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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

RICHARD NICOLELLO,
Presiding Officer

1550 Franklin Avenue
Mineola, New York

Monday, November 25, 2019
1:20 P.M.

1

2 A P P E A R A N C E S:3 RICHARD NICOLELLO,
4 Presiding Officer5 HOWARD KOPEL,
6 Alternate Deputy Presiding Officer7 DENISE FORD,
8 Alt. Deputy Presiding Officer

9 STEVEN RHOADS

10 DEBRA MULE

11 C. WILLIAM GAYLOR III

12 VINCENT MUSCARELLA

13 ELLEN BIRNBAUM

14 LAURA SCHAEFER

15 THOMAS MCKEVITT

16 KEVAN ABRAHAMS, (1:38 p.m.)
17 Minority Leader

18 ROSE MARIE WALKER

19 JOHN FERRETTI, JR. (Not Present)

20 JOSHUA LAFAZAN

21 ARNOLD DRUCKER

22 JAMES KENNEDY

23 DELIA DERIGGI-WHITTON

24 CARRIE SOLAGES

25 SIELA BYNOE

26 MICHAEL PULITZER,
27 Clerk of the Legislature

1		
2	<u>LIST OF SPEAKERS</u>	
3	TOP COP/PERSONAL PRIVILEGE.....	20
4	PUBLIC SPEAKERS:	
	EDWARD SARKISSIAN	
5	SUMI SHAH	
	JOHN BUDNICK	
6	KEVIN WALSH	
	META MEREDAY	
7	ELAINE LICARI	
	JOSHUA MARTUFI	
8	GREG MIHAILOVICH	
	PETE GAFFNEY	
9	DANIEL SOLOW	
	BRIAN DAUGHNEY	
10	AARON ROSS	
	DR. LORNA LEWIS	
11	MATTHEW ELLIOTT	
	MICHAEL SEILBACK	
12	MARK SULLIVAN	
	RUTTANNE MCCORMACK	
13	SUSAN BLAUNER	
	SUSAN FISHER	
14	TAMMY MINK, DENNIS MINK	
	CAROL MESCHKOW	
15	CHERYL RICHTER	
	JOLANTA NORELLI	
16	KELSEY MCLEOD	
	DR. SAEMA KHANDAKAR	
17	JOSEPH DAMMACCO	
	SPIKE BABAIAN	
18	MAJID RASOOL	
	SOCRATES KRITIKOS	
19	JOHN MARCO MILITANO	
	SHETAL SHAH	
20	APRIL RINGE	
	THERESA SCOTT	
21	ROBERT LEE	
	DR. EVE KRIEF	
22	KEITH CASEY	
	RASHI KABRA	
23	JULIA APAVANSKI	
	ADAM KIELZEWSKI	
24	MAURICE CHALMERS.....	170
25		

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2 CHAIRMAN NICOLELLO: Ladies and
3 gentlemen, we are about to start our
4 meeting. We always start with the Pledge of
5 Allegiance. I will ask Legislator Bill
6 Gaylor to lead us in the Pledge of
7 Allegiance.

8 (Whereupon, the Pledge of
9 Allegiance was recited.)

10 CHAIRMAN NICOLELLO: Thank you.
11 Mr. Pulitzer, please call the roll.

12 CLERK PULITZER: Thank you,
13 Mr. Nicolello. Deputy Presiding Officer
14 Howard Kopel?

15 LEGISLATOR KOPEL: Here.

16 CLERK PULITZER: Alternate Deputy
17 Presiding Officer Denise Ford?

18 LEGISLATOR FORD: Here.

19 CLERK PULITZER: Legislator Siela
20 Bynoe?

21 LEGISLATOR BYNOE: Here.

22 CLERK PULITZER: Legislator
23 Carrie Solages?

24 LEGISLATOR SOLAGES: Here.

25 CLERK PULITZER: Legislator Debra

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2 Mule?

3 LEGISLATOR MULE: Here.

4 CLERK PULITZER: Legislator C.

5 William Gaylor III?

6 LEGISLATOR GAYLOR: Present.

7 CLERK PULITZER: Legislator

8 Vincent Muscarella?

9 CHAIRMAN MUSCARELLA: Here.

10 CLERK PULITZER: Legislator

11 Ellen Birnbaum?

12 LEGISLATOR BIRNBAUM: Here.

13 CLERK PULITZER: Legislator Delia

14 DeRiggi-Whitton?

15 LEGISLATOR DERIGGI-WHITTON:

16 Here.

17 CLERK PULITZER: Legislator James

18 Kennedy?

19 LEGISLATOR KENNEDY: Here.

20 CLERK PULITZER: Legislator

21 Thomas McKevitt?

22 LEGISLATOR MCKEVITT: Here.

23 CLERK PULITZER: Legislator Laura

24 Schaefer?

25 LEGISLATOR SCHAEFER: Here.

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2 CLERK PULITZER: Legislator John
3 Ferretti, Jr.? He's not attending.

4 Legislator Arnold Drucker?

5 LEGISLATOR DRUCKER: Here.

6 CLERK PULITZER: Legislator Rose
7 Marie Walker?

8 LEGISLATOR WALKER: Here.

9 CLERK PULITZER: Legislator
10 Joshua Lafazan?

11 LEGISLATOR LAFAZAN: Here.

12 CLERK PULITZER: Legislator
13 Steven Rhoads?

14 LEGISLATOR RHOADS: Present.

15 CLERK PULITZER: Minority Leader
16 Kevan Abrahams?

17 LEGISLATOR DERIGGI-WHITTON: He's
18 running a few minutes late.

19 CLERK PULITZER: Presiding
20 Officer Richard Nicoletto?

21 CHAIRMAN NICOLELLO: Here.

22 CLERK PULITZER: We have a
23 quorum, sir.

24 CHAIRMAN NICOLELLO: Thank you,
25 Mike. Welcome to the Nassau County

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2 Legislature. We have a full slate of
3 business to attend to. As tradition we have
4 some presentations before we move into the
5 business of the Legislature. We will do
6 those presentations. We will have a period
7 of public comment and then go through the
8 actual items on our calendar.

9 As is tradition, we recognize
10 Nassau County top cops at the beginning of
11 each of our Legislative meetings.

12 To start things off, I would
13 request James McDermott, the president of
14 the PBA, to approach for a presentation.

15 MR. MCDERMOTT: Once again thank
16 you for honoring our top cop for November of
17 2019; that would be Police Officer George
18 Day.

19 On Saturday July 6, 2019 at
20 approximately 8:30 a.m., Police Officer
21 George Day the Nassau County motorcycle
22 platoon was Bellmore Avenue in Bellmore when
23 a driver ran a stop sign and broadsided his
24 motorcycle.

25 The violent collision through

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2 Officer Day a very far distance and his bike
3 even further. The vehicle fled the
4 accident. The car was later located and the
5 driver arrested.

6 Officer Day was rushed to Nassau
7 University Medical Center for treatment for
8 his life threatening injuries. The 14 year
9 veteran suffered multiple broken bones
10 including 19 broken ribs, two collapsed
11 lungs, fractures of the tibia and fibula
12 bones, a compound fracture to his femur, and
13 a shattered knee. He also suffered nerve
14 and ligament damage to his right arm and
15 shoulder.

16 The first 48 hours after the
17 accident left officer day fighting for his
18 life. He was placed in a medically induced
19 coma for 12 days.

20 During the first five weeks after
21 his accident he endured numerous surgeries
22 at Nassau University Medical Center.
23 Eventually Officer Day was transferred to
24 Stony Brook University Hospital and then to
25 Saint Charles Rehabilitation Hospital where

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2 he continued to heal.

3 Two months after the accident on
4 Friday September 9 officer day was discharge
5 today a large crowd of friends coworkers and
6 medical team who celebrated his release.
7 Has had a long road to recovery and through
8 his resolve and determination he hopes to
9 one day return to full duty.

10 I'd also like to recognize the
11 Commissioner and the Nassau County Police
12 Department for all their efforts in
13 assisting George in getting us the George
14 team and getting George to this point in his
15 recovery. That's why we named George the
16 top cop for November of 2019.

17 COMMISSIONER RYDER: Good
18 afternoon. That morning I was pulling into
19 the Carolinas with my family on vacation. I
20 got the first phone call. Then it was every
21 hour we were getting updates both from the
22 union side, from the management side, but
23 more importantly from NUMC.

24 The work that was done at that
25 hospital was above anything I've ever seen

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2 where they took George which was at some
3 times touch and go and turned him around to
4 where he is today is remarkable and the work
5 that followed after that.

6 But there is one thing that we
7 are all united on, both Republicans,
8 Democrats and management, and our unions,
9 and that is that we stand behind our members
10 and we support our members, and we make sure
11 they get the best equipment and best care
12 they could, they got all of that.

13 This highway unit stood by his
14 bedside and didn't leave it day and night
15 around the clock seven days a week. I would
16 come up every morning on my way to work to
17 say hello to George and see how he was doing
18 and see the progression as it went on day by
19 day, but there was always one or two highway
20 guys there, and of course members from the
21 union standing by his side.

22 More importantly when his family
23 was there, his kids were there, we all stood
24 together united to make sure our member gets
25 better and to get to the point where he is

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2 now. He still has a long road to go. As I
3 just sat down, I said, how you feeling? He
4 said, I'm getting anxious. Getting anxious
5 sitting at home. That's the kind of guy
6 that George Day is. That's the kind of cop
7 he is. He wants to go back and serve the
8 people of Nassau County as he did that
9 morning.

10 Again, I thank you all for that
11 support and equipment and stuff you gave him
12 that probably saved his life, that
13 bulletproof he wore kept everything intact
14 while they got him to the hospital.

15 If it wasn't for the great work
16 of our police medics who know how to get him
17 up, scoop and get him to the hospital as
18 fast as they could saved his life and the
19 work by NUMC and the highway guys and the
20 cops getting that escort to get him there as
21 quick as they did. We are here because of
22 that family that stayed united and continues
23 to stay united behind George in the rest of
24 his recovery. Thank you.

25 POLICE OFFICER DAY: That's a

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2 tough act to follow, but just wanted to say
3 thank you to all the members of the Leg and
4 I really do appreciate it.

5 I also wanted to mention, ever
6 since I've been on this job, it's been
7 impressed upon me that in this county we
8 take care of each other. I've always known
9 it, but having gone through this, it did
10 remind me that the culture of Nassau County
11 Police Department is we take care of our
12 own. I have had so much support from the
13 top down, from Commissioner Ryder to all of
14 our chiefs. And my immediate supervisor,
15 Lieutenant Franco, I've had so much support
16 and so much help with the family. I can't
17 thank you guys enough. It's really
18 appreciated. Thank you.

19 CHAIRMAN NICOLELLO: Legislator
20 McKevitt.

21 LEGISLATOR MCKEVITT: Officer
22 Day, we didn't have a chance to meet until
23 today but I remember in the days that
24 happened afterwards, there were a lot of
25 prayers and a lot of people asking me about

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2 updates about your condition, and hearing
3 nothing but extraordinary good things from
4 every one in the department, in your bureau,
5 I know you have a long time commitment, not
6 only as a police officer but also as a
7 motorcycle enthusiast as well, I know it's
8 your love and your passion, and we'll make
9 sure once again you will be able to do that
10 again one day. I don't know that it's also
11 nothing short of a miracle that you are here
12 today. I do know you came within a hair's
13 breath of losing your life that day,
14 absolutely tragic. But it also went and
15 started a new conversation about that
16 intersection where your incident occurred, a
17 problematic one for many many years. The
18 residents quite a bit as well as Public
19 Works, I'm pleased to say, a traffic light
20 is going to be installed there instead of a
21 traffic sign.

22 Again, not that what happened to
23 you should ever happen to anyone, but I'm
24 hopeful that no one else at that
25 intersection ever be hurt again.

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2 Again, your sacrifice is always
3 above and beyond of the people's department,
4 but, again, hopefully there's an awareness
5 that no one will ever be hurt again.

6 Thank you for your service to
7 this county.

8 POLICE OFFICER DAY: Thank you so
9 much for that.

10 CHAIRMAN NICOLELLO: Legislator
11 McKevitt. It's a couple of days before
12 Thanksgiving and we all think about how much
13 we have to be thankful for in this great
14 country of ours, and I can tell you that all
15 of our Nassau County residents are thankful
16 that we have men and women who serve our
17 police force and we are very, very thankful
18 that you are recovering well from your
19 wounds and we look forward to the day when
20 you are back on full time duty. Thank you
21 very much for all that you do.

22 POLICE OFFICER DAY: Thank you.

23 LEGISLATOR FORD: I too want to
24 say, I want to thank you for your strength
25 and your determination and fighting spirit

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2 that got you through this accident, and in
3 the hospital, and your determination to get
4 back on the job. And I have to say I think
5 this year Thanksgiving has a new meaning for
6 your family, because I think they are very,
7 very thankful that you will be sharing a
8 dinner with them. So God bless you and God
9 bless your family.

10 POLICE OFFICER DAY: Thank you
11 very much.

12 CHAIRMAN NICOLELLO: Thank you.
13 We will invite you up in a few moments for a
14 presentation. Actually, maybe we will come
15 down there if that's easier.

16 Let's do the other two and we
17 will come down.

18 Now for the Superior Officer's
19 Association. President Kevin Black.

20 MR. BLACK: Good afternoon. I'm
21 here today to speak about the employee
22 assistance office in the police department.
23 I'm going to start off though by reading a
24 quote from the pamphlet that they give out.
25 It says, "most individuals experience

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2 stressful, emotional difficulties at some
3 point in their lives. Law enforcement
4 members and their families are particularly
5 susceptible to stress considering the
6 demands of the job."

7 Today I'm here to talk about two
8 what I consider unsung heroes. That's
9 Sergeant Theresa Fucigna and Police Officer
10 Cynthia Daily for their personal dedication
11 to the well being of their fellow officers
12 in the NCPD.

13 Both of these women are highly
14 educated and extremely motivated
15 individuals. Together they have been
16 assigned to employee assistance for a total
17 of 38 years.

18 I don't know about you, but
19 that's a long time to sit and counsel people
20 and listen to their problems without your
21 own head exploding.

22 During the time they have been
23 there, they have conservatively helped
24 hundreds of their fellow officers through
25 all types of problems. These extraordinary

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2 officers carry the weight of other's
3 problems and help them work through those
4 problems from bereavement to marriage
5 problems to alcohol abuse, stress,
6 depression and anxiety, to name a few of the
7 areas of expertise shared by them and their
8 staff.

9 I would also be remiss if I
10 didn't mention Tom Shevlon and Raquel
11 Fernardo who have recently been added to the
12 staff. Probably as much in response to
13 recent developments as to mental health of
14 police officers and first responders and to
15 your actions here in the Legislature.

16 Also not to be forgotten during
17 all of this are all of the people in the
18 past who have worked at EAO and done this
19 job. It's a voluntary position. They deal
20 with everybody else's problems day after day
21 and we are thankful and happy to be here to
22 honor them today.

23 SPEAKER: Just want to say thank
24 you for all the support and it's truly an
25 honor. Thank you.

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2 COMMISSIONER RYDER: So this is
3 just part of the team that's formed by the
4 bill that you pushed forward and I thank you
5 for that. There is a peer support that
6 comes with it. This is the employee
7 assistance and of course our wellness
8 committee. Thank you.

9 They are all working together
10 meeting weekly to get the formation of a
11 video that we're putting out on the website
12 and moving in the right direction.

13 You hear it all the time. This
14 is the stigma we need to break. We lost one
15 of our lieutenants Billy Erdmann earlier
16 this year to suicide and we almost lost
17 another member two weeks ago. If it wasn't
18 for the work of a great Glen Cove police
19 officer who took that gun from our officer's
20 hand in that situation that saved his life.

21 But what really saves their lives
22 is what happens then. We go to the
23 hospital. The union shows up, the PBA, SOA,
24 DAI, along with myself, one of the chiefs
25 will be there and we're trying to get

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2 everything formatted in the right direction
3 and in comes employee assistance. They got
4 it. They know what to do. They know how to
5 break that down, how to break that stigma.
6 All of what they're doing is making a
7 difference, not only in the police
8 department but in the corrections department
9 who we are working with and of course our
10 village partners.

11 I'm also very proud to, Sergeant
12 Fucigna will hopefully be at the end of this
13 week be Lieutenant Fucigna because she's
14 getting promoted this week. So thank you.

15 SOA MEMBER: Thank you so much.
16 It's been an honor and a privilege to
17 support the department members and I want to
18 also thank our Commissioner for his interest
19 and support from day one of his
20 administration.

21 LEGISLATOR FORD: Good afternoon.
22 I want to thank both of you for the work
23 that you do and I know that everybody says
24 you are working behind the scenes but you
25 play such an important and integral part in

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2 our law enforcement communities. I can't
3 say enough about employee assistance. I
4 come from a police department family but I
5 married into the fire department family and
6 I know through my own experience in the city
7 dealing with those employee assistance
8 people helping me cope with a lot that went
9 on after the loss of my husband. But I know
10 even in this day and age how much tougher
11 your job must be that you have to reach out
12 to these officers, you have to be there
13 basically on call no matter what happens,
14 you're dealing with people with raw emotions
15 who may not necessarily want to talk with
16 you but here they are, and you have to sort
17 of help them through some like really really
18 tough personal times.

19 I just have to say that you must
20 have angel wings hidden underneath your
21 clothes to be able to do this and still be
22 able to come up and thank us for allowing
23 you to do this. I can't even tell you.

24 I know that I was even with some
25 officers recently and they were talking

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2 about their job and the things they are
3 encountering and I know how tough it is and
4 it's getting tougher.

5 I just want to say thank you so
6 much for being who you are and working as
7 hard as you do because I can't tell that you
8 you're probably going to help save so many
9 lives and so many families and for that you
10 must be always remembered and commended for
11 doing this. Thank you.

