty. Moving on. These first ones are difficult.

1111 - To establish eligibility by the Towns of East Hampton and Shelter Island for Public Safety Revenue-Sharing Funds (Co. Exec.).

LEG. SCHNEIDERMAN:
Motion to approve.

D.P.O. HORSLEY:
Motion to approve by Legislator Schneiderman. Is there a second on the motion? Second by Legislator D’Amaro. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen.

D.P.O. HORSLEY:
Thank you. 1117 - Amending the (2013 Operating) Budget to support the Youth Advocacy and Resource Development, YARD, Program (Schneiderman). Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Motion to approve.

D.P.O. HORSLEY:
Motion to approve. Is there a second on the motion?

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Second by Legislator Anker.

LEG. CILMI:
On the motion.

D.P.O. HORSLEY:
On the motion, Legislator Cilmi.

LEG. CILMI:
Legislator Schneiderman, just to be sure, East Hampton Juvenile Aid and Harbor Youth Center, these organizations realize that this funding is being taken out of their lines and put into this other line?
LEG. SCHNEIDERMAN:
All these organizations are aware of these changes, yes.

LEG. CILMI:
Okay, terrific. Thanks. Are they opposed to them or --

LEG. SCHNEIDERMAN:
One organization isn't particularly happy, but they're going to have to live with that, that would be Sag Harbor Youth Center. I'm hoping for the day that that particular organization merges with the YARD organization, they do very similar work. And because of that duplicity, there is additional expenses that -- when they merge, I believe that things will be better and there'll be some cost savings for all of us.

LEG. CILMI:
Fair enough. Thanks.

LEG. MONTANO:
On the question.

D.P.O. HORSLEY:
On the motion, Legislator Montano.

LEG. MONTANO:
Legislator Schneiderman, through the Chair, what's -- is there a reason why this money is being shifted? I mean, what is the issue there?

LEG. SCHNEIDERMAN:
Yeah, there's multiple --

LEG. MONTANO:
With Juvenile, this is --

LEG. SCHNEIDERMAN:
There's multiple shifts going on, so there --

LEG. MONTANO:
This is not omnibus money. We don't have omnibus money, correct?

LEG. SCHNEIDERMAN:
Right.

LEG. MONTANO:
Anymore, correct.

LEG. SCHNEIDERMAN:
This was money that was programmed for youth organizations that happen to be within my district. The East Hampton Juvenile Aid money was going through East Hampton to this group, YARD, which is on the border of Sag Harbor, and YARD, it's taken them a long time to process it in last year's budget. So I'm basically putting it down, instead of East Hampton Juvenile Aid, directly as YARD, so it's not that two-step process. So that accounts for that piece.

LEG. MONTANO:
So that's not a loss to the agency, is what you're saying?
LEG. SCHNEIDERMAN:
No, there’s no loss to anyone by doing that. The only loss here is from the Youth Center to YARD. I’m also moving $5,000 because they have additional costs with insurance that would -- they would not have had to incur had there been a merger of these two organizations. So the group that’s taking the hit here is the Youth Center by losing that, but they are moving toward merging and that will help, so -- but, ultimately, there’s no additional money going to these organizations, it’s exactly as programmed, but how that money is allocated is slightly shifting by $5,000.

LEG. MONTANO:
I’m not sure I did get that, but for East Hampton Juvenile Aid, their allotment remains the same, it’s just how the money is given to them; is that what you were saying?

LEG. SCHNEIDERMAN:
You know, I don’t have the resolution before me, but I think they were like 15,000 or something.

LEG. MONTANO:
It says it’s $12,673.

LEG. SCHNEIDERMAN:
And it’s being reduced to what, 5,000, I think, right?

LEG. MONTANO:
No. Maybe I’m reading this wrong. Maybe Robert can clarify. There’s $12,673 from the East Hampton Juvenile Aid, 4500 from the Sag Harbor Youth Center, Inc., and 17,173, I guess that’s the total, is going to the Youth Advocacy and Resource Development.

MR. LIPP:
Correct.

LEG. MONTANO:
Robert?

MR. LIPP:
Correct.

LEG. MONTANO:
Correct, okay. So these two programs, they’re losing funding. It’s going to the Youth Advocacy, and then it’s going back to the programs; is that what you said?

LEG. SCHNEIDERMAN:
The money that is moving from East Hampton Juvenile Aid to YARD was doing that anyway. It was going through to YARD anyway, but it was in a pass-through to the Town of East Hampton.

LEG. MONTANO:
So that’s no net monetary effect, is what you’re saying?

LEG. SCHNEIDERMAN:
Right. It just makes the processing clear.

LEG. MONTANO:
I got that. So what about the Sag Harbor Youth Center, Inc.?

LEG. SCHNEIDERMAN:
Right. They’re losing 4500.
LEG. MONTANO:
And what impact, if any, does it have on them? And you said that they're aware of this.

LEG. SCHNEIDERMAN:
It's impacting them. The hope was that they were to merge with the YARD organization, which does similar work, and there would be some cost savings. So that 4,500 moving to YARD will allow YARD to get the insurance it needs to do some of the programming. So, yes, it is a loss to that one group. It is my judgment that they will be able to sustain that loss. It's unfortunate. Had they merged --

LEG. MONTANO:
Do you know what their overall funding is?

LEG. SCHNEIDERMAN:
For which group?

LEG. MONTANO:
For Sag Harbor -- and I don't know this group. I'm just asking you if you know what the overall funding is?

LEG. SCHNEIDERMAN:
Which one, the Sag Harbor Youth Center?

LEG. MONTANO:
Sag Harbor, because the only one that's being affected is Sag Harbor, right?

LEG. SCHNEIDERMAN:
About 50,000.

LEG. MONTANO:
So this is about 10% of their budget.

LEG. SCHNEIDERMAN:
Something like that.

LEG. MONTANO:
And they're fine with that?

LEG. SCHNEIDERMAN:
Look, they're not -- look, we just -- you know, when Legislator Gregory -- recently there was a change there, one group was completely eliminated.

LEG. MONTANO:
Yeah, I was here when that happened.

LEG. SCHNEIDERMAN:
I know. And I'm not suggesting we eliminate all their funding. I'm only saying that about 4,500 shift over to this other group. And I believe the merger will happen and that will be in everybody's best interest. It's my judgment call as the Legislator for the District that this is the appropriate action, and I certainly hope you'll support it.

LEG. MONTANO:
I'll abstain, but that's all right. Thank you.
LEG. SCHNEIDERMAN:
Okay.

D.P.O. HORSLEY:
All righty. Legislator Kennedy, quickly.

LEG. KENNEDY:
I think I heard what I needed to, it's just this is not new money. It's the same money, you're just moving to a different place in your district?

LEG. SCHNEIDERMAN:
Exactly.

LEG. KENNEDY:
Fine.

D.P.O. HORSLEY:
Legislator Stern.

LEG. STERN:
Also, very quickly, I think you might have mentioned it, Jay, but these dollar amounts next to these two agencies, does that represent the total County funding that both of those agencies receive, or are they left with any remaining County money after you make these transfers?

LEG. SCHNEIDERMAN:
For your -- yeah, for both of these organizations, this is -- well, for Sag Harbor Youth, there is additional money. The total allocation was around 15, now it's going to be whatever, 4,500 less than that. So now 45-5. For YARD, that's 17,173 is their total County, it's all they will get from the County. They do fundraising efforts to supplement that. And I have met with these groups and they all are aware of these changes and they all have accepted these changes.

D.P.O. HORSLEY:
Okay? All righty. That's all the speakers I have. We have a motion to approve. I don't have any other motions. All those in favor? Opposed? So moved.

LEG. MONTANO:
Abstention.

D.P.O. HORSLEY:
It has been approved with one abstention.

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:
Okay. 1122 - Amending the 2013 Operating Budget to assure adequate health education for the children of Suffolk County (Spencer).

LEG. SPENCER:
Motion to approve.

LEG. ANKER:
Second.
D.P.O. HORSLEY:
Motion by Legislator Spencer, second by Legislator Hahn. We all good?

LEG. CILMI:
On the motion.

D.P.O. HORSLEY:
On the motion.

LEG. CILMI:
My understanding is that we're taking $75,000 out of Object 4560, Unit 4501, and -- or -- I'm sorry. We're taking it out of Unit 4101 and giving it to Unit 4501. Robert or somebody, can -- or maybe to the sponsor, can we talk about exactly where that money is coming from?

MR. LIPP:
Yes. That's -- first of all, the budget has over 3.76 million dollars in it for that line item, and that's the contract with Hudson River.

LEG. CILMI:
Okay. So we're taking it out of the contract for Hudson River and making it available for this resolution. What -- if it's a contract with Hudson River, how are we able to take money out of it?

MR. LIPP:
My understanding is that the sponsor, but he would be able to speak better than I, had conversations with the Executive's Office and that's what they came up with.

LEG. CILMI:
Okay. I would ask, then, either to the sponsor or to the Executive's Office, if we have a certain amount of funding associated with a contract with Hudson River, how is it that we're able to decrease that funding?

D.P.O. HORSLEY:
Why don't we take that question. And I know the sponsor looks like he'd like to respond to that question.

LEG. SCHNEIDERMAN:
Through the Chair.

D.P.O. HORSLEY:
Legislator Spencer.

LEG. SPENCER:
Sure. Within that contract, there is the Fee-For-Service line. And with regards to Fee-For-Service, in terms of some of the revenues that we're looking at, they're anticipated revenues, depending on how efficiently or how well that we provide the service. So it's not a firm contract line, we share in those revenues. And so, in looking at the line item and how efficiently we provide the services, then we're able to derive revenues, depending on our billing practices and our collection practices.

But, specifically, with this, the reason I put forth this resolution relates back to the Sandy Hook Elementary disaster. And Health Smart was one of the programs that was a $600,000 program that we eliminated as we looked for ways of being able to cut costs. And the importance, Health Smart is a program that is in Suffolk County. We have 72 school districts. We have it in 50 out of the 72 school districts, and it's preventive education, and part of it is mental health services. So, when we look at the issue of gun violence, they say that we need to have a comprehensive approach. And so
we've looked at everything from background checks to ammunition to limiting, you know, what some would say is controversial, looking at the Second Amendment rights. But the other component of that is saying that we have to have a balanced approach looking at mental health services.

And so it's a lot easier and a lot less expensive to prevent than it is to treat mental health issues, and so this is one of the -- this is the only thing that we are doing as a County for preventive mental health services. It starts as early as kindergarten and addresses issues of bullying, depression, how to cope with anger appropriately, and it goes out to hundreds of thousands of children in Suffolk County. So we took this $600,000 program, and because we had teachers and PTAs that were willing to continue to provide this education, we've already trained them, so we're able to cut it 85% of the cost. And so for $75,000, we're providing preventive care services, and this should be the benchmark. If we have a program and if we can cut 85% of the cost, keep it, provide preventive services, then I think it's a home run for everyone. So that's why we're doing it.

LEG. CILMI:
So we're presently running or providing 50 out of the 72 total school districts in the County with this -- with the resources to do this Health Smart Program?

LEG. SPENCER:
That's correct. And we're continuing to expand just based on volunteers from our County employees and also our School Boards.

LEG. CILMI:
Okay. Why do we only offer it, or why do we only present it in 50 out of the 72 school districts, and what, if any, efforts are being made to offer the program for availability to non-public schools?

LEG. SPENCER:
Well, the program has been continually expanding based on the efforts of our Health Education Department. So that was the penetration of the program to this point. And I think they're in Districts 51, 52, and they're going to -- my goal is to get it into all 72 school districts. As far as the -- what was the second part of the question?

LEG. CILMI:
Private schools.

LEG. SPENCER:
Private schools. I think that would be a very important continuation as far as -- I'm not aware of what we have done in private schools at this point.

LEG. CILMI:
Through the Chair to the County Executive's Office. Tom, can you talk to us about what is it about the 50 schools? Why are we -- why are we doing this in 50 out of 72 schools? What is it about the other 22 schools? How did we decide, if we decided? Was it the school districts that declined the opportunity to host this program? And then, if you could talk a little bit about what the Health Smart Program is.

MR. VAUGHN:
Legislator Spencer seems like he wants to join in for a moment.

LEG. SPENCER:
We offered -- the school districts have to voluntarily adopt the program. We've offered it to everyone. And so we've had 50 out of the 72 who have been in the program and taken this up. We've offered it to all of the school districts. So there is action that is required by those separate school boards and they are coming online. Sometimes it's been a longer process, so we do have --
so it's available to everyone.

**LEG. CILMI:**
So the addition of this revenue, then, does exactly what? I mean, if we've already offered it to all 72 school districts, assuming that we had funding to pay for the program in all 72 districts otherwise we wouldn't have offered it to all 72, I hope --

**LEG. SPENCER:**
Well, the funding, the reason we were able to reduce 85% of the cost, is because once we had the contract with BOCES to do the training, once we train teachers to do it, it became self-perpetuating. So we were able to eliminate -- the cost is now -- because we're using our old materials, but that material is now being updated, so this is the cost to -- for us to get the new materials, the new copyrighted materials so that we can keep this program alive. But we've pretty much eliminated all of the or most of the manpower costs to do this.

**LEG. CILMI:**
Okay. So this is -- so this money is to update materials?

**LEG. SPENCER:**
Yes.

**LEG. CILMI:**
Do you concur with that, Tom?

**MR. VAUGHN:**
Yes, sir.

**LEG. CILMI:**
Okay. Thank you very much.

**LEG. SPENCER:**
Thank you.

**D.P.O. HORSLEY:**
Thank you, Legislator Cilmi. Legislator Montano.

**LEG. MONTANO:**
Yeah.

**D.P.O. HORSLEY:**
And I'd ask you to please make it --

**LEG. MONTANO:**
What was that.

**D.P.O. HORSLEY:**
If you would, just fairly quick, I have a special request by one of our Legislators, so -- never mind, go ahead.

**LEG. MONTANO:**
Thank you. Through the Chair. Legislator Spencer, just educate me a little bit. What -- who or what is the Health Smart Program? Are they a separate not-for-profit?
LEG. SPENCER:  
No. The Health Smart Program comes through the CDC.

LEG. MONTANO:  
CDC of Community Development Corporation?

LEG. SPENCER:  
It's a Federal program, yes. I mean, it's a Federal program that is offered to Boards of Health to -- I'm sorry, to Suffolk County Departments of Health or Departments of Health all over. So we adopted this program several years ago and --

LEG. MONTANO:  
Just so I'm clear, you said CDC. There's a Community Development Corporation, Inc. That's not who you're talking about.

LEG. SPENCER:  
Center for Disease Control.

LEG. MONTANO:  
Oh, okay, that CDC. And that money, then, comes into the Health Department?

LEG. SPENCER:  
Well, they offer the program in terms of scrutinizing the content and the material, but there are no grants that actually come from the CDC for this program. They offer the program and then the individual municipalities can buy into it, if they so choose. But the content and all of the preparation, that's done through Federal monies.

LEG. MONTANO:  
Okay. So thank you for that. This is Federal money that came in through the County or into the County Health Department, and the Health Department was running this program and is running this program, is that what you're saying?

LEG. SPENCER:  
That's correct, yes.

LEG. MONTANO:  
Okay. So they were -- just so I'm clear.

LEG. SPENCER:  
This would replace DARE. This was the replacement for the old DARE Program.

LEG. MONTANO:  
And there was $600,000 in this program and we eliminated that in the Operating Budget that we passed in November, is that what you're saying?

LEG. SPENCER:  
Last year we eliminated the program as part of the mitigation, I guess.

LEG. MONTANO:  
Right, I understand. We eliminated the 600,000. You want to restore it to 75,000.

LEG. SPENCER:  
That's correct.
LEG. MONTANO:
And one of your WHEREAS clauses says da, da, da, da. All right. The WHEREAS clause, "This legislation will provide 75,000," blah, blah, for the purchase of updated education -- to hopefully bring Health Smart to all 72 Suffolk County school districts. But we already have 50 in the program or 53, you said?

LEG. SPENCER:
We have 50, and then there's another few that are kind of in the process of coming online.

LEG. MONTANO:
All right. So we have -- we have 75 school districts, 50 are in the program now, that's a difference of 25.

LEG. SPENCER:
We have 72 school districts.

LEG. MONTANO:
Seventy-two. So you subtract -- there's 22 that are not in the program now?

LEG. SPENCER:
Yes.

LEG. MONTANO:
Is this money going to be allocated to those school districts that are not in the program? Because it says hopefully. I want to know if you're going to reach all 72 school districts.

LEG. SPENCER:
You know, we can -- the 75,000 would be the fee for the material for the program, whether or not it's in one or 72. The distribution comes once we have teachers that are trained in one district, then they help us train teachers in other districts so that it spreads, and this is all kind of spearheaded by our Health Education Department.

LEG. MONTANO:
Do you or does the County Exec or the Health Department, do you have a list of which school districts are in the program and which ones are not in the program right now?

LEG. SPENCER:
We can definitely get that. I don't have it in front of me at the moment.

LEG. MONTANO:
Does the County Executive have that? Hey, Tom. I'm trying to do this quick. I think we have a camera there.

MR. VAUGHN:
Sure, Legislator. No, unfortunately, I don't have that list with me today.

LEG. SPENCER:
I can have that for you this afternoon. I do have someone --

LEG. MONTANO:
But you don't want to pass over on the bill now, do you?

LEG. SPENCER:
No, no.
LEG. MONTANO:
You just want to give me the list after.

LEG. SPENCER:
Do you want it --

LEG. MONTANO:
That's all right. Go ahead. We have other things to do. Thank you.

D.P.O. HORSLEY:
Okay. Thank you very much. Legislator Krupski, and -- yeah, go ahead.

LEG. KRUPSKI:
My original concerns, I think, were met where the funding came from, so -- because it's a different funding source. I could easily support this. As Legislator Spencer has explained to me, that's a worthy program.

D.P.O. HORSLEY:
And we all believe Legislator Spencer. Okay. Oh, Legislator Anker. I'm sorry.

LEG. ANKER:
I know, one more. I personally experienced the program. The program is amazing. I was a Public Relations Director for West Islip School District and Longwood. And what you would do, there was a -- there'd be presentations. This took place at St. Joseph's College in Patchogue. There were rooms, probably about 20 rooms. Students would go and you'd have to volunteer. The schools would volunteer to intern to this program. Eastern Suffolk BOCES had paid people to go over bullying. Maybe a couple of rooms would have, you know, 25, 30 kids per room. They'd go through the presentations about, you know, don't bully, and if you're bullied, what to do about it. There was presentations on alcohol, on abuse, on, you know, you name it, related to mental health issues that students go through. So this is a vital program.

And, again, I personally experienced this. What we're doing now is pulling away those agencies that administered these programs and letting the teachers do these programs, working with what we have and also investing in the material of these programs. Vital programs; I support it. Cosponsor, please.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Cilmi, quickly.

LEG. CILMI:
Yeah, just a quick question, again, for the County Executive's Office that didn't get answered, I guess, in my last turn up at bat.

Private schools, are we -- do we have any intention -- do we offer it now to private schools or no?

MR. VAUGHN:
I don't have that answer, Legislator Cilmi. However, I'd be happy to follow up with the Health Department.

LEG. CILMI:
If you could, I'd appreciate that.

MR. VAUGHN:
Be more than happy.
LEG. CILMI:
Thanks very much.

D.P.O. HORSLEY:
Thank you, very much, Legislator Cilmi. It's been a long time. Do we have a motion on this?

MR. LAUBE:
You have a motion and a second.

D.P.O. HORSLEY:
To approve, right?

MR. LAUBE:
Yes.

D.P.O. HORSLEY:
Okay. Well, that's the only motion on the floor. All those in favor? Opposed? So moved. Congratulations, Doctor Spencer.

All righty. I have a special request from --

MR. LAUBE:
Sixteen. (Vote Amended to 17/Absent: P.O. Lindsay)

D.P.O. HORSLEY:
Thank you. From Legislator Hahn to take an I.R. out of the order, because she has a Police Officer in the room that she's going to be losing that may be part of her presentation. Legislator Hahn, what legislation is it?

LEG. HAHN:
Yes. I'd like to make a motion to take out of order Introductory Resolution Number 1121.

D.P.O. HORSLEY:
And where is that?

LEG. HAHN:
That's on Page 9, the bottom of page 9, in Public Safety. It's establishing a policy to guard against gun violence.

D.P.O. HORSLEY:
Thank you very much. Okay. Everyone's got it. It's on Page 9, all the way on the bottom, 1121. Okay. Was that a motion to --

LEG. HAHN:
Yes, that was a motion to take out of order.

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Motion to take it out of order. Second by Legislator Anker to take it out of the order. All those in favor? Opposed? So moved. It is now taken out of order.
MR. LAUBE:
Seventeen. (Absent: P.O. Lindsay)

LEG. HAHN:
I'd like to make a motion to approve.

D.P.O. HORSLEY:
Legislator Hahn makes a motion to approve; Legislator Muratore makes a motion to second the motion.

LEG. KENNEDY:
On the motion.

D.P.O. HORSLEY:
And approve. On the motion.

LEG. KENNEDY:
Do we have anybody from the Police Department with us, anybody from Pistol --

LEG. HAHN:
Through the Chair. Can we bring up Captain Read, through the Chair?

D.P.O. HORSLEY:
Yes. Captain Read, please, come on up.

LEG. KENNEDY:
Thank you.

LEG. KENNEDY:
Good morning, Captain. How are you today?

CAPTAIN READ:
Good morning, sir.

LEG. KENNEDY:
So you are the head of the Pistol Licensing Unit; is that correct, sir?

CAPTAIN READ:
Yes, sir, that's correct.

LEG. KENNEDY:
Okay. The process -- first of all, as I understand it, Commissioner Webber gave a directive and this process is already in operation. Nevertheless, I commend Legislator Hahn for identifying it and for bringing it to everybody's attention. Can you just describe to me specifically how the process is -- will occur and what the outcome is going to be?

CAPTAIN READ:
Yes, sir. As it is right now, the Police Commissioner has directed that our Information Technology Section run a program every day that cross-references all reports of persons with mental illness or CPEP transports. The names of all those individuals will be cross-referenced with the pistol license registry. Any match would be automatically forwarded to myself and another supervisor in the Pistol License Section, which would start the process of us re-evaluating the suitability for the licensee to continue to possess a license and for handguns to be placed in that household.
LEG. KENNEDY:
And the very last piece is the one item, I guess, that I needed to ask you to elaborate a little bit on. But, also, let me go to the original component of it.

Sir, I believe that actually terminology under law is an EDP, an emotionally disturbed person. That transport is triggered by a 911 call generally when an individual says there's a family member or some individual who's acting in some type of an erratic manner, or something to that effect; they need police assistance, Police Department responds, they make the on-site determination that there's transport needed, and then off you go to CPEP; is that pretty much it?

CAPTAIN READ:
Pretty much. So the terminology we use is PMI, persons with mental illness. We've kind of evolved away from EDP.

LEG. KENNEDY:
Well, that was from the past County Executive. Yeah, he didn't like the term of the law. I remember that one.

CAPTAIN READ:
The process itself, as you described, is accurate.

LEG. KENNEDY:
So, then, go to the last piece that you described when the Bureau makes the determination regarding the possession. Clearly, if it's the individual, clearly, if there's instability, I would assume that that's something that deviates from the initial application. The application basically is predicated on the fact that somebody's of sound mind. What about somebody else in the household, though?

CAPTAIN READ:
Well, for somebody else in the household, if we are aware of a psychiatric episode of somebody who resides in the household with the applicant, that also gives us cause to evaluate the appropriateness for the license holder to continue to possess his license and handguns.

LEG. KENNEDY:
Okay. Distinguish for me, if you will, please, isn't there two types of pistol permits, the targeting permit and then full carrier? I mean, does it make any difference when you go through the evaluation?

CAPTAIN READ:
Yes, sir, it does make a difference, and there are a number of what we call endorsements to a license, there are several of them. The most common is the sportsmen endorsement, which, you know, authorizes somebody to possess a handgun for the purpose of recreational use at an authorized pistol range and for hunting. If it's going to be used for hunting, the person also has to have a hunting license.

LEG. KENNEDY:
You know, mental illness is a fairly complex thing, like most things in life. If there is a transport and your agency is engaged, and it turns out that somebody had, you know, just a brief episode, or something like that, and, you know, a doctor, you know, determines that it was just a discreet and unique episode, what does that mean in regard to their ability to continue to have the weapon? How would the Bureau treat that?
CAPTAIN READ:
Well, sir, every instance is treated on its own merits and circumstances. By virtue of somebody being taken involuntarily to evaluation, that is by definition where the individual may be a threat to himself or others. That is often the culmination of some other stuff going on in the individual's life, so that gives us cause to, you know, basically re-evaluate the circumstances of what's going on with him. We don't consider -- we generally don't consider this an isolated incident. As I said, it's a culmination of ongoing issues with that individual, and it's often associated with domestic violence and criminal act. And so --

LEG. KENNEDY:
It's the full range and the full gamut of human behavior. I'm not asking you to go ahead and give specifics, Captain. As a matter of fact, you're right, that each issue should be looked at individually. I guess what I'm asking you is, is the outcome always going to be the same? Does the referral to you in essence mean that a license will be terminated and that individual forfeits their right to legally own a handgun?

CAPTAIN READ:
In almost all circumstances, when we're notified of an applicant or a family member having a psychiatric episode, our first step is to suspend the license, and then we initiate what we call a re-evaluation investigation. After some length of time, if there's no further activity and no further psychiatric episodes, and with a doctor's concurrence, we may consider reinstating the individual's pistol license.

LEG. KENNEDY:
Okay. And I guess the last question I'll ask you is, is your Department or units involvement limited only to the pistol, or if the individual owns other types of guns, long guns, will they be removed as well?

CAPTAIN READ:
My unit is strictly pistol licensing. So, as far as long guns, rifles and shotguns, we don't have -- I don't have -- my unit doesn't have authority over that.

LEG. KENNEDY:
Okay. And so this bill, then, doesn't contemplate activity or action with that either, does it?

CAPTAIN READ:
That's correct, sir.

LEG. KENNEDY:
Okay. Thank you. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator Kennedy. Legislator Barraga.

LEG. BARRAGA:
I'll be supporting Legislator Hahn's bill, but as I read the legislation, it was rather general in terms of the RESOLVED. And I'm glad Captain Read is here because I do have a few questions.

The resolution specifically makes reference to Stony Brook University, the Comprehensive Psychiatric Emergency Program, CPEP. That particular facility takes care of acute psychotic episodes, and from what I understand, an individual who enters that system can stay six hours, 12, 24, but usually not more than 72 hours. And in many cases, they are returned back to their homes, they are put back out in society again. In some cases, they can be sent to alternative types of psychiatric facilities for a maximum up to 60 days.
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So, for example, let's use myself as an example. Let's say at three o'clock in the afternoon I get another Schneiderman's bill on a planning piece to buy some more land on the East End and I've had it, it takes me over the edge.

(*Laughter*)

And I'm yelling and screaming and I make a move towards Schneiderman, but, fortunately, Mr. Horsley and Mr. Cilmi restrain me. You come in, you cuff me, you send me to Stony Brook.

(*Laughter*)

I am injected and six hours later I am stable. And they say, "Okay, Legislator, go home." From the Police Department's perspective, when someone is released back into society in less than 72 hours, what sort of an investigation are you capable of doing? I mean, you've been notified, but what does that really mean? And let me follow-up.

CAPTAIN READ:
Sure.

LEG. BARRAGA:
Even when you make a decision, you're making a decision to either suspend a license or take it away completely, whether it's full carry, sports, business, whatever it may be. You're not dealing with the weapon. So that individual who has had this psychiatric episode, he's being released not because he or she is cured, he's been stabilized. He goes back into his neighborhood. You suspend or take away the license, the handgun is still on the premises.

Wait a minute. Let me just finish my thought. If you're going to tell me you're going to get the handgun off the premises, wouldn't you need a search warrant to go into his home?

CAPTAIN READ:
No, sir, we wouldn't need a -- well, to go into his home without permission, we may need a search warrant. I haven't encountered that yet. Most of the time we get voluntary compliance.

LEG. BARRAGA:
Well, let's say you don't get voluntary compliance. Let's say you come to my home where I've got my handgun, you're suspending or taking away my license, you want the handgun and I say no.

CAPTAIN READ:
Well, I suppose we can get a search warrant, because once we suspend the license, the individual is no longer authorized by law to possess it, and, therefore, it's Criminal Possession of a Weapon.

LEG. BARRAGA:
Because most of the dialogue that I have read where the Legislators put out, and what I've seen in the papers, has to do with the suspension or relocation of the license. There's been very little discussion in terms of how you get the handgun out of the house, and that's not an easy thing to do. Sure, if you get permission from that psychiatric person who's now home, fine. But if they say no, that poses other problems.

CAPTAIN READ:
Well, sir, we haven't -- I haven't encountered that in my experience. There are a number of individuals who initially are opposed to that, and then we explain to him the consequences of his failure to comply with the licensing officer's directive. So, and as I explained to you, we also at times explain to the individual that his license to possess it has been revoked and failure to comply will result in him possibly being charged with Criminal Possession of a Weapon.
LEG. BARRAGA:
But in many cases, based on the Stony Brook facility, by the time you act on the license, that person, I think the majority, are out of the facility, they're gone, they're back in their homes or wherever they came from, they've been let go. Because in the State of New York, you really don't have long-term care, as we used to remember Pilgrim State in Central Islip. Even if they're referred to an alternative setting after 72 hours, the maximum usually the alternative site can keep them is 60 days, and reevaluation takes place within 15 days after they arrive at the second facility.

CAPTAIN READ:
Yes, sir, you are correct in that. However, we're not bound to return the weapon after 72 hours or any other length of time.

LEG. BARRAGA:
But you don't have the weapon. You don't have the weapon.

CAPTAIN READ:
Our experience is that we recover the weapons expeditiously.

LEG. BARRAGA:
All right. But if you make that decision to take away the license or suspend it, what if the person's already home and you haven't made the decision? They still have the license. They're still susceptible to do something which is -- could well be terrible. And if you take a look at it --

CAPTAIN READ:
Well, if I can also add, there are, of course, instances where the police officer at the time of the PMI incident has the opportunity to recover those guns at the time of --

LEG. BARRAGA:
In my case, that would not be the case, my weapon is in my home. Six hours later I'm back at the house. While you suspend my license, you show up, and I say, "No, I'm not going to let you in the house, go get a search warrant," I still have the weapon. I don't have the license, but I have the weapon.

CAPTAIN READ:
We would most assuredly address that to what we think would be a satisfactory resolution.

LEG. BARRAGA:
All right.

LEG. SCHNEIDERMAN:
Can I get an order of protection.

LEG. KENNEDY:
He's coming through the door, Tom.

LEG. BARRAGA:
At three o'clock, Schneiderman's in trouble. Thank you very much.

(*Laughter*)

LEG. CILMI:
I have to sit next to him.
D.P.O. HORSLEY:
Yeah. On advice from the Chair, I'd advise that no more planning motions from Mr. Schneiderman.

LEG. SCHNEIDERMAN:
You don't know where I live, let's keep it that way.

D.P.O. HORSLEY:
Okay. Legislator D'Amaro.

LEG. D'AMARO:
Well, Legislator Barraga really was asking the questions that I had on my mind. And I want to commend the sponsor. I think it's a great bill and it's something that we need to codify and make sure this procedure is followed all the time, it's important.

And before you get to the guns, it's important to know, if there's an incident, who has a license, where are the guns. I mean, this is all vital information that's now going to be standard operating procedure, and I commend the sponsor for doing that.

But my question goes similar to what Legislator Barraga was talking to, is I would assume that if there was an incident where you found there was a licensed premises, because it doesn't have to be the person who was involved in the incident, you're checking now the entire premise where the person resides; is that correct? So, in other words, it could be, you know, a brother, a father, a son who owns -- has a licensed weapon in the home, but not necessarily the person that was brought in, let's say, through CPEP; is that correct?

CAPTAIN READ:
Well, the focus of this resolution is on the actual license holder. But procedurally, procedurally we respond to any incident of anybody in the household of a licensee.

LEG. D'AMARO:
So you'll be running the household, you'll be running the address to see it's a licensed premise, if there's anyone on that property -- in that residence that has a permit, a pistol permit.

LEG. HAHN:
Yes. Can I step in? I'm sorry. The Chair stepped away.

LEG. CILMI:
Go ahead.

LEG. HAHN:
Because the text of the resolution does say that they'll run the name and the address of the individual who's transported.

LEG. D'AMARO:
All right. Thank you for that. So you're running the address. So let's say, not the person who's involved in the incident, but someone else residing in the home owns a weapon, owns a handgun. So that person gets transported, let's say, to Stony Brook, is doing evaluation out there for whatever length of time that may be. I agree, it's a short period of time. What do you do at that point? What do you do?

CAPTAIN READ:
As far as the Pistol Licensing Bureau, we initiate what we call a re-evaluation investigation, and we, you know, basically look to get a very good understanding of what the situation is with whatever individual is affected. Yeah, I might add that a lot of that stuff is expressions of suicide and some
expressions of, you know, homicide. And even if a doctor releases them from Stony Brook, you know, our sense is that, you know, you’ve expressed these thoughts, or perhaps even acted it out, and we maintain the suspension for pretty much a significant length of time.

**LEG. D'AMARO:**
When you issue a suspension, how quickly can that be done? You know, how long does a normal investigation take, or an investigation under this circumstance take?

**CAPTAIN READ:**
We would do the suspension immediately.

**LEG. D'AMARO:**
Okay.

**CAPTAIN READ:**
And then, you know, a follow-up investigation, and that could be, you know, quick, or it could be, you know, lengthy.

**LEG. D'AMARO:**
Now, if I have a license for a pistol and I get notified by your Department that my pistol permit has been suspended, you know, the immediate suspension, is that accompanied by a request to surrender the weapon? What happens? What are your obligations --

**CAPTAIN READ:**
It's a directive to surrender weapon.

**LEG. D'AMARO:**
Okay.

**CAPTAIN READ:**
They must surrender their weapon.

**LEG. D'AMARO:**
I don't own a pistol, so I don't know anything about this other than what I've read and heard. So the directive is your license has been suspended, you must surrender your weapon; is that correct?

**CAPTAIN READ:**
Yes, sir.

**LEG. D'AMARO:**
Now, you must surrender your weapon. To whom do you surrender your weapon? Does it say who you surrender your -- how do you verify that the -- is it your obligation to make sure the weapon is surrendered, is it the Police Department's obligation?

**CAPTAIN READ:**
Absolutely.

**LEG. D'AMARO:**
Okay.

**CAPTAIN READ:**
Generally speaking, it is turned over to either us at the Pistol License Bureau and we forward it to Property, or it can be turned over to any -- you know, the precinct.
LEG. D'AMARO: 
Right.

