

TOWN BOARD  
TOWN OF OYSTER BAY  
SPECIAL MEETING  
MARCH 30, 2021  
10:20 a.m.

**HEARING - Local Law**

To consider a Local Law entitled: "A Local Law to Amend Section 246-5.5.34 - Restrictions on Sale of Vaping and Marijuana Products, Vape Shops, Hookah Lounges, Marijuana Dispensaries and Marijuana Shops, to Chapter 246 - Zoning, of the Code of the Town of Oyster Bay." (M.D. 3/16/21 #20).

**JOSEPH SALADINO**  
SUPERVISOR

**RICHARD LaMARCA**  
TOWN CLERK

P R E S E N T:

- SUPERVISOR JOSEPH S. SALADINO
- COUNCILWOMAN MICHELE M. JOHNSON
- COUNCILMAN LOUIS B. IMBROTO
- COUNCILMAN THOMAS P. HAND
- COUNCILMAN STEVE L. LABRIOLA
- COUNCILWOMAN LAURA L. MAIER
- COUNCILWOMAN VICKI WALSH

A L S O P R E S E N T:

- RICHARD LaMARCA, TOWN CLERK
- JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning and  
2 welcome to the Town of Oyster Bay Town Board  
3 meeting for March 30, 2021.

4 We welcome you to this Special Meeting  
5 of the Town of Oyster Bay Town Board and great to  
6 join with my colleagues.

7 It's great to see our residents and  
8 friends and folks in the crowd because, obviously,  
9 because of the pandemic, we've been adhering to  
10 safety protocols with proper social distancing,  
11 wearing masks and carry out those protocols to  
12 protect our public, to protect our workforce and to  
13 adhere to the State and Federal guidelines.

14 As we continue to face the uncertainty  
15 posed by COVID-19, so many of us share the same  
16 sentiment that we'll never take for granted the  
17 simple joys of gathering and, quite frankly, the  
18 true privilege we have as Americans to meet in  
19 rooms like this and to conduct this process of  
20 government openly.

21 It is a great time to and important to  
22 remind everyone and remind the public to continue  
23 with the practices of wearing the masks, washing  
24 your hands, safe social distancing, not to get  
25 together in large groups.

1           There have been upticks in Europe and  
2           the fear is we could face another wave here in  
3           America, but we Americans will work together to  
4           protect one another and to do everything possible  
5           to protect the public from another wave.

6           To begin today, we will begin this  
7           Board meeting as we have begun all Board meetings  
8           since our administration took over with the very  
9           importance of prayer and to lead us in prayer is a  
10          dear friend, a true spiritual leader and quite  
11          frankly a great guy who we all cherish and that's  
12          Reverend Kent Edmonston of the Mount Olive Baptist  
13          Church in Oyster Bay. The floor is yours.

14          Would everyone please rise?

15          (Whereupon, a prayer was recited; the  
16          Pledge of Allegiance was then recited, followed by  
17          a moment of silence.)

18          SUPERVISOR SALADINO: In difference to  
19          social distancing and taking safe responsible  
20          actions, our room is only able to accommodate 35  
21          residents here this morning.

22          As always our meetings are live  
23          streamed on social media and on the Town's website  
24          www.oysterbaytown.com. These proceedings are  
25          recorded and will later be transcribed, but please

1 know that your voices are important to us and all  
2 statements and comments inform the public relative  
3 to our meetings are always welcomed and respected  
4 as part of the record.

5 All statements and comments can also be  
6 submitted to [publiccomment@oysterbay-ny.gov](mailto:publiccomment@oysterbay-ny.gov).  
7 That's [publiccomment@oysterbay-ny.gov](mailto:publiccomment@oysterbay-ny.gov). Or you can  
8 mail us Office of the Town Attorney, 54 Audrey  
9 Avenue, Oyster Bay, New York 11771. If you have  
10 problems with contacting us in any of those ways,  
11 you can always call my office at 624-6350. That's  
12 area code 516-624-6350. We will give you  
13 assistance, as will any of our Town Board members.  
14 You can always feel free to call their offices as  
15 well.

16 So we're going to run an orderly Town  
17 Board Special Meeting. We appreciate everyone who  
18 is here and we will get to hear from anyone who  
19 would like to speak. Please make sure you have  
20 filled out one of these cards in front. Our Town  
21 Clerk Rich LaMarca will help you if you would like  
22 to fill out that card so you can be recognized to  
23 speak today.

24 At this time, let's move forward with  
25 the day's business and I ask our Town Clerk Rich

1 LaMarca to please poll the Board.

2 MR. LaMARCA: Supervisor Saladino?

3 SUPERVISOR SALADINO: Present.

4 MR. LaMARCA: Councilwoman Johnson?

5 COUNCILWOMAN JOHNSON: Here.

6 MR. LaMARCA: Councilman Imbroto?

7 COUNCILMAN IMBROTO: Present.

8 MR. LaMARCA: Councilman Hand?

9 COUNCILMAN HAND: Present.

10 MR. LaMARCA: Councilman Labriola?

11 COUNCILMAN LABRIOLA: Present.

12 MR. LaMARCA: Councilwoman Maier?

13 COUNCILWOMAN MAIER: Present.

14 MR. LaMARCA: Councilwoman Walsh?

15 COUNCILWOMAN WALSH: Present.

16 SUPERVISOR SALADINO: With the State

17 Legislature on the verge of legalizing recreational

18 marijuana, we felt it's very important to hold this

19 hearing this morning with an eye toward responding

20 to the outcry from the public and to consider

21 limiting sales to light-industrial zones within the

22 Town of Oyster Bay.

23 Quite frankly, we feel this is an issue

24 that can impact the quality of life, and we want to

25 protect especially children, school-age children,

1 families and not only restrict this to light-  
2 industrial areas but keep these facilities at least  
3 1000 feet from a school, playground, a house of  
4 worship, from certain specific uses in the Town.

5 Our role is in zoning. This hearing is  
6 about zoning. We ask people to keep their comments  
7 to how the zoning of these particular facilities  
8 would affect you, the community, students and  
9 whoever.

10 So with that, I'm going to ask Tom  
11 Sabellico to please -- would you please present  
12 today's hearing, Rich?

13 MR. LaMARCA: Supervisor, today's  
14 hearing is to consider a Local Law entitled: A  
15 Local Law to amend Section 246-5.5.34 restrictions  
16 on sale of vaping and marijuana products, vape  
17 shops, Hookah lounges, marijuana dispensaries and  
18 marijuana shops to Chapter 246 Zoning of the Code  
19 of the Town of Oyster Bay.

20 SUPERVISOR SALADINO: Would you please  
21 state your presence, Counselor?

22 MR. SABELLICO: Yes.

23 Good morning, Supervisor, Members of  
24 the Town Board.

25 My name is Thomas M. Sabellico Special

1 Counsel, Office of the Town Attorney. I appear  
2 before you this morning to present a proposed Local  
3 Law to amend Chapter 246 of the Code of Town of  
4 Oyster Bay, the subject of which is zoning.

5 Under the authority conferred by the  
6 New York State Constitution, the New York State  
7 Legislature has delegated significant authority to  
8 regulate land use to the local level. Over 1600  
9 villages, towns and cities in the State giving them  
10 the power to adopt laws to protect the public  
11 health, safety, morals and general welfare of the  
12 people.

13 These acts of delegation are both  
14 general and specific. General authority to  
15 legislate with regard to the public health, safety  
16 and welfare and the physical environment is  
17 delegated under the Municipal Home Rule Law.

18 Specific authority has been delegated  
19 to towns to adopt comprehensive plans and zoning  
20 arguably the most significant land use power that  
21 the State Legislature has delegated to local  
22 governments.

23 These laws divide land within the  
24 municipality into zones or districts and prescribe  
25 the land uses and intensity of development allowed

1 within each district. This delegated authority is  
2 found in the provisions of the Town law known as  
3 the Zoning and Planning Enabling Acts, specifically  
4 New York State Town Law Sections 286, et sequitur.

5 The enabling statutes require land use  
6 regulations to be part of a well considered plan.  
7 New York State case law has stated that planning is  
8 the essence of zoning. It is society's insurance  
9 that the public welfare is served by land use  
10 regulation.

11 The critical role given to local  
12 governments in regulating land use involves them in  
13 a delicate act of balancing private property rights  
14 with the greater public interest. There are  
15 several legal doctrines which govern the local  
16 municipality's authority to regulate land use, all  
17 meant to protect landowners' interests including:

18 Substantive Due Process: Requiring  
19 that land use regulations serve a legitimate public  
20 purpose.

21 Procedural Due Process: Requiring the  
22 process by which regulations are adopted must  
23 follow State statutes and meet fairness  
24 requirements including having -- holding a public  
25 hearing such as this one.



1           The existing Chapter 246 of the Town  
2 Code reflects the Town's planning by setting forth  
3 a number of different zoning districts and the  
4 respective uses allowed in those districts,  
5 including a number of residential zones including  
6 one-family and multi-family and commercial zones  
7 including Neighborhood Business, General Business  
8 and Light Industry.

9           The code also sets forth in word form  
10 and in chart form uses within each of those  
11 districts that are allowed as-of-right as a  
12 principal or accessory use. Those uses which are  
13 allowed upon issuance of a Special Use Permit by  
14 either the Town Board or the Zoning Board of  
15 Appeals.

16           The Department of Planning and  
17 Development, the department within the Town which  
18 bears the responsibility of administering the zone  
19 code and insuring compliance has recognized the  
20 need to designate a proper zoning district for  
21 Hookah lounges, vape shops, marijuana dispensaries  
22 and retail recreational marijuana stores if  
23 legalized by the State legislature as contemplated.

24           The law being proposed this morning  
25 adds Section 246-5.5.34 restrictions on sale of

1       vaping and marijuana products, vape shops, Hookah  
2       lounges, marijuana dispensaries and marijuana shops  
3       and designates that the District for those uses is  
4       Light Industry District with two provisos: One  
5       that a Special Use Permit be issued by the Zoning  
6       Board of Appeals allowing for the negotiation and  
7       imposition of restrictive covenants if deemed  
8       necessary. Two, that there be a distance of at  
9       1000 linear feet between the listed establishments  
10      and any residential use, any school, park,  
11      playground, library or church or other place of  
12      worship.

13                 The designations contained in the text  
14      of the Code shall also be reflected on the  
15      schedules annexed thereto, as demonstrated on the  
16      matrixes I distributed to the Town Board to the  
17      Town Clerk, which is Schedule 246-5.2 Schedule of  
18      Regulations.

