

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 **May 12, 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 Lynne Nowick • District No. 13
Legislator David Bishop • District No. 14
Mea Knapp • Counsel to the Legislature
BJ McCartan • Aide to Legislator Tonna
Ilona Julius • Deputy Clerk/Suffolk County Legislature
Linda Burkhardt • Chief of Staff/Presiding Officer's Office
Dan Hickey • Aide to Presiding Officer Caracappa
Linda Bay • Aide to Presiding Officer Caracappa
Frank Tassone • Aide to Majority Leader
Ed Hogan • Aide to Legislator Nowick
Kevin LaValle • Aide to Legislator Losquadro
Maria Ammiratti • Aide to Legislator O'Leary
Glenn Pichardo • Aide to Legislator Bishop
Gloria Baca • Aide to Legislator Montano
Kara Hahn • Aide to Legislator Vilorio•Fisher

James Teese • Aide to Legislator Kennedy
Paul Perillie • Aide to Minority Caucus
Ben Zwirn • Assistant County Executive
Jimmy Dahroug • County Executive Assistant
Brian Beedenbender • County Executive Assistant
Jacqueline Caputi • County Attorney's Office
Janet DeMarzo • Commissioner/Department of Social Services
Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services
Elizabeth Harrington • Deputy Commissioner/Dept of Health services
Steven Moll • Island Public Affairs
Mike Stoltz • Director/SC Coalition of Mental Health Service Providers
Anita Fleishman • SC Coalition of Mental Health Service Providers
Dr. Davis Pollack • Suffolk County Mental Health Subcommittee
Heidi Voelker • Madonna Heights Services
Rose Cicchetti • Executive Director/Brighter Tomorrows
Joan McGay • St. Joseph the Worker • East Patchogue
Diana Morgan • Our Lady of Snow • Bluepoint
Barbara St. Peter • St. Joseph's • Babylon
Alice McVey • Our Lady of Grace • west Babylon
James Zoufal • St. Peter the Apostle Church
Mary Weiler • St. Sylvester Parish Outreach
Edna Guarino • Contracted Family Day Care Provider
Nick Guarino • Resident of Holbrook
Lydia Sabosto • 1st Vice•President/AME
Sandra Randall • Secretary/AME
Ellen Boyd • LIPA REAP Program
Jackie Mazzeo • Executive Director/Homeworks of Long Island
Ann Snak • CCMAC
Bill Snak • Melanoma Cancer Survivor/CCMAC
Lorraine Pace • Breast Cancer HELP, Inc.
Lynda Distler • Long Island Cancer Help & Wellness Center
Dr. Paul Ciborowski • Brookhaven Youth Board
Lorella Giordano • Options for Community Living/Case Manager
Gail Rivera • Options for Community Living/Housing Program Spvsr

Mary Toner • Options for Community Living/Housing Specialist
Melanie McClain • Resident of Options for Community Living
Lisa Hook • Resident of Options for Community Living
Scott Lyon • Long Island Campaign for Affordable Rental Housing
Susan Moschouris • HELP Suffolk
Colette Coyne • Resident of Hampton Bays
Patrica Brodhagen • Food Industry Alliance
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 11:35 A.M.*)

VICE • CHAIRMAN BINDER:

If everyone would rise for a Pledge of Allegiance led by Legislator Losquadro.

Salutation

The Health & Human Services Committee will come to order. The Chair, Legislator Tonna, is on his way, but we're going to start so we don't get behind. We have now 12 cards, so there are a number of people who want to speak, and we have a public hearing which we will go to first.

I just ask that people understand that I am going to be somewhat strict in a time period. There's five minutes on the public hearing and then on the public portion there will be three minutes a person to make your statement, unless there are questions back and forth. And I'm going to ask you to sum up once I hear the bell ring because there are so many people here and we have committee meetings during the day after this and so everything gets backed up if we don't keep moving. So the first thing I'm going to do is open the public hearing on No. 1421.

MS. JULIUS:

Yes, Mr. Chairman, the affidavits are duly filed and are in proper order.

VICE•CHAIR BINDER:

Good, thank you. All right, we •• so now we have a hearing open on ***Adopting Local Law No. 2005, a Local Law to prohibit the sale of all cold medicine containing Dextromethorphan (DXM) to minors within the County of Suffolk (Nowick).*** I have one card on this, that's Dr. Paul Cibonowski?

DR. CIBOROWSKI:

You came close.

VICE•CHAIR BINDER:

Close enough, right. Why don't you sit down, it's probably a lot easier to just sit there. Oh, I have another, okay.

(*Legislator Nowick entered the meeting at 11:36 A.M.*)

DR. CIBOROWSKI:

Legislator Binder, I am the Chair of Brookhaven Town Youth Board, so I come here to speak not just for myself but also for the Town of Brookhaven Youth Bureau and Services.

Our concern in this area goes back a while and I think the •• we've done surveys in the Town of Brookhaven and have found that young people are using cold medicine as a substitute for other types of medications. Our concern goes beyond that because it also involves the parents in the sense that we find that a lot of kids are actually going into the parent's medicine cabinets to get the drugs to use. So I know you can't address every issue, but the access to these types of cold medications and other types is really quite prevalent. And young people, when the parents are away on the weekend or whatever, are going in to medicine cabinets and are getting the medications and sharing it with their friends.

The other concern, of course, is adults who are 21 or older who are going out and buying the cold medication and giving it to their friends. And I realize you as a Legislature cannot adjust for all types of behavior, but we strongly advocate the passage of this particular legislation and I think it shows the County and it shows the citizens that you are serious about addressing these issues regarding young people.

VICE • CHAIR BINDER:

Okay, let me ask a question. You were saying that people, kids go into the medicine cabinet, but if there's one bottle of cold medicine that contains Dextromethorphan, obviously as probably •• I would assume it's something like one percent or something probably, the strength on the average cold medicine. They would probably have to drink a whole bottle, I would think, for that to make any difference to them, or ••

DR. CIBOROWSKI:

It depends upon their tolerance level, obviously. If they're used to drinking it, right, they'll have to take more, but if they're just becoming initiated into using it, they can use actually less than a full bottle.

VICE • CHAIR BINDER:

Possibly, but ••

DR. CIBOROWSKI:

And get high, and get high on it.

VICE • CHAIR BINDER:

Right. And then I would think that parents would notice very quickly that the bottles of their cough medicine are, you know, leaving and there is a responsibility by parents, obviously, to notice that all of a sudden, you know, you're going through bottles of cough medicine every week.

DR. CIBOROWSKI:

They should, you're right.

VICE • CHAIR BINDER:

Well, I have less of a concern about that than buying it themselves which is what this addresses.

DR. CIBOROWSKI:

That's the primary •• right, the primary, but there are other secondary issues which I realize

you can't address but they still are out there in terms of how our young people in the County are able to get around particular types of legislation that are being passed.

VICE • CHAIR BINDER:

Are there any other questions? Legislator Montano?

LEG. MONTANO:

No.

VICE • CHAIR BINDER:

No? Okay. Any other questions? If not, thank you for coming before us.

DR. CIBOROWSKI:

Thank you for listening.

VICE • CHAIR BINDER:

Oh, we have Legislator Nowick.

LEG. NOWICK:

I'm sorry, I ran in here late. And I just wanted to ask you to reiterate, you are finding with the youth, is this a recent outbreak? I understand that this is happening faster than the speed of light, where the children or young people are learning and the adults are not aware of this; is that what you're finding in your district?

DR. CIBOROWSKI:

That's right, in Brookhaven; I chair the Brookhaven Town Youth Board. As a town we're finding that young people, especially when the parents •• are finding behavior as a way to subvert, you know, the parents, you know, vigilance in this particular area.

LEG. NOWICK:

How is it coming to your attention?

DR. CIBOROWSKI:

Well, it's coming to our attention through the schools, for one thing. As kids are coming into school high, for example, or just the behavior is erratic and when they're taken in we're finding that. And also secondly, a lot of it is through networking; in other words, they find •• in a sense, one friend will tell another friend what particular cold medicine to use and they'll go into the parent's medicine cabinet for example, and find it and they'll use it. And as I was telling Legislator Binder, in general parents •• and he agrees parents should be more vigilant, but a lot of times they aren't.

But I think the focus of the legislation which is to keep it from going to the store •• to the pharmacy, you know, to the drug store and buying it, I think is a first approach and I think it's a solid approach to start with. But we're finding it through the schools and the schools •• the kids are coming, being sent down to the principal's office, to the guidance office because of erratic behaviors and we're finding eventually as they talk about it it's because of the medication, not just cold medication but just medications that they're getting from the medicine cabinets of their parents.

LEG. NOWICK:

Thank you. Thank you for coming in.

DR. CIBOROWSKI:

Yeah, so vigilance is definitely required. And parents go away for the weekend, it's like parents going away for the weekend and the kids of have a party, you know, teenagers. All of a sudden the parents come home at the end of the weekend and they find out the neighbors are complaining because there were 25 kids over the house with a keg of beer, and the parents didn't know about it because they were at their country house or they're away with friends or something.

LEG. NOWICK:

Well, I also think part of it is that parents, we're so far behind our kids.

DR. CIBOROWSKI:

Yeah, yeah.

LEG. NOWICK:

And we don't know and unless we educate the parents ••

DR. CIBOROWSKI:

I think this Legislature has to be continuously vigilant because there are new medications coming out, there are •• I was talking to Legislator Losquadro about the bill that was passed recently regarding his initiative, that there are constantly new things coming out and vigilance is required on our part, particularly on the part of the parents.

LEG. NOWICK:

Thank you.

VICE-CHAIR BINDER:

Thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you for that comment, by the way. I just wanted to make mention of something that I had seen recently. I was in BJ's shopping with my wife and shopping in bulk as we do for certain items, I saw that you can buy a lot of cold medications in bulk and there were signs, and I can't remember the specific language, that said that there was some sort of notification on it already that these medications contain a certain compound, I'm not sure if it was DXM or not, I really don't recall. But it just sort of struck me that you could not buy more than a certain amount of that product at BJ's and that notification was on there already and being enforced. Have you heard anything regarding that? Because I saw this firsthand. I apologize for not being able to give more specifics, but ••

DR. CIBOROWSKI:

That's okay. We have been writing letters for the different retailers advising them of some of these difficulties and some of them follow through and some of them don't follow through. But again, it's the bulk. You get a young kid who's 13 or 14, they don't have to take much of this cold medicine with the DXM in order to get high, and I was telling Legislator Binder, yeah, as they develop a tolerance, that's why these signs are coming up that no one can go in and buy a six pack of a cold medication with DXM, for example, and they're only 15 or 16 years old. But it's a constant vigil, it's a constant battle.

LEG. LOSQUADRO:

I'm well aware of that.

DR. CIBOROWSKI:

Back and forth. So your initiative is welcome, there's no question about it.

LEG. LOSQUADRO:

Thank you for your commentary.

VICE•CHAIR BINDER:

Thank you. Any other questions? Thank you very much.

There is another card on this, Patricia Broadhagan, the Food Industry Alliance.

MS. BROADHAGAN:

Good morning. My name is Pat Broadhagan and I'm the Vice•President of Public Affairs for the Food Industry Alliance of New York ••

LEG. NOWICK:

Could you speak closer?

MS. BROADHAGAN:

Oh, am I on? Okay, I'll pull it closer. Pat Broadhagan, Vice•President of Public Affairs for the Food Industry Alliance of New York State. Most of you know, we're the trade association that represents grocery stores in the state including all of those, pretty much, who do business here in Suffolk County. And I came out this morning, I just want to address some issues with proposed Resolution 1421.

Let me say at the outset that, I mean, it's true, I think what you say about these problems develop almost sometimes quicker than we can keep track of. So I have been doing, in the last couple of days, a lot of, you know, my own research in trying to gather an awful lot of information together to understand better and I want you to all know that certainly the people I represent in Suffolk County want to be part of any solution to an identified problem.

I also want to add a disclaimer. I'm not a pharmacist, I can't address the pharmacological issues here. I want to talk to you more about the practical aspects of essentially a ban on anything with DXM to anyone under 19 years of age. We do have some concerns from the

practical standpoint, one whole set of them has to do with consumers and the other has to do with our own internal operations.

**(* Chairman Tonna & Legislator Foley
Entered the meeting at 11:47 A.M. *)**

What I have learned is that DXM is the only FDA approved cough suppressant for over-the-counter use. So it is what's in any cough preparation including pediatric preparations or combination flu preparations or, you know, anything that has the ability to suppress cough that you can buy over the counter has DXM in it. So it is a lot, a lot of what we call SKU's, individual, you know, products on the shelf and it's the only one for cough suppressant that somebody can buy. So if you limit its sale to only those people who are 19 or older, there are some issues there. For example, college students, just to use one example, anybody who is 19 and out of the house and living on their own, you know, maybe at school or whatever, would effectively not be able to go out at any hour and buy what they would need which might be a flu medicine or a cold medicine. Young parents would have difficulty if •• and there are some, to buy a pediatric formulation which has a very small amount but there are some that have DXM in it.

A parent at home with a sick child who wanted to send their older teen out to buy a preparation, didn't want to go themselves and wanted, you know, to get something, or a kid who called from school, called their Mom and said, "I don't feel very good," and she says, "Why don't you stop on your way home and pick up a bottle of whatever," all of those transactions would be prohibited under the legislation. So we do have some concern that a straight-out ban, based on age and particularly based on 19, would make it very difficult for people who need to buy a product that actually has a legitimate use. And so that's, on the consumer's side, a real concern.

On the retail side, we would need to find a way to control those sales and that means finding some way of flagging each and every transaction of any •• well, you'd have •• there's a lot of these products, the bigger the store the more there would be. So we would have to figure out some way to determine each and every one and then check for age at the time, it would require knowing and then doing that age checking. So I'm not saying it's impossible, but it is difficult and it would take some thought and time to figure out how to do that.

So those are really sort of on both ends operational issues that if we could, what we would like

to do is be able to work with the sponsor and with the committee and see if we can't, you know, get to the heart of this and maybe fine tune it in some way that would be protective but at the same time not disruptive in terms of legitimate use. I've also just become aware that there is legislation in Albany, I believe it's Senate Bill 499 which is, in fact, on the floor of the Senate and it directly addresses the Dextromethorphan issue and it has come out of the Codes Committee and is on the floor of the Senate. So that might be something we'd all want to look at and see if that is a proper vehicle for dealing with this because it does seem to be moving. Are you looking at me, I should sum up?

VICE • CHAIR BINDER:

If you can sum up, sorry; right.

MS. BROADHAGAN:

So what I would simply like to propose or request is some time to work with you all to look at an array of ways that we could attack this particular problem. Consider also education, I think educating parents is key, maybe looking at those formulations that are more problematic. You know, I'm discovering that there are quite a few facets to the problem and I would hope that we might be able to hone in on those. Thanks.

CHAIRMAN TONNA:

Thank you. I don't think we even asked her •• is this a committee?

LEG. LOSQUADRO:

It's a public hearing.

CHAIRMAN TONNA:

Oh, it's a public hearing? Okay, are there any questions?

LEG. NOWICK:

I'm not on the committee but if ••

CHAIRMAN TONNA:

That doesn't matter.

LEG. NOWICK:

Okay. Thank you. I'm not on this committee, I'm just sitting in on the hearing. And I want to thank you for your comments because, as you know, I'm the sponsor, and you bring up some very valid points. Certainly I think it would be a good idea to work together to make •• my intention is to make a good piece of legislation, something that could be followed and worked with.

My intention also, as in Suffolk County, we are always looking to protect our youth. I'm reading from a letter from Dr. Harper who is the Commissioner of Health Services who says that they refer to this as robo•tripping, the young people. And one of his lines in his letter is, "While the current prevalence of DXM use is difficult to assess, there have been a number of reports over the past several years of significant toxicity including several deaths associated with its misuse." So it is a very important issue right now and I do appreciate your comments. And certainly I think that would be great if we could work together. I'm sure there's a way that •• is it the food •• what is it?

MS. BROADHAGAN:

Food Industry Alliance.

LEG. NOWICK:

The Food Industry, we can work together. It's an interesting issue that you do bring up about young people, but I just want to say that I have just come from the drug store and reading the labels, this cough suppressant is not meant for children under six and it says see your physician, so at least we can alleviate the fact that young people with babies. But certainly we'll be in contact and we'll work together.

MS. BROADHAGAN:

Good. Thank you. Thank you very much.

LEG. BINDER:

That's it. Say thank you.

CHAIRMAN TONNA:

Thank you very much.

LEG. BINDER:

There's no more cards for the public hearing so.

CHAIRMAN TONNA:

Does anyone else want to speak on the public hearing on this bill? Okay, no one around. I'll make a motion to ••

LEG. BINDER:

What do you want, Lynne?

CHAIRMAN TONNA:

What do you want to do?

LEG. NOWICK:

I want to recess.

CHAIRMAN TONNA:

You do?

LEG. NOWICK:

Yes.

LEG. BINDER:

Motion to recess.

CHAIRMAN TONNA:

Motion to recess, seconded by Legislator Losquadro. All in favor? Opposed? We'll recess it to our next meeting of the Health & Human Services Committee.

LEG. NOWICK:

Absolutely.

CHAIRMAN TONNA:

Okay, great.

Okay, now to the public portion. Okay. Collette Corney (sic)?

Hi, Collette. Did I pronounce your last name right?

MS. COYNE:

Yes, you did.

CHAIRMAN TONNA:

Wow. That's a first, I'm telling you right now. Please, sit down, make yourself at home; Ilona loves company.

MS. COYNE:

I'm happy to be here this morning to speak to you. While often folks say that parents must take responsibility for teen behavior, you as a group have seen fit in the past to regulate tobacco use, alcohol and even lolly•pops that taste like marijuana. So I come to you today to speak on behalf of teens that experience pressure from their peers to get the tanned look, on behalf of moms who know the danger of tanning parlors and have a constant struggle with their teens, and on behalf of moms that we have yet to educate the fact that artificial tanning increases the risk of all types of skin cancer.

Studies prove that deadly Melanoma is increased when young people, 20 to 30, use a tanning parlor once or twice a month, Melanoma is increased by 150%; and older adults who use a tanning parlor, it is increased by 50%. I ask you this morning to listen to these statistics with non•partisan ears because it is involving the health of our young people.