CAPTAIN READ: 
In some cases we allow the transfer of an individual's guns to another license -- another licensee.

LEG. D'AMARO: 
Okay.

CAPTAIN READ: 
With conditions.

LEG. D'AMARO: 
But you'll determine that if the case warrants that?

CAPTAIN READ: 
Yes, sir.

LEG. D'AMARO: 
Now, how -- what length of time does an individual have to surrender and comply, surrender the weapon and comply?

CAPTAIN READ: 
We try and do it that day or the following day.

LEG. D'AMARO: 
That day.

CAPTAIN READ: 
Yes.

LEG. D'AMARO: 
Good.

CAPTAIN READ: 
Yes, sir, absolutely.

LEG. D'AMARO: 
Now, getting to what Legislator Barraga was speaking to, if -- let's say you don't get confirmation that the weapon has been surrendered, and I'm sure you must have hit that at some point, or is it so uncommon that most people, if they know their permit's been suspended, that they're giving up their weapon, or --

CAPTAIN READ: 
It's not a common occurrence. There are people who are very resistant to the initial motion of having their weapons surrendered.

LEG. D'AMARO: 
Right.

CAPTAIN READ: 
But, again, we do explain the circumstances and the consequences.
LEG. D'AMARO:
Okay. And, at that point, if someone does not want to cooperate or does not abide by the order of suspension and the order to surrender their weapon, I would assume you have recourse under those circumstances to compel the person to surrender their weapon.

CAPTAIN READ:
Well, again, I haven't experienced it myself, but if there's an absolute refusal, you know, I guess, you know, we could get a search warrant. But we generally have --

LEG. D'AMARO:
Well, not even a search warrant, you could probably get a court order at that point, I would assume.

CAPTAIN READ:
It would generally be a search warrant for us.

LEG. D'AMARO:
It would be a warrant?

CAPTAIN READ:
Yeah.

LEG. D'AMARO:
Yeah?

CAPTAIN READ:
And I might also add we get the cooperation of family members in the household, which would negate the need for us to get a search warrant to enter the private property.

LEG. D'AMARO:
Just to switch my -- I appreciate your answers, and I get the sense from you that you already understand, of course, the urgency.

CAPTAIN READ:
Absolutely.

LEG. D'AMARO:
Where it's one thing to suspend a pistol permit, it's another thing to suspend it under circumstances where you may have psychiatric issues going on with the person who's licensed or a family member, or something like that, it's very important.

You've mentioned that you're doing some of this now in the Police Department, this is happening now?

CAPTAIN READ:
Yes, sir. What we've done is we've basically automated the notification. And I, and my Executive Officer, receive an e-mail every single morning of -- I might also add, we've expanded this on our own initiative. But I receive an e-mail every morning of anybody who's a pistol license holder who has been arrested, who's been involved in a domestic incident, who has an Order of Protection issued against them, and CPEP.

LEG. D'AMARO:
In all of those circumstances, they're subject to immediate suspension from your Department?
CAPTAIN READ:  
In most cases, not all.

LEG. D'AMARO:  
Okay. It doesn't have to be a blanket --

CAPTAIN READ:  
Yeah, the domestic incident.

LEG. D'AMARO:  
Okay.

CAPTAIN READ:  
We have to, you know, be careful with that.

LEG. D'AMARO:  
You have some judgment and discretion built into that process?

CAPTAIN READ:  
Yes, sir.

LEG. D'AMARO:  
How many -- so have you had experience where under the circumstances where there's a psychiatric event, that the Department has been notified, your Department has been notified of that, you've suspended a pistol license and the gun has been surrendered; has that happened?

CAPTAIN READ:  
It's happened numerous times where -- prior to this legislation, it's happened numerous times where we were notified by a police officer in the field. I would say there were gaps in that process. Sometimes we weren't notified, and we don't become aware of it until the licensee's renewal time or somebody else makes notification.

LEG. D'AMARO:  
Okay.

CAPTAIN READ:  
This bill is going to basically ensure our notification on a timely basis.

LEG. D'AMARO:  
Very good. Okay. Thank you for answering my questions. I appreciate it very much.

CAPTAIN READ:  
Yes, sir.

LEG. D'AMARO:  
And I'll be supporting the bill. And, you know, hats off to Legislator Hahn, I think it's long overdue. Good job.

D.P.O. HORSLEY:  
Thank you very much, Legislator D'Amaro. Legislator Montano.

LEG. MONTANO:  
Thank you. Actually, Legislator D'Amaro asked a lot of the same questions that I was going to ask; I'm going to try not to follow him.
I just want to be clear on one thing, because we had a similar incident involving a constituent a while back, and I was in contact with your office. The constituent was hospitalized for a significant period of time, and I guess nobody knew it. And then a friend went over and realized that there were some people living there, and one of them happened to be a felon. So there were guns in the house and your Department came in and confiscated the guns.

This bill -- I just want to be clear. This bill applies to the person that is picked up and sent to, let's say, Stony Brook for the evaluation where, as Legislator Barraga said, they could be -- they're then evaluated and they could be held for up to 72 hours; am I correct in that? In other words, that's the process. You get a call that someone is potentially a danger to themselves or others, you go, you make an assessment, or you take the person. Sometimes you don't arrest them, you take them to the psychiatric unit or -- for evaluation at Stony Brook; am I correct in terms of that being the process?

CAPTAIN READ:
Well, a police officer out on the street who has reason to believe that an individual is a threat to himself or others can involuntarily take him to Stony Brook.

LEG. MONTANO:
Right. And Stony -- and then they go into the ward and Stony Brook doctors do an evaluation to determine whether or not that person could possibly be committed or released?

CAPTAIN READ:
Well, Stony Brook doctors would make that judgment. That has no bearing in this resolution. Whatever happens with the doctors is --

LEG. MONTANO:
Its irrelevant to you, because you're going to check to see whether or not that individual has a licensed pistol in their property, right?

CAPTAIN READ:
Yes, sir.

LEG. MONTANO:
What about -- what I'm asking is what about if the person lives in a household where, not the individual that's possibly a danger to themselves, someone living in that household is a licensed permit-holder, do you check for that also under this bill or individually?

CAPTAIN READ:
Right now, what we've been able to implement is the name of the individual license holder. There's a number of additional discussions that's currently going on within the Police Department. But, most assuredly, anybody else in the household is subject to cause an investigation for the license holder.

LEG. MONTANO:
Right. Well, that's what I'm asking. In other words, I thought you said earlier that you can check the license by the address as well as the name.

CAPTAIN READ:
Right now, what we've implemented is the name of the individual. But, as I said --

LEG. MONTANO:
What about the address, though? Maybe I can ask Legislator Hahn. Does it cover the situation that I'm referring to.
LEG. HAHN:  
Yes.

LEG. MONTANO:  
Or is it just the individual.

LEG. HAHN:  
Yes. This bill directs that they check the name and the address for that specific person to make sure that if there's someone else in the home of the person who has been deemed a threat to themselves or others, if there's someone else in their home that owns a gun, we alert the Bureau, and then the Bureau will do the investigation to determine if that warrants the suspension.

LEG. MONTANO:  
So you -- all right, which is what I'm asking. So, essentially, if --

LEG. HAHN:  
They may not have implemented that yet, that part, the address check part, but this bill will direct them to.

LEG. MONTANO:  
Your bill covers the scenario that I'm referring to, that --

LEG. HAHN:  
Yes.

LEG. MONTANO:  
-- not only the individual that is potentially a danger to himself or herself, but a relative who lives with that person has a permit? You'll run a check on that address to determine whether or not there's a license, and then you will go in there and confiscate the weapon?

CAPTAIN READ:  
Correct. When we're fully implemented, correct.

LEG. MONTANO:  
Okay. Thank you. I think that's excellent. Thank you.

D.P.O. HORSLEY:  
Thank you very much, Legislator Montano. Legislator Anker.

LEG. ANKER:  
Again, I want to compliment Legislator Hahn for her work that she's put towards this, and especially with the disasters that we've experienced with firearm issues. Again, this balances the fine line between, I'll say, firearm responsibility and those who cannot manage to find the responsibility of gun ownership. And, you know, you look at mental health and say you can compare it to the mind of a child. Would you give a child a gun who cannot responsibly deal with the -- you know, with what you do with a gun, keeping it safe? Again, we need to move forward in protecting our residence without taking, you know, the rights away from gun and firearm owners.

And I also want to comment on it also provides a tool for public safety. We do not -- we do not have a tool instituted at this point, and this will now provide you a better process. So we can reduce and hopefully eliminate some of these very disturbing situations with gun violence.

So, again, I compliment you and both your Department and also the Legislator for moving forward with this legislation. Thank you.
D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Stern.

LEG. STERN:
Yeah, thank you. First of all, welcome. Thanks for being with us today. Let me also commend Legislator Hahn on her efforts.

My question goes to judgment and discretion in this type of a situation. It's the -- it's the transport itself that triggers the language of the legislation, correct?

CAPTAIN READ:
Yes, sir, that's correct.

LEG. STERN:
So the moment the decision is made, someone is then transported, and then we're operating under these guidelines. So, to Legislator Montano's point, the evaluation that's ultimately done would seem to be almost irrelevant. Regardless of what the doctor at Stony Brook or some other facility has to say or not say on the matter, you have to operate under these guidelines.

The language in the first RESOLVED is that our law enforcement agencies are authorized, empowered and directed to go through this process. My question to you is do you look at that language and the requirements of this legislation as a mandate that you have to do this type of investigation in every single case, or does your Bureau maintain some level of authority to make a judgment call as to whether or not you do go forward and make that investigation? Does this apply across the board at transport, or, based on the facts and circumstances, do you have the ability to determine, you know, it's just not warranted here because the evaluation was done, he was released on his own recognizance, he went home, we don't need really to follow up? Just interested in getting your thoughts on that.

CAPTAIN READ:
Well, the first RESOLVED there basically triggers the notification to us, and that's really the intent of it. What we do after that notification is, you know, our investigation. There certainly is some judgment in it, but that judgment is based on very long-held statutory law and case law and rules that are set forth by the licensing officer, which he's entitled to do by State law.

LEG. STERN:
The notification is mandatory. What you then decide to do as an investigation, as far as an agency that's responsible for the investigation, is really going to be based on the facts and circumstances as to how you proceed?

CAPTAIN READ:
Correct.

LEG. STERN:
Okay. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
A couple of questions. One, I just wanted to clarify something you said earlier in response to the question that was raised by Legislator Montano when he asked, you know, after the transporting, you check the address, and maybe a relative living in the house may have a gun, and you, when you were asked would you take their weapon, you said yes. I don't -- I think the law doesn't require you
to take the weapon, only to review the situation. That person may actually be possessing that weapon to protect themselves from the individual that's living in that house that might cause them harm.

So I just think there -- you have to be careful there on the situation and, obviously, check to see how that weapon is secured and if there's access to the individual, but I don't think it automatically means you take the weapon; is that correct?

CAPTAIN READ:
The legislation doesn't mean we automatically take the weapon, by practice, we almost always take the weapon.

LEG. SCHNEIDERMAN:
Okay. Even if the person says that they have the weapon to protect themselves against that individual?

CAPTAIN READ:
If somebody is living in an environment like that, they have deeper problems than this legislation.

(*Laughter*)

You know, I'm trying to, you know -- certainly --

LEG. SCHNEIDERMAN:
Right, I understand.

CAPTAIN READ:
I think I apologize for my last comments, I'm not sure. But, you know, I understand what you're saying, but, you know, I don't think the Police Department and me, as the licensing officer, designates -- would be comfortable with one family member telling me he needs a gun to protect himself from another family member inside that household.

LEG. SCHNEIDERMAN:
I hear you. And certainly in the case of the Sandy Hook killings, there was the mother in that case, and that's the one that the son took the weapons and used it.

Let me add, because I support the law. I think the intention is good, and certainly Sandy Hook I think put this all -- put this issue on the front burner. And this law is going to really affect pistols. Sandy Hook was an assault weapon?

CAPTAIN READ:
I don't think so.

LEG. SCHNEIDERMAN:
What was it? I'm sorry.

CAPTAIN READ:
I believe the murders themselves were carried out with handguns. He did have an AR-15 in his vehicle.

LEG. SCHNEIDERMAN:
Okay.
CAPTAIN READ:
A rifle.

LEG. SCHNEIDERMAN:
Just to educate me, because I'm learning a lot in this conversation, if somebody goes out and buys a semiautomatic weapon or something, you don't have a record of who bought it and where that weapon is?

CAPTAIN READ:
A semiautomatic long gun, rifle or shotgun, we do not have a record of that, that's correct.

LEG. SCHNEIDERMAN:
Is there an entity that does have that, that this same kind of policy could be put in place to cover a broader spectrum of weapons?

CAPTAIN READ:
On a State level, the answer to that is no. As we speak with the New York State fact, there is some legislation regarding the defined term assault weapons. If somebody has an assault weapon, they must register with the State. The process for that has not been delineated -- you know, described to us. We suspect that the County level may bear the burden of that, but the legislation says that the long guns that are considered assault rifles or assault weapons --

LEG. SCHNEIDERMAN:
Right.

CAPTAIN READ:
-- are going to have to be registered.

LEG. SCHNEIDERMAN:
So it is possible the County could establish a registry of those types of weapons?

CAPTAIN READ:
We would be waiting for further guidance from the State.

LEG. SCHNEIDERMAN:
Okay. In which case that could be added to a bill like this to cover those as well.

CAPTAIN READ:
I suppose it could.

LEG. SCHNEIDERMAN:
Okay. Well, I certainly support it, even if it's, you know, a single step in the right direction. There's, obviously, more that needs to be done, but if it saves one innocent life, then I think it's a good measure. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator Schneiderman. And, Captain, you didn't have to apologize before, we were all saying the same thing. Anyway, Legislator Spencer.

LEG. SPENCER:
This question is to the sponsor also. Kara, as I look at the bill, and I definitely support you and congratulations, CPEP is an acronym that refers specifically to Stony Brook's detention unit. So around Suffolk County we have other hospitals. And I guess according to New York State law, if there is someone that is exhibiting evidence of mental illness, that a physician can order a
psychiatric hold. Does your law, or will it apply -- does it only apply to Stony Brook? I mean, there
are a lot of the other hospitals that do have patients that are transported and placed on a psychiatric
hold. So I'd be curious to find out, is there room to -- if it doesn't, can it be expanded?

LEG. HAHN:
Sure. My -- I was told that these involuntary transfers, so transfers where the patient is a threat to
themselves or others, that taken into custody in restraints, are brought to CPEP. The third
RESOLVED covers that also -- that this shall also apply to any transport made by an officer to
alternate facilities in the event that CPEP is unable to accept additional patients. So sometimes CPEP
is on diversion and they are sent to other facilities. So it would apply when sent to other facilities in
that case.

I don't believe there's anyone else here from the -- like Dr. Coyne had talked -- I had spoken with
Dr. Coyne about this and had told me that they were taken to CPEP in these involuntary transport
cases.

LEG. SPENCER:
I think that's in a situation where our Police Department is involved. So, you know, I definitely
support it, but I know that within local hospitals, that there are units that are secured units for
patients that have acutely decompensated. And so, for instance, I can see a patient in my office and
determine that, you know, I have a genuine concern, and according to New York State law, I can
have them involuntarily committed, but they have to be examined within 48 hours by a psychiatrist.
So, in that case, the police may not be involved and, you know, there may be someone who is
floridly psychotic at a lot of our medical facilities around.

LEG. HAHN:
Oh, there's absolutely no question. I was laser-focused here on Suffolk County Police Department,
Suffolk County Sheriff's Department, the departments that we have authority over. And they will be
talking internally and automatically to the two Pistol Permit Bureaus that we have, the Sheriff's Pistol
Permit Bureaus for the five East End towns and the Suffolk County Police Department's Pistol
Permitting Bureau for the five West End towns.

I was -- you know, I did not -- I was told that we did not have the authority to have a blanket
statement in all cases of involuntary committal, that certainly is something we can continue to look
into. And I believe that redundancy is very, very important for safety.

LEG. SPENCER:
I'd be happy to work with you on that, because there is a group of hospitals that when they do get
those calls, part of the thing that may be a future direction is to require that they notify, you know,
your department, and that we then -- it goes under your plan. So congratulations again. I will be
supporting it.

LEG. HAHN:
Thank you.

D.P.O. HORSLEY:
Okay. Legislator Kennedy, I think you're the last one to be heard. Legislator Hahn.

LEG. KENNEDY:
Yes. Thank you, Mr. Chair. And my question now just goes to just the basic nuts and bolts about
how you're going to handle this, Captain.

LEG. SCHNEIDERMAN:
He's taking the bullet for me.
LEG. KENNEDY:
How many licenses do we have in Suffolk County and how many people do you have to deal with this?

CAPTAIN READ:
As of December 31st, the number of pistol license holders in Suffolk County was 33,320.

LEG. KENNEDY:
Okay. And how many folks do you have in your Bureau that are actually overseeing this, processing it? I mean, if we get three referrals at once, do you have enough personnel to go out and deal with all three of them? Or how many folks you got in your -- on deck there? And I know you could call from officers all over.

CAPTAIN READ:
Yeah.

LEG. KENNEDY:
But pistol licensing, how many personnel are assigned to that?

CAPTAIN READ:
I think the total number of personnel in Pistol Licensing is 16.

LEG. KENNEDY:
Sixteen, okay. So you could -- you could be busy.

CAPTAIN READ:
We get the job done.

LEG. KENNEDY:
Okay. Thank you. Thank you very much, Captain, I appreciate you being here.

D.P.O. HORSLEY:
Okay. Thank you very much. And I think to wrap this up, Legislator Hahn.

LEG. HAHN:
I'd like to thank Captain Bill Read for being here today. Thank you very much. Thank you to Commissioner Webber for recognizing this immediately as an issue and putting it -- implementing it immediately. I'd like to thank the Legislators that have supported this; to George and Sarah for all their hard work as well.

You heard me say this last month, when Sarah's bill on the school alerts went off. My daughter Hope turned six on December 14th, the day of the shooting, and that morning I was in her classroom. I was reading to her class of kindergartners, and as it left an impression and a mark on everyone, absolutely, no question about it, and the mark it left on me was, you know, what can I do? They're so -- those lives were so innocent. And, certainly, this will continue to haunt all of us and parents everywhere.

Today, you know, we have the opportunity really to set an example for the nation. This is a common-sense measure. This is sensible and logical. It connects some dots. It brings the attention when a red flag is raised, and certainly an involuntary transport to a psychiatric emergency room should be a red flag. And, you know, really, all we're doing is we're telling the -- we're notifying, checking the registry, notifying the Bureau if there's a match, and then they will do what they do anyways, which is investigate. And so I'm hoping that I have your support, and thank you very much.
D.P.O. HORSLEY:
Thank you very much, Legislator Hahn. As of now, I only have a motion to approve. If there are no others, right, no one else wants to speak, okay, the motion's on the -- the motion is on the floor. All those in favor? Opposed? So moved, it has been approved. Congratulations, Ms. Hahn.

(*Applause*)

LEG. NOWICK:
Wayne.

LEG. SCHNEIDERMANN:
Cosponsor.

D.P.O. HORSLEY:
Yes.

MR. LAUBE:
Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:
Okay. We have a question. And congratulations again.

We have a question, so you guys have the stomach to go one more? We have the Corrections Officers –

LEG. NOWICK:
Yeah. I’d like to make a motion.

D.P.O. HORSLEY:
-- before us. They're in the audience and they've been waiting. Thank you. Legislator Nowick, make the motion.

LEG. NOWICK:
Motion to extend.

MR. NOLAN:
Just keep going.

D.P.O. HORSLEY:
Okay. We just keep going? Okay. I need a motion to take it out of order.

LEG. CILMI:
Motion

MR. LAUBE:
What's the bill?

D.P.O. HORSLEY:
Very good point. Thank you very much. Okay. We're dealing with 1127 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of not to exceed $38,500,000 bonds to finance the cost of an arbitration award in favor of the Suffolk County Correction Officers Association, Inc. Is there a motion?
LEG. MURATORE:
Motion to approve.

D.P.O. HORSLEY:
Motion to approve by Legislator Muratore.

LEG. BROWNING:
Second.

D.P.O. HORSLEY:
Second. I'm sorry, I didn't see the second. Legislator Browning seconds the motion. We have a motion to approve. On the motion, we all good? Okay. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:
We're in recess.

(*THE MEETING WAS RECESSED AT 12:37 P.M.*)

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

D.P.O. HORSLEY:
All righty. Mr. Clerk, it looks like the majority of us are here. Why don't you call the roll.

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

LEG. KRUPSISI:
Here.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. CALARCO:
(Not Present).

LEG. MONTANO:
Here.
D.P.O. HORSLEY:
All righty. Good afternoon, everybody, and welcome back to our meeting of today. Let's -- we are going to be doing the public hearings.

LEG. MONTANO:
What page is that?

D.P.O. HORSLEY:
Two. Okay, everyone got it? It should be page two.

LEG. SCHNEIDERMAN:
Should we do the roll call that we never did on the last vote first --

D.P.O. HORSLEY:
Well --

LEG. SCHNEIDERMAN:
-- before going to the Public Hearings, or you want to do it after?

D.P.O. HORSLEY:
Counsel has advised us that we're going to do it after. We'll do it at the end of the public hearing.
LEG. SCHNEIDERMAN:
It will take one second; whatever.

D.P.O. HORSLEY:
Whatever. I did the same thing, whatever. But we'll recall it.

Okay --

LEG. MONTANO:
The agreement.

MR. NOLAN:
Not the RAN.

D.P.O. HORSLEY:
The Corrections Officers. The Corrections Officers.

LEG. MONTANO:
Fine, I got you.

D.P.O. HORSLEY:
All right.

(Public Hearing on) Procedural Motion No. 2-2013 - Approval of Ferry License for Davis Park Ferry Co. (Presiding Officer Lindsay).

MR. NOLAN:
We have one card.

D.P.O. HORSLEY:
I don't think that's it.

MR. NOLAN:
Yes.

D.P.O. HORSLEY:
Oh, I'm sorry. All right, we do have a -- we have a card for that; Donald Rettaliata. Sorry, Donald, I should have realized that right away.

MR. RETTALIATA:
Thank you. Don Rettaliata, 4250 Veterans Memorial Highway, Holbrook, New York, attorney for the Davis Park Ferry Service. This public hearing is to renew the license. They've been in business for 66 years from Patchogue over to Davis Park, and also included in this is the route from Patchogue to Watch Hill. It's a five-year extension. There's no rate increase involved in this resolution or proposal. If you have any questions?

D.P.O. HORSLEY:
Thank you, Donald. Appreciate it. Are there any questions of Mr. Rettaliata? Any questions? Thank you, Don. Appreciate it.

MR. RETTALIATA:
Thank you.
D.P.O. HORSLEY:
Would anyone like to be heard on Procedural Motion No. 2? Would anyone like to be heard on Procedural Motion 2? Hearing none, I'll make a motion to close.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Second by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:
Fifteen (Not Present: Legislators Calarco & Gregory - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.
(Public Hearing on) IR 2064-13 - A Local Law to Ensure Adequate Gasoline Distribution to the Public After Disasters (Stern).
I do not have any cards on this. Would anyone like to be heard on 2064? Would anyone like to be heard on 2064? Seeing none, Legislator Stern, what's your pleasure?

LEG. STERN:
Motion to recess.

D.P.O. HORSLEY:
Motion to recess. I'll second the motion. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
I skipped one there, yeah. Let us backtrack one; I'm sorry, I skipped over one.

(Public Hearing on) IR 2027-13 - A Charter Law to Strengthen Monitoring of Sewer Plants Operating in Suffolk County (Schneiderman). Would anyone like to be heard on this? I do not have any cards. Would anyone like to be heard on this? Hearing none, Jay, what do you want to do on 2027?

LEG. SCHNEIDERMAN:
Motion to recess.

D.P.O. HORSLEY:
Motion to recess, okay. We have a motion to recess. Second by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

I do not have any cards on this. Would anyone like to be heard on 1032? Would anyone like to be heard on 1032? Legislator Cilmi?

**LEG. CILMI:**
Motion to recess, please.

**D.P.O. HORSLEY:**
Motion to recess. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
*(Public Hearing on)* **IR 1033-13 - A Charter Law to Require Open Deliberations in Budget Amendment Process (Taxpayer Awareness Act Part 2”)(Cilmi).* I do not have any cards on this. Would anyone like to be heard? Would anyone like to be heard? That being the case, seeing none --

**LEG. CILMI:**
Motion to recess.

**D.P.O. HORSLEY:**
Legislator Cilmi, motion to recess. I'll second the motion. All those in favor? Opposed? So moved, it has been recessed.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
*(Public Hearing on)* **IR 1034-13 - A Charter Law to Improve Transparency and Participation in Setting Spending Priorities ("Taxpayer Awareness Act Part 3”)(Cilmi).* I do not have any cards on this. Would anyone like to be heard on 1034? Would anyone like to be heard on 1034? Legislator Cilmi?

**LEG. CILMI:**
Motion to recess.

**D.P.O. HORSLEY:**
Motion to recess. I'll second the motion. All those in favor? Opposed? So moved, it has been recessed.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
*(Public Hearing on)* **IR 1075-13 - A Local Law to revise Suffolk County’s Financial Disclosure Statement (Presiding Officer Lindsay).* I do not have any cards on this as well. Would anyone like to be heard?

**MS. LONG:**
I'm here if there are any questions on this.

**D.P.O. HORSLEY:**
Why don't you come on up and give your name and anything you'd like to say about it.
MS. LONG:  
Good afternoon. My name is Robin Long, I am Chair for the Suffolk County Board of Ethics. If there is any questions, I'm here; if not, I would ask this to be moved.

D.P.O. HORSLEY:  
Okay.

LEG. MONTANO:  
We can't hear you, Robin.

D.P.O. HORSLEY:  
Robin's just saying she's here for any questions. And robin is a member of the Ethics Board.

LEG. CALARCO:  
I am the Chair.

D.P.O. HORSLEY:  
The Chair.

LEG. MONTANO:  
Yes.

D.P.O. HORSLEY:  
Yes, Legislator Montano.

LEG. MONTANO:  
Yeah, I'm sorry, Robin. It's not you, it's the mic, by the way.

MS. LONG:  
Oh, okay.

LEG. MONTANO:  
We've been having trouble hearing all day. Are you familiar with the bill?

MS. LONG:  
Yes.

LEG. MONTANO:  
Can you just give me a brief overview? I can't seem to get -- I haven't gotten it up yet.

MS. LONG:  
Absolutely. The bill is -- the main point for the Suffolk County board of ethics is to be able to have transparency and make -- our belief is that most people want to go along with the law, they want to be ethical. The problem has been sometimes is that things are not clear.

In our first year now, since we have been fully constituted, we've been able to review the financial disclosure form. And we found that the form in its format was very confusing and caused us to have to go back to people many times to get simple answers to questions. So what we've done with the form is not changed anything substantively, but we've added a set of instructions and also formatted the form in a way that it can be user friendly. Hopefully also it would allow us to eventually use it for electronic filing. But that's the bill in front of you.
LEG. MONTANO:
All right. So essentially, what you said was no substantive changes, morely -- mostly technical.

MS. LONG:
Technical and giving a set of instructions --

LEG. MONTANO:
Thank you.

MS. LONG:
-- so people can understand how to follow it.

D.P.O. HORSLEY:
Thank you very much, Legislator. Would anyone else like to be heard on this? First of all, are there any further questions for Robin? We're good? Thank you for coming down today.

MS. LONG:
Thank you.

D.P.O. HORSLEY:
We appreciate you spending the time with us.

MS. LONG:
Thank you, and good afternoon.

D.P.O. HORSLEY:
Yeah, you too. Would anyone else like to be heard on 1075? Would anyone else like to be heard? Okay. That being the case, I'll make a motion to close. Is there a second on the motion?

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Legislator Cilmi seconds the motion. All those in favor? Opposed?

So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
/Public Hearing on/ IR 1085-13 - Adopting Local Law No.-2013, A Local Law to protect minors from direct mail stimulant drink advertising and samples (Spencer). I do have some cards on this. The first card is from Lori Benincasa.

MS. BENINCASA:
Good afternoon.

D.P.O. HORSLEY:
Welcome.

MS. BENINCASA:
Thank you. I'm the Director of Health Education for the Department of Health Services, and I'm here in support of both IR Resolution 1085 and 1086.
1085 protects minors from direct mail stimulant drink advertising and samples. This only makes sense. Direct marketing of questionable products circumvents the authority of parents and caregivers to limit access to these products.

1086 prohibits the distribution of stimulant drinks in County parks. It should also be passed. The distribution of products on County property implies endorsement of the product by the County.

Stimulant drinks are under scrutiny by health and medical groups locally and up to and including the Federal government. These unregulated products cause irregular and rapid heartbeats, dehydration, headaches and irritability. They are not benign products and should not be treated as such.

Children should not be drinking stimulant products to fight fatigue. They need to eat well, get enough physical activity and get plenty of sleep, that will fight fatigue. We have a long history of protecting children from unhealthy products, that's our job as adults. Tobacco, alcohol, tattoos, tanning beds and DXM are all age-restricted products. These laws, 1085 and 1086, are a very good starting point. I hope they will open discussion about these products and lead to even stricter regulations. Thank you.

D.P.O. HORSLEY:
Thank you. Lori? Lori? Ms. Benincasa, please, stay up there, we have a quick question for you. Legislator Montano.

LEG. MONTANO:
Hi. Quick question. You're with the Department of Health, you said, right?

MS. BENINCASA:
That's correct.

LEG. MONTANO:
Now, I'm just looking at the penalty section, violation, civil fine up to 500 for first violation. How does that get administered? I mean, do you hold hearings? Is there a hearing mechanism process? How is that -- first of all, do you hold hearings now in the Department of Health?

MS. BENINCASA:
We do. My office regulates all the tobacco control laws.

LEG. MONTANO:
Okay.

MS. BENINCASA:
And we do hold hearings for people that illegally sell tobacco products to minors or disobey the Clean Indoor Air regulations.

LEG. MONTANO:
So is this going to be administered in the same fashion by the same department?

MS. BENINCASA:
Has the enforcement been --

LEG. MONTANO:
I can't hear you, ma'am.

MS. BENINCASA:
Has the enforcement been assigned to the Health Department on this resolution?
LEG. MONTANO:
I don't know, that's what I'm asking you.

MR. NOLAN:
Yes, it has.

MS. BENINCASA:
It has? Okay.

LEG. MONTANO:
Yeah. It says that it will -- a civil penalty -- it's in the bill; "A civil penalty shall be assessed by the Commissioner of the Department of Health Services following a hearing at which the alleged violator has the opportunity to be heard." I'm just wondering what is the mechanism for the hearing? Who's conducting the hearing? How is the hearing administered? Is it going to be heard by a member of the department? Is it going to be heard from by an independent arbitrator?

MS. BENINCASA:
The Health Department -- I'm sorry.

LEG. MONTANO:
Go ahead, answer.

MS. BENINCASA:
The Health Department right now does administrative hearings. Health Department Hearing Officers hear all violations concerning the food, concerning regulations regarding any food violations, tobacco violations. They're all done administratively within the department. Under the tobacco control regulations, we give people the opportunity to either come to a hearing or they can settle by a stipulated agreement.

LEG. MONTANO:
And are there -- do you have promulgated rules and regulations with respect to the conduct of hearings already?

MS. BENINCASA:
Yes, we do.

LEG. MONTANO:
Where would I find those, George?

MR. NOLAN:
I'm pretty sure that is set forth -- the hearing process is set forth in the Sanitary Code, if I'm not mistaken.

LEG. MONTANO:
Okay. But this is not going to be in the Sanitary Code, is it?

MS. BENINCASA:
This is a Local Law.

MR. NOLAN:
But it will govern the way that they conduct their hearings. It's going to be in line with the way they -- it's set out in the Sanitary Code.
LEG. MONTANO:
So it’s going to be along the same lines. So it’s all going to be interdepartmental. And the Hearing Examiners are going to come from the Department of Health Services, or are they outside?

MS. BENINCASA:
I’m not sure how this one is going to be done. But yes, they all come from the inside. They’re Hearing Officers, that is their title. Their title is Hearing Officer.

LEG. MONTANO:
Okay. Dr. Spencer, do you know, will the same hearing examiners be hearing this, or are we going to have more hearing examiners?

MR. NOLAN:
I would -- if I may. I would anticipate it would be the Commissioner or his designee, which would probably be somebody within the department, would conduct the hearings. That’s the intention of the law.

LEG. MONTANO:
Okay. Thank you very much.

MS. BENINCASA:
You’re welcome. Right now we have the hearing officers here, local laws, State law, and any regulations that go through the Health Department are --

LEG. MONTANO:
So we’re going to put this right through the same process is essentially what we’re saying; am I correct?

MS. BENINCASA:
I don’t see why it wouldn’t be.

LEG. MONTANO:
Okay. Thank you.

MS. BENINCASA:
You’re welcome.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Cilmi also has a question. Ms. Benincasa?

MS. BENINCASA:
Oh.

D.P.O. HORSLEY:
No, don’t -- not so quick.

MS. BENINCASA:
Almost got away.

D.P.O. HORSLEY:
You’re the first one up; first one up always gets it.

MS. BENINCASA:
Okay.
D.P.O. HORSLEY:
Legislator Cilmi.

LEG. CILMI:
Sorry to bring you back up again.

MS. BENINCASA:
That's okay.

LEG. CILMI:
Like a ping-pong ball. So, this may sound sarcastic or flip, and I certainly don't mean it to, but since we have the benefit of your presence here, I figure I'll ask you this question.

We presently have laws on the books that regulate the sale of tobacco and alcohol to minors. It's really hard to ask this question without sounding flip, but has that prevented the sale or has that prevented the use of alcohol or tobacco amongst minors?

MS. BENINCASA:
I love to answer that question.

LEG. CILMI:
Great.

MS. BENINCASA:
We do -- my office, the Office of Health Education, we have a State grant to do enforcement of the tobacco control regulations. We get over $300,000 a year from the State and every year, by law, we visit, with a minor, every licensed vendor that sells tobacco. We have a 96% compliance rate, which means on our visits, 96% of vendors do not sell cigarettes to minors. In the last two decades, the rates of tobacco use among middle school and high school students has plummeted, and I believe that is in large part due to our enforcement efforts.

LEG. CILMI:
What about the use of alcohol?

MS. BENINCASA:
Alcohol is not done by the Health Department. That's a Police matter, that's not us.

LEG. CILMI:
Okay. So while we have regulations on the books that govern the sale of alcohol to minors, because the Health Department's not enforcing them, you're suggesting that maybe it's not as successful?