19                 The second component of the proposed  
20      law is the requirement of a posted notice as to the  
21      addictive danger of nicotine containing products in  
22      an effort to protect the health, safety and welfare  
23      of the Town residents, a stated responsibility of  
24      the Town.

25                 That pretty much covers the text of the

1 law. There are three other matters to discuss  
2 however: Environmental review, nonconforming uses  
3 and community input.

4 Most actions -- as to environmental  
5 review, most actions of local government agencies  
6 that affect the use of the land may not be taken  
7 officially until those agencies have conducted a  
8 thorough review of their potential environmental  
9 impact.

10 The State Legislature declared that all  
11 State, County and Local agencies are stewards of  
12 the air, water, land and living resources and have  
13 an obligation to protect the environment for the  
14 use and enjoyment of this and all future  
15 generations.

16 Extensive provisions setting forth the  
17 procedures and requirements for the environmental  
18 review of local land use actions are found in the  
19 Environmental Conservation Law Article 8 which is  
20 commonly referred to the State Environmental  
21 Quality Review Act or SEQRA and in the regulations  
22 of the Department of Environmental Conservation.

23 Under SEQRA, a local agency must  
24 determine whether an action is it considering may  
25 have a significant adverse environmental impact.

1           The Town's Department of Environmental  
2 Resources has conducted the necessary review and  
3 issued its opinion that the adoption of the  
4 proposed local law is a Type II action which does  
5 not require any further environmental review, and  
6 it's documented that opinion in a memorandum which  
7 is part of the record.

8           Nonconforming Uses: A use of land that  
9 was in existence when a zoning restriction is  
10 adopted and that is prohibited by that restriction  
11 is called a nonconforming use. Because of the  
12 landowner's investment in that use before it was  
13 forbidden by law, the Town Code permits  
14 nonconforming uses to continue but not to be  
15 expanded or enlarged. Nonconformings use may not  
16 be reestablished after they have been abandoned or  
17 reconstructed after serious damage.

18           Third is community input: Upon  
19 completion of this presentation, the community will  
20 have an opportunity to submit its input.

21           Prior to today's hearing the Office of  
22 the Town Attorney received correspondence from the  
23 Superintendents of the Massapequa School District,  
24 Plainedge School District and the Farmingdale  
25 School District and asked that they be read into

1 the record, which I will do at this time.

2 The Massapequa School letterhead from  
3 Superintendent Lucille Iconis.

4 "Dear Supervisor Joseph Saldino and the  
5 Oyster Bay Town Board, With the impending  
6 legalization of marijuana in New York State, I am  
7 writing to you in my position as Superintendent of  
8 Schools of the Massapequa School District.

9 "Although the Board of Education and I  
10 have grave concerns for our youth in this regard, I  
11 would strongly request that the local law entitled  
12 A Local Law to add 246-5.5.34 Restrictions on sale  
13 of vaping and marijuana products, vape shops,  
14 Hookah lounges, marijuana dispensaries and  
15 marijuana shops to Chapter 246 Zoning of the Code  
16 of Oyster Bay be approved.

17 "It is imperative that any form of  
18 marijuana products and/or services be restricted  
19 within close proximity to any school, school  
20 grounds or school-associated facilities.

21 "Thank you for your consideration and  
22 leadership in this matter.

23 "Sincerely yours, Lucille Iconis  
24 Superintendent of Schools."

25 On Plainedge Public Schools letterhead

1 from Superintendent Dr. Edward Salina.

2 "Dear Supervisor Saldino and Town of  
3 Oyster Bay Board Members,

4 "As Superintendent of Plainedge Public  
5 Schools, I write you today to express the  
6 District's wholehearted support for the proposed  
7 new Town of Oyster Bay Local Law designed to  
8 protect the children and families of the Plainedge  
9 Schools.

10 "This new law will establish strict  
11 guidelines related to the location of stores, shops  
12 authorized to sell and distribute recently  
13 legalized marijuana and marijuana products.

14 "The health and safety of the children  
15 and families of Plainedge is our top priority every  
16 day. By implementing this new law, I believe we  
17 will be putting in place safeguards that will  
18 dissuade the sale of legalized marijuana near any  
19 of our schools and facilities.

20 "Should you have any questions, please  
21 feel free to contact my office any time.

22 "Sincerely, Dr. Edward A. Salina, Jr.,  
23 Superintendent of Schools."

24 On letterhead of the Farmingdale School  
25 District from Superintendent Paul Defendini,

1 "The health and wellbeing of our  
2 students has always been a top priority to the  
3 Farmingdale School District. Beginning at the  
4 elementary level, we educate our students about  
5 healthy living habits while concurrently teaching  
6 them about the dangers posed by unhealthy behavior  
7 such as e-cigarette use and substance abuse.

8 "Over the past several years, the use  
9 of e-cigarettes has increased dramatically across  
10 the country. We have all heard the stories of  
11 young adults and teenagers dying from this  
12 addictive product. To put it simply, e-cigarettes  
13 are not safe as they are made with nicotine and  
14 will ultimately cause innumerable long-term health  
15 issues.

16 "Here in Farmingdale we have not been  
17 immune to this very troubling trend, especially  
18 amongst our middle school and high school-aged  
19 students.

20 "The district had been make serious  
21 progress in our collective efforts to curb  
22 cigarette use. In short, we had our students  
23 understanding the dangers of cigarettes and the  
24 number of students using these products was at  
25 historic lows, but the emergence of e-cigarettes

1 poses a challenge entirely on its own. Big tobacco  
2 found a way to market to our students and it  
3 worked.

4 "We are at once again at war with big  
5 tobacco as we fight to teach our students to ignore  
6 the sophisticated marketing of the tobacco industry  
7 and instead follow science and sound reasoning.

8 "Not only do these materials represent  
9 a serious health hazard for the young people of our  
10 community, they have become a disruption in our  
11 classrooms and schools. Instances in which  
12 paraphernalia has needed to be confiscated on  
13 school grounds continues to increase.

14 "Farmingdale School District believes  
15 that federal and state government should be  
16 crafting laws that protects our children by  
17 eliminating access to these deadly substances.  
18 That has not been the case.

19 "We do not support New York State's  
20 most recent actions permitting the sale of  
21 recreational marijuana and e-cigarettes.

22 "The proposed Zoning Law in the Town of  
23 Oyster Bay would allow for the sale of cigarettes,  
24 e-cigarettes and other tobacco products in  
25 designated light-industrial areas.



1                   "Although the Farmingdale School  
2           District, in support of its students, would never  
3           endorse the sale e-cigarettes or drug paraphernalia  
4           of any kind, we understand the constraints placed  
5           on the Town of Oyster Bay with these new State laws  
6           and would therefore prefer to keep the location of  
7           these dispensaries as far from our schools as  
8           possible. The proposed zoning laws limiting the  
9           sale of these products to light-industrial areas  
10          better supports the goals of the Farmingdale School  
11          District.

12                   "As a community, we have made  
13          impressive strides in imparting on our children the  
14          dangers of these highly addictive substances but  
15          the misleading narrative surrounding e-cigarettes  
16          and the still unknown long-term consequences of  
17          legalized recreational marijuana threatens to undo  
18          all that we have accomplished. We must continue to  
19          educate students on the dangers of smoking in all  
20          its forms and champion legislation that protects  
21          the academic environment that the District  
22          continually nurtures.

23                   With that said, the only real way to  
24          control the distribution is these materials in the  
25          community under these current circumstances is

1 through zoning laws that place strict regulations  
2 on these businesses. The Town of Oyster Bay is  
3 being proactive in its efforts to prevent students  
4 from being visually exposed to the marketing and  
5 sale of these dangerous substances.

6 "If we were to stand by and allow these  
7 materials to make their way into our community  
8 unchecked, then we would be derelict in our duties  
9 of maintaining our students' health and safety.

10 "The Farmingdale School District is in  
11 support of this zoning regulation as it will ensure  
12 these dispensaries, and the items therein, maintain  
13 a safe distance from our schools and students.

14 "The District will continue to voice  
15 its concerns regarding the need for comprehensive  
16 legislation to combat the use of e-cigarettes and  
17 other highly addictive substances by our students.

18 "Until that time when our voice is  
19 heard in Washington and Albany, the best we can do  
20 is to stand with the Town to ensure the sale of  
21 these protects is as far from our schools and its  
22 students as possible.

23 "Paul Defendini, Superintendent of  
24 Schools."

25 I will field any questions that the

1 Town Board has and Commissioner Leslie Maccarone,  
2 the Department of Planning and Development, is also  
3 present here to answer any questions you may have,  
4 Supervisor.

5 SUPERVISOR SALADINO: Thank you.

6 Are there any questions from the Board  
7 members for our Council?

8 (No response.)

9 SUPERVISOR SALADINO: Tom, just to --  
10 just to very succinctly recap for those who may not  
11 be attorneys or didn't follow the enormous amount  
12 of legalese that began your presentation, you have  
13 stated that the Town of Oyster Bay's powers are  
14 related to zoning.

15 And, therefore, this legislation  
16 addresses the zoning of the sale of these products,  
17 future companies that would like to sell these  
18 products in the Town of Oyster Bay and if indeed  
19 the legislation passes in Albany, as we've been led  
20 to believe, it would curtail dispensaries to these  
21 light-industrial areas, but they would also have to  
22 in terms of belts and suspenders also have to get  
23 approval by the Zoning Board of Appeals who might  
24 also institute covenants and restrictions.

25 MR. SABELLICO: Correct.

1 SUPERVISOR SALADINO: Is that a general  
2 overview for the public to comprehend as what we  
3 can and can't do?

4 MR. SABELLICO: Yes.

5 SUPERVISOR SALADINO: And what today's  
6 hearing is about?

7 MR. SABELLICO: Yes, perfect.

8 SUPERVISOR SALADINO: Okay. If there  
9 are no other -- if there are no questions from the  
10 Board, I would like to at this point bring up  
11 members of the public and experts to provide  
12 testimony.

13 Our first of which is someone who has  
14 been a dear friend for many, many years as a State  
15 Assembly member. I had a task force focused on  
16 opioid and heroin addiction. And Dr. Jeffrey  
17 Reynolds brought all of his expertise in fighting  
18 these scourges to our task force. That effort, as  
19 well as his efforts with the Suffolk County Task  
20 Force, and his writing of the recommendations and  
21 all his work over the years with both LICADD and  
22 Family and Children's Association has saved lives,  
23 countless lives. He's an expert. He understands  
24 the field of behavioral health and addiction  
25 sciences. He understands all that needs to be done

1 from a legislative standpoint, from a medical  
2 standpoint, a true expert and we're very privileged  
3 to have him with us to today.