While some may be concerned about the economic impact on tanning parlors, I believe that preventing cancer is more important than finance. We do not worry about the tobacco industry or the loss of profit to those selling cigarettes or alcohol, nor should we put profit above the safety of our youth. And even our business on Long Island must realize the economic cost of sunburns that cause days lost at work and health care dollars that are spent to treat skin cancer. Expenditure for care of non•Melanoma skin cancer has been estimated to be \$426 million a year. And the cost of treatment of Melanoma to Medicaid alone is 495 million annually with a projected cost to exceed five billion by the year of 2010.

Skin cancer is growing faster than any other cancer in America, it is a threat that we face. Rates have increased 60% since the mid 70's and so too has the use of tanning parlors. Tanning

parlors have no value health-wise, they only damage the skin and the immune system. The idea that you need UV rays for Vitamin D is really a very poor argument, we get enough Vitamin D just in our daily going back and forth to our cars and what have you and if you're deficient it's much safer to take a pill.

Again, I urge you to join your Democrats and Republicans in Nassau County and lead the way for New York State to take one step at least towards stopping the tide of Melanoma skin cancer. Was that bell for me?

CHAIRMAN TONNA:

That bell was for you. Thank you, ma'am.

MS. COYNE:

Okay. Thank you very, very much.

CHAIRMAN TONNA:

Thank you. Okay. Edna Guarino; is that even close?

MS. GUARINO:

That's fine.

CHAIRMAN TONNA:

Good enough? Thank you.

MS. GUARINO:

I brought these for you gentlemen.

CHAIRMAN TONNA:

All right, thank you.

MS. GUARINO:

My name is Edna Guarino and I represent contract ••

LEG. FOLEY:

Can you speak into the mike, please? We can't hear you.

CHAIRMAN TONNA:

Help her out, Ilona.

MS. GUARINO:

My name is Edna Guarino and I represent contracted family day care providers in Suffolk County. In 1974 a TAN was issued by the Internal Revenue Service which afforded Suffolk County's contracted day care providers to have an exempt tax status.

LEG. LOSQUADRO:

Ma'am, if I may? Could you pull the microphone a little closer, up a little more?

MS. GUARINO:

The County decided to throw that away in 1989 •• 1998. By the end of 1999, we met with the Department of Social Services and during that meeting we were guaranteed that we were going to be brought up to the fair market rates that the State issued to the County. And for four consecutive years we did, in fact, enter the same•worded contract that we have today received a fair market rate. In 2004 the Commissioner of the Department of Social Services informed us that we were not going to be receiving the fair market rate due to the fact that the State had a new stipulation. So for over a year I was communicating with the State and what I got back from the State was it was not them, it was actually the Commissioner's decision. So she took a State regulation, decided to do change it and take our rate increase away from us, expecting us to perform day•care at a lesser rate than the other providers in this County is receiving. We feel that this is discrimination and a breach of the contract that we, in good faith, negotiated with them in 1999. They did not renegotiate the contract. I could take it to court. I do not want to do that because it would effect the County that I live in. So we're asking the Legislature to try to come up with something to help us get our rate increase, to help us to continue to perform the day•care that we care to do affordably.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN TONNA:

Yeah.

LEG. KENNEDY:

If I can just ask a question?

CHAIRMAN TONNA:

Mr. Kennedy, yes.

LEG. KENNEDY:

Ms. Guarino, can you tell me a little bit, if you would, please. This negotiated reimbursement rate, is this a rate that's continuous across the board for infants and toddlers or do you have a differentiation in the rate.

MS. GUARINO:

There are differentiations within the rates. However, each age group has its own rate set ••

LEG. KENNEDY:

Uh•huh.

MS. GUARINO:

•• and that is set by the State.

LEG. KENNEDY:

And does our County Department of Social Services reimbursement rate now match any of the State's set rates?

MS. GUARINO:

No, it does not.

LEG. KENNEDY:

So even where you have segregation, in other words, for infant care, care for infants you have a higher ratio of staff•to•infant, you have additional equipment that's necessary, you have square footage constraints and things such as that, therefore, you have a higher overhead cost to provide the care. Therefore, you would believe, I guess, you would have a higher reimbursement rate for the State. Do we come anywhere close to that?

MS. GUARINO:

No, you're not.

LEG. KENNEDY:

We don't come anywhere close to that.

MS. GUARINO:

Right now we're receiving the same rate that we received 2 years ago.

LEG. KENNEDY:

For infants, for toddlers, for preschoolers.

MS. GUARINO:

For toddlers, for preschoolers, for school-age children, yes.

LEG. KENNEDY:

And has there been any explanation from the department why there's a 24 month latency here?

MS. GUARINO:

If you could turn to tab three, actually I believe it's •• yes, tab three, I received a letter back from Ms. DeMarzo after over a year.

LEG. LOSQUADRO:

You said that was tab three, ma'am?

MS. GUARINO:

Tab three, it's the. Toward the back of it, it's the second •• if you go all the way to the back of tab three, it's the second letter in.

LEG. BINDER:

I only have one letter. I have only a letter from Ruth Brandwein in mine.

MS. GUARINO:

No, that's tab four.

LEG. BINDER:

Oh, I'm sorry. Thanks.

LEG. KENNEDY:

Is it the correspondence dated April 15th of 2005?

MS. GUARINO:

Of 2005, yes, sir. She stated that, "At the time these regulations were issued, the Suffolk County Department of Social Services was aware that for the second year in the row we would exceed our base allocation from New York State Child Care Block Grant. In an effort to continue to serve as many families as possible who are in need of child care assistance, a fiscally prudent decision was made to apply the same consideration for market rate increases to contracted providers that were mandated in the new regulations for non•contracted providers." The only thing she did hear was those of us who contract directly with the County was the ones that she did not give the rate increase to. Little Flower's contracted day care providers were given that rate increase.

LEG. KENNEDY:

And that is why, because they contract with the State? You don't know; okay, I'm not asking you to explain other decisions.

MS. GUARINO:

I was told, I was told that it was because it was in their contract. We requested copies of that contract through Legislator O'Leary's office several months ago, and to the best of my knowledge they have not been received yet.

LEG. KENNEDY:

Again, I apologize for the education but I'm going to keep asking. Tell me about contract. You contract, what, on an annual basis or a monthly year basis; how do you contract?

MS. GUARINO:

We contracted in 1999 where we actually sat down and negotiated it; up until then we were just handed a contract. The contracts since then have just been handed to us, it's had the same wording in it, so we were assured that it meant the same thing as it did back in the year 2000.

In 2000 we had a major change in the contracts, the way the wording was as far as being reimbursed monies. And if you would •• in other words, it's not done on a yearly basis or it's never been done on a yearly basis.

LEG. KENNEDY:

Okay. I •• a couple of more quick questions, I don't want to monopolize the whole public portion. Do you have anything in your contracts that allows for increases, vis•a•vis just simple operating expenses or wages or utilities or cost of product or anything like that at all? Oil has gone up; are you allowed to go ahead and get an increase as far as your reimbursement rate goes because it costs more to heat your plant?

MS. GUARINO:

No.

LEG. KENNEDY:

Okay.

MS. GUARINO:

I want to clarify something, I do family day•care so it's done in my home.

LEG. KENNEDY:

How many children do you serve?

MS. GUARINO:

I service •• my license says I can service up to eight, if you have children that are under the age of two, you can take seven.

LEG. KENNEDY:

So you're licensed to provide infant care as well as toddler care.

MS. GUARINO:

Infant, toddler and school•age children.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN TONNA:

Thank you very much. Any other questions? Legislator O'Leary.

LEG. O'LEARY:

Yes, good morning, Ms. Guarino. As you know, there was a meeting that was held in my district office that hoped to address some of these concerns that you're raising before the committee today. And with the exception of maybe one or two matters, I was left with the impression that for the most part the concerns were resolved; is that true?

MS. GUARINO:

No.

LEG. O'LEARY:

With respect to some of the issues that were discussed, and I'm basing it on a report that was given to me by my aide who was present at that meeting, a lot of the contract concerns about time constraints, etcetera, were addressed.

MS. GUARINO:

Oh, yes, that was addressed and that was solved, yes.

LEG. O'LEARY:

And that was resolved to your liking?

MS. GUARINO:

Yes.

LEG. O'LEARY:

All right. And if I understand your particular concern today, it has to do what you claim to be a matter of discrimination between some day•care providers but not all?

MS. GUARINO:

Right.

LEG. O'LEARY:

All right. And specifically you made mention of a Little Flower Day Care as a child care provider and this is an organization that services both private and Public Assistance children, correct?

MS. GUARINO:

Correct.

LEG. O'LEARY:

Is that the benchmark that's used for purposes of determining who gets reimbursed and who doesn't? If it's solely a public •• if it's solely a day•care provider that services strictly children who are on Public Assistance, is there a different formula than those who service a child care provider for those who are not?

MS. GUARINO:

If you are servicing some Department of Social Services children and taking private, you automatically get the rate increase. If you are servicing just the County's children, you are not going to get that rate increase; just the contract providers, not the Little Flower contracted providers because they are getting that rate.

LEG. O'LEARY:

Can you explain why that's the case? Why •• I mean, why Little Flower is getting it and you are not?

MS. GUARINO:

I was told by the department, by a member of the department, that they were getting it because it was written in their contract. At that point, your office requested a copy of the contract.

LEG. O'LEARY:

Of the Little Flower contract?

MS. GUARINO:

Of Little Flower's contract, they did not send it to your office.

LEG. O'LEARY:

Really?

MS. GUARINO:

Yes.

LEG. O'LEARY:

Well, I'm hearing that for the first time today, but I'll follow up on that. But is that your basis for making the claim of discrimination, that Little Flower is being treated differently than your day•care provider is?

MS. GUARINO:

Yes. We are equally trained, we're under the same regulations, we •• both State and County regulations, we have to perform a certain type of service and that service has to be quality; if it isn't than you don't have day•care.

LEG. O'LEARY:

Okay, thank you.

CHAIRMAN TONNA:

Okay, thank you very much. Lorraine Pace.

MS. PACE:

My name is Lorraine Pace, founder and Co•President of Breast Cancer HELP, Incorporated. I organized the ever•expanding Breast Cancer Mapping Project in 1992 pinpointing cancer clusters and spearheading the Breast Cancer Environmental Movement in Suffolk County, and also the Breast Cancer Movement in Suffolk County.

The biological mechanism that initiates Melanoma, or what causes normal skin to develop Melanoma, is unknown. What is known is that it is the fastest growing cancer nationally and worldwide. It is the most common cancer in young people, age between 20 and 30 years old, but occurs in all age groups including young children and is the primary cause of death in women aged 25 to 30 and the second leading case of death after breast cancer in women 30 to 35. What is also known is UV radiation and exposure to UV rays increases the risk of

Melanoma. We are exposed to UV radiation from the sun, regardless of season, temperature or weather conditions like haze or clouds. The UV radiation received from tanning beds and salons is nearly a dozen •• is nearly a dozen times greater than that of the sun; young people are especially vulnerable.

As a breast cancer advocate, I am fond of saying early detection is our breast protection. Early detection, when it comes to Melanoma, saves lives. Regarding Melanoma, prevention is an essential element to reducing risk. Simply, reduced exposure and minimizing ultraviolet damage to the skin worked to assist in the prevention of Melanoma. In addition, awareness is an essential tool in reducing the risks associated with developing Melanoma. Young people are especially vulnerable to Melanoma and, moreover, vulnerable to what is marketed to them, helping to shape their perceptions on what is in and cool. Young people associate good looks and health with a tan. It is imperative that we educate young and old alike that this attitude is dead wrong and carries serious consequences.

We at Breast Cancer HELP Incorporated support strict legislation to regulate the use of tanning facilities in Suffolk County, especially those laws that call for parental consent. Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN TONNA:

Thank you very much. Okay, Lynda Distler? How are you, Lynda?

MS. DISTLER:

Good. How are you?

CHAIRMAN TONNA:

Very good. How is the Village of Lindenhurst doing?

MS. DISTLER:

It's doing well.

CHAIRMAN TONNA:

Despite Legislator Bishop living in that area, I mean, it's still ••

MS. DISTLER:

Because of him living there.

CHAIRMAN TONNA:

Oh.

LEG. BISHOP:

Thank you.

CHAIRMAN TONNA:

It's his birthday today. It's his birthday today, I just want you to know. What is the ripe old age that you have hit right now?

LEG. BISHOP:

Forty.

CHAIRMAN TONNA:

Forty. So it's great when you have real contrast between his chronological age and his emotional age, it's just so nice to see.

LEG. FOLEY:

Young at heart.

CHAIRMAN TONNA:

Please.

MS. DISTLER:

Good morning.

CHAIRMAN TONNA:

Good morning.

MS. DISTLER:

And thank you for allowing me to speak here this morning. My name is Linda Distler, I'm the Executive Director of the Long Island Cancer Help and Wellness Center and the Long Island Cancer Help and Wellness Center works under the auspices of Breast Cancer HELP.

I am in support of legislation to regulate the use of tanning facilities in Suffolk County. Legislation such as this is an illustration of government's obligation to protect the health, safety and welfare of its community members and protecting the most vulnerable members of our society, the young, is paramount. Working to curb UV exposure among young people is essential to reducing the risks associated with Melanoma. Strict legislation, nonpartisan legislation that calls for parental consent is an important component in an overall plan to educate the public on how to protect themselves, while more work is necessary to reeducate and enlighten the public that tans are not evidence of health and attractiveness, and further the detriments of long-term exposure to the sun and other sources of UV rays, like tanning salons, are deadly. The legislation being considered is an important and necessary step in achieving this goal. Thank you.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN TONNA:

Thank you very much.

MS. DISTLER:

You're welcome.

CHAIRMAN TONNA:

Okay. Dr. Paul •• Doctor ••

DR. CIBOROWSKI:

Paul Ciborowski.

CHAIRMAN TONNA:

Thank you very much, sir.

DR. CIBOROWSKI:

I was up here before, I gave Legislators Binder the correct pronunciation.

CHAIRMAN TONNA:

Yeah, he did a good job with it? He's a much better reader.

DR. CIBOROWSKI:

He did. His psychological age obviously is higher than you believe.

CHAIRMAN TONNA:

Legislators Binder's? I was talking about Legislators Bishop.

DR. CIBOROWSKI:

Oh.

CHAIRMAN TONNA:

Legislators Binder, he just has the opposite problem; he's about 45 and he has the emotional age of a 90 year, so it's just the •• you know, they're actually contract, a great contrast here.

DR. CIBOROWSKI:

Okay, we can go into the diagnosis later.

CHAIRMAN TONNA:

Oh, I wanted to know what is your specialty?

DR. CIBOROWSKI:

Psychology.

CHAIRMAN TONNA:

It is?

DR. CIBOROWSKI:

Yes.

CHAIRMAN TONNA:

Oh, that's great. I have •• we have a very good psych benefit among Legislators and I'd say if you can hand out your card later, I guarantee you might even use this place as a great recruitment ground.

DR. CIBOROWSKI:

Yes, thank you very much. I'm here •• I chair the Brookhaven Town Youth Board, Legislator Tonna, and as Chair of the Brookhaven Town Youth Board, I spoke a few minutes ago about the DXM and cold medications, whatever, and our concerns regarding that, now I'm focusing basically on the tanning issue. And I've talked to Legislator Fisher and some others regarding this and I just see, for example, there are tanning salons going up all over the County, you know. I call them burning salons because technically what they do is they burn the skin. I was in Rocky Point today, Legislator Losquadro would know, there's a new tanning place just opening up in the Rocky Point Plaza, just a couple of weeks ago. What's happening is, again, vigilance is required. And I back what the ladies had just said before regarding the dangers of tanning and I think what has to happen is what the legislation does is gives parents pause. In other words, there is a carrot and there is a stick, but the stick really is just to make sure the enforcement occurs. Because really, for parents to think twice about allowing their youngster to submit themselves to the dangerous rays that have been very clearly spoken of by the lady before me from the Cancer Society and the kinds of initiatives that you're talking about here I think are very important.

I know in the Town of Brookhaven, I know Legislator Foley will back me on this, more and more of these tanning facilities are opening up. They have specials during the week for kids, for 30 minutes, for an hour to go into this machine and their skin is burned. This type of an approach goes back to what Legislator Losquadro in terms of his legislation about the lolly pops, you know what I'm saying? These things are there and I urge the Legislature to •• in looking at it, the balance of parental •• under 14, 14 and under, not being allowed in these facilities I think is very important and from 14 up until the age of 19 I believe, to have parental consent is also very important. Beyond that, obviously adults will do •• and Legislator Tonna, I know you'll back me up on this •• adults will do stupid things, we can't prevent everything. We certainly can ask parents to think twice before they allow their youngsters •• and my concern at this time of the year is very, very specific because we have now the proms coming up. And I know in Huntington, Legislator Tonna, they have a lot with the Huntington Townhouse, you have a lot

of proms going on an everything there, what's happening is the kids, the young girls are going in and they're getting these tans before the proms and they're 15, 16, 17 years old. The media promotes it, you see the magazine covers, all these ladies in these bikinis have beautiful tans, that this is something that is looked upon as sexual, something as enticing or whatever. So anything that you can do to tell parents, hey, pause for a minute, time out, look at what's happening, is this something you would like your young daughter to be exposed to. And there should be some kind of a leaflet which would be required as a handout by the tanning salons so the parents can read it in plain, simple language that, hey, these are some of the dangers that are possible with this. The worst thing is five or ten years from now some of these ladies will have Melanoma, they'll have other cancers and they look back and it's something that happened 10, 15 years before.

CHAIRMAN TONNA:

Thank you, sir. Thank you very much. Do you have some cards with you? No, I'm joking. Okay.

DR. CIBOROWSKI:

I gave Legislator Foley one before, so.

CHAIRMAN TONNA:

Yeah. Well, he could •• I'm sure •• I bet you you could actually probably charge double copay with regard to Legislator Foley.

DR. CIBOROWSKI:

Maybe, I don't know. I think he recently got a big increase, so maybe I can do that.

CHAIRMAN TONNA:

There you go.

DR. CIBOROWSKI:

Tack it on top.

CHAIRMAN TONNA:

All right, thank you very much, sir. Rose ••

LEG. FOLEY:

Mr. Chairman, before you go to the next speaker.

