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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

PUBLIC SAFETY COMMITTEE

LEGISLATOR DENISE FORD
CHAIR

Theodore Roosevelt Building
1550 Franklin Avenue
Mineola, New York

April 12, 2021

3:28 P.M.

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2 A P P E A R A N C E S :

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4 LEGISLATOR DENISE FORD

5 Chair

6

7 LEGISLATOR STEVEN RHOADS

8 Vice Chair

9

10 LEGISLATOR VINCENT MUSCARELLA

11

12 LEGISLATOR JOHN FERRETTI

13

14 LEGISLATOR DELIA DERIGGI-WHITTON

15 Ranking member

16

17 LEGISLATOR SIELA BYNOE

18

19 LEGISLATOR DEBRA MULE

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2 LEGISLATOR FORD: Call the Public
3 Safety Committee to order.

4 MR. PULITZER: Thank you. Public
5 Safety Committee roll call. Legislator Debra
6 Mule.

7 LEGISLATOR MULE: Here.

8 MR. PULITZER: Legislator Siela
9 Bynoe.

10 LEGISLATOR BYNOE: Here.

11 MR. PULITZER: Ranking Member
12 Delia DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON:
14 Here.

15 MR. PULITZER: Legislator John
16 Ferretti.

17 LEGISLATOR FERRETTI: Here.

18 MR. PULITZER: Legislator Vincent
19 Muscarella.

20 LEGISLATOR MUSCARELLA: Here.

21 MR. PULITZER: Vice Chairman
22 Steven Rhoads.

23 LEGISLATOR RHOADS: Present.

24 MR. PULITZER: Chairwoman Denise
25 Ford.

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2 LEGISLATOR FORD: Here.

3 MR. PULITZER: We have quorum
4 ma'am.

5 LEGISLATOR FORD: Thank you very
6 much sir. There are ten items on the agenda
7 today which are clerk item numbers 97-21,
8 99-21, 113-21, 114-21, 115-21, 116-21, 127-21
9 132-21, 133-21 and 135-21.

10 Clerk item number 97-21 is an
11 ordinance supplemental to an appropriation
12 ordinance in connection with the Office of
13 Management and Budget.

14 May I have a motion? Moved by
15 Legislator DeRiggi-Whitton. Seconded by
16 Legislator Rhoads. This item is before us.
17 Good afternoon.

18 MR. PERSICH: Good afternoon.
19 Andy Persich, Office of Management and
20 Budget. This item is appropriating \$3 million
21 into the FEMA fund for additional funding that
22 we're going to need that we hope to get
23 reimbursed for for the vaccination sites and a
24 few other things as a result of the pandemic.

25 LEGISLATOR FORD: So, since this

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2 money, as you said, is going to be used for
3 COVID related I guess with the sites that
4 we're setting up --

5 MR. PERSICH: Correct.

6 LEGISLATOR FORD: -- I think that
7 we would get reimbursed but we can't just
8 always be so sure, correct?

9 MR. PERSICH: Keep in mind this
10 is the FEMA side of it not the other coming
11 in. This is what we deem is reimbursable for
12 the vaccination sites that are coming up. It
13 provides funding for all these additional
14 pop-up sites that are coming up.

15 LEGISLATOR FORD: Which are very
16 important. I have to hand it to all the
17 people who work there because I know people
18 here have gone there and then I know many
19 residents of mine who have gone to even the
20 county run sites and they only have praises.

21 MR. PERSICH: My personal
22 experience is well organized and well run when
23 I went.

24 LEGISLATOR FORD: I talked to
25 them. Thank you. Any debate or discussion?

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2 Legislator DeRiggi-Whitton.

3 LEGISLATOR DERIGGI-WHITTON: I
4 just have a quick question. So, this is a
5 transfer into this?

6 MR. PERSICH: No. We have a
7 separate fund segregated out for these
8 COVIDs. We had a CARES funding and this is
9 the FEMA side of that. That's what this is.

10 LEGISLATOR FORD: Anyone else?
11 Any public comment? I see none. All those in
12 favor of passing this please signify by saying
13 aye. Any opposed? It passes unanimously.
14 Thank you.

15 Clerk item numbers 99-21, 113-21,
16 114-21, 132-21, 133-21 and 135-21 are
17 ordinances supplemental to an appropriation
18 ordinance in connection with the police
19 department. May I have a motion. Moved by
20 Legislator Bynoe and seconded by Legislator
21 Rhoads. The items are before us. Good
22 afternoon.

23 MR. FIELD: Good afternoon.
24 William Field, deputy inspector with the
25 police department.

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2 Item 99-21 is a supplemental
3 appropriation to appropriate \$50,000 in funds
4 received from state forfeiture district
5 attorney's office. These funds all assist in
6 purchasing things such as new uniforms for the
7 police department's color guard. These
8 uniforms also have equipment that will provide
9 with superior weapon retention.

10 LEGISLATOR FORD: You can keep on
11 going. If anyone has any question on anything
12 just signify.

13 MR. FIELD: Item 113-21 is
14 supplemental appropriation for \$50,000 in
15 funds received from the New York State
16 Department of Homeland Security used to offset
17 staffing and overtime costs related to
18 enforcing applicable statutes on Memorial Day,
19 Independence Day and Labor Day weekends. The
20 primary focus of these funds is to ensure
21 waterway safety and security.

22 Item 114-21 is a supplemental
23 appropriation to appropriate \$796,601.60 in
24 funds received from the Department of Health
25 and Human Services. These funds will be used

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2 to offset overtime expenses for the police
3 department's Emergency Ambulance Bureau for
4 their response to COVID-19.

5 Item 132-21 is a supplemental
6 appropriation of \$202,000 in funds from the
7 United States Department of Justice. This is
8 a pass-through from Suffolk County. It's a
9 partnership with Suffolk County. The funds
10 are used to support personnel and overtime
11 fringe related to as well as some equipment
12 aimed at reducing violent crime within Nassau
13 and Suffolk County.

14 Item 133-21 is a supplemental
15 appropriation to appropriate \$150,000 from the
16 district attorney's -- from forfeiture through
17 the district attorney's office. Items that
18 these funds can help to purchase are for
19 something such as the Police Athletic Leagues
20 which will help facilitate the new PALs being
21 opened in Roosevelt, Elmont, Lawrence and
22 Inwood.

