

HEALTH & HUMAN SERVICES COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **February 10, 2005**.

Members Present:

Legislator Paul Tonna • Chairman
Legislator Allan Binder • Vice•Chair
Legislator Daniel Losquadro
Legislator John Kennedy
Legislator Ricardo Montano
Legislator Peter O'Leary
Legislator Brian Foley

Also in Attendance:

Legislator David Bishop • District # 14
Mea Knapp • Counsel to the Legislature
Ron Cohen • Aide to Legislator Tonna
Ilona Julius • Deputy Clerk/Suffolk County Legislature
John Ortiz • Budget Review Office
Linda Bay • Aide to Presiding Officer Caracappa
Dan Hickey • Aide to Presiding Officer Caracappa
Frank Tassone • Aide to Majority Leader
Jim Teese • Aide to Legislator Kennedy
Kevin LaValle • Aide to Legislator Losquadro
Maria Ammiratti • Aide to Legislator O'Leary
Ryland Gaines • Aide to Legislator Montano
Jeanine Dillon • Assistant County Executive
Adam Santiago • County Executive's Office
Janet DeMarzo • Commissioner/Department of Social Services

Ed Hernandez • Deputy Commissioner/Department of Social Services
Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services
Dr. Brian Harper • Commissioner/Department of Health Services
Elizabeth Harrington • Deputy Commissioner/Dept of Health services
Walter Dawydiak • Department of Health Services/Environmental Services
Marilyn Shellabarger • Chair/Health Center Liaison Committee
Richard Koubek • Catholic Charities
Ann Druckenmiller • Gerald Ryan Outreach Center
Michael Deering • Director of Environmental Affairs
Pat Brodhagen • Food Industry Alliance
William Stoner • American Cancer Society
Steve Moll • Island Public Affairs
Amea Bay • Suffolk County Perinatal Coalition
Donna Periconi • Bay Shore Chamber of Commerce
Richard Marg • Sunbank Tanning
Pat Zlogar • Indoor Tanning Association
James Oliver • Beachbum Tanning
Nick Galanis • Beachbum Tanning
Nick Maroachakis • Beachbum Tanning
Evan Galanis • Beachbum Tanning
George Munoz • Perfect Color Tanning Salon
Darlene Munoz • Perfect Color Tanning Salon
Bill Kells • Perfect Color Tanning Salon.
Tim Nolan • Palm Beach Tan
Lydia Sabosto • AME/1st Vice•President
Sondra Palmer•Randall • AME/Secretary
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 11:45 A.M.*)

CHAIRMAN TONNA:

All right, good morning, everybody. I have no idea when other committee members are going to get here or something. This meeting starts at 11:30, I know that some of them are in executive session but the show has to go on. So I'd ask all to rise for the pledge led by myself this time.

Salutation

Thank you. All right, please be seated. Are there any cards?

MS. MAHONEY:

Yes.

MS. KNAPP:

Paul?

CHAIRMAN TONNA:

Yeah?

MS. KNAPP:

They haven't adjourned Ways & Means yet because legally they can't adjourn until the executive session is over.

CHAIRMAN TONNA:

Right. Okay, out of respect to the people who have filled out cards, I'm going to give the Ways & Means Committee two minutes and then hopefully there will be some people here to listen to you, besides myself of course. So any jokes? We have a joke in •• you know, a little Health and Human Services joke? I've got a lot of lawyer jokes, but I hear you can get arrested for that.

(* Brief Recess Taken: 11:45 A.M. • 11:47 A.M. *)

Okay, we're going to move ahead pretty quickly here. I notice that a lot of people are here to talk about Resolution No. 1065. And just to some of you, this is the first time you're in front of the Legislature, so just as quick as possible. You're only going to get three minutes, okay, so the quicker you are the more people will actually get into the mix, all right, so that we can hear

what you have to say. Okay, the first is Pat Z•L•O•G•A•R.

MR. ZLOGAR:

Yes, sir.

CHAIRMAN TONNA:

Okay. Hi, Pat. If you want, if you feel more comfortable there, wherever you want. Okay, Pat, go right ahead.

MR. ZLOGAR:

Good morning, Legislator Tonna. Thank you ••

CHAIRMAN TONNA:

Pleasure.

MR. ZLOGAR:

•• for the opportunity, members of the committee. I am Pat Zlogar representing the Indoor Tanning Association, we're here to speak about Resolution 1065. There are a number of other •
• as Legislator Tonna pointed out, other members of the tanning industry here to speak regarding this resolution.

To the point, the tanning industry is currently regulated by the New York State Department of Health and the FDA Center for Devices and Radiological Health; there are many regulations in place already.

Our best practices include the requirement of safety goggles, parental consent for minors under 18, equipment sanitization, guidelines for bulb replacement. The primary concern that we have with this resolution is the fact that a parent must accompany a minor under 18 each and every time they visit a tanning facility. We strongly support parental consent, our best practices already have parental consent guidelines in place and we believe that having the parent come in each and every time would punish not only the child but the parent as well, and we believe that it would effectively prohibit children 18 and under from coming in.

We're currently working with the sponsor of the resolution. Her staff has been very kind seeking our input and we're hopeful •• I believe she's mentioned that it would be tabled until a public hearing next week, but we're working with Legislator Vloria•Fisher and we're hopeful

that we can work out our differences.

I can also mention that the New York State Legislature is working on this issue as well and we're working on with them regarding parental consent. In New York there are approximately seventeen hundred tanning businesses with nearly sixty•eight hundred employees. There are several hundred tanning facilities in Suffolk County, you'll hear about the economic impact that it can have on these local businesses. We support the intent of the legislation and believe that a parental consent is important and we can negotiate something that would be acceptable to both the Legislators, consumer protection people and the industry itself. If there are any questions, I would be happy to answer them.

CHAIRMAN TONNA:

No. As a matter of fact, I understand •• and instead of me speaking, I guess Legislator Losquadro?

LEG. LOSQUADRO:

Thank you. Yeah, I'll just make a brief comment. I have spoken to the sponsor of this bill as well and I've spoken to a number of salon owners and I think there is a willingness on the part of the sponsor to amend this.

LEG. BINDER:

Why, you want to go tanning?

LEG. LOSQUADRO:

No; with this Sicilian blood, I have never seen the inside of a tanning bed. But that being said, I think there is a willingness, as I said, on the part of the sponsor to amend this slightly. I would like to see •• I have enumerated a couple of points I would like to see changed. The reputable businesses out there, the best practices of those businesses do seem to be in keeping with the original intent I believe of this legislation. And if the legislation was modified to reflect those best practices, as has been discussed with some of these salon owners, the fact that they keep these waivers on file that there is parental notification and consent, then I would certainly be supportive of that resolution with those changes. So I just wanted to make you aware of the discussions that happened to take place.

CHAIRMAN TONNA:

The other thing, just so that people understand •• and I know we have a number of cards, we could save some time •• this has to be tabled today; we can't pass this bill out anyway, it's subject to a public hearing.

MS. KNAPP:

Yes.

CHAIRMAN TONNA:

The place to really •• the first shot at the apple, because it will come back to this committee, is really at our public hearings at the full Legislature Tuesday which is I think at 2:30 starts the public hearings. That's the place where you'll actually get, what is it, five minutes I think, the ability to ask questions back and forth and an opportunity for the sponsor of the bill to hear, you know, the comments. So I just leave that, everybody, if you want to speak now that's okay, but to tell you quite honestly, not that it's falling on deaf ears, but it would be •• I think it's best •• you'll have two more shots or two bites at the apple here. We have to table it, there's nothing that we can do with that, it's subject to a public hearing. The public hearing will go on, that's a place you should really be at if you want to come out and advocate your position, that's also a place where the sponsor of the bill will be able to hear different things. And then after, that you come back to committee, if you're not getting the changes that you would hope for and everything else, then you come in and slam the bill; is that okay? All right. And by the way, you guys look marvelous. All right, thank you very much.

CHAIRMAN TONNA:

Okay, so I'm •• if there's any •• I'll just go through it quickly; Tim Nolan? James Oliver? Darlene Manuza, Manuz, and Rich Mang; is that okay? All right. Thank you very much. And I appreciate it and, you know, we'll see you later. Okay, Donna Perconi. Hi, Donna.

MS. PERICONI:

Hi.

CHAIRMAN TONNA:

How are you?

MS. PERICONI:

Fine, thank you. I thank you for the opportunity to be here today.

My name is Donna Perconi, I am the President of the Bay Shore Chamber of Commerce. I'm here today to tell you about an effort undertaken over the past four months by the Bay Shore Chamber of Commerce and the Bay Shore/Brightwaters community. I think Ron distributed some literature for you to see.

I am here today also to express to you my disappointment, my frustration, and finally my dissatisfaction with the performance of the Suffolk County Department of Social Services. I respectfully have asked that I be permitted to speak for more than three minutes since Bay Shore has for four months been helping neighbors in great need, a responsibility I believe that belonged to the Department of Social Services.