12 CHAIRMAN NICOLELLO: We will be
13 down in a moment to give you a presentation.

14 Our third presentation is from
15 the Detective's Association.

16 DETECTIVE MALONEY: Good
17 afternoon. My name is Detective Maloney
18 from the Detective's Association. I would
19 like to thank Presiding Officer Nicolello,
20 Minority Leader Abrahams and the full
21 legislative body for honoring the Homeland
22 Security Investigation's Long Island
23 Financial Group Task Force today.

24 The HSI Long Island Financial
25 Group is comprised of eight special agent

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2 investigators and two Nassau County
3 detectives from the asset forfeiture and
4 intelligence bureau.

5 With us today are Nassau County
6 Detectives Steve Grazios and James Tobin.
7 HSI Acting Deputy Special Agent in charge
8 Gerald Hanley, Acting Assistant Special
9 Agent in charge of Long Island Brian Wong,
10 Supervisory Special Agent Brian Herbert and
11 Group Supervisor Andrew Bora, and Case Agent
12 John Swallick.

13 This group is tasked with
14 investigating crimes of a financial nature
15 throughout Long Island. The scope of these
16 investigations often leads to crimes being
17 committed throughout the continental United
18 States and internationally.

19 The group began a two year
20 investigation into the Khwaja money
21 laundering operation which appeared to be a
22 legitimate cell phone wholesaler.

23 However, the clients are criminal
24 organizations that utilize their ability to
25 move illicit funds internationally through

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2 the purchase of goods and subsequent export
3 and sale in South America and other
4 countries.

5 Physical surveillance of the
6 targets was conducted on a daily basis over
7 an 18 month period in Long Island, New York
8 City, New Jersey and Connecticut. The
9 surveillance included following the targeted
10 individuals who often met with unknown
11 persons into financial institutions,
12 restaurants, malls knowing that they had
13 ties to international terrorist
14 organizations. Multiple wire taps
15 intercepts were utilized on many members of
16 the organization supplemented by forensic
17 audits of 30 bank accounts. Detailed
18 analysis of trade information and business
19 records.

20 The organization has been
21 operating for over 15 years with targets on
22 the joint terrorist task force watch list.
23 To date, this investigation has yielded 12
24 arrests and seized over \$6 million in US
25 currency and multiple handguns.

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2 Locations of arrest included no
3 only New York but Florida, Sri Lanka, and
4 Paraguay.

5 I again would like to thank the
6 Full Legislative body for your continued
7 support of the Nassau County Police
8 Department and the Detective Division.
9 Thank you.

10 COMMISSIONER RYDER: When I was
11 in asset forfeiture, I brought over Jimmy
12 and Steve and we had the HSI case going with
13 the Khwaja family. Couldn't get it off the
14 ground.

15 When they got to the team and
16 working with HSI, and I can't thank them
17 enough, because HSI stands by us in our gang
18 cases, money laundering cases and our drug
19 cases, and they stood side by side. They
20 worked this case together and it came to
21 this very successful conclusion.

22 That \$6 million, you all know
23 what that means for us in forfeiture and how
24 we support and buy that equipment.

25 So, again, I thank them for their

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2 support and these are two of the best
3 detectives we've got. Thank you.

4 HOMELAND SECURITY MEMBER: Thank
5 you, Commissioner. On behalf of the task
6 force I would like to thank you very much
7 for this honor and we are extremely grateful
8 for your support. Thank you.

9 CHAIRMAN NICOLELLO: Thank you.
10 Legislator Rhoads.

11 LEGISLATOR RHOADS: I will tell
12 you one of the many reasons I love our top
13 cops presentation, it brings front and
14 center some of the amazing work that's done
15 by our Nassau County Police Department, all
16 the different divisions and task force
17 within.

18 So often these are tremendous
19 acts of law enforcement that would go
20 unnoticed. You're not going to read on the
21 cover of Newsday though you should.

22 It's reassuring to us as
23 legislators and to the people of Nassau
24 County to know that tremendous many men and
25 women like you are there protecting us.

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2 Often times these are things that go
3 unnoticed. Your work in the case of the
4 Khwaja money laundering operation is
5 absolutely tremendous.

6 As Detective Maloney pointed out
7 has implications far beyond here in Nassau
8 County. This is something with
9 international implications and their ties to
10 terrorist organizations and how grateful we
11 are on behalf of all the people of Nassau
12 County that you are there keeping us safe.

13 It is absolutely tremendous work
14 and we are happy to provide you any support
15 we possibly can but ultimately it's up to
16 your smarts, up to your intelligence, up to
17 your training and up to your professionalism
18 as members of the Nassau County Police
19 Department that arrests such as these, cases
20 such as these are built that are able to
21 effectuate not only arrests but prosecutions
22 and successful prosecutions.

23 I want to commend you on behalf
24 of all the legislators on the tremendous
25 work you've done and continue to do to keep

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2 us safe. God bless.

3 CHAIRMAN NICOLELLO: We are going
4 to come down there today to do the
5 presentations.

6 We have one more point of person
7 privilege before we jump into public comment
8 and I would recognize Legislator Lafazan.

9 LEGISLATOR LAFAZAN: Thank you
10 very much, Presiding Officer. If I can
11 invite up Coach Danny Braga and our New York
12 State championship Jericho boy's soccer
13 team.

14 The Jericho boys soccer team are
15 New York champions, defeated the High School
16 from Rochester 3 to 1 in the finals after
17 defeating Rye.

18 The team scored an incredible 82
19 goals and let up only 14. The team is
20 currently ranked number 11 in the nation by
21 the United States soccer coaches' poll.

22 This is the team's fourth New
23 York State championship in nine years. Of
24 course being from Syosset it's sometimes --
25 and by "sometimes" I mean all the time, very

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2 difficult to root for my rival but this team
3 with it's consistent display of
4 sportsmanship and comradery and a commitment
5 to excellence, you guys make it impossible
6 to not root for the Jericho Jayhawks and
7 quite frankly I'm so proud to represent
8 these fine young men. We expect to see you
9 back next year with another New York State
10 Championship.

11 Thank you very much and I will
12 turn it over to Legislator Drucker.

13 LEGISLATOR DRUCKER: Thank you.
14 Legislator Lafazan and I share the district
15 and it's always a great privilege for me to
16 celebrate successes that the school district
17 has.

18 Earlier this year we were proud
19 to recognize Jericho as being the number one
20 school district in the country.

21 And, for years, Jericho has been
22 recognized as one of the top school
23 districts around the country for it's
24 academic successes, but now, for a number of
25 years, you have been successful but now this

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2 year again another trophy in your mantle
3 demonstrating that Jericho is not just a
4 school district of brainiacs but a school
5 district of top athletes in New York State.

6 It's quite an honor for us to
7 celebrate that here at the Legislature and I
8 want to commend you and wish you the best of
9 luck.

10 COACH BRAGA: We just want to say
11 thank you guys very much for inviting us
12 here. It's an experience for the boys that
13 I'm sure they will never forget. Thank you
14 guys very much for that. I appreciate it.

15 LEGISLATOR LAFAZAN: Thank you
16 very much and I hope you guys make it back
17 for ninth period.

18 CHAIRMAN NICOLELLO: We are going
19 to jump into the public comment portion of
20 our meeting which lasts 30 minutes, three
21 minutes per speaker.

22 There are several speakers on
23 items in general; the vast majority of slips
24 I have is for the flavored vape ban and I
25 will call those later on.

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2 However, there are two students
3 that need to get back to school so I will
4 call them up front.

5 Edward Sarkeesian.

6 MR. SARKEESIAN: Good afternoon,
7 my name is Edward Sarkeesian and I'm an
8 eighth grade student from Harry B. Thompson
9 School in Syosset.

10 As I stand here, I will not be
11 sharing a written speech but instead I will
12 ask you some questions about vaping.

13 Rules we follow. Rule one, no
14 running in the hallway for our safety. Rule
15 two, no fighting for our safety. No talking
16 during emergency drills for our safety.
17 Stay seated on the bus for our safety.

18 These rules are made by you the
19 adults to protect us and keep us safe. My
20 questions are, why aren't you helping to
21 protect us from harm? Why are you letting
22 you vaping companies manipulate us? Why are
23 you letting the vaping companies sell
24 flavors that target us? Why are you
25 allowing the vaping companies to entice us

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2 and start the cycle of addiction? Why isn't
3 our health and well being your first
4 priority? Why aren't you trying to help us?

5 When you cast your vote today
6 keep these words in mind. When you cast
7 your vote today, keep me and my generation
8 in mind because, remember, you make the
9 rules that protect us and keep us safe.
10 Thank you.

11 CHAIRMAN NICOLELLO: Thank you,
12 Edward. Sumi Shah.

13 MS. SHAH: Cotton candy, bubble
14 gum, skittles, sour patch, Hawaiian punch,
15 peanut butter cup, buttered popcorn, Captain
16 Crunch. These aren't things you find at a
17 movie theater or a candy store.

18 This is a very short list of
19 different vape flavors. In total, there are
20 now over 7,000 different flavors available.

21 It would be naive of us to
22 believe that these flavors don't entice
23 children and young adults.

24 Based on information from 2018,
25 the FDA reported 3.62 middle and high school

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2 students vaping. Among children who vape,
3 85 percent use a flavored product and 60
4 percent specifically say the flavors are the
5 reason they continue to vape.

6 Good afternoon legislators. My
7 name is Sumi Shah and I'm a 7th grader from
8 H.V. Thompson middle school in Syosset.

9 Today I'm talking about vaping,
10 it's dangers, and why Nassau County and New
11 York State should take a stand.

12 Since day one, we have all been
13 taught about vaping, it's dangerous and why
14 we shouldn't do it.

15 But with the sudden uproar of
16 vaping related illnesses, shouldn't we move
17 past teaching and start taking action?

18 We must realize the impact of the
19 dangers that vaping has on young people like
20 me. The vape flavors that appeal to my
21 generation have a greater risk because of
22 one common chemical used to create these
23 flavors. This chemical diacetyl was
24 previously used in the production of
25 microwave popcorn. Popcorn obviously isn't

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2 dangerous unless you have braces. Diacetyl
3 is harmless to digest. Inhaling it might be
4 the cause behind a permanent disease called
5 or obliterative bronchiolitis or OB. This
6 deadly disease is known as popcorn lung.

7 But, sadly, even with education,
8 most kids don't fully understand the risk
9 they are taking when they choose to vape.
10 This is why I'm urging you to make a
11 difference and protect my generation and put
12 our health and well being ahead of the
13 vaping industry.

14 You have the ability to eliminate
15 the sales of flavored vapes. You have the
16 ability to stop the vaping industry from
17 luring children and young adults into the
18 dangerous world of vaping. By taking this
19 stand, you can help ensure the safety and
20 well being of an entire generation. Thank
21 you.

22 CHAIRMAN NICOLELLO: Pete
23 Gaffney.

24 MR. GAFFNEY: Good afternoon.
25 Pete Gaffney, Westbury, Carle Place School

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2 District.

3 I just want to let you know that
4 the town of North Hempstead just recently
5 passed no parking signs on Westbury Avenue
6 for the first of the month of Monday and
7 Tuesday so the county can clean the streets.
8 I'm looking forward to that. That
9 particular street hasn't been cleaned in
10 over five and a half years and it needs to
11 be.

12 Also when people do painting,
13 actual park painting, if there's a car on
14 the road, they skip the line and go to the
15 next section. So this will help do that.

16 The other thing on Westbury
17 Avenue, there is an area down by the
18 Meadowbrook Parkway. The county does clean
19 their portion once or so depending on how
20 many times people complain about it but they
21 only do the first five feet. There's a
22 triangle section west of the actual
23 Meadowbrook Parkway and there is so much
24 weeds and over grown stuff people are
25 actually hiding in there, there's actually

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2 homeless people putting their stuff there, a
3 ton of garbage.

4 It's also not safe. We do have a
5 lot of walkers in the community. They walk
6 down there. You never know what's going to
7 happen. I would like you to be able to
8 address that additional 20 feet or so of
9 that triangle, maybe cemented or styled or
10 something along that line.

11 The next issue is third track
12 construction. I just want to make you aware
13 that their plan now is to move up the work
14 on the Meadowbrook Parkway Bridge and the
15 Glen Cove train bridge replacement to early
16 next year in the springtime, one in March
17 and one in May.

18 What I'm going to ask you to do
19 is because these are -- I know the
20 Meadowbrook Parkway is a state road but is
21 it's going to affect the county road. Glen
22 Cove Road and also Cherry Lane. Also Old
23 Country Road. I want you to request from
24 the MTA, LIRR and 3TC to implement a
25 detailed traffic safety plan that the

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2 residents can view.

3 If it's anything like the Cherry
4 Lane bridge replacement was like, it was a
5 fiasco. It actually put the Westbury Carle
6 Place residents at risk and in danger when
7 they blocked off Cherry Lane and there was
8 no emergency responders on the south side
9 for an entire weekend. I'm asking if you
10 can, please, let's have a detailed plan. I
11 need your help on that.

12 Lastly, I just want to thank the
13 cops. I want them to be safe out there and
14 thank you not only to the police but also to
15 the emergency first responders, thank you to
16 everybody and have a nice Thanksgiving.

17 CHAIRMAN NICOLELLO: Thank you.
18 You too. Daniel Solow.

19 MR. SOLOW: Good afternoon,
20 County Legislature. Good afternoon to the
21 public. I'm a Nassau Community College
22 student right now. I'm on my way towards
23 becoming a physician's assistant but the
24 purpose of me being here today is a couple
25 of things.

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2 I wasn't able to speak at the
3 public comment when the legislator who is
4 not here right now, Legislator Ferretti's
5 two bicycle laws that were signed in by
6 County Executive Curran.

7 I want to make sure it's on the
8 record that that was not -- I didn't think
9 that those two bills were actually
10 thoroughly studied in terms of bicycle
11 advocates who are more familiar with safety.
12 I'm also a cyclist for their health -- our
13 well beings, covering our heads with a
14 plastic shell is going to keep you alive in
15 the emergency room but in terms of real
16 genuine traffic solutions to traffic
17 violence and my heart goes out to the police
18 officer earlier who was injured in that
19 intersection.

20 I wanted to know, does the county
21 have a -- given the rise in these kind of
22 motor accidents, motor crashes really, does
23 the county have a vision zero plan similar
24 to New York City to address this?

25 It's so easy to get a car today

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2 and there's so much violence on the roads,
3 we need to address that.

4 Also, major developments
5 happening in the region; we've got Belmont,
6 we've got Nassau Coliseum, over in Queens we
7 have the \$13 billion JFK Airport
8 redevelopment.

9 So there's going to be a lot of
10 action in this area in terms of development
11 and people getting around for jobs and such
12 like that. I want to know what's the plan
13 with that and also congestion pricing in New
14 York City, those take effect, what's the
15 plan for Nassau County? I don't really see
16 a lot happening on the ground.

17 I also want to raise my concern
18 with the bus service the NICE. Currently
19 there is huge lines, huge transportation
20 deserts, when there is more than like a two
21 mile walk between the bus stops.

22 When are we going to see those
23 lines restored so these districts over by me
24 in Hewlett, over in East Rockaway,
25 Oceanside, Elmont, these areas are not left

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2 to -- that people are not left to buying
3 expensive cars, going bankrupt basically for
4 all those costs, what are we doing in terms
5 of getting those buses back? Thank you very
6 much and happy Thanksgiving every one.

7 CHAIRMAN NICOLELLO: Thank you,
8 you too. Brian Doughney. This is speaking
9 on an item but it's going to be called on
10 the consent calendar in a while so I wanted
11 to give you the opportunity to speak now.

12 MR. DOUGHNEY: Good afternoon.
13 Thank you. My name is Brian Doughney and
14 I'm the former mayor of Garden City, and I'm
15 a village trustee. I'm here on behalf of
16 the village.

17 I want to thank you for
18 considering this item. We think this is a
19 home run for everybody involved. We get to
20 add some parking for a park next door to the
21 police property. We get to clear out
22 probably 60, 70 years worth of overgrowth
23 for the area that's county owned land, it
24 gives us the ability to promote the old
25 Vanderbilt Parkway, we will put up some

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2 placards, put in some lighting, we'll make
3 it look nice and it's a home run for
4 everyone.

5 If you have any questions, we'll
6 be happy to take questions and we want to
7 thank Legislator Schaefer and the Parks
8 Department from the county and also DPW for
9 helping us out on this plan. So thank you
10 very much.

11 LEGISLATOR SCHAEFER: Thank you,
12 Brian. I just want to say to everyone who
13 is here from the village that I'm happy to
14 be a part of it. I think it's going to be
15 beautiful and I appreciate you working so
16 easily with us on it. Thank you.

17 CHAIRMAN NICOLELLO: Before we go
18 to the calendar, does anyone else have
19 anything to say on a general item as opposed
20 to a calendar item?

21 MS. MEREDAY: Good afternoon.
22 Meta J. Mereday. I'm giving you all a happy
23 Thanksgiving because pretty much after this
24 I'm going to be out.

25 As it pertains to my general

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2 item, I'm hoping that the copies that I
3 requested to be distributed to the
4 Legislature were deposited, or distributed,
5 as it pertains to news items that were
6 featured in the Daily News since it seems
7 that most of the actions that take place
8 happen because of the investigations that
9 are highlighted in the media.

10 So there were two items that were
11 featured in the Daily News on November 11th
12 which we all know was Veterans Day which is
13 one of the few holidays that we actually
14 reference and celebrate veterans and then
15 once that's over everybody goes back to
16 sadly business as usual.

17 Since we have the largest veteran
18 population in the northeast corridor, we
19 have significant and related problems as it
20 pertains to veterans. I will read one brief
21 comment that's quoted in the publication.
22 According to a New York City Bar Association
23 report published earlier this year, an
24 estimated 24 percent of veterans nationally
25 are receiving disability benefits from the

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2 Department of Veteran Services, 24 percent.

3 In New York that number is less
4 than 17 percent. These statistics suggest
5 that tens of thousands of veterans across
6 the state aren't getting the VA benefits in
7 which they are entitled. That does not
8 include the support services outside of the
9 benefits for our veterans.