4 So, I would ask Dr. Jeffrey Reynolds to  
5 please approach the podium for your presentation.

6 DR. REYNOLDS: Good morning.

7 Thank you, Supervisor. I appreciate  
8 your kind words.

9 You've now kind of set me up -- you set  
10 the bar very high. It only goes downhill from  
11 here, but it's good to be with you all this  
12 morning.

13 As the Supervisor said, my name is Jeff  
14 Reynolds. I'm the President and CEO for Family and  
15 Children's Association. We're an organization  
16 that's 135 years old. We serve more than 30,000  
17 residents across Nassau County. We were, in fact,  
18 in Nassau County before Nassau County was Nassau  
19 County. I think our direct connection to this  
20 issue is the fact that we run two State licensed  
21 chemical dependency treatment centers. We run two  
22 recovery centers which are fairly new. We run the  
23 Hempstead Prevention Coalition. We run an overdose  
24 program that operates out of the Catholic Health  
25 Service Hospitals. And so addiction is our sweet

1 spot.

2 Obviously, we come here today with some  
3 concerns about marijuana legalization in New York  
4 State. The way we view it is that New York State  
5 is about to do its thing and now communities need  
6 to do their thing in order to protect our kids and  
7 other vulnerable populations.

8 I actually did some research about  
9 crime rates around dispensaries; particularly, in  
10 places like Colorado and Los Angeles. I've had the  
11 opportunity to visit numerous dispensaries in  
12 Colorado, as well as some of the grow houses.

13 I was actually on the governor's task  
14 force two years ago. They came up with the  
15 recommendations around recreational marijuana. I  
16 will say not surprisingly I was one of the few  
17 voices around the table that were in staunch  
18 opposition, but wanted to influence the process  
19 specifically as it relates to underage minors,  
20 pregnant and parenting women, and folks of mental  
21 health disorders.

22 I found a couple of studies within the  
23 2019 period study appearing in Justice Quarterly  
24 which is a publication of the Academy of Criminal  
25 Justice Sciences. They found that in Denver,

1 Colorado neighborhoods with one or more medical or  
2 recreational marijuana dispensaries, they saw an  
3 increase in crime rates that were between 26 and  
4 1,452 percent higher than in neighborhoods without  
5 any commercial marijuana activity.

6 They also found, quote, "that the  
7 strongest association between dispensaries and  
8 crime weakens significantly over time." So out of  
9 the gate things got better but as soon as this  
10 started, in some cases, you saw crime rates  
11 increase more than 1,000 percent around the  
12 dispensaries.

13 Another 2019 study by researchers at  
14 John Jay found that Denver neighborhoods near  
15 recreational marijuana dispensaries did not  
16 necessarily see an increase in violent crimes or  
17 drug-related offenses but they did see an 18  
18 percent increase in property crimes.

19 In California, the LAPD reported a 10  
20 percent increase in crimes at recreational  
21 marijuana dispensaries between 2018 and 2019 along  
22 with an increase in reported crimes at dispensaries  
23 overall which would include the medical  
24 dispensaries which have been around for about a  
25 decade.

1           The limitations here are, of course,  
2           that neither Denver nor LA is anything like the  
3           Town of Oyster Bay, but the data here is actually  
4           pretty clear. In some cases when it comes to  
5           marijuana policy, there's a whole bunch of things  
6           that we can't see and we're not sure about. In  
7           this case, there is a limitation. There's a number  
8           of things that influences crime, but when you talk  
9           about crime rate increases of 1,000 percent, that's  
10          something that should get all of your attention.

11           I will say I saw an article recently  
12          which questioned the direct connection between  
13          marijuana use and vaping. I thought your  
14          Farmingdale School Superintendent put it perfectly  
15          that twenty years into this we've come to  
16          understand that big tobacco found another pathway  
17          into our kids. They're selling a story about  
18          vaping being harm reduction. It's not been proven  
19          in any way shape or form. And, in fact, if you all  
20          recall before COVID hit our big concern was the  
21          number of mystery illnesses mostly lung related,  
22          when it comes to young people and vaping. It's  
23          ironic then that the State Legislature will  
24          contemplate marijuana legalization at a time when  
25          we're battling a disease that primarily affects the



1 lungs and which has prompted significant mental  
2 health and an uptick in substance use disorders  
3 among people who are at risk.

4 Having said that, we know that kids who  
5 vape are much more likely to use marijuana on the  
6 order of about four to five times more likely to  
7 use marijuana. I have no doubt in my mind because  
8 they've already moved in that direction. The  
9 commercial vape shops and head shops are going to  
10 see a huge market available here and begin pushing  
11 out marijuana paraphernalia to our young people.

12 We already see that in terms of kids  
13 who are vaping marijuana in our schools because it  
14 has no scent to it. So this is a train wreck. The  
15 legislature has now done its thing. We certainly  
16 point out the fact that most of the debate around  
17 marijuana legalization has been led by urban-based  
18 legislators don't necessarily understand the  
19 dynamics of a suburban environment and, quite  
20 frankly, they don't have to pick up the pieces.

21 They'll all set up in Albany. They'll  
22 count the revenue. They'll find new ways to spend  
23 that revenue while our local communities are left  
24 to clean up the mess. It feels a lot like the  
25 opioid crisis where opioid manufacturers made a

1 whole bunch of money and organizations like ours  
2 are left to deal with kids who have been swept into  
3 its path. This is big tobacco. This is big  
4 marijuana. This is big alcohol all over again. I  
5 urge you to take aggressive steps now to protect  
6 our community.

7 SUPERVISOR SALADINO: Dr. Reynolds, one  
8 question, please.

9 From your expertise and experience, are  
10 you in favor of this Board passing the legislation  
11 before us today?

12 DR. REYNOLDS: Absolutely.

13 SUPERVISOR SALADINO: Thank you.

14 Any other questions for Dr. Reynolds?

15 COUNCILMAN LABRIOLA: Yes, I have.

16 Thanks for being here Dr. Reynolds.

17 DR. REYNOLDS: Sure.

18 COUNCILMAN LABRIOLA: We met in Albany  
19 a couple of times.

20 DR. REYNOLDS: Yes, we have.

21 Always under good terms I think, right?

22 COUNCILMAN LABRIOLA: Right.

23 I just want to say for the record how  
24 much I agree with many of the statements you made  
25 on the record.

1 I feel also some of the -- the dangers  
2 that we may face ahead.

3 My question to you, in this study that  
4 you did in Denver, the study that you read about,  
5 you cited, we have -- it was 1,000 percent increase  
6 in crimes in the area where the dispensary was  
7 located --

8 DR. REYNOLDS: Yes.

9 COUNCILMAN LABRIOLA: -- or was it in  
10 the county per se --

11 DR. REYNOLDS: No. It's in the  
12 immediate surrounding area. They actually mapped  
13 out all of the block. So it's within immediate  
14 proximity.

15 Denver is a big place that has a lot of  
16 subdivisions and such. This was immediate --  
17 immediate proximate to the sites.

18 COUNCILMAN LABRIOLA: The other  
19 question I have for you, and I know as an expert, I  
20 certainly can learn a great deal about how they are  
21 dispensing marijuana in the medical field as  
22 opposed to the recreational field, and I wanted to  
23 ask you if in light of the fact that we've just  
24 come through -- we're coming through a pandemic  
25 that affects the lungs and the irony or the

1       hypocrisy of adopting legislation that is going to  
2       encourage people to actually inhale a product that  
3       is going to hurt their lungs --

4                   DR. REYNOLDS:   Yes.

5                   COUNCILMAN LABRIOLA:  -- is medical  
6       marijuana dispensed in a pill or liquid form?  Is  
7       that available or is that readily available or is  
8       that something that is being developed?

9                   DR. REYNOLDS:  Currently, in New York  
10      State smokable flower marijuana is not used for  
11      medication which makes perfect sense.  There aren't  
12      many medicines, in fact, that we smoke quite  
13      frankly, and so the medical dispensaries are only  
14      dispensing preparations that don't include smoke  
15      marijuana.  This will obviously change that.

16                   The other thing is there haven't been  
17      significant incidences around the medical  
18      dispensaries here on Long Island.  That's been a  
19      good thing.  That's been a success.

20                   Unfortunately, the State is now  
21      collapsing those dispensaries into what will be  
22      called the Office of Cannabis Management and  
23      actually taking it away from the State Health  
24      Department, which has done a really good job of  
25      running it using a medical lens and moving it to

1 the Office of Cannabis Management, which will use a  
2 model very similar to alcohol and beverage control  
3 rather than the medical and health model. But  
4 there haven't been significant incidents. This  
5 will be the first time at least legally that smoke  
6 marijuana is being use as a medicine; although,  
7 it's been used informally and in other states and  
8 for quite a long time.

9 COUNCILMAN LABRIOLA: So if the State  
10 deemed it so in their legislation that marijuana  
11 can be dispensed recreationally only in the form of  
12 pill or liquid, et cetera, that's something they  
13 can do readily; they can do that easily then?

14 DR. REYNOLDS: They can do that.

15 The one thing I would say is that while  
16 there are dangers with smoked and inhaled cannabis,  
17 there are certainly dangers associated with edibles  
18 and some of the most extreme emergency cases that  
19 we've seen have been related to edibles because  
20 there's a lag time when you use an edible and that  
21 lag time can be thirty minutes. So somebody uses  
22 an edible, feels no effect, says hey, I guess it  
23 didn't work, I should use another one and then  
24 winds up in trouble and in the meantime perhaps  
25 they got into a motor vehicle or did something

1 else.

2 In fact, in Denver, there was a 500  
3 percent increase in pediatric hospital admissions  
4 largely because parents bought edibles that look  
5 like gummy bears and other fun shapes, used them,  
6 got high, left the remaining stuff out and toddlers  
7 walked by and ingested it. So there's been a huge  
8 outbreak of ED cases related to edibles. So,  
9 there's no form of marijuana that, in fact, is safe  
10 but as I noted and you noted there's certainly an  
11 irony that we're approving smoke marijuana at a  
12 time when COVID is killing people left and right.

13 COUNCILMAN LABRIOLA: Dr. Reynolds, my  
14 last question, I don't know whether or not the  
15 science has evolved to the point where our police  
16 officers conducting a field sobriety check will be  
17 able to indicate whether or not somebody's under  
18 the influence of marijuana.

19 Is there any advances that I'm not  
20 aware of at this point in time that you're aware of  
21 that you can share with this Board?

22 DR. REYNOLDS: There are not.

23 In fact, impaired driving is something,  
24 too, that I think impacts suburban areas in a way  
25 that urban areas don't have to wrestle with. I

1 think that's going to be one of the potential  
2 downsides associated with legalization. There  
3 isn't that technology.