MS. BENINCASA:
Oh, no, I didn't say that. I just don't have any statistics on it.

LEG. CILMI:
Okay.

LEG. MONTANO:
(Inaudible).

LEG. CILMI:
What's that?
D.P.O. HORSLEY:
Continue on.

LEG. CILMI:
I just wanted to hear from you as far as that goes, because in my experience, while you may be right, and I don't know that you are, about the use of tobacco amongst minors, certainly the use of marijuana amongst minors has not gone down, it's gone up. And certainly, my anecdotal evidence, in speaking with high school kids throughout at least my district is that a very significant portion of high school kids are drinking.

Now, my point is that -- and I don't want to debate the bill here, I really just wanted to ask the question. My point is simply that laws that govern or regulate the sale of these products don't necessarily mean that it's going to impact the use of a product at all; it may, but it may not. That was my only -- and again, I just wanted to ask the question. I don't want to get into a debate about the bill because certainly we'll have ample time for that later.

MS. BENINCASA:
I think it depends how well the enforcement is done and how committed whoever is enforcing it is to doing it. With the tobacco control, we are out there every day doing compliance checks and that's why we have 96% compliance.

LEG. CILMI:
Well, I think part of -- as far as the tobacco goes, lots of times people will come to me and say, "You know, there's a group of kids that always hang out in front of the school and they smoke, and why can't we do anything about that?" And, you know, we have to talk about the fact that the law governs the sale of the product and that it's more difficult to get at the use of the product.

MS. BENINCASA:
Uh-huh.

LEG. CILMI:
So I wish there were ways that we could, you know, effectively prevent kids from doing things that they -- that we know is bad for them. You know, energy drinks, so-called energy drinks, you know, you could argue good, bad, what have you.

UNKNOWN SPEAKER:
(Inaudible).

LEG. CILMI:
Well, you can argue good. And I won't argue good, certainly, I don't know enough about it to argue the good. But I'll tell you this, and I'm happy to admit this. My son came to me recently, he's a freshman in college, and said, "Dad, you know, I'm really having a hard time with homework," blah, blah, blah, "You know, what do you think about this 5-Hour Energy stuff?" And my son has always been a good kid, he's never really gotten involved in alcohol or any of that, thank God. But I said to him, "Tom, well, I don't really agree with using that. It's not -- I don't think it's right." And he said, "Well, why don't we ask the doctor? Let's ask the doctor what he thinks." And we went to a pediatrician and the pediatrician said, basically, if you don't use it in excess and if you don't abuse it, if you do one a day just to kind of get you through some homework at night, it's fine.

So my point is that we need to really -- if it is, in fact, bad for you, in -- you know, regular use as opposed to abuse, then we should -- we should have whatever organization it is as the Federal level regulate that so that it's uniform.
D.P.O. HORSLEY:
You’re losing your question.

LEG. CILMI:
Yeah, I’m sorry. I’m rambling.

MS. BENINCASA:
The American Academy of Pediatrics --

LEG. CILMI:
Thank you for your answers (laughter).

MS. BENINCASA:
-- has issued a very strong statement against the use of stimulant drinks among children.

LEG. CILMI:
Okay. Thank you very much. I appreciate it.

D.P.O. HORSLEY:
Okay. I want to remind everybody that we have to ask questions during the public hearings. Ms. Benincasa, let me just quick -- let me ask you a question then. You are down for both for 1085 and 1086; would you want to be reheard on 1086?

MS. BENINCASA:
No, thank you.

D.P.O. HORSLEY:
You’re welcome. All righty, Tracy Trypuc?

MS. TRYPUC:
Hi. Can you hear me? Good afternoon, Legislators. My name is Tracy Trypuc, I’m here to speak as a private citizen, but I would like to let you know that I’m also a member of the Suffolk County Board of Health. I’m here to speak today on behalf of the resolutions introduced by Legislator Spencer.

This Legislator -- Legislature has a long and proud tradition of passing progressive, innovative and health-oriented legislation and we should be proud of that history. That history includes passing first in the nation laws. These include, due to concerns that distracted driving contributed to accidents, a ban of the handheld use of cell phones while driving that was passed on October 3rd in 2000; protecting children from potential deaths; legislation banning the sale of drop-side cribs that was passed on October 19th in 2009; the supplement Ephedra, linked to several deaths, was banned on February 11th, 2003; there are many statutes prohibiting smoking in public places; a smoking ban for parks and beaches which passed on June 19th, 2012.

Just recently, on December 4th, 2012, Legislator Stern introduced legislation that banned receipts coated with the chemical BPA, the Safer Sales Slip Act. Bisphenol A has been found to be a cause of cancer and other health problems; this legislation passed this body 16 to one. Legislator Stern said, "Once again, this institution is going to set the standard for other states to follow." This body was applauded for taking this important step in protecting public health. The recurrent theme for each of these laws was to protect public health after a known risk was identified.

A recent American Academy of Pediatrics article in Pediatric Review, February, 2013, states, "Top-selling energy drinks containing high, unregulated amounts of caffeine, as well as other stimulants that can enhance the effects of caffeine. Caffeine can produce harmful health effects in
adolescents, including cardiovascular problems, anxiety, insomnia, digestive problems, dehydration and others. Use of energy drinks has been associated with poor sleep and poor school performance. Caffeine toxicity linked to energy drinks can cause seizures, tachycardia, agitation, cardiac erythremias and death, and is associated with increasing emergency room visits. Marketing to adolescents through video games, supporting a sporting event, athlete sponsorships and product placement. Several states currently are pursuing bans to minors under 18 in Washington, Chicago, Illinois and Cleveland, Ohio.

While I support and applaud Legislator Spencer for the proposed Introductory Resolution, I believe this is a great first step. I am now asking that you reconsider the recommendations that the Board of Health sent to this body, including a ban on the sale of these substances to children. It is time for each of us to advocate, as this is a tradition of the Suffolk County Legislature, for public health policy that will actually protect the health and well-being of our children.

(Beeper Sounded)

May I just finish, please?

D.P.O. HORSLEY:
Well -- you know what? How long are we talking about? Because we do have a question. Why don't you answer your -- finish in answering your question from Ms. Nowick. How's that? It makes it a little more complicated, but you can do it. Ms. Nowick.

LEG. NOWICK:
Thank you for coming here.

MS. TRYPUC:
Thank you.

LEG. NOWICK:
I have to ask you a question.

MS. TRYPUC:
Uh-huh.

LEG. NOWICK:
Are you a registered nurse?

MS. TRYPUC:
Yes, I am.

LEG. NOWICK:
Okay. Then I got my question out of the way? So I have to say thank you for coming here. Thank you for bringing to light, once again, something that was near and dear to myself, banning energy drinks, which became a very difficult thing for all of us to do. But I appreciate you coming and giving us some of the background, and I do appreciate Dr. Spencer taking the time to at least try to protect children, even though it may not be what we want, but maybe it is the first step.

MS. TRYPUC:
Uh-huh. Okay.

D.P.O. HORSLEY:
And you want to finish your statement in that?
MS. TRYPUC: Could I please, for about 30 seconds?

D.P.O. HORSLEY: Thirty seconds, go ahead.

MS. TRYPUC: If we don't, our children will continue to be able to go to convenience stores and purchase these (held up various energy drink cans). They will be protected by BPA-free receipts, but they will be able to drink several cans of these, and that's called slamming. They can slam the can and possibly end up in the emergency room. You all have protected them from BPA-free receipts, but they might end up in a very bad situation from energy drinks, making the receipt a moot issue. So it becomes incumbent upon public health officials and elected officials to advocate on behalf of our vulnerable populations. I am asking you to please continue to protect the health and well-being of our children in the proud tradition of this great County. Thank you, Legislator Spencer --

D.P.O. HORSLEY: Thank you. We have one more -- Ms. Trypuc, Legislator D’Amaro wants to ask you a quick question.

MS. TRYPUC: Sure.

LEG. D’AMARO: Thank you for coming here today. I’m over here. I wanted to ask you, can you just hold up that can again for me?

MS. TRYPUC: Which one?

LEG. D’AMARO: Any one. Okay. So that's what we're talking about, that's what we call an energy drink. What is that, Monster? What's the other one?

MS. TRYPUC: Monster and Red Bull.

LEG. D’AMARO: And a Red Bull, okay. So, what Legislator Spencer is doing here today is saying we're not going to give any samples of that to minors?

MS. TRYPUC: Correct.

LEG. D’AMARO: And that's a good first step and I agree with you and I’m going to support that. But going more to your point about an outright ban to minors.

MS. TRYPUC: Uh-huh.

LEG. D’AMARO: Availability. Because they can right now go in and purchase that in a deli like a can of soda; is that correct?
MS. TRYPUC:
Yes.

LEG. D’AMARO:
What's the difference? I mean, if a minor purchased that can in your hand or a can of soda, coffee, iced tea with caffeine; what's the difference?

MS. TRYPUC:
I'd be more than happy to explain that to you. Energy drinks contain more than just caffeine, which is what soda has. They contain other ingredients that can boost the effects of caffeine. They have Guarana in it, which is -- has caffeine in and of itself, it's a plant from South America. They have sugar and they have other components like Glucaron or Lactone, all of this enhances the effect of caffeine.

A lot of people do not know what are in the ingredients. Many of the cans themselves say that they're not recommended for children, so I don't understand what the problem is with, you know, a lot of the companies saying that we shouldn't ban them.

Again, I listed a lot of the effects that there are, the health effects. There isn't -- they also purport that they have all these health effects saying that in addition to making you alert and your brain more active, that they can also help you in all kinds of other ways, and yet they don't have the research to back those studies.

And then there's the advertising to the children. So -- and a lot of people don't realize that they're not Gatorade. These drinks did he hydrate you. So there are a lot of reasons why these drinks are harmful to children. And I have a picture, by the way, of my presentation, which I'm going to leave with you. These drinks are marketed to children. There's a -- there was a video game aisle in Wal-Mart and then there was a big Monster display right next to the video games. So even though they may come here and say they don't market to children and children are big -- you know, children like to buy video games, so they're going to be marketing to children who buy video games. And they do product placement in the video games.

LEG. D’AMARO:
Okay. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator Montano?

MS. TRYPUC:
And I do have a report about a lot of this, so.

D.P.O. HORSLEY:
Yeah, we -- we're not going to debate the bill today. This is basically just a public hearing to get what you want to say. Legislator Montano.

LEG. MONTANO:
Yeah, thank you. Actually, I've got to apologize, I forgot the question I was going to ask you, but I have another one. I have here a copy of a -- I guess it's a report, Problematic Use of Energy Drinks by Adolescents. Is this the report that you're relying on in terms of your testimony?

What I'm getting at is what are the studies that are -- that have been done with respect to the energy drinks and their, you know, alleged effect on people? Because Legislator D’Amaro I think asked the question, you know, what's the difference between this drink and buying a soda, was it, a Coca Cola, and you said that aside from the caffeine level, it has other ingredients that somehow, I
guess, make the combination more of a dangerous cocktail. Is that what -- ingredient, is that what you were saying?

**MS. TRYPUC:**
Right. Actually, I've done a literature review --

**LEG. MONTANO:**
I'm sorry? We're having trouble with the mic and I'm having trouble with my hearing.

**MS. TRYPUC:**
All right. I've done a literature review on this actual issue. I'm a graduate student in public health at Stony Brook University. I have over 70 cited sources on this topic, but the FDA has the information, Health Canada has information, there's a study by {Colomaro}, {O'Dey}. So, I mean, I'm not just getting this from, you know -- there are -- there are cited studies in -- well, the American Journal of Pediatrics has a lot of information about this, so I'm not just like selecting one study. These are studies that are sourced in multiple publications through evidence-based medicine, in multiple journals, in the United States, in Canada and Australia and in Europe. So this has been a big problem all over the world and I'm not citing one source. These are multiple sources that, you know, many doctors have reviewed and cited, and I would be more than happy to share that information with you.

**LEG. MONTANO:**
Yeah, I would like to see that. When it comes to studies, I would imagine that there are also studies that reach a different conclusion?

**MS. TRYPUC:**
Yes.

**LEG. MONTANO:**
I would imagine, I haven't read them.

**MS. TRYPUC:**
Well, some of them yes, and it's depending upon what the study is actually, you know, looking for. But when it comes to what the energy drinks -- the components of energy drinks contain, most of these studies have come to the same conclusions about the contents of energy drinks.

**LEG. MONTANO:**
Okay. You know, I'm just briefly looking at this one study and I'm just looking at the summary conclusions. The first sentence says, "The consumption of ED's does not seem to carry adverse effects that are any different from drinking similar amounts of other caffeinated beverages. However, frequent consumption of ED's may serve as a useful screening indicator to identify students at risk for substance use and other problem behaviors." But that's not the argument that you're making, is it? You're making the argument --

**MS. TRYPUC:**
No.

**LEG. MONTANO:**
-- that this, in and of itself, is a hazardous drink.

**MS. TRYPUC:**
Yes. But you're also -- that particular study that you're citing, I would have had to know what the sample size is and the median age, the mean age, all of that.
LEG. MONTANO:
Right. We would need --

MS. TRYPUC:
I don't know that particular study.

LEG. MONTANO:
We would need that for -- for any valid study, we would need that information. We would need to know on what -- number one, what the sampling is, what the empirical data, you know, what's been used, etcetera, etcetera. We would need that for that any study on any issue, would we not?

MS. TRYPUC:
Yes.

LEG. MONTANO:
Okay. Are you familiar with this particular study that I referred to that was handed out to us?

MS. TRYPUC:
Can you give me the author and the year?

LEG. MONTANO:
Yeah, it's Y-I-F-R-A-H, last name K-A-M-I-N-E-R, MD, MBA. That's -- I can get you a copy, I'll give you a copy of it. That's the one that was handed to me. That's the only one that I've really taken a look at. I think we got this from Dr. Spencer; am I correct, Dr. Spencer?

LEG. SPENCER:
That's correct. That's one of 150 you're going to receive.

LEG. MONTANO:
Oh, so I'm getting 149 more?

LEG. SPENCER:
Well, I'm going to spare you from some of them, but that's how many I've read to date on the topic. And there is a lot of smoke there, there's some fire behind it.

LEG. MONTANO:
Okay. No, I'm looking forward to reading, not 149, but some of them.

MS. TRYPUC:
It's also important, when reading a study, to find out who funded the study.

LEG. MONTANO:
Exactly. Right, there are a lot of variables that go into it, whether or not they're industry related this time --

MS. TRYPUC:
Yeah.

LEG. MONTANO:
-- whether or not they're --

MS. TRYPUC:
Yes, conflicts of interest, etcetera.
LEG. MONTANO:
All right. But you will be providing some independent studies to us?

MS. TRYPUC:
Yes.

LEG. MONTANO:
Okay. I'll be looking forward to that. Thank you.

MS. TRYPUC:
Okay. You're welcome.

D.P.O. HORSLEY:
Okay. Thank you very much. We still have --

MS. TRYPUC:
Oh, and may I say one more --

D.P.O. HORSLEY:
We have more questions for you.

MS. TRYPUC:
Oh, okay.

D.P.O. HORSLEY:
You've got a whole list there building here. Legislator Gregory?

LEG. GREGORY:
Thank you, Mr. Chair. And thank you Ms. -- is it Tripec?

MS. TRYPUC:
Trypuc.

LEG. GREGORY:
Trypuc. Thank you. You had mentioned earlier Guarina?

MS. TRYPUC:
Guarana.

LEG. GREGORY:
Guarana? Okay. And that's a substance that's mostly -- that's found in most, if not all, energy drinks --

MS. TRYPUC:
Yes.

LEG. GREGORY:
-- or stimulant drinks. And from my understanding, that is a substance that produces or naturally produces caffeine.

MS. TRYPUC:
It naturally contains caffeine in a plant or in the seed, and it's grown usually in South America. And it -- it is a caffeine source. And when we were addressing labeling for the cans of the energy drinks, we wanted to see if we could get a total caffeine amount for the cans, because the caffeine that is
listed is only the caffeine that they add to the can but not from all sources of caffeine.

LEG. GREGORY:
Ah, that was actually going to be my question. Is the Guarina (sic) and whatever else that produces caffeine, is that calculated in the caffeine amount that's on the label, but you're saying no.

MS. TRYPUC:
No.

LEG. GREGORY:
Okay. Now, let's stick with caffeine. Now, you're saying that you -- from your answer to Legislator D’Amaro, if I understand it correctly, you treat say a Starbucks coffee or any other caffeine containing drink differently than energy drinks?

MS. TRYPUC:
Yes, I do.

LEG. GREGORY:
And simply because there are other substances?

MS. TRYPUC:
Correct. Coffee is coffee. It has caffeine and some coffees do have a lot of caffeine content, but they do not have Gaurana, Taurine, Glucuronolactone and all of the other ingredients that energy drinks contain.

LEG. GREGORY:
Okay. Now --

MS. TRYPUC:
That will create a synergistic effect that can make the caffeine in the energy drink have a greater effect on the body.

LEG. GREGORY:
Okay. I obviously haven't done as much research as you, I know you've done a lot. But I was the cosponsor a few years ago to Lynne Nowick’s bill and I did do some, and any research that I found, the major concern was caffeine intoxification.

MS. TRYPUC:
Uh-huh.

LEG. GREGORY:
So to say that caffeine is not necessarily a concern when any report -- and maybe that’s changed since I’ve last kind of delved into the research, but caffeine intoxification certainly was the main concern in effects of the overload of caffeine that it can potentially have on the heart and sleeping and all these other conditions that can impact children. But you're saying caffeine intoxification is not necessarily the concern?

MS. TRYPUC:
Well, no, no no. Caffeine intoxification can always be a concern, okay, if there's an overload. However, it is much easier for a child to get too much caffeine from consuming one of these beverages than a soda which is regulated by the FDA that cannot contain more than 71 milligrams per can of soda, okay. Soda is regulated, these beverages are not. And something like this can here, this has two servings per can, so, you know, there isn't a consistency with labeling and how much, you know, the caffeine is since we only know about the caffeine that they tell us about, and
there's two cans in here. So if a child consumes one of these rapidly and then drinks another can rapidly, they've had four servings of the amount of caffeine that we're -- that we know about. And on this particular can -- actually, I don't -- you know, I'm only looking at this quickly, but I actually don't see the caffeine amount on this can. Whereas Red Bull does tell you that it has 80 milligrams, but they have larger cans, too.

**LEG. GREGORY:**
So is that eight milligrams per serving or per can?

**MS. TRYPUÇ:**
Eighty milligrams per serving.

**LEG. GREGORY:**
So it would be 16 per can.

**MS. TRYPUÇ:**
No, 80 per serving, so that would be 80 in one can, and then they have larger cans.

**LEG. GREGORY:**
Oh, you said 80, I thought you said eight.

**MS. TRYPUÇ:**
No, 80, 8-0.

**LEG. GREGORY:**
Okay. All right, thank you.

**D.P.O. HORSLEY:**
Thank you very much, Legislator. Legislator Kennedy.

**LEG. KENNEDY:**
Thank you for coming out. My question really just goes to -- you are here as a citizen, obviously as a medical person, as a nurse. You're speaking to, you know, some of the specifics that you're familiar with and the impacts, and I appreciate that. But the Board of Health did take a position regarding energy drinks.

**MS. TRYPUÇ:**
Yes.

**LEG. KENNEDY:**
And I recall there was correspondence, and I'm trying to remember if that letter was something that talked about regulate or put age limit or just outright ban. So I don't want to confuse what you're stating here, but we have talked a lot about the broader topic. So what does the Board of Health say and what do you say?

**MS. TRYPUÇ:**
The Board took a position that the FDA needed to do more and that we needed to do more with regard to education. You have something for me? Thanks.

**LEG. KENNEDY:**
That's what I thought. I'm trying to remember, was it an outright ban?
MS. TRYPUC:
Yeah. The regulation at the Federal limit, to limit the access of energy drinks by restricting the sales to individuals less than 19; to regulate the -- at the Suffolk County level, to limit the access of energy drinks to -- by restricting the sales to individuals less than 19; to promote the educational programs for schools by explaining about the multi-components in the energy drinks, which was some of the ingredients that I was discussing with you, by labeling of all the ingredients in energy drinks and their components and trying to be consistent. We suggested milligrams per container should be required on the packages; and that the label should be on the front of the can, easily visible by consumers.

One of the deals that was made when Legislator Nowick had met with Red Bull the last time was that they put the content --

LEG. KENNEDY:
There was a restrictive warning or something that was supposed to be placed on the can.

MS. TRYPUC:
Right. And, you know, I'll be happy to leave this can with you to look, but it says, "Not recommended for children, pregnant or nursing women and persons sensitive to caffeine," but it's buried on the back of the can in a very small font. You know, nobody can see that.

LEG. KENNEDY:
It doesn't stand out like you see like a display on a cigarette pack or --

MS. TRYPUC:
No. And obviously I've been doing a lot of research on this and I think, as per Canada, Health Canada, they had an energy drink, you know, group meet to discuss all of this. I think it should be on the front.

LEG. KENNEDY:
Okay.

MS. TRYPUC:
If it's a warning, it should be on the front.

LEG. KENNEDY:
Okay.

MS. TRYPUC:
So that's one of our recommendations.

LEG. KENNEDY:
But so if I can just finish, then. The one bill that we're talking about that would ban solicitation to minors is consistent with the Board of Health's position to restrict sale to minors.

MS. TRYPUC:
Yes.

LEG. KENNEDY:
Right; that's a true statement?

MS. TRYPUC:
Yes.
LEG. KENNEDY:
Okay, good. Thank you.

D.P.O. HORSLEY:
Thank you very much, Mr. Kennedy. Legislator Spencer.

LEG. SPENCER:
Hi, Tracy.

MS. TRYPUC:
Hi, Legislator Spencer.

LEG. SPENCER:
How are you? One of the things that I wanted to ask you, and I think that it is important, obviously when you’re debating any particular issue, you have articles and you have studies. And I think that after you speak, that maybe ten people may come up and say something that's absolutely the opposite, but here's what I think it comes down to, and I'm curious -- you know, we can put up a scientist, the other side can put up a scientist, we can go back and forth, we can spend hours and hours, but when we look at the medical community and we look at the American Academy of Pediatrics, when we look at the American Academy of Medicine, has there been a conclusion that has been reached when you take the preponderance of evidence? I mean, I don't think the Legislators will be scientists. What has the scientific community concluded from your research?

MS. TRYPUC:
Well, after two years, I can honestly say that there is no real conclusion. I mean, what you really want is for me to bring a body up here. You want me to bring a live body up here and have them drink a can in front of you and have them die in front of you; really, that's honestly. You know?

LEG. SPENCER:
But the American Academy of Pediatrics, have they --

MS. TRYPUC:
No, no, I'm getting to that, I'm getting to that. However, you know -- and even if that were to happen, somebody would say that something else, you know, was the cause of that. But, you know, it's frustrating, because I know that ten people are going to get up and tell me that everything I said is not true. However, in February of 2013, I received information that the American Academy of Pediatrics clearly stated that top selling energy drinks contain high, unregulated amounts of caffeine, as well as other stimulants that can enhance the effect of caffeine. Caffeine can produce harmful effects in adolescents, including cardiovascular problems, anxiety, insomnia, digestive problems, dehydration and others. When you take that statement, the fact that they came out with an educational campaign for pediatricians in this country saying that we need to educate the pediatricians and they had a quiz on what questions these pediatricians need to start having a conversation with their teen-age adolescent patients and the parents on the dangers of energy drinks and that emergency room physicians need to start being concerned.

And the fact that the -- because of caffeine toxicity due to energy drink consumption, the rates of emergency room visits have increased dramatically in this country. When you have all of that evidence together -- and by the way, I do have, which you will also get, I have the last data from 2012 from the New York City Department of Health Poison Control Center, so I have three years of data now which will show you the dramatic increase just from New York City Department of Health. So when you have the national emergency room visit increases, New York City Department of Health emergency room visits and this information; yes, that will show you that it is time that we look into this and take action.
LEG. SPENCER:
So in conclusion, from my understanding, the American Academy of Pediatrics came out with a position saying that --

MS. TRYPUC:
They came out with a position clearly stating --

LEG. SPENCER:
-- these products are not recommended for use by children.

MS. TRYPUC:
No, they're not recommended for use in adolescents.

LEG. SPENCER:
Thank you. Thanks so much.

MS. TRYPUC:
Thank you.

D.P.O. HORSLEY:
Thank you very much, Doctor. Legislator Stern. And just a reminder, we do have a lot more cards, too, as well.

LEG. STERN:
Thank you. Thank you for being here.

MS. TRYPUC:
Thank you.

LEG. STERN:
In your research, in your professional opinion, are these beverages addictive?

MS. TRYPUC:
Yes.

LEG. STERN:
What would you say makes them addictive?

MS. TRYPUC:
The fact that they have caffeine and sugar. Caffeine is a stimulant and it's known to be an addictive substance. It keeps people, especially, you know, adolescents who are caffeine-naive, which is the term, they're not really sure what this is, this substance. It keeps them awake and then they stay awake either playing video games or studying. They can't go to sleep and the next morning they wake up and they're tired and so then they use another drink. And I have -- there's studies that show this, I have anecdotal evidence and I've actually spoken to teen-agers and adolescents who use the beverages. And also 7-Eleven has told me that they have kids coming in in the morning to drink them before school.

LEG. STERN:
And many of us, regardless of the caffeine content in our morning cup of coffee, enjoy the morning cup of coffee.

MS. TRYPUC:
Uh-huh.
LEG. STERN:
If I don't have a morning cup of coffee tomorrow, I don't know if I'm going to go through and have withdrawal symptoms if I don't have that cup of coffee. I guess my question is do you believe that it is the high amount of caffeine that is the addictive content, or do you believe that it is some of the other elements or the other ingredients in the drink that you cite earlier that make for the addictive content, the addictive nature of these drinks?

MS. TRYPUC:
That is an excellent question, and at this point I would have to say I would have to get back to you on that. I believe it's probably the caffeine. I'm not sure about some of the other substances, but I think it would probably be the caffeine. However, it's good bringing up the coffee. Coffee is consumed usually -- and I say usually because I know I've got some people in the back that will contradict me on that -- usually coffee is consumed hot and, therefore, slowly, so you most likely will not have children, teen-agers, you know, drinking coffee beverages and drinking eight of them, okay. So, therefore, they will drink these other beverages to get, you know, the energy that they are looking for.

But again, they are looking for, you know, that energy, and the energy is not just from caffeine, it is from, you know, some of the other sources, but I think the addiction is most likely from caffeine. But I can get back to you on that.

LEG. STERN:
Thank you.

D.P.O. HORSLEY:
Okay. Thank you very much, Legislator. Legislator Cilmi.

LEG. CILMI:
Just a quick question, Tracy. Are you familiar with the Federal regulatory process? So do you know why -- you mentioned that these drinks aren't regulated by the FDA, which I know. Can you tell us why and if the Federal government -- if there's any agency at all in the Federal government that could potentially regulate these drinks or not?

MS. TRYPUC:
Sure. The FDA can regulate them, but right now they're not. They fall within a different category of food substances and dietary supplements and they are undergoing some pressure right now from Senators Blumenthal and -- Blumenthal and Durbin, and Congressman Markey has also joined the cause with regard to marketing. And so the three of them are trying to put some pressure on the FDA to see about whether they can change the regulations that the FDA has about getting these into a different category.

LEG. CILMI:
But they can legally regulate them.

MS. TRYPUC:
If they choose to move them into a different category with enough pressure.

LEG. CILMI:
So let me ask you this --

MS. TRYPUC:
But right now the lobbyists have gone to Washington D.C. right now to try and prevent that from happening.
LEG. CILMI:
Right. But I would expect that the lobbyists would have a greater impact on the Legislature in Washington, D.C., and not on the FDA as an administration. I would think that the FDA is, you know, deeply concerned about the health of the residents of this country.

MS. TRYPUCK:
I would hope so. And there is a dialogue between Commissioner Hamburg and Senators Blumenthal and Durbin.

LEG. CILMI:
Why, in your opinion, aren’t they moved to call for the regulation on their own?

MS. TRYPUCK:
Things work very slowly in Washington.

LEG. CILMI:
Well, that goes without saying. Okay. Thank you.

D.P.O. HORSLEY:
All right. Thank you very much, Mr. Cilmi. I do not have any further cards. Are we all good? You did a great job, sitting there at length.

MS. TRYPUCK:
Thank you.

D.P.O. HORSLEY:
Okay. The next speaker is Richard -- I’m sorry, I'm really having trouble reading your name, but I think it's Adamseal?

DR. ADAMSON:
Yes, sir.

D.P.O. HORSLEY:
I did all right. Welcome.

DR. ADAMSON:
Thank you. And I have copies of my testimony. Thank you.

Good afternoon. I’m Dr. Richard Adamson, I’m a PhD in Pharmaceutical and Toxicology. I’m President of PPN Associates, we design experiments, evaluate data, analyze the literature in the areas of toxicology and pharmacology. I previously, before having this position, was Vice-President for Scientific & Technical Affairs at the American Beverage Association. I am here on their behalf today.

Previously to that, I was at the National Institutes of Health for over 30 years. At the National Institutes of Health, I was in the laboratory for 15 years, and then went into administration, and at the end was a Scientific Director at the National Institutes of Health.

While in the laboratory at the National Institutes of Health, I did research on numerous compounds including caffeine. I studied the metabolism of caffeine in humans and non-human primates and other species. I also studied the central effects. I have continued to be abreast of all the research on caffeine and the other ingredients in energy drinks.
Caffeine is a natural substance. It is found not only in coffee beans, tea leaves, cola nuts, about a dozen other plants including, as you heard, Guarana. They have been safely used as part of the flavor profile of soft drinks for more than 100 years, and the amounts that are in soft drinks, coffee is regulated by the FDA as safe. There's one in most studies ingredients in our food supply.

In accordance with FDA regulations, all ingredients on the product, including energy drinks, including also dietary supplements, must label everything that's in the drink, including caffeine.

In addition, most members of the American Beverage Association follow our voluntary guidelines for responsible labeling and marketing and list the amount of caffeine from all sources on their labels. This information is also available from companies on their websites and from their 1-800 customer information numbers.

As you've heard, although there are more than 200 energy drinks on the market with differing flavors, differing tastes, various amino acids, vitamins and other ingredients, the one common ingredient is caffeine.

(Beeper Sounded)

The amounts of caffeine in energy drinks are generally equal to or less than the amount in home-brewed coffee and half, half of that amount in a coffee energy -- coffee -- in a coffee-house coffee. In addition to its central effect, however --

D.P.O. HORSLEY:
Mr. Adamson, you have to start wrapping it up, and there may be questions for you.

DR. ADAMSON:
All right, I have 30 seconds. Coffee also has an ergogenic effect, that is it mobilizes fat and it stimulates muscles to use fuel as a fat. So it has more than a central effect.

In addition, Taurine is another ingredient that modulates muscle contraction and attenuates DNA damage. It has no central effect, none. The B vitamins found in energy drinks are required as --

D.P.O. HORSLEY:
Mr. Adamson, I don't mean to be rude, but just --

DR. ADAMSON:
Okay.

D.P.O. HORSLEY:
Just finish this testimony up within the questions. I have several people who want to ask you questions.

DR. ADAMSON:
Okay. Let me finish my --

D.P.O. HORSLEY:
I'm over here, by the way.

DR. ADAMSON:
The ingredients in energy drinks are functional and they do provide energy for the consumer.

D.P.O. HORSLEY:
Okay. Thank you. Legislator Cilmi.
LEG. CILMI:
Yes. Thanks, Mr. Chairman. Thank you for being here. I do appreciate your opinion as well as those of everybody who's coming to speak on this. You mentioned that caffeine is a natural substance. What's the other substance, Guavana?

DR. ADAMSON:
Gaurana.

LEG. CILMI:
Gaurana, gaurana.

DR. ADAMSON:
It's a fruit found in South America.

LEG. CILMI:
Okay. So, I mean, you mentioned that sort of as a means to say, well, you know, since it's natural it's okay, but that's not really true.

DR. ADAMSON:
No, that's not what I meant.

LEG. CILMI:
Okay.

DR. ADAMSON:
I meant there are several sources of it and it is natural. A lot of things that are natural are not good for you.

LEG. CILMI:
Right. Well, that was my point.

DR. ADAMSON:
Like earthquakes, storms.

LEG. CILMI:
Well, not only that, but substances like, you know, marijuana is obviously natural, opium is natural. There's many natural -- a glass of wine at dinner is fine, but if you drink a bottle of it you're going to have a problem.

DR. ADAMSON:
Yes.

LEG. CILMI:
You know, so -- (laughter).

DR. ADAMSON:
I mentioned it just to give you a flavor that it's not just from coffee. It's not just from coffee.

LEG. CILMI:
What is it about -- I mean, one of the things that we've heard repeatedly on this issue is that it's not so much any one ingredient in these products, but the combination of certain ingredients that heighten the effects and possibly the addictiveness of the caffeine and the various chemicals that are in these things. Can you speak to that just a little bit, very succinctly and specifically?
DR. ADAMSON:
Yes. Also, first let me say that coffee has over 1,000 compounds founded; it's just not caffeine. Secondly, the compounds that are in energy drinks, you're talking about Taurine, B vitamins, perhaps herbs. They do not have any central effect. Let me repeat that; they have no central stimulating effect.

LEG. CILMI:
Just define central for me, if you would.

DR. ADAMSON:
On the brain. They do not increase alertness, they do not stimulate, they do not provide you anxiety. They effect the muscles, they provide muscle relaxers, they help with regards to energy; these are truly energy drinks. The B vitamins help with regards to the use of the sugar as an energy source. They do not have any central effect, no effect on the brain. No central alerting effect.

LEG. CILMI:
Okay. So what is it, then, what is it about the combination of chemistry in these drinks that is being alleged to be -- to be detrimental?

DR. ADAMSON:
It's alleged.

LEG. CILMI:
So you're suggesting that there's nothing about the chemistry in these drinks that's necessarily detrimental or -- you can choose to get rid of the word necessarily if you want.

DR. ADAMSON:
It's too much.

LEG. CILMI:
Too much what?

DR. ADAMSON:
Too much consumption. Too much consumption. A coffee house coffee that you get from, I don't care, you can name it, whether it's Starbucks or whether it's Dunkin or whatever, has approximately twice the amount of caffeine that an energy drink does on an ounce-per-ounce basis.

LEG. CILMI:
In your opinion, is there any truth to Ms. Trypuc's statement which, I really hadn't thought about until she said it, in that a coffee drink is hot and therefore you're not ingesting it in a matter of seconds and going for another one, and these you do. So in the -- in terms of the speed of consumption, does that have any ill effects at all?