10 Again, since we have the largest
11 veteran population, I continue and will
12 continue to be before this podium and others
13 to address the fact that why do we have to
14 wait until it becomes critical mass or
15 investigation in Newsday or Daily News or
16 other media resources before we decide that
17 we need to get beyond the parades and
18 actually do something for our veterans and
19 their families who continue to struggle and
20 struggle as we speak?

21 I know many of you are going to
22 be participating particularly this week
23 donating turkeys and providing foods.
24 What's going to happen after the holidays,
25 what happens in January? Do you not realize

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2 this is the highest suicide rate season that
3 we have on a regular basis?

4 Other reports state that over 50
5 percent of veterans who commit suicide are
6 over the age of 50 which means the majority
7 of them as reported on many occasions are
8 veterans from the Vietnam war which was the
9 most thankless war and we continue to suffer
10 the repercussions from that.

11 Again it has been stated, it has
12 been recorded, it has been shared. Again we
13 will have to wait for another tragedy for
14 you to actually step up and act and do what
15 you need to do.

16 Lastly, before I leave, I counted
17 the number of county cars parked in the
18 alleged visitor spot. I don't want to put
19 out there how many political stickers were
20 in a certain number of cars, but it's a
21 disservice to residents who have a hard
22 enough time to be here in the daytime to
23 participate in this when they have to try to
24 find a place to park. We need to do
25 something about that.

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2 Lastly, fix the roads. Thank
3 you.

4 CHAIRMAN NICOLELLO: Meta, Happy
5 Thanksgiving.

6 MR. ROSS: Good afternoon, my
7 name is Aaron Ross and I'm here to discuss
8 the topic of nicotine and tobacco.

9 One of the most effective steps
10 that the county can take to combat the
11 epidemic addiction that's affecting young
12 people --

13 CHAIRMAN NICOLELLO: Mr. Ross,
14 are you talking about the vape ban?

15 MR. ROSS: Yes, but I have a
16 suggestion for the Legislature.

17 CHAIRMAN NICOLELLO: Actually,
18 literally, 40 slips of people waiting to
19 speak. This is supposed to be for people
20 that have a general topic.

21 MR. ROSS: This is a general
22 topic. For you guys to raise the minimum
23 purchasing age for nicotine and tobacco
24 products to 25. I think this is a very good
25 suggestion that will keep vaping and tobacco

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2 products out of the hands of young people.

3 I do want to commend the state
4 legislature for raising the age to 21.

5 We are in a general agreement
6 that one good idea would be to raise the
7 minimum purchasing age to 21, that's why the
8 state has done.

9 However I don't think they go far
10 enough and I think they would be doing even
11 better to raise the minimum purchasing age
12 to 25. Statistics show that 99 percent of
13 all smokers began while they were under the
14 age of 25.

15 Therefore, for this reason, it
16 would be prudent to raise the minimum
17 purchasing age to 25. I think it's an
18 absolute disgrace that cigarette companies
19 and tobacco companies and nicotine vaping
20 product companies are allowed to reap
21 enormous profits by exploiting young people.
22 I don't think that young people should be
23 exploited. And one of the most effective
24 laws that you guys can do is raise the
25 minimum purchasing age to 25.

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2 A 21 year old college kid is not
3 old enough or wise enough to realize the
4 dangers of nicotine and tobacco.

5 I am calling upon the Nassau
6 County Legislature to raise the minimum
7 purchasing age for all nicotine and tobacco
8 products to 25.

9 I also want to state that there
10 are some people who are here who are from
11 Juul and from the tobacco and vaping shops.
12 Understand that the testimony they are
13 giving you is very biased. These people are
14 very wicked people who are exploiting young
15 people and who do not want to raise the age
16 to 25 and they want to make business for
17 themselves because they're selfish. All
18 they care about is profit. They do not care
19 about the constituents, about the health,
20 safety, and well being of young people.
21 These people despicable and being paid to
22 tell you to do otherwise.

23 Therefore, I'm asking you to
24 raise the minimum purchasing age to 25 and
25 don't listen to these big tobacco lobbyists

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2 and all these other people who are being
3 paid to tell you otherwise.

4 We need to do what we can as a
5 county to reduce the number of young people
6 who are addicted to nicotine and tobacco
7 products and, therefore, before I go, I
8 wanted to ask you if there is anyone of you
9 who is willing to raise the minimum
10 purchasing age to 25, to sponsor a bill to
11 raise the age to 25.

12 CHAIRMAN NICOLELLO: Thank you
13 for your comments.

14 MR. ROSS: Is there anyone of you
15 who would be willing to sponsor such a bill?

16 CHAIRMAN NICOLELLO: Thank you
17 for your comments. It's not a question and
18 answer session. You had your public
19 comment.

20 MR. ROSS: I have 19 more
21 seconds. The Suffolk County Legislature is
22 considering raising the minimum purchasing
23 age to 25. I hope that you guys can do the
24 same likewise and you will be saving
25 thousands of lives right here in Nassau

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2 County by raising the minimum purchasing age
3 to 25. I thank you for your time.

4 CHAIRMAN NICOLELLO: Thank you.

5 Now we are going to call the
6 consent items, those are items that have
7 been previously passed through committees a
8 couple of weeks ago. These are all items
9 that had debate and discussion and it's
10 agreed between the majority and minority
11 that there is no requirement that there be
12 debate or discussion on these any further.

13 Item 10, Ordinance 119; Item 11,
14 Ordinance 120; Item 12, Ordinance 121; Item
15 13, Ordinance 122; Item 14, Ordinance 123;
16 Item 15, Ordinance 124; Item 16, Ordinance
17 125; Item 17, Ordinance 126; Item 18,
18 Ordinance 127; Item 19, Ordinance 128; Item
19 20, Ordinance 129; Item 21, Ordinance 130;
20 Item 22, Ordinance 131; Item 23, Ordinance
21 132;

22 27, resolution 209; 28,
23 resolution 210; 30, resolution 212; 31,
24 resolution 213; 32, resolution 214; 33,
25 resolution 215; 34, resolution 216; 35,

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2 resolution 217; 36 resolution 218.

3 I missed 24, Ordinance 133.

4 LEGISLATOR KOPEL: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Deputy Presiding Officer Kopel, seconded by
8 Legislator Muscarella. Any debate or
9 discussion on the consent items? Mr.
10 Budnick.

11 MR. BUDNICK: John Budnick.
12 Particularly with reference to the
13 appropriation, additional appropriation of
14 the Nassau County probation department.
15 There needs to be an establishment of the
16 authority of that department to become a
17 pretrial services agency certified by the
18 State of New York to provide the services
19 for Nassau County that will be necessary
20 after January 1st for the contacting and
21 attempted supervision of those people who
22 are arrested for crimes who are as of
23 January 1st mandated for release,
24 irrespective of the realities of the
25 situation. Thank you very much.

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2 CHAIRMAN NICOLELLO: Thank you,
3 Mr. Budnick. Do we have any further public
4 comment?

5 (No verbal response.)

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 Carries unanimously.

12 I'm going to call one more item
13 before we do the flavored vaping ban. That
14 would be Item 29, Resolution 211.

15 Legislator Schaefer is recusing herself,
16 leaving the chambers and will not be
17 participating in any debate or discussion.

18 Item 29, Resolution 211, a
19 resolution to authorize the execution of a
20 tax exemption and pilot agreement between
21 the county and Grand Manor Estates
22 Redevelopment Company.

23 LEGISLATOR DERIGGI-WHITTON: So
24 moved.

25 LEGISLATOR BYNOE: Second.

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2 CHAIRMAN NICOLELLO: Moved by
3 Legislator DeRiggi-Whitton, seconded by
4 Legislator Bynoe. The item is before us.

5 MR. WALSH: Good afternoon.
6 Kevin Walsh, firm Walsh Marcus McDougale and
7 Devellis. I represent the Redevelopment
8 Homeowner's Association or apartment
9 corporation. This is an approved town of
10 Hempstead, Golden Age 25 unit. It has
11 received the town board resolution and
12 approval for a pilot. We have met with the
13 school district representative, the
14 superintendent of schools in Baldwin as well
15 as the civics. They indicated they would
16 have no objection to this pilot and
17 therefore it's now in front of you.

18 It would reduce the assessed
19 valuation to a vacant land assessment. We
20 have agreed to pay a pilot of \$74,500 above
21 and it would fix taxes for the senior center
22 buying in there that are restricted on
23 resales and age and residency, it would
24 restrict their taxes to approximately
25 \$3,000, just under \$3,000 a year.

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2 CHAIRMAN NICOLELLO: Thank you,
3 Kevin. It's a wonderful project. We're all
4 in favor of it. Any discussion?

5 (No verbal response.)

6 Any questions or any public
7 comment?

8 MS. MEREDAY: Meta Mereday,
9 Baldwin resident. I believe when I heard
10 the word civics with an S, I don't believe
11 that this was actually presented to Baldwin
12 Oak Civic Association. So I'm just a little
13 curious as to where that presentation was
14 and what were the actual recommendations for
15 that.

16 I'm not necessarily opposed to
17 it. I'm familiar with the project, but,
18 again, in this area as with all pilots, I
19 question what the responsibility will be,
20 the burden of the additional tax
21 responsibility on taxpayers who already are
22 leaving in droves in the middle of the
23 night. We have a number of zombie houses
24 definitely on the South Shore that we are
25 fighting desperately to make sure we address

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2 particularly in light of all the news,
3 that's really not news to many of us,
4 particularly those of who are of color.

5 Discrimination in housing is not
6 a new topic. So whenever we hear the word
7 pilot and we're not talking about someone at
8 the airport, it becomes an area of concern
9 and would raise a question or two. So it
10 does not come up later, if they have to come
11 back as was the case with a number of other
12 pilots and housing projects when they had to
13 renegotiate the pilot because they still
14 weren't making enough money.

15 So that is the concern I
16 definitely want on the record specifically
17 since this project is coming up in my
18 community but I don't feel it's just my
19 community that I speak about because I am a
20 taxpayer that pays taxes for the town, the
21 county, the state and the federal
22 government.

23 So I just want it on the record
24 that there are still concerns when it comes
25 to pilots so if it comes up later no one can

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2 say that they didn't know that they were not
3 advised of this information and we need to
4 set up yet another commission or council as
5 with the case with this crime victim
6 advocate which I'm still curious as to how
7 it's going to be funded when we can't seem
8 to fully fund and expand on programs and
9 services to build up our veterans in terms
10 of employees and employers and to address
11 their high rates of unemployment and
12 homelessness and hopelessness. Thank you.

13 CHAIRMAN NICOLELLO: Thank you.
14 Any other public comment on this item?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 The item carries unanimously.

22 Invite Legislator Schaefer back
23 in.

24 The next item is Item 5, it's a
25 vote on a proposed local law to limit the

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2 sale of flavored e-cigarette and liquid
3 nicotine products sold in Nassau County.

4 LEGISLATOR DRUCKER: So moved.

5 LEGISLATOR BIRNBAUM: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Drucker, seconded by Legislator
8 Birnbaum. The item is before us.

9 I have a number of slips I'm
10 going to start calling. Before we call the
11 public comment, do the legislators want to
12 speak or we will hear from the public?

13 Let's start with Dr. Lorna
14 Lewis.

15 DR. LEWIS: Good afternoon,
16 legislators. Thank you for the opportunity
17 to address you. I addressed you before for
18 Tobacco 21 and you came through for us. So
19 I'm hoping that you will again come through
20 for us for the children of Nassau County as
21 e-cigarettes as the two young people from
22 Syosset so capably stated, and they are in
23 seventh grade, and they're concerned about
24 e-cigarettes, and so it is with all the
25 children in our schools in Nassau County

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2 that e-cigarettes are really impacting us.

3 We are spending scarce dollars to
4 keep those e-cigarettes out of our school
5 with anti-vaping devices with additional
6 security.

7 But, specifically, the ban that
8 you are, and I have to say proudly that
9 Legislator Drucker represents my school
10 district, and I have a number of you that I
11 have interacted with over the years who I
12 know have the heart of children in mind.

13 Notice that cigarettes, we, in
14 our schools, cigarettes were on a decline
15 for some time until the use of cigarettes in
16 our schools, and then came e-cigarettes, and
17 that caused an incredible increase, in fact,
18 a big jump in the use of nicotine devices.

19 Then the flavored products.
20 Nobody would be attracted to e-cigarettes if
21 the flavor -- no matter what the flavor was,
22 the children talked about bubble gum and
23 such, but mint is the most used flavor, and
24 you know what? You know the old song from
25 Mary Poppins, a spoonful of sugar helps the

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2 medicine go down. That's what the mint and
3 all these flavors do. Because without that,
4 those children would not be partaking of the
5 e-cigarettes.

6 When we had our forum in our
7 schools, Dr. Dooley, who speaks on this
8 issue, he spoke about the fact that we are
9 heating up -- because the flavor heats up
10 and it comes into our lungs and it coats the
11 lungs, and that is why you're seeing
12 children dying from e-cigarettes because
13 there are products such as nickel -- these
14 are heavy metal, nickel, cadmium and
15 chromium that coating the lungs and choking
16 the kids, so that when they open up the
17 lungs of children who have had e-cigarettes,
18 that's what they are seeing.

19 Please, I ask you, on behalf of
20 the America Heart Association, all of the
21 superintendents across the State of New York
22 please please get rid of it.

23 CHAIRMAN NICOLELLO: Thank you,
24 Dr. Lewis. Elaine Licari.

25 MS. LICARI: Hello. My name is

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2 Elaine Licari, Floral Park village and
3 Coalition of Resources for Education an
4 Wellness. Thank you ladies and gentleman
5 for giving me the opportunity to speak
6 today.

7 I don't think Commissioner Ryder
8 is still here, but I wanted to tell him that
9 I'm very glad I live in Nassau County rather
10 than New York City. Enough said. Read
11 between the lines.

12 It's very hard to follow those
13 children. I'm not going to give you any
14 statistics. You heard it, you know it. You
15 read the headlines about children dying.

16 I am going to put out to you one
17 concept for all of you to consider, in
18 parents patria.

19 You pass laws to protect
20 children. You pass a law so that we need to
21 use car seats. You pass a law to protect
22 them with inoculations.

23 As was said before, children are
24 attracted by the flavors. We made some
25 great strides with cigarette smoking.

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2 Please don't replace the cigarette smoking
3 with the vaping. It exist as it is. But
4 anything we can do to discourage our
5 children.

6 Despite the fact, the gentleman
7 who speak before, Dr. Doughney, and many
8 other neuroscientists will tell you, that
9 drugs, even nicotine, changes the brain.
10 The frontal lobe cortex.

11 Up until the age of 25 it's still
12 developing. So I know it's probably
13 impossible to change the law that they have
14 to be 25 to buy nicotine or alcohol, but
15 it's not a bad concept truthfully.

16 Please please consider the
17 concept I just presented to you. Think
18 about what you're doing to children because
19 that's who are going to be affected. I beg
20 of you. Have a happy Thanksgiving
21 everybody.

22 CHAIRMAN NICOLELLO: You too.
23 Thank you. Joshua Martufi.

24 MR. MARTUFI: Hi. My name is
25 Joshua Martufi. I highly oppose this ban

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2 because why -- let us all be honest here,
3 when did most cigarette smokers stop smoking
4 cigarettes? Most of us started before 21.
5 Okay. Why aren't we banning cigarettes?
6 Because of the agreement. Let's be honest.
7 Money talks. That's it.

8 CHAIRMAN NICOLELLO: Thank you.
9 Greg Mihailovich.

10 MR. MIHAILOVICH: Thank you,
11 Presiding Officer Nicolello, and members of
12 the Nassau County Legislature for the
13 opportunity to speak to you today. My name
14 is Greg Mihailovich. I'm the New York
15 Community Advocacy Director with the
16 American Heart Association. It is the
17 nation's oldest and largest voluntary
18 organization dedicated to fighting heart
19 disease and stroke. A big part of that is
20 prevention. We're living in the life styles
21 where you can prevent developing these
22 things.

23 So, accordingly, we have advocate
24 for tobacco free and nicotine free
25 life-styles.

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2 Our ultimate goal is to end all
3 tobacco and nicotine addition in the United
4 States.

5 The reason why we are all here is
6 the rising use of electronic cigarettes
7 among teens. There's a lot of stats that
8 you already heard already and probably going
9 to hear again, but the idea of 78 percent of
10 use in high school students, 48 percent
11 increase by middle school students. The
12 explosion of different flavors, candy,
13 fruit, dessert flavored stuff.

14 The studies showing that the
15 first tobacco use by 8 out of 10 is a
16 flavored tobacco product. There is also
17 increasing evidence that it's swinging the
18 other way that the use of flavored products
19 is catalyzing the use of combustible
20 products specifically menthol cigarettes.
21 Of youth and young adults over half smoke
22 menthol. They'll talk about the mint and
23 the menthol actually cools the throat and
24 makes it easier to smoke and makes it harder
25 to quit.

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2 There's also -- menthol is also
3 disproportionately impacted on minorities,
4 including African Americans thanks to
5 specific targeting by the tobacco industry.
6 Menthol cigarettes are smoked by almost 75
7 percent of African American smokers compared
8 to 21 percent of Caucasian smokers. If you
9 haven't seen it yet, I recommend watching
10 the documentary black lives, black lungs,
11 which goes into depth of how they target the
12 African American community with menthol
13 products.

14 So the emergency executive action
15 by Governor Cuomo that would restrict the
16 sale of all flavored e-cigarette products
17 has been temporarily delayed from being
18 enforced and the federal government is back
19 pedaling off of his its previously announced
20 plan to restrict flavored e-cigarette
21 products.

22 But this is an opportunity for
23 Nassau County here for you to step up and
24 not only protect youth through local
25 legislation and set an example for the rest

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2 of New York State.

3 The American Heart Association
4 asks that you pass legislation that not only
5 removes this exemption from menthol
6 e-cigarette flavors but you go further and
7 include flavored combustible products like
8 menthol cigarettes.

9 You can take a stand against big
10 tobacco, you can remove these flavors for
11 our kids and you can be champions for longer
12 and healthier lives of our youth. Thank
13 you.