23 Item 135-21 this is supplemental
24 appropriation for \$81,464 in funds received
25 from the United States Department of Justice.

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2 This will be related to police officer
3 overtime as well as plain clothes officer
4 patrols. JAG, the purpose of JAG is to reduce
5 and investigate violent crime based on
6 intelligence-led policing.

7 LEGISLATOR FORD: Are there any
8 questions or comments from any of the
9 legislators? Anyone remotely? Anyone in the
10 public? All in favor of passing these items
11 please signify by saying aye. The items are
12 approved unanimously. Thank you very much.

13 Clerk item numbers 115-21 and
14 116-21 are ordinances supplemental to an
15 appropriation ordinance in connection with the
16 probation department.

17 May I have a motion. Moved by
18 Legislator DeRiggi-Whitton. Seconded by
19 Legislator Bynoe. These items are before us.
20 Good afternoon.

21 MR. LANSMAN: Good afternoon.
22 Doug Lansman, Nassau Probation. Good
23 afternoon Chairwoman Ford, Vice Chairman
24 Rhoads, members. First of all, I'm very happy
25 to be back after one year absence.

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2 The item before you, I have two
3 items, the first item is 115-21. This is a
4 renewal and a mandatory grant for New York
5 State DCJS. This is supplemental
6 appropriation for one year pretrial service
7 and defendant-based advocacy. The main
8 objective of these grants is to operate
9 programs that divert offenders from costly
10 local incarceration and to provide pretrial
11 release reporting to the courts.

12 We had received this application
13 approximately seven months after it was due.
14 That explains the delay.

15 The second item we have is 116-21.
16 It is our STSJP appropriation. It's also a
17 one year grant from October of '20 to
18 September of '21. It has two parts to the
19 grant. One is our regular STP program. One
20 is also our RTA program.

21 This is our 10th year of operation
22 for this grant. This grant provides funding
23 for -- also for community-based vendor to be
24 determined in a working amount of money for
25 probation.

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2 The supervision treatment program
3 for juveniles is part of the governor's
4 initiative for juvenile justice reform. It
5 seeks to increase the number of juvenile
6 delinquents referred to and successfully
7 adjust their probation intake and reduce the
8 number of secured and nonsecured detention
9 care days and establishes viable alternatives
10 to residential placement.

11 LEGISLATOR FORD: Welcome back
12 first of all. Any comments from any of the
13 legislators? Any from the public? I see
14 none. All those in favor of passing these
15 items please signify by saying aye. Nay?
16 Item passes unanimously. Thank you very
17 much.

18 You might be the next one too,
19 right? Clerk item 127-21 is a resolution
20 authorizing the county executive to execute an
21 agreement with the Capital District Youth
22 Center, Incorporated in relation to the use of
23 a regional secure detention facility.

24 May I have a motion. Moved by
25 Legislator Rhoads. Seconded by Legislator

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2 Ferretti. This item is before us.

3 MR. SCHIRILLO: Joe Schirillo,
4 fiscal officer for the Nassau County
5 Department of Probation.

6 MS. REYER: Also appearing
7 virtually, Arianne Reyer from the Department
8 of Probation.

9 MR. SCHIRILLO: This contract is
10 with the Capital District Youth Center,
11 Incorporated located in Albany. It allows us
12 to place individuals when necessary when they
13 cannot be placed in any of the other four
14 facilities within New York State.

15 The placement for youth there or
16 for RTA adolescent offenders who fall under
17 the RTA law they need to be placed in a
18 specialized secure detention center facility.

19 LEGISLATOR RHOADS: Ms. Reyer
20 your microphone is open.

21 MS. REYER: I apologize.

22 MR. SCHIRILLO: There are only
23 five centers within the state that can accept
24 adolescent offenders and thereby, we need to
25 have the contract in place with Capital

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2 District.

3 As it stands now, facilities are
4 all at capacity and in the event that we can't
5 place a resident anyplace else we need to have
6 the capacity to do so.

7 LEGISLATOR FORD: Thank you. So
8 this s with Raise the Age I guess.

9 MR. SCHIRILLO: Yes.

10 LEGISLATOR FORD: So we're not
11 going to incarcerate these young people in our
12 normal facilities, jails. So, do we have any
13 place here in Nassau County where they can
14 go?

15 MR. SCHIRILLO: No. The closest
16 facility is Westchester followed by Albany and
17 then three other facilities Onondaga County,
18 Monroe County and --

19 LEGISLATOR FORD: Is it up by
20 Plattsburgh or something?

21 MR. SCHIRILLO: Yes. And Erie
22 County.

23 LEGISLATOR FORD: There's only
24 five. How many residents can they take each
25 one? When you say they're full.

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2 MR. SCHIRILLO: They have
3 capacity OF I think in total 22 adolescent
4 offenders. I believe it's 22.

5 MS. REYER: This is Arianne Reyer
6 again. Each facility has a different
7 capacity. Currently each facility in the
8 state is at capacity. Westchester, Onondaga
9 and Erie have the largest capacity and Albany,
10 the capital district, the facility that we're
11 speaking of here today, will only even
12 consider Nassau County youth if this contract
13 is in place.

14 LEGISLATOR FORD: I understand.
15 Currently we're not sending any of our young
16 people to Albany?

17 MR. SCHIRILLO: We have not had
18 anybody there to date.

19 LEGISLATOR FORD: When you say
20 that they're at capacity, what happens if
21 every place is filled? What do we do that
22 with these young people?

23 MR. SCHIRILLO: We got that exact
24 situation this weekend. We had two adolescent
25 offenders in custody this weekend. The option

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2 in one of them was to have them sit at the
3 police precinct supervised by two sheriff
4 deputies. An alternative arrangement was made
5 and agreed upon by OFCS to bring them into the
6 facility in Westbury and have a one-on-one
7 supervision by a probation officer from
8 Saturday night until -- Arianne is he still
9 there?

10 MS. REYER: He's still there,
11 yes, because all of the facilities remain full
12 as we look for alternatives.

13 MR. SCHIRILLO: We've had a
14 probation officer supervising or multiple
15 probation officers supervising that one
16 resident on a one-to-one basis on overtime
17 since Saturday. And there's a second one that
18 was brought into custody. I don't know if
19 he's still in court or not. Arianne, has that
20 one been placed yet?