CHAIRMAN TONNA:

I'm sorry, Ma'am, you have three •• you have two minutes left and that's it, there are other people who have cards and that's the rules of the Legislature; sorry. So please ••

LEG. FOLEY:

Mr. Chairman?

CHAIRMAN TONNA:

Yeah?

LEG. FOLEY:

Just a question.

CHAIRMAN TONNA:

No, she's speaking and then after that we can ask all the questions. Go ahead.

MS. PERICONI:

I did request more time from Mr. Cohen.

CHAIRMAN TONNA:

Okay. Well, I don't care what Mr. Cohen says or not. You know, please just speak and we'll see what we can do, maybe somebody will have a question for you, but that's the rules of the Legislature.

MS. PERICONI:

I went to see Senator Johnson a few weeks ago and told him what we had accomplished and I asked him to send me figures from Albany about the money, amount of money the Suffolk County Department of Social Services receives. A County with only a population of 1.5 million people received \$465 million in 2004 for the Department of Social Services and \$55 million more in 2004 for Community Mental Hygiene, and yet when I reached out to ask them to help me find homes for 75 needy people in one building in Bay Shore, it was almost too difficult a chore for them to undertake. I have worked with my community for four months to relocate these poor people, most of whom are on SSI/SSD and I had little support from Social Services. I thought that after having spent four months, Bay Shore paying for their security deposits, I would be allowed to address this committee about what is wrong with that department. We saved Suffolk County \$1 million by preventing these people from becoming homeless. We were told by Social Services that when they became homeless they would spend \$1 million on finding the motels and places to live. We relocated 60 some odd people with money donated by my businesses and my friends and my residents, we gave them new lives, something that seems to be foreign to the Department of Social Services, they don't do relocations. Well, I am asking this committee to look into the possibility that this department has to be overhauled. There is something wrong here.

I get these figures from Albany; where is this money going? What is Safety Net, \$36 million; is that for the homeless? If there are seventeen hundred people homeless in Suffolk County right now, does that mean that Suffolk County is paying \$15 million for motels? We did it, we were able to find rooms and apartments for these people.

I would also like to address what I believe is the arrogance of this department. They don't want to talk to you. They can't get paperwork done. They •• I found out after the fact that they actually could have handled security deposits for SSI and SSD tenants. Guess what? They didn't tell me initially and after we discovered it, the paperwork is too monumental to get it through. This is wrong.

CHAIRMAN TONNA:

Hold it one second.

LEG. FOLEY:

I have a question, Mr. Chairman.

CHAIRMAN TONNA:

Just wait one second.

MS. PERICONI:

I apologize.

CHAIRMAN TONNA:

No, no, no, you don't have to apologize at all, Ma'am.

MS. PERICONI:

I need to tell this.

CHAIRMAN TONNA:

Okay, hold it, just wait one second, just wait one second.

MS. PERICONI:

I'm sorry.

CHAIRMAN TONNA:

My question is tell me what's on your mind.

MS. PERICONI:

My mind is I want ••

CHAIRMAN TONNA:

Now you can speak.

MS. PERICONI:

I want a detailed explanation on where the money was spent, I don't understand the categories. Where did this money go, a half of billion dollars, one•fifth of Suffolk County's total budget, where did this money go?

I have asked so many friends, bright friends, do they know what Social Services receives? Nobody can believe a half of billion dollars is being received by this department and Mental Hygiene, they weren't able to place anybody. I don't care if they can't do relocations, do it, give these people a new chance in life. Let's do the right thing. My community was happy to do it, I looked to Suffolk County to lead the way. I didn't know how to do this, I know nothing about Social Services. I tried to get Ms. DeMarzo, she finally spoke to me and said she was sending two people to my meeting, a meeting I put together with wonderful agencies like Federation, Family Service League, Community Options, I've learned it all. She sent two people from Social Services and one person from Mental Hygiene Services to my meeting. I reached out to them to say, "Please help me. We have the will, help me do the right thing by 75 people who are living in squalor. " Nothing gets done. You have to light fires. I'm not saying they didn't produce at the end, but you don't know what it was like to be •• you know, talk to David Bloomberg, talk to Carolyn McCully (sic). Mr. MacGilvray never even called me, I didn't even know what Mental Hygiene Services was. I think you have to be aware of 75 people in one building, one building. Please, let's go and visit them, send your caseworkers. Adult Protective Services has many clients there, one woman can't speak, she has a mentally retarded son, she walks around, she has no control of her bodily functions, I found out she had a caseworker, where has he been? Where are the caseworkers? There are many clients under Adult Protective services.

I am talking to you as a woman who does business. I am talking to you as a woman who has volunteered 15 years of my life for Suffolk County and this is so appalling to me. I have lost sleep on this. I want to know what the figures represent. I want to know who is in charge of seeing that people work in the department. I want to know have you considered new ways to do this. I have a million ideas for you, a million ideas on how relocation could be done. Do you know when I first started, this it was amazing to me that no one ever said thank you, none of these poor people ever said thank you. If you had to work with the people they have to work with, if you had to go to that center in Edgewood where nothing gets done, after a while you are dehumanized. Now, after working with them for four months, seeing them at St. Patrick's Church every day where they eat lunch, they're our friends, they hug me, they hug my chamber members. Something's wrong. And I was advised not to come here today but I am not giving up. I want you to know this experience; I want you to look into it, it's your responsibility to do so.

CHAIRMAN TONNA:

It is.

MS. PERICONI:

I have prepared many notes, I will perhaps have them typed up describing the exact experience to you.

CHAIRMAN TONNA:

But what I would ask is •• and I thank you, I thank you for, you know, obviously the passion, the hard work. And although I can understand your frustration ••

MS. PERICONI:

Mr. Tonna, imagine not having a bathroom of your own, sharing a bathroom with 30 other people. Mr. Tonna, they're all on SSI, they're all on SSD, one is a Social Service recipient, a mother with two children living in squalor.

CHAIRMAN TONNA:

Right.

MS. PERICONI:

Okay? Her children attend Bay Shore Schools, I begged people to help me; thank God for Roland Hampson who is the only man who seems to know what he's doing at Social Services. I found a place for her through Suburban Housing, an agency I knew nothing about. I mean, Social Services is helping her now, but what I'm selling you is Social Services is so bogged down with paperwork and people who can't even walk, these poor people. One hour it takes them to walk them through the park, nobody does it. One man, John Gia, went to Edgewood four times to talk through this literature, he was the only Section 8 tenant there. Let me tell you, Suffolk County finally sent a check for his security deposit, it was made out to the wrong apartment complex, I had to bring another chamber check over there. It was such an unbelievable experience and nobody knows about it. Except my community does not know about Suffolk County, I have taken the high ground here, you will see in this literature, it's the miracle of a community, that's what I call it. We're proud to have done it, we are grateful, the satisfaction we have gotten from doing this, giving people a new lease on life. A man in a wheelchair so down and out, okay, we found him a place in Ronkonkoma near a bus stop where

he can get power transit; I mean, it was not hard to do. Landlords called offering rules and apartments at less money because they read the article in Newsday. I just want you to know that something is seriously wrong.

LEG. FOLEY:

Mr. Chairman?

CHAIRMAN TONNA:

Yeah, I know, there's a whole list, there's a list.

MS. PERICONI:

And I apologize for taking up too much time.

CHAIRMAN TONNA:

No, you didn't take too much time, it just •• it has to be asked a question, so we asked you the question.

MS. PERICONI:

I'm sorry, I apologize.

CHAIRMAN TONNA:

That's okay. And you were asked a question, that's fine.

MS. PERICONI:

I'm here if anyone wants to ask.

CHAIRMAN TONNA:

You don't have anything to apologize for, Ma'am. Just a couple of thoughts and then I know •• I think Legislator Binder, Legislator Foley, Legislator O'Leary have questions to ask.

The one thing that I would say is •• well, lets ask some questions and then maybe we can come to at least some resolution from the Legislature's standpoint about our next step. Okay? I think it was Legislator Binder was first, then Legislator Foley, then Legislator O'Leary.

LEG. BINDER:

Thank you. It's a pretty heart-rendering story. There are heroes out there that people don't know about, and I'm glad you came today so we got to know about one of them; I'm talking about heroes who give of themselves like you do and care so deeply to do what you have done. I know you're looking at the other people as the heroes, but you should consider yourself among them.

MS. PERICONI:

Thank you for that.

LEG. BINDER:

Let me get an idea of what happened, maybe in the little details so I •• because we have to understand in terms of the department. You realize the problem and you call where? I mean, what was your first outreach?

MS. PERICONI:

What happened was at the September chamber meeting, about a hundred chamber members, 25 of the tenants showed up •• the building is being demolished in the spring, there are new owners •• they came to our chamber meeting to tell us they didn't know the building was coming down, what do they do? They live week to week, they live month to month, they're below poverty, "What do we do?" They were angry, they were fearful, and I promised them right then and there that we would do everything in our power to get them new rooms, new apartments, we would get them furniture, we would pay the security deposits, I promised them and my promise means everything to me.

