

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE MEETING
HELD IN THE
PUTNAM COUNTY OFFICE BUILDING
ROOM #318
CARMEL, NEW YORK 10512**

Chairwoman Scuccimarra, Legislators Gouldman & Sayegh

Tuesday

6:00PM

August 14, 2018

The meeting was called to order at 6:00 P.M. by Chairwoman Scuccimarra who requested that Legislator Gouldman lead in the Pledge of Allegiance. Upon roll call Legislators Gouldman, Sayegh, and Chairwoman Scuccimarra were present.

Item #3 - Approval of Minutes – July 10, 2018

The minutes were approved as submitted.

Chairwoman Scuccimarra stated the agenda would be addressed out of order.

Chairwoman Scuccimarra made a motion to waive the rules and accept the additional; Seconded by Legislator Gouldman. All in favor.

Item #7 - Approval/Local Law To Amend Chapter 203 Of The Putnam County Code Entitled “Smoking,” Section 203-5 (Also Adding New Article II Entitled “The Tobacco 21 Act” and Adding New Article III, Entitled “Local Tobacco Retail Licensing & Enforcement Mechanism”)

Chairwoman Scuccimarra stated tobacco use is the largest preventable cause of death and disease in the United States. She stated cigarette smoking kills more than 480,000 Americans each year, including more than 41,000 deaths from secondhand smoke. She stated smoking related illness in the United States cost more than \$300 billion annually including nearly \$170 billion in direct medical care. She stated more than one (1) in five (5) high school students use at least one (1) tobacco product, including e-cigarettes. She stated 7.2% of middle school students also use at least one (1) tobacco product. She stated nicotine is a notoriously difficult addiction to reverse. She introduced Tracey Walsh of the American Cancer Society.

Ms. Walsh stated she is a Putnam County resident as well as an American Cancer Society representative. She stated raising the tobacco purchase age to 21 is important because tobacco companies have targeted youth and young adults. She stated young people have become addicted to nicotine and through vaping it is happening more frequently. She stated this legislation would not be an example of over regulation. She stated it is a fiscally conservative measure that will help to reduce the \$10.4 billion in tobacco related health care costs in New York State. She stated in regards to the military, tobacco and alcohol are available when they are deployed, but when they return home, they must follow the law, for instance they cannot be served alcohol if they are under the age of 21. She noted that of all addictions, nicotine is the

hardest to quit. She stated raising the age to 21 will not keep kids from getting tobacco, but it will significantly reduce youth use and access. She stated criminalizing the young people who purchase tobacco is not the goal of this legislation because they have been unfairly targeted by the tobacco industry. She stated raising the age to 21 is not problematic for vendors because they already have to abide by the law and confirm the age of people buying alcohol and tobacco. She stated there is no evidence that punishing possession will have an impact on reducing smoking rates. She stated there is evidence that raising the age to 21 can reduce smoking rates.

Chairwoman Scuccimarra thanked Ms. Walsh for her comments. She agreed that young people have been targeted by the tobacco companies and the flavored vaping materials are an example of that.

Legislator Gouldman questioned if it would be helpful to mirror how alcohol is handled and punish people for buying tobacco for minors.

Ms. Walsh stated she would defer to the experts who have stated that punishing kids does not work, but raising the age does.

Legislator Gouldman clarified that he is referring to an older person buying tobacco for an underage person. He stated in theory this law makes sense. He questioned again if it would be helpful to punish people for purchasing tobacco for underage youth.

Ms. Walsh stated she would have to do more research and would defer to the experts.

Legislator Albano stated the legislation could be amended in the future. He stated this would be a step in the right direction. He stated the job of the Legislature is to look out for the welfare of the residents. He stated he supports this legislation.

Deputy Commissioner of Social Services Joseph DeMarzo stated the adolescent brain continues to develop till around 22 to 25 years old. He stated anything a young person puts in their body has an effect on their development. He stated tobacco products especially affect the brain between the ages of 12 and 17. He stated it affects the dopamine receptors in the brain, which could shut down if the person becomes addicted. He stated people who vape are four (4) times more likely to use marijuana. He stated 84% of all addicts use tobacco products. He stated this legislation is about limiting access for young people to have tobacco products.