21 MS. REYER: No. The second one
22 was actually a juvenile offender. So, he can
23 stay in our juvenile detention center. This
24 is only for purpose of adolescent offenders.

25 LEGISLATOR FORD: So then the

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2 adolescent offenders cannot stay with the
3 juveniles and they cannot stay with the
4 adults, correct?

5 MR. SCHIRILLO: It's in the same
6 facility but kept segregated.

7 LEGISLATOR FORD: Is there any
8 way of expanding the juvenile center?

9 MR. SCHIRILLO: It's been on the
10 table for the last four years or so. It's
11 been proposed for the last four years. It was
12 part of the original RTA plan that had been
13 proposed. That portion of the plan was
14 stripped out so that the rest of the plan
15 could proceed. It was about a \$4 million
16 option to build a new facility. And currently
17 there's a project underway to combine Nassau
18 and Suffolk in a separate facility to be newly
19 built in Suffolk County. But we're several
20 years off from that. That's in the planning
21 stages at this time point.

22 So, that plan has been underway for
23 about the last six months or so. There are
24 biweekly meetings scheduled for the parties
25 involved to participate in and make plans for

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2 it. We are nowhere near.

3 LEGISLATOR FORD: How many
4 adolescents offenders do we currently have in
5 Nassau County?

6 MR. SCHIRILLO: In Nassau County
7 adolescent offenders I think we have, if I'm
8 not mistaken, it's about ten at this point.

9 MS. REYER: Adolescent offenders
10 overall we probably more like 25. But in
11 custody we have I believe it's five in
12 specialized secured detention facilities. In
13 order to place them anywhere but one of these
14 specialized secured detention facilities we
15 need to wait for permission from the Office of
16 Children and Family Services and from state
17 corrections SCOC. And it's that joint
18 permission that has been a huge impediment to
19 us moving forward with any of our plans to
20 have a specialized secured detention facility
21 in place in Nassau or Suffolk County. We
22 continue to explore options but where we are
23 right now only leaves us with the five
24 specialized secured detention facilities in
25 consideration.

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2 MR. SCHIRILLO: I believe we have
3 3 AOs currently housed in the correctional
4 facility.

5 LEGISLATOR FORD: This is
6 something that I think that we have to pay
7 attention to because I just feel bad. I mean,
8 if they get sent away to Albany or to Erie or
9 Monroe or all the way up by the Canadian
10 border, I mean, they'll be separated from
11 their family. It's going to be very hard for
12 any family members to visit them. Am I
13 correct?

14 MR. SCHIRILLO: Yes.

15 MS. REYER: Absolutely. It
16 continues to be an ongoing problem that these
17 beds have been so incredibly limited.
18 Westchester is at capacity and they are our
19 closest facility. And the parents really
20 cannot visit with their children who are
21 housed in Syracuse or Erie. And it also poses
22 an impediment for counsel. And these are all
23 things that we have discussed with the state
24 in our effort to try to keep these kids closer
25 to home.

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2 Albany, the Capital District
3 contract that is before the legislature today,
4 is one of the closest facilities, which is why
5 we consider it so crucial to have it as a
6 viable option.

7 MR. SCHIRILLO: Adolescent
8 offenders are 16 and 17 year old charged
9 felons.

10 LEGISLATOR FORD: I know the
11 age. They're vulnerable. So, when we
12 transport these young people is it two
13 sheriffs at a time, right?

14 MR. SCHIRILLO: Correct.

15 LEGISLATOR FORD: They may have
16 to stay overnight or whatever.

17 MR. REYER: Frequently they do
18 stay overnight.

19 LEGISLATOR FORD: It would make
20 common sense in many ways to get this other
21 location established on Long Island.

22 MR. SCHIRILLO: Right.

23 MS. REYER: Absolutely.

24 MR. SCHIRILLO: Again, it's been
25 budgetary plan. It was a component of the

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2 original plan. That was four plus million
3 dollars that was included in the original RTA
4 plan going back three or four year ago. The
5 state could not agree on the budget for that,
6 for the facility, and so our plan, the Nassau
7 County's plan was approved stripping that
8 component out of it so that we could proceed
9 with the rest of the plan.

10 LEGISLATOR FORD: Even if we came
11 up with another location, like, say for
12 argument's sake, we identified a floor at the
13 Nassau University Medical Center, I'm just
14 doing a whatever, we would still have to wait
15 for the state and federal permission to be
16 able to pursue something like that, correct?

17 MS. REYER: Absolutely. It would
18 have to be approved jointly by the Office of
19 Children and Family Services and SCOC and we
20 have brought up that floor at NUMC as a
21 possible option and that has been rejected.
22 Along with several other things that we have
23 considered as alternatives in an attempt to
24 keep these kids on Long Island.

25 MR. SCHIRILLO: And the space

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2 would also -- I presume you're saying for that
3 space to be retrofitted to accommodate
4 specialized secured. Again, it's a budgetary
5 process and an approval process with OCFS and
6 DCJS.

7 LEGISLATOR FORD: Thank you. Any
8 questions or any comments from any of the
9 legislators? Legislator Bynoe.

10 LEGISLATOR BYNOE: Thank you
11 Madam Chair. Greetings. I'm not going to
12 belabor the point but I echo the sentiments
13 and the questioning of the chairwoman. This
14 was an issue that was very hard for me to vote
15 on earlier when it was presented in previous
16 years because of the distance to counsel,
17 which I would argue impacts the young persons'
18 ability to defend themselves in these cases
19 appropriately and the parents being able to
20 have access to the children.

21 You mentioned, sir, that there are
22 five AOs being housed here at the jail
23 locally?

24 MR. SCHIRILLO: Three.

25 LEGISLATOR BYNOE: What are the

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2 circumstances?

3 MR. SCHIRILLO: Arianne can you
4 answer that?

5 MS. REYER: Yes. One is 18 years
6 old. So, the Office of Children and Family
7 Services and SCOC allowed for him to be held
8 at the jail because of his age, he's 18, even
9 those he's an adolescent offender.

10 The other is held on a parole
11 hold. That hold is separate and apart from
12 the fact that he is an adolescent offender.

13 And the third one I believe, if
14 there is a third one, I believe that it's also
15 someone who is 18. It may only be two.