DR. ADAMSON:
Well, certainly if you sip something over a time period, your absorption of whatever is in that drink is less. But I drink iced coffee, I drink iced tea. So coffee is just not sold hot, in the summertime I drink -- I love iced coffee. I drink iced coffee. I drink iced tea, that also has caffeine in it.

LEG. CILMI:
So you would say, then, that moderation is the key.

DR. ADAMSON:
Absolutely. I drink -- I don't drink the soft drink hot, I drink the soft drink cold, and I drink it at once.
**LEG. CILMI:**
Let me ask you one other question, and I ask this to be -- to be fair. Would you suggest, then, that the consumption of alcohol by minors or the -- let me rephrase; the sale of alcohol to minors should be legal?

**DR. ADAMSON:**
Absolutely not.

**LEG. CILMI:**
Okay. Just how do you draw that distinction, then?

**DR. ADAMSON:**
I think whether a person, whether a minor drinks coffee or iced tea or an energy drink should be up to the parent. However, having said that, I did not allow my children to have coffee until they were 13. And most -- in fact, if you look at the can, as was previously stated, it says "Not recommended for children". I don't think -- I think a parent should be involved in this process. And I have never seen on a Starbucks coffee, A Dunkin Donuts coffee or any other -- Seattle's Best, I've never seen on the label of those, "Do not allow this to be sold to children". It's up to a parent to regulate that.

**LEG. CILMI:**
Okay. Thank you.

**D.P.O. HORSLEY:**
All right. Thank you very much. Legislator Nowick.

**LEG. NOWICK:**
Thank you, sir, for coming here and testifying. Do you -- you just mentioned about the cans of energy drinks that have a labeling on it "not intended for children, pregnant women, nursing women"; correct?

**DR. ADAMSON:**
Yeah, that's correct.

**LEG. NOWICK:**
Do you know why those labels are on the cans?

**DR. ADAMSON:**
Yes. The reason it's on there for pregnant women is because it's well known -- and in fact, the FDA also has that on their website -- that the amount a pregnant woman should have with regards to total amount of caffeine per day is approximately 300 milligrams. And I have studied this actually for a long time and have reviewed the literature, and it's because the birth weight of the baby may be less. Caffeine on the fetus does have a detrimental effect after 300 milligrams a day. But the FDA also recommends that if a woman who's pregnant needs coffee to get through the day, they can have a cup or two, but that is why because (sic). And also, caffeine does effect -- it has a central nervous system effect, it does make you alert, it does make you -- give a mild but pleasant stimulation, but it also has a peripheral effect on the muscles. You get more energy when you consume caffeine. That is why -- actually, the IOC at one time banned caffeine because it enhances athletic performance. It has energy function. It is not just a stimulant compound.

**LEG. NOWICK:**
You feel -- the American Beverage Association, are they -- you work for them?

**DR. ADAMSON:**
I consult for them. I have my own company --
LEG. NOWICK:
Do they pay you?

DR. ADAMSON:
-- PPM Associates and we have several clients in the areas of toxicology and pharmacology.

LEG. NOWICK:
But they pay you, right?

DR. ADAMSON:
Am I here on -- yes, they pay for my way out here --

LEG. NOWICK:
Okay. I just wanted to know that.

DR. ADAMSON:
-- and they are paying for my time. Yes.

LEG. NOWICK:
I wanted to ask you -- the reason I asked you the question about do you know why there's labeling on the can, but I'm going to answer the question the way -- the answer I wanted to hear from you. The reason that that labeling is on the can is because two years ago the Suffolk County Legislature had legislation and the American Beverage Association came to us -- Legislator Gregory, you remember that.

LEG. GREGORY:
(Nodded head yes).

LEG. NOWICK:
And we asked them if they would label the cans and if they would agree with us that this product was not safe for children, nursing mothers and pregnant women, and they agreed with us and labeled the can. So they labeled the can that said it wasn't intended for use for children. So why now -- why -- do you disagree with what they said on the can?

DR. ADAMSON:
I do not disagree and I did know that, but I know for a long time, long before that conversation, that 300 milligrams is the amount that's safe for pregnant women to consume. That has been in the literature for a long time. Good studies that have come out of NIH for child health and human development and out of numerous others --

LEG. NOWICK:
And I agree that --

DR. ADAMSON:
-- Harvard and others.

LEG. NOWICK:
I agree with the labeling on the can, that it is not intended for pregnant women or nursing women or children. But I know that you speak a lot about caffeine and we're not talking much about the other ingredients, and because we have so many cards I am going to let that go. But I do ask myself why then, and maybe I'll ask you, why then does the -- Dr. Spencer, help me with this; is it the Association for Pediatric -- what is the --
LEG. SPENCER:  
American Academy.

LEG. NOWICK:  
-- the American Academy of Pediatrics come out and take a stance on energy drinks being not good for children?  There must be a reason and it can't be just caffeine.

DR. ADAMSON:  
It's caffeine.  It's caffeine.  The other elements in here -- in fact, Taurine is a naturally-occurring element.  It's an amino acid, it's in your diet, it's in fish.

LEG. NOWICK:  
So you disagree with the American Association of Pediatrics?

DR. ADAMSON:  
No, I think that children should not be consuming energy drinks.  But if they said -- and I have not seen in their that statement that they said Taurine is bad, that Glucuronolactone, which is naturally-occurring in your bloodstream as you sit there, it's made from glucose, and certainly you have glucose every day if you have a carbohydrate.

LEG. NOWICK:  
Well, I'm not going to go into this ad infinitum because we have a lot of cards.  I just wondered if you agreed or disagreed with the Academy of Pediatrics.  But thank you very much.

D.P.O. HORSLEY:  
Thank you very much, Ms. Nowick.  Legislator D’Amaro.

LEG. D’AMARO:  
The energy drink that we're speaking of here has double the amount of caffeine per eight fluid ounces of coffee; is that about right?

DR. ADAMSON:  
Ounce per ounce.

LEG. D’AMARO:  
Yeah, ounce per ounce.

DR. ADAMSON:  
Most energy drinks, including the one you're talking about, coffee brewed at home has about the same amount.  Coffee from a coffee house -- I don't care where --

LEG. D’AMARO:  
Well, hold on.  Because I just saw a chart that says it has double the amount.

DR. ADAMSON:  
Yeah, coffee --

LEG. D’AMARO:  
A home-brewed coffee, for eight ounces of an energy drink and eight ounces of home-brewed coffee, the energy drink --

DR. ADAMSON:  
Is equal.
LEG. D'AMARO:
Let me finish. The energy drink has double the amount.

DR. ADAMSON:
No, it has equal.

LEG. D'AMARO:
Okay. So then we disagree, because the information I'm looking at says just the opposite of what you're saying.

DR. ADAMSON:
No, coffee from a coffee house has double. Coffee that you brew --

LEG. D'AMARO:
Sir, listen to me. Eight ounces of home-brewed coffee has half the amount of caffeine that's found in eight ounces of an energy drink.

DR. ADAMSON:
No, I disagree with you.

LEG. D'AMARO:
Okay, so then we have different data. That's part of the problem in this whole debate. But I want to go to the bill that the public hearing is about. This bill is proposing to prohibit marketing of these energy drinks to minors and to prohibit providing them with samples; are you in opposition to that bill?

DR. ADAMSON:
I do not have a problem with providing them samples; for marketing I do. Would you prohibit marketing of tea and coffee to a minor? That's up to a parent.

LEG. D'AMARO:
I would, yeah.

DR. ADAMSON:
Well, that's up to -- in Suffolk County --

LEG. D'AMARO:
You know, that's a very convenient thing to say, it's up to the parent. But how about helping the parent?

DR. ADAMSON:
Does Suffolk County --

LEG. D'AMARO:
I don't want to hear about how it's up to the parent. You know how many children in today's world don't have parents out there that are there for them all the time? It's very difficult, sir. That is just a ridiculous argument.

DR. ADAMSON:
Okay. Does Suffolk County prohibit marketing of coffee to minors?

LEG. D'AMARO:
I think -- I have to tell you, with the effect that it could have with caffeine, maybe it's something we should think about and we can have that debate, but today we're talking about energy drinks which
have double the amount of caffeine.

**DR. ADAMSON:**
No, that's not correct.

**LEG. D'AMARO:**
Thank you.

**DR. ADAMSON:**
That's not correct. A coffee house coffee has double the amount of caffeine as an energy drink.

**D.P.O. HORSLEY:**
Okay. We have several more people who would like to ask questions. Legislator Anker?

**LEG. ANKER:**
Hi. Thank you for coming here. And again, it sounds like there's a lot of data that we don't seem to be on the same page. A couple of questions. Has there been a long-term study on the chemicals within the energy drinks on children? And if so, how far does the study go back to?

**DR. ADAMSON:**
Well, first of all, let me say if you look at the Center for Science in the Public Interest website, no friend to the beverage industry, you'll find out how much caffeine is in all drinks. Secondly, it would be unethical to conduct a study on children, just feeding them the other compounds as it would be just to feed them caffeine.

But with regards to animal studies, the answer is yes, there have been long-term studies. And in fact, the European Food Safety Authority has reviewed the data on Taurine, the data on Glucuronolactone and the others and finds no evidence of any interaction with caffeine and finds that the amount in Red Bull and other energy drinks is safe for consumption by the consumer, and I'm talking about the normal, healthy consumer.

**LEG. ANKER:**
So are these -- so energy drinks, they're legal, there's no issues in Europe?

**DR. ADAMSON:**
Energy drinks in some countries in Europe are banned for sale to the minors, but they are -- I think in one country perhaps they're banned. But as you know, Europe has had energy drinks long before the United States, and in fact they originated in Austria.

**LEG. ANKER:**
Okay. So basically, again, you're saying because there hasn't been -- so has there been a study on the effects of children with the energy drinks?

**DR. ADAMSON:**
Again, the -- I don't know what you mean. You cannot -- you could not do a randomized study in children of energy drinks, that would not be ethical. But some of the components are naturally-occurring components. Taurine is a naturally-occurring amino acid. In your bloodstream as you sit here and ask me questions, in your diet, in shellfish, in fish, in a number of animal meats, and as an essential amino acid, actually, for a number of animals. And so if you look at foods that animals have -- and it's also in pregnant women's -- it's also in nursing mother's milk. And Taurine is added -- let me stress that -- it's added to infant formula because it's necessary for growth.

**LEG. ANKER:**
But I'm assuming the -- if it's added in infant formula, it's not to the extent that it is in energy drinks.
DR. ADAMSON:
Of course not, you'd never feed an infant the same amount that you would feed an adult.

LEG. ANKER:
Right. But you're saying -- you're comparing, you know, quantities, and I don't know if that's really accurate.

Let me ask you another question. Okay, so -- again, as Legislator Nowick had mentioned, there's a warning on the can. Why is it not recommended to children?

DR. ADAMSON:
In my opinion, it's not recommended because of the caffeine level. Just as I would not recommend, nor did I have -- let my children have coffee or iced tea until they were 13 years old. Is there something magical about 13? No, but obviously they were old enough to understand to moderate their intake. And I'm for {thaneous} extraction and I drink a lot of coffee. I love coffee; most Scandinavians do.

LEG. ANKER:
But again, that's your personal observation that you wouldn't give it to your 13-year old child. But where is there documentation showing the reason why energy drink companies put the label on their can do not -- excuse me, not recommended for children and pregnant women or nursing women; where is that data?

DR. ADAMSON:
The data with regards to pregnant women has been in the literature for a long period of time with regards to -- in fact, it was published in the New England Journal, it was published in several other places, that -- and it's on the FDA website. If you look on the FDA website, you have a computer in front of you, go to the FDA website and ask and it will say 300 milligrams is the amount that a pregnant women should have, and it's because of possible retardation of growth to the fetus. That data is available. I don't -- you don't have to ask. I'm sure that's why it is for pregnant women. I don't know why they put it on with regards to minors.

LEG. ANKER:
So the caffeine, not the Taurine; what is the other chemical?

DR. ADAMSON:
Taurine, Glucuronolactone, any of the other ingredients. Most of these are naturally-occurring ingredients. You have a lot of Taurine, you consume a lot of Taurine every day. It's a naturally-occurring amino acid. In fact, in your bloodstream, it's the most amino acid that you find if you do an analysis of your bloodstream. It is -- Taurine does not have an adverse effect. It has no central effect. It has no stimulating effect. It does not effect caffeine metabolism or effect centrally, that is not correct information.

LEG. ANKER:
Okay. Thank you.

D.P.O. HORSLEY:
Thank you very much, Legislator. Legislator -- one second, Tom, I've got one more before you. Doc Spencer.

LEG. SPENCER:
Thank you for, again, your testimony, and you do have impressive credentials. And so you --
DR. ADAMSON:
Thank you.

LEG. SPENCER:
You're a doctor of pharmacology?

DR. ADAMSON:
Yes. I have a PhD in Pharmacology and Toxicology from the University of Iowa, undergraduate degrees in chemistry.

LEG. SPENCER:
Well, I do appreciate your expertise and you deserve, you know, my respect. So I wanted to just kind of drill down on a couple of comments that you had made.

When you indicate that it provides energy, my understanding of energy would be something such as glucose where you are producing Adenosine Triphosphate and there is a particular reaction and you're saying there's no stimulant. So you're saying caffeine, in and of itself -- and caffeine, if I'm not mistaken, is methylxanzine.

DR. ADAMSON:
Yes, absolute.

LEG. SPENCER:
So you're saying that someone consuming methylxanzine is getting a source of energy.

DR. ADAMSON:
Well, what it does is it does increase -- thank you for bringing that up. It increases the amount of adenosine triphosphate available, yes.

LEG. SPENCER:
So in a situation where there's no other fuel source, really, where are you getting this -- you're taking it from stored energy and the liver and in muscles. You're not actually getting any further energy, you're taking -- so you're driving the body beyond its natural controls that would either ask for sleep or ask for more food by stimulating it to pull out more -- where is it -- you're saying it works on the muscle level. So where is this energy being derived from?

DR. ADAMSON:
It also, caffeine also mobilizes fat, sir, and so the body uses the energy from fat. And that is one reason why athletes take energy drink or take a caffeine, because it spares glycogen which is available for later reserve.

LEG. SPENCER:
So it basically enhances the process. So when you start to get into fat metabolism, that is along the process of leading to starvation. First you burn glucose, then after you burn glucose you burn glycogen. When you run out of glycogen to burn, then you turn to fat, then you turn to protein. So you're basically taking the current stores that are there and you're causing the body to basically consume its on-board energy source faster. You're not getting any further energy.

DR. ADAMSON:
No, but you are taking something that is last, which is the fat, and you're making that available for consumption first, which then allows you actually enhanced and more endurance with regards to caffeine because you have the glycogen reserves for later.
LEG. SPENCER:
So when you go into fat metabolism and someone who is an extreme athlete that may have an extremely low level of fat, when this fat isn't available then what happens? What's the next -- what does the body turn to next?

DR. ADAMSON:
It does help make the adenosine triphosphate available.

LEG. SPENCER:
So -- all right, I'll leave it there. I don't want to debate that here.

So caffeine, which is Methylxanzine, similar to {thioprine}, you indicate that there's no central nervous system action, but my understanding is that it does cause {phosdiaphrais inhibition} and it also causes the release of catecholamines, so that's one mechanism. So catecholamines, when they're released -- I mean, I'm looking at it right here because, again, I'm not going to hold my knowledge up against yours --

DR. ADAMSON:
It does have central --

LEG. SPENCER:
-- but I want to make sure.

DR. ADAMSON:
I didn't say caffeine does not have a central effect, it has a central effect.

LEG. SPENCER:
Oh, it does.

DR. ADAMSON:
Oh, absolutely.

LEG. SPENCER:
I thought you made a statement that there was no central effect.

DR. ADAMSON:
No. No, no, no, no, no.

LEG. SPENCER:
I'm confused.

DR. ADAMSON:
No, no, no, no. Taurine has no central effect.

LEG. SPENCER:
Taurine, Taurine. Okay, all right.

DR. ADAMSON:
Caffeine, absolutely, has both central and peripheral effects.

LEG. SPENCER:
All right.
DR. ADAMSON: Absolutely. I mean, their wasting -- the stimulating effect of caffeine is due to a central effect on the nervous system, absolutely.

LEG. SPENCER: Okay. All right, that's fair enough. So but as far as your testimony, and I do appreciate it. And again, my goal here is not to try to look and catch you and say, "Ah ha, I got you." I'm really interested in educating myself. But you really -- though your testimony was it's not recommended for use in children, and that's what my legislation looks at is use in children. So you would agree from what you've seen that it's not recommended that children use these products.

DR. ADAMSON: I would not recommend it for use on children. Alternatively, I would not want anybody to tell me that I cannot recommend something for my child.

LEG. SPENCER: Oh, no, I agree with you. I don't think that anyone should intervene in the adult process. I think that the concern is when there's an unlevel playing field where the kids are targeted and the parents don't have the opportunity to provide an intervention. For instance, a 14-year old in between school and soccer practice who can go into a convenience store, where I can't be there to stop or be able to educate them. But with that, in deference to my colleagues and to the chair who I have brought this debate, I'm going to yield to -- I apologize for taking up so much time. And thank you, sir for your testimony.

I appreciate.

DR. ADAMSON: Okay. Thank you for the questions.

D.P.O. HORSLEY: Doc, let me just ask you quickly, our doc. Because it burns fat first, would it be a fat burning drink?

LEG. SPENCER: (Laughter).

D.P.O. HORSLEY: Wait, maybe you're mismarketing.

LEG. SPENCER: Possibly.

D.P.O. HORSLEY: I like it. Suddenly it's got appeal. I'm sorry. Legislator Barraga.

LEG. BARRAGA: Doctor, thank you very much for joining us. You're from Maryland?

DR. ADAMSON: Yes, sir, I am from Maryland.

LEG. BARRAGA: Okay.

DR. ADAMSON: Home of the Terps, and Baltimore.
LEG. BARRAGA:
Let me ask you a question, which I found interesting in terms of your comment. The label on the can currently indicates "Not recommended for children," but you're in favor of marketing the product to minors.

DR. ADAMSON:
Sir, I'm not a marketing person and I --

LEG. BARRAGA:
But you said you were in favor of marketing to minors.

DR. ADAMSON:
No, I didn't say that.

LEG. BARRAGA:
I thought you did.

DR. ADAMSON:
No, I didn't.

LEG. BARRAGA:
Okay. Because it doesn't quite flow.

DR. ADAMSON:
No, I never said I was in favor of marketing to minors.

LEG. BARRAGA:
Don't you think that if it's already put on there by the manufacturer "Not recommended for children", that there is a sense on the part of the manufacturer that there's possible side effects associated with this drink? There has to be something that they have seen, whether they be studies, to come to the point where they put that on the label?

DR. ADAMSON:
That's a question for the marketing people or the manufacturers, but, frankly, I think it probably is the caffeine. And to be frank, most sources of caffeine today for people that are children and adolescents, is not from energy drinks, it's from tea and it's also from soft drinks. It is not -- it's from other sources, it's not from energy drinks.

LEG. BARRAGA:
Let me be frank with you. The very fact that you came from Maryland, I just don't sense that you really came in because of these two bills. I think the industry, the American Beverage Industry, the manufacturers of energy drinks were scared to death when they saw the original piece of legislation put out by Dr. Spencer, which was a ban on the sale of energy drinks for those 19 and lower in age, because that affected the bottom line. That affects profit and loss. These two bills they can easily live with. And my experience with lobbyists, frankly, is that they're picking up a paycheck from a specific industry. Their job is to get in there and kill a bill like that. And I don't think you and the people that fall into that category really care too much about either one of these bills. You just don't want the original legislation to go forward because that's the one that's dangerous. That's the one that cuts into the bottom line, that's the first in this County, maybe in the state, and other states will follow, because your job is to kill that bill. As far as, you know, educational -- the educational component or not selling it at a beach in the County, you could live with that. Lobbyists could live with that because you've attained your ultimate goal, to kill the original bill. What do you think of that? I'm being frank.
DR. ADAMSON:
Sir, I'll be frank with you. I am a scientist. I've published 250 articles in the Peer Review Literature. If you Google my name, Richard Adamson, you'll find a lot of articles, You'll find that I've won a lot of awards. I would come and give you the same talk I gave you today if Suffolk County had asked me to come about the safety of ingredients; not about marketing to children, but the safety of ingredients in energy drinks. And I would have told you that the problem is too much consumption --

LEG. BARRAGA:
I'm not questioning your credentials. What I'm saying is that you are here today because you are being paid by the American Beverage Society to be here. And you're not here to take an opposite position, you're here to represent their point of view, which I think they've achieved because the original bill, unless somebody reintroduces it, has already been dead and we go with these two which are side issues which you could easily live with. When you go back to Maryland, you can tell them you've done your job.

DR. ADAMSON:
The American Beverage Association as well as five other firms of clients, of PPM Associates, we design experiments for pharmaceutical firms, for other firms, for food companies. I also do work for public firms. So I am a scientist. And I would not come up here and discuss marketing, but if you asked me to come up on your dime, I would tell you the same thing I told you today, that caffeine is a central stimulant. It also has other effects, and the other components of energy drinks do not have central effects.

LEG. BARRAGA:
You certainly believe in your pure scientific analysis of the drink and what's in it.

DR. ADAMSON:
I do.

LEG. BARRAGA:
But I can't get beyond the fact that you're also here and being paid by a special interest group that favors the destruction of the major bill. They're not losing any sleep over these two bills, believe me. But the original one, that was the dangerous one, and that's why you're here. Thank you.

D.P.O. HORSLEY:
All righty. Moving along, Legislator Stern.

LEG. STERN:
Thank you. Welcome. I think that if this was a question about these drinks and the caffeine content and we were looking at milligrams and we were looking at ounces and we had the opportunity to put them side-by-side with some of the popular products that we all consume every day, it becomes a much easier determination to make. What is the safe level? Who is it safe for? And then we can compare and come up with something that we're comfortable with. But the way the conversation has gone, it's not just about the caffeine but it's about the other ingredients that are in these drinks as well; the amino acids, the vitamins, some of the other ingredients. My question to you is you talked about the role that these other ingredients play or don't play.

(*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY LUCIA BRAATEN-COURT STENOGRAPHER*)

LEG. STERN:
I asked the question earlier about addictiveness and whether those other ingredients play a role in the addictiveness of the caffeine in these drinks. I'll ask you the same question regarding the issue
of addictiveness. And if those -- if your answer is that those other substances don't add to the addictive nature of caffeine, what purpose do they serve? Why are they in there over and above just the marketing aspects? And how does that make this a very different question for us to consider rather than just the amount of caffeine that might be in a particular size cup or can?

**MR. ADAMSON:**
Well, first of all, the question of whether caffeine is an addictive substance or not has been debated for a long time by drug addiction people and by psychiatrists that are into drug addiction and there is differing opinions on that. And, certainly, if you do -- if you do gradual withdrawal, if you drink a lot of coffee and do gradual withdraw, you don't have any side effects from it and you can withdraw from drinking coffee. And there are people that can abstain from coffee after drinking a lot and not get headaches. And there is no destructive force, unlike with drugs, unlike with heroin, unlike with cocaine, there's no destructive force to the person. And I've been quoted as saying I've never heard of a person that robbed a bank in order to get money to buy a cup of coffee, but, certainly, they rob banks to get drugs. So if you're talking about addiction, it's certainly a different spectrum of addiction than a drug addiction.

Now, with regards to taurine and the B vitamins and the other things, I thought, but I ran out of time, that I explained that they do provide for -- taurine helps with muscle contraction. That is very useful to an athlete, muscle contraction. And the B vitamins in there, as the good doctor had said, help unlock the carbohydrates that are in energy drinks to break down the glucose, and glucose is the fuel that provides energy as well. But the B vitamins in there, whether it's niacin, pyridoxine, inositol, whatever, they help with regards to metabolism of glucose to provide adenosine triphosphate so that we can have energy. They are in there, they have a functional role. They do not -- and let me state this again. There is absolutely no evidence that they have any central effect, nor do they enhance the effect of caffeine. It is simply the caffeine in energy drinks that provides the central -- the central stimulating alerting effect. It is the caffeine, it is not taurine.

**LEG. STERN:**
Thank you.

**D.P.O. HORSLEY:**
We're good? All righty. Legislator Anker.

**LEG. ANKER:**
Again, you mentioned that you were -- now are you a paid lobbyist for the energy drinks, coffees?

**MR. ADAMSON:**
It doesn't mean -- I don't know what you mean by "paid lobbyist." If you're asking did the American Beverage Association give me economy airfare, and are they paying me to give this talk, the answer is yes. But I just said, I will give the same talk if you paid me to come and give the talk, because I'm talking about the safety of ingredients, and I'm a toxicologist pharmacologist. But I'm not trying to hide the effect that I am not here on my own dime.

**LEG. ANKER:**
Okay. We have a law here in Suffolk County that you have to be registered on our list, and we can definitely get you more information. From what I'm seeing, I don't see you as registered for a lobbyist. So we need to give you some information, because I think it's important to follow the laws in Suffolk County. Were you aware of this?

**MR. ADAMSON:**
No. And I'm here as a scientist. I'm not lobbying on their behalf, I -- as I said, I design experiments for companies, pharmaceutical companies, food companies. I evaluate stuff, and I also do information and analyze data for public companies.
LEG. ANKER:
So you don’t think you’d be -- you should be on the lobbyist list in Suffolk County?

MR. ADAMSON:
I do not.

LEG. ANKER:
Okay. Thank you.

D.P.O. HORSLEY:
We're good? Oh, Sarah, I'm sorry.

LEG. ANKER:
Oh, I'm good, yes.

D.P.O. HORSLEY:
We're good? Thank you. All right. Are there any other Legislators who would like to ask questions of the good Doctor? Okay. Dr. Spencer wants one last quick follow-up.

LEG. SPENCER:
I just wanted to dispute one thing, Doctor, and that was -- when you indicated that with regards to B vitamins. And vitamin B-6, pyridoxine, you just mentioned that just a moment ago, pyridoxine neuropathy is well documented, and I’ve got the citations right here to indicate that. So there is some neuropathies that are associated with pyridoxine intoxication. Do you -- I could share the citation with you, but do you disagree that pyridoxine has no nervous -- central nervous system impact?

MR. ADAMSON:
I don’t think the amount that's in an energy drink has any inverse effect, and the regulatory authorities, particularly EFSA, the European Food Safety Authority, has looked at the amount of B vitamins, if you look at the EFSA, the European Food Safety Authority. The FDA is currently looking at all the ingredients. But I think -- I don't think the amount that's in there -- it certainly is an essential vitamin for us, and I don't think the amount that’s in there has any adverse effect.

LEG. SPENCER:
Thank you, sir.

D.P.O. HORSLEY:
All righty. Again, thank you, Doctor, and we appreciate you coming down here today.

We have also -- next up is Mr. Jim McGreevy, also of the American Beverage Association.

MR. MCGREEVY:
Good afternoon, Legislators. Thanks for the opportunity to speak to you today. My name is Jim McGreevy and I am -- I work at the American Beverage Association. I’m the Senior Vice President for Government Affairs at the American Beverage Association. Just a second to tell you who we are.

The American Beverage Association is the trade association representing the nonalcoholic beverage industry. Our industry plays an important role in the U.S. economy, with a direct economic impact of 118 or 119 billion dollars, providing about 227,000 jobs nationwide, and helping support the hundreds of thousands -- helping support hundreds of thousands of more that depend, at least in part, on beverage sales for their livelihood.
The American Beverage Association has been in existence since 1919, and today represents hundreds of beverage producers, distributors, franchise companies and support industries. Together, they bring to the market hundreds of brands, flavors and packages. Our members include the Coca-Cola Company, Dr Pepper Snapple Group, Monster Beverage Company, Nestle Waters North America, PepsiCo, Red Bull, Rockstar, Sunny Delight, among others, as well as the many bottlers in the communities around the country that bottle the products.

When it comes to energy drinks, ABA members account for more than 95% of the market. On their behalf, I'd like to take the opportunity to clear up some discussion that happened earlier and has happened in the media in the past.

First, the vast majority of energy drinks consumed in the United States have similar or lower levels of caffeine than home brewed coffee, which many Americans enjoy on a daily basis. In your packets you'll find a caffeine comparison chart that takes the statistics from the Mayo Clinic and the Center for American -- the Center for Science in the Public Interest, among I think a couple of others to show that statistic. And many contain half caffeine -- I'm sorry. A 16 fluid ounce energy drink typically contains between 160 and 240 milligrams of caffeine, while the same size coffee house coffee contains around 300 to 330 milligrams.

Secondly, energy drinks, their ingredients and their labeling are regulated, regulated and enforced by the U.S. Food and Drug Administration. You'll be hearing from a witness shortly, Miriam Guggenheim, who's an FDA lawyer, who will elaborate on this topic more. Claims made by energy drink companies on their products are subject to scrutiny by the Federal Trade Commission as well.

And thirdly, despite the misperception, children and teens are not large consumers of energy drinks. A report on caffeine consumption among U.S. population done in 2009 and 2010 by the Food and Drug Administration, not the American Beverage Association, the Food and Drug Administration, indicates that teens and young adults ages --

(Bell Sounded)

I'll just wrap up. Ages 14 to 21 --

D.P.O. HORSLEY:
Thank you.

MR. MC GREEVY:
-- consume on average one-third the amount of caffeine as people over the age of 21. I'd just like to lastly say we have followed the debate in Suffolk County over the past couple of years, have participated in it. We are opposed to the two bills before you, as we were opposed to the banned bill a couple of years ago. But the dialogue that has been created here I think is very beneficial, and we'd like to continue. We have talked to proponents of the bill who are interested in education campaigns. We would like to talk about that more. There seems to be, even in this debate over the last hour-and-a-half, lots of unclarity around it. So happy to stay for questions. Thanks for the time.

D.P.O. HORSLEY:
Thank you, Mr. McGreevy. We do have several questions. The first one is from Legislator Cilmi.

LEG. CILMI:
Thanks for being here.

MR. MC GREEVY:
Thank you.
LEG. CILMI:
Are there any other facts that -- about the chemistry here, or any details about the products themselves that you'd like to share that maybe you didn't have an opportunity to in your first three minutes we didn't hear?

MR. MC GREEVY:
You're actually -- you've heard from Dr. Adamson on some of the scientific issues. I was a Political Science major in college. I took that major the first day because I didn't want to have to take some of the science classes. So I can't speak to some of the technical science issues, frankly. But you'll also be hearing from Dr. Geerling in a few minutes, so I think they're better equipped to handle some --

LEG. CILMI:
So I'm curious to know, we've heard testimony just today that the FDA doesn't regulate these products, and now you've said that they do.

MR. MC GREEVY:
I think that testimony --

LEG. CILMI:
Why the --

MR. MC GREEVY:
I think that testimony was incorrect. You'll hear from Miriam Guggenheim, who's an expert on FDA law in the food and beverage realm, who can explain it better to you, better than I can. But I don't think that testimony is accurate.

LEG. CILMI:
What other testimony have you heard today that you believe is incorrect?

MR. MC GREEVY:
We do label the products with the advisory statement. Every company labels the products with the advisory statement. In terms of quantitative caffeine amounts, every company that is an American -- member of the American Beverage Association, except for one at this moment, also puts quantitative caffeine labelling from all sources on its product. The one company that doesn't do it at this moment, Monster, has agreed to do it over the course of the next few months.

So we heard the debate that has happened around the country and here before, and we've taken some actions to provide more information, particularly around caffeine amounts, total caffeine amounts. That's guarana, whatever caffeine -- whatever ingredient produces caffeine, the caffeine amount is on the can.

LEG. CILMI:
You said in your testimony that contrary to perception, I'm paraphrasing, that use of these products by minors does not account for -- I'm not exactly sure how you put it, but that you certainly said at least the most significant portion of the sales of these products. Do you have the details on that?

MR. MC GREEVY:
Yes. We can provide you with some additional details on that study done by the FDA in 2009 and 2010. But just to clarify what I said, teens and young adults, ages 14 to 21, consume on average approximately one-third of the amount of caffeine as people over 21. Fourteen to 21 year-olds, that works out to be about 100 milligrams per day. And the FDA has also opined that most of the caffeine consumption of that age group comes from coffees and teas. And we'll get you more information on that.
LEG. CILMI:
Okay. Because, I mean, just listening to what you're saying, it sounded like you said that teens consume one-third the amount of caffeine. If you're talking in absolute terms, then, I mean, certainly, there's a greater number of people over the age -- over the teen age than there are within the teen age, certainly probably by more than a third. So, relatively speaking, it sounds like teens then consume more.

The other point about what you read is that you specifically said caffeine and not specifically to these drinks. So, listen, I'm always one to question studies, because I think you can find a study to say pretty much anything. But I want to be fair about, you know, the pros and cons and the facts and the assumptions here. So am I right in my characterization of what you just read?

MR. MC GREEVY:
I don't think so. I said on average 14 to 20 year-olds consume one-third the amount of people over 21.

LEG. CILMI:
Okay. So per 14 to 20 year-old.

MR. MC GREEVY:
Yes, yes. And so I don't know -- I don't know the answer to the statement that you can find a study that can tell you whatever you want the study to say. All I can tell you is that this is done by the Food and Drug Administration, presumably, an objective body on these issues, so that's what they're saying; again, that's not what we're saying.

LEG. CILMI:
And that goes to my question before of one of the young ladies that was up here talking about the fact that the FDA hasn't regulated these products. Of course, you're now saying that they do. My question to that person, I don't know if you heard it, was, if this is such a problem, why hasn't the FDA regulated it? To what extent does the FDA, or maybe that's a question that's better left for the attorney for the -- the person who's coming up is an attorney for the FDA?

MR. MC GREEVY:
No, she's a FDA law -- she's a -- her practice is in FDA regulatory law.

LEG. CILMI:
I see, okay.

MR. MC GREEVY:
I would just say -- and I think it is a better question for Miriam to answer. However, I will just say that, you know, the discussion here, the discussion other places around the country, there is a discussion in Washington. What the earlier witness said was that Senators Durbin and Blumenthal and Congressman Markey have been talking to the FDA about these issues, these same issues that we're talking about here today. The FDA, in response to those claims, in response to those -- that discussion from those elected officials, plans to have a hearing process in the Spring or Summer of this year to discuss many of the same issues that you all are discussing today. The process will be run by the Institute of Medicine, which is an independent body made up of medical doctors and others. The Institute of Medicine will manage and lead the discussion around certain issues that the Institute of Medicine and FDA are now working upon to figure out what the scope of the inquiry will be, and we think that that will happen in the Spring and Summer. So far from FDA not regulating or not caring, they seem to be taking an interest in this issue lately.
LEG. CILMI:
Okay. I think my last question for you, for the time being, then, is where -- you've presented, and the doctor before you presented, testimony to us that basically puts into question assertions that energy drinks are unhealthy to an extent greater than coffee or a myriad of other products that are available for our youth. But I don't think -- you haven't spoken, I don't think, correct me if I'm wrong, nor did the doctor before you speak directly to the two bills that we -- that we have before us as public hearings today, one of which, my understanding is, would basically prevent the distribution of samples or the marketing to young people or minors, and the other which would prevent the sale of these products to minors in County -- at County facilities. Do you have a specific opinion on those two issues?