Legislator Gouldman questioned, from an addiction standpoint, should the tobacco law mirror the alcohol law.

Deputy Commissioner DeMarzo stated he would have to do more research on the comparison.

Anthony DiCarlo, Superintendent of Mahopac Central Schools, stated this is an issue that allows the community to come together to show support to young people. He stated this is an opportunity to be proactive instead of reactive. He stated when the alcohol purchase age was raised to 21, alcohol consumption amongst youth was reduced along with fatalities from drinking. He stated one problem the schools are dealing with is that the tobacco companies have

learned to market to kids through social media. He stated Mahopac Schools had a vaping presentation which detailed the effects of vaping that parents did not know about. He stated he supports taking this first step. He stated he knows there are other school superintendents that support this legislation.

Maureen Kenney, from POWR Against Tobacco stated if the tobacco 21 legislation were to mirror the alcohol law the American Heart Association, American Lung Association, and American Cancer Society would not support the legislation because it could criminalize youth.

County Attorney Jennifer Bumgarner stated the proposed legislation does not make it a crime to possess tobacco only to sell it to a minor.

Chairwoman Scuccimarra stated education is key, not criminalizing kids who are in possession of tobacco.

Lynne Eckardt, Town of Southeast Councilwoman, read a letter from Town of Southeast Supervisor Tony Hay:

“On Thursday, August 9, 2018, the Southeast Town Board discussed the proposed T21 Tobacco Legislation being proposed by the Putnam County Legislature and a majority of our Town Board agreed to support the T21 measure.

A majority of the Southeast Town Board believes that raising the age of purchase to 21 will positively impact youth throughout Putnam County. Saving future health care costs, addictions and most importantly, lives, motivated a majority of the Town Board to support this measure. Just as raising the age of alcohol sales has saved countless lives over the past several decades; we believe that raising the age on tobacco purchases will do the same. In addition, our Board is very concerned about the increased practice of vaping in Putnam County. While many of us believe that this issue should be tackled state-wide, we would like to see Putnam County take the lead on protecting our youth. The statistics speak for themselves.

Please support raising the age for purchasing tobacco and tobacco products to 21.”

Legislator Sayegh agreed with Superintendent DiCarlo’s statement regarding the community coming together, especially with the popularity of vaping. She stated young people are becoming addicted to nicotine. She stated prevention limits access. She referenced a statistic from the FDA (Food & Drug Administration) that minors rely on social sources to obtain tobacco products 86.1% of the time. She stated it is important to get these products out of the schools. She stated this will not eliminate underage access but will have an impact and that is why she supports this legislation.

Erin Grenzie, a Senior at Brewster High School and Vice President of the Putnam County Youth Bureau, stated 96% of smokers begin smoking before the age of 21, with most beginning before age 16. She stated addiction often occurs between the ages of 18 to 21. She stated there is a trickle-down effect as those who are under the age of 18 obtain tobacco products from their peers. She stated people over 21 are usually not in the same social circles as 18 year olds. She

stated the FDA has not approved e-cigarettes as an effective and safe method of smoking cessation. She stated a single Juul pod contains the nicotine of an entire pack of cigarettes. She noted the vapor from e-cigarettes can cause secondhand effects as the vapor is not harmless and can cause a disease known as “popcorn lung”. She stated vaping in her school’s bathrooms became such an issue that the bathrooms had to be locked during most of the school day. She stated the young adults of Putnam County need to be protected.