16 MR. SCHIRILLO: I believe so.

17 LEGISLATOR BYNOE: So based on
18 age and circumstances it's okay to have them
19 at the jail?

20 MS. REYER: I think because of
21 the limitations on the availability of beds,
22 once an adolescent offender turns 18 they will
23 consider allowing them to be housed at the
24 correction center even though technically they
25 are an adolescent offender.

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2 LEGISLATOR BYNOE: And they're
3 being housed separate and apart from general
4 population, the inmates and general
5 population?

6 MS. REYER: They are not.

7 LEGISLATOR BYNOE: They're just
8 in with the rest of the general population
9 inmates?

10 MS. REYER: That's my
11 understanding. Especially the one who is on a
12 parole hold because, again, that's a separate
13 hold than it is from us. But my understanding
14 is for that adolescent offender once he turned
15 18 they allowed him to go back into general
16 population. I would need for the jail to
17 confirm that 100 percent but that's my
18 understanding.

19 LEGISLATOR BYNOE: It's less
20 about the restrictions based on available beds
21 in the area and more so based on his age?

22 MS. REYER: I think it's a
23 combination of both. Because of the
24 restrictions, due to the lack of availability,
25 they are looking at the 18 year olds to see if

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2 they can move them and then free up some of
3 those beds for the 16 and 17 year olds.

4 LEGISLATOR BYNOE: So, if it's
5 based on the restriction, if it's based on the
6 available beds that's being restricted, then I
7 would think that maybe we have a
8 responsibility to house those young people
9 separate. I would like us to look at that.
10 And not just --

11 MS. REYER: In the first
12 instances where it was a 16 or 17 year old
13 they were absolutely housed separate. In a
14 separate facility with a separate guard.
15 Again, I would need the jail to confirm this
16 100 percent, but my understanding is that
17 state corrections gave permission for them to
18 be housed in the general population.

19 LEGISLATOR BYNOE: I would like
20 to receive documentation that supports that
21 the state Department of Corrections allowed
22 for that appointment for the housing in
23 general population. And I'd like some level
24 of clarity in regards to what the jail's
25 stance is, what's the sheriff's stance is on

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2 this. Because the whole idea --

3 MS. REYER: Absolutely. I'll
4 reach out to them and get back to you.

5 LEGISLATOR BYNOE: Hopefully
6 expeditiously because I'm concerned that we
7 are not upholding the spirit of the RTA.

8 I'd also like to understand better
9 what are the impediments or what kind of
10 barriers are we facing with the state agencies
11 with not allowing us to move forward in the
12 joint venture shared service relationship with
13 Suffolk County.

14 MR. SCHIRILLO: We are moving
15 forward with that.

16 LEGISLATOR BYNOE: But I'm
17 hearing that we'll delayed.

18 MR. SCHIRILLO: We have biweekly
19 meetings.

20 LEGISLATOR BYNOE: I heard you
21 said that you were six months in.

22 MR. SCHIRILLO: It's an
23 exploratory process.

24 LEGISLATOR BYNOE: I did hear
25 that but I also heard--

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2 MR. SCHIRILLO: It's a design
3 process.

4 LEGISLATOR BYNOE: Thank you.
5 But I also heard that there was some level of
6 barriers and it was stated that there was some
7 delay. And I tried to write down the names of
8 the entities but there were state entities
9 that were prohibiting us from being able to
10 find alternatives, inclusive of Nassau
11 University Medical Center.

12 MR. SCHIRILLO: Approvals by DCJS
13 and OCFS if we were to go that route.

14 LEGISLATOR BYNOE: We're only six
15 months in. I understood it and maybe I
16 misunderstood. Let's start from with respect
17 to I may have misunderstood. Why are we only
18 six months into a process working with Suffolk
19 County?

20 MR. SCHIRILLO: This was
21 initiated by Office of Children and Family
22 Services.

23 LEGISLATOR BYNOE: I'm sorry?

24 MR. SCHIRILLO: This was
25 initiated by the Office of Children and Family

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2 Services.

3 LEGISLATOR BYNOE: What was
4 initiated?

5 MR. SCHIRILLO: The joint project
6 for Nassau and Suffolk.

7 LEGISLATOR BYNOE: This is a
8 joint project that was talked about earlier on
9 when we talked about RTA?

10 MR. SCHIRILLO: No. This was a
11 new project that came --

12 LEGISLATOR BYNOE: No. It was
13 suggested and discussed. I was part of
14 several offshoot meetings that happened
15 separate and apart from this legislature.

16 MR. SCHIRILLO: I only became
17 aware of the joint process --

18 LEGISLATOR BYNOE: Arianne should
19 be aware of the request.

20 MS. REYER: If I could speak to
21 that. We've obviously been exploring several
22 different options jointly with Suffolk County
23 since before implementation of Raise the Age.
24 That included retrofitting the juvenile
25 detention center and several different

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2 options.

3 What Mr. Schrillo from my office is
4 speaking of is a discussion of a joint
5 facility in Suffolk County that has been
6 brought to our attention within the past six
7 months as another alternative. It's not that
8 we have been exploring a place for the past
9 six months. It's that this one particular
10 option was brought to our attention within the
11 past six months. But it's only one of many
12 options that we have considered.

13 LEGISLATOR BYNOE: I know we
14 explored -- I even took the tour of the jail
15 and the whole process. And immediately
16 thereafter there was a meeting held and we
17 discussed exploring connecting in with Suffolk
18 County because they had more space and the
19 like to potentially use that county to situate
20 a shared site. That was part of many
21 discussions. That's not something that just
22 started six months ago.

23 MS. REYER: No, absolutely not.
24 They have even looked into sites, and I
25 believe that Suffolk has discussed possible

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2 funding streams for it. This is a different
3 facility that OCFS was closing in Brentwood.
4 I believe that's what Mr. Schirillo is
5 speaking of. That was brought to our
6 attention as a possible -- another
7 alternative. But now OCFS is not closing that
8 site.

9 LEGISLATOR BYNOE: They are
10 now --

11 MS. REYER: We continue to search
12 for alternatives. I've spent all day trying
13 to find a specialized secured detention
14 facility bed for this young man who was
15 arrested on Saturday. And I personally spoke
16 to every facility in the state and have been
17 turned down.

18 I even called Albany knowing that
19 we didn't have this contract in place in hopes
20 that they would maybe consider one of our
21 youth but they are at capacity, as is every
22 other facility in the state. At least having
23 something in place so that when a bed is
24 available we will at least be considered as an
25 option in some place that's not eight hours

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2 away is really crucial to being able to make
3 this, you know, process a little bit more
4 simple.