14 CHAIRMAN NICOLELLO: Thank you.
15 Matthew Elliot.

16 MR. ELLIOT: Good afternoon every
17 one. My name Matthew Elliot. I am a
18 consumer advocate. I've spoken in front of
19 you before. I would like to put down for
20 the record that none of these companies over
21 here are big tobacco. They are small mom
22 and pop independent companies. No one here
23 is a tobacco lobbyist.

24 We are concerned that users of
25 vapor products quit smoking, that was our

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2 goal, that's what we wanted. It has helped
3 us. As it has helped 13 million people
4 across this country.

5 We're not asking for something
6 unreasonable. We are asking to work with
7 this Legislature to come up with solutions
8 instead of a prohibitionist attitude.

9 Frankly, ABC organizations,
10 American Heart, American Lung, Campaign For
11 Tobacco Free Kids, these organizations have
12 been gifted by Michael Bloomberg \$160
13 million against vaping; against flavors.

14 I don't want to point fingers but
15 we're the small guys. We are not big
16 tobacco, we're not Ultricia, we're not
17 Reynolds. We're mom and pop companies.

18 I'm not even working in the
19 industry. I've worked in every aspect of
20 it, but now I'm a consumer advocate fighting
21 for not only my ability to use a less
22 harmful alternative, but for the current
23 smokers.

24 We're talking about a flavored
25 ban. So why is it that traditional nicotine

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2 replacement therapies come in flavors if
3 that's what kids use. Kids are attracted to
4 flavors so why is gums, lozenges come in
5 flavors.

6 These products, New England
7 Journal of Medicine stated that vaping is
8 two times more effective than traditional
9 nicotine replacement therapy products along
10 with support. So why is it that the vaping
11 industry is being attacked?

12 Also, all these people who are
13 talking about these flavors, such as Swedish
14 Fish, cotton candy, all these flavors are
15 available in alcohol.

16 There's over 30,000 youth that
17 die every year from drinking and drinking
18 related accidents. We are not talking about
19 getting rid of alcohol though. We are
20 talking about getting rid of a product that
21 is 95 percent less harmful as per the World
22 College of Physicians in Public Health
23 England.

24 We're talking about a product
25 that has extended so many lives. Keep it

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2 out of the hands of the kids absolutely,
3 they shouldn't be able to buy it. In fact
4 they are not able to buy it, so how are they
5 getting it? Let's work on enforcement of
6 the current laws we already have to protect
7 the youth instead of creating new laws that
8 all they will do is hurt businesses in
9 Nassau County. Thank you.

10 CHAIRMAN NICOLELLO: Thank you.
11 Michael Seilback.

12 MR. SEILBACK: Good afternoon.
13 My name is Michael Seilback. I'm the
14 national assistant vice president for state
15 public policy for the American Lung
16 Association. I'm here as a life long Long
17 Island resident, a parent, and we're happy
18 to talk today about flavored tobacco
19 products and their health effects.

20 Specifically, the American Lung
21 Association cannot support half measures
22 that allow flavors including mint and
23 menthol to be sold in Nassau County.

24 With 63.9 percent of high school
25 e-cigarette users already using mint and

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2 menthol products, it's imperative that all
3 flavored tobacco products are addressed.

4 The Lung Association will continue to work
5 on the local state and federal levels to
6 remove all flavored tobaccos from the
7 market.

8 You may hear from folks today
9 that e-cigarettes are designed to help
10 people quit smoking. That they're a less
11 harmful alternative.

12 The fact is that they have a
13 mechanism to show the federal government
14 that those facts are true. They have not
15 done that. No e-cigarette has been shown to
16 be safe and effective to help people quit
17 and they are not being deemed to be a safer
18 alternative.

19 We believe that all flavored
20 tobacco products need to be removed from the
21 marketplace because we've seen and you've
22 heard today how many youth are now using
23 these products.

24 So, again, without going into all
25 of these details, we think it's important

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2 that you hit stop on this, go back to the
3 drawing board, come back with a proposal
4 that is going to remove all flavored tobacco
5 products. We have the same goals that you
6 do, we want to protect health. We know to
7 do that we need to have comprehensive
8 action. And taking a measure like this,
9 what it's going to do, right now we say
10 almost 64 percent of youth are using mint or
11 menthol products, you're going to be at 100
12 percent.

13 So it's not going to have the
14 effects we need which is to get these
15 products off our shelves and prevent kids
16 from starting to use them.

17 I appreciate the opportunity to
18 testify before you. Thank you.

19 CHAIRMAN NICOLELLO: Thank you.
20 Mark Sullivan.

21 MR. SULLIVAN: Hello. My name
22 is Mark Sullivan. I'm a shop owner. I'm a
23 ten year vapor. I have helped hundreds of
24 thousands of people get away from deadly
25 cigarette smoke.

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2 The last gentleman said we don't
3 have any proof that this stuff works. We
4 are at allowed to bring that forward per the
5 FDA DINYA rules. This isn't about
6 flavoring. We want to protect the kids
7 absolutely. How about we protect the kids
8 of the people who are smoking cigarettes.

9 I have an eight year old grandson
10 that I would love to see graduate high
11 school. Okay? My mom died from lung
12 cancer. Nobody was helping her back then.
13 E-cigarettes weren't around back then, she
14 would have been probably saved.

15 How about if cigarette smokers
16 were dying at the rate, dropping like flies
17 on the sidewalk. It's because nobody
18 notices them. It's because they're dying
19 slowly.

20 The kids and people who have died
21 from this vaping epidemic, this was, in
22 fact, they released it before, the CDC says
23 that it's 99.9 something percent THC,
24 illegal black market THC. This isn't about
25 flavoring. This is about 46 state attorney

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2 generals signing our lives away. Mortgaging
3 our lives on the fact that they thought we
4 would continue smoking until we were dead
5 like my mom. They squeezed every penny out
6 of her before she died.

7 You're asking us to go back to a
8 non-flavored tobacco. That's like asking an
9 alcoholic to drink beer flavored water. We
10 need flavoring. We don't like the taste of
11 tobacco. We are trying to get away from
12 tobacco. Please don't take flavors away
13 from adults. We need the flavors or we are
14 going to go back to smoking. That's what
15 they want. There is profit in death and
16 illness. You guys all see it. You know
17 it's about the money.

18 We don't want kids vaping. We
19 don't want them vaping. 21, T21 went across
20 the state. We have 20 percent sales tax
21 increase per bottle coming up December 1.
22 We haven't given anything a chance to work.
23 Everybody wants to get rid of the flavoring.
24 They want to get rid of the main competitor
25 of tobacco. They need the tobacco money to

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2 come in because they are going to default on
3 bonds and the first eight states that want
4 to ban on flavoring are going to default on
5 those bonds. There is some fishy stuff
6 going on.

7 Please please do not do this.
8 Thank you very much.

9 CHAIRMAN NICOLELLO: RuthAnn
10 McCormack.

11 MS. MCCORMACK: Ruthann McCormack,
12 Rockville Centre, Coalition For Youth.
13 Thank you, Presiding Officer Nicoletto and
14 the rest of the legislators for having this
15 open forum.

16 As of November 20th, 2,290 cases
17 of e-cigarette or vaping products use
18 associated lung injury or the new name the
19 CDC gave the disease, VALI have been
20 reported to the CDC from 49 states, the
21 District of Columbia, Puerto Rico, and the
22 US Virgin Islands.

23 Ages of these sick people range
24 from 17 to 75. 47 deaths have been
25 confirmed in 25 states. Two deaths in New

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2 York State, one of which was a 17 year old.
3 More deaths are under investigation.

4 On November 19th, the New York
5 State Attorney General announced a lawsuit
6 against an electronic cigarette company,
7 Juul Labs, Inc., for deceptive and
8 misleading marketing of its e-cigarettes
9 which contributes to the vaping youth
10 epidemic here in New York State.

11 On October 15th, a 17 year old
12 male patient was received what is to be
13 believed the first double lung transplant
14 whose lungs were damaged permanently by
15 vaping. He is a high school athlete, a
16 scholar. He enjoys sailing, playing video
17 games and hanging out with his friends.

18 The anesthesiologist on his team
19 of transplant of physicians, hopes this case
20 will serve as a reminder about exactly how
21 serious these illnesses are.

22 I urge you to pass this flavored
23 liquid ban and to also consider the tobacco
24 mint and menthol flavors, as I know
25 firsthand our kids are attracted to those

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2 flavors also.

3 As far as the flavors for the
4 Nicorette gum, they were made to attract
5 them to our kids who are addicted to
6 nicotine. They found that these children
7 are more apt to use a flavored gum to get
8 off a nicotine addiction than just the
9 regular flavor.

10 I have not experienced any of
11 those products myself but I have heard from
12 parents they really are awful.

13 The FDA should also try to have
14 products that are more attractive for youth
15 use as our kids are addicted to nicotine.
16 They're not sleeping at night, suffering
17 gastric intestinal problems from this, and
18 many of them have actually -- I know one boy
19 in our area has -- he can't eat. He weighs
20 80 pounds now. He went from a strapping
21 athlete to an 80 pound bedridden invalid on
22 oxygen.

23 Please. I appreciate everything
24 you do to keep our youth safe and keep our
25 communities educated on the dangers of

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2 vaping. Thank you.

3 CHAIRMAN NICOLELLO: Susan
4 Blauner.

5 MS. BLAUNER: Good afternoon.
6 My name is Susan Blauner. I'm the director
7 of Saving Lives Five Towns Drug and Alcohol
8 Coalition.

9 I'm not here before you today
10 with any statistics. I know that you have
11 heard many of that information already.

12 But I am here to tell you that in
13 working with the youth in the Five Towns,
14 that we have found so many of the youth who
15 are saying, yeah, they're continuing to vape
16 even though they have heard all the
17 information from the CDC and everyone about
18 all the dangers of vapors, and what is
19 holding them is the nicotine they have been
20 getting and the flavors.

21 I want to talk to you about
22 something completely different. I'm going
23 to tell you about my own son. My own son is
24 an adult and he was a smoker and he began
25 vaping because that's what they told him

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2 that that would be the right thing to do to
3 get off of cigarettes.

4 Unfortunately he got really
5 hooked on the flavors. I did everything I
6 could as a mother and doing what I do for a
7 living to get him off of that. Didn't help.

8 Unfortunately, a few weeks ago I
9 heard he's back in California, that he
10 completely keeled over and was rushed to the
11 hospital. My other children took him to the
12 hospital and the doctors told him then that
13 he was this close to stroking out and having
14 a heart attack. He could not breathe at
15 all.

16 This is a young man who is in his
17 40s who is now completely quitting and he
18 said to me, mom, if I had only known I would
19 not have begun this vaping because I was
20 completely hooked.

21 Anyway, thank you very much every
22 one. Have a happy Thanksgiving.

23 CHAIRMAN NICOLELLO: Thank you.
24 You too. Susan Fisher.

25 MS. FISHER: Good afternoon. I'm

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2 Susan Fisher representing Nassau Region PTA.
3 We represent 75,000 members and we advocate
4 on behalf of more than 205,000 public
5 education students in Nassau County.

6 Nassau Region PTA recognizes
7 Nassau County's Legislature for enacting
8 laws to restrict the sale of drugs as they
9 pertain to our young people.

10 When the Tobacco 21 law passed,
11 the loopholes in the point of sales were
12 amended to limit access and restrict the
13 marketing of vaping products such as
14 e-cigarettes and juuls to minors, Nassau
15 County put the health and well being of our
16 youth in the forefront.

17 We appreciate the opportunity to
18 address this governing body and strongly
19 urge you to ban the sale of all flavored
20 e-cigarettes and protect our youth.

21 These products are being marketed
22 to minors. Even if marketing to minors is
23 not intended by manufacturers, their tactics
24 resemble the attractive nuisance tort law
25 concept of being likely to attract children

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2 who are unable to understand the risks
3 involved and they could cause physical harm
4 or death.

5 Nearly 50 people have died in
6 recent months in the United States from
7 vaping related respiratory illnesses.

8 This past Thursday, New York City
9 agreed to ban the sale of flavored
10 e-cigarettes and similar bans are being
11 introduced or considered around the country.

12 There is need for research about
13 the short and long term health consequences
14 of e-cigarette and vaping product use.

15 The American Medical Association
16 calls for a sweeping ban on vaping products.
17 The surgeon general's advisory states, "the
18 rising use of e-cigarettes in youth is an
19 epidemic that needs to be addressed
20 immediately."

21 Due to the recent outbreak of
22 lung injury and deaths attributed to
23 e-cigarette use and vaping, it is imperative
24 that we continue our efforts to prevent our
25 youth from using nicotine products.

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2 The attorneys general of New York
3 and California have filed lawsuits claiming
4 that the e-cigarette company Juul
5 specifically targeted youth with deceptive
6 advertising featuring flavors like mango,
7 cool mint, creme brulee and cucumber.

8 The lawsuit charges that the
9 company failed to warn customers that the
10 product contained nicotine and were
11 initially promoted as a safer alternative to
12 combustible cigarettes and illegally sold
13 them to minors.

14 According to the AMA, no vaping
15 products currently on the market has been
16 approved by the FDA as a smoking cessation
17 device. Nicotine is a psychoactive and
18 addictive substance that medical experts
19 caution that our youth are especially
20 susceptible to.

21 The National Institute of Health
22 has found that exposure of nicotine during
23 adolescence can have lasting consequences on
24 cognitive ability, mental health,
25 personality and increases the risk of

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2 developing psychiatric disorders and
3 cognitive impairment.

4 The targeted advertising
5 promotion of these products has created a
6 new generation of young nicotine addicts.

7 Ban the sale of all flavored
8 e-cigarettes and vaping products in Nassau
9 County and continue to enact laws to protect
10 our youth from the harms of drug addiction.
11 Thank you and we look forward to continuing
12 to work together.

13 CHAIRMAN NICOLELLO: Tammy Mink.

14 MS. MINK: Hi. My name is Tammy
15 Mink and I'm sitting here listening and I
16 guess people aren't reading the recent news
17 because if we pay attention to what the CDC
18 just came out with, if we pay attention to
19 what the FDA just said, if we pay attention
20 to what President Trump said on Friday,
21 these cases are related to black market THC
22 carts and counterfits.

23 With our industry, we have
24 nothing, absolutely nothing, to do with THC
25 nor counterfits. That was stated on Friday

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2 if we paid attention to President Trump.

3 Other things that were brought up
4 by President Trump was that when they were
5 having the round table conversation, parents
6 ALA, AHA, all that they kept repeating was
7 Juul and their high nicotine that the kids
8 are attracted to. The 59 percent nicotine.
9 That's what is going on here.

10 And we keep begging all of you to
11 do. It's not about the flavors. If it was
12 about the flavors, we wouldn't have three
13 olive cotton candy alcohol. We wouldn't
14 have peppermint twist scratch and sniff.
15 That is sold in a Tobacco 21 store.

16 So, unless you're telling me that
17 the kids are buying from alcohol, from a
18 liquor store, then adults do enjoy flavors.
19 I have reports here which I'm not going
20 over, it's already been mentioned. There
21 are three reports that show that it's
22 effective for the adults.

23 Our hands are tied. But I sent
24 you a report by a scientist today, last
25 night, I hope you guys had the chance to

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2 review it, where it discusses that flavors
3 are imperative to adults, where it discusses
4 the three studies that were completed that
5 shows that it is effective. It's not one
6 study. It is three studies that shows it's
7 helping adults.

8 Now, the biggest thing we can do
9 is get it out of convenience stores, get it
10 out of where ever, the flavors, if you're
11 that concerned, gas stations, get it out of
12 where ever, put it into an adult 21 store.
13 Lower the nicotine. That's the best impact
14 you can have to keep it out of the kids'
15 hands.

16 Kids have always been attracted
17 to nicotine, alcohol, marijuana. Yet we sit
18 here having a THC summit to legalize
19 marijuana which we at one point thought was
20 a gateway drug.

21 Please reconsider this flavored
22 ban. I'm going to leave these papers here
23 for you to review.

24 CHAIRMAN NICOLELLO: Thank you.
25 Dennis Mink.

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2 MR. MINK: My name is Dennis
3 Mink. I'm a resident of Floral Park. First
4 I would like to wish everybody a happy
5 Thanksgiving because who knows how this
6 meeting is going to end.

7 The last time I was here I was
8 quite upset and I would like to apologize
9 for my display of anger.

10 For months the news media had
11 been telling every one not to vape because
12 of the 2,200 or so lung injuries and the 47
13 or so deaths.

14 Today there is one suspected
15 death due to legal e-cigs. Suspected not
16 confirmed.

17 This is proof of an existing
18 black market that banning flavors will not
19 stop. The police Commissioner today stated
20 that the top cop officer, Officer Day I
21 believe, was saved by a bulletproof vest.
22 That is what harm reduction is, in simple
23 terms. Harm reduction saves lives. Flavors
24 saves lives.

25 I oppose this ban. I would never

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2 be finished until people kept talking and I
3 wrote down other things. We are not Juul.
4 They were bought by big tobacco.

5 This is affecting my health yet I
6 promise I will never go to any of the
7 doctors on the opposition based on the
8 statement that they're saying about this.

9 The woman who said pass a law
10 it's illegal. It's illegal for minors.
11 Enforce the laws you make.

12 The American heart, in 2016 youth
13 increased -- if vaping is so bad, then why
14 does England allow it in hospitals and
15 recommend all smokers to switch? Do they
16 have different types of lungs than we do?

17 Doing a little bit of history
18 over this, in 2009 the American Medical
19 Field said AA was a flawed science. Can you
20 imagine if we didn't apply it? AA is used
21 all around the world for addictions of many
22 types. I have a passion for this because
23 I'm nic free for a year, vape free for
24 probably year and a half. I'm not really
25 sure. But I'm cigarette free and that's the

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2 main thing and I thank vaping for that.

3 I don't have the addictions
4 anymore, but I didn't forget where I came
5 from. If it wasn't for vaping, I would be
6 smoking. I had tried, and in 48 years I
7 smoked and I tried everything that's offered
8 by society.