Kristin McConnell, Executive Director of the Prevention Council of Putnam, stated preventing tobacco use in youth is critical to ending the tobacco epidemic nationwide. She stated nearly nine (9) out of 10 cigarette smokers first tried smoking by the age of 18. She stated each day more than 3,200 people age 18 or younger smoke their first cigarette and an additional 2,100 youth and young adults become daily smokers. She stated according to the Center for Disease Control, if smoking rates among youth continue at the same pace, 5.6 million people under 18 will die early of a smoking related illness. She stated the Prevention Council administers a Prevention Needs Assessment Survey in the schools and the percentage of students that reported vaping in the past 30 days is double the national average. She stated eighth graders that completed the survey 11.6% reported vaping while the national average is 6.6%, tenth graders reported 27.3% while the national average is 13.1%, and twelfth graders reported 33.8% while the national average is 16.6%. She stated by delaying the use of tobacco products, adolescents are prevented from becoming addicted to them. She stated this could potentially save thousands of lives.

Acting Commissioner of Health Dr. Michael Nesheiwat stated everyone agrees that smoking cigarettes and vaping is not safe and leads to many health issues. He stated if even one (1) person’s life can be saved from passing this legislation, then it must be moved forward. He noted this would only have a 2% impact on retailers.

Val Nearman, Health Coordinator for the Mahopac School District, stated the nature of adolescents is to take risks and are excited by what they think will look cool. She stated this is why they need boundaries and limits. She stated using nicotine is never healthy in moderation. She stated this legislation would be another message to kids that using these products could be hurtful to them.

Legislator Gouldman questioned if are the school systems and addiction services prepared to help the young people who are already addicted and can no longer buy the products if this legislation passes .

Ms. Walsh stated the American Cancer Society offers free smoking cessation programs in the county.

Chairwoman Scuccimarra noted that the County Health Department has an extensive smoking cessation program.

Legislator Gouldman questioned if there are currently programs in the school systems.

Superintendent DiCarlo stated they have partnerships with treatment programs.

Ms. Nearman stated there is a student assistance counselor at Mahopac High School for students who may be struggling with addiction or experimentation.

Acting Commissioner Nesheiwat stated the County Health Department has health educators that give smoking cessation classes and they would be happy to partner with the schools.

Legislator Sayegh noted that kids have started smoking marijuana through the vapes.

Commissioner of Social Services Michael Piazza stated in response to Legislator Gouldman's question regarding the preparedness to help young people who are addicted to nicotine, he believes that the County is prepared. He noted Medicaid will pay for tobacco cessation products. He stated chemicals are being created to help block the effects of addiction. He stated the longer an adolescent waits to try their first addictive drug, the risk of becoming addicted is much less. He stated that is the strongest piece of this legislation because it helps that delay. He noted there would be healthcare cost savings. He stated a new report shows that vaping has been found to damage bacteria fighting lung cells. He stated vaping will be found to be just as dangerous as smoking. He stated that he supports and encourages the passage of this legislation.

Cheryl Richter, Executive Director of the New York State Vapor Association (NYSVA), stated she had materials for the legislators.

Chairwoman Scuccimarra made a motion to waive the rules and accept the additional; Seconded by Legislator Sayegh. All in favor.

Executive Director Richter stated there are 700 vape shops in New York State and the mission they have is to help people to stop smoking cigarettes. She stated she stopped smoking after trying an e-cigarette and she has helped thousands of people stop smoking the same way. She stated the NYSVA does not want teens to vape and are not associated with the big tobacco companies. She stated they are victims of tobacco. She stated in municipalities that have passed the tobacco 21 legislation, studies have shown that teens who vaped go back to smoking cigarettes because they can no longer buy the e-cigarettes and it is very easy to get illegal cigarettes. She stated 57% of cigarettes sales in New York are illegal. She stated there are no consequences for giving a minor a cigarette or for a minor who is in possession of a cigarette. She stated her son has been smoke free since he was 17 due to the help of a vapor product. She stated statistics show that 18 to 20 year olds use vapor products to help them stay away from using cigarettes. She stated parents need to check in their kids wallets for fake ids.

Legislator Castellano questioned what kind of regulations there are for vape shops.