5 LEGISLATOR BYNOE: Do we know
6 whether Suffolk County is facing the same
7 issues?

8 MS. REYER: They absolutely are.
9 In fact, I was told by OCFS over the weekend
10 that one of the SSC facilities called Suffolk
11 County to move all of their kids out but
12 there's really no place else for them to go.

13 LEGISLATOR BYNOE: I'm a bit
14 frustrated because we knew Raise the Age was
15 coming. We knew back in 2016 and '17 that
16 this was an issue and I find ourselves some
17 four and five years later we're still trying
18 to figure out a way forward. All right.

19 MS. REYER: Legislator Bynoe we
20 join in your frustrations.

21 LEGISLATOR BYNOE: I would say
22 thank you but it doesn't help. I will be in
23 touch. Be well. Thank you for your answers.

24 MS. REYER: Thank you.

25 LEGISLATOR FORD: Thank you. I

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2 think I share your frustration Legislator
3 Bynoe because we knew that this was coming.
4 And I understand the efforts that you're
5 trying on behalf of these adolescent offenders
6 and all the road blocks that have been thrown
7 your way in trying to find a solution.
8 Because even when you had mentioned about the
9 youth detention center, which is here in
10 Nassau County, that the thought that we were
11 going to expand it and build upon that to put
12 these adolescents I guess close to youth. But
13 all of a sudden boom, everything gets stopped,
14 you can't do it. I just think it's crazy and
15 I just think we're playing games with a lot of
16 these young people's lives.

17 I would think that we are going to
18 pass this because it is important, but I will
19 let you know that we will be reaching out to
20 you because we're going to have a Public
21 Safety hearing on this. Because I think I'd
22 like to try to bring in the right people from
23 the state and all parties involved so we can
24 get to the bottom of this. And maybe,
25 hopefully, give you some support in the

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2 efforts that you're trying to do, find out why
3 if we thought it would in Brentwood and now
4 it's not.

5 But this really is something that
6 goes beyond comprehension that this young man,
7 this young child I guess, is probably
8 handcuffed somewhere without a bed without any
9 comforts or whatever. And if you have more
10 young people that are committing crimes and
11 then we're going to make a decision maybe if
12 they're 17 and a half we can send them into
13 the Nassau correctional facility into general
14 population. So this is something that I think
15 we really have to start doing our due
16 diligence on. But thank you very much for
17 your testimony and we will be in touch.

18 MS. REYER: We would welcome the
19 opportunity to continue to work with you in
20 that way.

21 LEGISLATOR FORD: Perfect. We
22 will be looking forward to speaking with you
23 so that you can help us get in touch with the
24 people that we need to have at this hearing.
25 And I anticipate it will be done within three

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2 weeks. You have that promise from us.

3 Any other legislators? Any
4 public? All those in favor of passing this
5 item please signify by saying aye. Any
6 opposed? The item passes. Thank you very much
7 sir. Thank you very much ma'am.

8 There is an addendum to this
9 agenda. May I have a motion to suspend the
10 rules? Moved by Legislator Rhoads. Seconded
11 by Legislator Bynoe. All those in favor of
12 suspending the rules signify by saying aye.
13 The rules are suspended.

14 There are two items on the addendum
15 today, item 143-21 and 144-21. Clerk item
16 143-21 is a local law to prohibit the smoking
17 or vaping of cannabis in all county-owned
18 properties. May I have a motion. Moved by
19 Legislator Ferretti. Seconded by Legislator
20 Rhoads. The item is before us. I will hand
21 it over to Legislator Rhoads.

22 LEGISLATOR RHOADS: Thank you
23 Madam Chairwoman. For the last 40 years we
24 have been telling three generations of kids to
25 say no to drugs and the state legislature in

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2 its infinite wisdom has now deemed to say
3 yes. At least with respect to marijuana.

4 Two years ago this legislature
5 stood firm when this proposal was first looked
6 like it was going to pass and we preemptively
7 opted out of the sale of recreational
8 marijuana and the revenue that it would
9 potentially generate.

10 This year, in addition to passing
11 this legislation and opting for the revenue
12 over public safety, the state legislature has
13 taken the ability of counties to opt out away,
14 giving that to towns. This legislation is
15 prevented from opting out. But we are able to
16 place some restrictions as to where cannabis
17 can be used and how it can be -- where
18 cannabis can be used.

19 Clerk item 143-21 is a local law
20 that prohibits the smoking or vaping of
21 cannabis or concentrated cannabis on
22 county-owned property. Which would include
23 sidewalks adjoining county property, parking
24 lots, playgrounds, beaches, campgrounds and
25 other local spaces.

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2 This again is a direct result of
3 the Marijuana Tax and Reform Act which permits
4 the recreational use and sale of cannabis
5 products. Pursuant to this law, individuals
6 age 21 and under -- I'm sorry -- 21 and over
7 cannot smoke or vape where ever it is
8 prohibited pursuant to the Clean Indoor Act.
9 This is the Marijuana and Tax Reform Act.
10 However, the Act does not prohibit smoking or
11 vaping in outdoor spaces.

12 In recent years the smell of
13 marijuana has become more prevalent and with
14 passage of the Marijuana Tax and Reform Act
15 there's a danger that it will become
16 commonplace, negatively impacting the lives of
17 adults and children. Accordingly, this local
18 law prohibits the smoking and vaping of
19 cannabis on outdoor county properties.

20 LEGISLATOR FORD: I know
21 Legislator Mule has comments.

22 LEGISLATOR MULE: Yes. I have
23 some questions actually. I fully support this
24 legislation but I have a question about
25 enforcement. It's my understanding that the

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2 vaping of cannabis products doesn't smell.
3 And I thought that that was true and then I
4 checked with Jeff Reynolds just to verify that
5 and he concurs and he is, by the way, ready to
6 answer questions if necessary. He's on this
7 meeting.

8 So, my question is this. How are
9 you going to enforce the vaping of cannabis
10 since it's not possible to smell it? Are you
11 going to give citations to everyone who
12 vapes? If that's the case, then I suggest you
13 incorporate the legislation that I proposed
14 two years ago which would prevent vaping in
15 county-owned properties in general.