CHAIRMAN TONNA:

Yes?

LEG. FOLEY:

I just want on the record to thank Paul for his comments. And just this past week the Brookhaven Youth Bureau celebrated its 25th anniversary and Paul has been a mainstay for many years with the Youth Bureau and we want to thank you for your years of service as well as the service of the Youth Bureau at large.

DR. CIBOROWSKI:

And our concern, Legislator Foley, is we've got a young town, a lot of young families moving in, you've got a lot of new developments, a lot of young people and the families and the parents who go into the city for traveling, we need some kind of guidance to help them in some of these areas that are coming up.

LEG. FOLEY:

Absolutely.

CHAIRMAN TONNA:

Thank you.

DR. CIBOROWSKI:

So it's a young town and it's important to help the kids.

CHAIRMAN TONNA:

Thank you.

LEG. FOLEY:

And your stewardship at the Youth bureau has been very helpful in that regard. So thank you, Paul.

CHAIRMAN TONNA:

Thank you, sir. Thank you, Legislator Foley. Rose •• Rose, I'm sorry.

MS. CICHETTI:

Cicchetti.

CHAIRMAN TONNA:

Okay, Coletti.

MS. CICHETTI:

Cicchetti.

CHAIRMAN TONNA:

Okay, I wasn't even close. At least I'm consistent; thanks, Legislator Bishop. Thank you, Ma'am. Oh, are you ready?

MS. CICHETTI:

Good morning. Thank you for taking the time to listen to me. My name is Rose Cicchetti and I'm the newly appointed Executive Director of Brighter Tomorrows, we're a domestic violence agency operating in the Town of Brookhaven since 1986. We have a residential program, a non-residential program and a transitional housing program.

I know that all of you are aware of the need for domestic violence programs in Suffolk County because every day more than two million women are abused and on an average a women is beaten once every 12 seconds, three women a day die from domestic violence. In this County alone there were thirty•seven, one hundred and thirty thousand (sic) domestic violence cases reported in 2003•2004.

CHAIRMAN TONNA:

How many again?

MS. CICHETTI:

Thirty•seven thousand one hundred thirty.

CHAIRMAN TONNA:

That's over a two year period you're saying.

MS. CICHETTI

The period of 2003 to 2004, yes, sir. In 2004, the Family Court report stated that there were 2,965 new cases and 643 supplemental cases, and it's estimated that somewhere around 35% of police time is spent on domestic violence incidents. The mission and purpose of Brighter Tomorrows is to create a climate for acceptance and empowerment that provides nurturing support for the survivors.

Today I am here to request funding for our residential operating budget. In November of 2002, the residential facility suffered a devastating fire and the fire ravaged, it destroyed the shelter's physical plant, all the external structures as well as the furnishings, the office equipment and the basic life-sustaining supplies that were needed to assist survivors. They were unable to open the shelter for 17 months, there was constant delays in the allowing of construction with the landlord. We still needed to continue to pay the rent throughout that 17 month period, we would have lost our lease. Along with paying for the rent for that time period, we needed to pay, of course, insurance on the property, phone fees for hotline, storage fees and general operating costs, all of that nature. And we also, because of the opposition we were having with the landlord, were forced to incur attorney fees. We were finally able to open the doors April, 2004, but the fire has left the agency with extraordinary expenses and it continues to impact us to this day.

The services we offer the women and their families are vital to their physical, emotional and mental health. Our work has continued •• that's for me? That's fine.

CHAIRMAN TONNA:

Ma'am, that's your time.

MS. CICHETTI:

Thank you.

CHAIRMAN TONNA:

But I'll ask you a quick question. If you had to summarize what you wanted to say, what would that be?

MS. CICHETTI:

Just that our work has continued, you know, despite the serious deficits financially that we're facing.

CHAIRMAN TONNA:

What are you looking for specifically; you're looking for us to write a check?

MS. CICCHETTI:

Well, that would be nice.

CHAIRMAN TONNA:

You're looking for us to •• I mean, that's •• it's hard. You know, we work through a budget process, so it's ••

MS. CICCHETTI:

Right.

CHAIRMAN TONNA:

So I'm just wondering who's •• maybe •• who is your local Legislator? Let's start there.

MS. CICCHETTI:

I'm working with Peter •• Legislator O'Leary's Office.

CHAIRMAN TONNA:

Okay. Have you worked with him, you've spoken to him?

MS. CICCHETTI:

Yes, I've been in contact with his aide and he's assisting.

CHAIRMAN TONNA:

They're offering you advice about how to go through this process?

MS. CICCHETTI:

Yes.

CHAIRMAN TONNA:

Great. Well, you're in good hands then.

MS. CICCHETTI:

Thank you.

CHAIRMAN TONNA:

Okay. Thank you, Ma'am. Okay, Annmarie Snak?

MS. SNAK:

That was good.

CHAIRMAN TONNA:

Is that ••

MS. SNAK:

Close enough.

CHAIRMAN TONNA:

That's close enough.

LEG. BISHOP:

You're wrong again.

MS. SNAK:

I was trying to be nice.

CHAIRMAN TONNA:

Come on, tell me what it is.

MS. SNAK:

Snak; no comments.

CHAIRMAN TONNA:

Snak; I said that.

MS. SNAK:

I know, I thought you said it properly. You have an enemy in the room.

CHAIRMAN TONNA:

He's just such an unbelievable •• Bishop, skeptic.

MS. SNAK:

He's jealous.

CHAIRMAN TONNA:

He's jealous, he's jealous.

MS. SNAK:

As you said, my name is Annmarie Snak. I'm here to support Legislator Fisher's regulation of the tanning salons.

I'm here as a mother, mother of a child without Melanoma and a mother of a child with Melanoma. As parents, and a lot of you are gentlemen and you need to take a more active part in your children's activities and that means tanning parlors. I bet you all have daughters that are looking to use one right now for the prom or a wedding. Tanned skin is damaged skin, the sun is killing those cells. Your immune system has to rush to the aid. If you've got something else going on in your body, that's getting ignored because your immune is saying, "Oh my God, the skin is burning, let's try and do something that it can't do." You know, it's terrible what it's doing to our bodies. And my son will speak in a little while, there's no undoing it, there's no turning back the clock. My husband and I would both give our lives in a second to take back what has happened to him; there is no doing that. We need to prevent this, it's preventable. If there was something today that prevented breast cancer, we wouldn't allow anybody to do it.

This is on the rise, pediatric Melanoma is on the rise, it's all over the papers, we need to take it seriously. And I just ask that we support this bill. Legislator Fisher has been phenomenal in trying to get this on the table here and I applaud her and I appeal to all of you to protect our youth. We're in the process, we've already funded covers for the dugouts at East Meadow. Right now I am hoping to present a check to the Smithtown•St. James Little League for coverings for their dugouts. These kids on the baseball fields are sitting there in the sun

waiting to go up to bat. We want to put suntan lotion at all of the fields, for soccer, for everything. I work at St. Catherine's Hospital, I can't tell you how many parents come in on Monday burnt because they forgot to bring sunscreen. We want it on all the fields, we're working as hard as we can but parents need to take an active part.

Are we saying don't let your kids go tanning? We are, but you •• they have disclaimers and you need to make them accountable for what they're doing to our children and we as parents need to be held accountable. I'll sign a piece of paper that, "Yeah, this might give my kid cancer but I don't really care, there's my name"; if you can do that then you have to live with yourself.

CHAIRMAN TONNA:

So be it, that's right. Thank you very much, ma'am.

MS. SNAK:

You're welcome.

CHAIRMAN TONNA:

And thank you, it's •• you know, when there's a bill in front of us sometimes they're words, but it's the public portion that fills out those words with the real intent. So obviously Legislator Fisher heard this, that's why she sponsored this bill, and we have an opportunity to hear the voices of people who are concerned about this, you being one of them. Thank you very much.

MS. SNAK:

You're welcome.

CHAIRMAN TONNA:

Bill Snak; and I pronounced that one right. Good to see you again, Bill.

MR. SNAK:

Good to see you. I like your haircut.

CHAIRMAN TONNA:

Thank you. I'm telling you right now, I'm telling you, you're one handsome looking dude.

MR. SNAK:

Thank you. I'm also here to support Vivian •• Legislator Vivian Fisher's bill for the tanning salons. As a cancer patient, actually a Melanoma patient for the last eight years, since I was 23, I never thought I would get cancer until I was in my well 60's, 70's, but at 23 I was in college, I went to a dermatologist after I noticed a mole changed, right away he said go to surgeon, have it removed. Since then, I'm 31 now, I've had eight surgeries, I'm probably •• like Mrs. Coyne said, it was a million dollar •• I'm probably the million dollar man now, maybe more. All the surgeries, all the treatments, the treatments are so expensive and most insurances don't cover it. I go to Sloan Kettering, Memorial Sloan Kettering Cancer Society and they don't cover it, it's out•of•network, I have to pay, last year I paid 10,000 in medical bills which, you know, is a third of my salary. So, you know, I've got to pay so much money to fight cancer which I didn't want, I didn't expect to get. And CC Mack, all the things they do to enforce the education of minors about Melanoma and awareness. This is my SPF 50 jacket, it's a medical device, I wear it every day when the sun is out. I have SPF 23 on my face right now, I have a wide•brimmed hat that I wear every day, sunglasses, and it's the worst thing I could ever imagine someone having because I have it and wouldn't wish it on anybody else. That's it.

CHAIRMAN TONNA:

Thank you ver much, Bill. And I appreciate the time and energy that you've taken, both you and your Mom, coming and advocating for this bill. Thank you, sir.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN TONNA:

Thank you, Sir. Michael Stoltz? Stolk? How are you, Michael? Michael, it's less knowing how to pronounce than how to read, so I just •• I'm telling you something ••

MR. STOLTZ:

As long as there's familiarity, we'll accept anything.

CHAIRMAN TONNA:

Yeah. How are you doing, Michael?

MR. STOLTZ:

I'm doing well, thanks.

CHAIRMAN TONNA:

Good. Good to see you again.

MR. STOLTZ:

Thank you. I'm here to speak about IR 1300. I am currently the Chair of Suffolk Coalition of Mental Health Service Providers. We are here •• a coalition of about 23 non•profit agencies that represent your community mental health system. All the services that happen from treatment to support to case management to rehabilitation to in•patient care to involuntary out•patient care, act teams; those are what all of our agencies provide. We're not here to take a stance actually on IR 1300, we had a meeting this morning and our opinions are diverse. However, we do want to take the opportunity to say we appreciate actually this issue being brought to the floor and want to ask you to consider a few things as you consider this bill.

We have been in front of you before and this committee and the entire Legislature about jail issues, about adult home closings, about Medicaid and hospital costs. And we want you, as you consider this bill, to once again consider about the elephant that's in this living room, and that is that we are talking •• as we talk about people in our emergency housing system, we are talking predominantly and often about people who have serious mental illnesses who are untreated and under treated and do not have access to appropriate housing and supportive care in•house settings. These are our people, these are the people that need to be served in our community mental health system.

As public policy has shifted toward •• in talking about housing, has shifted and renamed what used to be called •• what used to be called low income housing and affordable housing, as we've now shifted that whole discussion to being around workforce housing, let's not forget that we've left out of that discussion a whole cohort of people who have special needs, who are marginalized out of that workforce era because they have a disability, because they have untreated illnesses and because they have suffered trauma. So part of the system and the elephant that's in this living room on IR 1300 is that we have people who we have neglected in our public policy, our public housing policy debates.

The second point is this discussion has also further energized the dialogue •• and this is the good part of these kinds of issues coming to the floor •• it has enhanced the dialogue among mental health service providers through our coalition with the Mental Health Division of the County Health Department, with the Department of Social Services, to be able to address •• and with the State Office of Mental Health, to address our lack of receiving our fair share from the State Office of Mental Health to provide dignified housing. And in fact, with this lack of resources, we are really looking at a further deterioration of our community mental health system.

Our third point is for you to consider, there are excellent non•profit agencies with great expertise in helping people who have substance abuse and mental health problems and we urge you to think about transitioning public policy in this around housing resources to help the Department of Social Services to contract and expand those contracts. Thank you.

LEG. KENNEDY:

Mr. Chairman?

VICE•CHAIR BINDER:

Thank you. Legislator Kennedy.

LEG. KENNEDY:

Just a quick question. Hello, Mike. How are you? It's good to see you again.

MR. STOLTZ:

Hi, John. Thanks.

LEG. KENNEDY:

Your organization I guess represents about, what, 19 or 20 providers?

MR. STOLTZ:

Twenty•three providers, we collectively serve about 50,000 people each year.

LEG. KENNEDY:

It's a broad question, but how often do you find that you're needing to work on housing issues with clients or patients that you're serving; 10% of the time, 50% of the time?

MR. STOLTZ:

It is the single most difficult aspect of our community mental health system is the lack of housing for people with serious mental illnesses. And we have to emphasize that this is an illness that we're talking about for people that •• to not have access, to put them in housing that it does not support healing and recovery, that's our mental health system right now.

LEG. KENNEDY:

So it's a fair representation to say, then, that you have approximately 50,000 folks that you're representing and basically 99% of them you're struggling with housing issues.

MR. STOLTZ:

Housing is always an issue. The threat of a loss of housing to people who are in our shelters, in emergency housing, yes.

LEG. KENNEDY:

Talk a little bit more about what you talked about as far as fair share regarding housing subsidy or housing funding; what is that?

MR. STOLTZ:

Our coalition and the division has been very vocal and aggressive and assertive with the State Office of Mental Health to say to them Suffolk County is not receiving our fair share of community mental health resources, most especially housing and special needs kinds of housing and resources.

LEG. KENNEDY:

So that's funding that comes directly from Albany, from OMH?

MR. STOLTZ:

Correct.

LEG. KENNEDY:

I'd like to find out more about that, I guess maybe we can talk at another time. Thank you.

LEG. LOSQUADRO:

Thank you. Legislator Binder, if I may?

VICE•CHAIR BINDER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. You are •• you were speaking on IR 1300?

MR. STOLTZ:

Correct.

LEG. LOSQUADRO:

I understand the need, we've discussed that at length when we've talked about this bill and other bills, trying to enforce standards. How exactly will enforcing standards and ensuring that we have facilities that are up to code, how will that •• especially those that are mentally ill, as you said, who in all likelihood would not be able to navigate the system well on their own; how would ensuring that a properly regulated, up to code housing facility, how would that hurt the system?

MR. STOLTZ:

I think, Mr. Losquadro, we are looking •• we are encouraging as a coalition to look beyond a place for it is that people stay. We are looking for you to look at and see this as being a symptom of the demise of our entire mental health system. A disproportionate number of people in our emergency housing system and in our shelter are people who have an illness.

This is not just about a place to live, this is about access to care, access to support and access to recovery.

LEG. MONTANO:

Put me on the list.

LEG. LOSQUADRO:

I'm still •• I understand your point entirely, but I still •• based on the language that's in IR 1300, how does it specifically relate to it?

MR. STOLTZ:

As I said in my introduction, we are seeing this as a symptom of a larger problem and we are urging the Legislature in its budget process and in its regulatory process and in looking at its fair share of resources in Suffolk, to be able to look at the larger picture, specifically why is it that we're in this position for a number of people, why are we there? And the reality is that we have a deteriorating mental health system that has gone on for about 15 years and a disproportionate number of people are being subject to this regulation because they haven't been subject •• haven't been able to receive the benefits of what kind of quality care should be out here.

LEG. LOSQUADRO:

I understand your point and it's something that I think all of the members of this committee and the entire Legislative body are aware of and will address, as you said, through the budget process.

MR. STOLTZ:

We appreciate that.

LEG. LOSQUADRO:

But this bill, again, as I see it, does not target the individuals with say a mental health issue, it forces the people who are renting the space to the counties to say they comply, the facilities they are renting to us are up to code. The other problems should be addressed and will be addressed, but as far as this bill goes I think when we start to look at enforcing standards for rental housing that the County is paying for, when we try to tie that to other issues that need to be addressed independently, I don't necessarily see the connection. I understand your point that other issues need to be addressed, and they will be if I have anything or other members of this committee have anything to say about them, but I truly believe that we need to ensure that the properties that the County is paying for meet certain standards and are up to code. So thank you.

VICE • CHAIR BINDER:

Legislator Montano.

LEG. MONTANO:

Yes, good morning. I understand your broader issue in terms of resources and all that, but let's

focus in on 1300. You said earlier that you had a meeting and you discussed 1300 and you're really not here to take a position with respect to 1300; is that accurate?

MR. STOLTZ:

That's accurate.

LEG. MONTANO:

All right. What would •• have you •• let me rephrase that. I am opposed to 1300 because I think that 1300 is going to have an immediate impact on the population that you serve.

MR. STOLTZ:

Yes.

LEG. MONTANO:

And I'm concerned that landlords will opt out of renting to the people you serve simply because they have to sign certifications, go through another process, that will eliminate your ability to place people in homes or in rental units, etcetera.

MR. STOLTZ:

Yes.

LEG. MONTANO:

Have you discussed what you would do, where you're going to put people that you service if, in fact, my premise turns out to be accurate, that you're going to shrink the rental market simply •• not necessarily because people are not in compliance with their codes, but simply because people don't want to be bothered with the process that we're imposing on them; have you discussed that in your meetings and what have you come out with?

MR. STOLTZ:

One, yes, we would like everybody to be in standard housing and safe and dignified housing, there's no question that there's agreement across the board on that. Two is we've now gone through a process, including in your district, where a number of people in housing that has been closed, we're working with them, our case managers are working with them to find alternative housing. Are we deeply concerned about the lack of housing and seeing that as reaching more critical proportions than it already is? Yes, it is.

LEG. MONTANO:

Another reason that I'm opposed to 1300 is that I think that a bill like this and the message that it sends, sends a message to people where they will then begin in local communities to target certain properties and certain people based on whatever you want to call it, characteristics, the way the house looks, etcetera, and then seek to put pressure on local officials in those districts to relocate those people out of a district and somewhere else. My question is where are you going to put them?

Now, you mentioned my district. I've asked Social Services to come out with some figures with respect to the total population of Social Service recipients and I gather that the people that you serve are on Social Services; is that accurate?

