

February 5, 2019

A Public Hearing for the Board of Trustees regarding Proposed Local Law No. 01 of 2019 was held on the above date at 8:10 pm.

Present were Mayor Dominick A. Longobardi, Trustees Kevin M. Fitzgerald, Lynn Pombonyo, Archie T. Cheng and Frank J. Chiara, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works Stephen Siwinski, Deputy Superintendent of Public Works Kevin Ginnane, Police Commissioner Stephen McAllister, Police Lieutenant William Doherty, 4th Assistant Fire Chief Jep Dodson and Village Attorney John E. Ryan

Purpose: To consider the enactment of a local law known as Local Law No. 01 of 2019, entitled: "A local law amending Chapter 47 of the Code of the Incorporated Village of Floral Park with regard to commercial solicitation."

On motion by Trustee Cheng, seconded by Trustee Chiara, and carried unanimously, the Board amended Proposed Local Law No. 01 of 2019 in §47-4: 'from 10 business days to 20 business days as the Board of Trustees does not meet with the same frequency during summer months'.

Trustee Fitzgerald offered Resolution No. 2019-23 to reserve decision on Proposed Local Law No. 01 of 2019 and close the public hearing.

The Resolution was seconded by Trustee Pombonyo and adopted on roll call as follows:

Trustee Fitzgerald	- Aye
Trustee Pombonyo	- Aye
Trustee Cheng	- Aye
Trustee Chiara	- Aye
Mayor Longobardi	- Aye

The public hearing was closed at 8:15 pm.

A copy of the transcript of the public hearing is attached and is made a part of these minutes.

Susan E. Walsh
Village Clerk

LEGAL NOTICE

**INCORPORATED VILLAGE OF FLORAL PARK
NOTICE OF PUBLIC HEARING
PROPOSED LOCAL LAW NO. 1 OF 2019**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Code of the Incorporated Village of Floral Park and the Municipal Home Rule Law of the State of New York, a public hearing will be held in the Incorporated Village of Floral Park at the Village Hall, One Floral Boulevard, Floral Park, New York on the 5th day of February, 2019 at 8:00 o'clock in the evening of that day, to consider the enactment of local law entitled: "A Local Law Amending Chapter 47 of the Code of the Incorporated Village of Floral Park with Regard to Commercial Solicitation." This local law shall take effect immediately upon its filing with the Secretary of State.

DATED: January 30, 2019

BY ORDER OF THE
BOARD OF TRUSTEES INCORPORATED
VILLAGE OF FLORAL PARK, NEW YORK
SUSAN E. WALSH
VILLAGE CLERK

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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
FEBRUARY 5, 2019
8:00 p.m.

P R E S E N T :

- DOMINICK LONGOBARDI, MAYOR
- KEVIN M. FITZGERALD, DEPUTY MAYOR/TRUSTEE
- ARCHIE T. CHENG, TRUSTEE
- DR. LYNN POMBONYO, TRUSTEE
- FRANK J. CHIARA, TRUSTEE

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
- GERARD M. BAMBRICK, Village Administrator
- SUSAN E. WALSH, Village Clerk
- STEPHEN SIWINSKI, Supt. Public Works & Bldgs.
- STEPHEN MCALLISTER, Police Commissioner

Catherine P. Murphy
Court Reporter

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1 MAYOR LONGOBARDI: Welcome everybody.
2 Thank you for being here. I'd like to ask you
3 to please rise and join us in the Pledge of
4 Allegiance.

5 (Pledge of Allegiance said.)

6 MAYOR LONGOBARDI: Thank you all very,
7 very much. What we have now, we have four
8 public hearings. Three involve new Local Laws
9 and the fourth one is a public hearing on a
10 building. We're going to go through the three
11 local laws first and then the public hearing on
12 the property. So, if I could now ask
13 Miss Walsh, if you would, to go through the
14 first Local Law.

15 MS. WALSH: Thank you, Mayor Longobardi.
16 Legal Notice. The Incorporated Village of
17 Floral Park Notice of Public Hearing Proposed
18 Local Law number 1 of 2019.