16 Or, if you're not going to do that,
17 then this legislation really doesn't have any
18 teeth because people will still be consuming
19 cannabis on county-owned properties by virtue
20 of vaping. It will stop the smoking of and of
21 course I applaud that as well. But I think
22 that you really need to consider that you
23 can't smell cannabis when it's vaped.

24 LEGISLATOR RHOADS: It's our
25 understanding based on the research that we've

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2 done, that cannabis does put out when it's
3 vaped, does put out, albeit a faint odor, does
4 put out an odor which is detectable.

5 So, I would disagree with the
6 assessment that it doesn't, at least based
7 upon the research that we have. I would
8 rather err on the side of caution and prohibit
9 it as opposed to just simply making the
10 assumption that we're not going to be able to
11 tell.

12 With respect to your vaping
13 legislation, Ms. Mule, I am certainly aware of
14 that. My understanding is that the Parks
15 Department actually already has a rule in
16 place prohibiting vaping. The reason why this
17 legislation becomes necessary is that we not
18 only expand -- that obviously only applies to
19 parks, but we actually expand this to
20 preserves, to playgrounds, beaches,
21 campgrounds and other open spaces including
22 sidewalks adjoining county property.

23 Additionally, the existing law that
24 we have contains a fine for \$500. However,
25 the state has capped the fine that we're able

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2 to put in place at \$200. So, this new
3 legislation makes the penalty portion of it
4 consistent with state law.

5 LEGISLATOR MULE: So, a couple of
6 things. I would state that a parks rule is
7 certainly not the same thing as an ordinance
8 and it doesn't hold the same weight. Also,
9 since we have Jeff Reynolds here and he's
10 certainly would I think be considered by all
11 of us as an expert, I think we should hear
12 from him to hear what he has to say.

13 LEGISLATOR RHOADS: Absolutely.
14 It's up to the chairwoman but I have no
15 problem with that.

16 LEGISLATOR FORD: Perfectly fine
17 with me.

18 LEGISLATOR RHOADS: Mr. Reynolds
19 are you on the phone?

20 DR. REYNOLDS: I'm here. Can you
21 hear me?

22 LEGISLATOR RHOADS: I can.

23 DR. REYNOLDS: Excellent. Let me
24 start by saying that I fully concur with your
25 comments about MRTA. As you know, Family and

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2 Children's Association has raised a number of
3 concerns related to MRTA in terms of underage
4 access, pregnant and breast feeding women,
5 folks with mental health conditions and
6 driving. Particularly on Long Island where we
7 rely heavily on cars. Those are not all of
8 our concerns but those are some of our
9 concerns and we expressed them to state
10 lawmakers during the debate.

11 We also advocated heavily for large
12 scale public information campaign if they were
13 going to move ahead with the law. Which
14 obviously they did not fund, which I think is
15 a profound statement.

16 The fact that all acted in a
17 bipartisan way to pass this law means that --
18 on a somewhat bipartisan way -- means that its
19 localities that will now have to deal with the
20 damage and the potential downsides in
21 organizations like my own that have been
22 forced to clean up the mess created by opioid
23 manufacturers, liquor manufacturers, tobacco
24 purveyors and vaping manufacturers and this
25 will yet another thing that we will have to

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2 clean up. And quite frankly, we will come to
3 the county to fund.

4 As far as the issue of vaping, I
5 just want to speak specifically to the
6 conversion between the role of vaping and
7 marijuana use. I spend a fair amount of time
8 with young people who have encountered issues
9 at school or have been driven into one of our
10 treatment centers in Hicksville or Hempstead.
11 And I can tell you all of them understand
12 vaping is a way of using marijuana in the
13 school, on buses, at home and any other place
14 they can wholly undetected.

15 The vaping industry took a huge hit
16 just before COVID and, as you recall, there
17 was a number of significant breakouts of lung
18 diseases among young people and adults for
19 that matter and the industry took a major,
20 major hit when you're talking about a pandemic
21 that primarily impacts the lungs. Anybody
22 could have predicted that. Many of the stores
23 closed down. The online shops closed down.

24 I will tell you that they have
25 found marijuana and the legalization of

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2 marijuana to be their gateway directly back
3 into our kids and a way of gaining back market
4 share.

5 I will tell you that the amount of
6 odor that comes from a vaping device depends
7 largely on the strain of marijuana being
8 used. THC concentration. But increasingly
9 we're seeing highly prepared and highly
10 THC-laden oils being used in vaping devices
11 which have almost no smell. And every school
12 superintendent will tell you this is one of
13 their most vexing problems right now.

14 I think when you a look at what
15 happens outside the likelihood of anyone being
16 able to detect that odor is going to be
17 limited at best.

18 So, I agreed with your comments. I
19 agree with the bill. I do see some issues
20 with enforcement. I just want to be really
21 clear in terms of the convergence of vaping
22 practices and devices and the use of marijuana
23 especially among young people.

24 LEGISLATOR RHOADS: We certainly
25 appreciate that input Mr. Reynolds. Thank you

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2 so much.

3 DR. REYNOLDS: Any time. Thank
4 you.

5 LEGISLATOR RHOADS: I said
6 mister. It's doctor, isn't it? I apologize.

7 DR. REYNOLDS: I'm not a formal
8 guy. It's all good.

9 LEGISLATOR RHOADS: Legislator
10 Mule, did you have other questions?

11 LEGISLATOR MULE: No. I'm sorry
12 those are the only questions. But Dr.
13 Reynolds does essentially agree with what I'm
14 saying in terms of enforcement will be very,
15 very difficult. And so I think that this law
16 needs to be reconsidered in light of that.

17 Again, I just want to state I'm in
18 favor of it but I want to make sure we're
19 doing something that's really meaningful.

20 LEGISLATOR RHOADS: I appreciate
21 that and I believe that -- and correct me if
22 I'm wrong Dr. Reynolds -- it would be
23 challenging at best but it is still
24 detectable. So there is still some benefit to
25 the prohibition, would you not agree?

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2 DR. REYNOLDS: I don't know.
3 It's possible that I'm going to win the
4 lottery today too. Anything is possible. I
5 don't think it's good policy, and, quite
6 frankly, I would say to you and with every
7 ounce of respect, people shouldn't be vaping
8 in parks either. These are two behaviors that
9 have conferred. They are incredibly
10 dangerous. The science is really clear on.
11 And it's an industry behind this that is
12 taking health and taking the lives of kids
13 that impact people on a daily basis. I do
14 think it's going to be really hard to enforce,
15 and I think sometimes when things are crafted
16 imperfectly nothing happens whatsoever, and I
17 think that would be a missed opportunity.