9 Comparing us to the illegal
10 industry would be like comparing this
11 Legislature to communist China because
12 you're both government bodies, and you know
13 that's not true. Thank you.

14 CHAIRMAN NICOLELLO: Carol
15 Meschkow.

16 MS. MESCHKOW: Good afternoon,
17 Legislators. Carol Meschkow. Manager,
18 Tobacco Action Coalition of Long Island,
19 grant funded by the New York State
20 Department of Health Tobacco Control Program
21 administered by the Lung Association.

22 The Food and Drug Administration
23 has made it very clear that E-cigarettes are
24 not an approved cessation device. The FDA
25 has not found any e-cigarette to be safe and

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2 effective in helping smokers quit and all
3 e-cigarettes include nicotine as well as
4 chemicals and toxins which are unsafe to
5 inhale.

6 The Annual of Internal Medicine
7 published a study that found smokers who
8 used e-cigarettes to help them quit were
9 less likely to quit than those who did not
10 use e-cigarettes.

11 Only 10.1 percent of the smokers
12 who used e-cigarettes had quit smoking after
13 six months compared to 26.6 percent of
14 smokers who did not use e-cigarettes.

15 Adults are not the primary users.
16 Only 5.4 percent of adults use them compared
17 to 27 percent of the youth. According to
18 the CDC, candy approved flavors, as you
19 heard, and found in e-cigarettes, are one of
20 the primary reasons kids start using them.

21 Research shows that 97 percent of
22 current users used a flavored product in the
23 past month and 70 percent cite flavors as a
24 key reason.

25 Flavors make tobacco products

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2 more palatable by masking the true taste of
3 tobacco enabling youth initiation.

4 Youth perceive flavored tobacco
5 products as less harmful than traditional
6 cigarettes. Beyond improving the taste,
7 they provide an avenue for our marketing
8 tobacco companies to appeal to youth.

9 Tobacco companies have a well
10 documented history of this. The National
11 Academy of Science, Engineering & Medicine
12 found substantial evidence that if teens
13 used e-cigarettes, they are at an increased
14 risk of using combustible cigarettes which
15 are known as traditional cigarettes.

16 Policy solutions are effective.
17 Flavored tobacco sales restrictions are
18 effective in New York City. Sales
19 restrictions of flavored tobacco products in
20 adult only retail stores is effectively
21 closing the gap in federal regulations.
22 Sales of flavored tobacco products have
23 declined 87 percent in New York City between
24 2010 and 2013.

25 The FDA has acknowledged the

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2 importance of limiting where and how
3 flavored e-cigarettes are sold.

4 There are many benefits of local
5 regulation of the sale of tobacco products
6 to reflect our individual communities'
7 public health and priorities.

8 So I thank you again for allowing
9 me to reiterate some of these what I
10 consider very urgent and compelling public
11 health points.

12 Thank you again each and every
13 one of you.

14 CHAIRMAN NICOLELLO: Thank you.
15 Cheryl Richter.

16 MS. RICHTER: Thank you very much
17 and I apologize for before. My name is
18 Cheryl Richter. I'm the executive director
19 of the New York State Vapor Association.

20 I sent you some information and I
21 just want to reiterate the fact that the New
22 York State Vapor Association wants very much
23 to work with you to manage the teen use
24 problem. We don't deny there is a problem.

25 What we do know is that we have

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2 some common sense regulations we can put
3 forth that would help without prohibiting a
4 product that has helped 13 million people
5 stop smoking.

6 I personally smoke for 33 years.
7 I was 13 when I started. Vaping flavored
8 e-liquids got me off of smoking. I'm also a
9 mother of a 22 year old who was a
10 rambunctious teenager who smoked behind my
11 back. I caught him. Then he juuled behind
12 my back and then I caught him.

13 Now I'm helping him step down his
14 nicotine from the Juul. You have to ask
15 yourselves, if flavors have been around for
16 12 years, E-liquid flavors, what changed
17 over the last few years to make it so potent
18 that teenagers are saying they're having
19 trouble getting off of their nicotine?

20 I will tell you exactly what
21 changed. Juul came on the market with a
22 patented formula that changes the chemical
23 process in their very high nicotine level so
24 it's a Ph system so it masks the harshness
25 of that extremely high level of nicotine.

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2 Juul has been tested at almost
3 six percent. That's three times as high as
4 you would have found in any vape shop three
5 or four years ago.

6 So what I'm saying is, regulate
7 this properly because what's going to happen
8 is, when you get rid of it, the flavors off
9 the market, you keep Juul in the convenience
10 stores and the gas stations and the grocery
11 stores and the delis, these guys are out of
12 business who help people step down off of
13 high nicotine because you just dried up 95
14 percent of their market, they're not going
15 to survive. That's what they sell is the
16 flavors. What are you going to have left?
17 A whole bunch of teenagers using tobacco
18 flavored Juul. Because you didn't solve the
19 problem.

20 Only now there is no alternative
21 for them to step down off of their nicotine
22 like my son has been able to successfully
23 do. Thank you.

24 CHAIRMAN NICOLELLO: Doctor
25 Jovanta Norelli.

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2 DR. NORELLI: Good afternoon.

3 I'm a scientist and a physician currently
4 taking pediatric patients in Nassau County.
5 I would like to thank you all for your time
6 today and also for the legislator who
7 introduced the bill that we're talking about
8 here.

9 So we are already all know that
10 nicotine is dangerous and toxic even when
11 not directly inhaled.

12 The Child Nicotine Poison
13 Prevention Act was passed in 2013 due to
14 increased numbers of calls to poison control
15 centers about children less than five years
16 old poisoned by nicotine in e-cigarettes not
17 by inhalation but by ingestion or just skin
18 contact.

19 The Act required child proof
20 packaging of e-cigarettes which reduced the
21 number of poisonings afterwards.

22 So this raises the point of, we
23 need more regulations when it comes to
24 e-cigarettes and vaporizers.

25 Nicotine is addictive and has

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2 toxic effects on the developing brain.
3 However, the vape on the e-cigarette
4 emissions contain not only nicotine but
5 other harmful substances some of which cause
6 cancer and are not only affecting the
7 primary user, but also the other people by
8 secondhand smoke exposure.

9 It was recently shown that fine
10 matter as well as nicotine can be found on
11 surfaces where vaping is used. For example,
12 if we had somebody vaping in this room, you
13 could find this carcinogenic substances and
14 nicotine on the flat surfaces, on the your
15 clothing in this room.

16 A recent study published by
17 Rubenstein also showed that vapors are not
18 less dangerous than cigarettes even when
19 looking at vapes and e-cigarettes without
20 nicotine. There's volatile organic
21 compounds that are carcinogenic and were
22 found in saliva and urine of teens in the
23 study published by Rubenstein and these
24 teens were using e-cigarettes or vapes even
25 without nicotine, the carcinogens and

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2 compounds were found in their saliva and
3 urine at much higher levels than in the
4 controls.

5 Additionally, the fruit flavored
6 vapes in e-cigarettes have a high level of a
7 potent carcinogen called acro-nitral than
8 other vape flavors which what is of interest
9 today.

10 So we know that vape in
11 e-cigarettes are advertised and flavored and
12 labeled extremely similar to food products
13 are commonly consumed by teens and children,
14 targeting youth who have high addiction
15 potential, and whom are also still growing
16 and developing making them a high risk
17 population when it comes to harming their
18 health.

19 So, lastly, the long term effects
20 are still unknown since this product has
21 been on the market shortly.

22 So I urge you to pass more
23 regulations to control and limit these
24 products. Thank you.

25 CHAIRMAN NICOLELLO: Kelsey

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2 McCleod.

3 DR. MCCLEOD: Good afternoon. My
4 name is Dr. McLeod and I take care of
5 pediatric patients in Nassau County. I
6 stand before you to call for the ban on
7 flavored e-cigarette products.

8 Thank you to Legislator Drucker
9 for introducing this bill. The recent lung
10 illness outbreaks this year have shown that
11 there now have been 47 deaths in over 2,200
12 cases of lung associated illness according
13 to the CDC.

14 The devices contain compounds
15 that can wreak havoc in and around the lungs,
16 leading to chemical irritation, pneumonia and
17 necrosis.

18 Children are not exempt from
19 injury from them and can experience danger
20 from ingestion and skin absorption, with
21 increasing reports to Poison Control after
22 use.

23 In addition to the harm caused on
24 an individual level, the exhale vapors from
25 the devices can cause pollution that can

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2 come from second and third hand smoke
3 exposure.

4 E-cigarettes are the most common
5 tobacco products amongst adolescents. The
6 number of middle and high school students
7 using e-cigarettes rose from 3.6 million in
8 2018 to 5.3 million in 2019; a difference of
9 about 1.7 million youth.

10 Just this past year, 27.5 percent
11 of high schoolers had used e-cigarettes in
12 the past month as opposed to 20 percent in
13 2018.

14 Among children who vape, 85
15 percent use a flavored product and 60
16 percent cite that the flavors contain them
17 to use.

18 In 2018, two thirds of high
19 school students and about half of middle
20 school students who use tobacco products in
21 the past 30 days reported using a flavored
22 product during that time.

23 When thinking of these
24 statistics, the long term ramifications of
25 these behaviors can't be excluded from

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2 discussion as nearly 90 percent of adult
3 cigarette smokers have tried a product by
4 the time they were 18.

5 When I talk to patients about
6 e-cigarettes and smoking behaviors, many are
7 unaware about the nicotine in them which
8 poses its own risk to the developing brain
9 given it's addictive potential. The liquid
10 nicotine solution is often flavored.
11 Flavors, sleek designs, and marketing
12 re-normalize and glamorize smoking.

13 This ban will play a critical
14 role in reversing the e-cigarette epidemic
15 and preserve the health and well being of
16 Nassau County's children. They need you.
17 Thank you.

18 CHAIRMAN NICOLELLO: Dr. Saema
19 Khandakar.

20 DR. KHANDAKAR: Hello and thank
21 you everyone. My name is Dr. Saema
22 Khandakar. I'm a pediatrician practicing in
23 Nassau County for the past seven years. I'm
24 also a mom of two in Nassau County one of
25 who attends the public schools here.

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2 I'm here today because our kids
3 are in crisis. Vaping is on the rise among
4 our youth and reaching epidemic proportions.

5 I'm sure you have all seen the
6 stories of children and adults hospitalized
7 with vape related lung injuries.

8 I work at a local hospital and
9 recently took care of a patient hospitalized
10 after vaping for only a few months.

11 The public is finally beginning
12 to understand what pediatricians have been
13 saying for years, vaping is not safe. We
14 will only begin to understand the long term
15 effects of vaping in the years to come.

16 What we do know is that teen
17 vaping is on the rise with up to 25 percent
18 of teens saying they have vaped in the past
19 month and up to 40 percent saying they have
20 vaped in the past year.

21 Many are addicted and cannot
22 stop. School districts easily are
23 scrambling to deal with an epidemic as kids
24 can easily vape in schools without being
25 detected.

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2 Kids start for many reasons. To
3 fit in, to seem cool, to experiment, but the
4 flavors are what lures them in and keeps
5 them vaping.

6 The nicotine eventually addicts
7 them. We have to do everything we can to
8 protect the kids in our community that means
9 banning vape flavors which many states have
10 already called for including Michigan,
11 Massachusetts, Washington, Rhode Island,
12 parts of San Francisco and last week New
13 York City.

14 A recent survey of high schoolers
15 in Los Angeles found that students who use
16 nontraditional flavors such as fruit or
17 candy were more likely to still be vaping
18 six months later and took more puffs when
19 compared to the relatively traditionally
20 flavors such as mint, menthol, or tobacco.
21 I actually want to highlight some research
22 on cigarettes and what happened when
23 cigarette flavors were banned.

24 In 2009, under the Family Smoking
25 Prevention and Tobacco Control Act, the FDA

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2 banned flavored cigarettes.

3 A ban on flavored cigarettes
4 about a decade ago was associated with 17
5 percent reduction in the probability of
6 middle and high school youth becoming
7 smokers and a 58 percent reduction in
8 cigarettes smoked by current youth smokers.

9 Overall, the probability of youth
10 using any form of tobacco dropped by six
11 percent following the ban on flavored
12 cigarettes showing the impact that
13 restrictions on flavored tobacco products
14 can have.

15 So flavored cigarettes are
16 banned. What makes flavored e-cigarettes
17 and vaping so different?

18 I would urge you to pass the
19 legislation to ban flavors. It's the right
20 thing to do. Together we can help protect a
21 generation of new kids from a life time of
22 addiction to nicotine.

23 Thank you for your time and thank
24 you to all the legislators and Legislator
25 Arnold Drucker for introducing this

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2 legislation. We appreciate it.

3 CHAIRMAN NICOLELLO: Joseph
4 Dammacco.

5 MR. DAMMACCO: Good afternoon
6 every one. So I will just start by saying
7 I'm a manufacturer. I'm not Juul, I'm not
8 big tobacco.

9 I'm a small mom and pop business.
10 I employ four people who will go out of work
11 if this goes into effect.

12 As a manufacturer, there are many
13 hoops to jump and many hurdles to go over in
14 the interest of public health.

15 FDA has issued specific rule
16 making with deadlines requiring me to have
17 nicotine warnings cover 20 percent of my
18 package and another full panel of additional
19 warnings including ingredients.

20 We are also required to list our
21 ingredients with the FDA, register with the
22 FDA.

23 I heard a lot about diacetyl
24 today causing popcorn lung. I can't believe
25 we're still talking about this. It wasn't

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2 mentioned that cigarettes contain over 700
3 times the amount of diacetyl than the worst
4 e-liquid contains. And no smokers have ever
5 gotten popcorn lung.

6 In 2014, the American Heart
7 Association praised vaping as an effective
8 and less harmful NRT, so why the change of
9 heart? Well, I think there's about 160
10 million reasons why.

11 No child can legitimately say
12 that they didn't know there was nicotine in
13 this product. It's written clearly in giant
14 letters on the front and back of this. If
15 they can't really tell that there is
16 nicotine, than there is a bigger problem
17 than them vaping.

18 If you can honestly, all of you,
19 not distinguish or identify the difference
20 between free base, salt, high nic, zero nic,
21 mechanicals, box mods, AIOs individually,
22 then you have no business regulating an
23 industry that you don't understand.

24 These children should be loved.
25 They should be listened to and cared for by

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2 their parents. Not used as human shields.

3 You aren't hurting the children
4 with a flavored ban but what you are doing
5 is killing their parents, killing their
6 grandparents, their brothers, sisters,
7 uncles, aunts, veterans, elderly, former
8 addicts who found their way to a healthier
9 alternative.

10 Children are breaking the law.
11 Plain and simple. Enforce the rules that ar
12 already in place.

13 Parents, you need to be held
14 accountable. The CDC and FDA have now
15 acknowledged and now confirmed that all of
16 the cases without question were from the
17 illegal black market THC not flavored
18 nicotine.

19 You can use the vaping kills
20 argument that you can't use it anymore
21 because it's been disproved by our own
22 federal government.

23 Flavored nicotine has never
24 killed anyone, caused a failure of lung
25 function or diagnosed anyone with any of the

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2 numerous catch phrase diseases that we keep
3 hearing about. These bogus studies have
4 already proved wrong so stop the false
5 information and fear mongering.

6 Children should not be used as a
7 shield to push fear mongering, propaganda,
8 misinformation and lies to save your MSA
9 blood money. The media wants to say that
10 we're all botched, well, guess what, I'm
11 standing right here, we vape, we vote.

12 CHAIRMAN NICOLELLO: Spike
13 Babain.

14 MS. BABAIN: My name is Spike
15 Babain. They might be sorry I said this
16 afterwards but I'm New York State Vapor
17 Association. I'm not big tobacco. I do own
18 vape shops. You can tell from how I look
19 that I'm not big tobacco obviously.

20 Some statements were made earlier
21 by someone who claimed to be a scientist
22 that e-cigarettes are not safer than
23 cigarettes. That was one of the statements
24 that she made unequivocally, cigarettes are
25 not safer than cigarettes, and finished her

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2 talk with the long term effects of
3 e-cigarettes are unknown.

4 How can you not know and then say
5 that you know? That doesn't make any sense.
6 So we sent you a lot of science in some
7 packets and we hope that you are able to
8 read it.

9 I think if you look at the
10 paperwork in the packets from the three
11 letter organizations that have spoken before
12 us and who will speak after us, you will see
13 that all of their statements have to do with
14 the children. The children are vaping. The
15 children are vaping.

16 CDC put out a study a week ago or
17 so basically showing 18 to 24 years old.
18 Why are we talking about them? We don't
19 care about them, we only care about the
20 children, right? Just the kids. Screw the
21 adults. 18 to 24 year olds are vaping at a
22 rate about 7 point something percent.

23 But they're talking about the
24 kids in high school vaping at 20 and 30
25 percent. The data that CDC put out is from

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2 2018. They are giving numbers from 2017
3 saying 20 something percent of kids were
4 using e-cigarettes, but only seven point
5 something percent of 18 to 24 year olds are
6 using e-cigarettes. So is this leading to a
7 lifetime of addiction? Why aren't 20
8 something percent using e-cigarettes between
9 18 and 24 years old?

10 Children experiment. It's what
11 they do. They try things. It doesn't mean
12 they are going to continue vaping. If you
13 take away e-cigarettes they will experiment
14 with huffing glue or something else random
15 that we all did when we were teenagers and
16 stupid. That's what happens.

17 We can't make legislation that's
18 based on fear. We have to make legislation
19 based on science. So when we provide with
20 you hundreds of studies that show you
21 e-cigarettes help people quit, that flavors
22 save lives, you should read them.

23 We don't just say okay, a 13 year
24 old told me that kids might like these so we
25 need to ban them. There are millions of

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2 adult lives at stake right now. We don't
3 want to come out on the wrong side of
4 history.

5 I understand the concept of
6 weighing a child's life as more than an
7 adults life because they have a longer
8 period of life left. I understand all of
9 that.

10 What you have to think about is
11 if we cannot show evidence of harm to the
12 children, how do we define harm? Are these
13 children getting sick? Are they getting
14 ill? Stop saying yes because you are
15 fucking lying.