19 Please Take Notice that pursuant to
20 Article 9 of the New York State Constitution,
21 the provisions of the Code of the Incorporated
22 Village of Floral Park and the Municipal Home
23 Rule Law of the State of New York, a public
24 hearing will be held in the Incorporated
25 Village of Floral Park at the Village Hall, One

1 Floral Boulevard, Floral Park, New York on the
 2 5th day of February, 2019 at 8:00 in the
 3 evening of that day to consider the enactment
 4 of local law entitled: "A Local Law Amending
 5 Chapter 47 of the Code of the Incorporated
 6 Village of Floral Park with regard to
 7 Commercial Solicitation." This local law shall
 8 take effect immediately upon its filing with
 9 the Secretary of State. Dated January 30, 2019
 10 By Order of the Board of Trustees Incorporated
 11 Village of Floral Park, New York. Susan E.
 12 Walsh, Village Clerk.

13 This legal notice has been published in
 14 the official paper of the Incorporated Village
 15 of Floral Park, New York and posted according
 16 to law.

17 MAYOR LONGOBARDI: Thank you, Miss Walsh.
 18 I would like to now announce the Board had
 19 previously adopted a negative declaration,
 20 meaning that the proposed Local Law has no
 21 significant impact upon the environment.

22 I would also like to read a little
 23 legislative intent on this law, originally
 24 adopted in 1842, amended in 1984 and 2003,
 25 Chapter 47 of the Village Code addresses within

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1 the Village. Due to the development and law
2 regarding regulation of commercial
3 solicitation, this local amends Chapter 47 so
4 as to address licensing requirement those
5 engaged in commercial solicitation of the sale
6 of goods and services.

7 Okay. With that, I would ask if anybody
8 on the Village Board would like to make any
9 comments?

10 TRUSTEE CHENG: I have one comment on
11 Local Law Section 47 where it states that the
12 Board would act with intent within 10 business
13 days. I would like to offer an amendment to 20
14 business days, inasmuch as we don't have a
15 meeting every 10 business days in the summer.

16 MAYOR LONGOBARDI: Thank you. At this
17 point, I would ask for a motion for the
18 amendment, but it has to be an amended motion
19 for amendment on the amendment.

20 TRUSTEE FITZGERALD: So moved.

21 TRUSTEE POMBONYO: Second.

22 MAYOR LONGOBARDI: Any discussion on the
23 amendment? With that, I would ask Miss Walsh
24 to please poll the Board.

25 MS. WALSH: Trustee Cheng?

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TRUSTEE CHENG: Aye.

MS. WALSH: Trustee Fitzgerald?

TRUSTEE FITZGERALD: Aye.

MS. WALSH: Trustee Pombonyo?

TRUSTEE POMBONYO: Aye.

MS. WALSH: Trustee Chiara?

TRUSTEE CHIARA: Aye.

MS. WALSH: Mayor Longobardi?

MAYOR LONGOBARDI: Aye. We voted on the amendment to include it in the Local Law. We have not voted on the Local Law yet. So with that, unless anybody else has any comments, I will open it up to the floor if anyone in the audience would like to make any comments on this Local Law?

Hearing none, one last chance if the Board wants to make any? If not, I will ask that -- I would ask for a motion to close the public hearing and reserve decision.

TRUSTEE FITZGERALD: So moved.

TRUSTEE CHENG: Second.

MAYOR LONGOBARDI: Any discussion? With that, Miss Walsh, would you please poll the Board.

MS. WALSH: Trustee Fitzgerald?

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1 TRUSTEE FITZGERALD: Aye.

2 MS. WALSH: Trustee Pombonyo?

3 TRUSTEE POMBONYO: Aye.

4 MS. WALSH: Trustee Cheng?

5 TRUSTEE CHENG: Aye.

6 MS. WALSH: Trustee Chiara?

7 TRUSTEE CHIARA: Aye.

8 MS. WALSH: Mayor Longobardi?

9 MAYOR LONGOBARDI: Aye. That closes that
10 public hearing.

11 The next public hearing prior to this, the
12 next two Local Laws involve the Village's
13 actions regarding the possibility that
14 marijuana sales may become legal in the State
15 of New York. Before we talk about what the
16 intent of these laws are and the intent of
17 these laws are, one, to define what is
18 marijuana, marijuana products, medical
19 marijuana within our code. The second, of
20 course, is to what we are hoping to do is limit
21 where any of these types of businesses would be
22 allowed to open within our Village.

23 So, prior to that, everybody knows and we
24 have done this before and we've seen the
25 effects of what marijuana can do and to give

1 everybody just a little bit of an education, we
2 asked our own Lieutenant Will Doherty, who has
3 become one of the experts on Long Island on
4 this, to just give a brief review of what we
5 feel and the reasons why we are looking to do
6 these laws now. So Will, if you can come up.

7 (Whereupon, Lieutenant William Doherty was
8 sworn in.)