18 LEGISLATOR RHOADS: I don't know
19 if you happen to hear the earlier portion of
20 the conversation that the commissioner of
21 parks has already issued regulations banning
22 vaping from county parks. What we are simply
23 doing here is attempting to clarify some of
24 the misconceptions that may have been put out
25 by the state legislation because the

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2 perception now is you can use marijuana in
3 whatever form where ever you want and it's
4 completely legal. This legislation is trying
5 to reinforce the message with respect to our
6 parks but expand that message to preserves, to
7 playgrounds, to beaches, campgrounds and other
8 open spaces that are owned by the county that
9 it's not permitted on county property.

10 DR. REYNOLDS: I get that and
11 again I fully concur. I guess my question
12 would be, do those regulations have a fine
13 attached to them?

14 LEGISLATOR RHOADS: Yes.

15 DR. REYNOLDS: Is the fine the
16 same and does it have the same force as a
17 local law?

18 LEGISLATOR RHOADS: You're asking
19 about the violation?

20 DR. REYNOLDS: Just vaping.
21 Vaping any substance in a park. It's a
22 regulation that says I can't do it. But if
23 somebody catches me at Eisenhower Park am I
24 stopped and fined and issued a ticket?

25 LEGISLATOR RHOADS: It is a

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2 violation. Actually, the fine is \$500 or
3 imprisonment up to 15 days. But we can't do
4 that with respect to marijuana because we're
5 capped as per the state legislation at \$200.

6 DR. REYNOLDS: Then if I'm vaping
7 in the park and an officer stops me, I guess
8 he or she would have to determine, I don't
9 know how they do that, whether or not I was
10 vaping a nicotine product or a THC-based
11 product. I think that would probably be hard.

12 LEGISLATOR RHOADS: In theory, if
13 they were able to make that distinction if
14 it's a tobacco product the fine could be \$500
15 or imprisonment up to 15 days. If it was not
16 a tobacco product and was simple a marijuana
17 product we're capped as far as the \$200 fine.

18 DR. REYNOLDS: It's way above my
19 pay grade but I would imagine it would be hard
20 for an officer on the scene to make that
21 determination and figure out what to do. I
22 don't know that it's going to be enforceable.

23 Again, I'm not a lawyer but I know
24 that there was lots of debate in the
25 legislature and the MRTA does address the

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2 issue of the smell of marijuana being a
3 condition for which officers can stop somebody
4 and question them. There was a lot of debate
5 when it came to the social justice
6 implications in those conversations. I don't
7 know to what extent that marijuana odor may
8 play in with what you want to do. You may be
9 in a scenario where you have to consider
10 regardless. I'm just not sure about that but
11 there was a lot of conversation.

12 LEGISLATOR RHOADS: We will have
13 to follow-up on those conversations obviously
14 with our police department. But I appreciate
15 it Dr. Reynolds.

16 DR. REYNOLDS: Of course. Any
17 time.

18 LEGISLATOR FORD: Thank you Dr.
19 Reynolds for your input and testimony. We
20 appreciate it. Legislator Mule anything
21 else?

22 LEGISLATOR MULE: Not at this
23 time. Thank you.

24 LEGISLATOR FORD: We'll keep
25 looking at this. We'll pass this today but

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2 we'll just do our due diligence and follow
3 through just to make sure that we have the
4 fines and we have the means to stop the vaping
5 and whatever in the parks and county-owned
6 properties. Okay?

7 LEGISLATOR FERRETTI: Legislator
8 Ford, can I just make a comment?

9 LEGISLATOR FORD: Legislator
10 Ferretti.

11 LEGISLATOR FERRETTI: I'm not
12 really sure I understand where -- look,
13 obviously a huge concern the legalization of
14 cannabis is for our kids. But I'm not sure
15 where that comes into play in terms of this
16 legislation just because, you know, they can't
17 smoke cannabis or vape cannabis legally
18 anyway, recreational cannabis, in the state of
19 New York. So I don't see how that has any
20 impact on this legislation.

21 Aside from that, I also don't know
22 what the suggestion is. If enforcement is a
23 concern, which I understand it's a concern,
24 what's the alternative? Not to pass this and
25 to not have this law on the books? Where

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2 hopefully the law in and of itself will deter
3 the use of vaping cannabis or smoking cannabis
4 on county properties? I guess I'm not sure
5 what the downside of passing this would be.

6 LEGISLATOR FORD: I think we're
7 all in favor of passing it. I just think
8 Legislator Mule was bringing up the fact that
9 she didn't know whether or not for like
10 nicotine vaping, I hope I'm saying this right,
11 if nicotine vaping, since I guess we were
12 under the assumption that when you vape
13 marijuana there is an odor that is associated
14 with it that would be detectable. But now as
15 we heard from Dr. Reynolds, that there can be
16 no odor with a marijuana-based vape.

17 So, Legislator Mule, from what I
18 understand, I think she wants to know what
19 about the people who do nicotine vaping and
20 how do we make sure that they don't do it? It
21 seems that now when we pass this that there
22 will be no vaping allowed in any county-owned
23 park or property. And I hope --

24 LEGISLATOR FERRETTI: I have an
25 overall concern about enforcement of this. Of

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2 illegal use of cannabis. Which I assume Dr.
3 Reynolds and Legislator Mule agree. That
4 there's an overall concern. Whether it be
5 intoxicated from marijuana while driving or
6 whatever. But I don't see how that differs.

7 In other words, the argument for
8 legalization as well. If someone is driving
9 while intoxicated on marijuana the police
10 officer will be able to see based on the
11 behavior of the driver that they're high. How
12 would that not be the case if someone is
13 smoking in the park? If an officer sees
14 somebody vaping and their actions and their
15 behavior are an indication that they are high
16 wouldn't that be a reason to believe that
17 they're smoking marijuana? If their eyes are
18 bloodshot. Whatever the symptoms of being
19 high off of cannabis, I'm not a smoker, but
20 whatever they are, I would assume they are the
21 same signs as if you're driving a vehicle
22 high.