Executive Director Richter stated they work very closely with the State Government. She stated there are certain requirements for childproofing the products. She stated the FDA now regulates vapor products. She stated there are health requirements, including proving for each product that there is a benefit to public health.

Legislator Castellano questioned what the percentage of vaping products bought online is.

Executive Director Richter stated she does not have the percentage because it is not monitored. She noted that it is easy for these products to be purchased online.

Chairwoman Scuccimarra recognized that e-cigarettes are used by some people to help them stop smoking cigarettes. She stated what is going on with the youth right now is much different from that purpose.

Ms. Walsh acknowledged that adults use regulated vapor products to quit smoking cigarettes. She stated children are not using the vapes for this purpose. She stated e-cigarettes are not an FDA approved smoking cessation aid.

Susan Salamone, Executive Director of Drug Crisis in Our Backyard stated she believes taking tobacco products out of the hands of middle schoolers and high schoolers will have a ripple effect on how children get addicted to substances later in life. She stated young people do not view vaping as negatively as smoking.

Chairwoman Scuccimarra made a motion to move Approval/Local Law to Amend Chapter 203 of The Putnam County Code Entitled "Smoking," Section 203-5 to the Full Legislative Meeting.

Legislative Counsel Robert Firriolo clarified that the motion is on the revised proposal that was accepted as additional. He stated there are three (3) separate laws in the proposal. He stated the first part is increasing the age for minors to enter rooms where smoking is present from 18 to 21, the second part is increasing the tobacco purchase age and imposing penalties on anyone who sells tobacco products to anyone under 21, and the third part is creating a new licensing scheme for tobacco products in Putnam County.

Legislator Castellano requested clarification on the law that raises the age for minors to enter a room where smoking is present.

Legislative Counsel Firriolo stated currently no person under 18 is allowed in areas that smoking is present and this would increase the age to 21.

Executive Director Richter questioned if there is an exemption for vape shops. She stated this could affect people who are employed at vape shops.

County Attorney Jennifer Bumgarner stated this would affect certain organizations ability to employ anyone under 21.

Legislator Castellano stated he knows of establishments in the county that this legislation would affect.

Legislator Gouldman questioned if the measures included in the proposal could be voted on separately.

Legislator Castellano stated this part of the proposal may need to be phased in. He stated this would affect people under 21 who are looking for jobs or are already working at establishments where smoking is allowed.

Chairwoman Scuccimarra questioned if this part of the proposal could be excluded from the vote.

Legislative Counsel Firriolo stated the rest of the proposal could be voted on as it would not affect the other parts of the proposal.

Legislator Castellano requested clarification on the other parts of the proposal.

Legislative Counsel Firriolo stated the second part imposes penalties on anyone who sells tobacco or vaping products to anyone under the age of 21. He stated the third part is creating a licensing scheme requiring all tobacco retailers and vape shops in Putnam County to obtain a license from the Health Department.

Chairwoman Scuccimarra stated the licensing aspect is so the County can keep track of where these retailers are. She stated there is no fee for the license.

Legislator Castellano questioned if the Health Department is able to handle this additional responsibility.

Chairwoman Scuccimarra stated they are.

Chairwoman Scuccimarra made a motion to move sections two (2) and three (3) of the revised proposal to the Full Legislative Meeting; Seconded by Legislator Sayegh. All in favor.

Item #6 - Approval/Local Law To Amend the Code Of The County of Putnam By Adding A New Chapter 217, Entitled “Synthetic Drugs, Ban On Sale and Possession Of”

Chairwoman Scuccimarra stated the compositions of the synthetic drugs are constantly changing so this law was a challenge. She stated this proposal could be amended in the future.

Legislator Sayegh made a motion to move Local Law To Amend the Code Of The County of Putnam By Adding A New Chapter 217, Entitled “Synthetic Drugs, Ban On Sale and Possession Of” to the Full Legislative Meeting; Seconded by Chairwoman Scuccimarra. All in favor.