9 LIEUTENANT DOHERTY: William Doherty,
10 D-O-H-E-R-T-Y, Lieutenant, former Sergeant.

11 Thank you Mayor and the Village Board. I
12 am not an expert. I just did a little bit of
13 research as part of my -- some of my
14 relationship duties.

15 Marijuana will be legalized. I don't
16 think it is and if, but it has been legal
17 medicinally in New York State since 2016, legal
18 for 14 discreet medical conditions, things like
19 Lou Gehrig's disease, chronic pain, certain
20 cancers, the list goes on and on. Epilepsy,
21 inflammatory bowel Disease. It has been legal
22 to get prescriptions for if you suffer from a
23 specific alienating condition and now it seems
24 as though very shortly, recreational marijuana
25 will also become legal.

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1 So from a police department perspective
2 and from a societal perspective, there are
3 certain concerns. The first of which, if you
4 think about the oath Sergeant Norton just took,
5 he swore to uphold federal law, local law and
6 state law. Marijuana is federally illegal
7 still and I don't think that will ever change.
8 It is a schedule one drug which means the
9 Federal Government, their actual experts has
10 decided there's no pharmacological or medicinal
11 use that is worthy of a prescription of
12 marijuana and there is also a high risk of
13 abuse, misuse and addiction. So, when it
14 becomes legal in New York State, as it has in I
15 think five or six other states, we're going to
16 have to turn a blind eye to what the Federal
17 Government has decided is illegal and I don't
18 think that will change. So, that's a concern
19 for us.

20 It has also been determined to be
21 addictive and harmful by the World Health
22 Organization, The American Medical Association,
23 The American Association of Pediatric
24 Psychologists, The National Institute of
25 Health, the National Academy of Sciences and

1 the list goes on and on. These are people who
2 are preeminent in renowned research and writing
3 and they say it is a bad thing. That being
4 said. It is coming. It is going to be legal
5 in New York State.

6 So, Colorado and I believe Washington
7 State, were the first people to blaze this
8 trail into the legality of marijuana. Some of
9 the things that they have encountered since it
10 became legal was in Colorado, 62 percent
11 increase in traffic fatalities in the first
12 year it was legalized. Drug driving arrests
13 have doubled that year. So, the problems that
14 we're going to encounter in New York State,
15 without going into a long treatise on probable
16 cause and summary arrests, for me to make an
17 arrest of somebody without a warning, just
18 based on my observations alone and establishing
19 probable cause, which is called summary arrest
20 in our CPL, I have to determine whether or not
21 a crime was committed, whether or not the
22 person I'm looking committed the crime, whether
23 a reasonable person would agree with me and
24 that's a thumb nail sketch of probable cause.

25 To make an arrest of drunk driving, I can

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1 do that based on observation, impaired
2 condition, impaired coordination, not to be
3 looking at you impaired coordination, smells,
4 all sorts of things. Then, I make them submit
5 to a chemical test, they can refuse and I can
6 arrest them for the refusal, but I got them on
7 probable cause. Come legal recreational
8 marijuana, people will certainly take advantage
9 of smoking marijuana legally because they do it
10 illegally too.

11 Now, we can't make an observation. We can
12 make the arrest on observation, but we can't
13 prove to a sufficient degree to put them
14 through the system of arrest without the use of
15 a drug recognition expert. A drug recognition
16 expert is a police officer in New York State
17 who's gone through about 40 days of training,
18 things like pupillary reaction, blood pressure,
19 reaction to drugs. It is a sight to see when a
20 drug recognition expert examines a defendant.
21 There aren't enough of them. And for us to
22 send somebody will be cost prohibitive. The
23 state has already said we need 650 of them,
24 more of them statewide in order to make arrests
25 for marijuana, induced impaired driving,

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something that can get through the District Attorney and into Court. So that's going to be an issue that has not been considered in the legislation thus far.

The other thing we're concerned about is the fact it is a cash business. Because it is federally illegal, you can't use credit cards to buy it. All the businesses must take cash. Cash businesses create a lot of cash which can be street crime provoking. We're going to worry about robberies if there becomes a recreational marijuana store here in Floral Park. We're going to worry about cash on-hand and burglaries. We're going to worry about a lot of things in that location that we don't necessarily worry about at a deli or restaurant or card store.