23 LEGISLATOR MULE: Could Dr.
24 Reynolds respond to that?

25 DR. REYNOLDS: I would say even

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2 the police department, if you talk to Patty
3 Ryder, they're in the process now of
4 retraining all of the DREs, the drug
5 recognition experts, to do roadside tests for
6 cannabis impairment. The notion that your
7 folks working in the parks should be put in
8 that position or would be trained to do that
9 really is a big question mark.

10 I will say generally officers, and
11 Patty Ryder can speak more eloquently on this,
12 they go away for weeks to learn this in a way
13 that will not subject themselves to litigation
14 and challenges and everything else and asking
15 your guy or woman driving around Eisenhower
16 Park to do that puts them in an untenable
17 position. Honestly, I think the solution is
18 to say there's no smoking there's no vaping in
19 any county park at any time for any reason by
20 anyone.

21 I think the issue is around
22 adolescent and use for folks under the age of
23 21 is significant because all of our kids are
24 being exposed in parks to marijuana smoke.
25 Seeing people vaping to all sorts of unhealthy

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2 behavior. I think we use our parks and I
3 personally use Eisenhower Park a couple of
4 times a week. I think our parks are places
5 that are supposed to be safe for families.
6 They're supposed to be healthy places that we
7 shouldn't have to wade through marijuana smoke
8 or people vaping in order to use what we pay
9 for in taxes.

10 So, Legislator Ferretti, I don't
11 know if you heard my comments at the outset
12 about legalization in general and where I
13 stand on that but I've been pretty outspoken
14 about it. So I'm in agreement with you in
15 terms of the myriad of problems raised by
16 legalizing cannabis.

17 LEGISLATOR FERRETTI: I agree
18 with all of your sentiments. I agree with
19 your concerns over the legalization by the
20 state. I guess my position is more just about
21 this bill in particular. Personally, I do see
22 a big distinction between vaping cannabis and
23 vaping tobacco. But that's not really the
24 issue on this bill. Generally I agree with
25 your position. Like I said, I think that this

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2 bill enhances our position rather than inhibit
3 it. That's why I'm in favor of it and I hope
4 it passes.

5 LEGISLATOR MULE: Madam Chair, if
6 I may? Again, I just want to state I'm in
7 favor of absolutely the sentiment. I just
8 want to make sure that we're making the best
9 possible law that has the best possible chance
10 of success and doing what we actually want it
11 to do.

12 LEGISLATOR FORD: Thank you
13 Legislator Mule. Legislator Rhoads, did you
14 have anything?

15 LEGISLATOR RHOADS: We did happen
16 to reach out to the Parks Department, and I
17 don't believe Eileen Kreeb is on the call, but
18 the indication was the legislation actually
19 gives her the ability now to call in police to
20 enforce the law. So, now both park personnel
21 and public safety will have the ability to
22 actually have the police department come to
23 the park if they suspect that somebody is
24 using cannabis, vaping cannabis, in addition
25 to using cannabis as it would normally would

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2 be used.

3 I do also want to clarify to make
4 sure there's no confusion, this law applies to
5 everyone regardless of age. Obviously it's
6 illegal for anyone under 21 already to possess
7 or consume. But anyone over 21, under or over
8 21, certainly cannot use in a county park or
9 outdoor county property, preserve, playgrounds
10 beaches, campgrounds and other open spaces.

11 LEGISLATOR FORD: Thank you Dr.
12 Reynolds. I know that you had mention about
13 even with the school superintendents dealing
14 with the students that do vape and they get
15 away with it and they hide it and whatever.
16 I'm hoping that there's a way that we'll be
17 able to detect any type of vaping in any of
18 our county-owned parks to make sure that we
19 can stop it and keep our parks clean with
20 fresh air for everybody to enjoy healthfully.

21 And we will have to keep looking at
22 this to see whether or not we're achieving the
23 goals that we think that we are. Whether or
24 not it's vaping marijuana products and/or
25 nicotine products.

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2 Thank you very much everybody for
3 all your input. Any public comment? All
4 those in favor of passing this item please
5 signify by saying aye. The item passes
6 unanimously.

7 Clerk item number 144-21 is a local
8 law to amend Title 64 of the miscellaneous
9 laws of Nassau County to prevent the
10 consumption of cannabis by minors in private
11 homes.

12 May I have a motion. Moved by
13 Legislator Mule and seconded by Legislator
14 Rhoads. This item is before us.

15 This proposed local law is also in
16 response to the enactment of the Marijuana Tax
17 and Reform Act by New York State. The state
18 law removes marijuana from schedule one of the
19 New York State Public Health Law. As a
20 result, the county's existing Social Host law
21 no longer applies to marijuana usage by a
22 minor under age 21. Therefore, a person who
23 would have been guilty of violating the Social
24 Host law for allowing marijuana use by a minor
25 is no longer guilty of violating the law for

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2 this same reason.

3 This proposed local law amends the
4 Social Host law's definition of drugs to
5 remove marijuana and add cannabis and
6 concentrated cannabis as defined by Section
7 222-00 of the New York State penal law which
8 is added by the New York State Marijuana Tax
9 and Reform Act.

10 If this proposed local law is
11 enacted a person who allows marijuana to be
12 consumed at his or her residence by a minor
13 will once again be in violation of the Social
14 Host law.

15 I'm sure Dr. Reynolds remembers
16 trying to past social host laws way back when
17 everybody felt that it would be too much for
18 them when young people are in their houses and
19 sometimes they would give the argument that
20 it's safer for young people to be drinking at
21 somebody's house rather than out in the
22 street. We realize that it was all and all
23 dangerous regardless.

24 I'm very proud for my group down in
25 Long Beach, Long Beach Aware, headed by Judy

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2 Vining, who helped champion this legislation.

3 And for me I think it is important that we
4 recognize this and that we add cannabis to the
5 Social Host law.

6 Any other legislators? Any public
7 comment? All those in favor of passing this
8 item please signify by saying aye. Opposed?
9 The item passes unanimously.

10 We have no other items before us.
11 So may I have a motion to adjourn. Moved by
12 Legislator Rhoads. Seconded by Legislator
13 DeRiggi-Whitton. All in favor? This
14 committee is now adjourned. Thank you
15 everyone.

16 (Committee adjourned at 4:28 p.m.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 19th day of
April 2021

FRANK GRAY