MR. MC GREEVY:
Yes. Legislator, respectfully, in my first sentence, I said we oppose both bills. So we oppose the parks bill for a variety of reasons, but I think what's in front of you is one of the best reasons. Under the bill, as we understand it, this eight ounce energy drink could not be sold in the parks in Suffolk County. It has essentially 80 milligrams of caffeine. This coconut water that has espresso in it, and natural coconut water, espresso and reduced fat milk has 120 milligrams of caffeine. If the issue is caffeine, which I think it is --

LEG. D'AMARO:
No.

MR. MC GREEVY:
What's the -- why should this thing not be sold and this thing be allowed to be sold? So that's one -- let me just finish. That's one objection we have to the bill.

Related to the sampling bill, we've done an informal -- we've done -- because our view is that the other ingredients in this product are safe. So what's the intent of the bill, I guess?

And then, on the sampling bill, we do oppose the bill. I have done an informal survey of our members. Many of them, I think potentially all of them, don't sample. So I guess the question is, if we don't sample and we're 95% of the market, and I will confirm whether that's the case or not over the course of the process here, what's the intent, what's the goal of the bill?

LEG. D'AMARO:
Marketing.

MR. MC GREEVY:
So we oppose both bills.

LEG. CILMI:
Well, I'll finish up by saying this: I'm sure there are -- I have enough members here alongside of me that will debate your point about the intent of the bill and the difference between the Red Bull and the coconut drink, whatever it is. But your point to me is well taken in that while there's a variety of chemicals in a so-called energy drink, or specifically in the Red Bull that you have in front of you there, and there are allegations of, you know, chemical interactions between the caffeine in that drink and the other chemicals, there's a variety of other drinks available out there that also contain caffeine. In some instances, as you've showed us, significantly more caffeine, that also contain other chemicals that may have interactions, that may be just as harmful or not harmful.

So thank you for your answers and thank you for being here.

MR. MC GREEVY:
Thank you.
D.P.O. HORSELY: Thank you very much, Legislator. Legislator D’Amaro.

LEG. D’AMARO: Yes, thank you. Thank you, sir, for coming down today, I appreciate it. I want to ask you, you’re saying you think the issue is caffeine, but does the coconut drink that you have in front of also have additives that enhance the effects of caffeine?

MR. MC GREEVY: I guess I don’t know the answer to that. It looks like the ingredients in this product are coconut water, milk, espresso, which is caffeine, right? Natural flavors. I mean, so I guess I don’t know the answer to your question.

LEG. D’AMARO: Well, I do.

MR. MC GREEVY: We think -- we think --

LEG. D’AMARO: It doesn’t.

MR. MC GREEVY: We think the issue here is caffeine, though.

LEG. D’AMARO: No, but it’s not. You’re framing the issue as caffeine. See, I’m not agreeing with that. What I’m saying to you, you have stuff in that can, I have no idea what it’s doing to the effects of caffeine that’s coming out of that can. Can you explain that? That’s the issue.

MR. MC GREEVY: What I have heard over the course of the last hour-and-a-half here, respectfully, is that the proponents of the bill have created no evidentiary underpinning for your belief that the ingredients together create a safety issue or a problem, so --

LEG. D’AMARO: Well, first of all, you can’t tell me that they don’t, and I think there is substantial amount of literature and research that says that they do.

MR. MC GREEVY: We will provide you --

LEG. D’AMARO: You know, it doesn’t fit into the caffeine debate, but that’s not really the debate that we’re having.

MR. MC GREEVY: Well, I respectfully think the debate is misplaced, then, if that’s the case. The FDA, in its responses to Senators Durbin, Blumenthal and Congressman Markey, have talked about this. And Miriam Guggenheim can go into this in greater depth, but I believe in their four responses to the four letters sent by the elected officials, they indicate that their ingredients combined are safe. We can get that information for you.
LEG. D'AMARO:  
It's my understanding that the additives in the can of energy drink enhance the effects. Even though you're getting the same amount of -- what is it, milligrams of caffeine is how we're measuring, the effects of that caffeine are greatly enhanced by these additives. Why do you put them in there if they don't affect the caffeine.

MR. MC GREEVY:  
Well, I can't speak to that, I just don't know.

LEG. D'AMARO:  
But, you see, that's the problem. You guys want to talk about what you can speak to. It's not about a caffeine debate. It's really not about -- I understand. We can talk all day about the fact that, you know, eight ounces of coffee has this much caffeine, and your can of Red Bull has this much. I understand all that, but the problem is, when you have a nine-year-old child that you're going to market that can to. And you can't tell me today, standing here, what all of those additives are doing to the effects of that caffeine. Why would I want to market that to a child?

MR. MC GREEVY:  
First of all, respectfully, others can tell you that, number one. And, number two, we don't market --

LEG. D'AMARO:  
Well, who are the others? You know, you're up here making -- you're saying you're against the bill that would prohibit marketing of that drink to a minor, but then you can't tell me why?

MR. MC GREEVY:  
Because -- well, I can't tell you why because I'm not a scientist. As I said, others behind me and Dick Adamson I think did talk to you about this issue.

LEG. D'AMARO:  
Well, they talked about issues, but we didn't really talk about the fact that the energy drink additives are making that into a powerhouse of caffeine. It has an effect on the caffeine. That's why -- that's what's different than coffee, soda, tea, that coconut drink that you have in front of you. They don't have all of those additives that you're talking about. Maybe they have some -- you know, I'm not a scientist either, but the fact is that's a cocktail in that Red Bull can. That is -- that's why you call it an energy drink, because you have found ingredients that will enhance the benefits of that caffeine and magnify the caffeine effect. That's what's injuring children, because they don't know any better and they can drink two, three or four of those.

So, you know, again, we're talking about -- we're not talking about banning them, we're talking about do we want to market a drink to minors or give them samples of a drink where this drink has additives that enhance the effects of caffeine, and you're saying absolutely, market away.

MR. MC GREEVY:  
I'm saying, Legislator, you don't have any proof for the statement that this is a cocktail or a powerhouse. I don't --

LEG. D'AMARO:  
I don't have the proof, but I got the vote and I got the power. You need the proof, not me. You're sitting up here in opposition to a bill. You show me the proof that it's not harmful.

MR. MC GREEVY:  
There's no -- there's no general conclusion in the science related to what you just said. If you're going to create policy, it should be based on -- seems to us --
LEG. D'AMARO:
Right.

MR. MC GREEVY:
-- should be based on proof.

LEG. D'AMARO:
Right, okay, I agree. And what I've read is that the additives in that can enhance the effects of the caffeine in that can.

MR. MC GREEVY:
To a dangerous level?

LEG. D'AMARO:
Yes. Are you aware of the fact that minors have drinken -- excuse me, have drank that stuff and passed away from it? Do you care about that?

MR. MC GREEVY:
Who? Who? Who's passed away? I mean, the discussion we're having here is a little heated. So I don't want to seem --

LEG. D'AMARO:
No, no, it's a good discussion.

MR. MC GREEVY:
I don't want to seem flip or --

LEG. D'AMARO:
I don't find it heated, but, you know --

MR. MC GREEVY:
I don't want to seem flip, but that's a strong statement to make.

LEG. D'AMARO:
Let me ask you this question: Do you think it's okay for minors to consume caffeine?

MR. MC GREEVY:
When it comes to our products --

LEG. D'AMARO:
Do you want your children to consume caffeine?

MR. MC GREEVY:
When it comes to our products, we have the advisory statement on --

LEG. D'AMARO:
No, but that's not my question. Your product has caffeine. Should minors be consuming caffeine? How about --

MR. MC GREEVY:
Younger children --

LEG. D'AMARO:
-- should minors be consuming sugar?
MR. MC GREEVY:
Younger children --

LEG. D'AMARO:
How about McDonald's french fries. I mean, the problem we're having here is that you have a vested interest in all of this, you're making money. You're making money. We have a vested interest, we want to protect health. This country is starting to have a real debate about the effects of sugar, fried foods. I mean, this stuff is devastating. That's why you have a health epidemic in this country today, because we have to start to stand up and say there's got to be some give and take, there's got to be some compromise. When you have a product that can do damage, whether it's caffeine, whether it's saturated fats, whether it's sugar, refined sugar, you have to start to compromise and recognize the fact that these things are killing people over the long term, especially diabetes, heart disease, adolescent diabetes. They're rampant across this country. That's part of the problem, that your industry has to wake up and say, "We're going to have a real debate," and not stand there and tell me that you're in opposition to marketing that energy drink to my eight-year-old when you don't even know if the caffeine effect is being enhanced by the ingredients in there.

MR. MC GREEVY:
I think the more you -- the more you learn about the American Beverage Association and its members, the more we hope you will find that we are responsible related to these other issues. We pulled full calorie soft drinks out of schools in 2006. There was maybe a couple, I think a couple of states and a few cities took them out before us. We saw the issues there. Schools are a special place. Marketing full calorie soft drinks in those venues were not appropriate, we took them out. We did this in conjunction with the American Heart Association and the Bill Clinton Foundation, President Clinton. That was something that business people don't usually do. So we are -- we, in conjunction with Mrs. Obama, we put a label on the front of every container of our products that show the calorie amount in each of the products. I think it might even be on -- that show the calorie amount of every product. We worked with our traditional opponents in the U.S. Congress and House -- U.S. Congress to pass a new food vending bill that is now going to go into effect. Respectfully, I think we are trying very hard on this issue, the issue of who we sell to and how we -- and how we market our product.

LEG. D'AMARO:
I appreciate that, but here's the problem. We're talking about -- you said before that minors don't consume all that much caffeine in relation to adults, I believe. I don't remember the numbers that you used, but that I think was basically your point. But we're not talking about how much minors are consuming in caffeine, we're talking about marketing to them at an early age to set them up later on to consume your product, and you know that's the real debate here. That's the way the industry works. Any marketing industry, anything with mass consumption, it's about getting to these kids earlier and earlier in life and you want to be able to market to them. It's not about how much they're drinking when they're eight years old, it's about what are they going to be drinking when they're 18 years old, because you want to make sure that they're buying your product.

MR. MC GREEVY:
We have a global --

LEG. D'AMARO:
So the bill here today that we're having the public hearing on says, "You know what, stop, stop the marketing to the minors." Give the parents a chance to teach their kids without you injecting your marketing into their lives on a 24/7 basis when a parent can't be there 24/7. So what right do you have to supercede the parents' obligation and the parents' attempt to try and keep their children away from a product that they may choose that they don't want them to have?
MR. MC GREEVY:
I don't have any right to --

LEG. D'AMARO:
Well, then why would you be opposed to -- why would you oppose -- why would I want your company to market to my children on a Sunday morning at 10 o'clock and they're watching their cartoons? Why would I want them to see a Red Bull commercial?

MR. MC GREEVY:
You will never see a Red Bull commercial on Saturday --

LEG. D'AMARO:
Then why do you oppose the bill?

MR. MC GREEVY:
Because it doesn't do anything.

LEG. D'AMARO:
Doesn't do anything, sir?

MR. MC GREEVY:
Because there's no policy underpinning for it. Let me just say --

LEG. D'AMARO:
Let me just suggest to you, your industry has to come to terms with the fact that, you know, just like smoking in the '50's, just like sugars in the '80's, whatever we're talking about, there are harmful effects to things. And your industry has to understand that unless you're willing to compromise, the absurdity of your position is just going to rise right to the top.

MR. MC GREEVY:
We have compromised. Again, I say this with all respect, we have compromised. We will come to your office, sit down and we will show you what we've done to try to be responsible marketers.

LEG. D'AMARO:
I do not want my children -- I don't want your company marketing an energy drink to my child when you can't sit here today and tell me that the other additives in that drink are not greatly enhancing the effects of that caffeine, because they are.

MR. MC GREEVY:
We have a --

D.P.O. HORSELY:
May I interject just a quick second? Maybe we could keep it to questions. And, you know, I think that this is getting a little -- we're debating the bill.

LEG. D'AMARO:
You're right. You're right, Legislator. I appreciate that. And thank you. I appreciate you debating with me, because I find it is a very important issue, so I appreciate your time.

MR. MC GREEVY:
It is a very important issue. Can I --

D.P.O. HORSELY:
All in the form of a question. Okay. Thank you very much. Sarah, this is -- Legislator Anker.
LEG. ANKER:
Very quickly, hopefully.

D.P.O. HORSLEY:
Yeah, let's see if we can wrap -- we've got more cards yet.

LEG. ANKER:
Again, and I'm -- you're a lobbyist for the energy drink companies?

MR. MC GREEVY:
I work for -- I'm the Head of Government Affairs for the American Beverage Association.

LEG. ANKER:
I encourage you to register with Suffolk County as a lobbyist.

MR. MC GREEVY:
Sure, definitely.

LEG. ANKER:
I don't believe you're on the list.

MR. MC GREEVY:
Happy to do it.

LEG. ANKER:
You know, I have your picture here. How much caffeine? You have a cup of soda, energy drink in the middle, and a cup of coffee. And, again, like Legislator D'Amaro had said, you know, you have ice in the soda, a cup of soda, or you can. It just seems that -- you know, maybe milk or cream in the coffee. It just seems that it would be metabolized much quicker the way that it's created, and that's just -- that's a concern for me.

As far as, you know, children growing up, you know, they're still -- their brain cells are still changing. And, you know, years ago, decades ago, we used to say radiation was safe according to this standard. Well, that standard was measured by a full adult. And then we became much more aware that children are affected differently.

And I have to let you know, my son received a powder pack of an energy drink mix in the mail addressed to his name and he's 16, and it was very concerning. Now, did he get marketed from the soccer leagues he's on? I don't know. Did he go online and think, you know, I'm just going to sign up for this and they're going to send it to me? I'm not sure how he got a hold of it, but it's a fun thing for them, it's a cool thing. It's like that Camel ad with the cigarettes. You know, it's -- it is marketed to his age group and it's very concerning. Now, to adults, I don't have a problem. If you're over 18, actually, and you said 19, but if you're over 18 --

D.P.O. HORSLEY:
Question, Legislator, please.

LEG. ANKER:
Okay. Oh, I'm sorry. But do you feel that marketing to children, that there is a place -- that this isn't appropriate to market to children?

MR. MC GREEVY:
The American Beverage Association and its member -- the member companies of the American Beverage Association have a policy, a global policy on marketing to children under the age of 12. In
the instance of programming, that is 50% more predominant -- 50% predominantly children under 12, we don't market our products there. That's energy drinks, full calorie soft drinks, anything.

I understand about the mail, the piece of mail that your child received. I don't -- I never heard of that company, I don't know who they are. It's a powder. They're not a member of the American Beverage Association. So I understand that there's some outliers there. When it comes to the mainstream energy drinks companies and the mainstream beverage companies, we are very careful in how we market to children, in our view.

LEG. ANKER:
Thank you.

MR. MC GREEVY:
Thank you.

D.P.O. HORSLEY:
Okay. Thank you very much. Legislator Montano, very quickly, if I may.

LEG. MONTANO:
If I may?

D.P.O. HORSLEY:
If you may.

(*Laughter*)

LEG. MONTANO:
Good afternoon. You know, just for purposes of disclosure, we did have a chance to meet yesterday in my office with yourself and certain representatives, but -- and I am going to be brief.

I just want to make sure I'm really clear on the issue here, and I think maybe I should direct this through the Chair to the sponsor. Is the issue here, as was discussed by Legislator D’Amaro, not caffeine? In other words, we've heard from someone that caffeine is addictive, we've heard from someone else that caffeine is not addictive. There are two drinks there, that one is maintained -- you know, has caffeine but doesn't have the additional additives that are in the other bottle in the Red Bull thing. And, by the way, how long has Red Bull been on the market.

MR. MC GREEVY:
I think in the United States, it's been on the market for 15 years; in Europe, for 25.

LEG. MONTANO:
All right. Well, at the age -- at the risk of aging myself, my daughter is 34, so I never had the issue of, you know, a teen-ager drinking Red Bull and I've never had one myself.

Doc Spencer, is the issue the so-called cocktail, the combination of Red Bull with the additives; is that why we're -- you're looking to ban this, or is it the caffeine? You know, phrase the issue for me so I'm very clear.

D.P.O. HORSLEY:
We're also -- we're starting to get into the level of -- that this is a debate. And we're -- the purpose of this is the public to address us and get -- and have the public input. So going back and forth --

MR. NOLAN:
Yeah, you have to direct a question to the witness.
LEG. MONTANO:
Well, all right. You don't want me to ask the question.

LEG. SPENCER:
I don't mind you asking me the question.

LEG. MONTANO:
Right.

LEG. SPENCER:
I was looking at the Chair.

LEG. MONTANO:
That will cut the -- I don't really want to debate this, I just want to know what we're dealing with.

D.P.O. HORSLEY:
You do it succinctly and then we'll move on, because we are to hear from the public, that is the purpose of this meeting.

LEG. SPENCER:
It's all of the above. It's, one, I'm hearing two different things on the one hand. We're saying that these ingredients are safe with caffeine, but right there on the can, somehow they had to agree to put that labeling on there, not recommended for children and not recommended for pregnant women.

There are soccer tournaments that are being sponsored, there are direct mailings that are going out. There are trucks that are passing out free samples to kids that are in line at theaters. So I'm hearing that we're 95% and there's no use for this legislation, but, obviously, there is. Then, in the same breath, turn around and say, "Well, that's not one of ours," that the whole team of Legislator Anker's received this product in the mail. So they admitted that they don't have control over their marketing, and the marketing's all over the place. There's a big display of the Monster drink beside a video game, so it's the marketing, it's the samples, it's the direct mail. It's a 24/7 campaign that's aimed at our children in a product that has "Not Recommended For Use in Children" right there on the label. So there's something that must have convinced them to put that labeling there.

D.P.O. HORSLEY:
Okay?

LEG. MONTANO:
You want to -- do you have a response to that, sir?

MR. MC GREEVY:
Our marketing is aimed at a broader demographic than children. As I say, I did an informal canvas of our members. The idea that free samples are given away at soccer games, none of them do that. I don't know who is doing that, so --

LEG. SPENCER:
And if it doesn't impact you, then why oppose the legislation? If you're already in compliance, then don't worry about it.

MR. MC GREEVY:
We don't -- we don't feel that there's a policy underpinning for the actual --
LEG. MONTANO: But your position, if I understand it clearly, is that you reject the argument, and I'm not putting words in your mouth, I just want to understand your position, you reject the argument that the caffeine and the other ingredients don't create the kind of effect, you know, that so-called cocktail, or maybe when I was a kid, we'd call it a boiler-maker, where you'd mix everything together to enhance, you know, your recreational activities when we were in college. You're saying that you reject the argument.

(*Laughter*)

I'm trying to be -- you know, I'm trying to do this smooth. Please, guys. No, seriously. You're saying that the evidence -- he's smiling too. I must -- the evidence isn't there, is what you're saying; am I accurate in that?

MR. MC GREEVY: Yes.

LEG. MONTANO: Okay. And you have because I've heard that we're going to get studies that indicate that the evidence is, in fact, there. I think the number is one in a 149 and coming. And you have your studies that are properly -- you know, with a proper foundation that are going to give me a different conclusion?

MR. MC GREEVY: I think that there's some observation from the FDA that I think would be helpful for you. We'll try to put -- if we have studies, we'll try to put them on -- in summary on a sheet of paper for you.

LEG. MONTANO: Okay. Thanks a lot.

MR. MC GREEVY: Or a couple of sheets of paper.

LEG. MONTANO: This is going to go on for a while. Thank you very much.

D.P.O. HORSLEY: Okay.

MR. MC GREEVY: I think it's important to note that, as you said earlier, Legislator, that that first sentence of that conclusion of the study that the proponents have said that there's no -- I forget what it says exactly.

LEG. MONTANO: What it basically said, it was in -- it said that there was -- in fact, I think I have it here. I don't have it here, but, basically, it said that there was no evidence that concludes what's being alleged. Am I --

MR. MC GREEVY: Yes, that's what --

LEG. MONTANO: Are we on the same page on that.
D.P.O. HORSLEY: Okay. I think --

MR. MC GREEVY: That's how I read it.

D.P.O. HORSLEY: I think that has been clearly stated by the --

LEG. MONTANO: Thank you.

D.P.O. HORSLEY: -- by the witness here. Doc Spencer, you're the last one that I have listed, if we could make this, the question succinct. We have several more cards. We've been going on over two hours now on this, so we've got to -- we've got to move on.

LEG. SCHNEIDERMAN: He has Jon Cooper's seat.

D.P.O. HORSLEY: Doc Spencer.

LEG. SCHNEIDERMAN: Two hours is short.

LEG. SPENCER: I don't want this to become a matter of -- you could find anything you want to prove anything on the internet, and this isn't going to be a study-against-study issue. They put the labeling on the can, "Not Recommended for Minors". Why did they put the labeling on there if there's nothing there? That's all I have to say. Thank you, sir.

MR. MC GREEVY: In response to that, I'd just like to say we appreciate this discussion. We're having it in other places in the country, as someone said earlier. We're going to have it with the FDA over the course of the next few months. We have spoken to Dr. Spencer, I think, and others, at least some of us have, I have not, with a willingness to work on these issues together. We'd like to do that, so we appreciate your time. Thank you.

D.P.O. HORSLEY: Thank you very much, Mr. McGreevy. And that concludes Mr. McGreevy's testimony. We now have Miriam Guggenheim.

MS. GUGGENHEIM: Thank you very much. My name is Miriam Guggenheim. I am a partner in the nation's leading food and drug practice in the Law Firm of Covington and Burling in Washington D.C. I have practiced in the area of food and dietary supplement law for over 12 years. And the ABA has asked me to speak with you today about the Federal regulatory system overseeing energy drinks. But I'd like to say that I'm also happy in the Q and A to answer a broad range of issues. I am, for a lawyer, reasonably well versed in the science and I'll do my best on a broad range of issues.

First, as we've addressed here, although it's been stated that energy drinks are not strictly regulated by the FDA, that is not correct. FDA fully regulates the safety of the ingredients used in energy drinks, and the safety and labeling of finished energy drink products.
I met recently with the Head of FDA's Office of Dietary Supplements, and he said, "Boy, if people don't think the FDA regulates energy drinks, I don't know what they think I do all day."

All ingredients in energy drinks are required to be safe for their intended purpose, the intended purpose being the specific product marketed as it is. If FDA determines that an ingredient in a food or dietary supplement is not safe, it has ample authority to restrict or prohibit the use of that ingredient. FDA requires that all ingredients in a food or dietary supplement be declared on the label. Neither caffeine nor any other ingredient in energy drinks can be hidden or otherwise not disclosed.

When companies declare the caffeine on their labeling, that is caffeine from all sources. And by way of example, guarana in products like Monster Energy Drink, and I believe Red Bull's composition is comparable, guarana contributes one to two milligrams caffeine in an eight ounce serving, compared to the 80 milligrams total caffeine. The guarana is negligible.

As we've heard, FDA is currently undertaking a detailed review of energy drinks, but has said publicly to date that its evaluation of the scientific evidence has found no new or previously unknown risks associated with caffeine. FDA has also said that it's searched the scientific literature and has not found any information that calls into question the safety of the other ingredients, such as taurine or guarana, currently used in beverages, and that's not surprising, given that such ingredients are not novel or unknown, but, rather, have a long history of safe use, including the use of taurine, Inositol and L-Carnitine in infant formula.

As we've heard, FDA contracted for an in-depth analysis of caffeine consumption, and concluded, based on 2010 data, that energy drinks contribute only a small portion of caffeine consumed, even for teens whose caffeine consumption is mainly from coffee, soft drinks and tea.

Finally, I'd like to address the proposed characterization of energy drinks as stimulant drinks in these bills. As we've heard, caffeine is not just a stimulant, but also provides energy, and most energy drinks contain no other stimulants, but energy is delivered or supported by ingredients such as glucose and other carbohydrates, as well as taurine and L-Carnitine.

In accordance with FDA regulations, "energy drink" is the appropriate name for these products, and it is unclear how anyone would enforce the proposed resolutions on stimulant drinks when the products are labeled as energy drinks. I'm happy to address any questions.

D.P.O. HORSELY:
Thank you very much, Ms. Guggenheim. We were following you along, so we knew that you were going to be wrapping it up. Legislator Spencer.

LEG. SPENCER:
So with regards to your last sentence, as with the Doctor's testimony, the energy comes from glucose and glycogen and from fat. The testimony of a Doctor was that the caffeine makes the body go to fat metabolism. Fat is the energy. This product or caffeine is stimulating the body to go from a glucose and glycogen source to a fat source. What you're saying, I absolutely disagree with, is a stimulating effect which is taking the body to take energy stores from other locations. It is a stimulant. There is no energy source. You cannot survive off of it. Your body will run off of energy -- run out of energy as soon as the fat is gone. So that is a statement that I completely disagree with.

MS. GUGGENHEIM:
May I respond?
LEG. SPENCER:
How can you say that it's energy --

MS. GUGGENHEIM:
I will respond.

LEG. SPENCER:
When your expert indicated that it is -- energy comes from one source, and that's ATP after glucose or glycogen or fat or protein is transferred there. That's science, so I don't see how you can sit here and tell us, and fly in the face of regular physiology to say that that is an energy source. There's no energy, it's only stimulating the body. So answer.

MS. GUGGENHEIM:
That is, respectfully, not correct. And to clarify Dr. Adamson's testimony with respect to the function of the caffeine, which I have just stated, is the only stimulant in these products. Most of the products, other than the calorie-free or diet versions, contain sugar sources, specifically glucose. Glucose is a source of energy for the body, regardless of any other ingredient in the energy drinks. Glucose, as well as sucrose, are present in numerous energy drinks in a deliberate proportion so that the body uses the glucose immediately while it is digesting the disaccharide, sucrose, and is uptaking the fructose in that more slowly. L-Carnitine then comes into play to mobilize energy from the mitochondria in the cells. These are very deliberately formulated products that deliver energy from those other ingredients.

To Mr. D'Amaro's point, those ingredients are not there to potentiate the caffeine, but to provide an independent energy effect. Taurine, as we heard from Dr. Adamson, has been independently shown in numerous studies to support energy in the body and to increase the body's performance. So each of these constituents contributes energy, but only caffeine is the stimulant.

LEG. SPENCER:
So to say that it's not a stimulant is inaccurate. You're admitting is that caffeine is there.

MS. GUGGENHEIM:
Yes.

LEG. SPENCER:
And when you look at the category, we do not call fruit punch an energy drink, we're calling it -- and that has glucose. You also call your low calorie and your no calorie, and the ones that have glucose-free, you also call those energy drinks also.

MS. GUGGENHEIM:
Because they continue to contain taurine, L-Carnitine and other energy-producing ingredients.

LEG. SPENCER:
And are those a significant source of energy?

MS. GUGGENHEIM:
Not in the caloric sense, but they mobilize energy from the body.

LEG. SPENCER:
And so you're saying that the definition, it's not a stimulant, is what you're claiming?

MS. GUGGENHEIM:
Caffeine is a stimulant, the other ingredients are not.
LEG. SPENCER:
The other ingredients are not. So you're really, in terms of -- you also indicated that those other sources were significant sources of caffeine. If you try to take a body and you try to have them survive only on those as sources of energy, that will not be sufficient. That's not a sufficient source.

MS. GUGGENHEIM:
I don't think anybody is recommending that anybody survive on energy drinks as a sole source of energy.

LEG. SPENCER:
No, but you're saying that it's an energy drink and not a stimulant, and I'm saying it's just the opposite. I'm saying that it's not -- you're not calling it an energy drink based on your glucose or your --

MS. GUGGENHEIM:
Yes, we are, we are calling it an energy drink.

LEG. SPENCER:
Well, it's the question. Well, that's -- I understand you got a nine billion dollar marketing industry behind you. That is marketing and you can somehow get around it by indicating that, "Oh, we've got some things in there that you can get energy from." Well, I respectfully disagree, and that's why I call it a stimulant drink.

D.P.O. HORSLEY:
Okay. Thank you very much, Doc. Legislator D'Amaro, questions.

LEG. D'AMARO:
Hi. Good afternoon.

MS. GUGGENHEIM:
Hi.

LEG. D'AMARO:
Thanks for being here.

MS. GUGGENHEIM:
Sure.

LEG. D'AMARO:
Do you disagree or do you agree that a stimulant such as ginseng, which I believe is in some of these energy drinks, if I'm not mistaken, it's often added to an energy drink, can that enhance the effects of caffeine?

MS. GUGGENHEIM:
No, it cannot.

LEG. D'AMARO:
Really?

MS. GUGGENHEIM:
And ginseng, what we --

LEG. D'AMARO:
That's just contrary to everything I'm looking at.
MS. GUGGENHEIM:
Well, I don't know what you're looking at, but all the evidence shows that ginseng extract --

LEG. D'AMARO:
Not all, because I have some here that doesn't.

MS. GUGGENHEIM:
Ginseng extract is the ingredient. It is not purified ginseng.

LEG. D'AMARO:
No.

MS. GUGGENHEIM:
It is an extract, so it like a tincture, as if you steeped tea. The FDA determined that ginseng extract was grass back in 1985. It has been used as a tea for a millennia in many places in the country, and you need an awful lot of ginseng to have any sort of stimulating effect.

LEG. D'AMARO:
Okay. So my question, then, is, is there anything in the energy drink that may enhance the effects of caffeine.

MS. GUGGENHEIM:
No.

LEG. D'AMARO:
Okay. I disagree with that.

MS. GUGGENHEIM:
That's fine.

LEG. D'AMARO:
Okay. The other thing, do -- what's the other additive? Guarana, I believe.

MS. GUGGENHEIM:
Yes.

LEG. D'AMARO:
Does that contain caffeine?

MS. GUGGENHEIM:
Yes, it does.

LEG. D'AMARO:
Is that the primary source of the caffeine in the drink.

MS. GUGGENHEIM:
No, it's a very minor source. As I was saying, it's one milligram compared to 79 milligrams anhydrous caffeine.

LEG. D'AMARO:
What's the primary?

MS. GUGGENHEIM:
It's purified caffeine.
LEG. D’AMARO:
Purified caffeine.

MS. GUGGENHEIM:
In most products. There are some coffee blends.

LEG. D’AMARO:
Okay. And, also, the energy drinks contain sugar.

MS. GUGGENHEIM:
Yes, most do.

LEG. D’AMARO:
How much?

MS. GUGGENHEIM:
Do we have a can handy? I think there are about 160, 180 calories per serving.

LEG. D’AMARO:
All right. Okay.

MS. GUGGENHEIM:
If someone has the can, it will say it.

LEG. D’AMARO:
Okay. So sugar and caffeine. So our disagreement, then, is on -- because, you know, you can drink coffee and you can put sugar in coffee, it's caffeine and sugar.

MS. GUGGENHEIM:
Right.

LEG. D’AMARO:
So, again, as I was making the point prior, is it seems to me that the concern is about what are these other additives going into the drink, what is their effect on the person who drinks them, and what is the effect of enhancing the caffeine in the drink itself?

MS. GUGGENHEIM:
Yes, and I can address that. And to answer your question, in this Red Bull, there's 27 grams of sugar.

LEG. D’AMARO:
Okay.

MS. GUGGENHEIM:
The purpose of adding the taurine is for its energizing effect on the muscles. Taurine is a cardio-protective substance that has been studied in numerous clinical trials, human clinical trials, most predominantly in Japan, where it has been considered for use in heart patients. Obviously, that is not the function of it in energy drinks or not the intended use. The intent is the effect on the muscles, and that has been shown in numerous studies, including one published this year, that, again, confirmed the athletic performance benefit of taurine alone. As I said, L-Carnitine is there to help mobilize energy from the mitochondria.

LEG. D’AMARO:
Okay. So --
MS. GUGGENHEIM:
The specific sugars, and, again, there are various formats, but they are deliberately chosen to provide an immediate energy benefit and a sustained longer term energy benefit.

LEG. D'AMARO:
Now, so we have -- we agree that there's sugar in these drinks. We agree that there's caffeine. We agree that there's a small amount of caffeine coming from the guarana in the drink. What -- and we agree that the -- taurine, did you say?

MS. GUGGENHEIM:
Yes.

LEG. D'AMARO:
Is a stimulant for muscle.

MS. GUGGENHEIM:
Not a stimulant.

LEG. D'AMARO:
All right. Give me the word.

MS. GUGGENHEIM:
It's an amino acid.

LEG. D'AMARO:
An amino acid.

MS. GUGGENHEIM:
It is an ingredient --

LEG. D'AMARO:
That does what?

MS. GUGGENHEIM:
-- that helps the muscles use energy, helps energize the muscles.

LEG. D'AMARO:
Energize, not stimulate.

MS. GUGGENHEIM:
Correct. The definition of stimulant, which I may have --

LEG. D'AMARO:
Okay. It's not important. So, with all of those things that you're accomplishing with your drink --

MS. GUGGENHEIM:
Yes.

LEG. D'AMARO:
-- which is what you want people to understand about your drink and why you want them to drink it, why would I want an eight-year-old to drink that?

MS. GUGGENHEIM:
You would not. That's why they're labeled as --
LEG. D'AMARO:
Okay. So why would I want to market it to them, then?

MS. GUGGENHEIM:
Nobody wants to market it to an eight-year-old.

LEG. D'AMARO:
But then that's what the bill is saying, don't market it to children.

MS. GUGGENHEIM:
No, it doesn't. The bill says 19 and under and I don't --

LEG. D'AMARO:
It says 18 and under.

MS. GUGGENHEIM:
Eighteen and under.

LEG. D'AMARO:
Right.

MS. GUGGENHEIM:
So you can go to war, and you can get married, and you can smoke, but you can't drink an --

LEG. D'AMARO:
No, you don't go to war at 17.

MS. GUGGENHEIM:
This is covering 18.

LEG. D'AMARO:
It says under 18.

D.P.O. HORSLEY:
We're debating.

LEG. D'AMARO:
It says 18.

MS. GUGGENHEIM:
Okay.

LEG. D'AMARO:
No, I'm not debating, Legislator.

D.P.O. HORSLEY:
Okay.

LEG. D'AMARO:
I'm not. I just want to be clear.

MS. GUGGENHEIM:
So, in the --
LEG. D'AMARO:
So, all right. So, if there's a 17-year-old --

MS. GUGGENHEIM:
Children does not include an 18-year-old.