I called up Social Services, I asked to speak to the Commissioner, she was unavailable. I spoke to a Mr. Hernandez, he referred me to a Tom MacGilvray of Mental Hygiene Services; I have never spoken to him, he put me •• I was put in touch with a David Bloomberg. I said, "Please, how do we do this? Just walk me through it, tell me what we need to have done here." As it turns out, I faxed over the names of the tenants there who had signed in the chamber sheet, I asked them if they could find out if they were Social Service recipients, no response. A month went by, after so many calls I finally asked Cameron Alden to convene a meeting at his office, that was on November 29th, I will not forget it, and I was there, Angie Carpenter, Cameron Alden, the CDA, and a Mr. Art Flescher from Mental Hygiene and two representatives from Social Services, a Mr. Dennis Nowak and a Mr. Tim Ryan. I was not exactly my pleasant self because I have been trying now for seven weeks to have someone help me, okay? I knew they

were being evicted at the beginning of the new year.

Mr. Nowak explains to me they only do relocations. Have you ever seen your literature that goes out to the public? This statement is in your literature from Social Services, it's enough to boggle my mind. "Social Services," this is what you send out, "is not a real estate agency and does not have permanent housing resources to give to people." There are currently seventeen hundred homeless individuals in emergency housing in Suffolk County, all of them are searching for a permanent place to stay. Do you like the tone of that, you are not a real estate agency? That's the tone of this department.

Mr. Nowak tells me \$1 million they'll pay for these 75 people when they are homeless, but we can't do relocations. He was arrogant, he told me did I know the difference between speaking with honey or vinegar; I'm a mother, I'm a grandmother, I've been a volunteer my whole life, I do not have to be taught social mores by Mr. Nowak. I addressed our County Executive Levy on that, but that being done in two days, we had a meeting organized at St. Patrick's Church, the hospitality center where these people eat every day for lunch. Social Services was kind enough to put fliers in the building announcing the meeting, Dennis Nowak came, the Commissioner of Labor, someone from Mental Hygiene.

I remember Ms. DeMarzo saying to me she was sending people to "my meeting"; I have never forgotten "my meeting". My meeting? I'm a chamber president, it should have been Social Services' meeting. But I got Catholic Charities, I got Community Options for Living, I got wonderful Federation of Organizations, I got Family Service League, I got all these agencies, Community Options for Living, all of them, Community Housing Innovations, the Town of Islip Housing Authority, we all came together in St. Patrick's little room, okay, and 50 tenants showed up. And you know what, Mr. Binder? That was the beginning of what I call the miracle. They saw people who cared. We were there to get them through this crisis. You need money, we give you money. They needed to see support, they needed to see people that really meant what they were saying. And after that meeting I reached out to that wonderful Nassau •Suffolk Law Services Committee who took care of their legal eviction notices, they did a superb job and we started. I raised monies from all over my town, even outside my town. One business sent me \$2,500 to pay for four securities; The Nutty Irishman sent me \$500 for another security deposit; one of our board members celebrated his 80th birthday, instead of gifts everyone sent money to the chamber for 11 Maple Avenue. I have raised thousands and

thousands of dollars and we have been paying the security deposits, however we haven't found all these places. What we did was embold in these poor people, we showed them we cared, that's what we did. We empowered them, we made them resourceful, we gave them confidence again, that is what I believe the Department of Social Services is supposed to be about. Sixty plus people are gone.

LEG. BINDER:

How did you find all these agencies? Because you said you didn't know anything about them.

MS. PERICONI:

I just called.

LEG. BINDER:

Who did you call?

MS. PERICONI:

I called Catholic Charities.

LEG. BINDER:

So how did you •• in other words, you have to start •• how do you find out ••

MS. PERICONI:

It was very difficult.

LEG. BINDER:

Did Social Services say, "Look, here are a list of agencies who are out" ••

MS. PERICONI:

They didn't do that.

LEG. BINDER:

They didn't give you any of the agencies?

MS. PERICONI:

No. Paul _Schtink_ of the CDA gave me a list of many different agencies and Catholic

Charities, I'm very close to my parish, we ••

LEG. BINDER:

So you had to go to the CDA to get a list of agencies that contract with the County.

MS. PERICONI:

They did, and Catholic Charities, St. Patrick's Hospitality Center, we have an advocacy group there, they informed me. I learned about panataes, suburban housing, I met the most wonderful people. I mean, it's such an easy mission. And I will tell you, there are loads of rooms out there, there are loads of apartments out there, nobody wants to bother to find them. Every week I'd stop in to St. Pat's, we'd go through the PennySaver, the Yankee Trader, there are ten people left now, five of whom choose to be left, the other three will be moving shortly. I mean, it's an easy •• we saved Suffolk County a million dollars, it cost us \$15,000. What is wrong with this picture?

LEG. BINDER:

I mean, if we had them in motels, as you know, there's not ••

MS. PERICONI:

I know, that's where they were going here.

LEG. BINDER:

There's literally no more expensive way for us to treat them, and then •• and then that's the question, how come we have so many people in motels?

MS. PERICONI:

Because nobody bothers. The admission of Suffolk County Social Services, "we don't do relocations." Seventy•five people in one building, not scattered, "We don't do relocations."

LEG. BINDER:

But the truth is while we don't, we have agencies that we contract with, we work very closely with that do, that work very closely •• and you contacted them.

MS. PERICONI:

And they did it. Federation ••

LEG. BINDER:

And the question ••

MS. PERICONI:

Federation ••

LEG. BINDER:

I guess the question is how is it that our own department, in order to save us money ••

MS. PERICONI:

I don't know the answer.

LEG. BINDER:

•• doesn't look at working with our very own agencies who we spend a lot of money on.

MS. PERICONI:

Federation is extraordinary.

LEG. BINDER:

Right, they are.

MS. PERICONI:

They have gone in three times a week. Family Service League was the vehicle I used for the deposits, I can't do that. I send out a check from the chamber, they actually check who the landlord is, what the facility is, they interview the tenant to make sure he can afford that apartment or room, I turn over the check, they get the receipt from the landlord which when those tenants decide to move they'll receive the security deposit. They helped me do the paper work, it was so easy. I mean, then Social Services started to help look at places after we lit the fires, Jeanette Burgess, a couple of •• but this is my point, rather than run with this enthusiastically, let's save these people, forget the motels, let's give them a new lease on life.

LEG. BINDER:

And save money if nothing else.

MS. PERICONI:

And save money.

LEG. BINDER:

Not just •• right.

MS. PERICONI:

You must be spending •• if you have seventeen hundred homeless, you have to be spending \$15 million a year on motels unnecessarily. And what is worse than people living in motels? I mean, there's something wrong here. You know, people say to me, "You're wasting your time," I don't believe that. I know there are Federal mandates, but you can change anything if you are willing to work hard enough to make the change.

LEG. BINDER:

Right.

CHAIRMAN TONNA:

Okay.

LEG. BINDER:

Well, I think that's something that we need to explore ••

LEG. FOLEY:

Right.

LEG. BINDER:

•• is the mission and we're going to have to explore whether we should be designating people within Social Services to be doing this kind of outreach or working with •• particularly, as I say, we have contracts, we spend a lot of money on the agencies you contacted ••

MS. PERICONI:

And the agencies are working.

LEG. BINDER:

And they're working.

MS. PERICONI:

They are working.

LEG. BINDER:

So why wouldn't you •• you would think our Social Services •• our Social Services Department should have been the first to tell you ••

MS. PERICONI:

Thank you.

LEG. BINDER:

•• "Let's coordinate between you, the agencies, we have the list right here," you shouldn't have had to go to a CDA.

MS. PERICONI:

That's what I asked for, Mr. Binder.

LEG. BINDER:

Okay.

CHAIRMAN TONNA:

Okay.

MS. PERICONI:

That is what I asked for.

CHAIRMAN TONNA:

Legislator Foley?

LEG. FOLEY:

Thank you, Mr. Chairman. Ms. Periconi, it's great to see you here today.

MS. PERICONI:

Oh, thank you. I apologize for my emotion here, I'm emotional about this.

CHAIRMAN TONNA:

No apologies needed.

LEG. FOLEY:

The Renaissance of Bay Shore is well under way due in good part to yourself and others who are committed to that particular community, and you have one of the best rib joints in the County; Al's Ribs is ••

MS. PERICONI:

Smokin' Al's, you're right.

LEG. FOLEY:

Smoked Al's is one of the best places around and it's great to go down to Bay Shore and be part of that revitalized scene. What would be most helpful for us, the testimony that have will be transcribed by our stenographer, but if you •• if you could take your thoughts and put it in writing and then send it to us and then we can review it and then have a follow•up discussion, through the Chair, with the department.