MR. STOLTZ:

Some of our people are on Social Services.

LEG. MONTANO:

They've been able to break down the recipients of Social Services in terms of where they're located by zip code. Now, I represent Brentwood and Central Islip, got two zip codes in my district, 11722, 11717. If these figures are accurate, we have 5,900, 5,700 total Social Service cases in Suffolk County, and I believe these figures are as of March 1st, 2005.

(* Legislator Mystal entered the meeting at 12:43 P.M. *)

Within my district, two zip codes, if I'm reading this correctly, I have 489 in Brentwood, 501 in Central Islip. Now, we have approximately 79 zip codes in Suffolk County. If you take the total population of Social Service cases and you look at my district, would you say that my district is over saturated with respect to the number of cases in that district?

MR. STOLTZ:

With all due respect, I think your comments are transcending •• going beyond what it is that I'm prepared or able to talk to. I was talking to the broader issue.

LEG. MONTANO:

But in terms of dealing with the broader issue, don't you have to look at what's in front of you right now in terms of how it's going to impact?

MR. STOLTZ:

And I can tell you across the board we are extremely concerned about the impact, yes.

LEG. MONTANO:

Do you have any idea where you're going to be able to place people if you wind up suddenly with certain people that are dislocated or have to be relocated because there's an issue with a landlord refusing to certify that his property is free from violations?

MR. STOLTZ:

You're correct, we have no idea and we've gone through this process now with the closure of almost 1,200 adult home beds as well. There is a distinct lack of housing and affordable housing in this County.

LEG. MONTANO:

What about shelters?

MR. STOLTZ:

As you know, many of these people do wind up into our shelter system.

LEG. MONTANO:

Don't you have people in motels?

MR. STOLTZ:

Yes.

LEG. MONTANO:

Do you know how many?

MR. STOLTZ:

No. It's a difficult process. I can tell you that our mental health agencies are involved with all the hotels, through the creativity of our DSS Commissioner, to be able to reach out and engage

people that have mental illnesses to help them to get the kind of support that they need and perhaps to access special needs housing; unfortunately that waiting list is extremely long.

LEG. MONTANO:

And still, you haven't been able to come up with a position on 1300 as a group.

MR. STOLTZ:

There are both ends that are distinctive for us.

LEG. MONTANO:

Thank you.

VICE-CHAIR BINDER:

There are more people coming to talk about different aspects. Legislator O'Leary.

LEG. O'LEARY:

Mr. Stoltz, I apologize for not being here for your opening remarks, but I just wanted to ask you one question. Are you aware the intent of this bill is to address substandard housing?

MR. STOLTZ:

Yes, sir.

LEG. O'LEARY:

You're aware of that.

MR. STOLTZ:

Yes.

LEG. O'LEARY:

And we've come to realize that a lot of our DSS clients, so to speak, are currently living in substandard housing.

MR. STOLTZ:

That's true.

LEG. O'LEARY:

What's your position on that?

MR. STOLTZ:

We do not want people in substandard housing, that would be true.

MS. MAHONEY:

Mike, excuse me, you need to speak up and into the mike.

VICE-CHAIR BINDER:

Just pull it closer.

LEG. O'LEARY:

Now, I ••

MR. STOLTZ:

We have people, we serve people through our case management programs who are living in substandard housing and we would prefer them not to be there. If the alternative is for them to be on the street, that's not a viable alternative.

LEG. O'LEARY:

All right. And if I understand the argument correctly, those who are associated with the placement of individuals in these substandard housing have taken the position that if we address the substandard housing problem this will cause them to become homeless. That was statements that were given to us during the public hearing; is that your position as well?

MR. STOLTZ:

I think that has often been our experience, that people have lost housing, yes.

LEG. O'LEARY:

All right. So then it's okay to have absentee landlords receive the profits of renting and leasing to an entity that is fully aware of the fact that the placements of individuals are into structures that are substandard; correct?

MR. STOLTZ:

I'm not following your point, I'm sorry.

LEG. O'LEARY:

You're not following me?

MR. STOLTZ:

I'm sorry, I'm not.

LEG. O'LEARY:

What we're looking to do is to address the problem of absentee landlords in this County who care less, who care less ••

MR. STOLTZ:

Right.

LEG. O'LEARY:

•• about the conditions and the maintenance of the properties that they lease. And in so doing, what we're attempting to do is to make them, at least at a bare minimum, at a bare minimum be in compliance with existing codes and ordinances.

MR. STOLTZ:

Right.

LEG. O'LEARY:

Is that too much to ask of these individuals, to at least try to upgrade the housing that some of our residents are living in that are clearly, clearly not in compliance with code and by everyone's opinion substandard?

MR. STOLTZ:

You're asking me to take an opinion on something that I don't operate the housing, I couldn't tell you financially what that means. And if it puts people at risk for becoming homeless, then we have a greater concern.

LEG. LOSQUADRO:

All right, I have to ask ••

VICE•CHAIR BINDER:

Wait, Legislator Montano and then Legislator Losquadro.

LEG. MONTANO:

Actually, I'm going to yield at the moment to Legislator Losquadro.

VICE•CHAIR BINDER:

Legislator Losquadro?

LEG. LOSQUADRO:

Just on that subject, I was going to wait but I just want to point out that the Town of Brookhaven specifically, and I know other towns hopefully will follow suit, has created an advisory board and they're going to be •• they have already started the process of cracking down on substandard housing. And my point there is be it public or private renter, you are going to be taken to task if you are renting substandard housing. So I don't see the correlation then; so long as each level of government is going to hold people to the same standard, I don't see the correlation then that if we do this it will lead to a greater level of homelessness. I think every level of government needs to work together to ensure that we have proper standards for the housing that is being rented. And I know I can speak for myself with my district office which I moved last year, my landlord was very happy to get Suffolk County as a tenant because that's guaranteed money every month. And if Suffolk County is footing the bill, I don't necessarily see that landlords are going to want to see that guaranteed money go away. I think they will be willing to comply with this and I do not see the correlation between this type of enforcement and homelessness.

VICE•CHAIR BINDER:

Legislator Montano, you want to retake your time?

LEG. MONTANO:

Just very quickly, and I don't want to belabor this, there are other speakers. But if the Town of Brookhaven is, in fact, going through this process, and I believe other towns are, then what is

the need to single out one segment of the population? Because the problem of substandard housing or the unavailability of rental units within Suffolk County is something that we have to address globally, but this bill only deals with a certain population and it's earmarking just those people on Social Services which I don't know necessarily is the big issue with respect to substandard housing across the board. But you know, I know there are other speakers, let's move on with the program.

VICE-CHAIR BINDER:

Let me just say for members, and then I'll go to Legislator Kennedy, this is an opportunity to ask questions, and particularly in this case it's supposed to be of Mental Health. And I know we get far afield and it is a _proclivity_ of Legislators to discuss the merits and demerits, that's why you're sitting back kind of watching.

MR. STOLTZ:

Yes, go ahead.

LEG. BINDER:

And debate the merits. We're going to have plenty of opportunity to debate the merits or demerits of the bill and that's going to come. So I would ask members, especially •• we have five more cards after this, to ask specific questions, get the answers and then we're going to have a •• I'm sure we're going to have a lively discussion back and forth. Legislator Kennedy.

LEG. KENNEDY:

Thank you. And Chairman Binder I think, once again, succinctly points out, this issue I guess there are many, many, many different aspects that go in different ways and I'm just going to try to limit it to one very specifically.

During the public hearing in previous committee meetings, we heard some testimony about the enforcement aspects that are available now for substandard housing vis•a•vis the local Department of Social Services, through the Commissioner's Office, where recipients are •• where the landlords are receiving subsidy directly from the Department of Social Services. Has your agency for your clients ever had occasion to be able to work with the Commissioner's Office to get enforcement there; does that work?

MR. STOLTZ:

To get enforcement on a particular standard in housing.

LEG. KENNEDY:

Correct, where there's substandard housing and where the landlord is being paid directly by the department.

MR. STOLTZ:

I can tell you that •• you know, I'm not necessarily the person to respond. I can say from a case management perspective we have the Commissioner's Emergency Response Unit and we have found that to be very responsive to all sorts of housing and emergency housing concerns. And while I can't document exactly what you're asking for, I could say those would be the kinds of issues that certainly have come up.

LEG. KENNEDY:

So you've •• okay. So you've got a good rapport as far as emergency housing goes. But I guess you're answering my question already in that perhaps if you don't know the specifics or haven't had experience with working with the Commissioner's Office regarding an enforcement thing, maybe it's something that there needs to be some communication on. Okay, thanks.

VICE•CHAIR BINDER:

Thank you. Thank you for coming up.

MR. STOLTZ:

Thanks.

VICE•CHAIR BINDER:

Please come again.

MR. STOLTZ:

Oh, yeah, okay.

VICE•CHAIR BINDER:

Next is Joan McGay.

MS. McGAY:

In the interest of time, Mary •• there's also a card for two of us.

VICE•CHAIR BINDER:

Mary Weiler, okay, that would be great if you would come up together. And as they're coming up, I would just again ask members, as we go through these cards, we'll talk about the specifics of the bill, we'll have debate, it will be lively, I would ask that we really focus on keeping either •• there is going to be opportunity for speaking and then questions and answers. What I'll do is if you hear the beep go off, that's the first three minutes, you both have three, we can run them concurrently. Thank you.

MS. McGAY:

Good afternoon. My name is Joan McGay, I'm the Outreach Coordinator, the Parish Outreach Coordinator at St. Joseph the Worker in East Patchogue. It's a community representing East Patchogue and North Bellport, an area with abundant rental properties and absentee landlords. I'm here on Resolution 1300, the requirement for landlords to sign that ••

UNKNOWN AUDIENCE MEMBER:

Louder, please.

MS. McGAY:

To sign that affidavit. I have many concerns. There are also a lot of outreach coordinators here today, if they would just stand up and you'll see, they're also concerned about this legislation.

MS. WEILER:

And they're only some of the over 70 outreach coordinators that there are in Suffolk County.

VICE•CHAIR BINDER:

You're Mary Weiler, right?

MS. WEILER:

I'm Mary Weiler, yes.

VICE•CHAIR BINDER:

Weiler, sorry.

MS. WEILER:

And I'm the Outreach Coordinator at St. Sylvester's in Medford.

VICE-CHAIR BINDER:

Okay, thank you. I just want it on the record so they can keep track.

MS. McGAY:

Okay. Some of the concerns have to do with •• the rental housing crisis in Suffolk County is well-known, especially for the poor. That has to do with both substandard housing, people on Department of Social Service and workforce housing families. Landlords, in particular with the Department of Social Service families participants, are reluctant to sign papers.

Every week families come to us looking for housing or with problems with housing. A lot of days we have to •• in our outreach offices, have to contact the landlords and try to explain to them Department of Social Service regulations, how to fill out the paperwork so that they can get the funding that they require. One more piece of paper is going to make that that much more difficult, landlords are that much more reluctant to do that much more paperwork. And another piece of paper I don't believe is going to sure above standard or reasonable housing for our families. The paper just says yes we comply, it doesn't mean that the compliance is healthy or adequate for that particular family. And I'll give you Mary.

MS. WEILER:

We're not saying that we are not in support of better housing, what we're saying is that this bill doesn't do it. What this bill seems to be to us is something that's punitive rather than something that is giving landlords any kind of encouragement to do anything with their properties. Right now anyone who is on Social Services is supposed to have some kind of oversight and some kind of inspections before they even allow the clients to go into those houses, but apparently for some reason or other that's obviously very inadequate.

What we would suggest is maybe you need a committee that would look at the current housing and where the people that are on DSS, what they are living in and maybe make something that would encourage the landlords to improve the standards that they have now. And the other piece of this is that when they sign this paper saying they're in compliance, nobody knows what they're in compliance to because even in my own house, I don't know what all the rules and

regulations are. I live in the Town of Brookhaven, I have no idea if my house is in compliance or not. And how do you know that? I'm not a lawyer.

MS. McGAY:

There are also different standards •• I shouldn't say standards, different levels of housing, there's emergency housing, transitional housing and permanent housing. And is this •• I'm not clear if this legislation is going to have the same impact on all three levels of housing. Are all of those providers who receive Department of Social Service funding going to have to sign that affidavit?

VICE-CHAIR BINDER:

I think so but I would have to rely on Counsel. I'm sure she'll be back shortly, we can ask that question. Are there any more ••

MS. McGAY:

I'm done.

LEG. O'LEARY:

I have just a comment.

VICE-CHAIR BINDER:

Thank you. Legislator O'Leary then Legislator Montano.

LEG. O'LEARY:

Good afternoon, Ladies, good to see you.

VICE-CHAIR BINDER:

Brief comment, don't make a long comment.

LEG. O'LEARY:

I'm not going to make a long comment, I'm just going to •• just an observation, just so you know what the intent was behind this particular resolution.

Those of us who are sponsoring this resolution are clearly of the opinion that the towns

throughout the County have so-called dropped the ball with respect to enforcing their various codes and ordinances with respect to housing. And this is an effort on our part to perhaps have the towns, who are basically the authority with respect to the conditions in these various residences, to upgrade it to a point where it's at least a minimum standard for those who reside in these obvious substandard conditions.

So our district offices, I can't speak for the other Legislators, but certainly my district office has received so many complaints regarding this particular matter that I was happy to cosponsor this because I view it as a means of forcing, if you will, the various towns throughout this County to step up their enforcement of the existing codes and ordinances, something which they have sorely lacked doing in the past.

MS. McGAY:

I think this is a great first step, but I don't think it's adequate. Many times I call or I give the town number for the town inspectors to the tenants because they're the ones that have to call and make the complaint; they call and the Town Inspector goes. The landlord gets the fines and hopefully that way they pay attention and increase the standard or make the repairs necessary. But Department of Social Service also has inspectors that go in before the tenant moves in and after the tenant leaves, so that's the County's portion of it, and then the town portion is if there are complaints or health violations.

LEG. O'LEARY:

Legislator Montano commented about the geospatial throughout the County with respect to density and locations of these various housings. Just to point out the situation that I'm experiencing within my district, and we've been focusing on this particular problem, absentee landlords, not owner-occupied, and not necessarily DSS, not necessarily DSS. We've identified over 3,000 just within my district and we're in the process of determining how many of those 3,000 non owner-occupied dwellings have rental permits with the town, and to date we're determining that the vast majority that we've made query about do not have rental permits. This is the problem that we're experiencing with the towns in this County, they're just turning their back on enforcing existing laws and we're looking to put a little more teeth into it to assure that all of our residents are living in at least the bare minimum type of housing that is in compliance with existing codes.

MS. WEILER:

May I ask a question? How are you going to do that with this resolution? If you're going to have the landlords sign a paper saying they're in compliance, are you going to send someone out to see that what they signed is accurate?

LEG. O'LEARY:

We will assure that the County will enforce this particular resolution, it will be up to the County to do that and we will do that.

VICE-CHAIR BINDER:

Legislator Montano.

LEG. MONTANO:

Hi. I am going to try and resist making a comment, so I'm going to try and phrase this in a question.

LEG. LOSQUADRO:

What is

LEG. MONTANO:

Would you agree.

VICE-CHAIR BINDER:

Would you agree, that's the other one.

LEG. MONTANO:

Would you agree that •• with respect to the comments, in all seriousness, that Legislator O'Leary spoke about, one of the problems that I have in my district •• and by the way, I also received many phone calls from concerned citizens about a multitude of issues, the majority being housing such as, you know, "I saw five cars in front of a house, it's an illegal unit," "I saw five, you know, Hispanics walking in, there must be undocumented," "I saw someone there and they're on Social Services and the house is substandard."

The towns •• it's my impression that the towns have not been enforcing the housing codes that they have now, but one of the concerns that I have is that I believe, and would you comment

whether or not •• no, don't even comment. I believe that one of the problems is that in enforcing some antiquated codes and some exclusionary town zoning codes, we've essentially put poor people and people that fall in this category in a position where they have nowhere to turn. And by enforcing this particular bill without providing an alternative measure to ensure that the population isn't radically displaced while we attempt to help them, would you agree that that's why 1300 probably should be reconsidered or at least looked at more globally, you know, with respect to what you said earlier? Let's study the issue, let's see what we can recommend, let's see where we can go to ultimately help the people that we're servicing in a long-term and in a more global perspective; is that essentially what you're saying?

MS. McGAY:

I have met with people on a fairly regular basis living in this neighborhood who know that the housing they live in is substandard, they know that, they know there are health violations, there are rats coming in through the basement.

LEG. MONTANO:

Nobody condones that, by the way, nobody here wants that.

MS. McGAY:

But they are afraid, "Where am I going to go," they say, "Where am I going to go?" So they stay by choice in substandard housing because there is no place else to go. A piece of paper is not going to make that house healthy, it is not going to make that house safe for that family, because they're not going to report it, they're not going to report it.

MS. WEILER:

Not only that, you've already had your inspectors go in before the people moved in and supposedly checked and made sure it was fine for them to move in to begin with.

MS. McGAY:

It's a very complex problem and a piece of paper, signing a piece of paper I don't believe is going to fix that problem, which is why we're here.

LEG. MONTANO:

I'll pass, we have ••

VICE • CHAIR BINDER:

Thank you very much for coming before us.

MS. McGAY:

Thank you.

VICE • CHAIR BINDER:

Next is Gail Rivera.

MS. RIVERA:

Good morning. Can you hear me?

VICE • CHAIR BINDER:

If you can pull it close to you when you speak, it will make it ••

MS. RIVERA:

Just so you know, I have never done this before so if I don't know protocol, please bear with me.

VICE • CHAIR BINDER:

You're doing fine already.

MS. RIVERA:

My name is Gail Rivera, I'm the Housing Program Supervisor for Options for Community Living. The particular housing division that I work in, I represent only a portion of Options, is housing and case management for people with HIV and AIDS and we provide case management services to approximately 500 individuals, many of those individuals are within a family, some are single, and we also provide housing and we have approximately 40 units of housing in Nassau and Suffolk Counties; those numbers are Nassau and Suffolk, the case management consumers in Suffolk are probably about 200.