LEG. D'AMARO:
Hold on. Hold on a second. If there's a 17 -- if there's -- it says under 18 in the bill.

MS. GUGGENHEIM:
No, it says under 19.

LEG. D'AMARO:
Not the version I read. What does it say, folks?

LEG. BARRAGA:
I think it says 18. The original bill was 19.

MS. GUGGENHEIM:
Okay. Then I am mistaken.

LEG. BARRAGA:
The ban was 19 and under.

LEG. D'AMARO:
Yeah. Our bill says under 18.

MS. GUGGENHEIM:
And I can address that, and I can address why the labeling has said for many, many years "Not for Children."

LEG. D'AMARO:
Okay. Well, wait, let me just finish with my question.

MS. GUGGENHEIM:
Sure.

LEG. D'AMARO:
So under 18 -- so let's take a 17-year-old. I have to make a policy decision. Given the discussion we just had, why would I want to market to a 17-year-old?

MS. GUGGENHEIM:
The effects of --

LEG. D'AMARO:
Why would I need the muscle stimulant and the caffeine and the sugar; why do they need all that? Why do I want to market to them?

MS. GUGGENHEIM:
If you want -- if someone wants to select this beverage of their own accord for its energy effect, there are ample scientific data that establish that these products are safe for 18-year-olds, for 17-year-olds, for 16-year-olds. FDA's over-the-counter drug monograph for stimulant drug products, which is the monograph under which things like NoDoz and Vivarin are marketed, has the labeling established after an expert panel review that went through three Federal register notices for
public comment throughout the 1970s and 1980s, they concluded that the product is labeled with
directions for use for 12 and over, for one to two pills, for 100 to 200 milligrams per dose, up to
every 4 hours. It is well established that there are no grounds on a chronological age basis to
establish a cutoff of 16, 17, 18.

LEG. D'AMARO:
I just have to just ask you --

MS. GUGGENHEIM:
And if I just may finish.

LEG. D'AMARO:
Would you want to give that 12-year-old --

MS. GUGGENHEIM:
All of the data --

LEG. D'AMARO:
-- soda, too?

MS. GUGGENHEIM:
All of the data show --

LEG. D'AMARO:
You're arguing for everything unhealthy.

MS. GUGGENHEIM:
-- that caffeine is a function of milligrams per kilograms body weight. It is, therefore, not -- there is
no evidentiary basis to select a chronological age after a certain age to arbitrarily cut off. So, as a
function of weight -- that is why, to my knowledge, FDA uses the 12-year-old age. It is a function of
weight and not of chronological age.

LEG. D'AMARO:
Okay.

MS. GUGGENHEIM:
Beyond that, you simply cannot discern 16, 17, 18 on an evidence basis.

LEG. D'AMARO:
Okay. You know, I appreciate your answer, and I know where it's coming from, but I don't think
there's anyone that would disagree that you shouldn't market a lot of things to children, and you're
arguing against that.

Let me ask you one more question. Do you believe that there can be a crash following the high of
an energy drink?

MS. GUGGENHEIM:
I know there has been litigation on that topic and it does depend. The allegations have been with
respect to the sugar and the non-sugar products. And my understanding is that the literature
produced in the course of those litigations showed that there was not a crash unique to the products,
even for the caloric beverages, but that I just really cannot address more.

LEG. D'AMARO:
Do you think that when you consume these drinks, given the caffeine and the sugar, and by your
testimony, and we agree, that they are designed to provide an energy -- I don't want to use the word "stimulate" or -- I'm not sure what the technical terms are. Do you think there can be a crash, and can the crash lead to a seizure?

**MS. GUGGENHEIM:**
There's no evidence that I have seen --

**LEG. D'AMARO:**
Really?

**MS. GUGGENHEIM:**
-- and I've have seen an awful lot --

**LEG. D'AMARO:**
Let me just --

**MS. GUGGENHEIM:**
-- that anything can lead to a seizure. And I will just say that, as you well know, Senators Durbin, Blumenthal and Representative Markey submitted 13 questions to the 16 major marketers of energy drinks, all of whom, I believe, or perhaps all but one, have submitted substantive responses. I know of at least one major marketer who submitted a 32-page response with 70 articles, we can likely get that to you, and all of that literature has documented no seizures, no cardiac arrhythmia on the most recent high quality scientific evidence.

**LEG. D'AMARO:**
Just so you know, I personally witnessed that happen, just so you know. So one more question and then I'll yield. Is the caffeine dosage in this product required to be on the label?

**MS. GUGGENHEIM:**
It is not required, but it is done so voluntarily. And, as Jim said, the ABA members who haven't yet are in the process of actually relabeling, and those products are coming onto the market right now.

**LEG. D'AMARO:**
Do all the energy drinks put the caffeine dosage on the can?

**MS. GUGGENHEIM:**
The ABA member companies do, which is, again, the majority, vast majority.

**LEG. D'AMARO:**
And all the ingredients as well?

**MS. GUGGENHEIM:**
Yeah. That's a Federal law, is that all the ingredients have to be labeled.

**LEG. D'AMARO:**
But not the caffeine dosage?

**MS. GUGGENHEIM:**
Not the caffeine content, correct.

**LEG. D'AMARO:**
Just so I understand my facts.

**MS. GUGGENHEIM:**
Yup. So that's voluntary above and beyond.

**LEG. D'AMARO:**
Okay.

**MS. GUGGENHEIM:**
Just like the Caffeine Advisory Statement, which actually on Monster has been there since 2002. And the reason is, among others, because of the FDA OTC drug monograph that talks about dosage starting at 12.

**LEG. D'AMARO:**
Okay. All right. Thank you for answering my questions.

**MS. GUGGENHEIM:**
Sure.

**LEG. D'AMARO:**
I appreciate it.

**D.P.O. HORSLEY:**
Okay. Thank you very much. Mr. Kennedy, do you want to be brief, please?

**LEG. KENNEDY:**
In deference to the Chair, I'll attempt to be brief. But I have heard some of the discussion and dialogue that's gone on, but I did not hear who this speaker is. You are Ms. Guggenheim?

**MS. GUGGENHEIM:**
Guggenheim, yes.

**LEG. KENNEDY:**
Okay. You are an attorney?

**MS. GUGGENHEIM:**
Yes.

**LEG. KENNEDY:**
Okay. And you're representing the ABA?

**MS. GUGGENHEIM:**
Yes.

**LEG. KENNEDY:**
Okay. Are you a registered lobbyist with Suffolk County?

**MS. GUGGENHEIM:**
No, I'm not.

**LEG. KENNEDY:**
Okay. Are you familiar with Chapter 580 of the Suffolk County Code?

**MS. GUGGENHEIM:**
My understanding, and I've been before you two years ago as well, my understanding as that as I am testifying as an expert on the FDA regulatory scheme, that that was not required. But, if it is, we're happy to do it.
LEG. KENNEDY:
Well, you are here on the behalf of the ABA. I presume that you're being paid for today.

MS. GUGGENHEIM:
Yes, I am.

LEG. KENNEDY:
Okay. So you would check the statute, just as I would.

MS. GUGGENHEIM:
I will do that.

LEG. KENNEDY:
You would see that qualifies you as a lobbyist.

MS. GUGGENHEIM:
So, under Federal law, that would not, but I will familiarize myself with Suffolk County.

LEG. KENNEDY:
Well, thank you for the reference to Federal law, but, as a matter of fact, you're here in Suffolk County, and, quite frankly, we're very comfortable with the statutes we adopt here and we're not a big fan of preemption.

I am very concerned as to some parts of your testimony speaking to what sounds to be physiological differentiation between brain development and other organ development for young people. Are you purporting to testify that brain development or capacity for a 12-year-old or a 14-year-old or a 16-year-old is no different?

MS. GUGGENHEIM:
No, I'm not purporting to testify to that.

LEG. KENNEDY:
Well, it sounds like that because you spoke about the fact that there is no difference with stimulant in caffeine impact for individuals in maturational ages. And, quite frankly, Counselor, you can talk to me about the law all day long, but you are not qualified to talk about physiological differences and the impacts.

MS. GUGGENHEIM:
I am not, but --

LEG. KENNEDY:
You are not an expert there.

MS. GUGGENHEIM:
But NIH researchers and NIH's -- National Institutes of Mental Health, led by Dr. Judith Rapaport over a period of 10 years, largely spanning the 1990's, investigated the effects of caffeine in children in numerous published scientific articles, and she concluded that there is no impact on children that is different from the impact on adults by caffeine.

LEG. KENNEDY:
You know, I've had the opportunity, as have many of us, to see, to read and to assess or weigh some of the various studies.

MS. GUGGENHEIM:
And have you seen Dr. Rapaport's testimony? Because, if I may, I'd like to address the Seifer article, which was published in the Journal of Pediatrics, which often gets misstated as the American Academy of Pediatrics --

**LEG. KENNEDY:**
Counselor, hold on a second. Hold on. I'm asking the questions.

**MS. GUGGENHEIM:**
Sure.

**LEG. KENNEDY:**
You've made reference to a particular study.

**MS. GUGGENHEIM:**
Yes.

**LEG. KENNEDY:**
Now, I'll answer the question you asked me. No, I have not seen the Seifer study. Feel free to go ahead and share that with me. But when it comes to being asked to assess or weigh physiological impact, that's fine for you to articulate what's been published.

**MS. GUGGENHEIM:**
Yes.

**LEG. KENNEDY:**
But you cannot testify directly that there are no impacts, because, quite frankly, you have no capacity to do that. You are an attorney.

**MS. GUGGENHEIM:**
I am not testifying as to my own belief with respect to that, I am relaying to you the published scientific literature.

**LEG. KENNEDY:**
Fine, thank you. And, as a matter of fact, I'll be happy to receive from you those studies that you believe cite to your point.

**MS. GUGGENHEIM:**
We will do so.

**LEG. KENNEDY:**
I'll refer back to you --

**MS. GUGGENHEIM:**
Sure.

**LEG. KENNEDY:**
-- that there are many studies. And, as a matter of fact, I will not reuse the names, but there are individuals who have given us anecdotal information that attribute adolescent death to use of stimulants. So I'll say to you that, at the very least, you have to agree that some body of knowledge out there that differs drastically from the view you would articulate.

**MS. GUGGENHEIM:**
Am I qualified to respond to that?

**LEG. KENNEDY:**
Well --

**D.P.O. HORSLEY:**
Is it a question?

**LEG. KENNEDY:**
It is a question. It is a question.

**MS. GUGGENHEIM:**
I have been deeply immersed in the caffeine literature, and have been educated by many experts in this field. And it seems quite apparent that the overwhelming body of scientific literature concludes that there is not the safety risk that is purported to be represented here.

And to answer the question that was raised earlier, why isn't the FDA doing something, the FDA has been looking at this issue for at least two years, likely three to four, because it commissioned the Somogyi Study prior to 2009. The agency has said repeatedly that the body of scientific literature does not merit action at this time. There is not scientific evidence that these products are posing safety risks, including to teenagers. That is why they have not yet acted. That is why they are commissioning an Institute of Medicine Panel, to assess -- to make sure that they haven't missed anything.

**LEG. KENNEDY:**
Having said that, as to these two particular bills that we have a hearing on today, what is your position -- what are you articulating on the behalf of the ABA?

**MS. GUGGENHEIM:**
What I am articulating on behalf of the ABA is with respect to the inaccuracies that are stated in the Legislative Intent. I will leave to others the merits of the bill itself, but it is very concerning to see the myths that have been swirling perpetuated in a piece of legislation.

**LEG. KENNEDY:**
I'm going to ask you to speak specifically to the RESOLVED clauses, those are the action clauses. You, as an attorney, as a matter of fact, know the difference between dicta, rhetoric, and what the action clauses are.

**MS. GUGGENHEIM:**
Turning to Resolution 1086, it says -- trying to find where you say these are not regulate by FDA. "The Legislature finds that stimulant drinks contain up to 800 milligrams of caffeine." We are not aware of any energy drink that contains 800 milligrams of caffeine. The legislation --

**LEG. KENNEDY:**
Counselor, I'm going to ask you again the same question I just asked you before. As to the RESOLVED clauses, because those are the clauses that compel the government to take some action, the findings you may take issue with --

**MS. GUGGENHEIM:**
Okay.

**LEG. KENNEDY:**
-- but, quite frankly, all they are is illustrative and perhaps persuasive at best. It is the RESOLVED clauses that compel action. Of the RESOLVED clauses, which ones do you raise as objectionable.

**MS. GUGGENHEIM:**
"The definition of stimulant drink is a beverage that is not strictly regulated by the Food and Drug Administration." If that’s the case, this is not within the scope of your resolution, because this is regulated by the Food and Drug Administration. So, as written, your bill doesn't get at this. Then, to characterize the product as a stimulant drink is inaccurate for the reasons that I have stated. And those are the pieces of the --

**LEG. KENNEDY:**
Of 1086 that you have objection or concern to?

**MS. GUGGENHEIM:**
Apart from the Legislative intent clauses.

**LEG. KENNEDY:**
Okay. And, again, as I said to you, the Legislative intent, quite frankly, many different authors come up with many different intents. It is indicative of what prompts one to come to the act of introducing, but it is not enforceable in any way, shape or form, and there was Court of Appeals law on that, as you must well know.

**MS. GUGGENHEIM:**
Understood.

**LEG. KENNEDY:**
Okay, fine. So --

**MS. GUGGENHEIM:**
And my comments would apply equally to 1085.

**LEG. KENNEDY:**
Right. So then what I'll do is, is I'll have a conversation with the sponsor and with Counsel, who assisted him I'm sure when he drafted, to see if there's something that might help to better capture what the intent is. Did you speak at all to the broader concept of sampling or marketing to youth?

**MS. GUGGENHEIM:**
No, I am not -- I have not -- I’m not addressing that.

**LEG. KENNEDY:**
And you're not here to talk to us about that.

**MS. GUGGENHEIM:**
No.

**LEG. KENNEDY:**
Oh, okay. Good. Thank you.

**D.P.O. HORSLEY:**
Thank you very much, Mr. Kennedy. Legislator Stern.

**LEG. STERN:**
Yes, thank you. And welcome.

**MS. GUGGENHEIM:**
Thank you.
I know that you had started off, at least in a cursory, talking about what your area of expertise is, and that is working with clients as it relates to FDA issues.

Going to Legislator Kennedy's question, which is my question as well, forgetting Legislative intent for just a moment, going to the definition, and you point out to the definition of the drink, and where it talks about regulation by the FDA. Regardless of what's going on in Washington right now, and I understand that there are Senators and a representative of Congress, and there are going to be meetings, and I appreciate all of that; and regardless of whether or not you feel the FDA is properly regulating these products, what is the current regulatory scheme? When you say that the FDA is --

**MS. GUGGENHEIM:**
Yes.

**LEG. STERN:**
-- regulating these products, how are they doing that?

**MS. GUGGENHEIM:**
So all ingredients have to be safe for their intended use, and that is a statutory requirement. And the violation for marketing a product with ingredients that are not safe for their intended use, that is subject to civil and criminal penalties that the FDA can levy. So, should the agency find that there is anything in here that is not safe for its intended use, it can take civil and criminal action against those products.

For products that are marketed as dietary supplements, there are additional regulations with respect to direct interaction with the FDA. So adverse event reports that are received by the marketer of a dietary supplement product must be reported to the FDA, whether or not the company believes there's any reason to think the product has caused the adverse event. And the energy drink companies who have marketed as dietary supplements have been doing that since that law came. The law was dated 2007; the law came into effect in 2008.

Then, to the extent that companies make what are called structure function claims, which are claims about the effect of a product or a substance in a product, on the structure or function of the body, if you're making that on a product that's marketed as a dietary supplement, you have to notify FDA in writing of that claim within 30 days of first using that statement, and the agency has an opportunity to review and object to that marketing claim.

So these products have been squarely before the agency in terms of both adverse event reports, which FDA has been receiving and evaluating actually since prior to the mandatory requirement, some of these date back to 2004, as well as to the structure function claim notifications, which are also called either 30-day or 403(r)(6) Notifications.

**LEG. STERN:**
It sounds like as you go through the list of those requirements, that these are regulations that would apply to just about any of our products for consumption. So I guess my question is --

**MS. GUGGENHEIM:**
No. They actually only -- those latter two only apply to dietary supplements, yes.

**LEG. STERN:**
Right, that's my question.

**MS. GUGGENHEIM:**
Yes, yes.
The fact that this is a product that's been designated as a dietary supplement is what in your opinion would have it rise to the level of being regulated specifically by the FDA.

**MS. GUGGENHEIM:**
No. They're all specifically regulated by the FDA, whether you have -- they're all specifically --

**LEG. STERN:**
They all being what?

**MS. GUGGENHEIM:**
All energy drinks, all foods, dietary supplements, beverages.

**LEG. STERN:**
Because these products are classified as dietary supplements.

**MS. GUGGENHEIM:**
No, no, because they're foods. The Food, Drug and Cosmetic Act regulates foods, dietary supplements, cosmetics, beverages. They all are under the purview of the Food and Drug Administration. The direct, the most direct interaction comes for those products that are labeled as dietary supplements, but FDA's regulating all of them.

**LEG. STERN:**
That's my question, because if they were -- if they were classified as foods, there would be different standards, there would be different classifications.

**MS. GUGGENHEIM:**
The standards are largely the same, but the direct interaction with FDA is different.

**D.P.O. HORSLEY:**
Okay. That's the last card, the last speaker that I have for you. Ms. Guggenheim, thank you very much for coming down here.

**MS. GUGGENHEIM:**
Thank you.

**D.P.O. HORSLEY:**
And, again, be reminded, for all those that are considered lobbyists, that they registered with Suffolk County.

**LEG. SCHNEIDERMAN:**
Motion to close.

**D.P.O. HORSLEY:**
All right. The next speaker is -- looks like Joel Geerling, MD, PhD. Good evening.

**DR. GEERLING:**
Hello. First, I'd like to thank you for the opportunity to comment on the proposed resolution.

**D.P.O. HORSLEY:**
Everybody, shh.
My name is Dr. Joel Geerling. I'm a physician in Boston. I specialize in the application of neuroscience and neurology, both in clinical patient care and an ongoing post doctoral basic science research. And neurology is the study of the central nervous system circuitry. And my medical and scientific experience give me the opportunity to objectively assess ingredients like caffeine as a food additive in energy beverages.

I'm here today because, in my view, the scientific evidence simply does not support the Legislative proposals here. First, the caffeine content in mainstream energy drinks is about the equivalent to that of an equal amount of coffee. I think that subject has been beat to death, but I'd be happy to talk more about that if you'd like.

Second, I think more importantly, the health outcomes of caffeine exposure from all sources have been very well studied. Caffeine at the levels that are commonly consumed in caffeinated beverages, including coffee, tea, soda and energy drinks, is very well tolerated.

And third, and finally, caffeine exposure in the typical amounts consumed by youth populations, based on data from the FDA, is safe and well tolerated. Also coffee, tea and soda, not energy drinks, collectively remain the primary contributors to caffeine in the U.S. diet in all age groups, including youth populations.

So let me elaborate on that second point. I think, most importantly, the best available clinical evidence does not support the view that consumption of energy drinks, including by minors, causes significant adverse health events. For most of the symptoms mentioned in the draft proposals, there is little or no evidence in pediatric populations, or even in adult populations, of a causal effect, and this is important. Several other symptoms are based on anecdotal reports or confounded retrospective reports that have not stood up to more rigorous clinical investigation. For example, while caffeine does produce a small elevation in blood pressure, this effect is limited to caffeine-naive individuals, and only occurs during the first few days of exposure, and it only lasts a few hours. On repeated ingestion, blood pressure changes are minimal or nonexistent. This is based on animal and human data, a large amount of human data at this point.

Caffeine and coffee intake are not associated with an increased risk for hypertension. This has been well studied in women, men, young and old. And in men, there are some studies showing there may be a small or a statistically nonsignificant increase in hypertension and in elderly individuals.

Furthermore, caffeine has no effect on electrocardiographic parameters, and I think there's a large amount of evidence speaking to this point now. Even in doses up to 400 milligrams, the ECG parameters, that's the electrical signature of heartbeats, have no change after large doses in humans. There isn't even any consistent epidemiologic evidence that caffeine causes or triggers cardiac arrhythmias, and that's even in patients that have a preexisting cardiac arrhythmia. So, overall, moderate caffeine intake, that is in my opinion less than 400 milligrams a day for healthy adults, does not adversely affect cardiovascular health, based on the best available evidence.

The safety of caffeine has been rigorously studied. It's well tolerated at the levels found in common beverages like coffee, tea, soda and energy drinks. And this well-known peer-reviewed evidence undermines the purported rationale for these Legislative proposals.

It is true that the number of caffeine-containing foods is proliferated, but that standing alone is not evidence of a public health impact. And I think the data simply do not justify the need to regulate energy drinks, especially when their caffeine content is similar to that found in other beverages like --

**D.P.O. HORSLEY:**
Doctor, please start wrapping it up.

**DR. GEERLING:**
Sure. I could take questions at this point, that's fine.

**D.P.O. HORSLEY:**
That's fine. Are there any questions? Legislator D'Amaro.

**LEG. D'AMARO:**
Thank you, sir. I'm sorry, I didn't catch your name, Doctor.

**DR. GEERLING:**
Joel Geerling.

**LEG. D'AMARO:**
Geerling. Dr. Geerling, thank you for being here today. You know, again, it's how you frame the debate. I think that is what's most important before we even have the debate. I just want to ask you a couple of questions.

You're saying that there's no causal effect between energy drinks and some of these ills that you're speaking to, right?

**DR. GEERLING:**
That's right. In most cases, there's no evidence for a causal effect. At the same time --

**LEG. D'AMARO:**
There's no evidence of causal effect between sugar and obesity?

**DR. GEERLING:**
No.

**LEG. D'AMARO:**
No?

**DR. GEERLING:**
That's not what I'm saying.

**LEG. D'AMARO:**
I know. That's why it's so important how we frame the debate, because no one would sit here and say to you that drinking that can of Red Bull is going to cause a heart attack, per se, on its own, but we're thinking policy here. We're thinking all of the ills that are coming at kids at the same time. And as a doctor, I think you would agree, or would you agree that obesity and heart diseases are issues and problems that are growing in the country, probably because of diet, mostly diet, maybe stress, things like that. But so again, you know, I don't think it's appropriate to frame the debate at, "Well, this drink is not causing that." What we're trying to determine is where are we going to start reversing these ill health effects, okay? So you're standing there today as a doctor telling me that you think you have no problem with marketing that sugar drink with caffeine to a ten-year-old child; you're telling me that as a physician?

**DR. GEERLING:**
I'm not here to comment on the marketing, I'm here to comment on the science and clinical evidence.

**LEG. D'AMARO:**
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No, but the bill that you’re opposing would ban marketing of that drink to a child.

DR. GEERLING:
My concern as a physician and as a scientist -- I have two concerns, really. One is that this proposal seems to me to be based upon misunderstanding of good scientific information and bad science being misquoted. And two, that if we were to overregulate mild safe stimulants like caffeine for children, like the children that I have as patients, they may turn more to unsafe stimulants like prescription medications, Adderall, Ritalin, or even street drugs. In my view, these are safe -- caffeinated energy drinks are safe for children.

LEG. D’AMARO:
I’m extremely disappointed that you would -- look, I don’t want to have a debate with you. I know it’s really just to ask questions.

D.P.O. HORSLEY:
Questions, please.

LEG. D’AMARO:
You know, I don’t even have a question for you because I just have to dismiss everything you say. If you don’t think there’s a health epidemic in this country and this isn’t part of it, I have no more questions.

D.P.O. HORSLEY:
Doc Spencer.

LEG. SPENCER:
Doctor, you came down from Boston today?

DR. GEERLING:
Yes.

LEG. SPENCER:
Are you being paid for your testimony?

DR. GEERLING:
Yes.

LEG. SPENCER:
Okay. With regards to the effects that you spoke about, so some of the literature that’s out there, Dobmeier, at all, are you familiar with his work where looking -- the effects of 200 milligrams of caffeine on the electrophysiology in caffeine predisposed individuals and saw that there was increased arrhythmia genesis with regards to atrial flutter, atrial fibrillation, ventricular nodal re-entry tachycardia, and then -- I mean, you know, I guess what we’re trying to say is that in any position, you can always find the doctor and you can find the lawyer that can take one side or the other. Are you discrediting the work that’s in the literature on the top there?

DR. GEERLING:
No, not at all. And, in fact, are you referring to the 19 -- I can’t remember if it was ’83 or ’84, New England Journal of Medicine study?

LEG. SPENCER:
That’s correct, yes.

DR. GEERLING:
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Yes. So, in that Dobmeier Study, the cardiologist who performed the study actually -- it was an invasive study. They catheterized the patients involved. They had regular controls and they had patients who had pre-existing arrhythmias. And, actually, I think the interesting result in that study were in the younger, healthier controls. But I think it's important to note that they had a catheter going into the blood vessels of the patients and into the right atrium, and they were electrically stimulating their hearts and trying to trigger arrhythmias, and they were able to trigger arrhythmias in patients and controls with or without caffeine. And there a couple of the controls that seemed to have more sustained atrial fibrillation or A-flutter after intravenous doses of caffeine.

It's an interesting result as a kind of laboratory experiment, but when those sorts of questions have been asked in real-world patients in large scale epidemiologic studies, no association has come out. Obviously, it would be unethical to treat a bunch of patients with arrhythmias with large doses of caffeine and look forward and see whether they end up dead or in the hospital. There's no data like that. But based on the best available human data that's not involving invasive catheterization or electrical stimulation to the heart directly, there is no link that we know of.

LEG. SPENCER:
Can you speak to the issue of why would there be a warning label on the can, not indicated or suitable for youth?

DR. GEERLING:
I can't, that's not my area.

LEG. SPENCER:
Not your area?

DR. GEERLING:
I'm sorry.

LEG. SPENCER:
Oh, I definitely respect you as a fellow colleague. I'm sure you had a long trip. I can definitely understand. One of the things that I do see in my office quite a bit are other physicians, when I go out to dinners and things of that sort, and I can see two very well respected physicians give completely opposite opinions on exactly the same point. So I would have to say that although I appreciate your expertise and your testimony, I would think that who's writing your paycheck, that they would, obviously, would select you based either on your opinions, or your opinions may be persuaded as a result of that one way or the another or you wouldn't be here. Thank you.

DR. GEERLING:
Could I respond to that? I actually approached one of the constituent companies of the ABA myself a couple of years ago because I drink Red Bull myself. I am an athlete, and I've chosen to use this as a caffeine source over coffee. Coffee happens to cause me gastrointestinal upset, and I don't like the wide variance of caffeine levels that you get in coffee without really knowing what you're getting. So something I like about energy drinks is that you know what you're getting, and you're getting a consistent dose from day to day.

So I've kept up with the scientific literature on this topic, and also caffeine and its central effects are of interest to me as a neuroscientist. I study wakefulness and arousal. So I became kind of discouraged with what I've seen from some of my clinical colleagues writing in review articles, either misquoting good scientific information, or quoting bad scientific information and ignoring the good scientific information. So that's why I'm here. I am being compensated for my time, but I believe in this.

LEG. SPENCER:
Do you have children?

**DR. GEERLING:**
Not yet.

**LEG. SPENCER:**
Okay. You know, one day I hope you do. Thank you.

(*Laughter*)

**D.P.O. HORSLEY:**
Thank you very much, Doc Spencer. As a rhetorical question, I just -- and I'm not going to get into this, but I hope you're not equating that you should -- that one of the reasons why you'd want to have a Red Bull is so you don't take Ritalin. That is -- that to me sounds like such a leap, but --

**DR. GEERLING:**
No, I'm not saying that, but I just think that the evidence that we have says that this is safe.

**D.P.O. HORSLEY:**
I understand that.

**DR. GEERLING:**
Only have good evidence that this is safe.

**D.P.O. HORSLEY:**
We should take -- we should take Red Bull instead of Ritalin is what you're saying.

**DR. GEERLING:**
No, that's not what I'm saying.

**D.P.O. HORSLEY:**
It almost -- it sounded like that to me, but okay. Mr. Kennedy, would you like to --

**LEG. KENNEDY:**
Yes. How do you do, Doctor? I'm not going to make it all that long. As a matter of fact, I just find this intriguing. My other son is a physician. As a matter of fact, he's probably around your age. And it's just -- it's remarkable to hear you speak, to talk. And I'm just -- tell me a little bit about the research. I see you're an extremely well-degreed individual, very intelligent, I imagine, and you have a concentration in neurology? How so applied? I mean --

**DR. GEERLING:**
I'm trained in neurology, primarily adult neurology, but that involves several months of training in child neurology as well, and a year of clinic in child neurology. I also have a PhD in neuroscience, so I'm neuroscience trained. And I've done a lot of post-doctoral research work in neuroscience.

**LEG. KENNEDY:**
Okay. Do you practice, do you see patients?

**DR. GEERLING:**
Yes.

**LEG. KENNEDY:**
Okay. You work in a hospital setting? Do work in an outpatient setting?

**DR. GEERLING:**

Both.

LEG. KENNEDY:
Okay. Adolescence, adults?

DR. GEERLING:
Primarily adults now.

LEG. KENNEDY:
Primarily adults, okay. This issue that we had before us we've actually wrestled with off and on since Legislator Nowick first brought it to the forefront probably some four, five years ago. And many of our constituents have come forward and asked us to step in and fill what they perceive as a void, whether it's the concern that they have that their adolescents are consuming these beverages and it's causing behaviors that they don't normally see, or it's because of media reports that we see. And it sounds almost like you're standing there telling us none of them know what they're talking about. Is that really what you seem to have gathered from your research, it's all fabricated, it's all a big hype?

DR. GEERLING:
I don't think it's fabricated, and I don't want to be pejorative about it, but oftentimes bad things happen and we see this. I work in the Emergency Department, for gliomastic consulting in the Emergency Department. A good example is when a seizure happens. Everyone wants to know why, why did this person have a seizure. Maybe they didn't have a seizure disorder before. And sometimes we find the answer, and sometimes we don't find the answer. But in the cases where we don't find the answer, everything that's happened in that person's life dating up to the moment that that bad thing happened becomes a suspect. And, as far as I know, there's no evidence linking caffeine and seizures in any scientific way whatsoever. But there are people who have had seizures who have had a coffee or an energy drink or soda or something with -- NoDoz pills beforehand, and sometimes the presumption is made is that that's what caused it, that they led to be just because of the association between A and B. But association is not causation. Sometimes it's causation, but oftentimes it's invoked as causation when we don't know or it's not.

LEG. KENNEDY:
Okay. The bill, the particular bill, what the bill would do is, is it would -- we have two pieces of legislation. One would restrict marketing geared specifically to young people for stimulants, and the other one would ban that vending in our County parks. You've seen young patients, you've seen children, you've seen adolescents. Do you think that they should take alcohol?

DR. GEERLING:
No.

LEG. KENNEDY:
Okay. Do you think that they should carry firearms?

DR. GEERLING:
Personally, no.

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

LEG. KENNEDY:
Okay. The point that I'm trying to get at, Doctor, is that even if we subscribe to what you're articulating, that there's no causal connection; nevertheless, for children, you as a scientist and a physician, have to agree that the brain is more susceptible to impacts, other body organs are more
susceptible to impacts. There's got to be at least some degree of likelihood that a younger person could possibly be negatively impacted here. Do you see that as anything possible or no?

**DR. GEERLING:**
I keep an open mind that anything's possible. But unless and until I see some compelling evidence that it's likely, I don't feel comfortable saying that it's likely.

**LEG. KENNEDY:**
Okay. So it sounds almost like in the absence of studies that have subjected children to huge quantities of stimulant drinks that trigger observable, measurable, negative impacts, then there's no reason we should ban them because we don't have the study.

**DR. GEERLING:**
No. Like I said before, that sort of study would be unethical. We don't --

**LEG. KENNEDY:**
How else would we get the proof, Doctor?

**DR. GEERLING:**
We don't load people up with foods or beverages or pharmaceuticals thinking they might be harmful to see that they're harmful, that's unethical. It's never done in the developed world anymore. But we do use the best available evidence we have, which are the tools of epidemiology, looking at people who do use these things and seeing whether we can link the use of these things in those studies to some sort of adverse health event.

**LEG. KENNEDY:**
Okay. All right. Well, thank you for coming. I know it's a long trip to Boston, as a matter of fact, and thank you for your testimony.

**D.P.O. HORSLEY:**
All righty. I think that concludes the cards that I have for the good Doctor.

**DR. GEERLING:**
Could I answer one question I think came up about the --

**D.P.O. HORSLEY:**
I don't think -- was there a question that was directed to this? Counsel, do you say no?

**MR. NOLAN:**
No, there's no question.

**D.P.O. HORSLEY:**
There's no question that's coming from --

**DR. GEERLING:**
Something was said before that I think --

**D.P.O. HORSLEY:**
All right.
I actually have evidence that I think is pertinent. People talked before about other ingredients in caffeinated energy beverages somehow synergizing with the caffeine or increasing the caffeine's effect, and first I can say I'm not aware of any evidence like that. But I do have a document from the European Food Safety Authority specifically saying that they find no evidence that that occurs. That ingredients like Taurine and Glucurolactone, things in caffeine -- caffeinated energy drinks have any interaction with caffeine, if you're interested in that.

D.P.O. HORSLEY:
Yeah, I think what you might want to do is make -- make a copy for the sponsor and maybe he can distribute it to the rest of us. Okay? Thank you very much.

DR. GEERLING:
Thank you for your attention.

D.P.O. HORSLEY:
All right. J. Ronald Gzudreault.

MR. GZUDREAUlT:
Thank you for your indulgence. I didn't realize how tough a job you guys had.

Mr. Chairman and distinguished members of the Legislature, thank you for the opportunity to comment on the critical issue before you here today. My name is Ron Gzudreault, I live in Northport. I've been a resident of Suffolk County for many years; I'd tell you how many but I don't think you'd believe me.

Today I put my various professional hats aside, as a health care consultant, a former hospital executive, and as a member of the Suffolk County Board of Health. Instead, I appear before you simply as a grandfather of six grandchildren ranging in age from 17 to six. I come here for two simple reasons: One, with the hope that I can possibly make a difference in this debate; and two, because I firmly believe that most of you share in my values regarding our most precious resource and asset in our society, our children.

My extensive readings and personal research over the past four years have led me to the conclusion that excessive caffeine, in combination with other ingredients, can present a serious health risk to children, particularly those who have known or unknown underlying, contraindicated medical conditions. To be sure, more needs to be done in the scientific community to establish a strict, direct, causal relationship between high concentrations of caffeine and serious adverse health consequences.