4 Right now officers are charged with  
5 using field sobriety tests and swabs that are  
6 almost always subject to legal challenge, but  
7 beyond that, there is no way to measure someone's  
8 level of impairment. And, so the data on what's  
9 happened in places like Colorado is mixed because  
10 they have found a huge number of folks who are THC  
11 positive post crash, but you don't know if they  
12 were impaired or not. Correlation isn't causation.

13 The other challenge although people  
14 like me tend to advise somebody that any amount of  
15 alcohol lessens your ability to operate a motor  
16 vehicle. There are some benchmarks available  
17 online which say to people roughly two drinks per  
18 60 to 90 minutes and you'll stay under .08. We  
19 have 60 years worth of BAC data to know that's the  
20 point of legal intoxication. We don't have that  
21 when it comes to marijuana.

22 So we have no guidelines to give  
23 consumers in terms of if you use marijuana, how  
24 long do you wait before you drive or operate heavy  
25 machinery. There's a huge difference in THC

1 concentrations and marijuana strains. Where we  
2 have standardized what a drink looks like with a  
3 five ounce glass of wine, a shot, that kind of  
4 thing. We don't have that with marijuana, and to  
5 the point of edibles, the way your body reacts to  
6 smoked marijuana versus edibles varies in a wide  
7 kind way.

8 So we don't even have any guidelines to  
9 give consumers in terms of how long you should wait  
10 before you actually operate a motor vehicle.

11 Mark my words, any gains we've made  
12 around drunk driving we're about to get back. I  
13 think those numbers don't become that meaningful  
14 until it's your kid or your family member that  
15 winds up dying on our roadways.

16 COUNCILMAN LABRIOLA: Thank you very  
17 much, Doctor.

18 COUNCILMAN IMBROTO: Doctor, you had  
19 mentioned a lag time of about a half hour, but in  
20 some cases with edible products it could be as long  
21 as four hours or more; is that correct?

22 DR. REYNOLDS: Yes.

23 Generally, it's thirty minutes but it  
24 depends on the THC concentration, the edible, that  
25 kind of thing. So, yeah, there is a lot of



1 variability. I think that is the most important  
2 point.

3 COUNCILMAN IMBROTO: I want to get back  
4 to the subject at hand because we're not actually  
5 debating or discussing the legalization of  
6 marijuana in this hearing. This is a land use and  
7 zoning hearing.

8 Given that there is such high uptake in  
9 crime in the area of the dispensary, would  
10 restricting the area where marijuana products can  
11 be dispensed be an effective and rational way of  
12 mitigating those impacts?

13 DR. REYNOLDS: I think it is because it  
14 keeps folks out of residential communities. It  
15 keeps those communities a little bit safer. You  
16 have fewer children walking around and traveling in  
17 neighborhoods.

18 I think, quite frankly, if families are  
19 going to encounter marijuana stores, they ought to  
20 have to go out of their way in order to encounter  
21 those the same way we do that with some forms of  
22 entertainment and the like.

23 COUNCILMAN IMBROTO: Thank you.

24 Again, I just want to be clear, this  
25 hearing is not about the legalization of marijuana.

1 It's about where marijuana can be sold. We are  
2 looking to restrict that to light-industrial areas.

3 Thank you, Doctor.

4 COUNCILWOMAN MAIER: I have a quick  
5 question.

6 SUPERVISOR SALADINO: Please.

7 COUNCILWOMAN MAIER: Thank,  
8 Dr. Reynolds, for being here.

9 I just have one question regarding the  
10 zoning piece of it. Upon doing your research in  
11 the Colorado, the Denver area, do you know  
12 specifically where the dispensaries were zoned or  
13 located?

14 DR. REYNOLDS: They looked at all the  
15 different locations, but I will tell you, having  
16 visited them some are in light-industrial areas.  
17 There's actually a place called Marijuana Mile in  
18 Denver in which there are a number of dispensaries.

19 But, additionally, there is a huge mall  
20 in Denver, an outdoor mall, and right in the center  
21 of it is a marijuana dispensary. Some of them  
22 require you to go upstairs and look for a little  
23 yellow sign. Some of them are bold neon flashing,  
24 get your weed here.

25 I will say in the stores that I

1 visited, many of them resemble the Apple Store.  
2 They were that slick and that polished, but I was a  
3 little bit disturbed about a lot of the products  
4 that I saw that focused on like THC infused root  
5 beer, THC infused candy bars, those kinds of  
6 things. So this is the kind of stuff that  
7 potentially our kids will be walking into and it's  
8 being specifically marketed to minors.

9 I think if their advertising and  
10 marketing were done in a more responsible way, we  
11 might be able to have a different conversation  
12 about zoning, but so far everything we know about  
13 legalization is that these are folks who are going  
14 to make as much money as possible, very often at  
15 the expense of our kids.

16 COUNCILWOMAN MAIER: Thank you.

17 SUPERVISOR SALADINO: Are there any  
18 other questions for Dr. Reynolds?

19 (No response.)

20 SUPERVISOR SALADINO: Dr. Reynolds, we  
21 appreciate your being with us today and your waving  
22 the flag of concern for our community. We  
23 appreciate your support for this legislation, but,  
24 most of all, we appreciate all you've been doing to  
25 protect thousands, if not hundreds of thousands, of

1 people in desperate conditions across our state.

2 DR. REYNOLDS: Thank you for listening  
3 and thank you all for your service.

4 SUPERVISOR SALADINO: Have a great day.

5 Our next speaker will be Cathy Samuels.

6 Again, anyone who would like to be  
7 heard, please make sure you fill out a slip and we  
8 will provide you appropriate time with everyone  
9 else.

10 Good morning.

11 How are you today?

12 MS. SAMUELS: Good morning. I am well.

13 Again, I'm Cathy Samuels, I am the  
14 Program Director for YES Community Counseling  
15 Centers, Massapequa Takes Action Coalition, also  
16 known as MTAC.

17 MTAC is a federal drug free community  
18 support program under the auspices of the Centers  
19 for Disease Control. YES is a treatment center  
20 that's located here in the Town of Oyster Bay in  
21 Massapequa. It also has offices in Levittown under  
22 the Town of Hempstead.

23 We want to thank Supervisor Saladino,  
24 as well as the entire Board, for the opportunity to  
25 provide you with important information regarding

1 our youth and their use of vape products with  
2 marijuana.

3 At your last hearing in May 2019, we  
4 spoke to you with regards to youth substance use  
5 trends as e-cigarettes are today most commonly used  
6 tobacco product for youth.

7 Today countless National, State, Local,  
8 such as Dr. Reynolds, and science experts including  
9 our nation's Surgeon General, the Centers for  
10 Disease Control and the American Pediatric  
11 Association, we've already documented the dangers  
12 of e-cigarettes and vaping for our youths, for our  
13 young adults, as well as adults.

14 According to the CDC exposure to  
15 e-cigarette advertisements may be contributing to  
16 e-cigarette increased use in e-cigarettes by youth.  
17 About 69 percent of middle and high school students  
18 were exposed to e-cigarette advertisements in  
19 retail stores, on the Internet, in magazines,  
20 newspapers, as well as television and movies.

21 When it comes to vape products, the CDC  
22 documents that youth are more likely than adults to  
23 use e-cigarettes.

24 In 2020, 3.6 million US middle and high  
25 school students used e-cigarettes in the past 30

1 days, including 4.7 percent of middle school  
2 students and 19.6 percent of high school students.

3 In 2019, only 4.5 percent of US adults  
4 are current e-cigarette users. Only 4.5 US adults  
5 were users where we had 3.6 million kids using.

6 Today there's much to talk -- there is  
7 much talk, especially in Newsday in response to  
8 your proposed resolution that vape products have  
9 nothing to do with marijuana. We are here to  
10 provide you with data and community evidence that  
11 document that they are, in fact, linked together,  
12 especially when it comes at the cost of our  
13 children's health and the safety of our entire  
14 community.

15 In the Massapequas, our youths start  
16 using tobacco and marijuana before the age of 14.

17 According to the Substance Abuse and  
18 Mental Health Services Administration,  
19 approximately 1 in 10 people using marijuana will  
20 become addicted. When they start before the age of  
21 18, the rate of addiction increases to 1 in 6.

22 In 2018, Massapequa Public Schools  
23 participated in a student risks behavioral survey  
24 for grades seven through twelve where 41 percent of  
25 twelfth grade students reported vaping in the past

1 30 days. When asked what substances they vaped, 21  
2 percent reported just flavoring. 30 percent  
3 recognized they were vaping nicotine. 12 percent  
4 are reporting using marijuana with their vape  
5 products, hash oil or dabs. 4.7 reported other  
6 substances and some of them didn't know what they  
7 were vaping.

8 In 2019, and again in 2020, our partner  
9 the New York State National Guard Counter Drug Task  
10 Force performed community scans throughout the  
11 Massapequas in areas where our youth frequently  
12 hang out. The so-called hot spots documented  
13 evidence of youth use of not only alcohol and drug  
14 but Juul and vape products that are tested positive  
15 for THC, cocaine, heroin, ephedrine and  
16 methamphetamine.

17 If we look at states like Colorado who  
18 have legalized marijuana, there is a again a link  
19 between vape products and marijuana.

20 According to the Legalization of  
21 Marijuana in Colorado, The Impact, their September  
22 2020 report by the Rocky Mountain High Intensity  
23 Drug Trafficking Area, among students who used  
24 marijuana within the past 30 days from 2015 to  
25 2019, there was a 55 percent increase in the

1 percentage of ninth through twelfth grade students  
2 who vaporized marijuana. Vaporizing marijuana is  
3 the delivery of choice today.

4 In addition, there was a 92 percent  
5 increase in ninth through twelfth grade students  
6 who dabbed or vaporized to concentrated marijuana.

7 The link between vape shops and  
8 marijuana is clear, just ask our families whose  
9 kids are undergoing substance use treatment.

10 In Colorado of local jurisdictions  
11 reporting licensing as of January 2019, 67 percent  
12 or 216 local jurisdiction said no. And they banned  
13 medical and retail licensing of marijuana shops.  
14 67 percent said no.

15 As a Board, we are hopeful you have the  
16 vision to see through the smoke and mirrors and use  
17 your legal authority to approve zoning to protect  
18 the quality of life of your residents and ensure  
19 the health and safety of our youths. Use this  
20 zoning opportunity to link vape shops with  
21 marijuana sales.

22 Be assured Massapequa takes action, we  
23 are here as a prevention resource to you, to  
24 provide you with the local data, to tell you what  
25 our kids are doing. We are working with



1 Farmingdale Schools. We are working with  
2 Massapequa Schools, Levittown Schools and Island  
3 Trees Schools under another federal grant through  
4 the substance abuse and mental health services  
5 administration. We work with all of these schools  
6 to help to try to protect our kids.