What I wanted to say basically is that I have many concerns about the Resolution 1300 in its current form. I absolutely agree that there is a need for better regulation of housing. I absolutely have seen substandard housing. Part of the services that we provide, we are funded

through the State, a State grant to provide housing assistance to help people who are homeless or inappropriately housed to find affordable housing, and that's a very difficult process. At any given time I easily have 50 individuals and families who need housing who don't have housing; many of those individuals are doubled up or in shelters. Some of those individuals are receiving benefits through Social Services, others might be on Social Security, so there's a mix in that batch of people.

My concern •• and many of my concerns have already been voiced here, so I don't want to be too repetitive, but just to let you know where I come from. I really do believe if we pass this resolution as it is that many more people will become homeless. If that's a stepping stone towards a part of a larger picture, then that's something that I'm not aware of, but I certainly know a lot of individuals and a lot of families will find themselves unable to stay in their current housing.

Now, the substandard housing that's out there, I've been out into the community, there are some apartments that would, by this definition, be substandard because maybe it's a high ranch and the landlord is renting it as two apartments and it doesn't meet the local zoning code, yet maybe that is a very healthy, nicely run, well run apartment, and there's other substandard housing, as you all know, that is really horrible, as we've heard about, whatever it is, rats or deplorable conditions. I would love to see those really horrible ones close up, but unfortunately we would also lose some of the better landlords that might not meet a zoning code. I feel that that those zoning codes should be looked at which is really a town •• it's a local issue, and I also feel the towns should be enforcing the rental permits.

The other side of what we do, the permanent housing that we provide that's supportive housing, in that role we are the landlord and this bill wouldn't effect us one bit. We'd probably be the landlord that would supply that every six months because within our grant•funded housing we do meet •• we have our rental permits, we meet all the codes, we're very good about that. So other landlords like us that are providing supportive housing who are meeting the codes would not have a problem.

VICE•CHAIR BINDER:

Thank you.

MS. RIVERA:

Thank you.

VICE•CHAIR BINDER:

Are there any questions? Thank you very much for coming before us. Scott Lyon.

MR. LYON:

Hello?

VICE•CHAIR BINDER:

Hi.

MR. LYON:

My name is Scott Lyon, I am a representative of LICARH which is the Long Island Campaign for Affordable Rental Housing, I am their new community organizer. I have lived my entire life here in Suffolk County, actually in Mr. Losquadro's district, Mt. Sinai, and I am here basically to speak on the issue of rental housing as a whole.

Now, I know and I'm aware that there are, of course, bills in front of you concerning these issues and I don't want to go into too many details concerning the bill but I do want to encourage everyone to look at the greater picture of housing on Long Island to emphasize that the rental situation here in Suffolk is very fragile and we should be cautious in possibly doing anything that might discourage rental housing in the future.

I represent eight coalitions between Nassau and Suffolk County that work on the township level who are working to get more affordable rental housing in their communities for the working class, the low income and the young members of our communities, and we want to do our best to preserve what few rental housing units we have available and be sure to continue to pass legislation that's going to encourage more rental housing in the future.

So I ask you while considering these bills that you're talking about, think about the wider picture, the future and the long-term solutions that we should be thinking of for Long Island.

VICE•CHAIR BINDER:

Thank you. Any questions, members? Thank you very much for coming before us.

LEG. LOSQUADRO:

Thank you.

MR. LYON:

All right, thank you.

VICE•CHAIR BINDER:

My last card is from Susan Moschouris; was that even close? Yeah, okay. That's the worst part of this job is actually calling people's names out; I feel bad. How close was I?

MS. MOSCHOURIS:

Moschouris.

VICE•CHAIR BINDER:

Not close, but thanks for making me feel good anyway. Okay.

MS. MOSCHOURIS:

My name is Susan Moschouris, I'm a housing specialist for the past three years for HELP Suffolk in Bellport. Every day I go into work, my office is where 76 homeless families live. I am speaking not from statistics or budgets but from the discouragement and loss of hope I see on a daily basis because of families that can't find housing. They already have to tell landlords to wait four to six weeks for housing papers to be submitted to DSS. Homeless families who are poor, not only in financial resources but poor in spirit because of whatever circumstances have caused them to be without a key, a key to a place where they can call home, now have to approach a landlord and ask, "Would you please consider me as a tenant? But first you have to fill out this paper and this paper and this paper and this paper, okay, and one of these papers is an inspection agreement. I agree to an inspection and Department of Social Services agrees to send an Inspector to come and inspect so that I do not live in substandard housing. But then after you fill out these papers and after you wait the four to six weeks for it to be processed, you have to wait another two to three weeks to get the rent because DSS unfortunately will not release the checks until I move in and until you give me this key with absolutely no security, no rent. You have to trust that if you give me this key that you will get your rent and you will get

your security." And the broker who is calling every day because they want to know, well, we were told three weeks, now it's four weeks. Conditions were not met when the Inspector first came so the inspector goes back, after the landlord puts money into putting windows in and fixing the smoke detectors and making sure hand•railing are on, we all •• we see the inspection guidelines, they're there, the Inspectors go down, they inspect one time; "Would you please rent to me after going through all this?"

On top of this, additional efforts are now being considered to impose even more codes and enforcements and restraints on already reluctant landlords who have more than enough reason not to rent to my single mothers, my couples with children, my grandmothers and my working families. Substandard? I don't like that word because when we give a family of four \$1,200 to find a rental, the fair market rate for a two bedroom rental in Suffolk County is well over 1,300, now we're going to ask the landlords to raise some substandard conditions. What are they going to do? They're going to raise the rent and then these families will have no •• more and reason to find it difficult to find a rental. I rent, I'm a single mother.

VICE•CHAIR BINDER:

Could you sum up?

MS. MOSCHOURIS:

I will, but I'm fortunate, I have the skills and abilities to work two jobs to afford my rental. Why aren't you coming to my rental? Why are we always victimizing the poor?

We all know the housing situation in Suffolk County, it's called affordable housing. It's not affordable housing, it's called workforce housing, it's not for my families. Housing is not being built for my families. Why take away the slim, almost non•existent housing that's available for my families with imposing even more burdens on landlords? Let's inspect once, let's educate the tenants on how to advocate for themselves to make the necessary repairs or go ahead and pass the law because you ensure me a job. Suffolk County will need even more shelters to house all those families who will be evicted because landlords don't want to meet the conditions. Pass the law, continue to overinflate the budget of DSS even more with all the additional expense of putting this enforcement into action or, even better, don't pass it and let's think of better ways to pass one of these to a homeless family.

VICE • CHAIR BINDER:

Thank you. Any questions?

Applause

LEG. KENNEDY:

Just very quick. Ma'am?

VICE • CHAIR BINDER:

Ma'am, if you can wait. Excuse me?

LEG. KENNEDY:

Hello, ma'am?

VICE • CHAIR BINDER:

Legislator Kennedy has a question for you.

LEG. KENNEDY:

Very quick.

VICE • CHAIR BINDER:

Then we can get to the agenda.

LEG. KENNEDY:

Nine weeks, you talked about nine weeks from the time a tenant actually knocks on the door for a landlord till the time that landlord ••

MS. MOSCHOURIS:

It could take anywhere from three to six to eight weeks to two months. If the conditions are not met, housing papers have to be filled out, they go down to the Department of Social Services to the Finance Department, the Finance Department has to then pass it over to the Inspection Department. The Inspection Department has to then schedule an inspection which could take another week, and if they go on vacation or whatever, they're lacking staff, the paperwork just sits there, it has to be inspected, if conditions are not met the Inspector will approach the landlord, this, this, this has to be repaired, they either repair it •• sometimes I have a family now waiting going on two months because certain windows have to be put in.

LEG. KENNEDY:

Okay, I understand, I think I understand. But the one piece I don't understand is so in other words that landlord has to actually let the apartment, take the family in and go nine weeks without receipt of dime one?

MS. MOSCHOURIS:

Yes.

LEG. KENNEDY:

Or the family sits in Help Suffolk for nine weeks.

MS. MOSCHOURIS:

Yes, exactly.

LEG. KENNEDY:

Yes which, I'm sorry.

MS. MOSCHOURIS:

Both; they sit in the homeless emergency housing waiting for the inspection for this whole process, for everything, the inspection ••

LEG. KENNEDY:

And these are people that are already on Social Services.

MS. MOSCHOURIS:

Yes.

LEG. KENNEDY:

They have an open case, they have a caseworker, they're known to the department.

MS. MOSCHOURIS:

Yes, exactly. And I have seen families go down to pick up their key because I get •• I finally

get authorization, they go to pick up their key and the landlord tells them the apartment is gone, they give to a cash paying tenant.

LEG. KENNEDY:

Okay, ma'am. I appreciate it and I wanted to go to a certain direction I guess with you, but it's unfair to continue to ask you questions about our operations of our Department of Social Services. I'm going to ask the chairman, I guess, depending on where we are at, at some point can we invite the Commissioner up here to discuss?

VICE • CHAIR BINDER:

We will, the Commissioner will be up here.

LEG. KENNEDY:

Okay, good.

VICE • CHAIR BINDER:

Legislator Montano.

LEG. MONTANO:

You said you had 76 families in your shelter and it takes about eight weeks for them to be relocated into ••

MS. MOSCHOURIS:

It could take three weeks, it could take four, it could take ••

LEG. MONTANO:

From three to eight weeks. How long is the stay, the average stay in your shelter? I mean, do you get someone in and three weeks later the apartment is ready or eight weeks later, or are they sitting there for a while, while you're looking for housing?

MS. MOSCHOURIS:

They are waiting for their cases to open. The cases now, if a family applies for eligibility ••

LEG. MONTANO:

When you say case to open, I don't know what that means.

MS. MOSCHOURIS:

•• it could take two months for their case to even be open, so then at that point they start searching for housing. And the average stay could be anywhere from six months to a year and a half, I really don't know that statistic.

LEG. MONTANO:

That would be after the case, after the case. So in other words, they go there, they're sitting there while their case is opened; once the case is opened then you can place them in a rental unit; is that correct?

MS. MOSCHOURIS:

Exactly, we cannot submit housing papers until the case is open.

LEG. MONTANO:

So what I'm asking is the time between their papers are open and the time that you place them is how long generally speaking?

MS. MOSCHOURIS:

Anywhere from another two months to six month to a year. It's very hard to find ••

LEG. MONTANO:

You have people in there for a year looking for an apartment?

MS. MOSCHOURIS:

Oh, absolutely, they can't find anything. Like I said, families of three only get 1,094 ••

LEG. MONTANO:

Thank you.

MS. MOSCHOURIS:

•• so landlords don't want to put three people in a one bedroom.

LEG. MONTANO:

Thank you.

MS. MOSCHOURIS:

You're welcome.

LEG. BINDER:

All right, thank you. Next on the agenda is •• it says "Discussion: Honorable Mike Caracciolo, Michael Caracciolo, Rose Cicchetti, Executive Director, Brighter Tomorrows Domestic Violence Agency";

I don't know if she's here and I wouldn't know what Mr. Caracciolo wants to speak on.

MR. McCARTAN:

Caracciolo cancelled this morning, she spoke at public portion.

VICE • CHAIR BINDER:

Oh, he canceled it, that's all I need to know, okay. So I thought maybe there was another discussion.

Okay, we're going to move to the agenda.

TABLED RESOLUTIONS

2324•04 • Authorizing a satellite Social Services Office in conjunction with the Police Sub•Station at New York Avenue, Huntington (Binder). I'm going to make a motion.

LEG. O'LEARY:

To what.

VICE • CHAIR BINDER:

To approve, second by Legislator Kennedy. Legislator Montano, you have something on the bill?

LEG. MONTANO:

You mean other than my opposition to the bill?

LEG. BINDER:

That's okay.

CHAIRMAN TONNA:

Which one?

LEG. LOSQUADRO:

The first one.

LEG. BINDER:

2324•04.

CHAIRMAN TONNA:

The first one? Okay, this is the substation location?

LEG. BINDER:

There you go. We have a motion and a second.

LEG. MONTANO:

Yeah, I do have a question. Is that within your Legislative District, the substation location?

LEG. BINDER:

The substation location is adjacent to my district where many, many of my constituents will be using it.

LEG. MONTANO:

But it's not physically in your district, right; yes, no?

LEG. BINDER:

It's adjacent, adjacent to my district and ••

LEG. MONTANO:

Okay, I understand what adjacent means.

LEG. BINDER:

•• my constituents in very large numbers will be using it.

CHAIRMAN TONNA:

I can tell you emphatically, whether that's germane or not, you know, that's up to a Legislator to decide. But I actually thought that this was in my district and when Legislator Hackeling and I years ago, as Legislator Binder knows, when we came up with the idea of this police substations, I of course said, you know, I'll put one in my district and we picked an area, Legislator Hackeling put one downtown just to find out that they were both actually in Legislator Hackeling's district; it's an odd cut, gerrymander, in that area. But from the standpoint, I think in discussing or looking at this bill, obviously whose Legislative District it is in, if Legislator Cooper is in favor of this, you know, I think it would give more credence. I think the real issue, though, is about the Social Services office at a police substation and I have a problem with that.

I have a problem that the substation isn't manned as much as I want either as a police substation, but I think mixing people who are going to come for needs like food nutrition or everything else to a police station is a problem. So are we on discussion?

LEG. BINDER:

Yeah.

CHAIRMAN TONNA:

So that's how I feel and I'm sure we'll have a roll call and go from there.

LEG. FOLEY:

Mr. Chairman, perhaps the Commissioner of Social Services would like to inform the committee on its opinion regarding the resolution, what it would mean from an administrative point of view, her services.

CHAIRMAN TONNA:

Janet, do you have •• do you want to say something?

COMMISSIONER DEMARZO:

Good afternoon. I had spoken on this resolution earlier. I don't have the resolution right before me, but I do remember the resolution authorized the Department of Social Services to establish a satellite office at the current location where the substation is. We have concerns relative to

the cost incurred for the provision of such services and how one would facilitate an appointment •only basis for the provision of Social Services at that satellite office. So administratively as well as fiscally, we think it presents significant concerns for the department.

LEG. FOLEY:

Thank you.

CHAIRMAN TONNA:

Great. Thank you very much. I think basically the people who are in favor are not going to debate it, I think it will end up getting out of this committee and then, you know, it will get to the Legislature, we'll debate it there and then it will be vetoed by the County Executive.

LEG. O'LEARY:

Exactly right.

CHAIRMAN TONNA:

All right? So let's start with a roll call vote.

MS. CAPUTI:

Legislator Tonna, I'm sorry, I was out of the room. This is on the resolution about the substation?

CHAIRMAN TONNA:

2324.

MS. CAPUTI:

May I make a brief comment?

CHAIRMAN TONNA:

Sure.

MS. CAPUTI:

I just wanted to ask the committee to consider that this has not gone before the Space Management Committee as is required under the Suffolk County Code.

CHAIRMAN TONNA:

Right.

MS. CAPUTI:

So we'd like to see that done before the resolution is voted on.

LEG. BINDER:

Just a •• Mr. Chairman?

CHAIRMAN TONNA:

Great.

LEG. FOLEY:

Table it.

LEG. BINDER:

Mr. Chairman?

CHAIRMAN TONNA:

Yes, Legislator Binder.

LEG. BINDER:

As a response to that, that's exactly what it says that it should go to, it directs them to go to Space Management and to explore it and go through there. So that's fine, I understand what you have said and we have a difference of opinion on the legalities of it; that's fine.

CHAIRMAN TONNA:

Okay. I think, you know, there are some bills that just let the drama play itself out. Okay, so there's a motion and a second to approve.

LEG. FOLEY:

Motion to table.

CHAIRMAN TONNA:

I'm going to make •• why; you want to table it or just •• okay. So let it •• they've already

decided so.

LEG. FOLEY:

Withdraw the tabling motion.

CHAIRMAN TONNA:

Thank you. So there's a motion to approve and a second. All in favor? Opposed?

LEG. O'LEARY:

Aye.

LEG. BINDER:

Aye.

CHAIRMAN TONNA:

Okay, the four gentlemen this way. And then opposed?

LEG. FOLEY:

Opposed.

LEG. MONTANO:

Aye.

CHAIRMAN TONNA:

Aye. ***Approved (VOTE: 4•3•0•0 Opposed: Legislators Tonna, Foley & Montano).***

Okay, on to the next bill. ***1065•05 • Adopting Local Law No. 2005, a Local Law to regulate the use of tanning facilities in Suffolk County (Viloria•Fisher).*** Is there a motion?

LEG. BINDER:

Motion to table.

CHAIRMAN TONNA:

Okay. Is there a second?

LEG. O'LEARY:

I'll second the motion.

CHAIRMAN TONNA:

Okay, there's a second by Legislator Binder. I'm going to make a motion to approve.

LEG. FOLEY:

I'll second the motion to approve.

CHAIRMAN TONNA:

Okay. All in •• tabling has precedent. All in favor of tabling?

LEG. O'LEARY:

Aye.

LEG. KENNEDY:

Aye.

LEG. LOSQUADRO:

Aye.

CHAIRMAN TONNA:

Okay, so there's gentlemen on this side. Against tabling? The three gentlemen on this side.

LEG. MONTANO:

I'll abstain on that.

CHAIRMAN TONNA:

You're going to abstain. Okay, ***so motion is tabled (VOTE: 4•2•1•0 Opposed: Legislators Tonna & Foley • Abstention: Legislator Montano).***

1072•05 • Director the Commissioner of Health Services to purchase a replacement

mammography van (CP 4076) (Caracciolo).

LEG. BINDER:

Motion to table.

CHAIRMAN TONNA:

Motion to table. Legislator Caracciolo who is the sponsor of the bill has asked for it to be tabled, I'm going to second it. All in favor? Opposed? ***Tabled (VOTE: 7•0•0•0).***

1282•05 • Amending the 2005 Capital Budget and Program and appropriating funds in connection with a Methadone Maintenance Information System (Viloria •Fisher). Is there a motion?

LEG. FOLEY:

Just an explanation from Counsel on it, please. This is the Methadone Maintenance Information System, amending the Capital Program and Budget. Do we also have the Budget Review Office analyst here who can speak on it?

MS. BURKHARDT:

We can get you one; do you want one?

LEG. FOLEY:

Yes, please.

MS. KNAPP:

1282.

LEG. FOLEY:

It's 1282.

MS. KNAPP:

This amends the Capital Budget to permit \$204,410 for an automated system for each of the methadone •• it's called a Methadone Maintenance Information System.