Notwithstanding all of that, the need for more research on the hazards of energy drinks, there are children who are in our convenience stores, bodegas and groceries, as we speak, who are walking up to a refrigerated cabinet, opening the door and taking one or more cans of energy drinks, mistakenly thinking that the contents will give them a boost of energy. But as we know, they will soon be consuming a stimulant, one which will increase the heart's action and that can potentially lead to serious health issues, including death as has come to the attention of the FDA in several cases which were reported widely in the media as well as the New York Times.

Incidentally, there are no signs anywhere at the point of sale warning young buyers, or their parents for that matter, of the potential health hazards. Moreover, parents falsely assume that if there are no signs and there are no warnings, then these beverages are not necessarily harmful. Surely the health authorities would be making that known to the public if that were the case, and perhaps even restricting the sale.
(Beeper Sounded)

**D.P.O. HORSLEY:**
Ron, please wrap it up.

**MR. GZUDREAULT:**
Okay. Energy drinks should not be so readily accessible. I urge you to approve the two pieces of legislation before you. I applaud Dr. Spencer, Legislator Spencer for introducing them, and I want to add just one -- quickly, one very last thing.

The deceased children of Jim S -- and I'm leaving out the last names, you've all received letters, I'm sure -- Cheryl J. and Wendy C. and others who have benefitted greatly, would have benefitted greatly from such action had their Legislators acted sooner to ban the sale of these beverages. Our children in Suffolk County need not die of cardiac arrhythmia due to caffeine toxicity and that's what the pathologists have said. Contrary to the previous speakers who have indicated there's no causal effect; credentialed pathologists have indicated these children have died from, I repeat, cardiac arrhythmia due to caffeine toxicity. The only known fact is that they consumed caffeine through energy drinks before and there was no other known source.

**D.P.O. HORSLEY:**
Please wrap it up.

**MR. GZUDREAULT:**
And I'm available for questions.

**D.P.O. HORSLEY:**
Thank you very much.

**MR. GZUDREAULT:**
Thank you.

**D.P.O. HORSLEY:**
Are there any questions? Thank you very much. We appreciate your coming down here tonight. And thank you for staying all day with us.

Laura Jens-Smith.

**MS. JENS-SMITH:**
Hello. Good evening at this point. My name is Laura Jens-Smith, I'm with the North Fork Alliance. We are a drug-free community coalition located on the North Fork and our goal is to reduce alcohol and drug use on the North Fork.

We have heard that these energy drinks have several ingredients and when, in combination, are understudied are not adequately well regulated. Basically they are super -- supercharged caffeine that we are marketing to the kids. Thirty to 50% of adolescents and young adults report the use of these energy drinks and this is a large segment of our youth population; this is according to the Journal of Pediatrics. College students report mixing these energy drinks with alcohol in large numbers and this increases their risks for alcohol and its related consequences. Young people are specifically targeted by these energy drink companies and they are selectively teased out and marketed to. We have heard about the health detriments that caffeine and energy drinks can cause and large amounts of caffeine can cause problems with rapid heartbeat, muscle tremors and seizures.

Energy drinks -- energy drink related ER visits has doubled. We had 10,000 visits in 2007, and that
is up to over 20,000 in 2011. So if you need an epidemiology study, I think that you could do a current study and you may find different findings than has been reported you. And those numbers are reported by SAMHSA, which is the Substance Abuse and Mental Health Services Administration.

While we do not have a full understanding of the direct impact of these energy drinks, we do know a few facts; that they have an unclear but significant impact in the ER admissions that we see. The FDA has received reports of five deaths linked to energy drinks, including that of 14 year-old girl.

Energy drinks are used in marketing to profess an energetic life-style, and this is directly marketed to the youth. They are selling a life-style to our kids. If you want to see who these drinks are really being marketed to, go onto Red Bull's website, go onto Monster's website and they are not being directed to anyone over 18 and 21.

These drinks profess not only to have a stimulant effect, but the effect that they are marketing to the kids is really increased performance enhancements. Their sites are saying they increase performance, concentration, reaction, speed, vigilance and metabolism. They market themselves in making you feel more energetic and this improves your overall well-being. One website for an energy drink goes on to say "It's the ideal combo of the right ingredients and the right proportion to deliver the big, bad buzz," and I don't see any of us here that are looking for a drink like that with our coffee in the morning.

These energy drinks are being marketed and they have very questionable attributes that we're offering to our young people. So I'm here in support of the legislation that's being introduced.

D.P.O. HORSLEY:
Thank you.

MS. JENS-SMITH:
And one other comment I would like to say. You know, when these drinks are being compared to coffee, if you've tasted these drinks, their profile, the flavor profiles of these drinks are being targeted to youth. They're not being targeted to an older adult. Coffee is mostly consumed by adults because it's the flavor profile we like. These energy drinks are sweet and they're being marketed to younger kids.

D.P.O. HORSLEY:
Thank you very much, Ms. Smith. Does anyone have any questions of Ms. Smith? Okay, very good. Thank you very much. We appreciate you coming down. All right, that concludes the cards for IR 1085 and 1086. Would anyone else like to be heard? Would anyone else like to be heard? Okay. Seeing none --

LEG. SPENCER:
Motion to close.

D.P.O. HORSLEY:
Motion to close IR 1085. There's a motion to close.

LEG. BARRAGA:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Barraga. All those in favor? Opposed?

LEG. HAHN:
Recuse.

D.P.O. HORSLEY:
So moved, it has been closed. And there's a recusal.

Public Hearing on) IR 1086-13 - A Local Law to prohibit Distribution of Stimulant Drinks in County Parks (Spencer).

MR. LAUBE:
Fifteen (Not Present: Legislator Schneiderman - Absent: Presiding Officer Lindsay - Recused: Legislator Hahn).

LEG. SPENCER:
Motion to close.

D.P.O. HORSLEY:
Motion to close by Legislator Spencer.

LEG. BARRAGA:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Barraga. All those in favor? Opposed?

LEG. HAHN:
Recused.

D.P.O. HORSLEY:
So moved, it has been closed.

MR. LAUBE:
Fifteen (Not Present: Legislator Schneiderman - Absent: Presiding Officer Lindsay - Recused: Legislator Hahn).

D.P.O. HORSLEY:
(Public Hearing on) IR 1087-13 - Adopting Local Law No. -2013, A Local Law to deter motorists from leaving the scene of an accident (Browning). I do have one card on that and that is Dennis Hughes. Is Dennis still here?

MR. HUGHES:
Yes.

D.P.O. HORSLEY:
You’re quite a guy, Dennis.

MR. HUGHES:
And I’m not a lobbyist, I’m a taxpayer. And you have to forgive me with the three minutes. I’m on medication, they found fluid in my lungs Friday. I left four o’clock this morning driving through the City, I left early to be with you today, so I’m a little beat.

This is a very important bill. Ms. Browning’s bill. She wants me to speak because of what happened to my daughter; I lost my daughter about two years ago to a hit and run in Mastic Beach. It was brought to the attention of the DA right away because of the circumstances. The gentleman that killed my daughter was a three-time felon, suspended and revoked license; fled
the scene, was arrested nine months later, showed no remorse. You can look at this weekend, again, a felon with a horrible record, killed an innocent couple and their unborn child. And this law, I believe, if you hit and severely hurt or kill someone, it will be stepped up to a DWI. And it's important that we do this now. I mean, it's almost two years and nothing's changed. So anything you can do to deter someone from getting behind the wheel, taking an innocent life, is, you know, such a great thing. It's an epidemic, like they said. I wish I could do a better job, I'm just a little weak right now.

But, you know, she was a young mother, left a child. The gentleman bragged about getting away it. Lived two blocks away from where he killed her, passed it every day. And the Judge felt as though there was -- just felt as though the law, under today, there was nothing that could give him the full sentence, which I believe is two and-a-half to seven; he got a year and-a-third to four. So, you know, we really need to change this and I just appreciate you listening today and for Kate for being so strong and the DA.

I have a minute left, if I can say something. I think it's going to happen. And if I can say something as a taxpayer today. You know how disappointed we are with Washington and the way things get done or don't get done. This is the first time in a long time to be proud of my government, especially my local government. I appreciate the fact that you guys take the time to fight these battles and hope that you continue to fight and hope you can really look in your hearts, those with children and grandchildren, cause I'm raising my grandchildren now with my wife, how big an epidemic this is and if you could do something about it, anything, to make it easier for the courts and the police to do their jobs and put these guys away for a lot longer.

I saw this guy face-to-face one time; there was no remorse at all. He's an animal. And the fact that he'll be out in a year and-a-third, he's going to do it again. He'll kill someone again. So, thank you. Thank you for your time.

D.P.O. HORSLEY:
Mr. Hughes, we just have one quick question. And I just wanted to, on behalf of the Legislature, give our sympathies on your loss. We truly sympathize.

MR. HUGHES:
Thank you.

D.P.O. HORSLEY:
Legislator Cilmi.

LEG. CILMI:
Thanks, Mr. Chairman. Sir, thank you for being here. And thanks for waiting. Sorry for your loss.

I don't know that I could be any more repulsed than you, I'm sure, are at our justice system. And, I mean, to me, that individual should be in jail for life or worse. I wrote to Newsday, in fact, about a year ago, maybe less than a year ago, with respect to our legal system, and it was after, I think, one of our Police Officers was struck by a drunk driver who had, you know, a suspended license six or seven times and was, you know, just absolutely horrible.

Recognizing that predominantly the laws that govern the way the courts deal with these things and the way our Police Officers deal with these things, those laws are predominantly -- come from New York State Law. What, if anything, have you -- have you done, who have you spoken to in the State Legislature to try and effect some sort of change as far as the laws that govern this activity?

MR. HUGHES:
Well, we have -- we have Kate Browning, we have Ed Hennessey, I think, Senator Zeldin has been big. There was a meeting with all the DAs; Suffolk County, Nassau County, Brooklyn DAs, Manhattan DAs, I was involved with all of those. And, yeah, I said anytime you need me to speak, I'll be here to speak. So I've been listening, I've been talking, I've been on the news and it seems to be working.

We passed -- I believe it passed the Senate.

**LEG. BROWNING:**
Right.

**MR. HUGHES:**
And we're just waiting on the Assembly; is that correct?

**LEG. BROWNING:**
Right, we are. It's -- they have increased the felony charges and I always miss on the letters, but they have made the felony charge tougher for the hit and runs. It has passed in the Senate. We're waiting for the Assembly to pass it.

**LEG. CILMI:**
Well, Legislator Browning, so whatever -- whatever I can do to help you, please, I will do.

To Newsday, I really hope that the publishers there dig out the letter that I sent them some time ago and do it -- just do a complete exposé on our system, soup to nuts, from -- from the laws that govern how folks are convicted and how courts act to, you know, to paroled and all of that. Because when we hear about criminals, you know, committing crimes after having served some form of a sentence, and when we hear particularly about repeat drunk drivers killing people, it's just -- it just goes so far beyond what I can stomach. So my prayers for you and your family.

**MR. HUGHES:**
Appreciate it.

**LEG. CILMI:**
And we'll continue to fight.

**D.P.O. HORSLEY:**
Thank you very much, Legislator Cilmi. Legislator Browning.

**LEG. BROWNING:**
Yeah, just one question, Dennis. I'd like you to let them know how long it took from the time that your daughter was murdered to the time that they actually caught the individual.

**MR. HUGHES:**
Nine months. Nine months, and he lived around the corner from where he killed her. Nine months. He passed that scene for nine months. There's a big memorial. He knew it. He bragged it and they have -- he's on -- it's on record, he bragged to the actual people that testified against him that he got away with it, and they still wouldn't give him the max, which is -- you know, it's unbelievable. But while the -- the Judge felt as though the laws have to be tougher and that's why I'm here, I'm hoping that you see it the same way. I believe you do. So, I believe you are good people.

**D.P.O. HORSLEY:**
Thank you very much, Mr. Hughes.

**LEG. HAHN:**
Thank you for your courage and your strength to be here to fight for this.

**MR. HUGHES:**
Thank you.

**D.P.O. HORSLEY:**
Okay. Everybody good? Legislator Browning, how say you?

**LEG. BROWNING:**
Motion to close.

**D.P.O. HORSLEY:**
Motion to close. Is there a second on the motion? Second by Legislator Cilmi. All those in favor? Opposed? So moved, it is closed.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All righty. That concludes the -- do I need a motion to close on that?

**MR. NOLAN:**
No, no. You need a motion to set the hearings.

**D.P.O. HORSLEY:**
Yeah, okay. That concludes the public hearings for today. I'll take a motion. I'll make a motion to set the date for the following public hearings of March 19th, 2013, at 6:30, Rose Caracappa Auditorium in Hauppauge.

**LEG. BARRAGA:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Barraga. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
*IR 1171 - A Charter Law to Implement One-Year Rolling Debt Policy Under 5-25-5 --*

**LEG. SCHNEIDERMAN:**
I'm sorry. Have we done the roll call yet on that other one? I don't think we have.

**D.P.O. HORSLEY:**
No, I'm setting the public hearings.

**LEG. SCHNEIDERMAN:**
Oh, I'm sorry. It's been so long talking about --

**D.P.O. HORSLEY:**
I understand.

**LEG. SCHNEIDERMAN:**
-- energy drinks.

**D.P.O. HORSLEY:**
We're all dazed. Yes, we could -- never mind -- *One-Year Rolling Debt Policy Under 5-25-5 Law to Mitigate Budgetary Shortfall; 1172, A Charter Law to Ensure a Fully Functional Board of Park Trustees (P.O.); 1173, A Local Law to Ensure Adequate Ferry Service; 1182, A Charter Law to Strengthen Legislative Oversight and Public Participation in Law Making Process; 1183, A Local Law to Amend “Suffolk’s Safer Waterways Act”.*

**LEG. STERN:**
Motion.

**LEG. D’AMARO:**
Second.

**D.P.O. HORSLEY:**
Already have a motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
I appreciate your help.

Okay. If we may, I want you to go back to page seven and under Budget and Finance, four down -- one, two, three, four, five down, 1127.

We approved this prior to -- hang on. Okay, page seven, 1127, IR 1127, That's the Bond Resolution for the Correction Officers. What we didn't do earlier, we -- we were remiss that we did not have a roll call vote. So do I -- I need a motion to --

**LEG. CILMI:**
Do we make a -- point of order. Do we need to make a motion to reconsider, then, to do the roll call vote?

**MR. NOLAN:**
No, the earlier vote is just voided because we did not take the roll call vote. So we'll take a new motion, a new second and we'll do a roll call and just pass it.

**D.P.O. HORSLEY:**
Okay, we'll take a motion to do a roll call vote?

**MR. NOLAN:**
No. Just do a motion to approve.

**LEG. SCHNEIDERMAN:**
Motion to approve.

**D.P.O. HORSLEY:**
Motion to approve by Legislator Schneiderman. Second by Legislator Cilmi. Roll call vote.

**MR. LAUBE:**
Motion and second again?

**MS. MAHONEY:**
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Schneiderman and Cilmi.

**MR. LAUBE:**
Thank you.

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

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. MONTANO:**
Here. Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. SPENCER:**
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. The roll call vote has been approved.

All right, now let's go to **Economic Development & Energy:**

1021-13 - To extend the Long Island Power Authority Legislative Oversight Committee (Horsley). I'll make a motion to approve.

LEG. KENNEDY:
Second.

D.P.O. HORSLEY:
Second by Legislator Kennedy. All those in favor?

LEG. D'AMARO:
On the motion.

D.P.O. HORSLEY:
On the motion.

LEG. D'AMARO:
Please note my recusal on the record, as per my recusal statement filed with the Clerk. Thank you.

D.P.O. HORSLEY:
You’re welcome.

LEG. CILMI:
Also on the motion.

D.P.O. HORSLEY:
On the motion.

LEG. CILMI:
What happens with the vacancies on this committee? Legislator Romaine and Matt Cordaro was --

D.P.O. HORSLEY:
Yes. Legislator Romaine was not a member of the -- he was a cosponsor of the resolution itself. But Legislator -- I'm glad you brought it up because it's a good thing to talk about. Legislator --

LEG. KENNEDY:
Trustee Cordaro.

D.P.O. HORSLEY:
Trustee Cordaro, thank you, who was before the EEE Committee the other day, has since resigned; we have that now in writing. We do, Claire, right?

**MS. MANGELLI:**
Yes.

**D.P.O. HORSLEY:**
Yes, we have it in writing, and so he has resigned to become a LIPA board member. There is an opening. If somebody has a -- if somebody has somebody that they would like to do -- entertain as being a member of the board, please submit it to myself for -- just submit it to me and I'll be glad to put it along. We do have several people that are interested in it. I know Legislator Hahn is going to be putting in a request, but there could be others. We'll be glad to entertain it and we'll put together -- if there are more than one, we'll put together a committee to review them. All right?

**MR. NOLAN:**
If I could -- yeah, if I just might point out.

**D.P.O. HORSLEY:**
Sure.

**MR. NOLAN:**
I believe, Matt Cordaro's spot is a P.O. appointment, so it would not be done by a resolution.

**D.P.O. HORSLEY:**
Hmmm.

**MR. NOLAN:**
Just a point of information.

**D.P.O. HORSLEY:**
Okay, but I think there may be other vacancies. If someone's got somebody that they feel really deserves to be on this, let's see if we can work it into the system. I think they've done a tremendous job in being a good oversight board. They've been very active and energetic and they certainly are a driving force in the -- in the Long Island Power Authority issue.

So, anyway, going back to that, I have a motion to approve and seconded by -- was it Kennedy? All those in favor? Opposed? So moved.

**MR. LAUBE:**
Sixteen (Absent: Presiding Officer Lindsay - Recusal: Legislator D'Amaro).

**LEG. KENNEDY:**
Cosponsor, Tim.

**D.P.O. HORSLEY:**
1023-13 - Appointing Grant Hendricks as a Director of the Suffolk County Economic Development Corporation (Horsley).

**LEG. CILMI:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Cilmi. Seconded by Legislator Muratore. All those in favor? Opposed? So moved.
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MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1037-13 - Appointing Paul Tonna as a Director of the Suffolk County Economic Development Corporation (Horsley).

LEG. D’AMARO:
Motion.

LEG. HAHN:
On the motion.

D.P.O. HORSLEY:
Motion by Legislator D’Amaro. Seconded by Legislator --

LEG. BROWNING:
On the motion.

D.P.O. HORSLEY:
Legislator Montano.

LEG. BROWNING:
On the motion.

D.P.O. HORSLEY:
On the motion.

LEG. BROWNING:
I will be voting no for the same reason I voted no last week.

D.P.O. HORSLEY:
Okay. Fair enough. All those -- we have just a motion to approve. All those in favor? Opposed? Legislator Browning. Anymore? Okay, good. The motion has been approved.

MR. LAUBE:
Sixteen (Opposed: Legislator Browning - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1128-13 - Accepting and appropriating 80% Federally funded New York Metropolitan Transportation Council (NYMTC) reprogrammed grant funds for the purpose of preparation of the Suffolk County Comprehensive Plan (County Executive).

LEG. D’AMARO:
Motion.

LEG. STERN:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Stern. Seconded by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All right. Moving to *Education & Information Technology:*

**1100-13 - Appropriating funds in connection with parking expansion – Ammerman Campus (CP 2152)(County Executive).**

**LEG. ANKER:**
I make a motion.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Make a motion by Legislator Anker. Seconded by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
We have a corresponding Bond issue, **1100A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $120,000 in bonds to finance a portion of the cost of planning for parking expansion–Ammerman Campus of Suffolk County Community College (CP 2152.110), roll call vote. Same motion, same second, I'm sorry.**

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

**LEG. ANKER:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. MONTANO:**
Yeah.

**LEG. CILMI:**
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D’AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

1108-13 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for Country Life, LLC 82% reimbursed by State funds at Suffolk County Community College (County Executive). Legislator Anker makes the motion. Second by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1109-13 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for American Diagnostic Corporation 88% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. ANKER:
Same motion.

D.P.O. HORSLEY:
Same motion, same second. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Page eight. *1129-13 - Authorizing the County Executive to execute an agreement between the County of Suffolk, the Suffolk County Community College, and the Suffolk County Association of Municipal Employees College White Collar Bargaining Unit and College Blue Collar Bargaining Unit for the period effective January 24, 2012 through and including December 31, 2012 and approving certain provisions of employment for the College Aide Bargaining Unit for the period effective June 12, 2012 through and including December 31, 2012 (County Executive).*

**LEG. ANKER:**
Motion.

**LEG. CALARCO:**
Second.

**LEG. MURATORE:**
(Raised hand).

**D.P.O. HORSLEY:**
Motion by Legislator Anker. And I'm sorry, second by Legislator Calarco was that?

**LEG. CALARCO:**
Yes.

**D.P.O. HORSLEY:**
Seconded by Legislator Calarco. All those in favor?

**LEG. MONTANO:**
Well --

**D.P.O. HORSLEY:**
Oh, yes. On the motion?

**LEG. MONTANO:**
Yeah, was there an explanation on this?

**D.P.O. HORSLEY:**
Mr. Tempera is here, if you'd like to speak to him. Come on up.

**LEG. MONTANO:**
Yeah, he's sitting there, and so is Ben.

**D.P.O. HORSLEY:**
We've been so impressed --

**LEG. MONTANO:**
Why don't you come up, Ben?

**D.P.O. HORSLEY:**
-- that you have been here all day. This is why they pay you the big bucks (*laughter*).

**LEG. MONTANO:**
I don't want to vote on a contract I don't know anything about it.

**D.P.O. HORSLEY:**
Yes, Legislator Montano.

**LEG. MONTANO:**
Could you just briefly summarize the terms of the -- the contract so that we know -- so I know what I'm voting on?

**MR. TEMPERA:**
Certainly.

**LEG. MONTANO:**
Without reading the whole thing.

**MR. TEMPERA:**
Without reading the whole thing. The simple down and dirty answer is this is exactly the same contract that this Legislature approved for the AME unit in the County back in March of 2011.

There's two differences. The college will be going to a paperless payroll system. We have the capability at the college that employees can sign on, see their accruals, see their paycheck and just print it out, so that'll be one component that's different. The other component will be that we are going to slide four of the holidays that the employees get to match up with the holiday schedule with the administrators and faculty at the college; so they'll still get the same number off, it'll just now correspond to the holidays that the college has. So when we're -- when college is closed, we won't have AME employees coming to work, and when the administrators are in we won't have the AME employees off.

Other than that, it's exactly the same agreement. It was passed overwhelming, I think there were four no votes out of all of them presented by the AME employees. It was passed by the college Board of Trustees as well.

**LEG. MONTANO:**
All right. And Just for my recollection, what was the annual increase on the AME contract?

**MR. TEMPERA:**
Zero, zero, two, two. This is worded a little bit differently, but in effect it's the same exact increase; it's a zero, zero, two, two.

**LEG. MONTANO:**
So it parallels AME fully is what you're saying. All right, thanks a lot. Appreciate it.

**MR. TEMPERA:**
Absolutely.

**D.P.O. HORSLEY:**
Okay. We have a motion to approve and seconded. Anybody else? We're all good? All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you, Mr. Tempera.

**MR. TEMPERA:**
Thank you.

**D.P.O. HORSLEY:**
*Environment Planning & Agriculture:*

1080-13 - Accepting and appropriating 50% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality for the Peconic Estuary Program (County Executive).

**LEG. KRUPSKI:**
Motion.

**D.P.O. HORSLEY:**
Legislator Krupski makes the motion. Second by Legislator Schneiderman. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you.

1091-13 - Appointing Albert Krupski as a member of the Suffolk County Soil and Water Conservation District. *(Lindsay)* I'd be honored to make that motion.

**LEG. SCHNEIDERMAN:**
I'll second.

**D.P.O. HORSLEY:**
Seconded by Legislator Schneiderman. I’m sorry, all of us. All those in favor? Opposed?

**LEG. KRUPSKI:**
Recuse.

**D.P.O. HORSLEY:**
You can vote for yourself.

**LEG. KRUPSKI:**
No debate?

**D.P.O. HORSLEY:**
*(Laughter)*. Three hours. We're --

**LEG. KENNEDY:**
Aye.

**D.P.O. HORSLEY:**
Yeah, aye. All those in favor? We're good.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
And one recusal.

MR. LAUBE:
Sixteen (Recused: Legislator Krupski - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1099-13 -- he's a good man -- Amending the Adopted 2013 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2013 Capital Budget and Program, and appropriating funds in connection with Village of Southampton Agawam Lake Phase III Stormwater Remediation (CP 8240)(County Executive).

LEG. SCHNEIDERMAN:
I'll make a motion.

LEG. HAHN:
(Raised hand).

D.P.O. HORSLEY:
Motion by Legislator Schneiderman.  Second by Legislator Hahn.  All those in favor?  Opposed?  So moved.

LEG. KRUPSKI:
Cosponsor, please.

MR. LAUBE:
Got it.  Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1114-13 - Reappointing Chairman of the Suffolk County Water Authority (James F. Gaughran)(Presiding Officer Lindsay).

LEG. D'AMARO:
Motion.

LEG. SPENCER:
Second.

D.P.O. HORSLEY:
I'm reminded he was here earlier.  Motion from Legislator D'Amaro.  Seconded by whom?

LEG. CALARCO:
Spencer.

LEG. SPENCER:
Me.

D.P.O. HORSLEY:
Spencer?  Legislator Spencer, I'm sorry.  We have a motion and seconded.  All those in favor?  Opposed?  So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

**LEG. SPENCER:**
Cosponsor, please.

**D.P.O. HORSLEY:**
Yeah, I'll cosponsor that, too.

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

**1002-13 - Establishing disclosure requirements for the Department of Labor, Licensing and Consumer Affairs ("Consumer Protection and Awareness Act") (D’Amaro).** Legislator D’Amaro?

**LEG. D’AMARO:**
Motion.

**LEG. SPENCER:**
Second.

**D.P.O. HORSLEY:**
Motion to approve. Seconded by Legislator Spencer. All those in favor? Opposed? Do I have a -- on the motion?

**LEG. MONTANO:**
Just a quick question, if I may, to Legislator D’Amaro.

**LEG. D’AMARO:**
Okay.

**LEG. MONTANO:**
Yeah, the issues that we discussed at the committee; they're all resolved, the issues with the stenographer? Nothing has changed since then, right?

**LEG. D’AMARO:**
Correct.

**LEG. MONTANO:**
Okay. Thanks.

**D.P.O. HORSLEY:**
All those in favor?

**LEG. CILMI:**
The fiscal impact statement changed to indicate that there is no fiscal impact; just saying.
Well, wait a minute, no.

**LEG. D’AMARO:**
As per our discussion.

**LEG. CILMI:**
As per our discussion. Originally there was --

**LEG. MONTANO:**
Originally before there was no -- there was no impact before.

**LEG. CILMI:**
Originally there was a fiscal impact, but since the department came to the committee and attested to the fact that there would be no fiscal impact, Budget Review changed their fiscal impact statement and now it reflects that change. So there's no fiscal impact.

**LEG. MONTANO:**
I'm not going to get into it.

**D.P.O. HORSLEY:**
He's right. Are we good? Okay, all those -- I'm trying, guys. All those in favor? Opposed? So moved, it's been approved.

**LEG. D’AMARO:**
Thank you.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**LEG. GREGORY:**
Tim, cosponsor.

**D.P.O. HORSLEY:**
Congratulations, Legislator.

**1046-13 - Granting a temporary waiver of Suffolk County residency requirements for the employment of Timothy Ruggeri (County Executive).**
Is there a motion? Oh, you're going to make me -- motion? I'll make the motion. Second by Legislator Gregory.

**LEG. KENNEDY:**
On the motion?

**D.P.O. HORSLEY:**
On the motion.

**LEG. KENNEDY:**
Just a quick question to the Administration. It's the prerogative of the Executive, I guess, to select people that he needs to implement what it is that he likes to do. Is this individual going to be relocating to Suffolk County any time soon?

**MR. VAUGHN:**
Legislator Kennedy, I would say that that is the purpose of the bill, to give him a year to make that decision to relocate to Suffolk County.

**LEG. KENNEDY:**
Okay. Well, we had that conversation and I was, you know, hoping -- I mean, do we have anything more than he plans to relocate here in a year? I mean, is he shopping for apartments? Did he put his condo on the market or anything to that effect?

MR. VAUGHN:
I think this is going to give him a year to decide what he wants to do going forward. That's purpose of the bill.

LEG. KENNEDY:
Okey doke. All right.

D.P.O. HORSLEY:
If it helps, I did ask him and he said he's moving to Suffolk.

LEG. KENNEDY:
Good. Great. We like that.

D.P.O. HORSLEY:
Legislator Montano.

LEG. MONTANO:
Yeah. And as we said in the committee, Tom, I don't think there was an issue in terms of deciding who you want. The issue that came up, as I recall, was that this person's already on the payroll.

MR. VAUGHN:
He is already on the payroll, correct.

LEG. MONTANO:
Now, I know that you have a book there and in that book is every resolution that we've passed having to do with waivers; am I correct?

MR. VAUGHN:
There are --

LEG. MONTANO:
What was that?

MR. VAUGHN:
I would say yes.

LEG. MONTANO:
All right. And my question is in any of those resolutions, have we ever had an instance where the waiver was granted subsequent to the person being hired?

MR. VAUGHN:
Yes, sir, last December when we approved the Certificate of Necessity for Legislator Barraga's office.

LEG. BARRAGA:
I'm sitting here minding my own business.

(*Laughter*)

MR. VAUGHN:
Sorry, sir.

LEG. KENNEDY:
It's six now, Tom.

(Laughter)

LEG. MONTANO:
I don't really want Tom after me, so (laughter).

MR. VAUGHN:
Neither do I, sir, so if we could end this.

LEG. MONTANO:
No, what you're telling -- what was that, Tom?

MR. VAUGHN:
I said I agree with you, I don't want Legislator Barraga after me either.

(*Laughter*)

LEG. MONTANO:
But the answer -- I just want to be clear. The answer that you gave me was that we had done that in the past.

MR. VAUGHN:
Correct.

LEG. MONTANO:
So we hired the employee prior to the waiver being granted.

MR. VAUGHN:
That is my understanding and that is also our understanding of the way that the law is unclear.

LEG. MONTANO:
Correct.

LEG. D'AMARO:
Six days.

MR. VAUGHN:
That we -- the understanding that we have of the law was that we had to file the bill within a certain amount of time after his hiring.

LEG. MONTANO:
Okay. What I was -- and the point -- and I didn't know that it had to do with Legislator Barraga. But the point I was making was I just wanted to be clear that we have precedent in terms of doing this. Because I remember when I did it, when I first got elected, we waited until the waiver was granted before the person came on board, that was my always my understanding. And that's not the rule now.

MR. VAUGHN:
I can only testify to the advice that we were given. And when we filed it we were told that we could bring Mr. Ruggeri on board provided that we file the waiver after he was brought on board.

**LEG. MONTANO:**
Okay. And that came from the County Attorney's Office.

**MR. VAUGHN:**
I believe it came from the Department of Civil Service.

**LEG. MONTANO:**
Okay.

**MR. VAUGHN:**
That is my understanding.

**LEG. MONTANO:**
All right. Thank you.

**D.P.O. HORSLEY:**
Thank you very much. Legislator Muratore, did you have a question?

**LEG. MURATORE:**
Yes, I do, a couple. So just -- he is working right now.

**MR. VAUGHN:**
Yes, sir.

**LEG. MURATORE:**
And what does he do?

**MR. VAUGHN:**
Mr. Ruggeri works as a County Executive Assistant on the 12th floor.

**LEG. MURATORE:**
As; what's his duties?

**MR. VAUGHN:**
His duties primarily consist of working with the County Executive handling press functions for the office, primarily. Like many of us, he wears a lot of different hats.

**LEG. MURATORE:**
Didn't we lay people off in the Police Department that were in Public Information? I mean, they weren't given a preference of coming back. I mean, most of them were County residents and had prior experience with the Department, and we gave no thought to bringing them back?

**MR. VAUGHN:**
The thought was given to that the County Executive wanted to continue to work with Mr. Ruggeri, who he had worked with for eight years over in the Town of Babylon, and this was the individual that he wanted to work with. I understand -- I certainly understand your question, sir, and I'm not trying to provide a flip answer. But this is the -- yes, you're absolutely right, there were people in the Police Department who were laid off, but this is the individual that the County Executive wanted to work with.

**LEG. MURATORE:**
Okay, thanks.

D.P.O. HORSLEY: Okay. We have -- is everybody good? We only have one -- one motion, that is to approve. All those in favor? Opposed? So moved.

LEG. BROWNING: Abstain.

D.P.O. HORSLEY: One abstention.

LEG. MURATORE: I'll abstain, too.

D.P.O. HORSLEY: Sure.

MR. LAUBE: Fifteen (Abstentions: Legislators Browning & Muratore - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY: Thank you.

Okay, Health:

1920-12 - Establishing “The Truth About Stimulant Drinks” public education campaign to increase awareness of side effects associated with stimulant drink consumption (Spencer). Legislator Spencer.

LEG. SPENCER: Motion to table. I'm going to move all these together.

LEG. D'AMARO: Second.

D.P.O. HORSLEY: Okay, second by Legislator D’Amaro. All those in favor? Opposed? So moved, it has been tabled.

LEG. HAHN: Recuse.

D.P.O. HORSLEY: Thank you.

MR. LAUBE: Sixteen (Recused: Legislator Hahn - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY: Okay, 1026-13 - Studying Behavioral Healthcare Services for incarcerated youth and adults (Anker). Legislator Anker, motion to approve?

LEG. ANKER:
Motion to approve.

**D.P.O. HORSLEY:**
Motion to approve. Is there a second on the motion?

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Calarco. All those in favor? Opposed? So moved. It's been approved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Congratulations.

**LEG. ANKER:**
Thank you.

**D.P.O. HORSLEY:**
1081-13 - Requesting legislative approval of a contract award for Enhanced Breastfeeding Peer Counseling Program Services for the Department of Health Services, Division of Patient Care Services (County Executive).

**LEG. HAHN:**
Motion.

**D.P.O. HORSLEY:**
I'm sorry, I missed who said that. Was that --

**LEG. CALARCO:**
Legislator Hahn.

**D.P.O. HORSLEY:**
Legislator Hahn makes the motion to approve. Is there a second on the motion?

**LEG. ANKER:**
(Raised hand).

**D.P.O. HORSLEY:**
Seconded by Legislator Anker.

**LEG. CILMI:**
On the motion?

**D.P.O. HORSLEY:**
On the motion.

**LEG. CILMI:**
Just how much is this? Anyone? Anyone?

**MR. NOLAN:**
The resolution doesn't have the amount, it just -- the resolution does not have the amount in the contract, I don't believe.