16 CHAIRMAN NICOLELLO: All right.

17 MS. VERBAIN: I apologize for my
18 language. You cannot continue to say that
19 people are getting sick from vaping flavors.
20 It has not happened. It has not happened
21 yet. If it does I will close my store
22 tomorrow. Thank you, have a nice day.

23 CHAIRMAN NICOLELLO: Majid
24 Rasool.

25 MR. RASOOL: My name is Majid

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2 Rasool. So I had the privilege of speaking
3 last time I was here. I guess more of the
4 action happened outside when I spoke to Dr.
5 Shah and Mr. Drucker. They wanted to have a
6 conversation.

7 So I said if you wanted to have a
8 conversation why do you bring countless
9 people over here who come and make false
10 claims? And Dr. Shah told me, I cannot
11 control them. These are his words.

12 A lot of what I was going to say
13 has been addressed by the previous two
14 speakers. We have an alleged scientists,
15 doctors, coming here and making statements
16 telling us they're opening up kids lungs and
17 they have popcorn lungs these teenagers.
18 Where is the evidence? Where is the
19 science? I'm a distributor. I have
20 thousands of skews of flavored e-liquids.

21 If my products are killing kids,
22 please arrest me. Hold me accountable.
23 Hold every manufacturer who makes these
24 liquids accountable. How come my brother is
25 not dead? How come my friends are not dead?

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2 My brother Wandersuul, my friend Surheal, my
3 friend Gary, my friend Socrates. They have
4 been living for 70 years. How come they're
5 aren't dead? Are these not people, are
6 their lungs somehow different?

7 Everybody keeps forgetting it's
8 illegal for children to have any sort of
9 vape products in the first place.

10 One thing I have learned being
11 here twice and I applaud you guys for
12 honoring law enforcement, every time you
13 guys have these sessions. We speed cameras,
14 we have police officers on the highway.
15 Why? People like to speed. People like to
16 do stupid things. People like to cut off
17 people. That's why my get pulled over.
18 They why they get fines. That's how some of
19 these fundings for your programs come
20 through.

21 How many law enforcement agents
22 out there on a daily basis, not a sting once
23 in a year so people can do political
24 grandstanding are enforcing these laws?

25 I distribute to over a thousand

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2 stores in Nassau County. I have been here
3 before I have been in New York City.

4 I said if these people were
5 selling to minors take away their licenses,
6 shut them down. Do you guys not have any
7 options? Look at the science. Look at
8 facts, not people's random statements that
9 they present their opinions as facts. Thank
10 you.

11 CHAIRMAN NICOLELLO: Socrates
12 Kritikos.

13 MR. KRITIKOS: Hello. Thank you
14 for all being here today to take the time to
15 educate ourselves and take a little bit of
16 what's going on in the outside world and
17 bring it into this world.

18 I want to ask a question to
19 everybody in this room. Has anybody had
20 anybody pass away, get sick, from cigarette
21 related deaths? I have another question.

22 CHAIRMAN NICOLELLO: Sir?

23 MR. KRITIKOS: I'm sorry. Why is
24 it just this side of the room has people and
25 their families or friends or any of these

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2 kind of people that had problems with
3 cigarettes? They were never paid to stand
4 up. They were never paid to say, yeah, my
5 mom died. My mom almost did die. I had no
6 grandparents all because of cigarettes.
7 That's why I changed. That's why I wanted
8 to make a change. I got a job in a vape
9 shop many years ago. I don't work for a
10 vape shop but I did get a job, not because I
11 wanted money, not because I wanted
12 attention, but because I wanted to help.
13 The same reason you are sitting here today
14 in front of me because you are here to help.
15 So let's work together and let's
16 help. It's not a problem of what stores are
17 doing what and how are they getting it.
18 I'll tell you the truth, when I
19 was working in a vape shop, 75 percent of
20 the parents that came in trying to buy vape
21 for their kids always always got busted in a
22 lie in front of me. They couldn't explain
23 what they actually needed because they had
24 no idea. As a lot of the people that are in
25 this room today speaking of something they

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2 have no idea.

3 If I had a choice to stand here
4 and say they don't know what they're talking
5 about, everything they're saying is fake,
6 made up, is paid to be said, I wouldn't be
7 telling you the truth.

8 But, what I can do is tell you
9 the truth about my life, and some of the
10 people that have been saved by vaping and
11 some the people that will be saved by vaping
12 because of the good efforts here today to
13 educate yourselves, to listen to us, get an
14 idea of what is actually going on.

15 How are these people that five
16 years ago were big time cigarette smokers,
17 how are they alive today? It's because of
18 vaping. Maybe vaping is saving their lives
19 today, maybe it has already, maybe that's
20 why I'm here because I had a choice.

21 I don't want anyone to take away
22 the choice that current cigarette smokers
23 can have. It's an adult thing. It's not
24 for children. If it's a problem with the
25 children, and we totally understand, and we

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2 are not any one to say, oh, yeah, it's no
3 problem, kids can vape. Absolutely not. We
4 do not agree with that. I have four
5 children at home. I want to stay alive to
6 see them all graduate.

7 It took vaping to stop me from
8 cigarettes. I watched family members die
9 because of cigarette smoking. I have many
10 many friends who are now vapors who are
11 going to stay alive, they did have the
12 choice because of nice people like you who
13 let us sell vape products to people who
14 wanted to quit smoking cigarettes because
15 they wanted to stay alive.

16 This is the most important thing
17 we are here for today, staying alive. You
18 guys can make a difference. You can help
19 these people stay alive as opposed to taking
20 everything that from their hopes and dreams.
21 That is all. Thank you again for your time
22 and thank you all for being here. Have a
23 happy Thanksgiving to everyone including
24 everyone on this side of the room.

25 CHAIRMAN NICOLELLO: John

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2 Militano.

3 MR. MILITANO: Thank you for
4 letting me speak. My name is John Marco
5 Militano. I signed my first military
6 contract at 17 years old. That was my
7 decision. I also had my first drink when I
8 was probably 15, had my first cigarette when
9 I was 15. Chewed my first tobacco when I
10 was 17. And vaping got me to stop chewing
11 tobacco after five years of chewing tobacco.
12 I got skin grafts in my teeth already at 28
13 years old which kind of sucks. I don't see
14 no conversation about chewing tobacco.

15 I do believe that there is a
16 disjustice and I brought that up the last
17 time I was here that the media, all they do
18 is say vaping related illnesses when we get
19 categorized right in that category when we
20 aren't causing issues; the fake THC
21 cartridges are and everyone has said that
22 already.

23 All I'm here to say is, I oppose
24 vaping teenagers. Teenagers are always
25 going to do what they want to do like I did.

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2 That's pretty much it. Thank you.

3 CHAIRMAN NICOLELLO: Shetal Shah.

4 DR. SHAH: Thank you,

5 legislators. My name is Dr. Shetal Shah.

6 I'm a pediatrician, researcher, and

7 neonatologist who serves as the volunteer

8 president of the Long Island Chapter of the

9 American Academy of Pediatrics representing

10 1,500 pediatricians across Long Island, 550

11 of which are from Nassau County.

12 On behalf of the 67,000

13 pediatricians from across the nation, who

14 are members of the academy, we support the

15 bill to prohibit the sale of flavored vape

16 products.

17 Vaping as you heard is an

18 epidemic amongst youth, the latest data

19 indicates that 27.5 percent of high

20 schoolers have vaped in the past 30 days and

21 70 to 90 percent of those have used a fruit,

22 candy, dessert, sweet or chocolate flavored

23 vape product.

24 Children who vape are eight times

25 more likely to try cigarettes and three

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2 times more likely to graduate to combustible
3 cigarette use.

4 One of our member pediatricians
5 was giving a talk about the dangers of
6 vaping at a local middle school and she
7 asked the students, the 7th graders, who
8 vapes or knows someone who does?

9 Every single hand went up.
10 Flavored prohibitions such as the ones being
11 discussed today work.

12 Earlier this month, the American
13 journal of preventative medicine, the
14 official journal of the American
15 Preventative Medicine Association, published
16 a study comparing two municipalities; both
17 in Massachusetts, one which enacted a
18 flavored ban and one 25 miles away which did
19 not.

20 Only six months after the
21 flavored prohibition was passed, teen rates
22 of vaping in the city where the prohibition
23 occurred decreased six percent; whereas
24 flavored tobacco use, both current and ever
25 used, increased in the other county.

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2 Data like this have convinced New
3 York City to pass a more comprehensive ban
4 than the one being proposed today joining
5 San Francisco, Massachusetts also passed a
6 comprehensive ban, which includes menthol,
7 and that joins the temporary prohibitions
8 which are in place in Rhode Island, Montana,
9 Oregon, Michigan and Washington State.

10 As for the role of flavors in
11 assisting adults with smoking cessations, I
12 would also ask this body to concentrate on
13 consensus science. Instead of disparate
14 individual studies and her anecdotes, many
15 of which took place outside of the United
16 States where the amount of nicotine and vape
17 fluid is regulated, or funded directly or
18 indirectly by industry or did not include an
19 unflavored vape arm or in different health
20 care systems.

21 Remember, the tobacco industry
22 had studies that disputed the link between
23 cancer and cigarette smoking up until 1998.
24 The fact is that the consensus opinion of
25 the Centers For Disease Control, the

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2 Nationals Academies of Science, the US
3 Preventive Health Task Force, the Agency for
4 Healthcare, Research and Quality, and, as of
5 last week, 250,000 members of the American
6 Medical Association state there is
7 insufficient evidence that smokers need a
8 flavored product to vape.

9 Finally I think the quote Otto
10 Von Bismark is that a good law leaves
11 everyone unhappy. This still allows
12 provision for mint and menthol, it still
13 allows adults to obtain products over the
14 internet, but we think this is part of a
15 first step towards helping to preserve five
16 decades of progress in the fight against
17 tobacco addiction. Thank you.

18 CHAIRMAN NICOLELLO: April Ringe.

19 MS. RINGE: Good afternoon. I
20 think we would agree that the majority of
21 kids are both tenacious and fearless and
22 will always find a way to get their hands on
23 whatever they want, I think we all agree on
24 that, which is why it is not only our job
25 but our responsibility to protect them from

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2 themselves.

3 Peer pressure is an indisputable
4 set of circumstances in both middle school
5 and high school. Vaping and flavors are the
6 hot trend amongst kids, that is what they
7 are interested in, whatever the cool thing
8 is, and sadly vape and vape flavors are
9 considered currently to be the cool thing.

10 So we can talk about enforcement
11 all day long. It's not a realistic
12 expectation level to have. What will work
13 is to eradicate the actual products.

14 I work for a company that sells
15 several products one of which is a vape
16 detector device. So I have somewhat of a
17 different perspective as I spend most of my
18 time meeting with superintendents,
19 principals, building facility managers, and
20 security officers. I am in all types of
21 schools, public schools, private schools,
22 elite private schools, Catholic schools,
23 Yeshivas, you name it.

24 School administrators are besides
25 themselves with this epidemic. Several

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2 principals have told me that the highest
3 incidence of student suspensions over the
4 last two years is due to vaping. Think
5 about that. Think about that we are turning
6 our school staff into law enforcement
7 officials and creating a hostile environment
8 between staff and student body. Think about
9 the resources that have to be involved and
10 are being wasted while trying to manage the
11 situation.

12 Students are missing school and
13 educators are sharing with me that they have
14 students who are third and fourth time
15 offenders and they realize that is because
16 they are addicted; not because they're bad
17 kids.

18 Bottom line is, nothing good can
19 come out of heating nicotine and chemicals
20 together and drawing that vape into your
21 lungs. I urge to please support this ban
22 and I thank you for your time.

23 CHAIRMAN NICOLELLO: Teresa
24 Scott.

25 DR. SCOTT: Hi. My name is

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2 Teresa Scott and I am a pediatrician who was
3 born and raised here on Long Island.

4 I come here today in supporting
5 the bill to prohibit the sale of flavored
6 e-cigs because of the direct effects I have
7 seen on my own patients.

8 I first encountered e-cigarettes
9 when I was early in my medical training, and
10 I walked into my first teenage patient's
11 room who was battling an addiction to
12 nicotine. It wasn't a presentation that you
13 might expect.

14 It was 5:00 in the morning. I
15 was called in by the nurse because my
16 patient was vaping in her room.

17 She had now been in the hospital
18 for three days for abdominal pain completely
19 unrelated, had underwent a battery of tests,
20 blood work, imaging, everything.

21 When I arrived to her room, she
22 finally stopped vaping, but I did ask her
23 why, why are you vaping? She told me it was
24 because I didn't order her a nicotine patch
25 and because I wouldn't let her go outside to

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2 smoke.

3 A nicotine patch. She was 14
4 years old and in my short time as a
5 physician at that time it hadn't occurred to
6 me that a 14 year old would have ever smoked
7 long enough to need a nicotine patch for
8 their three day hospital stay.

9 When I went back the next morning
10 to talk to her about what had happened, but
11 I also wanted to figure out why she had been
12 addicted to nicotine at this age.

13 Her answer quite honestly shocked
14 me. She had never smoked a cigarette, never
15 tried marijuana or alcohol.

16 She had tried an e-cigarette when
17 she was 12 and, to put it simply, it seemed
18 safe and it tasted fine.

19 So began her two year addiction
20 to nicotine where her story left off pulling
21 out an e-cigarette at 5:00 in the morning in
22 her hospital bed.

23 I honestly don't know what
24 happened to her or her nicotine addiction
25 but she left enough of a mark on me to want

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2 to campaign for her.

3 Who knows? If it hadn't been for
4 that e-cigarette or flavored e-cigarettes,
5 she may have never tried a nicotine product
6 could still be living a nicotine free life
7 today.

8 I urge you of course to consider
9 the science that has been discussed but also
10 consider the patients, the patients that I
11 see every day of children and teenagers who
12 think that these products are something safe
13 and better tasting as an alternative to
14 nicotine. Thank you for your time.

15 CHAIRMAN NICOLELLO: Julia
16 Apavanski.

17 DR. APAVANSKI: Good afternoon.
18 My name is Julia Apavanski and I'm a
19 pediatrician taking care of children in
20 Nassau County. I'm also a resident of
21 Nassau County. I would like to speak about
22 the impact of flavored vape products and
23 promoting e-cigarette use and why banning
24 flavors would help decrease the appeal of
25 these products.

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2 The marketing behind flavored
3 vapor products is extremely enticing to
4 continue the use of vape products among
5 current users as well as combustible
6 cigarette users.

7 For example, on the Juul website,
8 flavors are a main topic for all of their
9 retail products.

10 For those who currently use vape
11 products, they advertise that "your flavored
12 preferences may change over time and your
13 favorite flavors might surprise you."

14 If you are find that you're
15 starting to get tired of a flavor over time,
16 it may be a good time to try something
17 else."

18 So they really use flavors as a
19 way to perpetuate consumer use and keep it
20 fresh and exciting.

21 For combustible cigarette users,
22 Juul continues to advertise as a suitable
23 alternative. As previously mentioned,
24 e-cigarettes are not a FDA approved method
25 for smoking cessation and multiple rigorous

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2 studies have actually shown that smokers are
3 less likely to quit if using e-cigarettes.

4 They appeal to current cigarette
5 users by marketing their tobacco in menthol
6 flavors as successful options to make the
7 transition from traditional cigarettes to
8 Juul products.

9 The theme is consistent that the
10 flavors play a large part in the appeal of
11 e-cigarettes and the marketing is
12 accompanied by producing products that
13 reflect that.

14 The danger of course is that
15 perpetuating the use of e-cigarettes by
16 emphasizing the available flavors is also
17 perpetuating the use of the nicotine
18 containing products and subsequently
19 creating the next generation of tobacco
20 product users.

21 Also in tobacco products,
22 e-cigarettes contain carcinogens, the same
23 carcinogens in traditional cigarettes,
24 acronitral, acrolein, propylene oxide,
25 acrolemyde, and crotonaldehyde.

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2 Even vape products without
3 nicotine contain these substances. They are
4 not a suitable way to quit smoking as there
5 is no systematic taper of nicotine available
6 that is comparable to smoking cessation
7 products like nicotine patches.

8 The reality of vaping associated
9 lung injury is apparently with thousands of
10 cases documented. There's no data available
11 on the long term effects of e-cigarettes 30
12 or 40 or 50 years after chronic use the way
13 we do for traditional cigarettes because
14 e-cigarettes have not existed for that long.

15 The reported cases of lung
16 injury, thousands, are coming in only after
17 vape products have been around for less than
18 15 years.

19 With over 25 percent of high
20 school students, that's one in four,
21 reporting use of e-cigarettes in the last
22 month, take the step to ban flavored vape
23 products and curb the use of e-cigarettes
24 could be the step needed to prevent lung
25 disease including lung cancer and COPD that

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2 may develop in our children and young adults
3 decades from now just as these conditions
4 developed in traditional cigarette smokers.
5 Thank you.

6 CHAIRMAN NICOLELLO: Robert Lee.

7 DR. LEE: Thank you. My name is
8 Robert Lee. I'm a Nassau County resident
9 and local pediatrician.

10 I urge Nassau County Legislature
11 to prohibit the sale of flavored vape
12 products and protect kids.

13 E-cigarette use pose a
14 significant and avoidable health risk to
15 young people in Nassau County. More and
16 more of my patients are trying e-cigarettes
17 and vape products through flavoring.
18 Flavors like bubble gum, ice cream sundae
19 and cotton candy are clearly designed by
20 tobacco industry to appeal to children.
21 Two-thirds of teens who vape use fruit
22 flavored e-cigarettes and 64 percent report
23 using mint or menthol flavors.

24 Teens who vape are more likely to
25 develop a lifetime nicotine addiction, use

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2 traditional cigarettes. I now have patients
3 who are addicted to vaping and I'm not quite
4 sure what to do with that.

5 I would like to thank Legislator
6 Drucker for introducing the bill that would
7 ban vape flavoring in Nassau County and I
8 urge the Legislature to support it and
9 really put kids first. Thank you.