LEG. FOLEY:

Is there anyone from the Health Department who could speak to this, as to the reason for it?
We have the Deputy Commissioner here.

Thank you, Ms. Harrington. Just through the Chair, Commissioner, could you speak to the bill and the necessity of the bill that's been put forward by Legislator Vilorio•Fisher.

DEPUTY COMMISSIONER HARRINGTON:

Sure. Thank you. The last time this was on we had some issues with regard to the amount of money contained in the bill, but we've checked it and referenced it and the amount is the correct amount needed to implement this program. It's a program basically to automatically dispense the methadone so it will cut down on staffing costs and the department is in favor of it.

LEG. MONTANO:

Oh, you are, okay.

CHAIRMAN TONNA:

Okay, great. There's a motion to approve and a second.

LEG. FOLEY:

Second.

CHAIRMAN TONNA:

Is there a motion to approve and a second?

LEG. MONTANO:

Motion.

CHAIRMAN TONNA:

Oh, Legislator Kennedy, you have a question?

LEG. KENNEDY:

Yeah, just can you just elaborate a little bit on that as far as automatically dispensing the methadone?

DEPUTY COMMISSIONER HARRINGTON:

It's a machine that maintains the methadone and it dispenses dosages which reduces the need for staff to do it manually.

LEG. KENNEDY:

So this is a piece of equipment ••

DEPUTY COMMISSIONER HARRINGTON:

Correct.

LEG. KENNEDY:

•• that's actually going to be located in each one of the methadone maintenance facilities including out in Riverhead?

DEPUTY COMMISSIONER HARRINGTON:

That is correct.

LEG. KENNEDY:

It's going to be coded; what makes the machine work?

DEPUTY COMMISSIONER HARRINGTON:

Well, the staff puts the codes in to dispense it, but it's done by the machine. So there's still staff working but it doesn't take as many people and it's much faster, obviously.

LEG. BINDER:

Can I ask, Mr. Chairman?

CHAIRMAN TONNA:

Sure.

LEG. BINDER:

In what way does it not take as many people? If someone is coding it, someone's got to

supervise the person getting the dosage, why is there less people rather than the person who gives the dosage themselves? Before we talk about speed I want to understand, if it takes a human being to make sure that this person is the right person, that they're getting the correct dosage, they're not getting a double dosage or taking •• you know, they have a little trade going and so Bill is Bob and Bob is Bill and so he comes in twice in the week when he's supposed to come in once? I mean, obviously there's going to have to be checks and balances, so someone is going to have to perform a check that the correct person is getting the correct dose and it's going to take a human being to do that and it could be the same human being that would administer the dose. So maybe you can explain so I can understand what the difference is.

DEPUTY COMMISSIONER HARRINGTON:

My understanding is that it still requires a nurse on-site obviously to administer the medication, but that the doses are automatically measured so you're not manually measuring each dose; the machine does that and the nurse is there and operates the machine. And I guess it was all included in the Capital Budget last year and there was a presentation made and I believe they're just appropriating the funds.

CHAIRMAN TONNA:

I think you've got the idea that somehow somebody is putting in a code and they get their thing like an ATM; I think it's really ••

LEG. BINDER:

No, no, my •• no, it's the opposite. Actually ••

CHAIRMAN TONNA:

It's to help the nurse with the dosage so that she's putting it in.

LEG. FOLEY:

It's one less step for the nurse.

LEG. BINDER:

Right, but the first statement by the department was that it was going to save us money, in other words the 200,000, in a sense, is an investment because we're going to save staffing costs.

CHAIRMAN TONNA:

Yeah.

LEG. BINDER:

But I don't hear that because I hear that the same person who would measure the dose is now going to be the person to regulate who and how the machine is worked on. So you're still needing that nurse, the only difference now is that the nurse doesn't have to measure the dose where she had to measure the dose, that's literally so far the only difference I hear between having the machine and not having the machine is the need for the nurse to measure the dose. So I don't hear a savings in staff, maybe I'm missing it.

DEPUTY COMMISSIONER HARRINGTON:

Well, again, I don't have all the details on the exact system, but my understanding was that during the busy times in the morning at the methadone clinics, that it often takes more than one nurse to complete this job because there might be a hundred people showing up at one time, and so the machine cuts down on staffing to manually do it.

LEG. BINDER:

I would think that we should have someone here, just before we spend \$200,000. And it might be a good thing to do and I don't think we have to spend it today to make the difference, I think we can do this in a couple of weeks, we have a committee meeting in two weeks. It would seem to me before we spend 200,000, someone should come from the department, should be able to tell us specifically how many people do it, how this specifically will save money, what is the estimated cost savings and what's the recapture time on \$200,000 so we understand the investment; if that information is here then I think it's great.

I always think it's good, if we can automate something and save money over time I'm all for it. But before we vote for an expenditure of 200,000, I would just hope that we'd have that specific information before us so we understand the parameters and how it works.

CHAIRMAN TONNA:

Didn't we have backup information?

LEG. FOLEY:

Yeah, exactly.

CHAIRMAN TONNA:

Didn't we already have this?

DEPUTY COMMISSIONER HARRINGTON:

Yeah, you did.

LEG. FOLEY:

It's all part of the backup.

CHAIRMAN TONNA:

I'm just asking, didn't •• haven't the Legislators already been furnished with this; yes, no?

DEPUTY COMMISSIONER HARRINGTON:

It was my understanding that you had.

LEG. FOLEY:

Yeah, it's part of the backup of the bill.

CHAIRMAN TONNA:

Okay.

LEG. BINDER:

So we have information but the department can't be specific, so there's something •• there's obviously a disconnect here.

CHAIRMAN TONNA:

Oh, I don't think the department can't be specific. I mean, I'm the first one to criticize the department when I think there's merits, I mean, there's technology out there that saves hours and when you're saving hours of, you know, needing two nurses to do something where maybe you only now need one or a half or whatever else, or one and a third or one and three•threes,

you have other hours that you can do other things with those people.

DEPUTY COMMISSIONER HARRINGTON:

My recollection is that the last time it was on we had gone through some of it but the issue was the exact cost, and so if I was remiss in not bringing back the backup I apologize.

CHAIRMAN TONNA:

Okay.

LEG. KENNEDY:

Mr. Chairman?

CHAIRMAN TONNA:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. Just two more questions. I'm in favor of savings like everybody else. Doctor, I'm going to address these questions to you I guess, if I can, because I really know nothing specifically about how the methadone is actually dispensed, prescribed or ordered. Is it a pill, is it an injection and what's the standing orders that are associated with prescribing methadone?

DR. GRAHAM:

Normally medication, Methadone is dispensed as a liquid, it's dispensed by a Registered Nurse. And I can only speak from experience over the last 20 years having been involved in this for more recent years, I was Director of Public Health; I'm Dr. Graham.

CHAIRMAN TONNA:

I think that will do, though; 20 years is a pretty good base line.

LEG. KENNEDY:

It works for me.

DR. GRAHAM:

And it was dispensed on an individual basis, each individual patient received their specific dose

at that time during that period of time. For example, if they needed it three times a week or more than that or less than that, that would determine ••

LEG. KENNEDY:

So the physician writes the order for whatever it's going to be, 30 days, 60 days, whatever.

DR. GRAHAM:

That's correct. And it's a chronic ••

LEG. KENNEDY:

And it's a CC dosage and a machine that ••

DR. GRAHAM:

It's a milligram dosage, milligram doses.

LEG. KENNEDY:

•• actually dispenses that many CC's or mills.

DR. GRAHAM:

Yes. I don't know this specific machine, I'm not familiar with this because I haven't been specifically involved in substance abuse recently over the last few years. But it is in milligrams, liquid traditionally, and is dispensed individually by the nurse to that individual patient.

CHAIRMAN TONNA:

Orally or injection?

DR. GRAHAM:

Orally, yes, it's a liquid.

CHAIRMAN TONNA:

Right, as opposed to a serum; I got that now. That would be good, that's a good •• liquid versus serum.

DR. GRAHAM:

And the reason it's a liquid is very important because if you give a pill it can be hidden in the

mouth, various parts of the mouth and you don't know if the patient actually received that dose at that time. So it's very important to have them swallow to make sure that there's full compliance with the medication. And this is a chronic medication, by the way, as you know, this is something that's given to patients for many, many years, and this is their substitute, it's an _open agonist_ which means that it's replacing the abused drug on the street such as heroin.

CHAIRMAN TONNA:

Right. Thank you, sir. Are you done, Legislato Kennedy?

LEG. KENNEDY:

Thank you.

CHAIRMAN TONNA:

Okay.

LEG. MONTANO:

This machine obviously is a little more advanced technology. It's being used ••

LEG. LOSQUADRO:

Microphone.

LEG. MONTANO:

Oh, sorry. This machine, this technology is in use in other localities, or is this a new thing that we're coming up with, if you know?

DEPUTY COMMISSIONER HARRINGTON:

No, my recollection is that it was in use in other localities and it was ••

LEG. MONTANO:

It was or was not?

DEPUTY COMMISSIONER HARRINGTON:

It is currently and that the Health Department put it in their Capital Program last year.

CHAIRMAN TONNA:

When you say other localities, you mean other counties or other localities within the County already?

LEG. FOLEY:

Other municipalities.

DEPUTY COMMISSIONER HARRINGTON:

I don't believe in Suffolk.

CHAIRMAN TONNA:

Is the County currently using this technology?

DEPUTY COMMISSIONER HARRINGTON:

No.

CHAIRMAN TONNA:

Okay. So when you said other locality, it could be a little misleading; other localities meaning by other municipalities.

DEPUTY COMMISSIONER HARRINGTON:

Yes.

CHAIRMAN TONNA:

Okay. All right, thank you. Okay, there's a motion to table by Legislator Binder, seconded by?

LEG. O'LEARY:

I'll second it.

CHAIRMAN TONNA:

Seconded by Legislator O'Leary, all right. All in favor of tabling say aye. There we go, the four gentlemen on this side. And those against?

LEG. FOLEY:

Opposed.

CHAIRMAN TONNA:

Opposed.

LEG. MONTANO:

Opposed.

CHAIRMAN TONNA:

The three gentlemen on this side. ***Tabled (VOTE: 4•3•0•0 Opposed: Legislators Tonna, Foley & Montano).***

Okay, we'll go to the next bill. I hope this bodes well for you, Legislator Bishop; it doesn't look that way.

290 •• ***1290•05 • Establishing an Emergency Medical Technician (EMT) Certification Reimbursement Program for Suffolk County employees (Bishop).*** I make a motion to approve.

LEG. FOLEY:

Second.

CHAIRMAN TONNA:

Seconded. All in favor? Opposed? There you go. ***Approved (VOTE: 7•0•0•0).*** It must be your birthday.

LEG. O'LEARY:

We don't have a problem with that.

CHAIRMAN TONNA:

Whoa, they don't have a problem with that.

LEG. O'LEARY:

They or we; is it they or we, Paul?

CHAIRMAN TONNA:

It doesn't matter, whatever you want to say.

Okay. **1293•05 • Adopting Local Law No. 2005, a Local Law to regulate the use of tanning facilities for minors in Suffolk County (Binder).**

LEG. BINDER:

Motion to table.

LEG. LOSQUADRO:

Second.

CHAIRMAN TONNA:

There's a motion to table ••

LEG. BINDER:

On the motion.

CHAIRMAN TONNA:

•• seconded by Legislator Losquadro.

LEG. BINDER:

On the motion?

CHAIRMAN TONNA:

On the motion.

LEG. BINDER:

Thank you. This legislation, one of the main differences between the two pieces of legislation is that this legislation would basically allow those 14 and under to receive tanning with the supervision of a parent at all times. And one of the reasons I want some time also is to change it to add also to that part of the bill, I asked Counsel to add a provision for ID so you know that

this person is a parent or guardian. And the reason that I think this is a crucial difference is that government shouldn't be telling people who are adults and who are parents that, "You can't bring your kid." If you sit there and you're willing to spend the time and you're willing to sit, I mean, already this parent can take their •• let their 13 year old, drop them off at Jones Beach or Fire Island and then leave and then come back in the late afternoon and their kid could be looking bright red, I mean, that's what they can do now, they have as parents the ability to do that or the parents also have the ability to do the right thing and be careful about how much sun that their child gets. I don't know that government should be telling a parent, "You're too irresponsible in this case to regulate your child," particularly when the requirement is going to be that they stay there the whole time that the child is going through the tanning.

So that's one of the biggest differences and I just want to •• I'm going to make that change on the bill to require identification.

CHAIRMAN TONNA:

Okay, great. Is there an identification on the other bill? Because we talked about that in committee and asked them to make sure that they had that; she did put that in?

LEG. FOLEY:

Yes.

LEG. BINDER:

There's an ID provision in both legislation in terms of holding that on file. The other bill prohibits 14 or under from using the tanning salon, this one needs an identification for the 14 or under who has a parent who would stay there the whole time during the process.

CHAIRMAN TONNA:

And that's your bill.

LEG. BINDER:

Right, and I'm tabling today so we don't really need to have to go into so much time, we can probably do that next meeting.

CHAIRMAN TONNA:

Okay.

LEG. MONTANO:

Motion.

CHAIRMAN TONNA:

So there's a motion to table and a second. All in favor?

LEG. MONTANO:

Just a question.

CHAIRMAN TONNA:

Oh, you have a question on this bill.

LEG. MONTANO:

All right, leave it alone, table it.

CHAIRMAN TONNA:

This will be tanning three. Okay,so there's 1293, there's a motion and a second to table. All in favor? Opposed? ***Tabled (VOTE: 7•0•0•0).***

1300•05 • Adopting Local Law No. 2005, a Local Law to strengthen the enforcement of penalties for substandard rental housing (Caracappa). Is there a motion?

LEG. LOSQUADRO:

Motion to approve.

CHAIRMAN TONNA:

Okay, there's a motion to approve.

LEG. MONTANO:

On the motion.

CHAIRMAN TONNA:

Let •• what? Just let it go.

LEG. MONTANO:

Well ••

CHAIRMAN TONNA:

There's a motion •• I mean, you know, we can debate it, that's okay.

LEG. MONTANO:

No, no, no.

CHAIRMAN TONNA:

I'm just saying that I don't want a motion to table or anything, there's only going to be three of us.

LEG. MONTANO:

I'm not making a motion to table.

CHAIRMAN TONNA:

Okay. I recognize the Legislator.

LEG. MONTANO:

Well, actually what I'd like to do is get the Commissioner of Social Services and her comments on the record.

CHAIRMAN TONNA:

Okay. She's on the record I think, right, no? So all of our conversations have been off the record? No, I'm joking. Anyway, Commissioner, please, tell me on the record, tell us how you feel about this bill.

COMMISSIONER DEMARZO:

Okay. I'd first like to take the opportunity to have you •• to submit to you written concerns about the legislation. I'm actually going to keep my comments short, that's why I prepared written comments, I thought that they would highlight some of the concerns of the department

relative to the legislation and the problems we see.

There's been a lot of testimony on this subject of IR 1300 and the issue of housing for temporary assistance clients and the issue of substandard housing. We as a department want to go on record as supporting housing for our client that meets standards, we think health and safety is very important for all individuals. We are empowered with the ability, when there is a violation under Section 143•B of the Social Service law to take action to ensure that rent is withheld and seek to try to get the violation remedied, we work in cooperation with the towns on that procedure right now. We believe that there is •• that safety and health issues is a subset of meeting all codes, ordinances and regulations and that the real issue is the safety and health conditions of the property. And I know that those issues were brought up at length in various testimonies, you know, whether or not there's a fence or if it has a rental permit or things of that nature.

Our major concern is that the unit is clean and ready to be occupied by a new tenant, the plumbing, heating and electrical system are in safe working order, all living areas have adequate light and ventilation, the bedrooms are of adequate size, windows must fit and be in working order, every room must have two means of egress, unregistered vehicles must be stored on property and all garbage and debris must be removed. The State standard that we enforce for those units that we do inspect require smoke detectors and carbon monoxide detectors.

There has been various statements about whether or not we inspect; we only inspect a subset, as you see in the written comments before you, of those homes where we assist above the normal standard of providing housing assistance. Basically we as the Department of Social Services make eligibility determinations based upon State standards. When the State decides that your financial •• sets the financial criteria, when you meet those financial criteria the State of New York finds you entitled to receive certain benefits. I hold the situation of being both a State and local entity. The State sets the standards, once that person becomes eligible we provide them with benefits, a portion of what they can get is a shelter allowance component. Individuals can choose where they want to live, they have the right to choose which location they want to reside in. There are situations where they pay their rent directly and there are situations where there is restricted rent and we pay that rent to the landlord on their behalf. The State of New York has indicated that only states •• violations of their standards would allow me to withhold and those standards are set forth in Section 143•B of the Social Services Law.

I believe this legislation is well intentioned. I am concerned that it will have a chilling effect on the rental community and that our clients which are already discriminated against will have problems getting housing. I am also concerned that this legislation may lead people to believe that the substandard housing in Suffolk County is only occupied by Public Assistance recipients and that Public Assistance recipients are the cause of substandard housing. So I think there are some, you know, philosophical concerns we have, there are some real concerns that it will have a chilling effect and there is the concern that State finds there to be legal problems with this that I cannot withhold rent, that there is an entitlement to these dollars by these individuals once they meet State standards.

I believe that we as a County could work to enhance the option, and I think that it was spoken about earlier by other speakers, to provide better house options for individuals. We have done a lot in the department to enhance the ability of people to have good housing, we've increased our shelter allowance, we've provided counseling for our homeless families. We as a department would love to work to explore ways that we could improve housing options with the support of the Legislature. I'm here to say that, you know, I would welcome the partnership to deal with what we see as a potential problem of availability of quality housing for the poor and welfare recipients in Suffolk County.

CHAIRMAN TONNA:

Thank you very much. Okay, Legislator Montano, you still have the floor.

LEG. MONTANO:

Yeah, Commissioner, it's evident that this bill is going to be approved by the committee and go to the vote on Tuesday ••

CHAIRMAN TONNA:

Some members of the committee.