7 One of the things that Dr. Reynolds did  
8 mention earlier in terms of the data that's coming  
9 out of Colorado, one of the things that wasn't  
10 talked about was the tax revenue and the misguided  
11 information that's coming out of Albany with regard  
12 to sales.

13 In Colorado, marijuana tax revenue  
14 represented approximately .85 percent of their  
15 fiscal 2019 budget. Less than one percent of the  
16 revenue came at the cost of increased crime of  
17 additional fatalities on the road.

18 When people go to marijuana  
19 dispensaries, they're not walking there. They are  
20 driving there.

21 How will the Town of Oyster Bay make  
22 sure that the people selling at that retail level  
23 are recognizing fake IDs by kids? We already know  
24 that underage drinking is higher in the Massapequas  
25 than across our country.

1                   How can you, with your zoning, also  
2                   address these issues? Help expect the best out of  
3                   people who are going to sell these dangerous  
4                   products, especially making sure they don't get  
5                   into the hands of our youth. Make sure they take  
6                   some kind of a prevention education class. How do  
7                   they recognizing fake IDs? You know, these are the  
8                   questions Albany is not really addressing. They're  
9                   not addressing the issue of driving. You have the  
10                  power with zoning to really start to address some  
11                  of these harder issues that are going to really  
12                  affect our roads, our health and sometimes lives of  
13                  the people who are residents in the Town of Oyster  
14                  Bay.

15                  We really thank you for taking the time  
16                  this morning to hear from your residents and we  
17                  greatly appreciate the work you are doing to  
18                  protect our children.

19                  Thank you very much.

20                  SUPERVISOR SALADINO: Cathy, we  
21                  appreciate -- Cathy Samuels, we appreciate you  
22                  joining us here today and providing this testimony.

23                  In summary, can we assume that  
24                  Massapequa Takes Action Coalition and YES Community  
25                  Counseling Center well-known for protecting young

1 people and families in the suburban communities in  
2 the Town of Oyster Bay are in favor of us passing  
3 this zoning legislation today, the zoning  
4 legislation that is the subject of this hearing?

5 MS. SAMUELS: We are in favor of the  
6 Board voting to protect our children.

7 We are a 501.C3 Organization who  
8 technically are not permitted to take a stand on  
9 specific legislation. We are here in an official  
10 capacity to educate you. We believe we provided  
11 you with important information to make that  
12 decision.

13 My colleague, Mark Wenzel, can  
14 officially speak on behalf of that organization,  
15 but as a drug free coalition, we are not permitted  
16 to lobby and again, Cathy Samuels --

17 SUPERVISOR SALADINO: Personally, can  
18 you give an opinion personally?

19 MS. SAMUELS: -- Cathy Samuels believes  
20 you should absolutely take advantage of the zoning  
21 laws you put forward and make them even stronger.

22 COUNCILMAN IMBROTO: Thank you very  
23 much.

24 SUPERVISOR SALADINO: Thank you very  
25 much.

1                   Just as a point of that you and  
2                   Dr. Reynolds brought up tax revenue, we have no  
3                   expectation that the Town of Oyster Bay and  
4                   residents will see any tax revenue, that the State  
5                   may determine how it will spend. We still wait two  
6                   years just for Nassau County to delivery us the  
7                   sales tax revenue that is the Town of Oyster Bay's  
8                   portion. They are two years behind on a regular  
9                   basis.

10                   Can that be confirmed and seconded by  
11                   our Town Attorney? I know our Director of Finance  
12                   has made mention of this on numerous occasions.  
13                   So, we have no expectation that the Town will  
14                   benefit by any revenue. This conversation doesn't  
15                   even consider that. We don't believe that's a part  
16                   of this.

17                   It's about the safety of especially  
18                   children in the community, and from what I've been  
19                   hearing, is that people from all walks of life, on  
20                   the political spectrum, and on the social spectrum  
21                   don't want these dispensaries in close proximity,  
22                   across the street from an elementary school. There  
23                   is a certain level of common sense that I think the  
24                   vast majority of us can embrace as one town, as one  
25                   community.

1 MS. SAMUELS: If I just might add, I  
2 mentioned earlier, people are going drive to their  
3 dispensaries.

4 How will they understand and be able to  
5 recognize if people are already under the  
6 influence? Just to get data out of Colorado since  
7 recreational marijuana was legalized in 2013,  
8 traffic deaths in which drivers tested positive for  
9 marijuana increased 135 percent while all Colorado  
10 traffic deaths only increased 24 percent.

11 Again, since recreational marijuana was  
12 legalized in Colorado, traffic deaths involving  
13 drivers who tested positive for marijuana more than  
14 doubled from 55 in 2013 to 129 in 2019.

15 We already have drunk driving deaths  
16 happening on our roads. How will you, how will the  
17 State recognize that the person purchasing the  
18 marijuana aren't already under the influence -- and  
19 I know this is an issue for policing but these  
20 are --

21 SUPERVISOR SALADINO: And for the  
22 New York State Legislature. We are not empowered  
23 to make that decision on the recreational  
24 legalization.

25 Our role and our power is given to us

1 by the -- by New York State is on zoning. We do  
2 appreciate your sharing your information and these  
3 statistics with us. It's very, very important, but  
4 I do want to point out that today's hearing is  
5 solely about our power and our role as Town  
6 government on the zoning of where --

7 MS. SAMUELS: Absolutely.

8 SUPERVISOR SALADINO: -- these  
9 businesses might up in the event New York State  
10 makes their decision with the powers they have and  
11 we do not have.

12 MS. SAMUELS: We are available to you  
13 as you move forward, and as we move forward, as I  
14 think Dr. Reynolds called train wreck to address  
15 these issue and to provide those types of guidance  
16 and laws and regulations with regards to, you know,  
17 again, people purchasing marijuana and getting back  
18 in their car. These are real hard issues.

19 I think maybe the Town Attorney might  
20 be able to find other ways to incorporate this  
21 outside of zoning where we can protect the general  
22 public from menaces on the road who are in under  
23 the influence.

24 Thank you again for your time.

25 SUPERVISOR SALADINO: Thank you,

1 Ms. Samuels.

2 Our next speaker will be Mark Wenzel of  
3 YES Community Counseling.

4 Mark, I've known you for quite some  
5 time. I've been very fortunate to work with you  
6 through great organizations like the Massapequa  
7 Kiwanis Club and so many other groups. We've known  
8 you to be very proactive in protecting communities  
9 and assisting families and especially protecting  
10 our youth from so many hazards and issues of the  
11 day.

12 So we thank you for your body of work  
13 over the many, many years and thank you for  
14 providing testimony today.

15 Please begin by stating your name and  
16 address and the name of your organization.

17 MR. WENZEL: My name is Mark Wenzel. I  
18 am Assistant Director of YES Community Counseling  
19 Center, as Cathy said, located in both Massapequa  
20 as well Levittown.

21 I'm grateful for the opportunity today  
22 to be here, as much as I would probably prefer to  
23 be talking about the legalization side, I  
24 understand the parameter of this hearing and why  
25 we're here.

1                   Certainly, from the get-go, I can say I  
2                   am absolutely in favor of the Town Ordinance.

3                   I think Cathy raised a good point,  
4                   several good points as well Dr. Reynolds and  
5                   certainly not going to go backwards in terms of all  
6                   the data and statistics which I don't roll off the  
7                   top of my head the same way that they do, but the  
8                   concerns certainly around the issue that Cathy just  
9                   raised of people who are drinking and getting in  
10                  the car, we have all kinds of tests.

11                  You asked tremendous questions around  
12                  ways to measure impairment, ways to measure alcohol  
13                  content and so forth. Alcohol is in the  
14                  bloodstream and is water soluble. Marijuana gets  
15                  into the fatty tissues, so it stays in the body a  
16                  lot longer. It's a lot slower to be released.

17                  So that's why testing can go on a lot  
18                  further, but the levels of impairment is very  
19                  difficult to determine and different people react  
20                  differently to it.

21                  So people smoking versus taking medical  
22                  marijuana in pill form and so forth, they can't  
23                  really do it through smoking because people don't  
24                  necessarily inhale the same length of time, smoke  
25                  the same length of time. There are so many



1 variables that they have to take it in a different  
2 form which is the pill form or edibles.

3           Again, I would love to be arguing  
4 behalf -- against legalization, but that's not why  
5 we're hearing, so just given the concerns about  
6 people getting in their car and driving after they  
7 have gone to the dispensary. We have no way of  
8 being able to determine their level of impairment.  
9 I was going to use the word intoxication, but it's  
10 different. Impairment is different.

11           So, with that, how can you say this  
12 person came in and purchased is already under the  
13 influence? You don't have those same tools. So  
14 anything we can do to restrict through zoning,  
15 through ordinances, people's ability to have access  
16 to this and keep it away from our kids, we have to  
17 do. A big part of what YES has done for many, many  
18 years is the substance abuse treatment programs.

19           We can certainly speak to the issue of  
20 addiction. There are so many people who will argue  
21 that marijuana is not addictive. It is. Okay.

22           Especially, now that we have all these  
23 other forms of marijuana, because THC levels are so  
24 high. The roots of administration are very  
25 different. When you have a kid who can sit in

1 their classroom and vape, duck inside their  
2 sweatshirt and vape, and their teachers don't even  
3 know it, you can say how can they not know that?  
4 You don't have that distinctive smell. You don't  
5 have that same way of telling and so it's happening  
6 in our classrooms and the school districts -- the  
7 fact that they're all signing onto this, they  
8 agree. They know that.

9 We spend a lot of our time, our  
10 prevention efforts are put into the schools, to  
11 good for drugs, all these other programs we've been  
12 putting into the schools for many, many years. It  
13 feels like the State is just undoing all that work,  
14 but, again, that's not why we're here.

15 So with that, I mean on behalf of the  
16 agency, on behalf of myself personally, I will go  
17 the other side of Cathy and I always play good  
18 cop/bad cop with this, without a doubt, this is  
19 something we would love to see happen and anything  
20 that the Town can do to tighten up the access for  
21 young people to these substances is very important  
22 and we totally support.

23 This is certainly something that, in my  
24 opinion, as Tom said this morning, is a no-brainer.  
25 It really should be. We should put this in place

1 and with what the State is doing -- I wish we could  
2 do more on the State level, but we can only take  
3 care of our neck of the woods, our neighborhood and  
4 we're grateful that you are doing all that.