You raised a number of issues. There are a number of very talented people in the Department of Social Services who are there for all the right reasons, but they, as much as anyone else, would admit that we always can try and attempt to do a better job, but before •• in order to do this in the most effective manner, if you have something in writing ••

MS. PERICONI:

I will send it to you.

LEG. FOLEY:

•• it could be distributed to this committee, through the Chair.

CHAIRMAN TONNA:

That would help.

LEG. FOLEY:

Then that would be a great help and then we can get into a Q & A within with the department about ways in which we can improve. Okay?

MS. PERICONI:

Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN TONNA:

Yeah, chronology with •• you know, you mentioned some of the things, but having a bit of a chronology ••

MS. PERICONI:

I have it all in my speech today, I did give you a chronological order.

CHAIRMAN TONNA:

We have a copy of that speech?

MS. PERICONI:

No, it's my notes, but I'll improve it and send it to you.

CHAIRMAN TONNA:

Yeah, we'll get one together, thank you. Legislator O'Leary?

LEG. O'LEARY:

A lot of the points that I was going to question about have already been asked and answered, but I'm interested in the current status of these individuals that you referred to, perhaps you can include that in your report or letter to us. But off the top of your head, if you're •• to the best of your knowledge, what is the status of the individuals?

MS. PERICONI:

Right now there are ten people left in the building, four of whom do not want to leave until they're evicted and the others we are looking for places, we just found a home with two bedrooms for three tenants, okay. They are paying now \$1,200 for that rental, \$400 a piece to share a living room, a kitchen, two bathrooms, three people. Over here where they are now, they are living with squalor.

CHAIRMAN TONNA:

Right.

MS. PERICONI:

So what I am trying to say, I believe in my heart there is a way to help senior citizens. I have gotten calls from senior citizens who are willing to share a bathroom and a bedroom ••

LEG. O'LEARY:

Can you speak on the mike, please?

MS. PERICONI:

I'm sorry. Senior citizens have called me after seeing the newspaper articles, they are willing to share a bedroom in their house, they can't keep up their taxes, would that person mind sharing a kitchen and a bathroom with them? There's a way to do something great here. I am telling you, you're missing the boat. I mean, Ms. Vaughn called, another woman called me with just that, "We can't afford our taxes anymore. My husband and I are retired, we would be so happy to help a less fortunate" ••

CHAIRMAN TONNA:

Well, this is what I ••

LEG. O'LEARY:

I would like to have you include that in your letter or correspondence to us.

MS. PERICONI:

Right.

LEG. O'LEARY:

And just the relocation of the individuals, have they taken place within the Bay Shore area or

around the County?

MS. PERICONI:

No, we couldn't find all. Most of them have stayed in Bay Shore, about four went to Brentwood, one went to Deer Park ••

LEG. O'LEARY:

Okay.

MS. PERICONI:

•• two went to •• Bay Shore unfortunately is very, very costly right now.

LEG. O'LEARY:

Uh•huh.

MS. PERICONI:

But there are places, all they want is a studio, all they want is a room, that's all they want, that's all they had here.

CHAIRMAN TONNA:

A room with a view.

MS. PERICONI:

And there should be no cost to Suffolk County, most of them make 600, 643 a month, so they can afford that. What amazed me was the fact that so many of them were not on food stamps. I asked Social Services and they did finally send someone down there to put these people on food stamps, there's a man that's blind in that building, almost blind, he's a recovering alcoholic, his sister called me to help him. I mean, he's been placed •• we put him in a room in this apartment, this house and, I mean, they don't even know about food stamps. What is wrong with this •• what is wrong with this?

CHAIRMAN TONNA:

Well ••

LEG. O'LEARY:

All right, thank you. I'm finished, Mr. Chairman.

CHAIRMAN TONNA:

Thank you. I think what we're going to do is, first of all, I would like to talk to the Legislator, you know, who's district this is in which is Legislator Alden and maybe Legislator Carpenter also.

MS. PERICONI:

Right.

CHAIRMAN TONNA:

And start there and my office will look into the matter, if we have to come and visit, we have to find out, but it seems that there might be a creation of a model here.

MS. PERICONI:

Yes, that's what I want to tell you.

CHAIRMAN TONNA:

Right. And that maybe with some realigning of some resources in Social Services, that there might be an opportunity where some kind of like hit squad goes out to local communities and before they look at the more expensive costly issue, maybe there are some things.

MS. PERICONI:

Oh, thank you.

CHAIRMAN TONNA:

To tell you quite honestly, I'd feel much more comfortable after talking to the local Legislators and see what their efforts have been and everything else.

MS. PERICONI:

Thank you.

CHAIRMAN TONNA:

But you have my office number, I know that.

MS. PERICONI:

Yes, I do and Mr. Cohen is so nice to me.

CHAIRMAN TONNA:

Yes. And I think, if I'm not mistaken, you even have a budget to look through, right?

MS. PERICONI:

Oh, yeah, he gave it to me.

CHAIRMAN TONNA:

Yes, yes, I know that. So what we'll do is we'll be in contact with you ••

MS. PERICONI:

Thank you.

CHAIRMAN TONNA:

•• and then see how that goes. I know he was lugging around a budget, so I knew that was for you.

MS. PERICONI:

I put that in my car already. Thank you very much.

CHAIRMAN TONNA:

Thank you, Ma'am. Okay, William Stoner and then Steve Moll after that. Three minutes.

MR. STONER:

Hello, everyone. Thank you for the opportunity. I just want to bring you back to 2004 quickly, the waning days of 2004 where you may recall a vote of 17•1 to restore the Tobacco Control Program funding, and I want to thank you once again for doing that, but it's •• I feel it's my duty to bring it to your attention, this body but the full Legislature, that two contracts that are critical to that program remain unsigned, and not only unsigned but denied and sent back to the groups that actually were going to contract with the County.

CHAIRMAN TONNA:

That's ridiculous.

MR. STONER:

They are, number one, evaluation. The evaluation contract to my knowledge was around \$170,000, which sounds like a significant sum of money but, believe it or not, that's within the CDC Best Practices Guidelines for how much you should spend on evaluating your program. I'm sure everyone here will agree that evaluating a program is very necessary.

CHAIRMAN TONNA:

You can't manage unless you, you know, measure, so you have to evaluate.

MR. STONER:

Exactly. Because, I mean, I know that I'm going to be here next year, the year after, the year after fighting for this program and I'd rather be working on other cancer issues, to be honest with you, to be honest with this body.

CHAIRMAN TONNA:

Right. What's the other thing?

MR. STONER:

The other is the counter marketing. I'm sure everyone has heard the statistics, \$12.5 billion, the big tobacco is going to spend on advertising to get our kids to start smoking and get adults to continue to smoke.

CHAIRMAN TONNA:

Right.

MR. STONER:

The contract •• I think it's around \$320,000 which is kind of a measly sum to be honest with you, I think it started out around two million. But that \$320,000, in conjunction with what the New York State Tobacco Control Program is doing which is around six million and the local tobacco coalitions which here on Long Island we have the Long Island Tobacco Action Coalition, they're spending all this money on advertising, you might even be seeing it already, the laugh

•in commercials ••

CHAIRMAN TONNA:

Right.

MR. STONER:

•• cessation to help people quit, they're very effective, the quit line has been flooded with calls because of those ads.

CHAIRMAN TONNA:

Right.

MR. STONER:

So why they're unsigned? I mean, that's a good question. I think it's \$500,000 that the County Executive would rather spend somewhere else.

CHAIRMAN TONNA:

Well, he can't.

MR. STONER:

Well ••

CHAIRMAN TONNA:

He can't.

MR. STONER:

Then it remains unsigned so that money just sits there and then it's easier to make the case that we don't need the money.

CHAIRMAN TONNA:

We probably have six Legislators right here pretty livid about this, but I'm going to let Legislator Losquadro, you know, speak for us.

MR. STONER:

Thanks.

LEG. LOSQUADRO:

First, I'm glad this is seeing the light of day, so to speak, because this is a problem that I look around the horseshoe and I'm sure that we are all facing. This is not just this contract but contract agencies all over. I have in particular one senior citizen group in my district for \$1,500 and they're relying on this funding to continue the services that they provide within the community to senior citizens to give them a place to get together each week and that contract hasn't been signed. So I am glad that this problem is global and I'm glad it is seeing the light of day because this is something we have to solve and it has to be solved quickly because these are services that are desperately needed within this County and it is absolutely reprehensible that they're being held up in this manner. So I assure you, I'm sure I'm speaking for everyone that we will get to the bottom of this and this administration will be taken to task for denying these services to the people of Suffolk County.

LEG. BINDER:

Mr. Chairman?

CHAIRMAN TONNA:

Yep, go ahead.

LEG. BINDER:

You said they were rejected; when they get it back they're usually told, "Here's the problem." Do you know •• did they tell you what was the stated problem with the contract on evaluation?

MR. STONER:

See, unfortunately I'm not really in the information loop.

LEG. BINDER:

Okay.