LEG. MONTANO:

Some members of the committee, absolutely. One thing I just want to go •• and I don't want to belabor the point, it serves no purpose, but you provided my office with some figures and the figures I have in front of me indicate we have approximately 5,700 Social Service cases in the

County of Suffolk, but you also indicated when we spoke that about 28, 29% of those cases are children•only cases; am I accurate in that?

COMMISSIONER DEMARZO:

Out of all the cases, yes, we have a number of •• I think •• if your percentages, I'd have to go through all my papers to find that, but ••

LEG. MONTANO:

Well, I wrote it down, I wrote 28.4% based on the numbers that we had for that month.

COMMISSIONER DEMARZO:

Yes.

LEG. MONTANO:

Now, just so I'm clear in the understanding, that means that the child in the household is receiving Social Services but the guardian, the aunt, the uncle, whomever is there is not on Social Services. So this law, if passed, would apply to the child and if there was any •• and by the way, is there allowance in the child's benefit for rent or is it simply just food and clothing?

COMMISSIONER DEMARZO:

There was a shelter component in the child's rent ••

LEG. MONTANO:

There's a shelter component.

COMMISSIONER DEMARZO:

•• in the child's grant and it could be just a dollar authorizing shelter or there are situations where we •• it is a restricted rent situation and we pay that portion of the child's allowance directly to the landlord.

LEG. MONTANO:

So if this child by example is living in the household with relatives or with grandparents who are not on Social Services and let's say the child moved into that home for a number of reasons, if, in fact, that house or if, in fact, that landlord refused to sign the affidavit saying that the apartment is free of codes, we would have to withhold the payment for the child; is that

correct, under this bill?

COMMISSIONER DEMARZO:

If the terms of this legislation were fully implemented and the State of New York accepted it as a reasonable, local implementation of their State standards, it could •• it would have the impact of affecting child•only cases where children are living with relatives that aren't their parents or parents who are on SSI and they could be, if all those things lined up, forced to lose their support; yes, your logic is correct.

CHAIRMAN TONNA:

Wait. So in other words •• wait, let me get this •• child X who's on Social Services is now going to live with their aunt, the aunt's home is now subject to all the provisions of the bill.

COMMISSIONER DEMARZO:

As I understand the legislation to be written and as I understand the gift, the entitlement of shelter that we provide the child relative to the fact that that child would be covered under this, yes.

CHAIRMAN TONNA:

To the home, the home of the aunt. So now we're not going •• it's not like it's a contracted shelter or something, but all of a sudden that grandmother, that aunt, that uncle, that father•in•law, whatever.

LEG. O'LEARY:

If I may, through the Chair.

LEG. MONTANO:

Wait.

LEG. O'LEARY:

That's not my understanding of the intent of our bill.

LEG. MONTANO:

Well, wait, that's why we're discussing it.

LEG. O'LEARY:

And if I may just make a point.

CHAIRMAN TONNA:

Okay, hold it a second. I have the floor, I'm going to recognize Legislator O'Leary, he's going to ••

LEG. O'LEARY:

Just to clarify the position that the Commissioner •• the statement the Commissioner just made. A child on assistance goes to an aunt who is not on assistance and who owns the home; this bill does not dictate that the owner of that home has to be in compliance. This bill states any residence where the owner of that residence, the landlord, is receiving rent from DSS would have to ••

CHAIRMAN TONNA:

Yeah, that's what they're receiving, the aunt is receiving rent.

LEG. MONTANO:

They're not receiving rent directly.

LEG. O'LEARY:

No, no, no, no. The example given, if I understood it correctly, a child receiving assistance goes to an aunt who is not who owns the home, not receiving DSS sustenance.

COMMISSIONER DEMARZO:

The aunt is not receiving DSS.

LEG. O'LEARY:

Yes; this does not apply to that, that scenario does not apply to this bill.

LEG. MONTANO:

Yeah, it does.

CHAIRMAN TONNA:

Maybe legal counsel, let's just •• let's ask our lawyer.

LEG. MONTANO:

It does, I'll •• all right, ask the lawyer.

MS. KNAPP:

To the extent that a DSS recipient is housed in a building and the building owner, whether it's an aunt or someone else, receives payment for that DSS recipient.

LEG. O'LEARY:

But they're not receiving payment.

LEG. MONTANO:

They are.

MS. KNAPP:

Yes, they are.

LEG. O'LEARY:

No, they're not.

MS. KNAPP:

Well •• if they ••

CHAIRMAN TONNA:

Wait, wait, wait a second. We can have an honest difference of agreement, but we just had the head of Social Services and our Legal Counsel say they are, so what do you base that they're not; what do they not know that you know that says that?

LEG. MONTANO:

He doesn't like the answer.

LEG. O'LEARY:

It's not a lease.

LEG. BISHOP:

It's not a housing payment; is it a housing payment? That's what he's saying.

LEG. MONTANO:

Who's going to answer the question?

LEG. O'LEARY:

It's not a lease.

MS. KNAPP:

Well, let me make sure I understand, too. There is a shelter component to the money that the child receives and to the extent there's a shelter component, it would go to the owner of the home. And again, the owner would be only required to say that the house meets •• that the house meets •• it complies.

CHAIRMAN TONNA:

Yeah, but they would be subject to the law.

LEG. MONTANO:

Right.

MS. KNAPP:

Assuming that they are the owners of a house in which a Social Service recipient is residing and they receive payment for the housing of that individual.

LEG. MONTANO:

Let me pursue this since I started it to make sure I understand ••

CHAIRMAN TONNA:

All right. Wait, you had your •• we're going back ••

LEG. MONTANO:

No, I actually wasn't done, but that's all right.

CHAIRMAN TONNA:

We'll get you back. Okay, just was there somebody else also? Okay, Legislator Montano, go ahead.

LEG. MONTANO:

Yeah, I just want to be clear, I want everybody to be clear. It's my understanding that if the child is receiving benefits and there's a shelter component, that that shelter component goes to the grandmother, the aunt, the landlord, whomever; is that accurate?

COMMISSIONER DEMARZO:

Yes, yes, yes.

LEG. MONTANO:

It goes to the child but for purposes of paying or contributing to the rent; is that accurate?

COMMISSIONER DEMARZO:

Right. And just like the Public Assistance recipient at large, it can be a restricted rent payment, it goes directly to the landlord or a part of their overall grant.

LEG. MONTANO:

Right, so it can go either to the landlord directly through Social Services or it can go through the guardian of the child which then cashes a check and, you know, contributes, takes their part of the rent.

COMMISSIONER DEMARZO:

It's authorized for shelter.

LEG. MONTANO:

Right. And this bill then, if the aunt or the uncle were in an apartment and they •• let's say that the child came to live with them recently, they have been living there for five years, if they went to the landlord and •• they would have to go to the landlord and say, "Now you are required to fill out this additional form in order to get paid," and that form is the affidavit under oath that says the apartment is free from any and all code violations; is that accurate?

COMMISSIONER DEMARZO:

Based upon my reading of the law, of the resolution and the provisions for assistance to children, yes, I would •• I would come to that conclusion but I am not the County Attorney nor the Counsel to the Legislature.

LEG. MONTANO:

Right, I understand that, I understand that.

COMMISSIONER DEMARZO:

But yes, that's my belief. There are indistinguishable. Basically our caseload is made up of families, children•only cases, single individuals, childless couples; they're basically all treated generally the same under this legislation as I see it.

LEG. MONTANO:

I just want to discuss the child•only cases because it wasn't addressed in your comments and I'd like to move on with this. But as I understand the law as written, in that scenario that we just outlined, you would be forced, assuming that you complied with the law, you would then be forced to withhold the shelter allowance from that child's benefit; is that accurate or not?

CHAIRMAN TONNA:

Until such a time as they fill out the affidavit.

LEG. MONTANO:

Or you would have to ••

COMMISSIONER DEMARZO:

This is a very difficult question for me.

LEG. MONTANO:

Well, if they don't fill out the application you withhold the rent.

COMMISSIONER DEMARZO:

That's what the resolution calls for, whether or not I as the Commissioner of Social Services, under State rules, have the authority once the State entitles •• finds them to be entitled is a question. We as a County have before been put in a situation where laws on the books, Local

Law 16 of 1990, have been up •• have been found by the State Commissioner of Social Services and by the County Attorney, therefore, to not be enforceable provisions.

LEG. MONTANO:

Commissioner, if I may. I don't want to discuss what you'll do once ••

COMMISSIONER DEMARZO:

I know, it makes it ••

LEG. MONTANO:

I know that, please. Once the bill is passed I want to discuss what the bill says and what it mandates you to do, assuming that you would comply with it.

COMMISSIONER DEMARZO:

Oh, yes, that's my •• yes.

LEG. MONTANO:

The interpretation is ••

COMMISSIONER DEMARZO:

My interpretation of this legislation is that this would apply equally to all Public Assistance recipients, child•only cases, single adults, families. I do not see the bill distinguishing the individuals. You could have •• you can have •• you don't have to have a child, you can have anyone living with a relative paying shelter towards them, so I see it as undistinguishable.

CHAIRMAN TONNA:

Just could I just ask one quick question with that?

LEG. MONTANO:

Go ahead.

CHAIRMAN TONNA:

Commissioner, so you would see then that this law ••

COMMISSIONER DEMARZO:

I'm looking for some support here.

CHAIRMAN TONNA:

That this bill would basically •• that this bill would basically then say that the affidavit provision would be •• if you were to comply with this law completely and fully the way that you understand it and legal Counsel understands it, you then would have these people, the aunt, the grandmother, whoever is taking care of these 29% which are children, that they would have to fill out affidavits.

LEG. MONTANO:

Right.

COMMISSIONER DEMARZO:

We do not see anything that would lead us to believe anything else.

CHAIRMAN TONNA:

Otherwise.

COMMISSIONER DEMARZO:

Otherwise.

CHAIRMAN TONNA:

Legal Counsel, do you agree with that interpretation?

MS. KNAPP:

The owner of the building would have to certify that the building is in compliance.

CHAIRMAN TONNA:

Yeah, so if Aunt B owns the building ••

MS. KNAPP:

If they were receiving Social Service payments, yes.

CHAIRMAN TONNA:

Okay, great. Okay.

LEG. MONTANO:

Just one last thing. So if I understand this correctly, Auntie or Grandma would either have to say, "I'm going to take the child off Social Services or the Grandma has to move or you have to take the child out of the dwelling and place them somewhere else"; is that accurate, yes or no? I'm not making this up.

COMMISSIONER DEMARZO:

It's so hard for me but yes, if you ••

LEG. MONTANO:

Okay.

COMMISSIONER DEMARZO:

If this law were fully enforceable and the provisions were interpreted as they appear to me, that is the conclusion I would come to. I would be open to Counsel's opinion or ••

CHAIRMAN TONNA:

Well, we already have Counsel's opinion.

MS. KNAPP:

There is one other alternative; the owner of the building could correct whatever the violation was.

LEG. MONTANO:

Well, the owner of the building could theoretically correct it, but if they were living in a unit, for instance, that didn't have a C of O but the apartment was fine, dandy and everything else, the person would have to move or you would have to pull the child out of the unit; isn't that accurate? Forget about the enforceability because that's not an issue before us. The only issue before us is what the bill says and if you had to enforce it what you would have to do under the scenario; is that accurate?

COMMISSIONER DEMARZO:

We believe your assumption •• yes; stated again, yes, we agree with your ••

LEG. MONTANO:

Okay, thank you.

COMMISSIONER DEMARZO:

•• progression of thoughts.

LEG. O'LEARY:

If I may, just a point.

CHAIRMAN TONNA:

Yeah, Legislator O'Leary.

LEG. O'LEARY:

Just to go back on the record, I stand corrected in my assumption that •• I was incorrect with respect to my assumption that if a child on assistance goes into a house of an individual who is not receiving assistance, I was under the impression that this wouldn't apply; I stand corrected, I just spoke to the sponsor of the bill and, in fact, it would apply. So my response to that was that we're looking to secure the position that the child is going in to a house that is a little bit more than substandard.

CHAIRMAN TONNA:

So •• this was something, Legislator Montano, I never even thought about this so I'm glad you raised the issue. So basically we're all in agreement now, right?

LEG. O'LEARY:

Yes.

CHAIRMAN TONNA:

We're all in agreement, we agree on the intent of this bill and the intent of the bill, part of the provision of the intent of this bill for the possible 29% which are children•only is that if there's not full compliance like anywhere else, and part of the issue is a C of O, right, because it has to have CO's and stuff like that; no?

COMMISSIONER DEMARZO:

It says it has to meet all building codes, ordinances.

CHAIRMAN TONNA:

Okay. So I know, for example, the first time that I bought a house, at our closing, this was many years ago, at our closing the owners didn't have a C of O for the deck that they put on the back of the house, right? And so the house, by the way, was in great shape, I mean, I thought I got a good deal for it, but we had to suspend the closing until there was a C of O for that deck on the back of the house. You know, I'm not an attorney and nor do I do any closings, but basically •• yeah, that's a good thing on both levels. But from what I understand just hypothetically, because this could be a hypothetical situation, we have a child who is abandoned by their parents, okay, maybe both of them are drug addicts or something and they're in rehab programs; right, that's a possibility?

COMMISSIONER DEMARZO:

That's a scenario we see.

CHAIRMAN TONNA:

That's a scenario. And they have a sister of one of the parents or one of their parents, a grandparent, say, "Look, I'm going to bring this child into my home and I'm going to take care of this child. And thank goodness, because I myself don't have all of the financial resources and everything else, that I'm going to receive some assistance from Social Services. " They would be required to sign an affidavit, right, or basically go through a review process; now, that deck that they didn't get a CO on, all right, which really has nothing to do with the welfare and care of a child or whatever else, now would they be subject to the penalties of the law or whatever else that this was applied and everything else? In other words, either they would have to be removed, the child would have to be removed or whatever? I mean, I'm not saying this is, you know, a common scenario, but what I'm saying is when we create a law, we have to look at the unintended consequences. Now, I hear that it's okay, it's the intended consequences and that's fine, at least we're comparing apples and apples. Is that a possibility, for a deck or for something •• I'm not a closing lawyer, come things that mitigate a closing on a CO issue.

MS. KNAPP:

If they are renters in the house the answer is no, the owner of the building; if they are the owners of the house than they do.

CHAIRMAN TONNA:

So they would not be able to take care of their child.

LEG. MONTANO:

I just want to be clear of Counsel's opinion, if they're renters or whether they're the owners I think doesn't matter, the owner of the property has to sign the certification, not the renter.

MS. KNAPP:

The owner of the building.

LEG. MONTANO:

Right. So Grandma has to go, if Grandma owns the building she has to fill out the affidavit and if Grandma is renting the apartment she has to go the owner to get the owner to fill out the affidavit and if the owners says no the child either has to be removed from the premises or the check, the welfare benefit is going to be denied; is that accurate?

MS. KNAPP:

If the owner refuses to sign the verified statement ••

CHAIRMAN TONNA:

Oh, that's even better.

MS. KNAPP:

•• then the payment can be withheld, yes.

LEG. MONTANO:

And what would Social Services do? To the Commissioner, what would you do in that case then, would you have to remove the child and put it somewhere else? Put him or her somewhere else, not it, I'm sorry.

CHAIRMAN TONNA:

By the law, as designated by the law.

COMMISSIONER DEMARZO:

I mean, if they wanted •• I guess if they wanted to give •• I don't think I have to remove the child.

LEG. MONTANO:

Unless they say ••

COMMISSIONER DEMARZO:

If they kicked the child out I would take the •• you know, I'd find another ••

LEG. MONTANO:

Right, if they say, "We can't have the child here because we're not getting the income," you have to remove the child; isn't that the logical conclusion?

COMMISSIONER DEMARZO:

There could be a couple. I mean, there may be enough resources for them to keep the child without the assistance. If they were unable to keep the child without the assistance ••

LEG. MONTANO:

But that's speculative. Under the law, you ••

COMMISSIONER DEMARZO:

•• we would remove the child and seek to find another placement for that child.

LEG. MONTANO:

Right.

CHAIRMAN TONNA:

Okay. All right, and we're all comparing apples with apples now, right? You understand that this is something that, quite honestly, when reading the bill, I never foresaw or whatever else, this is news to me; it makes me even sadder.

LEG. LOSQUADRO:

Paul, I have to make one comment.

CHAIRMAN TONNA:

Sure.

LEG. LOSQUADRO:

Thank you. I have to say, this is •• no, this is interesting. I was just doing some quick math, you said we have 5,700 cases, 29% of those children•only, that's 1,653, that is eleven •thousandths of 1% of the Suffolk County population. Of what percentage of that do you think we might be down in the single digit ten•thousandth range of those that might actually fall into this category of •• I just ••

LEG. MONTANO:

Dan, Dan.

LEG. LOSQUADRO:

The Aunt B thing is really ••

CHAIRMAN TONNA:

Wait, wait, wait, wait. I'm not understanding, you're saying it only effects 10,000 people? I don't think you're saying that, right?

LEG. LOSQUADRO:

No, no, no, no, of 1%, ten•thousandths •• eleven, ten•thousandths of 1%, eleven•thousandths of 1%.

LEG. MONTANO:

So what's your point?

LEG. LOSQUADRO:

My point is we're talking about •• you're trying to pick a potential scenario here of this aunt or uncle or grandmother, what •• in reality how many of these situations do we have or is this just purely a hypothetical?

LEG. MONTANO:

Yeah, in reality ••

CHAIRMAN TONNA:

Yeah, that would be a good question.

LEG. MONTANO:

Let him finish.

LEG. LOSQUADRO:

Of that 29%, I'm wondering how many of these •• is this just a hypothetical?

CHAIRMAN TONNA:

I don't think so.

LEG. MONTANO:

No, it's not a hypo •• can I answer?

LEG. LOSQUADRO:

Well, I'm asking the Commissioner.

CHAIRMAN TONNA:

Okay; answer, Commissioner.

COMMISSIONER DEMARZO:

I'm not following the question, Legislator Losquadro.

LEG. LOSQUADRO:

I mean, I'm not looking for a specific number but I ••

LEG. MONTANO:

You have a specific number.

LEG. O'LEARY:

He suggests you be there Tuesday. He suggests you come to the General Meeting Tuesday.

CHAIRMAN TONNA:

So you're saying what if it's one person. Let's go down that •• if it's a hundred people.