5 Thank you.

6 SUPERVISOR SALADINO: Thank you, Mark.

7 COUNCILMAN LABRIOLA: I have something.

8 SUPERVISOR SALADINO: Please go ahead.

9 COUNCILMAN LABRIOLA: Mark, I'm sorry,  
10 before you step away.

11 Like the Supervisor, I would say  
12 honestly I've known you over -- it's got to be over  
13 like 30 years now, which dates us quite a bit, but  
14 I appreciate all you've done on behalf of the  
15 children in our community and I understand where  
16 you're coming from today.

17 I just want to let you know and, of  
18 course, our listening public out there know that  
19 we're holding this special meeting today and we're  
20 doing it as quickly as we possibly can because  
21 we've been informed and we've been told it might  
22 happen as soon as today in the State Legislature.

23 So we are, of course, taking this  
24 preemptive action here to protect our community  
25 and, therefore, creating this zoning restriction

1 for what's happening.

2 Just so you understand and sometimes  
3 when we do things quickly, there are things we've  
4 left undone and we can always do them and that's  
5 what we're here for and have hearings.

6 I hope that YES Counseling will, in  
7 fact, offer up suggestions on how we can make this  
8 local law even better and more restrictive to help  
9 our community and, of course, to protect our  
10 children.

11 So, even though this is going to be put  
12 to vote today, we can certainly make amendments and  
13 improvements to the local law as we go forward.

14 I just thought that was an important  
15 point for you to understand so that you can get  
16 busy, get to work with your colleagues in the field  
17 and see how you can help make this even better.

18 MR. WENZEL: Absolutely. We'll  
19 continue to do that and continue to have  
20 communication with Tom regarding this issue.

21 For those of you who don't know, Jamie  
22 has officially retired, so she's stepping back.  
23 Adrienne is now our new Executive Director. I'm  
24 probably two or three years down the road, but I'm  
25 still hanging.

1 COUNCILMAN LABRIOLA: Thank you.

2 Our regards to Jamie.

3 MR. WENZEL: Absolutely.

4 SUPERVISOR SALADINO: Absolutely.

5 Congratulations to Jamie. Please thank her for all  
6 of her efforts, but we also thank you, Mark. You  
7 have made a commitment that has been phenomenal in  
8 protecting people. So many folks who haven't  
9 needed the services, and God bless the families  
10 that don't need the services of YES, may not  
11 realize all the different areas. It's not just  
12 this one carve out. There are so many family  
13 issues and behavioral health issues, mental health.  
14 All kinds of issues that you deal with that are so  
15 dear to us in terms of our residents getting the  
16 support that they need.

17 You and the organizations represented  
18 here today have been providing that help. I  
19 remember we worked on the Dry Rock Cafe some 32  
20 years ago in a location that is now a restaurant, I  
21 believe, Big Daddy's --

22 MR. WENZEL: Yes. I think they took  
23 that over.

24 SUPERVISOR SALADINO: -- is the same  
25 location having nothing to do one to the other,

1 just the location but that was an alcohol free  
2 facility or hang out or supervised location for  
3 young people to go to where there was no alcohol.  
4 It was a safe environment. Teenagers, preteens.  
5 It was just a place that they needed.

6 MR. WENZEL: Good memory, Joe.

7 SUPERVISOR SALADINO: Where it was safe  
8 and I remember swinging a hammer and working with  
9 you on that project, but seeing that the fruits of  
10 that labor indeed protected the community. That is  
11 one of so many different examples.

12 Thank you for your work. Share our  
13 thanks with Jamie and the entire organization and  
14 your Board, all of its volunteers and employees,  
15 please.

16 MR. WENZEL: Thank you.

17 SUPERVISOR SALADINO: God bless you  
18 all.

19 Our next speaker will be Dennis Mink.  
20 Am I pronouncing that correctly, sir?

21 MR. MINK: Yes.

22 SUPERVISOR SALADINO: Can you please  
23 start off by giving us your name and address?

24 MR. MINK: Dennis Mink, 25132 Seven  
25 River Circle in Land O'Lakes, Florida.

1 SUPERVISOR SALADINO: Land O'Lakes,  
2 Florida is where you reside?

3 MR. MINK: I was speaking for myself, I  
4 have watched people tear down vaping and I'm  
5 talking about vaping legal e-cigarettes, not  
6 marijuana.

7 Vaping is a way of transporting  
8 whatever you're vaping. So you can smoke pot, you  
9 can smoke a cigarette, they're not the same.  
10 There's vaping. If I drink water, I drink beer,  
11 I'm drinking, but they're not the same. If I have  
12 liquid cyanide and I drink it, it's a poison, it's  
13 liquid. Should I not drink water or anything else?  
14 I think a lot of times people are corresponding the  
15 transporting system with the idea and,  
16 unfortunately, that's what killed the vaping  
17 industry, vaping e-cigarettes.

18 SUPERVISOR SALADINO: You're saying the  
19 industry killed -- all the testimony we've heard  
20 thus far speaks to the opposite.

21 MR. MINK: I wish you would do your own  
22 research.

23 There is something called VAEP, Vaping  
24 Advocacy Educational Program. It's based out of  
25 Canada. Also England -- also you can vape in a

1 hospital in England. Two hospitals you can vape  
2 inside the hospital. They don't have the problems  
3 we have.

4 How come the vaping industry has been  
5 around for twelve years and there was no lung  
6 injuries at all reported? None. Then all of a  
7 sudden, the EVALI breaks out. It's because the  
8 EVALI breakout was THC and they confirmed 84  
9 percent and the other 16 percent lied about it.

10 Basically, what it came down to, it was  
11 all illegal drugs they were vaping. So, yeah, they  
12 used that tool to do the drugs. What does that  
13 have to do with the legal stuff? And they're  
14 punishing the people who we're trying to help. I  
15 smoked 46 years and if it wasn't for vaping, I  
16 wouldn't have quit. I'm four years -- I haven't  
17 vaped in two -- that's not true. I haven't done  
18 three vapes which is zero nicotine, no nicotine in  
19 it -- it's called Nicholas.

20 There's no nicotine in it at all. But  
21 I haven't had a cigarette since my daughter's  
22 wedding over two years ago -- I'm sorry. I haven't  
23 vaped in over two years with the exception of the  
24 zero. Two years prior to that, I was smoking. So  
25 in four years, I haven't had a cigarette. I tried



1 everything prior to that. Everything you can  
2 imagine: The patch, hypnotherapy, the gum,  
3 behaviorial therapy. Everything.

4 SUPERVISOR SALADINO: Did any of those  
5 processes and choices work for you?

6 MR. MINK: No, only vaping.

7 COUNCILMAN IMBROTO: Sir, just to make  
8 it clear, we're not banning vaping.

9 MR. MINK: No, no, I understand that,  
10 but what's happened if you've gone through -- the  
11 reason a lot of people went and vaped so much and  
12 vaping THC is because they got -- guess what we're  
13 going to be coming out with -- we're going to be  
14 coming out with real soon, we're going to have this  
15 product real soon. It's going to be illegal. The  
16 kids turned around and said, I want to try it while  
17 it's still illegal.

18 COUNCILWOMAN WALSH: The problem is  
19 that twelve years ago the vaping industry were not  
20 targeting children the way they are now.

21 MR. MINK: That was Juul. That was not  
22 the vaping industry. We get a bad rep. We --

23 COUNCILWOMAN WALSH: Unfortunately,  
24 here now and it's totally different than twelve  
25 years ago where just targeting people to try to

1 stop smoking.

2 MR. MINK: We used to joke and say  
3 what's happening is people with the vapes are going  
4 to be on the corner dealing it and marijuana was  
5 going to be in the shops. That was a joke. This  
6 is the truth. This is what it's turning into.  
7 People do it to save their lives.

8 COUNCILWOMAN WALSH: The town on Long  
9 Island use --

10 (Audience comments.)

11 COUNCILWOMAN JOHNSON: Sorry, ma'am.  
12 You have to wait your turn to speak.

13 (Audience comments.)

14 COUNCILMAN IMBROTO: We're really not  
15 trying to get in a back and forth. I just want you  
16 to understand we're not trying to ban vaping. It's  
17 just restricting where these products are sold.

18 MR. MINK: Have tobacco -- if you drug  
19 council is up here -- you can have tobacco which is  
20 going to remind you of the last cigarette all the  
21 time.

22 SUPERVISOR SALADINO: Mr. Mink --

23 MR. MINK: Pleasurable flavor.

24 SUPERVISOR SALADINO: So we can  
25 understand the point that you're trying to make

1 because I'm having a little difficulty with this,  
2 you've told us that you did smoke cigarettes for  
3 many years. You told us you tried virtually every  
4 method possible to kick the habit, but you were not  
5 successful with those methods.

6 MR. MINK: With the exception of  
7 vaping.

8 SUPERVISOR SALADINO: With the  
9 exception, but are you indeed telling us that the  
10 use of these products is very addictive,  
11 cigarettes, chewing tobacco, these nicotine laced  
12 products?

13 MR. MINK: Yes. (Inaudible.)

14 SUPERVISOR SALADINO: So you're helping  
15 us understand --

16 MR. MINK: Is it addictive, yes.

17 SUPERVISOR SALADINO: So these products  
18 are very addictive.

19 MR. MINK: It's not supposed to be --  
20 it wasn't meant for somebody to say, hey, you're  
21 18, now grab a vape. It wasn't meant for that. It  
22 was meant to help people --

23 COUNCILMAN IMBROTO: We're just trying  
24 to confront the reality of the situation.

25 MR. MINK: Use it as tools.

1 COUNCILMAN IMBROTO: Today --

2 MR. MINK: Average -- excuse me. I  
3 would say the average vape shop intended to do.

4 SUPERVISOR SALADINO: So what you're  
5 saying is when it's only used as a tool to assist  
6 in breaking the habit of smoking --

7 MR. MINK: Works.

8 SUPERVISOR SALADINO: -- in that small  
9 carve out, it works, is what you're telling us?

10 MR. MINK: Without a doubt. I've seen  
11 hundreds of people --

12 SUPERVISOR SALADINO: -- trying.

13 MR. MINK: -- because they don't smoke  
14 anymore.

15 SUPERVISOR SALADINO: In terms of  
16 trying these products, with vaping being one of the  
17 ways by which to deliver the product to the body,  
18 that this can lead to addiction is what we're  
19 hearing?

20 MR. MINK: There's a very good chance  
21 they have addiction already, so what you're doing  
22 is --

23 SUPERVISOR SALADINO: So if it's a  
24 child -- if it's a child and --

25 MR. MINK: A child should not be

1 getting them.