MR. STONER:

And, you know, I was actually going to •• I'm exploring the opportunity to possibly make a Legislative Tobacco Advisory Board similar to the New York State Tobacco Advisory Board which I'm a member of, and basically what we do is we oversee the State program to make sure that

it's run effectively, to make sure that the evaluation is adhered to. They just did a full evaluation at the New York State Tobacco Advisory Board and they said they have similar problems, they're not spending the money properly on media and they're not spending the money. So I'm searching into it right now to see if that is a viable option, but the last thing I want to do is have to like hand•hold this program day in and day out when it's a program that ultimately saves the County millions of dollars in Medicaid money. So I hope that answers your question.

The other part on evaluation that we have to be very cognizant of, and especially you as Legislators who are in the information loop, this has to be an external evaluation of the program. The company that actually put in the RFA was Gallup, you can't get more world •renowned than Gallup. And, you know, I'm speculating but I think that the fear is that this program is going to show that it's extremely successful, which we already know, and then people like me are going to be able to walk in here and say, "We want \$5 million because this program is saving you a hundred in the end."

LEG. BINDER:

Right.

MR. STONER:

And I think that's a fear.

LEG. BINDER:

You should know that during the budget process that these particular lines were not included originally in the budget ••

CHAIRMAN TONNA:

It's going to be in five minutes.

LEG. BINDER:

•• they weren't intended by the County Executive to be spent on these particular things. The concern, at least I know on account of marketing, they said that someone else is doing it, the CDC and it's already being done other •• we can get the commercials, and when you evaluate it you realized it was the placement not the production that was actually the real cost anyway and

the placement was going to cost whatever it cost because they always pay the commission. So it wasn't intended to be there and now they're not following up with the contracts; you know, you can question whether it's a coincidence.

CHAIRMAN TONNA:

Okay.

LEG. FOLEY:

Come on.

CHAIRMAN TONNA:

All right, we've got it, we're on to this, we've got our eyes on this.

MR. STONER:

I figured you would be. Thank you.

LEG. FOLEY:

Mr. Chairman? He mentioned that there was a second contract; what was the other contract?

CHAIRMAN TONNA:

Yeah, he did the two.

MR. STONER:

The counter marketing.

CHAIRMAN TONNA:

Counter marketing.

LEG. FOLEY:

Counter marketing?

CHAIRMAN TONNA:

Both of them are good •• both of them we put in our budget, you know. We set the policy, they carry out the policy, that's how it works, that's why there's and Executive Branch and a Legislative Branch.

LEG. BINDER:

If they want to carry it out.

CHAIRMAN TONNA:

Anyway •• not theoretically, that's how it's supposed to work. Okay, thank you very much.

MR. STONER:

Thank you.

CHAIRMAN TONNA:

All right. And just Steve Moll.

MR. MOLL:

Good afternoon, Ladies and Gentlemen.

CHAIRMAN TONNA:

Hi, Steve. How are you?

MR. MOLL:

Fine, thanks. How are you doing?

CHAIRMAN TONNA:

Very well, thank you.

MR. MOLL:

It's ironic one of the reasons I'm here today to represent the Suffolk Coalition of Mental Health Service Providers, it's the group that's been before you in the past, they formed because of the issue of prompt payment of contracts and every one of those agencies with County contracts was paid late, again, as usual, and we'll come before you later in the year to discuss that.

I just came from our monthly meeting where we met with Tom MacGilvray, the Director of the Department of Mental Hygiene, and they had asked me to come and inform you that there are two initiatives that you should be aware of. One is the Mental Health Court and we've spoken to some of the individual members and we believe the Chairman, Mike Stolz, has been before this committee to speak of it. We're working with DMH and the court system to provide a

Mental Health Court along the lines of Drug Court. One of the most important parts of that is that we don't create a court without the resources to treat the people that come out of that court. So we wanted you to be aware it is moving forward, at this point it's almost gotten a life of its own, we don't know if •• if we dropped out tomorrow we believe it would continue and become a part of the court system and we wanted you to be aware.

The second initiative that we're working on with DMH is to conduct a gathering of data to inform you of the situation, the condition of mental health in Suffolk County, and that goes to what you heard from the woman from Bay Shore. How do we treat the clients that are out there? Three of the agencies she mentioned are part of our coalition. The irony is none of them mentioned Maple Avenue in the last four monthly meetings. This is what they deal with every day, this has become old hat to them, this is how they work and they do pull something out of nothing a lot of times when it's needed. So I wanted you to be aware of both of those and we will be before you later in the year.

CHAIRMAN TONNA:

Okay, thank you very much.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN TONNA:

Just wait. Yes, Legislator Kennedy.

LEG. KENNEDY:

Just a quick question. Mr. Moll, there is no monthly compilation that comes out at this point out of Department of Mental Health that gives us any kind of an overview, X number of clients, X number of placements, X number of anything?

MR. MOLL:

There are a lot of numbers that come out, the question is from which area of the system are they coming? We're trying to gather •• because we have our providers in the room, they can • • we can use our information tally it with DMH numbers together to see what the actual figures are.

LEG. KENNEDY:

Okay.

CHAIRMAN TONNA:

All right.

MR. MOLL:

But there's not a comprehensive, blanket package of information ••

LEG. KENNEDY:

It's not a working tool, it's not a useful tool?

MR. MOLL:

Not that I know of.

LEG. KENNEDY:

Okay.

CHAIRMAN TONNA:

Go ahead, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Number one, Steven, thanks for the update on the Mental Health Court, it's going to be a real breakthrough in servicing those who come into the system.

Number two ••

MR. MOLL:

If done correctly, it can save us a fortune.

LEG. FOLEY:

Right. Number two, the late payment with voucher and the like is •• has been a problem for at least the last seventeens years, it's not new to this administration, it really is something that has happened over a period of years. I think what we can do as a committee, and I meant to do it before now, but as a committee we can look in to see how County Executive Suozzi had

announced an initiative for upfront payment, I believe, to contract agencies.

MR. MOLL:

Yes, they're doing things in Nassau.

LEG. FOLEY:

Perhaps we can take a page out of our brother County's books, so to speak. So those are some things that I think we can look at doing and, again, it's not a new problem but it is still one that could be addressed and we can learn probably from looking at our neighboring County. So, thanks.

MR. MOLL:

Thank you.

CHAIRMAN TONNA:

Thank you very much, sir. All right, does the Commissioner of Social Services •• is there •• there's nothing really in front of us right now. Okay, we'll save •• I'd like to get that chronology first of stuff. Commissioner of Health, do you have something that you want to ••

COMMISSIONER HARPER:

I would just like to comment on the resolutions.

CHAIRMAN TONNA:

Sure, come on up.

MR. COHEN:

Before you vote he wants to come up.

CHAIRMAN TONNA:

Yeah, that's why he's coming up now. The chronology is he's before and then ••

MR. COHEN:

Okay.

CHAIRMAN TONNA:

Do we want to go through the agenda and you comment when we get to the resolution?

COMMISSIONER HARPER:

That would be fine.

CHAIRMAN TONNA:

Okay.

LEG. FOLEY:

Is there a presentation?

CHAIRMAN TONNA:

There's no presentation.

LEG. FOLEY:

No, no, the one mentioned by Will.

MR. COHEN:

A public hearing.

CHAIRMAN TONNA:

Well, we'll get to that, I want to •• okay, let's do the public hearing first.

Public Hearing on IR 1066•05 • A Local Law to amend Resolution NO. 11•2005 (Foley). I make a motion to open the public hearing.

LEG. FOLEY:

Second.

CHAIRMAN TONNA:

Second by Legislator Foley. No cards. Do you want to close the public hearing?

LEG. FOLEY:

Is there any comments from ••

CHAIRMAN TONNA:

Henry, for the record, you have a record or something to read?

MR. BARTON:

I have an Affidavit of Publication, it was properly advertised.

CHAIRMAN TONNA:

Thank you, sir. Okay, Legislator Foley, you make a motion to close the public hearing?

LEG. FOLEY:

I would like to make a motion to close. However, if the department wishes to speak on it ••

CHAIRMAN TONNA:

I don't think on this one ••

COMMISSIONER HARPER:

No.

LEG. FOLEY:

No? Okay.

CHAIRMAN TONNA:

Seconded by myself. All in favor? Opposed? And let's just •• let's vote on this now then, okay?

LEG. FOLEY:

Sure. I'll make the motion to approve.

CHAIRMAN TONNA:

1066•05, this is to amend •• this is a resolution that's going to amend I think •• Legislator Foley?

LEG. FOLEY:

This resolution is going to amend the Tobacco 19 Resolution.

CHAIRMAN TONNA:

Right. Okay, second by myself. All in favor? Opposed? Great.

LEG. FOLEY:

Thank you.

MS. KNAPP:

You're supposed to take it out of order and then approve.

CHAIRMAN TONNA:

Motion to take it out of order and approve.

LEG. FOLEY:

Motion.

CHAIRMAN TONNA:

1066•05 • A Local Law to amend Resolution NO. 11•2005 (Foley).