LEG. LOSQUADRO:

That's fine. I want to make sure that every ••

CHAIRMAN TONNA:

What if it's just one?

LEG. LOSQUADRO:

•• person is protected. One person •• you know what? It's just like we say ••

CHAIRMAN TONNA:

Well, what if it's a hundred, what if it's 50, what if it's one?

LEG. LOSQUADRO:

You know what, Paul, Legislator Tonna? Veterans and Seniors is next and, you know, you say if one soldier is killed it's too many; you don't want to see one person hurt. I'm just trying to determine if this is •• if these are purely hypotheticals.

CHAIRMAN TONNA:

I can say ••

LEG. LOSQUADRO:

What are we going ••

CHAIRMAN TONNA:

I can give you a scenario.

LEG. LOSQUADRO:

What's the potential for actual impact, you know, and the Commissioner could not qualify would this person, you know, have to be removed, would State law supercede this? You know, I heard that also. I'm not exactly sure what this is going to ••

CHAIRMAN TONNA:

Listen, everybody is going to have a chance to say something, okay. There's a question by Legislator Losquadro; do you understand the question?

COMMISSIONER DEMARZO:

I don't really understand.

CHAIRMAN TONNA:

Maybe one more, he's saying basically is the scenario that Legislator Montano has played out, is this such an extraordinary example that it's almost like this is just a mathematical improbability versus do you think that there are maybe real cases that this would apply to? And if the law was applied without any discretion, okay, or without anything else, but as it is written on the books, if the law is applied will this effect real people?

COMMISSIONER DEMARZO:

Let me explain something, and just bear with me. I don't have a further detail of the child-only caseload, we've been looking at it a lot as an agency. There are three ways where children can be on welfare without their parent being in receipt of welfare. Situations where the parents are on SSI, the child can get welfare. Situations where they're living with non-parents, relatives, aunts, uncles and situations where the parents are not where •• I'm trying to find the right way, undocumented aliens •• where the parents don't have citizen status.

CHAIRMAN TONNA:

Right, but the child does ••

COMMISSIONER DEMARZO:

But the child does.

CHAIRMAN TONNA:

•• because they're born in this country and they're a citizen.

COMMISSIONER DEMARZO:

Because they're born in this country. So there are three ways that individuals can get child only

situations. We have a breakdown of how many of them are with SSI and I'm going to say that SSI, you know, a lot of the clients that we're seeing, especially in the singles•only situation, are having difficulty living on SSI in Suffolk County and that I'm not •• you know, that certain instances that child's contribution to that parent's household will be essential and it may be similar for non•citizens. And I can't really speak •• you know, one of the things the State did was an analysis, they hired Cornell to do an analysis of the child•only cases and so many of those children in those families really do live on the edge. So I would only be able to give you some Statewide studies that basically a lot of the children that are in child•only cases are not in affluent homes but I don't have empirical data, I only have a Statewide study and some assumptions about the earning capacity of those on SSI and non•citizens.

CHAIRMAN TONNA:

Legislator Losquadro, I could think of at least four circumstances that I know personally in Suffolk County of people who have taken the custody, or not the custody because it's a legal term, but it has taken the responsibility and receiving payments from Social Services, and I wouldn't •• I don't know if their house has a deck or not or it does not have a CO issue or whatever else, you know, I don't know that. And to think that the strain, and I'm thinking of one particular case where somebody is really trying to move heaven and earth to provide sustenance for this small child and it meant making a lot of different changes in their own life with their income and everything else to do this, I would say that that income is very, very important and I would say that removing that child from that situation opens up a can of worms that would be, you know, thinking of the child and looking at the child's face, I just think that that would be untenable, completely untenable.

LEG. O'LEARY:

Mr. Chair?

LEG. MONTANO:

If I may?

LEG. O'LEARY:

Mr. Chair?

CHAIRMAN TONNA:

Legislator Montano then Legislator O'Leary.

LEG. MONTANO:

Commissioner, I just want to get back to the point that Legislator Losquadro made, I don't know if you answered the question but I don't want to leave the issue unaddressed. Whether or not this example is a hypothetical, doesn't apply to anyone at the moment, whether or not •• you know, to imply that the numbers are so minuscule that it's not important is not something I want to leave the meeting on. The fact remains, and correct me if I'm wrong, that we have 5,700 cases of Social Services here in Suffolk County, we have a specific number of child•only cases which about 1,600 and this law pertains to all the 1,600 in terms of whether it's today, tomorrow or next week, they could fall under the scenario that I indicated; isn't that accurate? We do have a specific number.

COMMISSIONER DEMARZO:

Yes, we know how many child•only cases there are.

LEG. MONTANO:

And those child•only cases would fall under this law as written, irrespective of the intention; is that accurate?

COMMISSIONER DEMARZO:

That's my interpretation of the situation law which I think that Counsel has confirmed.

LEG. MONTANO:

And that's mine also. Thank you.

CHAIRMAN TONNA:

If it's a CO it's substandard, that's the point.

LEG. O'LEARY:

Is that in compliance?

CHAIRMAN TONNA:

Let me tell you, how many people are not in compliance with a CO?

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN TONNA:

All right, Legislator •• I'm sorry, Legislator O'Leary has the floor.

LEG. O'LEARY:

No, I'll pass.

CHAIRMAN TONNA:

Okay. Legislator Kennedy?

LEG. KENNEDY:

Mr. Chair. Madam Commissioner, how are you? There's a bunch of different issues here. And as a matter of fact, I'm going to step away from the CO issue for a moment and I'm going to talk about two things, one you included in here, and I'm going to ask you to go ahead and elaborate a little bit. One is about where you're doing the enforcement directly under the 143•B and the one is why nine weeks when somebody is looking to go ahead and actually get into some kind of a payment status?

COMMISSIONER DEMARZO:

Okay, I think I can answer both of them.

LEG. KENNEDY:

Help me out.

COMMISSIONER DEMARZO:

On section 143•B the provision is in the State Social Services Law, it allows where a violation is known or we have been informed by the town that we may withhold rent or if we're not paying it directly the tenant may withhold rent. We work very closely with the towns, we have developed forms for them to send us any violations, we keep a listing of them, we compare them regularly against houses that we know our clients to be in. Any house that's on a 143•B is automatically withheld if we hold it, if not we write to the tenant and we tell them that there is a 143•B and that we should work with them on withholding the rent and address the violation.

We work closely with the town so when those problems are identified we, in many situations, are able to negotiate ••

LEG. KENNEDY:

So the town inspectors are the ones that are documenting the vio (sic), is that it?

COMMISSIONER DEMARZO:

Correct.

LEG. KENNEDY:

All right. How many cases are we talking about where there's prosecutions, approximately?

COMMISSIONER DEMARZO:

We have •• it's something that there's an ebb and flow. When we originally did this, I think in your package it says we have 227 properties that are currently on the 143•B, they come off and go on because as those properties are identified and there are Social Services recipients and we withhold rent, in a number of situations we are able to work with the landlord, remedy those and the town will go in and remove the 143•B violation. So it is an active process that really does help to correct violations in substandard housing for welfare recipients.

LEG. KENNEDY:

Okay. My question goes specifically to before we had Mr. Stoltz from the mental health component, do you •• are the agencies aware of this tool or remedy?

COMMISSIONER DEMARZO:

I know our clients are aware of it, I cannot speak to whether or not Mr. Stoltz is aware of it.

LEG. KENNEDY:

The only reason I say that is because ••

COMMISSIONER DEMARZO:

I know that a number of the not•for•profit agencies that we work with ••

LEG. KENNEDY:

•• his niche is mental health and obviously where you've got a level of awareness among

clientele, perhaps those that may be mentally impaired might not necessarily know to go ahead and follow the things along.

COMMISSIONER DEMARZO:

Well, one of the things as we •• you know, the tenant can work with us on a problem, but the town notifies us if there's a violation. So we will automatically cross that with our housing list and if there is a problem, we will work with our client in that situation.

LEG. KENNEDY:

So the tenant's got to contact the town in the first instance and then the contact goes from the town to you?

COMMISSIONER DEMARZO:

Well, it can go either way. The tenant can initiate the violation but the town can find the violation and then we inform the tenant that there is a violation; it could go either way.

LEG. KENNEDY:

Okay. And then if you can, just the time frame, why nine weeks?

COMMISSIONER DEMARZO:

You know, I think that she's correct in the time frame but I think you have to understand the pieces of puzzle. Roger Barbaro who is the Division Director from Housing could speak to the process for individuals moving from shelters into permanent housing, what the steps are that are required.

LEG. KENNEDY:

Again, I don't necessarily need to have you walk me through the whole process, I'm just •• I guess I would ask you do you have a sufficient amount of inspectors and why is there that time elapse?

MR. BARBARO:

I think the delays that she was referring to occur mostly when we have to do multiple inspections of a house. We may go out the first time and find that it can't pass inspection because of X, Y and Z. We tell the landlord, he'll call us back a week later and says he's fixed them, we go back and maybe he has but maybe he's only fixed two of the three. And so usually those kind of multiple returns by our inspections cause delays and could result in

actually losing the house; sometimes landlords get frustrated with it and say, "I'd rather rent to someone else." But, you know, the process, you know, we're government, there's a lot of paperwork involved, landlords have to fill out a lot of forms for us. But I think those kind of delays that she was referring to occur much more because of problems that we've had with the inspection. Our •• we only have two inspectors but ••

LEG. KENNEDY:

Ah, that's where I was getting to; so there's two inspectors.

MR. BARBARO:

Yeah. But, but just so you know, our highest priority when we get a request for someone to move out of emergency housing into permanent housing, that goes right to the top of the list and we send an Inspector out within a day.

LEG. KENNEDY:

Thank you, but I'm going to ask you to go ahead and state that one more time then for the record. Basically the County of Suffolk, Department of Social Services, has two housing inspectors that cover this County from Amityville out to Montauk, the whole County?

MR. BARBARO:

That's correct.

LEG. KENNEDY:

Two.

MR. BARBARO:

Two.

LEG. KENNEDY:

And how many inspections can an Inspector do in a day?

MR. BARBARO:

Five, six, maybe in a day.

LEG. KENNEDY:

Okay, that's all. Thanks.

CHAIRMAN TONNA:

All right. Anybody •• Elie, I'm sorry, go ahead.

LEG. MYSTAL:

Thank you for the courtesy, Mr. Chair. I just wanted to let Mr. Losquadro, who's walking out, I just wanted him to know that ••

LEG. LOSQUADRO:

I'm here, I'm not going anywhere.

LEG. MYSTAL:

No, I know. I just want to let you know that in terms of the statistical numbers that you were trying to promote, I can show you in my district a lot of children who are being taken care of by their grandmothers because their mothers are not able to take care of them, they're either on crack or in jail or somewhere and the grandmother has taken over this kids. And the grandmother really cannot sustain those children unless they receive some help from Social Services because they don't have the wherewithal. And they do live in houses •• those houses are not substandard, but I'm pretty sure if I were to go to the house I would find some kind of violation, maybe an uncovered outlet, a faucet that's not working properly, some kind of •• you know, a wire that may be a little bit exposed, you know, in the wrong place, in the basement where everybody goes down there, but some kind of violation and those grandmothers are providing services for those children •• especially in my district, I know that much •• so they would fall under that law and if they cannot receive the assistance from Social Services, it would be a hardship for them to try to raise those kids, so most likely those kids would have to be removed from them, that's what I said to you. I'm done, Mr. Chair.

CHAIRMAN TONNA:

All right, thank you very much. Let's vote on this. Okay, I think you're going to need your fourth Legislator in here right now.

LEG. O'LEARY:

No, that's okay, we don't need him.

MS. JULIUS:

Allen is here.

LEG. BINDER:

I'm here.

CHAIRMAN TONNA:

It's going to be 5•2?

LEG. MONTANO:

Yeah, because we have ••

CHAIRMAN TONNA:

Legislator Foley; you were here for the discussion, Legislator Foley.

LEG. FOLEY:

I was listening outside as well as at horseshoe.

CHAIRMAN TONNA:

I just hope you have a CO for your deck in case any of your grandchildren come. Okay, anyway, there is a ••

LEG. BINDER:

I saw his deck, it's a nice deck.

CHAIRMAN TONNA:

Okay. There's going to be •• there's a motion to approve by Legislator Binder is it?

LEG. BINDER:

I think it was Legislator O'Leary or ••

CHAIRMAN TONNA:

O'Leary? Okay, Legislator O'Leary made the motion to approve. How about this?

LEG. O'LEARY:

I think it was Losquadro and I said I would second.

CHAIRMAN TONNA:

How about I call the bill? How about I call the bill ••

LEG. O'LEARY:

Start all over.

LEG. LOSQUADRO:

Start over.

CHAIRMAN TONNA:

We're going to start all over, we'll do the old Rosana Rosana Dana thing, all right? Here we go. Never mind. All right, we have •• but we're not going to debate this thing over again.

LEG. O'LEARY:

No, we're not.

CHAIRMAN TONNA:

There we go. All right, this is motion on 1300. Is there a motion for approval?

LEG. BINDER:

Motion.

CHAIRMAN TONNA:

Motion by Legislator Binder, seconded by Legislator O'Leary. All in favor?

LEG. O'LEARY:

Aye.

LEG. KENNEDY:

Aye.

LEG. BINDER:

Aye.

LEG. LOSQUADRO:

Aye.

LEG. FOLEY:

Aye.

CHAIRMAN TONNA:

Opposed?

LEG. MONTANO:

Aye.

CHAIRMAN TONNA:

Aye, aye. Two and five, five and two, there you go. All right, thank you very much. **Approved**
(VOTE: 5•2•0•0 Opposed: Legislators Tonna & Montano).

Now we'll go on to the next bill. Introductory ••

LEG. FOLEY:

Why don't you tell those in the audience ••

CHAIRMAN TONNA:

Introductory Resolutions •• excuse me?

LEG. FOLEY:

Paul, those in the audience, why don't you tell them what's next? Those in the audience who are interested in the bill.

CHAIRMAN TONNA:

All right, those in the audience who are interested in the bill, the next battleground, okay, will be the General Meeting in Riverhead on next Tuesday, right?

LEG. FOLEY:

Yes.

CHAIRMAN TONNA:

Next Tuesday, all right? Thank you very much.

INTRODUCTORY RESOLUTIONS

Okay, Introductory Resolutions, No. 1358•05 • To promote and protect public health by authorizing, empowering and requesting the Health Commissioner to enter into a contract for a Tobacco Control Program evaluation (Tonna). I'm going to make a motion to approve.

LEG. FOLEY:

Second.

CHAIRMAN TONNA:

Is there a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN TONNA:

Thank you very much. This is a motion that asks the County Executive to please comply with the budget that he voted, all right?

LEG. LOSQUADRO:

I don't think it says please.

CHAIRMAN TONNA:

You know. Yeah, if you read it, I don't think there is a word please in there.

LEG. BINDER:

Mr. Chairman, it ••

CHAIRMAN TONNA:

You know, we're asking nicely.

LEG. BINDER:

Mr. Chairman, it does say in the title requesting, usually we use the word directing.

CHAIRMAN TONNA:

Right.

LEG. FOLEY:

No, quite the opposite.

LEG. BINDER:

We're not going to direct him today?

LEG. FOLEY:

It's quite the opposite.

LEG. BINDER:

Shouldn't we be directing him?

CHAIRMAN TONNA:

I think we are directing him. Anyway, I don't think anybody can direct the County Executive. So I'm asking for a motion to approve by myself, seconded by Legislator Foley. All in favor? Opposed? So nice to see unanimity ••

LEG. BINDER:

There it is.

CHAIRMAN TONNA:

•• on a Tonna bill.

LEG. O'LEARY:

As rare as that occurs.

CHAIRMAN TONNA:

As rare as that occurs, that's why there are a rare number of bills that I put in.

1378•05 • Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for a Home Investment Partnerships Program and authorizing the County Executive to execute agreements (County Executive). There's a bill, all right, it's a hundred percent. Motion by Legislator Foley, second by myself. All in favor? Opposed?

LEG. FOLEY:

Place on the consent calendar motion?

CHAIRMAN TONNA:

Great. I'm going to make a motion to place on the consent calendar, seconded by Legislator Foley. All in favor? Opposed? There we go there. **Approved and placed on the Consent Calendar (VOTE: 7•0•0•0).**

1379•05 • Amending the 2005 Adopted Budget to accept and appropriate additional 100% State aid to Pederson•Krag Center, Inc., for a School Support Program and Outpatient Treatment (County Executive). (County Executive).

LEG. BINDER:

Motion.

CHAIRMAN TONNA:

Motion by Legislator Binder, seconded by myself? All in favor? Opposed?

CHAIRMAN TONNA:

Great. I want to put this on the consent calendar, motion •• just same motion, same second, same vote. **Approved and placed on the Consent Calendar (VOTE: 7•0•0•0).**

1380•05 • Amending the 2005 Adopted Budget to reallocate New York State Office of Alcoholism and Substance Abuse Services (OASIS) funding for programs administered by the Town of Islip (County Executive). Is there a motion?

LEG. FOLEY:

Motion.

CHAIRMAN TONNA:

Motion by Legislator Foley, seconded by Legislator Montano. All in favor? Opposed? Great.

Approved (VOTE: 7•0•0•0).

1381•05 • Amending the 2005 Adopted Budget to accept and appropriate additional 100% State aid from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services (County Executive).

Is there a motion?

Motion by myself, seconded by Legislator Binder. All in favor? Opposed?

LEG. BINDER:

And to put on the consent calendar.

CHAIRMAN TONNA:

And then we're going to put it on the consent calendar; same motion, same second, same vote.

Approved and placed on the Consent Calendar (VOTE: 7•0•0•0).

1421•05 • Adopting Local Law No. 2005, a Local Law to prohibit the sale of all cold medicine containing Dextromethorphan (DXM) to minors within the County of Suffolk (Nowick).

LEG. BINDER:

Motion to table.

CHAIRMAN TONNA:

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

Tabled (VOTE: 7•0•0•0).

Thank you very much. This was a very, very enlightening meeting and I'm looking forward to seeing everybody ••

LEG. BINDER:

When is the next meeting.

CHAIRMAN TONNA:

Yeah, the next meeting, by the way, is in June and Legislator Binder will chair the meeting.

(*The meeting was adjourned at 2:23 P.M.*)