2 SUPERVISOR SALADINO: Well, if a shop  
3 is across the street from a school, this brings us  
4 back to zoning --

5 MR. MINK: I don't think it should be  
6 next to a school.

7 COUNCILMAN IMBROTO: Do you support the  
8 legislation we're considering?

9 SUPERVISOR SALADINO: What we're trying  
10 to do today, sir, is to make sure that facilities,  
11 businesses that market and sell a wide variety of  
12 dangerous products are not within 1000 feet of a  
13 school.

14 MR. MINK: Are cigarettes --

15 SUPERVISOR SALADINO: Today is only  
16 about --

17 MR. MINK: Are cigarettes going to be  
18 in that range.

19 SUPERVISOR SALADINO: So we can --

20 MR. MINK: Neighborhood 7-Elevens and  
21 convenience stores?

22 SUPERVISOR SALADINO: No. This  
23 legislation does not affect 7-Elevens. It does  
24 not --

25 MR. MINK: So what you're telling the

1 kid you can't to your vape because it's down -- a  
2 kid or adult, they can't get to their vape because  
3 it's down the road. So, here you can have a  
4 cigarette. It's here in front of your face.

5 COUNCILMAN IMBROTO: Sir, I think that  
6 at this point we're out of time, but do you have --  
7 are you opposed or in support of legislation to  
8 keep marijuana dispensaries and vape shops out of  
9 residential neighborhoods and away from schools?

10 MR. MINK: I wish they would separate  
11 the marijuana from legal e-cigs. They don't want  
12 to do that. And that's how they got cigarettes out  
13 of there to begin with.

14 SUPERVISOR SALADINO: Mr. Mink, I'm not  
15 clear of your answer to Councilman Imbroto's  
16 question.

17 MR. MINK: I'm opposed.

18 SUPERVISOR SALADINO: You're opposed to  
19 legislation to keep these --

20 MR. MINK: I'm sorry.

21 SUPERVISOR SALADINO: -- are you  
22 opposed to the -- the legislation says that the  
23 vape shops, the marijuana dispensaries can't be  
24 close to a school, to a playground, to a house of  
25 worship, to a park.

1 Are you opposed or in favor of keeping  
2 these away from schools?

3 MR. MINK: Specifically, the church and  
4 the school, and it's ahead of time, great.

5 SUPERVISOR SALADINO: So you are in  
6 favor of that?

7 MR. MINK: If it's -- not that you have  
8 to be in a certain area. People need access to it.  
9 Like I'm saying...

10 SUPERVISOR SALADINO: There are  
11 light-industrial zones for you and everyone else,  
12 especially as it relates to people who need these  
13 products medically.

14 MR. MINK: You know people who smoke,  
15 right?

16 SUPERVISOR SALADINO: We are very  
17 sympathetic.

18 MR. MINK: You know people who smoke?

19 SUPERVISOR SALADINO: -- to people who  
20 need these products medically and there are  
21 light-industrial zones in every ZIP Code in the  
22 town.

23 There are these zones where people can  
24 access in a car, in an Uber, walking, riding a  
25 bicycle. There is not so a stringent zoning in

1 this Town that if someone needs these products --  
2 let's take the medical for the moment, the medical  
3 example -- there are enough light-industrial zones  
4 where people can access them in a reasonable way to  
5 be responsible and listen to the experts, listen to  
6 the public, listen to the needs of the community,  
7 the needs of the education community, for instance,  
8 who all say to the Town you don't have the right to  
9 make it legal, not legal. We understand that's not  
10 your purview. That's Albany with our State  
11 Senators and so forth. People are welcome to call  
12 them on these issues.

13 Our powers are to zone where these  
14 shops can be.

15 MR. MINK: I'm against -- they should  
16 not be zoning it because...

17 SUPERVISOR SALADINO: So you would be  
18 okay with the shops being across the street from a  
19 junior high school or an elementary school?

20 MR. MINK: It's the responsibility of  
21 the person selling it.

22 COUNCILMAN IMBROTO: We understand your  
23 position.

24 Thank you.

25 SUPERVISOR SALADINO: Thank you very



1 much for sharing your position with us.

2 The next speaker will be -- is it Tammy  
3 Baker?

4 Would you kindly start off by giving  
5 your full name and full address?

6 MS. MINK: My name is Tammy Mink. My  
7 business address is 184 Glen Cove Avenue. My  
8 residence is 25132 Seven River Circle, Land  
9 O'Lakes, Florida.

10 I'm no longer a resident of New York.  
11 I'm actually down here not -- address -- I don't  
12 have the paperwork. I'm actually down here to pack  
13 up my shop. Okay.

14 SUPERVISOR SALADINO: Your shop in Glen  
15 Cove, which is not within the Town of Oyster Bay?

16 MS. MINK: Correct.

17 SUPERVISOR SALADINO: Okay.

18 COUNCILWOMAN JOHNSON: (Inaudible.)

19 MS. MINK: I am opposed to putting  
20 American vape shops with -- oh, God help me.

21 SUPERVISOR SALADINO: It's all right.  
22 We are here to listen.

23 MS. MINK: I'm opposed to putting vape  
24 shops with marijuana. That is not who we are.  
25 It's not what we stood for.

1 Do I want the kids to get access, to be  
2 next to a church? Absolutely not. I'm also Case  
3 (inaudible), okay.

4 So the bottom line is I agree, kids  
5 should not have access to marijuana. Kids should  
6 not have access to vapes. All right. But whether  
7 you put us in a light-industry, whether you put us  
8 in the woods, kids are going to access it. They  
9 are going to. So it's up to the legislation. It  
10 is up to the police. It is up to the community to  
11 hold the stores who choose to break the laws.

12 Do you know during COVID, when with all  
13 this stuff going on, I made two reports from  
14 Florida. And this store, it's not next to a  
15 church, it's not next to a school, but they were  
16 selling to kids.

17 Do you know how many investigations  
18 took place? Zero. So whether you put us in an  
19 industrial area, whether you put us on wherever, if  
20 the kids want it, reality is they are going to get  
21 it, and it's up to you guys to investigate this.  
22 Yank the licenses away. We have been for years  
23 telling you guys.

24 SUPERVISOR SALADINO: Ms. Mink, that --  
25 the Town of Oyster Bay doesn't have that power.

1 We have zoning powers.

2 MS. MINK: You guys have the power --

3 SUPERVISOR SALADINO: You're referring  
4 to the Nassau County Police and the New York State  
5 Legislature.

6 MS. MINK: No.

7 SUPERVISOR SALADINO: Our role as Town  
8 government is to zone where --

9 MS. MINK: But you're missing the  
10 point.

11 Whether you zone us -- now, whether you  
12 zone --

13 COUNCILMAN IMBROTO: Could you please  
14 stay behind the podium.

15 COUNCILWOMAN JOHNSON: Keep your mask  
16 up.

17 MS. MINK: Whether you zone it into  
18 light industrials, they're still going to get it.

19 Unless you guys work with Nassau County  
20 Police and hold these stores standard, it's not  
21 going to stop. They're tried to band flavors. For  
22 God's sake what is going on? The kids are on  
23 SnapChat.

24 COUNCILMAN IMBROTO: Ma'am, if you have  
25 any suggestions for how we could work with Nassau

1 County Police to better enforce those laws, we're  
2 open to that, but right now what we're here to  
3 discuss is the --

4 MS. MINK: My point is --

5 COUNCILMAN IMBROTO: -- zoning.

6 MS. MINK: When it comes to legal vape  
7 shops, the legal vape shops help and there's  
8 misinformation here.

9 First off, the deaths that the attorney  
10 is talking about, that did not occur from  
11 commercialized legal nicotine.

12 Those deaths, the CDC came out during  
13 the Summer and said that was black market THC.  
14 That was confirmed.

15 The study she's talking about, there  
16 are two studies out there, American Journal and --  
17 my phone died, so I couldn't show you -- that shows  
18 vaping commercial nicotine is twice effective than  
19 any other method out there. Twice effective and  
20 two studies have now come out that confirm that.  
21 They talk about -- well, heart attacks.

22 How many science journalists have been  
23 expunged due to false information? And I'm sorry,  
24 here you go. Please tell me how I can put cocaine  
25 in here.

1 COUNCILMAN IMBROTO: Ma'am, under the  
2 proposed legislation --

3 MS. MINK: The point that you're making  
4 it harder for the adults who are truly trying to  
5 quit.

6 And, no, I'm not big tobacco.

7 SUPERVISOR SALADINO: Excuse me, excuse  
8 me --

9 MS. MINK: Access it.

10 SUPERVISOR SALADINO: How so if  
11 virtually every community has a light-industrial  
12 area --

13 MS. MINK: How far into light  
14 industrial area from a convenience store sits on  
15 the corner sells cigarettes?

16 COUNCILMAN IMBROTO: I think your time  
17 is up.

18 Thank you.

19 SUPERVISOR SALADINO: Thank you for  
20 presenting the information and your opinions today.  
21 We appreciate it.

22 That's all the slips I have.

23 Is there anyone else who would like to  
24 speak before we have a followup with our counsel?

25 Is there any other resident who would

1 like to speak on this issue?

2 (No response.)

3 SUPERVISOR SALADINO: Please let the  
4 record reflect that no one has indicated -- no one  
5 else has indicated they would like to speak.  
6 That's all the slips I have.

7 So we turn the floor back to you, our  
8 Counsel, Tom Sabellico.

9 MR. SABELLICO: Thank you, Supervisor.

10 For the record, in researching this law  
11 to educate the Board as to reasonable aspects the  
12 Office of the Town Attorney looked into what the  
13 Town of Hempstead, Town of North Hempstead, Town of  
14 Huntington and the Town of Babylon have done in the  
15 similar situation, I think we advised you of that  
16 information.

17 So, for the record, it should be known  
18 that one by one, Town of Hempstead, Hookah  
19 facilities and vape shops can only be located  
20 within light industrial or light manufacturing  
21 districts and must be no closer than 1000 feet  
22 within a school, park or playground.

23 The Town of North Hempstead limits the  
24 location of medical marijuana dispensaries to  
25 industrial and industrial parks and may not located

1 within 1000 feet of a school, child daycare center,  
2 parks, place of worship or 500 feet of a residence  
3 and restricts their hours of operation from to  
4 9:00 a.m. to 9:00 p.m.

5 The Town of Huntington restricts the  
6 locations of Hookah lounges, vape stores, lounges  
7 within 1500 feet of the lot line of any park,  
8 playground, religious institution, or school,  
9 prohibited where they are residences and they may  
10 only be established in certain commercial  
11 districts.

12 In the Town of Babylon permits Hookah  
13 lounges, vape lounges, smoke shops or vape shops  
14 only in industrial zoned districts and they may not  
15 be located within 1000-foot radius of the lot lines  
16 of any lot zoned or used as a residential use or  
17 any other Hookah lounge or vape lounge or within  
18 2000 foot radius of school, library, church or  
19 playing field.