10 CHAIRMAN NICOLELLO: Dr. Eve
11 Krief.

12 DR. KRIEF: Good afternoon. I'm
13 Dr. Eve Krief for the Legislative Future of
14 the American Academy of Pediatrics Chapter
15 Two.

16 Legislators here today might feel
17 like you have a difficult decision to make.

18 On the one hand you want to
19 protect children from vaping which
20 pediatricians like me are telling you it's
21 an epidemic for our youth. With the rate of
22 having doubled among teens since 2017.

23 On the other hand you want to
24 protect adults who believe that vaping has
25 helped them quit smoking.

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2 Ultimately I think you have to
3 stand with science and stand with the
4 children whose public health you are tasked
5 with protecting. Especially given they are
6 the unsuspecting victims of this epidemic in
7 this industry.

8 As many before me has stated
9 today, there are no FDA studies that prove
10 that e-cigarettes to be an effective tobacco
11 cessation tool. If such studies were
12 produced, then e-cigs could be made
13 available via prescription instead of
14 products readily available to teens in
15 flavors such as bubble gum, yummy gummy and
16 cotton candy.

17 Our science is clear, 98 percent
18 of kids who vape start with a flavored
19 product. 80 percent keep vaping because of
20 the flavor and 60 percent are unaware that
21 these products even contain nicotine. So
22 they are the unsuspecting victims of an
23 industry that is clearly marketing products
24 to target them.

25 Teens and young adults are

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2 uniquely susceptible and at higher risk for
3 vaping complications.

4 The respiratory and immune
5 systems are still developing. In addition
6 to concerns about the recent surge of
7 respiratory illnesses, nicotine is known to
8 also suppress the immune system which makes
9 people who use them more susceptible to
10 viral and bacterial infections, and also
11 making it harder for them to recover.

12 In addition, nicotine hyper
13 activates the reward centers of the brain
14 which could trigger addictive behaviors.

15 Because the brains of young
16 adults are not yet fully developed until or
17 at the age of 26, nicotine used before this
18 can prime the pump of a still developing
19 brain thereby increasing the likelihood for
20 addiction to harder drugs.

21 Nicotine has been shown to
22 disrupt sleep patterns which are critical
23 for mental and physical health.

24 And lastly research shows that
25 smoking increases the risk of various

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2 psychiatric disorders such as depression and
3 anxiety.

4 It is so unfortunate that after
5 50 years of successful education in the
6 harms of smoking, with a steady decline in
7 teen smoking, we are now beginning to see a
8 rise once again.

9 Along with the health
10 consequences of smoking, teens are being
11 exposed to potentially carcinogenic
12 chemicals and the vapor that they're
13 inhaling.

14 The pervasiveness of nicotine
15 addiction among teenagers who already use
16 the devices is now clear and there is no
17 proven treatment to help them stop.

18 The significantly higher levels
19 of nicotine in e-cigarettes are highly
20 addicting and these teens just can't stop.

21 A harsh irony underlies the
22 search for solutions; devices of
23 manufacturers are claimed to help adults
24 quit smoking but have not been proven to do
25 so, have become devices of teenagers who

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2 never smoked before are themselves fighting
3 to quit.

4 The American Academy of
5 Pediatrics, the American Medical Association
6 and the American College of Physicians have
7 all called for the banning of flavored e-cig
8 products and I urge you to stand with
9 science, protect our children and pass the
10 bill to prohibit the sale of flavored e-cigs
11 in Nassau County.

12 CHAIRMAN NICOLELLO: Keith Casey.

13 DR. CASEY: Hello. My name is
14 Keith Casey, a pediatrician practicing in
15 Nassau County.

16 I grew up in a time when none of
17 my friends smoked. Cigarettes were a thing
18 our parents and grand parents did. We
19 thought of cigarettes as gross and stupid,
20 why would you do something that we know
21 causes cancer?

22 I started medical school in the
23 summer of 2013 before most of us knew
24 anything about Juul. One of my favorite
25 parts of my initial pediatric experience was

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2 talking to teenagers during a portion of the
3 adolescent well visit called the HEADSS
4 exam. HEADSS is a Mnemonic device almost
5 universally used among pediatricians for all
6 the basic social and safety topics to cover
7 in a visit.

8 It's admittedly crude but it
9 basically stands for home, environment,
10 academics, drugs, sex, and suicide.

11 It can be both the most fun if
12 not funny part of the interview, or also
13 being the scariest.

14 In just a few minutes we may talk
15 about their favorite subject in school, who
16 they're interested in romantically and
17 problems they're having at home.

18 I will never stop being surprised
19 at what kids would tell a perfect stranger
20 when you simply won't tell their parents.

21 Juul claims that its intent with
22 its products was never to hook new users,
23 let alone children, despite evidence that
24 exists to the contrary.

25 To a certain extent, the intent

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2 of Juul and other e-cigarette companies no
3 longer matters.

4 The facts are that flavors are
5 among the most appealing parts of vaping to
6 its youngest users. According to the latest
7 statistics one in four high school students
8 vaped, as one in ten middle school student.

9 Over 80 percent of these kids who
10 have used tobacco started with a flavored
11 product.

12 Over my six years of training in
13 Nassau County, now as a third year pediatric
14 resident, the structure of my visits, most
15 notably the HEADSS exam, has been shaped by
16 the rise of Juul.

17 Vaping has become so prevalent
18 that in my interviews with teens, I start my
19 discussion about substance use with, I know
20 you've seen or heard about kids vaping or
21 juuling.

22 By the time patients are old
23 enough for me to be performing the HEADSS
24 exam, they all relate to this statement, and
25 a surprising number admit to me, their

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2 doctor, they've at least tried themselves.
3 Many tell me that they use on a regular
4 basis, something I could not have imagined
5 when I was their age.

6 It's one thing to hear
7 statistics, but it's another to interact
8 with the people that represent them and to
9 see their effects in real life.

10 I can tell from personal
11 experience that history is repeating itself.
12 We have taken a massive step back in public
13 health in just a few years. Let's stop the
14 cycle and prevent more kids from getting
15 hooked on tobacco products. Thank you.

16 CHAIRMAN NICOLELLO: Rashi Kabra.

17 DR. KABRA: Good afternoon. My
18 name is Rashi Kabra. I'm a pediatrician and
19 educator and advocate for children.

20 I would like to start with a
21 direct quote that comes from the United
22 States Preventative Services Task Force
23 which concludes that, "the current evidence
24 is insufficient to recommend electronic
25 nicotine delivery systems for tobacco

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2 cessation in adults. The USTSTF recommends
3 that clinicians direct patients who smoke
4 tobacco to other cessation intervention with
5 established effectiveness and safety."

6 Although you are hearing from
7 former cigarette smoking adults and
8 e-cigarette or vape shop owners about how
9 e-cigarettes have helped them quit
10 traditional cigarettes, particularly how
11 flavored cigarettes have made that
12 transition easier, I would like to remind
13 you that there is no evidence that this is
14 indeed the case.

15 There is however evidence that
16 youth and young adults favor flavored
17 e-cigarettes.

18 According to the Surgeon General,
19 68 percent of e-cigarette users in high
20 school use flavors.

21 I came across one high school
22 student who fell in the 68 percent.
23 Unfortunately the circumstances under which
24 we met while he was admitted to the hospital
25 for a vaping related lung illness.

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2 He had come to the hospital in
3 September after spending the whole summer
4 using different vaping products.

5 When I asked him where he got
6 them he said from a friend. When I asked if
7 he knew all the chemicals that were in them,
8 he said he wasn't sure. When I asked him
9 why he did it, he said his friends were all
10 doing it and it tasted good.

11 As we were talking, he could not
12 complete a sentence without pausing to take
13 shallow breath all while adjusting his nasal
14 prongs that he was requiring to give him
15 oxygen.

16 I stand here to remind you that
17 we cannot allow cases like this to keep
18 occurring and if we do nothing, they will
19 keep occurring.

20 Let's stand with the New York
21 City council who just agreed last week to
22 ban flavored e-cigarettes.

23 Here in Nassau County we have the
24 opportunity to join the national momentum
25 that is rapidly building against flavored

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2 e-cigarette sales.

3 Our kids should come first.

4 Thank you.

5 CHAIRMAN NICOLELLO: Jack Lavine?

6 The last slip is for Adam Kielzewski.

7 MR. KIELZEWSKI: I would like to
8 first make a comment on how deplorable it is
9 to send kids in here to read scripts for
10 words they can't even pronounce, let alone
11 make any sense of what they're saying.

12 If youth vaping is a problem, let
13 the adults make the arguments, not the wrong
14 doers.

15 Hello. My name is Adam
16 Kielzewski. I'm the owner and operator of
17 Key Industries, a manufacturing facility.
18 Being in the vapor industry has opened my
19 eyes to the fact that former cigarette
20 smokers are ashamed that they once consumed
21 a product that they knew will kill them.

22 I traveled to many countries
23 speaking to thousands of vapors, each and
24 every story is the same. They wanted a
25 better life. They wanted a better life and

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2 because of flavors they quit the world's
3 biggest preventable cause of death known to
4 mankind.

5 Flavors saved these people. The
6 FDA have the authority to pull all of these
7 cigarettes today, why haven't they? Because
8 it works. The men and women behind me
9 campaign for harm reduction.

10 We attempt to self police, yet
11 every time we do, it takes months for any
12 action to be taken.

13 A lady that has spoken today
14 brought it to my attention that she went to
15 the police and had spoken about a shop that
16 had been doing wrongdoing. It took six
17 months for them to even do a sting
18 operation.

19 We try very, very hard. We need
20 your help to go along with us and to take
21 these bad actors out of play.

22 Banning the sale of vape products
23 in retail establishments will not curb the
24 appeal but endorse it.

25 The CDC has stated that illegal

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2 street made TC cartridges are the products
3 that are attributed to the illnesses that
4 spread like wild fire, yet I have not heard
5 a single thing about what this county is
6 doing to prevent such products from getting
7 into circulation.

8 It is sickening to hear from
9 youth how it is to purchase marijuana
10 products. And here is a key note. These
11 products are not being sold in stores.
12 Where are they getting them? You need to
13 find that out.

14 These products are not regulated
15 as recreational in New York yet easy to
16 obtain. While deliberating on this topic,
17 let's look at this instance and realize that
18 a black market will do more harm than good
19 for public health.

20 Saving the lives of a billion
21 cigarette smokers is a priority. We need
22 your support. Thank you very much.

23 CHAIRMAN NICOLELLO: Is there a
24 representative from the County Attorney's
25 Office here?

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2 MR. MOSS: Good afternoon. Adam
3 Moss from the County Attorney's Office.

4 CHAIRMAN NICOLELLO: Thank you
5 for joining us. A couple of quick questions
6 in terms of the proposed ban of flavored
7 vapes, is the bill as written, does it
8 comply with all constitutional and state
9 requirements?

10 MR. MOSS: We have reviewed the
11 bill as well as relevant case law and
12 statutes and we do believe that the
13 legislation would you be legally enforceable
14 and defensible.

15 CHAIRMAN NICOLELLO: There was
16 legislation that was passed I believe in
17 Yonkers that was the subject of a temporary
18 restraining order.

19 Does that present any impediment
20 of us moving forward today?

21 MR. MOSS: That's true. We have
22 also taken a look at that legislation and
23 that litigation to the extent that we've had
24 time to conduct such a review. It's been
25 unfolding in recent days. We do think the

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2 issues there are distinguishable from issues
3 here.

4 An Article 78 was filed in that
5 case that had a lot to do with the
6 procedural elements of that legislation
7 being passed. It was alleged that the
8 ordinance didn't comply with the city's
9 required process in their Charter and that
10 seems to be a great deal of the issue in
11 connection with that case.

12 CHAIRMAN NICOLELLO: Which does
13 not apply here?

14 MR. MOSS: We do not believe it
15 does.

16 CHAIRMAN NICOLELLO: Does anyone
17 have any questions for Mr. Moss? Thank you,
18 sir. Any legislators want to speak on this?
19 Legislator Drucker?

20 LEGISLATOR DRUCKER: Thank you,
21 Presiding Officer. You've heard from a lot
22 of speakers today. Rather impressive.

23 When it comes to fulfilling our
24 obligation as legislators to protect the
25 safety and health of our constituents and

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2 most notably our children, we must be guided
3 by science. The science on vaping is
4 irrefutable. It is emerging on a daily
5 basis. We must get out in front of this.

6 Back in the '60s when cigarette
7 smoking was first talked about being harmful
8 and causing cancer, there was not enough
9 research at the time and people ignored it.
10 This is an opportunity for us to get out in
11 front of this.

12 I commend the Presiding Officer
13 Nicolello and the majority caucus as well as
14 my colleagues and the minority for
15 supporting this legislation. It's a proud
16 day for the Legislature and for the
17 residents of Nassau County.

18 CHAIRMAN NICOLELLO: Deputy
19 Presiding Officer Kopel.

20 LEGISLATOR KOPEL: Thank you. So
21 we've heard an awful lot this afternoon as
22 well as a couple of weeks ago at a hearing
23 on the same subject.

24 We've heard a lot of opinion, and
25 the opinion is virtually unanimous in the

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2 sentiment that we have to stop young people
3 from inhaling this nicotine. Nobody
4 disagrees with that. It's just something
5 that seems obvious.

6 So, this seems like an easy piece
7 of legislation. Why shouldn't we just go
8 ahead and do it? Maybe we should.

9 But it's not so obvious to me at
10 least. It's not such a simple obvious
11 thing, at least the way it's being done
12 here. The way we're doing it and the way
13 it's been conceived.

14 We heard from a number of medical
15 professionals and I'm reminded of that rule
16 that pretty much everyone here knows, first
17 do no harm. First do no harm. That's a
18 pretty wise saying and it's something by
19 which perhaps we ought to live life. In
20 other fields as well.

21 A doctor is told to see someone
22 who is suffering who is in pain, you want to
23 help that person. You want to prescribe
24 something. You want to take away whatever
25 issue that person has. But you're enjoined

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2 the first stop. Am I going to cause any
3 side effects? Can the cure possibly be
4 worse than the disease? First do no harm.
5 It's just a very wise thing.

6 Now we're looking at this
7 legislation here and I'm concerned. I will
8 be honest about it. We've heard a lot of
9 scientific evidence coming from each side to
10 the point where I don't know; but we do know
11 that we've had a lot of anecdotal evidence.
12 Adults. Some adults like the flavored
13 stuff, they want to use it.

14 Would this ban prevent them from
15 going ahead and using Juul? I'm sorry,
16 these vapes anyway? We don't know. But
17 it's possible. It's possible. It's
18 something to worry about.

19 When I was in high school,
20 cigarettes have been banned for young people
21 forever. Back when I was in high school
22 when the dinosaurs still roamed, they were
23 illegal. Everyone who wanted one had it.
24 Every kid who wanted cigarettes had it.
25 Fireworks, firecrackers, they're illegal

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2 here. They've always been illegal here.
3 Come July 4th, it sounds like a war zone in
4 some of the neighborhoods. Every one who
5 wants it has it.

6 So when we're doing this, I'm
7 concerned that perhaps we are creating a
8 black market. We are encouraging -- before
9 you applaud you might want to wait until I'm
10 finished. Because we may be encouraging
11 people to do something illegal who might
12 otherwise might not do it.

13 Enforcement is very important and
14 we don't want to engender disrespect to the
15 law.

16 Now, in this regard, it's very
17 distressing to know that my friends and
18 colleagues to the left here have supported
19 the veto of funds that we proposed for the
20 enforcement of this ban. You need people to
21 do it. If you don't enforce it you've not
22 accomplished anything good.

23 I am baffled by the fact that
24 this money was taken out of the budget that
25 we proposed and was vetoed by the County

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2 Executive and was upheld by the minority
3 including the sponsor of this bill. It's a
4 very strange thing. I don't get it.

5 I'm also concerned about the fact
6 that some people may be driven to get the
7 harmful stuff now. The stuff that's being
8 made that might cause harm. We know this.

9 So, where are we up to? Where
10 I'm up to and I don't speak for anybody but
11 myself, is that we've heard a lot of
12 evidence and a lot of it is anecdotal
13 despite a lot of the anecdotal being
14 described as scientific, but sometimes when
15 we're relegated to anecdotal evidence, we
16 have to look where it's coming from. For
17 me, it's coming from people who are in many
18 cases disinterested and involved and, what I
19 mean is, our educators, physicians, who
20 spend their time, all these people spend
21 their time working with kids.

22 I've met with people at the
23 Rockville Centre Coalition For Youth,
24 Ruthann, thank you for that. Susan Blauner
25 of the Five Towns who also is involved with

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2 these things.

3 I think that since these people
4 are working with kids every day and see the
5 results of what's going on, the way this
6 current situation is, for me at least I have
7 to go with them. I have to go with them and
8 I have to go with what they're saying.

9 I will vote to support this but
10 with some trepidation and some concern, I
11 would urge the administration to monitor
12 compliance of this and to take the
13 appropriate steps, whatever those steps
14 might be, to make this work. If it's not
15 working to fix it. Thank you.

16 CHAIRMAN NICOLELLO: Any other
17 legislators want to speak?

18 (No verbal response.)

19 There are amendments to this
20 proposed bill.

21 One, first that the amendment
22 does the following, authorizes the
23 Department of Consumer Affairs in addition
24 to the Department of Health to enforce the
25 local law.

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2 Secondly, increases the penalties
3 or violation of the local law. Currently it
4 reads, first time offense penalties are \$300
5 up to a thousand. That will shall increased
6 to \$500 up to a thousand, the first offense.

7 Subsequent violations would be,
8 as written, would be \$500 up to \$1,500.
9 That would be increased to \$1,000 to \$2,000
10 for subsequent offenses.

11 Lastly the bill currently as
12 written is effective within 30 days of
13 adoption. Shun the amendment would change
14 that to January 1st, 2020.

15 LEGISLATOR DRUCKER: So moved.

16 LEGISLATOR BIRNBAUM: Second.

17 CHAIRMAN NICOLELLO: Legislator
18 Drucker makes a motion to amend the law and
19 seconded by Legislator Birnbaum. Any
20 discussion on the amendment?