Motion by Legislator Foley, second by myself. All in favor? Opposed? ***Approved (VOTE: 7•0•0•0).***

LEG. FOLEY:

Thank you very much, Mr. Chairman.

CHAIRMAN TONNA:

Okay, great.

LEG. FOLEY:

Thank you, members of the committee.

CHAIRMAN TONNA:

Okay, now we have a tabled resolution.

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TABLED RESOLUTIONS

2324 • Authorizing a satellite Social Services Office in conjunction with the Police Sub

•Station at New York Avenue, Huntington (Binder).

Legislator Binder, what is your wish?

LEG. BINDER:

Motion to table.

CHAIRMAN TONNA:

Motion to table, second by myself. All in favor? Opposed?

Tabled (VOTE: 7•0•0•0).

-

INTRODUCTORY RESOLUTIONS

1008•05 • Reestablishing a Legislative policy for the charging of fees for private well water testing by the Suffolk County Department of Health Services (Caracciolo).

MR. COHEN:

Paul?

CHAIRMAN TONNA:

Yes?

MR. COHEN:

Brian and Ms. Harper wanted to talk about this one.

CHAIRMAN TONNA:

1008?

MR. COHEN:

Ms. Harrington.

CHAIRMAN TONNA:

Okay, go ahead.

COMMISSIONER HARPER:

Yes, this is regarding Introductory Resolution 1008. First of all, let me take this opportunity to

introduce you to the new Deputy County •• excuse me, Deputy Commissioner, Ms. Elizabeth Harrington who has ••

CHAIRMAN TONNA:

Hi. How are you?

COMMISSIONER HARPER:

•• joined us after being ••

CHAIRMAN TONNA:

We already know her.

COMMISSIONER HARPER:

Okay, from the Deputy County Attorney's Office.

CHAIRMAN TONNA:

Great, welcome.

DEPUTY COMMISSIONER HARRINGTON:

Thank you.

LEG. FOLEY:

Welcome and congratulations.

DEPUTY COMMISSIONER HARRINGTON:

Thank you.

COMMISSIONER HARPER:

Regarding this ••

LEG. FOLEY:

Now your talents can really be put to good use.

COMMISSIONER HARPER:

Okay. Regarding this legislation, we •• generally from the Department of Health we agree with

the intent of the legislation, however we have genuine concerns regarding our staffing ability as well as our resources to implement this particular resolution. In particular, we've conducted estimates of how many more wells we would have to test if, in fact, this were put place and we have some figures in the range of perhaps 2,000 •• you can correct me if I'm wrong, Walter •• such that it would require us to hire more staff and we have some estimates that this may ultimately result in costing us somewhere in the range of another \$665,000 in terms of ••

CHAIRMAN TONNA:

Have you spoken to the sponsor?

COMMISSIONER HARPER:

No, we haven't spoken directly to the sponsor.

CHAIRMAN TONNA:

Okay. I'm going to make ••

LEG. O'LEARY:

Through the Chair?

CHAIRMAN TONNA:

•• a motion to table the resolution.

LEG. O'LEARY:

Yeah, I'll second that.

CHAIRMAN TONNA:

Seconded. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0)**. And I'd ask that you reach out to the sponsor, speak to him and let's see what we can do there.

COMMISSIONER HARPER:

Yes, okay. Thank you.

CHAIRMAN TONNA:

Hey, that was easy, right?

COMMISSIONER HARPER:

Absolutely.

CHAIRMAN TONNA:

Great. Okay, No. **1009•05** has to be tabled for a public hearing (**Adopting Local Law No. 2005, a Local Law to create a Division of Cancer Awareness within the Suffolk County Department of Health Services (Caracciolo)**). I'll make a motion to table, second by Legislator Binder. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0)**.

No. 1021, there needs to be ••

LEG. LOSQUADRO:

Motion to table for a public hearing.

CHAIRMAN TONNA:

A public hearing? Second by myself. **1021•05 • Adopting Local Law No. 2005, a Local Law to prohibit the sale and purchase of marijuana flavored candy in Suffolk County (Losquadro)**. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0)**.

1063•05 • Declaring May as "Melanoma Awareness Month" in Suffolk County (Viloria •Fisher). I'll make a motion to approve, second by Legislator Foley. All in favor? Opposed? **Approved (VOTE: 7•0•0•0)**.

Okay, **1065•05 • Adopting Local Law No. 2005, a Local Law to regulate the use of tanning facilities in Suffolk County (Viloria•Fisher)**. Motion to table for a public hearing, seconded by Legislator O'Leary. **Tabled (VOTE: 7•0•0•0)**.

Okay. And now we have the last one which is **1072•05 • Directing the Commissioner of Health Services to purchase a replacement mammography van (CP 4076)(Caracciolo)**.

LEG. BINDER:

Motion.

CHAIRMAN TONNA:

Motion, seconded by Legislator Losquadro. All in favor? Opposed?

LEG. LOSQUADRO:

On the motion.

LEG. FOLEY:

On the motion.

CHAIRMAN TONNA:

Oh, on the motion.

LEG. FOLEY:

Thank you, Mr. Chairman. If we could hear from the department. Just for the record, this committee has always been very supportive of mammography vans. I understand that there's a question as to the appropriation, whether it's enough or not; if you could just comment on it, please?

COMMISSIONER HARPER:

Yeah, I would like to comment on this quickly. It's my understanding that this was put in place when the van that was purchased in 1989, there were a lot of mechanical problems with the van and money was set aside to purchase a new van. However, I just want to make the committee aware of the fact that we do, in fact, have another van which was purchased in 1996. We received a mechanical report indicating that that van is really in good •• it's in sound shape, aside from equipment that needs to be purchased. So we submitted the appropriate paperwork to purchase the new equipment, such that I don't know if there's really a need to purchase ••

CHAIRMAN TONNA:

There might be a redundancy. Have you reached out to the sponsor of this bill and spoken to him?

COMMISSIONER HARPER:

No, I have not.

CHAIRMAN TONNA:

Okay, could I make a suggestion? I'm going to make a motion to table.

LEG. FOLEY:

For one cycle.

CHAIRMAN TONNA:

For one cycle. Is there a second for a cycle?

LEG. LOSQUADRO:

Second.

LEG. BINDER:

On that, just ••

CHAIRMAN TONNA:

Okay, just a second by Legislator Montano. But could I just make a second •• I mean a comment or a suggestion? My suggestion would be when you see a resolution start with the sponsor, sit down with them. You know, generally on any given day when it's not a full moon, Legislators are pretty reasonable people. So if they •• you know, on the merits they would like to hear what's going on or whatever else ••

COMMISSIONER HARPER:

Absolutely.

CHAIRMAN TONNA:

And they get a good sense of whatever. At least then we know that, you know, then it's •• then we know that we're in a battle and, you know, we'll get a sense of where we're working it out. But I'm sure Legislator Caracciolo would appreciate the courtesy ••

COMMISSIONER HARPER:

Okay.

CHAIRMAN TONNA:

•• of a call and stuff like that.

COMMISSIONER HARPER:

That's not a problem.

CHAIRMAN TONNA:

All right, Legislators Binder?

LEG. BINDER:

Yeah, just on the question. We did that in 1996, as you said, we put in the other van. That one from •• the previous van was expected to be retired and eventually we planned on having a second van because of use. What I would also like to know is what kind of use do we get out of the vans; if we had a second van, would it be able to be used full•time?

CHAIRMAN TONNA:

Right.

LEG. BINDER:

Meaning it wouldn't be worth buying a second van and then having them hung up and not doing anything.

COMMISSIONER HARPER:

Right.

LEG. LOSQUADRO:

(Inaudible).

LEG. BINDER:

Right, I think even if we had two vans they would be completely and fully utilized. The only question then would be do you have the staff to staff two vans to do that.

CHAIRMAN TONNA:

Right.

LEG. BINDER:

So by the next committee meeting, can you just give us an idea on those answers as you're

talking to the sponsor?

COMMISSIONER HARPER:

Okay, I certainly will.

CHAIRMAN TONNA:

Okay.

COMMISSIONER HARPER:

But I can give you a brief update. We wouldn't have the staff certainly to do that, and we've sort of done a preliminary analysis and part of our plan is to develop more stationery sites such that there will be not a need to have a mammography •• a mobile mammography van.

CHAIRMAN TONNA:

And there is a quality assurance issue, isn't it with mobile •• I mean, I know, this is my business. But I know there's always, when you have a mobile x•ray or a mobile mammography there's a quality assurance issue, you just don't get the same quality.

COMMISSIONER HARPER:

That's correct. The future of radiography is really digital equipment; currently there is not digital equipment that's available for a mobile unit. So I would prefer if, in fact, we have to purchase a new van, that at some point in the future when that equipment is available you purchase a new van that has digital equipment as part of it.

CHAIRMAN TONNA:

Legislator O'Leary?