20 So the four local municipalities that  
21 abut the Town of Oyster Bay have all acted within  
22 reason of what you're considering today,  
23 Supervisor.

24 SUPERVISOR SALADINO: In terms of their  
25 legislation, it is ours similar? You mentioned

1 1000 feet from schools, houses of worship,  
2 residential homes.

3 MR. SABELLICO: Yes.

4 SUPERVISOR SALADINO: You mentioned  
5 they are limited to -- they may have different  
6 names but light industrial areas.

7 So, what you're telling us and telling  
8 the public, the legislation that has been presented  
9 for our consideration today is similar in nature to  
10 the restrictions that other municipalities  
11 throughout -- from the far left, to the far right  
12 of the political spectrum, ours is very similar to  
13 theirs?

14 MR. SABELLICO: Yes, Supervisor.

15 SUPERVISOR SALADINO: Do you feel if  
16 this legislation is passed would uphold a  
17 constitutional challenge? Is it constitutional?

18 MR. SABELLICO: Yes.

19 SUPERVISOR SALADINO: It is and it  
20 takes into account those who need these products  
21 for medical emergency or medical needs as well?

22 MR. SABELLICO: Yes. One of the  
23 reasons it would not be upheld is if it banned the  
24 sale or moratoriums, then people might be able to  
25 attack our First Amendment rights that you stopped



1       them from being able to do whatever.

2                   SUPERVISOR SALADINO: We don't have  
3       that power.

4                   MR. SABELLICO: No.

5                   SUPERVISOR SALADINO: We have not seen  
6       the legislation out of Albany. We do not know what  
7       that will say yet, but we are following suit with  
8       other municipalities on Long Island by proposing  
9       this law and that we have heard from the public,  
10      from the experts in behavioral health to the people  
11      who are in education to a variety of residents who  
12      I think have all spoken to the dangers at least of  
13      using these products, but, again, this strictly  
14      about zoning?

15                  MR. SABELLICO: Yes.

16                  SUPERVISOR SALADINO: Does anyone have  
17      any other questions for counsel?

18                  Yes, sir.

19                  MR. WENZEL: Quick question.

20                  Who enforces it?

21                  SUPERVISOR SALADINO: The Town of  
22      Oyster Bay -- well, let's bring the Commissioner up  
23      because this is a zoning issue managed by  
24      Department of Building and Development.

25                  Our Commissioner, Leslie MacCarone, is

1 here today.

2 Commissioner MacCarone, would you  
3 please start with your name and presentation?

4 COMMISSIONER MACCARONE: Good morning.

5 Elizabeth MacCarone, Commissioner of  
6 Planning and Development.

7 So I believe, Mark, you had asked the  
8 question who enforces the ordinance.

9 MR. WENZEL: The ordinance.

10 COMMISSIONER MACCARONE: That would  
11 fall under Department of Planning and Development.

12 We are required to issue building  
13 permits for places, all types of businesses that  
14 come into the Town of Oyster Bay.

15 So if a facility were to open in any  
16 location in the Town, they would need to have the  
17 proper building permit and Certificate of Occupancy  
18 to be able to occupy the premises.

19 So, if one were to open a business  
20 without that, once we became aware of the  
21 situation, we would send an inspector out to verify  
22 if they are in the proper zoning and they have  
23 proper permits and COs. If they do not, then we  
24 take the normal course of action of issuing Notices  
25 of Violations, summonses to get them into

1 compliance.

2 MR. WENZEL: I guess that's the genesis  
3 of my question.

4 We have community members who work with  
5 us, MTAC. If they were come to us and say so and  
6 so is selling, you know, and so forth, who do they  
7 call? You just answered that question.

8 COMMISSIONER MACCARONE: Yes.

9 We have on our website under Department  
10 of Planning and Development, the Code Enforcement  
11 Borough has a form that they would fill out,  
12 whatever information they can provide to us, the  
13 more detail, the better, send -- they can either  
14 e-mail it, fax, mail it in, and we will open up our  
15 investigation.

16 MR. WENZEL: Very good.

17 Thank you.

18 SUPERVISOR SALADINO: If I may just add  
19 to that.

20 There are two separate issues going on  
21 that relate to your question. We are in charge --  
22 and correct me at any point, stop me, please, if  
23 I'm -- if the information is incorrect -- we are in  
24 charge by State Law, the State gives the Town of  
25 Oyster Bay the power over zoning. So our actions

1 protect and enforce our zoning laws.

2 If there are other issues going on or  
3 that you believe are going on that break State Law,  
4 then the Nassau County Police would be the  
5 appropriate group to contact on that issue which is  
6 separate from zoning, enforcing zone laws.

7 MR. WENZEL: So that would go back to  
8 738 Precinct, got it.

9 SUPERVISOR SALADINO: Depending on the  
10 complaint.

11 MR. WENZEL: Thank you.

12 SUPERVISOR SALADINO: We're here to  
13 enforce whether it's this kind of establishment,  
14 whether it's a restaurant, auto body shop, whatever  
15 it may be, the same aspect applies and, quite  
16 frankly, that's a great example.

17 No resident wants an auto body shop or  
18 spray shop spraying -- spray painting cars right  
19 next door to an elementary school. It's the same  
20 theory.

21 COUNCILMAN LABRIOLA: Supervisor, one  
22 question.

23 SUPERVISOR SALADINO: Certainly.

24 COUNCILMAN LABRIOLA: Hi, Commissioner.  
25 Thanks for being here.

1           Quick question, should this legislation  
2 pass today, existing vape shops would not be able  
3 to add recreational marijuana to their sales; they  
4 would only be able do that in a light industrial  
5 zone under Special Use Permits granted by Zoning  
6 Board of Appeals.

7           COMMISSIONER MACCARONE: That's correct  
8 because they would be operating -- if they are  
9 legally conforming now with a permit and a CO, they  
10 would be considered nonconforming as Counselor  
11 Sabellico had indicated. So you cannot expand your  
12 nonconforming use with adding a marijuana component  
13 to it.

14           COUNCILMAN LABRIOLA: Like other  
15 nonconforming uses, vape shops, once they  
16 discontinue that use they no longer have the  
17 ability to sell -- they couldn't sell their  
18 business to -- I'm sorry, let me rephrase that.

19           The person, the vape shop that's  
20 existing under the nonconforming status, should  
21 they cease selling vape products for a period of  
22 time, they would lose that nonconforming status,  
23 correct?

24           COMMISSIONER MACCARONE: Yes. The  
25 period of time is one year, but if they are a legal

1 nonconforming vape shop with a valid CO and they  
2 sell that business to a new person, the CO  
3 transfers to the new owner as long as it has not  
4 ceased for a full year.

5 COUNCILMAN LABRIOLA: Thank you.

6 SUPERVISOR SALADINO: If there are no  
7 other questions for the Commissioner, we have -- no  
8 one else has indicated that they would like to be  
9 heard, may I have a motion -- I'm sorry.

10 Are there any postings or  
11 communications?

12 MR. LaMARCA: We have affidavits of  
13 postings and publications. There are letters on  
14 file which have been read into the record.

15 COUNCILMAN IMBROTO: Supervisor, before  
16 we vote on this legislation, I would just urge my  
17 fellow Board members to vote in support of this  
18 legislation to keep marijuana dispensaries out of  
19 residential neighborhoods and away from schools,  
20 playgrounds and places of worship.

21 I hope they will all join me.

22 SUPERVISOR SALADINO: Thank you.

23 That's really what this is about.

24 May I have a motion, please?

25 COUNCILWOMAN JOHNSON: Supervisor, I

1 make a motion that this hearing be closed and  
2 decision be voted on today.

3 COUNCILMAN IMBROTO: I second that  
4 motion.

5 SUPERVISOR SALADINO: All in favor,  
6 please signify by saying, "Aye."

7 ALL: "Aye."

8 SUPERVISOR SALADINO: We will proceed  
9 with the vote.

10 MR. LaMARCA: May I have a motion to  
11 adopt Resolution No. 195-2021?

12 **RESOLUTION NO. 195-2021;** Resolution  
13 pertaining to the decision on a Local Law entitled:  
14 "A Local Law to Amend Section 246-5.5.34 -  
15 Restrictions on Sale of Vaping and Marijuana  
16 Products, Vape Shops, Hookah Lounges, Marijuana  
17 Dispensaries and Marijuana Shops, to Chapter 246 -  
18 Zoning, of the Code of the Town of Oyster Bay."  
19 Hearing held: March 30, 2021. (M.D. 3/16/21 #20).

20 On the motion:

21 COUNCILWOMAN JOHNSON: So moved.

22 COUNCILMAN IMBROTO: Second.

23 MR. LaMARCA: Motion made by  
24 Councilwoman Johnson and seconded by Councilman  
25 Imbroto.

1                   On the vote, please:  
2                   Supervisor Saladino?  
3                   SUPERVISOR SALADINO: "Aye."  
4                   MR. LaMARCA: Councilwoman Johnson?  
5                   COUNCILWOMAN JOHNSON: "Aye."  
6                   MR. LaMARCA: Councilman Imbroto?  
7                   COUNCILMAN IMBROTO: "Aye."  
8                   MR. LaMARCA: Councilman Hand?  
9                   COUNCILMAN HAND: "Aye."  
10                  MR. LaMARCA: Councilman Labriola?  
11                  COUNCILMAN LABRIOLA: "Aye."  
12                  MR. LaMARCA: Councilwoman Maier?  
13                  COUNCILWOMAN MAIER: "Aye."  
14                  MR. LaMARCA: Councilwoman Walsh?  
15                  COUNCILWOMAN WALSH: "Aye."  
16                  MR. LaMARCA: Motion to adopt  
17                  Resolution No. 195-2021 passes with seven "Ayes"  
18                  and zero "Nays."  
19                  SUPERVISOR SALADINO: Thank you.  
20                  May I have a motion to close this  
21                  hearing?  
22                  COUNCILWOMAN JOHNSON: Supervisor, I  
23                  make a motion that this hearing be closed.  
24                  COUNCILMAN IMBROTO: Second.  
25                  SUPERVISOR SALADINO: All in favor,



1 please signify by saying "Aye."

2 ALL: "Aye."

3 SUPERVISOR SALADINO: Those opposed,  
4 "Nay."

5 (No response.)

6 SUPERVISOR SALADINO: The "Ayes" have  
7 it.

8 We'd like to thank you everyone who has  
9 participated in this hearing and has assisted with  
10 your information and all that you presented today  
11 and in the past.

12 Thank you very much.

13 Thank you.

14 (TIME NOTED: 11:51 A.M.)

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