In Washington State, homelessness increased 50 percent that they attributed to recreational marijuana. There's an increase of 400 percent in black market arrests. Why would there be black market arrests for people buying marijuana? Because anything that the government legalizes, the tax. The government wants a piece of it. So, it is easier to get

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1 the marijuana cheaper by not going to a
2 licensed recreational marijuana store, for lack
3 of a better word, they do buy it on the black
4 market, which is a street crime, in order to
5 avoid the tax. Every time we arrest somebody
6 down the line, it costs tax money also. So, it
7 is a consideration. Washington State has the
8 highest rate of teen drug use in the United
9 States and their emergency room admissions have
10 increased due to marijuana use.

11 I will wrap it up a little more with some
12 other statistics with the scientific side that
13 we teach our kids in schools, as far as
14 marijuana. When I teach my college students
15 and Officer Groshan teaches the high school
16 kids, they think marijuana is not a bad thing.
17 Marijuana is not a big deal. Unfortunately, it
18 is. We know it is a gateway drug. People that
19 start with marijuana graduate to bigger drugs.
20 We know that marijuana use contributes to other
21 societal problems like homelessness.
22 Scientifically speaking, some of the statistics
23 I found in a report from Hillsdale College were
24 that because it's only medicinally allowed for
25 certain conditions, typically it is associated

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with pain management, but no one's done a period of study between marijuana usage for pain and NSAIDs, which are nonsteroidal anti-inflammatory drugs, over-the-counter like Aleve and Motrin and Tylenol.

Additionally the marijuana out today, is 300 times more potent than Woodstock in the 70's. That something to consider. The same study shows that 11 percent of psychosis admission in emergency rooms are attributed to using marijuana. Apparently, there's a correlation when you're predisposed to that type of psychological issue or psychiatric issues, marijuana exacerbates it. It also appears to exacerbate violence in people diagnosed with schizophrenia. Why we're considering legalizing this, I don't know. It also has a tendency to cause paranoia.

I will leave you with interestingly the fact that we saw out of the heroin prevention task force, a doctor who deals with addiction told us seeing the states legalized marijuana are what is called bud-tenders. Instead of bartenders, we have bud-tenders. They're practicing medicine without a license, going so

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1 far to tell pregnant mothers which strain of
2 marijuana is best for morning sickness. Why
3 are we going to legalize it? I don't know.
4 Additionally, these bud-tenders tend to
5 advertise strains cause less paranoia. These
6 are things left to doctors, nurse
7 practitioners, physicians assistants, not
8 bud-tenders. That's something we are concerned
9 about when and if someone tries to open up one
10 of these establishments in the Village. It's
11 not the police department place to take a
12 political stand on it, but it certainly not
13 without the realm of our responsibility to
14 bring it to the floor, some of the ancillary or
15 side effects that may come along with it.

16 MAYOR LONGOBARDI: Thank you, sir, very
17 much. For those of you that weren't sure, if
18 he was expert, I think you can see here.

19 The intention of the laws, as you know,
20 New York State, these are preemptive. These
21 laws are preemptive. The law has not passed in
22 New York State, but we want to make sure in the
23 Village, that in any way, shape or form that we
24 can control it. If we can ban it, we would.
25 We said that. However, based on what the

1 provisions of the New York State laws say, we
 2 cannot ban it due to our population numbers
 3 because again, a ban can only work with a
 4 population of 100 thousand or more. And also,
 5 if you are a county and the way I understand
 6 it, a township, we are not any of that.

7 We here are doing our best to control if
 8 and where somebody wants to open this type of
 9 facility. We are hopefully controlling it in
 10 what we call our B3 District, which if you
 11 remembered a couple of months ago, we did the
 12 same thing with hookah bars. They will be
 13 controlled in an area a very, very small area
 14 just south of Jericho Turnpike, about three
 15 blocks long. That is what we call our business
 16 district that we have to allow this in.

17 So again, we cannot ban the sale, but we
 18 can control where it is going to be sold.
 19 That's what we are doing tonight. So, that's
 20 our hope to make sure that this never, ever
 21 gets into the hands of any of our children or
 22 anybody who it should never see.

23 So, with that, we're going to open the
 24 public hearing on the first Local Law, which
 25 again, establishes the definitions of marijuana

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1 within our code. Second, we will go through
2 that, you will have an opportunity to comment,
3 if you wish. We will also have the second
4 public hearing on the second Local Law that
5 will allow us to put these types of
6 establishments in that Business Zone 3 District
7 that we talked about.

8
9 Certified to be a true and
10 accurate transcript of the proceedings.

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12 CATHERINE P. MURPHY
13 Court Reporter
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