Item #4 - Discussion/Letter from Putnam Independent Living Services/Affordable and Accessible Housing in Putnam County

Chairwoman Scuccimarra stated this letter describes a need for Putnam County to have more housing for people with disabilities and low income. She stated it also refers to an idea called “visitability” which refers to housing that is accessible for people with disabilities, who are in wheelchairs, and seniors. She stated she believes that this fits with the “ThinkDifferently” resolution that Putnam County recently passed.

Commissioner of Social Services Michael Piazza stated he supports the ideas in the letter. He stated he supports making new housing more accessible for people with handicaps. He stated this makes our community more inviting.

Chairwoman Scuccimarra noted that this would help people stay in their homes, which many seniors cannot.

Commissioner Piazza stated the lack of accessible housing has come up at past forums for people with disabilities. He stated another aspect of the letter was addressing low income housing, which is a concern for his department. He stated the organization Search for Change is looking to build a 50 unit apartment building of which half would be for low income housing and the other half would be for veterans, victims of domestic violence, or people recovering from mental illness or substance abuse. He stated Search for Change has received funding from the State, but is having trouble finding a site. He stated People Incorporated is looking to create a 20 bed homeless shelter in Carmel. He stated People Incorporated may take over the faith-based shelter in Brewster that has run into financial trouble. He stated if People Inc. takes over that shelter it would be turned into a fully staffed recovery center with peer counselors, supervision, and vocational training. He stated the faith-based center cannot be a warming station during the day but also cannot receive State funding because they cannot conform to the requirements that the State wants. He stated this letter states there is only one (1) nursing home in the county, but there is actually two (2).

Chairwoman Scuccimarra suggested a supportive resolution regarding the issues of low income and accessible housing.

Legislator Sayegh stated transportation is also an issue. She stated people in low income and accessible housing need access to public transportation.

Commissioner Piazza stated during the storms and bitter cold weather this past winter, some people slept at the faith-based shelter and then went to Carmel during the day until it was time to go back to the shelter.

Chairwoman Scuccimarra thanked Commissioner Piazza for his insight. She stated she would reach out to Putnam Independent Living Services to discuss these issues.

Item #5 - Approval/Requests To New York State Department of Environmental Conservation and United States Army Corps of Engineers Regarding Public Comment, Public Information, and Public Scoping Meetings Concerning Proposed Storm Surge Barriers

Chairwoman Scuccimarra stated the United States Army Corps of Engineers (USACE) are considering six (6) different plans intended to manage the risk of coastal storm damage. She stated environmental groups are concerned with how this could affect the tidal flow and the migration of many species that are essential to the Hudson River estuary. She stated this

resolution would not be against addressing the coastal floods, it is asking for more research into the environmental effects and a longer period of review for public input.

Legislator Sayegh questioned if the USACE has done environmental studies, and if so, she would like to see them before passing this resolution.

Chairwoman Scuccimarra stated she does not believe an extensive environmental impact study has been done. She clarified that this resolution is not against all the storm surge barriers.

Legislator Albano stated this is an expensive project to essentially fight against Mother Nature. He stated maybe things should be moved off the coast.

Chairwoman Scuccimarra agreed with Legislator Albano. She stated this resolution is requesting that the public comment period be extended from 40 days to 70.

Legislator Gouldman made a motion to move Approval/Requests To New York State Department of Environmental Conservation and United States Army Corps of Engineers Regarding Public Comment, Public Information, and Public Scoping Meetings Concerning Proposed Storm Surge Barriers to the Full Legislative Meeting; Seconded by Chairwoman Scuccimarra. All in favor.

Chairwoman Scuccimarra stated she would try to answer Legislator Sayegh's questions before the Full Legislative Meeting.

Legislator Sayegh stated she would do more research into this.

Item #8 - Other Business – None

Item #9 – Adjournment

There being no further business, at 7:42 P.M., Chairwoman Scuccimarra made a motion to adjourn; Seconded by Legislator Gouldman. All in favor.

Respectfully submitted by Administrative Assistant Ed Gordon.