21 (No verbal response.)

22 All those in favor of the
23 amendment signify by saying aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 All right. The item as amended
4 is now before the Full Legislature. All in
5 favor of this item signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 It carries unanimously.

10 Continuing to Item 1, it's a
11 hearing on a proposed local law to amend the
12 Nassau County Administrative Code with
13 regard to Assessment Review Commission
14 offers that do not reduce assessments.

15 LEGISLATOR RHOADS: So moved.

16 LEGISLATOR KENNEDY: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Rhoads, seconded by Legislator
19 Kennedy.

20 This law is designed to relate to
21 pro se filers. It relates in particular in
22 its response -- I don't be long about this,
23 to the actions of the Assessment Review
24 Commission in response to the challenges by
25 pro se filers this year.

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2 We have a motion and second. We
3 need a vote to open the hearing, please
4 significant by saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 Passes unanimously.

9 Anyway, getting back to the
10 substance of the bill, ARC has sent out,
11 "offers of settlement to filers throughout
12 this county." These offers of settlement,
13 the vast majority of them, 80 and 90
14 percent, are offers of zero reductions.
15 They are offering no reduction.

16 So to accept the no reduction is
17 simply to withdraw and abandon and appeal.
18 These notice are extremely confusing.

19 If that's not bad enough, ARC is
20 sending out emails to the people who have
21 filed, again, with zero -- no reduction.
22 Basically telling people that they have to
23 respond to these emails to either accept or
24 reject these notices.

25 In fact what these are

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2 preliminary notices that are being sent out.
3 People who are accepting these, because they
4 think they have to take action, are
5 effectively withdrawing their challenges and
6 waiving their rights to an appeal.

7 If a business did this type of
8 communication, we would have the Department
9 of Consumer Affairs investigating. These
10 offers are extremely misleading. The way
11 this is being structured is extremely
12 misleading.

13 So this legislation does several
14 things. Going forward it will change the
15 title of this from a "stipulation of
16 settlement to a preliminary determination
17 notice." So people will know this is not
18 the final communication they are getting
19 from the Assessment Review Commission.

20 The notice will have to have
21 clear language that states that this is a
22 preliminary determination of your
23 assessment. Again, the idea is to tell
24 people that this is not a final
25 determination, that they have to act upon.

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2 In fact the notice will have to say that.
3 You are not required to act at this time.

4 More importantly, for those
5 people this year who have accepted a zero
6 reduction, basically been convinced by this
7 notice to withdraw their appeal without
8 knowing they have rights to appeal this
9 further, we are going to be restoring their
10 rights.

11 So these individuals will get
12 further notices from ARC and whether or not
13 they have responded to these emails, to
14 these telephone calls, to this notice saying
15 they agreed to a zero reduction, these
16 people, the pro ses who have the opportunity
17 to appeal the determination at a later date.

18 Again, we are protecting their
19 rights by this legislation.

20 Does anyone else have anything
21 they want to add to this?

22 (No verbal response.)

23 As I said they received in the
24 mail an ARC residential stipulation of
25 settlement, 75 to 90 percent are getting

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2 zero offers. They are getting telephone
3 calls, they have gotten e-mails that say you
4 have to accept or reject this offer of
5 settlement of zero reduction within a
6 certain time period.

7 It is as confusing as it could
8 possibly be who have chosen to challenge their
9 assessment.

10 Again, all of us have gone out
11 and told people that they have the ability
12 to do that in sponsored forums, the county
13 has encouraged it to some extent, and the
14 Assessment Review Commission unfortunately
15 in administering this program is doing it in
16 such a way as would make people lose their
17 rights to their challenge.

18 That's essentially what this
19 legislation does is it restores those
20 rights.

21 Anyone else have anything to say
22 on this?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 Need a motion to close the
3 hearing.

4 LEGISLATOR FORD: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Ford, seconded by Legislator
8 Muscarella.

9 All in favor of closing the
10 hearing signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Carries unanimously.

15 Now on the item itself which is
16 Item 6, a local law to amend the Nassau
17 County Administrative Code with regard to
18 Reassessment Review Commission Office that
19 do not reduce assessments.

20 LEGISLATOR RHOADS: So moved.

21 LEGISLATOR KENNEDY: Second.

22 CHAIRMAN NICOLELLO: Legislator
23 Rhoads make that motion, Legislator Kennedy
24 seconds it. Do we have any further debate
25 or discussion?

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2 (No verbal response.)
3 Is there any public comment?
4 (No verbal response.)
5 All those in favor signify by
6 saying aye.
7 (Aye.)
8 Those opposed?
9 (No verbal response.)
10 Passes unanimously.
11 Number two, hearing on a proposed
12 local law to establish the Office of Crime
13 Victims Advocate.
14 LEGISLATOR FORD: So moved.
15 LEGISLATOR WALKER: Second.
16 CHAIRMAN NICOLELLO: Motion by
17 Legislator Ford, seconded by Legislator
18 Walker to open the hearing.
19 All those in favor of opening the
20 hearing signify by saying aye.
21 (Aye.)
22 Those opposed?
23 (No verbal response.)
24 Carries unanimously. The hearing
25 is open.

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2 This is a response to the
3 so-called criminal justice reform passed by
4 the state of New York which will become
5 effective January 1st, 2020.

6 It is a response to testimony
7 that we've had from an Assistant District
8 Attorney with respect to the rights of a
9 victim. Apparently there are going to be
10 means by which an accused defendant may make
11 an application to a court for certain
12 inspections, other information they can
13 obtain with respect to victims of crime.

14 We've had testimony that the
15 applicant obviously by their attorney will
16 have a say, be able to speak on that.

17 The District Attorney which
18 represents the people will be able to oppose
19 it but -- as of now there is no one speaking
20 for the victims of the crime. So someone
21 who wants to oppose an application for a
22 defendant who seeks to go back into a
23 premises that person has burglarized will
24 not have someone speaking for them.

25 Again the District Attorney

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2 speaks for the people of the state of
3 New York, the attorney speaks for the
4 defendant.

5 So this creates an office that
6 will allow resources to flow towards victims
7 so that they can have a voice in this
8 process and they can be protected from some
9 of the more extreme effects of this
10 legislation.

11 Anyone else? Legislator Rhoads.

12 LEGISLATOR RHOADS: I wanted to
13 add, presumably it will pass and I'm hoping
14 that it's signed by the County Executive, we
15 can't be assured of that, if it is in fact
16 signed by the County Executive and becomes
17 law, this is something that needs to be
18 implemented quickly. We can't emphasize
19 enough again that on January 1st of this
20 year that new criminal procedure laws go
21 into effect, all of the examples we were
22 given during the budget hearings of new
23 disclosure requirements for rape victims,
24 disclosure requirements or access
25 requirements for victims of burglary which

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2 were the examples given to us as well as a
3 host of others that were not given to us,
4 will all in place by January 1st.

5 So I urge the administration to
6 act if they do in fact approve this
7 legislation to act expeditiously to ensure
8 that the crime victim's advocate is put in
9 place so they can perform their job starting
10 on January 1st when those new laws go into
11 effect.

12 CHAIRMAN NICOLELLO: Thank you,
13 Legislator Rhoads.

14 Just one point of clarification.
15 I want to say the District Attorney's Office
16 is as well increasing the resources in her
17 office to provide for advocates for crime
18 victims.

19 I didn't want to apply that the
20 DA's office is not doing that, we will be
21 having discussions with the DA's office to
22 make sure that the resources we are putting
23 in that they're being used most effectively,
24 that there's no conflict between the
25 resources of her office and this position.

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2 We will be having those
3 conversations going forward and we may
4 choose to make some changes at some point in
5 the future. Legislator Rhoads.

6 LEGISLATOR RHOADS: I do want to
7 say that it's purposeful and necessary that
8 this particular Office of Crime Victim
9 Advocate be separate and apart from the
10 efforts that are taking place from the
11 District Attorney simply because of the
12 potential of there being a conflict.

13 As the Presiding Officer
14 indicated, the criminal defense, criminal
15 defendants have their attorney, the District
16 Attorney's Office obviously represents the
17 people of the state of New York.

18 The victim of a crime may very
19 well have a different interest separate and
20 apart obviously from the two, certainly from
21 the criminal defendant and in some instances
22 it's conceivable that they can have an
23 interest separate and apart from the
24 interest of the District Attorney.

25 So it's important that this

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2 office be independent to avoid any potential
3 conflict between the District Attorney
4 Office and their function as acting as
5 advocates and legal representatives on
6 behalf of victims.

7 CHAIRMAN NICOLELLO: Anyone else?

8 LEGISLATOR ABRAHAMS: You
9 mentioned some of the meetings that will be
10 taking place between the District Attorney
11 and I guess the County Executive, your side,
12 and we just ask to be a part of those
13 discussion as well.

14 CHAIRMAN NICOLELLO: Certainly.
15 Anyone else; any other legislators any
16 public comment?

17 (No verbal response.)

18 I need a motion to close the
19 hearing.

20 LEGISLATOR SCHAEFER: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Schaefer, seconded by Legislator
24 Walker. All in favor of closing the hearing
25 signify by saying aye.

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2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 The hearing is closed.

6 Item 7 is a vote on a local law
7 to establish the Office of Crime Victim
8 Advocate.

9 LEGISLATOR FORD: So moved.

10 LEGISLATOR MCKEVITT: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Ford, seconded by Legislator
13 McKevitt. Any debate or discussion?

14 (No verbal response.)

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Carries unanimously.

21 Item 3 is a hearing on a local
22 law to amend the Nassau County
23 Administrative Code to establish an annual
24 report to Nassau on the current conditions
25 of the groundwater and public water supply

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2 systems.

3 LEGISLATOR BYNOE: So moved.

4 LEGISLATOR DERIGGI-WHITTON:

5 Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Bynoe, seconded by Legislator
8 DeRiggi-Whitton.

9 All in favor of opening the
10 hearing signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 The hearing is open.

15 Legislator Bynoe, do you want to
16 speak about that?

17 LEGISLATOR BYNOE: Thank you,
18 Presiding Officer. So this local law would
19 require Nassau County to provide a report on
20 drinking water throughout Nassau County.
21 The data would be collected from the
22 individual water providers throughout the
23 county as well as from reporting from the
24 Department of Health.

25 This report would be a

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2 compilation and to me it should be utilized
3 as an action plan because the report would
4 give us an idea, it would inform us about
5 the MCLs, the maximum contaminant levels we
6 found in the wells for drinking water.

7 In addition it would also advise
8 us of emergent contaminants that the water
9 districts are finding in the water and allow
10 for stakeholders both locally and at the
11 state level to put together a plan as to how
12 we can combat some of these emerging
13 contaminants in the water.

14 It's a tool that would also allow
15 for local water districts to identify maybe
16 some common ground and we might put together
17 some natural partners to work on certain
18 issues that are bubbling up in different
19 areas of the county.

20 I feel this is a report that --
21 at some point we were creating this report
22 on an annual basis and we moved away from
23 doing it and with the emergence of 1-4
24 dioxane, I think it would behoove this body
25 to have that report compiled on an annual

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2 basis.

3 The Department of Health could or
4 would engage a contractor to put this
5 together and work together with the water
6 districts as well as with the Department of
7 Health officials. This legislation requires
8 that this report be available on July 31st
9 of each year.

10 CHAIRMAN NICOLELLO: Thank you.
11 Any other legislators?

12 (No verbal response.)

13 LEGISLATOR BYNOE: So moved.

14 CHAIRMAN NICOLELLO: Legislator
15 Bynoe makes a motion to close the hearing.

16 LEGISLATOR DERIGGI-WHITTON:
17 Second.

18 CHAIRMAN NICOLELLO: Seconded by
19 Legislator DeRiggi-Whitton. All in favor of
20 closing the hearing signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (No verbal response.)

24 Hearing is closed. Now to the
25 vote which is on Item 8.

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2 It is a local law to amend the
3 Nassau County Administrative Code to
4 establish an annual report to Nassau County
5 on the current conditions of the groundwater
6 and public supply water systems.

7 LEGISLATOR BYNOE: So moved.

8 LEGISLATOR DERIGGI-WHITTON:
9 Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Bynoe, seconded by Legislator
12 DeRiggi-Whitton.

13 Any debate or discussion?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Carries unanimously.

23 Item 4 is a hearing on Ordinance
24 118, an ordinance to adopt the capital
25 budget for the County of Nassau for the

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2 first year of a four year capital plan to
3 commence on January 1st, 2020 pursuant to
4 the provisions of Section 310 of the County
5 Government Law of Nassau County.

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR MCKEVITT: Second.

8 CHAIRMAN NICOLELLO: Moved by
9 Legislator Muscarella, seconded by
10 Legislator McKeivitt.

11 That's a motion to open the
12 hearing. All in favor of opening the
13 hearing signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 The capital plan will not be
18 voted on today so what we are doing is
19 opening the hearing and putting it into
20 recess and we will re-open it at a later
21 date.

22 Now we will move on to Number 26,
23 Resolution number 208, a resolution to
24 establish a Nassau County reimbursement
25 program for the installation of Smart

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2 Sprinkler Systems.

3 LEGISLATOR BYNOE: So moved.

4 LEGISLATOR SCHAEFER: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Bynoe, seconded by Legislator
7 Schaefer. You want to speak about this
8 also?

9 LEGISLATOR BYNOE: Yes. Thank
10 you, Presiding Officer. This resolution is
11 aimed at creating a program where homeowners
12 across Long Island can receive a
13 reimbursement for installing a smart
14 sprinkler system. The weather related
15 sprinkler system would allow for the
16 conservation of water in so much that
17 instead of utilizing just a rain sensor,
18 which will tell a sprinkler system not to
19 turn on only in the presence of rain or
20 moisture, this system would engage with a
21 weather -- would be weather based and
22 actually be able to advise the system not to
23 come on because in weather that will be rain
24 that will be forthcoming and therefore the
25 system does not need to come on and

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2 therefore we would be conserving water.

3 New York American Water is
4 currently in its first year of its pilot for
5 this program and to this point they have
6 stated that they have saved 20 to 30 percent
7 of water usage at peak seasons.

8 So we would actually target users
9 during a peak season that meet or exceed
10 15,000 gallons of water. This would be the
11 same process that New York American Water
12 currently uses.

13 This program would only be for
14 homeowners who are living within a water
15 district catchment area that is currently
16 not receiving a benefit similar to this.

17 So I feel as though this would
18 help not only New York American Water and
19 other environmentalists have said that this
20 will not only help us conserve water, but
21 also go a long way in making sure we are
22 protecting the quality of water.

23 So I'd ask my colleagues to
24 consider passing this bill as well. Thank
25 you.

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2 CHAIRMAN NICOLELLO: You
3 mentioned before, I think we need to do an
4 amendment to this which would limit the
5 smart sprinkler reimbursement program to
6 residents who utilize at least 15,000
7 gallons of water a month. You will make
8 that next, a motion to amend?

9 LEGISLATOR BYNOE: Absolutely.
10 Yes, I make a motion to amend that this item
11 would only be for those that are in peak
12 season meeting 15,000 gallons of water
13 usage.

14 LEGISLATOR FORD: Second.

15 CHAIRMAN NICOLELLO: Seconded by
16 Legislator Ford. All in favor of the
17 amendment signify by saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 The amendment carries
22 unanimously.

23 Any public comment on the bill as
24 amended?

25 (No verbal response.)

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2 Hearing none, all in favor of the
3 resolution as amended signify by saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Carries unanimously.

8 We have one more item for
9 business for the Legislature, and that is a
10 resolution regarding the appointments of the
11 director of the Office of Legislative Budget
12 Review, correct title.

13 CLERK PULITZER: Thank you,
14 Presiding Officer. Resolution 39-2019 as to
15 procedure. A procedural resolution to
16 reappoint the director of the Office of
17 Legislative Budget Review pursuant to the
18 County Government Law of Nassau County.

19 CHAIRMAN NICOLELLO: Very good.

20 LEGISLATOR KOPEL: So moved.

21 LEGISLATOR ABRAHAMS: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Deputy Presiding Officer Kopel, seconded by
24 Minority Leader Abrahams. The resolution is
25 before us.

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2 Maurice, you want to come up and
3 say a few words.

4 MR. CHALMERS: Maurice Chalmers.
5 Thank you. First I would like to thank the
6 Legislature for your support and the trust
7 that's being placed in me.

8 I would like to thank my staff
9 for their continued commitment and I really
10 look forward to the next four years serving
11 this body.

12 CHAIRMAN NICOLELLO: Anyone want
13 to say anything? Legislator
14 DeRiggi-Whitton.

15 LEGISLATOR DERIGGI-WHITTON: I
16 know it's Thanksgiving weekend, Maurice, but
17 we are all so thankful that you are doing so
18 well. You're amazing. Thank you for all
19 that you do.

20 CHAIRMAN NICOLELLO: I'm going to
21 echo that. The work that you do and your
22 staff does for the Legislature, for the
23 county, is really truly quality work. We
24 rely on it, not just at budget season, but
25 virtually every meeting we rely on the work

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2 you're doing.

3 We thank you for it and it
4 certainly makes all of us better at what we
5 do.

6 MR. CHALMERS: Thank you. We
7 appreciate it.

8 CHAIRMAN NICOLELLO: Anyone else
9 want to add anything?

10 (No verbal response.)

11 Hearing none. Any public
12 comment? You are fortunate Mr. Budnick and
13 Ms. Mereday are not here. They may have
14 changed our minds.

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Carries unanimously.

21 Congratulations.

22 Motion to adjourn?

23 LEGISLATOR GAYLOR: So moved.

24 LEGISLATOR LAFAZAN: Second.

25 CHAIRMAN NICOLELLO: Moved by

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2 Legislator Gaylor, seconded by Legislator
3 Lafazan. All in favor of adjourning signify
4 by saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 The Legislature is adjourned but
9 we have a short Rules Committee.

10 (Whereupon, the Legislative
11 Committee adjourned at 4:48 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New
York, do hereby stated:

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of December, 2019.

FRANK GRAY