**LEG. KENNEDY:**
Well, how do we have a contract with no amount?

**MR. VAUGHN:**
Pardon me?

**LEG. CILMI:**
Yes.

**MR. VAUGHN:**
Can you just give me --

**LEG. CILMI:**
Through the Chair? Through the Chair?

**D.P.O. HORSELEY:**
Through the Chair, but --

**LEG. CILMI:**
Tom Vaughn is --

**MR. VAUGHN:**
Hi, Mr. Chairman.

**D.P.O. HORSELEY:**
Hi, Tom.

**MR. VAUGHN:**
I do have information on this. Can you provide me just one second to pull it out of my notebook?

**D.P.O. HORSELEY:**
I think Counsel is getting it, if I'm not mistaken.

**MR. VAUGHN:**
I think that the --

**D.P.O. HORSELEY:**
No, don't have it?

**MR. VAUGHN:**
Off the top of my head, based on the information that I read earlier today, I believe that there's $160,000 that is coming from State money. There were three organizations that applied to provide this service only -- I'm sorry, there were three organizations that were reached out to to provide this service, only one of them responded. The one responder is the one who we are -- who we have before us today. But if you give me a moment, I can verify the amount of money, if you just give me a moment.

**D.P.O. HORSELEY:**
Tom, that's 160,000. Is that --

**MR. VAUGHN:**
Yes.

**D.P.O. HORSLEY:**
It's just the State dollars.

**MR. VAUGHN:**
Correct, that's my understanding.

**LEG. CILMI:**
Yeah, if you could -- if you could look that up for me, Tom.

**LEG. KENNEDY:**
And confirm it's all State?

**MR. VAUGHN:**
The information that I got from the Health Department was that it was all State money, but if you provide me with a moment, I'd be happy to verify that.

**LEG. CILMI:**
And -- go ahead, look that up, and I'll just -- so we should expect to receive that, when, in 2015? *(Laughter).*

Tom, look, I was -- my point is when we accept or engage in programs like this and when we contract out for the services, the entities that we contract with expect to get paid, I would imagine, in a -- you know, in a reasonable period of time. And yet we don't get paid in a reasonable period of time, I would imagine, in certain cases, from the State or Federal government. So my question, I guess, would be to Counsel; could we -- could we somehow require, if it requires legislation, that when we issue a contract like this, we issue it with the understanding that the contract agency will be paid when we get paid? Is that something we could do?

**D.P.O. HORSLEY:**
That's kind of mean-spirited.

**LEG. CILMI:**
It's mean-spirited? How -- okay, I'll bite my tongue *(laughter).*

**MR. NOLAN:**
I'll look at that for you. I think you can put almost anything in the contract, you can get the other party to agree to it, but --

**LEG. CILMI:**
Right. Okay. I was just curious. Let's talk about that off-line.

**D.P.O. HORSLEY:**
Mr. Vaughn, do you have an answer for that?

**MR. VAUGHN:**
Yes, sir. So it is $168,480 grant, which is 100% funded.

**D.P.O. HORSLEY:**
Okay.

**LEG. CILMI:**
From the State?

**MR. VAUGHN:**
Quite honestly, Legislator, the note says 100% funded. I am assuming it's from the State, not from the Federal government, but in all honesty, I don't have that notation. I have a note from Margaret Bermel from the Health Department that it's a 100% funded grant.

**LEG. CILMI:**
Right.

**MR. VAUGHN:**
It didn't say whether it's Federal funding or State funding.

**LEG. CILMI:**
Right. So -- and I asked that question and, you know, I got some looks, but the fact is that we just borrowed $120 million to pay in anticipation of the receipt of State and Federal money. I don't think it's unreasonable to delve into this -- this question. So, George, I'll look forward to talking to you about that.

**D.P.O. HORSLEY:**
Very good. We have a motion to approve and seconded. All those in favor? Opposed? So moved.

All right. 1088-13 - To appoint --

**MR. LAUBE:**
Sixteen (Not Present: Legislator Montano - Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you. To appoint -- we're good?

**MR. LAUBE:**
Yes.

**D.P.O. HORSLEY:**
Okay. **1088-13 - To appoint member to the Early Intervention Task Force (Irene Christoforou-Gioules, Ph.D., CCC/SLP)(Spencer).**

**LEG. SPENCER:**
Motion to approve. She appeared before the committee and her credentials were found to be in order.

**D.P.O. HORSLEY:**
How badly did I screw up her name? *(Laughter).*

**LEG. SPENCER:**
Not bad.

**D.P.O. HORSLEY:**
Okay. We have a motion and seconded by Legislator Stern. All those in favor? Opposed? So moved. And she was at the committee.

**MR. LAUBE:**
Sixteen (Not Present: Legislator Montano - Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1089-13 - To appoint member to the Early Intervention Task Force (Kimberly D. Snyder)(Spencer).  Legislator Spencer?

LEG. SPENCER:
She didn't appear, she's going to come next cycle.

LEG. D'AMARO:
Second.

LEG. SPENCER:
So motion to table.

D.P.O. HORSLEY:
Okay. Motion to table by Legislator Spencer, seconded by Legislator D'Amaro. All those in favor? Opposed? So moved, it has been tabled.

1090-13 --

MR. LAUBE:
Sixteen (Not Present: Legislator Montano - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you. -- To appoint member to the Early Intervention Task Force (Eileen McGaw-Dietrich)(Spencer).  Legislator Spencer?

LEG. SPENCER:
Motion to approve.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right, Page nine.

1949-12 - To modify golf fees for Veterans (Schneiderman); this is under Parks and Recreation:

Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion to approve.

LEG. KRUPSKI:
Second.

D.P.O. HORSLEY:
Motion to approve. Seconded by Legislator Krupski. All those in favor? Opposed? So moved. It has been approved.
MR. LAUBE: Seventeen (Absent: Presiding Officer Lindsay).

LEG. KRUPSKI: Cosponsor.

D.P.O. HORSLEY: Co-sponsors.

LEG. D'AMARO: Cosponsor.

LEG. CALARCO: Cosponsor.

D.P.O. HORSLEY: Cosponsor, yeah. All right. Co-sponsors around?

(*Legislators Krupski, Muratore, Anker, Calarco, Cilmi, Hahn, Gregory D'Amaro & Spencer requested to be listed as cosponsor on IR 1949-13*)

And we love -- the fiscal impact on it was $42; am I correct on that, my recollection?

MR. LIPP: Slight positive fiscal impact.

D.P.O. HORSLEY: Forty-two dollars, I think it was.

LEG. SCHNEIDERMAN: Look at that; you lower the fees and you make more money. Isn't that interesting?

D.P.O. HORSLEY: Go team.

MR. LIPP: It's called elastic demand.

D.P.O. HORSLEY: Okay. All right. It's been approved. You announced its approval, Mr. Clerk?

MR. LAUBE: Yes.

D.P.O. HORSLEY: We're good.

Okay, **1020-13 - Adopting Local Law No. -2013, A Local Law to enlarge qualifications for Museum Director (Presiding Officer Lindsay).**

LEG. STERN:
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Stern. Seconded by Legislator Hahn. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1025-13 - Authorizing use of Smith Point County Park property in 2013 by the Mastics-Moriches-Shirley Community Library’s Family Literacy Project (Browning).
Ms. Browning?

**LEG. BROWNING:**
Motion.

**D.P.O. HORSLEY:**

1070-13 - Authorizing --

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

Thank you.

**LEG. BROWNING:**
Motion.

**D.P.O. HORSLEY:**
Makes the motion.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1071-13 - Authorizing use of Makamah Preserve in Northport by Northport Running Club (Spencer). Legislator Spencer?

**LEG. SPENCER:**
Motion.

**D.P.O. HORSLEY:**
Makes the motion.

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern. All those in favor? Opposed? So moved.

All right.  **Public Safety:**

1943-12 --

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you -- *Directing drug treatment referrals for individuals receiving Narcan (Hahn).* Legislator Hahn?

**LEG. HAHN:**
I'm really excited, I think we found a way to do this. However, we do need to table it because I've made a change and there might be one more small edit coming. So table, I'm going to request a table.

**D.P.O. HORSLEY:**
Better right than --

**LEG. HAHN:**
So motion to table.

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Calarco. All those in favor? Opposed? So moved. It has been tabled.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
1049-13 - Approving the reappointment of Yvonne Isabella Milewski, M.D., as Chief Medical Examiner (County Executive).

**LEG. KENNEDY:**
Motion.

**D.P.O. HORSLEY:**
Legislator Kennedy makes the motion. Second by Legislator Cilmi. All those in favor? Opposed? So moved, it's approved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Congratulations.

1076-13 - Accepting and appropriating an $180,180 grant from the State of New York
Governor’s Traffic Safety Committee passed through the STOP-DWI Foundation for the Suffolk County STOP-DWI Program to fund DWI Enforcement related high visibility road check patrols with 85.56% support (County Executive).

LEG. SCHNEIDERMAN:
Cosponsor.

D.P.O. HORSLEY:
Motion by Legislator Cilmi.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Second by Legislator Stern. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

1077-13 - Accepting and appropriating a grant in the amount of $133,930 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department’s Operation Hot Wheels IX Program with 79.71% support (County Executive).

LEG. CALARCO:
Motion.

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
I'm sorry? Legislator Calarco makes the motion. Seconded by Legislator Browning. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1078-13 - 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 78.90% support (County Executive).

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
Legislator Browning makes the motion. Legislator Muratore seconds the motion. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

1079-13 - Accepting and appropriating Federal funding in the amount of $86,012 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department’s participation in the DEA Long Island Task Force with 78.90% support (County Executive).

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:
Same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

1101-13 - Appropriating funds in connection with improvements to the County Correctional Facility C - 141 - Riverhead (CP 3014) (County Executive).

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Calarco, second by Legislator Krupski. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
On the corresponding Bond Resolution, (1101A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of $1,610,000 bonds to finance the cost of renovations and improvements to the County Correctional Facility C-141-Riverhead (CP 3014.323 and .517), roll call. Same motion, same second. I'm sorry.

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

LEG. CALARCO:
Yes.

LEG. KRUPSKI:
Aye.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. SPENCER:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All righty. *1102-13 - Appropriating funds in connection with renovations to the original portions of the Yaphank Correctional Facility (CP 3009)(County Executive).* We go to same motion, same second?

**LEG. CALARCO:**
Sure.

**D.P.O. HORSLEY:**
Okay, same motion, same second.

**LEG. CILMI:**
On the motion?

**D.P.O. HORSEY:**
On the motion, Legislator Cilmi.

**LEG. CILMI:**
This is $11 million? Is there anyone from -- ah, Commissioner Anderson. Talk to us about $11 million.

**COMMISSIONER ANDERSON:**
This is for the reconstruction of the dorms within the existing portion of Yaphank jail. The estimate -- the money involved includes design fees as well as actual construction; I believe there's a million for design and for construction. And it's mandated by the New York State Commission of Corrections. It will involve the rehabilitation of six dorms as well as other portions of the existing facility.

**LEG. CILMI:**
What's the nature of the rehabilitation that it requires a million dollars of design?

**COMMISSIONER ANDERSON:**
Right now it involves taking and improving areas within each of the dormitory areas. So like where -- I don't know the right name, but where they stand and they watch all the inmates, it's basically expanding that, improving some of the bathroom facilities so that, you know, they have visibility at all times.

**LEG. CILMI:**
Okay. So there are physical changes.

**COMMISSIONER ANDERSON:**
Right.

**LEG. CILMI:**
It's not just repairs to existing structures.

**COMMISSIONER ANDERSON:**
Correct.

**LEG. CILMI:**
Okay.

**COMMISSIONER ANDERSON:**
Yeah.

**D.P.O. HORSEY:**
It's more than a design.

**LEG. CILMI:**
Well, the Commissioner said design when he -- there was a million dollars for design and ten million for construction.

**COMMISSIONER ANDERSON:**
Right. What it is right now is we're in the document -- we've gotten approval on the design, but now we have to put the contract documents together. By the end of the year we will have those complete, we will be out to bid and next year we will go to construction.

LEG. CILMI:
And the $11 million, does that exhaust this Capital Project, 3009?

COMMISSIONER ANDERSON:
Yeah, I believe it will.

LEG. CILMI:
It will, okay. Thank you.

D.P.O. HORSLEY:
Very good. We have a motion to approve; is that correct? And seconded, okay. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Motion -- same motion, same second on 1102A, which is the pending Bond Resolution (Bond Resolution of the County of Suffolk, New York authorizing the issuance of $11,000,000 bonds to finance the cost of renovations to the original portions of the Yaphank Correctional Facility (CP 3009.113 and .318). Roll call vote.

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

LEG. CALARCO:
Yes.

LEG. KRUPSKI:
Aye.

LEG. SCHNEIDERMAN:
Aye.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. MONTANO:
Yeah.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All righty.

Moving along, **1121 we've already approved**, and congratulations to Legislator Hahn.

LEG. HAHN:
Thank you.

D.P.O. HORSLEY:
All righty. 1022-13. We're now into **Public Works & Transportation:**

Gil, hang on. **1022-13 - Amending Resolution No. 40-2012, establishing a Blue Ribbon Panel to examine restructuring all County-owned sewer districts into one consolidated district (Horsley).** I'll make the motion to approve. Second on the motion, Legislator Muratore. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

**1068-13 - Updating Resolution No. 1045-2008 requiring Identification of County**
General Meeting - March 5, 2013

*Purchasing Personnel pursuant to New York General Municipal Law Section 104-b(2)(f)(County Executive).* Motion on this? Legislator Schneiderman makes the motion. Seconded by? I'll make --

**LEG. CALARCO:**
Second.

**D.P.O. HORSLEY:**
I'm sorry, who said that?

**MR. NOLAN:**
Calarco did.

**D.P.O. HORSLEY:**
Calarco; Legislator Calarco makes the second. Motion to approve. All those in favor? Opposed? So moved, it has been approved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you.

*1093-13 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for Chemical Bulk Storage Facilities for sanitary facilities in Suffolk County Sewer Districts (CP 8178)(County Executive).* Mr. Schneiderman, this is -- I'm sorry, I'm not sure what this is.

**LEG. SCHNEIDERMAN:**
Well, it's sewer.

**D.P.O. HORSLEY:**
Yeah, I know it's sewer, I got that part (*Laughter*).

**COMMISSIONER ANDERSON:**
This is for improvements that were not within the Capital Program, I believe. We're looking at building -- you can't hear me?

**LEG. MONTANO:**
No, I didn't hear you.

**COMMISSIONER ANDERSON:**
Oh, I'm sorry. This is for building certain improvements within the -- each of our sewer districts where trucks will pull in to deliver supplies, and it essentially encloses them so that if there's any spill, they won't spill outside of this enclosure. It's for safety improvements to the Chemical Bulk Storage Facilities. So you have safety valves, we'll have these -- I wish I knew the right terms, but it's basically something you roll into. It encloses it, so God forbid there's a spill, it can be cleaned up and contained.

**D.P.O. HORSLEY:**
Okay. I think -- well, my original question, I had looked at the Stabilization Fund; these are monies that are under the $140 million.

**COMMISSIONER ANDERSON:**

Correct.

D.P.O. HORSLEY:
I got it. Okay, I'll make the motion to approve. Is there a second on the motion?

LEG. KRUPSKI:
Second.

LEG. HAHN:
Second.

D.P.O. HORSLEY:
Second by Legislator Krupski.

LEG. HAHN:
I'd like to cosponsor.

D.P.O. HORSLEY:
Oh, okay, there we go. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1095-13 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 7 – Medford (Sewers)(CP 8150)(County Executive).

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Calarco. Seconded by Legislator Browning. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Same motion, same second on the corresponding Bond Resolution, (1095A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of $1,000,000 bonds to finance the cost of construction of improvements to Suffolk County Sewer District No. 7 – Medford (CP 8150.316). Roll call vote.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)
LEG. CALARCO:
Yes.

LEG. BROWNING:
Yes.

LEG. KRUPSKI:
Aye.

LEG. SCHNEIDERMAN:
Aye.

LEG. MURATORE:
Aye.

LEG. HAHN:
Aye.

MR. LAUBE:
It's catching.

LEG. ANKER:
Aye.

LEG. MONTANO:
Aye.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
In the affirmative.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Aye, aye.

LEG. SPENCER:
Aye.

D.P.O. HORSLEY:
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**LEG. MONTANO:**
Do the ayes have it?

(*Laughter*)

**D.P.O. HORSLEY:**
The ayes have it, no question.

All right. Hang in there, gang, we're almost there.

1096-13 - Appropriateing funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 7 – Medford (Woodside)(CP 8119)(County Executive). Mr. Calarco? Motion by Legislator Calarco. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Same motion, same second on the corresponding Bond Resolution, (1096A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of $1,150,000 bonds to finance the cost of improvements to the Suffolk County Sewer District No. 7 – Medford (Woodside) Wastewater Treatment Plant (CP 8119.316). Roll call vote.

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

**LEG. CALARCO:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. BROWNING:**
Aye.

**LEG. MURATORE:**
Aye.

**LEG. HAHN:**
Yes.

LEG. ANKER:
Yes.

LEG. MONTANO:
Yeah.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right, thank you.

1097-13 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 11 – Selden (CP 8117)(County Executive).

LEG. MURATORE:
Motion.

D.P.O. HORSLEY:
Legislator Muratore makes the motion.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Same motion, same second on the 1097A, corresponding Bond issue, *(Bond Resolution of the County of Suffolk, New York authorizing the issuance of $1,000,000 bonds to finance the cost of construction of improvements to Suffolk County Sewer District No. 11 - Selden (CP 8117.313)).* Roll call vote.

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

**LEG. MURATORE:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. SCHNEIDERMAN:**
Yeah.

**LEG. BROWNING:**
Yes.

**D.P.O. HORSLEY:**
Ai, you've made a difference.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. MONTANO:**
Yeah.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. SPENCER:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All righty. 1098-13 -- thank you, by the way. *Amending the 2013 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for safety and security improvements for sanitary facilities in Suffolk County Sewer Districts (CP 8103)(County Executive).* I'll make the motion. Second by Legislator Muratore. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Do I need a bond issue on that?

**MR. LIPP:**
No.

**D.P.O. HORSLEY:**
No, I guess not. Okay, good.

1103-13 - Appropriating funds in connection with Bulkheading at Various Locations (CP 5375)(County Executive).

**LEG. SCHNEIDERMAN:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Schneiderman. Seconded by Legislator Stern. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you.

Same motion, same second on the corresponding Bond issue, **1103A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of $350,000 bonds to finance the cost of bulkheading improvements at various locations (CP 5375.316).)** Roll call vote.

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

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. STERN:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. MONTANO:**
Yeah.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. SPENCER:**
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okey doke.

Moving on, **1104-13 - Appropriating funds in connection with Reconstruction of Shinnecock Canal Locks (CP 5343)(County Executive)**. Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Makes a motion, second by Legislator Krupski. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Same motion, same second on the corresponding Bond issue, **1104A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of $750,000 bonds to finance a portion of the cost of the reconstruction of the Shinnecock Canal Locks, Town of Southampton (CP 5343.314)**. Roll call vote.

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

LEG. SCHNEIDERMAN:
Yes.

LEG. KRUPSKI:
Aye.

LEG. BROWNING:
Yeah.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. SPENCER:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Okey doke. Thank you.

*1105-13 - Appropriating funds in connection with Painting of County Bridges (CP 5815)(County Executive).*

**LEG. SCHNEIDERMAN:**
Motion.

**D.P.O. HORSLEY:**
Legislator Schneiderman makes the motion. Second by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Same motion, same second on the corresponding bond issue, **1105A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of $1,100,000 bonds to finance the cost of painting of County bridges at various locations (CP 5815.419).** Roll call vote.

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

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. SPENCER:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Okay.

**1106-13 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with Rehabilitation of Various Bridges and Embankments (CP 5850)(County Executive).**

**LEG. SCHNEIDERMAN:**
Motion.

**D.P.O. HORSLEY:**
Legislator Schneiderman wants to take that one. Second by Legislator Gregory. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Same motion, same second on the **1106A** bond issue *(Bond Resolution of the County of Suffolk, New York Authorizing the issuance of $5,360,000 bonds to finance the cost of rehabilitation of various bridges and embankments (CP 5850.112 and .326).* Roll call vote.

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

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. KRUPSKI:**
Aye.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

LEG. CALARCO:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. STERN:
Yes.

LEG. D’AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. 1107-13 - Appropriating funds in connection with the Reconstruction of CR 97, Nicolls Road, Town of Brookhaven (CP 5512)(County Executive).

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:
Legislator Muratore makes the motion. Second by Legislator Hahn. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Same motion, same second on 1107A, the corresponding Bond Resolution, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $2,900,000 bonds to finance a portion of the cost of reconstruction of CR 97, Nicolls Road from the vicinity of the Long Island Expressway to the vicinity of NYS Route 25A Located in the Town of Brookhaven (CP 5512). Roll call vote.

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

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. KRUPSKI:
Aye.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All righty.

**Veterans & Seniors:**

**Procedural Motion No. 01-2013 - Designating Veterans Organizations to receive funding for Memorial Day Observances for 2013 (Stern).** Legislator Stern?

**LEG. STERN:**
Motion.

**D.P.O. HORSLEY:**

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

**Ways & Means:**

**1040-13 - Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation (County Executive).**

**LEG. D'AMARO:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator D'Amaro.

**LEG. HAHN:**
On the motion?

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Hang on a second. Who was the second? Legislator Stern. On the motion, Legislator Hahn.

**LEG. HAHN:**
Yes, I'm sorry. I'm not in Ways and Means Committee, so I just have one -- what I hope is a quick question.

**D.P.O. HORSLEY:**
That's fair.

**LEG. HAHN:**
Were these ones we took due to tax default?

**LEG. CALARCO:**
Yes.

**LEG. HAHN:**
And did we take the development rights off of them so that we have a credit somewhere?

**LEG. D'AMARO:**
We talked about that in the committee, I don't think there are development rights.

**D.P.O. HORSLEY:**
Why don't you come on up --

**LEG. D'AMARO:**
Yeah, why don't you come on up.

**D.P.O. HORSLEY:**
-- and remind us. It's getting late.

**MS. LONGO:**
Yeah, these properties were taken by tax deed. And they're all core Pine Barrens properties, so there are no development credits associated with them.

**LEG. HAHN:**
Thank you.

**D.P.O. HORSLEY:**
Okay. We're good?

**MS. MAHONEY:**
Can you state your name, please?

**D.P.O. HORSLEY:**
Anybody else?

**MS. LONGO:**
Janet Longo.

**MS. MAHONEY:**
Thank you.

**D.P.O. HORSLEY:**
Okay. We have a motion and second. All those in favor? Opposed?
So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All righty. 1072-13 - Authorizing the County Clerk to file an application for additional State mortgage tax reimbursement (Presiding Officer Lindsay).

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Kennedy.

LEG. GREGORY:
Second.

D.P.O. HORSLEY:
Legislator Gregory makes the second on that one. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

1073-13 - Appropriating funds in connection with upgrading of the Court Minutes Application (CP 1681)(Presiding Officer Lindsay).

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Kennedy. Seconded by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Same motion, same second on the corresponding Bond issue, 1073A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of $75,000 bonds to finance the cost of planning for upgrading of the court minutes application used by the County Clerk’s Office (CP 1681.111). Roll call vote.

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

LEG. KENNEDY:
Yes.

LEG. GREGORY:
Yes.

LEG. KRUPSKI:
Aye.

LEG. SCHNEIDERMANN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. NOWICK:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yep.

LEG. SPENCER:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.

*1074-13 - Appropriating funds in connection with the Optical Disk Imaging System (CP 1751) (Presiding Officer Lindsay).*

LEG. KENNEDY:
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Kennedy.

**LEG. D'AMARO:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator D'Amaro. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Same motion, same second on the 1074A corresponding Bond Resolution *(1074A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of $100,000 bonds to finance the cost of upgrading of the Optical Disk Imaging System used by the County Clerk's Office (CP 1751.517)).* Roll call vote.

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

**LEG. KENNEDY:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. KRUPSKI:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. HAHN:**
Yes.

**LEG. ANKER:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. SPENCER:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**P.O. LINDSAY:**
(Absent).

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you.

*1126-13 - Approving list of Title Insurance Companies as designated by the Division of Real Property Acquisition and Management (County Executive).*

**LEG. KENNEDY:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Kennedy. Seconded by -- do I have a second? I'm sorry, where was that?

**LEG. CILMI:**
Nowick.

**D.P.O. HORSLEY:**
Nowick, Legislator Nowick.

**LEG. D'AMARO:**
On the motion.

**D.P.O. HORSLEY:**
On the motion.

**LEG. D'AMARO:**
Just I wanted to ask someone from Real Estate or, Mr. Vaughn, if you're available.

**D.P.O. HORSLEY:**
Ms. Longo?

**LEG. D'AMARO:**
Okay, great. There is a bill that was put in that now every two years we, in the Legislature, have to approve the list of title companies, and I believe the title work from the County is assigned on a revolving basis; is that correct?

**MS. LONGO:**
Yes, on a rotating basis.

**LEG. D'AMARO:**
Rotating basis. And do you have any type of report showing each title company and the -- the work that they received?

**MS. LONGO:**
We just -- we go down the list. It's in alphabetical order, we start it at the top and just as we acquire land, as projects come in, we just constantly rotate that list. So I don't know. I mean, I didn't bring that with me how many assignments each title company gets.

**LEG. D'AMARO:**
Right. I would like to see that --

**MS. LONGO:**
It should be equal.

**LEG. D'AMARO:**
-- information, because the objective of this bill was that it be done strictly on a rotating basis.

**MS. LONGO:**
It is done strictly on a rotating basis.

**LEG. D'AMARO:**
Right, but I want to see the report that establishes that, or the information that establishes that. So do you do that by -- as the need for a title company arises --

**MS. LONGO:**
Uh-huh.

**LEG. D'AMARO:**
-- and you go down the list, is it based on just who's next on the list or is it based on premium amounts or anything like that?

**MS. LONGO:**
No, strictly who’s next on the list.

**LEG. D'AMARO:**
Right. So, excuse me.

**MS. LONGO:**
This one gets assigned, whatever title company is next, you get the next one.

**LEG. D'AMARO:**
Right. So how -- so in a year, how many times is title work contracted for, would you say?

**MS. LONGO:**
Well, I'm trying to think how many acquisitions we did last year.

**LEG. D'AMARO:**
You know, just roughly.

**MS. LONGO:**
Yeah. Maybe 40.

**LEG. D'AMARO:**
Forty.

**MS. LONGO:**
So we have ten title companies, eleven title companies on the list.

**LEG. D'AMARO:**
Right.

**MS. LONGO:**
So each one received maybe four assignments.

**LEG. D'AMARO:**
Right. So what I'd like to see is --

**MS. LONGO:**
We did have one -- one duplicate. We had one situation where -- we only had one underwriter on the list and we had one situation come up where the abstract company couldn't provide the title, it was a very unusual situation, so we ended up using the underwriter because they were able to provide title for us. But except for that --

**LEG. D'AMARO:**
Well, there was a need in one case where you needed to go directly to the underwriter?

**MS. LONGO:**
Yes.

**LEG. D'AMARO:**
Okay. I mean, it happens. But -- so can you provide me, then, with respect to each of the companies, the number of titles?

**MS. LONGO:**
Sure.

**LEG. D'AMARO:**
Now, is it the assignment that fulfills the obligation or is it the closing?

**MS. LONGO:**
No, it's actually the assignment.

**LEG. D'AMARO:**
Okay. So --

**MS. LONGO:**
As the request comes in --

**LEG. D'AMARO:**
Right.

**MS. LONGO:**
-- as we get an acquisition and we have to get title, it gets assigned. If it doesn't close, you know, it's already been assigned to that title company.

LEG. D'AMARO:
Okay, that's what I wanted to know.

MS. LONGO:
Yeah.

LEG. D'AMARO:
So could you provide me, with respect to each of these companies, the number of assignments, year by year, and the names, you know, the brief name of the deal that they were asked -- requested to provide an abstract on.

MS. LONGO:
Sure.

LEG. D'AMARO:
Okay?

MS. LONGO:
No problem.

LEG. D'AMARO:
All right, thank you.

D.P.O. HORSLEY:
Okay. Thank you very much. Legislator Muratore.

LEG. MURATORE:
To Legislator D'Amaro.

D.P.O. HORSLEY:
Oh, okay.

LEG. MURATORE:
I looked on the resolution and there is a list, Exhibit A, attached to that; I wonder if that's what you're looking for, Lou. It says, "Title companies designated to do County real estate work."

LEG. D'AMARO:
Oh, correct. Yeah, I want to go a little deeper than that, Legislator. I want to see not only the name of the company, but how many titles they were each assigned and on what deals, you know, they were asked to provide an abstract and underlying insurance. Thanks.

D.P.O. HORSLEY:
Okay? All right. We're all good? Okay. We have a motion to approve and seconded. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
General Meeting - March 5, 2013

All right. **1130-13 - Consenting to the acquisition of additional land at Sea Breeze Avenue, Town of Southampton, County of Suffolk, State of New York, by the Westhampton Cemetery Association for cemetery expansion purposes (Schneiderman).** Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**
Motion to approve.

**D.P.O. HORSLEY:**
Motion to approve. Second by Legislator Krupski. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
All right. We're moving over to the manilla envelope.

**LEG. MONTANO:**
Folder.

**D.P.O. HORSLEY:**
Folder? Folder, that's the right word. I'm just parroting you.

(*Laughter*)

**MR. NOLAN:**
My bad.

**D.P.O. HORSLEY:**
There you go.

Okay, the first one, **Motion No. 4-2013 - Procedural Resolution apportioning Mortgage Tax By: County Treasurer (Presiding Officer Lindsay).**

**LEG. SCHNEIDERMAN:**
Motion to approve.

**D.P.O. HORSLEY:**
Motion -- I'm sorry. Who said that? Legislator Schneiderman. Seconded by?

**LEG. STERN:**
Second.

**D.P.O. HORSLEY:**
Second by Legislator Stern. And there's an attachment to it, of course. All those in favor? Opposed? So moved. It has been approved.

**MR. LAUBE:**
Seventeen (Absent: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**
Thank you.

**Procedural Resolution No. 5-2013 - Calling for a public hearing for the consent to the**
acquisition of additional land at Sag Harbor – East Hampton Turnpike (NYS Route 114), Town of East Hampton, County of Suffolk, State of New York, by Temple Adas Israel for cemetery expansion purposes (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:
They're dying to see this go through here; yes.

D.P.O. HORSLEY:
I had a feeling. And second by Legislator Krupski. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Thank you.


MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All right. We're moving to the red folder, or pink, whatever it is, inside pink. All right, there you go.

Okay, the CN’s. We're ready?

The first CN is Resolution No. 1177-13 - Accepting and appropriating a grant in the amount of $836,000 from the New York State Department of Transportation for the Long Island Expressway High Occupancy Vehicle Lane Enforcement Program in Suffolk County with 100% support. Legislator Muratore makes the motion. Seconded by Legislator Browning. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
All righty. The second Certificate of Necessity is Resolution No. 1181-13 - Authorizing the County Treasurer to borrow cash funds from other County Funds for 2013. Mr. Lipp, do you want to make a quick explanation of this?

MR. LIPP:
Yes.

D.P.O. HORSLEY:
I know you wanted to do that.

MR. LIPP:
Just for your information, you were just e-mailed some information on this particular resolution. As is stated in the resolution, the Treasurer is required to send reports as this happens and we've been receiving them over the last several years. So what you see in the table is what the inter-fund borrowings were so we don't have to go out and borrow as much by market. And you could see
over the last four years, 2009 thru 2012, we've had to borrow internally over 200 million each year. And what you see in the table in your e-mail is what the interest rates are each year. Good news, interest rates are lower, bad news, we are borrowing a lot of money.

D.P.O. HORSLEY:
Okay? Everybody good? Sure, on the -- yeah, I don't even know if we have a motion. Do we have a motion yet?

LEG. MONTANO:
Yeah, there was --

D.P.O. HORSLEY:
I don't think we do. I'll make the motion to approve. Second by Legislator Schneiderman. Okay, we have a motion on the table to approve. Legislator Montano, on the motion.

LEG. MONTANO:
Yeah. Robert, I'm sorry, I didn't see the table, but I don't really need to. These are inter-fund transfers that we do every year. And my understanding is that they have to be paid back within this year, this fiscal year, right? December 31st?

MR. LIPP:
That is correct.

LEG. MONTANO:
Yeah. What happens if we borrow money from a fund -- well, let me ask you this. Has it ever happened where we borrowed money from a fund and because of whatever we didn't have enough money to put it back?

MR. LIPP:
Actually, no. What the -- what we've been doing the last few years is instead of borrowing the Tax Anticipation Note at the very beginning of the year, we're allowed to, by law, borrow it in December, and we've had to do that in order to pay back these funds.

LEG. MONTANO:
Right, because if we don't pay back these funds, we've committed a problem or we're in a problem.

MR. LIPP:
There's a disconnect with the law, yes.

LEG. MONTANO:
Right. That's a good phrase, I like that, disconnect with the law. So if we do run into that problem -- (laughter), what you're telling me is that we're going to use the TAN?

MR. LIPP:
Correct.

LEG. MONTANO:
And that'll cover.

MR. LIPP:
Well, and that is what the -- what the outcome has been the last few years and it is the expected outcome this year, with a very high probability.

LEG. MONTANO:
Okay. All right, thanks.

D.P.O. HORSLEY:
Okay. Treasurer Carpenter has also been requesting this, so.

LEG. MONTANO:
She does it every year.

D.P.O. HORSLEY:
I know, I just wanted to let you know. Okay, we have a motion to approve and seconded. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Yellow folder. Okay. I would like to make a motion to waive the rules and lay on the table the following Late Starters:

Okay. Do I need a second on it? Okay, yeah, right. Okay, here we go. Ready? Okay. 1193 to Gov Ops, Personnel, Housing & --

MR. NOLAN:
Consumer Affairs.

D.P.O. HORSLEY:
Consumer Affairs, I'm getting tired; 1194 to Public Safety and set the public hearing for 3/19 at 6:30 PM in Hauppauge; 1195 to Health; 1196 to Ways and Means; 1197 to Public Safety and also to set public hearing for 3/19 at 6:30 in Hauppauge; 1198, Public Safety; 1199, Public Works; 1200 to Economic Development & Energy; 1201 to Budget & Finance; 1202, Budget & Finance; 1203, Budget & Finance; 1204 to Parks; 1205 to Economic Development & Energy; 1206 to Gov Ops, Personnel & Housing; 1207 to Ways & Means, also to set the public hearing for 3/19 at 6:30 PM in Hauppauge. I'll take a second on that.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Second by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
I don't believe there's anything else in front of us. We're adjourned.

(*The meeting was adjourned at 6:59 P.M.*)