LEG. O'LEARY:

Yes, wasn't there monies already approved previously in the Capital Budget?

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

That's right.

LEG. O'LEARY:

It was.

COMMISSIONER HARPER:

That's correct, yes.

LEG. O'LEARY:

How many vans do you currently have, just one?

COMMISSIONER HARPER:

Just one van, yes.

LEG. O'LEARY:

Covering the entire County?

COMMISSIONER HARPER:

Covering the entire County, that's correct.

LEG. O'LEARY:

My understanding is that the van that you have there was additional monies appropriated for the mechanical problems that you just alluded to.

COMMISSIONER HARPER:

That I'm not sure about.

LEG. O'LEARY:

Some three hundred and some•odd thousand dollars?

DEPUTY COMMISSIONER HARRINGTON:

No.

COMMISSIONER HARPER:

No, that was for the purchase of a new van.

LEG. O'LEARY:

That was for the purchase?

COMMISSIONER HARPER:

Yes.

LEG. O'LEARY:

All right. What about for the repairs of the current van in ••

DEPUTY COMMISSIONER HARRINGTON:

My understanding was that it wasn't so much a repair as an upgrade. The van functions but in order to take the x-rays they actually plug it in to a stationery site for the electricity and they're just adding a generator, it's not so much repair.

LEG. O'LEARY:

Yeah, I'm sorry, that's what it was. Has that been done, by the way?

COMMISSIONER HARPER:

No, that's the paperwork being submitted to purchase the generator and the suppressor I think, the two pieces of equipment in the range of \$50,000 that will allow the van to become mobile again.

LEG. O'LEARY:

Yeah, okay. Well, I mean, one of the concerns of the sponsor and I've had some conversation with him with respect to this and the reason behind the initiative, is there is little or no coverage of this particular van on the east end.

COMMISSIONER HARPER:

On the east end, that's correct.

LEG. O'LEARY:

And that's his concern.

COMMISSIONER HARPER:

Right.

LEG. O'LEARY:

I mean, I have no problem with tabling it one cycle, but clearly there's an intent here on the part of the sponsor I think to not have one van but two vans in service in the County, the approval of fixing the one with the generator and any appropriations for the purchase of another one.

COMMISSIONER HARPER:

For the most part, the current van, that's where it spends a majority of its time is in the east end, that's where it's needed most because there are not that many mammography units in that particular area. So once this is repaired that •• that will be the focus of that van for the most part. Whether or not there's a need for an additional van, we don't believe that there is, we can take a look at those numbers again.

LEG. O'LEARY:

Well, that's the issue, that's the point. I mean, the repairs, the addition of the generator to the now non•functioning van that you have, that's one issue. The second issue is that this Legislator, the sponsor, is clearly under the impression that the addition of a second van might be necessary.

COMMISSIONER HARPER:

Okay, so maybe I'll discuss it ••

LEG. BINDER:

Mr. Chairman?

CHAIRMAN TONNA:

Yeah.

LEG. BINDER:

The other question is you've got a '96 van, I don't know what it's going to cost you to upgrade it, fix it, put new equipment in it versus buying a brand new van that you know is completely a hundred percent reliable. So it would seem to me that there's another question there. You

know, if the money has been appropriated, it's out there, why don't we just get a new van for the difference, that you know it's not going to break down and we're not going to •• I mean, we're talking '96, we're now coming on, you know, a ten year old van or nine year old van; they just don't last that much longer than that.

COMMISSIONER HARPER:

Well, that's why we have ••

CHAIRMAN TONNA:

The one thing, though, is that within another year there might be a whole new technology.

COMMISSIONER HARPER:

That's part of the issue.

CHAIRMAN TONNA:

And that's •• you know, so why buy something at the end of it being obsolete for better quality and better things. So I would like to hear •• first of all, again, I'd have to say that I think it's best that you speak with the sponsor first ••

COMMISSIONER HARPER:

I certainly will.

CHAIRMAN TONNA:

•• so that we can find •• you know, that the sponsor can have a dialogue with you or whatever else and then, you know, he can tell you what he's thinking, you can tell him what you're thinking. And then after that, you know, the sponsor will talk to Legislators and say, "I don't care what they say, this is how I feel." So a committee will have a better understanding of really, you know, the genesis of a piece of legislation and how that goes.

COMMISSIONER HARPER:

I understand.

CHAIRMAN TONNA:

So I think that's really where we need to start.

COMMISSIONER HARPER:

Okay.

CHAIRMAN TONNA:

I'd like to table this for one cycle just so that that dialogue can take place and I'd like to find out from you, if there is new technology, I mean, is this Star Wars technology where it's going to be 20 years from now or is it •• you know, are they talking about bringing it out next year or something like that? Because I think that's smart shopping, you know.

LEG. LOSQUADRO:

Paul? Are we •• just to clarify, we are talking about the digital imaging technology that's currently available in stationery units.

COMMISSIONER HARPER:

That's correct.

CHAIRMAN TONNA:

Right.

LEG. LOSQUADRO:

Just not currently available in mobile units.

CHAIRMAN TONNA:

In vans, right.

COMMISSIONER HARPER:

Right. Yeah, there's issues regarding vibration.

LEG. LOSQUADRO:

We're not talking about waiting for a next generation beyond the digital imaging technology.

CHAIRMAN TONNA:

No.

COMMISSIONER HARPER:

No, not at all.

CHAIRMAN TONNA:

No, no, no.

LEG. LOSQUADRO:

We're just talking about ••

CHAIRMAN TONNA:

Right.

LEG. LOSQUADRO:

•• moving that into a mobile unit.

COMMISSIONER HARPER:

That's correct.

CHAIRMAN TONNA:

Right.

LEG. LOSQUADRO:

All right, thank you.

CHAIRMAN TONNA:

Okay. Thank you.

LEG. O'LEARY:

I'll second that motion to table for one cycle.

CHAIRMAN TONNA:

Okay, one cycle. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0).**

Meeting adjourned.

LEG. FOLEY:

No, no.

CHAIRMAN TONNA:

Oh, you have a question.

LEG. FOLEY:

Yes, Mr. Chairman.

CHAIRMAN TONNA:

Okay. Allan, you've got to take over.

LEG. FOLEY:

Thank you. Commissioner, you've heard the comments from Mr. Stoner from the American Cancer Society ••

COMMISSIONER HARPER:

Yes.

LEG. FOLEY:

•• who, as you know, they have very •• been prior to your time and now, they have always been at the forefront of public health and cancer related issues, particularly tobacco control. Can you respond to the concern about the evaluation contract, where that stands and whether or not you believe that it's better to have an external evaluation to occur, if you will, in order to measure the success of a particular program as opposed to some other approach.

COMMISSIONER HARPER:

I think as far as the evaluation is concerned, that part of that evaluation was to evaluate a program that was never put into effect last year, that was the other contract that was mentioned to do the counter marketing. So it doesn't seem appropriate at this point for me, from my perspective, to do an evaluation of a program that never was put in place.

LEG. FOLEY:

Was that •• I don't mean to interrupt, but was the evaluation just for that component of the

Tobacco Control Program or was it for the whole totality of the program?

COMMISSIONER HARPER:

Yeah, it was for the totality of the program, but that was a major component of it. What I would suggest that we do is really, I think that we need to meet with the American Cancer Society and reevaluate this program in totality. I'm not convinced that the counter marketing strategy in and of itself is really the best way to go, the best use of those funds. But I think that the best way to do this is really to have everyone sit around the table and we can discuss it, similar to what was recommended by Legislator Tonna in terms of talking to a Legislator who comes up with a resolution so that we can come to some common ground and go forth in a fashion that everyone agrees, with a direction.

LEG. FOLEY:

So just through the Chair, the reason for the •• well, we'll say the tabling of the evaluation contract is the fact that since the counter marketing contract was never signed and that would have been a major focus of the evaluation, that you want to first have a broader discussion about the direction of the program, both with the advocates •• it's a good question. Both with the advocates as well as with this committee, since this committee has been the one that has been in the forefront over the last number of years in creating this program in concert with the advocates.

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

And the department.

COMMISSIONER HARPER:

I would hope that you would be a member of that group.

LEG. FOLEY:

Good. Okay, thank you.

VICE • CHAIRMAN BINDER:

Thank you. As long as we're on the subject, Commissioner, can you tell us why the counter

marketing wasn't put in place?

COMMISSIONER HARPER:

It's not clear to me why it wasn't. It sounds as if, from what I'm hearing •• and I'm only taking the word of the speaker earlier •• that it was rejected. My suspicion ••

VICE•CHAIRMAN BINDER:

No, I mean last year. You said, "We don't want to evaluate something that never was put in place in the first place."

COMMISSIONER HARPER:

Okay, right, right.

VICE•CHAIRMAN BINDER:

Which the largest part was counter marketing. So can you ••

COMMISSIONER HARPER:

Oh, initially ••

VICE•CHAIRMAN BINDER:

It was funded, why didn't •• why didn't we do counter marketing last year?

COMMISSIONER HARPER:

Okay. My suspicion with that is that the County Executive's Office was waiting for me to be appointed and for me to sort of evaluate the program and make a determination which is why they held off on it. When I reviewed the program and I met with the contractor, I wasn't personally convinced that this was a good use of the funds, especially in light of the fact that there are other programs that are available. So a lot of this is certainly coming from the Health Department's direction.

VICE•CHAIRMAN BINDER:

Here's the problem, and I think Legislators have had this problem since we've had the County

Executive in. We make policy, it's really a hard concept, I know, but Legislators make policy; the policy was we wanted counter marketing. The Executive decides, "I don't want counter marketing, I think I'll wait til my Commissioner," and then the Commissioner doesn't particularly want to do it so he doesn't do it. Meanwhile the Legislature wants counter marketing, we put it in the budget that way, we put the program together that way, it was the will and policy statement of the Legislature that we wanted this kind of marketing, then it doesn't happen. Now we say •• now you say, "Well, we're not going to do an evaluation of something that we didn't put in even though you wanted it put in." And in this budget this was specifically, as you know because you met with the budget group that put together the nuts and bolts, this was a very big question, the counter marketing and the evaluation. And so as I sit here today I know that you know and the administration knows that it's the policy of this Legislature, as expressed by I think a bipartisan, unanimous will that we wanted counter marketing, I know Legislator Foley as Minority Leader was very vociferous about it, he wanted to see that, we wanted to see it on both sides of the aisle. And yet now we're hearing, "Well, I don't know if that's the best way to do it and we're going to have to sit down" •• in other words, there's a policy that we think is the best way and the •• it's basically being impounded. The Executive has decided •• that's why, by the way, they created in the Federal government the Budget Impoundment Act because that's what Richard Nixon did, he just impounded all kinds of money and then Congress on both sides, Republic and Democrat, weren't happy about that, that they weren't expressing the will of the Congress, they just decided on their own this is how they're going to run government, too bad, you don't like it, it's just really too bad. And that's •• if you don't want to do something then I can understand you coming back early in the year, before there's a question of whether we're going to sign a contract and coming to us and saying, "I've got a problem with this. Well, lets all sit down because I know you as a Legislature have expressed this is policy, you want it to happen, but I think it's a problem," we may be able to reach some accommodation. But you didn't do that, instead we have to hear from the Cancer Society, they come up and they say, "It's just being rejected;" well, that's not good enough.

COMMISSIONER HARPER:

Now let me just be clear, I don't want to cut you off but ••

VICE•CHAIRMAN BINDER:

Yeah, go ahead.

COMMISSIONER HARPER:

•• that's unbeknownst to me. I'm not sure if that contract was ever submitted from my department, it never went out under my signature, and I'm not exactly clear where that direction is coming from. I'm taking the word for it that what he's saying is accurate.

VICE-CHAIRMAN BINDER:

I think we know where it comes from, but the real problem is that •• and I guess this is just one more agency and one more example of where the Legislature sets policy and the County Executive decides, either through his agencies or his own office, that he doesn't like the policy and he's just not doing it, it's just too bad, and he's going to do it his way or the highway. I don't know at what point that the Legislature is going to throw up its hands and say enough is enough, and I would hope in a bipartisan way because this is not about •• and I've said this even before, I said it last year, this is not about a partisan question, it's not about Republican/Democrat, this is about institutional prerogatives. And I hear the County Executive all the time talk about those, you know, you can't take away my power on appointing a Real Estate Commissioner, I have a Real Estate •• you can't do that, you know, don't take my power, don't touch my power. At the same time, we pass initiatives, we have 1,500 in the budget for senior citizens ••

LEG. LOSQUADRO:

(Inaudible).

VICE-CHAIRMAN BINDER:

•• where basically all of Legislator Losquadro's ••

LEG. LOSQUADRO:

No, that was just one, that was just ••

VICE-CHAIRMAN BINDER:

Okay, so all of his contracts are just not being signed and this is Executive fiat to not carry out the will of the Legislature and then there's reasons; "Well, we don't think it's budgetarily sound, I'm the Chief Budget Office so I'm not doing it and that's it." I think at some point there's going to be a Legislative reaction that's not going to •• and it's going to be unanimous I think, I would hope, because it's an institutional question. Because long after Legislators like myself who are

gone, termed out and left this thing, this place, there's got to be something left of a division of powers which starts back at, you know, the framing of our constitution. There's a separation of powers and it needs to be maintained. You cannot maintain it if a Legislature doesn't protect its own prerogatives with unanimity, bipartisanship. You've got to protect your powers because it goes beyond anything else, otherwise there is no reason any longer to have a Legislature. And at some point it's going to happen, so there's got to be a thought on the County Exec's part and the administration's got to think at some point there's going to be a very bad backlash, it's not going to be fun and frankly, I think they lose, I think they lose in a very big way and in the courts; the courts can't countenance a lack of a separation of power. So that's I guess my lecture for that.

LEG. O'LEARY:

Through the Chair, please? Just one point I want to make.

VICE-CHAIRMAN BINDER:

Legislator O'Leary.

LEG. O'LEARY:

Did you want to say something?

LEG. FOLEY:

Go ahead, Peter.

LEG. O'LEARY:

Go ahead, Legislator Foley.

LEG. FOLEY:

No, I'll wait for you. I spoke already, I'll wait for you.

LEG. O'LEARY:

I know you did but you're planning on speaking again, are you not?

LEG. FOLEY:

I'll wait, I'll wait.

LEG. O'LEARY:

Just one question to you, sir. With respect to this contract, the Tobacco Cessation Program, did it come before you for review and recommendation from the County Executive's Office and did you take action on it?

COMMISSIONER HARPER:

Not at all.

LEG. O'LEARY:

So ••

COMMISSIONER HARPER:

I guess that's what I'm suggesting is that this ••

LEG. O'LEARY:

All right. So in other words, this thing is quagmired up in the Executive's Office, it hasn't even come to the attention of the Health Department?

COMMISSIONER HARPER:

No, that's •• that's correct, that's right.

LEG. O'LEARY:

All right, thank you.

COMMISSIONER HARPER:

I have not reviewed anything of this nature so I had no idea that there was a contract that was waiting to be signed, according to what Mr. Stoner has said.

LEG. O'LEARY:

Well, ordinarily I would think that upon the execution of the contracts the department affected would in some way, shape or form have an opportunity to review the contract and the provisions of same.

COMMISSIONER HARPER:

That's correct. The contract should come from the department to the County Executive's Office

saying, "We would like to have this contract approved," and then it goes into ••

LEG. O'LEARY:

So your statement is that you've never even seen a contract.

COMMISSIONER HARPER:

I have not sent a contract over to the County Executive's Office, that's what I'm saying.

LEG. O'LEARY:

All right, thank you.

LEG. FOLEY:

Just as a follow•up. You know, the new Commissioner came on board halfway through the year, there was •• let me just finish the point, let me finish the point. He's had a lot on his plate, we all want to see these contracts signed, I think this year and early this year we're going to see this department move forward with contracts that we all want to see that they move forward with; counter marketing among them as well as the evaluation, those are two key components that we all work to make sure that they're in the '05 budget. The '04 budget, you're right, things should have happened that didn't happen, but there are those monies available in the '05 budget and I can say as a member of the committee that I and the rest of the committee will want to see those contracts moving forward this year, and I think there's agreement on that.

I'm giving the Commissioner the benefit of the doubt this time that he's going to meet with the advocates, and all of us can also attend that particular meeting and then have a follow•up at our next Health Committee meeting to see where we're going with these contracts. We believe they should be done, we will move forward with them, but we'll give the Commissioner this time professionally the benefit of the doubt to look at those contracts and then come back to us and see how we can move forward with them, and I think that's, let's say, in the spirit of cooperation. But I agree with you, Mr. Chairman, that those contracts didn't move forward. We are the policy makers and we set that policy when we approved the '05 budget, so it's a question of how we can implement that policy, and I agree with you on that.

VICE•CHAIRMAN BINDER:

And the other question us, and I would hope you would agree that there's a problem or I think

a real concern here raised today when Health contracts are being rejected by the County Exec's Office and the Commissioner of Health hasn't seen them. I would hope that ••

LEG. FOLEY:

There has to be answers to that, I agree with you.

VICE•CHAIRMAN BINDER:

I would hope that we're all somewhat wide•eyed right now and wondering how it is that this would happen, because you would think that the first place all these things have to go is to our Health Department and something is wrong here.

LEG. FOLEY:

Absolutely, we need to get answers, I agree with you.

VICE•CHAIRMAN BINDER:

Well, we're going to have to get those answers and we'll look. Thanks.

Anything else to come before the committee? If not, motion to adjourn, second by Legislator Losquadro. All those in favor? Opposed? We're adjourned.

(*The meeting was adjourned at 12:55 P.M.*)

**Legislator Paul Tonna, Chairman
Health & Human Services Committee**

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